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# IL DIRITTO MARITTIMO

RIVISTA TRIMESTRALE DI DOTTRINA GIURISPRUDENZA LEGISLAZIONE  
ITALIANA E STRANIERA  
FONDATA NEL 1899 DA FRANCESCO BERLINGIERI

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GENOVA - VIA ROMA, 10

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# CRONACHE E NOTE

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## IRREGULAR MIGRANTS AND REFUGEE FLOWS IN THE AEGEAN SEA: THE CONTRIBUTION OF THE HELLENIC COAST GUARD IN MANAGING THE EXTERNAL SEA BORDERS OF THE EUROPEAN UNION

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### ABSTRACT

An extended number of people still risk their life today, while illegally crossing the Mediterranean and/or the Aegean Sea as part of an effort to reach a European country. Border management constitutes a crucial tool for effectively dealing with illegal and irregular migration via sea. However, migration and border management literature is lacking studies that address the genuine drivers of migrant crisis from a (geo)strategic viewpoint, or rely on the theoretical underpinning of border management from that same angle. This article aims to examine the root causes of a specific national security challenge currently faced by Greece and the EU in large part, namely mixed migratory flows in the Aegean Sea. It explores the theoretical (geo)strategic underpinning of border management at the external EU borders in the Aegean Sea; merely desk research was used for the collection/analysis of the data.

Relevant results suggest that (geo)strategic considerations provide improved understanding not only of the root causes of seaborne migration that are identified as heightened status of insecurity and extreme poverty in the States of origin, but also of strategy formulation in the field of border management at European and national level (Greek sea borders). Results are discussed in terms of existent (geo)strategic theories and models, with a special focus on the 'strategic thinking in 3D' framework, the 'Heartland' and 'Rimland' theses, as well as topographical features and demographics. The aim is to shed light on strategic thinking and planning in the wider domain of security and provide recommendations to improve the current situation.

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SUMMARY: 1. Introduction. – 2. Strategic considerations – a brief overview. – 3. Mixed migratory flows by sea as a national security challenge. – 4. Border management issues and challenges. – 5. Research questions, methodology and limitations. – 6. The root causes of mixed migratory flows in the Aegean Sea from a (geo)strategic viewpoint. – 7. The theoretical (geo)strategic underpinning of border management at the external EU borders in the Aegean Sea. – 8. Conclusion

## 1. *Introduction*

Effective border management is one of the great challenges of our time. In an increasingly globalised and interconnected world, how do States combine resilient security with free movement of goods and people, while respecting fundamental human rights? Global megatrends, such as mass migration at unprecedented levels, together with cross-border crime that is leveraging new technology applications, make physical borders today more vulnerable than ever before.

A theme of major concern in the related literature has been the drivers of migrant crisis in the Mediterranean which clearly opens the way to debate about effective border management at the EU's external sea borders. While the first theme, mostly the immediate causes of that phenomenon, has been over-explored in many respects, the second one seems to have been approached mainly from the perspective of practical considerations. Indeed, there is work to be done on addressing the deeper root causes of increasing mixed migratory flows and the theoretical underpinning of border management at the external EU borders in the Aegean Sea from a (geo)strategic viewpoint, which is the aim of this article.

The authors argue that (geo)strategic considerations provide improved understanding not only of the root causes of the specific national security challenge, namely illegal seaborne migration (or, irregular migration via sea), but also of strategy formulation in the field of border management. The research objectives are met by employing desk research, including the application of (geo)strategic tools, especially the framework of 'strategic thinking in 3D'. The present article is, thus, a useful scientific contribution to the extent that it provides a bridge between existent (geo)strategic theories and the phenomenon of mixed migratory flows in conjunction with the praxis of border management. Applied strategists formulating and evaluating strategy in the field of national security and beyond could be the potential beneficiaries of this article.

Apart from this introductory rationale, the article is structured in the following order. The starting point is a critical analysis of the contemporary literature related to the topic area, with special emphasis on why irregular maritime migration is perceived as a national security challenge currently faced by Greece and the EU. Subsequently, the employed methodology, or how the research problem was investigated, is described, by justifying choices made. Then, the root causes of mixed migratory flows in the Aegean Sea from a (geo)strategic viewpoint are examined, in terms of topographical features, regional geopolitical dynamics and recent trends.

Authors have also investigated the theoretical (geo)strategic underpinning of border management at the external EU borders in the Aegean Sea through the application of the ‘strategic thinking in 3D’ framework. The discussion of the research outcomes ultimately leads to the exploration of the wider implications of the insights for national security applied strategists, be it policy makers or practitioners, including suggestions for future research.

## 2. *Strategic considerations – a brief overview*

Devising strategies is an ancient practice of mankind. Strategy derives from the words ‘στρατός’ (army) and ‘ἄγειν’ (to lead) signifying in antiquity the art of the general<sup>1</sup>. Since the term is now applied to many realms of life outside military or politics, there is hardly one universally accepted definition<sup>2</sup>. Yet, in a rather simplistic approach, strategy probably constitutes ‘a theory of victory’<sup>3</sup> and ‘is nothing if not pragmatic’<sup>4</sup> as strategic theory is meant for action.

Ever since its publication in 1989, the Lykke model of military strategy has been widely influential in the US defense community<sup>5</sup>. Although it constitutes an important contribution to strategic thought, since a realistic strategy, like a three-legged stool, must find a balance among ends, ways, and means consistent with the risk (Figure 1) the nation is willing to accept<sup>6</sup>, it has been harshly criticised. Viewing strategy as a problem of ends-means congruence is a seductive oversimplification<sup>7</sup>. The second problem is the over-inclusiveness of Lykke’s model due to its link with a comprehensive or whole-of-government approach, defined as using all the elements of national power, typically expressed as DIMEFIL for (d)iplomatic, (i)nformation, (m)ilitary, (e)conomic, (f)inancial, (i)ntelligence and (l)aw enforcement, to respond to a strategic challenge<sup>8</sup>. But, seeing that not every problem actually requires all these, Meiser (2017)<sup>9</sup> argues that such an approach fosters bad strategy. In reality, strategy should be ‘the art of achieving more with less’<sup>10</sup>, which justifies Meiser’s

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<sup>1</sup> B. HEUSER, *The evolution of strategy: thinking war from antiquity to the present*, Cambridge: Cambridge University Press, 2010, p. 4.

<sup>2</sup> B. HEUSER, *op. cit.*, pp. 27-8.

<sup>3</sup> E.A. COHEN, *Supreme command: soldiers, statesmen, and leadership in wartime*, New York: Free Press, 2002, p. 33.

<sup>4</sup> B. BRODIE, *War and Politics*, New York: Macmillan, 1973, p. 452.

<sup>5</sup> J.W. MEISER, *ARE OUR STRATEGIC MODELS FLAWED? Ends+ Ways+ Means=(Bad) Strategy*, in *The US Army War College Quarterly Parameters*, 46(4) (Winter 2016-17), 2017, pp. 81-91.

<sup>6</sup> H.R. YARGER, *Toward a theory of strategy*, in J. BOONE BARTHOLOMEES, JR. (edited by), *Guide to National Security Policy and Strategy*, Carlisle, PA: U.S. Army War College, 2<sup>nd</sup> ed. 2006, pp. 107-113.

<sup>7</sup> J.W. MEISER, *op. cit.*, p. 83.

<sup>8</sup> J.W. MEISER, *op. cit.*, p. 84.

<sup>9</sup> J.W. MEISER, *op. cit.*, p. 84.

<sup>10</sup> R. HARRISON, *Strategic thinking in 3D: a guide for national security, foreign policy, and business professionals*, Washington, D.C.: Potomac Books, 2013, p. 5.



claim that ‘strategy is a theory of success, a solution to a problem, an explanation of how obstacles can be overcome’<sup>11</sup>.

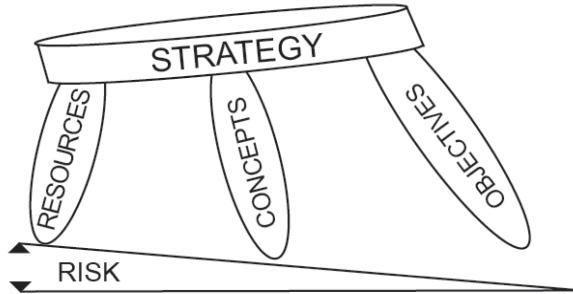


Figure 1: *The Lykke Model (E+W+M=S)*(Yarger 2006:5).

Nowadays, multifaceted problems call for integrated, cross-sector strategic responses<sup>12</sup>. The adversaries faced by governments now mainly include non-state actors or so-called asymmetric challenges. There is already an abundance of literature on the vertical links between strategy, operations and tactics<sup>13</sup>. However, effective strategic thinking requires a clear understanding of an organisation’s unique external environment, which, whether in the fields of national security, foreign policy, or business, has three dimensions (Figure 2): systems, opponents, and groups<sup>14</sup>.

