BORDERS AND DIFFERENCE

THE POLITICS OF DELINEATING EUROPE

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Thesis Summary

This thesis is about the making of the European Union (EU) as a political actor through the delineation of borders and border spaces. It speaks to one of the key questions of an ongoing scholarly and policy debate, regarding the dialectic nature of the EU's borders; internal and external, present and absent, murderous and humanitarian are only some of the binaries that have been deployed to speak of these paradoxical hybrid constructs, which, as literature has argued, have long stopped acting and looking like simple lines on maps. As such, the project lies at the intersection of EU studies, Border Studies and Political Geography, and engages themes that have been common in these fields; borders, biopolitics, and security logics of risk. The biopolitical border is found behind an ever-expanding range of border technologies that regulate global mobilities; biometric passports, databases, surveillance systems, and techniques of risk-profiling, outsourcing, and off-shoring the border.

My thesis seeks to add to these literatures, arguing for the need to embed the study of the EU's biopolitical borders within geographical and historical analytical frames. To this end, it makes a Foucauldian contribution, by bringing in Foucault's underdeveloped concept of a heterotopia, to study the spaces that these borders produce and re-articulate. Heterotopias are 'loose' space-times that unfold in multiple thresholds between inside and outside, mirroring and exaggerating the contradictions of the wider polities to which they belong, and enabling us to think in flexible ways about the physical and temporal boundaries of milieus of power. Through the heterotopic lens, mobility and immobility, inclusion and exclusion, emerge not only as acts that permit and forbid bodies from accessing an internal and prosperous subworld, but as performances of difference and otherness in the process of constituting the EU as such.

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LIST OF ABBREVIATIONS

ABC	Automated Border Control
BCP	Border Crossing Point
CEAS	Common European Asylum System
CM	Common Manual on Checks at the External Borders
EAM	European Agenda on Migration
EASO	European Asylum Support Office
EES	Entry Exit System
EU	European Union
Eurodac	European Dactyloscopy
Europol	European Police Office
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
HCG	Hellenic Coast Guard
IBM	Integrated Border Management
JO	Joint Operation
LBT	Local Border Traffic
RABIT	Rapid Border Intervention Team
RTP	Registered Traveller Programme
SBC	Schengen Borders Code
SIS	Schengen Information System
SNE	Seconded National Expert
TCN	Third Country National
UNHCR	United Nations High Commissioner for Refugees
UNCLOS	United Nations Convention of the Law of the Sea
VIS	Visa Information System

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Introduction

> Europe's boundaries are many and varied: including or excluding Turkey, Israel, Armenia. There are those waiting just outside the Schengen area, such as Romania and Croatia; others that dream about being part of Europe, like Albania and Georgia; and countries like Greece that wonder about a Europe that has betrayed them. Then there are our distant cousins, the "steppe kingdoms" of Central Asia, full members of some very European institutions. Which are the most European of all these?
>
> Philippe Rekacewicz

This thesis is about the making of the European Union as a political actor through the delineation of borders and border spaces. The European Union (EU), continuously growing in salience in world politics, has come to be thought of as the spokesman of Europe and consequently as capable of putting the fuzzy discursive formation of *Europe* on a map, making for an institutional arrangement that occupies space in the world rather than floors in a building. However, in recent years, its unity has been measured up against a series of internal and external crises which have called into question the resilience and legitimacy of its iconic achievements; the borderless Schengen area, the single-currency Eurozone area, and the political area governed by the common institutions. The thesis takes the first of the three as an analytical lens, and focuses more particularly on its edges; the external perimeter of the EU.

Some years ago, in 2011, public and scholarly attention turned to the EU's external borders in Greece to observe and theorise on the revival of walls and fences in Europe. The Greek government had decided to lace an 11.5 km stretch of land at its border with Turkey with barbed

wire, to prevent irregular migrants from entering the country, and also Europe. It was termed a response to a crisis. At the time, approximately 200 people, mainly from Afghanistan, Iraq, Pakistan, and Somalia found their way into the EU every day through this small opening. While the vocabulary may have anticipated the framing of migration that was to follow in the coming years, the same cannot be said for the numbers and the needs of people involved. The migration 'crisis' of 2011, had the continent's prosperity, security, and cultural identity as a referent, which was threatened by migrants from Africa and Central Asia. This situation bears little resemblance to the humanitarian tragedy that has been unfolding in the years that followed the Arab Spring, where thousands of victims of war, families and children, arrived every day at Europe's shores or died trying in search of safety. In hindsight, 2011 was not a crisis year for irregular migration, not for Greece and not for the EU. It was yet another year when individuals from the world's poorer parts sought employment and security in the richer parts. Yet the terminology persisted unchanged, expanded and pervaded other spheres too; it is as if the EU has been experiencing a protracted, intensifying, but essentially unchanged crisis situation.

