



CENTRO STUDI  
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# Operation Themis and its meaning for Italy

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Since almost five years now, the migratory phenomenon that from the North African and Middle Eastern coasts crosses the Mediterranean Sea and arrives in the European territory keeps on representing a challenge for those States and the agencies of the European Union (EU) that struggle containing it. With time many EU-led operations, in which Italy has always had a determining role, have been launched for handling the crisis. The most recent one started on the first of February 2018, it is called Themis and is managed by the EU agency Frontex. First of all, it is relevant to remind that Frontex was founded in 2005 as the European Agency for the Management of Operation Cooperation at the External Borders. Its task, in fact, was to help States of the Union implementing the communitarian rules about checks at the borders of the Schengen area, ensuring that the efficiency standard was kept at high levels, and coordinating the collaboration among Member States on the matter. Later, in 2016, as an answer to the migratory crisis and the realization of the incapability of the

agency to handle it, its mandate has been widened and strengthened transforming Frontex in the European Border and Coast Guard Agency. Going into details, Frontex is today able, in emergency situations, to quickly deploy border and coast guard officers from a rapid reaction pool of at least 1.500 men and women. Moreover, among the other functions it performs, the agency shares the intelligence collected on people suspected of being involved in criminal activities with national authorities and other European institutions. It is precisely in this new framework that operation Themis in the central Mediterranean Sea was born, replacing the previous Frontex operation named Triton. Therefore, with the end of identifying the change of path the agency has made by launching Themis, it is necessary to recall tasks, operational area, successes and failures of Triton. The latter was created in August 2014 and operated under the command of the Italian Ministry of Interior. Following the directives of its mandates, Triton contributed, with its naval and aerial assets, coordinating those activities

aimed at controlling irregular migratory fluxes and at contrasting cross-border crime. Triton also participated to search and rescue (SAR) operations in an area that stretched 30 nautical miles from the Italian coasts. In 2015, following the few achievements that Triton made (the number of victims at sea even increased), the European Commission decided to widen the scope of the operation by expanding its area of intervention to 50 nautical miles and adding further funds, personnel, vessels and aircrafts also with the aim of contributing dismantling the network of people smugglers through bettering the collection of information. About one year later, the operation underwent a new process of revision which translated into the widening of the area in which it performed its functions to 138 nautical miles from the coasts of Sicily and into paying a greater attention to the identification of drugs trafficking, and cases of illegal fishing and maritime pollution. Operation Triton could count, in its latest months of mission, on three surveillance aircrafts, nine vessels, two

helicopters and seven teams charged with collecting data and carrying out activities of identification of smugglers and migrants in the Italian hotspots. To sum up, Triton, in its four years of activity, saw the material support of 26 European Nations and contributed saving about 85.000 men and women in SAR operation. Nonetheless, not only the cases of drowning kept on being numerous, but also, the operation revealed it self to be little efficacious in handling the migrant flux as envisaged in its mandate. In fact, with time the migratory dynamics have changed and smugglers have adapted the routes to the obstacles met in the Mediterranean. To be more specific, there are two factors that have contributed diversifying the maritime itineraries used for smuggling human beings. Firstly, the deployment of EUNAVFOR MED operation Sophia<sup>1</sup> in the central Mediterranean Sea, acted as deterrent against the consolidated routes for smuggling migrants. Secondly, thanks

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<sup>1</sup>The operation is part of the EU missions of Common Security and Defence Policy and is aimed at undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by migrant smugglers.

to the training that Italy, with the help of the EU, provided to the Libyan Coast Guard (Country from which most of the boats departed), the latter is now better able to monitor its coasts and control the departures from the western area of the Country, which is under the authority of the Government of Tripoli. Operation Themis, hence, was born precisely from the necessity of adapting the geographical and functional scope of the activities of Frontex to the different strategic scenario. Practically, Themis differs from its predecessor Triton in its mandate, in the setting of the operational area, in its security component, and in the possible ports in which to disembark migrants. At the centre of Themis' mandate there is a triple commitment: assist Italy in the activities of control of maritime borders, continue performing SAR at sea, and ensure that the international norms are respected in the Mediterranean waters. For what concerns the operational area, if Triton's was limited to the south of the Sicilian coasts, Themis can perform its patrolling activity in two zones: in the

