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The securitization of the Eastern borders of the European Union. Walls or bridges?

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Introduction

Modern politics is a security project in the widest possible—ontological—sense of the term.¹ The emergence and evolution of an area of freedom, security and justice in the EU was stricken with the prospect for enlargement, a vision of the European Union reaching ‘Wild East’ and inevitable complications coming from that perspective.

The eastward enlargement of the European Union indeed widened the territorial dimension of the process of European integration. The enlargements in May 2004 and January 2007 marked a geopolitical shift in post-1989 Europe.² In its result, the Russian Federation, Belarus, Moldova and Ukraine and also Serbia, Croatia and Turkey became the new EU neighbours. This meant that the enlargement brought the Union much closer to the ‘troubled areas’ in the East and the South-East of Europe. The post-Soviet area, the Balkans and the Mediterranean region traditionally have generated challenges and threats of instability, ideological radicalism, ethnic and religious violence, transnational organized crime and – last but not least – human trafficking and illegal migration. The external frontiers of the European Union once again returned to the center of political debate stimulated by the rising uncertainty in the aftermath of the 2004 and 2005 terrorist attacks on two European capitals: Madrid and London and by growing illegal and irregular immigration to EU Member States along with its varied consequences and uncertain outcomes.

¹ M. Dillon, *Politics of security. Towards a political philosophy of continental thought*, London and New York: Routledge, 1996, p. 14.

² See A. Favell, The New Face of East-West Migration in Europe, *Journal of Ethnic and Migration Studies*, 2008, 34 (5), p. 701.

As a sort of response and reaction to rapid proliferation of transnational threats, greater human mobility and global interlinks, the European Union put a growing emphasis on securitization of its external borders and on shaping its external environment through cooperation and partnership. Externalization of EU justice and home affairs – often identified with “schengenization” - was the result of extending EU internal security governance beyond the member states in search of greater stability, predictability of the external environment and security. The external dimension of internal security policy of the EU has addressed certain security dilemmas provoked by globalization effects (high mobility of persons and goods, large-scale migratory flows, mass communication devices), consequences of EU enlargement (territorial shift, migratory pressure, “porosity” of borders) and growing sophistication of transnational criminal organizations (networking, high-tech criminal devices, illicit fund raising). It also aimed, through cooperation projects and programmes, to engage third countries in certain initiatives and actions easing pressures on EU external borders, reducing proliferation of criminal activities and increasing effectiveness of antiterrorist strategies.

The politics of securitization of EU eastern borders is therefore a dual phenomenon. It seeks to strengthen effective border management and control and secure borderlands. It is also intended at developing good neighborhood cooperation with the third countries like the Russian Federation, Ukraine or Turkey. Such legal provisions and political decisions as visa facilitation agreements, local border traffic and Eastern Partnership or Mediterranean dialogue reflect that somewhat perplexed attitude of the Union towards its Eastern and Southern neighbors. Hence securitization consists in intermingling an inclusionary approach of “building the bridges” with an exclusionary approach of erecting and strengthening walls.

The basic questions examined in the paper is: How to reconcile the functioning of inward-looking, state-centric, exclusionary model of EU security governance with the necessity to develop multi-level, inclusionary, cooperative framework for diffusion of security patterns and reinforcement of policy transfers outside the EU? Does security diffusion in the context of EU security governance stimulate cooperation with external partners or it is seen as a form of pressure and mechanism of conditionality? Does the unfolding process of safeguarding the European Union bring about new divisions across Europe?

Securitization – a concept applied to borders

For quite a long time securitization has been present as a substantial and well-visible concept within the area of contemporary security studies. Its constructivist provenience did not preclude a further use, sometimes perhaps too large and

overestimated, in studying such varied issues as migration³, asylum⁴, border management, minority rights⁵, human trafficking⁶, but also WMD proliferation⁷, critical infrastructure⁸, cyberspace⁹, pandemic diseases¹⁰ or environmental challenges.¹¹

Born in Copenhagen¹², the concept of securitization significantly widened agenda for security studies, being influential in the development of constructivism in the discipline of International Relations, yet at the same the Copenhagen School's securitization theory limited the security agenda to securitization issues as "existential threats".¹³ Its concept of securitization stems from the supposition that security is a speech act, it does matter when the issue is presented as "an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure".¹⁴

In a synthetic formulation by McDonald, "securitization can be defined as the positioning through speech acts (usually by a political leader) of a particular issue as a threat to survival, which in turn (with the consent of the relevant constituency) enables emergency measures and the suspension of 'normal politics' in dealing with

³ See J. Huysmans, Migrants as a Security Problems: Dangers of "Securitizing" Societal Issues, in: R. Miles and D. Thranhardt (eds.), *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, London: Pinter: 1995, pp. 53-72; D. Bigo, Security and Immigration: Toward a Critique of the Governmentality of Unease, *Alternatives*, 2002, 27 (1), pp. 63-92; R. van Munster, *Securitizing Immigration. The Politics of Risk in the EU*, Houndmills and New York: Palgrave Macmillan, 2009.

⁴ D. McMaster, Asylum Seekers and the Insecurity of a Nation, *Australian Journal of International Affairs*, 2002, 56(2), pp. 279-90.

⁵ P. Roe, Securitization and Minority Rights: Conditions of Desecuritization, *Security Dialogue*, 2004, 35 (3), pp. 279-94; G. Sasse, Securitization or Securing Rights? Exploring the Conceptual Foundations of Policies towards Minorities and Migrants in Europe, *Journal of Common Market Studies*, 2005, 43 (4), pp. 673-93.

⁶ See C. Aradau, *Rethinking Trafficking in Women. Politics Out of Security*, Houndmills and New York: Palgrave Macmillan, 2007

⁷ B. Sundelius, J. Grönvall, Strategic Dilemmas of Biosecurity in the European Union, *Biosecurity and Bioterrorism*, 2004, 2 (1), pp. 17-23.

⁸ A. Boin, M. Rhinard, Managing Transboundary Crises: What Role for the European Union? *International Studies Review*, 2008, 10 (1), pp. 1-26.

⁹ L. Hansen, H. Nissenbaum, Digital Disaster, Cyber Security, and the Copenhagen School, *International Studies Quarterly*, 2009, 53 (4), pp. 1155-1175

¹⁰ S. Elbe, Should HIV/AIDS Be Securitized? The Ethical Dilemmas of Linking HIV/AIDS and Security, *International Studies Quarterly*, 2006, 50 (1), pp. 119-44.

¹¹ S. Dalby, *Environmental Security*. Minneapolis, MN: University of Minnesota Press, 2002.

¹² The so-called Copenhagen school, associated with a group of scholars at the Copenhagen Peace Research Institute (COPRI), worked out the formula of securitization in the 1990s. See O.F. Knudsen, Post-Copenhagen Security Studies: Desecuritizing Securitization, *Security Dialogue*, 2001, 32 (3), pp. 357-361.

¹³ M.C. Williams, Words, Images, Enemies: Securitization and International Politics, *International Studies Quarterly*, 2003, 47 (4), pp. 513-514; C. Aradau, Security and the democratic scene: desecuritization and emancipation, *Journal of International Relations and Development*, 2004, 7 (4), pp. 388-391.

¹⁴ O. Waever, European Security Identities, *Journal of Common Market Studies*, 1996, 34 (1), pp. 106-107; B. Buzan, O. Waever, J. de Wilde, *Security. A New Framework for Analysis*, Boulder and London: Lynne Rienner, 1998, p. 24.

that issue”.¹⁵ The concept of securitization in its original Copenhagen meaning was referred to reflexive construction of politics as a public arena where interactions between state and society are predetermined by the issue of security.¹⁶ However, securitization should not be solely identified with the behaviour of political communities in search of feasible formulas of security. In another analytical perspective, securitization is a property of political systems and an outcome of relations of power and legitimacy within a legal-institutional framework of bureaucratic organizational structures.¹⁷

Huysmans, putting the concept of securitization into the Schmittean tradition of political realism, conceives it as “a technique of government which retrieves the ordering force of the fear of violent death by a mythical replay of the variations of the Hobbesian state of nature. It manufactures a sudden rupture in the routinized, everyday life by fabricating an existential threat which provokes experiences of the real possibility of violent death”.¹⁸ He pointed out that securitization was first of all “a political technique with a capacity to integrate a society politically by staging a credible existential threat in the form of an enemy”.¹⁹

Yet political techniques change over time and space, so another angle at securitization, offered by Thierry Balzacq, puts the construction of security problem into a historical context making it depend on philosophical, cultural, societal and – obviously – linguistic prerequisites. Balzacq maintains that “every securitization is a historical process that occurs between an antecedent influential set of events and their impact on interactions; this involves concurrent acts carrying reinforcing or aversive consequences for securitization”.²⁰ In the context of existing discourses embedded in political and social interactions, securitization responds to revealed parameters of insecurity evidencing risks and uncertainties incoming or present in the public sphere, or – in Stritzel’s word – derived from intersubjectivity of actor and audience in the process of ‘speaking’ security²¹.

