

EUNAVFOR MED - Operation SOPHIA

Six Monthly Report: June, 22nd to December, 31st 2015

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Description

The report, dated 29 January 2016, is written by the Operation Commander, Rear Admiral Enrico Credendino of the Italian Navy, for the European Union Military Committee and the Political and Security Committee of the EU. It gives refugee flow statistics and outlines the performed and planned operation phases (1, 2A, 2B and 3), the corresponding activities of the joint EU forces operating in the Mediterranean and the future strategies for the operation.

One of the main elements within the report is the planned, but still pending transition from Phase 2A (operating in High Seas) to Phase 2B (operating in Libyan Territorial Waters) due to the volatile government situation in Libya, where the building of a 'Government of National Accord' (GNA) is still under way.

The report presses the responsible EU bodies to help speed up the process of forming a 'reliable' government in Libya that in return is expected to 'invite' EU forces to operate within their Territorial Waters (Phase 2B) and later even give permission to extend the EU military operations onshore (phase 3).

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EUROPEAN EXTERNAL ACTION SERVICE

**European Union Military Staff****Working document of the European External Action Service****of 27/01/2016**

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On behalf of EUNAVFOR MED Op SOPHIA Operation Commander, please find attached the EUNAVFOR MED Op SOPHIA Six Monthly Report from 22 June to 31 December 2015.

SOPHIA END OF MONTH 6 REPORT**Executive Summary.**

Irregular migration across the Mediterranean Sea is continuing at a significant rate, with over 929,000 migrants arriving in Europe this year. However, since September we have seen two significant changes in the flow. Firstly there has been a reduction in the proportion of migrants using the central Mediterranean route as opposed to the eastern route. Prior to the start of the operation there was an even split between the people using the central route and the eastern route, whereas now 16% migrants use the central route, with almost 83% of migrants using the eastern route. Secondly, since September, for the first time in 3 years, we have seen a 9% reduction in the migrant flow using the central route. This is an encouraging decrease in the flow and should continue to be driven down through EUNAVFOR MED's continued efforts.

In October, we successfully transitioned to phase 2A (High Seas), therefore for the first time having an effect on the smuggler and traffickers' business model. For the autumn surge I had 16 assets (ships and air assets) under my command which were used to successfully provide a higher degree of deterrence against the smuggler and traffickers' activities in international waters. Since the start of the operation, our actions have contributed to the arrest of 46 suspected smugglers and the disposal of 67 boats. Due to the effectiveness of phase 2A (High Seas), smugglers can no longer operate with impunity in international waters. They have to stay within Libyan Territorial Waters, as they otherwise would be apprehended by EUNAVFOR Med operation SOPHIA assets.

My outreach activities have successfully contributed to an improved understanding and acceptance of the operation within the International Community. Since the start of the mission, I have met with very senior representatives from 6 different countries, 9 different EU organisations, 14 different international organisations, including the United Nations, the International Organisation for Migration, the ICRC and both the African Union and Arab League. During this reporting period I have consolidated my relationships with key interlocutors and I have seen a demonstrable improvement in their view of the operation.

Moving forward, from a military perspective, I am ready to move to phase 2B in Libyan Territorial Waters, but there are a number of political and legal challenges that must be addressed before I can recommend such a transition. These include the legal finish in terms of our powers to apprehend suspected smugglers in Territorial Waters and who will prosecute any suspected smugglers detained there. We will also need to cooperate with and deconflict our activities with those of any other international missions that might operate within Libya once a Government of National Accord has been established.

Critical to our exit strategy is a capable and well-resourced Libyan Coastguard who can protect their own borders and therefore prevent irregular migration taking place from their shores. Indeed, through the capability and capacity building of the Libyan Navy and Coastguard we will be able to give the Libyan authorities something in exchange for their cooperation in tackling the irregular migration issue. This collaboration could represent one of the elements of the EU comprehensive approach to help secure their invitation to operate inside their territory during Phase 2 activities. Moreover, training together during phase 2 could also be a key enabler to build confidence and facilitate the conduct of Phase 3 operations jointly with the Libyan authorities. Also, to avoid coordination problems within the AOO and prevent the risk of incidents, it is highly desirable that one single mission should be assigned the training task of the Libyan Navy and Coast Guard.

In my view, EUNAVFOR MED could have an important role to play in this domain. This would of course, should the Member States agree to it, imply an amendment to the OPLAN.

In conclusion, while still much needs to be done to disrupt the smugglers' business model, EUNAVFOR MED has nonetheless achieved significant results in its first 6 months of its life. In this respect the main message to the International Community is that the EU is capable of launching a military operation in record time, displaying a strong resolve and remarkable unity of intent, as demonstrated by the 22 Member States participating in the operation.

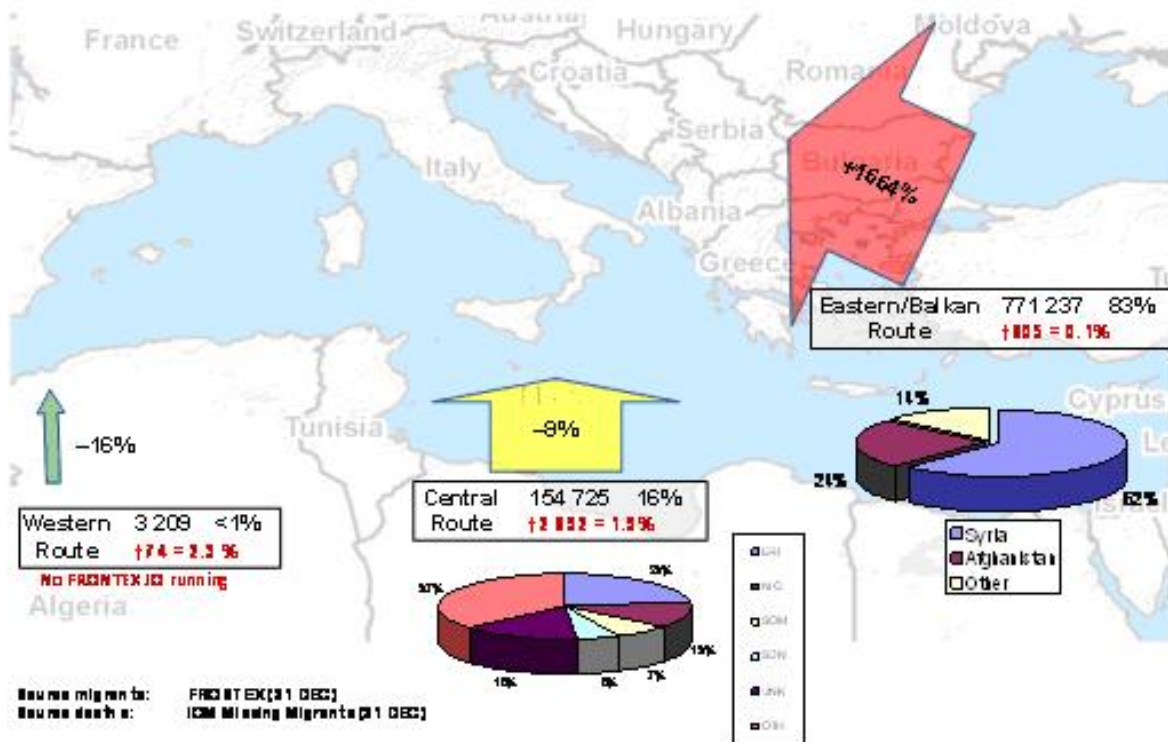
The Global Context.

