

The European Security and Defence Union

European Borders **Border Security**

How to secure our borders while
helping those in need of protection?



Bratislava Summit – roadmap for the EU's future

.....
Miroslav Lajčák,
Slovak Minister of Foreign and
European Affairs



Greece takes up the challenge

.....
Albrecht Broemme,
President of the German Technical
Relief Agency (THW)



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MAIN TOPIC:

Border Security

Border protection is an obligation for each nation and the European Union provides support for Member States at their external borders. Schengen remains essential for the EU's Security and is at the same time a symbol of identity. With the new Border and Coast Guard Agency, the EU has created the legal basis for protecting borders in a consolidated way and enhanced the possibilities for affording assistance in situations requiring an urgent and effective operational and humanitarian response. Securing borders also means keeping in mind that every act conducted on land or sea borders involves human beings who are entitled to be treated in a fair and reasonable way.

Schengen is one of the greatest achievements of European integration

Stronger European borders for a more open Europe

by Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship, European Commission, Brussels

European citizens demand tangible solutions to the challenges of security and migration: solutions which are operational, implemented swiftly and have immediate results on the ground. Both security and migration are transnational and global issues, and as such can only be resolved with approaches that are also transnational and global in reach. This is the only way to restore the trust of citizens and their support for the European project, but also for the political institutions both of their countries and Europe.

Schengen – the symbol of being European

Schengen, for example, is at the heart of many of the challenges we face today. No one can doubt that it is one of the greatest achievements of European integration. It is the symbol of being and feeling European: for students, workers, businessmen, travellers, simple citizens that want to move freely, safely and quickly in an area without internal border controls.

The migration crisis of the past two years alongside a series of terrorist attacks on European soil has put the management of both our internal and external borders under pressure. These challenges have demonstrated the need to trust each other more: to show solidarity, to coordinate better, to exchange information and to share responsibility in better managing and protecting our external border. This is an essential prerequisite if we want to keep our internal borders open.

Sharing our external borders

This is why the launch of the European Border and Coast Guard on 6 October was a historic moment for the European Union. Not only is it an unprecedented achievement of European political will and union, but also an enormous step forward towards truly jointly managing Europe's shared external

borders. Legally and operationally, the external border of one Member State is now the external border of all Member States. That is the only way forward.

The European Border and Coast Guard will receive the necessary resources to bring our border management to a new level. By 2020, the Agency will work with 1,000 staff members and will manage a budget of more than € 320 million. The Agency will also be able to activate a rapid reaction pool of at least 1,500 border guards and other relevant staff, as well as a pool of rapid reaction equipment.

These two pools will be made available to the Agency whenever needed to address urgent situations. The new Agency will closely monitor the management of the external borders by all Member States through the deployment of Liaison Officers and mandatory vulnerability assessments.

Better exchange of security-critical information

But the new European Border and Coast Guard is just one piece, albeit an important one, of a much larger border and security puzzle.

The EU Passenger Name Record (PNR) system

The EU Passenger Name Record (PNR) system, which will collect and process PNR data received from air carriers by each Member State, was recently put in place. Most importantly, the system will ensure a better exchange of security-critical information, in a genuinely joined-up approach across the EU. PNR is now being rapidly operationalised across Europe.

Proposal for an Entry-Exit system

We didn't stop at PNR. We proposed to allow systematic checks on EU citizens crossing our external borders. We also proposed an Entry-Exit system that will register the travel of all third non-EU citizens to the Schengen area, thereby detecting over-stayers, identifying undocumented persons and giving a wealth of data enabling law enforcement authorities to do their job.

The future ETIAS

In mid-November we proposed a European Travel Information and Authorisation System (ETIAS), to strengthen migration and security checks on visa-free travellers before they

Dimitris Avramopoulos

has been European Commissioner for Migration, Home Affairs and Citizenship since 2014. He was born in 1953 in Athens and holds a Bachelor of arts degree in public Law and political Science from the University of Athens. After a diplomatic career (1980-1993) he resigned from the Greek diplomatic service in order to enter parliamentary politics as a member of New Democracy. He was mayor of Athens from 1995-2002 and has served in various high-level cabinet posts, including those of Minister for Foreign Affairs and Minister for National Defence.

travel to the Schengen Area. It will scan for irregular migration and security checks, providing the big missing link in our border management – the information gap on the 30 million visa-free travellers we get every year. ETIAS will make their travel easier and safer and will allow us to take the necessary precautions against those that pose a threat to the Schengen area.

Our work to build a genuine and effective Security Union continues swiftly. Soon we will propose a stronger Schengen Information System to enable better access for law enforcement authorities, and an Action Plan on Travel Document Security. There is more action also coming up on the financing of terrorism.

Europe will remain an open continent

While much more remains to be done, approved and implemented, we are better equipping ourselves to manage our external borders in all their aspects.

We know that the migration and security challenges will not disappear overnight. If we want to ensure internal stability and security, if we want to safeguard Schengen, if we want to keep Europe open, the only way is to strengthen our external perimeter.

Europe will remain an open, welcoming and inclusive continent. But this openness must not be at the expense of our security.



Commissioner Dimitris Avramopoulos at the press conference on the ETIAS proposal, Brussels, 16 November 2016

Photo: © European Union, 2016/Georges Boulougouris

documentation

A European Border and Coast Guard

(ed/ak, Berlin) On 6 October 2016 the European Border and Coast Guard became operational. It took just nine months for the European Parliament and Council to agree upon the new regulation¹, which enhances the capabilities of the former border agency, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. In it the European Parliament and the Council of the European Union state the aim of the new border agency as being to “ensure European integrated border management at the external borders with a view to managing the crossing of the external borders ef-

ficiently. This includes addressing migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension, to ensure a high level of internal security within the Union in full respect for fundamental rights, while safeguarding the free movement of persons within it.”

The new regulation includes the following amendments:

- **Vulnerability assessment** to identify and address weak spots in external border control;
- **Rapid reserve pool** consisting of at least 1500 border guards and a technical equip-

ment pool to be at the disposal of the Agency;

- **Cooperation with third countries** including activities carried out on the **third countries' territory**;
- Increased focus on **prevention of cross-border crime** also through better access to law enforcement databases and **information exchange**;
- **Emphasis on coastal guard functions** including, for example, rescue operations;
- **Strengthened inter-agency cooperation** on the European and national levels.

¹ Regulation (EU) 2016/1624: <http://bit.ly/2fVddlg>

documentation

Stronger and Smarter Information Systems for Borders and Security

(ed/ak, Berlin) On 6 April 2016, the European Commission adopted a Communication on Stronger and Smarter Information Systems for Border and Security* presenting a proposal for an improved EU data management architecture. In it the Commission assesses the strengths and weaknesses of existing information systems, such as the Schengen Information System, and sets out options for improving them. In addition, potential new systems to complement the current data management structure are proposed. To ensure interoperability between the systems, an Expert Group on Information Systems and Interoperability will be set up. The Commission stresses that full respect for fundamental rights and data protection rules is a precondition for any of the information systems, while pointing out that well-designed and improved data management technologies can support authorities in complying with those rights. First Vice-President Frans Timmermans underlined that the envisioned system “is about the intelligent, proportionate and carefully regulated access all our information border and security authorities need to do their job – to protect us and the freedoms we defend.”

On this occasion the European Commission presented its revised proposal for a Regulation on the establishment of an Entry-Exit System (EES) aimed at addressing border check delays, better informing travellers from third countries, ensuring the reliable identification of overstayers, and reinforcing internal security by identifying terrorists and (suspected) criminals. According to Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship, with this proposal the Commission addresses “an important gap in our information systems and takes concrete action to make our borders stronger, smarter and more efficient for the ever-increasing numbers of travellers coming to the EU.”

As laid out in the Communication* the actions to establish the Entry-Exit System and to develop other additional information systems in order to address information gaps will be:

“Entry-Exit System (EES):

- European Parliament and Council should treat the legislative proposals on the EES as a matter of utmost priority, with the aim of adopting the proposals by the end of 2016.

Passenger Name Records (PNR):

- European Parliament and Council should adopt the PNR Directive by April 2016.
- Member States to implement the PNR Directive, once adopted, as a matter of urgency.
- Commission to support the exchange of data between Passenger Information Units through standardised solutions and procedures.
- Commission to prepare a draft Implementing Decision on common protocols and supported data formats for the transfer of PNR data by air carriers to the PIUs within three months after adoption of the PNR Directive.

