

65/2019

5 July 2019

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Training the Libyan Coast Guard and Navy in the framework of Operation Sophia: a practical example of the externalisation of borders within the EU scope

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## Training the Libyan Coast Guard and Navy in the framework of Operation Sophia: a practical example of the externalisation of borders within the EU scope

### *Abstract:*

*Since 2015, Operation Sophia has been one of the pillars that has enabled the decrease of illegal migrant trafficking in the Central Mediterranean Route. The Operation's current mandate temporarily excludes the use of the EU naval assets. Therefore, operation of the Libyan Coast Guard and Navy is crucial to retain irregular migratory movements. Training and coaching the Libyan forces is one of the missions of the EU, a military implementation within the whole policy to fight against illegal human smuggling that tries to involve the migrants' origin and transit countries.*

### *Keywords:*

*Human smuggling, mentoring, migratory routes, military capabilities.*

### **How to quote:**

PONCELA SACHO, Antonio. *Training the Libyan Coast Guard and Navy in the framework of Operation Sophia: a practical example of the externalisation of borders within the EU scope.* Documento de Opinión IEEE 65/2019. [enlace web IEEE](#) y/o [enlace bie<sup>3</sup>](#) (consultado día/mes/año)

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## The EU and its borders externalization in the Mediterranean

The EU is going through a continuous regulatory process in which, migratory and border policies are not an exception. There is no doubt the Lisbon Treaty meant a great boost in the 'brusselization'<sup>1</sup> process. Even if migration has been an intense discussion point for the EU countries, such regulatory evolution has removed internal barriers amongst member States and, at the same time, has established common criteria for all of them regarding acceptance of migrants coming from third countries.

These communitarian policies related to the admission process in EU territory are framed within the border externalization, understood as a "process of territorial and administrative expansion of a given state's migration and border policy to third countries"<sup>2</sup>. This phenomenon is a direct consequence of globalization, which implies a space proximity where human mobility questions the classical concept of State<sup>3</sup>, exceeding the traditional meaning of the word border. For all the above, "the international community Westphalian layout, based on a hierarchical order of independent and sovereign States, is currently in crisis"<sup>4</sup>. On the negative side, interdependence and connectivity within a global world contribute to export instability to other areas worldwide, although this could also be a good opportunity for the EU to expand democracy, rule of law and fundamental freedoms<sup>5</sup>.

For the past few years, an action-reaction movement has arisen in which, greater freedom of movement and intercommunication have been regulated and, the creation of more complete mechanisms has ruled transit between countries. Thus, the States security policies have covered more areas, "so that migratory and border policies, amongst others, have progressively been included"<sup>6</sup>.

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<sup>1</sup> BARBÉ, Esther, *La Unión Europea en las relaciones internacionales*, p.21, Tecnos. Madrid: 2014.

<sup>2</sup> CASAS, Maribel et al., *New Keywords: Migration and Borders*, Cultural Studies, Vol. 29, p.28, 2014.

<sup>3</sup> SOLANES, Ángeles, *Una reflexión iusfilosófica sobre las fronteras*, Anuario de filosofía del derecho, núm XXXII, pp. 148,149, 2016.

<sup>4</sup> VILLENA, Fernando, *Acciones en países de origen para prevenir la inmigración ilegal*, incluido en *El control de los flujos migratorios en España: situación actual y propuestas de actuación*, Documentos de Seguridad y Defensa CESEDEN, p.81, 2006.

<sup>5</sup> *The European Union in a changing global environment. A more connected, contested and complex world.* [http://www.europarl.europa.eu/doceo/document/A-8-2016-0069\\_EN.html](http://www.europarl.europa.eu/doceo/document/A-8-2016-0069_EN.html)

<sup>6</sup> NARANJO, Gloria, *Desterritorialización de fronteras y externalización de políticas migratorias. Flujos migratorios irregulares y control de las fronteras exteriores en la frontera España-Marruecos*, Estudios Políticos, 45, Instituto de Estudios Políticos, Universidad de Antioquia, p.62, 2014.

