German Bundeswehr Joint Forces Operations Command

12. IFLOS Maritime Talks
17 March 2018

Philipp Kögler
Legal basis for action of German Navy (EUNAVFORMED Sophia):

**International Law**
- UNSCR 2240, 9 October 2015
- UNSCR 2292, 14 June 2016

**European Union Law**

**Permanent obligations**
- UNCLOS
- SAR Convention
- 1951 Refugee Conv
- ECHR
- § 323c German Criminal Code
- etc.

**National Law**
- Action through system of mutual collective security, Art 24 para. 2 Grundgesetz with approval of Bundestag, 29 June 2017
Navy SAR in the Mediterranean – legal perspective

- detection and monitoring of migration networks
- boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking
- enforcement of strict implementation of arms embargo on Libya
- collection, in accordance with applicable law, of personal data concerning persons taken on board ships participating in EUNAVFOR MED
- confirmation of duty to render assistance
Inspection/seizure of vessels suspected of human smuggling/trafficking, UNSCR 2240:

1. On the High seas
2. Off the coast of Libya
3. Not a vessel entitled to sovereign immunity
4. Reasonable grounds to suspect use of vessel in human smuggling/trafficking
5. Flag state’s consent

Permanent Obligation

duty to render assistance, Art. 98 para. 1 UNCLOS

In case of coincidence duty to render assistance prevails.
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