



Foreign &
Commonwealth
Office

Rt Hon Sir Alan Duncan MP
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13 September 2017

The Lord Boswell of Aynho
Chair
Select Committee on the European Union
Committee Office
House of Lords
London
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Dear Tim,

HMG Response to House of Lords European Union Committee Report: *Op Sophia: a failed mission*, 12 July 2017

In my letter of 4 August, I undertook to provide a formal response to your Committee's report, *Op Sophia: a failed mission*.

I begin by acknowledging that Operation SOPHIA has not delivered all that we had hoped. Nonetheless, our contribution to the Operation, and our continuing efforts to ensure its effectiveness, remain an important part of a whole-of-government approach to addressing the migration challenge, including humanitarian assistance and action to tackle smugglers. Although we are leaving the EU, we continue to cooperate with European partners, including through Op SOPHIA, on these shared challenges. I now turn to the specific concerns of the Committee.

There have been successes since Op SOPHIA was established. The smuggling networks can no longer operate with impunity in International Waters. The Operation has put over 475 smuggling vessels beyond use, apprehended 110 suspected smugglers, and rescued over 39,000 migrants (over 12,000 by UK assets).

Notwithstanding these successes, the presence of EU vessels in the southern Mediterranean has not prevented the flow of migrants or eradicated the people smuggling networks because the gangs have adapted to the presence of Op SOPHIA vessels by using smaller boats. This increases the risk of incident and loss

of lives of vulnerable migrants with the responsibility for those deaths lying squarely with the criminal smuggling and trafficking networks that operate out of Libya.

Due to the political and security conditions in Libya, Op SOPHIA has not been able to move to its planned later phases (in Libyan Territorial Waters or on Libyan soil) that would have the greatest impact against the smugglers' business model. The UK continues to work with the EU and our European partners to improve the Operation's impact on smuggling, noting that it is just one part of the EU's overall approach to tackling the migration crisis.

Op SOPHIA's primary purpose is not search-and-rescue, but its vessels do rescue migrants at sea. The UK contributes to that task through the provision of a Border Force 'cutter' to FRONTEX Op Triton. Military assets are deployed to gather intelligence and conduct the surveillance needed to develop an understanding of smuggling networks and patterns of operation. We have considered replacing Op SOPHIA's military assets with commercial vessels, but they would not be able to deter smuggling gangs from operating in International Waters in the same way. Military assets are also better able to confiscate and destroy unsafe boats and outboard engines used by smugglers.

In June 2016, the EU expanded the Operation's mandate to include counter arms smuggling (that would otherwise further destabilise Libya) and training of the Libyan Coastguard and Navy (LNCG).

We are aware of reports of Libyan Coastguards (naval and civilian) allegedly mistreating migrants. The LNCG must be equipped with the skills required to manage search-and-rescue activities properly, which includes respecting human rights. The training package being delivered therefore embeds knowledge of Human Rights and International Humanitarian Law. We have made clear to the LNCG senior leadership that Human Rights violations are unacceptable. During the current mandate, which on 25 July 2017 was extended until 31 December 2018, Op SOPHIA will establish a monitoring mechanism for greater assurance regarding the LNCG's conduct.

Overall it remains our view that all elements of Op SOPHIA can contribute to addressing the migration crisis and arms smuggling, and help to build sustainable Libyan structures.

The UK has been at the forefront of international support to Libya, including through co-ordination with EU partners, promoting political participation, strengthening security, and supporting economic growth. The UK continues to provide support to bring about peace, stability, and prosperity in Libya, which includes technical assistance to the Libyan Government, stabilisation activity across the country, and

support to a freer media. The Foreign Secretary's visit in August to Tripoli, Misrata, and Benghazi included meetings with Prime Minister Serraj, Foreign Minister Siala, Field Marshall Heftar, and Misratan and Benghazi MPs. The Foreign Secretary also visited the LNCG's naval base to meet staff.

There is a growing consensus on the need to amend the Libyan Political Agreement (LPA). We continue to work in support of the LPA framework through our discussions with Libyan parties and by working with our international partners and the UN. The appointment of Ghassan Salamé as the new UN envoy is an opportunity to reinvent a UN-led process. A political settlement would help create greater security and the governance that is needed if we are to successfully tackle illegal migration.

I agree with the report's conclusion that action concerning Libya's southern land border should be explored, and I note this is a priority for the Libyan Government. The EU Border Assistance Mission in Libya has been tasked with looking at this during the current mandate and this issue featured in the EU Action Plan for the Central Mediterranean Route, which was published on 6 July 2017. The EU funds the UN migration agency (IOM)'s "Together we rebuild!" programme in southern Libya, which aims to promote peace and stability between migrants, internally displaced people, and host communities through initiatives such as rehabilitation of water wells and vocational training. We are exploring further options with EU partners.

Your Committee's report also highlights the UK's work in source and transit countries, as well our efforts to alleviate some of the dangerous conditions facing migrants in Libya. Since October 2015, the UK has provided more than £12 million for migration and humanitarian related projects in Libya. This includes £3.2 million in Libya for direct assistance in detention centres. We are also providing Assisted Voluntary Returns from Libya through IOM: this programme has supported the return of more than 1,200 migrants to their home countries.

Ultimately, we need to prioritise interventions upstream in countries of origin and transit. Doing so should reduce the need of individuals and families to leave their home country or move on from a safe third country in their region. In the Horn of Africa, the UK works closely with EU and African partners through the Khartoum Process. For example, the UK is supporting the creation of a Regional Operations Centre in Khartoum to assist the sharing of intelligence related to organised immigration crime. The UK is providing £80 million for the building of two industrial parks in Ethiopia: supporting both refugees and their host communities by creating new jobs. In the Sahel, the UK has provided funding for an IOM transit centre in Agadez, Niger, which provides migrants with food and medical support, skills training, and assistance to return home voluntarily. In June the Prime Minister announced a new three-year £75m migration programme along the Central Mediterranean route. This programme will provide urgent humanitarian assistance to

refugees and migrants, help those wishing to return home and build the capacity of transit countries to manage migration so that it is safe.

In conclusion, I welcome the Committee's report, which highlights several issues that the UK has been, and remains, committed to resolving. Contrary to the Committee's recommendation, we do support the extension of the Op SOPHIA mandate, and we will work hard to make it more effective. That will be done as part of a Comprehensive Approach towards Libya, and I can assure you that our national programmes are designed to operate in concert with EU and other international efforts.

HMG is clear on the need for an inclusive political deal to help stabilise Libya. We are working in support of the UN's efforts to make progress on the political track. The Foreign Secretary's recent visit to Libya reinforced that message.

I am copying this letter to the Chair of the House of Commons European Scrutiny Committee; the Clerks of both Committees; Les Saunders at the Department for Exiting the European Union; Philip Worley, FCO Departmental Scrutiny Head; and Lynne Smith, FCO Select Committee Liaison Officer.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive, slightly stylized font.

RT HON SIR ALAN DUNCAN MP