

Part I: Executive Committee Summary

Background

Malta is a small island-state located in the middle of the Mediterranean Sea, a stones-throw from North Africa and even closer to the Italian coasts of Sicily. It is an archipelago limited in size (315.6 km²) and with a high-density population (approx. 1,200 inhabitants per km²). At the time this plan is being written it hosts a refugee/asylum-seekers population numbering approximately 300.

Malta is an established transit route for migrants and asylum-seekers from North and Sub-Saharan Africa as well as from the Middle East. To many of them, rather than a destination, Malta - with its limited economic resources and labour market - represents a stepping stone towards other European countries.

Malta acceded to the 1951 Convention and its 1967 Protocol as early as in 1971. However, the geographical limitation was only lifted on 1 October 2001 when the Asylum Act - passed in July 2000 - entered into force (the lifting of the geographical limitation was publicly announced at the Ministerial Meeting which took place in Geneva on 12-13 December 2001). Following the adoption of an Asylum Act, Malta also carries out the refugee status determination procedure for non-European asylum-seekers. The law, which was drafted in close consultation with UNHCR Rome, is generally in line with international standards and only requires some improvements as regards temporary protection (foreseen in the text of the law but not implying, for those granted temporary protection, the same rights granted to recognized refugees), family reunification and the concept of a safe third country. Since November 2000, the Government started to grant permission to work to Mandate refugees. In this context, it is noteworthy that, in November 2001, the Government of Malta adopted the Social Security Order extending the social benefits foreseen by the *Social Security Act* to any category of qualified beneficiaries (previously foreigners were not included) and therefore, for the first time, also to refugees.

With the exception of reservations to art. 11 and art. 34, the other reservations to the 1951 Convention were all lifted. As for the reservation to art. 23 - on welfare - the above-mentioned Social Security Act was the beginning of the process intended to lift it completely by mid-2002. Remaining reservations will be lifted by the time of accession to the EU. Therefore, UNHCR will monitor the implementation of the above mentioned provisions, support the Government of Malta in taking responsibility for the assistance and integration of refugees in Malta and continue to provide financial assistance to pre-existing refugees in Malta, albeit on a gradually decreasing scale.

The revival of Malta's application to join the EU in 1998 has certainly contributed to accelerating the establishment of national legislation on asylum and the lifting of the geographical (and other) limitations. It is expected that Malta will formally join the European Union in 2004.

UNHCR's role and operational environment

UNHCR's role in the next two years will focus on capacity building and training, in order to assist the Government of Malta in implementing the procedures foreseen in the Asylum Act, in particular by regularly providing and updating country of origin information, facilitate the introduction of fuller rights for refugees and increased Government responsibility for assistance and integration.

UNHCR's activities also target civil society and academic circles to foster better understanding and, a more supportive environment for refugees. A Public Information campaign on refugee major issues will be designed and developed to be launched in Malta as soon as UNHCR Rome receives the green light from the Government.

Aware of the geo-demographic constraints of the country and the consequently reduced possibilities of integration, UNHCR will assist Malta in the implementation of a limited resettlement programme while, at the same time, promoting the adoption of measures which would increase the possibilities of local integration.

At the governmental level, the main interlocutor of UNHCR is the Minister of Interior who has overall responsibility for refugee issues. UNHCR needs to reinforce its relationship with the Ministry of Social Policy, which will be the Ministry in charge of providing assistance to refugees in the future. Regular contacts will also be established with the Minister of Foreign Affairs.

At the moment, the Emigrants' Commission, UNHCR's partner, has an unusually large role; as UNHCR's operational partner, as the Government's partner, and as an independent organisation. The Jewish Refugee Service is also present in the island with a smaller operation.

Security of refugee/returnee areas

This is generally not a problem – though in the past there were few security cases requiring emergency resettlement.

Linkage with other country operations

Malta finds itself on the route from North Africa to Europe. Most asylum-seekers end up in Malta by mistake, believing they have arrived in Italy. Closer links with the UNHCR operation in Libya seem necessary, since a majority of the caseload in Malta took Libya as a departing point – usually after having spent months or years there.

Emergency preparedness/contingency planning

While no emergency as such is foreseen in Malta, it should be kept in mind that, with the forthcoming accession to the European Union, the country will be one of the doors to

Western Europe. It is not to be ruled out that when Malta joins the European Union, a certain percentage of the boats currently directed to Italy may instead end their trips at Malta, with a view to both saving money and reducing the risk of the sea-journey. It is imperative that the Government is aware of this possibility and takes the actions required to be prepared in case of an emergency that in Malta – in consideration of its small size – may be proclaimed with the arrival of even a relatively small group (200/500). UNHCR Rome will analyse the issue with the Government of Malta and offer support with the drafting of contingency plans, if required. The Training of Government of Malta officials on emergency preparedness will be encouraged.

Justification for country post requirements and administrative budgets

Post justification is included in the Italy COP, since no post is specifically earmarked for UNHCR's Malta operation. However, it should be noted that Malta requires considerable attention and takes up protection and programme staff time.