



Brugge

College of Europe
Collège d'Europe



Natolin

The EU and its borders: the challenges of people on the move

To what extent was Frontex equipped for the current Migration Crisis and how should it address future challenges?

EU External Relations

Prof. P. Winand

Korneel De Schamp
Benjamin Guichard-Sulger
Bach Nguyen
Iryna Shuvaieva
Sara Hamouda

Word count: 6898

Table of Contents

0. Introduction.....	2
1. Historical Evolution	2
1.1 Legal Perspective	2
1.2 Evolution of competences of Frontex	4
1.3 Cooperation with institutions and international organizations	5
2. Current response to the migration crisis	6
2.1 Most Important Missions	6
2.1.1 Hermes	6
2.1.2 Triton.....	6
2.1.3 Poseidon.....	7
2.2 Why is Frontex active there?	7
3. Analysis.....	11
3.1 Current Challenges.....	11
3.1.1 Need for extra budget and technical support	11
3.1.2 Division of Competences	11
3.1.3 European solidarity	15
3.1.4 Absence of trans-regional governance	15
3.1.5 Coordination with the neighborhood	16
3.2 Current Reform	16
3.3 Recommendations.....	18
3.3.1 Clarity of Competences.....	18
3.3.2 Lifting the Barriers to Action.....	19
3.3.3 Human Resources Reform	19
3.3.4 Budgetary Improvements.....	20
3.3.5 Alternatives to illegal immigration	20
4. Conclusion	21
Bibliography	22
Primary Sources	22
Secondary Sources	27

0. Introduction

The recent migration crisis, with its huge influx of migrants and refugees, has caused enormous challenges for the European Union (EU). In dealing with this “problem” of people on the move, the EU border agency of Frontex has taken a central role. Despite having clear limitations, “Frontex” has become a buzzword. Owing to this importance, we have chosen to explore to what extent Frontex was equipped for the current migration crisis and how it should address future challenges.

To do this, we will first introduce Frontex and sketch its powers and evolution. Secondly, we will attempt a critical review of available literature. Combined with this, we conducted an interview at with Frontex in Warsaw, of which fragments will also be used. Of course, such a review cannot be exhaustive nor definitive. Finally, we will formulate our own recommendations on how Frontex can be changed. Since the situation on the ground is still evolving - with recent proposals calling for a significant retooling of Frontex¹ - our paper can be a little out of date. We hope nonetheless to present a valuable overview of Frontex as a mechanism in the EU foreign policy, dealing with people on the move toward the Union.

1. Historical Evolution

1.1 Legal Perspective

With the EU's keenness to ease the free movement of people and implement the Schengen agreements, the management of common borders' issue was raised among the Member States (MS).² The abolishment of internal border controls implied the strengthening of the external border controls. Accordingly, a common and united system of management was apparently necessary.

Under Articles 74 and 77§2 points b) and c) of the TFEU,³ the MS keep their national sovereignty in relation to controlling and monitoring the external borders of the EU, but in the meantime they granted the supranational EU institutions the competence to establish common rules on the crossing and the management of external borders of the EU. The first steps for some frontier agency were taken from 1999 onwards. This led to the creation of an External Border Practitioners Common Unit, which

¹ “Brussels unveils controversial plan for EU border force”, *EurActiv.com*, 16 December 2015. Available at <http://www.euractiv.com/sections/justice-home-affairs/brussels-unveils-controversial-plan-eu-border-force-320486> (Consulted 21/12/2015). See also 3.2

² To clarify, when talking about MS in the context of Frontex, one principally means the Schengen Area members, which include 26 countries of which some are not a member of the EU itself. Likewise, Frontex only cooperates on a lower level with EU countries outside the Schengen zone. See <http://frontex.europa.eu/operations/roles-and-responsibilities/>

³ Ex article 62 § 2 point a) and article 66 of the TEC.

united the heads of national border guards. Some ad-hoc centres were set up to oversee EU wide-projects, but only after two years the EU decided to establish Frontex on 26 October 2004.⁴ Consequently, Frontex - the European Agency for the management of Operational Cooperation at the External Borders of the Member States – was created in 2004 on the basis of a Council regulation⁵, which was later revised in 2011⁶.

Frontex enjoys the status of an EU agency. Explicitly, it has its own legal personality, and, thus, is authorised to conclude agreements with third countries. More importantly it has its own budget, funded by a subsidy from the Commission and by contributions from the four non-EU members of the Schengen area.⁷ Frontex officially started its activities on October 3rd, 2005. The agency is supervised by a management board (MB), including representatives of the contracting parties to the Schengen agreements and of the European Commission. The MB regularly elects a Director for a five-year term, following a Commission proposal. Fabrice Leggeri, French national, is currently holding the latter position.

Concerning its mandate, Frontex is assigned to the improvement of “*the integrated management of external borders of member states of the European Union*”.⁸ Therefore, the agency focuses on two main tasks. Firstly, it deals with the production of strategic information to identify itineraries of migrants and to forecast points of high pressure on external borders of the EU. Following this idea, it defines common standards to help national border guards fulfil their tasks. Secondly, the agency also organizes and coordinates joint operations or pilot projects (the latter have experimental aims). Joint operations are scheduled by the MB. Basically, Frontex organizes the deployment on the territory of a host MS of the European Border Guard Teams made available by participating States. However, it is worth noting that Frontex cannot constrain the MS and it only provides assistance upon requests made by said MS.⁹

Following the Arab Spring’s political outcomes and migratory pressures, the EU has sought to boost Frontex’ responsiveness as it has been empowered to deploy rapid response teams whenever

⁴ Frontex, *About Frontex*. Available at <http://frontex.europa.eu/about-frontex/origin/> (Consulted on 23/10/2015).

⁵ Regulation (CE) 2007/2004 of Council of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *OJ* 349, 25.11.2004, pp.1-49.

⁶ Regulation (EU) 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) 2007/2004 *op. cit.*, *OJ* 304, 22.11.2011, pp.1-17.

⁷ Switzerland, Norway, Iceland and Liechtenstein.

⁸ Regulation 2007/2004, *op.cit.*, art. 1.

⁹ Regulation 2007/2004, *op.cit.*, §2.

requested by the MS in a situation of urgency and exceptional pressure.¹⁰ The agency designs the Rapid Border Intervention Teams by drawing on a reserve list of potentially mobilisable national border guards. Furthermore, the EUROSUR system, initiated in 2013, has enabled the MS to provide Frontex with real-time information on their land, air and maritime borders.¹¹

1.2 Evolution of competences of Frontex

Frontex has been steadily accruing more and more responsibilities over the years – especially since the recent migratory crisis started. Although a certain legal definition of the powers of Frontex has been established in the first part, the mandate of Frontex is also in a constant evolution. Frontex has been a very activist agency, in the sense that it has often moved beyond the legal rules in its work on the ground.¹² We will see later how this affects the current crisis, but will now look towards a more historical perspective.

A lack of a watertight definition of the agency's mandate “*has allowed for informal practices to emerge and become an accepted and established part of these agencies’ regular activities*”, according to Carrera. One example of these are the so-called JRO's, or Joint Return Operations. The agency took on a coordinating role while its official objectives were still limited to “assisting” Member States.¹³ It is also notable that since its inception, Frontex has been widely criticized on its activities by human rights activists.¹⁴

The budget of Frontex has grown exponentially. Although it only attained full budgetary independence from the Commission in 2006 (meaning the agency no longer had to seek approval for most personnel costs from the Commission), a measly budget of €2,1 mln. in 2005 had ballooned to €70,4 mln. by 2008. Its personnel also increased from 43 in 2005 to 164 in 2008.¹⁵

In general, operations during the first years remained modest, with return operations or patrols lasting a short time and concerning a relatively small number of persons. Most operations were ad-hoc and aiding in relieving crisis situations.¹⁶

¹⁰ The Frontex Rapid Border Intervention Teams (RABIT) were created by Regulation (EC) 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, *OJ* 199, 31.7.2007, pp.30–39.

