



Analysis

The EU's military mission against Mediterranean migration: what "deterrent effect"?

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Operation Sophia, the EU's military mission targeting migrant smuggling in the Mediterranean, has a "deterrence effect" that "by its presence alone, enhances security in the Mediterranean," according to an internal report by the Italian naval officer in charge of the deployment. Yet as people continue crossing the central Mediterranean, and increasing numbers of them die whilst trying to do so, the only reasonable question to be asked is: what deterrent effect?

Changes in migration patterns

The report, [1] written by the head of Operation Sophia, Italian Rear Admiral Enrico Credendino, was sent from the European External Action Service to the Council of the EU's Political and Security Committee and the EU Military Committee at the end of November. It covers the operation's work between 1 January and 31 October this year.

During that period the "Central Mediterranean Route" (primarily between Libya and Italy) has become "the most intensively used pathway into Europe" after the EU-Turkey deal effectively closed down the Aegean route from April onwards.

While there has been a huge drop in the number of people travelling from Turkey to Greece, the number of people travelling from North Africa towards Italy has remained broadly similar to 2015 (albeit with some significant spikes, such as in March and October [2]). An increase in deaths meant that by mid-November, 2016 was already the deadliest year on record for migrants attempting to cross the Mediterranean.

According to figures published by the International Organisation for Migration, 3,777 people are known to have died or gone missing crossing the Mediterranean during 2015, while from

[1] 'Working document of the European Union External Action Service, EUNAVFOR MED Op SOPHIA - Six Monthly Report 1 January - 31 October 2016', Council document 14978/16, RESTRICTED, 30 November 2016, <http://statewatch.org/news/2016/dec/eu-council-eunavformed-jan-oct-2016-report-restricted.pdf>

[2] See the chart 'Comparison of monthly Mediterranean sea arrivals to Italy', <http://data.unhcr.org/mediterranean/country.php?id=105>

1 January to 31 October this year (the period covered by the report) that figure was 3,981 in the Mediterranean as a whole and 3,504 for the Central Mediterranean. [3]

The IOM's latest figures for the year, covering the period to 12 December, show 4,742 people dead or missing. The journey from North Africa towards Italy remains by far the most deadly of the "options" in the Mediterranean, as pointed out by a UNHCR spokesperson at the end of October:

"From one death for every 269 arrivals last year, in 2016 the likelihood of dying has spiralled to one in 88. On the Central Mediterranean route between Libya and Italy the likelihood of dying is even higher, at one death for every 47 arrivals." [4]

As the first sentence of Credendino's report states: "Irregular migration across the Mediterranean continued at around the same levels as in the previous reporting period." The number of deaths, meanwhile, has increased. The so-called deterrent effect does not seem to be borne out in the statistics.

Saving lives at sea

The report notes that Operation Sophia has played a part in preventing a significant number of deaths. Between January and October this year it was involved in "154 SOLAS [Safety of Life at Sea] events, rescuing 20,980 migrants during these ten months, 5000 of them... in extreme difficulties," and in total "the operation has also completed the rescue of nearly 29,317 migrants (4724 female and 1701 minors), recovering them to a place of safety."

Credendino is quick to reassure his readers – EU and Member State officials to whom the report is addressed – that this humanitarian role has no effect on the number of people heading to Europe:

"The number of persons rescued by our assets accounts for only 13 percent of the total number of migrants rescued on the CMR [Central Mediterranean Route], which cannot be regarded as decisive in terms of a "pull factor"."

In fact, he seems to say that Operation Sophia makes little difference at all in terms of saving lives – due to the high volume of merchant shipping traffic, it is argued, "rescues would take place regardless of ENFM's [EUNAVFOR MED] presence."

