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European Union Committee

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Operation Sophia: a failed mission

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Q in footnotes refers to a question in oral evidence

SUMMARY

Judged against its mandate, the EU's naval mission, Operation Sophia, has failed to achieve its objective of "contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean". Irregular migration into Europe on the central Mediterranean route increased by 18% in 2016, and by another 19% in the first six months of 2017 compared to 2016.¹

As we concluded in our report of May 2016, the mission faces "an impossible challenge". Faced with rising migration across the central Mediterranean, there is considerable pressure on EU governments to 'do something'. But a naval mission is the wrong tool to tackle irregular migration which begins onshore: once the boats have set sail, it is too late to undermine the business of people smuggling. An unintended consequence of Operation Sophia's destruction of vessels has been that the smugglers have adapted, sending migrants to sea in unseaworthy vessels. This has led to a tragic increase in deaths—2,150 in 2017 to date.²

The existence of a unified government in Libya, able to provide security across the country and work with the EU on migration, is a precondition for meaningful action against people smuggling networks onshore. The Government of National Accord cannot, at present, fulfil this role. We are encouraged by the recent discussions towards modifying the Libyan Political Agreement (LPA)—to secure the support of the House of Representatives—and welcome renewed UK and EU support to the political process. Nonetheless, political and security conditions in Libya are unlikely to improve sufficiently to allow onshore operations by the EU any time soon. We therefore see little reason to renew the mandate of Operation Sophia in its current form beyond July 2017.

This is not an argument for doing nothing. Search and rescue is a vital humanitarian obligation, which the EU must continue to fulfil, using more suitable vessels than the high-end air and naval assets of Operation Sophia. It is too early to assess the effectiveness of recent efforts by the EU to train the Libyan coastguard, but we note that this training could be maintained outside the mandate of Operation Sophia.

The EU and the UK should also maintain their counter-migration efforts across Sub-Saharan Africa, including outreach and development work in source and transit countries, law enforcement co-operation, and assisting the voluntary repatriation of migrants from Libya. Although we did not investigate this in detail, supporting economic development and good governance in these countries is the only way that mass migration can be addressed in the long term. Meanwhile, should there be more propitious security conditions in Libya following negotiations on the LPA, the EU may be able to secure political agreement with the Libyan Government for a new Common Security and Defence Policy mission to combat irregular migration on the southern border. Planning for such a mission should be undertaken, for implementation as and when the political and security conditions in Libya allow.

1 Italian Ministry of the Interior, *Statistical dashboard of 30 June 2017*: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_30_giugno_2017.pdf [accessed 4 July 2017]

2 IOM, 'Recorded deaths in the Mediterranean Sea by route, January 1–July 2, 2017': <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017] Figures as of 2 July 2017.

Operation Sophia: a failed mission

CHAPTER 1: INTRODUCTION

1. The number of migrants crossing from Libya to Italy on the central Mediterranean route has continued to increase this year. The figures are shown in Table 1 below.³

Table 1: Migrant arrivals and deaths at sea 2015–2017

Year	Migrants arriving in Italy via central Mediterranean route	Deaths at sea (as recorded)
2017	84,879 ⁴ (as of 3 July)	2,150 (as of 2 July) ⁵
2016	181,436 ⁶	4,581 ⁷
2015	153,842 ⁸	2,876 ⁹

2. In our May 2016 report, *Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge*, we considered this Common Security and Defence Policy mission against its mandate to disrupt the business model of human smuggling and trafficking networks in the central Mediterranean.¹⁰
3. We concluded that Operation Sophia had undertaken valuable search and rescue work, but that it had not in any meaningful way deterred the flow of migrants, disrupted the smugglers' networks, or impeded the business of people smuggling on the central Mediterranean route. We also concluded that the weakness of the Libyan state had been a key factor underlying the rate of irregular migration on this route. While plans for two further phases would see Operation Sophia acting in Libyan territorial waters and onshore, we were not confident that the Libyan Government of National Accord (GNA) would be in a position to work closely with the EU and its Member States any time soon.

3 We use a number of sources for the number of irregular migrants on the central Mediterranean route in this report, including Frontex, the United Nations High Commissioner for Refugees and the Italian Ministry for the Interior. Some disparity between the figures provided by these sources is possible.

4 United Nations High Commissioner for Refugees, 'Mediterranean Situation': <http://data2.unhcr.org/en/situations/mediterranean?id=521> [accessed 4 July 2017] Irregular migration into Europe on the central Mediterranean route increased by 19% in the first six months of 2017 compared to 2016. For monthly figures of migrants arriving in Italy please refer to the numbers provided by the Italian Ministry of the Interior, *Statistical dashboard of 30 June 2017*: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_30_giugno_2017.pdf [accessed 4 July 2017]

5 International Organisation for Migration (IOM), 'Recorded deaths in the Mediterranean Sea by route, January 1–July 2, 2017': <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017]

6 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, *JOIN (2017) 4 final*

7 IOM, 'Recorded deaths in the Mediterranean Sea by route, 2016': <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017]

8 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, *JOIN (2017) 4 final*

9 IOM, 'Recorded deaths in the Mediterranean Sea by route, 2015': <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017]. Frontex gives this number as 3,175: Frontex, *Risk Analysis for 2017* (February 2017) p 20: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017].

10 European Union Committee, *Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

4. We recommended that the Member States should renew the mandate in summer 2016, to keep open the possibility that it could, potentially, play a more useful role if able to operate in Libyan waters and onshore if the right political conditions were to develop. In June 2016, the mandate of Operation Sophia was extended by a further year.¹¹

This report

5. This report considers the progress made by Operation Sophia since our previous report, based on a short follow-up inquiry in March and April 2017 by our External Affairs Sub-Committee, whose members are listed in Appendix 1.
6. The mandate of Operation Sophia is due for renewal on 27 July 2017, and it is intended that this report will feed into the consideration by the Government and EU Members States of their approach to tackling migration on the central Mediterranean route. We are grateful to our witnesses, who are listed in Appendix 2.
7. **We make this report for debate.**

¹¹ Council Decision 2016/993 of 20 June 2016 amending decision 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), [OJ L 162/18](#) (21 June 2016)

CHAPTER 2: OPERATION SOPHIA'S MANDATE

8. On 20 June 2016 the Council of the European Union adopted Council Decision (CFSP) 2016/993, which extended the mandate of Operation Sophia until 27 July 2017.¹² The mission was defined as:

“A military crisis management operation contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (EUNAVFORMED operation SOPHIA), achieved by undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers and traffickers.”¹³

9. While “retaining the focus on its core mandate”, Council Decision (CFSP) 2016/993 also added two “supporting tasks”: capacity building, training and information sharing with the Libyan coastguard and navy; and contributing to information sharing, as well as the implementation of the UN arms embargo on the high seas off the coast of Libya.¹⁴

10. Operation Sophia is divided into the following phases:

- Phase 1 involved the detection and monitoring of migration networks through information gathering and patrolling on the high seas;
- In Phase 2A, which commenced in October 2015, the mission can board, search, seize and divert vessels suspected of being used for human smuggling or trafficking on the high seas;
- Phase 2B would see the mission move into the territorial and internal waters of Libya; and
- In Phase 3, the mission would operate in Libyan territory.

