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From:	EEAS
To:	Political and Security Committee
Subject:	Concept note: Operation Sophia

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With a view to the PSC meeting on 25 March 2019, delegations will find attached the document "Concept note: Operation Sophia".

# EEAS(2019)329

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## EUROPEAN EXTERNAL ACTION SERVICE



Integrated Approach for Security and Peace (ISP)

### Working document of the European External Action Service

of 21/03/2019

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<b>Title / Subject</b>	<b>Concept note: Operation Sophia</b>
<b>[Ref. prev. doc.]</b>	-

**Concept note**

**Operation Sophia**

**A) SITUATION**

**I) Context**

1. The broad, multi-faceted mandate of Operation Sophia which combines the disruption of human and arms trafficking, broad surveillance activities, notably in relation to oil smuggling, but also the training and monitoring of the Libyan Navy Coast Guard (LNCG), as a key component of the Libyan navy, has enabled the EU to offer a significant contribution to the improvement of overall maritime security and the return of stability in the Central Mediterranean.
2. To date, the Operation has indeed contributed to the apprehension of 151 suspected smugglers and traffickers, and disposed of 500 boats used by the criminals. In parallel, in addition to the inspection of three vessels under the provisions of UNSCR 2420 which led to seizures of prohibited items, more than 2374 hailing and more than 160 friendly approaches have been conducted, thereby allowing a better understanding of routes used on the high seas for weapons smuggling.
3. Records show a 94 % decrease in the arrivals to Italy compared to last year and the overall number of persons disembarked in Italy to date in 2019 is limited to a total of 335. At the same time the increasing relevance of the LNCG has been confirmed. In the past 12 months Libyan assets have been involved in the rescue of 12 784 migrants. Training of the LNCG is also continuing with a total of 325 officers trained since the start of the training activity by the Operation. Capacities of the LNCG are also increasing thanks to the number of assets that have been delivered bilaterally by Member States (notably IT). However despite progress the LNCG suffers from continued shortages of fuel, a still limited pool of trained personnel and most importantly from a complete lack of aerial surveillance ability.

**II) Possible scenarios**

4. Discussions on the need for the Operation to rely on adjusted arrangements for the disembarkation of persons rescued at sea have continued over the past months. However, whilst in December 2018 the PSC agreed to an extension of Operation Sophia's mandate for three months, the underlying issue remains unsolved and it is clear that in the continued absence of a solution on disembarkation, it would no longer be possible to maintain an EU maritime presence in the Central Mediterranean and Operation Sophia **would need to be closed**. The PSC has been informed of the steps that will be taken by the Operation Commander as of 1<sup>st</sup> of April at its meeting on 20 March 2019.
5. To mitigate some of the adverse implications of the closure of Operation Sophia, and to preserve as much as possible the gains made to date, Member States could consider **launching a new CSDP action focused on the capacity building of the LNCG**. Such action would take the form of a non-executive mission. While this could partly address some of the gaps left by the Operation it remains clear that it would be no substitute for Operation Sophia and most of the adverse consequences would be expected to materialise.
6. This note describes elements and processes which would need to be taken into consideration in case of closure of Operation Sophia or if a decision is made to establish a new CSDP military non-executive mission.

**B) OPTION 1- CLOSURE OF OPERATION SOPHIA WITHOUT A CSDP FOLLOW-UP**

7. If no decision is taken to extend its mandate Operation Sophia will cease to exist as of 31 March 2019. The Operation Commander will need to take all necessary measures to ensure an orderly closure and inform thereof the Council through the PSC. Such measures will require an extension of OHQ administrative activity beyond the closure date to facilitate the winding down of the Operation and financial liquidation.