NGO search and rescue operations as a "pull factor"

Warships and merchant ships are far from being the only vessels in the area. According to the report there are 26 NGOs undertaking rescue operations with boats registered in the Central Mediterranean area, and some now operate in Libyan territorial waters where they have witnessed or been subject to violence meted out by men in boats operating with Libyan Coast Guard insignia (the report mentions incidents on 17 August, 9 September and 21 October). [5]

[3] Figures as stated on IOM Missing Migrants Project website on 14 December 2016, <https://missingmigrants.iom.int/mediterranean>

[4] 'Mediterranean death toll soars to all-time high', *UNHCR*, 25 October 2016, <http://www.unhcr.org/news/briefing/2016/10/580f1d044/mediterranean-death-toll-soars-2016-deadliest-year.html>

[5] In relation to the incident on 21 October, see: "Libyan coastguard' speedboat attacked migrant dinghy, says NGO', *The Guardian*, 21 October 2016, <https://www.theguardian.com/world/2016/oct/21/men-on-libyan-coastguard-boat-reportedly-attack-dinghy-of-refugees-and-migrants>

According to Credendino, however, the NGOs are causing trouble:

“The migration flow is assessed to be affected by this increased presence of NGO’s that are ready to rescue migrants within the limit of, and sometimes inside, Libyan territorial waters. It could be argued that by operating so close to the Libyan territorial waters the NGO presence has allowed the smugglers to recover boats to the shore more easily for re-use.”

Similar claims have recently been made by EU border agency Frontex, according to the *Financial Times*. A confidential report mentioned the: “First reported case where the criminal networks were smuggling migrants directly on an NGO vessel.” [6]

Credendino’s report goes on to say:

“During the reporting period subtle changes were observed in the smugglers’ tactics. Whereas initially smugglers used large numbers of powered rubber boats enabling the transport of a maximum number of migrants up to the limit of territorial waters, the new modus operandi entails a skiff towing a rubber boat without an engine, which is then left adrift. This relies on the availability of NGOs, and sometimes merchant vessels, to carry out the rescue.”

Using a boat with no engine attached would of course lower smugglers’ overheads, and similar cost-cutting measures can be seen elsewhere – according to Credendino’s report, it is increasingly common for boats to depart without satellite phones on board, because “smugglers seem to be aware where they can reliably find rescuing assets particularly from the NGO’s who broadcast their position via the Automatic Identification System (AIS).”

Operation Sophia, of course, aims to seize and/or destroy the boats used by smugglers in order to prevent them being used again. Combined with the threat of prosecution, this makes up the “deterrent effect”.

The report says between January and October 269 boats were destroyed or confiscated, while “53 persons suspected of smuggling migrants or facilitating such smuggling were arrested by the Italian judicial authorities following information provided or action taken by the Operation.”

In total, the operation:

“[H]as to date disposed of 337 migrant vessels preventing them from being re-used by smugglers, while 99 suspected migrant smugglers/human traffickers have been arrested following information provided or action taken by the Operation.”

Destroying boats to save lives?

The report is blind to the possible effects that Operation Sophia may have had on the situation: by destroying boats used by smugglers, the military mission has encouraged changes in the *modus operandi* of smugglers that puts migrants at greater risk. The *Financial Times* report cited above notes:

“NGO workers blamed the increased numbers of deaths on smugglers changing tactics and sending people out on increasingly unseaworthy vessels — a trend that they blamed on a crackdown on people smugglers by EU authorities.”

[6] Duncan Robinson, ‘EU border force accuses charities of collusion with migrant smugglers’, *Financial Times*, 15 December 2016, <https://www.ft.com/content/3e6b6450-c1f7-11e6-9bca-2b93a6856354>

Another new smugglers' technique that has come about during the reporting period involves one rubber boat towing another (thus presumably only with one engine between them both), with "jackals" following in order to try to recover the boats after their occupants have been rescued. The report argues that:

"The new focus on recovery of vessels suggests that ENFM's destruction of vessels is having an impact on the supply of outboard engines, combined with smugglers' desire to maximise their profits."

Such an "impact on the supply of outboard engines" would of course be a significant factor in smugglers deciding to use one rubber boat to tow another, or a skiff towing and leaving adrift a rubber boat with no engine, putting people at even more risk than they would be otherwise. As Credendino is aware: "The majority of migrants still die inside or very close to Libyan territorial waters."

