Governing the borders of Europe: the establishment of the Frontex agency

Author: Mogens Hobolth

Abstract

The European Union is struggling with a tension: It profits from a world based on unrestrained free movement of people and resources but also wants to ensure that terrorists, smugglers, traffickers and clandestine immigrants do not misuse this freedom. Hence the tension: freedom of movement is viewed as the absence of control; but control is needed to enjoy the freedom.

If we accept the baseline tension nobody is arguing for the extremes of total freedom or total control. What is at stake is the settling of the practical modalities of control between the two extremes: Who is to be put under control in order to ensure our freedom – and how? The answer to this question is being fought out between politicians, security professionals and others with a stake in the management of the global flow of people. In this paper I investigate the establishment of the European Union's border control agency Frontex. I argue that the establishment of the Frontex agency strengthens a trend towards pro-active and targeted border control directed at specific out-groups defined by mainly the Council but also the security professionals.

Introduction[1]

Every year there is an estimated 100 million travellers who arrive at EU's international airports.[2] This flow of people is, on the one hand, associated with ideals such as the free and smooth flow of resources, the need to attract skilled labour and the desirability of global tourism. On the other hand the flow of travellers connotes a fear of clandestine immigrants, traffickers, smugglers and terrorists hiding in the flow. Thus, the movement of a person across a border activates a tension between the dual goals of free mobility and control.[3] Striking a balance between the two, in turn, involves complicated trade-offs between contradicting economical, political, legal and security imperatives.[4]

The physical border of the European Union (EU) is linked to both elements of this tension as a bothersome disruption of the free mobility and a welcome site of security control. Existing research has emphasised how a traditional border control of everybody at the border is increasingly being replaced by controls away from this location targeted towards certain groups of people.[5] Thereby wanted travellers are granted easy access at the border whilst unwanted persons are singled out beforehand and prevented from ever leaving their initial location.

In this paper I investigate how the establishment of the new external borders agency Frontex relates to the mobility/control tension and the general move towards de-localised and differentiated border control.[6] Because the Frontex agency is relatively new and little research has focused on it so far my main interest and contribution in this paper is to analyse the empirical data available on the Agency.[7] I base this analysis on a Foucaultian governmentality framework.

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[1] I would like to thank Rikke Wagner and Didier Bigo for their very helpful comments.

[2] Commission (2005a), Com(2005)123/F, p. 4

[3] Bigo (2005a), p. 79; Anderson, Bigo and Bort (2000), p. 251f; For a critical deconstruction of the tension see Huysmans (2004, p. 295-300)

[4] Guiraudon and Joppke (2001), p. 8-10; Pellerin (2005), p. 105; Anderson, Bigo and Bort (2000), p. 261

[5] Guiraudon (2003), p. 191; Guiraudon and Joppke 2001, p. 14; Guiradudon and Lahav (2000), p. 55-8; Bretherton and Vogler (2006), p. 49; Anderson, Bigo and Bort (2000), p. 262, 267; Ceyhan and Tsoukala (2002), p. 31; Lavenex (2005), p. 128f; Anderson (2000), p. 24; Bigo (2001), p. 134-7; Bigo (2005a), p. 86-9; Bigo (2000b), p. 172f

[6] The full title of the Agency is the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union'. Official Journal (2004b), p. 1

[7] The Agency has hitherto, to my knowledge, only been briefly analysis in Monar (2005a), p. 136-8; Statewatch (2003); Callovi (2005), p. 22-4

I argue that the establishment of the Frontex agency signals a continued trend towards a differentiated and de-localised border. The establishment of the Agency details how the Council and the security professionals attempt to construct especially clandestine immigrants and terrorists as unwanted travellers and govern them through techniques deployed away from the physical border.

2. The governing of persons

The theoretical approach I apply in this paper is based on Michel Foucault's writings on 'governmentality' and attempts to apply this to the study of border control.[8]

The governmentality framework is centrally concerned with 'governing', which Foucault defined as 'action upon the action of others'.[9] Governing, then, is 'a form of activity aiming to shape, guide or affect the conduct of some person or persons'.[10] This activity is something performed on individuals and includes the use of police force to keep people in line but also contains more subtle strategies of making persons discipline themselves towards a certain behaviour. The concept of 'technologies of government' is used to describe this type of governing.[11]

The governmental technologies are, importantly, not neutrally applied to subjects in a pre-existing reality but re-present reality in a way, which 'enable us to govern'.[12] Technologies, in other words, *make* certain subjects governable.[13] In my analysis I focus on three specific dimensions of governmentality: *Firstly*, who is to govern the persons? *Secondly*, who are to be governed? *Thirdly*, how are these persons to be governed?[14]

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[8] Foucault (1991); Huysmans 2004, 2006; Bigo (2005b); Bigo and Guild (2005); Walters (2002); Browne (2005); Bigo (2000b, p. 174) argues for a combination of the approaches of Pierre Bourdieu and Foucault.

[9] Foucault (1983), p. 221; Governmentality is, for Foucault, explained as a specific mode of power called bio-politics in the context of other modes of power such as sovereign and disciplinary power. (Foucault 1991, p. 101f; Foucault 2004, p. 242; Rose 1999, p. 23)

[10] Gordon (1991), p. 2; see also Walters and Haahr (2005), p. 289; Miller and Rose (1988), p. 174; Bigo (2002), p. 86 footnote 8

[11] Huysmans (2006), p. 91; Rose (1999), p. 52

[12] Lemke (2001), p. 191

[13] Huysmans (2006), p. 93; Miller and Rose (1988), p. 174

[14] Walters and Haahr (2005), p. 290f lists the logics; I have adapted them to the free movement context; Gordon (1991), p. 3; Rose (1999, p. 52) in a similar sense has these three question as a part of analysing the 'assemblage' of technologies.

The analytical dimensions

The first dimension – the question of who governs - concerns the definition of the responsibility, ownership and the relationship between the different actors such as the security professionals, politicians and the EU institutions. This dimension highlights an important element of the tension between mobility and control. It emphasises, in particular, how the division of authority is important in the designation of who is to be controlled. From a security point of view, for example, it could be judged relevant to impose a visa restriction on travellers from the United States. However, from a political and economical point of view this would be a highly problematic disruption of the flow of travellers. Thus, it is crucially important who has the authority to define the unwanted travellers.

The second dimension - who is to be governed - concerns the delineation of a specific group of unwanted travellers. The identification of all travellers as potential terrorists, for example, would entail intensive checks in general and thereby involve a strong tension with economical concerns. Imposing a singular visa demand on US travellers with a Middle-East background, to take another example, would raise considerable legal problems.

The third dimension - how the persons are to be governed - relates to the conceptualisation of the unwanted travellers in a specific way, which make them governable. The mobility-control tension is, again, apparent in the need to devise techniques, which simultaneously allow for the easy passage of wanted travellers whilst screening out unwanted travellers.

Analysing governmental technologies, all in all, involves an analysis of how concepts, arguments, statistics and justifications are developed and fought about by different actors, which enable groups of persons to be governed.[15] At stake is how governing is to be done, who is to be subjected to it and who has the authority to settle these questions. Answering these questions requires, in turn, access to a specific set of empirical documents.

