



# EU Politico-Military Group advice on the military intervention against "refugee boats" in Libya and the Southern Central Mediterranean

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## Description

This is the document of recommendations from the Politico-Military Group (PMG) and Committee for Civilian Aspects of Crisis Management (CIVCOM), who work with the support of the General Secretariat of the Council in the Council of the European Union, to the Political and Security Committee (PSC) on the "Draft Crisis Management Concept for a possible CSDP operation to disrupt human smuggling networks in the Southern Central Mediterranean".

On 5th May 2015 the PSC discussed a possible EU military CSPD operation to disrupt human trafficking networks in the Southern Central Mediterranean region, including seizure or destruction of shipping vessels, based on a Crisis Management Concept (CMC).

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**NOTE**

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**From:** General Secretariat of the Council  
**To:** Political and Security Committee

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**Subject:** PMG Recommendations on the draft Crisis Management Concept for a possible CSDP operation to disrupt human smuggling networks in the Southern Central Mediterranean

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Delegations will find attached the PMG Recommendations on the draft Crisis Management Concept for a possible CSDP operation to disrupt human smuggling networks in the Southern Central Mediterranean, as finalised by the Politico-Military Group, reinforced by Committee for Civilian Aspects of Crisis Management, on 12 May 2015.

**PMG RECOMMENDATIONS ON THE DRAFT CRISIS MANAGEMENT CONCEPT FOR  
A POSSIBLE CSDP OPERATION TO DISRUPT HUMAN SMUGGLING NETWORKS IN  
THE SOUTHERN CENTRAL MEDITERRANEAN**

**I. INTRODUCTION**

1. On 5 May 2015, the PSC tasked PMG, reinforced by CIVCOM, to provide Recommendations on the draft Crisis Management Concept (CMC) for a possible CSDP operation in the Southern Central Mediterranean.
2. The PMG discussed these Recommendations, reinforced by CIVCOM, on 6, 8 and 11 May. The following reflects these joint discussions.

**II. CONSIDERATIONS**

**General**

3. The PMG welcomes the draft CMC and considers it a sound basis for further planning. It recognizes that the CMC draws upon the relevant analysis in the PFCA for Libya (doc. 7886/15, dated 13 April 2015) and that, although the focus of the possible operation is on the crisis in the Southern Central Mediterranean, the issue has relevance to the situation in the Eastern Mediterranean as well.
4. The PMG notes that the CMC has been developed in response to, and in line with, the Extraordinary European Council of 23 April 2015. It highlights that the possible CSDP military operation constitutes an important contribution to the European efforts to disrupt human smuggling networks and is thus an essential part of a broader, comprehensive EU approach to the current crisis evident in the Southern Central Mediterranean. It also reaffirms the importance of the UNSMIL-led political dialogue.

5. The PMG further notes the dynamic nature of the crisis and underlines the need for a flexible and iterative approach in order to provide as rapid and effective a response as possible. In this regard the PMG notes that the smugglers' business model will invariably adapt and that a very close focus will need to be maintained at PSC level to both analyze and react effectively to these events.
6. The PMG highlights the need for a clear and achievable end-state, based on measurable operational benchmarks. It supports the proposed one year mandate for the operation. It notes that the transition strategy for the operation is also inherently linked to its coordination with other EU instruments and programmes as part of the broader approach on migration, including on economic development and other external factors beyond the control and remit of the operation itself. The PMG stresses the need for follow-up in this regard, as part of the broader approach to the crisis.
7. The PMG recalls that the overall aim of the European Council of 23 April is to prevent further loss of life at sea, committing to: strengthening our presence at sea; fighting traffickers/smugglers in accordance with international law; preventing illegal migration flows, and reinforcing internal solidarity and responsibility.
8. The PMG recognizes that Search and Rescue, while not part of the core mandate of the operation, is an international obligation of the ship masters of the vessels participating in the operation, in accordance with SOLAS, UNCLOS and SAR Convention. The PMG therefore highlights the importance that the vessels assigned to the operation are ready and equipped to perform these duties under the coordination of the competent Maritime Rescue Coordination Centre. It furthermore stresses the need for public messaging to avoid misperception on the operation's mandate and to manage expectations.
9. The PMG notes that the objective for the CSDP Operation, as agreed at the European Council, is to contribute to systematic efforts to identify, capture and destroy vessels before they are used by traffickers. In this regard, the PMG stresses the importance of intelligence gathering and sharing for the success of the operation.