Both Phases 2B and 3 would require a Resolution of the UN Security Council or consent by the Libyan government.¹⁵

11. Operation Sophia is framed within a comprehensive EU approach to migration.¹⁶ On 25 January 2017 the Joint Communication of the European Commission and the High Representative of the European Union for Foreign and Security Policy, *Migration on the Central Mediterranean route—managing flows, saving lives*, set out the EU’s overall approach to stemming migration on the central Mediterranean route.¹⁷ This described “reducing the number of

12 Council Decision 2016/993 of 20 June 2016 amending decision 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), [OJL 162/18](#) (21 June 2016)

13 Article 1, Council Decision 2016/993 of 20 June 2016 amending decision 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), [OJL 162/18](#) (21 June 2016)

14 Council Decision 2016/993 of 20 June 2016 amending decision 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), [OJL 162/18](#) (21 June 2016)

15 Article 1, Council Decision 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED), [OJL 122/31](#) (19 May 2015)

16 European Commission, ‘Global Approach to Migration and Mobility’: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en [accessed 27 June 2017]

17 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

crossings and saving lives by enhancing ongoing support, including through EUNAVFOR Operation Sophia, to the Libyan Coast Guard and Navy”, as one of the “key objectives” of the EU’s approach.¹⁸

12. On 3 February 2017 the *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route* welcomed the Joint Communication, and confirmed the Council’s determination “to take additional action to significantly reduce migratory flows along the Central Mediterranean route and break the business model of smugglers”.¹⁹

Assets and resourcing

13. Operation Sophia currently has access to six ships (one landing platform dock, one auxiliary ship, one survey ship, and three frigates), three helicopters, and four aircraft.²⁰
14. 25 EU Member States are contributors to the mission.²¹ Mr Simon Jones, Deputy Head, Euro Atlantic Security Policy, Foreign and Commonwealth Office, said that the UK had “been a very strong, indeed leading, contributor to Operation Sophia” to date.²² Currently, one British survey ship is deployed to the mission.²³
15. The reference amount for the common costs of Operation Sophia from 28 July 2016 to 27 July 2017 is €6.7 million. The mission’s military assets and personnel are provided by contributing Member States, and both running and personnel costs are met on a national basis.²⁴

18 European Commission, ‘Managing migration along the Central Mediterranean Route—Commission contributes to Malta discussion’ (25 January 2017): http://europa.eu/rapid/press-release_IP-17-134_en.htm [accessed 27 June 2017]

19 European Council, ‘Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route’ (3 February 2017): <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/> [accessed 27 June 2017]

20 European Union External Action Service (EEAS), *Factsheet on EUNAVFOR MED mission* (19 June 2017): https://eeas.europa.eu/sites/eeas/files/eunavfor_med_-_mission_19_june_2017_en.pdf [accessed 27 June 2017]

21 The three Member States that do not contribute to the mission are Denmark, Croatia, and Ireland. EEAS, *Factsheet on EUNAVFOR MED mission* (19 June 2017): https://eeas.europa.eu/sites/eeas/files/eunavfor_med_-_mission_19_june_2017_en.pdf [accessed 27 June 2017]

22 Q 20

23 EEAS, *Factsheet on EUNAVFOR MED mission* (19 June 2017): https://eeas.europa.eu/sites/eeas/files/eunavfor_med_-_mission_19_june_2017_en.pdf [accessed 27 June 2017]

24 EEAS, *Factsheet on EUNAVFOR MED mission* (19 June 2017): https://eeas.europa.eu/sites/eeas/files/eunavfor_med_-_mission_19_june_2017_en.pdf [accessed 27 June 2017]

CHAPTER 3: AN ASSESSMENT OF OPERATION SOPHIA IN PHASE 2A

Phase 2A

16. In our previous report, we assessed Operation Sophia against its military strategic objectives for Phase 1 (intelligence gathering) and Phase 2A (arresting smugglers, the destruction of boats, and tackling the smuggling networks), and against the two additional stated aims of the European Council: reducing the flow of migrants, and search and rescue at sea.²⁵ We follow the same approach in this report for the current phase, adding the two additional “supporting tasks” to our assessment.²⁶

Arresting smugglers

17. Mr Edward Hobart, Migration Envoy, Europe Directorate, Foreign and Commonwealth Office, said that Operation Sophia had “arrested 109 smugglers” to date.²⁷ He told us that “the people who were apprehended were mainly lower down the food chain in criminal groups”.²⁸ One of the arrests, however, was “particularly significant—an Eritrean people smuggler”. While he could not comment further on the case, which was “subject to a legal process in Italy ... we believe that we have at least one leader”.²⁹ We note that as of 19 June, the number of apprehended smugglers had risen to 110.³⁰

Destruction of boats

18. Mr Hobart told us that Operation Sophia had “destroyed 414 boats” to date.³¹ As of 19 June 2017, this number had risen to 452.³²

Tackling the smuggling networks

19. Mr Hobart said the business model of migrant smuggling on the central Mediterranean route had “responded to the people being detained and the boats being apprehended” by Operation Sophia. This change—as we noted in our previous report³³—had led to the smugglers “using different kinds of boats, not getting as far as where Operation Sophia is, and not sending them out with escorts from the smuggling group”. He told us that it was now “very rare” for boats capable of transporting more than 100 people to depart from Libya. Instead, “inflatable boats [were] being picked up 12 miles off

25 European Union Committee, *Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

26 Phase 1 (monitoring and intelligence gathering) ran from 22 June 2015 until 7 October 2015, and is not considered in this report. We note that in some reports, the EU’s terminology for the phases of the mission has changed since we published our report (referring to Phase 2A as Phase 2, and Phase 2B as Phase 3). EEAS, *Factsheet on EUNAVFOR MED mission* (5 April 2017): https://eeas.europa.eu/sites/eeas/files/eunavfor_med_-_mission_05_april_2017_en.pdf [accessed 27 June 2017] We have retained the same nomenclature for the phases as used in our previous report, for ease of reference.

27 [Q 17](#)

28 [Q 17](#)

29 [Q 17](#)

30 EEAS, ‘Operation SOPHIA crews act again to implement UN arms embargo’: https://eeas.europa.eu/csdp-missions-operations/eunavfor-med/28540/operation-sophia-crews-act-again-implement-un-arms-embargo_en [accessed 27 June]

31 [Q 17](#)

32 EEAS, ‘Operation SOPHIA crews act again to implement UN arms embargo’: https://eeas.europa.eu/csdp-missions-operations/eunavfor-med/28540/operation-sophia-crews-act-again-implement-un-arms-embargo_en [accessed 27 June]

33 European Union Committee, *Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

the coast ... rather than larger vessels of maybe 500 or 600 people that get to the centre of the Mediterranean”. The larger boats “have been stopped by Operation Sophia”³⁴.

20. This change in the business model has made the crossing more dangerous for migrants. The Joint Communication noted that “the fact that ... dinghies now account for 70% of all boats leaving the Libyan coast contributes to making journeys increasingly dangerous and to the rise in the number of deaths at sea”.³⁵ This is consistent with the finding of our previous report.³⁶
21. Mr Hobart said that intelligence gathering and sharing was also ongoing: Operation Sophia was “trying to work with the police and the Ministry of Interior on understanding the intelligence angle”, in order to add “intelligence on the land about how smuggling groups are working” to the “intelligence from the sea” that it had gathered.³⁷
22. Assessing the impact of the mission in Phase 2A on the smugglers’ business model, Mr Jones said that “the Operation Commander himself has said that he considers Operation Sophia to have had a deterrent effect against the smuggling networks, which in his view can no longer operate with impunity in international waters.” Mr Hobart, however, acknowledged that Operation Sophia “has altered the business model, but it has clearly not reduced the numbers”, and that “The model is not broken”.³⁸
23. Mr Joseph Walker-Cousins, Senior Fellow, the Institute for Statecraft, was more critical, arguing that Operation Sophia was incentivising failure: “Engagement at maritime level, without engaging on the land borders, feeds the process ... picking up migrants in the water incentivises traffickers not even to intend to try to get their cargo to the other side of the sea, because all they need to do is get them out 100 kilometres or so and they will be picked up.”³⁹ The smugglers would “continue to do what they do as long as they get paid.”⁴⁰ We note that Libya’s territorial waters extend 12 nautical miles (22.2km) from the coastline, and that boats are regularly picked up in international waters as close as 30km from Libya.
24. Mr Walker-Cousins said that the business model of smuggling through the central Mediterranean route was “a business that has built up alongside something that was happening anyway—the movement of peoples”. Engagement by the EU and Operation Sophia was “too little and too late along the pipeline”. He said that there were “potentially up to 1 million migrants, if not more ... already in the pipeline coming from central Africa and the Horn of Africa”, along what was an “increasingly well established” route.⁴¹ In source and transit countries, “local entities, be they tribes, militias or criminal gangs, are servicing their patch or portion of that pipeline”.⁴² This

34 [Q 17](#)

35 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

36 European Union Committee, *Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

37 [Q 20](#)

38 [Q 17](#) He did note, however, the “counterfactual argument” that it was impossible to know whether the numbers would increase or decrease if smugglers were still able to use larger boats and send them into the central Mediterranean.

