

An Ever-Closer Union

Communitarization of the European Union's Border Security

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Abstract. From the signing of the Maastricht Treaty to the formal implementation of Schengen into European law, the postwar integration of Europe through the idea of a European identity has pushed the current member states of the EU to abolish their internal borders and erect stronger external ones. Pushed by changing circumstances, the EU has had to alter how it polices its external borders by further supranationalizing its security processes. By examining primary sources that have been crucial to the supranationalization of European border security, this paper answers the following research question: how has the EU created institutions that supranationalize its border security processes? After searching through primary sources and conducting a discourse analysis on the Maastricht Treaty, Council Regulation (EC) No 2007/2004, the Treaty of Lisbon, Council Decision 2009/371/JHA, Regulation (EU) 1052/2013, and Regulation (EU) 2016/1624, this paper concludes that the EU has created institutions that gradually shift the sovereignty from member states to the supranational level as per the rhetoric of securitization. This has generated significant pushback as the chain of command becomes less clear due to communitarization and power to conduct external affairs shifts from member states to EU institutions.

Introduction

External threats have made border security an important issue in European politics, transcending national governments and finding itself under the jurisdiction of the European Union. Policing the entirety of the Schengen Area, Frontex and other agencies are tasked with preventing illegal entry into the EU. Considering existing writings on the supranationalization of the EU, this article builds on examining how the EU has created institutions like Frontex that have supranationalized its border security processes, allowing it to emerge as a coherent actor. Crises in Syria, Iraq, Yemen, and the Central African Republic have put increasing pressure on EU governments to stem the flow of refugees into their respective countries. Some credit the rise of anti-immigrant parties like Italy's Five Star Movement, UKIP, or France's National Front to the increased flow of refugees. Over 2.5 million people applied for asylum in 2017 alone and 2.3 million people illegally entered the EU, with 73% of Europeans wanting governments to do more to manage the situation (European Parliament 2018). These same parties are increasingly skeptical of the EU and its ability to enforce its external borders, with several calling for referenda to abandon the European project altogether. To determine how the EU supranationalized its border security, analysis of primary sources was necessary. This article tracks the official development and supranationalization of border security processes which were written into the founding documents of the European Union. Taking these institutions into account, this article proposes to answer the following research question: how has the EU created institutions that supranationalize its border processes? Noting that a gap has emerged in the literature around the communitarization of the EU's border security processes, this paper argues that it has done so through the rhetoric of securitization, which has resulted in the integration of member states through a unified border patrol and strengthening of

supranational security institutions, allowing the EU to become an actor in the border security of its member states, though subject to pushback. Section 2 conducts a literature review on previous writings on the supranationalization of European border security. Section 3 provides an analysis of how the EU has become a central actor in the border security of its member states.

Literature Review

Examining literature on European border security policy brings to light a recurring theme: the inside/outside distinction and the construction of threats. Nations within Europe strongly identify as ‘European’ as a result of the Second World War (Colliver 2017a). The idea of a European identity in the postwar period “granted a visionary, emotive quality to the prosaic necessity of finding remedies for the collective economic disarray of the postwar era. ‘European identity’ was the construct of a Europe torn apart by World War - a Europe hard-pressed by the requirement to rebuild its economic and moral strength” (Colliver 2017b). This has made it easier for supranational organizations that ultimately formed the basis of the EU, such as the European Coal and Steel Community, European Economic Community, and the European Atomic Energy Community, to coalesce into a single supranational entity, thereby constructing an ‘inside’ (Gabel 2010). Javier Argomaniz (2009) discusses how this European identity plays into the construction of an inside/outside dynamic within and outside the EU. After acts of terrorism were committed in Madrid and London these attacks were “interpreted as external crises that...encouraged rapid policy and organizational expansion” (Argomaniz 2009, 153-54). By framing the issue with an inside/outside perspective it pressured governments of member states into compromise. As Michael Smith writes, norms like regular communication and consultation, confidentiality (in regard to member states not voluntarily embarrassing one another), and decision making by consensus pushed member states to “not always resort to the lowest common denominator position, as inter-governmental theories often suggest, but tend toward compromise and a median position in the hopes of reaching a decision” (2004: 745).