8. In case of closure, the following implications will need to be taken into consideration:
- Operation Sophia has allowed the EU to offer a significant contribution to the improvement of overall maritime security off the coast of Libya. In operational terms, it is likely that the withdrawal of maritime and aerial assets will result in creating an immediate vacuum that could be exploited by smugglers and traffickers to revert to previous business models and to resume criminal activities at sea on a larger scale, thereby undermining achievements to date. Halting activities would also mean limiting the support provided to the LNCG and therefore its ability to operate. This would likely translate into more departures from the coast off Libya and would also lead to an increase in broader trafficking activities on the high seas. In addition, support to intelligence gathering of both EUROPOL and EBCG through the Crime Information Cell (CIC) hosted by Operation Sophia, will be interrupted.
  - The closure of Operation Sophia will also prevent the EU from continuing to support the implementation of critical UN Security Council resolutions in relation to migrant (2437), weapons (2420) and fuel (2441) smuggling. The EU is the only international actor reporting on the implementation of these resolutions to date. There is a risk that the UNSC decides not to renew some of these resolutions, notably that related to migrants smuggling. This situation has the potential for significant reputational damage for the Union and will require robust strategic communication efforts.

### **C) OPTION 2 – CLOSURE OF OPERATION SOPHIA WITH A CSDP FOLLOW-UP**

9. Given the above mentioned consequences determined by the closure of Operation Sophia the option of a limited CSDP follow-up action could be considered. Taking the form of a new non-executive CSDP mission it would allow preserving part of the current Operation's mandate with a focus on the activities targeted at supporting, monitoring and advising the LNCG.

#### **I) Objectives for CSDP action**

10. The proposed CSDP action could be delivered through a CSDP non-executive military mission focusing exclusively on capacity building of the LNCG. The overall objectives of the proposed CSDP action would be to contribute to maritime security off the coast of Libya through training, monitoring and advising the LNCG.
11. To avoid discontinuity in capacity delivery to the LNCG between the closure of Operation Sophia and the launch of a new action, Member states may decide to use Operation Sophia's existing framework for a bridging period. Such a decision would allow a gradual transfer of responsibilities to a new CSDP action.

12. The proposed CSDP action outlined below would be in full compliance with the EU Integrated Approach and would also include collaborative efforts with JHA agencies, in particular the EBCGA (Frontex) and EUROPOL where appropriate.

## **II) Mandate for a CSDP non - executive military mission**

13. **Building on the achievements by Operation Sophia and ensuring coherence and complementarity with other actions in this domain, by the EU and other players, the mandate of the proposed CSDP action would consist in Training, Monitoring and Advising the LNCG in order to support the development of its institutional and operational capacity and achieve a level of effectiveness at national level sufficient to operate autonomously, or with minimum support, in the conduct of its duties.**

## **III) Desired End-State**

14. The CSDP action has contributed to the enhancement of the overall security in the Central Mediterranean Region and the LNCG has developed the sufficient competence threshold and can operate at a level of autonomy necessary to ensure that support by a CSDP action is no longer required.

## **IV) Assumptions**

- Invitation received by the EU from the Libyan and (if needed) Tunisian authorities to establish such an action, and providing the CSDP Mission and its personnel with the necessary privileges and immunities;
- The necessary means and capabilities are made available by the EU Member States throughout the duration of the mandate;
- Full Libyan authority buy-in and appropriation throughout the duration of the proposed mandate;
- The LNCG will generate a training audience to develop the necessary capacity;
- Suitable training location(s)is (are) identified and appropriately equipped and resourced in and outside Libya;
- The appropriate legal, security and logistical arrangements will be in place in Tripoli for tasks that require presence in Libya.

**V) Pros and Cons of launching a dedicated CSDP non-executive military Mission**

15. This option builds on Operation Sophia's current activities in terms of training, monitoring and advising allowing the EU to contribute to the overall capacity building of the LNCG.

Pros:

- This would allow to continue Operation Sophia's capacity building, monitoring and advising activities;
- Allows the EU to continue supporting the LNCG to sustain security improvement in Libya's areas of responsibilities.

