

Managing EU maritime borders: The role of FRONTEX.*

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Resumen¹

Desde la creación en 2004 de la Agencia Europea para la Gestión de la Cooperación Operativa en las Fronteras Exteriores de los Estados miembros de la Unión Europea (FRONTEX), los controles fronterizos de los Estados miembros, y especialmente los controles en las fronteras marítimas, han recibido una atención creciente. Estos controles se ejercen no solo en las aguas territoriales, sino también en alta mar, particularmente en el Mediterráneo, debido al importante flujo de inmigrantes irregulares procedentes de países del norte de África y del Mediterráneo meridional. Asimismo, pueden realizarse patrullas conjuntas en las aguas territoriales de terceros Estados participantes, que incluyen la interceptación y devolución de embarcaciones y su redirección hacia el país de origen.

La capacidad operativa de FRONTEX se reforzó con las nuevas normas operativas que otorgaron a la Agencia la facultad de adquirir o arrendar sus propios equipos para las misiones, de manera autónoma o en cooperación con los Estados miembros, así como de solicitar personal nacional en comisión de servicio para sus operaciones. FRONTEX y los Estados miembros llevan a cabo operaciones conjuntas en el mar y han incrementado su responsabilidad en este ámbito tras el inicio de la Primavera Árabe y la situación en Siria, así como después de la reciente tragedia ocurrida cerca de la isla italiana de Lampedusa, cuando el flujo de inmigrantes irregulares y la trata de seres humanos se convirtieron en asuntos de gran relevancia política en la Unión Europea.

Estos acontecimientos impulsaron tanto la realización de operaciones conjuntas como la posibilidad de poner en marcha una misión militar de la Unión Europea plenamente desarrollada en el Mediterráneo para combatir la trata de seres humanos. El objetivo del artículo es evaluar la eficacia de las operaciones de FRONTEX y su contribución a la aplicación de la política general de inmigración y asilo de la Unión Europea.

Abstract

Since the establishment of the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) in 2004, the border controls of the Member States, and, especially, the sea borders controls have received increased attention. These controls are exercised not only in the territorial waters, but also at the High Seas, especially in the Mediterranean, because of the major influx of illegal immigrants from the North African/South Mediterranean countries. Joint patrolling can also be exercised in the territorial waters of participating third states. These operations include interception and returning of vessels

¹ Generado por IA sobre el artículo original en inglés

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and their re-direction to its country of origin. The operational capacity of FRONTEX was strengthened recently with the new operational rules which give the right to the Agency to buy or lease its own equipment for missions on its own or with cooperation with the Member States and to request national seconded staff for its operations. FRONTEX and Member States conducted numerous joint operations at sea and now have increased responsibility in this respect after the advent of the Arab Spring and the situation in Syria, as well as the recent tragedy near the Italian island of Lampedusa since when the flow of illegal immigrants and human trafficking became hot political topic in the EU. These developments triggered the options for joint drone operations as well as launching a fully - fledged EU military mission in the Mediterranean in order to stop human trafficking. The aim of this article is to assess the effectiveness of FRONTEX operations and its contribution to the implementation of the overall immigration and asylum policy of the European Union.

Palabras clave

FRONTEX; fronteras marítimas; inmigración; asilo; operaciones conjuntas.

Keywords

FRONTEX, maritime borders, immigration, asylum, joint operations

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MANAGING EU MARITIME BORDERS: THE ROLE OF FRONTEX

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Abstract: Since the establishment of the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) in 2004, the border controls of the Member States, and, especially, the sea borders controls have received increased attention. These controls are exercised not only in the territorial waters, but also at the High Seas, especially in the Mediterranean, because of the major influx of illegal immigrants from the North African/South Mediterranean countries. Joint patrolling can also be exercised in the territorial waters of participating third states. These operations include interception and returning of vessels and their re-direction to its country of origin. The operational capacity of FRONTEX was strengthened recently with the new operational rules which give the right to the Agency to buy or lease its own equipment for missions on its own or with cooperation with the Member States and to request national seconded staff for its operations. FRONTEX and Member States conducted numerous joint operations at sea, and now have increased responsibility in this respect after the advent of the Arab Spring and the situation in Syria, as well as the recent tragedy near the Italian island of Lampedusa since when the flow of illegal immigrants and human trafficking became hot political topic in the EU. These developments triggered the options for joint drone operations as well as launching a fully - fledged EU military mission in the Mediterranean in order to stop human trafficking. The aim of this article is to assess the effectiveness of FRONTEX operations and its contribution to the implementation of the overall immigration and asylum policy of the European Union.