In discussions on the construction of an inside and an outside, this paper refers to the othering that occurs by utilizing framing techniques to create an ‘us vs. them’ mentality. This othering fits with the writings on securitization theory, which argues that security, “is ultimately an outcome of a special process or ‘speech act’ rather than an objective condition... [arguing that] nothing is a security issue by itself, rather it is an issue that only becomes a security issue if someone labels it as such... [thus] the meaning of security in contemporary global politics is ultimately constructed through the speeches and representations made by relevant political actors” (Sethi, 2015). Securitization theory has been employed when discussing seemingly existential threats, notably around topics like immigration or defense. Barry Buzan et al., write in *Security: A New Framework for Analysis* how three points are essential in securitization theory: referent objects where things are seen to be existentially threatened, securitizing actors who declare referent objects existentially threatened, and functional actors who influence decisions in the field of security by calling for security on behalf of the referent object (1998). An example would be a company that is polluting, as they would be central actors in the environmental sector while not a referent object nor trying to securitize environmental issues (Buzan et al., 1998: 36). The strengths of using securitization theory allow for a linear path to be followed when observing the development of policy by following the three points discussed by Buzan et al.: existentially threatened referent objects, securitizing actors who declare an existential threat, and actors who influence decisions by calling for security on behalf of the referent object. Securitization theory is

beneficial because it can be used as “a theoretical tool of analysis with which the analyst can trace incidences of securitization and desecuritization” (Taureck, 2006: 55). However, this can also be a weakness of the theory, as focusing solely on speech acts can discount the nuances and intricacies of particular issues. Taureck discusses how securitization can be employed theoretically or practically, with practical applications of the theory having tangible consequences. She quotes Wæver when noting,

“As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try and assist in shaping the continent [Europe] in a way that creates the least insecurity and violence — even if this occasionally means invoking/ producing ‘structures’ or even using the dubious instrument of securitization.” (Taureck, 2006: 61).

Attempts at compromise are not always successful. Several member states within the EU have pushed back against what they see as an increasingly bureaucratic and out of touch organization located in Brussels. These forms of resistance have come from several member states, like the UK refusing to join the Euro, Brexit, Poland refusing to sign the Charter of Fundamental Rights of the European Union, or Denmark refusing to join the area of freedom, security, and defense (EUR-Lex 2017). Tonra and Christiansen discuss how there is a push against supranationalization by member states within the EU, specifically regarding the Common Foreign and Security Policy (CFSP), designed to assist the EU in functioning as a cohesive unit (2004). Tonra and Christiansen argue that no formal supranationalization has taken place, instead referring to the phenomenon of the EU gaining more power and influence in the domestic affairs of member states as ‘Brusselization’, defined as “a gradual transfer, in the name of consistency, of foreign policy-making authority away from the national capitals to Brussels” (2004: 29). Tonra and Christiansen (2004) and Argomaniz (2009) discuss ‘Brusselisation’ and the effects it has on the EU, with Argomaniz presenting the argument that following the Madrid attacks the EU faced a juncture, choosing to layer institutions on top of one another over bricolage, defined as the “combination and reuse of ‘old’ structures to perform new functions”, allowing for the “the gradual shifting and drifting of an institution...which increases its structural complexity while leaving its basic core untouched”. (Argomaniz, 2009: 157). This has contributed significantly towards the ‘over-crowdedness’ of the policy space, a criticism often raised by experts and policy-makers (Argomaniz, 2009: 157).

Amongst the criticisms brought forth to the EU, the erosion of sovereignty is front and centre. Certain member states argue that initiatives like Frontex erode the ability of the state to have the final say over decisions made on their sovereign territory. The existence of Frontex itself represents the institutionalization of an inside/outside dynamic perpetuated by the EU, as exemplified in the aftermath of 9/11. Andrew Neal points out that on September 20th, 2001 the Justice and Home Affairs (JHA) Council of the EU met to “examine urgently the relationship between safeguarding internal security and complying with international protection obligations and instruments” (2009: 338). This response “brought migration and the right of asylum into question and linked them both with security, constructing a tension between the demands of security on the one hand and rule compliance on the other. It demonstrates an assumption that the human rights and asylum regime is being abused or taken advantage of by actual or potential terrorists and is an immediate externalization of threat which is by implication foreign” (Neal 2009, 338-339). The construction of an external ‘Other’ through the language of security became a