The three main routes that continue to be used for irregular migration across the Mediterranean Sea are the western Mediterranean route, which reaches Spain from North West Africa, the central Mediterranean route from North Africa to Italy and Malta, and the eastern Mediterranean route from Turkey to Greece.

According to data derived from FRONTEX, between January and the end of December 2015, over 929,171 people made the dangerous journey across the Mediterranean Sea to European shores. Of those that made the journey, 16% of migrants, 154,725 used the central Mediterranean route, a decrease of 9% over the same period in 2014. This reduction is due to the improved security situation in Egypt, which is making it more difficult for migrants to cross into Libya coming from the Middle East especially Syrians, the eastern route being much safer and shorter route, and the deterrence effect provided in international waters by EUNAVFOR Med assets.

Over 771,237 persons, 83% of all migrants, have used the eastern Mediterranean route, which has seen a sixteenfold increase from the same period last year. Only 0.3 % of migrants have used the western Mediterranean route from North West Africa to Spain. Although the deteriorated security situation in Western Libya negates the possibility of performing a proper investigation, it is assessed that there are still migrants waiting in Libya to make the journey to Europe with more arriving, mainly from Sub-Saharan Africa. This is corroborated by information received from NGOs with activities in Libya.

GLOBAL CONTEXT



1. Migration flow statistics as at 31 December 2015

In 2015, the most common nationalities of migrants are reported to have been from Eritrea, Somalia, Nigeria, Syria, Gambia, Senegal, Sudan, Mali, the Ivory Coast, and Ethiopia. However, the nationality of approximately 15% of the migrants rescued is unknown.

According to FRONTEX, between January and November 2015, over 400 smugglers or facilitators were arrested by Police Forces and several people have been already sentenced to prison terms following judiciary proceedings according to Italian domestic law. Through our actions, we have contributed to the arrest of 43 suspected smugglers by the Italian authorities.

The Western Mediterranean Route

Migrants transiting Morocco or Algeria to reach Europe generally employ the western Mediterranean Route. They seek to reach either the Spanish mainland, across the Mediterranean, or the Canary Islands in the Atlantic. Others attempt to enter into Spanish enclaves of Ceuta and Melilla on the African coastline. Although 3,209 migrants have arrived on this route to date, the flow on this route remains low due to the concerted efforts of departure and arrival countries.

The Eastern Mediterranean Route

The number of migrants using the Eastern Mediterranean Route this year has surpassed all other routes, with 771,237 migrants crossing from Turkey mainly to Greece. This route has seen a 1664% increase in the number of migrants from last year, with the majority of migrants being of Syrian nationality. According to IOM, only around 731 people are dying making this crossing this year; representing 0.1% of those crossing, as opposed 2.0% on the central Mediterranean Route.

The Central Mediterranean Route

Between January 2015 and the end of December 2015, 154,725 people, arrived via the central Mediterranean route to Italy. The vast majority of these - 91% - launched from Libya, exploiting the nation's political instability and inability to control its territory and borders. 8% of the migrants arrived from Egypt, using mother ships to which migrants are ferried from the western Egyptian and eastern Libyan coast line before proceeding towards Europe. A small number of migrants on this route depart from, Tunisia, Turkey and Greece; in the latter case as secondary movement.

On the central Mediterranean Route, the vast majority of SOLAS events continue to take place in what is called "the Lampedusa triangle" identified by the ports of Zuwhara and Misrata in the Tripolitania coastline and with the apex centered on the Island of Lampedusa (Italy). SOLAS events continue to be concentrated to the first 20 to 40 nautical miles outside the Libyan Territorial Water line. To this should be added the migrant flow arriving from Egypt, having increased substantially since July this year.

Smugglers' Business Model

Libya

In Libya, the vast majority of departures take place from the Tripolitania area. The migrant smuggling business remains a very profitable industry for Libya, and is assessed to generate an annual revenue of EUR 250 to 300 million and in some cases this may be over 50% of the revenue for some of the towns in Tripolitania. Analysis has shown that the smuggling business model in Libya is dependent on three vital conditions:

- (1) inflow of migrants seeking to use the central Mediterranean Route;
- (2) the possibility to operate unmolested by militias, rivalling groups and authorities; and
- (3) the capability to provide the transport to Europe or to merchant or military rescue vessels.

In the area west of Tripoli, in particular in the smuggling hub of Zuwarah, smuggling activities have significantly reduced since the beginning of September. A number of contributing factors have

been identified, including rising tensions between local militias, of GNC and HOR affiliation and fighting along the coastal area between Tripoli and Zuwarah with several key locations and roads captured and re-captured. This has reduced the freedom of movement for, and rendered smuggling activities difficult. The bodies washing ashore in Zuwarah, following a mass drowning incident off its shores on 27 August, reportedly sparked protests by the citizens and counter-smuggling actions by authorities, showing for the first time the will and capability to fight the criminal organisations. However, given the well-established smuggling networks in the city, it is likely that the smugglers are able to maintain some revenue while relocating the smuggling activities out of town.

Wooden boats are mainly used for migrant smuggling to the west of Tripoli, and rubber boats are more common to the east of Tripoli. Wooden boats are more valuable than rubber dinghies because they can carry more people, hence more profit for smugglers and are more resilient to bad weather and can be re-used if recovered by smugglers. However, following operation SOPHIA entering into Phase 2A (High Seas), smugglers can no longer recover smuggling vessels on the High seas, effectively rendering them a less economic option for the smuggling business and thereby hampering it.