39 [Q 5](#)

40 [Q 6](#)

41 [Q 6](#)

42 [Q 6](#)

view is consistent with evidence we heard in 2015 from Professor George Joffe, Visiting Professor, King’s College London, who said that pre-existing smuggling networks across the Sahara were able to operate unconstrained in the current security conditions in Libya.⁴³ It also coincides with evidence to our last inquiry that local militias profit from people smuggling.⁴⁴ We discuss ways to tackle this “pipeline” in Chapter 5.

25. Amnesty International UK told us that the EU’s “focus on Libya in particular, or border security and stopping migration in general does not address [the] root causes” of irregular migration, but rather “risks exacerbating them by encouraging [European] governments to fail or refuse to meet their human rights obligations ... thereby giving further opportunity for smugglers and other abusers”.⁴⁵

Detering migrant flows

26. Operation Sophia appears to have little effect in deterring migrant flows. According to the European Border and Coast Guard Agency (Frontex), the central Mediterranean route “faces persistent pressure”—detections of irregular migrants on the central Mediterranean route “had never been so high” as in 2016,⁴⁶ when 181,436 people arrived in Europe by this route, an increase of 18% on 2015 (when the figure was 153,842).⁴⁷ The three principal nationalities in 2016 were Nigerians (37,554), Eritreans (20,721), and Guineans (13,550).⁴⁸ In 2015, the three main nationalities were Eritreans (38,791), Nigerians (21,914), and Somalis (12,430).⁴⁹
27. We note that the numbers crossing on the central Mediterranean route in 2016 were almost equal to the numbers using the eastern Mediterranean route, from Turkey to Greece (182,287). Migrants using the latter route decreased significantly compared to 2015 (885,386), largely as a result of the EU-Turkey Joint Action Plan agreed in November 2015.⁵⁰
28. Just over half of those who arrived in Italy on the central Mediterranean route in 2016 requested asylum. Amnesty International UK drew our attention to the fact that some migrants are from “key areas of ongoing political crisis and conflict ... affected by substantial drought and famine”, including northeast Nigeria.⁵¹ The Joint Communication, *Migration on the Central Mediterranean*

43 Oral evidence taken on 9 July 2015 (Session 2015–16), Q 3 (Professor George Joffe)

44 Oral evidence taken on 17 March 2016 (Session 2016–17), Q 50 (Patrick Kingsley)

45 Written evidence from Amnesty International UK (OSF0001)

46 Frontex, *Risk Analysis for 2017* (February 2017) p 20: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017]

47 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, JOIN (2017) 4 final

48 Frontex, *Risk Analysis for 2017* (February 2017) p 18: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017]

49 Frontex, *Risk Analysis for 2016* (March 2016) p 16: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf [accessed 27 June 2017]

50 This deal includes that from its entry into force, all new irregular migrants crossing from Turkey into the Greek islands, who are not applying for asylum or whose application has been found unfounded or inadmissible, are returned to Turkey. For every Syrian refugee returned to Turkey, another Syrian refugee will be resettled in the EU, taking into account the UN Vulnerability Criteria. Priority is given to migrants who have not previously entered or tried to enter the EU irregularly. European Council, ‘EU-Turkey statement, 18 March 2016’: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-cu-turkey-statement/> [accessed 27 June 2017] Figures from Frontex, *Risk Analysis for 2017* (February 2017) p 18: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017]

51 Written evidence from Amnesty International UK (OSF0001)

route—managing flows, saving lives, noted: “Although migration has always taken place, this appears to be a structural movement from Sub-Saharan Africa and there is no indication these trends could change until the economic and political/security situation in the countries of origin improves.”⁵²

29. 84,879 people have crossed on the central Mediterranean into Italy so far in 2017.⁵³ We also note that there was a significant increase in Bangladeshis arriving in Italy via the central Mediterranean route. Bangladeshis were the second largest nationality arriving in the first five months of 2017.⁵⁴

Search and rescue at sea

30. The Joint Communication reiterated that: “The EU maintains its humanitarian imperative to save lives at sea.” Search and rescue in the central Mediterranean is undertaken by Operation Sophia, the Italian Coast Guard and Navy, Operation Triton,⁵⁵ and non-governmental organisations (NGOs). In 2016, these operations were “all responsible for broadly the same share of initial rescues”.⁵⁶
31. Mr Hobart said that Operation Sophia vessels had rescued a total of 33,830 people since the inception of the mission.⁵⁷ The number of recorded casualties on the central Mediterranean route nonetheless increased by around 42% in 2016: more than 4,500 people drowned, compared to 3,175 in 2015.⁵⁸ There have been 2,150 recorded deaths on the central Mediterranean route to date in 2017.⁵⁹ Frontex noted that the numbers were “a rough estimate due to the absence of passenger lists and a small number of bodies actually recovered”.⁶⁰
32. Mr Hobart acknowledged that “the assets deployed in Operation Sophia are not best suited to search and rescue operations. That is not their primary task.”⁶¹ He pointed to the other actors in search and rescue on this route, which had included British Border Force-controlled cutters (now redeployed in the eastern Mediterranean).⁶² He said that, for humanitarian search

52 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, *JOIN (2017) 4 final*

53 United Nations High Commissioner for Refugees, ‘Mediterranean Situation’: <https://data2.unhcr.org/en/situations/mediterranean> [accessed 4 July 2017] Numbers as of 3 July. For monthly figures of migrants arriving in Italy until 30 June 2017 please refer to the numbers provided by the Italian Ministry of the Interior, *Statistical dashboard of 30 June 2017*: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_30_giugno_2017.pdf [accessed 4 July 2017]

54 Italian Ministry of the Interior, *Statistical dashboard of 30 June 2017*: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_30_giugno_2017.pdf [accessed 4 July 2017]

55 This Frontex operation supports Italy with border control, surveillance, and search and rescue in the territorial waters of Italy and parts of the search and rescue zones of Italy and Malta. European Commission, *EU operations in the Mediterranean sea* (4 October 2016): https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf [accessed 27 June 2017]

56 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, *JOIN (2017) 4 final Q 21*

57 Frontex, *Risk Analysis for 2017* (February 2017) p 20: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017]. The IOM gives this figure as 2,876: IOM, ‘Recorded deaths in the Mediterranean Sea by route, 2015’: <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017].

59 IOM, ‘Recorded deaths in the Mediterranean Sea by route, January 1–July 2, 2017’: <https://missingmigrants.iom.int/mediterranean> [accessed 4 July 2017] Numbers as of 2 July.