central impetus in binding member states' interests together to push for the development of a European Border Police by France, Germany, Belgium Spain, Italy; however, this sentiment was not shared by all. As Neal discusses, the UK led the charge against the idea as it had serious reservations about the erosion of state sovereignty (2009: 340). In his discussion of sovereignty within the EU, Neil notes that because a major function of the organization is to bind its member states to a common set of laws, rules, and procedures that are upheld in EU courts it would be ideal for the Union to decide the exception (2009: 337). This notion of an exception being decided by a seemingly distant power did not sit well with certain member states but the consequences of ignoring the need for Brusselization are evident. Neal argues that the creation of Frontex was a result of the disintegration of a common EU response to security, migration, and borders following the 9/11, London and Madrid attacks (Neal 2009, 346). This resulted in collaboration being pushed amongst member states and the European Council taking a leadership role in border security efforts.

Existing arguments discuss the creation of an inside/outside distinction, and how that has led European nations to fear a foreign 'other' as established through the rhetoric of securitization, necessitating a strong border force. Houtom and Pjipers note in their article, "The European Union as a Gated Community," that the process of bringing the EU together through a single market, abolition of internal borders has reinforced a state of abnormality portrayed by those outside the EU looking for safety within (2007: 2). Authors like Argomaniz (2009) have undertaken discourse analyses to dissect how the creation of an inside/outside distinctions has played into tangible policies, such as the expansion of the mandate and force of Frontex or the increasing role the European Council and European Commission are playing. These issues are addressed because it is imperative for the EU to have a functioning chain of command when crises like the London or Madrid bombings occur. Much of the communitarization of the EU since those attacks has occurred in the name of securing the continent. Communitarization is defined as the transfer of authority to support collective goals (Kraft-Kasack and Shisheva, 2008: 3). The points Neal (2009) makes in his writings on the creation a border force for the Union under supranational control are valid, as the EU should have the power to decide the exception when a crisis occurs. Neal notes how the benefits of a common crisis response would assist in the interconnectedness of the EU (2009). If each member state were to take a different approach to border security it would create confusion and disorder amongst a supranational entity that has prioritized order and standardization, leading to instability and the beginning of a decline in the European project.

The process of communitarization initially received mixed reactions from European countries. Kraft-Kasack and Shisheva (2008) discuss how the communitarization of the EU, with issues under the Third Pillar of the EU such as visas, asylum policy, and immigration increasingly coming under the jurisdiction of the EU has generated resistance from some EU member states. This fits with the writings of Tonra and Christiansen who discuss pushback against communitarization by certain member states. However, Kasack and Shisheva note that communitarization has occurred even though member states like the United Kingdom have been skeptical of certain moves, including the communitarization of third pillar issues such as visas, asylum policies, and immigration (2008: 10). In the late 1990s, Germany substantively saw the completion of an area of free movement governed by common provisions on asylum and immigration as a priority while institutionally favouring communitarization and a greater role for the European Parliament, Commission, and European Court of Justice (Kraft-Kasack and Shisheva, 2008: 8). The UK "rejected what it considered unnecessary transfers of powers to supranational institutions [and noted that] The EU should concentrate on what needs to be done at

a European level, and doing it well” (Kraft-Kasack and Shisheva, 2008: 8) The UK substantively supported the idea of a common area of freedom, security, and justice but noted that coordination with supranational institutions should be conducted sparingly while staying firmly against communitarization (Kraft-Kasack and Shisheva, 2008: 8) In the view of the United Kingdom,

“Intergovernmentalism need not jeopardize smooth and efficient decision-making. Thus, it suggested measures to improve the efficiency of JHA cooperation, while keeping the role of the Commission and the EP strictly limited. The UK believed that the EU obtains legitimacy via the national route. National parliaments and not the EP should hence be given a greater role in JHA policies.” (Kraft-Kasack and Shisheva, 2008: 8).

These competing visions of the role of the EU have generated skepticism towards the supranational European project, fueling the rhetoric of Eurosceptic politicians who decry the bureaucracy and elitism prevalent in the EU and posing what some have described as an existential threat to the EU (Boffey 2017). Much of the research conducted on the strengthening of the external borders of the EU has focused around the pushback by Eurosceptic actors. This paper contributes to discussions on the EU by examining how primary source documents integral to the foundation of the EU’s external borders have constructed a safe ‘inside’ and dangerous ‘outside’ using the rhetoric of securitization.

