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DOI : 10.14746/ps.2022.1.19

THE EVOLUTION AND RELEVANCE OF THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX) IN SHAPING THE ASYLUM AND MIGRATION SECURITIZATION PROCESS IN THE EUROPEAN UNION

Council Regulation (EC) No. 2007/2004 of 26 October 2004 created the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (EU), commonly known by the acronym Frontex. Its creation was the culmination of a 20-year process that began with the signing of the Schengen Agreement in 1985, which led to the free movement of people within the so-called Schengen area. The Agency, which became the European Border and Coast Guard Agency in 2016, is entrusted with the task of encouraging cooperation between Member States' border services and strengthening the control of the common external border. As such, it operates in the area of migration and asylum policy, which have long been at the top of the EU political agenda. Without doubt, since its inception, Frontex has been a candidate to become one of the EU's most relevant and controversial executive agencies in the field of security. Its role touches on the sensitive topic of protecting the human rights of vulnerable people such as asylum seekers and irregular migrants.

The aim of the article is to analyze the importance of the European Border and Coast Guard Agency in the ongoing process of securitization of asylum and migration in the European Union countries. Given that there is a widespread view in the academic literature that asylum and migration are securitised in the EU, while at the same time Frontex is often portrayed by human rights NGOs as initiating a "war on migrants," it is surprising that little attention has been paid to the potentially significant contribution of Frontex's activities to the securitisation of asylum and migration in the EU. Only Andrew Neal (2009) examined Frontex through the lens of securitisation theory, but he focused on the Agency's origins rather than its practices after Frontex was given new powers. Sarah Léonard (2010), on the other hand, developed a sociological approach to securitization and focused primarily on presenting the main tasks of Frontex as securitization practices. However, it has not undertaken to analyze the evolution of Frontex from the point of view of the ongoing securitization of migration in the EU.

Therefore, the paper will attempt to answer the following research questions: how has the evolution of the European Border and Coast Guard Agency's activities contributed to the ongoing securitisation of asylum and migration in the European Union

and can all of Frontex's core tasks be considered securitisation practices? The article also attempts to attribute Frontex's main tasks to two types of securitisation practices proposed by Thierry Balzacq: (1) traditional activities that have been implemented to address what are largely perceived as security issues; (2) extraordinary activities, not only in the sense of "exceptional" or "illegal" but more broadly in the sense of "unusual" that is, never before used or rarely used in relation to migration and asylum issues (Balzacq, 2008).

DEVELOPMENT OF THE PROCESS OF SECURITIZATION OF ASYLUM AND MIGRATION POLICY IN THE EUROPEAN UNION

We can speak of the first attempts to regulate immigration policy since the signing of the Schengen Agreement in 1985, which provided for the abolition of controls at the internal borders of Belgium, the Netherlands, Luxembourg, Germany and France and the gradual harmonisation of the visa policies of the Member States, the improvement of cooperation between customs and police authorities regarding the illegal entry and stay of persons from third countries, and the taking of measures to prevent illegal immigration of nationals of countries that are not members of the European Communities (Monar, 2006a: 74–75; Jorry, 2007: 4).

However, a milestone in the implementation of migration policy turned out to be the Treaty of Amsterdam, which entered into force in 1999, thus providing for the creation of a common immigration policy within the area of freedom, security and justice (AFSJ). Issues related to immigration policy were transferred to the first pillar, and the decision-making process was henceforth based on the requirement of qualified majority voting, instead of unanimity as it had been so far. It was the provisions of the Treaty of Amsterdam that created a legal framework through which member states were more able to take initiatives and develop cooperation in the field of immigration policy (Kaunert, 2005; Peers, Rogers, 2006: 169).

The same year saw the adoption of the five-year Tampere Programme, which formed the basis of the EU's Integrated Border Management (IBM). Its aim was to bring about cohesion in the EU by laying the foundations for a common asylum and immigration policy, harmonising border controls, closer police cooperation and mutual recognition of judicial decisions (*Tampere European Council*, 1999).

Following on from the Tampere Programme, a new action plan for the EU's Area of Freedom, Security and Justice for the period 2005–2010 was adopted in November 2004. The Hague Programme aimed at strengthening the foundations of cooperation in the area of justice and home affairs and improving the EU's ability to achieve the objectives set out in the previous programme. The Hague Programme aimed to strengthen the foundations of cooperation in the operation of justice and home affairs and to improve the EU's ability to achieve the objectives set out in the previous programme. The main objective of the Hague Programme was to ensure a high level of internal security for EU citizens and states, including border security (Gruszczak, Reczkin, 2005: 4–5). Unlike the Tampere Programme, the Hague Programme was adopted in the conditions of the summer 2004 enlargement of the Union to include 10 new Central and Eastern

European countries, and with an awareness of the seriousness of the terrorist threats following the attacks of 11 September 2001 in the United States and 11 March 2004 in Madrid (Léonard, 2009: 376). It should therefore come as no surprise that the Hague Programme strongly emphasised the need for police and other services to cooperate in the fight against international organised crime, and in particular to counter terrorism, better border protection and mutual legal assistance.