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In the EU case, as a supranational institution with authority to manage borders, a set of measures have been implemented entailing the global use of all their assets to control migratory flows. In order to do so, the aim is to reach agreements with origin and transit countries, trying to improve human safety in such countries, applying a holistic approach that allows to take part in all the different phases, including a period of stabilization and consolidation of democratic political institutions<sup>7</sup>. It is worth to mention the actions carried out by the European Agenda on Migration, the European Neighborhood Policy (ENP) or the European Border and Coast Guard Agency (FRONTEX).

On the other hand, the increase of human mobility flows due to the current migratory situation "...questions the image of the Mediterranean as a stable meta-geographical referent: it highlights the blurred and constantly changing political boundaries of the Mediterranean"<sup>8</sup>. Political instability in some countries of North Africa, together with the rise of jihadist terrorism, have caused a combination of uncertainty and humanitarian tragedy exported to the countries in the Mediterranean North Coast. In this sense, military operations are carried out in a way that "migrants from Libya are accounted in the military-humanitarian rationale less as potential threats and risky subjects for Europe than as people at risk"<sup>9</sup>.

The increase of migratory flows and the perception of uncertainty in the Mediterranean has caused a higher presence of military assets in its coast so, it has led to "an increasing deployment and upgrading of maritime forces to secure the EU's southern borders"<sup>10</sup>. Therefore, national and international missions have followed, such as the Italian *Mare Sicuro*, *Themis* by FRONTEX, or *Sea Guardian* by NATO.

Within this scope, and as part of the Common Foreign and Security Policy (CFSP), Operation EUNAVFOR MED (renamed Operation Sophia afterwards) was born in 2015 to disrupt the business model of trafficking with migrants trying to reach the EU

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<sup>7</sup> Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy. <https://publications.europa.eu/es/publication-detail/-/publication/3eaae2cf-9ac5-11e6-868c-01aa75ed71a1/language-en/format-PDF>

<sup>8</sup> TAZZIOLI, Martina, *The desultory politics of mobility and the humanitarian-military border in the Mediterranean. Mare Nostrum beyond the sea* REMHU, vol.23, núm. 44, p.62, Brasilia, 2015.

<sup>9</sup> *Ibid*, p.65.

<sup>10</sup> LUTTERBECK, Derek, *Policing Migration in the Mediterranean*, *Mediterranean Politics* 11:1, p.69, 2006.

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territories through the Central Mediterranean. The Council Decision (CFSP) 2015/778 of 18 May 2015 approved to “conduct a military crisis management operation contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean”<sup>11</sup>. Among its purposes, there is contribution to the fight against instability in Libya and, the end of the humanitarian tragedy occurring in the Mediterranean, which will increase security for the populations in the area, as well as for the EU citizens. For that reason, it is part of a program designed to support the Libyan institutions, to reach “the creation of peace treaties, in order to eradicate Daesh, consolidate the State and respect human rights”<sup>12</sup>.

The starting point was a continuous increase in migrant’s flows trying to reach Europe through the Central Mediterranean, going from 30,000 persons per year in the period between 2008 and 2013, to more than 150,000 persons in 2014 and 2015<sup>13</sup>. To disrupt the business model of illegal migration and cooperate to achieve stability in Libya, the Operation is focused in a series of purposes going from the fight against human smuggling, surveillance of oil and arms trafficking in the Libyan coast (according to the UN embargo) and, training and support to the Libyan Coast Guard and Navy for their borders control and sea rescues<sup>14</sup>.

### **Training the Libyan Coast Guard and Navy. A mission for Operation SOPHIA**

One of the objectives of the EU external actions is to success in making the countries they support become capable and self-sufficient. Therefore, training and coaching local forces is of great value. A great amount of time, effort and assets is needed to reach this goal. To progressively transfer the tasks of the EU operations implies the learning of tactics, techniques and standardized procedures in order to provide proper monitoring and support, especially if the recipient country is not able to maintain a good level of functionality due to its political, social and economic situation.

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<sup>11</sup> COUNCIL DECISION (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED).

<sup>12</sup> VV.AA., *Comprensión y gestión de los flujos migratorios en el área del Mediterráneo: desde emergencia hasta fenómeno estructural*, IEEE, Documento de Investigación 22/2018, p.5.

<sup>13</sup> FRONTEX Risk Analysis 2017. Available in: [https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2017.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf)

<sup>14</sup> Decision taken from the 2292 (2016) UN Security Council Resolution.