Cons:

- Given the limited activities such a mission would be performing most of the negative consequences of the closure of Operation Sophia would materialise. In addition the lack of naval assets could be seen as a disengagement from the EU in the Central Mediterranean;
- This option would not allow a continued support to the implementation of relevant UNSCRs;
- Reducing the action exclusively to cooperation and support to the Libyan Navy Coast Guard (via training, monitoring and advising) may carry a reputational risk for the EU, as it could be perceived as contributing to the Libyan policy of indiscriminate detention of migrants.

**VI) Tasks for a CSDP non - executive military Mission**(i) Training

16. The Mission will continue supporting the LNCG consistent with the existing non-executive tasks currently undertaken by Operation Sophia, that is; the facilitation of training personnel from the LNCG in duties required to fulfil the mandate and functions of an effective LNCG along the broad lines outlined above. The actual training of personnel will be conducted by EU MS either on European soil or elsewhere outside Libya.

17. Pending the establishment of a national training capacity for the Libyan coastguards under the EU Emergency Trust Fund programme "Support to the integrated border and migration management in Libya" (SIBMMIL), the new CSDP Mission would continue to **enhance the capability of the LNCG** in cooperation with other stakeholders, in particular General Administration for Coastal Security, to support law enforcement at sea, in particular the disruption of migrant smuggling and human trafficking from Libyan shores and to improve their ability to perform **search and rescue (SAR) activities**. The CSDP Mission would continue working with LNCG interlocutors to identify training needs and suitable candidates.
18. Specific training curricula whether for specialized coastguard duties or train-the-trainer courses will be identified during the course of a needs assessment building on the work initiated in this regard by Operation Sophia and in close coordination with the work undertaken by the SIBMMIL project.
19. **Building on and where possible, replicating Operation Sophia's practice, robust vetting procedures would need to be kept in place** for the selection of candidates and the Mission would have to contribute to efforts under the SIBMMIL project in designing traceability and accountability systems for those that have been trained.

(ii) Monitoring

20. Building on existing efforts undertaken by Operation Sophia, the Mission would perform its monitoring activities in parallel with training and advising. A further development of this task would require a more permanent presence ashore in Tripoli in direct support of the LNCG.

(iii) Advising

21. The Mission would provide advice in order to support the development of the competences of the LNCG at the institutional and operational levels. This activity would take place in Libya, potentially taking advantage of EUBAM's footprint in Tripoli with which it shall closely coordinate.
22. More specifically, the Mission would contribute to building sustainable capacities of the LNCG in full consistency with the objectives of the SIBMMIL project as undertaken with the Libyan authorities; support EUBAM in the drafting of the maritime strategy and support relevant efforts undertaken by other actors in the Maritime Sub Working Group (MSWG)<sup>1</sup>.

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<sup>1</sup> **Maritime Sub Working Group (MSWG)** : The group is co-chaired by the Libyan authorities and EUBAM and include EBCGA FRONTEX, Italian MoI, Italian Guardia di Finanza, Italian Coast Guard, Libyan Port Authority (MoT), Libyan Department of Telecommunication (MoTC), Libyan Coast Guard (MoD), GACS (MoI), Libyan Customs Administration (MoF) and Libyan Fishing Authority. EUDEL Libya, IOM and UNHCR attend are observers. Its objectives are 1) To assist the Libyan Port Authority in the drafting of the maritime strategy in accordance with the



**VII) Coordination**

23. The implementation of the above tasks would be underpinned by:
24. **Facilitating the improvement of the operational cooperation** between the relevant Libyan agencies and bodies as well as the cooperation with UN agencies and their partners in relation to coordination of activities, information sharing, processing and SOPs in close coordination with the actions of EUBAM.
25. **Mapping efforts** by all actors engaged in supporting capacity building of Libyan defence and security bodies, including providing **advice** at the strategic level.
26. Improving **coordination between CSDP and JHA agencies** where feasible and appropriate, in order to enhance the exchange of information and best **practice** for addressing organised crime networks involved in migrants smuggling, human trafficking as well as broader traffics and thereby contribute to overall counter terrorism efforts.