60 Frontex, *Risk Analysis for 2017* (February 2017) p 20: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf [accessed 27 June 2017]

61 *Q 21*

62 The two cutters of the British Border Force fleet were deployed to Frontex’s Operation Triton.

and rescue, “there are better ships to do that—not only cheaper but more suitable”.⁶³

Training the Libyan coastguard

33. Mr Jones acknowledged that Operation Sophia needed to move into Phase 2B and Phase 3, “in order to play a fuller role in breaking the smugglers’ model”. That was not currently possible, “which is why we are focusing very much at the moment on making a success of the training of the coastguard”.⁶⁴ Mr Hobart said: “in effect, we are doing some of Phase 2B by training the coastguard to act in their own territorial waters. That is also more acceptable from a Libyan perspective.” It was also one of the activities the EU could provide in the short term.⁶⁵
34. Mr Jones added that this training was part of “the medium and longer-term sustainable objective of enabling the Libyans themselves to manage their own maritime borders”.⁶⁶ The aim was “to build a coastguard, which will carry out activities with respect to human rights, and will prevent smugglers and rescue migrants at sea”.⁶⁷
35. The first training package had taken place in international waters, aboard Operation Sophia vessels. It had “focused on enhancing Libyan naval coastguard capability in undertaking search and rescue activities alongside disrupting smuggling and trafficking in Libya”. It had “covered basic seamanship skills as well as search and rescue procedures, and included an emphasis on the treatment of migrants and human rights”. In total, 93 members of the Libyan naval coastguard had received the training.⁶⁸
36. The second training package had begun in January 2017, and consisted of “roughly two-week modules in different Member States”, including “more specialist skills for senior leaders of the coastguard”.⁶⁹ Mr Hobart said the third training package would take place later in 2017, and involve “sea training on the vessels that the naval coastguard will operate”. There were four Libyan coastguard patrol vessels currently in Italy as part of the training, which would then return to operation in the west of Libya.⁷⁰
37. Mr Jones described the training as “challenging, but moving forwards”. While it was “probably too early to judge the overall success”, he told us

63 [Q 21](#)

64 [Q 16](#) The Government told us that “the President of the Presidency Council of the GNA ... clearly articulated his wish for Operation Sophia to train the Libyan Coast Guard and Navy”. We note, however, that the UN Panel of Experts on Libya stated that: “Neither the coastguard nor the navy has been notified to the [UN Security Council Committee on Libya] as part of the security forces under the control of the Government of National Accord, and the issue of control is further highlighted by multiple reports of criminal activities involving the coastguard.” Foreign and Commonwealth Office, *Explanatory Memorandum on a European Union Document—Council Decision (CFSP) 2016/993 of 20 June 2016 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)* (28 June 2016): [http://europeanmemoranda.cabinetoffice.gov.uk/files/2016/06/Unnumbered_EM_Decision_2016-993_Amending_Decision_2015-778_Military_Operation_Southern_Mediterranean_Sophia_\(30800\)1.pdf](http://europeanmemoranda.cabinetoffice.gov.uk/files/2016/06/Unnumbered_EM_Decision_2016-993_Amending_Decision_2015-778_Military_Operation_Southern_Mediterranean_Sophia_(30800)1.pdf) [accessed 4 July 2017] UN, *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)* (1 June 2017): http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/466 [accessed 4 July 2017]

65 [Q 16](#)

66 [Q 17](#)

67 [Q 16](#) (Edward Hobart)

68 [Q 18](#) (Simon Jones)

69 [Q 18](#) (Simon Jones)

70 [Q 18](#)

that “a report issued by the operational headquarters found that there had been satisfactory results”.⁷¹ Mr Hobart concurred: the EU had “had good engagement from the GNA in providing an initial group of ... trainees who were well engaged with the programme”.⁷² The Government “would not expect actual outcomes from the training until package 3” was completed.⁷³

38. Mr Walker-Cousins, on the other hand, was sceptical about the value of coastguard training in addressing the migration crisis: “When you have a hammer, all problems look like nails”—it was because Operation Sophia was a naval mission that “they want to look at coastal, naval things and training”. He said that the Libyan coastguard was “operating in the most impossible of circumstances”—fuel smugglers had taken over the coast around Zuwara, and “hard-core terrorists and very heavily armed human traffickers” were also likely to be active. It was not appropriate to expect the coastguard to combat migration, which was essentially a political problem.⁷⁴
39. It is important to be alive to some of the risks involved in working with the coastguard. First, creating a culture in the Libyan coastguard that respects the human rights of migrants is likely to be a major challenge. On 14 February 2017, *The Times* reported that it had seen footage of Libyan coastguard officers whipping, beating, and threatening to kill the migrants they had rescued.⁷⁵ This was consistent with a report by the United Nations Support Mission in Libya and the Office of the UN High Commissioner for Human Rights (OHCHR), *Detained and dehumanised—report on human rights abuses against migrants in Libya*, published on 13 December 2016, which found that both migrants and NGO staff had “recounted dangerous, life-threatening interceptions by armed men believed to be from the Libyan Coast Guard”.⁷⁶
40. Second, training for the coastguard allows Operation Sophia to improve the prospects for boats to be intercepted in Libyan waters, and returned to Libyan soil. This is consistent with the aim of Phase 2B of Operation Sophia. We note, however, that the OHCHR “considers migrants to be at high risk of suffering serious human rights violations, including arbitrary detention, in Libya and thus urges States not to return, or facilitate the return of, persons to Libya”.⁷⁷ The EU abides by the principle of *non-refoulement*, under Article 33(1) of the 1951 United Nations Convention relating to the

71 [Q 18](#)

72 [Q 16](#)

73 [Q 18](#) (Edward Hobart)

74 [Q 9](#)

75 Tom Kington, ‘Video Shows Libyan coastguard whipping rescued migrants’ *The Times* (14 February 2017): <https://www.thetimes.co.uk/edition/world/video-shows-libyan-coastguard-whipping-rescued-migrants-6d8g2jgz6> [accessed 27 June 2017]

76 United Nations Support Mission in Libya and United Nations Human Rights Office of the High Commissioner, “*Detained and Dehumanised*” *Report on human rights abuses against migrants in Libya* (13 December 2016): http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf [accessed 27 June 2017]

77 United Nations Support Mission in Libya and United Nations Human Rights Office of the High Commissioner, “*Detained and Dehumanised*” *Report on human rights abuses against migrants in Libya* (13 December 2016) p 8: http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf [accessed 27 June 2017]

status of refugees,⁷⁸ and so all migrants rescued by the EU in international waters are taken to Italy. The Libyan coastguard, however, is able to return migrants to Libyan soil.⁷⁹

41. Amnesty International UK said it was “dismayed” by the approach of “seeking to simply stop migration out of Libya via the sea route”, because this had the “prospect of returning or trapping people in a profoundly unsafe situation in the country”. In the absence of “any fundamental improvement in the human rights and humanitarian situation or capacity in Libya”, the EU’s focus on the Libyan coastguard risked “prolonging and exacerbating risk to life and liberty and of other human rights violations; including by extending and recycling people’s exposure to smugglers and traffickers”.⁸⁰

The implementation of the UN arms embargo

42. Operation Sophia’s second supplementary task is monitoring the UN arms embargo on Libya. Mr Jones said Operation Sophia had “hailed 372 vessels in order to establish their business and ... conducted 41 friendly approaches to gain further information” since May 2016. He added that there had been “one boarding, but so far there have been no seizures of arms under that task”.⁸¹
43. Mr Nicholas Williams, Head of North Africa Joint Unit, Middle East and North Africa Directorate, Foreign and Commonwealth Office and Department for International Development, said it was “difficult to know” whether this equated to a successful outcome, but “the hope is that it has had a deterrent effect on people who are thinking about trying to get arms into Libya in contravention of the arms embargo, or indeed people trying to move arms from one bit of Libya to another by sea, which has been an issue in the past”. He was “not sure we feel we have a hugely full picture” of whether most arms were moved by sea, but suspected “the answer is probably no”. It was probable that “a lot of the stuff comes by land, not least through the south because those are very porous borders, which are not particularly well managed”.⁸²
44. We note that by 19 June 2017 the number of friendly approaches had risen to 50, and there had been seven flag inquiries and three inspections.⁸³ On 1 May 2017 several weapons were seized and disposed of by Operation Sophia

78 This states that “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” The UN Refugee Agency, ‘Note on Non-Refoulement (Submitted by the High Commissioner) EC/SCP2’ (23 August 1977): <http://www.unhcr.org/uk/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html> [accessed 27 June 2017]