SYSTEMS		OPPONENTS		GROUPS
Applying pressure to or challenging the opponent by <i>altering the external environment it relies on</i> for sustaining its leverage and power, thus, <i>indirectly</i> building one’s competitive advantage.		<i>Directly</i> confronting the adversary and exploiting the leverage and competitive advantage that have been created by maneuvering around <i>competitors, enemies, and allies</i> .		Identifying and analyzing <i>formal and informal large groups at home and abroad</i> and mobilizing them for the purpose of creating competitive and strategic advantage.

Figure 2: *Harrison’s (2013) framework ‘Strategic thinking in 3D’ (as adapted by the authors).*

<sup>11</sup> J.W. MEISER, *op. cit.*, p. 90.

<sup>12</sup> R. HARRISON, *op. cit.*, p. xi.

<sup>13</sup> R. HARRISON, *op. cit.*, p. xiv.

<sup>14</sup> R. HARRISON, *op. cit.*, p. xv.

Geopolitics, which like strategy is a tool of analysis<sup>15</sup>, points to the significance of geography and the need to discern patterns in the course of strategic history<sup>16</sup>. According to Gray (2004)<sup>17</sup>, geopolitics is ‘the spatial study and practice of international relations’. Both Gray (1996)<sup>18</sup> and Kaplan (2012)<sup>19</sup> warn us against relying heavily on the notion of geography as fatalism. Probabilistic determinism is the key, since geography constitutes a major constraint on – and instigator of – the actions of states (Kaplan 2012)<sup>20</sup>. Geopolitics offers a holistic perspective by connecting what otherwise might not make sense in isolation. Above all, it has the potential to show the long-term consequences of action or inaction and trends (technology, demographics, climate, etc.).

Geopolitics, as an academic term, became the focus of attention in the late nineteenth century thanks to Ratzel and Kjellen. However, Mackinder was the first and, to date, the greatest of geopolitical theorists<sup>21</sup>, as he propounded the Heartland theory, which proved accurate enough through the twentieth century and continues to be relevant in the twenty-first one<sup>22</sup>. Well over a hundred years ago, the world for the first time was a closed political system where world domination was possible. Thus, Mackinder ardently believed that the polity controlling the *Heartland* or *Pivot Area* – the northern part of the interior of Eurasia, i.e. East Europe and Russia – would be able to control the *World-Island*, the combined continents of Eurasia and Africa, and have the resources to challenge sea powers<sup>23</sup>. Outside the *Heartland* lay the *Inner* or *Marginal Crescent*, spanning from the Baltic around the European and Asian coasts to eastern Siberia<sup>24</sup>. Control of this area would ensure the dominance of the *Heartland* power over the entire world<sup>25</sup>.

Spykman (1944)<sup>26</sup>, by contrast, adopts Mackinder’s worldview, but disagrees about the key region of the world. For him, who controls the *Rimland*, the coastal region around the *Heartland*, equivalent to Mackinder’s *Inner* or *Marginal Crescent*, because of its resources controls the destinies of the world. Spykman is considered as the grandfather of ‘containment’ denoting the prevention of a land power from extending control from the *Heartland* to *Rimland*<sup>27</sup>.

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<sup>15</sup> C.S. GRAY, *In defence of the Heartland: Sir Halford Mackinder and his critics a hundred years on*, in *Comparative Strategy*, 23(1), 2004, pp. 9-25.

<sup>16</sup> C.S. GRAY, *A debate on geopolitics: the continued primacy of geography*, in *Orbis*, 40(2), 1996, pp. 247-259.

<sup>17</sup> C.S. GRAY, *In defence of ...*, *op. cit.*, p. 10.

<sup>18</sup> C.S. GRAY, *A debate on ...*, *op. cit.*, p. 248.

<sup>19</sup> R.D. KAPLAN, *The revenge of geography: what the map tells us about coming conflicts and the battle against fate*. New York: Random House, 2012, p. 29.

<sup>20</sup> R.D. KAPLAN, *op. cit.*, p. 19.

<sup>21</sup> C.S. GRAY, *In defence of ...*, *op. cit.*, p. 22.

<sup>22</sup> R.D. KAPLAN, *op. cit.*, p. 126.

<sup>23</sup> G. CHRYSOCHOU, D. DALAKLIS, *Demographic transition and civil conflict in the Arab World*, in *Strategy International, Paper Series Review*, Vol. I, 2011, pp. 14-35.

<sup>24</sup> G. CHRYSOCHOU, D. DALAKLIS, *op. cit.*, p. 15.

<sup>25</sup> G. CHRYSOCHOU, D. DALAKLIS, *op. cit.*, p. 15.

<sup>26</sup> N.J. SPYKMAN, *The Geography of the Peace*, New York: Harcourt Brace, 1944, p. n51.

<sup>27</sup> R.D. KAPLAN, *op. cit.*, p. 97.

### 3. *Mixed migratory flows by sea as a national security challenge*

Europe today ‘faces no palpable conventional threat’ in the form of military uniforms but in the ‘tattered garb of refugees’<sup>28</sup>. Notwithstanding the presence of migration through the course of human history, the mass movement of irregular migrants across the Mediterranean Sea, and the Aegean in particular, is a very current and pressing issue, as evidenced by the relevant statistical information (Table 1 and Table 2).

YEAR	2013	2014	2015	2016	2017	2018	2019	2020	2021
NUMBER	9,357	34,442	847,930	173,296	29,847	32,911	64,978	9,837	4,184

Table 1: *Irregular migrants & refugees (in numbers) apprehended in the Aegean Sea. Source: Hellenic Coast Guard (HCG) Headquarters.*

YEAR	2013	2014	2015	2016	2017	2018	2019	2020	2021
NUMBER	118	236	482	217	261	222	145	43	79

Table 2: *Smugglers (in numbers) apprehended in the Aegean Sea. Source: Hellenic Coast Guard Headquarters.*

A clarification of the terms used is necessary before examining the phenomenon. Migrants are considered as ‘irregular’ when their methods involve evading crossing national borders through interaction with border officials and showing the necessary documents<sup>29</sup>. Debate centres on whether and in which circumstances the term ‘illegal’ should be used instead of ‘irregular’<sup>30</sup>. A ‘refugee’ is defined by the 1951 Convention Relating to the Status of Refugees<sup>31</sup> and the 1967 Protocol Relating to the Status of Refugees<sup>32</sup> as a person who,

‘...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail

<sup>28</sup> R.D. KAPLAN, *op. cit.*, p. 150.

<sup>29</sup> INTERNATIONAL ORGANIZATION FOR MIGRATION, *International Migration Law: Glossary on Migration*, 2019, p. 131-2.

<sup>30</sup> EUROPEAN COMMISSION, *Asylum and Migration Glossary 6.0: a tool for better comparability produced by the European Migration Network*, 2018, pp. 226-227 and FRONTEX, *Sectoral Qualifications Framework (SQF) for Border Guarding: National Annotated Glossary (English-Greek)*, 2014, p. 38 ff.

<sup>31</sup> UN GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, July 28, 1951. United Nations, Treaty Series, vol. 189, p. 137, Article 1 A (2). The aforementioned Convention was adopted on 28 July 1951 and entered into force on 22 April 1954.

<sup>32</sup> UN GENERAL ASSEMBLY, *Protocol Relating to the Status of Refugees*, January 31, 1967. United Nations, Treaty Series, vol. 606, p. 267, Article 1 (3), where the temporal and geographical scope of the definition of a refugee is removed. The aforesaid Protocol was adopted on 31 January 1967 and entered into force on 4 October 1967.

himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.

‘Climate migrants’, though, do not fall under this status<sup>33</sup>. An ‘asylum seeker’ is a person waiting for their application for refugee status or other means of international protection to be processed<sup>34</sup>. Since not all migrants crossing the Aegean Sea are eligible to apply for asylum or be granted refugee status, for the purposes of this article, migrants will be referred to as irregular.

‘Push factors’<sup>35</sup> for increasing unauthorised entry have been much discussed in the related literature<sup>36</sup>. First, the increased flows of irregular migrants should be viewed in light of restricted regular channels<sup>37</sup>. Second, many flee due to the deteriorating humanitarian conditions, such as poverty, unemployment, corruption, violence, and insecurity, or even climate-driven crises (eg. famine) in the migrants’ states of origin, especially in Western Africa<sup>38</sup>. Turmoil or warfare, because of oppressive governments in the migrants’ states of origin, like in the Horn of Africa and Sudan, constitutes a third major driver<sup>39</sup>. Lastly, the so-called ‘Arab Spring’ and its aftermath produced a surge of irregular migrants heading towards Europe<sup>40</sup>, including Greece, evinced by the relevant statistics (Table 3). Indeed, the movement, which began in late 2010 in Tunisia and soon spread to several Middle East and North Africa (MENA) states, aimed at overthrowing entrenched post-colonial leaders unable to deal with inequalities and resulted even in devastating wars, like in Syria and Libya<sup>41</sup>. Full-scale armed conflicts in Iraq and Afghanistan have also exacerbated migration flows<sup>42</sup>. Under these circumstances, many of these states have become breeding grounds for radicalised extremist Islamic militant groups<sup>43</sup>. Nonetheless, such works refrain from dealing with the root causes of this phenomenon from a (geo)strategic viewpoint.