Keywords: Frontex, maritime borders, immigration, asylum, joint operations

INTRODUCTION

Since FRONTEX became operational in 2005, it was apparent that sea borders will take significant part of the Agency's portfolio. This was due to the specificity of the sea borders – they are much more difficult to control, require significantly more human, technical and financial resources, there is no clear borderline with posts and barriers – on the contrary they are much more diffuse and require much more attention and invention by the Agency. EU faced the problem of illegal migration more intensively at the beginning of the 1990s, when numerous small boats packed with refugees and migrants reached the coasts of Europe. This triggered the debate about the common EU migration and asylum policy leading to the "Fortress Europe". But, on the other hand, this triggered much wider socio-technical intervention by the EU in the countries of origin (and transit) of the migrants, in line with its policy to eliminate/mitigate the causes for such migration. According to FRONTEX, the number of those migrants refused the entry at EU sea border is around one third of all EU-entry refusals.

The importance of FRONTEX operations rapidly increased with the upheavals of 2011 in North Africa and the Arab world – the Arab Spring. The migrant flow from these regions had risen sharply from approximately 104 000 refugees in 2009 and 2010 to nearly 141 000 in 2011 (an increase of tremendous 35%). This surge was triggered by political changes in Tunisia and sustained by the departure of many sub-Saharan African migrants from Libya. Besides the migration from these countries, it is interesting to note that the second and third most common countries of origin were Afghanistan and Pakistan, and Afghans and Pakistanis constituted 25% and 3.7% respectively of all detections of illegal border crossings in 2010.¹

Sea border controls are divided into: 1) border checks conducted in ports and 2) border surveillance conducted at sea. FRONTEX role in border surveillance includes a research

¹ <http://frontex.europa.eu/feature-stories/annual-risk-analysis-2012-NOEp8H>.

component in order to help the Member States to detect and overcome the existing vulnerabilities at their borders. In this regard, the European Surveillance System (EUROSUR) was established. EUROSUR became operational recently (December 2, 2013) and will make significant contribution to combating crime, human trafficking, drugs and weapons smuggling, as well as to detect and assist the small migrant boats in distress. The work of EUROSUR is based on the national coordination centers which collect information and coordinate the activities of all national agencies involved in border management and surveillance. These national coordination centers are obliged to share this information among themselves, as well as with FRONTEX, which generates the overall "European situational picture." Here, new information regarding changing routes of criminal networks is contained as well as new data collected during FRONTEX joint operations and on the pre-frontier area. EUROSUR assists the Member States in detecting small vessels with the help of EU Maritime Safety Agency and EU Satellite Center.²

The importance of the Joint sea operations can be seen by the fact that the major part of the FRONTEX annual budget is allocated exactly to these operations. For instance, in 2011 59% of the budget spent on joint operations were intended for the sea borders, and in terms of total budget of FRONTEX this represented 28%.³ Similarly, in 2012 nearly 59% of the joint operations budget were dedicated to sea operations, which totals 29 % of the annual FRONTEX budget.⁴

The focus of this article will predominantly be on the recent operations of FRONTEX (after 2011) in the Mediterranean as most critical EU sea border for preventing illegal migration.