In the four chapters that make up the thesis, I try to unpack the border politics that have been performed within this context through a series of empirical examples set in spaces where bordering happens. Rather than situated in the field of International Relations theory, this study finds its intellectual scaffolding in the niche but rich field of Border studies; an autonomous body of literature which deploys the border as a conceptual lens to study International Politics. The practice of locating one's work within the scripts of a discipline, a necessary component of graduate study, comes with unintended consequences; the inevitable choice between re-producing or confronting established patterns of inclusion/exclusion of what counts as a relevant object of knowledge and practicing subject for that discipline. The political and analytical implications of this for IR theory and its capacity to understand the politics of boundedness is a theme that Rob Walker addresses very well in his influential book *Inside/Outside: International Relations as Political Theory* (1993),[1]

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[1] R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge University Press, 1993).

whereby IR theory is posited as an ideological expression of the modern state itself, and therefore liable to tautologies when attempting to denaturalize ideas of sovereignty, subjectivity, and their boundaries. Walker took these thoughts further in *After the Globe, Before the World* (2010),[2] which emphasised the need for alternative conceptions of what IR calls the 'international', beyond the categories of 'state' and the 'globe' and the way their relationship slides alongside that between the particular and the universal.

Translating Walker's argument into the scholarly practice of surveying the literature does not mean to undertake anew his deconstruction of IR, but rather to avoid the inclusions/exclusions of IR by refusing to traverse the field in its own terms. Walker practices instead an intuitive method which begins with broad questions of space, "distilling many things into structural logics" which are then "historicized and sociologised."[3] This is an approach which this study in some ways follows, bringing together themes that IR considers incompatible, such as geopolitics and biopolitics, and searching for their interconnections in local history and geography. As such, and in lieu of the traditional 'literature review', the chapters that follow engage interventions in Border Studies, by means of framing the arising empirical issues as research problems. The following section identifies the key arguments in this literature, and situates them within broader strands of border thinking. This is followed by a roadmap of thesis, and finally, a section on the methods that I have used in conducting this research, which concludes this introductory chapter.

How We Write about Borders

Border scholarship has taken to the puzzle of Europe's boundaries from many fields; EU studies, International Relations (IR), Political Geography, Anthropology, Aesthetics, to name but a few. These contributions, referring to bordered space (where is Europe, its core, its periphery and its 'outside') as much as to bordered people (who can legitimately live, work, and travel like a

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[2] R.B.J. Walker, *After the Globe, before the World* (London: Routledge, 2010).
[3] Gary K. Browning, Raia Prokhovnik, and Maria Dimova-Cookson, *Dialogues with Contemporary Political Theorists* (Basingstoke: Palgrave Macmillan, 2012), 203.

European), have toyed with many understandings of the border itself, as more or less present, visible and material. This growing literature, while intimately linked to IR, has acquired a degree of autonomy; turning the tables in some ways, it offers a reading of global politics and IR itself from the perspective of the border, calling out IR's state-centered biases. As such, this body of work can be coherently organised in three successive waves around major global events which problematised the relation between borders, space, sovereignty, and people; a) the end of the Cold War, b) the 9/11 terrorist attacks, c) the global recession and the Arab Spring.

