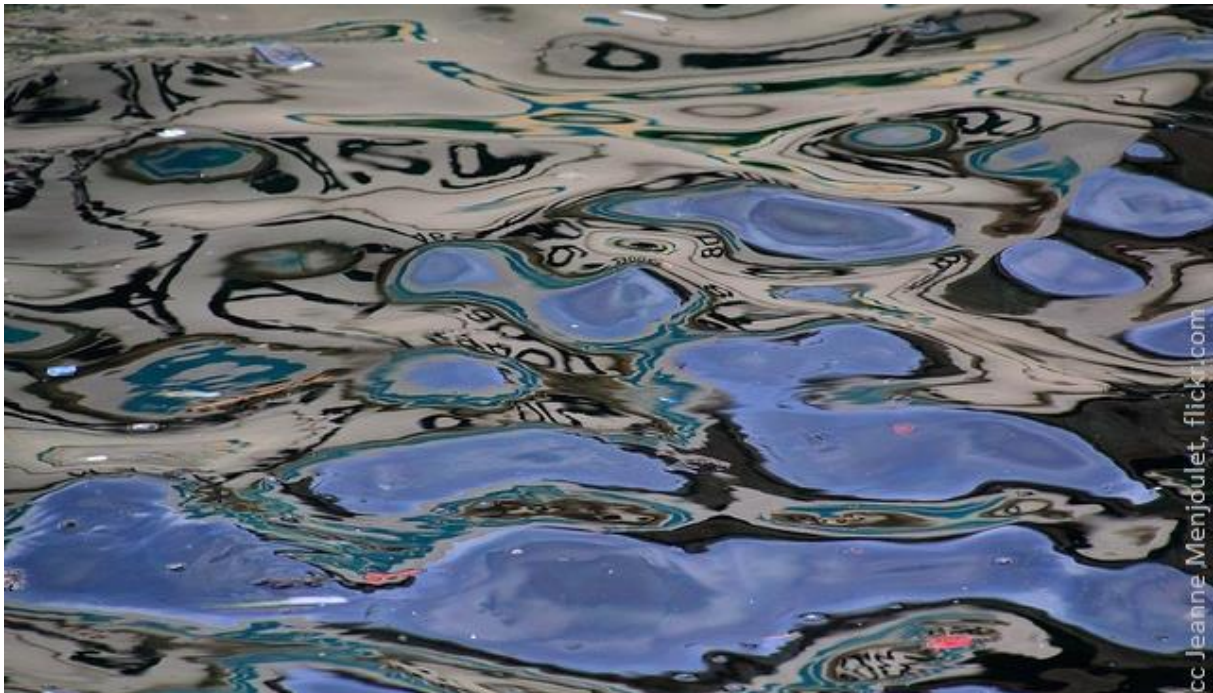

In troubled waters: What does the future hold for Operation Sophia?

Lucas Rasche

Policy Fellow at the Jacques Delors Institute Berlin



In a row over the disembarkation of migrants rescued at sea, the Italian government has brought the EU's maritime military Operation Sophia to the verge of collapse. As its current mandate expires on 31 December 2018, Lucas Rasche explores what the trouble about Operation Sophia is really about. In this policy brief he argues that a lack of responsibility sharing among EU member states has been responsible for the stalemate in negotiations over a new mandate and outlines three options for the future of Operation Sophia.

1 Operation Sophia in the spotlight

More than three years after its launch in 2015, the future of the EU's maritime military mission Operation Sophia is uncertain. On 31 December 2018, the operation's current mandate will expire. Negotiations over a renewal of the mandate were [stalled](#) in the EU Political and Security Committee (PSC) until the [Italian government recently agreed](#) to a 90-day extension. Although EU defence ministers generally wished to continue the operation, a refusal by the Italian government to allow the disembarkation of vessels with rescued migrants aboard has been standing in the way of a new mandate. The provisional extension is now giving member states more time to agree on a disembarkation mechanism. However, the last-minute extension disregards that the origin of current disputes lay in a general lack of responsibility sharing enshrined in the legislative framework of EU migration policy.

Whereas the operation was initially received with broad support from all EU member states, Italy's new government has used it as leverage in the current negotiations over a reform of the Dublin regulation. Amid the controversy about Operation Sophia, this policy brief recollects what the operation has initially been about and what it has achieved so far. It further analyses the reasons for the current trouble to agree on a renewal of its mandate and outlines three options for the future of Operation Sophia.