79 The UNHCR “does not consider that Libya meets the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea”. United Nations Support Mission in Libya and United Nations Human Rights Office of the High Commissioner, “*Detained and Dehumanised*” Report on human rights abuses against migrants in Libya (13 December 2016) p 8: http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf [accessed 27 June 2017]

80 Written evidence from Amnesty International UK (OSF0001)

81 Q 19

82 Q 19

83 EEAS, ‘Operation SOPHIA crews act again to implement UN arms embargo’: https://eeas.europa.eu/csdp-missions-operations/eunavfor-med/28540/operation-sophia-crews-act-again-implement-un-arms-embargo_en [accessed 27 June 2017]

during the inspection of the motor vessel El Mukthar, flying a Libyan flag and navigating in international waters.⁸⁴

Conclusions and recommendations

45. **We remain of the view that Operation Sophia has not in any meaningful way deterred the flow of migrants, disrupted the smugglers' networks, or impeded the business of people smuggling on the central Mediterranean route. An unintended consequence of Operation Sophia's destruction of vessels has been that the smugglers have adapted, sending migrants to sea in unseaworthy vessels, leading to an increase in deaths.**
46. **A naval mission is the wrong tool with which to tackle migration in the central Mediterranean. There is little justification for the deployment of high-end naval and air assets for the tasks being undertaken by Operation Sophia in Phase 2A. We are not convinced that essential intelligence on land-based smuggling networks can be gathered from the high seas. As the Government told us, there are cheaper and more suitable ships to continue the essential task of search and rescue, which could be deployed in place of the mission in continuing to save lives.**
47. **We are concerned by reports of serious abuses of the human rights of migrants by the Libyan coastguard. We ask the Government to provide us with its assessment of the extent to which the human rights elements of Operation Sophia's training packages are likely to improve the treatment of migrants by the Libyan coastguard.**

84 EEAS, 'EUNAVFORMED operation SOPHIA seizes weapons on board a vessel in international waters': https://eeas.europa.eu/csdp-missions-operations/eunavfor-med/25373/eunavformed-operation-sophia-seizes-weapons-board-vessel-international-waters_en [accessed 27 June 2017]

CHAPTER 4: THE LIBYAN POLITICAL CONTEXT AND FURTHER PHASES OF THE MISSION

48. The challenges of achieving a political solution in Libya go far beyond the remit of our inquiry. But, as we concluded in our previous report, the absence of a unified government in Libya, able to provide security across the country, has a direct and deleterious impact on the ability of Operation Sophia to move into Phases 2B and 3.⁸⁵

The security and political situation

49. In December 2015 the UN-brokered Libyan Political Agreement (LPA) was signed.⁸⁶ This established the Government of National Accord (GNA), based in Tripoli, led by Prime Minister Mr Fayez al Serraj. The intention was for the GNA to be endorsed by the House of Representatives (HoR) in Tobruk—which would then become the Libyan legislature—but agreement has still not been reached.⁸⁷
50. Mr Williams told us the security situation in Libya remained “fragile and complex”, and he anticipated that it would “remain difficult for some time”.⁸⁸ Mr Walker-Cousins said that while “large swathes of the country are pretty much settled”, other areas were “deeply contested ... along well-set tribal fault lines”. There was also “a significant breakdown in law and order”, particularly in Tripoli, with “a significant ramp-up in militia violence and criminality”.⁸⁹
51. Mr Walker-Cousins believed that there was a fundamental problem at the heart of the LPA. He said the GNA had “an impossible task”. It had “no levers or connectivity with the various powers on the ground”, was “highly fractured”, and had not been elected. A “significant majority of Libyans” regarded it as “a puppet government imposed by a set of negotiations led by an outside body, the UN”, and with close ties to militia groups. The HoR “quite rightly, feels that it has some sort of legitimacy and believes that as a body it should represent the Libyan people”, having been “elected in 2014 in a free and fair election that was observed by the United Nations”.⁹⁰
52. Mr Williams said the Government’s current assessment was that “no one side has the capability to take and hold Libya by force”. Its focus was therefore “trying to encourage a political solution that binds in the various actors and provides stability, and addresses the security challenges”. He told us that “the most positive recent development” was “emerging consensus among moderate Libyans that the way through the current impasse is through a revision to the ... Libyan Political Agreement”, but he added that “we need to be realistic about how challenging it will be to reach a new or revised agreement” between the HoR and the State Council (which sits above the GNA). The objective would be to make the LPA “more inclusive”, and

85 European Union Committee, *Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

86 United Nations Support Mission in Libya, *Libyan Political Agreement* (17 December 2015): <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf> [accessed 27 June 2017]

87 European Council on Foreign Relations, *A quick guide to Libya’s main players* (undated): http://www.ecfr.eu/mena/mapping_libya_conflict [accessed 27 June 2017]

88 [Q 13](#)

89 [Q 1](#)

90 [Q 1](#)

to “try to bind in the people, particularly in the east, who have until now rejected it”, which was the reason for the current security situation.⁹¹ We note that a key issue will be the role of Field Marshal Khalifa Haftar, who controls much of the east of Libya and is aligned with the HoR.⁹²

Engagement by the international community

53. Mr Walker-Cousins regretted the absence of political leadership on Libya from the West: “No one really wants to own it; it is somebody else’s mess.”⁹³ With regard to the EU’s approach, “at the moment the buck does not stop anywhere; there is no one political node one can go to that has a role to lead engagements on Libya, not just co-ordinate.” Ultimately, “the migration challenges and the humanitarian crisis are all symptoms of that deeply rooted political crisis in Libya”, and this was “where all our efforts should be focused”.⁹⁴
54. Mr Walker-Cousins said the UN Security Council Resolutions recognising the GNA as the sole legitimate government of Libya had “massively restricted our ability to engage with the real powers on the ground in Libya”. By focusing on the GNA, “a very large piece of the country in the east and the south, which is more aligned to the House of Representatives”, had been “undermined and excluded” by the international community. The EU, the UK, and the US should “rebuild relationships with the HoR and develop genuine trust with that organisation”,⁹⁵ for example by “deploying expeditionary diplomats alongside the HoR”.⁹⁶ While divisions in Libya were “very deeply entrenched”, they were “not so entrenched that they cannot be resolved with vision, a strategy and some leadership”.⁹⁷ Nonetheless, he cautioned: “There is no final end state where everyone will be happy.”⁹⁸
55. Mr Walker-Cousins said high-level political engagement was a necessary precondition for the success of the EU’s considerable “respectable technical engagement” on migration.⁹⁹ This was being undertaken by “diligent, resourceful and experienced officials and advisers”,¹⁰⁰ but “the chances of having any meaningful success as things are set up, under the political paradigm we have at the moment”, were “very limited.” The EU “and all its constituent parts and subordinate bodies now operating on the ground” were “directed for political purposes to deal with the GNA”, but the GNA was “incapable ... of doing much”¹⁰¹.