The available documents

The governmentality approach privileges lower level 'bureaucratic' documents associated with the daily work of governing. The methodological point advanced is that 'it is, most often, at this vulgar [sic], pragmatic, quotidian and minor level that one can see the languages and

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[15] Lemke (2001), p. 191; Miller and Rose (1988), p. 174

techniques being invented'.[16] Although academic theories and the speeches of top-level politicians are important they are suspected of being to a high degree a 'formalization' of battles already fought out at more bureaucratic levels of government.[17] The governmentality approach, then, requires and puts great emphasis on the empirical access to lower-level documents associated with the development of technologies. The main documents available on the Frontex agency are precisely of this kind.

The available documents related to the Frontex agency can be grouped into three categories. In the following I present these categories and how I have used the documents in the analysis. The included documents are listed in the three groups in appendix 1.

Firstly, there are the documents associated with the legislative process establishing the agency. These include older documents referred to in the commission's proposal and documents directly related to the legislative process. These documents detail the crafting of the technologies although they are often short in their description of key terms, changes and disagreements. These documents could have been fruitfully supplemented by internal working papers and interviews. Nevertheless, they illustrate the disagreements and agreements between and within the European institutions. In the paper I track in detail the changes in the documents with a view to highlighting important changes to and disagreements and agreements on the technologies developed.

Secondly, there is a set of documents associated with the agency after it started functioning. Because of the novelty of the agency these are sparse. Furthermore, the Agency's work programme for 2005 and 2006 has only been partially declassified. The agency is also given new tasks in Council and Commission policy documents. These documents I use as a substantial input to the description of Frontex's technologies and as an indication of the struggle over the priorities for the agency.

Thirdly, there is a very considerable class of documents associated with the existing techniques and centres, which Frontex is going to take ownership of. I use these documents to analyse the techniques Frontex is going to work with assuming that the work of Frontex will

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[16] Rose (1999), p. 31
[17] Rose (1999), p. 31

fall in line with earlier practice. Although these documents give considerable grounds for conclusions they are limited by the lack of declassified documents.

In the remaining parts of the paper I analyse the empirical data following the three analytical dimensions in order to assess how the establishment of Frontex relates to the general trend of de-localised and differentiated border control.

3. Who is to govern the borders?

In this section I analyse the agreements and disagreements during the legislative process. The two major themes during the legislative process concerned the ownership and responsibility for border control and the technical-independent nature of the task. In the first debate the Council was concerned to highlight its own primary role in the control of the borders. In the second debate there was widespread agreement on the technical nature of border control and the need to ensure independence and professional standards.

Ownership of and responsibility for border control

The 18th of November 2003 Antonio Vitorino, the then Commissioner for Justice and Home Affairs, officially presented the Frontex proposal to his fellow commissioners. The minutes for this meeting emphasized, first of all, that 'opinions on the question of powers over external border control were still divided'.[18] Vitorino stressed that the proposed powers of the agency were limited. Its purpose was to 'help Member States implement Community policy' on the operational level and the agency would not have law-enforcement, policy-making, legislative or implementing powers.[19] The Commission had earlier on filed suit at the European Court of Justice against the Council for usurping powers in relation to border control,[20] and the Commission is also in favour of a supra-national European Corps of Border Guards.[21] But in this case the Commission apparently decided not to present a 'controversial' proposal. The management board of the Agency, for example, is proposed to consist of 12 members elected by the Member States and only two representatives from the Commission.[22]

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[18] Commission (2003a), PV(2003)1634/F, p. 13
[19] Commission (2003a), PV(2003)1634/F, p. 13
[20] Guild (2005), p. 9f; ECJ (2006), p. 16-18 (Case C-257/01)
[21] Vitorino (2003), p. 2; Monar (2005b), p. 149
[22] Commission (2003b), com(2003)687/f2, p. 24

The Council, nevertheless, in its first conclusions on the Agency remained concerned with the issue of powers over external border control. The Council underlined that the 'responsibility for the management of the external borders lies with the member states' and an agency was only needed in order to 'organise and develop indispensable coordination of operational cooperation'.[23] During the legislative process the Council remained concerned with this 'exclusive competence issue'.[24] The Council decided to add the phrase that 'the responsibility for the control and surveillance of the borders lies with the Member State',[25] and emphasized their ownership of the borders by adding that the borders to be controlled are not the external borders of the European Union but the 'external borders of the *Member States* of the European Union'.[26]

Similarly, whilst the Council endorsed the main elements of the proposal and the tasks of the Agency the Council stressed that participation in common tasks should remain voluntary.[27] This resulted in the adding of three paragraphs stating that the Member States may continue cooperation in these areas as long as their actions complement the tasks of the Agency and the states report on these actions to the Agency.[28] Although these formulations leave scope for independent actions by the Member States they also put some limits to the possibility of state actions. This limitation is apparent when compared to some delegations suggestion that any action by the Agency should not rule out that the states themselves take their own actions.[29]

The Council further stressed the Member States' operational responsibility by adding the specification that the Agency can only launch initiatives 'in agreement with the Member State(s) concerned'.[30] Similarly, the distribution of pooled technical equipment was proposed by the Commission to be made by the agency following a risk analysis.[31] The council added to this, that the equipment should only be put at the disposal of another Member State following a risk analysis *and* a 'request from the individual Member State'.[32]

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[23] Council (2003b), 15446/03, p. 3
[24] Council (2004b), 6226/04, p. 3
[25] Council (2004i), 9018/04, p. 3
[26] Council (2004a), 5803/04, p. 2, my italics
[27] Council (2003b), 15446/03, p. 5
[28] Council (2004c), 7428/04, p. 4f
[29] Council (2004a), 5803/04, p. 3
[30] Council (2004a), 5803/04, p. 4
[31] Commission (2003b), com(2003)687/f2, p. 11, 21
[32] Council (2004a), 5803/04, p. 5

The Council also altered the Commission's proposed composition of the management board to one representative per state and two from the Commission.[33] One delegation remarked that the Commission was underrepresented compared with the number of Member State representatives, but nothing was changed on this score.[34] The Council further included a paragraph stating that proposals on specific actions at or close to a Member States' border had to receive a vote in favour by this state.[35] Thus, the Council's position on the management board both reflect a marginal concern amongst some on the lack of influence for the Commission as a result of the few members of the Board and a further underlining of the ownership of the borders by the Member States.

The European Parliament (EP) saw the proposal as overall 'rather intergovernmental' in granting a too limited role for the Commission and the Parliament.[36] The Parliament, nevertheless, found it important to stress that the Union is not out to usurp the Member States and suggested to add a paragraph stating that the 'management of national borders should remain a sovereign Member State responsibility'.[37] The European Parliament, however, suggested several changes in order to Europeanize the borders. It argued, in particular, for an enhanced role for the Commission on the management board. It proposed that the Board should be composed of six members appointed by the states and six by the Commission. Furthermore, Parliament argued that the Commission separately and not the Board should appoint the Director of the Agency,[38] and the Board meetings should be chaired by the Commission.[39] These changes were argued to be necessary because it is the Commission, which bears the 'ultimate political responsibility'.[40] The EP also proposed several changes to underline its own role and ability to exercise its 'political control powers'.[41] Thus, the Parliament seems to uphold a slightly contradictory position where the borders remain a national responsibility but the border management agency is Europeanized.

