

THURSDAY 10 MARCH 2016

Members present

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

Examination of Witnesses

Mr Peter Roberts, Senior Research Fellow, Sea Power and Maritime Studies, Royal United Services Institute, and **Mr Patrick Kingsley**, Migration Correspondent, Guardian Media Group

Q31 The Chairman: Good morning, Mr Roberts and Mr Kingsley. First, thank you very much for agreeing to give evidence to us, and for the homework that you provided for us to read before this meeting took place. I think we all found that very helpful. As you know, this is a formal meeting of the Committee, so what you say is being recorded. You will, of course, be sent a copy of the transcript after the meeting so that in the event that you think you have been misquoted, you can make any amendments that seem appropriate. You have been sent a list of questions, but it is fairly certain that there will be a number of supplementaries and other questions that are not on the list. If we can do this in an hour, so much the better, but if it runs over a little that does not matter. However, if you can keep your answers brief it will enable people to ask more questions.

I have a point that is not on the list and that we all need to bear in mind; goodness knows what has been happening in Brussels in the last couple of days, but in the event of there being some sort of agreement between the European Union and Turkey, my assumption is that it would lead to increased pressure on the Mediterranean route. We can perhaps talk about that as we go on.

I think the place to start is that both of you have been studying and reporting on the smuggling industries, and the movements of refugees and migrants across Africa. Could you each offer a brief summary of your work? Also, while I know that it comes out to some extent in what you have written, can you tell us what access you have had to the smugglers and traffickers? I will start in alphabetical order with Mr Kingsley.

Mr Patrick Kingsley: Thank you very much for inviting me to speak. I am the *Guardian's* migration correspondent, which is a new role that was created this time last year. For the past year, I have been reporting on the ground from around 20 countries along the different migrant routes through the Middle East and North Africa, and of course through Europe. In the course of that, I have probably met around a dozen smugglers in half a dozen countries. In particular, in respect of your purposes, I spent 10 days with smugglers in Libya and in Niger, which is one of the major routes into Libya. I have also looked at smuggling in Egypt, which is a useful counterpoint, in Turkey, and to a lesser extent in Eastern Europe. I have also written a book about much of this, which is coming out later this year.

The Chairman: It certainly seemed from the chapters of your book that I read that you had a number of face-to-face meetings with people engaged in smuggling activity.

Mr Patrick Kingsley: Yes. In Libya, I spent several days with one of the major kingpins, as you might call him, in Zuwara, which has been one of the major departure points for migrants heading towards Italy. I also had an extensive interview in Tripoli with another smuggler in a different network from a more easterly town. In Niger, which is one of the major land waypoints on the route to Libya, I had several meetings with another smuggler in Agadez.

Mr Peter Roberts: My work conclusions come very much from a defence and security background, and I run two programmes at the Royal United Services Institute. My conclusions are based on my previous experience and the access that I have had, which has not been from a smuggling perspective but from the opposite end of the spectrum—from the constabulary and law enforcement community. I spent 26 years in the Royal Navy, during three of which I worked as the national liaison officer in the Joint Interagency Task Force in Florida, which worked under US SOUTHCOM to counter the effects from the smuggling of weapons, drugs, people, money and other nefarious stuff coming out of South America through the Caribbean, the Atlantic and the Pacific. It was a fairly global remit.

My experience has therefore given me an understanding of the migration policies that are adopted in both constabulary and military ways across the world, including in Australia and the United States. That certainly gives me a different end of the spectrum look from than that of Mr Kingsley. The conclusions from my work were very much that the construct of overall EU policy is fundamentally flawed. The way it has constructed its military approach to the migration problem is flawed and dooms the strategy that it has adopted to failure in the short term, with much more serious longer-term implications for the continent.

Q32 The Chairman: Could I ask just one supplementary? In your news brief note of 7 July 2015, which is obviously a little while ago now, you state that both the US Coast Guard in the Caribbean and the Royal Australian Navy have significant experience and could have provided useful information. You suggest that we have not been consulting them. I was surprised at that, because of the close personal links between the Royal Navy and the Royal Australian Navy and our relationship with the United States. Are you quite sure that that is still the case?

Mr Peter Roberts: Yes. The military headquarters that was put together in Rome was done so on the basis of the anti-piracy construct—a mission that the EU has been conducting for several years on an annual, renewable basis in the Gulf of Aden. The construct of its

headquarters mirrors exactly what it has had in conducting those anti-piracy operations. It is fairly clear from the tactics and processes that the EU has been employing that it has not exploited the experiences from further afield, certainly from Australia or the US Coast Guard. Again, that is disappointing—there was much more to be learned—but it is not a key UK failing; the EU military staff who put the plan together were relying on their knowledge, and they thought that the understanding they had gained from conducting anti-piracy operations was sufficient to tackle this problem. Unfortunately, it is the wrong shape of hammer.

Q33 Earl of Oxford and Asquith: Good morning. Thank you for coming. This is a big question, really, but can you describe, in your view, the business model of the smuggling, particularly from Libya? It would be helpful if, within the smuggling and trafficking networks, you could distinguish between the small fry and the real organisers. We have seen a Europol report saying that the scale of profits is between €3 billion and €6 billion per year, which is a big difference. It would be interesting to hear your views on the profits side. Do you have any information on how the financial flows work?

Mr Patrick Kingsley: On the finance side, I think everyone is working with back-of-the-envelope figures, but if you work on the basis that, on average, every migrant who goes in a boat is paying perhaps \$1,000—it may vary hugely, from much more to much less than that—and take the figure of around 150,000 people coming from Libya to Italy last year, it gets to you to around \$150 million. If you then look slightly further down the chain and think about how much people have paid to get through the Sahara to Libya, the figure may be similar, so if you double that it comes to around \$300 million. I am not sure where that report got the figures of €3 billion to €6 billion; perhaps it was referring to a much wider area.

Earl of Oxford and Asquith: I think it referred to the whole areas of smuggling into Europe, not simply the Mediterranean.