Waever was the first to apply a dialectic approach to security and insecurity. He wrote that “security and insecurity do not constitute a binary opposition. ‘Security’

¹⁵ M. McDonald, Securitization and the Construction of Security, *European Journal of International Relations*, 2008, 14 (4), p. 567.

¹⁶ See R. Taureck, Securitization theory and securitization studies, *Journal of International Relations and Development*, 2006, 9 (1), pp. 54-55.

¹⁷ See J. Vaughn, The Unlikely Securitizer: Humanitarian Organizations and the Securitization of Indistinctiveness, *Security Dialogue*, 2009, 40 (3), pp. 265-267.

¹⁸ J. Huysmans, The Question of the Limit: Desecuritization and the Aesthetics of Horror in Political Realism, *Millennium*, 1998, 27 (3), p. 571.

¹⁹ *Ibid.*, p. 577.

²⁰ Th. Balzacq, The Three Faces of Securitization: Political Agency, Audience and Context, *European Journal of International Relations*, 2005, 11(2), p. 193.

²¹ See H. Stritzel, Towards a Theory of Securitization: Copenhagen and Beyond, *European Journal of International Relations*, 2007, 13 (3), pp. 362-363. Also M.B. Salter, Securitization and desecuritization: a dramaturgical analysis of the Canadian Air Transport Security Authority, *Journal of International Relations and Development*, 2008, 11 (4), pp. 326-327.

signifies a situation marked by the presence of a security problem and some measure taken in response. Insecurity is a situation with a security problem and no response".²² Bigo followed the suit claiming that "security, and in particular internal security, must be understood as a process of securitisation/insecuritisation of the borders, of the identities and of the conception of orders. Securitisation is, in this sense, not an answer to insecuritisation, but a capacity to manage (and create) insecurity".²³

One can analyze securitization from two perspectives:

- 1) theoretical (securitization as a concept in the field of security studies)
- 2) practical (securitization as a policy device).²⁴

For the purposes of the present paper the second perspective is adopted, focusing on practical effects of securitization policies formulated and executed by the EU's institutions and EU Member States. Thierry Balzacq in his important contribution to the development of securitization theory shifted the focus of reflection and analysis toward 'empirical referents of policy' meaning tools and instruments used to meet security problems.²⁵ Such an approach is not only consistent with the broadening of security agenda, both in theoretical/reflexive and practical/political terms, yet moreover it allows for taking securitization as a "living", "real-time" process of dynamic interactions between actors and audiences seeking to accommodate policy tools, securitizing practices, threat images and public discourses in order to elaborate functional solutions and introduce structural settings for public choices in a contested policy area.

Another important caveat for the present paper refers to the subject of analysis. Buzan and Waever already were vacillating between state-centred and societal approaches to securitization.²⁶ As Waever underlined, although security is influenced by dynamics at the level of individuals, as a concept security refers to the state and its activities on international and global arenas.²⁷ Having a closer look at borders, one cannot accept the state-centric approach as the prevalent orientation in securitization

²² O. Waever, *Securitization and Desecuritization*, in: R. Lipschutz (ed.), *On Security*, New York: Columbia University Press, 1995, p. 56.

²³ D. Bigo, *When two become one. Internal and external securitisations in Europe*, in: M. Kelstrup, M.C. Williams (eds.), *International Relations Theory and the Politics of European Integration. Power, security and community*, London-New York: Routledge, 2000, pp. 173-74.

²⁴ I borrow this approach from den Boer and de Wilde. See M. den Boer and J. de Wilde, *Top-Down and Bottom-Up Approaches to Human Security*, in: M. den Boer and J. de Wilde (eds.), *The Viability of Human Security*, Amsterdam: Amsterdam University Press, 2008, p. 11. See also R. Floyd, *Human Security and the Copenhagen School's Securitization Approach: Conceptualizing Human Security as a Securitizing Move*, *Human Security Journal*, 2007, 5, p. 38.

²⁵ Th. Balzacq, *The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies*, *Journal of Common Market Studies*, 2008, 46 (1), pp. 76-77.

²⁶ See remarks by B. McSweeney, *Identity and Security: Buzan and the Copenhagen School*, *Review of International Studies*, 1996, 22 (1), pp. 81-93. Also the resulting polemics: B. Buzan, O. Waever, *Slippery? Contradictory? Sociologically Untenable? The Copenhagen School Replies*, *Review of International Studies*, 1997, 23 (2), pp. 241-250; B. McSweeney, *Durkheim and the Copenhagen School: a response to Buzan and Waever*, *Review of International Studies*, 1998, 24 (1), pp. 137-140.

²⁷ O. Waever, *op.cit.*, p. 49.

theory. The societal dimension is equally important due to the fact that the audience may be willing to legitimize securitizing instruments and techniques applied by the state actors only when providing an adequate remedy for imagined, perceived or even experienced threats and uncertainties. This general observation refers particularly to border politics since borders and frontiers constitute areas where integrative aspects of mobility of persons and goods are strictly interlinked with practices, techniques and rules of control and surveillance. Didier Bigo put it rightly: “By reinforcing surveillance over a specific group, the state has been able to consolidate its hold over territory and guarantee the security of other strata of the population, but at the same moment securitisation has created insecurity, fears and the myth that the full implementation of public order, of tranquility, of the peace of the public space is always endangered by revolts, or even by hunger strikes of the people excluded or under surveillance”.²⁸

In a global perspective, borders along with identities and orders interplay in different types of societies and polities.²⁹ Borders have been regulatory institutions, playing for a long time an important role in managing security issues, underpinning institutional and decision-making structures.³⁰ As acknowledged by Anderson and O’Dowd, borders “are at once gateways and barriers to the ‘outside world’, protective and imprisoning, areas of opportunity and/or insecurity, zones of contact and/or conflict, of co-operation and/or competition, of ambivalent identities and/or the aggressive assertion of difference. These apparent dichotomies may alternate with time and place, but - more interestingly - they can co-exist simultaneously in the same people some of whom have to regularly deal not with one state but two”.³¹ Such perspective is based on an unorthodox approach to border management as a selective securitization combined with projections of inclusionary and exclusionary techniques.³² Foucher highlights this feature in the following words: “On the one hand, frontier functions are disintegrating in a spatial sense. On the other hand, in certain respects, the entire national territory is now being treated as an expanded frontier”.³³ Indeed, the Schengen innovation consisted in the introduction of free movement of persons, without any checks at internal borders, at the price of strengthened and detailed control at external border crossing points but also eventual stoppings within the Schengen area by mobile patrols connected to the Schengen Information System

²⁸ D. Bigo, *op.cit.*, pp. 179-80.

²⁹ M.O. Heisler, *Now and Then, Here and There: Migration and the Transformation of Identities, Borders, and Orders*, in: M. Albert, D. Jacobson and Y. Lapid (eds.), *Identities, Borders, Orders. Rethinking International Relations Theory*, University of Minnesota Press, Minneapolis and London 2001, pp. 226-227.

³⁰ A. Hills, *The Rationalities of European Border Security*, *European Security*, 2006, 15 (1), pp. 67-69.

³¹ J. Anderson, L. O’Dowd, *Borders, Border Regions and Territoriality: Contradictory Meanings, Changing Significance*, *Regional Studies*, 1999, 33 (7), pp. 595-596.

³² A. Baldaccini, *Counter-Terrorism and the EU Strategy for Border Security: Framing Suspects with Biometric Documents and Databases*, *European Journal of Migration and Law*, 2008, 10 (1), pp. 32-36.

³³ M. Foucher, *The geopolitics of European frontiers*, in: M. Anderson, E. Bort (eds.), *The Frontiers of Europe*, London and Washington: Pinter, 1998, p. 238.

databases. This process led to transporting the actual borders beyond the borderline.³⁴ This arrangement sheds a specific light on the meaning and functions of borderlands as areas located near frontiers encompassing the existence of people, languages, religion and knowledge on both sides through division and articulation of spatial units. Regardless of the question of a permeability of borders in the Westphalian context,³⁵ the institution of a frontier, and the subsequent creation of a borderland, are sociological facts that take a spatial form.