Borders for States

Between the early 1990s and early 2000s, influenced by the collapse of the Iron Curtain and the disappearance of the Cold War security threats, some scholars wrote on the emergence of a 'borderless world'. These arguments had mostly been concerned with the increasing fluidity of the relationship between statehood, territory, and borders in the context of globalisation. Drawing inspiration from the work of Manuel Castells, and the rise of a new global and networked society dominated by flows and proximity,[4] some of the subsequent works on borders took the form of an extreme shift, from a globe neatly bordered into nation-states and power-blocks, to a borderless world ruled by the grids and flows of economic activity.[5] For the greatest part however, analyses offered moderate and nuanced perspectives, revolving around different versions of what Hollifield has called a 'liberal paradox': "in order to maintain a competitive advantage, governments must keep their economies and societies open to trade, investment, and migration" but at the same time "unlike goods, capital, and services, the movement of people involves greater political risks" and

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[4]Manuel Castells, "Toward a Sociology of the Network Society," *Contemporary Sociology* 29, no. 5 (2000): 693–99, doi:10.2307/2655234.
[5] Masao Miyoshi, "A Borderless World? From Colonialism to Transnationalism and the Decline of the Nation-State," *Critical Inquiry* 19, no. 4 (July 1, 1993): 726–51, doi:10.1086/448695; Arjun Appadurai, "Sovereignty without Territoriality: Notes for a Postnational Geography," in *The Geography of Identity*, ed. Patricia Yaeger, Ratio (Ann Arbor: University of Michigan Press, 1996), 40–58; Kenichi Ohmae, *Borderless World: Power and Strategy in the Global Marketplace* (London: Profile Books, 1994).

thus "requires a degree of territorial closure."[6] His argument echoes in this way Taylor's description of the exercise of contemporary state power: looking outwards in terms of (geo)economics but inwards in terms of cultural/identity preservation.[7]

The state-centric element in these literatures, which have focused on the shifts of state-power rather than in the changing nature of the state in itself, has been famously noted by John Agnew, who instead argued for vigilance against a persistent 'territorial trap'.[8] Pointing out the tendency to fix the content of spatiality as either territorial or structural, Agnew claimed there had been little consideration for the historical context within which such spatial effects occurred, which in turn regimented the realist understanding of the state as a set of territorial parameters. This problem, he argues, has been perpetuated even by the proponents of the liberal paradox, who argue outside the framework of classical realism. Their thinking couples the idea of the state "as equivalent to a rational individual exercising free choice"[9] with the "state-centred politics in which that choice is constrained by the presence of anarchy beyond state borders."[10] Agnew then identifies the three assumptions of IR theory that together create the modern (and dated) geopolitical imaginary; the perceived absolute overlap of state territory with sovereign space; the 'given' distinction of the domestic and international, which misses historical processes that cross-construct either spheres as well as their divide; the idea of a nation, or rather a national society as subordinate to and contained within the territorial state.

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[6]James F. Hollifield, "The Emerging Migration State1," *International Migration Review* 38, no. 3 (September 1, 2004): 885, doi:10.1111/j.1747-7379.2004.tb00223.x.

[7]Peter J. Taylor, "The State as Container: Territoriality in the Modern World-System," in *State/Space*, ed. Neil Brenner et al. (Blackwell Publishing, 2003), 101–14,
http://onlinelibrary.wiley.com/doi/10.1002/9780470755686.ch6/summary.

[8]John Agnew, "The Territorial Trap: The Geographical Assumptions of International Relations Theory," *Review of International Political Economy* 1, no. 1 (March 1, 1994): 53–80, doi:10.1080/09692299408434268.

[9] Ibid., 56.

[10]Ibid.

Borders for Bodies

The 'territorial trap' has been a reliable argument demonstrating the need for reflective methodologies in order to theorise contemporary border practice in the post-Cold War era, which in some ways anticipated the distinct wave of border literatures which emerged with greater force after the terrorist attacks of 2001. These literatures brought further focus and reflection upon the border as a conceptual and productive category in itself, and unpacked the open/closed borders dialectic in light of changing actors and concepts regarding international security at the turn of the century. The emergence of the deterritorialised threat personified upon the potential 'terrorist' urged a turn towards novel security functions invested upon borders, targeting the individual mobile body instead of territories 'beyond the line.' This condition, whereby the dangers formerly residing 'outside' become folded within the internal domain, links the presence of the 'alien', the irregular migrant or the refugee, to an emerging social threat; corrupting national identities, free-riding on welfare systems, impeding the economy and the labour market. In this paradigm, in this new 'topology of security' which Bigo has eloquently described through the metaphor of the Moebius ribbon, "the merging of the inside and the outside",[11] the border appears implicated in an equally ambivalent condition, capable of differentiating, re-bordering and de-bordering at once.[12]