eastern part of the Mediterranean Sea for controlling the fluxes coming from Egypt, Turkey and Albania and in the more western one for tackling the traffics in route from Algeria, Tunisia and Libya. Evidently, compared to Triton, the new Frontex operation better reflexes the changed patterns of migration. A further responsibility that Themis personnel take is the fight against cross-border criminal activities. In particular, the operation will support Italy contrasting drugs smuggling and identifying possible terrorist threats at the EU borders through the collection of intelligence and the implementation of other measures aimed at preventing that criminal or terrorist groups enter the territory of the Union. Such security component addresses the wider target of guaranteeing internal security to all Member States thanks to a constant work of monitoring migratory fluxes, eventual infiltrations of foreign fighters through the Tunisian route (the most credible for possible jihadist to reach Europe<sup>2</sup>) and drugs

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<sup>2</sup> The route that connects Tunisia to the coasts of eastern Sicily, in fact, is the safest to travel as it has a much shorter duration than the journeys that depart from Libya. Moreover, wood-made boats and motorboats are used for the crossing, proving for a real "shuttle service". As a

smuggling. In the last years, in fact, the networks of cocaine trafficking have diversified the routes using transshipment centres in western Africa from where the packages leave for European States. Furthermore, the Balkan route is increasingly being employed for exporting the herb of cannabis from southern-eastern Europe (Albania in particular) towards western and central Europe through the Adriatic Sea.

A novelty that makes operation Themis stand out, and that has particular relevance for Italy, is the renewed effort in applying the law of the sea as established by the Hamburg convention: migrants rescued will have to be accompanied and disembarked in the European port closer to the spot in which the rescue has taken place. During Triton's activities, instead, men and women saved at sea were indiscriminately conducted to Italy, hence notwithstanding the geographical vicinity of other States. Such a change of direction made by

Frontex is also the result of numerous critics Rome advanced about this procedure and aims at achieving a more supportive contribute from the other States of the Union. Finally, the European agency will keep on being present with its officers in the Italian hotspots with the end of supporting the local personnel in registering migrants and taking their fingerprints.

To sum up, Themis has a mandate that is wider than Triton's and is more conform to the changing patterns of migration. The mission, in fact, as currently agreed, will last one year and will undergo examinations every three months; this underlines the flexibility and adaptability with which Frontex has wanted to shape the new operative commitment. Moreover, the strong security component that characterises the operation and the change of direction in regards to the choice of the ports for disembarkation, render Themis a more solid, wide and coherent mission. In its new form, the operation Frontex launched is very close to the mandate of EUNAVFOR MED Sophia, it is hence possible to imagine a greater

cooperation between the two realities. In particular, operation Sophia could represent the military wing of Themis considering that it has a more robust operative capacity and a wider space for action.

In conclusion, operation Themis, born from a pact signed between the Italian Ministry of Interior and Frontex, will give a more concrete support to the actions that Italy has been implementing for handling the migration crisis and for guaranteeing security to the waters of the Mediterranean. Not by chance, the Italian Ministry of Interior defined the new mission as an important step Europe took in terms of solidarity and cooperation among States. Indeed, Frontex operation will help supporting the efforts that everyday the Italian system of security and defence makes for bettering the protection of the southern border of Europe. Despite these positive remarks, it is possible to question the efficacy of Themis' new commitment of disembarking migrants in the closest port to the area where the rescue at sea took place. The

reasons behind such statement are essentially two, first of all Italy has since always taken most of the responsibility concerning hospitality, given not only its major involvement in SAR operations, but also the scarce collaboration of the neighbouring European States. Secondly, despite Rome has decided to limit the patrolling area of the Italian naval assets deployed for Themis to 24 miles from national coasts, it is still not clear which the space of action of the other European assets operating under Frontex will be. If also the latter will restrict their operational area, inevitably Italy will geographically be the Country with the closest ports for disembarking, unless Malta decides to have a more proactive role on the matter.

Despite these still perfectible aspects, the growth of ambition of Frontex and the wide mandate of Themis, if crowned by an operative success, could generate positive political-strategic effects, in the medium-long term, with the possibility of a real management of

the European maritime borders under  
the aegis of Brussels.