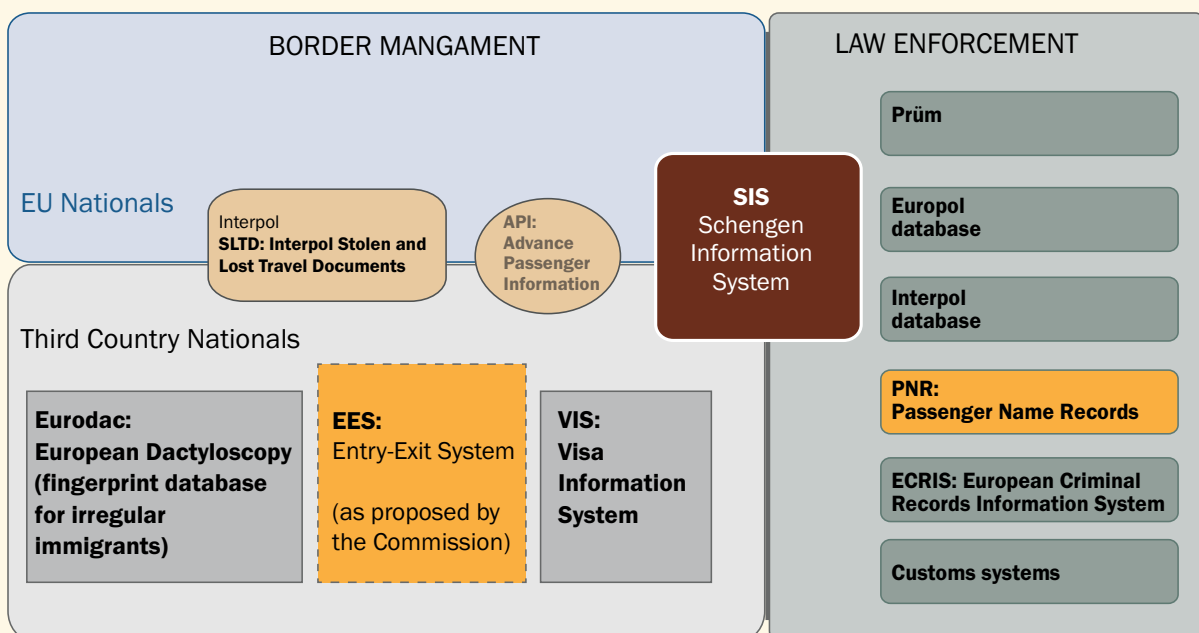
Information gap prior to arrivals of visa-exempt third-country nationals:

- Commission to assess in 2016 the necessity, technical feasibility and proportionality of establishing a new EU tool such as an EU Travel Information and Authorisation System.

European Police Records Information System (EPRIS)

- Commission to assess in 2016 the necessity, technical feasibility and proportionality of establishing an EPRIS.”

* <http://bit.ly/1NqdJ9j>



The interlocking of the information systems for enhanced border management and security, as envisioned by the Commission. The systems marked in yellow are proposed new complementing systems.

graphik: The ESDU/Beate Dach; source: European Commission

New horizon for European borders

“A solid legal basis to fully support Member States”

Interview with Klaus Rösler, Director of Operations, European Border and Coast Guard Agency, Warsaw

The European: *Mr Rösler, you are the Director of Operations of the European Border and Coast Guard Agency, formerly Frontex; we are grateful that you have found the time for this interview, since with the launch of the new European Border and Coast Guard on 6 October this year, these are busy times for you. There have been many important changes, but what, in your opinion, is the most fundamental change to have resulted from the remodelling of the Agency?*

Klaus Rösler: I would like to highlight three major steps forward. First, the new regulation gives the Agency a greater role in law enforcement support, meaning the fight against cross-border crime and security checks at borders. We are now able to fulfil those tasks more effectively thanks to enhanced access to databases and the possibility we now have of processing personal data, pertaining for example to individuals involved in criminal activities, but also to migrants who have witnessed such activities. Second, the newly established vulnerability assessment is very important and forward-looking. It means that we will evaluate external threats to the EU borders and Member States' ability to counter those threats, with the aim of reacting to them before they become a crisis. And third, our operational response will be more efficient thanks to the creation of the rapid reaction pool.

The European: *So, compared with the former Frontex, this means a greater range of functions while being better equipped? How will this affect the daily work of the Agency's officers deployed on the ground?*

Klaus Rösler: Operationally we will continue to work in the same way: the Agency provides support to Member States at their external borders. However, the new regulation will strengthen our cooperation with the Member States because it provides a specific legal basis for what has been successful operational practice, conducting multipurpose operations. Multipurpose means that during border surveillance operations we detect and react to different types of crime, e.g. trafficking in drugs and human beings, but also illegal fishing or environmental crimes. Coast guard functions such as rescue operations are now covered as well. And of course, the new rapid reaction pool means we can better assist in situations requiring an urgent and effective operational response.

The European: *What are the implications on the institutional level and why was it necessary to change the name?*

Klaus Rösler: The new name does not mean that a new agency is replacing Frontex. The basis for the European Border and Coast Guard Agency is a new regulation and let's say, the Agency's mandate has been enhanced with new elements to make it more robust. However, the new name reflects better the broadened tasks, especially the coast guard functions, and the wider scope of border management. We are very proud of the new name because it means that the European policy-makers and legislator have acknowledged the maritime dimension of the Agency and are now giving it a solid legal basis.

The European: *Does this also affect your position within the institutional structure of the EU?*

Klaus Rösler



Photo: FRONTEX

has been Director of Operations for Frontex, the European Border and Coast Guard Agency, since 2008. Born in 1955, he has been with the German Federal Police since 1974. Mr Rösler graduated to senior level in 1989 and occupied various managerial posts for almost 25 years, dealing with border control on both the national and European levels. Before joining Frontex, he was, among other things, a senior policy expert within DG Federal Police of the Federal Ministry of the

Interior, Head of Federal Police office at Munich Airport and of regional authority in Northern Bavaria, and Head of the Border Police Branch of the EUPOL Mission PROXIMA 2003/2004 in the Former Yugoslav Republic of Macedonia.

Klaus Rösler: By giving the name European Border and Coast Guard Agency the legislator has also made reference to the cooperation with other EU agencies working in this field. We strongly agree that effective border management is not possible without inter-agency cooperation and will therefore strengthen cooperation with other agencies in the field, such as the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA), but also Europol, the European Asylum Support Office and the Customs authorities.

The European: *The remodelling of the Agency took only nine months. Of course, there was a lot of pressure on the Member*

States and the EU to react to the refugee crisis, but do you think that Member States' attitudes towards a common border management has substantively changed? Is the principle of relying on the Member States slowly being overturned?

Klaus Rösler: We think that the new regulation itself and also the short time it took to set up the Agency demonstrate the high level of commitment on the part not only of the Member States, but also the relevant EU institutions. However, everything that we are doing is in cooperation with and in reliance on the Member States. Indeed, since its operational establishment in 2005, the Agency has proven its effective support for Member States, by deploying experts and technical equipment to increase Member States' capacities in the fields of border control and the fight against cross-border crime.

The European: *You mentioned technical equipment: how is the procurement process organised and does the new regulation make provision for the Agency to be able to influence purchasing decisions?*

Klaus Rösler: The first step is always a risk analysis and an assessment of operational needs. To give an example: when we need to contribute to a search and rescue operation in the Mediterranean 60 nautical miles north of Libya but 180 nautical miles south of Sicily, coastal patrol boats will not help. What are needed are off-shore patrol vessels, hence the identifica-

“Our objective is to successfully implement policies in the fields of internal and maritime security related to the management of EU external borders, and our overarching goal is to contribute to liberty, security and free movement within and across Europe for all those who are entitled to free movement.”

Klaus Rösler

tion of operational needs drives the acquisition of technical equipment, as well as the recruitment of experts with specific skills. The principle stands that the technical equipment is provided to us by the Member States. But we are starting to procure certain services and products, for example satellite images, mainly from other EU agencies. Or we create joint ventures with Member States for the leasing of equipment. Altogether, this enables us to react swiftly to operational needs and to contribute to an enriched operational capacity.