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<sup>33</sup> J. WAGNER, *Border management in transformation: transnational threats and security policies of European States*. Cham, Switzerland: Springer, 2021, p. 136.

<sup>34</sup> P. YATES, *Seeking solutions for irregular migration by sea in the Mediterranean Sea: balancing national security concerns and human rights concerns* (Master of Arts in Ocean Governance, University of Malta, Malta), 2015, p. 6.

<sup>35</sup> There are also ‘pull factors’ attracting migrants to another country, which are not, though, the scope of the present article.

<sup>36</sup> P. YATES, *op. cit.*, p. 27 ff., E. KELMALI, *The development of interagency cooperation amongst FRONTEX, EMSA and EFCA in the light of the European legislation and policy* (Master of Science in Maritime Affairs dissertation, World Maritime University, Malmö, Sweden), 2018, p. 1, and J. WAGNER, *op. cit.*, pp. 121-8 & 138-9.

<sup>37</sup> P. YATES, *op. cit.*, p. 29.

<sup>38</sup> P. YATES, *op. cit.*, pp. 38-41.

<sup>39</sup> P. YATES, *op. cit.*, pp. 37-40.

<sup>40</sup> P. YATES, *op. cit.*, pp. 42-47.

<sup>41</sup> P.O. AMOUR, *Israel, the Arab Spring, and the unfolding regional order in the Middle East: a strategic assessment*, in *British Journal of Middle Eastern Studies*, 44(3), 2016, pp. 293-309.

<sup>42</sup> J. WAGNER, *op. cit.*, pp. 62-68 & 127.

<sup>43</sup> P. YATES, *op. cit.*, pp. 46-47.

*Irregular Migrants and Refugee Flows in the Aegean Sea: The Contribution of the Hellenic Coast Guard*

2013	<b>SYRIA</b>	<b>AFGHANISTAN</b>	<b>ERITREA</b>	<b>OTHER NATIONALITIES</b>
	4313	3490	484	1070
2014	<b>SYRIA</b>	<b>AFGHANISTAN</b>	<b>SOMALIA</b>	<b>OTHER NATIONALITIES</b>
	18982	10680	1500	3280
2015	<b>SYRIA</b>	<b>AFGHANISTAN</b>	<b>IRAQ</b>	<b>OTHER NATIONALITIES</b>
	475902	205858	86989	79181
2016	<b>SYRIA</b>	<b>AFGHANISTAN</b>	<b>IRAQ</b>	<b>OTHER NATIONALITIES</b>
	80602	42230	26261	24203
2017	<b>SYRIA</b>	<b>IRAQ</b>	<b>AFGHANISTAN</b>	<b>OTHER NATIONALITIES</b>
	12277	5817	3491	8262
2018	<b>AFGHANISTAN</b>	<b>SYRIA</b>	<b>IRAQ</b>	<b>OTHER NATIONALITIES</b>
	9599	7694	5893	9725
2019	<b>AFGHANISTAN</b>	<b>SYRIA</b>	<b>IRAQ</b>	<b>OTHER NATIONALITIES</b>
	28328	16074	3683	16893
2020	<b>AFGHANISTAN</b>	<b>SYRIA</b>	<b>SOMALIA</b>	<b>OTHER NATIONALITIES</b>
	3438	2200	891	3308
2021	<b>AFGHANISTAN</b>	<b>SOMALIA</b>	<b>IRAQ</b>	<b>OTHER NATIONALITIES</b>
	1082	842	316	1944

Table 3: *Top three nationalities of irregular migrants (in numbers) apprehended in the Aegean Sea. Source: Hellenic Coast Guard Headquarters.*

The fact that irregular migrants, as human beings and at times asylum seekers or refugees, are entitled to inalienable rights under various legal instruments has been well recorded in the relevant literature<sup>44</sup>. These rights are found in the relevant instruments, which, in brief, comprise UN and European treaties ratified by Greece, including – inter alia – the Universal Declaration of Human Rights, the European Convention on Human Rights, the Charter of Fundamental Rights of the EU, international refugee law<sup>45</sup> as well as subsidiary or complementary forms of protection in the EU, such as the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>46</sup>. Under international refugee law,

<sup>44</sup> FRONTEX, *Fundamental rights training for border guards: Trainer's manual*, 2013, p. 23 ff. and P. YATES, *op. cit.*, p. 88 ff.

<sup>45</sup> The term international refugee law (IRL) refers to the regime established by the international community for the international protection of refugees, namely the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, where the definition of a refugee is provided, the principle of non-refoulement is laid down and the status and rights of refugees are regulated.

<sup>46</sup> The purpose of this Directive, aiming – according to Article 2(f) – at offering protection

and more specifically the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, States are prohibited from returning migrants to their States of origin on the basis of the principle of ‘non-refoulement’<sup>47</sup>, which applies whether or not the person has been formally recognised as a refugee and to all asylum seekers<sup>48</sup>, except for cases where acceptance of asylum seekers may threaten the security of the receiving State<sup>49</sup>. However, the Convention does not oblige States to grant refugee status<sup>50</sup>. Despite all these provisions, there exist certain cases of fundamental rights violations against migrants at EU external (sea) borders<sup>51</sup>, especially during interdiction or rescue operations, with reported instances of EU States pushing vessels back out to the high seas or even failed rescue practices on the part of EU States.

National security concerns have been equally largely addressed in the related literature<sup>52</sup>. As many irregular maritime migrants travel with invalid documents or no documents at all, they may be associated with criminal activities, such as smuggling, trafficking, terrorism, money laundering, (transnational) organised crime, that threaten the capacity of states to safeguard their sovereignty<sup>53</sup>. Apart from being a maritime security threat, migrant smuggling also constitutes a maritime safety threat, given the use of unseaworthy vessels<sup>54</sup>. As a result, migrant vessels often end up in distress situations in need of rescue or assistance at sea, thus,

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for persons from third states that do not fall within the scope of the Geneva Convention but who still have need of some other form of international protection, was to harmonise the various policies, often already employed by EU Member States.

<sup>47</sup> UN GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, July 28, 1951, United Nations, Treaty Series, vol. 189, p. 137, Article 33(1).

<sup>48</sup> A. BROUWER, J. KUMIN, *Interception and asylum: when migration control and human rights collide*, in *Refuge: Canada's Journal on Refugees*, 21(4), 2003, pp. 6-24, and M. PALLIS, *Obligations of states regarding asylum seekers at sea: interactions and conflicts between legal regimes*, in *International Journal of Refugee Law*, 14(2-3), 2002, pp. 329-364.

<sup>49</sup> UN GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, July 28, 1951, United Nations, Treaty Series, vol. 189, p. 137, Article 33(2).

<sup>50</sup> P. YATES, *op. cit.*, p. 91.

<sup>51</sup> P. YATES, *op. cit.*, p. 93 & pp. 97-104 and E. KOKA, D. VESHI, *Irregular migration by sea: interception and rescue interventions in light of international law and the EU Sea Borders Regulation*, in *European Journal of Migration and Law*, 21(1), 2019, pp. 26-52.

<sup>52</sup> P. YATES, *op. cit.*, pp. 73-76, K.A. PROVIAS, *Countering modern security challenges in the Mediterranean Sea. Towards a European Coast Guard* (Master of Arts in Terrorism, Security and Society dissertation, King's College, London, UK), 2016, pp. 13-5, and E. KELMALI, *op. cit.*, p. 2.

<sup>53</sup> I. ARMAKOLAS, T. KARATRANTOS, *Infiltration of terrorists in mixed migration flows in Eastern Mediterranean and the Western Balkans*, in D.L. PHILLIPS (edited by), *Balkan Human Corridor: Essays on the Refugee and Migrant Crisis from Scholars and Opinion Leaders in Southeast Europe*, New York: Columbia University, 2016, pp. 81-97, N. DENIOZOS, *Η Ασύμμετρη Απειλή της Μετανάστευσης: Η παράνομη διακίνηση λαθρομεταναστών και το οργανωμένο έγκλημα [The Asymmetric Threat of Migration: Migrant smuggling and organised crime]*, in *Foreign Affairs – The Hellenic Edition*, June-July, 2016, pp. 68-86, and B. STOKES, *The immigration crisis is tearing Europe apart: Fear of terrorism, Muslims, and refugees is driving the parties of the right and left further apart than ever before*, in *Foreign Policy*, July 22, 2016.

<sup>54</sup> P. YATES, *op. cit.*, pp. 12-26.

jeopardising not only migrants' lives but also other sea space users<sup>55</sup>. Moreover, the socioeconomic and health concerns of hosting states cannot be overlooked. Receiving states, especially those in financial crisis, like Greece, frequently face difficulty in providing adequate social services – accommodation, employment, education, and health care – to individuals often perceived as posing a threat to public health<sup>56</sup>. Besides, due to cultural or religious differences migrants may not integrate smoothly with locals<sup>57</sup>. Therefore, xenophobia, marginalisation of migrants, or even violence may emerge<sup>58</sup>.