Border control as a technical task

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[33] Council (2004a), 5803/04, p. 13
[34] Council (2004a), 5803/04, p. 11-13
[35] Council (2004c), 7428/04, p. 12-14
[36] EP (2004), A5-0093/2004 F, p. 30
[37] EP (2004), A5-0093/2004 F, p. 9
[38] EP (2004), A5-0093/2004 F, p. 17f
[39] EP (2004), A5-0093/2004 F, p. 19
[40] EP (2004), A5-0093/2004 F, p. 17f
[41] EP (2004), A5-0093/2004 F, p. 31

The Agency is given considerable independence in relation to the other institutions. First of all, there is no disagreement on the Agency having a legal personality and independence in 'technical matters'.[42] The Commission, furthermore, states that its basic motivation, for establishing an agency is that:

[...] the Agency will be in a better position than even the Commission itself to accumulate the highly technical know-how on control and surveillance of the external borders that will be necessary, if the Agency shall give an added value to the operational co-operation in its field.[43]

The regulation further emphasises that a role of the agency is to provide 'technical support and expertise' on border management to the Commission and the Member States.[44] The Parliament, in relation to the debate on the languages to be used in the work of the Agency, deployed an expertise argument when it stated that 'a highly specialised agency' cannot work in all official languages.[45] The Agency is furthermore given an independent budget primarily consisting of a grant from the Union.[46]

The Commission did not originally specify whom the Board should be composed of. The Council proposed that the Board members should be the 'operational heads' of the Member States border guards or equivalent,[47] and added a paragraph to this effect.[48] Both the European Social and Economic Committee (EESC) and the Parliament suggested a similar specification.[49] This formulation, importantly, hides the fight amongst the different security agencies, such as border guards, customs and gendarmerie, about who are to be 'head' of the border control.[50] Nevertheless, the change illustrates the professional character of the agency and were highlighted by the executive director of Frontex, Colonel Ilkka Laitinen, as 'very very good' as it keeps the 'focus on operational things' and ensures commitment behind the agency.[51] Laitinen's avowedly professional approach, furthermore, is underlined in his

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[42] Council (2004m), 10827/04, p. 18
[43] Commission (2003b), com(2003)687/F2, p. 7
[44] Council (2004m), 10827/04, p. 10
[45] EP (2004), A5-0093/2004 F, p. 22. The debate on the language to be used is played out in Council (2004e), 7596/04, p. 12-14; removed in Council (2004h), 8106/04, p. 11f; Council (2004a), 5803/04, p. 17; Council (2004b), 6226/04, p. 22; Council (2004c), 7428/04, p. 18; Council (2004h), 8106/04, p. 19
[46] Council (2004m), 10827/04, p. 31-3
[47] Council (2004a), 5803/04, p. 11-13
[48] Council (2004c), 7428/04, p. 14
[49] Official Journal (2004a), p. 100; EP (2004), A5-0093/2004 F, p. 18f
[50] Bigo (2001)2, p. 132
[51] Interview with Laitinen in House of Lords (2006), Evidence, p. 172. The ability and desirability of the border

pragmatic dismissal of a common European border police because '[b]orders are a symbol of sovereignty and *things like that*'.[52]

The independence of the Agency raises concerns with the relation between the Agency, the Community institutions and the Member States. The Commission proposed a recital stating that a 'gradual widening of the scope of action of the Agency should be provided for'.[53] The new actions could, for example, entail the actual carrying out of inspections by Agency staff. The rationale for this is the 'constantly changing nature of the challenges to efficient management of the external borders', which apparently necessitates that the Agency should be able to dynamically expand its tasks.[54] This would entrust the Agency, and specifically the Board, with a rather substantial leverage in taking on new tasks in relation to the borders. The Council deleted this recital.[55] Instead, it emphasised that policy and legislation remains a responsibility of the EU institutions and the Council in particular.[56] The Parliament also suggested a deletion and substantially argued that expanding the scope of the action should go through the legislative channel.[57] Thus, overall responsibility, however defined, for border control and the designation of who is to be governed remains an open political issue.

4. Who is to be governed?

In this section I analyse whom Frontex is to govern. The empirical basis for this assessment includes the documents from the legislative process and later documents related to the Agency.

Controlling everybody who crosses the border

The opening justification for the establishment of Frontex gives an indication of whom the agency is going to work with:

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guards' independence from the political level is also reflected in earlier testimonies before the House of Lords by officials from the German (p. 19, Q43) and Finnish (p. 3, Q1) border guard (House of Lords 2003, Evidence). The Finnish official, for example, argues that there 'might be difficulties between the diplomats and the capitals, but that would not necessarily have effects on the borders because it would be managed on a professional basis and professionals tend to ignore the diplomats.'

[52] BBC (2005a), my italics
[53] Commission (2003), com(2003)687/f2, p. 17
[54] Commission (2003), com(2003)687/f2, p. 17
[55] Council (2004b), 6226/04, p. 5
[56] Council (2003b), 15446/03, p. 4
[57] EP (2004), A5-0093/2004 F, p. 9f

[T]he Agency shall facilitate and render more effective the application of existing and future Community measures relating to the management of external borders. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an *efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States*.[58]

The justification for the establishment of the Agency, thus, is that enhanced coordination will ensure a high level of control on *every* person trying to cross the border.[59] This vision of an 'efficient, high and uniform' control on everybody sets up border control *as such* as very important. This is stated in the contextualisation of Frontex in the Union's wider external borders policy:

Community policy in the field of the EU external borders aims at an integrated management ensuring a uniform and high level of control and surveillance, which is a *necessary* corollary to the free movement of persons within the European Union and a *fundamental* component of an area of freedom, security and justice.[60]

Integrated management refers to better cooperation within states (amongst for example border guards, customs, immigration) and between states.[61] The resulting high and uniform level of control of everybody is then justified as a measure to ensure the free movement of persons inside the European Union. Border control, thus, is argued to be constitutive of the internal area of freedom, security and justice. Frontex thereby follows the general Schengen argument that the lifting of the internal borders necessitates enhanced external border control as a 'flanking manoeuvre'.[62] The Schengen argument, to an extent, is in line with classical sovereignty logic at the European level where an internal area requires clear and guarded borders.[63] On this logic border control is the 'quintessential sovereign prerogative' and only the national citizens have a right of entry.[64] All other persons crossing the borders are thereby constructed as a potentially suspicious. This legitimises a wide array of comprehensive control practices regardless of the implications for the free mobility.[65]

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[58] Official Journal (2004b), p. 3, Chapter 1, Article 1.2, my italics
[59] This definition of control and surveillance is further explained in the Schengen rules and norms (Official Journal 2000,2002a, 2006; Council 2002b) See also Commission (2003), com(2002)233/F, p. 7; Cholewinski (2003), p. 115-127 analyse the old convention
[60] Official Journal (2004b), p. 1, recital 1, my italics
[61] Monar (2005b), p. 148
[62] Official Journal (2002b), TEC Article 61
[63] Snyder (2000), p. 222f
[64] Cholewinski (2003), p. 107
[65] Grabbe (2002), p. 92

However, even if control of *everybody* is a strong part of the baseline logic the resulting strong tension with the goal of mobility is acknowledged. Alongside the comprehensive ideal of control there is argued to be a parallel objective of making it 'easier and faster for *authorised* travellers to enter the EU in conformity with the Schengen Acquis while protecting the EU against *illegal* entry'.[66] Thus, the persons who are designated as unwanted travellers are defined in broad and open terms as those who do not fulfil the entry conditions.

