



Navies Role in Migration Operations

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Abstract

The world order is changing rapidly, the seas are under pressure and the way we are looking at them is changing. Climate change, piracy, armed robbery at sea, wars and the collapse of coastal states are causing insecurity.

Migration is a matter of fact for years in several parts of the world. Sea routes are often a very dangerous fragment of the used migration routes. So countries are forced to deal with this problem inside their territorial waters and outside as well. Coast Guards and Navies are the most prominent and capable actors to deal with this mission. Custom and Fishery Protection assets could be involved as well.

Preventive actions can be taken, but prevention needs a clear understanding of the problem and a strong political will to decide and to act in advance, in short: to be proactive and not reactive.

The root causes for migration are lying ashore. Natural disasters, civil wars and the absence of a governmental authority are forcing people to accept almost all risks. Failed states are facing two phenomena: the vacuum of power are filled by external powers, both governmental and non – governmental on one hand and on the other hand if there is no sustainable future in a region or country, migration will continue and increase.

The same is happening at sea. If a country has no capabilities to safeguard and secure its own territorial waters, criminals at sea, pirates, human trafficking, drugs and goods smuggling will grow. And the migration is very close connected to human trafficking. The role of Navy is to act in a humanitarian operation. In essence it is “Search and Rescue” operation. Navy’s role in migration operation is encompassing much more than rescuing people in distress. The current maritime security operations in the Mediterranean Sea by NATO, the European Union and FRONTEX, are excellent examples which are showing the options, risks and the challenges for Navies and Coast Guards.

Key questions must be answered before planning the operation which I will try in my contribution

1. Understand the nature of human migration, legal definitions and current level of issues
2. Understand the linkage that migration may have with smuggling & traffickers
3. Describe potential missions of naval forces in migration
4. Understand required tactical capabilities and tactics, techniques and procedures
5. Understand the operational functions requirements to shape the tactical situation for success



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About the Author of this Issue

Vice Admiral (rtd) Feldt served in the German Navy for 41 years and retired in 2006 as Chief of the German Naval Staff in Bonn and Berlin. He was engaged in sea duty assignments for 13 years, which included leadership functions on all command levels and duty assignments in different naval staffs, national and in NATO.

Since retirement, he has occupied several posts of honor. Vice Admiral Feldt was president of the German Maritime Institute until June 2012 and is now a member of its board. From 2008 until 2009, he was working for the European Commission as advisor for the “Instrument for Stability”. From July 2009 to December 2010, he served the European Defence Agency as member of the Wise Pen Team, working on topics of maritime surveillance and maritime security.

Since August 2011, Vice Admiral Feldt, in his function as a Director of the Wise Pens International, is working on studies dealing with future maritime safety, security and defence, for example “On the Future of EU Maritime Operations Requirements and planned Capabilities” together with his fellow Directors. Recently they have finalized a study about “Naval Challenges in the Arctic Region”. Since November 2013 until March 2017 Vice Admiral Feldt has been President of EuroDefense Deutschland e.V.



Lutz Feldt



Analysis

Introduction & Definitions

Maritime Security Operations are covering a comprehensive spectrum of naval and maritime operations. At the lower end of the spectrum of tasks, Humanitarian Assistance and Disaster Relief, navies have the appropriate capabilities and the knowledge to be successful. At the higher end, warfighting skills are depicting the “core capabilities” of a navy: to protect their nations and allies security and sovereignty.

For a better understanding, we can consider the trio “Safety- Security and Defense”. We are dealing with four different basic terms: Maritime Safety, Maritime Security, Maritime Security Operations (MSO) and Maritime Situational Awareness (MSA).

Maritime Safety encompasses the measures taken by the appropriate national and international authorities in order to ensure the safe navigation of ships and transport of goods at sea and prevent accidents, pollution and the undesired and accidental effects of legal maritime activities.

Maritime Security (MS) is an international and interagency, civil and military, activity to mitigate the risks and counter the threat of illegal or threatening activities in the maritime domain, so that they may be acted upon in order to enforce law, protect citizens and safeguard national and international interests. Maritime Security will therefore concentrate on the unlawful use of the maritime domain.

Maritime Security Operations (MSO) relates to the action carried out at sea by those military and civil authorities equipped with the appropriate assets and empowered to act upon Maritime Security related risks and threats.

Maritime Situational Awareness (MSA) is the management of information related to the maritime domain that can have an impact on Maritime Security. Ideally, Maritime Situational Awareness should include as many international and interagency information sources as possible; furthermore Maritime Situational Awareness requires the timely exchange and analysis of different pieces of information, coming from different sources, in order to obtain actionable conclusions that might otherwise remain unnoticed

Navies and Coast Guards are providing all specific capabilities and have the potential to play a significant role in improving maritime security.

I will end this introduction with two crucial questions and one statement.

