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## Frontex and the production of the Euro-Mediterranean borderlands (2006-2016)

### **Abstract**

The government of the Euro-Mediterranean border has produced what is seen as a new ‘geopolitics of inclusion’, through which Europe is trying to attract the neighbouring countries into its hegemonic orbit involving them in the external governance of its justice and home affairs issues. This essay will analyse the role that Frontex has played in redefining the geopolitical imaginary of the European border, producing a conception of security in which the classic inside/outside dichotomy has been gradually overcome. In 2005, the European agency Frontex was established in order to coordinate border-control actions among the nations of the Union. It started as an extraordinary laboratory for the Union in order to experiment innovative politics for the control on human mobility in contemporary Europe, and to implement a brand new post-national model of border control and management. This essay will investigate how Frontex has impacted on the politics of migration in Europe, and what its functioning fundamentally means for the geopolitics of the European frontiers. This analysis will pay close attention to the relationship between migration, security, and the shifting of borders in today’s world.

### **Introduction**

With 45,000 km of coastline, 11,700 km of land borders and 2,400 border crossing points managed by 26 different governments, the integrated EU border management is anything but simple. Each Member State is traditionally accustomed to manage its borders according to definitions of risks and dangers framed from an entirely national perspective, organizing border controls according to different strategic models and entrusting it to quite diverse bodies. To give an idea of the complexity of the scenario one has just to recall the results of a study conducted in 2013 by the EU Agency for Fundamental Rights, according to which at least 11 different bodies, including Coastguards, Navy, Army, Border Police, Customs, were mobilized for controlling the southern stretch of the EU border in Spain, Italy, Malta and Greece (Eufra 2013: 58).

The EU agency Frontex was asked to carry out the difficult task of developing a common strategy for the integrated management of EU borders, a concept that has never been clearly defined by the

EU institutions (Peers 2011: 157) and that neither the new regulation on the European Border and Coast Guard approved in 2016 helps to clarify.<sup>1</sup> Frontex's official documents suggest that the agency starts from a concept of "integrated management" quite similar to that developed by the Council (Council of the European Union 2006: 1-2), which is premised on the idea that border control should be organised according to different levels of action.

Frontex promotes a pan European model of four tier access control model, which consists not only of border controls, but also some other important elements. The exchange of information and cooperation between Member States, immigration and repatriation form the first tier of the model. The second tier is represented by border control including surveillance, border checks and risk analysis followed by cooperation with border guards, customs and police authorities in neighbouring countries which forms the third entity. The last part is related to the cooperation with third countries including common activities. Frontex also promotes the cooperation between the authorities in the field of border management at the national and international level and is identifying its role and room for manoeuvre. (Frontex 2007a: 5)

The promotion of a European model for the integrated border management is mainly carried out through operational activities, which in 2015 accounted for the 77 per cent of the agency's budget.<sup>2</sup> It is during Joint Operations (JO) that Frontex may attempt to make national border police familiar with new models for action and the increase of 1,035 per cent in the operational days recorded between 2006 and 2014<sup>3</sup> clearly testifies to the growing capacity of Frontex in involving member countries in its activities at the borders. Much of the budget devoted to operational activities is spent on the financing of actions carried out at sea borders, whose morphology requires a deployment of significant resources.<sup>4</sup> Sea border patrols are, therefore, the core business of Frontex and this is also reflected in media representations, which usually portray the agency in the context of interventions taking place in the Mediterranean or in the Atlantic, near Western African shores.

Though Frontex represents itself as a technical agency programming its operational activities according to risk analysis having nothing to do with politics, the policing of EU border is an inherently political activity taking place in a complex geopolitical environment. An environment

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<sup>1</sup> See Art. 4, Regulation (EU) 2016/1624.

<sup>2</sup> Author's elaboration on data retrieved from Frontex (2016a).

<sup>3</sup> Author's elaboration on data retrieved from Frontex annual reports.

<sup>4</sup> In 2015, JOs at sea borders accounted for the 63 per cent of the budget for operational activities (Frontex 2016a).

made up of many ‘regional formations’ in which bilateral relations between Member States and neighbouring countries are intertwined with the role played by the EU in building a complex border region (Mountz and Loyd 2013). To describe this aggregate of relations between the main actors of border control, Paoletti and Pastore have spoken of ‘supralateralism’, that is to say a system of relations in which cooperation on immigration control is started and set mainly on a bilateral level and later taken over by the EU through its agencies. According to this view, cooperation is not developed merely at State level, nor at a genuinely multilateral level, but in a kind of triangulation between different actors negotiating their own bilateral relations by taking into account the relevant relationships with other partners (Paoletti and Pastore 2010: 5).

The action of Frontex takes place in the context of such regional formations and, as it may point to the construction of a homogeneous border space, managed according to common standards and operating models, it seems nonetheless to give rise to the emergence of several ‘local border control regimes’ (Kasperek and Wagner 2012: 173). These local regimes are built according to three main factors: first, the geo-morphological qualities of the different border regions; secondly, power relations between neighbouring destination and transit countries; thirdly, the institutional capacities of the main Member States playing EU border functions in the region (Kasperek and Wagner 2012: 188-189). The EU integrated border management is therefore entangled in complex geopolitical formations that are constantly redefined by the attempt at controlling migratory movements and by the corresponding resistance of migrants that, in response to increased surveillance, constantly seek new routes displacing the points of *crisis* as local border control regimes consolidate.