All in all border control performs a symbolic role in the Schengen logic in setting up an internal European area based on strong control of everybody. However, the argument is in the end nuanced and a distinction is made between wanted and unwanted travellers. The latter category is a broad and empty category defined as those who do not fulfil entry conditions. Filling out the category of unwanted travellers is the predominant concern in the documents. With whom it is filled out is the topic of the next section.

The unwanted travellers: clandestine immigrants, associated others and terrorists
The Commission's explanatory notes to the Frontex proposal fill out the category solely with 'illegal immigration'.[67] The framing of illegal immigrants as unwanted travellers is also reflected in the Agency's own slide-show presentation,[68] and then Commissioner Vitorino's speech on the proposal of the Agency.[69]

Vitorino's speech, however, also follows the general trend of linking illegal immigrants to other groups of travellers. He argues that the objective is to 'prevent illegal immigration, or to prevent the movement of criminals'.[70] This line of argument is found in documents associated with the Council and the Commission. The category of illegal immigrants is variously tied together with, for example, terrorists and organised crime perpetrators,[71] terrorists and traffickers,[72] refugees,[73] smugglers[74] and others.[75] The linkage between these different groups

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[66] Commission (2005a), com(2005)123/F, p. 55, my italics; Commission (2001), p. 7. The need for 'sophisticated' control is also argued for in relation to the EU's policy of creating a 'ring of friends'. Grabbe (2002), p. 102f; Lavenex (2005), p. 123; Grabbe (2000), p. 519
[67] Commission (2003b), com(2003)687/F2, p. 6, 11, 12
[68] Frontex (2006), p. 16
[69] Vitorino (2003), p. 1
[70] Vitorino (2003), p. 1
[71] Commission (2002), com(2002)233/F, p. 3
[72] Commission (2002), com(2002)233/F, p. 2; Frattini 2005, p. 2
[73] Vitorino 2003, p. 2; Council (2005f), 15744/05, p. 4
[74] Council (2006b), 2746th Justice and Home Affairs Council (JHA) meeting, Presidency (Mr Kari Rajamäki,

illustrates the general securitization and criminalisation of clandestine immigrants.[76]

The European Parliament stands alone in arguing that border control 'constitutes a measure designed to prevent trafficking in human beings'.[77] EP, then, goes against the tide in suggesting a specification of traffickers alone, and not illegal immigrants or asylum seekers, as the unwanted travellers.[78] The lack of success for the EP in launching this category shows the strong link between who governs and who are to be governed.

The bombings in Madrid the 11th of March 2004 coincided with the legislative process. As a part of the response the European Council urged the finalisation of the regulation and argued that 'improved border controls and document security play an important role in combating terrorism'.[79] The construction of 'terrorists' as independent targets of border control was present earlier on,[80] but is very evident in the Council's counter-terrorism strategy and action plan.[81] This new separate category of terrorism illustrates the functionality of the open construction, which can be filled out according to current needs.

The Agency is, finally, going to work with the travellers who made it illegally to the inside but are now liable for repatriation. These are identified as 'illegally present third-country nationals'.[82] This group of people include 'invisible' persons who work and live *sans papiers* in the Union. The Agency, however, is not supposed to govern these people but provide 'the

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Minister of the Interior of Finland). The debate was video-streamed and references are therefore only provided to the speaker. The quotations are my transcription.

[75] Council (2005f), 15744/05, p. 3; Commission (2005a), com(2005)123/F, p. 54; Commission (2002), com(2002)233/F, p. 4

[76] Ceyhan and Tsoukala (2002), p. 22; Huysmans (1995), p. 54. This is not to deny that linkages between the groups exist in practice (see Koslowski 2000, p. 205-212) but merely to stress that the precise construction of the linkage is not given (Bigo 2001, p. 127).

[77] EP (2004), A5-0093/2004 F, p. 6

[78] Similarly see the earlier European Council conclusion (2001, Conclusion 42)

[79] European Council (2004), p. 7f; Council (2004d), 7555/04/Presse 94, p. 5; Commission (2004), Memo/04/59, p. 2

[80] Commission (2002), com(2002)233/F, p. 4

[81] Council (2005h), 14469/4/05/REV4, p. 3, 10; Council (2006a), 5771/1/06/REV1, p. 11, 18. The lack of recognition of how Union citizens might also be 'terrorists' reflects the grounding of this construction in a security logic where the Union is presented as having an unquestionable 'internal harmony' only disturbed by threats coming from the outside (Huysmans 1995, p. 55f).

[82] Official Journal (2004b), p. 5, article 9.2; Commission (2003b), com(2003)687/F2, p. 3, 5, 16, 17; There is some debate on the need to specify 'illegally present'. Council (2004b), 6226/04, p. 11f; Council (2004c), 7428/04, p. 7; Council (2004e) 7596/04, p. 7. Both the European Social and Economic Committee and the European Parliament are very critical towards the Agency working with these people. Official Journal (2004a), p. 99f; EP (2004), A5-0093/2004 F, p. 10f, 12

necessary support for organising joint return operations'.[83] Thus, Frontex is to support the return of persons already detained in, for example, centres waiting for repatriation. This group, then, stands out from the other subjects of the Agency in being well known and easily identifiable.

5. How are the unwanted travellers to be governed?

Frontex is entrusted with what is described as six 'main' and two important supplementary techniques. All taken together these are joint operations and pilot projects, training, risk analyses, monitoring research, pooling equipment, providing assistance in critical situations, repatriation and cooperation with Europol, other organisations and third countries.[84] The substantive contents of some of these techniques were changed mainly in terms of the above-discussed question of 'who governs' but they all remained in their main thrust.[85] All these techniques are, arguably, important in their own right. However, the available documents focus most strongly on risk analysis, assistance in critical situations and repatriation. Furthermore, in these documents the other techniques are to a large extent subsumed under these three. Therefore my focus is on the three techniques of risk analysis, assistance in critical situations and repatriation and how they try to construe the travellers in ways through which they become governable.