Operation Sophia at a glance

Area of operation: Central part of the Southern Mediterranean Sea

Headquarters: Rome, Italy

Operation Commander: Rear Admiral Enrico Credendino (Italian Navy)

Mission launch: 22 June 2015

Mandate approved until: 31 December 2018

Task force's flagship: ETNA (Italian auxiliary ship)

Force strength: 4 naval units (1 Italian landing platform dock; 1 German frigate; 1 Spanish frigate; 1 French frigate), 2 helicopters (1 Spanish and 1 Italian) and 2 air assets (1 Luxembourg and 1 Spanish)

Contributing member states: 26 (all EU member states except for Denmark, which has an opt-out from CSDP, and Slovenia)

Operation budget (common costs): July 2017 – December 2018: EUR 6 million

The mission's first budget from June 2015 to August 2016 was EUR 11.8 million. The common costs are monitored by the ATHENA Committee of member states.

2 Looking back on the operation's mandate

The Common Security and Defence Policy (CSDP) operation EUNAVFOR Med – codenamed Operation Sophia – was launched on 22 June 2015 following a series of tragic shipwrecks in which more than 1000 migrants are believed to have lost their lives. In response to the unfolding ‘migration crisis’ [the Council highlighted](#) Operation Sophia’s ‘strong commitment to act in order to prevent human tragedies resulting from the smuggling of people across the Mediterranean’. Despite the humanitarian narrative employed in the decision to its launch, Operation Sophia is no explicit search and rescue (SAR) mission. It therefore only partly replaces the Italian search and rescue operation Mare Nostrum, which had been suspended in October 2014 due to disagreements between Italy and the EU over sharing the mission’s EUR 9 million annual cost.

While Operation Sophia is obliged under maritime law to conduct search and rescue activities, its main purpose is to deter human trafficking networks. To this end, the operation’s mandate is divided into four consecutive phases.

1. The first phase involved building an understanding of smuggling activities and methods in Libya.
2. On 7 October 2015 the operation moved to phase two, which foresees to board, search, seize and divert vessels suspected of being used for smuggling on the high seas.
3. Under phase three the same is supposed to be done in the territorial waters of Libya. However, the absence of a stable Libyan government and the volatile situation throughout the country have prevented the EU from obtaining formal consent by Libya’s Government of National Accord (GNA) or the United Nations and thus hindered the operation from initiating phase three.
4. Phase four, which would imply taking all necessary measures against vessels and other assets on Libyan territory, has been unattainable for the same reasons.

Given these circumstances, the mandate of Operation Sophia has undergone significant adaptations, which underline the operation’s character less as a traditional defence rather than as a police and capacity building mission. On 21 June 2016 the Council added to the mandate the [task of training the Libyan Coast Guard and Navy](#) as well as contributing to the implementation of the UN arms embargo against Libyan terrorist groups on the high seas. In July 2017, the Council further broadened the mandate by adding a monitoring mechanism of the long-term efficiency of training the Libyan Coast Guard and by making the surveillance of illegal oil trafficking part of the mission’s objectives.

A bag of mixed results

More than three years after its inception, the results of Operation Sophia are mixed. Its primary objective to deter human trafficking networks in Libya remains difficult to achieve as long as the mission is unable to operate in Libyan territory. The decision to instead focus on training and equipping the Libyan Coast Guard is supposed to make up for that circumstance by enabling the Libyan authorities to manage their maritime borders themselves.

Since October 2016, Operation Sophia has trained 213 personnel of the Libyan Navy and Coast Guard. An additional 100 people are supposed to complete the training by the end of 2018. The training involves building capabilities to undertake search and rescue activities, disrupt trafficking and is accompanied by modules on human rights, refugee law and law enforcement

under the guidance from UNHCR, IOM and Frontex. By the end of this year, the Libyan Coast Guard has been responsible for the [interception of around 15.000 migrants](#) during 115 sea operations. In the three years since its inception, Operation Sophia has helped [saving roughly 44.000 lives](#).