Inflatable boats are used in two thirds of the cases and wooden boats in one third of the cases. According to intelligence sources, the wooden boats used are purchased from Libyan fishermen or imported from Tunisia and Egypt. EUNAVFOR MED are monitoring, within capabilities, the supply routes for these, but no detection has been obtained to confirm beyond any reasonable doubt this supply method. Reports of rubber boat being imported from China and transhipped in Malta and Turkey are supported by a recent interception by Maltese customs of 20 packaged rubber boats in a container destined for Misratah, Libya. As there are no legal grounds for holding such shipments, it was released for delivery to the destination.

Migrants are recruited via social media, coaxers or by travel agent services run by smuggling networks outside Libya. Building up to a launch the migrants are gathered in Safe Houses in rear areas a few kilometres from the beach, where migrants stay for a period ranging from days up months. Normally, within a day before the launch, the smugglers take the migrants in groups to a staging area close to the beach. Often this requires passing through contested areas, requiring smugglers to use escorts or paying off check-points. The staging areas are likely where the final payment is made and where reports show that a system of tickets and boarding cards is used to facilitate the continued process. At around midnight, the migrants are taken to the beach to board the vessels.

Tactics, Techniques and Procedures (TTP) Evolution

Since the start of the operation, we have seen an evolution in smugglers Tactics, Techniques and Procedures, which has been corroborated by reporting from FRONTEX. Prior to the start of June, we saw migrant boats travelling alone, with a few of the migrants being instructed on how to conduct the navigation by GPS and make the distress call by satellite phone, before the boats is launched and then the migrant vessel travels by itself to the designated area for making the call. The migrants were supplied with limited food and water. Analysis has shown that the fuel supply provided has been halved, from a level that already before the reduction was far insufficient to reach anywhere farther than some 30-50 nautical miles from the coast. Reaching European mainland, Malta or even Lampedusa is very difficult for these boats. Effectively, with the limited supply and the degree of overloading, the migrant vessels are SOLAS cases from the moment they launch. This is called TTP 1 – “Unescorted”.

Migrant smugglers remain vigilant and highly adaptive, quickly implementing changes in the established Modus Operandi in accordance with perceived threats and opportunities. For example, over the past 6 months we have seen smugglers provide migrant vessels with less fuel, food and water and launch them in more difficult weather conditions. However, the smugglers themselves

also now enjoy significantly less freedom of manoeuvre, being restricted to operating within Libyan Territorial Waters.

Since the beginning of June, the migrant smugglers TTPs have evolved, whereby smugglers have been seen escorting vessels on the high seas. This was called TTP 2 – “Escorted”. This change in TTPs is probably as a consequence of reported increased rivalry, with competing smuggler groups stopping migrant vessels for extortion after they put to sea and has been corroborated by FRONTEX reporting from migrant debriefs. Reports relate of events where migrants have been shot and killed at sea in what possibly were incidents of extortion by rival groups. From a smuggling perspective, migrants can generally be considered as highly valuable assets as they carry money both for the crossing and for the eventual arrival in Europe. This is probably the reason for smugglers’ activities in protecting safe houses and staging areas. This has now likely been extended in to the sea. Following operation SOPHIA entering into Phase 2A (High seas), suspected smugglers are no longer observed at sea in international waters and consequently migrant vessels with escorts are referred to as TTP 3 “Territorial escort”.

Another consequence is that in the few remaining suspicious observations that have been made on the high seas of look-outs and jackals, greater effort is made to increase ambiguity as to their status - mainly by ostensibly exhibiting fishing gear, pretending to be fishing and by maintaining greater distance from migrant vessels.

It is noteworthy that in the past three weeks there was no use of wooden migrant boats despite these being more seaworthy and capable of launching in the higher sea states expected in the winter season. It is possible that this is due to a reduced migrant land flow arriving on the Libyan coast and/or a less regular supply of wooden boats.

Egyptian Flow.

With a significant increase over the past three months, Egyptian smuggling has returned on the central Mediterranean Route. Generally, this makes use of mother ships starting from Egypt, picking up additional migrants along the way past western Egypt and eastern Libya, before crossing the Mediterranean towards Europe and Italy. Sometimes the mother ship, most often an old fishing vessel, is used to complete the journey. Other times migrants are transhipped to smaller vessels for the final part.

It is worth noting that in the past 6 weeks there have been no more incidents involving boats departing from Egypt. The reasons of this are still being investigated.

Future Assessment

With smuggling being an economic, not an ideological crime, the core objective of the smuggling network is to make a profit in order to produce a positive net income for those involved in the smuggling business. That income will also need to be higher than the income available from alternative businesses or livelihoods, as the smugglers would presumably shift to more profitable activities given the opportunity, absent any ideological reasons to engage in migrant smuggling. Smugglers are now effectively being denied the possibility to recover smuggling vessels by use of jackals, which contributes to the rebalancing as it reduces the profitability of smuggling.

When Operation SOPHIA progresses into phases 2B and 3, the smugglers will again **most likely** adapt quickly to the changing situation. The primary concern for smugglers will **likely** remain to avoid being apprehended so they can continue their illegal activities. While the operation remains outside the Libyan TTW the smugglers avoid exposure. Following the progress of Op SOPHIA into Libyan TTW or onto Libyan soil there will **possibly** be a greater risk of smugglers trying to counter the operation’s efforts in order to secure in their income from the activity. In doing so, TTP3 ‘Territorial escort’ will **probably** be abandoned in favour of another TTP, **possibly** while continuing the use of TTP1 ‘Unescorted’.

Operational Update

To date, the Operation HQ is manned at 86% by 166 people, of which 113 are coming from the Host Nation (Italy) and 53 are from the other Member States (Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Malta, The Netherlands, Poland, Slovenia, Spain, Sweden, United Kingdom).

The Force Headquarters, deployed onboard the ITS GARIBALDI, is currently manned at 68% by 54 people, out of the 84 envisaged for the complete manning, of which 35 are from the Parent Nation and 19 from other Member States (Belgium, Czech Republic, Finland, France, Germany, Greece, The Netherlands, Romania, Spain, United Kingdom, Slovenia).

The total personnel of the Force, including the ships' companies, air detachments and logistical elements, amounts, as of today, to over 1300 people, coming from 22 different EU countries.

The two critical posts which still need to be filled in the FHQ are the Legal Assistant and ROE Expert and the ACOS J1 post. I consider it essential that MS provide these two posts as early as possible.

Phase 1 Activity

Phase 1 of the operation continued throughout the remainder of July, August and September 15, with Force Elements (FEs) establishing a patrol cycle predominantly located in the south west of the operating area in what was determined the area of highest migration concentration. This area, situated between the Libyan towns of Zuwarah in the west and Misrata, east of Tripoli, and the waters offshore towards the island of Lampedusa was quickly termed the Lampedusa triangle, and became the focal point for surface and air operations.