5.1 Risk analysis

Risk analysis is argued to be a key technique of the Frontex agency,[86] and the executive director Laitinen describes it as the 'inner core methodology' of the Frontex agency.[87]

Gathering and sharing data for the analyses

A 'vital' part of the risk analyses are, according to the Commission, that they are based upon data exchange with Europol and other organisations.[88] Exchange of information, thus, is argued to be crucial for the design of the risk analyses. From the outset the Commission proposed that Frontex should be able to cooperate with Europol and others on the 'exchange

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[83] Official Journal (2004b), p. 5, article 9.1
[84] Official Journal (2004b), p. 4-6, article 2 - 11 and 13-14
[85] To an extent these tasks reflect an earlier established consensus (European Council 2002, 13463/02, p. 9f; Council 2002a, 10019/02, p. 15-27; Commission 2002, com(2002)233/F, p. 22f; Monar 2005b, p. 153-5)
[86] Council (2006b), 2746th JHA meeting, Laitinen; Council (2006), 5771/1/06/REV1, p. 11
[87] House of Lords (2006), Evidence, p. 168. Although I follow this stress of the importance of risk analysis this is not to say that there is a general lack of implementation and commitment (Monar 2005b, p. 155f, 159)
[88] Commission (2003b), com(2003)687/f2, p. 12

of strategic non-personal information'.[89] Thus, the information should not include personal data but only 'general information on recent trends in and modus operandi of illegal immigration'.[90] In the Council, however, the limitation to non-personal data is criticised and although 'strong hesitations' are raised the limitation is removed,[91] and a general reference is inserted on the protection of personal data.[92] The Agency, thus, is enabled to fully cooperate with other organisations on the exchange of sensitive personal information. Laitinen argues that this includes information exchange with 'Europol, Eurojust to a certain extent, OLAF…and the situation centre of the European Council'.[93] In relation to Interpol, however, there has been contact but 'systematic regulated cooperation is rather far in the future'.[94]

Thus, Frontex is presented as a key part of the interconnected European security institutions. It is clearly recognized that this involves a tension between the gathering of information for security analysis and the protection of travellers' personal data. The increasing cooperation and data exchange between the security institutions is, arguably, an important trend in attempts to govern unwanted travellers.[95]

The general and tailored analyses

The Agency is tasked with using the data to further develop the existing risk analysis model and prepare 'general and tailored risk analyses'.[96] These analyses are, first of all, to be delivered to the Council and the Commission. This runs parallel to the Agency's general task of continually providing 'technical support and expertise' to the Member States and the Commission.[97] In that sense the analyses are to be used to supply knowledge, which will allow the unwanted travellers to become increasingly governable. The European Parliament's exclusion from this information reflects the link between who is to govern and how it is done.

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[89] Commission (2003b), com(2003)687/f2, p. 22
[90] Commission (2003b), com(2003)687/f2, p. 12
[91] Council (2004b), 6226/04, p. 12; Council (2004c), 7428/04, p. 8; Council (2004e), 7596/04, p. 8; Council (2004m) 10827/04, p. 17
[92] Official Journal (2004b), p. 2, recital 19; see also Council (2004b), 6226/04, p. 3, 6; EP (2004), A5-0093/2004 F, p. 23; Council (2004h), 8106/04, p. 2
[93] House of Lords (2006), Evidence, p. 169; see also Council (2006c), 10438/06, p. 8
[94] House of Lords (2006), Evidence, p. 170
[95] Bigo (2005b), p. 1; Bigo (2000), p. 68; Bigo (2001), p. 135f
[96] Official Journal (2004b), p. 4, article 4; Commission (2003b), Com(2003)687/f2, p. 11. In 2005 the Agency compiled one general risk analysis and two tailored risk analysis on the Spanish enclaves Ceuta and Melilla (Council 2006c, 10438/06, p. 7)
[97] Official Journal (2004b), p. 3, article 1.3

In the Commission's background notes, a general and a tailored risk assessment are differentiated from each other and explained in the following paragraph:

General risk assessments are used to determine the risks with regard to all the EU external borders posed by illegal immigration, whereas the tailored risk analyses focus on local particularities of a certain part of the external borders or on particular trends in the *modus operandi* of illegal immigration.[98]

The main difference between a general and a tailored risk analysis, then, is whether the analysis focus on the EU borders as such or on a specific section or particular trend in illegal immigration. The focus on 'illegal immigration' is pervasive in most of the documents,[99] and terrorists are only linked to risk analysis in the Council's counter-terrorism action plan.[100]

Risk analysis, then, tries to render the unknown category of possible illegal immigrants visible by 'prediction of future trends'[101] – that is predicting the possibility that illegal immigrants will try to cross a certain section of the external borders. This prediction forms the basis for suggested remedies such as enhanced controls at specific places and on specific persons or extra scrutiny of specific types of documents.[102] In order to make this prediction several factors are included. The Commission explains that the analyses are to take

into account information on the surveillance of that section of the border, the geographical features of the area, as well as intelligence on the modus operandi of illegal immigration in the area in question.[103]

On the one hand, then, the analyses use available information on the control of the EU's external border to identify weaknesses and loopholes. The Union's borders are then assigned a risk or 'vulnerability' level.[104] This assessment includes, for example, information on 'estimated coverage' of checks and surveillance, number of apprehensions at the border and inside the Union, the education and experience level' of the border personnel, the use of

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[98] Commission (2003b), Com(2003)687/f2, p. 11
[99] Council (2002d), 11520/02, p. 2; Council (2002e), 12114/02/ADD1, p. 2; Council (2003g), 11476/03; Council (2003h), 15500/03; Council (2004o), 6884/1/04/REV1, p. 3; Council (2004p), 6883/1/04/REV1; Council (2004r), 16209/04; Council (2004q), 12208/04, p. 2
[100] Council (2006a), 5771/1/06/REV1, p. 11
[101] Council (2004q), 12208/04, p. 2
[102] Council (2004r), 16209/04, p. 3; Council (2003h), 15500/03, p. 3
[103] Commission (2003b), Com (2003)687/f2, p. 11
[104] Council (2003e), 8831/03, p. 6

international agreements and liaison officers.[105] On the other hand, the prediction of the possibility of an illegal border crossing includes information on the illegal immigrants in the form of their 'modus operandi'. This is then used to identify the group of illegal immigrants as a 'threat'.[106] The prediction is based on the Member States' assessments of push factors, 'reasons why people want to leave', and pull factors explained as 'reasons why people want to go to your [the Member State filling out the form] country'.[107] This assessment also includes data on the main 'routes', which nationalities are involved and which countries are passed through by them.[108] Finally, data is included on the 'methods' used to hide as a legitimate traveller such as forging documents or hiding in vehicles.[109] Thus, risk analysis tries to make the illegal immigrants visible by assessing *known* vulnerabilities to the borders and conceptualising the *unknown* travellers as flows following routes being pushed and pulled by different factors.