At this particular moment of the ongoing securitisation of asylum and migration, EU Member States decided to create Frontex Agency, whose original task was to coordinate the operational management of activities at the external borders of the European Union by providing support to EU Member States. Frontex was to act by offering “technical support and expertise in the management of the external borders,” without affecting member states exclusive responsibility for the control and surveillance of external borders, which was explicitly reaffirmed by several sections of the regulation. The ambivalence of the legal framework approved in 2004 meant that while Frontex was only entrusted with powers of mere coordination and technical support, at the same time, the staff deployed during its joint operations were apparently vested with executive powers, offering an evident sign of the conflicting political motivations behind the creation of the agency (Mitsilegas, 2007: 369; Jorry, 2007: 23; Peers, 2016: 151). In spite of the clear reluctance of member states to waive their sovereignty over border control, there was an opposite push in the direction of building a truly supranational body vested with the power of developing its own operational strategy and exercising the associated executive powers. This constitutive tension has placed Frontex under a process of perpetual reform that has progressively increased its operational autonomy.

The first reform of Frontex was enacted in 2007, just two years after the Agency’s launch. With the approval of Regulation (EC) No. 863/2007, two significant changes were made to Frontex’s legal framework. Firstly, the new regulation clarified the type of powers the staff involved in Frontex’s operational activities were authorized to exercise (*Council Regulation 2007/2004; Regulation 863/2007*). Secondly, the new regulation set up so-called Rapid Border Intervention Teams (RABIT), which Frontex was authorized to deploy at the request of a member state “faced with a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of that Member State illegally” (*Regulation 863/2007*). These were small steps forward in terms of the Agency’s acquisition of operational autonomy, steps which nonetheless reflected the Commission’s project to pursue further supranationalization of external border control policies.

Regulation No. 1168/2011 gives Frontex the power to “itself initiate and carry out joint operations and pilot projects in cooperation with the Member States concerned and in agreement with the host Member States” (*Regulation 1168/2011*). Frontex also now had at its disposal a technical equipment pool and was authorized to acquire its own equipment. Thanks to the reform enacted in 2011, the Agency has also been required to implement its own “fundamental rights strategy” and put in place an effective mechanism to monitor respect for fundamental rights in all its activities (*Regulation 1168/2011*). On this point, however, the European Parliament’s proposals had definitely been more ambitious than the measures put in place.

In 2015, Frontex marked 10 years of operational activity, but it was no time for celebrations. The refugee crisis was putting serious pressure on the EU IBM system, and all observers seemed to agree that the crisis had been aggravated by the lack of external border controls and the concomitant inability of Frontex to provide an adequate supplementary response. One of the keys to overcoming the crisis and returning to orderly border management was seen to be the overall reform of Frontex. Undoubtedly, the 2016 Regulation changed the face of Frontex mainly because of the challenges brought by the migration crisis. The Agency has become a service with a police character. Among the tasks assigned to the Agency under the new Regulation, it is noteworthy that it was given the competence to create and deploy “European Border and Coast Guard teams, including a rapid reaction reserve, deployed to participate in joint operations and rapid interventions at the border and as part of teams supporting migration management” (*Regulation 2016/1624*). The next step in the evolution of the Agency was the regulation adopted on 13 November 2019, which aimed, inter alia, to create a formation that would realistically be able (in cooperation with the relevant national border services) to implement the latest border security policy (*Regulation 2019/1896*). The above examples demonstrate that the Agency is developing at a rapid pace in terms of resources, staff and responsibilities, with recurrent increases in its budget, as well as more fundamental changes in the legislation governing it.

One of the most interesting aspects of Frontex from the point of view of the ongoing process of securitisation of migration is the considerable attention it has attracted since its inception in 2005. From the very beginning, its activities aroused a lot of controversy and were heavily criticised, especially among human rights defenders as well as pro-migrant groups. Several blogs and websites that were critical of the actions of European states and the EU towards migrants and asylum seekers also focused on criticising the Frontex Agency, such as the Statewatch blog, Abolish Frontex and the Noborder Network website, which stopped posting new entries as of 31 August 2013. Several pro-migrant associations rallied around the slogan “Close Frontex!,” and demonstrations were held not only in front of the Agency’s headquarters in Warsaw, but also in other locations where Frontex training was held.