The report *Death By Rescue*, published earlier this year, argued that:

"[The EU's] policy of retreat from state-led Search and Rescue (SAR) operations shifted the burden of extremely dangerous search and rescue operations onto large merchant ships, which are ill-fitted to conduct them. In this way, EU agencies and policy makers knowingly created the conditions that led to massive loss of life in the April shipwrecks. Death by rescue was thus the outcome of the EU's policy of non-assistance." [7]

Similarly, the policy of destroying boats appears to be playing a role in creating even more dangerous conditions for migrants at sea. If this is supposed to be part of the "deterrent effect", the numbers of people that continue to cross the Mediterranean – and the growing numbers of people dying – make clear that it is not working. The risk of death is not a deterrent to desperate people.

Deterrent? What deterrent?

It is of course impossible to say whether there would be more people crossing the Mediterranean had Operation Sophia *not* been in place – but claiming that the mission has a "deterrent effect" on migration at a time when the number crossings has remained "steady" and the number of deaths at sea has increased involves a very creative interpretation of the word "deterrent".

In the long-term the EU's intention is for a functioning Libyan coastguard to prevent people leaving the country. Staff deployed with Operation Sophia have begun training Libyan officials, and so far around 80 people have participated in courses:

"Training teams from UNHCR and FRONTEX are in charge of modules on human rights and refugee law and law enforcement respectively. The training is strictly limited to coastguard and law enforcement functions."

Judith Sutherland of *Human Rights Watch* has made some perceptive points about the EU's training of the Libyan coast guard:

"EU-flagged vessels are bound by the principle of non-refoulement, which bars returning anyone to a place where they face threats to their lives and freedoms. If migrant boats intercepted in Libyan waters by Libyan vessels are taken back to Libyan shores, however, the EU non-refoulement obligations would not be triggered. Libya

[7] <http://deathbyrescue.org/>

has not ratified the international refugee convention, does not have a functioning asylum system, and, as stated above, subjects migrants and asylum seekers to abuse.” [8]

The current EU policy in this respect is to train the Libyan coastguard “to deliver significant effect in reducing migrant flows,” so that people can be taken back to the mainland and risk their lives there instead of at sea. The fact that people have a desperate and legitimate need to escape Libya does not seem to come into the equation. [9]

A bleak reality

Credendino remarks at one point that: “The existence of migration along the CMR is a reality that must be managed as safely and effectively as possible.” He offers a bleak vision of what this constitutes:

“Military units, such as ENFM ships, can operate even in challenging weather conditions, ensure a medical and health screening in order to contain any pandemic risk in countries of arrival, security checks in order to report suspects to responsible authorities as well as whenever necessary provide security to ships belonging to NGOs, FRONTEX etc. ENFM also provides early maritime situational awareness to NGOs of emerging rescue tasks through its Maritime Patrol Aircraft capability.”

The reality of some peoples’ migration to Europe is of course managed far more “safely and effectively” than that in the Mediterranean. For those with the right nationality, papers and permissions, all they have to do is buy a plane or boat ticket, get on board, and enjoy the journey. EU rules that fine companies for transporting the “wrong” people make this impossible for many; instead they spend vastly greater sums on life-threatening journeys in little rubber boats.

In the short-term, the need for a large-scale search and rescue operation in the Mediterranean remains clear. In the long-term, eliminating carrier sanctions and ensuring that there are meaningful safe and legal ways to travel to Europe (not to mention a meaningful discussion about the deep structural causes of large-scale migration) is the only alternative to the ongoing tragedy in the Mediterranean.

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[8] Judith Sutherland, ‘Why Cooperating with Libya On Migration Could Damage the EU’s Standing’, *Human Rights Watch*, 7 November 2016, <https://www.hrw.org/news/2016/11/07/why-cooperating-libya-migration-could-damage-eus-standing>

[9] Lizzie Dearden, ‘Majority of refugees arriving in Europe never wanted to come to continent’, *The Independent*, 22 November 2016, <http://www.independent.co.uk/news/world/europe/refugees-europe-never-wanted-to-come-libya-mediterranean-deaths-economic-migrants-torture-abuse-a7432066.html>



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