Borderlands deserve special attention because the boundary line between states often corresponds to various interactions between population inhabiting given border area: conflict and cooperation, friendships and antagonisms, heterogeneity and sense of community, ethnic grievances and intercultural dialogue, grey zones and institutional cross-border collaboration. As Acuto underlines, “what is commonly defined as ‘border’ is in fact a complex of various elements that go beyond the mere political lines between states. In this respect, the physical frontiers (made of walls, barbed wires, roadblocks etc.), the social boundaries and the geographical extension of borderlands are also necessary elements that define these complex areas. Hence, regions and districts adjacent to the frontiers acquire several meanings that, in times of conflict, are particularly enhanced”.³⁶

Following 9/11, public policies and state interests implied the escalation of immigration and border controls, stricter visa policies and extended policing in the border areas.³⁷ As Huysmans put it, “Increasing border control for the purpose of making it more difficult for immigrants and refugees to enter a country is a strategy of sustaining distance between a society and dangerous external environment”.³⁸ Securitization of borders may also be associated with the concept of domopolitics implying ‘a reconfiguring of the relations between citizenship, state, and territory’.³⁹ Certainly, domopolitics should not be reduced to territorially limited enclave. Walters points out that his concept ‘is not reducible to the Fortress impulse of building walls, strengthening the locks, updating the alarm system. [...] Once domopolitics extends its reach, once it begins to take the region or even the globe as its strategic field of intervention, then the homeland becomes the home front, one amongst many sites in a multifaceted struggle.’⁴⁰

Securitization of borders reflects a theoretical dual-use approach consisting in the recombination of the psychology of fear with political technology of domestication

³⁴ E. Balibar, Europe as borderland, *Environment and Planning D: Society and Space*, 2009, 27(2), p. 206.

³⁵ M.O. Heisler, *op.cit.*, p. 232.

³⁶ M. Acuto, Edges of the Conflict: A Three-Fold Conceptualization of National Borders, *Borderlands e-Journal*, 2008, 7 (1), http://www.borderlands.net.au/vol7no1_2008/acuto_edges.htm.

³⁷ A. Ceyhan and A. Tsoukala, The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies, *Alternatives*, 2002, 27 (special issue), p. 22.

³⁸ J. Huysmans, *The Politics of Insecurity. Fear, migration and asylum in the EU*. London and New York: Routledge, 2006, p. 55.

³⁹ W. Walters, Secure Borders, Safe Haven, Domopolitics, *Citizenship Studies*, 2004, 8 (3), p. 241.

⁴⁰ *Ibid.*, p. 242.

of threats. Domopolitical reconfiguration of borderlands along inclusionary/exclusionary patterns and techniques stems from the rising uncertainty of the state authorities on central and local levels as to feasibility and effectiveness of the model of security governance. In a synthetic approach to the concept of securitization a “mere” securitization displays three features (being each of them mirrored in the composition of a securitized situation): (1) existential threats, (2) emergency action and (3) effects on interunit relations by breaking free of rules.⁴¹ Border politics is permeated by these features in a direct and systemic way constituting therefore security issues in the realm of imaginary and practice.

Management of EU External Borders

The border management system is the key control mechanism for securing the territory of EU Member States against threats and risks coming from its neighborhood and farther countries and regions. Effective border management combines both exclusionary and inclusionary approaches, i.e. facilitation of border crossing and control over frontiers as two equally important objectives.⁴² According to the European Commission, “the concept of an integrated border management involves combining control mechanisms and the use of tools based on the flows of persons towards and into the EU. It involves measures taken at the consulates of Member States in third countries, measures in cooperation with neighbouring third countries, measures at the border itself, and measures taken within the Schengen area”.⁴³

Integrated border management also refers to various forms and modes of cooperation, both in local/national and international/cross-border dimensions. It is especially important in case of EU eastern and southern borders, where the borderland area has its unique features due to historical, ethnic, demographic, economic, geopolitical and cultural determinants. Alice Hills, referring to the Balkans, points out that the border management usually refers to a variety of security-related resources which are brought together for the purposes of border security at major border crossings, sometimes is applied to agreements between neighbouring countries aiming to boost levels of cooperation and coordination, considered in general and flexible terms yet deemed necessary for effective and coherent border management.⁴⁴

⁴¹ B. Buzan, O. Waever, J. de Wilde, *op.cit.*, pp. 23-26. See also K. Grayson, Securitization and the Boomerang Debate: A Rejoinder to Liotta and Smith-Windsor, *Security Dialogue*, 2003, 34 (3), pp. 338-339.

⁴² M. Berezin, Introduction / Territory, Emotion, and Identity: Spatial Recalibration in a New Europe, in: M. Berezin, M. Schain (eds.), *Europe without Borders. Remapping Territory, Citizenship, and Identity in a Transnational Age*, Baltimore and London: The Johns Hopkins University Press, 2003, pp. 14-18.

⁴³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Preparing the next steps in border management in the European Union. COM(2008) 69 final, 13 February 2008, p. 3.

⁴⁴ A. Hills, Border Security in the Balkans: Europe’s Gatekeepers, *Adelphi Papers*, 2004, 44 (371), p. 32.

The Member States laid in the Maastricht treaty on The European Union legal and institutional grounds for EU cooperation in managing internal security through intergovernmental consultations regarding the movement of persons and concomitant flanking measures in the fields of border control, police and judicial cooperation. In 1995 seven of the EU Member States, parties to the 1990 Schengen Convention on the gradual abolition of checks at their common borders, allowed for a free movement of their citizens and legal third-country nationals across their territories. The emergence and subsequent extension of the so-called Schengen area⁴⁵ resulted in the transformation of external borders into dense networks of surveillance and control taking advantage of new advanced technologies of personal identity management, early warning and threat prevention regarding cross-border human and material flows. Due to the emergence of the Schengen area, EU politics of internal security was reconfigured in the Amsterdam Treaty. An area of freedom, security and justice was constituted and the Schengen acquis was incorporated into the legal framework of the Union. The provisions of the Amsterdam Treaty linking one of the principal objectives of integration within the EU, that of the free movement of persons, with the Schengen formula of securitizing external borders, led in fact to 'schengenization' of EU internal security policy.

The Schengen system was based on the 'triple securitization' of (1) threats, (2) identities and (3) territories/borders. It banned any third-country national from gaining access to the Schengen area when presenting a threat to public policy, national security or the international relations of any of the parties of the convention. It introduced multistage mechanism of management of identity of 'aliens' consisting of visa procedures, obligatory checks at external borders and optional mobile control within the Schengen area, a centralized electronic information network: the Schengen Information System. Finally, it introduced and executed high standards of control at external border checkpoints intertwined with high-tech monitoring and surveillance system along external borderlines including mobile patrols using noctovisors, perimetric control, biometric identification and – in case of certain states – UAV airborne surveillance.⁴⁶

Gradual widening of the Schengen area, abolition of controls at internal borders and reinforcement of flanking measures, especially at external borders, allowed to set

⁴⁵ Today, 25 countries adopted the Schengen *acquis* and their territories were inserted into the Schengen area. Another four are planned to join the area in the near future. It is worth to remind that the Schengen area includes the territories of non-EU countries: Iceland, Norway and Switzerland while five of the EU Member States stay outside. Two of them: the United Kingdom and Ireland are associated with the Schengen *acquis* on the opt-out/opt-in basis. Bulgaria, Romania and Cyprus, "new" EU Member States, have to either comply with organizational/technical requirements (expected to be done by Bulgaria and Romania in 2011) or resolve the highly complicated problem of political and territorial divisions (Cyprus).

⁴⁶ A. Faure Atger, *The Abolition of Internal Border Checks in an Enlarged Schengen Area: Freedom of movement or a scattered web of security checks?*, Challenge Liberty & Security, Research Paper No. 8, Brussels, March 2008, pp. 10-12.

up a comprehensive and relatively efficient system of internal security governance. However, EU Member States were hesitant about shifting national competences of protecting, monitoring and controlling their frontiers, being EU external borders, towards supranational level. Even in the exceptional period following 9/11 events that attitude did not change indeed. Some tentative proposals of establishing a European border guard were decisively cut down by the majority of EU Member States. However, in the aftermath of terrorist attacks on the United States and the Madrid train bombings, followed by the 2005 London terror attacks, governments of EU Member States and EU institutions and agencies undertook numerous plans, actions and initiatives seeking to securitize population, infrastructure and resources. In many regions borders were transformed into security policy areas where high-tech tools, professional management skills and extensive normative systems were strictly applied.