It is important to note that the regular criticism directed at Frontex began with the culmination of the migration crisis in 2015, when European leaders decided to expand Frontex’s competences. In October 2020, the media accused the agency of involvement in violations of international law at the Greek-Turkish maritime border (Christides, Freudenthal, Lüdke, Popp, 2020). Reports, including in the German weekly *Der Spiegel*, claimed that migrants trying to reach EU shores were being turned back without the right to claim asylum – an action referred to as “pushback,” which is illegal.

Following repeated accusations of failing to respect human rights at the EU’s external borders, and with irregularities detected in the management of the EU’s largest executive agency, a debate has begun about conducting a performance audit of Frontex. In October 2019. The European Court of Auditors launched its first audit, which assessed four of the six core tasks assigned to the Agency, namely situation monitoring, risk analysis, exposure assessment and operational response. On the basis of its audit, it published a special report entitled: “Frontex support for the management of external borders – insufficient effectiveness so far,” in which it concluded that the support in

combating illegal immigration and cross-border crime provided by Frontex to Member States and Schengen Associated States is not sufficiently effective (*Sprawozdanie specjalne...*, 2021). According to the Court's findings, Frontex has not fully implemented the powers entrusted to it in 2016.

In turn, an investigation into the Agency was launched in December 2020 by the European Anti-Fraud Office (OLAF). Auditors were investigating allegations of harassment and misconduct that prompted some officials to leave it. The investigation also included allegations of unlawful operations to stop migrants from reaching EU countries (Christides, Lüdke, 2022). By contrast, in February 2021, the European Parliament voted to set up a working group on Frontex to look into all aspects of its operation – including its respect for fundamental human rights (Kuśnierkiewicz, 2021). These developments were followed by the resignation on 29 April 2022 of Frontex Chief Fabrice Leggeri, who was not held to disciplinary responsibility (Bielecki, 2022).

THE CONCEPT OF SECURITISATION

Undoubtedly, traditional research approaches are losing their potential to explain migration processes in the European Union following: (1) the social protests and armed conflicts in Arab countries that started in 2010; (2) the outbreak of the hybrid conflict in Eastern Ukraine and the annexation of Crimea by Russia in 2014; (3) the social protests following the rigged presidential elections in Belarus that took place in August 2020 resulting in the re-election of Alexander Lukashenko as President, who won 80.1 per cent of the total vote with more than 84 per cent of the voter turnout; (4) the armed assault of the Russian Federation on Ukraine. Migration flows, whether of asylum seekers, economic migrants or irregular migrants, are associated with various threats to the security and public order of Member States, including terrorism, organised crime and civil unrest. As a consequence, migration and asylum issues have become important topics of contemporary security policy in Europe, both in the “real world” of politics and in the academic literature. This process is often referred to as the securitisation of migration. There is a widespread view in the existing academic literature that this trend is particularly evident in EU asylum and migration policy.

Securitisation theory is an approach to the study of security that was originally developed by Ole Wæver in collaboration with other researchers, known as the “Copenhagen School.” It is defined as, an intersubjective process of incorporating specific topics into the security sphere. Thus, as emphasised by Wojciech Kostecki, it consists in making a given problem public as threatening survival and therefore not accepting any objections and justifying the use of emergency measures to solve it (Kostecki, 2012). It presents the issue of defending the interests of various actors through the application of measures that go beyond the traditional, routine and specific to a given sphere of activity, which sometimes contradict the existing legal framework. The securitisation process is based on three basic elements: the object of reference, the subject of securitisation and the functional actors that have a real impact on the perception of security (Buzan, Woever, Wilde, 1998: 36). In the securitisation process, it is important to designate a reference object, this can be: sovereignty, identity, territory and a competent

leader who will identify existential threats to the object (Buzan, Woever, 2003: 491). Thus, the process of securitisation is that the subject is presented by a specific entity as a threat. The message is directed to the recipient, who reacts to it either positively (agrees with the argument) or negatively (disagrees). Agreeing is equivalent to taking action, including resorting to emergency measures. The classical version of securitisation theory thus focuses on the linguistic analysis of “securitisation speech acts,” in line with a perspective that places great emphasis on the intention of the speech act author (Mc Donald, 2008; Balzacq, 2005; 2011). Most researchers who have analysed the process of securitisation of migration have adopted this perspective, focusing on the analysis of the behaviour of political actors and security experts as authors of speech acts aimed at obtaining political consensus or extending their prerogatives.

As Didier Bigo points out: “Some problems can be securitised without speech or discourse, and the military and police have known this for a long time. Practical work, discipline and expertise are as important as any form of discourse” (Bigo, 2000: 194). In other words, the actions of bureaucratic structures or networks linked to security practices and the specific technologies they use may play a more active role in securitisation processes than speech acts (Huysmans, 2004). Bigo has also pointed this out precisely in relation to the issue of migration by arguing that: “The securitisation of immigration [...] emerges from the correlation between certain successful speech acts of political leaders, the mobilisation they create for and against certain groups of people, and the specific field of security professionals [...]. It also comes from a range of administrative practices such as population profiling, risk assessment, statistical calculations, category creation, proactive preparation and what might be called the specific habit of the ‘security professional’ with its ethos of secrecy and concern for managing fear or anxiety” (Bigo, 2002: 65–66).