Answering the question demands a political decision and must then be the foundation of all Maritime Security Operations:

Are MSO and MSA permanent tasks or do we operate on an event based principle?

Is the performance of the Navy/Coast Guard proactive or reactive?

The migrant crisis is a succession of war, civil war, information war, failed states, bad governance, corruption and climate change.

Before elaborating these questions and other aspects of MSO and MSA tasks, it seems helpful to have a brief look into the role of International Organizations in this context.



The role of International Organizations

Maritime Safety is the responsibility of the International Maritime Organization, IMO. One way to keep and improve safety at sea is by promoting and developing international regulations and standards. IMO has used the tool of Conventions to achieve these goals. One of the key conventions, amended since it's entering into force was the International Convention for the Safety of lives at Sea (SOLAS). Due to the increasing risks and threats at sea, caused by terrorists, pirates and all kind of criminals, the Organization issued the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (SUA Convention).

For our purpose it is good to know one intention from this Convention¹ which I quote:

"In November 1986 the Governments of Austria, Egypt and Italy proposed that IMO prepare a convention on the subject of unlawful acts against the safety of maritime navigation 'to provide for a comprehensive suppression of unlawful acts committed against the safety of maritime navigation which endanger innocent human lives, jeopardize the safety of persons and property, seriously affect the operation of maritime services and thus are of grave concern to the international community as a whole."

This and the following quotation are describing the framework for maritime security operations including migration operations.

The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it.²

SOLAS is addressing the same issue: "Chapter V - Safety of navigation

The chapter identifies certain navigation safety services which should be provided by Contracting Governments and sets forth provisions of an operational nature applicable in general to all ships on all voyages. This is in contrast to the Convention as a whole, which only applies to certain classes of ship engaged on international voyages.

The subjects covered include the maintenance of meteorological services for ships; the ice patrol service; routing of ships; and the maintenance of search and rescue services.

It also includes a general obligation for masters to proceed to the assistance of those who are in distress and for Contracting Governments to ensure that all ships shall be sufficiently and efficiently manned from a safety point of view.

The chapter makes mandatory the carriage of voyage data recorders (VDRs) and automatic ship identification systems (AIS)."

Migrants and Refugees

Having put much effort into the basic law at sea, which is binding for all countries, a brief look into the legal framework which is relevant for refugees, is necessary.

Myanmar, as almost all his neighboring countries, has not signed the 1951 Refugee Convention.³

¹ <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/SUA-Treaties.aspx>, Accessed 15.10.2017

² <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/SUA-Treaties.aspx>, Accessed 15.10.2017

³ <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> Article 1, Accessed 16.11.2017



From an international point of view, to act in compliance with the Convention is crucial, at least when it comes to multilateral maritime security operations.

A refugee is someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of protection of that country.”

This Convention is legally binding for all signatory parties, but in reality, there is no monitoring or enforcement authority to act in the case of non-compliance.

Current Migration Operations at Sea

Three current operations are carried out in the Mediterranean Sea. Two of these operations are executed by Navies and one by Coast Guards. One, “Operation Sophia”, is European lead, one by NATO, “Operation Sea Guardian”, and the Coast Guard operation “Poseidon” by the European Coast Guard Organization, FRONTEX. All Units, sea and air, are contributed by European and NATO Member States. They were attached out of a single set of forces and it is a political decision to determine, where to participate.

Three other MSO operations are carried out in the Indian Ocean, specifically in the Arabian Sea. All are consisting of ships and Naval Aviation from participating countries, on a voluntary basis. These “Combined Maritime Forces” have different missions:

- protection against terrorism,
- protection against piracy and
- ensuring freedom of navigation inside and outside territorial waters in the Arabian Gulf.

Actually the three maritime forces are led by Turkey, Pakistan and Saudi Arabia. They are multinational Forces and their Maritime Head Quarters is located in Manama, Bahrain, collocated to the US Seventh Fleet.

All had been engaged in migration activities as well, as an additional task to their core activities.

In order to complete this description, I add the “Malacca Straits Patrol” another Maritime Security Operation, a practical cooperation undertaken by Indonesia, Malaysia, Singapore and Thailand to ensure safety and security in this confined and shallow waters of the Straits of Malacca and Singapore. It encompasses three activities: the Malacca Straits Sea Patrol, the Eyes –in –the- Sky combined Maritime Air Patrols and the MSP Intelligence Exchange Group.

The common operational understanding is, and this is valid for the MSO’s in the Mediterranean Sea and in all other mentioned regions as well: Presence brings Security.

Commanded by EU, NATO and the multinational staff in Bahrain, the contributing countries have the final saying about their participants, sovereignty and national responsibility is overarching. What they have in common are the same action areas:

1. Strengthen presence at sea
2. Preventing illegal migration flows
3. Reinforcing international and national solidarity and responsibility



The operational design is a comprehensive approach, military and civil coordination and cooperation on all levels.