Analysis

This article analyzed seven primary sources through the lens of securitization, consisting of: the *Schengen Agreement*, 1985; the *Maastricht Treaty*, 1992; *Council Regulation (EC) No 2007/2004*, 2004 (establishing Frontex); the *Treaty of Lisbon*, 2007; *Council Decision 2009/371/JHA*, 2009 (establishing the European Police Office); *Regulation (EU) 1052/2013*, 2013 (establishing Eurosur); and *Regulation (EU) 2016/1624*, 2016 (expanding the mandate of Frontex). These seven documents were chosen because they are considered foundational texts in the communitarization of the EU’s border security and in constructing an ‘inside’ and ‘outside’. Conducting a written discourse analysis by examining the construction of othering through the creation of a relative ‘inside’ and ‘outside’ provides insight into how the EU has created institutions that supranationalize and communitarize its border processes, striving for an ever-closer union. The use of discourse analysis as a deconstructive reading of themes of these various documents is beneficial for seeing a progression in terms of the rhetoric used and allowing one to understand the conditions behind a specific problem. In this vein, discourse analysis is useful for understanding the rhetoric of securitization as it allows one to see the progression of rhetoric in the name of security. However, discourse analysis as a method does not provide definite answers and is dependent on the quality of the rhetoric, thus rendering its findings subjective.

Schengen Agreement, 1985

The Schengen Agreement created the framework for Europe to expand. Each state that signed onto the agreement committed to the gradual abolition of checks at common borders to create a market in an “area without internal frontiers” (European Council, 2000), which would ease the movement of peoples and goods. The agreement allowed for the citizens of France, West

Germany, the Netherlands, Luxembourg, and Belgium to cross their borders without any checks, a revolutionary concept that had been the dream of the European project for many decades. This was not immediately adopted by all parties in the EEC as there was concern amongst members that it would result in the erosion of sovereignty by moving decision-making authority regarding external relations to a supranational body. Schengen laid the framework for the development of the pillar system that the EU would adopt in 1992, with the third pillar covering cooperation in justice and home affairs. The Schengen Agreement sets out how each individual country is responsible for the external borders of the EU “within the scope of national powers and national law and taking account of the interests of all Contracting Parties” (European Council, 2000). The treaty begins to form the common perception of a European identity by gradually eliminating internal borders and allowing citizens to live and work in signatory countries, contributing to a gradual ‘Schengenization’ of what was to become the EU. This also gave the external borders of signatories far more attention, as internal borders were becoming less important in the supranational context and the rhetoric of securitization labelled external borders as a security issue. Numerous clauses in the Schengen Agreement discussing policing the external border ended with the phrase “taking into account interests of all Contracting Parties” (European Council, 2000), which gradually made the external border a security issue, thus necessitating the consolidation of power and decision-making authority under the auspices of a supranational government to control. However, there are some clauses that ensure national governments have the final say over major decisions made in regard to the external border. This includes Article 6.1 which states cross border movement at external borders shall be subject to checks by competent authorities carried out by personnel of the respective country instead of a supranational entity (European Council, 2000). These clauses use the rhetoric of securitization to put emphasis on external borders, with sovereign decision-making still allowed under the jurisdiction of the EU, thus being labeled as a security issue.

Maastricht Treaty, 1992

The Maastricht Treaty established precedents for the modern EU by marking “a new stage in the process of European integration undertaken with the establishment of the European Communities” (European Council, 1992: 4). The Maastricht Treaty, and its successor Treaty of Amsterdam, built the EU on three pillars: the first a common market and single monetary policy under the European Community, the second a common foreign and security policy meant to “safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter” and cooperation in the fields of justice and home affairs to “provide citizens a high level of safety within an area of freedom, security, and justice” (European Parliament, 2017: 2). The third pillar is important as it covers controls on the external borders of the EU, the creation of a European Police Office, and a common asylum policy. This pillar also creates an inside-outside distinction, using securitization rhetoric to frame the inside of the EU as the safe ‘home’ under its leadership and the outside as dangerous and disorderly. The process of integration is mentioned in the preamble as implementing “a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity” (European Council, 1992: 4). Here the idea of a collective European identity is mentioned to minimize the importance of national boundaries and facilitate integration amongst member states. Article B of Title I states that the Union shall strive for “close cooperation on justice and home

