



Analysis

Drones for Frontex: unmanned migration control at Europe's borders

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Instead of providing sea rescue capabilities in the Mediterranean, the EU is expanding air surveillance. Refugees are observed with drones developed for the military. In addition to numerous EU states, countries such as Libya could also use the information obtained.

It is not easy to obtain majorities for legislation in the European Union in the area of migration - unless it is a matter of upgrading the EU's external borders. While the reform of a common EU asylum system has been on hold for years, the European Commission, Parliament and Council agreed to reshape the border agency Frontex with unusual haste shortly before last year's parliamentary elections. A new Regulation has been in force since December 2019,¹ under which Frontex intends to build up a "standing corps" of 10,000 uniformed officials by 2027. They can be deployed not just at the EU's external borders, but in 'third countries' as well.

In this way, Frontex will become a "European border police force" with powers that were previously reserved for the member states alone. The core of the new Regulation includes the procurement of the agency's own equipment. The Multiannual Financial Framework, in which the EU determines the distribution of its financial resources from 2021 until 2027, has not yet been decided. According to current plans, however, at least €6 billion are reserved for Frontex in the seven-year budget. The intention is for Frontex to spend a large part of the money, over €2 billion, on aircraft, ships and vehicles.²

Frontex seeks company for drone flights

The upgrade plans include the stationing of large drones in the central and eastern Mediterranean. For this purpose, Frontex is looking for a private partner to operate flights off Malta, Italy or Greece. A corresponding tender ended in December³ and the selection process

¹ Regulation of the European Parliament and of the Council on the European Border and Coast Guard, <https://data.consilium.europa.eu/doc/document/PE-33-2019-INIT/en/pdf>

² European Commission, 'A strengthened and fully equipped European Border and Coast Guard', 12 September 2018, https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-factsheet-coast-guard_en.pdf

³ 'Poland-Warsaw: Remotely Piloted Aircraft Systems (RPAS) for Medium Altitude Long Endurance Maritime Aerial Surveillance', <https://ted.europa.eu/udl?uri=TED:NOTICE:490010-2019:TEXT:EN:HTML&tabId=1>

is currently underway. The unmanned missions could then begin already in spring. Frontex estimates the total cost of these missions at €50 million. The contract has a term of two years and can be extended twice for one year at a time.

Frontex wants drones of the so-called MALE (Medium Altitude Long Endurance) class. Their flight duration should be at least 20 hours. The requirements include the ability to fly in all weather conditions and at day and night. It is also planned to operate in airspace where civil aircraft are in service. For surveillance missions, the drones should carry electro-optical cameras, thermal imaging cameras and so-called "daylight spotter" systems that independently detect moving targets and keep them in focus. Other equipment includes systems for locating mobile and satellite telephones. The drones will also be able to receive signals from emergency call transmitters sewn into modern life jackets.

However, the Frontex drones will not be used primarily for sea rescue operations, but to improve capacities against unwanted migration. This assumption is also confirmed by the German non-governmental organisation Sea-Watch, which has been providing assistance in the central Mediterranean with various ships since 2015. "Frontex is not concerned with saving lives," says Ruben Neugebauer of Sea-Watch. "While air surveillance is being expanded with aircraft and drones, ships urgently needed for rescue operations have been withdrawn". Sea-Watch demands that situation pictures of EU drones are also made available to private organisations for sea rescue.

Aircraft from arms companies

Frontex has very specific ideas for its own drones, which is why there are only a few suppliers worldwide that can be called into question. The Israel Aerospace Industries Heron 1, which Frontex tested for several months on the Greek island of Crete⁴ and which is also flown by the German *Bundeswehr*, is one of them. As set out by Frontex in its invitation to tender, the Heron 1, with a payload of around 250 kilograms, can carry all the surveillance equipment that the agency intends to deploy over the Mediterranean. Also amongst those likely to be interested in the Frontex contract is the US company General Atomics, which has been building drones of the Predator series for 20 years. Recently, it presented a new Predator model in Greece under the name SeaGuardian, for maritime observation.⁵ It is equipped with a maritime surveillance radar and a system for receiving position data from larger ships, thus fulfilling one of Frontex's essential requirements.