LEGAL FRAMEWORK

FRONTEX was established by the Council Regulation 2007/2004 of October 26, 2004, subsequently amended in 2007 and 2011.⁵ The Agency became operational as of 3 October 2005, and it is based in Warsaw. FRONTEX is a Union body and has legal personality.⁶ It is managed by an Executive Director, Management Board and Executive Bureau. The core powers of the Executive Director include: preparing and implementing the decisions, programmes and activities adopted by the Agency's Management Board within the limits specified by the FRONTEX Regulation, its implementing rules and any applicable law; taking all necessary steps, including the adoption of internal administrative instructions and the publication of notices, ensuring the functioning of the Agency in accordance with the provisions of the FRONTEX Regulation; preparing an annual draft working programme and an activity report and submit them to the Management Board etc.

In 2008 following the major restructuring of the Agency, the sub-executive level was divided into three divisions: one for operations, one for training and one for administration. The Operations Division coordinates the operations and carries out the Risk Analysis Functions, The Capacity Building Division unites the training, research and development units.⁷ In addition, within the Operations Division a separate Situation Centre was created in order to monitor and generate a short – term overall picture regarding the situation at the external borders of EU. In critical situations, 24/7 emergency response mechanism can be initiated with cooperation with internal and external partners. The Situation Centre should guarantee the availability, confidentiality and integrity of the exchange of information.⁸

The FRONTEX Regulation applies to all Member States, except UK, Denmark and Ireland. But the Regulation itself envisages the possibility for cooperation with UK and Ireland, and also it applies to certain non – EU states which are part of the Schengen Area – Iceland, Norway, Lichtenstein and Switzerland.

² http://europa.eu/rapid/press-release_IP-13-1182_en.htm.

³ Frontex (2011c), 'Frontex budget 2011', 31 December 2011, available at: www.frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2011.pdf.

⁴ http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2012.pdf.

⁵ REGULATION (EU) No 1168/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *OJEU*, 22.11.2011.

⁶ Art.15.

⁷ Beuving, M., "FRONTEX: Its Role and Organization", in: Monar, J. (ed), *The Institutional Dimension of the European Union's Area of Freedom, Security and Justice*, Brussels, Peter Lang, 2010, p.229.

⁸ FRONTEX, General Report 2008, Warsaw, 2009, p.18.

The tasks of the Agency *inter alia* are: to coordinate operational cooperation between Member States in the field of management of external borders; to assist Member States on training of national border guards, including the establishment of common training standards; carry out risk analyses, including the assessment of the capacity of Member States to face threats and pressure at the external borders; to participate in the development of research relevant for the control and surveillance of external borders; to assist Member States in circumstances requiring increased technical and operational assistance at the external borders, taking into account that some situations may involve humanitarian emergencies and rescue at sea; assist Member States in circumstances requiring increased technical and operational assistance at external borders, especially those Member States facing specific and disproportionate pressures; to set up European Border Guard Teams that are to be deployed during joint operations, pilot projects and rapid interventions; to provide Member States with the necessary support, including, upon request, coordination or organisation of joint return operations (return of the illegal migrants to their country of origin or country of transit - usually via air⁹); to deploy border guards from the European Border Guard Teams to Member States in joint operations, pilot projects or in rapid interventions in accordance with Regulation (EC) No 863/2007; to provide the necessary assistance to the development and operation of a European border surveillance system and, as appropriate, the development of a common information sharing environment, including interoperability of systems etc.¹⁰

The primary focus of FRONTEX is planning and carrying out joint operations and pilot projects, including the requests of Member States related to circumstances requiring increased technical and operational assistance, especially in cases of specific and disproportionate pressures. These operations can be carried out by FRONTEX with cooperation with the Member States and agreement of the host State. Joint operations detect the routes used by illegal immigrants and organized crime groups to enter the territory of the EU, as well as their interception and performing the so called joint return operations for the persons subject to return orders. For purposes of patrolling the maritime borders, EU has concluded series of bilateral agreements with third states in order FRONTEX and Member States vessels to enter their territorial waters.¹¹

Every such operation is *a priori* subject to thorough risk analysis, carried out by the Risk Analysis Unit. The risk analysis produces general or tailored reports, which are submitted to the Council and the Commission.