Discussions with the House of Representatives

56. At the time of writing, discussions on a political solution, based on the LPA, had begun. On 24 April 2017 Mr Ageela Saleh, President of the HoR, and

91 [Q 13](#)

92 Field Marshal Haftar commands the Operation Dignity forces, and has been nominated by the HoR as the commander of the Libyan National Army. Guma El-Gamaty, ‘Haftar-Serraj meeting raises hopes, but Libyan factions must compromise’, *The New Arab* (9 May 2017): <https://www.alaraby.co.uk/english/comment/2017/5/9/haftar-serraj-meeting-raises-hopes-but-libyan-factions-must-compromise> [accessed 27 June 2017]

93 [Q 8](#)

94 [Q 7](#)

95 [Q 8](#)

96 [Q 6](#)

97 [Q 11](#)

98 [Q 6](#)

99 [Q 5](#)

100 [Q 7](#)

101 [Q 5](#)

Mr Abdulrahman Sewehli, President of the State Council, met in Rome.¹⁰² This was followed by a meeting between Mr al Serraj and Field Marshal Haftar in Abu Dhabi on 2 May. Following the meeting, a statement from Mr al Serraj's office called for "an expanded dialogue to establish national consensus".¹⁰³ However, we note that no joint statement was issued.¹⁰⁴

57. On 8 May, at the Ministerial Meeting of the Neighbouring States of Libya in Algiers, the then UN envoy to Libya, Martin Kobler, said that "Field Marshal Haftar's willingness to negotiate on the basis of the Libyan Political Agreement is a reason for calculated optimism". He welcomed the appointment of delegations by the HoR and State Council as "encouraging steps forward".¹⁰⁵ We note that the Rt Hon Boris Johnson MP, the Foreign Secretary, visited Libya on 4 May to meet Mr al Serraj and Mr Sewehli, to discuss how the UK could support these efforts.¹⁰⁶
58. Negotiations between the parties appear subsequently to have stalled. On 14 June Martin Kobler stated that: "The political process in Libya is currently at a halt, and that gives the opportunity for military players to use the disruption to escalate their military operations."¹⁰⁷ Nonetheless, later that month, commenting on the appointment of Mr. Ghassan Salamé as the new UN envoy to Libya, the HoR's spokesperson, Abdullah Blaiheg, said he expected the new envoy to help to bring the parties together to amend the LPA.¹⁰⁸

The implications for Operation Sophia and the renewal of the mandate

59. The mandate for the mission is due for renewal on 27 July 2017. Mr Jones said the Government still believed "the right purpose for the mission is to break the business model of the smugglers".¹⁰⁹ Mr Hobart and Mr Williams acknowledged the "very difficult operating environment"¹¹⁰ in Libya and the limitations of Phase 2A,¹¹¹ but Mr Hobart said: "We have to do something. We have to try to engage and we have to keep it under review, which we are

102 Patrick Wintour, 'Libya's warring sides reach diplomatic breakthrough in Rome', *The Guardian* (24 April 2017): <https://www.theguardian.com/world/2017/apr/24/libya-warring-sides-diplomatic-breakthrough-rome> [accessed 27 June 2017]

103 'Libya foreign minister names Khalifa Haftar army chief', *Aljazeera* (9 May 2017): <http://www.aljazeera.com/news/2017/05/libya-foreign-minister-names-khalifa-haftar-army-chief-170509154020813.html> [accessed 27 June 2017]

104 Aidan Lewis, Ahmed Elumami and Ayman al-Warfalli, 'Libyan rivals say will calm tensions, but political roadmap unclear' *Reuters* (3 May 2017): <http://in.reuters.com/article/libya-security-emirates-idINKBN17Z1W0> [accessed 27 June 2017]

105 Reliefweb, 'Martin Kobler, Special Representative of the Secretary-General and Head of UNSMIL, Statement to the Ministerial Meeting of the Neighbouring States of Libya: "Return to Politics"' (8 May 2017): <http://reliefweb.int/report/libya/martin-kobler-special-representative-secretary-general-and-head-unsmil-statement> [accessed 27 June 2017]

106 Foreign and Commonwealth Office and The Rt Hon Boris Johnson, 'Foreign Secretary visits Libya and Tunisia' (4 May 2017): <https://www.gov.uk/government/news/foreign-secretary-visits-libya-and-tunisia> [accessed 27 June 2017]

107 Housam Najjair, 'Kobler: Libyan players are obstructing a political agreement', *Libya Observer* (14 June 2017): <https://www.libyaobserver.ly/inbrief/kobler-libyan-players-are-obstructing-political-agreement> [accessed 28 June 2017]

108 'Libyan Parliament, Presidency Council Welcome Appointment of Ghassan Salame as UN Envoy', *The Tripoli Post* (23 June 2017): <http://www.tripolipost.com/articledetail.asp?c=1&i=11152> [accessed 28 June 2017]

109 [Q 17](#)

110 [Q 16](#) (Edward Hobart)

111 [Q 13](#) (Nicholas Williams)

doing. We have to adjust things as they go along.”¹¹² The EU was reviewing Operation Sophia “to understand how the mandate can be ... improved”.¹¹³ Given the changes to the smugglers’ business model, “we need to look at the review and see how we can respond in turn”.¹¹⁴

60. The aspiration of the Government, Mr Jones told us, remained to move into the subsequent phases of the mission, “as and when the political and security conditions allow”.¹¹⁵ Phase 3, Mr Hobart said, “would be able to have far greater impact against smuggling groups”,¹¹⁶ and would also consider support for law enforcement operations.¹¹⁷ But to move into these phases, “we need the right partner”.¹¹⁸
61. We concluded in our previous report that it was unlikely that the GNA would prioritise tackling migration, and that it was not clear that it would be willing to allow foreign military personnel to operate in Libyan waters or territory in Phases 2B and 3.¹¹⁹ Mr Walker-Cousins concurred that there was “a significant amount of distrust” in Libya “about our intentions and engagement” on migration. He said that in order to “get more involved close to the shore and on the shore”, the EU “should be dealing with the powers and authorities in Libya that have the legitimacy to authorise those sorts of engagements”, namely the HoR.¹²⁰ We note that discussions between the HoR and the State Council and GNA, discussed above, could be helpful, although migration is unlikely to be high on the agenda of Libyan political actors in the short term.
62. An improvement in the security situation would also be required for Phase 3 to commence. In this regard we note that the EU Delegation to Libya, the embassies of Member States including the UK, and the EU Border Assistance Mission (EUBAM) in Libya remain in Tunis, to which they were evacuated due to security concerns in 2014.

Conclusions and recommendations

63. **If an agreement is reached to modify the Libyan Political Agreement and secure the support of the House of Representatives, this could have a positive impact on security and governance in Libya and provide a stronger partner for the EU to engage with on migration. But migration is unlikely to be at the top of the agenda in Libya, and EU activity against smugglers on Libyan territory is likely to remain politically contentious.**
64. **We are concerned that the UK and EU Member States have not been sufficiently engaged on Libya at the highest level. We therefore welcome the Foreign Secretary’s recent visit to Libya, and hope that**

112 [Q 16](#)

113 [Q 16](#) (Edward Hobart)

114 [Q 17](#)

115 [Q 20](#)

116 [Q 17](#)

117 [Q 20](#)

118 [Q 17](#)

119 European Union Committee, *Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144) Also see oral evidence taken on 21 January 2016 (Session 2015–16), [Q 5](#) (Richard Lindsay), oral evidence taken on 17 March 2016 (Session 2016–17), [Q 38](#) (Patrick Kingsley) and oral evidence taken on 9 July 2015 (Session 2015–16), [Q 2](#) (Professor George Joffe)

120 [Q 8](#)

this marks the beginning of a renewed UK and EU engagement, including with the House of Representatives.