Regardless of differences among EU Member States with respect to border management, refugee protection standards and immigration policies, a consensus was born in 2004 as to setting up a border agency with a view to improving the management of the external borders of EU Member States.⁴⁷ Hence, Frontex - the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established by Council Regulation of 26 October 2004. Based in Warsaw, the agency became fully operational in October 2005. Its main tasks include coordination of operational cooperation between Member States in the field of management of external borders; assistance to the Member States on training of border guards; risk analyses and technical expertise in the control and surveillance of external borders; support for the Member States in circumstances requiring technical and operational assistance at external borders; assistance to the Member States in organizing joint return operations; information exchange and cooperation with appropriate EU agencies and international organizations.⁴⁸ The European Council in Brussels on 29 and 30 October 2009 called for the enhancement of Frontex and progress in its development on the basis of the preparation of common operational procedures for joint operations at sea, increased operational cooperation between Frontex and countries of origin and transit of illegal migrants, responsibility for organizing and carrying out joint return flights.⁴⁹

The 2007 Lisbon Treaty confirmed the cardinal objective of the Union in the area of freedom, security and justice: “the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum,

⁴⁷ D. Romestant, *La création d'une Agence européenne pour la gestion de la coopération opérationnelle aux frontières extérieures des Etats membres: une contribution à la sécurisation de l'espace commun. ERA Forum*, 2005, 6 (2), pp. 282-292.

⁴⁸ A.W. Neal, *Securitization and Risk at the EU Border: The Origins of FRONTEX*, *Journal of Common Market Studies*, 2009, 47 (2), pp. 343-346.

⁴⁹ Brussels European Council 29/30 October 2009. Presidency Conclusions, doc.15265/1/09 REV 1, 1 December 2009.

immigration and the prevention and combating of crime”.⁵⁰ Freedom of movement and rules of border crossing were still subject to flanking securitization measures established on EU external borders. The Union should develop policies allowing for an effective checking on persons and monitoring external borders in the framework of an integrated management system for external borders.⁵¹

Several days after the Lisbon Treaty had entered into force, on 5-6 December 2009 the European Council adopted *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*.⁵² This multiannual programme of developing and enhancing the area of freedom, security and justice contained numerous and lengthy references to migration policy, common European asylum system and management of the external borders. Section dedicated to external borders contained some elements typical for securitization approach. The European Council acknowledged that migratory pressures, particularly at the Southern and Eastern borders, required from the Member States as well as EU institutions and agencies the adoption of a firm stance that should consist in preventing, controlling and combating illegal migration. The EU should maintain a high level of security and - due to that - take effective and adequate measures to counteract illegal immigration and cross-border crime and strengthen border controls. For that purpose EU agencies, especially Frontex, should be reinforced and endowed with new capacities to carry out new tasks and reach new goals related to effective management of migration flows and external borders.

The Stockholm Programme recalled the proposal put in the 2004 Hague Programme of establishing a European system of border guards and making Frontex a central element of that system although the structure of this agency should be decentralized through establishing regional and/or specialized offices, particularly for the land border to the East and the sea border to the South.

The overall aim to strengthen border security around the EU/Schengen area, was decisively linked to modern technologies and IT systems. An automated border control was increasingly identified with electronic surveillance, biometric identifiers and data exchange systems. The Stockholm Programme was unambiguously enthusiastic about high-tech border management tools declaring that “technology can play a key role in improving and reinforcing the system of external border controls”.⁵³ The European Council declared unwavering support for the European Border Surveillance System (Eurosir) in the Southern and Eastern borders. It also called for further cooperation between the Member States and Frontex in the field of automated

⁵⁰ Article 3.2 of the Treaty of European Union (TEU), in: Consolidated Version of the Treaty on the European Union, *Official Journal of the European Union*, C 83, 30 March 2010, p. 17.

⁵¹ Article 77 of the Treaty on the Functioning of the European Union, in: Consolidated Version of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, C 83, 30 March 2010, p. 76.

⁵² The Stockholm Programme – An open and secure Europe serving and protecting the citizens, *Official Journal of the European Union*, C 115, 4 May 2010, p. 1.

⁵³ See remarks by Didier Bigo & Julien Jeandesboz, Border Security, Technology and the Stockholm Programme, INEX Policy Brief No. 3, November 2009, <http://www.ceps.eu/ceps/download/2669>.

border control and surveillance data sharing. It highlighted the growing relevance of new technology-driven elements of border management system to be introduced in the near future: data management, administration of large-scale IT systems, construction of new information systems (second-generation Schengen Information System and Visa Information System), introduction of an electronic entry/exit recording system and a fast-track registered traveller programme.⁵⁴ Likewise, in the Internal Security Strategy for the European Union, adopted by the Member States in February 2010, a strong emphasis was put on innovation and technical means of border control: “New technologies play a key role in border management. They may make it easier for citizens to cross quickly at external-border posts through automated systems, advance registration, frequent-traveller schemes, etc. They improve security by allowing for the necessary controls to be put in place so that borders are not crossed by people or goods which pose a risk to the Union”.⁵⁵

The Stockholm Programme built upon earlier proposals put forward by the Commission and launched by several Member States eager to strengthen border control mechanisms and apply new solutions to the would-be integrated border management system. The central element of that project was the ‘border package’ presented by the Commission in February 2008. The institutional architecture of the integrated border management system encompassed the following elements:

- Frontex,
- RABITs (Rapid Border Intervention Teams),
- EUROSUR (European Border Surveillance System),
- Control and surveillance systems (entry/exit, Registered Traveller Programme, electronic travel authorisation, Passenger Name Records),
- Large-scale information systems (Schengen Information System, Visa Information System, Eurodac).

Subject to operational excellence and feasibility of internal structures, EU border management should be workable in the following dimensions:

- border control (checks, detection, monitoring and surveillance) as defined in the Schengen Border Code, including the necessary risk analysis and criminal intelligence investigation of cross-border crime,
- a four-tier access control model (measures in third countries, cooperation with neighbouring countries, control measures within the area of free movement),
- cooperation between the authorities in the field of border management at the national and international level (border guards, customs and police authorities, security services and other relevant authorities),

⁵⁴ The Stockholm Programme – An open and secure Europe serving and protecting the citizens, *Official Journal of the European Union*, C 115, 4 May 2010, p. 27.

⁵⁵ Council of the European Union, Draft Internal Security Strategy for the European Union: "Towards a European Security Model", doc. 5842/2/10 REV 2, Brussels, 23 February 2010, p. 15.

- coordination and coherence of action taken by the Member States along with institutions and agencies of the European Union.

The above-described elements of EU integrated border management system show clearly the directions of rapid evolution and development of EU internal security policy in its territorial/physical dimension. Some scholars claim that “border control has reached a new stage with the attempt to put control under European sovereignty through the European border control agency ‘Frontex’”.⁵⁶ The stress on physical identification of persons crossing the external borders or residing on the territory of Member States, the technologically biased management of identity of third-country nationals, and – last but not least – high-tech systems of border surveillance, perimeter control, automated targeting and risk-profiling⁵⁷ reflect the commitment to securitization of migrations and reinforcement of the external borders through technical means of identity management.

Securitization of the eastern borders of the EU has two facets:

- inclusionary, which consists in facilitating access to the territory of EU Member States via more open visa policy, better border infrastructure, more professional staff in the border crossing points, operational coordination and information exchange with foreign partners, special treatment of certain categories of third-country citizens (visa facilitation policy, local border traffic);
- exclusionary, encompassing various roles performed by border guards, like checks on border crossing points, monitoring of borders, prevention and countering cross-border organized crime, illegal migration, use of forged or false documents.

Moreover, this aspect of border management includes the so-called “filter effect”⁵⁸: early warning, remote control, electronic surveillance, virtual fencing, all the technologies designed for preventing illegal entry and trafficking in persons and goods and keeping any viable or potential threats out of the EU’s external borders, closed in their sources and places of origin. In the following chapters of the paper both aspects of border securitization will be elaborated.

Exclusionary securitization – erecting walls

Securitization policy often consists in identifying threats and risks and labeling it a security problem or dilemma requiring application of certain political, organizational and technical solutions in order to “maintain stability” or “protect public sphere”. Rijpma and Cremona described this approach as “extra-territorialization” conceived of

⁵⁶ S. Buckel, J. Wissel, State Project Europe: The Transformation of the European Border Regime and the Production of Bare Life, *International Political Sociology*, 2010, 4 (1), p. 41.

⁵⁷ B. Hayes, *NeoConOpticon. The EU Security-Industrial Complex*, Amsterdam: Transnational Institute with Statewatch, 2009, p. 34; A. Mattelart, *La globalisation de la surveillance. Aux origines de l'ordre sécuritaire*, Paris: La Découverte, 2007, pp. 197-209.

⁵⁸ A. Hills, op.cit., p. 15.

as “the means by which the EU attempts to push back the EU’s external borders or rather to police them at distance in order to control unwanted migration flows”.⁵⁹ In this chapter three examples of securitization practices at EU external borders will be presented and explained. The first one refers to technical means of differentiation of persons crossing borders; the second goes to criminal threats and the last one takes up the issue of migratory pressures on external borders.