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In the particular case of Operation Sophia, several elements have encouraged the creation of a full program for the training of the Libyan Coast Guard and Navy to operate against illegal human trafficking. First of all, the current phase of Operation Sophia does not grant legal authorization to operate in Libya and, is in force since October 2015, which reduces its efficiency<sup>15</sup>. Besides that, at present the expanded mandate till September 30th has entailed the temporary suspension of deployment of the EU naval assets and therefore, the Libyan authorities must undertake the main burden of rescue operations and fight against mafias.

The internal Libyan situation, which is suffering “a low intensity civil war and huge internal burnout since 2014”<sup>16</sup> is going through an upswing for the past few months, with continuous and more violent conflicts between the General Haftar troops and those of the Government of National Accord (GNA)<sup>17</sup> led by Prime Minister Al Serraj. In this situation it is not very feasible in the short term a change in Operation Sophia authorising the use of assets to operate in Libyan territorial waters. Therefore, to the problem of this lack of authorization, which could lead to failure fulfilling the original EUNAVFOR MED mandate<sup>18</sup>, there is also the temporary reduction of assets used. One direct consequence of this situation has been that most of the suspects caught within the Operation Sophia frame are only enablers, or even migrants leading the boats trying to reach the European coast<sup>19</sup>.

Since 2016, the Operation assets are used in support tasks for the development of capacity building and training of the Libyan Coast Guard and Navy. This feature was implemented after a support request done by the Libyan Government of National Accord (GNA) to increase its capacities to fight and eradicate human trafficking in Libya and improve their reactions to SOLAS events<sup>20</sup> occurring within the Libyan sea<sup>21</sup>.

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<sup>15</sup> INGEMANN, Anne, *Assessing the European Union's Strategic Capacity: The Case of EUNAVFOR MED Operation Sophia*, p.16, 2017.

<sup>16</sup> FUENTE, Ignacio, *Libia, la guerra del general Haftar*. Documento de Opinión IEEE 70/2017, p.2

<sup>17</sup> Government of National Accord.

<sup>18</sup> LOSCHI, Chiara et al., *The implementation of EU Crisis Response in Libya: Bridging theory and practice*, Working paper EUNPACK, p.5, 2018.

<sup>19</sup> INGEMANN, Anne, *Assessing the European Union's Strategic Capacity: The Case of EUNAVFOR MED Operation Sophia*, p.17, 2017.

<sup>20</sup> *Safety of Life At Sea*, International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974

<sup>21</sup> Available in: <https://www.consilium.europa.eu/en/press/press-releases/2016/08/30/eunavfor-med->

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The ultimate purpose of the training is the obtention of capacities that allow the Libyan Coast Guard and Navy to carry out sea rescue missions within Libyan and international waters close to its coast, as well as to face the mafias participating in the migrants illegal trafficking.

This way the Operation contributes to “capacity building and training of, and information sharing with, the Libyan Coastguard and Navy”<sup>22</sup>. For that purpose, trainings are performed through voluntary contributions of some EU State Members, with Athena financing and following EUNAVFOR MED guidelines in all cases.

However, the delicate situation the Libyan institutions are going through requires that training of its forces are enhanced with further actions. Among other measures, in December 2018 Libya was included in the increase of aid supplied by the EU Trust Fund for Africa for migration and borders control, for a total amount of 45 million euros<sup>23</sup>. This financing, which adds to the 46 million euros approved in 2017, pretends to contribute not only to purchasing and maintaining patrol vessels and boats but also, to set the Maritime Rescue Coordination Center (MRCC) based in Tripoli<sup>24</sup>.

In particular, this European project, led by the Italian Home Affairs Ministry, pretends to carry out a full development of the Libyan authorities’ capacities to manage the irregular sea migration flows, as well as the sea rescue activities, including the supply of 4 vessels for such purpose. In addition, it includes the progressive activation of the MRCC in Tripoli, with the ability to coordinate all rescue actions in the Libyan coast and, the building of a boatyard to provide the Libyan Coast Guard with a naval maintenance center.