The continuous shifting of main migration routes is clear in the Table 1 presented below, showing the number of intercepted migrants along the Euro-Mediterranean border. Since 2008, when the Frontex operational presence in the vicinity of Canary Islands has become permanent, there has been a shift in migratory pressure towards the Strait of Sicily and beyond, towards the Eastern Mediterranean. Since 2011, due to the political uncertainty triggered by the eruption of the so-called Arab uprisings, main migration routes pass through the Central and Eastern Mediterranean region, where the EU is struggling to find new reliable partners for controlling these sections of its southern border. This shifting of migration routes is certainly a response to control activities but at the same time it constantly destabilizes EU border policing by forcing a changing in the geostrategic scenario as the main point of *crisis* move through space.

Table 1 also highlights the crisis that shook the Euro-Mediterranean border control regime in 2015, when more than 1 million of refugees crossed EU borders mainly through Italy and Greece. In the face of what has been described as an unprecedented ‘refugee crisis’ in the European post-war history, there was the feeling that the EU had lost control of its borders and the very existence of the

Schengen free movement area was definitely questioned by a sequence of unilateral measures reintroducing internal border controls in many Member Countries.<sup>5</sup> After a year, in 2016, one can probably share the opinion of those who believe that the *crisis* of the EU border regime was rather an opportunity for an attempt at its further “consolidation” (Jeandesboz and Pallister-Wilkins 2016), and in particular for an expansion of the role and the resources allocated to Frontex, which has been finally transformed into a truly European Border and Coast Guard with the enactment of the Regulation (EU) 2016/1624.

In this chapter I will describe the essential features of the Euro-Mediterranean border control regime, focusing on the role that Frontex has played during last ten years in the redefinition of the geopolitics of border control along the main regional migratory routes. I will also try to single out how the recent *crisis* has impacted the role of the agency in the policing of the EU borders, eventually calling for a redefinition of its strategies and its mandate.

Table 1: Migrants intercepted along the EU southern border

	Western Route	Central Mediterranean Route	Eastern Mediterranean Route
2006	39,180	22,194	
2007	18,656	21,867	
2008	13,424	39,726	
2009	8,886	11,043	39,975
2010	5,199	4,450	55,688
2011	8,788	64,261	57,025
2012	6,571	15,151	37,224
2013	7,121	45,298	24,799
2014	8,118	170,664	50,834
2015	8,038	153,946	885,386
2016	10,902	181,459	182,277
Source: Author's elaboration from Frontex Annual Risk Analysis			

<sup>5</sup> Starting from September 2015, internal border controls were reintroduced in Germany, Austria, Denmark, Sweden, Norway, Hungary and Slovenia. France and Belgium enacted similar measures due to the terrorist threat (see: Frontex 2016b: 33).

## **The Western Route**

The control of the EU border in the Atlantic and the Western Mediterranean region is entirely centred on Spain and its relations with neighbouring third countries. The geography of the Spanish border, however, is rather complex in this region. Spain retains two small portions of land border with Morocco around the enclaves of Ceuta and Melilla, as well as an extensive sea border stretching from the Mediterranean to the Western Atlantic, opposite to Canary Islands. Since the end of the Nineties, the trend has been that of a strengthening of border controls, in parallel with the diplomatic efforts made by Spain to incorporate migration control in the relations with its neighbours. The action at the bilateral level has also combined with the attempt to give that approach a genuine European dimension, in particular pursued by the Aznar Government during Seville European summit in 2002 and in the framework of the so-called Euro-Mediterranean Partnership (Fernández Bessa 2008: 141-142). In the opinion of someone, Spain has been one of the crucial actors in the development of the external dimension of migration policies and the consequent redefinition of the political geography of the EU border (Casas-Cortes, Cobarrubias and Pickles 2010: 82-84).

The main areas of interest for the Spanish government were initially the Strait of Gibraltar and the Andalusian coast, where already in the Nineties an intense influx of irregular migrants was recorded. In an attempt to tighten controls in this stretch of the Mediterranean border, Spain tried to step up police cooperation with Morocco, with which diplomatic relations were beginning to be strongly influenced by migration related issues (Zapata-Barrero and De Witte 2007: 87; Sala 2012: 5). Starting from the second half of the Nineties, the Spanish Government has been a forerunner in the development of maritime surveillance systems with the launch of the so-called *Sistema Integrado de Vigilancia Exterior* (Sive), initially functioning in the Strait of Gibraltar and later extended to the whole Andalusian coast. The *Sive* offered also the opportunity for a further strengthening of the cooperation with Moroccan border police (Carling 2007: 325; Fernández Bessa 2008: 146; Carling and Hernández-Carretero 2011: 47). This led in 2003 to the birth of the *Grupo permanente de trabajo Hispano-Marroquí*, in the shadow of which there was an exchange of liaison officers and joint patrols were launched at the EU Western Mediterranean border (Fernández Bessa 2008: 150; Sala 2012: 3-4).