General Atomics may have a competitive advantage, as its Predator drones have several years' operational experience in the Mediterranean. In addition to Frontex, the European Union has been active in the central Mediterranean with EUNAVFOR MED Operation Sophia. In March 2019, Italy's then-interior minister Matteo Salvini pushed through the decision to operate the EU mission from the air alone. Since then, two unarmed Predator drones operated by the Italian military have been flying for EUNAVFOR MED for 60 hours per month. Officially, the drones are to observe from the air whether the training of the Libyan coast guard has been successful and whether these navy personnel use their knowledge accordingly. Presumably, however, the Predators are primarily pursuing the mission's goal to "combat human smuggling" by spying on the Libyan coast. It is likely that the new Operation EU Active Surveillance, which will use military assets from EU member states to try to enforce the UN

⁴ IAI, 'IAI AND AIRBUS MARITIME HERON UNMANNED AERIAL SYSTEM (UAS) SUCCESSFULLY COMPLETED 200 FLIGHT HOURS IN CIVILIAN EUROPEAN AIRSPACE FOR FRONTEx', 24 October 2018, <https://www.iai.co.il/iai-and-airbus-maritime-heron-unmanned-aerial-system-uas-successfully-completed-200-flight-hours>

⁵ 'European Maritime Flight Demonstrations', General Atomics, <http://www.ga-asi.com/european-maritime-demo>

arms embargo placed on Libya,⁶ will continue to patrol with Italian drones off the coast in North Africa.

Three EU maritime surveillance agencies

In addition to Frontex, the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA) are also investing in maritime surveillance using drones. Together, the three agencies coordinate some 300 civil and military authorities in EU member states.⁷ Their tasks include border, fisheries and customs control, law enforcement and environmental protection.

In 2017, Frontex and EMSA signed an agreement to benefit from joint reconnaissance capabilities, with EFCA also involved.⁸ At the time, EMSA conducted tests with drones of various sizes, but now the drones' flights are part of its regular services. The offer is not only open to EU Member States, as Iceland was the first to take advantage of it. Since summer 2019, a long-range Hermes 900 drone built by the Israeli company Elbit Systems has been flying from Iceland's Egilsstaðir airport. The flights are intended to cover more than half of the island state's exclusive economic zone and to detect "suspicious activities and potential hazards".⁹

The Hermes 900 was also developed for the military; the Israeli army first deployed it in the Gaza Strip in 2014. The *Times of Israel* puts the cost of the operating contract with EMSA at €59 million,¹⁰ with a term of two years, which can be extended for another two years. The agency did not conclude the contract directly with the Israeli arms company, but through the Portuguese firm CeiiA. The contract covers the stationing, control and mission control of the drones.

New interested parties for drone flights

At the request of the German MEP Özlem Demirel (from the party *Die Linke*), the European Commission has published a list of countries that also want to use EMSA drones.¹¹ According to this list, Lithuania, the Netherlands, Portugal and also Greece have requested unmanned flights for pollution monitoring this year, while Bulgaria and Spain want to use them for general maritime surveillance. Until Frontex has its own drones, EMSA is flying its drones for the border agency on Crete. As in Iceland, this is the long-range drone Hermes 900, but according to Greek media reports it crashed on 8 January during take-off.¹² Possible causes are a

⁶ 'EU agrees to deploy warships to enforce Libya arms embargo', *The Guardian*, 17 February 2020, <https://www.theguardian.com/world/2020/feb/17/eu-agrees-deploy-warships-enforce-libya-arms-embargo>

⁷ EMSA, 'Heads of EMSA and Frontex meet to discuss cooperation on European coast guard functions', 3 April 2019, <http://www.emsa.europa.eu/news-a-press-centre/external-news/item/3499-heads-of-emsa-and-frontex-meet-to-discuss-cooperation-on-european-coast-guard-functions.html>