The force throughout phase 1 consisted of ITS CAVOUR, with supporting embarked EH101 MPRH helicopters, HMS ENTERPRISE, FGS SCHLESWIG-HOLSTEIN and FGS WERRA. The force was supported by a MERLIN III Maritime Patrol Aircraft provided by Luxembourg and a UK EH101 Merlin MPH forward deployed in Malta.

Throughout the summer months, the first priority of the force was to establish a presence and develop an understanding of the patterns of life within the area. This included determining the background merchant and other maritime traffic, whilst determining the main hubs for migrant launch activity. The general level of marine traffic is mostly quite low close to the Libyan coast, so forces focussed attention on potential launch sites, identifying Zuwarah, Sabratah, Garabulli and Misrata as the key points of embarkation. With this knowledge, the force spent the bulk of the summer period analysing the flow of migration vessels, determining patterns, modus operandi and critically the presence of accompanying smuggler and trafficker (S&T) vessels. This period of surveillance allowed the force to generate a firm understanding of the smuggling procedures at sea, craft used, launching sites and importantly an initial understanding of the business model ashore in Libya, including the movement of migrants prior to embarkation.

Force Elements were utilised in a number of SOLAS rescues of migrant vessels both initiated by detection of boats in distress by EUNAVFOR assets or by request from IMRCC Rome. Up to the end of phase 1, EUNAVFORMED had rescued 3078 migrants. Many of these events offered opportunities to further intelligence gathering, and much was learnt following interviews with the rescued migrants, especially about the migration routes from across Africa and beyond. This also enabled a greater understanding of the smugglers business model, critical to shaping subsequent phases of the operation.

Transition to Phase 2A (High Seas)

With a rapidly maturing intelligence picture and understanding of Smuggler and Trafficker modus operandi at sea, the CONOPS for Phase 2 (Secure) was developed. Although the OPLAN did not distinguish between phase 2A (High Seas) and phase 2B (Territorial Waters), the Council Decision did, which allowed for the transition to this new phase. The assessment by the EU Council, a successful force generation process and the approval from the PSC on 28 September, allowed me to move to phase 2A (High Seas) on 7 October 2015.

Disrupting the business model can be effective only if it is ensured that the suspected smugglers are brought to justice on the basis of a common and judicially sustainable procedure. An effective legal framework for the arrest and prosecution of suspects involved in human smuggling and trafficking by competent authorities is critical to the success of this phase of the operation.

The legal basis applicable to phase 2A (High Seas) relies on the international law applicable to the Operation (UN Convention on the Law of the Sea, Palermo protocol against the smuggling of migrants by land and sea) and on individual Member States' application of the EU mandate through domestic legislation to board, seize and divert vessels and to detain suspected smugglers and traffickers. The adoption of UNSCR 2240 (2015) by the UN Security Council on 9 October, reinforces the legal framework applicable to EUNAVFOR MED activities in international waters. The resolution now provides the legal basis for all Member States to undertake these activities against suspected smugglers and traffickers coming from Libya.

We have also had a very good cooperation with the Italian *Direzione Nazionale Antimafia ed Antiterrorismo* (DNAA - National Judiciary Authority against organised crime) who have issued very useful guidelines, clarifying the Italian legal framework applicable to the operation on the apprehension and collection of evidence and the criteria to be met in order to exercise Italian jurisdiction.

The deployment of FRONTEX Liaison Officers has also provided further support to Member States with the detention of suspected smugglers as they provide the link between the Commanding Officer of the Member States' vessel and the Italian Judicial authorities. They advise the Commanding Officer as to whether there is sufficient evidence for prosecution of suspected smugglers and therefore whether they should be detained.

A further assessment from the EU Council and the approval of the PSC is required to move to phase 2B (Territorial Waters).

Phase 2A (High Seas) Activities

Phase 2A (High Seas) saw a shift in the force's focus from intelligence gathering to interdiction of Smugglers and Traffickers on the high seas, as the first active step in the disruption of the S&T business model. To enable this, following a number of Force Generation conferences over the summer period, the force was substantially augmented by Member States. In addition to those elements for phase 1, the force was joined by FS COURBET, SPS CANARIAS, BNS LEOPOLD I, HMS RICHMOND, PC TRIGLAV and their supporting organic aircraft (and RICHMOND's tactical UAV). In October, the UK Merlin was withdrawn, FGS WERRA was replaced by FGS BERLIN, and FGS SCHLESWIG-HOLSTEIN departed to be replaced by FGS AUGSBURG and more latterly FGS WEILHEIM. On the air front, an ESP P3M Orion joined the force, augmented periodically by a French FRA Falcon 50 MPA. At the height of the surge, nine surface units, a submarine, three fixed wing maritime patrol aircraft, five helicopters and one tactical UAV were deployed to OP SOPHIA.

With the increase in Force Elements the force was deployed across the area of operations and airborne surveillance was stepped up to provide a near persistent presence across the southern boundary of the Lampedusa Triangle. This provided real time queuing for the surface elements that were deployed tactically to effect interdiction, boarding and subsequent detention of escort, lookout or jackal Smuggler and Trafficker craft, particularly covering the usual dawn migrant launch window. Additionally, the force surged assets towards the eastern limits of the AOO, establishing a patrol along the known Middle Eastern migration route originating from Egypt in order to develop better ISR in the area and maximise the opportunity to interdict Smugglers and Traffickers.

The summer months through to the end of October saw the highest volume of migration traffic, commensurate with the fair weather in the central Mediterranean. Whilst maintaining an operational presence in order to interdict, OP SOPHIA assets continued to be tasked for SOLAS, and to date have completed the rescue of 8336 migrants, recovering them to a Port of Safety. 67 migrant vessels (wooden and rubber) have been destroyed. As of 31 December 2015, OP SOPHIA activity has contributed to 46 individuals being detained by Italian authorities and investigated for smuggling and trafficking crimes.

As the season progressed into autumn and later winter the weather has remained largely permissive to smugglers operations. Notwithstanding this, since November the level of migrant flow has substantially reduced. In line with activity levels, by the end of November, the force had reduced with the withdrawal of HMS RICHMOND, FS COURBET and BNS LEOPOLD, with their supporting organic helicopters and UAV. TRIGLAV is due to be withdrawn at the end of January 16. CAVOUR temporarily handed over the Flag of the Force to GARIBALDI. Over the winter period, the remaining force will continue to provide a presence in the area, although interdiction opportunities are expected to diminish substantially.