EU border management is to a significant degree, at least in its ‘negative’ aspect of preventing illegal entry to the EU and expelling irregular migrants from the EU, a sheer example of mechanisms of selective differentiation driven by the logic of insecurity. Physical differentiation, taking the form of visa policy, passport controls, separate lanes in border crossing points and remote digital screening, is the dominant feature of what Hooper defined as borderwork.⁶⁰ It is driven by the performance of specific power relations seeking to produce and reproduce a bounded identity. Borderwork thus depends largely on technical tools and their practical usefulness subject to technological advancement and quality of performance. In this respect biometrics emerged as a high-tech practical solution to the growing problem of management of identity of persons incoming to the EU. Biometrics is the automated use of physiological, biological and behavioral features to authenticate people on the basis of pattern recognition systems and know their identity with certainty.⁶¹ Applied to asylum, immigration, visa and border control policies of the EU, biometric identification and authentication of foreigners became a powerful method of securitization.

The European Union embarked on application of biometric solutions to already in the 1990s working out legal arrangements and building up political consensus among the Member States as to the use of fingerprint techniques to support the development of common asylum policy.⁶² As a result, Eurodac was set up on the basis of Council regulation of 11 December 2000⁶³ (EC 2000) as a technical tool allowing for an effective application of the 1990 Dublin asylum convention (later replaced by

⁵⁹ J. Rijpma, M. Cremona, *The Extra-Territorialisation of EU Migration Policies and the Rule of Law*, EUI Working Paper Law No. 2007/01, p. 10.

⁶⁰ B. Hooper, *Ontologizing the borders of Europe*, in: O. Kramsch, B. Hooper (eds.), *Cross-Border Governance in the European Union*, London and New York: Routledge, 2004, p. 218; N. Vaughan-Williams, *Borderwork beyond Inside/Outside? Frontex, the Citizen-Detective and the War on Terror*, *Space and Polity*, 2008, 12 (1), pp. 63–79.

⁶¹ J. Ashbourn, *Practical Biometrics: From Aspiration to Implementation*, Berlin: Springer Verlag, 2004, p. 1; A. Ceyhan, *Technologization of Security: Management of Uncertainty and Risk in the Age of Biometrics*, *Surveillance & Society*, 2008, 5 (2), p. 113; D. Day, *Biometric Applications, Overview*, in: S.Z. Li, A.K. Jain (eds.), *Encyclopedia of Biometrics*, New York: Springer Science+Business Media, 2009, pp. 76–79.

⁶² A. Liberatore, *Balancing Security and Democracy, and the Role of Expertise: Biometrics Politics in the European Union*, *European Journal of Criminal Policy Research*, 2007, 13 (1-2), p. 115.

⁶³ Council Regulation 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, *Official Journal of the European Communities*, L 316, 15 December 2000, p. 1.

Dublin II regulation of 2003). Its objective was to store and automatically compare fingerprints of asylum applicants over the age of 14 and illegal immigrants for the purpose of determining a Member State responsible for examining asylum applications.

Following the events of 11 September 2001, one could notice growing commitment to biometrics as a technology of risk management and threat prevention. In June 2003 the European Council invited the Commission to prepare proposals for a coherent approach in the EU on biometric applications allowing “harmonized solutions” for documents for third country nationals, EU citizens’ passport and information systems. In September 2003, the European Commission produced two draft regulations providing for the introduction of fingerprints and digitized photographs into visas and residence permits for third country nationals. In February 2004, under pressure from the United States, the Commission proposed to introduce biometrics in passports of EU citizens. Member States began issuing biometric passports containing the digitized facial image of the holder since August 2006, and the holder's fingerprints since June 2009. The full introduction of biometric passports should be completed by 2016 for one biometric identifier and by 2019 for two identifiers (both digitized photo and fingerprints). The biometric traits would be used in the planned Visa Information System (VIS) and in the second-generation Schengen Information System (SIS II) for identification of persons.

The above-mentioned examples of application in the EU security policies of biometric solutions show that border security has more to do with monitoring, surveillance, filtering, protection and law enforcement than traditional defense or guarding. Peter Andreas outlined such a disquieting vision of a near-future security arrangements: “The border fence of the future may include invisible fencing (‘virtual fencing’) [...] and some border patrol duties may be carried out by video-equipped (and potentially armed) unmanned dirigibles and robot dune buggies. And at ports of entry, new biometric technologies, such as retinal scanning, will be increasingly utilized to identify unwanted entrants”.⁶⁴

Security policy making in the European Union is evidently and increasingly dedicated to a large-scale application of technologies, means and solutions combining traditional state-led border guard controls and migration management with advanced projects offered and provided by big industrial companies.

Highlighting threats and risks coming from criminal activities developed by organized criminal groups, gangs and “mafias” originating from the “East” was the traditional element of securitization of EU external borders. The need to introduce strict protection measures, develop and modernize technical and organizational means of control and surveillance was legitimized by preventive and protective role of state

⁶⁴ P. Andreas, Redrawing the Line. Borders and Security in the Twenty-First Century, *International Security*, 2003, 28 (2), p. 92.

authorities (police, gendarmerie, border guards) against dangerous expansive criminal gangs.

In an effort to specify criminal threats to EU security, the European Police Office (Europol) put forward a concept of criminal hub. It was introduced by Europol in its annual report on organized crime in the European Union. The 2007 OCTA (Organized Crime Threat Assessment) report contained the definition of criminal hub as “an entity that is generated by a combination of factors such as proximity to major destination markets, geographic location, infrastructures, criminal group types and migration processes concerning key criminals or OC groups in general. A criminal hub receives flows from a number of sources and spreads their effects in the EU so forging criminal markets and creating opportunities for the growth of criminal groups that are able to profit from these dynamics.”⁶⁵ Criminal hubs, as identified by Europol analysts, may be located both inside the EU, on the territory of the Member States, as well as in the third countries bordering the European Union or situated in close vicinity. Those most dangerous for EU internal security are situated in the border areas, they have a cross-border transnational character and take advantage of well-developed interregional, transnational, institutionalized, transfrontier regulations and arrangements originally established for the benefit of the borderland population and all bona fide travellers.

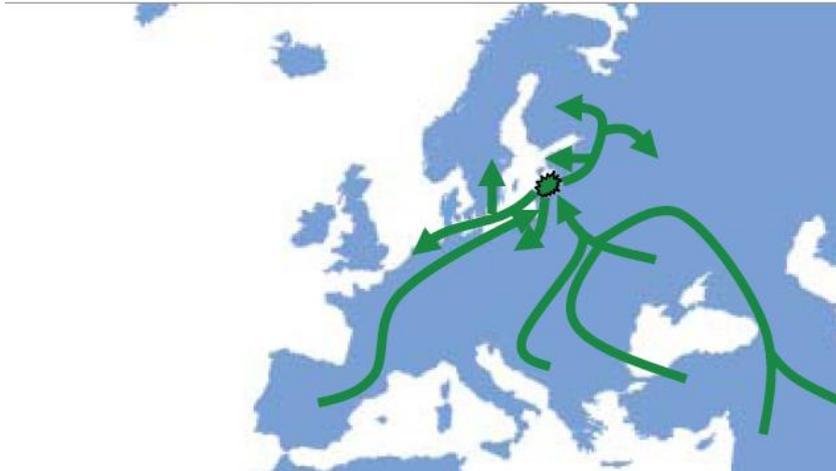
Criminal hubs are supplied by so-called feeders procuring, transporting and delivering items ready for the final distribution throughout the European Union or in certain Member States. The feeders trace, open and maintain main routes of the delivery of goods and commodities to or via criminal hubs. In some cases they work as important organizational and logistical nodes arranging, planning and executing criminal undertakings involving multiple stakeholders of transnational criminal networks originating in the EU as well as outside its borders.

The latest OCTA report, released in 2009, identified five criminal hubs of which two are localized east of the EU's external borders and the third, defined as the Southern criminal hub, also involves the countries along the Eastern borders of the European Union. The most illustrative example of transnational criminal activities threatening internal security and public order in the European Union, underpinning thus securitization of the EU's external borders, is the case of the North East criminal hub localized in and around the Baltic countries. This hub works as a distribution centre in of cannabis and its derivatives, originating from Morocco and transiting through, Spain as well as synthetic drugs and heroin. These commodities are redirected for the local markets in the Western part of the EU and in the Russian Federation. According to the 2009 OCTA, “Lithuanian groups co-operate or deal with Russian and Belarusian as well as certain Estonian, Latvian and Polish OC [Organized Criminal] groups. The latter act as ‘bridging groups’ who procure commodities from or through the Lithuanian OC groups and collaborate in turn with local criminal

⁶⁵ Europol, EU Organized Crime Threat Assessment 2007, The Hague: Europol, June 2007, p. 25.

groups”.⁶⁶ Feeders, originating from Vietnam, the Balkans, West Africa and South America, make use of logistical nexuses provided by Russian criminal organizations and placed in St. Petersburg and Kaliningrad. These two maritime cities provide transit and distribution facilities for such illegal activities as drug trafficking or cigarette and alcohol smuggling.