Mr Patrick Kingsley: That would make more sense to me. I do not how much time I have to go into the detail on the model, but the most important thing for the purposes of this Committee is to understand how people are put on to the boats. Two kinds of boats have been used in the last few years. As some of your questions that I was sent imply, rubber dinghies are increasingly being used. To start with, there were the wooden boats that would be bought off fishermen at a few days' notice and then taken one or two miles out to sea. People would then be brought under darkness and ferried out to those boats in rubber dinghies until they were full. Those boats, which were still in Libyan waters at that point, would move onwards through the night towards international waters, at which point the hope is that they are picked up by merchant ships, navy ships and the like.

The only difference when putting people solely on to rubber boats is that they depart straight from the beach itself, rather than having that two-part process of moving towards the wooden ships. As you can see from both mechanisms, the substantive action takes place in Libyan waters rather than international waters. By the time they get to international waters, the major Libyan smugglers are no longer involved in the boat journey. It is mostly the migrants who are on these ships and some very low-level smugglers, if they even are smugglers; the people driving the rubber boats are usually co-opted migrants.

This means that once Operation Sophia comes into play in international waters under the current Phase, there is not much to disrupt. The migrants are already out at sea, the smugglers are already out of the picture and Operation Sophia in its current guise is not doing anything very different from what was already happening prior to that operation being created; that was a search-and-rescue operation, after which anyone suspected of smuggling was already arrested on arrival in Sicily or southern mainland Italy.

Mr Peter Roberts: I will add to that, if not from a specifically detailed point of view. If you look at a global picture, one of the problems in trying to undo any of these business models is identifying the people in them and tracking down evidence sufficient to provide a prosecution wherever you think you can prosecute them, and therein lie myriad problems and difficulties. Mr Kingsley has absolutely nailed it: linking the small fry to the kingpins is almost impossible, so trying to overturn this business model, as it is currently run, is really not going to see any success. Sea-basing naval forces that have no experience of intelligence-gathering against organisations ashore, or that are unfamiliar with some of the forensic evidence-gathering required to provide the linkages higher up the chain, is entirely the wrong way to go about this.

Q34 Lord Triesman: Can I follow up on some of your points to make sure that I have understood them all, particularly some that occurred to me after reading Mr Kingsley's book, *The New Odyssey*, which I think is remarkable? Are all the transactions in cash? For example, I observe that payments to police roadblocks and so on are presumably in cash, because they are per capita payments. Are the payments in any more trackable forms of currency or valuables? Is there anywhere in this a potentially discoverable set of transactions that have gone through banks or as credit transfers? I just want to understand how deeply hidden the transaction is in the business.

Mr Patrick Kingsley: I am sure that my colleague will have even more information than I do, but my personal understanding, based on my reporting, is that it is mainly as cash or the informal hawala system of payment, where people's relatives might pay an associate of the smugglers, back in their country of origin or perhaps in their country of destination. It might be in neither of those places, but in a country where a relative of the person travelling and an associate of the smuggler happen to be in the same place. It is hard to keep a handle on exactly where a lot of these payments are made—between the migrants and the smugglers, that is—because they are either in cash or are not handed over by the migrants in the first place; the transaction takes place far from there.

Q35 Lord Stirrup: Good morning, gentlemen. As of January 2016, the operation had destroyed 69 smuggling vessels and arrested 46 suspected smugglers. Some people have claimed this as evidence that the mission is working. Is Operation Sophia in your view contributing, as it is required to do, to “the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean”? I suspect that I know what your answers will be, so assuming that I have guessed right, could you put those numbers in some sort of context and say what they actually mean? Perhaps you could say a word or two about what, in your view, would disrupt the business model if this is not doing so.

Mr Peter Roberts: You guessed right: I do not think that Operation Sophia is as successful as is being laid down. I have no doubt that it is doing tremendous work in saving lives at sea, which should not be sniffed at. That is hugely important work, particularly as some other missions that were previously being conducted have been put to the wayside to provide vessels for Operation Sophia. They are doing a great job in saving lives at sea, but in intelligence-gathering they are doing nothing new. You could go to an Italian or Libyan fisherman and glean exactly the same kind of information that the naval and air forces have been gathering, so it is not doing particularly well on that. The number of people it has taken is incredibly small, compared to the overall proportion. You just have to look at the figures released last month about the first two months of movement through the Mediterranean to understand what a tiny figure that is. Indeed, because we do not have too much detail on it—I do not think that the EU would be too open about how much detail it will release on these

people—we need to understand that these are very small-time operators. They are people who are replaced within 10 or 15 minutes. They are not the people behind the business model, so it is making no impact.

This links into the wider question of what it is possible to do. There is a question of whether deterrence as a migration strategy is valid, whether that whole theoretical model of deterrence works against migration. It has worked elsewhere in the world but not within the context of the EU's moral, legal, ethical and political appetite. So what can it do? There are some simple solutions to reduce the numbers of people coming by sea. Instead of allowing free movement and then accepting all migrants—an announcement made by Chancellor Merkel in Germany, for example, really kicked off the mass migration—we could be doing very much as some governments have done and opening reception centres inside Turkey and making that the place where visa applications and assessments of states are made. Being the only place where assessment is made means that instead of people coming into mainland Europe to make their bid for status, they do it in Turkey, Jordan, Lebanon or Iraq—or indeed in Libya or Tunisia. That way, you keep it outside the EU. There is no attraction for people to come across because they will not be recognised inside central continental Europe; they have to do it outside.

That way of doing it holds those centres of processing and initial access in those countries, and the state is then in control. What we have with the current system in mainland Europe is to say, “Everyone come across here and we’ll process you once you’ve arrived”. The putting up of borders and the sea patrols beforehand really cannot overcome the problem of where people are going to work and what they are going to do once they arrive. For the state to reassert some control it must start taking action overseas, particularly by processing people there, as opposed to when they have arrived in mainland Europe.

Mr Patrick Kingsley: I will add some smaller points. You asked about context. In the first two months of 2016, just over 9,000 people crossed from Libya to Italy. In the comparable months of last year, January and February 2015, it was around 7,800. It has gone up by 1,200 year on year, despite the introduction of Operation Sophia, so the idea that this operation is disrupting anything is perhaps not quite true. Yes, people have been arrested because boats have been picked up, but they were being arrested before Operation Sophia was created. So, again, it is not as if Operation Sophia has been a game-changer in that regard.