¹¹ Regulation (EU) 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur), *OJ* 295, 6.11.2013, pp.11-26.

¹² Sergio Carrera, Leonhard den Hertog, Joanna Parkin, The peculiar nature of EU Home Affairs Agencies, *European Journal of Migration and Law*, vol. 15, 4, 2013, pp.347.

¹³ Ibid.

¹⁴ Sarah Leonard, “The Creation of FRONTEX and the Politics of Institutionalisation in the EU External Borders Policy”, *Journal of Contemporary European Research*, vol. 5, 3, 2009, pp.372.

¹⁵ Johannes Pollak and Peter Slominski, “Experimentalist but not Accountable Governance? The role of Managing the EU's external borders”, *West European Politics*, vol. 32, 4, 2009, pp.909-910.

¹⁶ Pollak e.a., *op cit*, pp.912-914.

1.3 Cooperation with institutions and international organizations

Since the overall objective of Frontex is to promote the Integrated Border Management among its Member States, it liaises with various local authorities (such as national police forces) that are involved in the management of security and freedom. It cooperates with all 28 EU Member States in addition to Schengen members Switzerland, Norway, Liechtenstein and Iceland. Moreover, it liaises with European agencies, such as Europol (EU's Law Enforcement Agency), EASO (European Asylum Support Office), Eurojust (EU's judicial cooperation Unit) and CEPOL (European Police College). The cooperation with FRA (EU Fundamental Rights Agency) is notable, since it tries to assure consistency in implementing a fundamental rights strategy at Frontex, while also taking into consideration the UNHCR's principles.¹⁷ Frontex coordinates closely with the border-control authorities of non-EU/Schengen countries, especially the countries defined as transit route of irregular migration — in line with general EU external relations policy.¹⁸

Frontex endorses cooperation with numerous international organizations to make sure of implementing its mandate accurately. For instance, it works closely with the IOM (International Organisation for Migration). The two also contribute to each other's projects such as projects on the human trafficking of minors. In this context, Frontex liaises with the UNHCR (United Nations High Commissioner for Refugees). Both exchange training and undertake some joint operations.¹⁹

It is thus quite clear that Frontex doesn't operate in a vacuum, and is dependent on a multitude of other actors. This is an important fact to take into account: Frontex is not the one and only solution to migration problems.

¹⁷ Frontex, *Partners - EU Agencies*. Available at <http://frontex.europa.eu/partners/eu-partners/eu-agencies/> (Consulted 21.12.2015) and Frontex, *Operations - Roles and Responsibilities*. Available at: <http://frontex.europa.eu/operations/roles-and-responsibilities/> (Consulted 21.12.2015).

¹⁸ Frontex, *Partners - Third Countries*. Available at <http://frontex.europa.eu/partners/third-countries/> (Consulted 21.12.2015)

¹⁹ Frontex, *Partners - International Organisations*. Available at <http://frontex.europa.eu/partners/international-organisations/> (Consulted 21.12.2015)

2. Current response to the migration crisis

2.1 Most Important Missions

Frontex has relatively little executive power in itself. It is largely just a coordinating agency; it monitors and surveys the conditions on the external border of Schengen. On requests from “hosting” countries, which are the MS needing support, Frontex can organize a joint mission, where the MS give Frontex manpower and equipment, which it can use to reinforce the hosting country. The organization thus has no assets on its own, it borrows them from MS.²⁰ We will take a look at the most important missions up until now.

2.1.1 Hermes

Operation Hermes was a surveillance mission in the Mediterranean Sea, requested by Italy in 2011.²¹ It was a response to an increased flow of North African migrants and their arrival on the Italian island of Lampedusa. The main task of the agency was to document the migration flows, interview and debrief migrants, as well as deal with security matters. Frontex also assisted the national authorities with returning migrants who were not allowed to enter the EU. With the outbreak of the Libyan Civil War, the stream of refugees and migrants intensified, exerting further pressure on Lampedusa. Operation Hermes 2011 was terminated on 31/3/2013 and cost over €14 mln. Operation Hermes 2012 lasted from 2/7/2012 until 31/2/2013 and cost about €4 mln.²²

2.1.2 Triton

Operation Triton began on 1/11/2014, after an Italian request for assistance in the Mediterranean Sea. It replaced the Italian Operation Mare Nostrum, which became too expensive and thus was unsustainable for one country to manage. Triton is designed as a surveillance operation, but there are many criticisms about its severe lack of resources and manpower. At the inception of the operation, it was equipped with two aircrafts and three ships. The operational area of Triton was also limited to only 30 km off the Italian coast, compared to the vastly larger zone of operation of Mare Nostrum –

²⁰ Nick Mathiason, Victoria Parsons and Ted Jeory, “Europe’s refugee crisis: Is Frontex bordering on chaos?”, *The Bureau of Investigative Journalism*, 15 September 2015. Available at <http://labs.thebureauinvestigates.com/is-frontex-bordering-on-chaos/> (Consulted 31.12.2015).

²¹ “Frontex begins Operation Hermes in Lampedusa following request from Italy”, *IBRU*, Durham University, 22 February 2011. Available at https://www.dur.ac.uk/ibru/news/boundary_news/?itemno=11608& (Consulted 31.12.2015).

²² “Lampedusa operation Hermes”, *Ask The EU*, 7 April 2014. Available at http://www.asktheeu.org/en/request/lampedusa_operation_hermes (consulted 31.12.2015)

100km. Only in May 2015 was the operational area expanded to 138 nautical miles south of Sicily.²³ In April 2015, the budget of Triton was also increased to €120 mln. for 2015-16, an increase from the previous 2.9 mil. per month (Mare Nostrum cost €9 mln. per month).²⁴ It was also reinforced with more equipment.

2.1.3 Poseidon

Joint Operation Poseidon is a Frontex operation in the Aegean Sea, starting in 2006 after a request of assistance from Greece. The JO's mission is to support and reinforce external EU border between Greece and Turkey. The operation is divided into sea surveillance and land surveillance. Initially, Greece only requested support of RABIT teams (Rapid Border Intervention Teams), which have been expanded to a Joint Operation. Frontex also opened a regional office (Frontex Operational Office) in Piraeus, Greece, in order to monitor the situation more effectively. This operation has been transformed into a permanent operation since 2011, expanded to cover Bulgarian land borders as a well.²⁵ Frontex also coordinates return flights (deportations) on the EU level, in addition to preventing illegal entry of the MS' territories.