For the purpose of risk analysis, the Agency may assess, after prior consultation with the Member State(s) concerned, their capacity to face upcoming challenges, including present and future threats and pressures at the external borders of the European Union, especially for those Member States *facing specific and disproportionate pressures*. To this end, the Agency may assess the equipment and the resources of the Member States regarding border control. The assessment shall be based on information given by the Member State(s) concerned, and on the reports and results of joint operations, pilot projects, rapid interventions and other activities of the Agency. These assessments are without prejudice to the Schengen Evaluation Mechanism.¹²

In order to carry this analysis, the Agency generates all the necessary information from the Member States, which are on the other side obliged duly to cooperate and transmit data regarding any possible threats to the external borders.

FRONTEX can deploy one or more European Border Guard Teams in a Member State faced with a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of that Member State illegally (Rapid Border Intervention).¹³ In such extraordinary situation, the Member States are obliged to transmit to the Agency the names, number and profiles of the national border guards that will join the teams within five days.¹⁴

FRONTEX sea operations are directed not only to prevent illegal migration, but also to prevent organized crime networks smuggling drugs and weapons into the EU. In this regard, in

9 Leonard, S., "EU Border Security and migration into the European Union: FRONTEX and Securitisation through practices", *European Security* 19 (2), 2010, p.245.

10 Ibid. Art.2.

11 Peers, S. et al, *EU Immigration and Asylum Law*, Martinus Nijhoff, 2012, p.126.

12 Art.4(2).

13 Art.8a.

14 Art.8b.

2007 a European Patrols Network was established in order to eliminate duplication of efforts and resources by the Member States, since after the survey of the marine surveillance system of the 8 South – European states FRONTEX came to conclusion that 50 different organs under 30 different ministries were tasked with monitoring the sea borders. EPN coordinates the efforts of the Member States and their agencies to tackle the activities of the organized crime groups, including illegal fishing, pollution and drug trafficking.¹⁵ After 2009, nearly all maritime joint operations are organized under the auspices of the EPN program, with only exception being the joint operation Poseidon Sea that is part of the Poseidon Regional Program, covering also the land border with Turkey.¹⁶

In 2012 most important structural changes were the establishment of the Consultative Forum and the appointment of the European Human Rights Officer envisaged by the amendments of the FRONTEX Regulation 2011.¹⁷ FRONTEX embodies a special unit – Risk Control Unit which deals especially the problem of illegal migration. Actually, the first major FRONTEX joint operations took part at sea borders and were much wider in scope and duration *vis-a-vis* the comparable land joint operations.

According to the Risk Management Unit Risk Analysis 2012, besides the Central-Mediterranean route which remains most problematic for illegal migration, the second critical juncture in 2011 remained the Eastern European route (especially the border between Greece and Turkey), as well as the Western Mediterranean route used mostly by migrants from Algeria and Morocco where an increase of nearly 8500 detections *vis-a-vis* 2010 was notified.¹⁸

From 2010 onwards the migrants tend to diversify the means used to cross the Mediterranean from simple wooden boats, toy inflatable boats (usually used to cross the Gibraltar Strait), fishing vessels, speed boats, fiberglass boats, sailing boats (usually *en route* from Greece to Italy, and swimming (particularly from Ceuta, Morocco).¹⁹

FRONTEX OPERATIONS IN THE MEDITERRANEAN

FRONTEX assessments always stressed the EU Mediterranean border as critical in terms of major inflows of illegal immigrants. FRONTEX operations in the Mediterranean date back in 2007 starting with the cooperation with Libya on illegal migration management. Later, operation Nautilus was launched. The operation NAUTILUS II²⁰ (June - October 2007) was part of a larger operation which started in 2006 and ended in 2008. Germany, Greece, Italy, Malta, and Spain jointly contributed with equipment and personnel for conducting the operation. Italy played in this context a special role, since it maintained co operational activities with Libya from the late 1990s. However, Libya did not participate officially in the NAUTILUS II operation in 2007 and did also not allow entrance of FRONTEX patrols in its territorial waters.

