



**Herman Van Rompuy**

President

European Council

Brussels, 20 June 2011

Our ref: B1089

Dear Mr Van Rompuy,

**The European Union's response to the refugee and migrant crisis in North Africa**

This Friday, EU leaders will discuss their response to the refugee and migrant crisis in North Africa. The need to escape the conflict in Libya and the unbearable situation refugees and asylum seekers face in the camps on the Libyan-Tunisian border is leaving people with little choice other than to attempt the dangerous sea crossing to Europe. At this very moment people are crossing the Mediterranean in unseaworthy boats, putting their lives at great risk. According to recent reports, over 1,800 people have died at sea since the crisis erupted. This tragedy is happening on the EU's doorstep.

The response of the European Union and its member states to the continuing crisis in North Africa has been shameful. Since the beginning of the crisis, Tunisia and Egypt have received hundreds of thousands of people who fled the conflict in Libya. Meanwhile we have seen EU governments panic over 40,000 people who crossed over to Europe. This clearly is a manageable number and the EU has all the necessary machinery to deal with the numbers arriving.

The weak response by EU governments painfully demonstrates EU member states' reluctance to give priority to the rights of people fleeing North Africa. Over the years, the EU has paid lip service to the human rights of refugees and migrants, while actively seeking the collaboration of countries like Libya to stem the flow of people arriving from Africa. Many refugees and migrants have suffered horrendous conditions of detention after being pushed back to or prevented from leaving Libya. The EU and member states bear a heavy responsibility for engaging the cooperation of a government whose human rights abuses, particularly against migrants and refugees, have been widely documented.

**We urge the European Union and its leaders to make a clean break and to accept their responsibilities:**

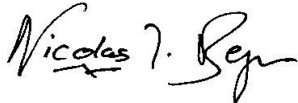
- The EU and its member states are responsible for protecting the rights of refugees and migrants and to rescue them when their lives are at risk. Member states must comply with their

search and rescue obligations. Efforts to prevent more refugees and migrants from drowning in the Mediterranean must be increased. Resources (including NATO and FRONTEX) must be used to increase air surveillance and search and rescue operations so vessels are located and people rescued. All boats carrying migrants should be *prima facie* considered at risk. Serious allegations of a military vessel failing to rescue refugees on a boat left in distress, which drifted back to Libya after 16 days, and resulting in the death of 63 people, must be urgently investigated.

- In light of the large numbers of refugees in the region, and the humanitarian needs following this refugee crisis, member states should take the lead in resettling a large number of refugees. So far, the EU's response to UNHCR's appeal has been disappointing with several member states offering to resettle 900 people in total. More can and must be done.
- Access to the asylum system in Europe must be ensured and the right to a fair asylum procedure must be guaranteed at all times. We urge EU governments to refrain from negotiating or implementing any cooperation agreement on irregular migration with Libya, which will inevitably lead to restricting access to protection in Europe.
- As provided for under art 80 TFEU, member states can and should support each other. All mechanisms are in place to help member states which receive the greatest numbers of arrivals should their asylum system come under pressure. In that respect, the recent commitment of several member states to relocate refugees from Malta is welcome.
- Overall, a new and ambitious vision for the Southern neighbourhood is needed, on a basis of equality. Until today, the European Union has consistently focussed on preventing irregular migration from these countries. Instead, cooperation with countries in the region should be based on fostering mobility with meaningful incentives, like visa-related measures.

We urge you to consider our concerns during your discussions.

Yours sincerely



Dr. Nicolas J. Begger  
Director