What's worse, irregular maritime migration can be accused of being a Trojan horse destabilising the Greek nation from the inside. This is particularly true in the case of 'hotspots' on the five Greek islands (Lesvos, Chios, Samos, Leros, Kos) at the margins of Europe currently hosting thousands of irregular migrants. The Common European Asylum System (CEAS), and specifically the Dublin Regulation, which prescribe that an asylum application must be lodged and processed in the first country of arrival, means that frontline states like Greece have an uneven burden resulting in lengthy delays<sup>59</sup>. Hotspots, being linked to the EU-Turkey Statement of March 2016, restrict migrants' freedom of movement<sup>60</sup>. If migrants are moved to the mainland, this Statement will collapse, since most migrants would abscond and, thus, Greece would not be able to implement returns<sup>61</sup>. Consequently, migrants have expressed their frustration through riots and, as their number greatly exceeds that of police officers, concerns about the protection of the local communities have been voiced<sup>62</sup>.

#### 4. *Border management issues and challenges*

Free movement within the EU requires strong external borders. By the Schengen Agreement (1985), five European states – Belgium, Germany, France, Luxembourg and the Netherlands – agreed to gradually remove controls at their internal borders for all nationals of the signatory countries, other EU Member States (MSs) and some non-EU countries<sup>63</sup>. The Schengen Convention (1990), which supplements the agreement and was signed by the same countries, entered into force

<sup>55</sup> P. YATES, *op. cit.*, pp. 12-26.

<sup>56</sup> P. YATES, *op. cit.*, pp. 76-77 and S. LEHNE, *The EU remains unprepared for the next migration crisis*, in *Carnegie Europe*, April 3, 2018.

<sup>57</sup> P. YATES, *op. cit.*, p. 2.

<sup>58</sup> G. VERHOFSTADT, *Η Ασθένεια της Ευρώπης [Europe's Disease]*. Athens: Papadopoulos Publishing, 2016, pp. 78, 146 and S. LEHNE, *op. cit.*

<sup>59</sup> A. DIMITRIADI, *Governing irregular migration at the margins of Europe: the case of hotspots on the Greek islands*, in *Etnografia e ricerca qualitativa*, 10(1), 2017, pp. 75-96.

<sup>60</sup> A. DIMITRIADI, *op. cit.*, pp. 75-96.

<sup>61</sup> A. DIMITRIADI, *op. cit.*, pp. 75-96.

<sup>62</sup> A. DIMITRIADI, *op. cit.*, pp. 75-96.

<sup>63</sup> EUR-LEX., Glossary of summaries: Schengen (Agreement and Convention), n.d. and J. PIWOWARSKI, A. WAWRZUSISZYN, *Towards more secure EU borders European Border and Coast Guard*, in *Science & Military*, 1, 2017, pp. 5-13.

in 1995<sup>64</sup>. The ‘Schengen acquis’<sup>65</sup> was integrated in the EU framework in 1999 and has become EU legislation<sup>66</sup>. Today 26 European countries, including 22 of the 27 EU MSs, are part of the Schengen area<sup>67</sup>. The Schengen Borders Code, established under Regulation (EU) 2016/399, constitutes the principal legal instrument for the Schengen Union. However, EU MSs can reintroduce internal border controls in the event of security risks and potential threats on a temporary basis<sup>68</sup>.

The Lisbon Treaty (2007) amends both the Treaty on European Union (TEU) and the Treaty on the Functioning of the EU (TFEU)<sup>69</sup>. It brought sweeping reforms by changing the EU’s architecture<sup>70</sup>. TFEU<sup>71</sup>, in particular, provides for the establishment of an area of freedom, security and justice with respect for fundamental rights which, subsequently, presupposes the reinforcement of the external borders of the EU and the framing of a common policy – in the sense of a multiannual strategic one – on external border control<sup>72</sup>. Additionally, the TFEU introduces<sup>73</sup> the concept of Integrated Border Management (IBM), since the EU shall develop a policy for the gradual introduction of an ‘*integrated management system for external borders*’ and the European Parliament and the Council shall adopt ‘*any measure necessary*’ in this direction.

European Integrated Border Management (EIBM) – according to Regulation (EU) 2019/1896 – is implemented as a shared responsibility of FRONTEX or European Border and Coast Guard Agency (EBCGA) and the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and border control tasks<sup>74</sup> (FRONTEX n.d.). While MSs retain the primary responsibility for the management of their external borders – in their interest and in the interest of all MSs – and are responsible for issuing return decisions, the activities of FRONTEX complement the efforts of the MSs in implementing relevant Union measures<sup>75</sup>.

The related literature keeps reiterating two interrelated themes. On the one hand, since the early 1990s the EU perceived migration as controllable in a concentric circle-like approach: first the countries of origin, then transit, and, finally, the

<sup>64</sup> EUR-LEX., *op. cit.*, and J. PIWOWARSKI, A. WAWRWRZUSISZYN, *op. cit.*, pp. 5-13.

<sup>65</sup> The term includes the Schengen Agreement, the Schengen Convention as well as the related agreements and rules.

<sup>66</sup> EUR-LEX., *op. cit.*

<sup>67</sup> EUR-LEX., *op. cit.*

<sup>68</sup> J. WAGNER, *op. cit.*, p. 363.

<sup>69</sup> R. MUNGIANU, *Frontex: Towards a common policy of external border control*, in *European Journal of Migration and Law*, 15(4), 2013, pp. 359-385 and J. PIWOWARSKI, A. WAWRWRZUSISZYN, *op. cit.*, pp. 5-13.

<sup>70</sup> A.F. CONSTANT, K.F. ZIMMERMANN, *Challenged by migration: Europe’s options*, in *Global Labor Organization (GLO) Discussion Paper*, No. 46, 2017, pp. 1-16.

<sup>71</sup> Article 67 par.1 and 2 of Title V, Chapter 1.

<sup>72</sup> R. MUNGIANU, *op. cit.*, pp. 359-385.

<sup>73</sup> In articles 77 par. 1 (c) and 77 par. 2 (d).

<sup>74</sup> FRONTEX, *Legal Basis & Tasks*, n.d.

<sup>75</sup> FRONTEX, *Legal Basis & Tasks*, n.d.



external borders of the Union ‘as the last line of defence of Schengen’<sup>76</sup>, focussing on containment of irregular migrants to the periphery and returns<sup>77</sup>. Actually, this approach of off-shoring<sup>78</sup> has been dubbed outsourcing and externalising responsibility at the frontline states or ‘gatekeepers’, specifically Greece, Italy and, to a lesser extent, Spain, as well as in neighbouring third countries, merely because of their geographical location<sup>79</sup>.

On the other hand, from this approach emerges the need for border/coast guarding authorities of South European MSs, including HCG<sup>80</sup>, to strike the balance between national security and human rights concerns, which seems to have attracted much attention in the related literature<sup>81</sup>. This is evident in several studies shedding light on contentious areas in the international legal framework where inconsistencies in State practice, particularly of Mediterranean States, may arise due to various interpretations of legal provisions or lack of clarity of States’ obligations<sup>82</sup>. Such ‘legal lacunae’ result in a situation where States may not necessarily be in breach of International Law (IL), but their actions are nevertheless problematic.

Last but not least, the question of the responsibility of International Organisations (IOs) under IL, especially for human rights violations, has provoked heated controversy among scholars, with a variety of solutions depending to a large extent on the specific circumstances of each case<sup>83</sup>. Despite few exceptions, IOs, most of the time, enjoy immunity from suit<sup>84</sup>. However, as far as human rights are concerned, Le Floch (2015)<sup>85</sup> argues that IOs should not enjoy absolute immunity, by offering examples of certain – established by IOs – legal remedies,

<sup>76</sup> A. DIMITRIADI, *op. cit.*, p. 76.

<sup>77</sup> A. DIMITRIADI, A. KAYA, B. KALE, T. ZURABISHVILI, *EU-Turkey relations and irregular migration: transactional cooperation in the making*, in FEUTURE Online Paper 16, Athens: ELIAMEP, 2018, p. 1.

<sup>78</sup> E. KOKA, D. VESHI, *op. cit.*, pp. 26-52.

<sup>79</sup> A. DIMITRIADI, *op. cit.*, pp. 75-96.

<sup>80</sup> One of the three state security forces in Greece; a multifunctional law enforcement agency which acts as an instrument for keeping law and order on ships, ports and seas in the Greek territory.

<sup>81</sup> A. JARILLO, *Human rights at the EU borders: the role and responsibility of FRONTEX*. Paper presented at the 15<sup>th</sup> Biennial Conference of the European Union of Studies Association, Miami, Florida, U.S.A., May, 2017, pp. 1-27 and P. YATES, *op. cit.*, pp. 1-122.