The mainstreaming and use of risk analysis

Risk analyses are linked to several of the Agency's other tasks. The results of the analyses are applied in the development of joint operations,[110] the distribution of pooled technical equipment,[111] and the development of border guard training courses on profile analysis.[112] The use of risk analysis in training and deployment of equipment, in particular, integrates risk analysis in the concrete work of the border guards. Thereby the knowledge is distributed not only to the Commission and the Council but also made available to the individual border guards. In the Schengen Catalogue of best practice this is described as 'tactical risk analysis' which involves equipping the officer with 'real-time' knowledge on 'risk indicators, risk profiles' and named 'special targets' and using this knowledge to evaluate which 'persons, vehicles, vessels or flights to be checked'.[113]

Tactical risk analysis, then, is about using the generated knowledge about patterns of behaviour to conduct an intensified check of certain people. The United Kingdom (UK), for

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[105] Council (2003g), 11476/03, p. 6-7, 10
[106] Council (2003e), 8831/03, p. 6; Council (2004p), 6883/1/04/REV1, p. 7
[107] Council (2004g), 11476/03, p. 3
[108] Council (2004g), 11476/03, p. 4;
[109] Council (2004g), 11476/03, p. 4; Council (2003h), 15500/03, p. 3; Council (2004r), 16209/04, p. 3
[110] Council (2006d), 6941/06/EXT1, p. 10f; Council (2003e), 8831/03, p. 2
[111] Official Journal (2004b), p. 5, article 7
[112] Official Journal (2004b), p. 4, article 4; Council (2003i), 8285/2/03/REV2, p. 46, 52, 58; Council (2005g), 9133/05, p. 9; Council (2002b), 5018/1/02/REV1, p. 13
[113] Council (2002b), 5018/1/02/REV1, p. 13

example, used risk analysis in a 2001 action against Roma asylum seekers. The analysis pointed towards misuse of the asylum system by Roma passengers travelling via Prague's international airport. The UK then deployed 'pre-clearance' practices in this airport, which effectively stopped Roma passengers from travelling to the UK. This practice involves a strong legal tension and the Law Lords court in the UK ruled that the practice were 'inherently and systematically discriminatory and unlawful'.[114] On the other hand it is economical in its focus on specific travellers allowing the rest to pass easily, political beneficial in its prevention of groups of travellers and it tries to integrate security knowledge on general threats and stopping them from accessing the Union.

Risk analysis, all in all, is central to the Agency. It tries to govern the unwanted travellers by assessing known vulnerabilities at the borders and predicting the arrival of the travellers via generalisations from profiles developed on the basis of assessments of immigration routes, methods as well as push and pull factors. This targets the checks towards certain travellers but raises considerable legal question marks. In the next section I look at an, apparently, more classical vision of reactively responding to critical situations.

5.2 Responding to critical situations at the border

In this section I analyse Frontex's role in assisting Member States in "critical" situations. The Member States can request assistance from the Agency in 'circumstances' where there is a need for 'increased technical and operational assistance'. Frontex is then able to coordinate the response of several Member States to the problem and deploy its own experts and technical equipment to the Member State(s).[115] Such a circumstance is described by the Commission as a 'critical situation' marked by a 'sudden influx' of immigrants.[116] This technology, then, is based on a reactive logic where the response only follows after the unwanted travellers has rendered themselves visible by continually arriving at a particular physical border section. Frontex on its own is a small agency and has few experts to deploy.[117] The Commission has proposed to strengthen this by creating 'Rapid Border Intervention Teams' which the Frontex Agency could deploy instead of relying on

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[114] Quoted in Aas (2005), p. 203f
[115] Council (2004m), 10827/04, p. 14f
[116] Commission (2003b), com(2003)687/f2, p. 6, 11f; See the Parliaments argument for including 'exceptional' EP (2004), A5-0093/2004/F, p. 7 and also Official Journal (2002b), TEC article 62(2)
[117] Frontex's total staff currently consists of about 51 people (House of Lords 2006, Evidence, p. 168)

coordinating ad hoc cooperation between services of the member states.[118] In the Commission's original Frontex proposal such a corps would have been a technical security question. With the Council's changes, however, it is a matter of overall policy. Thus, the proposal reflects the negotiated division of responsibility between the security professionals and the Commission, Council and Parliament.

The Canary Islands case

The first request for assistance was made by Spain in connection with the flow of illegal immigrants to the Canary Islands.[119] This request shows how the technique of 'circumstances' is indeed used to react when immigrants becomes visible by persistently showing up at a particular border section. However, already in 2003 the Canary Islands were highlighted in a risk analysis as one of the 'important sea routes'.[120] Thus, the "new" and "critical" situation in the summer of 2006 was to a large extent only constructed as such.[121] In this situation the deployment of boats and helicopters, firstly, involved a traditional strengthening of the border through these very visible means.[122] Secondly, the particular geographical location of the Canary Islands made possible the deployment of this strategy without, arguably, adverse effect on the free mobility of wanted travellers.[123]

The visibility of this technique is reflected in the public debate at the first Justice and Home Affairs meeting on these new actions.[124] The Finnish presidency welcomed the actions and noted that they represented the

…most *visible* line of activities for Frontex which may have a major political importance both within the EU and in its external relations. It is however not that easy to attain long term significant operative impact. In the context of Frontex other types of operations must be born in mind: Focal point officers, for instance, have a long term lower intensity presence.[125]

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[118] Commission (2006), com(2006)401/F, p. 2. In this context responding to circumstances by deploying a force is also tied together with consulting the Agency's risk analysis (p. 20, proposed article 8f.1)

[119] Council (2006b), 2746th JHA meeting, France; BBC (2006c)

[120] Council (2003h), 15500/03, p. 2; BBC (2004a, 2004b, 2005a, 2005b). The EU's second joint patrol operation was conducted of the shore of the Canaries (Monar 2005b, p. 157)

[121] See Edelman (1988), p. 1 and Andreas (2000b), p. 8

[122] BBC (2006a,b,c,d,e,f)

[123] See Mitchell (2000, p. 81) for a parallel argument in the US's Haiti/Cuba border control policy

[124] Council (2006b), 2746th JHA meeting

[125] Council (2006b), 2746th JHA meeting, Presidency (Mr. Kari Rajamäki), my italics

The Presidency, in other words, stressed the importance of the visibility of these actions for the EU citizens and in the EU's external relations. However, it also stressed that these actions do not easily achieve long-term impact, which has to be achieved through other of Frontex's techniques. Both Spain and Portugal similarly emphasised the importance of these EU actions for the security of the European area and its citizens. The operations, they argued, would also set standards whereby the EU is 'judged by the world'.[126]

The United Kingdom's representative explained that the objective is to 'prevent irregular migrants from embarking on perilous journeys'.[127] The concern with the immigrant's survival shows that he or she is not a figure in a pure security logic where death is justified to ensure ones own survival.[128] Thus, the Council is concerned with escaping responsibility for the deaths of clandestine immigrants en route *and* denying access to the asylum system. This tension between politics and law is in the end resolved by the Council, and in particular France, by arguing that the prevention of access is a matter of securing the right to life as an essential human right of the individual immigrant.[129]

Thus, the critical situation strategy was presented as a short-term technique against a known group of people for their own sake. The debate at the meeting showed how the use of this technique required a considerable effort to construct the travellers in a way in which they could be denied access. To a large extent this is a result of the peculiarities of the route reported used to arrive at the Canaries, which involves crossing the 900 − 1.000 kilometres distance from the Senegalese coast. When the dinghies enter EU territorial waters it is at high sea and the border agencies have earlier stressed that they dare not turn them back because of the danger to the immigrants this would involve.[130]

The unwanted travellers, in other words, cannot as such be prevented from entering the European Union. In this context the Frontex agency has helped to negotiate deals with the Senegalese and Mauritanian authorities allowing the EU to patrol in their waters near the

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[126] Council (2006b), 2746th JHA meeting, Spain and Portugal
[127] Council (2006b), 2746th JHA meeting, United Kingdom, France
[128] Huysmans (1995), p. 64
[129] Council (2006b), 2746th JHA meeting, France
[130] BBC (2004a)

shores of Africa.[131] Patrolling at this distance from the coast allows the border guards, as Laitinen described it, to 'prevent and deter' illegal immigrants.[132] By negotiating patrol access to these countries shorelines the surveillance is de-localised from the EU's physical border. The immigrants can thereby be constructed as having no right to enter the Union. The patrols in critical situations, then, come to resemble a remote control strategy by which people are prevented from leaving in the first place.[133]

Responding to critical situations, then, both involves a classical visibility strategy applied in a situation where there is little impact on other travellers and a considerable modern de-localisation of the border to deny the immigrants access.