From a methodological point of view, he therefore advocates examining the everyday practices of security professionals at the micro level, rather than focusing solely on policy discourses at the macro level (Bigo, 1998a, 1998b, 2000, 2001a, 2001b, 2002, 2008; Bigo and Tsoukala, 2008). Such an approach, Bigo argues, can also reveal interesting discrepancies between official discourses and implemented policies (Bigo, 1998a, 2001b). In relation to migration, such an approach would require the analysis to take into account the non-discursive practices of actors dealing with migration, rather than focusing solely on their discourses on migration. For example, in relation to irregular migration and border control, an analysis based on Bigo’s approach would not be limited to discussions about irregular migration and borders, but would analyse how strategies on irregular migration and border control are implemented in practice. Who carries out border controls (e.g. border guards, police or military)? What equipment do they use for border control (e.g. rescue or naval units for sea operations, weapons with live ammunition or rubber bullets, technological equipment at the border, etc.)? This could reveal interesting differences between official discourses on irregular migration and border control and how they are dealt with in practice.

Building on Bigo’s work, Huysmans made a similar argument about the importance of security practices, with a particular focus on technology. He argued that securitisation discourses are embedded in technology, or more specifically in “specific technological devices and the knowledge and skills required to use them” (Huysmans, 2004, 2006).

This emphasis on technology stems from the fact that, he argued, technological devices are not only instruments used to implement policy decisions, but also shape the policy options available to decision-makers. Balzacq (2008: 75) also argued that “instead of examining the construction of threats at the level of discourse, we should focus on the functions and implications of the policy instruments used to solve a public problem.”

This point is very relevant to migration, in particular migration control. Over the last decade, Western countries have increasingly invested in expensive and sophisticated technological devices to improve border surveillance. These include satellites, radar, infrared cameras and sensors. These were generally developed for other purposes, such as counter-terrorism operations, but their very existence and availability in the security market has led to their adoption and use for border control. Another example is the large databases set up in the EU to store information on migrants and asylum seekers, such as the Schengen Information System, the Visa Information System and Eurodac. As the discussions on their development have shown, policy objectives are not always fully defined before technical solutions to achieve them are developed. In some cases, measures appear to have been taken not so much because they address a specific objective, but rather because their implementation is feasible.

In sum, the Copenhagen School’s approach to securitisation processes privileges the study of speech acts, whereas the approach pioneered by Bigo emphasises the role of practices. Another difference is that the Copenhagen School framework is based on a relatively precise definition of the speech act of securitisation, whereas Bigo’s work does not offer a precise definition of “securitisation practice.” This is because the speech act of securitisation is the fixed unit of analysis in the Copenhagen School’s analytical framework, while it leaves open the question of who exactly might be the actor engaged in securitisation. In contrast, the fixed unit of analysis in Bigo’s approach is the security professionals whose practices he examines without seeking to define precisely what securitisation practices are and by what criteria they can be identified.

SECURITISATION PRACTICES – AN ATTEMPT TO DEFINE THE CONCEPT

Having decided to focus on the analysis of securitisation practices, it becomes necessary to define what is meant by “securitisation practices” in the context of EU asylum and migration policy in order to identify these securitisation practices empirically. Given that Bigo’s work does not provide any precise definition of securitisation practices, this research paper will build on the ideas developed by Balzacq (2008). However, it should be emphasised that, unlike Bigo, Balzacq uses a different terminology, he does not use the term “practice,” instead he refers to the concept of “securitisation tool,” which he uses interchangeably with “instrument of securitisation.” Nevertheless, the use of this term seems to indicate that it is close to the idea of securitisation practice in Bigo’s sense – and which will be used in this article because it is more frequently used than the “tool” or “instrument” of securitisation. Balzacq (2008: 79) defines a tool of securitisation as an identifiable social and technical “dispenser” or device embodying a particular image of threat, through which public action is config-

ured to address a security problem. In the simplest terms, securitisation practices are actions that, by virtue of their inherent characteristics, convey to those who observe them, directly or indirectly, the idea that the problem they address is a security threat. Applying this general definition to the case of EU asylum and migration policy means that securitisation practices can be defined as actions that in themselves convey the idea that asylum seekers and migrants are a threat to EU security. This article assumes that there are two main types of securitisation practices.

The first type of securitisation practices are “ordinary” practices. They refer to actions that are normally used to address problems that are commonly regarded as security threats, such as an armed attack from abroad or terrorism. For example, deploying military troops and military equipment, such as tanks, to solve a problem communicates to the public that the problem is a security threat that needs to be addressed urgently.