However, preparing the Libyan Coast Guard to deter human trafficking networks whilst upholding human rights standards remains a major challenge. On the one hand, the Libyan Coast Guard is operating under extremely difficult circumstances. Departure zones are hard to control, as the 2015 crackdown on smugglers in Zuwara showed which simply redirected smuggling activities to Sabratha and other coastal areas. The Libyan Coast Guard is further [confronted with professionalised armed groups](#) that increasingly take over the smuggling industry by presenting themselves as law enforcement. On the other hand, reports by [The Times](#) and [OHCHR](#) accuse the Libyan Coast Guard of severe human rights abuses, such as whipping and beating rescued migrants as well as threatening NGO staff.

Operation Sophia was launched in an attempt to reduce the increasing number of arrivals in the EU and the concomitant casualties that resulted from the perilous journey across the central Mediterranean. The actual impact of Operation Sophia is difficult to ascertain. However, the dynamics on the central Mediterranean have changed since its inception. Whereas irregular border [crossings via the central Mediterranean have fallen](#) from 170.000 in 2014 to 21.000 in the first nine months of 2018, the route has become increasingly deadly. The [number of people who did not survive the passage increased](#) from one in 30 (2017) to one in 16 (2018). The central Mediterranean is responsible for only 25% of all arrivals to the EU – including arrivals via the land route – yet it accounts for [88% of recorded casualties](#).

3 Why all the trouble about Operation Sophia?

The fact that Operation Sophia has come close to being suspended at the end of its current mandate on 31 December 2018 is less a product of its mixed achievements than of a drastic change in the Italian position towards the operation.

Italy has initially been a strong supporter of an EU naval mission in the central Mediterranean. [In 2013](#) the Italian Foreign Affairs and Defence Ministers presented a proposal to the EU for 'the establishment of a naval rescue operation and the fight against traffickers' under the framework of a CSDP mission. Apart from Malta, the other [member states however refused the idea](#) at the time, arguing that it would lead to a blurred distinction between internal and external policies. In the face of several deadly shipwrecks during the first half of 2015 this attitude changed quickly and provided new momentum for Italy's previously rejected proposal. Following an unusually quick process, EUNAVFOR Med was launched with wide support from the member states. Italy further strengthened its fingerprint on the operation by offering to serve as its framework nation and by hosting the Joint Operations Headquarters in Rome. Italian Rear Admiral Enrico Credendino was respectively chosen as the operation's commander.

With a new government coming into office in March 2018, Italy's initial enthusiasm for Operation Sophia quickly turned into firm opposition. Italy's new Minister of the Interior, Matteo Salvini from the right-wing Lega party, has been particularly vocal in accusing the EU to place a disproportionate burden on his country.

In July 2018, Salvini entered into a standoff with EU heads of states by demanding that asylum seekers due to disembark in Italy were only allowed to do so, if immediate relocation to other member states was ensured. This decision has led to several instances in which other member states saw themselves [forced to take in asylum seekers stranded in Italian ports](#) by de-facto circumventing existing Dublin rules.

Whereas most cases in which Italy forced other member states to participate in the immediate relocation of asylum seekers applied to NGO vessels, the new government soon turned an eye on Operation Sophia. On 30 August 2018, Italy's Minister of Defence demanded that the operation's mandate be [revised to include a rotation of landing ports](#) in other countries, such as France or Spain. Although the [proposal was refused](#) in the EU Foreign Affairs Council, [Salvini reiterated](#) his government's position, arguing that 'We firmly maintain our unwillingness towards disembarkation procedures that provide for docking only in Italian ports [...] Without consensus on our positions, we do not feel it is appropriate to continue the mission.'

Italy's turn against Operation Sophia conflates with a proposal to establish so-called regional disembarkation platforms that would allow for the external processing of asylum applications and reduce the number of migrants landing in European ports. The idea rests on the support by many member states, such as Austria or Hungary, and even [found its way into the June 2018 European Council conclusions](#).

The change in Italy's position towards Operation Sophia must be seen against the backdrop of a deadlock in current negotiations over a reform of the Common European Asylum System (CEAS). According to the existing Dublin regulation, Italy is responsible for the majority of arrivals that enter the EU via the central Mediterranean route. Since 2016, member states have unsuccessfully attempted to agree on a mechanism that guarantees a shared responsibility for registering and hosting asylum seekers, causing deep frustrations in the Italian government.

With no reform in sight, Salvini has effectively conflated the dispute over a lack of internal responsibility sharing with the external realm of EU migration policy. Italy's new government is thus exploiting Operation Sophia and the situation of migrants aboard its vessels as a means to push its own agenda in the dispute over a reform of the Dublin regulation.