Map 1. The North East criminal hub.



Source: Europol, OCTA 2009. EU Organized Crime Threat Assessment, The Hague: Europol, 2009, p. 29.

Both, as well as other Russian cities, are involved in money laundering and other illicit financial activities. To quote again OCTA 2009: “The borders between the Russian Federation/the FSU [former Soviet Union] and the EU are an important factor creating certain dynamics essential for the functioning of the North East criminal hub. Russian OC groups are interested in using banks located in the Nordic and Baltic countries for laundering criminal money derived from crime perpetrated in the Russian Federation/the FSU and probably for a less suspicious and low-profile entry into the financial systems in the EU. The high volumes of trade crossing the region create opportunities that both white-collar and organised crime can exploit (smuggling activities, money laundering, VAT fraud, double-invoicing, etc).”⁶⁷

The monitoring of migration flows following the eastward enlargement gives strong evidences against original security threats which had been raised by opponents of the enlargement. The May 2004 enlargement did not in fact shift EU borders given that border controls were still maintained on the frontiers between the “old” and “new” Europe. The 2004 “unfinished” enlargement reflected fears and concerns on the part of the EU-15 – or, in a broader sense, Schengen countries – anxious of possible negative consequences of abolishing control along the borders with the new Member States and enlarging the Schengen area eastward. Even though EU Member States at the time of

⁶⁶ Ibid., p. 30.

⁶⁷ Ibid.

concluding accession negotiations left the Schengen option open for prospective new members, and even promised further financial assistance in the form of “Schengen Facility Fund”, as set in the 2003 Accession Treaty, they kept original strict requirements binding for the “new” Europe and put stronger emphasis on the results of Schengen evaluation missions carried out in candidate countries. Moreover, technical provisions regarding IT infrastructure, secure communication networks and – generally – launching of the new generation of the Schengen Information System (so-called SIS II) were used as a “safety valve” in case of high level of risk in the aftermath of the eastward enlargement.

It turned out, however, that in the first three-year period following the 2004 enlargement actual and potential risks and dangers coming from bordering areas in the East of Europe, covering post-Soviet republics of the Russian Federation, Belarus, Ukraine and Moldova were relatively moderate and did not constitute a formidable and urgent challenge to EU Member States and EC institutions and bodies in charge of security and order. The most troublesome aspects of the enlargement, like growing migratory pressure, large-scale asylum seeking, illegal border crossing and proliferation of organized criminal activities around the European Union resulted much more limited in their scope and scale than expected and forecasted despite the high level of cross-border movement of persons.

Frontex, declared to be the “anchor stone”⁶⁸ of the European concept of integrated border management, has focused its activities on sea borders.⁶⁹ Land borders caused concern mainly in the Balkans traditionally perceived as an area of transit routes for drug smuggling, illegal immigration and trafficking in human beings, as well as the flow of forged and false documents. Concerning the Eastern borders, Frontex noticed considerable decrease in detection figures for the Ukrainian borders with the neighbouring EU Member States although blamed Ukraine for providing main channels for transit of illegal migrants destined to the EU along the East European route.

One of the indicators of migration pressure on external borders of the new Member States was the number of persons apprehended when crossing the state border illegally. In case of Poland, the number of migrants apprehended while attempting to cross the Polish border illegally maintained relatively stable after the 2004 enlargement. In 2004 the figure was 4,472, in 2005 – 3,598, in 2006 – 4,126 and in 2007 – 3,222. In Hungary the numbers of foreigners detained at the national border kept decreasing gradually: 2,144 persons in 2004, 1,950 in 2005, 1,033 in 2006 and 458 in 2007. Slovakia, experiencing the strongest pressure on its borders, especially from Ukraine, also managed to reduce the number of migrants apprehended at the national

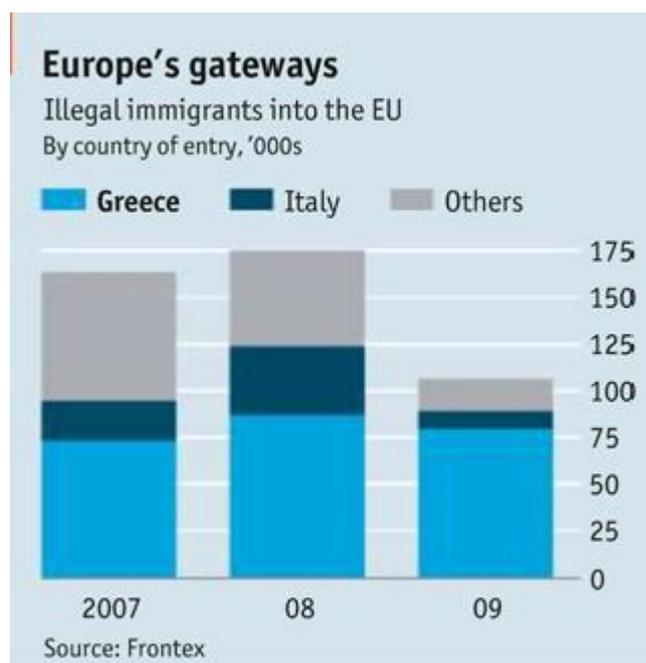
⁶⁸ Council of the EU, Frontex Programme of Work 2010, doc. 6674/10, Brussels, 23 February 2010, p. 13.

⁶⁹ 62 percent of 2010 budget resources for operations were destined for sea borders, while the budget for land borders operations constituted only 9.9 percent and for air borders 6.2 percent. See Council of the EU, Frontex Programme of Work 2010, doc. 6674/10, Brussels, 23 February 2010, p. 8.

border: from 8,334 in 2004 to 5,178 in 2005, 4,129 in 2006 and 3,405 in 2007. The number of irregular migrants detained on the Slovak territory while residing illegally was relatively constant: 2,612 in 2004, 2,871 in 2005, 3,491 in 2006 and 3,356 in 2007.⁷⁰

The statistics as well as the practice of every-day monitoring and control on the eastern borders of the EU have proved that securitizing discourses and precautionary moves preceding the eastern enlargement were mostly grounded on imaginary fears of large-scale insecurity of the European public space and individual safety as a result of massive influx of subvertive and criminal elements. The ‘tightening’ of EU eastern borders, enforced on the candidate countries and strictly monitored by EU officials, both the Commission’s representatives and Schengen evaluation teams, brought about a significant improvement of border management and an evident decline of human trafficking, illegal migration and cross-border organized crime. The ‘center of gravity’ of irregular migration shifted towards southern borders of the EU (see graphics 1) unburdening eastern borderlands of the EU of further securitization projects and undertakings.

Graphics no. 1: Main countries of entry for illegal immigrants



Source: The Economist, 21 August 2010, p. 43

⁷⁰ I. Pribytkova, J. Gromovs, Migration Trends 2004–2006. Söderköping Process Countries; T. Leončikas, K. Žibas, Migration Trends 2006–2008. Söderköping Process Countries, both available at Söderköping Process web page: <http://soderkoping.org.ua/page70.html>.

Inclusionary securitization – bridge building

Securitization as a political technology, or a “technique of government”, may combine two types of attitudes towards risk management and threat prevention: reactive and pro-active. While exclusionary securitization stems from a reactionary, defensive attitude towards the environment, inclusionary approach is based on the assumption that the environment may and should be actively influenced by actors interested in reducing threats and risks far away from borderlines, outside the territory under securitization. Pro-active attitude seeks to address root causes of insecurity, it aims to combine political and financial incentives with pressure on external actors responsible for preventing proliferation of indigenous threats. From the very beginning of cooperation between the EC/EU and East European countries, efforts were made to transfer the EU’s approach to internal security to those countries through soft measures: shared experiences, best practices and policy learning. As Alice Hills wrote, “The external dimension includes financial inducements and preventive measures, such as development assistance, that are designed to promote cooperation and a degree of procedural predictability, and, more importantly, keep problems (such as uncontrolled migrants or refugees) away from the EU’s area of borderless travel. The security burden is either shared or shifted, depending on case specifics”.⁷¹ Inclusionary securitization consists in sharing burdens or at least seeking to reduce asymmetries in dealing with the sources of insecurity.

As in the previous chapter, the present one contains three examples of inclusionary securitization, concerning systemic patterns of transboundary cooperation, a strategic approach to border cooperation through EU programs and the local border traffic regulation.