2.2 Why is Frontex active there?

Since 2014, the EU has been confronting the influx of migrants and refugees on an unprecedented scale. Political turmoil and military conflicts in numerous countries of Eurasia and Africa have caused dramatic increase of the number of people illegally crossing the EU borders: 770% more cases were detected in the second quarter of 2015 in comparison to the first quarter of 2014, as reported by Frontex.²⁶ The level of asylum seekers has reached a height last observed at the beginning of Bosnian war in 1992.²⁷ The complicated geography of irregular migration in Europe is divided by Frontex into eight principal land and sea routes. We will analyse three of them: the Central Mediterranean,

²³ Frontex, *Frontex expands its Joint Operation Triton*, 26 May 2015. Available at <http://frontex.europa.eu/news/frontex-expands-its-joint-operation-triton-udpbHP> (consulted 31.12.2015)

²⁴ ECRE, *MareNostrum to end - New Frontex operation will not ensure rescue of migrants in international waters*, 10 October 2014. Available at <http://ecre.org/component/content/article/70-weekly-bulletin-articles/855-operation-mare-nostrum-to-end-frontex-triton-operation-will-not-ensure-rescue-at-sea-of-migrants-in-international-waters.html> (Consulted 31.12.2015)

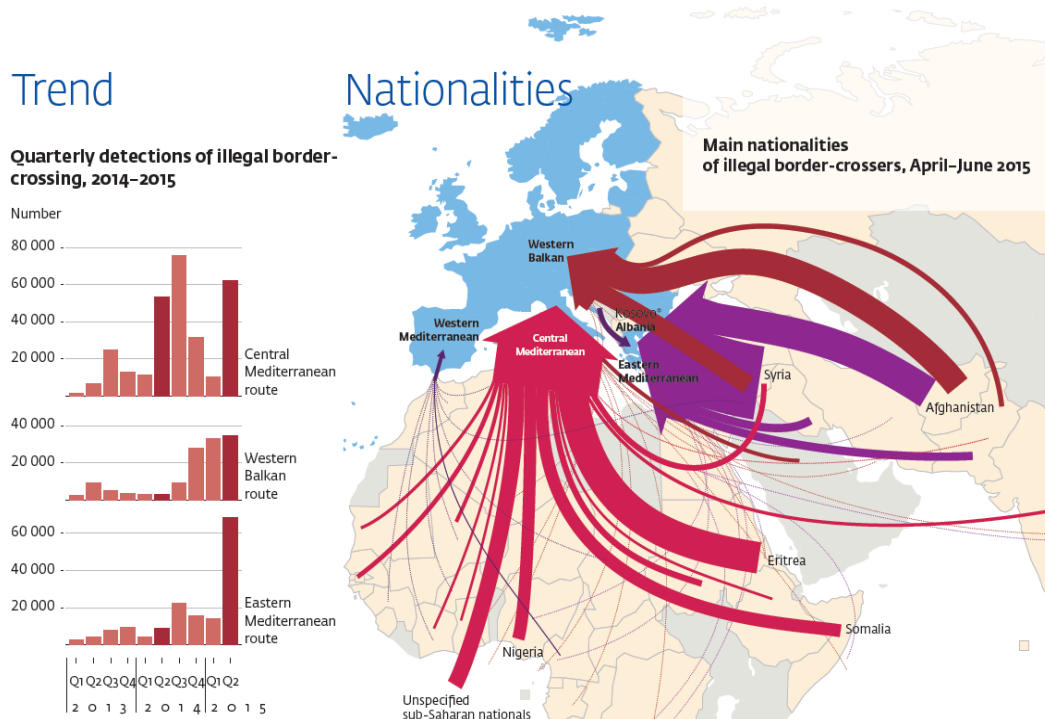
²⁵ FIDH - Migreurop - EMHRN, *Frontex: Between Greece and Turkey: The Border of Denial*, May 2014, pp.17. Available at <http://www.frontexit.org/fr/docs/49-frontexbetween-greece-and-turkey-the-border-of-denial/file> (Consulted 31.12.2015).

²⁶ Frontex Risk Analysis Unit, *FRAN Quarterly. Q2*, Frontex, 14851/2015, April-June 2015, pp.24. Available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q2_2015_final.pdf (Consulted on 24.10.2015).

²⁷ OECD, "Is this humanitarian migration crisis different?", *Migration Policy Debates*, vol. 7, 2015, pp.2. Available at <http://www.oecd.org/els/mig/Is-this-refugee-crisis-different.pdf> (Consulted on 30.12.2015).

Eastern Mediterranean, and Western Balkan routes, entailing the majority of migrants coming to the EU in 2014-15 (see Figure 1).²⁸

Figure 1. Main irregular migration routes, 2015 Q2. Source: Frontex²⁹



The Central Mediterranean route captures migrant inflows from Northern Africa. This route is characterised by cyclical activity. After reaching its peak during the Arab Spring and having virtually come to naught in 2012, Italy, in particular its island of Lampedusa, faced sharp escalation of irregular migration in 2013 and 2014; Frontex registered 277% more illegal border-crossings in 2014 than in 2013.³⁰ The vast majority of people arrive from Libya. Eritreans, escaping the dictatorial regime of President Afwerki, deteriorating standards of living, compulsory conscriptions and extreme violation of human rights, form the biggest group (25%).³¹ Nigerians and refugees from other Sub-Saharan regions, forced to flee their countries for similar reasons in a more local context, form the second and third biggest groups (13% and 9% respectively).

²⁸ Frontex, *Migratory routes map*, Available at <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/> (Consulted on 25.10.2015).

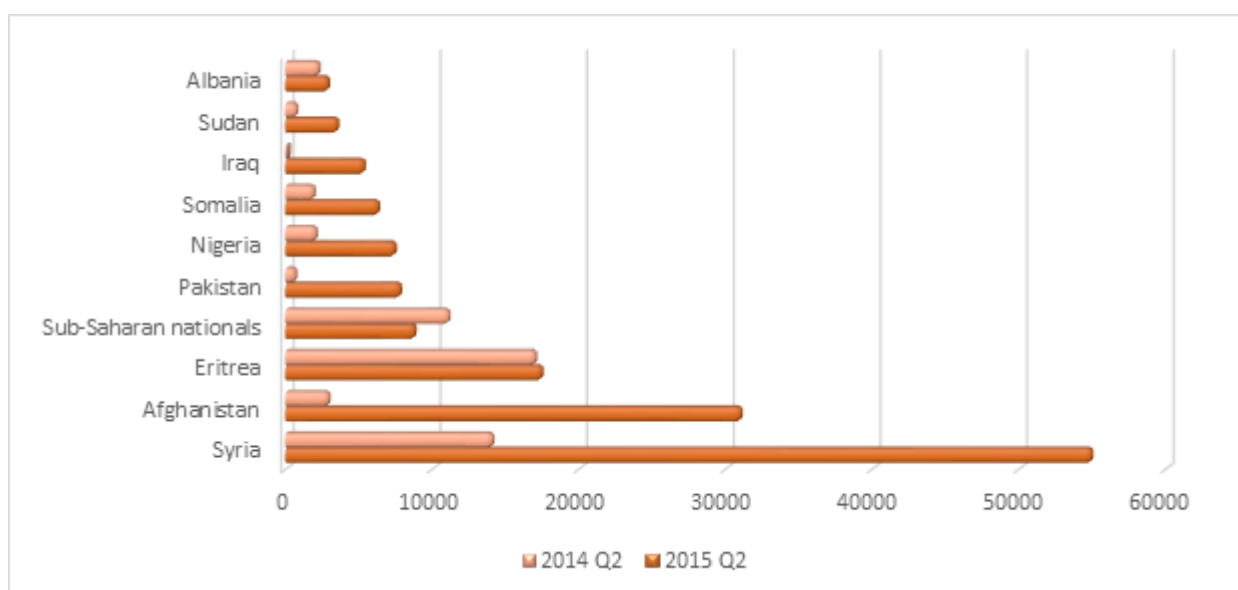
²⁹ Frontex Risk Analysis Unit, *FRAN Quarterly. Q2, op.cit.*, pp.9.