In this sense, during winter season I decided a reduction of OPTEMPO to 70% since a drop on the Flow of Migration coming from Libyan coast during these months is expected. However, Operation SOPHIA will maintain sufficient and efficient rotation of units in the AOO to accomplish the mission and to react to any contingency. This quieter period will serve to focus on a renewed surge in the spring commensurate with improving weather, whilst refining the plan and proper framework for subsequent phases of the operation.

Support to Operations.

Communication and Information System (CIS)

During the first six months of activity, the Operation has defined and built up a robust, flexible and accredited Communication and Information System (CIS) infrastructure. The CIS architecture follows the "Higher to Lower" principle, in accordance with the EU concepts, where any higher authority or organization in the chain of command is responsible for providing the CIS at that level and links down to its subordinate level.

The Mission System, and primary means of communication, is the EUNAVFOR MED Classified Mission Network (MED CMN), capable of timely and efficient exchange of classified information (up to secret). In particular, MED CMN provides secret office and web services, secure voice over IP (VoSIP), Video Telephone Conference (VTC), Video streaming, Recognised Maritime Picture (RMP), Recognised Air Picture (RAP) and chat facilities. MED CMN connectivity is ensured through the Italian Maritime Communication Centre with the following Command/assets;

- Force Headquarters (FHQ) and its organic subunits at sea;
- Forward Logistic Base (FLB) Augusta;
- Forward Operating Base (FOB) Sigonella;
- Forward Logistic Site (FLS) Pantelleria (installation to be completed by the end of February 16);
- Air Component Command (ACC) Poggio Renatico;

- EU GR-SP-FR HQs (Athens, Madrid e Toulon) as required.

The tactical communications links have been established using military as well as commercial assets. Regarding satellite connection, the primary links have been established within military resources (X Band). Commercial resources (Ku Band) will be used only as secondary/back-up option. Initial training on communication equipment for MED CMN link, and the associated CIS logistic support, is provided by the Support Element MED (SEMED), ensured by the Maritime Communications Centre located near the FLB Augusta. All naval units assigned to the SOPHIA mission must be able to assure a minimum of 512 kbit/s open connectivity on INTERNET. At the In chop/Out chop, the SEMED team carries out the installation / dismantling of the crypto and communications system for the MED CMN link.

Moreover, it is essential to note that an array of other interlaced CIS networks was created in order to facilitate coordination with Third States (non NATO/EU/Coalition) and enable information exchange between EUNAVFOR MED, FRONTEX, multi-national military and nonmilitary organizations and other EU missions, taking into account the EU integrated approach.

C2 structures will evolve once the operation transits to phase 2B and 3, according to operational requirement. Where appropriate and necessary, dedicated networks (such as an ISR network) will be created to provide appropriate connectivity. CIS set up has included collaboration with the European Defence Agency (EDA) which has provided capability support, including Marsur connectivity and services in the Cyber area.

Logistic Support

We have continued to develop and refine our logistic support arrangements for the operation in line with the activities conducted by the force and the phase of the operation.

On 19 October, we signed the Logistic Support Technical Arrangement (LS TA) with the Italian MoD to define the Logistic Support that Ministry of Defence of the Italian Republic is providing to EUNAVFOR MED Operation.

The Forward Logistic Base has been activated in Augusta, which is also the main entry point for naval assets assigned to operation SOPHIA. It was particularly busy during the *in chop* of the assets provided by Member States for Phase 2A, which highlighted the some constraints in terms of the availability of berths and point of fuel replenishment but overall the support provided at FLB Augusta is satisfactory.

The infrastructure works we requested to be conducted at FLB Augusta and at the Forward Logistic Site we have activated in Pantelleria are ongoing and are expected to be completed by March 2016. This will provide improved logistic facilities and accommodation at these locations.

We have also activated a Forward Operating Base at Sigonella, which is providing good support to our deployed air assets.

Greece has offered EUNAVFOR Med the use of a Forward Logistic Site and Forward Operating Base in Souda, for both naval and air EUNAVFOR MED assets. This is a welcome addition to our support infrastructure, and BNS LEOPOLD has used these facilities during a recent port visit.

The deployment of the FGS BERLIN, an Auxiliary Oiler Replenishment vessel from Germany, at the start of phase 2A (High Seas), has provided an additional set of logistic support options, and has enabled an increased operational tempo for the frigates deployed in the AOO as they can be replenished at sea. The presence of this vessel is confirmed until January. It should be preferable to maintain this capacity in the future, particularly for when I increase the OPTEMPO again starting probably by the end of February 2016.

Medical Support

The afloat medical support to EUNAVFOR MED operation Sophia is provided by a Role 1 on each vessel and by a Role 2 with a Helicopter MEDEVAC and AMET capability, both on board of ITS CAVOUR, and during her maintenance period, a reinforced Role 1 is available on board ITS GARIBALDI instead.

The Role 3 level of medical care is assured by hospitals in Catania (Italy), Msida (Malta) and Souda/Heraklion (Greece). We are continuing to negotiate an agreement with the Governments of Tunisia and Egypt in order to obtain a Role 3 hospital support in Tunis and Alexandria as required. This is proving to be difficult because of their practical concerns over whether we will send injured migrants to be treated at these hospitals but we are working with EEAS in Brussels to address these concerns.

The medical support to the OHQ continues to be provided by the infirmary of the Centocelle Base (Role1) and by the Celio Military Hospital in Rome (Role3), in accordance with the Technical Agreement with the Italian MOD, and continues to be working well.

Outreach Activities.

The EUNAVFOR MED operation is one part of the EU comprehensive approach to countering irregular migration, as announced by High Representative Federica Mogherini and Commissioner Dimitris Avramopoulos on 20 April 2015. A fundamental part of the mission continues to be to establish relationships and where appropriate agreements for information sharing with key international and regional actors.

Since the start of the operation I have met with very senior representatives from 6 different countries, 8 different EU organisations and 13 different international organisations including the United Nations, the International Organisation for Migration (IOM) and the International Committee of the Red Cross (ICRC).

During this reporting period I have predominantly consolidated these relationships. My overriding observation has been with the second visits to these interlocutors, they have become more positive in approach, having had their initial concerns addressed by my first visit.

In December I visited Washington and New York, building on the engagement on my previous visit in July. It was clear from all interlocutors that they were pleased to have received an update on the operation and were impressed with the outcomes achieved to date. In New York, briefings to the Arab Group and African Group at the UN, served to build awareness and knowledge of the operation ahead of the discussions on the UNSCR for phase 2B and allowed us to gain a better understanding of the Libyan position. Meetings with the EU Members of the Security Council and the Department of Political Affairs provided a good insight into the next steps on securing a UNSCR. The meeting with the Russian Deputy Permanent Representative to the UN was more positive than the last one and focused on our experience of using the resolution and a number of practical questions.