The second type of securitisation practices are “exceptional” practices. Their extraordinary nature suggests that the problem they tackle is also extraordinary and cannot be solved by “normal” or “ordinary” means. “Extraordinary” is here understood not only as “outside the normal boundaries of political procedure” or “beyond politics,” as the Copenhagen School suggests (Buzan, Wæver, Wilde, 1998). Rather, “unusual” is understood more broadly so that the analytical framework is able to capture the fact that not all necessary securitisation practices involve exceptional or illegal situations, as suggested by Wæver and his colleagues. Moreover, the extraordinary nature of a measure must be assessed in relation to a specific issue in a specific political context. In other words, for a measure to be identified as “unusual,” it is not required that it has never been implemented before, but rather that it has not previously been applied to a specific political issue in a specific political context. This broad understanding of “emergency measures” echoes the broad understanding of security on which this article is based, in line with the work of Bigo (1998a, 2002) and Abrahamsen (2005: 59), who conceptualise security as encompassing “a continuum from normalcy to anxiety, to risk and existential threat.”

In the context of EU asylum and migration policy, and building on the above observations, securitisation practices can therefore be considered as asylum and migration measures that (1) have traditionally been implemented to address problems that are largely perceived as security issues (such as drug trafficking, terrorism, foreign invasion, etc.) and/or (2) are extraordinary, not only in the sense of “exceptional” or “illegal” but more broadly in the sense of “unusual” (i.e. never or rarely used before in asylum and migration issues in the EU and its Member States). While only one of these criteria needs to be met for a specific activity to be considered a securitisation practice under this framework, they are not mutually exclusive, meaning that a specific activity can simultaneously meet both criteria.

SECURITIZATION PRACTICES INHERENT IN FRONTEX ACTIVITIES

The mandate of Frontex and areas of responsibilities are listed accordingly in Article 2 of the Frontex Regulation and further specified in Articles 3–9 (*Council Regulation 2007/2004*). According to the founding regulation, Frontex has six “main tasks”:

(1) coordinate operational cooperation between Member States in the field of management of external borders; (2) assist Member States on training of national border guards, including the establishment of common training standards; (3) carry out risk analysis; (4) follow up on the development of research relevant for the control and surveillance of external borders; (5) assist Member States in circumstances requiring increased technical and operational assistance at external borders; (6) provide Member States with the necessary support in organising joint return operations.

Frontex plans, coordinates, implements and evaluates joint operations with officials from EU MS border services at the EU's external borders (i.e. land, water, air). The evaluation, approval and planning for working procedures of joint operations and pilot projects are the most substantial and important tasks of the EU border agency (*Council Regulation 2007/2004*). Frontex may also decide to put its technical equipment at the disposal of EU MS participating in the joint operations or pilot projects. The deployment of joint operations is facilitated by the existence of a Central Register of Available Technical Equipment (CRATE), which lists the items of surveillance and control equipment that Member States are prepared to place at the disposal of another Member State for a limited period of time. Workflow procedures for the organisation of joint operations are regulated in Article 3 of the Council Regulation (2004), *inter alia*, with regard to the "rules of procedure for taking decisions on the operational tasks of Frontex." The performance of joint operations is carried out exclusively under the direction of the technical competence and jurisdiction of the responsible leader of the border police or border guards of the respective EU MS authority, in accordance with the national legislation and EU *acquis*; other national authorities can participate voluntarily. Mandatory participations only take place within the framework of so-called RABIT missions. Decisions to launch an operation are usually made based on the results of risk analyzes carried out by the Agency, although sometimes political considerations seem to prevail (COWI, 2009: 41). Although Frontex has consistently held that the role of the Agency is strictly limited to that of coordinating the actions of EU Member States under the founding regulation, some researchers, such as Baldaccini (2010: 234), indicate that planning and coordinating the role of Frontex also gives the Agency a certain degree of responsibility for the events that occur during the joint operations it coordinates. That is why the division of responsibilities between the Agency and the EU Member States during such operations during the 2015 migration crisis has become so controversial.

Assisting Member States in the training of national border guards includes the development and continuous updating of the Common Curriculum Core (CCC), which takes into account the requirements for a minimum professional level of standards in the EU with regard to border control standards, as well as training modules for senior management (Wagner, 2021). The CCC for EU Border Guard basic training was launched on the basis of the Seville European Council decision of June 2002. The first CCC was ready for implementation in the EU MS and Schengen Associated Countries on 15th June 2004 (Frontex, 2007a). In addition, a Common Mid-Level Curriculum (CMC) was then developed. The aim of the training activities, prepared and successfully implemented by Frontex together with host countries (Germany, Hungary, Lithuania, Slovenia and Finland), was to provide junior supervisory border guards with