affairs,” (European Council, 1992: 7) signifying the gradual erosion of sovereignty towards the government of the Union. Article C discusses how under a “single institutional framework” the Union shall “ensure the consistency of its external activities in the context of its external relations, security, economic, and development policies” (European Council, 1992: 7). This article begins the discussion of supranationalization of border security processes, as it places external activities under the jurisdiction of a single institutional framework. The word ‘border’ is only mentioned four times in the entirety of the Maastricht Treaty, with the most significant passage under Title VI Article K.1. This section, under the Third Pillar, states that for the purposes of achieving the Union’s goal of the free movement of people “Member States shall regard the following areas as matters of common interest” (European Council, 1992: 64) including asylum policy, rules governing the crossing of external borders and who controls those borders, immigration policy, judicial cooperation, and police cooperation by placing their jurisdiction under the EU. Article K.3 is important in determining chain of command, as it stipulates that the European Council can take initiative in promoting cooperation amongst member states, but the European Court of Justice (ECJ) “shall have jurisdiction to interpret their provisions and to rule on any disputes regarding their application” (European Council, 1992: 65). The role of the ECJ is important as signatories of the Maastricht Treaty are signing over part of their sovereignty to a supranational entity that uses the rhetoric of securitization as justification to take precedence over the nation-state. The precedents set by the ECJ as a supranational entity capable of determining national policies undoubtedly played into the dynamic from which Frontex was established, as national entities were no longer the only relevant factors in determining foreign and security policies.

Council Regulation (EC) No 2007/2004, 2004

The establishment of Frontex heralded stronger cooperation amongst European intelligence agencies in the post 9/11 period. The official name of the law is “[E]stablishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union” (European Union, 2004: 1), demonstrating how the precedents established in the Maastricht Treaty were implemented as border security came under the jurisdiction of the EU. Article 1.2 of Chapter 1 details how although control and surveillance of external borders still lies with member states, Frontex shall “facilitate and render more effective the application of existing and future Community measures relating to the management of external borders” (European Union, 2004: 3). Frontex supranationalizes the processes of border security in Article 11 of Chapter 2 by retaining the authority to “take all necessary measures to facilitate the exchange of information relevant for its tasks” (European Union, 2004: 5) clearly taking precedence over the willingness of member states to share information by labelling it a security issue. Forcing this ensures that information flows smoothly across borders in the name of collective security, again referring to the idea of reinforcing and securitizing a ‘European’ identity. The establishment of the agency itself is a clear indication that an EU priority is to create institutions that transfer the control over border security from member states to a supranational authority, as Article 15 of Chapter III dictates that the “Agency shall be a body of the Community” (European Union, 2004: 6) instead of an independent agency. This supranational authority has the most resonance regarding funding the organization. Article 29.1 of Chapter IV stipulates that part of the Frontex’s revenue shall consist of “a contribution from the countries associated with the implementation, application, and development of the Schengen acquis” (European Union, 2004: 9). The term ‘countries’ is very clearly used instead of ‘member states’ in the hopes that more

European states will join (what was) the European Community and pay membership fees. However, it was the signing of the Treaty of Lisbon in 2007 that pushed member states to pursue an ever-closer union more than any other document or agency formed.

Treaty of Lisbon, 2007

The signing of this treaty was arguably the most important event in the history of the EU. It was the culmination of numerous treaties, including the Maastricht Treaty, in uniting Europe towards a common identity through common policies. Of those common policies, Article 77 of the Treaty on the Functioning of the European Union, an addendum to the Treaty of Lisbon, stipulates that the Union will gradually introduce an “integrated management system for external borders” (European Union, 2007: 62). Articles 67 and 77 provide legal basis for the establishment of organizations like Frontex and contributed to the increasing ‘communitarization’ of the borders of the Union. These are done in the name of creating an “area of freedom, security, and justice” (European Union, 2007: 59) framing the document in a manner consistent with the rhetoric of securitization by creating an inside/outside distinction. Several articles in the Treaty frame Europe as free and secure while nations outside the borders of the Union are less secure, implicitly reinforcing the rhetoric of securitization. The inside/outside distinction is reinforced most firmly by the formalization of Schengen into European law, with Article 67.2 ensuring the “absence of border controls for persons” while creating a common policy on immigration, asylum, and external border control “based on solidarity between member states, which is fair towards third-country nationals” (European Union, 2007: 60). That article defines third-country nationals as “stateless persons” (European Union, 2007: 60) and frames them as inferior to those residing in the Union, creating the foreign ‘other’ necessitating securitization and communitarization of the EU’s external borders.