On request of Spain in 2006 HERA I (July-October) operation was launched in order to identify the irregular migrants coming to the Canary Islands. Hera II (August - December 2006) expanded the operations to stopping the vessels carrying illegal immigrants from African coasts to Canary islands. For this purpose joint sea patrols were carried in the territorial waters of Mauritania, Senegal and Cape Verde. Hera III combined the features of the previous two. Similarly, HERA 2007 and 2008 included aerial and naval surveillance at the illegal migration routes from Africa to the Canary islands. Operation Minerva (July 2007) was directed at extensive canvassing of Spain's southern coast, border controls at the seaports of Almeria and Algeciras, identity checks at Ceuta, and patrolling the Spanish territorial waters flooded with illegal migrants from Algeria and Morocco. Operation HERMES (2007) consisted of joint patrols in the Mediterranean in order to cut down the routes to immigrants from Northern Africa to Italy and Spain. INDALO (2007) was patrolling the reopened route to Spanish coast of Levante from Morocco and Algeria.²¹ Operation

¹⁵ <http://frontex.europa.eu/operations/types-of-operations/sea>.

¹⁶ European Fundamental Rights Agency, *Fundamental Rights at European's South Sea Borders*, p. 114, available at: http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf.

¹⁷ FRONTEX, General Report 2012.

¹⁸ Ibid.

¹⁹ FRONTEX Risk Analysis Unit, *Risk Analysis 2012*, pp.23-25.

²⁰ Nautilus in 2010 was renamed operation "Chronos."

²¹ Ryan, B. Mitsilegas, V. (ed), *Extraterritorial Immigration Control: Legal Challenges*, The Hague, Brill, 2010, pp.329-330.

Agios (July – September 2006) was directed at controlling of forged documents of North African countries, of persons arriving with ferryboats from North Africa to the seaports of Tarifa, Alicante, Almeria and Algeciras. Most recent and most important operations are Hermes, Aeneas, Indalo and Poseidon Sea. In 2012 they resulted in apprehension of 18 064 migrants, 46 tonnes of drugs worth EUR 72.6 M and seizure of 2.4 million packets of cigarettes worth EUR 5.6 M.

JOINT OPERATION HERMES

Major arrivals of immigrants to the Italian Pelagic islands were noticed from 2008 onwards.²² But only after the influx of approximately 6000 migrants had arrived from Tunisia to the Italian island of Lampedusa during the first weeks of January 2011, on a request by Italy joint operation code named “Hermes” was launched in the Central Mediterranean. The joint operation started on 20 February 2011 and continued in 2012 and 2013.²³ Later in March, it was decided that the operation will be geographically widened to include Sardinia, and that will last until August 2011.²⁴

At the beginning of the operation Hermes, 8 Member States were active participants (including Italy) and 6 other have committed resources. Joint Operation (JO) Hermes within only 3 weeks from launching has recorded the arrival of 3,139 irregular migrants in the Pelagic islands (Central Mediterranean). 1,015 migrants were recorded at the reception centre on the island of Lampedusa and local police authorities planned to transfer the same day 250 people to centres in mainland Italy. However, these operations for prevention of illegal immigration by intercepting and returning the immigrants was and still is with odds with some fundamental principles of the international law (principle of non-refoulement) and fundamental human rights (the right to emigrate).²⁵

Besides the Italian experts, other screening and debriefing experts from six Member States/Schengen-Associated Countries (SACs) were processing the cases of irregular migrants. Under the provisions of Joint Operation (JO) Hermes 2011, Frontex has deployed 20 expert personnel to immigrant detention centres in Crotone in Calabria, Caltanissetta and Trapani in Sicily, and Bari in Puglia. The greatest number of irregular migrants that have arrived to date have been Tunisian, and approximately 20% of them have indicated an intention to apply for international protection.²⁶

The JO Hermes 2012 was originally scheduled to finish on 31 October 2012, but after requests from the hosting Member States and based on risk analyses, decisions were taken to extend the JO first until 15 December 2012 and further on until 31 January 2013.

The JO Hermes 2012 Extension was established to support the Italian authorities in tackling maritime illegal migration on the coasts of Sicily, Pantelleria and the Pelagic Islands (Lampedusa, Linosa, Lampedusa).²⁷

Launched on 6 May, the JO Hermes 2013 took over the JO Hermes 2012. The operation had the same ambit as its predecessor, but compared to 2012, the operational area has been enlarged to the southeast coast of Sicily. Most migrants departed from Libya, from the coastal area near Tripoli.