The European: *Let me stay on the topic of cooperation with Member States: how is the decision-making process organised, especially in urgent situations? Is the European Border and Coast Guard Agency able to act autonomously and promptly for the launch of ad hoc missions?*

Klaus Rösler: Well, this is a complex issue. As I have already underlined, the Agency supports the Member States and this excludes that we act without having cooperation with them – this applies also to situations requiring an urgent and effective



Operational talks between the Director of Operations and senior commanding officers during a field visit to a Portuguese vessel deployed in Joint Operation Indalo 2014.

photo: © FRONTEX



Launch event of the European Border and Coast Guard at the Bulgarian-Turkish border. Denisa Saková, Slovak Secretary of State in the Ministry for Internal Affairs (1st from the left), Romyana Bachvarova, Bulgarian Deputy Prime Minister for Coalition Policy and Public Administration and Minister of the Interior (2nd from the left), Commissioner Dimitris Avramopoulos (4th from the left), and Fabrice Leggeri, Executive Director Frontex (6th from the left)

photo: © European Union, 2016; Source: EC – Audiovisual Service, Boryana Katsarova

operational response. However, in line with the aim of ultimately securing the EU's external borders, there is a certain mechanism which can lead to the decision that it is now up to the EU to act. This process may start with a vulnerability assessment and recommendations to a Member State to implement certain measures. If the Member State does not implement the measures, a decision of Frontex Management Board will follow binding for the Member State, and at the end – if Frontex support is not sufficient either – an EU Council decision on launching an operation is a possibility, and the Member State has to comply with and to cooperate with Frontex. However, the concrete technical mechanism for those decision-making procedures has not yet been developed.

The European: *The new regulation also gives stronger emphasis to cooperation with third countries. What forms does this cooperation take? How can the third countries assist Frontex and vice versa?*

Klaus Rösler: The cooperation with third countries has three components: first, exchanges of information on migratory flows and cross-border crime rates thereby also using own Liaison Officers deployed in third countries; second, inviting third countries or non-EU nations as observers to our joint operations or training activities, in order to bring them closer to the EU acquis; third, cooperating with third countries on capacity-building projects. This has also been done before, but what is new as a fourth element is that we can now conduct operational activities on the territory of a non-EU country.

The European: *What are the requirements for such operations?*

Klaus Rösler: One requirement is for the non-EU country to be the neighbour of an EU Member State. The categorisation here might seem obvious, and for land borders it is, but if we look at air borders, we could consider close and very frequent direct flight connections as a form of neighbourhood. But to give an example, such an operation could mean that the European Border and Coast Guard Agency would coordinate joint controls by Bulgarian, Austrian and Italian officers at the border between Serbia and Bulgaria on the territory of Serbia. Next, it would always require a Member State to have good bilateral cooperation with the neighbouring non-EU country. The Agency would additionally conclude a so-called status agreement with the non-EU country, in order to protect the EU agency-coordinated staff working on the territory of the non-EU country.

The European: *What about legal standards? The EU Member States of course have adopted the EU acquis, but how can the EU ensure that the third cooperating country also respects fundamental and refugee rights?*

Klaus Rösler: Of course, fundamental rights must be respected and we have several instruments to ensure this. The non-EU country needs to comply with our code of conduct, the agency's Fundamental Rights Officer has to have the right to access information and to give advice on activities to promote respect for human rights. And there is always the concrete operational plan that has to be agreed upon by the states involved. I would like to stress that the issue of upholding fundamental rights

Frontex assisting Bulgarian authorities during a border surveillance operation

photo: Francesco Malavolta © FRONTEX



is not new for the Agency. The last update of the regulation in 2011 established the Fundamental Rights Strategy, the post of full-time Fundamental Rights Officer and the Consultative Forum on Fundamental Rights. What is new is the complaints mechanism, whereby the agency pledges to process complaints from individuals who feel that their fundamental rights are affected during the course of a Frontex-coordinated joint operation.

The European: *How do you ensure that the persons affected know about this option and can make use of it?*

Klaus Rösler: All the operational plans have been amended accordingly. Complaint forms have been drawn up and are now being translated into the principal languages of the migrants. Frontex has already made efforts to bring the complaint forms into the field and to inform migrants about this possibility. We are also starting to implement the mechanism in-house and determining how to handle such complaints. This is a new aspect and it is an on-going process, but we are not unexperienced in this field.

The European: *Looking at the new Agency and the short amount of time it took to remodel it, would you say that anything is still missing, especially as regards the operational and technical aspects?*

Klaus Rösler: We are now in the process of implementing priority areas and in one year's time we will be able to assess whether there is something missing. However, what I would like to see is greater emphasis on access to large-scale European police and law enforcement databases, which would need to be based on an EU-wide law. Access to the Schengen information system or to EURODAC¹, for example, would enrich our capacity for risk analysis and enable us to provide better recommendations for operational responses.

The European: *What are the next concrete steps?*

Klaus Rösler: We are working hard to make the Agency fully operational as soon as possible. Concrete steps are: develop-

ing the vulnerability assessment with an approved methodology and implementation plan; creating the rapid reaction pool; enhancing monitoring and risk analysis of EU external borders; and preparing a European operational strategy on integrated border management. We are moving ahead on schedule here. Of course, we will continue our core business of planning and implementing joint operations of all types at the external borders, as well as enhanced return assistance, which we have substantially increased during the last year while implementing the EU action plan on returns², and also training activities.

The European: *Do you think that once the Agency is fully operational it will be able to satisfy expectations, i.e. to secure the Schengen area and enable EU asylum policies to be implemented?*

Klaus Rösler: We need to remember that the Agency cannot act independently – we support the Member States so that they can effectively carry out their responsibilities. So when it comes to meeting expectations, that hierarchy must be borne in mind. That being said, our objective is to successfully implement policies in the fields of internal and maritime security related to the management of EU external borders, and our overarching goal is to contribute to liberty, security and free movement withing an across Europe for all those who are entitled to free movement.

The European: *Mr Rösler, let me thank you once again for granting us this interview. We look forward to discussing the Agency's progress in one year's time!*



The interview was led by Alexa Keinert, Editor, The European - Security and Defence Union.

¹ European Dactyloscopy: the European fingerprint database

² <http://bit.ly/1WU5ni9>



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EU external borders

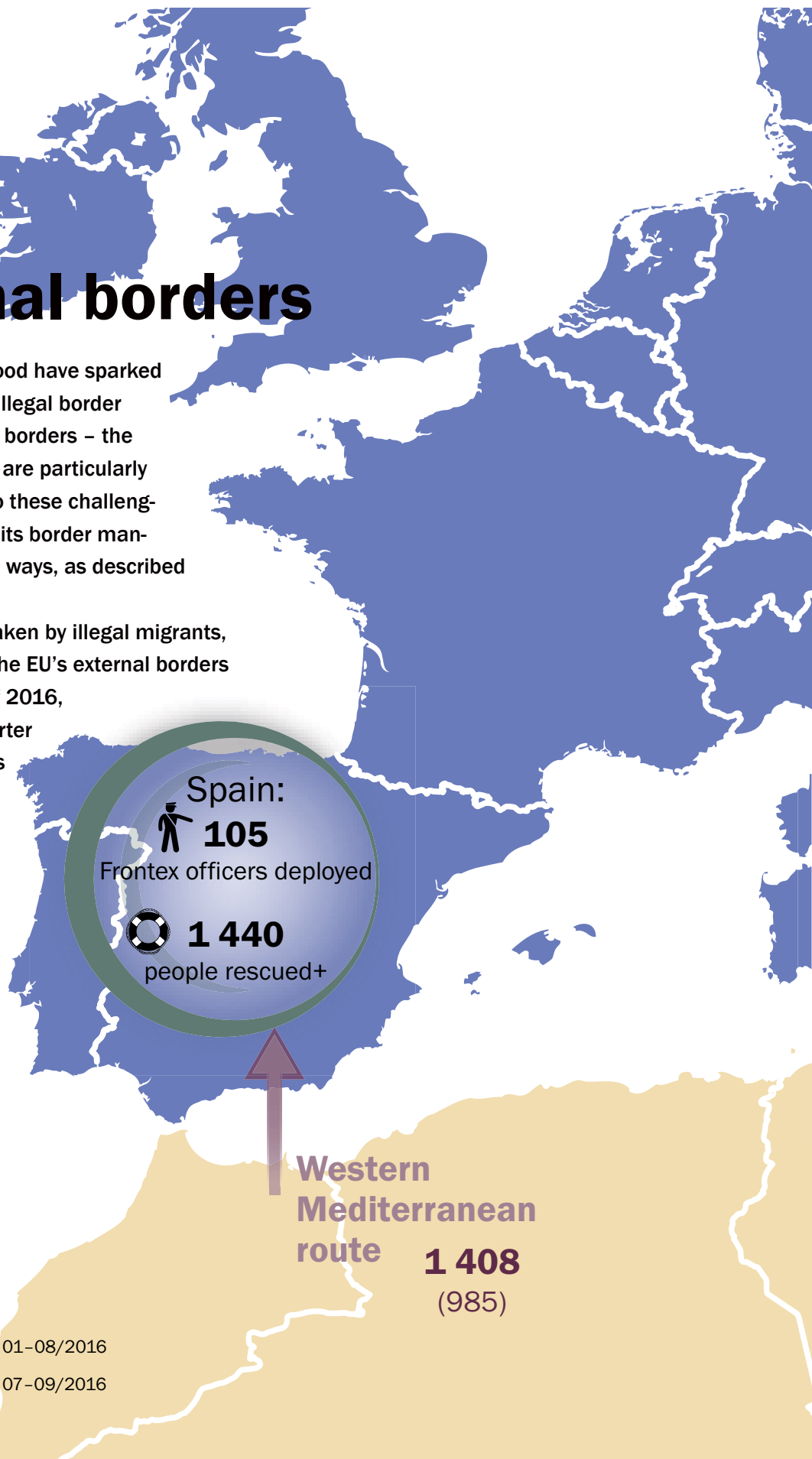
Crises in the EU's neighbourhood have sparked an increase in the number of illegal border crossings on the EU's external borders – the eastern and southern borders are particularly under pressure. In response to these challenges, the EU aims to strengthen its border management capacities in various ways, as described in the preceding pages.

