

THURSDAY 3 MARCH 2016

Members present

Baroness Coussins
Lord Dubs
Lord Horam
Earl of Oxford and Asquith
Lord Risby
Lord Stirrup
Baroness Suttie
Lord Triesman
Lord Tugendhat (Chairman)

Examination of Witness

Lieutenant General Wolfgang Wosolsobe, Director-General, European Union Military Staff
(via video link)

Q17 The Chairman: Good morning, Lieutenant General. As I am sure you are aware, this is a formal meeting of our Committee, as part of our inquiry into Operation Sophia. Therefore, it is being recorded and you will be sent a transcript of the exchanges when we have finished. You have been sent a list of questions and we will stick fairly well to it, but as there are quite a lot we are going to merge some of them, and that will, I think, be clear to you as we go along. Some of my colleagues may also wish to ask supplementaries from time to time.

If I might begin, there are three questions, which we have sent you, about the assessment of the mission. The first suggests that the assessment phase [Phase 1] of Operation Sophia was not very effective in that it gained information only from smugglers' clients and not from the smugglers themselves. It would be useful to have your view on the quality of the information gained. It would also be very helpful to have your assessment of the effectiveness of the mission to date.

Finally, one of the criticisms of the mission is that it is arresting and detaining very low-level targets, because the majority of boats that are sent out into international waters are on their own without any smugglers on board. The result is that you are not making a sufficient dent in the business model of the traffickers and smugglers. Again, I wonder if you could comment on that, in particular the suggestion that the migrant and refugee routes have merely shifted to the Western Balkans and could easily shift back again.

Lt Gen Wolfgang Wosolsobe: I have well understood your questions, which correspond very well to the first three questions of the set that we received. I will start by speaking about the general assessment. It was recognised from the outset that Sophia needed to be treated as a multidimensional operation, in the same way in which the UK's contribution for example to the counternarcotic action in the Caribbean has taken advantage of and harnessed the legal authority vested in the US Coast Guard law enforcement detachments that the Royal Navy units embark there. Accordingly, a number of processes and procedures were developed and have evolved to satisfy the intelligence-gathering requirement.

It is useful to remember that Sophia is not the unique actor here. The EU has a number of instruments available, which benefit from very good mutual interoperability and co-operation, in association with the legal framework that is provided by the Italian authorities. I can report that a number of migrant smugglers have been arrested and detained in Italy for ongoing juridical processes and eventual prosecution.

Processes have also been developed to gain information from the migrants themselves, to determine not only their particular circumstances, but how and by whom their passage was effected. This information is then made available to the relevant authorities.

A very useful secondary win has been the identification of a network that exists to traffic women and children with a view to their sexual exploitation. We have been able to contribute to a number of EU, UN and national programmes designed to counter this. Of concern, but perhaps a reflection of the success we have had, is the observation that migrants now appear to be receiving guidance and instructions on how to avoid giving information. This seems to originate not only from the trafficking networks but from at least one of the NGOs that are operating in the area. The EU agencies and Italian authorities are not mandated to compel migrants to co-operate by giving information, although detained traffickers may be subjected to questioning in accordance with Italian national law.

Allow me now to turn to the second part of your question about the assessment of the effectiveness of the mission to date. Of course, I can refer only to the Phases to date: the accomplished Phase 1; and Phase 2A, relating to high seas, in which we currently we find ourselves. The conduct of these Phases has been highly satisfactory, with good, albeit not exhaustive, persistent intelligence, surveillance and reconnaissance (ISR) coverage, an enviable absence of diplomatic protests relating to our conduct, and no accidents or legal claims against our force.

We have built up a much improved understanding of the traffickers' networks, personnel and tactics. With the exception of one incident where a maritime unit was prevented by armed men from destroying a fibreglass-hulled fishing boat that had been used for trafficking, where the de-escalatory posture of the unit was entirely proper, the operation has succeeded in destroying all the boats used in order to prevent their reuse.

As to whether Operation Sophia alone is responsible for the observed drop in numbers since last year, there are undoubtedly other factors, and it would be presumptuous to claim full credit before the operational analysis of the entire integrated political crisis response has been effected. I understand that this is an ongoing task attributed to the Commission's DG HOME, it being the lead directorate for exactly this integrated policy crisis response.