In November, I also had my first meeting with representatives from the Libyan Coastguard in Tunis. Whilst both representatives from the Tripoli and Tobrouk Coastguards were invited, only those from Tripoli attended. During this visit to Tunis I also met with one of the nominated senior Ministers in the Presidential Council who is likely to be responsible for security when the Government of National Accord is formed. He agreed on the need for a single point of contact on Libyan security issues and that we should focus on practical support, both before and after the formation of a GNA, with special attention being paid to the Navy and Coastguard capacity building.

Capability and capacity building of the Coastguard was a common theme throughout my outreach activities with the key regional actors. This is particularly important as an effective Coastguard in Libya which is able to protect its borders will form a key part of our exit strategy for this operation.

Shared Awareness and De-confliction (SHADE) MED

Building on the extensive network of contacts made during the outreach activities, the SHADE MED was established and the first meeting was held in Rome on 26 November 2015, made possible by the generous financial assistance provided by the Luxembourg Ministry of Defence.

The SHADE MED is an initiative similar to the SHADE which has been running successfully for some years in the Indian Ocean, and is a forum where representatives from interested nations and organisations involved in Maritime Security Operations can meet on a voluntary basis to co-ordinate and deconflict their activities.

The seminar was a success and was attended by 80 representatives from 36 different entities ranging from Governments and Armed Forces, International Institutions such as the United Nations and the European Union and Non-Governmental organisations, all involved in responding to the challenges of irregular migration across the Mediterranean Sea.

The main outcome of this inaugural meeting was the better understanding between civilian and military actors involved in the Mediterranean Sea, enhancing interaction and developing synergies in the overall framework of outreach activities and operations in the Mediterranean. A better understanding of each other's missions and activities in the Mediterranean has been achieved and all delegates had the opportunity to meet people from other organisations involved in similar activities.

The next meeting will be chaired by the Italian Navy in spring 2016 with meetings taking place three times a year. They will be focused on working on very practical solutions to common needs.

Cooperation with EU organisations and Agencies.

We have a close relationship with the other EU organisations and Agencies involved in countering human smuggling and trafficking and I have met with the leaders of each of these organisations during this reporting period. These relationships are essential, as they help bring smugglers and traffickers to justice.

The mutual exchange of information and best practice with key Agencies is paramount to increase, from one side, the overall operational awareness and, from the other side, to effectively contribute to tackle the transnational crimes.

With our main partner, FRONTEX, we have a general agreement and specific operational procedures. Building on the exchange of letters on 14 July and the subsequent adoption of Standing Operating Procedures on 30 September, we formalised the operational coordination structures between the two organisations. The cooperation with FRONTEX covers a wide range of issues, such as the exchange of operational information, communication mechanism and the deployment of FRONTEX Liaison Officers within EUNAVFOR Med structures, including the OHQ, the EU regional Task Force in Catania and onboard EUNAVFOR Med assets, the collection of evidence, training and the procedures for disembarkation in a place of safety. This has allowed the two organisations to work very closely together. We are continuing to build on this relationship to work even more effectively together.

On 1 October 2015, I signed a Memorandum of Understanding with EUROJUST which allows the exchange of strategic information of a non-operational nature. This allows a fruitful exchange of best practices and to benefit from respective lesson learned experiences.

On 22 December 2015, I signed the EUROPOL MOU that will cover the exchange of information as well as training opportunities and reciprocal support related to our respective mandates.

I have also been in contact with many of the EU Delegations in the region and beyond. The support they have provided me during my visits has been most welcome and they have been very supportive to the OHQ in their wider requests for information. I have also deployed a Liaison Officer to the EU Planning and Liaison Cell in Tunis. This element should be soon reinforced to allow a better and more effective engagement with the Libyan authorities and coordinating our actions with the other actors involved in supporting the new Libyan GNA.

Cooperation with the Italian Authorities

The cooperation with the Italian authorities is critical in the successful prosecution of my mission. EUNAVFOR Med complies with the EEAS (2015) 885 guidance to follow the op TRITON Operation Plan for the disembarkation of persons rescued at sea and we have FRONTEX Liaison officers from Italy on board many of our ships to advise on the collection of evidence and apprehension of suspected smugglers at sea.

In addition, the *Direzione Nazionale Antimafia ed Antiterrorismo* (DNAA - National Judiciary Authority against organised crime) has issued guidelines, clarifying the Italian legal framework applicable to the operation on the apprehension and collection of evidence by all Member States' assets and the criteria to be met in order to exercise Italian jurisdiction. A translation of the document has been distributed to Member States and key partners of the operation. This has proved to be very useful for a better understanding of the legal basis applicable to the operation. The smooth and effective cooperation with Italian DNAA is one of the key successes of the operation as Italy, at the moment, is the only Member State who is bringing the smugglers and traffickers to trial.

Cooperation with International Organisations

We have continued to build on the relationships developed with key international organisations in the last reporting period, including European Asylum Support Office (EASO) and the Office of the United Nations High Commissioner for Human Rights. In particular we have embedded the training initially provided by UNHCR on migrant handling and international law and this is now a core part of the *inchop* package for new units joining the operation. We are further building on this training with input from UNICEF. We are now finalising a distance learning package which will incorporate this information so that units can have their first immersion in this training prior to arriving in the JOA.

I have met with representatives from the International Committee of the Red Cross (ICRC) who are a key interlocutor for this operation. Dialogue with them will continue throughout the phases of the operation and it will become more important as we enter the potentially more kinetic phases of the operation.

I have also met with representatives of the International Office for Migration who continues to provide extremely useful insights for the operation.

Cooperation with International non-governmental organisations

We have continued to have good contact with NGOs. I have met with representatives from Médecins Sans Frontières in Brussels where we discussed operational deconfliction matters, and

provided more detail on the scope of the operation. We have also made contact with Save the Children who through a formal agreement are providing support to our training activities.

The Libyan Authorities.

In November, I held my first meeting with representatives from the Libyan Coastguard in Tunis which was arranged and sponsored by the EU Delegation in Libya. It is clear from these discussions that they expect the EU to engage more closely with them and develop both their capability and capacity to be able to better manage their borders and tackle irregular migration coming from Libyan shores.

I also met with a senior member of the Presidential Council elect of the proposed Government of National Accord, who is likely to be responsible for security. This was a fruitful initial discussion and we agreed that we need to look to provide practical help ahead of the formation of the GNA.