Simultaneously, Ceuta and Melilla were turning into one of the main irregular migration entry points. One of the most serious incidents occurred in 2005, when more than 4,000 sub-Saharan migrants encamped in the surrounding forests tried to force the barriers protecting the enclaves with a number of 'coordinated attacks'. The incident, which caused dozens of deaths also because of the violent response from the Spanish and Moroccan security forces (Carling 2007: 324), stimulated a

truly militarization of this section of land border (Ferrer-Gallardo and Albet-Mas 2013: 3) and a further strengthening of the cooperation between Spain and Morocco in the fight to irregular migration (Carling 2007: 323; Zapata-Barrero and De Witte 2007: 87).

In conjunction with the strengthening of the surveillance at the Western Mediterranean sea border, a gradual shift in migratory routes towards the Western Atlantic and the Canary Islands was recorded. The most critical moment was undoubtedly in 2006, when the landings of migrants arriving from Mauritania and Senegal surpassed 30,000 and Spain was forced to rethink its approach to the control of irregular migration in the region (Godenau and Zapata Hernández 2008: 29). The Spanish government moved in two directions. Firstly, it extended surveillance tools such as the *Sive* to the Western Atlantic sea border, incorporating the system into a broader project of cooperation with third countries of origin and/or transit. This project, called *Seahorse*, was run by the *Guardia Civil*, becoming one of the first attempts at multilateral regional control of migratory routes, as well as an experiment of information network that would have later inspired Frontex to develop the EUROSUR system (Sala 2012: 5). The most relevant feature of the project was, however, its operational side, which envisaged the launch of joint patrols under the legal umbrella provided by the cooperation agreements that Spain had signed with Mauritania (2006) and Senegal (2006) (Fernández Bessa 2008: 150-151; Casas-Cortes, Cobarrubias, Pickles 2014: 7-12). Secondly, Spain called on the EU's support in the management of what was then described as an exceptional influx of migrants from north-western African shores (Carrera 2007). The call for emergency responses was the occasion prompting Frontex to launch *Hera*, its first and, for a long time, most expensive JO as sea borders, testing an operating model that the same agency would have later defined 'paradigmatic' (Frontex 2010b: 30).

Since 2006, the presence of Frontex in the region has become permanent. Beside *Hera*, Frontex coordinates two other JOs in the Western Mediterranean region. The first is *Indalo*, which aims at monitoring the stretch of sea in front of Andalusia and Levante; the second is *Minerva*, which, despite being mainly focused on reinforcing surveillance at the disembarkation points where the ferries from Morocco arrive, also provides support for patrolling the sea near Costa da Luz and Costa del Sol, as well as for controlling the land border surrounding the enclaves of Ceuta and Melilla. Cooperation with third countries is in the region well developed and has recently been taken over also by the EU, that following the signing of a Mobility Partnership with Morocco in 2013 is negotiating a readmission agreement and supports the country in patrolling its maritime borders (European Commission 2014: 7). On the Western route the cooperation between Spain and third transit countries is thus regarded as the key in maintaining detections at a relatively low level (Frontex 2016a: 10). While the route to the Canary Islands remains practically closed, notably due

to the cooperation agreements between Spain, Senegal and Mauritania, Moroccan authorities have in 2015 dug a moat and built a high fence on its own territory in the most vulnerable areas of the perimeter near the border with the Spanish cities. These fences and moat, combined with the implementation of the readmission agreement between Morocco and Spain, and the reinforcement of Moroccan Border Guard Units protecting the fence, have further reduced the numbers of attempts at crossing the land border sections surrounding Ceuta and Melilla (Frontex 2016c: 29).

Although over the years the commitment of means and resources in the region has been decreasing in parallel with the gradual shift eastward of main migratory routes, it can be argued that Spain together with Frontex has played a pioneering role in developing an operational model for patrolling EU sea borders which was based on close cooperation with third countries and the extra-territorialization of controls in their territorial waters. A model that the agency would seek to replicate in other regions of the Euro-Mediterranean border.

### **The Central Mediterranean Route**

The control of the Central Mediterranean route relies on the role of two very different countries such as Italy and Malta, one of which joined the EU only in recent years. In this region, Tunisia and Libya have played the role of transit countries for migrants coming from the Horn of Africa and the sub-Saharan region since late Nineties, though at the time most of the landings were recorded on the Adriatic shores. The cooperation between Italy and Albania has led to a sudden change in the main migration routes, with an increasing number of landings in Sicily and especially in the tiny island of Lampedusa, one of the most symbolic places of contemporary EU border control policies (Dines, Montagna, and Ruggiero 2014). While already in 2005 migrants landed in Sicily had exceeded 20,000, the consequences of the intensification of surveillance on the Western route led to a rapid increase in arrivals until the peak of more than 36,000 people landed in 2008, of which 34,000 in Sicily alone (Ministero dell'Interno 2011: 282). In this context, Italy has soon tried to develop a strategy for the cooperation with the key Northern African countries similar to those agreed with Albania in the second half of the Nineties. However, while Egypt, Tunisia, Algeria and Morocco have proved to be willing to collaborate with the Italian border police, accepting the joint patrolling of their shores and the repatriation of intercepted migrants, Libya was a much more problematic partner (Cuttitta 2008: 50-53).