This map depicts the routes taken by illegal migrants, based on illegal crossings of the EU's external borders detected in the first quarter of 2016, with numbers for the first quarter of 2015 shown in parentheses for comparison.

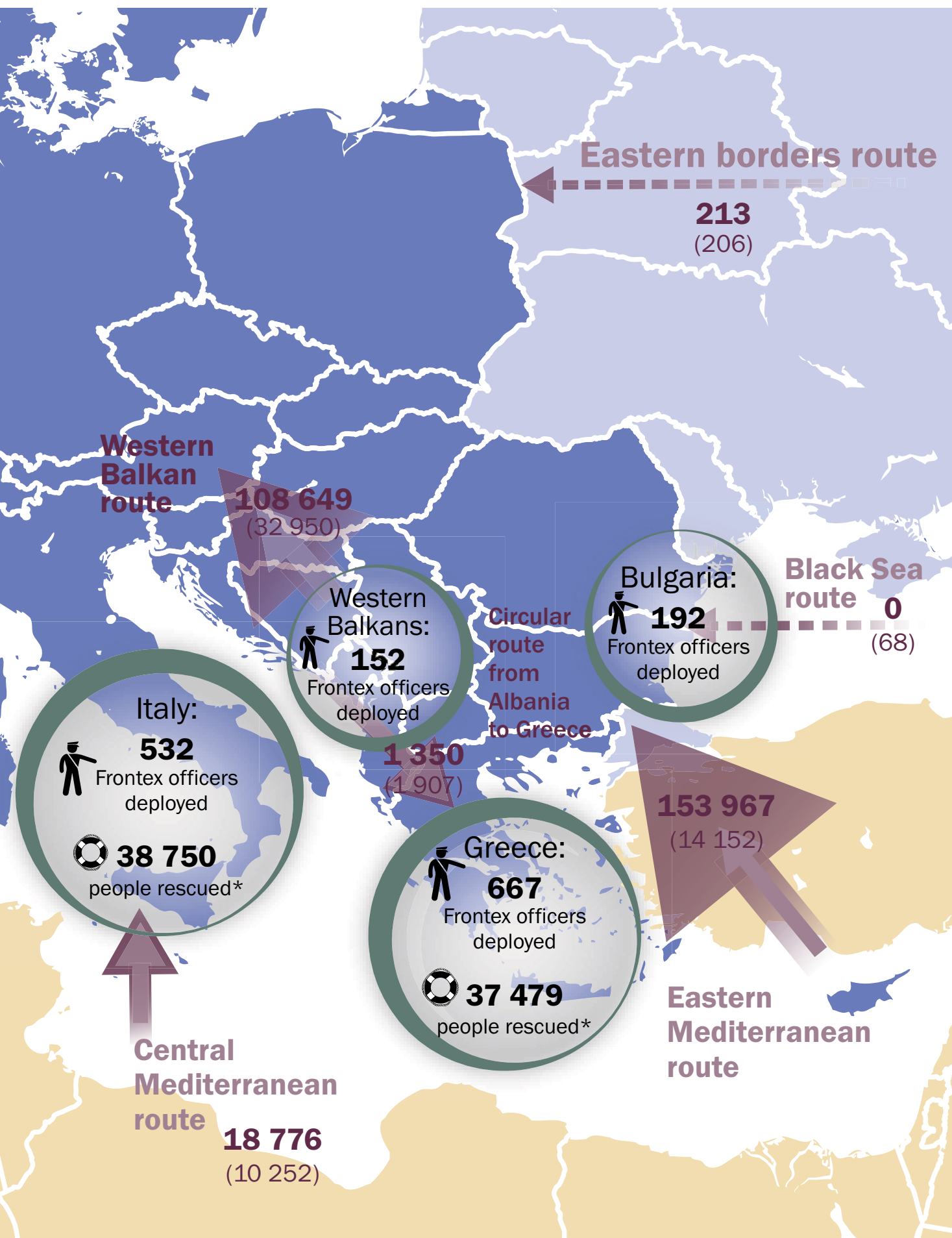
The European border management agency, Frontex, is actively working in several countries in order to assist Member States to secure their borders, but also to rescue migrants in distress.

* between 01–08/2016

+ between 07–09/2016



graphik: Beate Dach; source: Frontex, 2016; map: © cunico, Fotolia.com



Border management in Europe must respect human rights

More power for Frontex – but no boost to human rights*

by Ska Keller MEP, Vice-President and migration policy spokesperson, Greens/EFA Group, EP, Brussels/Strasbourg

The new European border and coast guard system sets out to vest Frontex with greater power. In the future, the EU border agency Frontex will be able to force Member States to step up their border control. Member States that refuse can be expelled from the Schengen Area. Frontex's new powers include operations outside the EU. Even a future operation in Libya cannot be ruled out. This means the EU is further shifting its responsibility for refugees to countries that lie outside of Europe. It is running the risk of human rights being trampled upon.

The Greens advocate border management in Europe that respects human rights and fosters, rather than hinders, the protection of refugees. Border controls must not result in refugees being denied access to protection in Europe. Instead, we need to rescue asylum seekers who are in distress at sea and ensure that they are properly registered and rapidly referred to the relevant asylum authorities. Europe must remain accessible to refugees.

The cornerstones of the new European border and coast guard system:

Operations against a Member State's will

Frontex, the EU border agency, is being vested with far greater power over Member States. Frontex systematically checks whether Member States are properly controlling their external borders and may demand that Member States step up their border control. Member States that refuse or are not prepared to accept a Frontex operation on their territory risk being expelled from the Schengen Area.

That boils down to the possibility of a Member State being forced to close its borders to refugees. Member States that fail to control their borders against large movements of refugees and migrants will have a Frontex operation imposed on them. There are no comparable repercussions for Member States that erect fences to keep refugees out and decline to fulfil their duties to accept refugees. That imbalance is tantamount to sealing off European external borders.

Reinforcement of Frontex

To boost Frontex's operational readiness, the agency has now a permanent pool of at least 1,500 border guards and a technical equipment pool. Frontex does not have its own border guards. Instead, it is reliant on Member States providing the relevant personnel for operations.

“Europe must
remain accessible
to refugees.”



Photo: The European Green Party

Operations outside the EU

Frontex can now also assist in the surveillance of borders in countries neighbouring the EU. Such neighbouring countries include North African countries. Hence, even a future operation in Libya cannot be ruled out. An external operation in a third country must be based on an agreement between the EU and that country, including respect for fundamental rights. However, that does not provide genuine protection against violations of human rights. First, Member States can circumvent an agreement – they can also involve Frontex directly in their bilateral cooperation with a third country. Second, Frontex has no recourse if violations of human rights are committed by third country border guards during a Frontex operation, since the EU has no jurisdiction in those states.

Human rights and the protection of refugees are at risk of being trampled upon. Frontex will become complicit with third states that do not necessarily give much weight to the protection of refugees and the rights of migrants. The Greens pushed for Frontex's external operations to be restricted at least to neighbouring countries of the EU that share a land border with the EU and have fully implemented the European

Convention on Human Rights and the 1951 Refugee Convention (i.e. to the Balkan states). Our efforts, however, were in vain.

Returns

Frontex is morphing into an agency for returns. Now Frontex can take the initiative for returning persons who have no right to stay in the EU to their home country or their country of transit. Previously it could only do so at the request of Member States. EU Member States that are considered to be too lax with respect to deportations, may be required to return more people or allow deportations by Frontex. Frontex is suitably equipped for that task. It now has permanent pools of officers to perform forced returns, return experts and return monitors.

