

Round table on migration, humanitarian aid and human smuggling Dutch House of Representatives

(Position paper Frontex Director Operations)

1. *In your opinion, how big is the risk of contact and/or ties between aid organisations and human traffickers? How can these risks be minimised? To what extent do the actions of aid organisations have any unwanted impact on the behaviour of traffickers (or vice versa) and how can this be prevented?*

Frontex does not conduct investigations into possible ties or collusion; this is the exclusive responsibility of the judicial authorities of the EU MS and in terms of EU-cooperation it also falls within the remit of Europol.

Frontex, on top of its operational activities (Joint Operation Triton in Italy) also conducts analysis of migratory trends at the external borders of the EU and on the modus operandi by the criminal networks. We have noted a significant change in the way the Libyan smugglers operate since 2014, mainly valid until now with some changes since summer 2017:

(1) **The number of people travelling on board of the dinghies has increased:** While in 2014 smugglers put on average 90 persons on board of a 10-meter-long dinghies, in 2016 and in 2017 we see as many as 170 travelling on boats of the same size.

(2) **The quality of the materials from which the boats are made has dramatically worsened** in the past 2 years - the rubber is thinner and the boats made of one chamber now.

(3) **The Search and rescue area has changed** in the past 4 years: while in 2011 the boats were arriving all the way to Lampedusa, in 2014 the SAR area was half way between Italy and Libya (LBY), in 2016 and 2017 SAR area moved to the limit of the LBY territorial waters.

(4) While in 2014 the quantity of fuel was sufficient for the boats to make longer journeys, now **the fuel is only sufficient for the boats to leave the LBY territorial waters** and some more miles to go. The same is valid for the drinking water and food.

(5) Furthermore, recently we have also noticed that the **smugglers remove the engines from the boats** when they see a rescue boat nearby leaving the boat full of people adrift and in danger, in order to re-use the engine for another trip.

Everyone operating at sea has the legal obligation to save lives.

Frontex itself contributed to the rescue of almost 90,000 lives last year and almost 21 000 this year. Taking into account the aforementioned changes, the presence of maritime surveillance and SAR capacity close to Libyan territorial waters, at least in the recently established Libyan SAR area, has increased in particular with the presence of NGOs. It includes high likelihood that NGOs come in contact with smugglers “observing” the rescuing and attempting to get the boats back.

Insofar is little doubt that the **smugglers are taking advantage of the international obligation to save lives** and the intense presence close to LBY territorial waters.

Effectively reducing such effects means improving the effective surveillance of the LBY coast including prevention of departures (by its Coast Guard) and enhancing the **fight against the criminal networks** being active in LBY. Disrupting criminal activities requires from all those present in Central Med to **share information with Italian Police** to help combat criminal networks.

2. *What can effectively be done to prevent people taking even more risks in making the crossing to Europe, or being even worse prepared by the smugglers when making the crossing, given the fact that aid organisations are active in the European waters to rescue people?*

There are three points to make here:

Firstly the only effective solution is to eliminate the **root causes** for migration: wars, conflicts, poverty and to **open safe and legal channels for the refugees to enter Europe safely**. This of course requires political actions which go beyond the mandate of Frontex.

Secondly, it is of utmost importance to dismantle the criminal smuggling networks which profit heavily from their dirty business: It is estimated that this year smugglers made nearly EUR 1 billion in profit. These funds surely end up financing other forms of serious crime in the areas they control.

Thirdly we have to remember that it is impossible to guarantee full safety at sea: The Mediterranean Sea is an enormous basin of water which covers 2.5 mln square km. It takes seconds an overcrowded boat to capsize and for the tragedy to happen. The smugglers don't give life jackets to the migrants (these take up precious space which can be given to another 'passenger' and make more money).

As to our activities, Frontex currently deploys in Italy 9 vessels, 2 aircraft, 2 helicopters and almost 400 officers who assist Italy in **border surveillance, SAR, identification and registration of the migrants and collecting information about various types of cross-border crime**, including drug trafficking, people-smuggling, human trafficking, terrorism and identification of foreign fighters, which it passes to the national police and Europol.