<sup>82</sup> E. KOKA, D. VESHI, *op. cit.*, pp. 26-52 and P. YATES, *op. cit.*, pp. 77-87.

<sup>83</sup> DARIO (Draft articles on the responsibility of international organizations, with commentaries), *Yearbook of the International Law Commission*, vol. II, Part Two, United Nations, 2011, pp. 46-105, G. LE FLOCH, *Responsibility for human rights violations by International Organizations*, in R. Virzo, I. Ingravallo (edited by), *Evolutions in the law of International Organizations*, Leiden/Boston: BRILL/NIJHOFF, 2015, pp. 381-405, M.F. ORZAN, *International Organizations and immunity from legal process: an uncertain evolution*, in: R. Virzo, I. Ingravallo (edited by), *Evolutions in the law of International Organizations*, Leiden/Boston: BRILL/NIJHOFF, 2015, pp. 364-380, and P. PUSTORINO, *The control criterion between responsibility of states and responsibility of International Organizations*, in: R. Virzo, I. Ingravallo (edited by), *Evolutions in the law of International Organizations*, Leiden/Boston: BRILL/NIJHOFF, 2015, pp. 406-422.

<sup>84</sup> G. LE FLOCH, *op. cit.*, pp. 381-405.

<sup>85</sup> G. LE FLOCH, *op. cit.*, pp. 381-405.

such as procedures, available directly to individuals. This seems to be the case with the new complaints mechanism, established under Regulation (EU) 2019/1896, for FRONTEX in cooperation with the fundamental rights officer, to safeguard the respect for fundamental rights in all the activities of the Agency according to FRONTEX Fundamental Rights Strategy, which increases accountability and liability, in particular in terms of the exercise of executive powers by the statutory staff<sup>86</sup>. Nevertheless, the literature is largely silent when it comes to exploring the theoretical (geo)strategic underpinning of border management at the external EU borders in the Aegean Sea.

### 5. *Research questions, methodology and limitations*

Against this background, the present article addresses the following questions that have not –to the best of our knowledge – been explored before in such an integrated way:

1. To what extent can the root causes of mixed migratory flows in the Aegean Sea be accounted for by (geo)strategic theories?
2. In what ways is the contribution of the HCG in managing the external sea borders of the EU underpinned by (geo)strategic theories?

These questions need to be answered by employing an appropriate research methodology. This article, and more specifically in the second question, entails ‘the intensive analysis of a single case’<sup>87</sup>. The case study organisation was selected on a ‘pragmatic’<sup>88</sup> basis, as easy access to the HCG could be ensured thanks to the main author’s occupational status. Such a design was selected because of limited budget and time<sup>89</sup>. Besides, it can answer ‘how’ exploratory research questions<sup>90</sup>. Despite its benefits<sup>91</sup>, this approach has been criticised on different grounds, like assumed lack of generalisability<sup>92</sup>. However, nobody can preclude that the findings of a specific case study cannot provide useful theoretical insights to other future contexts<sup>93</sup>.

The research strategy consisted solely of secondary or desk research, a method that involves using already existing data. Such data from, inter alia, (academic) books, journal articles, official documents of organisations, (EU) legislation, published dissertations, strategic models, and statistics was analysed, summarised, filtered

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<sup>86</sup> A. JARILLO, *op. cit.*, pp. 1-27.

<sup>87</sup> B. BRYMAN, E. BELL, *Business research methods*, Oxford: OUP, 2003, p. 53.

<sup>88</sup> M. DENSCOMBE, *The good research guide for small-scale social research projects*, Maidenhead: OUP, 2nd ed. 2003, p. 34.

<sup>89</sup> H. MAYLOR, K. BLACKMON, *Researching business and management*, Hampshire: Palgrave Macmillan, 2005, p. 243.

<sup>90</sup> H. MAYLOR, K. BLACKMON, *op. cit.*, p. 244.

<sup>91</sup> C.C. RAGIN, H.S. BECKER, *What is a case? Exploring the foundations of social enquiry*, Cambridge: Cambridge University Press, 1992, pp. 1-226.

<sup>92</sup> R.K. YIN, *Case study research: design and methods*, Thousand Oaks, California: Sage, 5th ed. 2014, pp. 19-22.

<sup>93</sup> K.M. EISENHARDT, *Building theories from cases study research*, in *Academy of Management Review*, 14(4), 1989, pp. 532-550.

and collated in order to increase the overall effectiveness of the research. These were obtained from the internet, public and university libraries, and government agencies. Although desk research is quicker and less costly to conduct because of data availability, it may provide only partial answers, not to mention the researcher's potential difficulty in obtaining information specific to their needs<sup>94</sup>.

The present article has both strengths and limitations. Its key strength, which differentiates it from previous studies in the field, is the application of the 'strategic thinking in 3D' framework to the challenge of seaborne migration and its juxtaposition with the Technical and Operational Strategy for European Integrated Border Management (TO EIBM). Nevertheless, there is at least one limitation: political initiatives and implications – especially in the sense of foreign policy strategy – are outside the scope of this article, even though they are touched upon at certain points. The ensuing sections deal with the presentation of the research outcomes intermingled with a discussion of them.

#### 6. *The root causes of mixed migratory flows in the Aegean Sea from a (geo)strategic viewpoint*

Relief maps and population studies must be a very useful starting point for every analysis because states think and act geopolitically. Such tools remind us of places that render human beings unequal in different ways, thus, leading to political disorder and poverty<sup>95</sup>. The MENA, being home to a high number of conflicts<sup>96</sup> is a case in point<sup>97</sup>. The root causes of mixed migratory flows could be attributed to the topographical features of the MENA, the regional geopolitical dynamics and recent trends.

Although Africa is the second largest continent, it is extremely poor<sup>98</sup>. History is made in the temperate latitudes of the Northern Hemisphere, where moderate climates prevail<sup>99</sup>. Furthermore, the world's feeblest economies are landlocked. Inland Africa, with high population densities but not economic growth due to distance from ports and railheads, is an example of this<sup>100</sup>. The coastline south of Sahara generally lacks good natural harbours, few tropical African rivers are navigable, the Sahara Desert spawned isolation and thick equatorial forests with heavy rains and intense heat are unfriendly to civilization<sup>101</sup>.

Geography testifies that Tunisia and Egypt, whose statehoods and civilisations

<sup>94</sup> H. MAYLOR, K. BLACKMON, *op. cit.*, pp. 108-110 & 170-177.

<sup>95</sup> R.D. KAPLAN, *op. cit.*, p. 28.

<sup>96</sup> Iran vs. USA; Iran vs. Israel; Iran vs. Gulf Cooperation Council (GCC); intra GCC; Shia vs. Sunni; Israel vs. Arabs; Turkish vs. Kurdish; states vs. non-state actors, divided Arab League.

<sup>97</sup> P. SALEM, *Thinking Arab futures: Drivers, scenarios and strategic choices for an improved Arab World*, in *The Cairo Review of Global Affairs*, No. 33, Spring, 2019, pp. 43-55.

<sup>98</sup> R.D. KAPLAN, *op. cit.*, p. 31.

<sup>99</sup> R.D. KAPLAN, *op. cit.*, p. 91.

<sup>100</sup> R.D. KAPLAN, *op. cit.*, p. 32.

<sup>101</sup> R.D. KAPLAN, *op. cit.*, pp. 31-32.

originate in antiquity, are naturally cohesive; Libya, Yemen, Syria and other Middle East (ME) countries less so<sup>102</sup>. Being the only Arab country closest to Europe, Tunisia, whose tribal identity based on nomadism is weak, has always been the most advanced Arab society<sup>103</sup>. Likewise, Egypt has a long history and natural boundaries<sup>104</sup>. It is shut off from the south, where there is desert on either side of the easily navigable Nile, while in the north there is the Mediterranean Sea without the threat of piracy because of the Delta marshlands<sup>105</sup>. Whereas these countries required relatively moderate forms of autocracy to hold them together, more repressive varieties were needed in Libya, Syria and other ME countries<sup>106</sup>.

Mesopotamian rulers, between the Tigris-Euphrates river system, could avail themselves of no natural boundaries for securing their centralised authority, but had to develop an extraordinary level of tyranny and bureaucracy<sup>107</sup>. Indeed, the ME, lacking in forest and dominated by desert, is open to nomadic invasions and subsequent upheavals<sup>108</sup>. Besides, Libya and Yemen, the latter with its mountainous topography riven by desert tribal structures and separatist groups, are but vague geographies, whose statehoods were not established until the 20<sup>th</sup> century<sup>109</sup>. Afghanistan's mountain ranges also help seal divisions among minorities, while there are few natural impediments with its neighbouring countries<sup>110</sup>. It emerged as a buffer zone country between British India and the Russian Empire in the mid-18<sup>th</sup> century<sup>111</sup>. Syria's truncated shape similarly nurtures divisions within it based on ethnicity and religious sects, each associated with a specific geographical region<sup>112</sup>. Lastly, Iraq is a state with no natural borders composed of disparate ethnic or sectarian groups and political forces<sup>113</sup>.