Campaign Assessment

In order to monitor the progress of the separate Phases of the Operation, Campaign Effectiveness Assessment (CEA) has been fully incorporated into the OHQ Battle Rhythm and has been conducted since the beginning of the operation. This has allowed monitoring and assessment of the Military Strategic Actions (MSA) and the Military Strategic Effects (MSE) designed to reach the Military Strategic Objectives (MSO) for the three Lines of Engagement in the Campaign Plan.

The first MSO - **"Situational Awareness and understanding achieved"** has three MSEs attached, primarily concerning the acquisition of Situational Awareness (SA) in the JOA (MSE 3) and the identification of the Smuggler Business Model (MSE 4). Whilst there is an excellent Situational Awareness (SA) at sea, which has been built during Phase 1 and Phase 2 (High Seas) activity, there remains a gap in SA of the littoral, particularly within Libyan TWs/on the ground, plus a lack of persistence. Without consented entry to Libyan TWs, this assessment is likely to remain lower than normal, although EUNAVFOR MED presence in the AOO will continue to bolster our achievement towards the MSO. The key to future phases will be the ability to fully understand S&T networks ashore, including patterns of life, financing and where they might interact with other illegal and terrorist organisations. As well as a general need for ISR assets, including UAVs, HUMINT will also be essential in achieving a better picture of the pattern of life. In this respect an increased intelligence support is required from the Member States.

In achieving success towards MSO 2 - **"Migrant and Smuggler vessels and enabling assets neutralised, ideally before they are used by S&T"** - operations in Phase 2 (High Seas) have allowed EUNAVFOR MED to get to the core of its mission and make a very successful start towards capturing and disposing of the smugglers' and traffickers' vessels. During Phase 1, EUNAVFOR MED established a deployed force with an effective C2 structure (MSE 2). On entering Phase 2 (High Seas), S&T TTPs have been adjusting to react to the deterrent effect of EUNAVFOR MED presence: We are seeing good results towards the degradation of the S&Ts' capabilities (relating to MSE 5), though we are necessarily limited by the conduct of its operations on the High Seas. Entry into Libyan Territorial Waters will undoubtedly allow us to achieve further success as we get towards the heart of their networks.

MSO 3 is described as: **"Contribution to the EU wide Comprehensive Approach to persuade migrants and deter smugglers from crossing the Mediterranean achieved"**. The OHQ has – and continues to build - a comprehensive liaison network with relevant non-military and non-EU actors, including UN agencies, IGOs, INGOs and local NGOs (relating to MSE 1), mainly through extensive Key Leader Engagement by the Operational Commander. The burgeoning SHADE MED initiative will also add significant value and also contribute towards this MSE. Turning to the EEAS Information Strategy and Information Operations (MSE 7), much of the information activity directed in the Initiating Military Directive was predicated on dissuading the migrants from crossing the Mediterranean Sea: this element of the IO campaign must take place mainly in the Migrant Home Countries if it is to have any real impact. Information Operations and particularly PSYOPS messaging within the scope of the Initial Information Strategy Deterrent messaging has been conducted, but is limited by the boundaries of the current JOA, and within the current phase, to International Waters. Friendly approach and key messaging does take place and is beginning to achieve results in terms of intelligence and information gathering, plus increasing further our knowledge of the Target Audiences (TAs), particularly those in the littoral. The need still remains to develop a comprehensive package of PSYOPS products targeted at local communities, based on coercive as well as on positive messages.

In summary, at the current Phase of the Operation, as expected, there is excellent progress towards the three Campaign Military Strategic Objectives. From a military perspective, EUNAVFOR MED is ready to proceed to Phase 2B (Territorial Waters), though the political and legal challenges ahead remain a significant challenge. Here, EUNAVFOR MED can achieve even

more and have a greater contribution towards the Phase 2 MSEs. With greater situation awareness within TWs and the littoral, as well as a deeper understanding of the S&T business model (MSE 4), EUNAVFOR MED will have better opportunity to degrade smuggler's capabilities (MSE 5).

Transition from phase 2A to 2B will require for a number of significant challenges to be resolved before I can actually recommend the transition.

Next Steps and Key Challenges.

From a military perspective, and to be more effective against the smugglers' business model, I need to move to phase 2B (Territorial Waters) as soon as possible. However there are a number of key issues that need to be addressed. These are:

The Legal Finish.

As we will be operating in Libyan Territorial Waters, the current legal finish, of prosecuting suspected smugglers in Italy will not apply. We will therefore need a new legal basis; either an agreement with the Libyan authorities that they will waive their right to prosecute suspected smugglers in Libya and allow them to be prosecuted by another Member State, or to have a transfer agreement in place for apprehended smugglers to be transferred to the Libyan authorities for prosecution. Both options have specific challenges and rely on the consent of the Libyan authorities. If we were to transfer suspected persons to the Libyan authorities, we would need to ensure that they are treated in accordance with human rights standards that are acceptable to the EU and Member States.

Prosecution in another Member State requires the agreement of the Libyan authorities to waive their right to prosecute individuals apprehended by EUNAVFOR Med assets in their Territorial Waters and for a Member State to agree to undertake the prosecution of suspected smugglers. Whilst this option would have the lowest risk to the operation (we are confident in a Member States' ability to prosecute an individual), it needs a strong political commitment by a single Member State and may require subsequent agreement between this and the other TCNs.

A transfer agreement to allow the handover to the Libyan authorities is another possible way to get the desired end state as it would encourage the Libyan authorities to deal with the smugglers and traffickers we handed over. However, prior to transfers taking place, we would need to ensure that there were sufficient safeguards in the Libyan judicial system to ensure fair and humane treatment of any persons handed over.

Regardless of the challenges with both options, we are working very closely with the EEAS to come to a workable solution. It is however clear that regardless of the solution taken, the Libyan authorities are fundamental in making this happen, either by providing the agreement to prosecute in another country, or to agree to prosecute in Libya through a judicial system which meets those standards required by the EU. I want to underline the fact that this issue must be solved before we can move to phase 2 Bravo. Without the required legal finish we will be compelled to release suspected smugglers apprehended in Libyan Territorial Waters, with a subsequent loss of credibility for the operation in the media and EU public opinion.

Legal mandate - UNSCR and Libyan Invitation.

In order to move to phase 2 in Libyan territorial waters, we need firstly an invitation from the GNA, as the sole legitimate Government of Libya under UNSCR 2259(2015), and secondly a UN Security Council Resolution to provide the necessary legal mandate to operate. Whilst the transition to phase 2 in Libyan TTW with only a UNSCR without an invitation from the Libyan authorities is theoretically possible, it is unlikely that the UNSCR would be adopted as Russia and China have previously stated that a Libyan invitation would be required by them so as not to block the resolution.