Most migrants detected for illegal border crossing on the Central Mediterranean route were from Eritrea (1 824) or Somalia (1 141), together representing 56% of all detections on this route in Q2 2013. West Africans (1 088) represented another large group of migrants, coming mostly from the Gambia and Mali. During interviews of migrants conducted in the framework of the JO Hermes, most Eritreans and Somalis indicated that they had left their country due to security concerns rather than economic reasons. Apparently they were threatened by regional authorities

22 See: Monzini, ‘Recent Arrivals of Migrants and Asylum Seekers by Sea to Italy: Problems and Reactions’, 13 April 2011, *Area: Demography, Population & International Migration*, 75, p.5.

23 Council of EU, “Strengthening the European External Borders agency FRONTEX - Political Agreement between Council and Parliament,” Brussels, 11916/11, Presse 192, 23 June 2011.

24 FRONTEX (2011c) Hermes Operation Extended, available at: http://www.frontex.europa.eu/download/Z2Z4L2Zy b250ZXgvZW4vZGVmYXVsdF9tdWx0.aWxpc3RhX3BsaWtdy8xMzU/7_december_2010.doc.

25 Perkowski, N., “A Normative Assessment of the aims and practices of the European border management agency FRONTEX, April 2012, *Working Paper Series No.81*, Oxford: Refugee Studies Center, p.29, available at: http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/wp81-normative-assessment-frontex-190412-en.pdf.

26 <http://frontex.europa.eu/news/update-to-joint-operation-hermes-2011-7DIILz>.

27 FRAN Quarterly, P.22.

or by members of different clans. Somalis and Eritreans reported using the same route through Ethiopia and Sudan.

The situation in the central Mediterranean route escalated with the drowning of 364 migrants near Lampedusa at the beginning of October 2013. This triggered visits of Commission's President Barroso to the island of Lampedusa, and reviewing European border management.²⁸ Italian Government sent predator drones alongside helicopters and warships in order to prevent any such disaster in the future.²⁹ As a result of the JHA Council meeting on 7-8 October 2013, a Task Force Mediterranean was established. At the meetings of this Task Force several priority steps were recommended: assistance and reinforced dialogue with countries of origin and transit; a renewed focus on resettlement and regional protection efforts; legal channels to safely access the European Union to be explored, as well as a general focus on increased resettlement efforts; the fight against trafficking and smuggling of human beings and criminal networks; ensuring a speedy and sustainable return of migrants in a humane and dignified manner and strengthening the management of the EU's external borders.³⁰ Already on October 11, Armed Forces of Malta (naval and air) rescued 147 migrants 50 nautical miles south of Lampedusa.³¹

JOINT OPERATION INDALO

JO Indalo 2011 (May-December) and JO Indalo 2012 (May - October) were covering five zones of the south-eastern Spanish sea border and extending into the western Mediterranean. Participating states are Spain, Portugal, France, Italy, Luxembourg, Finland, Iceland, Belgium, Romania and United Kingdom. Overall, in 2012 there was a 4% decrease in the number of irregular migrants detected compared to the JO Indalo 2011.³²

JO Indalo continued in 2013. It was coordinated by the National Coordination Centre in Madrid. Here daily meetings are held by the representatives of all participating Member States reviewing the activities of the past 24 hours and planning the activities of the patrols for the next 24 hours. Also coordination takes place in the Local Coordination Centre (LCC) in the Algeciras. Patrols were carried out by vessels and aircrafts, supported by the local headquarters of the Guardia Civil. Other Spanish agencies and bodies were included in the operation like Spanish Maritime Safety Agency, Customs Surveillance Service, The Spanish Navy, Intelligence Service against Organised Crime, Directorate - General of the Merchant Navy and the General Secretariat of the Sea.³³ Many European agencies were involved in the Operation like EUROPOL, European Maritime Safety Agency, European Fisheries Control Agency, Mediterranean area anti-drug enforcement coordination centre, Maritime Analysis and Operations Centre Narcotics, European Agency for Fundamental Rights and European Asylum Support Office. During 2013, 330 detections were made, 318 rescues, 8 arrests, and only 1 casualty. Significant results were achieved in curbing drug trafficking with the seizure of 25 tons of drugs and 60 smugglers being arrested. Also, over 50000 packs of cigarettes were confiscated and 12 smugglers were arrested.³⁴ The activities of the personnel of this operation continued to be affected by migratory flows mainly originating from North African and sub-Saharan countries, which follow a similar seasonal pattern.