³⁰ Frontex Risk Analysis Unit, *Annual Risk Analysis 2015*, 4613/2015, April 2015, pp.19. Available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf (Consulted 24.10.2015)

³¹ UNHCR, *Report of the commission of inquiry on human rights in Eritrea*, A/HRC/29/42, 5 June 2015, p.8. Available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_29_CRP-1.pdf (Consulted on 25.10.2015)

The Eastern Mediterranean route has brought the most massive mixed migratory flows from Syria, Afghanistan and Iraq (359.171 illegal border-crossings in Jan-Sep 2015). The Eastern route captures influx departing from Turkey and entering the EU mainly in Greece, but also through Cyprus and Bulgaria. Syrian refugees constitute the largest group, 69% of total, which is almost four times higher than in 2014 (see Figure 2). Key reason for such a significant displacement of Syrians to the EU is, first of all, explained by the on-going conflict, which erupted in 2011 in the form of pro-democracy protests and evolved further into civil war of a very complicated structure involving multiple political powers and nations located within the country, neighbouring countries and also key international actors (USA and Russia).³² Capacities of Turkey, Lebanon, Iraq, Egypt and Jordan, which jointly host approximately 4 million refugees, to integrate Syrian migrants are close to being depleted.³³ These reasons have pushed Syrians to seek asylum in the EU in 2015 on a much higher level than before. Afghans represent 18% of the group, their number has ascended since 2014 by 10 times. Apart from refugees from Iraq (5%), which come due to liberalisation of visa-regime with Africa, the route is also used by migrants from Somalia and Sub-Saharan countries.

Figure 2. Top 10 nationalities of illegal border-crossers, 2015 Q2. Source: Frontex³⁴



The Western Balkan route partially comprises migration flows of Eastern Mediterranean route (entering the EU mainly through Hungary) but also includes refugees from the Western Balkans. In

³² GIOVANNI Janine di (2015), "L'ONU. Peut-elle sauver le monde?", *Courrier International*, num. 1298, 17 September 2015, pp.37.

³³ UNHCR, *Seven factors behind movement of Syrian refugees to Europe*, Briefing Notes, 25 September 2015. Available at <http://www.unhcr.org/560523f26.html> (Consulted on 25.10.2015).

³⁴ Frontex Risk Analysis Unit, *FRAN Quarterly. Q2*, op. cit, pp.24.

Jan-Sep 2015, Frontex detected 204 630 illegal border-crossings out of which 43% were made by Syrians, 26% by Afghans and 11% by citizens from Kosovo. Significant upturn of migrants from Kosovo (from 507 in the 1st quarter of 2014 to 22 631, yoy) was caused by the general possibility to illegally cross the border with other refugees. However, during the 2nd quarter of 2015 the number of Kosovars migrating shrank to 515 cases mainly due to EU efforts.³⁵

³⁵ Frontex, *Western Balkan Route*, Available at <http://frontex.europa.eu/trends-and-routes/western-balkan-route/> (Consulted on 25.10.2015).

3. Analysis

3.1 Current Challenges

3.1.1 Need for extra budget and technical support

In his “State of the Union 2015” speech, Juncker announced that “*there is need to strengthen Frontex significantly and develop it into a fully operational European border and coast guard system*”.³⁶

Being part of the border management of the EU, Frontex has played constantly increasing role in protection of the Schengen Area since the Arab Spring in 2011. Substantial additional resources have been deployed to Frontex in 2015³⁷ and further significant extension of its capacities is foreseen for 2016: a budget of €176 million and an increase in staff of 340 persons.³⁸ It reflects the agency’s growing role as one of the most visible representatives of the EU’s management of the ongoing crisis. The agency forms one of the key elements of the European Agenda on Migration – a broad and comprehensive EU answer to the current challenges.³⁹

Having been created in calmer geopolitical circumstances, Frontex is nowadays dealing with the most difficult migratory crisis, which brings to the fore inefficiencies in its operation framework. For example, whereas it needed 770 officers for the identification, fingerprints collection and registration processes of refugees in 2015, Frontex got only half of this number in support from the MS.⁴⁰ As a result, Frontex won’t be able to support the EU recipient countries of refugees like Greece and Italy properly as long as it doesn’t get this sort of assistance.

3.1.2 Division of Competences

As explained in 1.1 and 1.2, Frontex’ mission is formulated as support, coordination and development of European border management.⁴¹ The absence of a legal definition of “coordination”, which in this case rather implies a facilitation of MS’ activities in an area where MS are reluctant to delegate their powers to an EU agency, has imposed barriers to consolidation of border management powers at the

³⁶ Jean-Claude Juncker, “State of the Union 2015: Time for Honesty, Unity and Solidarity”, *European Commission - Speech*, Strasbourg, 9 September 2015. Available at http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm (Consulted 31.12.2015).

³⁷ Draft Amending Budget N° 5 to the General Budget 2015, *Responding to Migratory Pressures*, European Commission, COM(2015) 241 final, Brussels, 13 May 2015, pp.4-5. Available at http://europeanmemoranda.cabinetoffice.gov.uk/files/2015/06/9000-15_Document.pdf (Consulted on 23.12.2015).

³⁸ Nick Mathiason, Victoria Parsons and Ted Jeory, “Frontex: EU border agency to get huge budget hike as boss warns of failings with migrant fingerprint checks”, *The Bureau of Investigative Journalism*, 18 September 2015. Available at <https://www.thebureauinvestigates.com/2015/09/18/refugee-crisis-frontex-border-agency-budget-increase-fingerprint-check-failings/> (Consulted on 22.12.2015).

³⁹ EU@UN, *Questions and answers on the European Agenda on Migration*, European Commission, 13 May 2015. Available at http://eu-un.europa.eu/articles/en/article_16442_en.htm (Consulted on 22.12.2015).

⁴⁰ Interview with Ms Izabella Cooper, Frontex Spokesperson, Warsaw, 10 November 2015, 14:00-20:27:28

⁴¹ Frontex, *Frontex Programme of Work 2015, op.cit.*, pp.11.

supranational level. Resulting pressures have sometimes resulted in a creeping growing of competences.⁴²

The ongoing refugee crisis, closely connecting borders management to the control of irregular migration, i.e. conflating “persons on the move and criminals”, has inevitably urged for further evolution of Frontex’ competences, which is heavily reliable on MS’s capacities while being held responsible for the absence of rapid and efficient response to daily migratory flows.⁴³ For instance, Frontex argues that it is the national authorities who have the “exclusive responsibilities” to allow a refugee to stay or not. In addition, Frontex isn’t authorized to relocate refugee groups. Three or four groups of refugees have been already relocated in Sweden, Finland and Luxembourg, but Frontex can only play a coordinating role there.⁴⁴ Therefore, in parallel with increased resources, the Commission’s DG Migration and Home Affairs envisages an expansion of the agency’s mandate, in particular in concerning the return of turned down migrants, obtaining personal data from other EU agencies (Europol) and the migrant screening policy.⁴⁵

Events of 2011 resulted into an important expansion of Frontex’ competences, namely concerning purchasing own equipment in partnership with the MS, recruiting seconded national staff, planning, undertaking risk analysis, assessing MS’ security capacities, border staff trainings as well as launching technical assistance projects in third countries. Updated agency regulations, enabling Frontex to intervene in case of MS’s inability to protect the Schengen borders, are believed to be a qualitative leap in border management.⁴⁶ We further go into these in section 3.2.

Yet, Frontex remains the quasi-supranational authority as MS play an important role in the agency’s decision-making and are held primarily responsible for borders surveillance.⁴⁷ While the organization has its own legal personality, it doesn’t have a say in or a tangible contribution to the policy orientation of the EU Migration and Asylum policy. Furthermore, the EU agenda has been always criticized due to its focus on fighting illegal migration and strengthening external borders instead of considering the needs and priorities in third countries.⁴⁸ Nevertheless, the recent statistics show that

⁴² See 1.2

⁴³ Sergio Carrera et al., *op.cit.*, pp.343-349.