I would make two points on what could be done. It is quite obvious that you cannot really do much until Libya is a cohesive country again, with one government who you can deal with—a central government who are not divided by lots of different militias controlling different parts of the country. In the wider context, I agree with much of what Mr Roberts has said, but for me the key point is not a popular one: it is that one of the main ways to disincentivise the boat journeys is to step up large-scale resettlement programmes from the Middle East and North Africa. People find this counterintuitive, because it does not stop the migration of people, but while the EU is still a member of the refugee convention and we have all these legal obligations to people, the only way you can really stop migration is by providing them with a realistic opportunity of being resettled through legal and safe means.

My conversations with countless migrants, particularly at the start of last year, made me feel that it was inevitable that there would be a huge increase in people travelling by illegal means in 2015, because over the past five years they had invested in the formal process of resettlement through the UN. They had called every month to ask what had happened to their application. Nothing was happening with it and they were told to call back in a year or two. People lost faith in the idea that they might be formally resettled, so they came by illegal means. In this whole debate, you cannot just talk about locking borders or creating deterrents,

because we have seen time and again that people are not that afraid of what is quite a dangerous boat crossing. People coming through Libya have gone through far more dangerous things than the sea itself. Many of them will have been tortured several times by different smugglers as they worked their way up from Eritrea, Sudan and the Sahara to the Libyan coast. So the idea that we can deter them is, in my view, pointless and impractical, not to mention immoral.

Q36 Lord Risby: I think the whole Committee will welcome your point, Mr Roberts, about the life-saving aspect. We must never lose sight of that. But it is clear from what you are both saying that this whole process is inadequate and not proving to be a great success, so it would be interesting if I could ask you to look at the functionality of what Operation Sophia is all about. In other words: what is your specific view of the technical capabilities and resources of Operation Sophia? Can we also look ahead to whether it will be viable to have vessels and resources covering the Libyan coastline in due course? We have heard about intelligence-gathering and I think you said, Mr Roberts, that on one level you could ask an Italian fisherman about that aspect. Nevertheless, regarding intelligence on the actual trafficking before that moment and the smuggling groups being so well-organised, which you, Mr Kingsley, have written about so comprehensively, to what extent is Operation Sophia being influenced by knowledge of that intelligence-gathering exercise, if it exists adequately, or a lack of it?

Mr Peter Roberts: Operation Sophia has no fixed forces. I think the Committee is aware that they rotate in and out as nations agree to pass them across. These are coastguard ships, naval vessels, warships, support vessels, helicopters and fixed-wing aircraft. On some days, there will be six ships and four or five sorties of fixed-wing aircraft, plus unmanned aerial vehicles, trying to cover an area the size of mainland Europe and police all activity in it based on those limited platforms. On other days, there are three surface ships and no fixed-wing aircraft available at all. There is no consistency in the force's design; how it reacts and for how long it puts forward vessels depends very much on the short-term political needs of individual nations.

Technically, each of these vessels and aircraft—these platforms—is highly sophisticated, with radars and sighting systems, long-range surveillance systems, radios and satellite communications that are designed to operate in high-end warfighting scenarios. A lot of these vessels cost upwards of £500 million apiece. In some cases the aircraft are specialised in hunting nuclear submarines in the north Atlantic, and we are currently using them to look for small rubber dinghies off the Libyan coast. They have huge technical capabilities, but are they suitable? No. Is it a wasted resource? Probably. Are there other ways of doing this with less technically capable equipment? Yes, there are.

The sea area that they are covering is, as I said, large. The problem becomes exponentially worse when they try to cover the area in the littoral, very close to the shore, where traditional radars do not work very well. Libya has an extremely long coastline. At the moment, the forces are trying with those limited assets to see into that coastline from further out at sea, trying to identify every movement that happens along that coast and trying to determine where a smuggler is moving and then to identify that man—and to understand that the boat is coming out with a migrant only because you are not getting the smuggler higher up the chain—and it is incredibly frustrating for them. Is it viable to provide surveillance over the entire Libyan coast? It is theoretically possible. If we were able to surge pretty much every platform from the armed forces of every nation in the European Union, we could provide sufficient coverage to give the level of detail that commanders would wish for about two weeks before we ran out of money to fund it, so realistically it is not going to happen. It is

easier to provide surveillance when vessels come out from that cluttered environment very close to the shore. It is then a process of sifting and identifying which ones come out, arranging to board them, rescuing the people on board if they are in danger and processing them onward. That is the current methodology.

Is there a better way of doing it? You got there immediately when you mentioned intelligence-gathering. From experiences elsewhere in the world, intelligence-gathering says that this is done not by at-sea trafficking but by merging and fusing intelligence from agents, local police forces, human and signals intelligence, phone intercepts, satellite imagery, financial crime tracking, bank transfers and so on. It is about having all those pieces of intelligence fused together by specialist analysts, who then build a picture and a case. We are not talking about identifying who it is and then going in to kill them. We are obviously going to try to find this person and somewhere where we can extradite them from, and take them to a country that is willing to prosecute them, alongside the rules that we place on people being prosecuted with our evidence when abroad.

It is certainly possible to do it with intelligence. It is a long-term game; it will take decades, if the drug-smuggling lessons are anything to go by. In that model, it will take a long time to provide a prosecution. It is possible to do it through intelligence-gathering, but it needs a concerted effort and a different type of construct to work. One construct that is being put together now by Europol and Interpol is going some way to building these relationships and putting it together, but it is a long-term game. Are ships the right way of doing this? The ships and aircraft that are out there at the moment are not.

The Chairman: Lord Oxford has a supplementary.

Q37 Earl of Oxford and Asquith: Following on from what you have said and the trend of this meeting, in your view does any stage of Operation Sophia require a primarily military presence?

Mr Peter Roberts: The other models that have been used around the world use a variety of constabulary and military presences. It depends on the permissions that each state gives the military. There is a potential role. In the United States, for example, the US Coast Guard is the lead agency because it is the only one that has permission to board civilian vessels on the open seas. In Britain and much of Europe, that role is invested in navies, but it is also invested in police officers, so there is this mismatch between the two. Navies have often taken the lead role in this and militarised it, because for politicians it is easier to hand over the problem to the military and the military will just say yes and get on with it as best it can, once there have been the initial arguments about the reality of the aspiration.