OPERATION AENEAS

Operation Aeneas was launched in April 2011 and initially was programmed to last until March 2012. The operation was located in the Central Mediterranean in order to curb the inflow of migrants in mainland Italy from Greece, Turkey and Egypt. Participating states were Denmark, Finland, France, Germany, Greece, Iceland, Luxembourg, Portugal, Romania, Slovakia, Spain and Sweden.³⁵

From July 2012 to January 2013 the JO Aeneas was conducted in Apulia and Calabria.

²⁸ <http://www.euractiv.com/development-policy/questions-rise-eurosur-frontex-l-news-530955>.

²⁹ <http://www.thetimes.co.uk/tto/news/world/europe/article3895522.ece>.

³⁰ Communication from the Commission to the European Parliament and the Council on the Work of the Task Force Mediterranean, COM(2013), 869 final, Brussels, 4.12.2013.

³¹ <http://www.youtube.com/watch?v=XEtNvMMwOP0>.

³² FRAN Quarterly, 2012, Q4, p.24.

³³ Guardia Civil, *EPN Indalo Operation 2013*, retrieved from: <http://www.youtube.com/watch?v=xpCjxFlcqq4>.

³⁴ Ibid.

³⁵ <http://frontex.europa.eu/operations/archive-of-operations/9brAHJ>.

Overall, the percentage of incidents which involved departures from Greece was as high as 78%. However, from August 2012 onwards the number of illegal immigrants dropped due to the Greek police operation Aspida. On the other hand, Greek police operations in the centre of Athens and in other cities resulted in expelling illegal migrants out of Greece. UN Special Rapporteur on the human rights of migrants noted that this operation inflamed the influx of migrants through the islands in the Aegean Sea.³⁶ From here, the migrants arrive in Apulia and Calabria with pleasure boats.

In 2013, detections in Italy tend to be associated with different movements of irregular migration. Most of the detections in the area of Apulia are linked to secondary movements from Greece to Italy, while most of the detections in Calabria are associated with migrants who departed from Turkey or Egypt, sailed across the Aegean Sea, often near Crete, towards Italy. In this area, the JO EPN Aeneas 2013 started on 3 June and was scheduled to run until 30 September 2013. The Operational Plan defined that the mission will cover Apulia and Calabria, and the shores of the Ionian Sea and part of the Adriatic Sea. Detections of illegal migrants in the second quarter of the year in Apulia were much lower than detections in Calabria. Most of the migrants located in Apulia were coming from the island of Corfu. The trend most migrants to be nationals from Asia and Middle East.³⁷ In most cases, Athens was the centre for organizing the trip, with facilitation networks offering various options for various prices. Reports from JO EPN Aeneas 2013 show that the number of migrants illegally crossing the Ionian Sea from Greece to Italy was decreasing in the recent months. This is due to the preference of migrants to travel from Greece to EU via Western Balkan countries.

In August 2013 within operation Aeneas air surveillance operations began with one Air Force Malta King Air maritime patrol aircraft which was replaced by a second team on September 2013. This aircraft mainly carried out night patrols with high success rate in preventing illegal migrants and contraband at sea. The Maltese crew even detected a boat smuggling narcotics to Albania.³⁸

JOINT OPERATION POSEIDON SEA

JO Operation Poseidon started in 2011 and was replacement for the RABIT operation in Greece that lasted from November 2010 to March 2011. The sea part of the Operation was aimed to control the Greek islands in the Aegean Sea, including Crete. This was due to the highly volatile situation in the North Africa. Besides curbing the flow of illegal immigrants, during the first half of 2011 the servicemen of the operation detected two cigarette smuggling channels.³⁹

The JO Poseidon Sea 2012 was focused on tackling the flow of irregular migrants from Turkey and Egypt which landed on Greek islands. The vessels departed mainly at night because as a determinant of the course they used the lights from the islands.