⁴⁴ Interview with Ms Izabella Cooper, *op. cit.*, 23:00-26:00.

⁴⁵ Nick Mathiason, Victoria Parsons and Ted Jeory, “Frontex: EU border agency to get huge budget hike as boss warns of failings with migrant fingerprint checks”, *op.cit.*

⁴⁶ Daniel Fiott, ‘Improving CSDP Planning and Capability Development: Could there be a ‘Frontex Formula’?’, *European Foreign Affairs Review*, Vol 18, 1, 2013, pp.54-55.

⁴⁷ Roberta Mungiaiu, ‘Frontex: Towards a Common Policy on External Border Control’, *European Journal of Migration and Law*, 15, 2013, pp.363

⁴⁸ Sara Wolff, “Migration and Refugee Crisis in the Mediterranean : What role for International Organizations?”, *The Broker*, 26 November 2015. Available at <http://www.thebrokeronline.eu/Articles/Migration-and-Refugee-Crisis-in-the-Mediterranean> (Consulted on 20.12.2015).

the vast majority of passengers to the EU are legitimate, mainly for the purposes of tourism, study and business.⁴⁹

At the same time, when it comes to operational activity of Frontex, despite MS actively participating throughout all stages of joint operations, the agency retains the leading role. Both Frontex and MS are empowered to initiate operations but Frontex conducts a risk assessment prior to the start. They draft the operational plan together. Frontex' coordination officer monitors operation implementation. Frontex is empowered to terminate the operation.⁵⁰

The European Border Guard Teams are formed on Frontex' request (in case no personal staff is available) by MS on the basis of binding annual bilateral agreements. Composition and number of deployed personnel is decided by Frontex but the MS assess their deployment capacities, select staff and duration of deployment. At the same time, deployed staff's activity is limited by host states' instructions, international and national law.⁵¹

While this operational framework is rather balanced, and despite updated regulation enabling Frontex to form its own pool of resources, the agency remains fully dependent on the human resources and technical equipment provided by the MS, as shown below.

⁴⁹ Interview with Ms Izabella Cooper, *op. cit.*, 0:40-1:40.

⁵⁰ Roberta Mungiaiu, *op.cit.*, pp.375-379.

⁵¹ *Ibid.*, pp.379-384.

Table 1. Total number of Seconded Guest Officers selections in 2014 by Member State and by profile.

Source: Frontex⁵²

Profiles	Member States:	AT	BG	CZ	DE	DK	EE	ES	FI	FR	GR	HU	IT	LV	NL	PL	PT	RO	SI	SK	Total
Advanced-Level Document Officer			1					1					2				3	1			8
Debriefing Expert			1		1	1		4		1	3	1	1				3	3	1		20
FSO*								1	1	1	2		1	1		1	2	2	1		13
FSO* for Frontex Situation Centre																1					1
Screening Expert			2			1	1	1							2		2	2	1	1	13
Second-Line Airport Officer		1						1				1	2				3	1			9
Second-Line Interview Expert		1						1					1	1				1			5
Stolen-Vehicle Detection Officer																		2	1		3
Total		2	3	1	1	2	1	9	1	2	5	2	7	2	2	2	13	12	4	1	72

* Frontex Support Officer

Table 2. Total number of assets registered in the Technical Equipment Pool by Member State and type of equipment – 2014. Source: Frontex⁵³

Member State	Total	TYPE OF EQUIPMENT										
		Open Sea Patrol Vessels	Coastal Patrol Vessels	Coastal Patrol Boats	Fixed Wing Aircraft	Helicopters	Thermo Vision Vehicles	Mobile Radar Units	Patrol cars	Mobile Laboratories	Dog Teams	Others
AT	9					1	6				2	
BE	3			1		1					1	
BG	8						8					
CH	7								1			6
CY	1		1									
CZ	4						1		2		1	
DE	18	1				4			2			11
DK	24								10			14
EE	1				1							
EL	65	3	3	55	3	1						
ES	44	1	5	1	2	2			5		12	16
FI	18	1		2	1	1					8	5
FR	24	3	3	10	4	4						
HR	5								5			
HU	68						5		1			62
IS	3	1			2							
IT	172	6	33	95	11	26		1				
LT	16			1		3	1		2	1		8
LU	12						1					11
LV	45		1	2		1	2					39
MT	6			3	3							
NL	134				2				2		1	129
NO	6										6	
PL	47	1			2	2	2					40
PT	152	3	11	80	3	1	1		50			3
RO	42	1	5			1	2		15		8	10
SE	2				2							
SI	19					4	3		6		2	4
SK	3				1				2			
Total	958	21	62	250	37	52	32	1	103	1	41	358

⁵² Frontex, Annual Information on the Commitments of Member States to the European Border Guard Teams and the Technical Equipment Pool. Report 2015, Warsaw, pp. 8. Available at http://frontex.europa.eu/assets/About_Frontex/Governance_documents/EBGT_TEP_Report/20150401_Frontex_Annual_Report_to_the_EP_on_the_commitments_of_the_MS_to_the_EBGT_and_the_TEP.pdf (Consulted on 23.12.2015).

⁵³ *Ibid.*, pp.19.

3.1.3 European solidarity

Since there is mutual dependence in terms of operational activity between Frontex and the MS, and Frontex is relying on the MS' human resources and technical equipment, both-way cooperation is a necessity. Doubtlessly, the on-going crisis puts some MS under higher immigration pressure than others. It entails that MS have various degrees of involvement into migratory policies, which is not harmonized across the EU.⁵⁴ Frontex is perfectly located to channel resources to address the most demanding challenges. However, the “*collective failure of member states and Brussels to fully commit and cooperate with it – despite the current crisis*” is observed; even having proper funding, shortages of border guard and equipment renders Frontex' operation impossible.⁵⁵ While it remains a challenge for Frontex to secure appropriate resources, it is a challenge for the MS themselves to delegate those resources as it means that they temporarily do not have those capacities domestically. More importantly, it's really difficult to achieve consensus between MS concerning a common approach to mitigate the burden of current migration and refugees crisis. Therefore, European solidarity seems paramount to obtain effective cooperation.⁵⁶

3.1.4 Absence of trans-regional governance

As highlighted earlier, the EU has generally been ignoring the third countries' priorities and needs and focusing exclusively on the classical approach of strengthening its own external borders. Negotiations of readmission agreements with the EU are commonly known for lengthy, multi-faceted procedures and inefficiencies in some cases like Morocco. On the other side, the lack of incentives and visa liberalization are among the critical issues between Turkey and the EU since the latter state received a large number of refugees since 2013.⁵⁷

The EU was therefore criticized for its inability to adopt a strategic long-term vision regarding the refugees crisis as the Council has sought to securitize the borders instead of supporting the Commission's efforts to offer protection entry and humanitarian visa for refugees.⁵⁸ Obviously, all these limitations affect Frontex' operations and practice. Being a quasi-supranational organization, it has different and untraditional approach to tackle this crisis although. Managing borders is only a

⁵⁴ Caitlin Katsiaficas, 'Frontex's Integrated Border Management: Operational Challenges and Controversies', Working Paper, Bridging Europe, 2014, pp. 8. Available at http://www.bridgingeurope.net/uploads/8/1/7/1/8171506/frontext_integrated_border_management_katsiaficas.pdf (Consulted on 23.12.2015).

⁵⁵ Nick Mathiason, Victoria Parsons and Ted Jeory, "Europe's refugee crisis: Is Frontex bordering on chaos?", *op.cit.*

⁵⁶ Interview with Ms Izabella Cooper, *op. cit.*, 30:00-32:43.