4 Policy Options

While EU member states might agree on a provisional extension of Operation Sophia for three or even six months, this merely postpones a decision over the operation's future. Not to suspend the mission at this point leaves member states with three options in the forthcoming negotiations.

No agreement

A unanimous decision by the member states is necessary in order to renew the mandate for Operation Sophia. Whether Italy will change its current position is unclear. In a ministerial meeting, Italy's Minister of Defence, Elisabetta Trenta, [pointed to additional costs](#) and a worsening of Italy's relationship with Libya as possible consequences of pulling out of Operation Sophia.

Should the operation be suspended, member states need to decide which parts of the mandate would be assumed by other actors. The EU and its member states have a vested interest in further developing the capabilities of the Libyan Coast Guard, which has become the operation's major added value to EU migration management. In order not to undermine earlier efforts and to further enhance the Libyan Coast Guard's human rights compliance the task would have to be assumed either by Frontex or by individual member states. Another consequence of the operation's retreat from the high seas would be that even less search and rescue activities are conducted on the central Mediterranean route. Oversight of the UN arms embargo would be equally difficult to maintain.

Technical Compromise

According to a technical compromise proposed by the EU's High Representative for Foreign Affairs Federica Mogherini, the national Maritime Rescue Coordination Centres (MRCC) in charge of coordinating a search and rescue activity would decide on an appropriate landing port. In its decision, the respective MRCC must take the circumstances of any search and rescue mission into account, such as the medical condition of migrants aboard and the location of the ship. Should another row over the landing of a vessel unfold, the member state whose MRCC is coordinating the search and rescue activity must allow disembarkation in one of its ports – given that enough other member states voluntarily commit to an immediate relocation of the rescued migrants.

The compromise is trying to accommodate Italy's demand for a rotation of landing ports. However, Italy would de facto remain responsible for most disembarkation procedures. Under international maritime law ships are required to disembark at the nearest port of safety. With regard to migrants rescued along the central Mediterranean route, this would mostly be either Italy or Malta. Another pitfall of the proposal is its failure to address the issue of relocation. In light of the unwillingness of many member states to participate in the relocation of asylum seekers, the proposed compromise provides another reason for the Italian government to use Operation Sophia as an alleged symbol for the disproportionate burden placed on Italy by the EU.

Relocation mechanism

The previous two options show that to agree on a sustainable mandate for Operation Sophia it is necessary to establish a mechanism allowing for more responsibility sharing among the member states. Italy will likely remain a major landing point for people crossing the Mediterranean and the ad-hoc solutions of the past summer have only worsened the spirit of cooperation in the EU. Instead of continuing to walk down that road, there are two possibilities to manage the relocation of rescued migrants.

On the one hand, the immediate relocation of asylum seekers could be organised under the Dublin regulation. For that to happen, member states would need to agree on a fair share of migrants to be accepted by each member state and on the criteria determining a person's eligibility for relocation. On the other hand, relocation could take place in a separate mechanism along the lines of the 2015 emergency relocation scheme, which applied a [temporary derogation](#) of the Dublin regulation. France and Germany proposed a similar idea at a recent meeting of EU Interior Ministers. To ensure a respective proposal passes the Council, participation would have to be voluntary with abstaining member states being obliged to make financial compensations instead.

5 Conclusions

A provisional compromise to extend the mandate of Operation Sophia for another three months has granted member states more time to agree on the operation's future. In light of the volatile situation in Libya, it is unlikely that the operation will be able to follow through on the next phases of its mandate. Training the Libyan Coast Guard has provided the operation with added value but remains a challenging task.

However, the trouble about Operation Sophia is less a result of its modest achievements than the outcome of a drastic change in Italy's position on the mission. Having played a major role in the process leading up to its launch and in its implementation, the new Italian government has placed Operation Sophia at the brink of collapse. The main reason its sudden change of mind can be found in Italy's decision to conflate the dispute over a reform of the Dublin regulation with the situation in the central Mediterranean.

Three options for the future of Operation Sophia remain on the table once the provisional extension of its mandate expires. All of them highlight the difficulties that arise from an operational mandate touching upon the internal and external realm of EU migration policy. They equally show that a solid future mandate requires member states to agree on a mechanism allowing for more equal responsibility sharing.