Most importantly, the Treaty of Lisbon created the conditions of possibility for a unified border patrol and police force by pushing integration further. The goal of the EU is to strive for an ever-closer Union, doing so by merging many aspects of the already existing European Community, including the creation of a Common Foreign and Security Policy, as set out in Chapter II of the Treaty. This served to assist organizations like Europol or programs like Eurosur to take shape, with the goal of framing “a common defence policy that might lead to common defence” (European Union, 2007: 27). Though a European standing army is not in the foreseeable future, the creation of institutions like Europol and Eurosur have formed the conditions of possibility for such a force should the need arise.

Council Decision 2009/371/JHA, 2009

The establishment of Europol was meant to occur shortly after the signing of the Maastricht Treaty, but it took several years to formally organize. In the Maastricht Treaty, the institution was meant to create a “Union-wide system for exchanging information within a European Police Office (Europol)” (European Council, 1992: 64). Council Decision 2009/371/JHA built on this development in the light of 9/11, 7/7, and the Madrid bombings to formally integrate Europol into the Union. Article 5 of the preamble declares that establishing Europol as an entity of the Union funded by its general budget would enhance the role of the European Parliament in oversight and leadership, simplifying its mandate and streamlining its chain of command (European Union, 2009: 1). This council decision has the consequence of strengthening Europol by expanding the

scope of their powers to “have direct access to all data in the Europol Information System” (European Union, 2009: 1) further assisting in the supranationalization and securitization by labelling data as a security issue. Article 3 of the Council Decision dictates that the objective of the organization is to “support and strengthen action by the competent authorities of the Member States and their cooperation in preventing organized crime, terrorism, and other forms of serious crime affecting two or more states” (European Union, 2009: 3). There is ambiguity as ‘competent authorities’ are defined as “all public bodies existing in the Member States which are responsible under national law for preventing and combating offences” (European Union, 2009: 3). Ambiguity around terms such as ‘crime’, ‘terrorism’, and ‘serious crime’ within the document give Europol a wide berth from which to operate, especially with the clause stipulating that crime affecting two or more Member States is under their jurisdiction. By expanding their mandate and being given these extraordinary powers, Europol also has the power to maintain the Europol Information System (EIS), which includes information like one’s name, nationality, place of residence, social security numbers, and “specific objective physical characteristics... and DNA profile” (European Union, 2009: 3). The use of this information and intelligence sharing has become a crucial issue as Britain prepares to leave the EU. The attacks in London in March 2017 highlighted the importance of institutions like Europol. The EU Committee of the House of Lords “found considerable consensus...on the EU tools and capabilities [the UK] would like to see retained” (Stanley-Becker, 2017) after it leaves the EU. Europol has contributed further to the strengthening of European security by interacting with member states one-on-one. In 2016, the UK reported more than 3000 cross-border crimes to Europol and European arrest warrants were issued to fast-track the removal of offenders from the United Kingdom (Nelsen, 2017). Even with the rhetoric of securitization, discussions about sovereignty through major events like Brexit have prioritized the idea of ensuring internal security over external security. This is notable as the UK wishes to avoid becoming the outside ‘other’ as they leave the European Union by March 2019.