The future of Operation Sophia beyond September 30th will be uncertain until a new European Parliament has been shaped and, political alliances have been rearranged according to the results of the elections held in May 26th. In the meantime, the EU support provided within the Operation Sophia framework for the attainment and

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[sophia-op-add-supporting-tasks/](#)

<sup>22</sup> 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)

<sup>23</sup> Available in: [http://europa.eu/rapid/press-release\\_IP-18-6793\\_es.htm](http://europa.eu/rapid/press-release_IP-18-6793_es.htm)

<sup>24</sup> Available in: <http://www.interno.gov.it/it/sala-stampa/comunicati-stampa/riunione-tripoli-gestione-integrata-frontiere-e-dellimmigrazione>



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maintenance of the Libyan Coast Guard capacities, is a clear reference for the fight against migrant smuggling and has been a major contribution to decrease migratory flows since its inception in 2016.

### **The new Libyan Coast Guard capacities as a stability element**

To this date, more than 350 Libyan soldiers have been instructed under the EUNAVFOR MED umbrella. The states in charge of such training have been Italy, Greece, Malta, Croatia and Spain. Candidates are directly elected by the Libyan authorities and must submit to medical examinations and research processes from the security agencies of the member States offering the training.

The different courses include general subjects, such as first aid, training of maintenance and deck officers, diving courses, or patrol vessels crew training, as well as more specific subjects such as international maritime law. Courses also include understanding of human rights and gender policies. In addition, there are trainings taking place in operation vessels to get knowledge of standardized procedures in Visit Board Search and Seizure (VBSS)<sup>25</sup>.

As the European Commission states in a letter addressed to The Frontex Director, “we have been observing the increased performance of the Libyan Coast Guard in the period 2017-2018 as direct consequence of the support EU provided both in terms of training and equipment”<sup>26</sup>, using all resources offered by Operation Sophia, especially the training courses to the Libyan military forces.

This capacities increase has a direct impact in the number of vessels trying to reach the European coast through the Central Mediterranean route. According to the FRONTEX<sup>27</sup> annual risk analysis, a continuous decrease in the number of migrants using this route has taken place since 2016. During this year, a total of 181.459 migrants were detected and, this figure dropped to 118.962 in 2017 and 23.485 in 2018. Regarding the period

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<sup>25</sup> *Visit Board Search and Seizure*.

<sup>26</sup> Available in: [https://ofcs.report/wp-content/uploads/2019/03/Reply-EBCGA-Ares20191362751-Rev-LS.docx-1\\_11508.pdf](https://ofcs.report/wp-content/uploads/2019/03/Reply-EBCGA-Ares20191362751-Rev-LS.docx-1_11508.pdf)

<sup>27</sup> *Frontex Risk Analysis 2017, 2018 and 2019*. Available in:

[https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2017.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf)

[https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Risk\\_Analysis\\_for\\_2018.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf)

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from January to April 2019, the figure has been reduced a 91% and only 880 migrants have been registered<sup>28</sup>. The efforts of the EU and its member States to train the Libyan Coast Guard to perform the rescue operations<sup>29</sup> within their territorial waters have been one of the main contributions to the continuous drop in figures.

The training of the Libyan Coast Guard is one of the main discussion points in the military and civilian cooperation forum SHADE MED<sup>30</sup>. In their six-monthly meetings, capacity building of the Libyan Coast Guard and the need of more modern assets to obtain a safer Mediterranean South coast is a recurring matter. In their meetings, there are a few fundamental aspects:

- Participation of the Libyan Coast Guard in joint actions with European maritime forces will allow to test the right acquisition of maritime capacities. In this sense, participation in exercises as the Phoenix Express Exercise, led by AFRICOM, is already taking place with the aim of promoting security in Northeast Africa.
- Training young officials who will lead this upgrading is of great importance. This has been demanded by the Libyan Coast Guard for the last few years and, it could include exchanges with other European Naval Academies for a whole year, as its being done in other countries.
- The need to strengthen other organizations support, such as EUROPOL, EUBAM Libya or UNSMIL, for capacity building. At the same time, cooperation with other African states, as Egypt or Tunisia, is essential.

Therefore, EU support through Operation Sophia must be just one more element in the Libyan Coast Guard upgrading process, which requires full cooperation for the effective development of its maritime capacities.