On the third part of the question, in addressing the criticisms it is fair to say that the legal standing and the current UN Security Council resolution, penned by the UK, permit Sophia units to operate only on the high seas, not inside Libyan territorial waters. This clearly adversely impacts on the ability to physically progress the task of dismantling the networks and/or arresting the land-based senior figures of smugglers' networks.

Examination of the statistics tends to indicate that the continuous presence of the Sophia units off the coast of Libya has forced the traffickers to amend their business model. More expensive wooden or fibreglass boats are no longer used, as these represent a significant financial loss when they are destroyed by the Sophia units. Instead, rubber inflatable craft are used, purchased in bulk in China. These have less carrying capacity and are more limited by sea conditions. It is too early to state with any degree of confidence at this stage whether these actions and conditions are forcing a shift towards the Balkan routes.

Your Government of course routinely receives all the data being gathered and presented on a weekly basis by the European Union's integrated political crisis response process, which I mentioned earlier. I would like to conclude on this first set of questions here.

The Chairman: Lord Horam is going to combine question 4 with question 12.

Q18 Lord Horam: Good morning, Lieutenant General. Are you satisfied with the military strategic objectives in the mandate? Is the mandate feasible, and does it give you enough flexibility to deal with the problems? Secondly, following on from that, would you advise that the area of operations be extended in due course to the eastern Mediterranean? Incorporating what is down as question 12 on your list, how is that co-ordinated with what NATO may do in the Aegean and what FRONTEX is already doing in the Mediterranean? What is the division of labour between the various operations, and how are structures organised for co-operation?

Lt Gen Wolfgang Wosolsobe: Thank you for these two questions. As for the assessment of military strategic objectives, the objectives are consistent with the end state and are acceptable to the Member States that authorised them. I take it that the generally satisfactory force flow at this stage can be taken as a confirmation of the acceptance by the Member States.

As for the eastern Mediterranean, there is no current need for such an extension. Migration routes are land-based, and FRONTEX, as well as NATO as an entity, is present in the Aegean. Currently I would not advise the duplication of efforts, with the consequent impact on resources and increased potential for complication.

I turn immediately to our current effort to co-ordinate. I can inform you here that a great deal of effort is going into mutual support, interaction, information sharing and exchange of experience by means of the developed lessons processes.

One of the advantages of the European Union's position is that not only does it have a very wide range of military, political, diplomatic and foreign aid levers and instruments to use in its comprehensive approach, but it has tried and tested agreements with other important actors, such as the United Nations and of course NATO. In the sphere of security, we are collaborators rather than competitors, as you would expect from two organisations that share a majority of Member States. There have already been talks between NATO HQ and the European Union—and, on the European Union side, between the External Action Service, DG HOME, as mentioned earlier, and FRONTEX—with a view to ensuring that the co-operation and efficient sharing of resources, material and manpower are taken into account to the maximum possible.

In this context, I wish to make the observation that we are assisted in this pursuit by the standardisation of equipment and process that both organisations share. I will leave it at that for these two questions.

Q19 Lord Dubs: Good morning, Lieutenant General. A short question: how do the EU Member States oversee the mission and provide political guidance and oversight?

Lt Gen Wolfgang Wosolsobe: Thank you for the question. Political guidance and oversight is the remit of the Political and Security Committee, the PSC. The operational commander reports routinely and regularly to them, as well as to the EU Military Committee, in addition to rendering six-monthly written reports. This is a normal and routine procedure, which is well established, for CSDP missions and operations. That is the description of the process.

Q20 Lord Risby: We have been informed by our Foreign Office that the most important parts of the operation relate to when the mission will be able to work in Libyan territorial waters and undertake systematic efforts to identify, capture and destroy vessels before they are used by traffickers. How are the plans proceeding for this next set of Phases of the mission, and what are the political and military challenges arising out of this?

Lt Gen Wolfgang Wosolsobe: It is not unreasonable to share your Government's assessment that Phases 2B and 3 are likely to result in an outcome that better reflects the desired end state of the operation: namely, that of disrupting and dismantling the trafficking networks. Operational and political planning is advanced to the extent possible without the active participation and collusion of the Libyan Government and their relevant security organs.