- 65. In our earlier report we concluded: “Given appropriate political support in Libya—however unlikely that may be—[Operation Sophia] could, potentially, play a more useful role if able to operate in Libyan waters (Phase 2B) and onshore in Libya (Phase 3). In order to keep this possibility open, we recommend that the Member States should review and renew the mandate in summer 2016.” Given the current political and security environment in Libya, we conclude that Operation Sophia is unlikely to move into either Phase 2B or 3 in the short term. We therefore see little reason to renew the mandate of the mission in its current form beyond 2017. We make recommendations on a future mission in the next chapter.**
- 66. The existence of Operation Sophia is not a precondition for EU training of the Libyan coastguard. We recommend that the Government discuss with the EU and its Member States how this activity could be separated from Operation Sophia, were its mandate not to be renewed.**

CHAPTER 5: BEYOND OPERATION SOPHIA

67. In our previous report, we concluded that a broader approach would be required to tackle migration through Libya. We note also that Operation Sophia sits within a range of activities relating to the central Mediterranean route.¹²¹

An onshore approach

68. Mr Walker-Cousins said that to reduce migration, “the trick” was “to cut the capillary action ... we should be focusing our efforts along the land borders 1,400 kilometres to the south rather than within a stone’s throw of the final destination, Europe”. Both King Idris (who ruled Libya until 1969) and Colonel Gaddafi had “recognised and used the existing tribal system along the land borders”. They had used border guards, intelligence and security officials and “border social-security”, in the form of “donatives and flows of money and investment from the centre to the regions to keep the border populations on side”. Such arrangements did not exist at present.¹²² We note that such activity would fall to the Libyan authorities, rather than to its international partners.
69. Mr Williams said that, even were a political agreement to be reached, “the situation ... on the borders of Libya will continue to be very challenging from a migration and a security point of view”.¹²³ Mr Peter Millett, British Ambassador to Libya, told us in July 2016 that Libya’s southern border was “wide-open territory with almost no habitation”, and that people smuggling gangs were “almost certainly also involved in smuggling or trafficking weapons, drugs and other illicit goods.” Therefore, the Libyan authorities wanted “our help in dealing with criminality and in reinforcing not only their coastal borders but their western, eastern and southern borders”.¹²⁴
70. The EU’s civilian Common Security and Defence Policy (CSDP) mission, EUBAM Libya—currently evacuated to Tunis—is designed to provide support to the Libyan authorities “in developing border management and security at the country’s land, sea and air borders”. It does so through advice, training, and mentoring.¹²⁵ We note that tackling irregular migration is not included in its mandate.¹²⁶ Mr Millett told us in July 2016 that the mission was “looking in particular at law enforcement, police training and the borders as a whole” as possible tasks when it returned to Libya.¹²⁷ Mr Williams told us that the EU’s 2017 review of CSDP missions, including Operation Sophia, would “also look at the future of EUBAM and options for what EUBAM could do once it returns to Libya ... contingent on the security situation”.¹²⁸

121 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

122 [Q 5](#)

123 [Q 25](#)

124 Oral evidence taken on 7 July 2016 (Session 2016–17), [Q 8](#)

125 EEAS, ‘About EU Border Assistance Mission in Libya (EUBAM)’: https://eeas.europa.eu/csdp-missions-operations/eubam-libya/3859/about-eu-border-assistance-mission-libya-eubam_en [accessed 27 June 2017]

126 Council Decision (CFSP) 2016/207 of 15 February 2016 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya), [OJ L 39/45](#), (16 February 2016)

127 Oral evidence taken on 7 July 2016 (Session 2016–17), [Q 13](#)

128 [Q 25](#)

71. Mr Walker-Cousins, though, expressed some reservations about the suitability of the EU's approach to border management assistance. He said that European nations had expertise in civil "border management"—such as "improving the security and management of border crossings and processes at international nodes"—but for Libyans, "border security is more of a military task". It was "about defending territory, resources and population". This cultural gap meant that "there are a lot of border management specialists coming to talk to military commanders who need border security".¹²⁹
72. The EU's Joint Communication stated that the staff of EUBAM Libya were "exploring with the Libyan authorities possibilities for a future civilian CSDP mission".¹³⁰ It is not yet clear what tasks such a mission might include. But we note that the EU has included the objective of combating irregular migration in one of its existing CSDP missions, EUCAP Sahel Niger. This mission supports the Nigerien authorities "to address irregular migration and [to] fight related trafficking in human beings and organised crime".¹³¹ A new onshore CSDP mission to target irregular migration through Libya could draw on the experience of this mission, as well as incorporating existing plans for Phase 3 of Operation Sophia.

Law enforcement co-operation

73. Mr Hobart said that the UK was taking action with law enforcement authorities in countries such as Niger, "to understand how the smugglers are working".¹³² In the past year and a half around 100 officers from the National Crime Agency, the Home Office and the Crown Prosecution Service had been "deployed across both north Africa and central Africa in operations to tackle organised immigration crime".¹³³

Information and outreach

74. The UK and the EU are engaged in information-sharing and outreach work in source and transit countries. For example, Mr Hobart said the EU was establishing a migration law-enforcement centre in Khartoum, and in Agadez—"the main hub of people moving from the west"—an International Organisation for Migration (IOM) centre had "been quite productive in providing information to migrants so they are better informed about where they are going and what the risks are".¹³⁴

Improving conditions for migrants in Libya

75. Amnesty International UK told us that that migrants to Libya "are especially vulnerable to a range of human rights violations, including unlawful killings, kidnapping and ransom, forced labour or sex exploitation, and torture, rape and other violations in detention".¹³⁵ Mr Hobart said that "children, women and men are at risk in Libya in centres and outside centres". There

129 [Q 5](#)

130 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

131 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

132 [Q 25](#)

133 [Q 17](#)

134 [Q 25](#)

135 Written evidence from Amnesty International UK ([OSF0001](#))

were 250,000 “potentially vulnerable migrants and displaced people” in the country.¹³⁶

76. The Malta Declaration in February 2017 included the commitment “to ensure adequate reception capacities and conditions in Libya for migrants”.¹³⁷ Mr Walker-Cousins suggested that the EU and its Member States “came up with that idea without really engaging the Libyan authorities”. He said the aim was “very noble”, but might not be realistic, given that Libyans’ “views on ethnic minorities, races and sexes are not the same as the way we view and operate in the ... UK”.¹³⁸
77. Mr Williams said there were around 46 or 48 migrant detention centres in Libya, of which around 34 were controlled by the Department for Combating Illegal Migration.¹³⁹ Of these 34, the UNHCR, the IOM and partners in the Mixed-Migration Working Group¹⁴⁰ (comprising these agencies and NGOs) had access to 29, and “UK funding is supporting activities in 22 of these”.¹⁴¹ The UK Government had taken “a conscious decision” only to provide funding to programmes in official detention centres, which were themselves “far from perfect”. There were also detention centres outside the control of the Libyan government, where “our working assumption is that the situation could well be worse, because they may be run as criminal enterprises”.¹⁴²
78. Mr Hobart explained that the UK did not provide funding to individual centres, but rather to organisations such as the Danish Refugee Council, the IOM, and the UNHCR, “to support people who are in centres”.¹⁴³ Mr Williams added that the UK also funded training to improve “the understanding and the skills that people running those centres have” of human rights, “because at the moment the picture is very mixed”.¹⁴⁴ The Government was “very careful to make sure that what we spend money on does no harm”, but Mr Hobart acknowledged that this could fall short of resolving the situation in such centres.¹⁴⁵
79. The EU has also committed to supporting communities in Libya and on its borders to “enhance their resilience as host communities”.¹⁴⁶ The EU’s Joint Communication suggested that fostering “local integration” by migrants who entered Libya seeking work “where possible” could help to “facilitate their acceptance by hosting communities”.¹⁴⁷ Mr Walker-Cousins expressed some misgivings: “Efforts to try to improve the livelihoods of the migrants and non-Libyan communities that congregate along the coast ... mean there

136 [Q 24](#)

137 European Council, ‘Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route’ (3 February 2017): <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/> [accessed 27 June 2017]

138 [Q 10](#)

139 [Q 22](#)

140 IOM, ‘IOM, UNHCR Launch Mixed Migration Working Group in Libya’: <https://www.iom.int/news/iom-unhcr-launch-mixed-migration-working-group-libya> [accessed 27 June 2017]

141 Written evidence from Nicholas Williams and Simon Jones ([OSF0002](#))

142 [Q 24](#)

143 [Q 24](#)

144 [Q 22](#)

145 [Q 24](#)

146 European Council, ‘Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route’ (3 February 2017): <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/> [accessed 27 June 2017]

147 Joint Communication to the European Parliament, the European Council and the Council on Migration on the Central Mediterranean route Managing flows, saving lives, [JOIN \(2017\) 4 final](#)

is one less thing for traffickers to worry about; we are coming in to help make their lives better.”¹⁴⁸