⁸ Frontex, 'Frontex, EMSA and EFCA strengthen cooperation on coast guard functions', 23 March 2017, <https://frontex.europa.eu/media-centre/news-release/frontex-emsa-and-efca-strengthen-cooperation-on-coast-guard-functions-jmhNco>

⁹ Elbit Systems, 'Elbit Systems Commenced the Operation of the Maritime UAS Patrol Service to European Union Countries', 18 June 2019, <https://elbitsystems.com/pr-new/elbit-systems-commenced-the-operation-of-the-maritime-uas-patrol-service-to-european-union-countries/>

¹⁰ 'Elbit wins drone contract for up to \$68m to help monitor Europe coast', *The Times of Israel*, 1 November 2018, <https://www.timesofisrael.com/elbit-wins-drone-contract-for-up-to-68m-to-help-monitor-europe-coast>

¹¹ 'Answer given by Ms Bulc on behalf of the European Commission', https://netzpolitik.org/wp-upload/2019/12/E-2946_191_Finalised_reply_Annex1_EN_V1.pdf

¹² 'Το drone της FRONTEX έπεσε, οι μετανάστες έρχονται', *Proto Thema*, 27 January 2020, <https://www.protothema.gr/greece/article/968869/to-drone-tis-frontex-epese-oi-metanastes-erhodai>

malfuction of the propulsion system or human error. The aircraft is said to have been considerably damaged.

Authorities from France and Great Britain have also ordered unmanned maritime surveillance from EMSA. Nothing is yet known about the exact intended location, but it is presumably the English Channel. There, the British coast guard is already observing border traffic with larger drones built by the Tekever arms company from Portugal.¹³ The government in London wants to prevent migrants from crossing the Channel. The drones take off from the airport in the small town of Lydd and monitor the approximately 50-kilometre-long and 30-kilometre-wide Strait of Dover. Great Britain has also delivered several quadcopters to France to try to detect potential migrants in French territorial waters. According to the prefecture of Pas-de-Calais, eight gendarmes have been trained to control the small drones¹⁴.

Information to non-EU countries

The images taken by EMSA drones are evaluated by the competent national coastguards. A livestream also sends them to Frontex headquarters in Warsaw.¹⁵ There they are fed into the EUROSUR border surveillance system. This is operated by Frontex and networks the surveillance installations of all EU member states that have an external border. The data from EUROSUR and the national border control centres form the 'Common Pre-frontier Intelligence Picture',¹⁶ referring to the area of interest of Frontex, which extends far into the African continent. Surveillance data is used to detect and prevent migration movements at an early stage.

Once the providing company has been selected, the new Frontex drones are also to fly for EUROSUR. According to the invitation to tender, they are to operate in the eastern and central Mediterranean within a radius of up to 250 nautical miles (463 kilometres). This would enable them to carry out reconnaissance in the "pre-frontier" area off Tunisia, Libya and Egypt. Within the framework of EUROSUR, Frontex shares the recorded data with other European users via a 'Remote Information Portal', as the call for tender explains. According to the new Frontex Regulation, the border agency is allowed to cooperate with neighbouring third countries and the information collected can therefore also be made available to authorities in North Africa. However, in order to share general information on surveillance of the Mediterranean Sea with a non-EU state, Frontex must first conclude a working agreement with the corresponding government

It is already possible, however, to provide countries such as Libya with the coordinates of refugee boats. For example, the United Nations Convention on the Law of the Sea stipulates that the nearest Maritime Rescue Coordination Centre (MRCC) must be informed of actual or suspected emergencies. With EU funding, Italy has been building such a centre in Tripoli for the last two years.¹⁷ It is operated by the military coast guard, but so far has no significant equipment of its own.