Last year, In addition to search and rescue operations where Frontex-deployed vessels contributed to the rescue of 90 000 lives in **Italy and Greece** alone, boats and aircraft deployed by Frontex in Operation Triton also contributed to the arrest of 588 suspected people smugglers and helped Italy seize 20.7 tons of drugs and 150 000 smuggled cigarettes. They also contributed to the detection of maritime pollution and illegal fishing.

3. *In your estimation, what are the effects of the recently set code of conduct on:*
- *the insight into the methods and financing of aid organisations concerning their activities in the Mediterranean Sea?*
 - *minimising the possible risks of ties between traffickers and aid organisations?*
 - *the possibilities for aid organisations to effectively rescue refugees in need at sea?*

The Code of Conduct (COC) for the NGOs was recommended by the Italian Senate Committee and it is a process led by the Italian Ministry of Interior. Saving lives is an international obligation for all those who operate at sea. In principle Frontex supports this proposal as it helps assist the Italian authorities in countering smuggling networks operating in Libya in a more effective way by gathering the necessary intelligence about the way they operate.

This question should be addressed to the Italian authorities who created this CoC and who are directly responsible for conducting investigations, also involving financing schemes and other.

4. *How do you assess the role and position of transit countries (like, but not exclusively, Libya, Morocco, Niger)?*

Migration management goes beyond border control at EU external borders. It also includes capacity building and sharing of intelligence about the trends and the activities of cross border criminals with relevant countries of origin and transit. We have a liaison officer in Niger and cooperation in place with the existing European Union's missions in the Sahel and EUBAM Libya.

Nowadays, criminal networks no longer operate in just one country. There is little doubt that the increasingly international criminal groups require a global, cross-border response. But for this to happen it is necessary to strengthen cooperation between all affected countries, create a platform

for effective information sharing and build their capacity to analyse trends of cross border crime that can lead to dismantling these networks.

We do this through the Africa-Frontex Intelligence Community (AFIC). 25 African countries are participating and cooperating in this regional risk analysis network established in 2010. This autumn, Frontex launched a project to develop the capacity of AFIC countries to work on joint intelligence analysis of crime. This project will focus on training experts and setting up AFIC Risk Analysis Cells (RACs). It is funded by the European Commission.

Important to know also about the actions e.g. by IOM implemented in LBY and Niger to encourage migrants for voluntary returns in their countries of origin.

5. Taking into account the main causes of overseas migration, what are the more structural possibilities to keep migration flows manageable in the future and to minimise the human risks as much as possible?

Border control is not a panacea, but rather one piece of a bigger puzzle that concerns political and operational issues: considering the huge migratory flows at the external borders of the EU, it is clear that only a global solution can be effective to manage these flows: it is necessary to stabilize the countries of origin from which the migrants depart and to provide for economic development assistance to the poorest countries; furthermore to increase cooperation with the countries of transit to dismantle the people-smuggling networks, moreover to systematically register and identify the persons after arrival in EU (for security reasons and to identify the vulnerable ones), and find a common EU strategy of migration and asylum.

Finally there is need to open of a number legal channels for those fleeing wars and persecution to enter the EU, but also channels for those that want to come to Europe for economic reasons.

However we all know there are many challenges related to these possible solutions.

It is important to note that there are many factors contributing to the migrant crisis: the so called push factors - reasons which force the migrants and refugees to leave their countries: wars, political instability, poverty, or general lack of individual economic perspective.

Among the pull factors one could include

- (1) The services offered by the smugglers, the prices, affecting how easy they can arrive in Europe,
- (2) The 'success rate' belonging to such factors;
- (3) Obviously, the ongoing civil war in Libya creates the situation whereby the smugglers operate freely and likely with impunity, without risking being disrupted by the national law enforcement authorities. Other such factors include (4) the choice of the specific route to use, also facilitation services once in the EU, or
- (5) The choice of the destination country which would look to the country's migration/asylum policies, social system, presence of family members or diaspora etc.