⁵⁷ Sara Wolff, *op.cit.*

⁵⁸ Sara Wolff, *op.cit.*

part of a bigger puzzle according to Ms. Cooper, Frontex' spokesperson. She assumes that other prerequisites should exist such as stabilization of neighbour countries since the illegal migration and refugees flow won't stop as long as the conflict in Syria is ongoing.⁵⁹ In addition, economic development programs should be provided to third countries, as well as effective border controls, common agreement on EU migration and asylum policies and a legal channel to allow refugees to stay.

3.1.5 Coordination with the neighbourhood

While the EU is trying to improve its own policies to address the issue of illegal migration and refugees, the neighbour states like the Middle East North Africa (MENA) region don't have comprehensive policies to prevent this influx. State-driven policies are initiated by the neighbour states and they remain gatekeepers in spite of transregional forums like the Rabat⁶⁰ and Khartoum processes⁶¹. Furthermore, Frontex faces difficulties to sign "Working arrangements" with these States, especially the ones located on the irregular migration routes.⁶² Libya is the famous case here as it's seen as a "failed state" where there is no legitimate government to talk to. More importantly, these arrangements are not equal to those signed by governments, as it is only signed between border authorities.

3.2 Current Reform

Since the beginning of the refugee crisis, the EU institutions have perceived Frontex as one of the keys to manage in the best way possible the refugees flows travelling to Europe. A few days after the sinking of a trawler carrying migrants from Libya to Europe, causing the death of more than 400 people (on April 19th 2015), the Council pronounced itself in favour of the strengthening of Frontex.⁶³ In a first phase, the resources of the Triton and Poseidon operations were tripled.⁶⁴ Along with this increase of the financial resources of the agency began a reflection on its mandate.

⁵⁹ Interview with Ms Izabella Cooper, *op. cit.*, 53:58-56:00.

⁶⁰ Rabat process: EU initiative to achieve consensus and common vision for migration with partners from North, West and Central Africa

⁶¹ Khartoum process: EU political cooperation amongst the countries of origin, transit and destination along the EU-Horn of Africa migration route.

⁶² Interview with Ms Izabella Cooper, *op. cit.*, 37:00 - 40:00.

⁶³ Council of the EU, *Outcome of joint meeting of Foreign Affairs and Home Affairs Ministers*, meeting 3382, 20 April 2015, pp.3. Available at <http://www.consilium.europa.eu/en/meetings/fac/2015/04/20/> (Consulted on 30.12.2015).

⁶⁴ Ibid.

In May 2015, the Commission stressed the need for a comprehensive migration management policy by publishing its European agenda on migration,⁶⁵ a necessity reaffirmed by Jean-Claude Juncker in September 2015, when he delivered his speech on the State of the Union.⁶⁶ These efforts have resulted in the Commission's proposal of 15 December 2015, which should, if accepted, lead to a genuine reform of Frontex.⁶⁷

The agency will be able to mobilize 1500 reservists within three days, put at its disposal by the MS to serve as European border guards and coast guards. Integration is also deepened regarding the triggering of the operations on the field. Through the vulnerability assessment procedure, the agency will indeed have the ability to audit the MS' capacity to effectively control their section of the external borders of the EU. If a deficiency is found, the agency will adopt a recommendation, setting appropriate corrective measures that the MS will have to implement within a set time-limit. In case of non-implementation (or bad implementation), the Commission may then adopt a decision allowing the agency to take direct action to solve the risk and to ensure the proper functioning of the Schengen area. A similar decision may also be taken in the event of a sharp and disproportionate increase of flows at the border. If this measure is seen as a solution of last resort⁶⁸, it is nevertheless an important step to a more integrated management of the external borders, since in practical terms, the agency could be required to lead operations on a MS's territory without its expressed agreement.

In the meantime, additional resources are going to be allocated to the agency, whose annual budget is planned to reach €322 million in 2020, when it was €143 million in 2015. Also, the mandate of the agency to work with third countries will be extended, in order to allow the new Frontex to carry out joint-operations abroad. Finally, the role of the agency in search and rescue missions, as well as for the return operations for migrants illegally staying on the EU territory should also be improved. To reflect all these changes, the name of the agency should also evolve, and Frontex should become the new "Border and Coast Guard Agency".

⁶⁵ Communication from the Commission, *A European Agenda on Migration*, COM(2015) 240 final, 13 May 2015, 22 p. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0240> (Consulted on 30.12.2015).

⁶⁶ Jean-Claude Juncker, "State of the Union 2015: Time for Honesty, Unity and Solidarity", *op.cit.*

⁶⁷ Communication from the Commission "A European Border and Coast Guard and effective management of Europe's external borders", COM(2015) 673 final, 15 December 2015, 10 p. Available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2015:673:FIN> (Consulted on 2.01.2016).

⁶⁸ European Commission Press Release, *A European Border and Coast Guard to protect Europe's External Borders*, IP/15/6327, 15 December 2015, pp.1. Available at http://europa.eu/rapid/press-release_IP-15-6327_en.htm (Consulted on 30.12.2015).

3.3 Recommendations

In this section, we will address some recommendations for Frontex that would increase its effectiveness. Despite the recent Commission plans for reform, as seen in section 3.2, we will make our own assessment based on the extensive analysis of the problems in the organisation as described above.

As seen from the paper, it could be argued that the agency was designed only as a kind of necessary platform for joint border control cooperation in the EU and the Schengen zone. Yet, the structure was not adequately prepared for the current refugee crisis, as Frontex was never intended to serve as a replacement for the national border guards. Blaming Frontex for its inadequate response is rather beside the point, since the organization was not supposed to be a ‘shield’ but rather an advisor to the individual MS. This leads us to the next question: what role should Frontex play, then? Should it become a fully-fledged EU Border Agency, or should it remain an organisation that facilitates the functioning of national organisations and services? Given the current circumstances, it is likely that the whole Union would benefit from having an enlarged Frontex, acting as a united border control, seeing that the agency is already perceived as such. This would allow for uniform action towards solving the refugee and immigration crisis. However, these recommendations will also take into account the possible objections of some MS governments. We will thus argue for this route: enlargement within possible limits.

3.3.1 Clarity of Competences

The first recommendation directly concerns the previous question. In order to gain legitimacy, eliminate the grey areas and find a proper *raison d'être* for Frontex, the very definition of the purpose of the agency has to be clear and precise. With a precise definition of competences, neither Frontex nor MS would be able to shift the blame for inaction on each other. It will also preclude the agency from increasing its competences on its own and thus chartering into the competences of MS, which could deepen the mistrust between the two. Additionally, going beyond own competences delegitimizes the organization, which, in turn, weakens it. Having clear executive competences will allow Frontex to be more predictable and dependable, and thus will pave a way for a more effective border policing.

3.3.2 Lifting the Barriers to Action

In order to increase the effectiveness of Frontex, the barriers to its actions must be lifted. These include the dependence on a MS's invitation, as well as personal and technical dependence on solidarity of MS. Both of these impair the agency and prolong the response time to crises, as it has to wait until a state deems the situation to be severe enough for it to ask for assistance. Additionally, this time is further extended, as states may be reluctant to ask for help, because this would be an indirect admittance of own failure to cope with a crisis. Therefore, we recommend Frontex to receive the competence of unilaterally acting within the border regions of the MS when there is severe pressure on those borders. While this touches on the issue of sovereignty, this is a necessary cost of maintaining a control over those external borders. In addition, it could be argued that the external borders are no longer just national borders, but rather a border of the whole Union. Thus, without the external border carefully and appropriately guarded, the internal border regime, with the no-border-control benefits of Schengen, would probably fail. MS will not continue with the Schengen zone, unless their internal security is assured, in this case by a strong external border.