The mission is simple and clear: Identify, capture and dispose of vessels and enabling assets used by migrant smugglers and human traffickers in order to contribute to all efforts to disrupt the business model of human smuggling and trafficking networks.

At sea the operation is subdivided into three parts:

- Phase one: collecting information.
- Phase two: Searching, boarding and diversion on high seas.
- Phase three: Searching, boarding and diversion inside the territorial waters of Libya as far as the Mediterranean Sea operations are concerned.

All described operations, are they EU, NATO, CMF or MSP lead, are directed and coordinated by regular meetings of the participating countries, not all are focused and engaged in migration so far, but as in other regions it could become a challenge as well, and the existing structure can deal with migration operations as well.

More generally expressed, all maritime security operations are following the same operational and tactical rules and are based on the same naval and maritime capabilities: Naval Ships and Naval Aviation are capable to act in the whole spectrum: from low to high intensity operations.

Maritime Deterrence and Defense – deter by demonstrating the appropriate operational readiness based on given capabilities and effective strategic communications; protect and defend national sovereignty and integrity, as well as national and international security interests.

Crisis Response – participate in specific operations ranging from peacekeeping and enforcement, conflict prevention to humanitarian assistance, disaster relief and non-combatant evacuation.

Naval Diplomacy – provide a visible symbol of national and/ or international commitment and support to political objectives i.e conflict prevention and stabilization. This is realized through port visits and common exercises or even the simple presence of a naval ship (show of force). Another aspect of Naval Diplomacy is Maritime Capacity Building.

Knowing that the root causes for migration are at shore, capacity building initiatives and especially maritime capacity building measures are of great value.

Maritime Capacity Building

Synchronized with the ongoing Operation Sophia, providing training and assets are allowing the Libyan CG to enhance their performance against illegal smuggling activities in Libyan TTW and saving lives at sea.

Libyan CG displaying increased ownership and a change in attitude by taking own responsibility

Consequences are increased Maritime Security activities, enhanced cooperation with law enforcement agencies.



Capacity building is enhancing ISR and info sharing which finally supports the aim to the establishment of a monitoring mechanism. This monitoring mechanism is crucial for information sharing on human trafficking and migrant smuggling with Member States law enforcement agencies and competent Union bodies. Information sharing, using open- sources and with national intelligence services as well, and close cooperation with National Crime Agencies are of great importance.

Establish a coordination and later on cooperation between all NGO's engaged in the operational area through trust and confidence building.

Conclusion

There is a role for Navies in Migration Operations. Like anti –Piracy Operations, Migration Operations are not the close to the core capabilities of Navies. They are better preserved by Coast Guards and other maritime services. But Navies are best suited, best fitted and they have the skills and professionalism for concurrent operations. Search and Rescue is a permanent task for all navies and it is by tradition and by law to assist and save people who are in distress.

The challenge for all Navies employed in humanitarian operations is, not to lose the skill for the high end tasks: at the high end the task is war fighting with all its consequences.

Going back to the questions alluded to in the introduction:

Understanding the nature of human migration, legal definitions and the current level of issues: regional knowledge and expertise makes are favoring Navies from the wider region, with the option to integrate participants from other regions. To establish and keep the link to all authorities involved, at sea and ashore is crucial. The Navy has its own part to play, but it is only one part. Migrants will remain only for a limited time aboard, they must be disembarked as soon as possible.

Understanding the linkage that migration may have with smuggling and human trafficking is very important. The experience shows that most migrants have paid much money to get on board of one small boat or total unsecure ship, both overload and technical at the lowest standard. The traffickers know about the presence of the naval ships and are leaving in order not to get captured. The dilemma is obvious: navies are willing to rescue, human traffickers are using this to their own advantage. The Navies therefore have to fight the traffickers as well and at least have to sink their boats and ships.

The description of potential missions is easy: they are not very different from all other humanitarian missions and they include much more than the trained Search and Rescue Operations.

Tactical capabilities, techniques and procedures: information sharing and an actual picture of the situation are crucial. A link to regional and local authorities are important and the well proven "Shared Awareness and Deconfliction" procedure is a very useful tool, which must be established when it is not already in place.

Understanding the operational functions requirements to shape the tactical situation for success:

Success is achieved, when on one hand the number of losses at sea is decreasing and nobody is trying to take huge risks to go at sea under these conditions. On the other hand, the fight against the human traffickers and smugglers must be fought at sea and ashore. It includes almost all governmental sectors, police forces and financial, investigations are only prominent examples. Another aspect needs consideration: Non-Governmental Organizations are part of the rescue activities as well and it is important for the success, to establish a good



communication with them. To agree a common “Code of Conduct”, like Italy did in the Mediterranean is a new but very necessary procedure.

This concludes my thoughts about the role Navies have in Migration Operations.

Remarks: Opinions expressed in this contribution are those of the author.

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