Across this scholarship, Foucault's biopolitics has been brought to occupy Hollifield's position, observing upon borders the effects of the neoliberalisation of political life, and taking after the dual constitutive effects of biopower as at once massifying and individualising,[13] to talk about 'reserves' and flows of individual bodies. Empirical studies inspired by this body of theory have focused on the biometric technologies proliferating at international borders, and the effects these

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[11] Didier Bigo, "The Möbius Ribbon of Internal and External Security (Ies)," in *Identities, Borders, Orders: Rethinking International Relations Theory*, ed. Mathias Albert, David Jacobson, and Yosef Lapid (Minneapolis, MN: University of Minnesota Press), 91–116, accessed September 12, 2016, https://www.academia.edu/3102803/The_M%C3%B6bius_ribbon_of_internal_and_external_security_ies_.

[12] Chris Rumford, "Theorizing Borders," *European Journal of Social Theory* 9, no. 2 (May 1, 2006): 155–69, doi:10.1177/1368431006063330.

[13] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, ed. Mauro Bertani and Alessandro Fontana (New York: Picador, 2003).

have on producing, stratifying, and governing global mobilities. Louise Amoore has coined the term 'biometric border' to capture the interconnected processes thereby exercised; risk profiling, encoded representations of the body, and surveillance techniques.[14] Sparke, Salter and Walters, through similar Foucauldian lenses, have drawn attention to the diffused corporeal techniques of borders, and the ways in which they contribute to the control and sorting of international bodies[15]

Borders for Borders

A further call for new border grammars emerged about a decade since the terrorist attacks of 2001, gaining further traction as the violent aftermath of the Arab Spring began to wash up at Europe's shores. Across this scholarship, which seeks to add nuance to Balibar's notable argument that 'the border is everywhere',[16] attention has been called to the human inside the mobile body, and to the place inside the border-space. A diverse array of studies that have come together under the Critical Border Studies (CBS) agenda,[17] and in joint scholarly interventions of political geographers,[18] have been valuable in this respect, arguing not only for the incorporation of new phenomena under the rubric of 'bordering', but also for conceptual axes around which this growing border apparatus could be articulated. CBS, focusing on the notion of bordering practice and the lens of border performance, has fundamentally unsettled the idea that borders can be understood

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[14] Louise Amoore, "Biometric Borders: Governing Mobilities in the War on Terror," *Political Geography* 25, no. 3 (March 2006): 336–51, doi:10.1016/j.polgeo.2006.02.001.

[15] Mark B Salter, "The Global Visa Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives: Global, Local, Political* 31, no. 2 (2006): 179. William Walters, "Border/Control," *European Journal of Social Theory* 9, no. 2 (May 1, 2006): 187–203, doi:10.1177/1368431006063332. Matthew B. Sparke, "A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border," *Political Geography* 25, no. 2 (2006): 151–80, doi:10.1016/j.polgeo.2005.10.002.

[16] Étienne Balibar, *We, the People of Europe?: Reflections on Transnational Citizenship*, Translation/Transnation (Princeton, NJ ; Oxford: Princeton University Press, 2004).

[17] Noel Parker and Nick Vaughan-Williams, "Lines in the Sand? Towards an Agenda for Critical Border Studies," *Geopolitics* 14, no. 3 (August 21, 2009): 582–87, doi:10.1080/14650040903081297; Noel Parker and Nick Vaughan-Williams, "Critical Border Studies: Broadening and Deepening the 'Lines in the Sand' Agenda," *Geopolitics* 17, no. 4 (October 1, 2012): 727–33, doi:10.1080/14650045.2012.706111.

[18] Corey Johnson et al., "Interventions on Rethinking 'the Border' in Border Studies," *Political Geography* 30, no. 2 (2011): 61–69, doi:10.1016/j.polgeo.2011.01.002.

through the metaphor of a line. Re-conceptualised as an 'archipelago of zones of indistinction',[19] or as a series of stitches,[20] the border is decentred and its linear continuity dismantled. Most helpfully, the post-linear perspective has brought visibility to physical and temporal dislocations of the border, such as offshoring border practices to foreign territories,[21] and pre-emptive bordering through calculative techniques of risk profiling.[22] In a parallel vein, critical geography has invited further reflections on how such new practices and performances of bordering reconnect the border to the notion of *place*. As such, Paasi draws attention to the complex contexts of borders, their historical and geographical contingency, and the part they play in the "wider production and reproduction of territoriality/territory, state power, and agency."[23]