The history of the JOs carried out by Frontex in this region is strongly influenced by the complex diplomatic relations with Libya, as well as by the disagreements between Italy and Malta, which since 2006 have hosted the agency's operational activities in the Central Mediterranean. In particular, Italy had entered into agreements with Libya since the early years of the 2000s,

accepting to provide technical support to Libyan authorities and build at least four immigration detention centres on its territory in exchange of the repatriation of irregular migrants (Cuttitta 2008: 55; Lutterbeck 2009: 172; Klepp 2010: 4; Paoletti 2011: 7). In the shadow of these agreements, between 2004 and 2005 Italy carried out a number of repatriations to Libya that immediately attracted the attention of the international community, which was worried for the “dangerous liaisons” between the two countries (Human Rights Watch 2006; European Parliament 2005). Because of the controversies raised by its cooperation with the Gaddafi regime, Italy stopped the repatriations, while trying in parallel to place its bilateral relations with Libya in a more European political framework (Lutterbeck 2009: 172; Klepp 2010: 6; Paoletti and Pastore 2010: 19). It was in this climate that the EU, which until that moment had had no diplomatic relations with Libya, decided to explore the possibility of starting a dialogue on migration with the country, while lifting the embargo on arms sales in force since 1986. This was also done in view of the possibility of offering technical and logistical support to the Libyan border police (Lutterbeck 2009: 170; Paoletti and Pastore 2010: 21; Paoletti 2011: 7; Bialasiewicz 2012: 859).

In this framework, Frontex has repeatedly sought to involve Libyan border police in the operational activities carried out in the Central Mediterranean, trying to develop forms of technical cooperation under the umbrella of the existing agreements with Italy. One of the first JOs starting in the region was *Nautilus*, originally hosted by Malta and then jointly by Malta and Italy. The operation, which came to have an annual cost of more than 6 million Euros, was conceived as the centrepiece of Frontex’s activities in the region and, at least in Italy’s auspices, it should have gradually involved Libya in order to stop migrants near its territorial waters. The model to follow was clearly JO *Hera* and for these reasons Frontex has repeatedly tried to get into diplomatic relationships with Libyan border police.<sup>6</sup> These attempts at engaging Libyan authorities in the patrol of the Central Mediterranean were finally successful thanks to the signing of a new cooperation agreement between Italy and Libya in 2007, which became operational with the subsequent Treaty of Friendship signed in 2008. Under the agreement Italy pledged to provide military assets for the joint patrolling of the Strait of Sicily and Libya agreed to repatriate migrants intercepted in the course of that operations (Klepp 2010: 7; Bialasiewicz 2012: 854).

The violent controversy triggered by the unscrupulous cooperation with Libyan partners (Human Rights Watch 2009), finally forced Frontex to review JO *Nautilus* operational plan, simultaneously

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<sup>6</sup> In 2007, at the request of the then European Commissioner, Franco Frattini, the agency conducted a technical mission to Libya in order to assess the possibility of helping the country in strengthening its southern border and to establish agreements for bilateral cooperation in the surveillance of the Strait of Sicily with the participation of Libyan border police in the JO *Nautilus* (Frontex 2007b: 15).



causing the European Council and the Commission to propose a clarification of the rules of engagement that should regulate patrolling operations at sea borders. Member States had preferred to leave the matter to the negotiations between security agencies typically preceding the launch of JOs, when there is the possibility to adapt the rules of engagement to the specific diplomatic framework by taking into consideration the existing agreements between border police forces (Carrera and Den Hertog 2015). It was only in 2010 that the Council finally adopted a Decision 2010/252/EU on the issue, with which it was stated that ‘No person shall be disembarked in, or otherwise handed over to the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle’.<sup>7</sup> The decision, which was subsequently repealed by the Court of Justice on procedural grounds, remained in force pending the approval of a replacing regulation, which finally took place with the adoption of Regulation (EU) No. 656/2014.

Due to the impossibility to disembark migrants rescued at sea in Libya, as originally provided for in the JO *Nautilus* operational plan, the operations coordinated by Frontex were at risk of diplomatic stalemate due to the persistent disagreements between Italy and Malta. Because of the new rules, which included an obligation of the hosting Member State to allow the disembarkation of migrants intercepted during JOs at sea borders, Malta was afraid of having to bear an excessive burden from its participation in Frontex led patrols in the Central Mediterranean (Carrera 2010: 19) and this finally led the Country to withdraw from all multilateral operational activities in the region, bringing to an end the JO *Nautilus*.