The JO Poseidon Sea 2013 has the same geographical remit. The intensity of operational activities led to a rapid and sustained decrease in flow of immigrants. This particularly is valid for the borders with Turkey. In the second quarter 2013, detections in the Aegean Sea were the largest on this route, but overall detections were significantly lower than in 2012. Again, as in 2012 Syrians were by far the most detected nation (although in significantly lower numbers than in 2012). Most of these detections were in the Eastern Aegean Sea region.

The influx of immigrants had risen with the beginning of the holiday season on the Greek Islands. Usually they mixed with the other EU citizens returning home after the holiday in Greece, using forged documents and travelling with airplanes to the wanted EU destination. As a rule, all were heading for Sweden or Germany to claim asylum.⁴⁰

36 <http://www.ecre.org/component/content/article/70-weekly-bulletin-articles/354-frontex-detections-for-unauthorised-border-crossings-hit-record-low-in-2012-.html>.

37 FRAN Quarterly, Quarter 2, April – June 2013, p.21.

38 <http://maltatoday.com.mt/en/newsdetails/news/national/Armed-Forces-air-wing-in-Frontex-Operation-Aeneas-20130903>.

39 FRAN Quarterly, Quarter 2, 2011, p.34.

40 FRAN Quarterly, Quarter 2, April – June 2013, p.26.

CONCLUSION

By depicting and comparing recent operations in the Mediterranean carried out by FRONTEX and various Member States of the European Union, as well third states, this article has shown that the control of the illegal immigration on the most porous sea border of EU – the Mediterranean sea border is well established. These operations contributed not only by curbing the influx of illegal immigrants, but also in diminution of the smuggling activities of weapons, drugs, cigarettes and contraband. These operations were extremely important having in mind the explosive situation in the North African countries and the Arab World since the onset of the so called Arab Spring, the situation in Libya as well the current situation in Syria. Nevertheless, besides the migrants from these countries significant problem pose the migrants from Afghanistan and Pakistan as potential asylum seekers, and the duty of EU and its agencies to respect international law on the rights of refugees especially the principle of non – refoulement. However, evidently FRONTEX operations in general (not only sea operations) have always been at odds with respecting international law and that is a issue that was addressed in the recent amendments of the FRONTEX Regulation in 2011 (arts.1, 2, 5 and 26a) and the results in practice are yet to be seen. Furthermore, besides its preventative and return operations, FRONTEX operations contribute to the safety of potential immigrants at sea in a event of a distress, since patrols in the framework of the different joint operations saved many lives of migrants often sailing with risky small wooden, fish or even toy inflatable boats. These rescue operations will be even more successful with the recent initiatives in the JHA Council drones to be used in order to establish more detailed scan of the situation in the Mediterranean.

After several sea operations were launched, already in 2010 FRONTEX announced that the number of apprehended migrants dropped by 73 % in comparison with 2009. This trend continued in the following years. According to the Risk Analysis 2013 FRONTEX sea operations (Hermes, Aeneas, Poseidon) have significantly reduced the numbers of detections in the Mediterranean. For instance, the Central Mediterranean route in 2012 noted a drop by 82 % of detections in comparison with 2011, the Eastern Mediterranean route drop of 35% for the same period, the route to Apulia and Calabria drop of 9%, the Western Mediterranean route drop of 24 % and the Western African route to the Canary Islands drop of 49%.⁴¹

It can be concluded that by the frequency, the scope and the success rate of the joint sea operations, FRONTEX significantly contributed to the implementation and realization of the goals of the EU Asylum and Migration Policy, as well as overall security of the EU Maritime borders.

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41 FRONTEX, Annual Risk Analysis 2013, p.22.

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