On the other hand, conducting operations under the conditions set out in an eventual Libyan invitation without any new applicable UNSCR would provide a weak legal basis to the operation.

In fact UNSCR 2259(2015) alone does not allow Op. Sophia assets to be deployed in Libyan territorial waters nor does it change the authorities under UNSCR 2240(2015), even though it

encourages the international community to assist the GNA. In concrete terms, the International Community is called upon to respond urgently to requests for assistance from the GNA for the implementation of the Libyan Political Agreement and to support in building the capacity of the Libyan Government of National Accord.

An effective implementation of the Libyan Political Agreement represents a strong tool in confronting the irregular migration issue. In fact, as the governing principle n. 28, this agreement affirms Libyan commitment to work towards fighting human trafficking and illegal migration through the concerted efforts of GNA in close cooperation with the International community.

A specific GNA invitation to cooperate with Libyan Authorities in tackling the crimes of migrant smuggling and human trafficking would highly increase the possibilities that UN Security Council adopt a dedicated new UNSCR on the matter. This scenario would provide a solid legal basis to the operation.

In fact, the operation would greatly benefit from a new UNSCR authorising to conduct operations in Libyan waters as has been demonstrated by UNSCR 2240 in Phase 2 in high seas.

We therefore need to carefully coordinate with other EU actors to be ready to act in case the recognised GNA invites Op. Sophia assets to operate both in Libyan territorial waters and soil.

Capacity and Capability Building.

As we move into Territorial Waters, our interaction with the Libyan Navy and Coastguard will increase and we will need to gain confidence in their activities. The capability and capacity of the Libyan Coastguard to protect their borders needs to be developed and therefore preventing illegal migration from Libyan shores, so that we can reach the end state of the mission where illegal migration is at a manageable level without the need for EUNAVFOR Med.

This will have to be shaped with Libyan authorities to match their expectations and could benefit from cooperation with other EU missions.

Through the capability and capacity building of the Libyan Navy and Coastguard, the EU will be able to offer the Libyan authorities something in exchange for their cooperation in tackling the irregular migration issue, which could help secure their invitation to operate inside their territory.

EUNAVFOR MED could quickly develop a detailed training package should we be asked to do so.

The capability of the Libyan Navy and Coast Guard would also have a significant influence on how phase 3 operations are conducted. Ideally, in this phase 3, on completion of the training programme, the Libyan authorities could take the lead in patrolling and securing their Territorial Waters, with support being provided by EUNAVFOR Med.

Assets

It is even more important to have sufficient and suitable assets to undertake phase 2B activities. From a threat perspective, we will be operating in a higher threat environment – within range of the Libyan naval, ground and air based units. EUNAVFORMED will also most likely be the only Force operating inside the Territorial Waters. We must therefore have the right type and number of assets to protect the force and operate effectively both in the counter smuggling role and in the rescue role. The concept of operations in Phase 2B will require the employment of ships in pairs to have the ability to rescue people while acting against the smugglers. I intend holding a Force Generation Conference in February 2016 to seek the required assets from Member States. Of particular importance is the provision of intelligence collection assets to provide me with the intelligence I need to properly plan phase 3 operations.

Wider considerations.

I am also extremely conscious that it is likely that when we move to phase 2B and phase 3, there will be a number of other missions providing support to the Libyan authorities which will be sponsored by the International Community. We need ensure that both the activities of EUNAVFOR Med and the International Community are coordinated to mitigate the risk of fratricide. My OHQ are therefore working closely with the planning teams from these missions to improve awareness and deconfliction during the planning stages.

Whilst not directly relevant for the transition to phase 2B (Territorial Waters), a suitable and appropriate targeting process is required for me to successfully prosecute targets in phase 3. We will continue to assist EUMS to deliver appropriate Targeting doctrine that allows suitable processes to be developed and put in place.

In terms of Information Operations, we continue to develop ways to influence our Target Audiences (TAs), fully utilising Information Activities of Media (Public Relations and Public Information), PSYOPS and Key Leadership Engagement to achieve effect and contribute to the Comprehensive Approach. Due to the constraints of the JOA, I am unable to directly reach into the migrants countries of origin in order to dissuade them from travelling and making the dangerous crossing of the Mediterranean. However, I very much view this as part of a wider EEAS information campaign.

Before we move to phase 3, we need to address the intelligence gaps that I currently have; in particular information on the smuggler and traffickers' business model on land. In phase 2A I do not have the mandate to collect such intelligence or the assets with which to do so. Some Member States have provided intelligence related to this, but I need more from those Member States that are collecting intelligence in this area.

Conclusions.

As an operation we have made good progress, providing a deterrence effect in international waters, preventing smugglers from operating in International Waters, and, as of 31 December 2015, contributing to the arrest of 46 smugglers and destruction of 67 boats. We launched the operation quickly and have developed a sound relationship with the higher echelons in Brussels including the PSC, the EUMC and the EEAS.

As Operation Commander, I have developed a comprehensive outreach program to engage those stakeholders that are influential in moving the mission forward, reassuring them about the aim and mandate of the operation. We need to continue those outreach activities as the key regional States and the organizations that have been engaged, compared to the period just after the launch of the operation, are now showing a much more positive attitude towards SOPHIA's mission.

From a military perspective, we are ready to move to phase 2B (Territorial Waters) where we can make a more significant impact on the smuggler and traffickers business model.

However, in order to move into the following phases we need to have a government of national accord with which to engage. A suitable legal finish is absolutely fundamental to the transition to phase 2B (Territorial Waters) as without this, we cannot be effective. Central to this and to the whole transition to phase 2B, is an agreement with the Libyan authorities. Ultimately they have the casting vote on the legal finish which will in turn drive the transition to phase 2B and the appetite for Member States to provide assets. As a European Union, we must therefore apply diplomatic pressure appropriately to deliver the correct outcome.

Capacity and capability building of the Libyan Navy and Coastguard is also key to an effective exit strategy for the operation. An effective Navy and Coastguard will be able to protect its own borders therefore preventing illegal migration from Libyan shores, so that we can reach the end state of the mission where illegal migration is at a manageable level without the need for EUNAVFOR Med. In my view, EUNAVFOR MED could have an important role to play in this domain and, should the Member States agree to it, we are ready to submit a detailed training package that could be implemented in the short term. This obviously would imply an amendment to the OPLAN.

Capacity building will also be a confidence building measure for operations in phase 3 conducted jointly with the Libyan authorities. We are currently further developing our planning and it is starting to emerge that phase 3 should be conducted together with the Libyans, in order to be militarily effective whilst complying with the "no civilian casualty - no third party damage" policy mandated by the EU political level.