After a period of inactivity, the operations in the region were re-launched in 2011 with two new JOs, both hosted by Italy. The first was in fact an expansion towards the Strait of Sicily of the JO *Hermes*, whose operating area was initially more focused on the protection of the migration route leading from Algeria to Sardinia; the second was the JO *Aeneas*, covering the region of the Ionian Sea. The re-launch of Frontex operations in the Central Mediterranean was mainly due to the events triggered by the so-called Arab uprisings, which lead to a rapid increase in the number of landings in Lampedusa and Sicily. So it was that in March of 2011, although in the context of difficult diplomatic relations with the then Italian Government (Campesi 2011), the EU agreed to strengthen the JOs already active in the region in order to resume the patrolling interrupted in 2010 with the termination of the JO *Nautilus*. For the first time JO *Hermes* took on the traits of a permanent operation, with an overall increasing of expenses to over 14 million Euros, plus the over 10 million

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<sup>7</sup> See Art. 1(2), Council Decision 2010/252/EU.

spent on JO *Aeneas*, which was called to protect the Eastern shores of Calabria and Puglia by the influx of migrants from Albania, Tunisia, Egypt and, to a lesser extent, Turkey.

Since 2012, however, Frontex has had to radically rethink its operating model for JOs at sea borders. It was clear that under the Regulation (EU) No. 656/2014 most of the migrants rescued at sea were now to be disembarked on EU territory. Furthermore, the sinking of the 3 October 2013, in which over 350 people lost their life, represented another breaking point, prompting the EU to emphasize the humanitarian dimension of the activities carried out in the region. The Task Force Mediterranean, set up a few days after the shipwreck in order to define the strategy through which to address the challenge of migration by sea, seemed to speak a new language: while reiterating that the policy priority should continue to be that of preventing migrants ‘to undertake these dangerous journeys’, it emphasized that this aim would have to be pursued ‘in full compliance with the standards set forth by the international human rights law’ (European Commission 2013: 3). Standards that meanwhile had been clearly reaffirmed by the ECtHR in its Grand Chamber judgment of 2012 in the *Hirsi* case. Both Frontex and the EU appeared however to act as rather reluctant humanitarian actors, as the controversy unleashed by the Italian initiatives in the region would soon show.

In parallel with the JOs coordinated by Frontex, in 2013 the Italian Government had indeed launched a unilateral Navy operation called *Mare Nostrum*. The operation, which would have ended in 2014, covered a wide area of the Central Mediterranean (70,000 sq km), going up near the Libyan territorial waters (Cuttitta 2014; Carrera and den Hertog 2015). According to data provided by the Italian Government, it had a total cost of over 114 million Euros, allowing to intercept more than 101,000 migrants and arrest 728 smugglers (Senato della Repubblica 2015: 15). The aim of *Mare Nostrum* was essentially to control a stretch of sea that after the collapse of the Gaddafi regime had remained largely unprotected due to the inability of Libyan authorities to carry out effective patrolling. Although presenting some of the features typical of a security operation carried out in substantial continuity with the border control strategy adopted in the past, *Mare Nostrum* was presented to the public as a search and rescue operation whose main objective was to save lives in danger on the high sea.

The attitude of the EU institutions with respect to the steps undertaken by the Italian Government was rather ambivalent. Initially hailed as an operation born in the wake of the strategic lines drawn by the Task Force Mediterranean established in the aftermath of the tragedy of Lampedusa, *Mare Nostrum* then began to rise some concern in the EU partners, worried that its rules of engagement were becoming a powerful pull factor for ‘illegal’ migrants (Carrera and den Hertog 2015: 4). Italy, looking for an exit strategy for the commitment undertook with the launch of a highly expensive

operation, repeatedly called on the EU intervention, and this stimulated a broad discussion on the kind of support that Frontex could offer, possibly by enhancing the JOs already active in the region. JO *Hermes* and JO *Aeneas* had however a much lower budget and were employing means which were not suitable to carry out the extensive search and rescue efforts on the high sea the Italian Navy was capable of. It was clear that Frontex was not able to replicate an operation similar to *Mare Nostrum*, but it was not just a matter of the means to be deployed.

All concerns of EU partners were expressed with the usual bureaucratic coldness by Frontex, which in the draft operational plan for the future JO *Triton* that was supposed to replace both Frontex led JOs and the Italian *Mare Nostrum*, suggested that the presence of the Italian Navy near Libyan coast may have ‘encouraged’ potential migrants to attempt a crossing with poorly equipped boats on the assumption that they will be rescued and disembarked on the Italian soil (Frontex 2014a: 4). The other Member States were demonstrating a certain reluctance to participate in the new JO that the agency was about to launch, in the fear that this might end up working as a pull factor for illegal migrants, offering them a comfortable *taxi service*. JO *Triton* was approved only on condition that its operational area was strictly confined to the margins of Italian territorial waters and its aims strictly limited to border surveillance, and not to the rescue at sea in international waters, which was regarded as a task not covered by the official mandate of Frontex (Carrera and den Hertog 2015: 10). The reluctance of Frontex in taking charge of the humanitarian mandate that was assigned to *Mare Nostrum* is however not surprising, if one considers that with the enactment of Regulation (EU) No. 656/2014 the place of disembarkation of all migrants intercepted at sea during the Agency’s JOs would have to be decided having in mind the need to respect the prohibition of *refoulement*.<sup>8</sup>