Transfrontier cooperation between local and regional communities and authorities was one of the original evidences of integrative practices in the post-WWII Europe. Obviously enough, this process took place in the Western part of the continent given that initial attempts at making up cross-border initiatives in the Eastern part were cut down by Stalinist regimes ruling in the Soviet zone of influence. Various forms of transboundary arrangements could be noted among the Benelux countries, in the Nordic area, in the Alpine region, i.e. those regional groupings where the tradition, practices and needs of everyday contacts, communication and exchange was relatively strong and had historic, cultural, linguistic and ethnic roots.⁷² What was rather new, cross-border cooperation was initiated along “difficult” frontiers, especially the FRG border with its western and southern neighbours, Austro-Italian border, Franco-Spanish frontier. This process had evidently (geo)political/ideological background, it was aiming to strengthen the democratic community of the West,

⁷¹ A. Hills, op.cit., pp. 17-18.

⁷² M. Anderson, *New Borders. The Sea and Outer Space*, in: P. Ganster and D.E. Lorey (eds), *Borders and Border Politics in a Globalizing World*, Lanham, MD: Rowman & Littlefield, 2005, pp. 318-320.

making it cohesive, cooperative and united. It also aimed at bringing reconciliation, as in the case of France and Germany, or promoting democratic stabilization and security, as was the case of the French-Spanish border after the restoration of democracy in Spain. Due to that it had a strong support from central governments, international organizations of the West, like the Council of Europe and, following its establishment, the European Communities. Likewise, it enjoyed growing acceptance and need on the part of borderland population and local authorities for development and deepening of various transboundary undertakings in the fields of economy, trade, transport, culture, tourism.⁷³ As a result, there was a growing pressure on regulation and institutionalization of cross-border arrangements, informal agreements between local authorities, regular consultations and ad hoc settlements. In response to bottom-up expectations of inhabitants and authorities of borderlands, the central governments and provincial authorities (in case of federal states) concluded numerous transfrontier agreements and conventions and even established international organizations, like the Association of European Border Regions founded in 1971. In 1980 the Council of Europe adopted in Madrid the Outline Convention on Transfrontier Cooperation⁷⁴ which defined principles and mechanisms of and provided a tailor-made framework for cooperation. Moreover, it offered a model agreement for cross-border cooperation between local and regional authorities.

The above described developments led to the situation when both law and practice regarding cross-border movement of persons within western Europe were no longer consistent with the edges of the physical state territory.⁷⁵ Cross-border cooperation was extending in the 1980s over further areas of joint undertakings, reaching out to such public interest fields like transport, telecommunications, land management and environment, economic development, education and training, tourism.⁷⁶ Moreover, some nation-state-centered areas like internal security, justice, border control were also put under transfrontier arrangements. The case of the 1985 Schengen accord was special since it provided that rules and mechanisms of cross-border cooperation in the area of free movement of persons, which had been invented and implemented by the Benelux countries, could be available for other EC Member States making progressively up an “ever closer union” of states, regions and borderlands. Obviously enough, such developments were mostly welcome in the context of pre-1992 project of the European Union and the European Commission did

⁷³ M. Anderson with E. Bort, *The Frontiers of the European Union*, Houndmills and New York: Palgrave, 2001, pp. 62-65.

⁷⁴ Council of Europe, *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities* (Madrid, 21.V.1980), *European Treaty Series (ETS)*, No. 106, available at: <http://conventions.coe.int/treaty/en/Treaties/Word/106.doc>.

⁷⁵ E. Guild, *Danger: Borders under Construction: assessing the first five years of border policy in an area of freedom, security and justice*, p. 1, available at <http://www.lse.ac.uk/collections/hellenicObservatory/pdf/ElspethPAPER.pdf>

⁷⁶ A. Church, P. Reid, *Cross-border Co-operation, Institutionalization and Political Space Across the English Channel*, *Regional Studies*, 1999, 33 (7), p. 647.

not hesitate to give the green light to further initiatives of cross-border character.⁷⁷ The Commission launched the Interreg Community Initiative, adopted in 1990 as the Interreg I, to promote transfrontier cooperation between local and regional authorities. It turned out, however, that the development of the project was guided and steered by representatives of the central governments, contrary to the intention of the European Commission. At the next stage, Interreg II (1994-1998), the regions were more involved in planning and executing transboundary projects, especially small-scale undertakings in such areas as environmental protection, tourism, promotion of bilingualism, educational and cultural cooperation. However, the states' role was still decisive in such "strategic" fields like energy networks, regional planning or management of water resources.⁷⁸

The creation of Euroregions was one of the early visible forms of European integration, accompanying the establishment, development and reinforcement of economic, social, ideological and political structures of integration within the legal-institutional framework of the European Communities. The exemplary cross-border cooperation within the Benelux was replicated by other countries and regions. The formulas of cross-border cooperation were either based on individual approach, the "twinning", or adopted in a wider, multilateral dimension, like in the Nordic area or in the case of local collaboration arrangements between the Federal Republic of Germany and the Benelux countries or between Germany, France and Switzerland.

Best practices drawn out of the euro-regional cooperation record stimulated policies toward East European countries in the aftermath of the 1989 'annus mirabilis'. Since the establishment in 1991 of the first-ever euroregion on the West-East crossroads, the Polish-German-Czech Euregio Neisse, the formula of Euroregions became the principal mode of building groundwork for progressive cooperation yet also the way of strengthening cross-border cooperation in security matters, border control and crime prevention.

The contribution of the Euroregion model to the idea of "borders as bridges", rapidly proliferating since the early 1990s across Central and Eastern Europe⁷⁹, was transformed into small and large development and modernization projects aiming to develop transboundary infrastructural capacities, modernize and upgrade technical means and instruments and enhance administrative skills. While initial transboundary projects developed within the Western community had been founded on the idea of exchanging experiences and sharing institutional arrangements, neighbourhood programmes offered to Eastern Europe in the 1990s were based on the transfer of tailor-made institutional models accompanied by the organizational, legal and financial back-up within the framework of pre-accession policies. PHARE and TACIS

⁷⁷ See M. Perkmann, Building Governance Institutions Across European Borders, *Regional Studies*, 1999, 33 (7), pp. 662-65.

⁷⁸ Anderson with Bort, op.cit., pp. 67-70.

⁷⁹ See L. O'Dowd, The Changing Significance of European Borders, in: J. Anderson, L. O'Dowd, Th.M. Wilson (eds.), *New Borders for a Changing Europe*, London: Frank Cass, 2003, pp. 21-22.

funding, Twinning, Interreg and TAIEX, became important in the process of fostering EU standards to the candidate countries. The field of internal security and border control was also present in those undertakings although lacking a systemic organizational and institutional approach allowing for a smooth, efficient and overall managing of the external dimension of the EU's security matters.

The European Neighbourhood Policy (ENP) was the first comprehensive strategic approach put forward by the European Union with a view at an integrated management of security and cooperation on its eastern borderlands. In general terms, it developed earlier political propositions formulated by the European Council, the EU Council and the Commission at the beginning of the present decade as the perspective of enlargement was materializing. The European Council in its conclusions adopted in Copenhagen in December 2002 pointed out that it “remains determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union”.⁸⁰ It also reaffirmed that enlargement should serve to strengthen relations with Russia and called for enhanced relations with Ukraine, Moldova, Belarus based on a long term approach. The Commission responded to this call by presenting in March 2003 a communication entitled *Wider Europe—Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*.⁸¹ In the Communication called the neighbouring countries “the EU's essential partners” in the perspective of creating an enlarged area of political stability and functioning rule of law. The Commission highlighted the need to intensify cooperation in preventing and combatting common security threats. An appropriate fragment of the communication reads as follows: “geographical proximity increases the importance of a set of issues revolving around, but not limited to, the management of the new external border and trans-boundary flows. The EU and the neighbours have a mutual interest in cooperating, both bilaterally and regionally, to ensure that their migration policies, customs procedures and frontier controls do not prevent or delay people or goods from crossing borders for legitimate purposes. Infrastructure, efficient border management and interconnected transport, energy and telecommunications networks will become more vital to expanding mutual trade and investment. Cross-border cultural links, not least between people of the same ethnic/cultural affinities, gain additional importance in the context of proximity. Equally, threats to mutual security, whether from the trans-border dimension of environmental and nuclear hazards, communicable diseases, illegal immigration, trafficking, organised crime or terrorist networks, will require joint approaches in order to be addressed comprehensively.”⁸² As a follow-up, another communication was delivered by the Commission, focusing on financial and technical support for neighbourhood

⁸⁰ Presidency Conclusions. Copenhagen European Council, 12 and 13 December 2002, pp. 6-7.

⁸¹ Communication from the Commission to the Council and the European Parliament, *Wider Europe—Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, Brussels, 11 March 2003.