3.3.3 Human Resources Reform

However, relying solely on granting the privilege to act unilaterally will not be enough to strengthen Frontex, if it still has to depend on seconded national officers and border guards. As seen from the analysis, the rate of assistance is dismal.⁶⁹ The process also takes too long to be effective against immediate events. In the best case solution, Frontex should be allowed to have own manpower, employing own field officers. This would allow them to deploy forces almost immediately, as well as this would increase the accountability of individual officers and of the organization, as a whole.⁷⁰ Considering that MS would not like to see an existence of a pan-EU armed policing agency, the compromise would be a secondment of national officers to be on standby for a certain period. This unit would serve as a 'quick reaction force' to counter various crises, and it would be under the command of Frontex, instead of the national governments. This would also apply to the technical equipment needed to conduct such missions.⁷¹ The duty would rotate among MS, similarly to the rotating presidency – it could even be tied to the presidency.

⁶⁹ Katsiaficas, *op.cit*, pp.8

⁷⁰ This is an important point for the allegations of human rights violations, as increased accountability should decrease the occurrence of such events.

⁷¹ In the best case scenario, Frontex should be allowed to acquire own equipment, as there are countries without such technical inventories, which shifts the burden to the countries disposing with said equipment.

3.3.4 Budgetary Improvements

The effectiveness of Frontex also depends on the budgetary means it is provided with. As the previous recommendations suggested the enlargement of Frontex' capabilities, it is expected that the agency will be in need of expanding its human and technical resources. With a clear responsibility for the protection of external borders, Frontex should not face the issues of lack of manpower, therefore its budget should be substantially increased. This increase should be proportional to the expected increase in the jurisdiction of Frontex. In order to ascertain the stability of the budget, a percentage limit on the decrease in funding should be established, in order to avoid overt political influences over the organization.

3.3.5 Alternatives to illegal immigration

However, despite these recommendations, it is necessary to keep in mind that improving Frontex is not the all-encompassing solution to this problem. Alternatives to illegal immigration, as well as a solution to the problems causing illegal immigration, must be found. This was also pointed out by Frontex itself.⁷²

Relating to the first point, the Union needs a united system of legal immigration and asylum processes. While this goes beyond the scope of the current research, without such system Frontex will never be effective enough. Frontex will constantly be facing an influx of refugees, as long as the regions of their origin are unstable. On the other hand, Frontex could assist with said processes, by establishing outposts⁷³ in third party countries, where they could process asylum and immigration requests. As for the second point, the illegal immigration, the Union may try to directly target smugglers. In addition, by creating a legal access to the EU at lower cost and higher safety for the refugees/immigrants, the illegal immigration should decrease.

⁷² See 3.1.4

⁷³ Not to be confused with 'Hotspots,' which should be set up at the EU border.

4. Conclusion

Despite our analysis and proposals to strengthen the agency, it is naïve to assume that the refugee crisis would be solved with only a strong executive organization and a reinforced ‘Fortress Europe.’ As we explored in the paper, Frontex is an important and often mentioned part of the European response to the refugee crisis and a clear part of European Foreign Policy. We addressed some points where Frontex lacks the necessary means and can be improved. Nevertheless, tackling such a complex and multifaceted problem clearly goes much further than one organisation, and the EU should make sure to widen its toolbox to include more routes for legal migration, to revamp the Dublin legislation, to distribute development aid in an effective fashion to those countries needing stability the most etc.

In our policy recommendations, we broadly (and independently) followed some of the Commission’s proposal to revamp the agency. However, we also stressed the necessity to clearly outline the competences of Frontex and provide the agency with some of its own means, so it doesn’t entirely depend on simply the goodwill of MS. We can conclude that Frontex does what it can (and sometimes goes beyond what it legally can do) but that it is severely constrained by the way in which it is constructed. A clear and comprehensive reform, giving it more competences would make the agency an effective component in the EU’s migration policy.

Bibliography

Primary Sources

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, *A European Agenda on Migration*, European Commission, COM(2015) 240 final, 13.05.2015, 22 p.

Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0240>
(Consulted on 30.12.2015)

Communication from the Commission “A European Border and Coast Guard and effective management of Europe's external borders”, COM(2015) 673 final, 15 December 2015, 10 p.

Available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2015:673:FIN> (Consulted on 2.01.2016)

Council of the European Union, *Outcome of joint meeting of Foreign Affairs and Home Affairs Ministers*, meeting 3382, 20.04.2015, 4 p.

Available at <http://www.consilium.europa.eu/en/meetings/fac/2015/04/20/> (Consulted on 30.12.2015).

Council Regulation (EC) 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, *Official Journal of the European Union*, 199, 31 July 2007, pp. 30–39.

Draft Amending Budget N° 5 to the General Budget 2015, *Responding to Migratory Pressures*, European Commission, COM(2015) 241 final, Brussels, 13 May 2015, 9 p.

Available at http://europeanmemoranda.cabinetoffice.gov.uk/files/2015/06/9000-15_Document.pdf
(Consulted on 23.12.2015).

EU@UN, *Questions and answers on the European Agenda on Migration*, European Commission, 13 May 2015.

Available at http://eu-un.europa.eu/articles/en/article_16442_en.htm (Consulted on 22.12.2015).

European Commission Press Release, *European Agenda on Migration: Securing Europe's External Borders*, MEMO/15/6332, 15 December 2015.

Available at [http://europa.eu/rapid/press-release MEMO-15-6332 fr.htm](http://europa.eu/rapid/press-release_MEMO-15-6332_fr.htm) (Consulted on 23.12.2015).

European Commission Press Release, *A European Border and Coast Guard to protect Europe's External Borders*, European Commission, IP/15/6327, 15 December 2015, 3 p.

Available at [http://europa.eu/rapid/press-release IP-15-6327 en.htm](http://europa.eu/rapid/press-release_IP-15-6327_en.htm) (Consulted on 30.12.2015).

Frontex, *About Frontex*.

Available at <http://frontex.europa.eu/about-frontex/origin/> (Consulted on 23.10.2015).

Frontex, *Annual Information on the Commitments of Member States to the European Border Guard Teams and the Technical Equipment Pool. Report 2015*, Warsaw, 35 p.

Available at

http://frontex.europa.eu/assets/About_Frontex/Governance_documents/EBGT_TEP_Report/20150401_Frontex_Annual_Report_to_the_EP_on_the_commitments_of_the_MS_to_the_EBGT_and_the_TEP.pdf (Consulted on 23.12.2015).

Frontex, *Annual Report 2006*, 2006, 31p.

Available at

http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2006/annual_report_20061.pdf (Consulted on 22.12.2015).

Frontex, *Frontex Programme of Work 2015*, 18 December 2014, 18877a, 143 p. Available at http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Work_programme/2015/PoW_2015_EN.pdf (Consulted on 22.12.2015).

Frontex, *Frontex expands its Joint Operation Triton*, 26 May 2015.

Available at <http://frontex.europa.eu/news/frontex-expands-its-joint-operation-triton-udpbHP> (Consulted 31.12.2015)

Frontex, *General Report 2012*, 2012, DOI 10.2819/32341, 72 p.

Available at

http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2012/EN_General_Report_2012.pdf (Consulted on 22.12.2015).

Frontex, *Migratory routes map*.

Available at <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/> (Consulted on 25.10.2015)

Frontex, *Operations - Roles and Responsibilities*.

Available at <http://frontex.europa.eu/operations/roles-and-responsibilities/> (Consulted 21.12.2015)

Frontex, *Partners - EU Agencies*.