Taking as an example the first whole year since Operation Sophia started the training in 2017, the Libyan Coast Guard and Navy have rescued more than 15,000 migrants who had left their coast mainly from Tripoli, Sabratha, Zuwara and Garabulli<sup>31</sup>. Thus, since

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<sup>28</sup> Available in: <https://frontex.europa.eu/media-centre/news-release/migratory-situation-in-april-fewer-migrants-reach-europe-l3XvUn>

<sup>29</sup> United Nations Support Mission in Libya, in coordination with the Office of the High Commissioner for Human Rights, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, p.13, 2018.

<sup>30</sup> *Shared Awareness and De-confliction in the Mediterranean*.

<sup>31</sup> Available in: <https://www.libyaobserver.ly/inbrief/libyan-navy-releases-official-rescue-statistics-2017>



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the training started, the Libyan Coast Guard has assumed greater responsibility undertaking rescues in international waters as well.

With regard to the rescued migrants, usually they are returned to Libya. According to UNSMIL, the Libyan ports cannot be considered as a safe place because, there is high risk for those returned to be subject to major violation of human rights<sup>32</sup>. This is the same situation for hundreds of thousands people waiting in the North of Libya for an opportunity to reach Europe, and requires an increase of EU efforts so that “cooperation and assistance to the Libyan authorities are based in the international legislation for human rights”<sup>33</sup>.

## Conclusions

The characteristic regulatory process the EU is going through has given birth to a series of migratory and border laws shared by all member States. This way, common procedures have been created to regulate the acceptance of migrants and transit between countries. In this sense, instability in some countries of the southern Mediterranean coast, along with the transnational terrorism growth, have entailed actions from the EU organisms and agencies. Among those measures and, as part of the Common Foreign & Security Policy, Operation Sophia's main goal is the fight against illegal migration. Furthermore, to achieve this goal other supporting tasks have been added including the training of the Libyan Coast Guard and Navy.

This is a fundamental task since, the Operation assets have never been authorized to act in Libyan waters. In addition, deployment of its naval resources has been temporary suspended since April 1st. In this situation, it is of great importance an effective performance of the Libyan Coast Guard in the framework of international laws and respecting the Human Rights. First of all, the interception of migrant boats offshore implies a higher risk for the lives of the people trying to reach Europe, due to the higher difficulty to sight them and the worst sea conditions. Secondly, real smugglers do not take the risk of being arrested out of the 12 miles delimiting Libyan waters, which means

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<sup>32</sup> Available in:

<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24037&LangID=S>

<sup>33</sup> *Íbid.*

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that most of those apprehended within the scope of the Operation are not the most important actors in the business of human trafficking.

Training of the Libyan Coast Guard by EUNAVFOR MED tries to cover a wide panoply of actions, from rescue and salvage to the most elementary navigation missions, as well as knowledge of international maritime law. Therefore, it is necessary cooperation between all member States, who make available to the Operation their facilities and professionals to carry out the different courses. The Libyan Coast Guard makes its own requirements by expressing their prioritized needs and selecting the best candidates. At this stage, Operation Sophia headquarters decides the training programs to develop and passes them onto the nation in charge of the training.

The significant reduction of migrants in the Central Mediterranean Route since 2016, matched with the beginning of training and the capacities increase of the Libyan Coast Guard and Navy, show that training has been the main reason for such reduction. In any case, there is a need for greater cooperation within the Libyan territory to avoid that rescued migrants fall again prey to smugglers.

Regarding the future of Operation Sophia, the present situation with the temporary suspension of deployment of naval assets and, the extension of its mandate for no longer than September 30<sup>th</sup>, brings the possibility of performing a non-executive mission. In that case, the existing training roles could be part of a civil action of greater entity focused “not only to watch and block illegal migrant smuggling but also, to improve the Libyan management of its maritime borders and, coordinate a search and rescue program”<sup>34</sup>. In any case, the ultimate goal must be a complete capacity building of the Libyan forces so they can guarantee safety in their coast, without extending European presence longer than strictly needed.

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<sup>34</sup> ZAMARRIPA, Eduardo, *El marco jurídico y la legalidad de la intervención internacional en Libia*. Documento de Opinión IEEE 131/2015, p.13.