The Commission and the Council also wanted Frontex to be authorised to perform deportations from third countries, such as returns of Pakistani citizens from Serbia or Turkey to Pakistan. The European Parliament – partly in response to pressure from the Greens – prevented that just in the nick of time, in tough negotiations with the Council. Third countries are not bound by European law and the protection guarantees and procedural safeguards enshrined in European law, so Frontex would have been at risk of aiding and abetting the deportation of refugees and people who are at threat of persecution or war in their homeland.

No reinforcement of rescue at sea

The Greens together with the Socialists & Democrats and the Liberals in the European Parliament have pushed for the rescue of refugees and migrants in distress at sea to be one of the core tasks of the European border and coast guard. That was blocked by the Council. Frontex will not be required to conduct rescue operations at sea. Although Frontex is now a border and coast guard, its mandate does not extend to rescue operations. As before, Frontex can only rescue people in distress at sea in the scope of its border surveillance operations. The equipment of the EU border guards still does not include special rescue boats.

Complaints mechanism

It is a genuine success of the Greens that Frontex now has a complaints mechanism. People who believe their rights have been violated by border guards during a Frontex operation can file a complaint with Frontex. Frontex must investigate the complaint and ensure that appropriate disciplinary measures are taken. The complaints mechanism is a result of a parliamentary report drafted jointly by Ska Keller and an MEP of the European People's Party, Roberta Metsola.

documentation

How to rescue the EU-Turkey agreement on Migration

(ed/nc, Paris) In October 2016, the European Stability Initiative (ESI) warned of the consequences if the EU-Turkey agreement on migration that had been signed on 26 March



to remedy the refugee crisis, is not properly implemented. The deal is currently hampered by a slow asylum claim process and only few returns of refugees to Turkey even though this point is at the heart of the agreement. Today, 15,000 refugees are still waiting in the Greek islands for their fate to be decided.

In a report entitled “Pangloss in Brussels – How (not) to implement the Aegean Agreement”, published on 7 October 2016, ESI makes concrete proposals on how the agreement could be rescued.

Excerpt:

“So what is to be done? ESI has made three concrete proposals in recent months. The EU should create conditions that allow sending a strong asylum support mission to Greece with at least 200 case workers.

The EU, in cooperation with UNHCR, should create a mechanism of verification for everyone returned to Turkey; spell out precisely and publicly what Turkey would need to do to be a safe third country for all non-Syrians to be returned from Greece; and make this the key condition for visa liberalisation before the end of the year.

The EU should appoint a senior special representative for the implementation of the EU Turkey agreement – a former prime minister or foreign minister, with the experience and authority to address urgent implementation issues on the ground and to communicate clearly with different audiences, from the citizens on Greek islands to the Turkish public, from human rights organisations and the media to prime ministers across the EU.

The most immediate step to take is for the EU to send a clear signal that it has understood both the frustration of Greeks in the Aegean and the worries of Turkey, that it takes the issues that concern the Greek asylum service seriously, while offering credible support to the Greek and Turkish government to treat the few thousand asylum seekers most concerned in line with all applicable law and international norms.”

web: All ESI reports are available here: www.esiweb.org

*Briefing, initially published on 1 July 2016

The challenge of combining security, efficiency and our values

The European Union's external borders

by Gilles de Kerchove, EU Counter-Terrorism Coordinator, Brussels

The emergence of foreign terrorist fighters as a major security risk has brought home the importance of comprehensive checks at EU external borders, including of EU citizens. The migration crisis has also put the spotlight on the particular need for the EU to ensure that appropriate security and database checks are carried out with regard to migrants.

Schengen is part of the solution

Recent polls show that a majority of EU citizens think that immigration could increase the risk of terror attacks on their territory, also that they want the EU to play a more important role in the field of security. In order to overcome fears and maintain our openness it is necessary to deliver efficient management of external border controls, to show that Schengen, one of the most important achievements of the EU, is part of the solution, and not the problem. To safeguard Schengen, watertight security at the external borders is necessary today. The Schengen flanking measures, in particular common databases, have to be used to the fullest extent, both in terms of feeding and checking.

Consolidation and progress

A lot of work has been undertaken over the last two years and progress has been made:

The Schengen Borders Code is currently being revised so as to provide for systematic checks against the relevant databases of all travellers, including EU citizens, at the EU's external borders. It is important to detect foreign terrorist fighters who are leaving or re-entering the EU.

The European Border and Coast Guard is a major advance in the EU's border management. It will ensure high and uniform standards, with mandatory vulnerability assessments to assess the capacity and readiness of Member States, and ultimately, the agency can be tasked to intervene directly on the territory of a Member State. Members of the teams carrying out a border-management operation will also now be able to consult European law enforcement databases. The new regulation also enables Frontex to process information containing personal data relating to persons suspected to be involved in criminal acts including terrorism and to cooperate with other EU agencies on the prevention of cross-border crime and terrorism.

The Entry-Exit System allows stronger controls by collecting data and registering the date and place of entry and exit. This more modern system of external border management will replace the stamping of passports. It will also contribute to security more broadly, as it will help to detect and combat identity fraud as well as the misuse of travel documents.

The European travel information and authorisation system (ETIAS): The Commission plans to present a legislative proposal in November 2016 on an ETIAS to gather information on travellers prior to the start of their travel, to allow for advance processing. It would also be possible to establish a link with the

Advance Passenger Information (API) and Passenger Name Records (PNR) databases: The PNR directive, adopted in April 2016 is one of the most important new instruments for the identification, detection and countering of criminals, terrorists



Minute of silence for the victims of the Paris terror attacks, Council of the European Union, Brussels, 16 November 2015

photo: The European Union, 2015

Gilles de Kerchove



Photo: private

was appointed EU Counter-Terrorism Coordinator on 19 September 2007. He coordinates the work of the European Union in the field of counter-terrorism, maintains an overview of all the instruments at the Union's disposal, closely monitors the implementation of the EU

counter-terrorism strategy and fosters better communication between the EU and third countries to ensure that the Union plays an active role in the fight against terrorism. Before that he was Director for Justice and Home Affairs within the Council Secretariat. He is also a European law professor at the Catholic University of Louvain, the Free University of Brussels and the University of Saint Louis-Brussels. He was Deputy Secretary of the convention that drafted the Charter of Fundamental rights of the European Union from 1999 to 2000. He has published a number of books on European law.

and their travel movements. An early and effective implementation of the Directive by Member States is crucial.

Interoperability initiatives regarding databases are being studied and developed by the High Level Expert Group on Information Systems and Interoperability.

The European Counter Terrorism Centre (ECTC): Europol has taken some major steps forward, with the recent setting up of the ECTC. Information sharing on foreign terrorist fighters has increased considerably. The ECTC is working on the link between fraudulent documents and terrorism, whereas for **The Europol European Migrant Smuggling Centre** the key issue is document security. Europol has deployed officers to carry out second-line security checks of migrants in hot spots.

Further progress is urgent

Whilst Europol has gained credibility, its counter-terrorism capabilities need to be further enhanced if it is to play its full role. It is also urgent to find a practical solution to bridge the gap between the parallel tracks of the law enforcement and intelligence communities. Delivering on better border management, better use of the tools and databases is key to providing effective security for citizens. Many of the issues that need to be tackled are complex and require technical solutions, hence a thorough understanding of the required steps for implementation both at EU and Member States levels is needed to achieve the objectives. Member States and EU institutions now face the challenge of quickly making further progress and allocating the requisite resources.

documentation

European Counter Terrorism Center

In accordance with the European Agenda on Security 2015-2020, the European Counter Terrorism Centre (ECTC) was launched at the Europol headquarter premises in The Hague on 25 January 2016.

The step up of Europol's role, with the ECTC as an operations centre and hub of expertise, reflects the growing need for the EU to strengthen its response to terror, since there is a clear shift in Islamic State's strategy of carrying out special forces-style attacks in the international environment, with a particular focus on Europe, as well as the growing number of foreign terrorist fighters.

The ECTC focuses on:

- Tackling foreign fighters;
- Sharing intelligence and expertise on terrorism financing (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit);
- Online terrorist propaganda and extremism (through the EU Internet Referral Unit);
- Illegal arms trafficking;
- International cooperation among counter terrorism authorities.