It was only in April of 2015, when more than 800 migrants lost their lives in yet another shipwreck in the Strait of Sicily, which the mandate of JO *Triton* was extended and its budget tripled in order to provide it with the means for conducting rescue actions similar to those undertaken by the Italian Navy with *Mare Nostrum* (Frontex 2015a). The redefinition of JO *Triton*’s operational plan took place in a political context still somewhat dominated by a humanitarian inspiration, nevertheless the document by which the Council gave mandate to the Commission to increase Frontex’s ‘presence at sea’ stated that the stepping up of the agency’s search and rescue capacity was to take place ‘within the framework of its mandate’ (European Council 2015), which still remained that of an agency aimed at border surveillance. In this sharp clarification not only all the controversy of the past few months were condensed, but it was also foreshadowed an overall change of strategy in the

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<sup>8</sup> See art. 4, Regulation (EU) No. 656/2014.

management of the Euro-Mediterranean border, with the intensification of security concerns that the outbreak of the refugee crisis in the following months would make dominant.

During 2015 more than 150,000 migrants were intercepted in an attempt to entry the EU through the Central Mediterranean route. These numbers, while representing a partial decrease compared to 2014, have consolidated a growth in the regional migratory movements that is largely attributable to the geopolitical instability unleashed by the Arab Uprisings and to the spiral of disorder in which Libya has plunged. In this context, the EU political response moved in two basic directions.

On the one hand, the EU agenda on migration adopted by the Commission in May 2015 (European Commission 2015a) launched the so called *Hotspot Approach*, which was intended at offering immediate support to Member States most affected by the *crisis*. According to the plan envisaged by the Commission, Frontex should coordinate the so called *Migration Management Support Teams* working in ‘hotspot’ areas supporting National border police in the identification, screening and fingerprinting of all migrants on entry to the EU and the repatriation of those not in need of protection (European Commission 2015b). The approach, which was presented as form of solidarity addressed at Southern EU Countries, was essentially aimed at limiting the secondary movements to Northern Europe of the incoming migrants by forcing them into newly opened processing centres managed by local authorities under the auspices of Frontex. Italy was thus forced to quickly open 4 detention facilities located near main disembarkation points, where 165 Frontex screening and debriefing experts were posted to assist Italian border police (European Commission 2015c; 2016a). The roll out of the *Hotspot Approach* in Italy has however sparked harsh criticism, with many NGOs alleging that EU policies were leading to an abuse of coercive powers against migrants resisting fingerprinting and prolonged arbitrary detentions (Amnesty International 2016a).

On the other hand, the EU strengthened the surveillance of the Central Mediterranean route, notably with the launch of the naval operation *Eunavfor Med*<sup>9</sup> which, under the lead of the Italian Navy, was supposed to complement Frontex’s operations in the region with a particular focus on the fight against smuggling and trafficking. The operational plan was articulated into three different phases, which included the possibility to act on Libyan territory if legal and political preconditions were met (EU External Action 2015). However, the civil disorder situation and the substantial absence of a recognized authority in Libya have prevented for a long time to imagine any form of assistance to, or co-operation with Libyan security forces. This despite the fact that Italy had been striving to rebuild its cooperation on border and migration with Libya since the beginning of the post-Gaddafi era.

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<sup>9</sup> Council Decision (CFSP) 2015/778 of 18 May 2015.

The scenario seems to change in March 2016, when a national accord government lead by Fayez Al-Serraj took office. Immediately after taking office, the EU has begun negotiations to obtain its consent to an extension of *Eunavfor Med* operations on Libyan territory, as well as the resumption of the technical assistance interrupted in 2013. Italy strongly supported such diplomatic initiatives with the clear aim of concluding a cooperation agreement with Libya similar to the one signed between the EU and Turkey (Rettman 2016). In this scenario, the efforts were focused on creating the preconditions necessary to operate in Libya with the cooperation of the new government's security forces. The emphasis has thus been placed on the need to rebuild Libyan security apparatus, attributing to *Eunavfor Med* technical assistance tasks that were not originally envisaged. As a result, on June 2016 *Eunavfor Med* was finally extended for one year, with a significant extension of its mandate. It will now also be entrusted with the task of providing technical assistance to the Libyan Coast Guard and Navy<sup>10</sup>, a function that will be carried out in close cooperation with Frontex, which in the last months of 2016 has already begun to train the Libyan Coast Guard (Frontex 2016d). Italy and Libya have finally signed a much criticised memorandum of understandings in February 2017, according to which Italian authorities are supporting Libyan security forces in the patrolling of their sea borders and the fight against migrant smuggling.

### **The Eastern Mediterranean Route**

The Eastern Mediterranean is a very complex border region. The main migratory route in this area reaches Greece through the stretch of sea separating the southern Aegean islands from Turkey, and the 206 km of land border located in the North-Eastern region of Greece; while the Greek border with Albania and Former Yugoslavian Republic Of Macedonia (FRYOM), which has historically been at the centre of a circular movement, is now mainly used as a way out towards the Western Balkans. Less important are arrivals by sea to Cyprus, or land border crossings in the stretch separating Bulgaria from Turkey. The crucial Member State for the control of the South-Eastern EU border region thus remains Greece, although it is expected that the entry of Bulgaria into the Schengen area may change the geopolitics of migration routes in this region, which have already showed a shift towards Western Balkans in 2015.