in-depth knowledge of command, control and operational structures of other border guard services. Border guards taking part in the course have also had the opportunity to optimise their expertise on border guard cooperation at the external borders of the EU and to examine border control as a common European task. The courses focused on teaching basic border guard tactics, procedures and operational structures in the respective countries rounded out with practical training modules at the external borders. All training activities were held in English, thus facilitating establishment of a common language of European border guard services. In addition, Frontex has developed targeted specialized courses on various topics such as the detection of forged documents and stolen cars, joint return operations, dog handling and air-sea cooperation for pilots carrying out surveillance operations. It should be underlined that Frontex also conducts regular training “Rapid Border Intervention Team” (RABIT). Undoubtedly, training in the field of detection of false documents and cooperation with the navy in observation operations conducted at sea borders strengthen the perception and presentation of migration flows as a threat that may become so severe that it requires emergency measures. For these reasons, it can be concluded that, while human rights and international protection issues seem to be slowly and gradually mainstreamed into the curriculum, Frontex activities to assist Member States in training their border guards have contributed to the securitization of asylum and migration in the EU.

Risk analysis is one of the main activities carried out by Frontex, which is tasked with a duty to “monitor migratory flows towards the Union, and within the Union in terms of migratory trends, volume and routes” as well as to monitor “other trends or possible challenges at the external borders and with regard to return.” In 2018, a new Situational Awareness and Monitoring Division was established, the budget of which reached 16 million euros in 2019, amounting to 5 percent of the Agency’s overall budget (Campesi, 2022: 141). According to the definition included in the CIRAM, “risk” is intended by Frontex as “the magnitude and likelihood of a threat occurring at the external borders, given the measures in place at the borders and within the EU, which will impact on the EU internal security, on the security of the external borders, on the optimal flow of regular passengers or which will have humanitarian consequences” (Frontex, 2013: 4). Risk in the context of the management of EU external borders can thus be viewed as having three components:

- a) Threat, which is defined as “a force or pressure acting on the external borders” and is characterized by its magnitude and likelihood;
- b) Vulnerability, which is determined by the capacity of the measures taken at the border to mitigate a threat;
- c) Impact, which is mainly defined as the effect of a threat on the border.

It should also be emphasized that over the years, the Agency has built up an extensive information exchange network through which it exchanges “up-to-date information and analyzes with and on third countries, allowing it to be aware of illegal migration situations in third countries affecting the EU’s external borders” (Frontex, 2017a: 102). Visible among the so-called Frontex risk analysis networks (FRAN) or “intelligence communities” (Frontex, 2010a: 14; 2018a: 193) – whose legal basis are working arrangements that the Agency has concluded with third countries concerned over the years – is the Africa Intelligence Community – Frontex (AFIC), the Eastern

European Border Risk Analysis Network (EB-RAN), the Turkey-Frontex Risk Analysis Network (TU-RAN) and the Western Balkans Risk Analysis Network (WB-RAN). These networks and communities “pool expertise from over 36 third countries to share information, engage in collaborative analytical work, generate new knowledge and form the basis for decision-making on effective risk mitigation measures and operational responses” (Frontex, 2018a: 193). Given that such intelligence structures have traditionally been developed only to monitor security threats, Frontex’s risk analysis activities can also be seen as securitization practices that contribute to securitization of asylum and migration in the EU.

Monitoring the progress of research into external border control and surveillance is another area where Frontex’s activities can be viewed as securitization practices. In practice, a Research and Development Unit was established to act as a “coordinator and assistant” in research and development activities related to the EU’s external borders (Frontex, 2007b: 18). The most important task of this unit from the point of view of securitization of migration is the organization of events where representatives of the Member States, industry, academia and end-users meet to discuss and exchange views on the operational needs of the Member States (Frontex, 2007b: 18). A good example of its activities was the 2009 conference on the use of biometric technologies in border controls (Frontex, 2010b: 30), as well as the workshop on the use of unmanned aerial vehicle systems – more commonly known as “drones” organized as part of this event – border surveillance in 2007 (Frontex, 2008: 53). By developing an ever-closer relationship with private sector companies specializing in security and surveillance technologies, Frontex contributes to the securitization of asylum and migration in the EU by signaling that the surveillance and control technologies traditionally used to address security issues are appropriate for dealing with migrants and asylum.