10. The PMG considers that a visible EU naval presence in the vicinity of the embarkation areas could have a counterproductive effect in preventing human smuggling due to the possible increase in smuggling activity that could be drawn to the EU presence.
11. The PMG also underlines the need for a clear division of labour and competences, as well as close coordination and complementarity, between FRONTEX and the future CSDP operation.
12. The PMG also notes that the European Council has called for swift action by Member State authorities in co-operation with EUROPOL, FRONTEX, the European Asylum Support Office (EASO) and EUROJUST, as well as through increased intelligence and police-cooperation with third countries and other partners in order to “disrupt trafficking networks and bring the perpetrators to justice and seize their assets.” The PMG supports, in this respect, the proposed inclusions of appropriate expertise, including gendarmerie/coastguard personnel, in the possible operation and recommends that this is considered in further planning.

### **Legal Issues**

13. The PMG recalls the European Council Conclusions foresee that the measures must be taken in accordance with international law. It welcomes efforts underway in the UN Security Council (UNSC) to obtain a Chapter VII mandate for the possible operation, based on a Libyan request.
14. The PMG notes that whilst a UNSC mandate is not legally necessary for the first phase and parts of the second phase of the operation, early approval by the UNSC would be politically important. In order to carry out all tasks foreseen for phase 2, as well as phase 3, UNSC authorization is a necessary prerequisite.

15. The PMG stresses that the legal and operational arrangements for the processing of migrants, refugees, asylum seekers, smugglers and seized vessels, including also procedures for the proper handling of any complaints, are a complex issue and have relevance for other EU policies. It notes in this regard that International law, including humanitarian and refugee law, and Human Rights must always be adhered to and respected. The PMG urges early and continued effort through operational planning, legal arrangements and diplomatic engagement to clarify these issues ahead of the envisaged operation's launch and resolve the necessary elements, in order to allow operational effect and underpin public messaging. In this regard, also the exact Joint Operations Area (for logistical purposes) and Area of Operations should be defined in subsequent planning.

### **Mission Design**

16. The PMG welcomes the phasing of the mission outlined in the CMC. It stresses that decisions to transition between phases should be made by the PSC based on a recommendation from the OpCdr, supported by routine reporting from the operation, with a view to reaching Phase 3 as soon as possible.

### **Coordination**

17. The PMG stresses the need for close coordination between the possible CSDP operation and other EU actors in the area. Apart from FRONTEX these include also EUROPOL, EASO and EUROJUST, and CSDP missions in the wider region, all of which will be fundamental for the success of the envisaged CSDP operation.
18. The PMG also welcomes the importance given in the CMC on the need for continued, close engagement and coordination with a broad range of actors ranging from regional countries, regional bodies and international organizations including inter alia the UN (including the UNHCR), LAS, AU, NATO and IOM.

**Information Strategy**

19. The PMG highlights the fundamental importance of a coherent and effective Information Strategy throughout the operation's lifespan, tailored carefully both for EU and a variety of external audiences, including Libya, neighbouring countries, the migrants and the smugglers as well. This information strategy should consider the CSDP operation in the wider context of European Council decisions and the broad array of other EU measures with regard to illegal migration flows and human smuggling.

**III. RECOMMENDATIONS**

On the basis of the considerations above, the PMG recommends the PSC to agree these Recommendations.

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