Is there a role for militaries? Undoubtedly. In this type of scenario, we are talking about organisations that are relatively sophisticated and operate with a lot of technology, and some of the intelligence assets that we talked about to achieve the kind of penetration and prosecution that we want will be invested in militaries in various places across Europe. The real problem is that ideally it should not be a headquarters or a command and control group that is structured on a military basis, because quite often that turns off and turns away co-operation with civilian agencies. Médecins Sans Frontières, which has some excellent local knowledge, is less likely to be open with the military than it is with a constabulary force, or indeed a political one. Part of the problem is that, yes, militaries have a role, but we are constructing it in the wrong way. We are making it military and adding other bits on, but actually the lessons from across the world are that this needs to be a constabulary mission, with a constabulary group as the framework and adding bits on. There are worries that the

militarisation of migration might go another way and that actually we may well need the military for other solutions to migration that might arise in the shorter term.

Q38 Baroness Coussins: As you know, it is the intention, in theory at least, that Phase 3 of Operation Sophia should enable the mission to move onshore. I suspect from what you have said already that your view might well be that that is not going to happen either. You were quite scathing in your news brief piece about the chances of achieving the authorisations needed, particularly given the turmoil in Libya, to move to a third Phase. Do you still think that is the case, and what do you think the practical and political challenges are for Operation Sophia to move to Phase 3? Do you see any evidence of steps being taken to prepare for it?

Mr Peter Roberts: I will start on an upbeat note, which is unusual, considering the answers I have given so far. The formation of the national unity government in January this year was a large step in the right direction. That was great. We should also remember that not every faction that is operating in Libya is included. We are just looking at Libya at the moment. The problem is that that does not often relate to the tactical levels. It will take years for that to come down. The captain of the only Libyan coastguard vessel that operates out of Tripoli is a fisherman who owns a restaurant; that is his main job. The headquarters of the coastguard in Tripoli cannot and will not communicate with its subordinate units in the east of the country because they are from a different faction. We have no processes inside the country that can do the joined-up intelligence-gathering, the policing, the constabulary investigation and the prosecution that we would hope for. Yes, we might well get there in Libya. It will take a long time, and in that time we will see increased flows.

But there are positive moves. The EU has been instrumental in getting this together with the UN, and you are seeing support from across the world for how they are taking this forward and trying to put a process and a governance structure in place that are capable of providing access inshore. The problem, however, in doing any kind of evidence-gathering ashore that you wish to be able to prosecute on is if you are going to use European police officers to do it, you need to provide them with a safe, secure environment in which to conduct their operations. At the moment the EU has had to withdraw all its military, civil and police advisers from Libya because of the danger. Indeed, the majority of the money that was put into the programme for these people was spent on providing private security, secure basing and transportation for those officers over there. The impact you get at the moment from the amount of money is really, really small, and that is going to frustrate efforts. Even if the UN authorised an Italian Carabinieri force to go in with expert investigators and conduct the forensic level of investigation that is needed in Libya, there are no signs that there will be short-term answers. Again, it is a very long-term plan. It is going to cost quite a lot of money.

Mr Patrick Kingsley: I would just add that both the rebel government in Tripoli and the formally official government in Tobruk have not recognised the third Government of National Accord. The UN envoy, Martin Kobler, says that he cannot access Tripoli. The idea that this government can be formed any time soon, and that if and when they are their first action would be to invite western powers in—and thus underline the fact that they are the puppet government that their critics claim they are—seems very far-fetched. As Mr Roberts says, we have to think really long term. In the meantime, 150,000, 170,000, maybe more, are probably going to arrive this summer, and what are we going to do about it?

Q39 Lord Dubs: You have already mentioned the lives that have been saved through Operation Sophia, although it is essentially a military crisis management operation and not primarily a search and rescue mission. I understand that by January this year it had rescued 8,400 migrants. How would you assess the EU's search and rescue capabilities?

Mr Patrick Kingsley: For me, this is essentially a search and rescue operation by another name. It is doing more or less the same thing that previous operations by Italy and Europe did prior to its establishment. If you take a wide view, for me there is nothing wrong with calling it a military operation if that allows European governments the chance to present what is essentially a humanitarian operation as something that is more palatable to their electorates—if one was to be very cynical. The flip side is that from the humanitarian point of view, as Mr Roberts said, it is difficult to persuade people that this can be a positive thing in the long term if it is labelled a military operation, because that makes it harder for humanitarian actors, such as MSF, that have also been operating in the southern Mediterranean to collaborate with it.

Mr Peter Roberts: On a purely theoretical point, it is hard to categorise this action by the EU as crisis management. I know it is supposed to be. I know that is what it is termed as. Of every single militarised External Action Service operation that has been conducted by the EU since it was started, only two have really been crisis management. The rest are hugely procedural. They are well considered. They are transactional, functional. They possess none of the attributes of what we would understand in strictly crisis management terms. Again, perhaps this is something that the External Action Service might think about addressing in future. Addressing each of these individual pieces as crisis management really makes it seem as though there is a short-term problem. In the same way, this is an annual, renewable mission. It says nothing about the long-term aspiration to address either this issue or some of the others that it has had. That detracts from some of the potential solutions that exist.

Q40 Lord Horam: What you have both said has been very interesting and indicates the sheer scale of the problem and our difficulty in dealing with it satisfactorily. But Operation Sophia is what we have in this particular situation. Is there any way, despite what you have said, which is pretty damning, that in the short term it can be made more workable or more effective, or is it condemned to carry on, as you say, as a humanitarian search and rescue operation? That should not be underestimated. None the less, that is what it is. There is not much you can do about it.

Mr Patrick Kingsley: Personally, I do not see how you can turn this into a way of managing what is basically an unmanageable situation in the short term.

Lord Horam: What would you do if you were sitting in the chair of the European Union Commissioner with this problem on your hands?

Mr Patrick Kingsley: As I said earlier, you have to think in much grander and more pragmatic terms about using formal resettlement programmes as a means of disincentivising people from journeying towards Libya, and indeed from other parts of the world.