Your ambassador in the United Nations represents our common interests and maintains pressure in the Security Council. We hope that the UK will continue to be the penholder for any subsequent UN Security Council resolution, as it has been to date.

The Chairman: Lord Stirrup is going to ask questions 7 and 8.

Q21 Lord Stirrup: Good morning, Lieutenant General. You just mentioned the desired end state: the disruption and dismantling of the trafficking networks. Presumably that is the point at which you would see the mission being terminated, but how do you actually assess and measure that? What criteria will you use to decide at which point the mission should be terminated?

Lt Gen Wolfgang Wosolsobe: Once again, this is a political issue as opposed to a purely military matter, noting that the political and diplomatic progress to date has not committed Sophia to progress to Phases 2B or 3. We continue to monitor and apply influence in this matter in parallel with the UN Security Council. Should it become apparent that there will be no single recognised Libyan Government, I would anticipate the production of a strategic review to inform European Union Member States in the Political and Security Committee, thus permitting an informed decision at the appropriate level on the future of Sophia.

Q22 Lord Stirrup: Could I take you from that to the issue of force protection? The current mandate does not include force protection or a mandate to use force. Do you think that you should have a more robust mandate in the EU mission to undertake force protection? Do you think there is political will within the EU to do this?

Lt Gen Wolfgang Wosolsobe: Were we to reinforce force protection and move towards a more robust mandate, the incident to which I referred earlier in which the commander of the unit correctly elected to back down and allow the repossession of a boat used for trafficking, might have had a very different outcome, potentially involving loss of life and a hardening of political positions, both for the EU and for the authorities possibly responsible for the boat crew's actions. This might not have been helpful if we, the EU, were subsequently to rebuild and train the Libyan coast guard, for instance. As it happens, that particular fishing vessel was intercepted and sunk by other units a few days later without incident.

For the present, we believe that the inherent right of self-defence provides sufficient scope to permit the execution of the mission on the high seas. Once we move into territorial waters and

air space, where there is an increased threat level, I am confident that a suitably modified set of rules of engagement will be authorised by the Political and Security Committee. The assumption is that, following a Libyan invitation, the identification criteria to classify as hostile or potentially hostile will be evident and will reliably differentiate between threats and Libyan government vessels. Therefore, we will be able to become more robust in our posture and in our response as required.

Given that EU Member States have approved the operational plan, which encompasses actions inshore in Phases 2B and 3, it is fair to assume that the political will to do so exists. I do not doubt for one moment that our military units and headquarters are doing whatever necessary, to the extent possible at this moment, to get prepared for progress into Phases 2B and 3.

Q23 Lord Triesman: What are the procedures for handling the smugglers once they have been apprehended? In which jurisdictions are the smugglers who have been apprehended by Operation Sophia arrested, detained and tried?

Lt Gen Wolfgang Wosolsobe: Much care has been taken to ensure a legally watertight process, using the Italian law enforcement authorities throughout. From initial detention, all questioning, forensics and evidence gathering is conducted by qualified and authorised personnel through to the arrest and start of the judicial prosecution process. The Italian lead authority is the Guardia di Finanza. You should note that we have exploited the experience previously gained by Member States in other situations to produce the best possible process tailored to this situation. I remind you of the UK's experience with the US Coast Guard in the Caribbean, which I mentioned earlier, as an example.

To date, no prosecution has been dismissed due to a failure of process. That is laudable, I think you will agree, given the high level of humanitarian interest and the presence of NGOs that are advising the migrants not to provide information.

Q24 Lord Dubs: This is really a supplementary to an earlier question, but it is relevant here. You said that migrants were being advised not to co-operate when they were being questioned about the way in which they had been trafficked onwards. Was it an NGO that gave you that information, or was it an NGO that was also giving that advice?

Lt Gen Wolfgang Wosolsobe: We have evidence that it was an NGO giving that kind of advice to migrants.

Lord Dubs: Are we able to know which NGO it was, or at least from which country that NGO comes?

Lt Gen Wolfgang Wosolsobe: This is something I have to bring back at a later stage.