6.3 Repatriation

Repatriation, as the Frontex director describes it, is a 'very sensitive' area.[134] The Regulation mandates Frontex to work in the area of joint return operations. This entails the provision of the 'necessary assistance', identification of best practices in relation to 'removal' and the acquisition of travel documents and, finally, the training of officers in repatriation.[135]

The objective of repatriation is, following the Schengen best practice catalogue, to return an illegal immigrant to his or her home country or a 'country which will admit him [sic].'[136] The explanatory note to the Commission's proposal lists two arguments justifying that Frontex work in this field. Firstly, the Commission argues that it merely reflects that in most member states it is already the service responsible for border control, which handles repatriation. Secondly, and more substantially, the Commission argues that conducting a 'credible immigration policy requires the possibility of returning third-country nationals residing illegally in the Member States.'[137] Credibility, as the Commission has explained, is extremely important because

[…] efforts to fight illegal immigration are questionable, if those who manage to overcome these measures

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[131] See Mitchell (2000, p. 86f) for the parallel to the US's Haiti/Cuba policy.
[132] Council (2006b), 2746th JHA meeting, Laitinen; the 'Hera 2' actions are supposed to commence in August 2006 and last about seven weeks.
[133] See Guiraudon (2003), p. 191
[134] House of Lords 2006, Evidence, p. 169
[135] Official Journal (2004b), p. 4, article 5 and p. 5 article 9
[136] Council (2002b), 5018/1/02/REV1, p. 46
[137] Commission (2003b), Com(2003)687/F2, p. 3

succeed finally to maintain their illegal residence. The signal effect of a failed return policy on illegal residents cannot be underestimated.[138]

Repatriation, in other words, is an important part of the border control because it serves a *preventive* purpose of dissuading people from entering the EU illegally by showing the futility of attempting. In the Schengen best practice catalogue repatriation is described as the 'last stage in the geographical and time sequence' of the travel of an illegal immigrant.[139]

Frontex and repatriation

Frontex's involvement in assisting repatriation is explained by Laitinen as consisting of two stages. Firstly, the agency is informed by the Member States of their needs in relation to the persons to be repatriated and, secondly, Frontex presents 'packages' preferably designed as 'taking a chartered flight which collects persons going to the same destination'.[140]

Laitinen sees Frontex in this regard as a 'purely technical actor'.[141] He argues that although the Agency can refuse to organise a flight to a country where persons could be ill treated, this is 'complicated' and in the end 'it is up to the Member States' who are presumed to uphold human rights law.[142] Thus, the repatriation technique renders the subjects as having few or no legal rights. This construction resolves the tension with law by playing on the division of responsibility between the Member States and the security professionals. In a classical bureaucratic sense the Member States request the Agency to do an 'operation' and the Agency simply implement it presuming that the States act in accordance with human rights. It should be noted, however, that the regulation clearly specifies that the Agency is to respect fundamental rights.[143]

The repatriation technique, then, involves: firstly, a construction of the unknown and unwanted potential immigrants as deterable by a tough repatriation policy; secondly, a construction of the persons waiting for repatriation as having no rights.

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[138] Commission (2003c), Com(2003)323/F, p. 8
[139] Council (2002b), 5018/1/02/REV1, p. 11
[140] House of Lords (2006), Evidence, p. 169f
[141] House of Lords (2006), Evidence, p. 170
[142] House of Lords (2006), Evidence, p. 170
[143] Official Journal (2004b), p. 2, recital 22

6. Conclusion

In this paper I have analysed the establishment of the Frontex agency along three dimensions in order to answer how the establishment of the agency relates to the tension between mobility/control and the general trend of de-localised and differentiated border control.

Along the first dimension, the question of who governs, I showed how the Council asserted its ownership and responsibility for border control in relation to both the Parliament and the Commission. However, there were disagreements within the Council on the extent to which the Commission should be involved versus the Member States retaining complete autonomy. I then showed a considerable agreement amongst the institutions on border control as a technical task for the professionals but also how this involved a demarcation of overall policy as a matter for the European institutions and not the agency on its own. Thus, an important element of attempts to handle the tension between mobility and control involves a split responsibility between the Council and the security professionals on who is to govern.

The second dimension analysed concerned who the Agency is to govern. I started by showing how the subjects of governance are constructed as potentially everybody within a logic of sovereignty at the European level. However, this position was nuanced by the subsequent splitting of this group into a group of wanted travellers and another group of unwanted illegal entrants. I then showed how this last open construction of illegal entrants was filled out by various groups of subjects, in particular illegal immigrants and terrorists. Thus, border control is presented as differentiated towards certain unwanted people. In pointing to the considerable flux in the conceptualisation of this group of unwanted travellers I highlighted how the unwanted travellers are unknown and invisible and thereby both difficult to pinpoint and open for manifold constructions.

The third and final dimension was the specific techniques entrusted to the Agency. I began by justifying my focus on the three techniques of risk analysis, assistance in critical situations and repatriation. These three techniques constructed the travellers in a way in which they became governable by de-localising the border control in the form of attempts to predict the need for future checks, patrolling outside the EU's territorial waters and through return operations in order to deter possible immigrants.

The three dimensions together reflect how the establishment of the Agency falls in line with a modern vision of border control. The combined picture is of the Council and the security professionals governing an ambiguous group of unwanted travellers through techniques, which try to accomplish this task by increasingly differentiating and de-localising the border control.