On the other hand, the Greater ME, full of significant energy deposits, is of ultra-strategic significance, as it is where continents, historic road networks and sea lanes converge<sup>114</sup>. Rimland, including the ME, is the key to world power<sup>115</sup>. The competition for it continued during the Cold War, when the USSR constituted the great Heartland power that threatened the Rimland through the invasion of Afghanistan (1979) and the attempted destabilisation of Pakistan in the 1980s, in quest of a port on the Indian Ocean, but was opposed by main Western sea

<sup>102</sup> R.D. KAPLAN, *op. cit.*, pp. xx-xxii & 303.

<sup>103</sup> R.D. KAPLAN, *op. cit.*, p. xxi.

<sup>104</sup> R.D. KAPLAN, *op. cit.*, pp. xxi & 41.

<sup>105</sup> R.D. KAPLAN, *op. cit.*, pp. 41 & 71.

<sup>106</sup> R.D. KAPLAN, *op. cit.*, pp. xxii & 35.

<sup>107</sup> R.D. KAPLAN, *op. cit.*, p. 41.

<sup>108</sup> R.D. KAPLAN, *op. cit.*, p. 66.

<sup>109</sup> R.D. KAPLAN, *op. cit.*, pp. xx-xxii.

<sup>110</sup> R.D. KAPLAN, *op. cit.*, p. 245.

<sup>111</sup> R.D. KAPLAN, *op. cit.*, pp. 245-6.

<sup>112</sup> R.D. KAPLAN, *op. cit.*, pp. xxi & 308.

<sup>113</sup> R.D. KAPLAN, *op. cit.*, pp. 35 & 304-306.

<sup>114</sup> R.D. KAPLAN, *op. cit.*, pp. 96 & 259.

<sup>115</sup> R.D. KAPLAN, *op. cit.*, p. 96.

power, the USA<sup>116</sup>. The defense of Israel, moderate Arab states, and the Shah's Iran carried the notion of preventing a communist empire from extending control from the Heartland to the Rimland<sup>117</sup>. The more recent US projection of power into the Rimland, and more specifically in Afghanistan and Iraq, – with troops on the ground – has added more legitimacy to classical geopolitical theories<sup>118</sup>.

Finally, the Arab World is the most arid, as well as land and water stressed of any region on the planet<sup>119</sup>. Also, climate change has brought about unlivable temperatures in parts of the MENA<sup>120</sup>. Consequently, the threat to food security is imminent. Part of the Syrian uprising was due to historic droughts in the country's agricultural north<sup>121</sup>. The ME in the last sixty years has gone from a rural society to one of crowded megacities, with population of over 10 million people, beset by poor living conditions<sup>122</sup>. Their mayors can hardly govern them effectively; accordingly, local leaders have emerged motivated by ideologies from afar, by way of electronic communications technology<sup>123</sup>. Radical Islam is, in part, due to urbanisation, whose impersonal quality of life, among strangers, has intensified religious feeling in order to keep family ties and the young from drifting into crime<sup>124</sup>. Terrain-specific substate groups that 'seek power without the responsibility of governing'<sup>125</sup> and fight better than state armies by exploiting geographical features is a new phenomenon along the southern Eurasian rimland<sup>126</sup>. The Taliban in Afghanistan and the militias in Iraq are examples of this trend<sup>127</sup>. Urbanisation also accounts for the Arab Spring demonstrators<sup>128</sup>.

Meanwhile, the Greater ME along with sub-Saharan Africa –in contrast to Europe – is in the midst of a youth bulge, with low level of institutionalisation<sup>129</sup>. Rapid growth population is going to put enormous strain on resources and exacerbate unemployment<sup>130</sup>. According to Chrysochou & Dalaklis (2011)<sup>131</sup>, States with the aforementioned demographic characteristics – combined with other causal factors of course – are more vulnerable to civil conflicts.

<sup>116</sup> R.D. KAPLAN, *op. cit.*, pp. 78 & 97.

<sup>117</sup> R.D. KAPLAN, *op. cit.*, p. 97.

<sup>118</sup> R.D. KAPLAN, *op. cit.*, p. 68.

<sup>119</sup> P. SALEM, *op. cit.*, pp. 43-55.

<sup>120</sup> P. SALEM, *op. cit.*, pp. 43-55.

<sup>121</sup> P. SALEM, *op. cit.*, pp. 43-55.

<sup>122</sup> R.D. KAPLAN, *op. cit.*, pp. 48 & 120.

<sup>123</sup> R.D. KAPLAN, *op. cit.*, p. 121.

<sup>124</sup> R.D. KAPLAN, *op. cit.*, pp. 121-122.

<sup>125</sup> J. GRYGIEL, *The power of statelessness*, in *Policy Review*, no. 154 (April-May), 2009.

<sup>126</sup> R.D. KAPLAN, *op. cit.*, p. 125.

<sup>127</sup> R.D. KAPLAN, *op. cit.*, p. 125.

<sup>128</sup> R.D. KAPLAN, *op. cit.*, p. 121.

<sup>129</sup> K. CRANE, J. SIMON, J. MARTINI, *Future challenges for the Arab World: the implications of demographic and economic trends*, Santa Monica, CA: RAND CORPORATION PROJECT AIR FORCE, 2011, pp. 15-17, A. HEISTEIN, D. RAKOV, Y. GUZANSKY, *What will the Middle East look like in 2030? An Israeli perspective*, MEI Policy Center, March, 2021, and R.D. KAPLAN, *op. cit.*, p. 259.

<sup>130</sup> R.D. KAPLAN, *op. cit.*, p. 261.

<sup>131</sup> G. CHRYSOCHOU, D. DALAKLIS, *op. cit.*, pp. 14-35.

### 7. *The theoretical (geo)strategic underpinning of border management at the external EU borders in the Aegean Sea*

In its Main Elements for the European Integrated Border Management (EIBM) development from March 2018, the European Commission (EC) provided the political steering for a TO EIBM and national IBM strategies<sup>132</sup>. European Border and Coast Guard (EBCG) Regulation<sup>133</sup> lays down twelve strategic components/building blocks for EIBM, among which ‘technical and operational measures within the Schengen area’<sup>134</sup>. These together with the three horizontal or ‘overarching’ components, among which fundamental rights – the other two being education and training, research and innovation – form the main elements of the TO EIBM strategy and are applied onto the ‘four-tier-access control model’ (Figure 3) addressing the measures that can be taken within, at and beyond the external borders of the EU<sup>135</sup>.

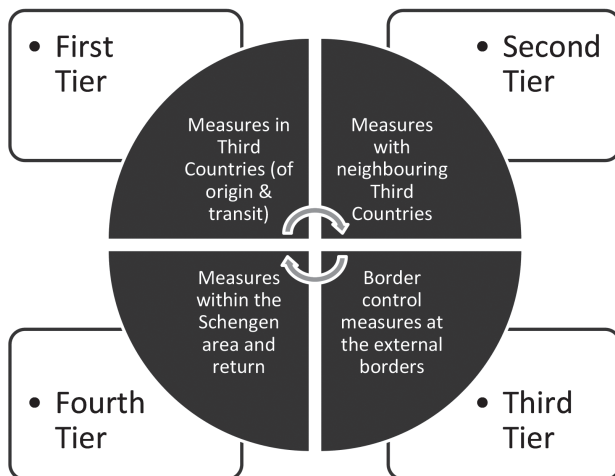


Figure 3: *The FRONTEX (2019:14) ‘four-tier-access control model’ (as adapted by the authors).*

The Justice and Home Affairs Council Conclusions endorsed in June 2018 the Commission’s Main Elements and invited FRONTEX to accordingly prepare, in close cooperation with the MSs/Schengen Associated Countries (SAC) and the Commission,

<sup>132</sup> FRONTEX, *Technical and Operational Strategy for European Integrated Border Management*, Publications Office, 2019, p. 13.

<sup>133</sup> Article 3 of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the EBCG, which repealed Regulation (EU) 2016/1624 (including equivalent article 4).

<sup>134</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 14.

<sup>135</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 14.

a TO EIBM Strategy<sup>136</sup>. Moreover, it invited MSs/SAC to prepare or align appropriate national strategies within six months from its adoption by FRONTEX<sup>137</sup>. Coherent implementation of the legislative and political framework of EIBM in the TO EIBM and national IBM strategies is ensured via a dedicated forum within FRONTEX, namely High Level Integrated Border Management Working Group, which consists of a nominated representative from each MS/SAC with a senior role in coordinating national IBM, the EC and FRONTEX<sup>138</sup>. It is noteworthy that the Greek IBM strategy relating to sea borders, based on the TO EIBM, is marked confidential and is, thus, not open to the public, as it also contains strictly confidential information on tangible and intangible HCG assets, including relevant costs.