Regulation (EU) No 1052/2013, 2013

The establishment of Eurosur has complemented Europol and Frontex as it facilitated the free flow of information across borders. The first point of the preamble declares that Eurosur will “provide [relevant] authorities and [Frontex] with the infrastructure and tools needed to improve their situational awareness and reaction capability at the external borders of...the Union for the purpose of detecting, preventing and combating illegal immigration and cross-border crime” (European Union, 2013: 1). Immediately an inside/outside distinction is constructed as the agency is framed in such a way that depicts events happening inside the EU as good and the outside as bad. Eurosur is tasked with integrating itself into the existing framework of Frontex and improving “the exchange of information and cooperation with other Union bodies” (European Union, 2013: 1). The scope of the agency is immense, as Articles 2.1 and 2.2 provide the agency with the power to monitor the sea, land, and air borders of the Union (European Union, 2013: 4). Eurosur is notable because it folds in the functions of Frontex while widening the scope of its mandate. This contributes to the “development of the Common Information Sharing System” (European Union, 2013: 1), which integrates existing surveillance systems and gives relevant authorities the information they need (European Fisheries Control Agency, 2017). By enabling agencies like Frontex and Europol to access information provided by Eurosur, this trinity has facilitated the emergence of the EU as a communitarized actor in the border security processes of its member states, thereby supranationalizing their border security. Member states still retain autonomy over

areas of their border security, as the legislation stipulates that Eurosur will establish national coordination centres in each member state to “be the single point of contact for the exchange of information and for the cooperation with other national coordination centres and with [Frontex]” (European Union, 2013: 5).

Regulation (EU) 2016/1624, 2016

In response to the challenges of the Syrian Refugee Crisis, Frontex’s mandate was expanded in 2016 to combine its pre-existing resources with “the Member State authorities responsible for border management” (European Commission, 2017) into the European Border and Coast Guard. The rationale behind the expansion of the agency was to “address migratory challenges and future threats...to ensure a high level of internal security within the Union...while safeguarding the free movement of persons within it” (European Union, 2016: 10). This once again perpetuates an inside/outside distinction that has been prevalent since the establishment of the EU, with the rhetoric of securitization justifying the labelling of migratory challenges as a threat to the free movement of persons within the EU. Frontex gained the authority to organize appropriate responses at relevant border ‘hot spots’ if a member-state requests so and can “organize rapid border interventions” (European Union, 2016: 19) should the situation require it. Article 15.1 of Section III stipulates that any member state in the EU can request Frontex’s assistance in a border security operation to deal with “present or *future* threats at its external borders” (European Union, 2016: 19; emphasis added). Member states having the ability to pre-emptively request extra security infrastructure is a counterweight to the increasing supranationalization of the EU’s agencies, providing some assurance that sovereignty is not completely lost at the hands of bureaucrats in Brussels and soothing fears from more Eurosceptic member states like the United Kingdom. The agency has seen a substantial increase in budget since the expansion of its mandate, with €143.3 million allocated in the third quarter of 2015, increased to €254.035 million in 2016, and €300.029 million in 2017 (Frontex, 2017). The rhetoric of securitization has made these increases possible, which have been utilized to fund equipment for rapid border interventions that supplement existing infrastructure courtesy of the European Border and Coast Guard. Operation Trident, Frontex’s assistance mission coordinated with the Italian government to stem the flow of refugees from Libya, has received an additional €2.9 million, two ocean-going and coast guard vessels, two motorboats, two planes, and a helicopter as part of a request by the Italian government (Reazione ANSA, 2014). This project has demonstrated that Frontex has played a crucial role in Italian and European border security, with no easy end in sight.

Conclusion

A discourse analysis on the supranationalization and communitarization of European border security processes through the rhetoric of securitization have shown a consistent effort to create an inside and an outside distinction through integration of member states, creation and expansion of a singular border force, and strengthening of supranational security processes. The gradual shift in sovereignty has created a more powerful supranational entity through communitarization, as evidenced by the growing power of Frontex to respond at ‘hot spots’ of the EU’s external border. Budgetary allocations towards border controls have increased, which ties back into the literature on securitization in that securitization rhetoric typically results in increased focus on these issues. This will have policy relevance when it comes time for the European

Parliament to approve a new EU budget after elections in 2019, which may see a rise in Eurosceptic parties represented in the Parliament. By examining how the EU has created institutions that supranationalize its border processes through primary source analysis, it is evidently not a straight path. Moves for the communitarization of issues under the jurisdiction of the Third Pillar have been met with significant pushback from Eurosceptic member states, resulting in safeguards inserted as leverage for those who are afraid of the loss of sovereignty. The departure of the United Kingdom from the EU in 2019 and the rise of populist anti-EU national governments will present challenges to the communitarization process, forcing the remaining member states to re-evaluate their priorities within the supranational bloc. Future research should cover how the relationship between member states and organizations has evolved because of these documents and institutions.

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