⁸² *Ibid.*, p. 6.

initiatives. It also stressed the importance of efficient border management, securing EU borders against illegal trafficking, organized crime and irregular migration. The Commission observed that “regional and cross-border cooperation can assist in facing these challenges, although action at national level will also be required”.⁸³

In the following period the EU offered technical and financial assistance as well as operational support for neighbouring countries of Eastern and South-East Europe.⁸⁴ EU Border Assistance Mission (EUBAM) to Moldova and Ukraine serves as an example of operational cooperation between the EU and these two neighbouring countries. Launched in November 2005, the Mission was aimed to harmonize, in cooperation with Moldova and Ukraine, border management standards and procedures, enhance the professional capacities of the Moldovan and Ukrainian customs and border guard services at operational level, promote cross-border cooperation and improve cooperation and complementarity between the border guard and customs services and other national law enforcement agencies. Moreover, the Mission offered advice and training, development of best practices in border management through experts and study visits in EU Member States, risk analysis, analytical overview on border security. The Mission’s staff includes over 200 members: more than one hundred customs and border guard experts from 22 EU Member States, representatives of several CIS (Community of Independent States) countries, and staff from Moldova and Ukraine.⁸⁵

Another relevant example of EU assistance offered to its Eastern neighbour is *EU Action Plan on Justice and Home Affairs in Ukraine*, approved by the Council on 10 December 2001 and advanced in the following period, especially in the 2005 EU-Ukraine Action Plan. The Action Plan built on the 1994 Partnership and Co-operation Agreement (PCA) between the EU and Ukraine as well as the Common Strategy on Ukraine approved by session of the European Council in Helsinki in December 1999. The JHA Action Plan laid the foundations for cooperation covering border management, visa policies, migration and asylum, the fight against organized crime and terrorism. The main objectives of the plan included development of a system of efficient, comprehensive border management on all Ukrainian borders by rendering consultative, financial and expert assistance; development of the State border service and the customs authorities, esp. professionalization of relevant staff through study of foreign experience and internship in EU countries; intensification and facilitation of cross-border cooperation between Ukraine and the EU.⁸⁶

⁸³ Communication from the Commission, Paving the way for a New Neighbourhood Instrument, COM(2003) 393 final, Brussels, 1 July 2003, p. 5.

⁸⁴ See B. Dimitrova *Remaking Europe’s Borders through the European Neighbourhood Policy*, CEPS Working Document No. 327, Brussels, March 2010.

⁸⁵ See EUBAM web page:

<http://www.eubam.org/index.php?action=group&group=2&sid=6yukh73cietnkzegd6ul7ioc25g2avx6>

⁸⁶ *EU Action Plan on Justice and Home Affairs in Ukraine*, *Official Journal of the European Union*, C 77, 29 March 2003, p. 1.

The above mentioned projects focused mainly on administrative capacity-building and professionalization of border services. They were concentrating on police and customs cooperation as well as technical and organizational elements of border management. They also sought to improve the quality of transfrontier movement of persons through the introduction and development of traveller-friendly arrangements. However, quite often some of these arrangements had to be reduced or temporarily suspended for the sake of strengthened security measures. A report on Slovak-Ukrainian Border Monitoring concluded that the accession of the Slovak Republic to the EU was a key factor which essentially changed the bilateral Slovak-Ukrainian border regime in terms of legal movement of persons but also interfered with personal contacts between Slovakia and Ukraine. Despite modernization and improvements in border procedures, there was still a space for making the border more opened.⁸⁷

Nicole Wichmann claims that “the European Neighbourhood Policy (ENP) of the EU, and in particular the elements related to justice and home affairs (JHA), is a complex, multilayered initiative that incorporates different logics and instruments”⁸⁸. Indeed, the European Union has constructed an entangled scheme for the external dimension of europeanization, also in the area of freedom, security and justice. However, effective border management and cross-border cooperation have been placed high on the agenda of the European Neighbourhood Policy and consequently enforced in spite of difficulties and barriers on the part of EU neighbours.

One the prevalent motives of flexibilizing border regimes and facilitating transfrontier cooperation is a shared identity of borderlands: close historic, cultural, ethnic, linguistic and religious binds across borders. Strict Schengen/EU rules were perceived by population inhabiting borderlands along EU external borders as true, severe and costly obstacles and intercultural barriers. The European Union responded to the growing complaints of the neighbouring countries, but also calls and suggestions by peripheral Member States, by adopting in December 2006 the regulation laying down rules on local border traffic at the external land borders of the Member States.⁸⁹

It was intended to facilitate transfrontier movement of persons in the borderland areas allowing any of EU Member States to conclude agreements with adjacent non-EU countries concerning local (so-called small) border traffic. Principles of local border traffic constitute exemption from general regulations concerning crossing external borders as laid in respective provisions of the Schengen acquis,

⁸⁷ EU Border Monitoring: Slovak – Ukrainian Border, Research Center of the Slovak Foreign Policy Association, Bratislava and Prešov, November 2007, p. 1-2.

⁸⁸ N. Wichmann, *The Intersection Between Justice and Home Affairs and the European Neighbourhood Policy: Taking Stock of the Logic, Objectives and Practices*, CASE Network Studies & Analyses, no. 353/2007, Warsaw 2007, p. 5

⁸⁹ Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, *Official Journal of the European Union*, L 405, 30 December 2006, p. 1.

particularly the Schengen Borders Code of 2006. Border residents, i.e. third-country nationals who lawfully resident in the border area of a country neighbouring an EU Member. This area, specified in a bilateral agreement subject to approval from the European Commission, covers a district which lies between 30 and 50 kilometers from the border line. Border residents may cross the external land border under the local border traffic regime regardless of the fact whether or not they are subject to a visa requirement. They have to possess local border traffic permits and may not be considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States. Up to now such agreements were concluded (although not all of them are already in force) by Ukraine with Poland, Slovakia, Hungary and Romania; Belarus with Poland and Latvia; Russia with Latvia and Lithuania; Serbia with Bulgaria, Slovenia with Croatia. Local border traffic agreements constitute a network of international legal provisions allowing for deeper transboundary cooperation in areas divided by the external borders of the EU.

Conclusions: walls over bridges

The EU's border management policy is built on a common perception of threats and risks underpinning a complex set of political activities undertaken by the Member States and EU agencies in order to secure high level of safety to EU citizens. The legal premise of protecting and safeguarding EU citizens, present in the provisions of the Treaties, is simultaneously accompanied by a discourse of openness and cooperation.⁹⁰ However, securitization as a practice, reinforced by political decisions and national resentments, implies disjunctive function of borders. Bigo observed that "... systematic control of the territory has been marginalised, although it still exists, in comparison to the surveillance of certain populations".⁹¹ EU internal security governance of the 21st century is in fact grounded on such assumption. The enlargement of the Schengen area may be interpreted as securitization of free movement area within the EU and certain associated countries. At the same time, one can call it the "export of Schengen"⁹², meaning externalization of mechanisms, norms and practices of cross-border movement derived from the Schengen acquis.

Balibar noted: "It suddenly appears that *traditional, internal borders* within Europe (i.e. between the "peoples" of Europe), are much more rigid, lasting, impenetrable, than what they are supposed to have already become. And that the *new, external borders* are much more penetrable, less stable and fixed than what they are supposed to remain".⁹³ However, borders still are most of all lines of forward defense and borderlands signify buffer zones. This is the basic reason underpinning

⁹⁰ Dimitrovova, op.cit., p. 12.

⁹¹ D. Bigo, op.cit., p. 185.

⁹² Anderson with Bort, op.cit., p. 161.

⁹³ E. Balibar, Europe as borderland, *Environment and Planning D: Society and Space*, 2009, 27(2), p. 214.

technologization and militarization of EU external borders. In this perspective border politics equals crisis management and counter-proliferation of transnational threats and risks. Boin and Rhinard pointed out the increasing attention paid by the institutions and Member States of the EU to the effective management of transboundary crises. It refers especially to a situation wherein certain challenges posed by such phenomena as terrorist attacks, uncontrolled migration flows, critical infrastructure failures, cyber attacks, water shortages or catastrophic floods, pandemics and earthquakes, often geographically dispersed and possessing a truly transnational character, may become manifested in a particularly acute and dangerous way provoking thereby a serious cross-border crisis.⁹⁴ The European Union as a security community has to be prepared for an effective prevention of actual and potential threats as well as for a rapid operational response to crises provoked by natural disasters, man-made disasters or terrorist attacks. The first line of defense should be drawn, if possible, on external borders of EU Member States.

Securitization of EU external borders has reestablished traditional territorially-based and mentally-grounded divisions across Europe. Combining inclusionary and exclusionary mechanisms, patterns and tools, it is intended to maintain a certain level of openness and permeability of the borders yet at the same time it aims to strengthen control and surveillance in order to prevent and anticipate potential threats coming from its close environment.

⁹⁴ A. Boin, M. Rhinard, *Managing Transboundary Crises: What Role for the European Union?* *International Studies Review*, 2008, 10 (1), pp. 2-3.