The TO EIBM, adopted by Management Board Decision 2/2019 of 27 March 2019, based on a proposal of the Executive Director, establishes a common vision, mission and values (Figure 4) of EBCG in order to align the expectations of its stakeholders<sup>139</sup>. It aims at operationalising the level of ambition for EIBM in a comprehensive manner at EU and national level through strategic objectives (Table 4) to be implemented<sup>140</sup>. On the basis of these, it proposes technical and operational actions-activities together with their respective expected added value, guiding, thus, the implementation of EIBM<sup>141</sup>.

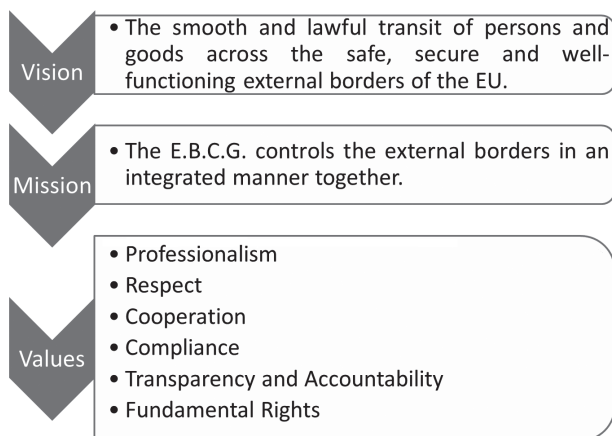


Figure 4: *Common vision, mission and values of EBCG (FRONTEX 2019:11).*

<sup>136</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 15.

<sup>137</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 15.

<sup>138</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 25.

<sup>139</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, pp. 6-7 & 9-11.

<sup>140</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, pp. 10 & 22-86.

<sup>141</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, pp. 10 & 22-86.

<b>Strategic Objective 1:</b>
Reduced vulnerability of the external borders based on comprehensive situational awareness
<i>Specific Objective 1.1.:</i> Comprehensively Assessed Risks
<i>Specific Objective 1.2.:</i> Fully interoperable and efficient European quality control mechanism
<i>Specific Objective 1.3.:</i> Effective and comprehensive information exchange environment
<i>Specific Objective 1.4.:</i> Effective cooperation with Third Countries in support of situational awareness and decision-making
<b>Strategic Objective 2:</b>
Safe, secure and well-functioning EU external borders
<i>Specific Objective 2.1.:</i> Smooth, lawful, safe and secure border crossings
<i>Specific Objective 2.2.:</i> Detection of illegal border crossings
<i>Specific Objective 2.3.:</i> Timely and effective response to situational changes at the external borders
<i>Specific Objective 2.4.:</i> Support to effective migration management
<b>Strategic Objective 3:</b>
Sustained European border and coast guard capabilities
<i>Specific Objective 3.1.:</i> Respect, protection and promotion of fundamental rights
<i>Specific Objective 3.2.:</i> Relevant, resilient and robust capabilities available for timely deployment with adequate effect
<i>Specific Objective 3.3.:</i> Sustained operational capabilities through high level of professionalism applying a well-functioning EBCG education & training system
<i>Specific Objective 3.4.:</i> Effective interagency cooperation
<i>Specific Objective 3.5.:</i> Continuous innovation in support of strengthened EBCG
<i>Specific Objective 3.6.:</i> Good governance and administration

Table 4: FRONTEX (2019) operationalisation of EIBM through strategic objectives (own representation).

The TO EIBM summarises the strategic context for the operationalisation of the EIBM at the external-internal nexus<sup>142</sup>. On the one hand, the strategic nature of the European external borders in a dynamic world is reflected in the TO EIBM by acknowledging the ‘potential major future impact of geopolitically induced challenges to international security and migration flows from future conflicts or natural disasters’<sup>143</sup>. Other factors, such as cyber and terrorist attacks, demography and economy, technological advances, climate/environment-driven crises, health and hybrid threats, are also considered<sup>144</sup>. On the other hand, the different elements

<sup>142</sup> FRONTEX, *Technical and Operational Strategy ...*, op. cit., p. 14.

<sup>143</sup> FRONTEX, *Technical and Operational Strategy ...*, op. cit., p. 15.

<sup>144</sup> FRONTEX, *Technical and Operational Strategy ...*, op. cit., pp. 8 & 15-16.



comprising the border and coast guard system both at national and European level, each of which with possibilities and constraints<sup>145</sup>, are illustrated in a graphic representation (Figure 5).

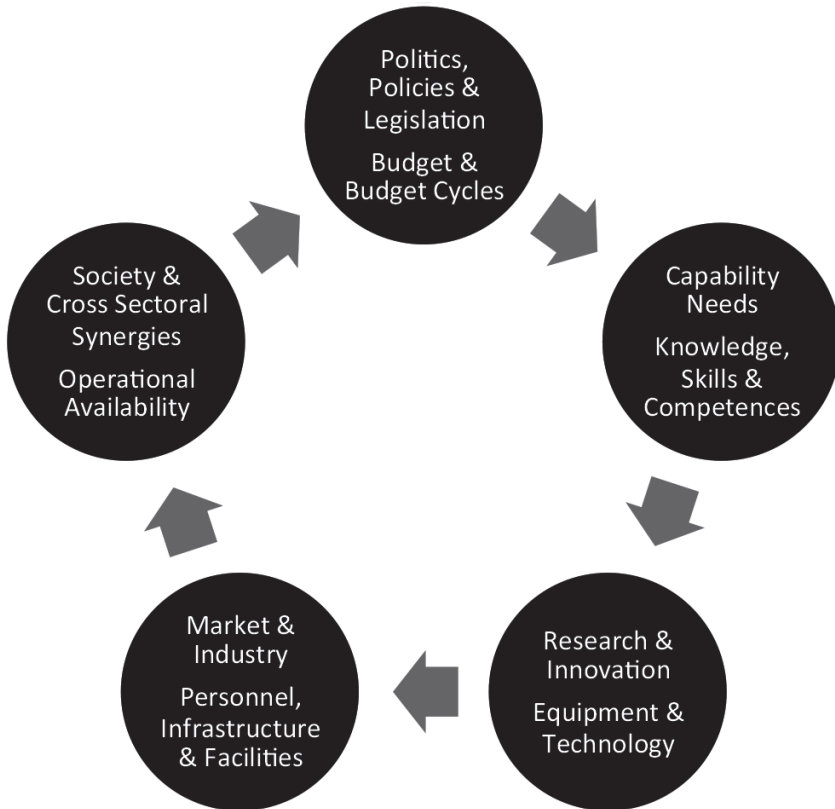


Figure 5: *The European Border and Coast Guard*(FRONTEX 2019:21).

Meanwhile, the application of Harrison's framework (2013)<sup>146</sup> to the above-mentioned challenge yields results, which can be summarised as follows (Table 5):

<sup>145</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, p. 21.

<sup>146</sup> R. HARRISON, *op. cit.*, p. xv.

<b>DEVELOPING STRATEGIES IN THE DIMENSION OF (mostly in Harrison's terminology):</b>	
<b>EXTERNAL ENVIRONMENT THE OPPONENT RELIES ON FOR SUSTAINING ITS LEVERAGE</b>	<b>HOW TO COUNTERBALANCE THE OPPONENT'S LEVERAGE</b>
<b>(A) SYSTEMS</b>	
1) Restricted regular channels	Opening of legal channels*
2) Armed conflicts& genocides in the MENA	a) Responsibility to protect* b) Extinction of 'root causes' of the phenomenon (eg. insecurity, inequalities in the MENA)*
3) Poverty in countries of origin	a) Provision of European (financial) aid* b) Offshore outsourcing*
<b>(B) OPPONENT</b>	
1) Instrumentalisation of migration by state actors, esp. Turkey	Forming relationships to counterbalance an opponent's leverage (eg. EU-Turkey statement of March 2016)**
2) Smuggling networks	a) effective border management b) awareness raising campaigns in countries of origin** c) choke off or weaken the opponent's linchpin capability**
<b>(C) GROUPS (either formal or informal)</b>	
1) Civil society/human rights organisations (eg. non-governmental ones)	Co-optation, cooperation, coercion, mobilisation, at least paci- fication**
2) (Social) Media (eg. allegations for pushbacks or fake news)	Public diplomacy and strategic communications**
3) Extremist militant radical groups in the MENA	a) Effective border management b) Extinction of 'root causes' of the phenomenon (eg. urbanisation, youth bulge, unemployment)*
4) Leftist and extreme rightist/nationalist political parties aiming to win voters	Mobilisation or pacification*

\* Totally exceeds the scope of either the TO EIBM or HCG IBM strategy

\*\* Partially/largely exceeds the scope of either the TO EIBM or HCG IBM strategy

Table 5: *Mixed migratory flows in the Aegean Sea: The 'outward face' of strategy or 'Strategic thinking in three dimensions' (Harrison 2013) (own representation).*

The juxtaposition of the above table with the TO EIBM and HCG IBM strategy suggests that the latter are only partial solutions to a complex security challenge currently faced by the EU and Greece in particular. Analysing each dimension of the external strategic environment 'lessens the likelihood of miscalculation or omission of something important'<sup>147</sup>. Harrison's frame is useful, because 'the most proximate, immediate, and tangible threats get the most attention, while the broader and more abstract systemic effects get short shrift'<sup>148</sup>. 'The strategist, however, cannot afford to ignore systems'<sup>149</sup>.