Appendix 1: Grouped list of documents included in the analysis

Date[144]	EU Institution	Title[145]	EU Doc Reference
Pre-dating the legislative process of establishing the agency			
2001.12.14	European Council	Laeken Presidency Conclusions 14-15 October 2002	SN300/1/01/REV1
2002.05.07	Commission	Towards integrated border management	Com(2002)233
2002.05.30	Not applicable	Italian Feasibility study for the setting up of a "European Border Police"	Not applicable
2002.06.14	Council	Plan for the Management of the External Borders	10019/02
2002.10.24	European Council	Seville Presidency Conclusions 21-22 June 2002	13463/02
Directly relating to the Frontex legislative process:			
2003.10.01	European Council	Thessaloniki Presidency Conclusions 19-20 June 2003	11638/03
2003.11.25	European Council	Brussels Presidency conclusions 16-17 October 2003	15188/03
2003.11.05	Commission	Speech by Commissioner Antonio Vitorino on the establishment of Frontex	Unknown
2003.11.18	Commission	Minutes from the 1634th meeting	PV(2003)1634/F
2003.11.20	Commission	Proposal from the Commission	Com(2003)687
2003.11.26	Council	Draft Council conclusions on the main elements of the proposal	15362/03
2003.11.28	Council	Final Council conclusions on the main elements of the proposal	15446/03
2004.01.29	Council	Council draft proposal 1	5803/04
2004.01.29	European Economic and Social Committee	Opinion of the European Economic and Social Committee	OJ C 108 of 30.4.2004, pp. 97-100
2004.02.12	Council	Council draft proposal 2	6226/04
2004.02.24	European Parliament	Opinion of the EP	A5–0093/2004/F
2004.03.11	(Madrid bombing)		

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[144] After subject and date of contents or publication of document

[145] The title listed here is abridged – the full title can be found in the bibliography

Date[144]	EU Institution	Title[145]	EU Doc Reference
2004.03.16	Council	Council draft proposal 3	7428/04
2004.03.19	Council	Extraordinary Justice and Home Affairs council meeting	7555/04/Presse 94
2004.03.25	European Council	Declaration on Combating Terrorism	Unknown
2004.03.22	Council	Council draft proposal 4	7596/04
2004.03.23	Council	Council draft proposal 4 rev 1	7596/1/04/REV1
2004.03.30	Council	Minutes from the 2574th Justice and Home Affairs meeting	7209/04/Presse 76
2004.04.01	Council	Council draft proposal 5	8106/04
2004.04.30	Council	Council draft proposal 6	9018/04
2004.09.14	Council	Presidency suggestion on Gibraltar and UK/IRL position	12311/04
2004.09.21	Council	General Secretariat recommendation for Council adoption	12553/04
2004.09.21	Council	General Secretariat recommendation for Council adoption: addendum on UK/IRL position	12553/04/ADD1
2004.10.21	Council	Finalised Council Regulation	10827/04
2004.11.10	Council	Addendum to Council minutes on UK position	13899/04/ADD1
2004.11.25	Council	Publication of Regulation in the Official Journal	OJ L 349 of 25.11.04
2005.04.19	Council	Council Decision designating the seat of Frontex	8151/05
2005.04.19	Council	General Secretariat's recommendation for placing the seat in Warsaw	8129/05
2005.04.20	Council	Corrigendum to the Council Decision designating the seat of Frontex	8151/05/COR1
2005.04.20	Council	Corrigendum 2 to the Council Decision designating the seat of Frontex	8151/05/COR2
Documents associated with the Agency after it started functioning			
2005.04.06	Commission	The Commission framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013	Com(2005)123/F

Date[144]	EU Institution	Title[145]	EU Doc Reference
2005.06.30	Commission	Speech by Commissioner Frattini at launch of Frontex in Warsaw	SPEECH/05/401
2005.07.15	Council	Participation of Frontex in Council Working Parties	11240/05
2005.12.13	Council	The Council's Global Approach to Migration	15744/05
2006.02.13	Council	The Council's Action Plan to Combat Terrorism	5771/1/06/REV1
2006.03.02 [146]	Not applicable	Hearing of the director of Frontex by the House of Lords	Not applicable
	Not applicable	Slide-show presentation of the agency	Not applicable
2006.06.13	Frontex / Council	The agency's annual report from 2005	10438/06
2006.07.11	Frontex / Council	Partially declassified parts of the Agency's work programme for 2005 and 2006[147]	6941/06/EXT1
2006.07.24	Council	Video-stream from the 2746th Justice and Home Affairs Council (JHA) meeting	Unknown
2006.07.19	Commission	Proposal for Common Rapid Border Intervention Teams	Com(2006)401/F
Documents associated with risk analysis technique			
2002.02.08	Council	Schengen best practice catalogue – Frontiers and Removal	5018/1/02/REV1
2002.12.16	Council	The Common Manual	OJ C 313 of 16.12.2002
2002.05.08	Council	Core curriculum for Border Guard Training	8285/2/03/REV2
2002.08.16	Council (Finland)	Finnish Project plan for common integrated risk analysis	11520/02
2002.09.30	Council (Portugal)	Portuguese note on the compilation of risk analysis contributions	12114/02/ADD1
2003.02.05	Council (Finland)	Finish outline of the Common Model and the Risk Analysis Centre	6100/03
2003.03.13	Council (Finland)	Finish outline of the Risk Analysis Centre	7396/03
2003.05.07	Council (Finland)	Finish report on the final risk analysis model	8831/03

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[146] Date of interview with the Frontex director
[147] For correspondence with Council and data see annex 1

Date[144]	EU Institution	Title[145]	EU Doc Reference
2003.06.03	Council	Presidency evaluation of the development of the risk analysis model and other projects	10058/03
2003.06.16	Council	Annex 6 to the risk analysis model	11476/03
2003.12.02	Council	Second general risk analysis of the Union's borders	15500/03
2004.03.01	Council	Action Plan for the Risk Analysis Centre	6884/1/04/REV1
2004.03.02	Council	Tailored risk analysis on Chinese illegal immigration	6883/1/04/REV1
2004.09.09	Council	UK analysis of the data for the Risk Analysis	12208/04
2004.12.16	Council	Fourth general Risk analysis of the Union's borders	16209/04
2005.05.24	Council	CEPOL Annual Work programme	9133/05
Documents associated with responding in critical situations			
2004.10.26	Not applicable	BBC report - Migrants flock to Canaries	Not applicable
2006.05.15	Not applicable	BBC report - Migrant influx worries Canaries	Not applicable
2006.05.18	Not applicable	BBC report - Spain seeks EU help on migrants	Not applicable
2006.05.24	Not applicable	BBC report - EU to help Spain block migrants	Not applicable
2006.05.30	Not applicable	BBC report - Spain to get migrant patrol help	Not applicable
2006.06.01	Not applicable	BBC report - Spain halts Senegal deportations	Not applicable
2006.07.06	Not applicable	BBC report - African migrants' desperate journey	Not applicable
2006.07.24	Council	Video-stream from the 2746th Justice and Home Affairs Council (JHA) meeting[148]	Unknown
Documents associated with repatriation			
2002.02.08	Council	Schengen best practice catalogue – Frontiers and Removal[149]	5018/1/02/REV1
2003.06.03	Commission	Communication on illegal immigration, smuggling, trafficking, external borders and return of illegal residents	Com(2003)323/F

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[148] Also mentioned as a document generally associated with Frontex
[149] Also mentioned as a document generally associated with Frontex

Date[144]	EU Institution	Title[145]	EU Doc Reference
2006.03.02 [150]	Not applicable	Hearing of the director of Frontex by the House of Lords[151]	Not applicable

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[150] Date of interview with the Frontex director
[151] Also mentioned as a document generally associated with Frontex

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