The Chairman: It would be helpful if you could do that. Can I also just pursue this question? I realise that it is outside your purview, but why do you think an NGO would advise the migrants not to co-operate? Why would the NGO suggest that the migrants should not co-operate?

Lt Gen Wolfgang Wosolsobe: I would simply answer that it is in the interest of the NGO to try to protect migrants from measures that might be taken by smugglers against new migrants who are still on the shores.

The Chairman: Baroness Coussins will ask questions 10 and 11.

Q25 Baroness Coussins: I am going to turn to the question of resources. Do you regard the mission at present as fully staffed and resourced? Looking forward, what further key

resources, including personnel, will the mission require in order to move to Phase 2B on the Libyan coast and to be set up to proceed to Phase 3. Do you have any indication at the moment of the likely contributions from Member States? Finally, as the mandate moves forward and adapts, what further resources would you anticipate might be required by the mission?

Lt Gen Wolfgang Wosolsobe: There is generally a good state of manpower in headquarters for the reduced maritime presence at the moment, based on the predicted reduction in migrant flows during the rougher weather conditions of winter and early spring. The next routine periodic force generation conference is to be held next week. We try to co-ordinate our force generation conferences with the NATO cycle in order to ease the burden on EU Member States, noting that the EU process does not permit the double-hatting that is permitted in the NATO process.

A military assessment has been conducted to take account of the revised tasks, challenges and anticipated threat levels. This will require an increased force level. Initial informal approaches have already been made to Member States via the Sophia senior national representatives, and via representations to the EU in Brussels. You will understand that the military aspects of this planning and assessment are classified, and I trust that you will accept that I cannot go into further details, but I can give one element of it: there is certainly a need for increased capability in ISR and in force protection.

Q26 Baroness Suttie: Although this is not currently part of Operation Sophia's mandate, some commentators have suggested that the EU should also institute a training mission for the Libyan navy and coast guard. This would obviously require a new political decision. Would you support such a training mandate?

Lt Gen Wolfgang Wosolsobe: Such a potential decision has to be seen in the wider context of possible actions by a set of actors after the formation of a GNA, a Government of National Accord, in Libya. We, the EUMS, are here to provide unbiased military advice to Member States that are charged with assessing the information presented and deciding on the preferred outcome. My staff's advice on any future activity is focused on the military options based on risk level, capability and suitability. There are other staffs and executive agencies within the European Union that will be engaged in similar planning and advisory activity for the other instruments available, hence my remark on the multidisciplinary approach, as soon as we have a GNA.

It is right and proper, therefore, that the decisions are made in committee by Member States that have all the information associated with all the options available to them. In any event, I would most certainly expect there to be a political decision to inform any eventual Council decision. That is the process, which is legitimate, authorised, known and proven.

Q27 Earl of Oxford and Asquith: The EU has put forward a suggestion that Operation Sophia should be embedded within a comprehensive approach to the region. You might well observe that this is rather a hypothetical conditional suggestion, given that Operation Sophia is a military operation. Indeed, in your answer to question 3, you said, quite rightly and accurately, that Sophia is in no position to disrupt land-based criminal networks. What in your view would be the principal elements of a genuinely comprehensive approach?

Lt Gen Wolfgang Wosolsobe: The broader understanding of a comprehensive approach for the EU is an integrated EU approach towards a third country, another region or a group of countries. An integrated approach means that the EU has a set of objectives developed and agreed to by all relevant EU institutions. It then has policies, tools and activities to implement

these objectives. Both the objectives and the activities may be contained in a strategy towards the country or region in question. The expression “a whole-of-EU approach” is also used to describe the broader understanding of the comprehensive approach. It draws on concepts of whole-of-government approaches and efforts to unify and co-ordinate actions in a consistent manner.

There is also a narrower understanding of the comprehensive approach for the EU, which defines it as a civil-military integration. This understanding implicitly, or explicitly, limits the comprehensive approach to crisis management. It is similar in some respects to the definition of a comprehensive approach to crisis management used by NATO, although, for NATO as a military alliance, the focus of the comprehensive approach is on co-operation with external civilian actors, whereas, for the EU, a comprehensive approach to crisis management is first internal, concerned at bringing together military and civilian CSDP.