The preferred destination for migrants trying to enter the Schengen area has traditionally been the islands of Lesbos, Chios, Samos, Rhodes and the other small islands of the Dodecanese. In this region, the Greek Coast Guard intercepted an average of 5,000 migrants per year, while arrivals by sea accounted for over 70 per cent of the irregular immigration recorded in Greece. The length and

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<sup>10</sup> Council Decision (CFSP) 2016/993 of 20 June 2016.

the peculiar geography of this stretch of the EU border made surveillance activities very complex and highly costly in terms of human and material resources. For these reasons, the efforts to curb the arrivals by sea have increased over time, as well as those made to obtain the cooperation of Turkey, which, despite having since 2002 signed a readmission agreement with Greece, appeared to be a quite reluctant partner (Tryfon 2012: 189).

Frontex is active in the region since the beginning of its operational activities with a JO called *Poseidon*, which is divided into two distinct actions: one for the maritime border, the other for the land border. The agency's intervention has assumed the traits of an action in support of the operational capacities of Greek border police, which was judged inadequate to manage a section of the border that was put under an increasing migratory pressure. Frontex has offered support to Greece in the processing of intercepted migrants and has provided means for a more effective surveillance of the stretch of the Aegean Sea separating Europe from Turkey (Frontex 2007a: 11; Frontex 2010a: 26). This is clearly reflected in the rapid growth of JO *Poseidon Sea* budget. Greece has also received substantial funding from the External Borders Fund in order to strengthen its technical equipment, funds that according to the allegations of some NGOs have been used to finance maritime interdiction actions (Pro Asyl 2007: 7).

The increased surveillance in the Aegean Sea caused a typical displacement of the migration route, which in 2010 has begun to affect the land border between Greece and Turkey and, in particular, the strip of land near the city of Orestiada. According to Frontex data, during the fall of 2010 an average of 300 migrants attempted to cross this section of the border each day, while at the end of that year the total number of migrants intercepted at this section of the border had reached 47,706 (Frontex 2011: 14). The situation was judged critical, and this persuaded the agency to respond to the request of assistance from the Greek government by launching the first operational activity of the so called RABIT, the Frontex rapid reaction team created in 2007. Between 2 November 2010 and 3 March 2011 about 576 officers were deployed at a section of the Greek border that since 2006 was already hosting the JO *Poseidon Land*, marking a new stage in the commitment of Frontex in the region. From 2011 onward, JO *Poseidon Land* has become in fact a permanent operation, with a growing budget that rapidly reached 8 million Euros. This was an unprecedented amount of money for a JO to be carried out in a section of the land border.

The actions taken by the Greek border police in cooperation with Frontex have been subject to harsh criticism. In particular, many reports have denounced repeated breaches of the *non-refoulement* principle and the general attitude to ask Turkey the readmission of migrants whose international protection needs were not assessed with due care. According to the information available, it appears that Frontex's officials have essentially bypassed Greek authorities in the

conduct of interviews and the taking of decisions regarding the repatriation of intercepted migrants (Eufra 2011; Human Rights Watch 2011). Despite the intensity of the intervention, however, the results were not significant. After an initial reduction in the number of migrants intercepted in 2012, it became clear that closer surveillance in the Evros region was producing a new shift in migration routes toward Bulgaria, which began the construction of a 30 Km barrier between the villages of Lesovo and Kraynovo (Frontex 2014b: 20), and again toward the Aegean Sea, where in 2014 more than 43,000 migrants were intercepted (Frontex 2015b: 22). This was however only an anticipation of the unprecedented influx that would be recorded during 2015, when a total of 873,000 migrants, mostly Syrian and Afghan, would reach the Greek islands by crossing the Aegean Sea.

The spectacular growth in the number of incoming migrants had already brought in May 2015 to a tripling of the JO *Poseidon*'s budget (European Commission 2015a: 3). Over the following months, the JO was further enhanced bringing the number of Frontex's officers operating on Greek territory to 256 in November 2015 (European Commission 2015d), with the goal of having more than 700 of them active by the beginning of 2016. At the end of 2015 JO *Poseidon* was also replaced by a Frontex's emergency response team (RABIT) following a request from Greece for support in handling the unprecedented number of migrants landing on its islands (Frontex 2016a: 28). In parallel, the surveillance in the Aegean Sea was further improved with the involvement of the operation *Active Endeavour*, a NATO counter-terrorism operation in the region launched after 9/11 (European Council 2016a; 2016b). Part of Frontex's commitment in Greece was also directed to the implementation of the *Hotspot Approach*, although unlike in Italy its rollout has been slow, with a need to build hotspots processing centres from scratch and several shortcomings in infrastructure, staffing and coordination. In February 2016 yet a single processing centres could be said to be fully operating, while the Greek government, under pressure from the Commission, had mobilized the army to finalise the construction works and to take the lead temporarily in the management of operations in the hotspots (European Commission 2016b: 2). Needless to say, many criticisms have been raised regarding detention conditions on Greek islands (Amnesty International 2016b).