<sup>147</sup> R. HARRISON, *op. cit.*, p. 165.

<sup>148</sup> R. HARRISON, *op. cit.*, p. 51.

<sup>149</sup> R. HARRISON, *op. cit.*, p. 51.

'Systems' issues are dealt with in different European<sup>150</sup> or Greek strategy documents and by EU institutions/agencies other than FRONTEX<sup>151</sup>, which are not, though, the focus of this article. Suffice to mention that developing strategies in this dimension calls for international, European and national political initiatives. Promoting sustainable and safe legal pathways for those in need of protection, through matching legal migration to EU labour market needs, may be a strategic option<sup>152</sup>. Furthermore, poverty in migrants' states of origin should be tackled through provision by the EU of financial and humanitarian aid or offshore outsourcing in order to boost local economies. Finally, the phenomenon under discussion could be eradicated on condition that its underlying causes were eliminated or at least minimised and the 'responsibility to protect'<sup>153</sup> principle were properly implemented. Nonetheless, the international community seems unable to work together to end proxy and regional wars in the MENA<sup>154</sup>.

Likewise, certain aspects of the external environment in the 'opponents' and 'groups' dimensions fall at least partially out of the scope of either the TO EIBM or HCG IBM strategy. For instance, the EU-Turkey Agreement of March 2016 can be viewed as a means of mitigating the effects of Turkey's weaponising the Syrian refugees against the EU<sup>155</sup>. Besides, awareness raising campaigns by diplomats, that is information dissemination to potential asylum seekers in countries of origin/transit about realistic chances of regularising their stay in the EU, contrary to the promises of smuggling networks, could be of strategic value<sup>156</sup>.

Indeed, the TO EIBM emphasises the importance of forming partnerships, bilaterally and on Union level, with third countries of special interest, that is origin, transit and neighbouring ones, with regard to risk analysis<sup>157</sup>,

<sup>150</sup> eg. New Pact on Migration and Asylum (EC 2020).

<sup>151</sup> eg. European Asylum Support Office (EASO).

<sup>152</sup> J. WAGNER, *op. cit.*, pp. 21-22.

<sup>153</sup> According to the UN Office on Genocide Prevention and the Responsibility to Protect: 'In paragraphs 138 & 139 of the 2005 World Summit Outcome Document Heads of State and Government affirmed their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to encourage and help each other uphold this commitment. *They also declared their preparedness to take timely and decisive action, in accordance with the United Nations Charter and in cooperation with relevant regional organisations, when national authorities manifestly fail to protect their populations.*'

(UN n.d., emphasis by the authors)

<sup>154</sup> P. SALEM, *op. cit.*, pp. 43-55 and J. WAGNER, *op. cit.*, p. 127.

<sup>155</sup> N. LAMPAS, *Assessing the impact of Turkish refugee flows on the EU-Turkey Agreement*, *Jean Monet Paper* 21/2019 (EU-Middle East Studies), 2019, pp. 1-18.

<sup>156</sup> D. ANGELI, A. DIMITRIADI, A. TRIANDAFYLIDOU, *Assessing the cost-effectiveness of irregular migration control policies in Greece*, in MIDAS Report. Athens: ELIAMEP, 2014 (October 31), p. 35.

<sup>157</sup> eg. Africa-Frontex Intelligence Community (AFIC).

information sharing, facilitation of the readmissions and returns, operational activities in neighbouring border areas, and capacity building, mainly through utilising national and EU Liaison Officers (LOs) and delegations. As for groups, either formal or informal, which add to or subtract from an opponent's leverage, Harrison (2013)<sup>158</sup> reports specific methods to influence their behaviour in order to affect that leverage, like co-optation, coercion, public diplomacy, strategic communications, mobilisation, pacification. Nevertheless, the TO EIBM does not seem to touch upon activists and human rights organisations that, as Yates (2015)<sup>159</sup> notes, desire human rights to be afforded to all migrants indiscriminately without accepting to separate refugees and asylum seekers from those who simply want to improve their economic circumstances.

Directly confronting smuggling networks and identifying radicalised individuals among irregular migrants lies at the heart of both TO EIBM and HCG IBM strategy. Migrant smugglers are 'the protagonists in the declared ... battle with European governments'<sup>160</sup>. According to Harrison (2013)<sup>161</sup>, once an opponent has been identified, an assessment of their capability, motivation and strategy is necessary before developing a counter-strategy. Irregular migrants cross the Aegean Sea with the aid of sophisticated criminal cartels operating in the region with some knowledge of European and IL loopholes on asylum and Search and Rescue (SAR) that have developed an 'organised refugee strategy'<sup>162</sup>. Offenders also purposefully seek out weak points within the range of border surveillance and controls in order to increase their chances at profit maximisation under simultaneous minimisation of risks<sup>163</sup>.

Seeing that the adoption of the Sea Borders Regulation<sup>164</sup> has failed to address the issue of responsibility for and the consequences of failed rescue scenarios by inactive States, it is estimated that if concerned EU MSs – mainly Italy and Greece – resorted to either the International Tribunal for the Law of the Sea (ITLOS), with a question for uniform interpretation of 'distress', or the EU Parliament, with a request to initiate an opinion of the Court of Justice of the EU, or the European Court of Human Rights (ECtHR)<sup>165</sup>, then the opponent's linchpin capability might be choked off or at least weakened<sup>166</sup>. Having said that, the TO EIBM suggests strategic moves for prevailing over the opponent, namely effective border management, which comprises – inter alia – sufficient staff and technical equipment, application of mandatory regulations,

<sup>158</sup> R. HARRISON, *op. cit.*, p. 122 ff.

<sup>159</sup> P. YATES, *op. cit.*, pp. ii & 106.

<sup>160</sup> E. KOKA, D. VESHI, *op. cit.*, p. 30.

<sup>161</sup> R. HARRISON, *op. cit.*, p. 87 ff.

<sup>162</sup> E. KOKA, D. VESHI, *op. cit.*, p. 29.

<sup>163</sup> J. WAGNER, *op. cit.*, p. 4.

<sup>164</sup> Regulation (EU) No 656/2014.

<sup>165</sup> E. KOKA, D. VESHI, *op. cit.*, pp. 26-52.

<sup>166</sup> R. HARRISON, *op. cit.*, pp. 105-106.

risk analysis, training needs analysis (TNA), extensive sea border patrols with the aid of modern surveillance and information exchange systems, joint operations and rapid interventions, training harmonisation and interoperability, evaluation of training, quality control mechanisms, especially at European level, prioritization of Union funding at the national and European level<sup>167</sup>.

One important caveat must be noted: while strategies in the dimensions of 'systems' and 'groups' are indirect and of longer time horizons, strategies aimed directly at the 'opponent', that may be short-/medium – or long-term, prompt their undermining response, which will require further strategic adjustments on a par with countermoves<sup>168</sup>. In summary, the TO EIBM and HCG IBM strategy address only certain (sub-) dimensions of the external environment the opponent relies on to sustain its leverage. This is why border management in itself, irrespective of its effectiveness, can never eradicate the phenomenon under discussion, but merely contain it. Thus, EIBM does not necessarily need adjustments; instead, it should be constantly interlinked with other strategies, at Union and national level, in order to successfully cope with the transnational threat of the greatest wave of unauthorised migration after the Second World War.

## 8. *Conclusion*

There are useful lessons to be drawn from this article, since it links (geo) strategic considerations, and more specifically Harrison's (2013) 'strategic thinking in 3D' framework, with the national/European security challenge of mixed migratory flows in the Aegean Sea and border management issues. It can clearly help practitioners with a better understanding of the parts of strategy formulation or its fundamental assumptions and, thus, improve the quality of their strategic planning.

The findings support the hypothesis that geography, context and strategic theory matter for the successful practice of strategy within government agencies and beyond. On the one hand, human actions are limited by the physical parameters imposed by geography and environment, which could be overcome, though, only if they are treated with the greatest knowledge and respect. On the other hand, (geo)strategic theories help us to make sense of the massive information contained in official documents as well as to understand their underlying assumptions. Besides, good theory is needed in order to make good strategy, because if the organising principles are flawed, the strategy will be eventually wrong.

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<sup>167</sup> FRONTEX, *Technical and Operational Strategy ...*, *op. cit.*, pp. 8-87 and J. WAGNER, *op. cit.*, pp. 229-242.

<sup>168</sup> R. HARRISON, *op. cit.*, p. 131 ff.

Before rounding off, recommendations for future research are offered in order to gain new insights. Further research is needed into assessing the cost-effectiveness of the TO EIBM with regard to Greek sea borders. Another promising avenue for future studies would be to apply different strategic theories and models from those employed here to the same national security challenge.

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#### *Competing Interests*

The authors have no competing interests to declare.