¹³ Morgan Meaker, 'Here's proof the UK is using drones to patrol the English Channel', *Wired*, 10 January 2020, <https://www.wired.co.uk/article/uk-drones-migrants-english-channel>

¹⁴ 'Littoral: Les drones pour lutter contre les traversées de migrants sont opérationnels', *La Voix du Nord*, 26 March 2019, <https://www.lavoixdunord.fr/557951/article/2019-03-26/les-drones-pour-lutter-contre-les-traversees-de-migrants-sont-operationnels>

¹⁵ 'Frontex report on the functioning of Eurosur – Part I', Council document 6215/18, 15 February 2018, <http://data.consilium.europa.eu/doc/document/ST-6215-2018-INIT/en/pdf>

¹⁶ European Commission, 'Eurosur', https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/eurosur_en

¹⁷ 'Helping the Libyan Coast Guard to establish a Maritime Rescue Coordination Centre', https://www.europarl.europa.eu/doceo/document/E-8-2018-000547_EN.html

The EU military mission "EUNAVFOR MED" was cooperating more extensively with the Libyan coast guard. For communication with European naval authorities, Libya is the first third country to be connected to European surveillance systems via the "Seahorse Mediterranean" network¹⁸. Information handed over to the Libyan authorities might also include information that was collected with the Italian military 'Predator' drones.

Reconnaissance generated with unmanned aerial surveillance is also given to the MRCC in Turkey. This was seen in a pilot project last summer, when the border agency tested an unmanned aerostat with the Greek coast guard off the island of Samos.¹⁹ Attached to a 1,000 metre-long cable, the airship was used in the Frontex operation 'Poseidon' in the eastern Mediterranean. The 35-meter-long zeppelin comes from the French manufacturer A-NSE.²⁰ The company specializes in civil and military aerial observation. According to the Greek Marine Ministry, the equipment included a radar, a thermal imaging camera and an Automatic Identification System (AIS) for the tracking of larger ships. The recorded videos were received and evaluated by a situation centre supplied by the Portuguese National Guard. If a detected refugee boat was still in Turkish territorial waters, the Greek coast guard informed the Turkish authorities. This pilot project in the Aegean Sea was the first use of an airship by Frontex. The participants deployed comparatively large numbers of personnel for the short mission. Pictures taken by the Greek coastguard show more than 40 people.

Drones enable 'pull-backs'

Human rights organisations accuse EUNAVFOR MED and Frontex of passing on information to neighbouring countries leading to rejections (so-called 'push-backs') in violation of international law. People must not be returned to states where they are at risk of torture or other serious human rights violations. Frontex does not itself return refugees in distress who were discovered at sea via aerial surveillance, but leaves the task to the Libyan or Turkish authorities. Regarding Libya, the Agency since 2017 provided notice of at least 42 vessels in distress to Libyan authorities.²¹

Private rescue organisations therefore speak of so-called 'pull-backs', but these are also prohibited, as the Israeli human rights lawyer Omer Shatz argues: "Communicating the location of civilians fleeing war to a consortium of militias and instructing them to intercept and forcibly transfer them back to the place they fled from, trigger both state responsibility of all EU members and individual criminal liability of hundreds involved." Together with his colleague Juan Branco, Shatz is suing those responsible for the European Union and its agencies before the International Criminal Court in The Hague. Soon they intend to publish individual cases and the names of the people accused.

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¹⁸ Matthias Monroy, 'EU funds the sacking of rescue ships in the Mediterranean', 7 July 2018, <https://digit.site36.net/2018/07/03/eu-funds-the-sacking-of-rescue-ships-in-the-mediterranean/>

¹⁹ Frontex, 'Frontex begins testing use of aerostat for border surveillance', 31 July 2019, <https://frontex.europa.eu/media-centre/news-release/frontex-begins-testing-use-of-aerostat-for-border-surveillance-ur33N8>

²⁰ 'Answer given by Ms Johansson on behalf of the European Commission', 7 January 2020, https://www.europarl.europa.eu/doceo/document/E-9-2019-002529-ASW_EN.html

²¹ 'Answer given by Vice-President Borrell on behalf of the European Commission', 8 January 2020, https://www.europarl.europa.eu/doceo/document/E-9-2019-002654-ASW_EN.html

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