Available at <http://frontex.europa.eu/partners/eu-partners/eu-agencies/> (Consulted 21.12.2015)

Frontex, *Partners - Third Countries*.

Available at <http://frontex.europa.eu/partners/third-countries/> (Consulted 21.12.2015)

Frontex, *Partners - International Organisations*.

Available at <http://frontex.europa.eu/partners/international-organisations/> (Consulted 21.12.2015)

Frontex Risk Analysis Unit, *Annual Risk Analysis 2015*, 4613/2015, April 2015, 68 p.

Available at

http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf
(Consulted 24.10.2015)

Frontex Risk Analysis Unit, *FRAN Quarterly. Q2*, Frontex, 14851/2015, April-June 2015, 36 p.

Available at

http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q2_2015_final.pdf (Consulted on 24.10.2015)

Frontex, *Western Balkan Route*.

Available at <http://frontex.europa.eu/trends-and-routes/western-balkan-route/> (Consulted on 25.10.2015).

Interview with Ms Izabella Cooper, Frontex Spokesperson, Frontex, Warsaw, 10 November 2015.

JUNCKER Jean-Claude, “State of the Union 2015: Time for Honesty, Unity and Solidarity”, *European Commission - Speech*, Strasbourg, 9 September 2015.

Available at http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm (Consulted 31.12.2015).

OECD, “Is this humanitarian migration crisis different?”, *Migration Policy Debates*, vol. 7, 2015, 15 p.

Available at <http://www.oecd.org/els/mig/Is-this-refugee-crisis-different.pdf> (Consulted on 30.12.2015).

Proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC, European Commission, COM(2015) 671 final 15.12.2015, 110 p.

Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:671:FIN> (Consulted on 30.12.2015).

Regulation (CE) 2007/2004 of Council of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *Official Journal of the European Union*, 349, 25.11.2004, pp. 1-49.

Regulation (EC) 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending

Regulation (EU) 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *Official Journal of the European Union*, 304, 22.11.2011, pp. 1–17.

Regulation (EU) 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosir), *Official Journal of the European Union*, 295, 6.11.2013, pp. 11-26.

UNHCR, *Seven factors behind movement of Syrian refugees to Europe*, Briefing Notes, 25 September 2015.

Available at <http://www.unhcr.org/560523f26.html> (Consulted on 25.10.2015).

UNHCR, *Report of the commission of inquiry on human rights in Eritrea*, A/HRC/29/42, 5 June 2015, 483 p.

Available at

http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_29_CRP-1.pdf

(Consulted on 25.10.2015).

Secondary Sources

“Brussels unveils controversial plan for EU border force”, *EurActiv.com*, 16 December 2015.

Available at <http://www.euractiv.com/sections/justice-home-affairs/brussels-unveils-controversial-plan-eu-border-force-320486> (Consulted 21.12.2015).

“Frontex begins Operation Hermes in Lampedusa following request from Italy”, *IBRU*, Durham University, 22 February 2011.

Available at https://www.dur.ac.uk/ibru/news/boundary_news/?itemno=11608& (Consulted on 31.12.2015).

“Lampedusa operation Hermes”, *Ask The EU*, 7 April 2014.

Available at http://www.asktheeu.org/en/request/lampedusa_operation_hermes (Consulted on 31.12.2015)

CANIARD Hervé, “La coopération opérationnelle aux frontières extérieures : l’agence Frontex” in BLUMANN Claude (dir.), *Les frontières de l’Union européenne*, Bruylant, Brussels, 2013, pp. 91-110.

CARRERA Sergio, DEN HARTOG, Leonhard, PARKIN, Joanna, “The peculiar nature of EU Home Affairs Agencies”, *European Journal of Migration and Law*, 15, 4, 2013, pp. 337-358.

DUCOURTIEUX Cécile, “La proposition choc de l’UE pour mieux protéger ses frontières”, *Le Monde*, 11 December 2015.

Available at http://www.lemonde.fr/europe/article/2015/12/11/le-projet-de-la-commission-europeenne-pour-mieux-garder-les-frontieres-de-l-ue_4829827_3214.html (Consulted on 23.12.2015).

ECRE, *MareNostrum to end - New Frontex operation will not ensure rescue of migrants in international waters*, 10 October 2014.

Available at <http://ecre.org/component/content/article/70-weekly-bulletin-articles/855-operation-mare-nostrum-to-end-frontex-triton-operation-will-not-ensure-rescue-at-sea-of-migrants-in-international-waters.html> (Consulted 31.12.2015)

FIDH - Migreurop - EMHRN, *Frontex: Between Greece and Turkey: The Border of Denial*, May 2014, 96 p.

Available at <http://www.frontexit.org/fr/docs/49-frontexbetween-greece-and-turkey-the-border-of-denial/file> (Consulted 31.12.2015).

FIOTT Daniel, 'Improving CSDP Planning and Capability Development: Could there be a 'Frontex Formula'?', *European Foreign Affairs Review*, Vol 18, 1, 2013, pp. 47–62.

FLAESCH-MOUGIN Catherine, *Union européenne et sécurité : Aspects internes et externes*, Bruylant, Brussels, 2009, 456 p.

GIOVANNI Janine di (2015), "L'ONU. Peut-elle sauver le monde?", *Courrier International*, num. 1298, 17 September 2015, pp. 36-43.

JORRY Hélène, "Une agence originale de l'Union : l'agence Frontex" in MOLINIER Joël (dir.), *Les agences de l'Union européenne*, Bruylant, Brussels, 2011, pp. 169-187.

KATSIAFICAS Caitlin, 'Frontex's Integrated Border Management: Operational Challenges and Controversies', Working Paper, Bridging Europe, 2014, 22 p.

Available at

http://www.bridgingeurope.net/uploads/8/1/7/1/8171506/frontext_integrated_border_management_katsiaficas.pdf (Consulted on 23.12.2015).

LAITINEN Ilkka, "Frontex - facts and myths", Frontex, 11 June 2007.

Available at <http://frontex.europa.eu/news/frontex-facts-and-myths-BYxkX5> (Consulted on 26.10.2015).

LEONARD Sarah, "The Creation of FRONTEX and the Politics of Institutionalisation in the EU External Borders Policy", *Journal of Contemporary European Research*, vol. 5, 3, 2009, pp. 371-388.

MATHIASON Nick, PARSONS Victoria and JEORY Ted, "Europe's refugee crisis: Is Frontex bordering on chaos?", *The Bureau of Investigative Journalism*, 15 September 2015.

Available at <http://labs.thebureauinvestigates.com/is-frontex-bordering-on-chaos/> (Consulted 31.12.2015).

MATHIASON Nick, PARSONS Victoria and JEORY Ted, “Frontex: EU border agency to get huge budget hike as boss warns of failings with migrant fingerprint checks”, *The Bureau of Investigative Journalism*, 18 September 2015.

Available at <https://www.thebureauinvestigates.com/2015/09/18/refugee-crisis-frontex-border-agency-budget-increase-fingerprint-check-failings/> (Consulted on 22.12.2015).

MUNGIAIU Roberta, “Frontex: Towards a Common Policy on External Border Control”, *European Journal of Migration and Law*, 15, 2013, pp. 359-385.

POLLAK Johannes and SLOMINSKI Peter, “Experimentalist but not Accountable Governance? The role of Managing the EU's external borders”, *West European Politics*, vol. 32, 4, 2009, pp. 904-924.

WOLFF Sara, “Migration and Refugee Crisis in the Mediterranean : What role for International Organizations?”, *The Broker*, 26 November 2015.

Available at <http://www.thebrokeronline.eu/Articles/Migration-and-Refugee-Crisis-in-the-Mediterranean> (Consulted on 20.12.2015).