The ECTC is located at Europol's headquarters in The Hague, Netherlands photo: © European Union, 2016 /Source: EC – Audiovisual Service /Marzia Cosenza

The migration drama is not over

Combat against human traffickers at the Greek-Turkish Border

by Marco Feldmann, Editorial Journalist for Inner Security, Behörden Spiegel, Berlin

The Behörden Spiegel team composed of Publisher and Editor-in-Chief R. Uwe Proll and Editorial Journalist for Inner Security Marco Feldmann visited Samos from 25 to 27 September 2016 in order to participate in a German Federal Police maritime patrol around Samos. The patrol took place at night and lasted a number of hours.

Complete darkness. Suddenly, glaring searchlights are switched on and illuminate the deck of a suspicious-looking Turkish sailing boat. Captain Matthias Maier brings the German Federal Police boat “Uckermark” alongside. A Greek coast-guard officer boards the sailing boat and questions the crew, which was travelling from Greece towards Turkish territorial waters. The officer wants to know where the three Turkish citizens started their journey and which harbour will be their final destination. The answers appear to satisfy him: he allows the crew to continue their journey.

Nevertheless, the Greek officer wants to play it safe. He instructs the German police officers to follow the Turkish yacht with their searchlights for a while. After some minutes it is clear: there are no refugees on board and the crewmembers are not human traffickers, because the sailing boat is not sitting unusually low in the water.

That is far from always being the case when Maier and the three other members of the German Federal Police patrol the

Marco Feldmann



Photo: private

studied History (B.A.) and Political Science (M.A.) at the University of Potsdam. Afterwards, he freelanced for a local daily newspaper in Berlin. Since November 2014 he has been an editorial journalist for Internal Security and Civil Protection at the Behörden Spiegel in Berlin.

region around the Greek island Samos. They have often had to rescue large numbers of migrants from overloaded and unseaworthy rubber boats, which, moreover, frequently do not have enough fuel to reach the Greek coast. Captain Maier and his crew have already also rescued people from the steep rugged rocks of the Aegean. For missions like these the German Federal Police keep helmets on Samos, in order to protect both officers and refugees from injuries due to falls. Maier remem-



Two German Federal Police vessels are based at Samos. Their crews try to arrest human traffickers and rescue refugees

photo: Marco Feldmann



COMMENTARY

Saved from running away

by R. Uwe Proll, Publisher and Editor in Chief
Behörden Spiegel, Bonn/Berlin

bers one particular operation: “During one of these rescue missions from the steep rugged rocks, I suddenly found myself with a baby in my arms. That was a daunting experience.”

Different options available

There are major differences when it comes to the possibilities offered by human traffickers. It is a class system. Migrants can choose between different options depending on their financial resources. Only the poorest refugees board the overloaded rubber boats with their inadequate engines. These boats have at most only a stabilisation plank on board and are not fit to cover the short distance between Turkey and the Greek islands, although at one point on Samos the two countries are only one kilometre apart. The rubber boats are steered by the refugees themselves.

A more comfortable but also more expensive option is a speed-boat. Because of their value, these boats are piloted by the smugglers themselves. After dropping off the migrants, they return directly to the Turkish coast.

Long prison sentences

An even more comfortable option is a sailing boat. But this is risky too. Just a few months ago, Maier and his team caught three young Ukrainians who were smuggling more than 20 refugees below deck. They probably now face long jail sentences in Greece. According to 44 year-old Maier, “Greek judges sentence smugglers to one year of prison for every migrant they transport.”

So-called guarantee sluicing is definitely the first-class option. For this kind of trafficking the smugglers use jet-skis manned by a maximum of two refugees and one smuggler and which can reach a very high speed. With these jet-skis the smugglers try to reach the Greek islands, where the migrants are either picked up by accomplices from the world of organised crime or have to travel on by themselves. In these cases the smugglers are only paid if the trafficking succeeds.

Organised crime on the rise

People smuggling is a lucrative business, which is why criminal organisations are increasingly attracted to the Aegean. In 2015, smuggler gangs working on the Greek islands were mainly Turkish. Now gangs from Ukraine, Russia, Romania and Georgia dominate this business. The trafficking follows a clear pattern: nearly all refugees have a smartphone and to begin with they live illegally on the Turkish coast or camp outdoors. Depending on the criminals’ assessment of the situation, the migrants receive a text message on their smartphones telling them where to wait for their boat. Often this happens only an hour before the boat’s departure. The smugglers evaluate the situation on the basis of the current weather conditions and

There are scenes that we cannot publish pictures of in order to protect the people concerned but also due to the strict policy of the Greek authorities; but to see them with one’s own eyes brings home the appalling tragedy of the refugee crisis.

Most refugees are fully aware of the risks they are taking when they travel the short distance between Turkey and the Greek islands. And yet mothers are prepared to board unseaworthy boats with their newborn infants. Once in Europe, they are left by the people smugglers on the steep rugged coasts of the islands. But if they are unable to climb the rocks their only hope is to be spotted by Greek, German or Dutch vessels. This is how it is in Samos. The emotion in the eyes of the people who have just been rescued from the sea is overwhelming.

That is one side of the coin. The other is that the interaction with the Frontex Agency, which is designed for a cooperative approach, has never really lived up to expectations on the ground. On the spot, for example, are German officials who are highly motivated to conduct rescue missions, but they have to be accompanied by Greek officials, who do not have that motivation. They are there for reasons of national sovereignty that seem absurd when one considers the plight of the refugees. For example, a Turkish boat is stopped only because it is sailing under a Turkish flag. The Greek official ignores the right to freedom of the seas and orders the sail-or to sail back into Turkish waters immediately. This is what happened during our visit and the Greek authorities asked us under no circumstances to report on that experience.

I am convinced that the EU was right to transform Frontex into the European Border and Coast Guard Agency, to give it competences, staff and equipment and to enable it to take action, including on member states’ territory, that the countries concerned are not able or willing to take.

Although at the moment fewer refugees are arriving on Samos, the German Federal police still need to rescue migrants from boats that are not consistently seaworthy

photo: Kripos, NCIS, CC BY ND 2.0, flickr.com



coastguard activities on the European side. The text messaging system is used above all in the urban regions of Turkey. In other more sparsely populated parts of the country, the migrants are more likely to be picked up by vans and then brought to the embarkation point.

On patrol without lights

Back to the “Uckermark”, which has a power of 1,600 HP: immediately following the inspection of the Turkish boat, Maier has to give way to a ferry, also Turkish, that he had identified a few moments before using radar and night-sensing equipment. The German police officers are dependent on these devices because their boat patrols completely unlit. The policemen do not even use position lights because they do not want to be identified. But this can cause problems. Maier reports: “We already have had face-to-face encounters with the Turkish coastguard, with each then illuminating the other.”

To make things worse, the precise delineation of the sea border

between Greece and Turkey in the area around Samos is highly controversial. This is a problem for the German Federal Police because their boats often come very close to this line. Sometimes they are only 30 or 40 metres away from Turkish territorial waters, which they are not allowed to enter. The mandate of the European Border and Coast Guard Agency (FRONTEX), which provides the basis for their action, extends to Greek areas only.

Reporting only to FRONTEX

After each patrol the head of the German contingent at Samos, Jan Jung, transmits a report to the FRONTEX headquarters near Athens, which is in charge of the mission. The German authorities are not directly informed, but the chain of command is clearly established. There is also a special relationship with the Greek coastguard, because one of its officers remains on board during all patrols. That officer is responsible for all executive measures, such as the detention of people traffickers. It is also up to that officer to decide whether the German Federal Police boat sails at all.

The German police officers are responsible mainly for border protection. They are therefore armed and they work on Samos for a month at a time. Each of the two boats has a four-member crew. The crewmembers remain on duty for 24 hours followed by one day off. Duty time is shared between patrol hours, keeping watch on the boat and stand-by duty in the hotel afterwards. There are currently 23 German Federal police officers on Samos dealing exclusively with boat duties. In addition to the crews there is a staff composed of the head of the contingent, one logistician and one employee in charge of servicing the boats and maintenance. In addition to its sea-faring officers, the German Federal Police also has land-based employees on Samos. The mandate that provides the basis for the German Federal Police’s action on Samos was normally due to expire on 31 December 2016, but it was recently extended until 31 December 2017.



The German boats are equipped with radar and digital nautical cards

photo: Marco Feldmann

Implementing the EU-Turkey agreement demands daily work on the ground

Greece takes up the challenge

Interview with Albrecht Broemme, President of the German Federal Agency for Technical Relief (THW), Berlin

The European: *Mr Broemme, you are the President of the German Federal Agency for Technical Relief (THW). Following the signing of the EU-Turkey Agreement on Migration in March 2016, you were appointed “Special Envoy of the German Federal Government for Implementing the Statement of the European Union with Turkey on Migration”. What exactly does this job entail?*

Albrecht Broemme: When I was appointed, I wondered what my job would consist of. Clearly I would be working on the ground, so I went to Greece, observed what was happening there, discussed with the Greek and Turkish authorities, listened to the people on the islands and in the refugee camps to understand what was going on. Every week I had a meeting with the Chancellor’s office, the Foreign Office and the Ministry of the interior in order to report back to them and give them a better idea of what was happening in Greece. Since September, this duty is taken over by a few other people.