Q41 Lord Horam: Are there any examples worldwide of the large-scale resettlement programmes that you are talking about?

Mr Patrick Kingsley: Of providing a disincentive to irregular migration? I was in Jordan at the end of January as the Canadian resettlement programme was underway. It is a moderate resettlement programme in the grand scheme of things. The Canadians had promised at that point to resettle just 25,000 people. But the head of UNHCR, who I interviewed, made the point that it had had a sizeable psychological effect on the intentions of people who had previously told UNHCR that they wanted to go to Europe—they wanted to take the boats across the Aegean from Turkey to Greece. He said that three months on, now that Canada had made this decision and the wheels of the resettlement programme were starting to turn, people had heard that their neighbour had got an interview with the UN. They themselves might have got an interview or their cousin might have already been resettled in Canada, and that had

persuaded people whom the UNHCR interviewed in Jordan that it was worth staying put and waiting to see if this resettlement programme was going to work for them. They said that they would not in the near future try to take the boat to Europe.

Lord Horam: But Canada is a very large country and 25,000 is a very small number compared with the numbers that we are talking about. Is that repeatable, given the numbers we are talking about, in Europe rather than in Canada?

Mr Patrick Kingsley: Canada has a population of 30 million—

Lord Horam: It is a huge country, though.

Mr Patrick Kingsley: They do not have houses in the Arctic tundra. Europe has a population of 500 million. The global north has a far larger population. If Europe, the US, Australia and New Zealand collaborated in the way they did in the aftermath of the Vietnam crisis, when 1.3 million people were resettled, that might have a significant effect on the psyche of people who otherwise see no alternative to taking boats and coming to Europe in this very disorderly fashion. I realise that this might seem anathema to logical thinking, but people are coming anyway and they are coming in a much more chaotic fashion than they need to. If we bit the bullet and said, “People are coming anyway—to the tune of 1 million last year. Why don’t we try to formalise that process?”, then yes, people would still come, but they are coming anyway and we do not really have an option of stopping them. For me, this kind of enlightened self-interest is the way to go rather than carrying out slightly pointless military missions in the middle of the Mediterranean.

Q42 Lord Horam: Following on from that, Mr Roberts, are there any lessons to be learned, particularly about Operation Sophia, from the Australian or American examples that you mentioned?

Mr Peter Roberts: Yes, there are, at every level. It is interesting to watch how the EU forces are instructed to intercept a boat full of migrants, compared to the way in which, for example, the US Coast Guard does it. The US Coast Guard has learned through very unpleasant experience that if you approach with one boat from one side, everyone runs across to that side, the boat capsizes and people below decks will die. There are some fairly hideous stories about this from the US Coast Guard seventh-district headquarters, which sees this on a fairly regular basis with people coming from Haiti and the Dominican Republic to Florida. At the very tactical level, there are some very clear lessons that the EU and EU forces still have not adopted. More widely, from Australia there are some lessons about how you can deal with migration through policies of enforced repatriation and what this means, particularly when you are dealing with economic migrants. There is no sign that the EU has a political appetite to do so, but neither does it seem clear that it has considered some of these approaches. There is evidence from the top level right the way down.

The greatest lesson for me is in the construction of headquarters and controlling functions that deal with migration, and the US Coast Guard being the central organisation that deals with this in the United States. As the police force of the sea, it has managed to plug in highly classified intelligence agencies from around the world. It has 13 nations co-operating with it from around the world, and 15 out of 17 US intelligence agencies plugged in, to provide it with this layering. Its co-operation with individual states is incentivised to enable prosecutions to take place, and there is active participation and prioritisation against individual smugglers in-country. For example, if Nicaragua takes a more active interest in its coastguard, enabling its coastguard operations at sea to take down people-smugglers, drug-smugglers and money-smugglers, it is incentivised to the tune of several boats—not in training missions but in the delivery of 90-metre craft capable of high-seas interdiction, as well as some of the other

international agreements and trade agreements that go with it. There is a much wider policy that addresses it. Neither Australia nor the US is perfect, but they offer very interesting models from which lessons can be pulled at every single level, all the way down, and I think some of that needs to come into the EU debate.

If I was in Brussels and I was given command of this operation, I would spend all my budget on much cheaper commercial vessels and put them out to do the lifesaving stuff. That is the first priority. They would provide you with the same ability to do reception, because that is not changing. All you are doing is ensuring life at sea and fewer people dying. Those are our liberal attitudes, and we need to abide by those. I would then set up individual reception centres overseas in Jordan, Turkey and Iraq. I would work harder in Eritrea and Nigeria. I would take much longer-term views on improving those homelands. I would start a debate that says that if the majority of the Syrian refugees want to go back home—and the latest polling of them indicates that 100% of them do—provided that a safe environment is created for them to go home to, we need to prepare them to start going back. Too many of them are going to arrive in Europe this year. We are not going to stop that. We need to prepare them to go back to do some of that rebuilding themselves, so one of the best things that we can do is to start training them as builders and plumbers, in brickmaking and roofing construction—all the home trades for rebuilding a country that we need to start sowing in the people who are over here now. A bit of that is being done by the British Government in camps in Turkey right now. It is on a tiny scale, but that needs to increase. Then we need to start to understand how we are going to create a peaceable area in their homeland for them to return to. If we create it, the 3.5 million who will be here in mainland Europe by the end of this year will return to Syria because they want to. That has to be the long-term solution that we work to.

Baroness Suttie: Lord Chairman, I think my question has pretty much just been answered by Mr Roberts. I have a separate question that perhaps I could ask at the very end.

The Chairman: You can put it now.

Q43 Baroness Suttie: This question is really more to Patrick Kingsley. You were talking about the fact that they have gone from wooden boats to rubber dinghies. I heard yesterday that we have a degree of evidence that the boats are being burst when they arrive at the other side, and that the motors are then repatriated to the other side, which would obviously involve people on the ground in EU Member States. Is there any truth in that?

Mr Patrick Kingsley: Are you talking about the Greek islands?

Baroness Suttie: I am talking particularly about the Greek islands rather than Operation Sophia. If we assume that the migrant flows will move more towards Libya and Italy, is that already happening, and could we prepare more for it in Italy?