A particularly interesting operational task of Frontex from the point of view of securitization of asylum and migration in the EU seems to be assisting Member States in situations where they need increased technical and operational assistance. Pursuant to Article 8 of the Regulation establishing the EU Executive Agency, “one or more Member States that find themselves in a situation requiring increased technical and operational assistance [...] may request the Agency’s assistance.” Originally, this assistance was to take the form of support from the Agency in organizing coordination between two or more Member States or the deployment of Frontex experts to assist the national authorities of the Requesting State. However, in 2007, these provisions were amended by the Regulation establishing a new mechanism for RABITs, i.e. teams of “specially trained experts from other Member States” that can be deployed to the territory of the Member State requiring assistance “for a limited period [...] in exceptional and urgent” (Recitals 6 and 7 of *Regulation (EC) 863/2007*). RABITs are particularly noteworthy in two respects. First of all, their creation was presented as a contribution to “increasing solidarity and mutual assistance between Member States” (Recital 6, *Regulation 863/2007*). Second, unlike fully voluntary participation in joint operations coordinated by Frontex, RABITs are based on the principle of “forced solidarity.” EU Member States are obliged to put border guards in the “rapid reserve” and are obliged to make them available for deployment upon request of Frontex, unless they themselves find

themselves in an exceptional situation (Article 4, *Regulation 863/2007*). On 25th October 2010, Greece was the first EUMS that submitted a request for the use of RABIT emergency teams to defend irregular migration at the Greek–Turkish border. The idea of the compulsory participation of each Member State in resolving a crisis situation in the name of solidarity resembles the “solidarity clause” of the North Atlantic Treaty. For these reasons, it could be argued that Frontex’s RABIT activities could also be viewed as securitization practices.

The Council Regulation establishing Frontex also entrusted the Agency with tasks related to the so-called “EU return policy,” which is a policy aimed at returning to their country or origin (or the country through which they have transited) those whose asylum application has been rejected or otherwise found to be in an illegal situation on the territory of one of the EU Member States. The Agency’s role in the field of return has grown over time, in particular as a result of the 2011 reform which explicitly gave Frontex a mandate to assist Member States in their return operations by coordinating or organizing joint return operations, including through aircraft chartering. The number of joint flights has therefore increased rapidly, from three flights in 2006 to 348 flights in 2018, representing more than 12,000 returnees. In view of its growing role in the field of return, Frontex agreed in 2018 to conclude a contract for a total amount of EUR 20 million to provide the Agency with its own capacity to charter flights for return operations for a further three-year period (Frontex, 2019c: 40).

It should be underlined that Frontex aspires to be a “core actor” (Frontex, 2018a: 7) in the field of return at EU level, which is reflected in the new legal mandate enabling the Agency to propose the launch of return operations and further enhance its role in organizing their operational planning, in particular regarding dates and places of return operations (Article 50 (1), *Regulation 2019/1896*). Moreover, when a Member State encounters difficulties in implementing an effective return policy, the Agency may provide appropriate technical and operational assistance in the form of a “return intervention” consisting of the deployment of teams to the Member State concerned within five working days from the “return intervention” (Article 53(2), *Regulation 2019/1896*). The real innovation, however, is that the Agency can also organize and coordinate repatriation operations where the means of transport and forced-return escorts are provided by the “third country of return,” ie the country to which persons are repatriated. The so-called return operations were officially introduced in 2016, but reflected a practice with which Frontex had been experimenting since at least 2015, outside any legal framework (Frontex, 2017b: 71). Despite concerns about the lack of adequate guarantees to protect the fundamental rights of migrants during such return operations conducted by return teams operating under judicial and disciplinary control of a third country (Rijpma, 2016), the number of Frontex-coordinated collective return operations increased sharply from 15 in 2016 to 67 in 2018, with Georgia, Albania and Serbia being the main target countries (Frontex, 2018b: 25; 2019c: 31). Frontex’s activities in this area can also be viewed as securitization practices due to the fact that they are significantly “atypical.” Nowhere else in the world and never before has there been such a high level of advancement in coordinating operations to expel certain groups of migrants from such a large group of countries. Frontex enables EU Member

States to plan and coordinate return operations more easily than before and can even help them financially and logistically.

Summarizing all Frontex practices in the area of EU migration and asylum securitization, it should also be noted that Frontex uses a lexicon typical of strategic research. In its official communications the Agency often speaks of “joint operations,” “interdiction actions” or “intelligence gathering,” while it is not uncommon for the Agency to use national security jargon in reference to the “fight” against “illegal” immigration. This tendency to securitize is also evident in the cartographic description of migratory trends, with Frontex’s infographics depicting a siege scenario in which Europe is surrounded by arrows that seem to represent the trajectories of an enemy invasion (Chillaud, 2012; Casas-Cortés et al., 2017; van Houtum and Bueno Lacy, 2020). This has a clear impact on migration control practices, with many scholars pointing to the increasing militarization of borders (Lutterbeck, 2006; 2019; Wolff, 2008; Topak and Vives, 2020).