The European: *What effects has the EU-Turkey agreement had so far?*

Albrecht Broemme: The first positive outcome of this agreement was that the number of refugees arriving on the Greek islands from Turkey dropped from one day to the next. The number of people being killed in the Aegean Sea also decreased. Previously there had been about 80 deaths each month; since the start of the agreement until November there have been 12 in all, although this is still too many.

The European: *You talk about the people who drowned in the Aegean Sea as having been killed...*

Albrecht Broemme: ...yes, I used the word “killed” deliberately, because in my view they did not die by accident but were murdered. When you are paid a lot of money for loading people who never learned to swim onto a small overcrowded boat, send it out to sea and then leave them to fend for themselves, it is criminal. When people die as a consequence, this is no accident. For me it is organised murder.

The European: *The signing of the agreement has indeed had an immediate and dramatic impact on refugee movements in the Eastern Mediterranean: crossings in the Aegean Sea fell from over 127,000 in the first three months of 2016 to about 18,000 between April and October, with very few daily arrivals during the summer...*

Albrecht Broemme: ...and I was very happy and proud to be part of a process that was set up in order to put a stop to people risking their lives at sea and to such tragic sights as that of children’s bodies lying on the beach. So, this was a first positive point. But of course, there were a lot of problems to be solved on the ground.

The European: *What kind of problems needed to be addressed first?*

Albrecht Broemme: When we started working in Athens and on the islands, the new Greek asylum law did not yet exist. To remedy this situation, Greece had to create, in record time, a completely new law. Putting this new law into place was a complicated process and I admire the Greek authorities and Parliament for having succeeded in doing it so quickly.

The European: *The media do not always share your positive assessment.*

Albrecht Broemme: That’s true, many newspapers, for instance in Germany, are quick to criticise the Greek authorities, accusing them of being disorganised or even lazy, and of not knowing what to do about the refugee crisis. But that is not true at all! My experience is that the Greeks know exactly what to do.

The European: *So why is the process so slow? Many refugees in the Greek island camps have not even been able to claim asylum so far.*



Albrecht Broemme (left) visited a lot of Greek island camps to discuss with refugees. Here: near a hotspot on the island of Chios, September 2016

photo: © THW

Albrecht Broemme: The process is slow, because the work on the ground is difficult. That is what I always try to explain: you have to see the situation with your own eyes to understand why it is so hard. The Greek authorities were not prepared for the arrival of so many people in need of help and they lack experience. And they do not have enough specialists for the asylum claims.

The European: *But the European Asylum Support Office (EASO) is supporting them in this task...*

Albrecht Broemme: ...yes, of course, but the EASO staff member supporting the Greek authorities is not allowed to take decisions. EASO workers can only prepare decisions by conducting interviews with the refugees. This is helpful, but then the Greek authorities read the transcript of every single interview from beginning to end in order to be able to draw their own conclusions and take a decision. And they do not want to make group decisions; asylum decisions are taken case by case, which is also time-consuming. The Greeks say, “we appreciate the help of EASO, but it’s our country, and the refugees are in Greece, so it’s our responsibility”. Well, we must respect that. Another problem is that the EU has not thus far sent the full number of experts it promised.

The European: *I find it hard to understand why EU member states do not just send more qualified people to Greece to support the Greek asylum authority. Is it also a problem of political will?*

Albrecht Broemme: I am disappointed, that Europe is still not yet working together on the refugee question. Things are starting to improve, but for months on end there was no common sense. But there are also practical reasons for the insufficient numbers of EASO staff being deployed. It is not that easy to find enough experienced specialists with at least a basic command of English and willing to work under such difficult conditions: in a Greek island you are sitting in a camp container

together with other teams, there is noise, people are desperate, women cry as they tell their story... It is really difficult to conduct interviews under such conditions, which is why it takes more time.

The European: *Aren’t the EASO people prepared in their home countries for this situation?*

Albrecht Broemme: Not at all! Only when they arrive in Athens, they get information about the situation and some training. In Germany we started giving them more information before they are sent abroad, which makes sense. By the way, for Frontex officers, it works much better. If you need more officers somewhere, they are sent within a few days. And they are trained for this job and do it very well. But the people working for EASO on the islands also do really a great job. They generally like what they do and some of them stay longer than planned.

The European: *Let’s come back to the EU-Turkey agreement. At its core is the idea of discouraging irregular crossings by returning most of those who arrive on the Greek islands to Turkey following a credible assessment of their asylum claims. But to date, about 700 people have been returned to Turkey under the agreement, although there have been 18,000 arrivals. Doesn’t this put the initial plan at risk?*

Albrecht Broemme: Unfortunately, we have not yet fulfilled that part of the agreement. As a result the Greek islands are filling up with refugees. However, Turkey really is willing to take refugees back....

The European: *...so the problem lies on the Greek side? In addition to the difficult and time-consuming process you described of deciding what to do with each refugee, does it also have to do with the fact that Greece still has concerns about recognising Turkey as a safe third country for non-Syrian refugees? The European Commission is already considering Turkey as a safe third country.*

Albrecht Broemme: I also think that we can consider Turkey as a safe third country because there is really no indication at all that Turkey is not treating the refugees properly. I admire the Turks for what they are doing for the refugees. They have millions of them to take care of and they do it well. Only 20% of the refugees in Turkey are living in camps, the others live in different housing areas. Some refugees have even returned voluntarily from the Greek islands to Turkey, in the hope of finding a better situation there than in Greece. But, as you know, Greece and Turkey have difficult relations for historical reasons.

The European: *So the situation is blocked?*

Albrecht Broemme: No, things are moving forward, and this “abnormal” situation in a certain way fosters a “normalisation” of



Poseidon Rapid Intervention operation off the island of Lesbos

photo: FRONTEx

Albrecht Broemme

has been President of the German Federal Agency for Technical Relief (Technisches Hilfswerk, THW) since 2006. Born in 1953, he obtained a master's degree in electrical engineering from the University of Darmstadt. Between 1970 and 1979 Mr Broemme volunteered at the THW and Fire Department in Darmstadt and became Senior Officer of the Berlin Fire Department in 1980. Prior to his current position, he spent 14 years as Chief Fire Officer of the Berlin Fire Department. In 2016, he was appointed Special Envoy of the Federal Government for Implementing the Statement of the European Union with Turkey on Migration.

Greek-Turkish relations. Today you even see Turkish police officers on the Greek islands. Imagine! This would have been totally impossible before. I am very happy that the middle and lower level relations between Greece and Turkey are much better than they have been in the last 50 years. This is at least one positive side effect of the crisis.

The European: *But do you really believe Greece will be able to find a solution?*

Albrecht Broemme: The Greek authorities have started to observe how other EU member states are dealing with migrants and refugees and their asylum claims. In Germany, for instance, we did not expect to receive so many refugees and it was quite chaotic to start with. But today we have quite a good system up and running. I have very good relations with decision-makers on both the Greek and German sides and I help to bring them together; that's also part of my job. This is why I think that the Greek authorities will find a solution to speed up the process in the near future so that the decision either to send people back to Turkey or transfer them to the mainland and from there possibly to another EU country can be taken swiftly. But I believe that they have to find a solution by themselves.

The European: *Let us take a closer look at the situation on the islands. Today there are more than 15,000 refugees on the Greek islands located close to the Turkish coast. This also creates tensions in the country, with a growing section of the Greek population participating in demonstrations against the situation on their islands.*

Albrecht Broemme: It is true that in the islands the local population is becoming increasingly hostile towards the refugees, although the Greek population has given them a lot of support. Today, the willingness to help has not completely disappeared, but the Greeks are worried about the future of their islands, because they see that the situation is not really improving. They are aggressive because they are afraid. For that reason also it is very important to implement the return process under the EU-Turkey agreement faster, because otherwise more camps and hotspots will have to be built on the islands and this is refused by the local mayors.