The key to stemming the migratory flow was however seen in the cooperation with Turkey, with which at the beginning of October 2015 a complex dialogue has started in order to obtain its cooperation in the surveillance of the Aegean Sea and in the readmission of migrants arriving on Greek shores. The EU-Turkey action plan of 29 November 2015 offered substantial financial incentives to Turkey, in exchange for its cooperation in stemming the flow of those that were defined 'irregular movements across the borders' (European Commission 2015e: 13). In particular, the EU committed itself to establish a Facility for Refugees in Turkey, pooling the EU budget and Member States' resources to provide a comprehensive and coordinated assistance package to

support 2 million Syrian refugees hosted in Turkey. An amount of €3 billion was envisaged for 2016-17 (European Commission 2016c: 4). Under the auspices of Frontex, which had meanwhile posted a liaison officer in Ankara (Frontex 2016a: 16), Greece and Turkey stepped up their bilateral cooperation on border surveillance and readmission, establishing a Working Group on Migration (European Commission 2016d: 6). This finally brought a new phase in the EU-Turkey relationship, embodied in the much criticized (Human Rights Watch 2016a) EU-Turkey Statement of 18 March 2016, which built on the previous EU-Turkey Joint Action Plan (European Council 2016c). Under the Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands whose applications for asylum was declared inadmissible should be returned to Turkey. In parallel, the EU has committed itself to resettle a Syrian refugee from Turkey to the EU for every Syrian returned to Turkey from Greek islands (European Commission 2016e: 2).

### **Producing the Euro-Mediterranean Borderlands**

From the analysis I made, a quite complex picture emerges. On the one hand, it is undoubtedly true that, especially during its first years of activity, Frontex has been trapped into a political-diplomatic game led by the Member States situated along the southern border. On the other hand, it seems excessive the opinion of those who argue that the driving force in the development of local border control regimes were national governments (Kasperek and Wagner 2012: 180).

Frontex, which in theory should plan its operations as a result of careful risk analysis, has often indulged the emergency rhetoric and exploited the political spectacle of the fight against irregular migration by sea orchestrated by national governments. The agency has become the perfect scapegoat for national political actors that, in order to obtain more technical and financial resources, have triggered a blame-shifting process to the EU (Rijpma 2010). Countries like Spain, Italy and Greece, besides the agency's technical support, have in recent years obtained many resources from the EU External Borders Fund, yet the stakes of this political-diplomatic dialectics should rather be measured in terms of political capital. It is clear that a constant securitization of migration is not politically sustainable in the long run. Given the poor results of the fights against irregular migration, national governments have so looked for a way to *Europeanise* their problems. Judging winner and losers of this complex *migration diplomacy* is however less simple than it seems. Contrary to the claims of Luisa Marin (2011: 486), that takes up the well known thesis of Virginie Guiraudon on vertical venue shopping (2000), by resorting to the EU national governments gave a greater public visibility to their often unscrupulous border control practices, thus running the risk of being bound by a stricter legal and political framework. This was particularly clear in the case of Italy.



As it was increasingly called to support national border police, Frontex has in parallel succeeded in stabilizing its role and its presence, building its hegemony over local border control regimes. The agency has been the handy tool of what was effectively defined as the ‘geopolitics of incorporation’ (Reid-Henry 2013), where ‘incorporation’ does not only mean a gradual expansion of the EU border toward the extraterritorial spaces, but also the creation of a border management apparatus which is in some way superordinate to the national bodies that are locally called to enforce border controls. This apparatus has taken the form of what is called *European Patrol Network*, which Frontex has been called upon to develop since the early years of its activity (European Commission 2006: 7). The project was to incorporate into an overall strategic framework the different local border control regimes, by creating a permanent patrol system embracing the whole Euro-Mediterranean border and including, on the basis of specific agreements negotiated directly by Frontex, also the main third transit countries. The agency has thus redefined border control practices by incorporating local border regimes as part of a larger narrative on EU external border, which allows now to think the governance of migration on the Euro-Mediterranean border starting from a geopolitical imagination built on Frontex’s risk analysis and operational plans.

The policy steps undertaken to answer the 2015 migration crisis seem to have further consolidated Frontex’s role in the policing of the EU border, albeit in a scenario in which also military actors are gaining an increasingly crucial role. The agency was entirely reformed becoming a truly European Border and Coast Guard and acquiring important prerogatives of the processing of incoming migrants and the repatriation of those not entitled to stay. This has boosted its presence on the field, as a matter of fact placing national border police under Frontex strategic leadership. In parallel, the agency will increase its role in the development of diplomatic relations with third countries since, according to the new regulation, it may post its liaison officers in major transit country, on whose territory is now also allowed to conduct operations. Frontex will therefore be an increasingly relevant actor in the production of Euro-Mediterranean region as a neo-imperial hegemonic space through which the EU seeks to attract and domesticate the ‘other’ spaces perceived as disorderly and dangerous (Van Houtum 2010: 961). A space that Del Sarto has aptly defined as ‘borderlands’ (Del Sarto 2010) to express the idea of the hybridization of the border which is produced by the extra-territorialisation of immigration control policies, through which the EU is essentially seeking to project its internal order out of its domestic jurisdiction.

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