Accordingly, there are diplomatic overtures towards not only the nascent Libyan Government but the neighbouring states, with the intention of reassuring them that European actions do not seek to transfer the problem into their domains or to permit the establishment of criminal networks in their societies. There are political initiatives to support the North African and Sahel countries in order to improve conditions and thus reduce the incentive for people to migrate, noting that an effect or consequence of emigration is the loss of domestic capabilities and workforce, and thus the potential degradation and reduction of stability within the countries concerned.

FRONTEX has its own network in North Africa, coupled to its mandate to protect and regulate activity at external borders. This is viewed as complementary, rather than as duplication and competition. Finally, we work to the maximum extent possible alongside NGOs and international organisations in order to provide complementarity of action and support. I have already mentioned that the presidency of the Council has invoked the Integrated Political Crisis Response (IPCR) process, which may be viewed as the fused product and decision informing output of the comprehensive approach.

Allow me to add that Operation Sophia is only one element of the entirety of the European Union’s approach to migration from the African continent across the Mediterranean. We are addressing root causes through an effort of development and therefore of security sector reform and stabilisation in a number of countries, particularly in the Sahel. We are also addressing, with a different set of tools, the migration routes to the extent possible. We are also co-operating with other actors in these geographic areas.

Q28 Lord Stirrup: Could I take you back to the issue of the relationship with the NATO operation in the eastern Mediterranean? You said, if I understood you correctly, that the two missions could operate pretty much independently of one another, but both missions are going to require scarce ISR assets. You said, in answer to a later question, that you would be looking for an increase in allocation of those assets at the next force generation conference for Sophia. Given the paucity of such assets, would it not make sense to share these kinds of strategic platforms between the two missions, which would of course require something much more than just co-ordination?

Lt Gen Wolfgang Wosolsobe: To start with the first element of your question, yes, we are currently making efforts to co-ordinate as much as possible with the NATO activity in the Aegean, particularly between this activity and FRONTEX, with the desired end result of a reciprocal exchange and availability of information, information-building on FRONTEX results and the results of NATO’s ISR.

As for co-operation between the NATO activity in the Aegean and Operation Sophia, I would particularly underline the complete separation of the areas of operation. I do not know whether you have the operation's area visually in front of you, but it ends far from the territorial waters of Greece, south of Crete, and reaches the Egyptian coast. These are two completely separate areas at this stage.

With regards to the further development of the NATO operation due to the development of migrants' movements, which can be modified by the mere existence of this operation, I would not exclude that there might be a need for more intensive exchange of information between Sophia and the NATO activity.

Q29 The Chairman: General, we have exhausted the list of questions that we sent you, but could I ask you two linked questions that arise in my mind from your answers? First, is it your impression that the traffickers, or the different trafficker organisations, operate across all routes, or would a trafficker organisation specialise in one route rather than another, if you follow me? Secondly, what information do you have about the nationality of the traffickers?

Lt Gen Wolfgang Wosolsobe: My answer will, as you can expect, go beyond the area of Sophia, because the trafficker's networks are much larger than Sophia. There are, of course, human-smuggling networks on the Libyan coast. These are the smugglers who take in the migrants, who provide shelter at the coast, who provide the smuggling capacities and the capacities to cross the Mediterranean. Of course, these are much larger movements starting in the countries of origin, in west Africa or other parts of Africa, as well as in the Middle East.

There is a degree of loose co-ordination between different networks. We have no evidence of a general oversight for the networks dealing with the central Mediterranean coast. This might be different in other places of migration. I would like to add that there is, of course, competition between these networks, as the smuggling of migrants can be considered a considerable source of income.

Q30 The Chairman: I am sure there is more than one nationality of the smugglers, but do you have any information about the nationality of the smugglers generally?

Lt Gen Wolfgang Wosolsobe: In Libya, they are essentially Libyans, but the handover organisations—from the countries of origin or along the routes of migration—are of different nationalities. We are aware of smuggling networks starting in Syria, of course, by Syrian smugglers. Syrian networks then hand over to other networks, with which they co-operate.

The Chairman: General, thank you very much. We are most grateful to you for the time you have spent and for the frankness of your evidence. I thank your colleagues as well. We are most grateful and we have found this very useful.

Lt Gen Wolfgang Wosolsobe: Thank you very much.