The European: *You visited a lot of camps on the islands and talked to many refugees. How are they coping with the situation?*

Albrecht Broemme: The living conditions are of course poor. But that is not the worst thing for the people in the camps: what makes me really sad is that they wake up each morning with nothing to do. They just wait. In some camps, for example in Chios, children can now attend lessons, or do sports, but the overall situation is really sad for the refugees. They have scant information, they cannot read the Greek newspapers, and only a small percentage have a smartphone. The question I was always asked when I talked to them was: when will we be told what

is going to happen to us? And I had to say that I didn't know. Currently they have to wait months on end and I would really be happy if we could manage to give them an answer within one month of their arrival. Maybe the decision will not be what they hoped for, but at least it will be a decision.

The European: *Mr Broemme, I would like to put one last question. Your agency, THW, is also engaged in supporting refugees, in collaboration with the UNHCR and other partners. Can you briefly describe THW's contribution in this field?*

Albrecht Broemme: THW is indeed involved in the construction of refugee camps. We helped set up the enormous Al Za'atari refugee camp in Jordan, with the capacity for 140,000 people, in only 7 months: incredible! This desert camp currently houses 80,000 refugees. We managed the installation of the water and blackwater system with local workers. We also try to involve refugees in these projects, and we pay them for their work. THW is also working with camps in northern Iraq, for instance, and with smaller camps in Germany. For me, the Al Za'atari camp shows that when the need and the will are there, everything is possible, and can be done quickly.

The European: *Mr Broemme, thank you very much for this interview. We hope that you will succeed in making possible everything you wish to achieve!*

The interview was led by Nannette Cazaubon, Deputy Editor-in-Chief of this magazine



Albrecht Broemme and Nannette Cazaubon meeting at the THW premises in Berlin, 7 November 2016

photo: © THW

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The future Non combatant Evacuation Operation (NEO) security conundrum

Bounding the Leviathan

by David Bond MA, Wing Commander, RAF, London

Politicians should consider the impact of emigration as well as the tragic flood of migrants arriving on the continent. Whilst globalisation has enabled vast numbers to travel and reside overseas, the phenomenon is also causing the conventional state-centric security concept to evolve. For example, citizens' expectations, across the EU at least, increasingly demand that states provide absolute security and expect it to be proffered upon them regardless of their location.

The impact of globalisation

As a direct corollary to this expectation the political response needs to change, as questions slowly emerge about Western states' continuing ability to provide an omnipresent security guarantee. NEOs are operations intended to relocate designated non-combatants threatened in a foreign country to a place of safety, but the scale of the challenge may be beyond many states already and this is significant as they are not infrequent undertakings. The UK has conducted 23 since the Second World War and 11 in the last 20 years.

Whilst NEO characteristics vary they are often limited, rapid, small-scale operations with the critical element being speed; they frequently have political, humanitarian and military implications. When expedience is aligned with aggravating factors like geographic location, scale, security environment and the availability of resources it would be understandable if states placed great emphasis on doctrine, planning and NEO execution. In reality, not all do and greater emphasis may be necessary now, as contemporary migration has presented many states with a prodigious logistical challenge.

An obligation to protect?

In 2011, during Libya's civil war 800 UK and 1000 EU citizens were rescued from danger in a celebrated UK-led NEO titled Operation DEFERENCE.¹ The Libyan security situation deteriorated so rapidly that the then German Defence Minister, Karl-Theodor zu Guttenberg, had insufficient time to follow ministerial and

legal protocol in consulting the German Bundestag before providing the armed forces with authority to conduct Operation PEGASUS (the German NEO).² Guttenberg's unilateral decision to authorise the NEO was a contravention of protocol that received retrospective bi-partisan endorsement because of a consensus that the state was obligated to protect its citizens. NEOs, therefore, represent a security commitment between citizen and state, frequently reaffirmed by grandiose political statements about the first duty of government being defence of territory and protection of its people. They are an obligation many states have frequently serviced, but critically when the logistics were more favourable.

Maintaining the perception of Leviathan?

There is scant reference to NEOs in many EU security strategies, which reflects that governments are wrestling with servicing a contemporary expectation that they cannot always meet. The UK's Chair of the House of Commons Defence Select Committee outlined: "There must always be limits of practicality. It is non-discretionary in that you have got to try, but discretionary if having tried to come up with a plan and you can't, you don't then proceed."³ This implies that policy is sensibly bounded and pragmatic, with discretion retained on whether government should actually conduct NEOs; it would appear that during crises strategy is reverse-engineered with ways and means considered prior to the ends. This is not something that traditional strategists would either recognise or advocate. Such contradictions around security policy are commonplace: "Differing Department of State and Department of Defence perspectives regarding NEOs often lead to a lack of interagency cooperation."⁴ Consequently, some analysts opine that NEO planning should attract greater prominence as Human Security implies a more open society: "(...) citizens must be able to voice out to government their security concerns."⁵ The assertion the state should wrap around all components of modern life, including security, was first articulated by Thomas Hobbes in his description of the modern state as a Leviathan - the mythical sea creature from the Old Testament that grows exponentially. This description resonates and the contemporary NEO security expectation needs to be bounded, as Lewis implies, before the states' frailties in the current security landscape are laid bare.

Bounding expectations

Politicians should be bold in implementing policies, cognisant of the frictions whilst accepting states' (individually and collectively) reduced abilities to provide the omnipresence of security: "Our politicians have been in the business of giving

David Bond

is a Chief of the Air Staff's Fellow receiving his Master's degree in Applied Security Strategy from the University of Exeter, in 2015. He has served in South Asia, Afghanistan, Africa and the Levant, but is currently on the UK's Advanced Command and Staff Course.



HMS Westminister during her transit towards Libya as part of the humanitarian effort to support civilians and evacuees from Libya. The Portsmouth-based Type 23 Frigate embarked essential stores and ammunition in Gibraltar before continuing towards the Libyan coast

photo: OGL, Open Government License, www.defenceimagery.mod.uk

us more of what we want – more education, more healthcare, more prisons, more pensions, more security,”⁶ but the scale of the NEO conundrum will only increase, in quantitative terms, as borders become more porous and travel made easier. The military technologies appropriated for NEOs such as strategic air-transport aircraft and troop-carrying warships are exorbitantly expensive, finite in number and oft-committed on operations, and government/military procurement policies may be compounding this conundrum further still: “Paradoxically, the expensive equipment programme the UK’s Ministry of Defence is now invested in is potentially pricing them out of being able to deal with some of the security threats that governments are going to face.”⁷ In future, a choice may be looming – operations of necessity versus wars of choice.

Realpolitik

In seeking to mitigate the burgeoning logistical challenge, some states have sought to burden share through multilateralism. The genesis of the NEO Coordination Group (NCG)⁸ was the 2006 Lebanon NEO where vessels left Beirut with significant spare capacity not utilised. The NCG meets bi-annually to evaluate potential crisis situations from a consular and military perspective and in 2015 EU states finally agreed on the level of assistance that unrepresented EU citizens could expect from those represented during crises. However, these policies created in the abstract that imagine a collegiate response may apply to permissive crisis situations only. It is highly likely that Realpolitik will ensure that states seek to secure their

own interests before considering others in a non-permissive environment. Whilst the multinational effort aspires to burden share, the provenance of this approach, when citizens and the military are taking casualties, remains unproven. A unilateral capability and doctrine therefore remains integral to states’ security strategies and if the security commitment that states can reasonably offer is important, the requirement for greater honesty about the state’s limitations on delivering it should be of significance too. To do otherwise is surely to be an architect in one’s own demise.

1 Craig Sutherland, “Operation DEFERENCE: The Multinational NEO Evacuation Cell Concept.” *RUSI Journal*: Jun/Jul (2012): 15.

2 “Karlsruhe überprüft Bundeswehreinsatz in Libyen 2011,” 2015, accessed June 19, 2015, <http://www.faz.net/aktuell/politik/inland/bundesverfassungsgericht-in-karlsruhe-ueberprueft-bundeswehreinsatz-in-libyen-2011-13394928.html>

3 Julian Lewis MP (House of Commons Defence Select Committee), Personal Interview, Sep 10, 2015.

4 Christopher Blanchard, “Non-Combatant Evacuation Operations.” *Marine Corps Gazette*, 81, (1997): 57.

5 Herman Kraft, “The Human Security Imperatives.” *The New Zealand International Review*, 32, 5, (2007): 5.

6 Micklethwait, and Wooldridge, *The Fourth Revolution: The Global Race to Reinvent the State*, 11.

7 Sir Steve Smith, Personal Interview, Sep 28, 2015.

8 NCG Members include Australia, Belgium, Canada, Denmark, France, Germany, Holland, Italy, Portugal, New Zealand, Spain, USA and the United Kingdom. The EU’s External Action Service is an observer, and not a member.