Mr Patrick Kingsley: I have never heard of engines being repatriated to Libya, because on a logistical level that would be difficult. I heard from people who I interviewed on the Greek islands, at least in the early part of last summer, that local Greeks might pick up the engines and sell them on. But then towards the end of the summer the market bottomed out, because there were so many boats coming and people were not doing it any more. No one needed a used engine because they had so many. So yes, that went on, but it was not necessarily evidence of collaboration between Turkish and Greek criminals. There may have been some of that, but I did not come across it personally. I cannot see how it would be an issue in the context of the Libyan sea route.

The Chairman: Lord Balfe's question is next, but it has been largely answered, unless he wishes to elaborate on it.

Q44 Lord Balfe: I was going to ask a supplementary, which is particularly for Mr Roberts. We have talked about the difference and the co-operation between Australia and the EU. Does the basis of it not come down to the philosophy behind the Australian operation being quite different from that behind the European Union one? We have a very different approach, and the Australians' more robust approach may be the only way of having any impact on numbers.

Mr Peter Roberts: There is certainly a strong argument that we could go down that route. Because it is an EU-wide policy, however, and because the EU has been so critical over the last 10 years of the Australian migration programme and policy, I cannot see that appetite developing. But yes, it is one of the few models in the world that has disincentivised migration to such an extent that we have seen downturns. It has not stopped it altogether, but we have seen a reduction in the numbers moving across.

Mr Patrick Kingsley: If I can follow that up, you would have to look at the different physical dynamic of the Aegean Sea, which at some points is only two or three miles wide, whereas at some points Australia is probably several hundred miles or more from Indonesia. Also, where would you take them? There is no equivalent of Nauru or Manus Island. As it is being negotiated, it may be that Turkey is currently conceived of as that kind of entity. To move from the practical point to the ethical point, perhaps I feel a bit more strongly about that than others. I am not sure that we want to throw away a lot of the legislation—the soul of the continent—that was introduced and built on after the Second World War.

Q45 Lord Stirrup: Can I follow up on that and put a proposition, to which I would be interested to hear your responses? The problem with Mr Kingsley's resettlement proposition is that it seems a bit like legalising the sale of addictive drugs. It would undercut the criminal enterprise but do nothing about drug users. Throughout Europe, the public's issue is not the fact that people are arriving illegally but that they are arriving in such numbers, as we have seen just recently in Germany. So my proposition is that the policies, mechanisms and techniques that we have for dealing with flows of people, whether as migrants, refugees or whatever they happen to be, work fine provided that the numbers are in the margins. Once they start getting beyond the margins, what we have breaks down, and in an era where we are likely to see increasing mass movements of people for whatever reasons, whether it is war, famine or climate change, there is a fundamental requirement to think through our approach to this issue from first principles and on a philosophical basis. We have not done that, which is one of the reasons why Operation Sophia might look like a bit of a knee-jerk reaction, as I think we have heard from both of you today.

Mr Patrick Kingsley: I have thought about this a lot, and to take your various points sequentially, first there is the practical point. You said that people do not really want migrants to come in large numbers. Well, they are coming, so in my view it is better to try to manage that in the best, most formal and streamlined way possible. Letting people come in this chaotic way seems a much worse way to do it than bringing them by plane, where you can screen them before they arrive and weed out people who you think might not be best for the continent. In the process, you can also create an incentive for people to invest in a formal process, rather than having this chaotic fashion that we have seen over the past year or two.

It was implicit in your point that we cannot fit all these people in, so we may need to rethink the international legislation that makes all this migration possible. This comes down to both a pragmatic and an ethical point. The pragmatic point is that one million people within 500 million people should not be such a trauma for what is supposed to be the world's richest continent. We have done it before in the aftermath of the Indochina crisis, where, as I said, 1.3 million people were resettled throughout the global north. It was done to some extent after the

Balkans. Those international instruments were created in the aftermath of a far worse humanitarian crisis—that of the Second World War, when 12 million to 14 million people were displaced across Europe. The idea that a continent that is in far better shape than it was in the late 1940s cannot deal with this is, to me, ridiculous, unambitious and humiliating. That is the practical thing, and if we knock some heads together it need not be as traumatic as it has been over the past year.

We then get to the ethical point. We will have to discuss whether we, as a society, are happy to rip down a lot of the progressive international settlements that were created 50, 60 or 70 years ago, when people came together in a quite enlightened sense and said, “We don’t want the traumas of the Holocaust and World War II to happen again”. That is the conversation that we need to have. I would hope that some people might take an ethical standpoint on it.

Mr Peter Roberts: I agree with your proposition. I think you are right, but I also think that the conversations that were just brought up need to be had, and are being had in some places. But they are mostly very academic. They are not being had at the political level, certainly not in the EU, which is a shame. There were 20 million displaced people around the world last year. There will be another 2 million just from Syria this year. They are all coming and I am not sure that we have time for those conversations. We live with our obligations. To me, one of the problems with the debate at the moment is that we talk about what we want and not what we are obliged to do. The Committee knows that very well, but it does not necessarily come across in some of the popular media.

Q46 The Chairman: You say “what we are obliged to do”, but one thing is that we are democracies, and if voters in a number of countries vote in a certain direction, Governments are going to find themselves obliged to do things that we may not like. But there are two moral imperatives: one of helping people in need and those escaping persecution, and another, if one believes in democracy, of the people’s choice. Those are not easy issues to reconcile.

Mr Peter Roberts: They are not. It is a very difficult question, because we are potentially advocating states breaking with international law and obligations, which is a very serious move given the actions of a number of states in the defence and security domain at the moment. If we in the European Union say that it is perfectly acceptable to break with international normative behaviour, international law and the treaties we have signed up to, that creates precedent for other powerful states to do the same thing in other domains.

The Chairman: Absolutely.

Mr Peter Roberts: But I see your point entirely. The point that is worrying some people across Europe is that the militarisation of migration will not be Operation Sophia in future. It is possible that the short-term impacts of militarisation will come on the borders, where the borders become militarised and constabulary forces are unable to deal with the sheer weight of people coming through and we will see open conflict with militaries on borders. Border situations are becoming increasingly fortified, are defining and delineating the continent, and are increasing tensions between states. When you have militaries policing those borders, you get into positions where potentially you have a more difficult militarised response. An alternative, perhaps even more significant, militarised response is being talked about in hushed corners, which is that if we take this debate seriously and say, “If we want to create a homeland for people to go back to, we have to do that by force”, is that the militarisation of migration that we are going to see in the longer term—a forcible retaking and carving out of a safe haven in Syria for people to return to?