In many respects, the creation of Frontex can be considered a decisive step towards a post-national border management model, which is to some extent confirmed by its growing role in the implementation of the EU’s Integrated Border Management (IBM) strategy at the operational level and contributing to shaping the migration and asylum securitization process in European Union. It is also safe to say that with the increasing coordination of Frontex-initiated practices, but with the strong commitment of some EU Member States to the most advanced securitization practices in asylum and migration, there has been an overall increase in securitization practices targeting asylum seekers and migrants in EU. This is for two reasons. Firstly, because the mandate of the Frontex Agency has been significantly expanded and the powers given by the reforms of the Founding Regulation lead to the militarization of the EU’s external borders. In addition, every major group of refugees or labor migrants heading to the EU’s external border came to be seen from the perspective of a threat to EU security, while not respecting their fundamental rights. Hence also so much controversy in the perception of the Frontex Agency. Second, Frontex has facilitated the involvement of EU Member States in securitization practices through its expertise, coordination activities and funding opportunities. In particular, it allowed some countries that do not have much experience or the financial resources to deal with migration to engage in securitization practices, which would have been much more difficult to develop without assistance.

In addition, this article showed that all of Frontex’s main activities fall into at least one of the two (non-contradictory) categories of securitization practices previously identified, i.e. practices that have traditionally been implemented to address problems largely considered as security threats and extraordinary practices which never before applied to migration and asylum. Frontex activities related to training national border guards, carrying out risk analyzes and continuing research related to border security belong to the first category of securitization practices. Other important operational

activities of Frontex requiring the use of sometimes exceptional measures, such as the coordination of joint surveillance and control operations at the external borders and assistance in organizing joint return operations, can be grouped into these two categories of practice.

It should be noted, however, that the use of a wide variety of securitization practices does not automatically make Frontex an important securitization entity in itself in relation to EU asylum and migration policy. In fact, Frontex was set up by EU Member States, which also control its activities to a great extent. Despite spectacular reforms, its role is mostly limited to coordinating the actions of the member states, for which they remain formally responsible. In this regard, it could be argued that the criticism against Frontex of the shortcomings of the EU's asylum and migration policy mentioned at the beginning of this article is somewhat wrong. It is true that most of Frontex's activities contribute to the securitization of asylum and migration in the EU, which may be criticized on the basis of human rights. However, the extent to which Frontex can be seen as a securitization entity in itself should not be overstated.

Therefore, it should also be emphasized that this article may contribute to a discussion on the extent to which Frontex is an autonomous subject of the EU's asylum and migration policy, taking into account both the legal and informal autonomy of this agency.

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ABSTRACT

The aim of the article is to analyze the importance of the European Border and Coast Guard Agency in the ongoing process of securitization of asylum and migration in the European Union countries. Therefore, the paper will attempt to answer the following research questions: how has the evolution of the European Border and Coast Guard Agency's activities contributed to the ongoing securitisation of asylum and migration in the European Union and can all of Frontex's core tasks be considered securitisation practices? The article also attempts to attribute Frontex's main tasks to two types of securitisation practices proposed by Thierry Balzacq: (1) traditional activities that have been implemented to address what are largely perceived as security issues; (2) extraordinary activities, not only in the sense of 'exceptional' or 'illegal' but more broadly in the sense of 'unusual' that is, never before used or rarely used in relation to migration and asylum.

Keywords: Frontex, securitization, European Union, border protection

**EWOLUCJA I ZNACZENIE EUROPEJSKIEJ AGENCJI STRAŻY GRANICZNEJ
I PRZYBRZEŻNEJ (FRONTEX) W KSZCZAŁTOWANIU
PROCESU SEKURTYZACJI AZYLU I MIGRACJI W UNII EUROPEJSKIEJ**

STRESZCZENIE

Celem artykułu jest analiza wkładu Europejskiej Agencji Straży Granicznej i Przybrzeżnej w utrwalanie sekurytyzacji azylu i migracji w państwach Unii Europejskiej. W związku z powyższym, w artykule podjęta zostanie próba odpowiedzenia na następujące pytania badawcze: w jaki sposób ewolucja działalności Europejskiej Agencji Straży Granicznej i Przybrzeżnej przyczyniła się do trwającej sekurytyzacji azylu i migracji w Unii Europejskiej oraz czy wszystkie główne zadania Agencji Frontex można uznać za praktyki sekurytyzacyjne? W artykule podjęto się także próby przyporządkowania głównych zadań Agencji Frontex do dwóch rodzajów praktyk sekurytyzacyjnych zaproponowanych przez Thierry Balzacq: (1) działania tradycyjne, które były wdrażane w celu rozwiązania problemów, które są w dużej mierze postrzegane jako kwestie bezpieczeństwa; (2) działania nadzwyczajne, nie tylko w znaczeniu „wyjątkowe” lub „nielegalne,” ale szerzej w znaczeniu „niezwykłe,” tj. nigdy wcześniej niestosowane lub rzadko stosowane w kwestiach azylu i migracji w UE i jej państwach członkowskich.

Słowa kluczowe: Frontex, sekurytyzacja, Unia Europejska, ochrona granic