**VIII) Command and Control – Location**

- The proposed CSDP non-executive Mission would be under the command of the Military Planning and Conduct Capability (MPCC) and would need a Mission Force Headquarters (MFHQ);
- Subject to an invitation from the Tunisian authorities, the FHQ could be established in Tunis;
- Subject to the agreement of the Libyan authorities and provided that security conditions are in place, the FHQ could be gradually totally or partially deployed in Tripoli;
- A dedicated EU coordination mechanism with the Civilian Planning and Conduct Capability (CPCC) could be established, notably through the envisaged Joint Support Coordination Cell (JSCC).

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White Paper; 2) To support the Maritime Law Enforcement Agencies (MLEA) to assess their operational capacities and to develop a comprehensive Operational Concept, including maritime surveillance, tackling irregular border crossings, the strengthening of SAR operations and related coast guard functions; 3) To enhance the capabilities of MLEA, by identifying the training, equipment and any other related operational needs, in line with the Libyan Maritime Strategy/White Paper; 4) To Support coordination mechanisms of potential donors and provide advice and/or recommendations for new projects in the maritime domain; and 5) To serve as a platform for information sharing on capacity building projects and other initiatives planned or under implementation in Libya in the maritime domain.

**IX) Transition/ Exit strategy**

27. Should sufficient progress be made in supporting the development of the LNCG as an effective, trusted entity within the Libyan maritime border management and security architecture and following a Strategic Review conducted by EEAS Services confirming such progress, a transition should be considered. Termination of the CSDP action would be achieved in close coordination with the work of other European Union (EU) and International Community actors (IC). Residual work in building coastguard capacity may be handed over to: (i) one or a number of EU member states on a bi-lateral basis, (ii) EU instruments, or (iii) another partner.

**D) WAY FORWARD****OPTION 1 – Closure of Operation Sophia without a CSDP follow-up**

28. There will be a requirement for Athena's administrator and accountant to work towards terminating ongoing financial commitments and drawing up accounts that would need to be subsequently audited by the college of auditors and approved by the Athena special committee. Council Decision (CFSP) 2015/778 would subsequently need to be repealed in accordance with Article 13, third paragraph, thereof.

**OPTION 2 – Transition from Operation Sophia to a non-executive CSDP follow-up**

29. Should Member States, on the basis of this concept note, agree to a CSDP action, planning in compliance with guidelines on Crisis Management Procedures will start Depending on MS decision, the following steps could be considered:
30. A Crisis Management Concept (CMC) will be presented. Once the CMC is approved by the Council, a Council decision to establish the Mission will have to be adopted. Subsequent operational planning will follow, leading to the adoption of a Council decision to launch the Mission. The estimated timeline between MS decision to start the process and the adoption of the Council decision would take up to ideally 3 months (but most likely up to 5) while the deployment in country (in Tunisia as a first step, or Tripoli if conditions allow) until Initial Operational Capacity would require a further 2 months.

31. In parallel considerations for a possible Sophia-bridging until a new CSDP action is launched could be envisaged. A Council decision should be taken to establish a bridging period of up to 5 months, postponing the final closure of Operation Sophia whilst preparing for the launch of a new CSDP Mission. To facilitate this bridging option the following would be necessary:
- An announcement would be made before the end of the current mandate (31 March 2019) that the mandate of Operation Sophia will be extended by 5 months;
  - A period of transition would take effect from 1 April 2019 and last for up to five months until the launch of a new CSDP action;
  - To that effect, the Council will adapt (before 31 March 2019) a decision to set as final date of closure of Operation Sophia (for the purposes of the bridging phase) the 31 August 2019;
  - The termination of the bridging period would take effect on 31 August 2019 (5 months).
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