Q47 Baroness Coussins: Can I take you back to a point you made earlier? I think you said that if you were in charge you would replace some of the military resources with commercial resources. How widespread is that view? Is anybody looking seriously at that proposition? Also, Mr Kingsley, is that what you meant when you talked in your article about the role for the private sector? Did you mean the same thing or did you mean other things as well?

Mr Patrick Kingsley: I think that was Mr Roberts.

Mr Peter Roberts: Yes, the EU military force has already used a commercial vessel in this role. It contracted a rig support vessel, one of these large vessels in the North Sea that take supplies out to oil rigs, with a huge deck area, lifesaving capabilities and helicopter pads—the design came up after the Piper Alpha disaster—designed to take large numbers of people on board for short sea trips in what could be perilous conditions and put them ashore. The EU paid a fortune for this vessel to provide some support, but it was hugely successful. This is a way in which you could contract cheaper providers, which are standing in the wings ready to jump in on this, to provide you with greater capacity than at present. When we talk about Operation Sophia being a lifesaving mission, it is far more effective to go with a civilian increased capacity than a small number of highly technical and capable platforms. It is numbers that you need for the lifesaving, and the commercial sector can provide this.

The Chairman: Lord Triesman will deal with the last questions.

Q48 Lord Triesman: Thank you, Lord Chairman. I wonder if you can say a little about how Operation Sophia has fitted into the jigsaw with other forces: FRONTEX, the Italian coastguard, NATO? What degree of co-ordination has there been? If I may, I will ask a couple more questions about Libya, although I think you have probably answered the main ones about the difficulties of getting any coherent single proposition, which may very well also say a reasonable amount about the capabilities of the Libyan coastguard in these circumstances. The final question, which I do not think we have asked, is: what happens to people who arrive in Libya and just stay there? What conditions are they living in, and how is that handled? Is it perhaps dependent on which bit of Libya they are in?

Mr Patrick Kingsley: I think I can best answer that last question. Basically, migrants in Libya have very few rights, which leaves them very open to exploitation. Sometimes they work unpaid, essentially as slave labour, for months on end. I have interviewed several people who have been kidnapped and held for ransom until their parents send money. If they are caught by the police they might be taken to a so-called detention centre and have to bribe their way out, or they might be sold between different groups that control different detention centres and maybe even sold on to smugglers in some cases. Particularly if they come from Eritrea, there is an almost formalised process of extortion and torture, where smugglers—or traffickers; the boundary is not clear—hold them captive until more money is sent, and they are often tortured to quite horrific degrees until money is sent by the different ways that we discussed earlier.

In summary, Libya is a very dangerous place to be a migrant. For that reason, the sea often seems the safest option for some people, safer even than returning through the desert, which can be even more expensive than the sea journey and arguably more dangerous, because on a Sahara journey you could die of thirst, you could be attacked by militants, you could get lost and run out of fuel. This is why we see so many people coming by sea.

Q49 Baroness Armstrong of Hill Top: You have both talked about an alternative means of dealing with the crisis via resettlement, although I think you have slightly different views of what that would be. I have been thinking about what you were saying, Mr Roberts, about

places in countries that might not be the migrants' original country but would be holding areas—you mentioned Turkey and Iraq. Is not part of the problem that in a number of these countries there are regimes that may be fragile and short-lived, and this would destabilise those countries a little more? I think of Iraq in those terms. Generally, would that be where you would see more militarisation, that there would have to be a military presence—not that Turkey would accept that? I am trying to get to the bottom of how you envision those resettlement programmes.

Mr Peter Roberts: Those centres are very much reception centres, such as you currently see in Greece or Germany. Take the infrastructure in Germany whereby these people provide their documented evidence and state what they wish to do, why they are moving and their status, but instead of doing that in Germany you do that in Turkey, Lebanon, Jordan, Libya, Morocco, Egypt or elsewhere. That process means that they do not come to Germany, France, Italy and Greece and fund themselves to get there. European state governments would arrange for transportation from these reception centres to the destination of the migrants who they have agreed to take in. In that way, you undermine the business model, because there ceases to be trade that is coming across. If that is your aim, certainly in the short term, you can deliver that. That is relatively easy to construct. You have lost the people who have already come, but the future ones do not risk themselves at sea, do not fund the networks that are releasing them, and you have a chance to understand who is coming in and where they are going. That gives you the ability to train them and allow them to return home, and to stay in communication with them and track them so that they do not just disappear into a large, unaccounted-for diaspora in the future.

The question is: if you had reception centres in Afghanistan, Iraq and Pakistan, would you need to militarise and protect them? Undoubtedly you would need a level of protection around them because initially they would be absolutely swamped with people. In essence we are ignoring this way of doing it by accepting having people knocking at the door or being inside Europe, on the borders, at the railway stations, and then flooding the local infrastructure before it has had a chance to adjust to what is coming. You are buying yourself time and a control mechanism for delivering this. It is not going to be a perfect method, but it will probably be one of the best solutions that can be provided in the short term.

Mr Patrick Kingsley: I agree that there is something to be said for this kind of scheme. It will work only if you make enough places available. If it is just a few thousand here and there, as the UK is currently offering, it has no effect on the psyche of people who might otherwise make these disorderly journeys.

The Chairman: I think Baroness Suttie has a supplementary question.

Q50 Baroness Suttie: You have already talked quite a bit about the so-called smugglers on the boats usually being pretty far down the food chain. I am very keen to hear a bit more about the people at the top end of the food chain: the actual smugglers. I know that more could be done at EU level to take these people on. Where are they based, primarily? Is it a massive organisation? Is it very disparate? I would like to understand a bit more. Forgive me. It is a big question.

Mr Patrick Kingsley: One important thing to understand is that they are not like multinational companies with names of the door of their offices—

Baroness Suttie: —and their business cards on the table.