Voluntary repatriation from Libya

80. Assisting voluntary repatriation from Libya had also become an important part of the UK and EU approach. Mr Hobart said that around 25% of migrants in Libya wanted to return to their countries of origin, and over 1,000 people had been assisted voluntarily to do so since October 2016. He added: “If we are able to move thousands of people back home to places where they are safe again, that would be at least some success.”¹⁴⁹

Conclusions and recommendations

81. **Disrupting the business model of smuggling networks will require concerted action at Libya’s southern land border. We therefore welcome the EU’s suggestion to develop a plan for a further Common Security and Defence Policy (CSDP) mission for Libya. The plan should support the Libyan authorities in combating irregular migration on the southern border, as originally envisaged for Phase 3 of Operation Sophia. It should be implemented when the political and security conditions in Libya allow.**
82. **Wider initiatives by the UK and the EU to tackle irregular migration—including outreach work in source and transit countries, and law enforcement co-operation—are welcome. Any new CSDP mission in Libya should be embedded into existing initiatives.**
83. **We are concerned by the dangerous conditions facing migrants in Libya, and welcome the Government’s work in providing funding through respected NGOs and international bodies to ameliorate these conditions, and supporting voluntary returns from Libya.**

148 [Q 5](#)

149 [Q 23](#)

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. We remain of the view that Operation Sophia has not in any meaningful way deterred the flow of migrants, disrupted the smugglers' networks, or impeded the business of people smuggling on the central Mediterranean route. An unintended consequence of Operation Sophia's destruction of vessels has been that the smugglers have adapted, sending migrants to sea in unseaworthy vessels, leading to an increase in deaths. (Paragraph 45)
2. A naval mission is the wrong tool with which to tackle migration in the central Mediterranean. There is little justification for the deployment of high-end naval and air assets for the tasks being undertaken by Operation Sophia in Phase 2A. We are not convinced that essential intelligence on land-based smuggling networks can be gathered from the high seas. As the Government told us, there are cheaper and more suitable ships to continue the essential task of search and rescue, which could be deployed in place of the mission in continuing to save lives. (Paragraph 46)
3. We are concerned by reports of serious abuses of the human rights of migrants by the Libyan coastguard. We ask the Government to provide us with its assessment of the extent to which the human rights elements of Operation Sophia's training packages are likely to improve the treatment of migrants by the Libyan coastguard. (Paragraph 47)
4. If an agreement is reached to modify the Libyan Political Agreement and secure the support of the House of Representatives, this could have a positive impact on security and governance in Libya and provide a stronger partner for the EU to engage with on migration. But migration is unlikely to be at the top of the agenda in Libya, and EU activity against smugglers on Libyan territory is likely to remain politically contentious. (Paragraph 63)
5. We are concerned that the UK and EU Member States have not been sufficiently engaged on Libya at the highest level. We therefore welcome the Foreign Secretary's recent visit to Libya, and hope that this marks the beginning of a renewed UK and EU engagement, including with the House of Representatives. (Paragraph 64)
6. In our earlier report we concluded: "Given appropriate political support in Libya—however unlikely that may be—[Operation Sophia] could, potentially, play a more useful role if able to operate in Libyan waters (Phase 2B) and onshore in Libya (Phase 3). In order to keep this possibility open, we recommend that the Member States should review and renew the mandate in summer 2016." Given the current political and security environment in Libya, we conclude that Operation Sophia is unlikely to move into either Phase 2B or 3 in the short term. We therefore see little reason to renew the mandate of the mission in its current form beyond 2017. We make recommendations on a future mission in the next chapter. (Paragraph 65)
7. The existence of Operation Sophia is not a precondition for EU training of the Libyan coastguard. We recommend that the Government discuss with the EU and its Member States how this activity could be separated from Operation Sophia, were its mandate not to be renewed. (Paragraph 66)
8. Disrupting the business model of smuggling networks will require concerted action at Libya's southern land border. We therefore welcome the EU's suggestion to develop a plan for a further Common Security

and Defence Policy (CSDP) mission for Libya. The plan should support the Libyan authorities in combating irregular migration on the southern border, as originally envisaged for Phase 3 of Operation Sophia. It should be implemented when the political and security conditions in Libya allow. (Paragraph 81)

9. Wider initiatives by the UK and the EU to tackle irregular migration—including outreach work in source and transit countries, and law enforcement co-operation—are welcome. Any new CSDP mission in Libya should be embedded into existing initiatives. (Paragraph 82)
10. We are concerned by the dangerous conditions facing migrants in Libya, and welcome the Government's work in providing funding through respected NGOs and international bodies to ameliorate these conditions, and supporting voluntary returns from Libya. (Paragraph 83)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Baroness Armstrong of Hill Top
Lord Balfe (until 27 April 2017)
Baroness Brown of Cambridge
Lord Dubs
Lord Horam
Baroness Manzoor (from 27 June 2017)
Earl of Oxford and Asquith
Lord Risby
Lord Stirrup
Baroness Suttie
Baroness Symons of Vernham Dean
Lord Triesman
Baroness Verma (Chairman)

Declarations of interest

Baroness Armstrong of Hill Top
No relevant interests
Lord Balfe (until 27 April 2017)
No relevant interests
Baroness Brown of Cambridge
No relevant interests
Lord Dubs
No relevant interests
Lord Horam
No relevant interests
Baroness Manzoor (from 27 June 2017)
No relevant interests
Earl of Oxford and Asquith
No relevant interests
Lord Risby
No relevant interests
Lord Stirrup
No relevant interests
Baroness Suttie
No relevant interests
Baroness Symons of Vernham Dean
No relevant interests
Lord Triesman
No relevant interests
Baroness Verma (Chairman)
No relevant interests

The following Members of the European Union Select Committee attended the meeting at which the report was approved:

Baroness Armstrong of Hill Top
Baroness Brown of Cambridge
Baroness Browning

Lord Crisp
Lord Cromwell
Lord Jay of Ewelme
Lord Liddle
Baroness Neville-Rolfe
Lord Selkirk of Douglas
Baroness Suttie
Lord Teverson
Baroness Verma
Lord Whitty
Baroness Wilcox

During consideration of the report the following Member declared an interest:

Lord Selkirk of Douglas
Diversified investment portfolio—McInroy and Wood
Income fund managed by third party

A full list of Members' interests can be found in the Register of the Lords Interests
<http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at <http://www.parliament.uk/operation-sophia-follow-up> and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

- | | | |
|----|--|--------------------------|
| * | Mr Joseph Walker-Cousins, Senior Fellow, the Institute for Statecraft | QQ 1–12 |
| ** | Mr Simon Jones, Deputy Head, Euro Atlantic Security Policy, Foreign and Commonwealth Office | QQ 13–27 |
| * | Mr Edward Hobart, Migration Envoy, Europe Directorate, Foreign and Commonwealth Office | QQ 13–27 |
| ** | Mr Nicholas Williams, Head of North Africa Joint Unit, Middle East and North Africa Directorate, Foreign and Commonwealth Office, and Department for International Development | QQ 13–27 |

Alphabetical list of all witnesses

- | | | |
|----|---|-------------------------|
| | Amnesty International UK | OSF0001 |
| * | Mr Edward Hobart, Migration Envoy, Europe Directorate, Foreign and Commonwealth Office (QQ 13–27) | |
| ** | Mr Simon Jones, Deputy Head, Euro Atlantic Security Policy, Foreign and Commonwealth Office (QQ 13–27) | OSF0002 |
| * | Mr Joseph Walker-Cousins, Senior Fellow, the Institute for Statecraft (QQ 1–12) | |
| ** | Mr Nicholas Williams, Head of North Africa Joint Unit, Middle East and North Africa Directorate, Foreign and Commonwealth Office, and Department for International Development (QQ 13–27) | OSF0002 |