Mr Patrick Kingsley: Yes exactly. As Mr Roberts has made clear, it is going to take a long time to investigate them. Secondly, they are often connected to militias. They will have

important roles to play in their local communities. They will be protected by people. They provide quite a lot of money to the local community, and they employ quite a lot of people who drive the buses to the beaches. They maintain the so-called farms where people are kept while they wait to go on to the boats. They are the brokers who make the deals with the migrants in the first place, with the people who sell the ships and with the people who sail the ships. It is a big business that involves a lot of people, and, for that reason, the people at the top are going to be protected to some extent, even by people who are major players in Libyan politics. Therefore, we can investigate why it happens all we like, but we will only get to the point where we can properly start to engage with arresting these people once there is a stable Libya, and that will take a very long time.

Q51 The Chairman: Finally, can I ask just two very brief supplementaries? The first is to Mr Roberts. Do you feel able to say anything now, or would you like to send us a letter, about EU, FRONTEX and NATO co-operation? I have a separate question for Mr Kingsley.

Mr Peter Roberts: I think that the EU and NATO are co-operating quite a lot. There has been a huge amount of process and arrangements that allows them to have a dialogue and to de-conflict activity. One of the really interesting things that is happening now is NATO moving into the migration arena and the role. There is the Aegean mission, which General Bradshaw, as Deputy Supreme Allied Commander Europe, has talked about as being an intelligence, surveillance and reconnaissance mission. It is Op Sophia Phase 1 all over again but for NATO, which is perhaps applying this slightly more widely. There is potentially greater co-operation in the eastern Mediterranean to take on some of these problems. This is an area where NATO is growing. It is not jumping in because it sees the EU as failing in any way in its mission; it is taking up these roles because of the requirements of member states in NATO that want some kind of action. The number of forces that are being given to the EU for Operation Sophia are much smaller than those that are available to the standing NATO maritime forces, for example, which could be used to search presence in the eastern Mediterranean, particularly around Turkey. But there are competing demands for those NATO forces, particularly up in the Baltic at the moment, where some very unpleasant situations are arising: tensions with a resurgent Russia, new submarine programmes and increased militarised responses across the Baltics, which are not conducive to helping. NATO is therefore being drawn in a variety of ways, and this is one way in which it is trying to keep all the nations on side with discussions before the Warsaw summit.

The really interesting pieces that have not been put into this construct particularly well at the moment are both FRONTEX and Europol. Europol has a huge role in this and should be front and centre in constructing its external engagements. If Europol was leading this, it would be far clearer to NATO, EU military staff, Interpol, national bodies and the External Action Service how they should construct policy and interact with other players and how NATO could complement and co-ordinate what is being done in the current guise of Sophia. That would make the real difference. It would also put FRONTEX right up front in the constabulary border force, working alongside Europol in order to do some of this overseas and at-sea evidence-gathering, which could only be helpful in the longer term.

Q52 The Chairman: Finally, Mr Kingsley, I do not know whether you have the figures to hand or want to come back to us, but it would be useful if you could give us an idea of the orders of magnitude that the Australians and the Americans have been dealing with, compared with those that Europe is confronted with at the moment. Obviously, there are lots of other differences—the geographical ones are very obvious—but I am just trying to get a feel for the magnitude of the problem.

Mr Patrick Kingsley: I can say for sure that the scale of boat arrivals that Australia has to deal with is far, far smaller than what Europe is dealing with. I do not have the numbers to hand, but I can send them in a supplementary.

The Chairman: Obviously that impacts on the kinds of measures that are appropriate, as well as on public opinion and what public opinion is and is not prepared to accept.

Mr Patrick Kingsley: I can find out the numbers. On the subject of public opinion, you asked this question earlier. I agree that it is very important that democracy is respected, but at the same time we do not know exactly how many people agree or disagree about how to respond to the migration crisis. As much as there have been some very angry responses to it, there have been some very human ones as well. It is important to have a debate and to discuss these kinds of things here in order that we find out what is happening. I take issue with the idea of prejudging what people might think about how to respond to this crisis and making assumptions and policy based on those assumptions when we do not know exactly what is happening and how people are reacting to it.

The Chairman: I agree with all that, but we will know more on Sunday evening.

Mr Patrick Kingsley: What is happening on Sunday evening?

The Chairman: Mrs Merkel has three provincial elections. She symbolises one approach to this issue, and it will be interesting to see how well the parties that symbolise a different approach do. I entirely agree with what you just said, but to some extent in one big country that question will be answered, up to a point, on Sunday evening.

Mr Patrick Kingsley: Let us see.

Q53 Lord Risby: I wanted to say one thing to you. Of course, you are right that we do not have a very clear view, but I will make this little point. In these islands, in 1999, there was a population of 58.5 million. It is now 65 million. In the history of this country, or probably any other country, there has never been a population increase of this size. This has to be dealt with, with all the pressures, and not only in this country; look at South Africa, where there are huge waves of people arriving from Zimbabwe. What has been so fascinating this morning and keeps going through my mind is whether all the international agreements, which are absolutely right and understandable and based upon moral principles of understanding refugees, are actually appropriate and relevant at a time when huge migratory flows are all over the world. I do not know the alternative or the answer to this. I simply make that observation.

Mr Peter Roberts: Briefly, I was at a conference about this in Geneva a couple of weeks ago and someone brought up a fascinating factor. They said, "Listen, we've had 60 years of the globalisation of trade and information, and we have adjusted to that, but humans have not and now we are playing catch-up with the human flows of migration that are catching up with the globalisation of trade and information. So this period of adjustment is now taking place. We might have adjusted our legal, moral and ethical framework and concepts to understand information and trade, but they have not caught up with the human migration element yet".

Lord Risby: There you go.

The Chairman: This is the most intractable problem. It is intractable on practical grounds, and the moral dilemmas that it throws up are also terribly difficult. Maintaining liberal, outward-looking principles in the face of what may turn out to be very powerful forces among the electorate is going to be very difficult. Certainly Lord Dubs and I have reason to be grateful for an open policy as far as the United Kingdom was concerned before the war, so we

are very much aware of the moral dilemmas. But we have also been in politics and we can see some of the other difficulties too. Thank you very much.