Across these literatures, the EU as a bounded entity has been widely acknowledged as both a unique case and an illustrative example of the disaggregated forms that borders take in a condition of ambiguous territorial and sovereign grounding.[24] According to Ruggie's well-quoted thoughts, the (then) European Community, "the institutional, juridical, and spatial complexes" associated with it, represented "nothing less than the emergence of the first truly postmodern international political form",[25] a condition which he associates with the 'unbundling' of territory and territoriality.[26] These thoughts on the EU's disruptive potential for structural statist categories still ring true in important ways. While simultaneous re-bordering/de-bordering processes may be observed across advanced capitalist economies, where discriminatory policies create hard barriers for some and swift passages

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[19] Nick Vaughan-Williams, "The Generalised Bio-Political Border? Re-Conceptualising the Limits of Sovereign Power," *Review of International Studies* 35, no. 4 (October 2009): 729–49, doi:10.1017/S0260210509990155; Nick Vaughan-Williams, *Border Politics: The Limits of Sovereign Power* (Edinburgh University Press, 2012).

[20] Mark B. Salter, "Theory of the / : The Suture and Critical Border Studies," *Geopolitics* 17, no. 4 (October 1, 2012): 734–55, doi:10.1080/14650045.2012.660580.

[21] Luiza Bialasiewicz, "Off-Shoring and Out-Sourcing the Borders of EUrope: Libya and EU Border Work in the Mediterranean," *Geopolitics* 17, no. 4 (2012): 843–66, doi:10.1080/14650045.2012.660579.

[22] Louise Amoore, "Data Derivatives On the Emergence of a Security Risk Calculus for Our Times," *Theory, Culture & Society* 28, no. 6 (November 1, 2011): 24–43, doi:10.1177/0263276411417430.

[23] Johnson et al., "Interventions on Rethinking 'the Border' in Border Studies," 62.

[24] Stefan Borg and Thomas Diez, "Postmodern EU? Integration between Alternative Horizons and Territorial Angst," *JCMS: Journal of Common Market Studies* 54, no. 1 (January 1, 2016): 136–51, doi:10.1111/jcms.12327; Etienne Balibar, "Europe as Borderland," *Environment and Planning D: Society and Space* 27, no. 2 (April 1, 2009): 190–215, doi:10.1068/d13008.

[25] John Gerard Ruggie, "Territoriality and beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 1 (January 1993): 140, doi:10.1017/S0020818300004732.

[26] Ruggie, "Territoriality and beyond."

for others,[27] in the EU this dialectic materialises in more explicit ways by creating two different and localisable border categories; the internal ones, which are to be dismantled, and the external ones, which are to be fortified.

At the same time however, and as Walters has perceptively argued, this process and geometry of re-bordering/de-bordering is not entirely novel in Europe. It has origins in the consolidation of Western European nation-states in the 19th century, where, as Walters puts it

> Gradually, internal' borders (city walls and limits, parishes, provinces, duchies, etc), all of which were typically more significant than state borders under medievalism, became less important, as far as the regulation of the poor, the collection of tariffs and taxes, or the defense of the population were concerned.[28]

Therefore, the ambiguities that reside in the EU's concept of a single external border are most helpfully understood as connected so much to the making of the EU's inside, as it is to its constitutive outside; the construction of a coherent external perimeter has been as much about producing the EU as a single whole, as it has been about holding a common conception of its external field. There is a need to disambiguate here, between holding a 'common perception' of the external field, and operating a common external perimeter in a uniform way. Van Houtum has claimed in this respect that "in the discriminative biopolitical and geopolitical border regime of the EU there is no outside; the globe is the playing field of the EU's border regime."[29] I would argue that such claims require further nuancing, and suggest that an EU outside, playing out at the scale of the global-field, is constructed differentially in many smaller 'outsides', which are however (supposed to

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[27] Amoore, "Biometric Borders"; Dean Wilson and Leanne Weber, "Surveillance, Risk and Preemption on the Australian Border," *Surveillance & Society* 5, no. 2 (September 1, 2002), http://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/3431.

[28] William Walters, "Mapping Schengenland: Denaturalizing the Border," *Environment and Planning D: Society and Space* 20, no. 5 (October 1, 2002): 561–80, doi:10.1068/d274t.

[29] Henk Van Houtum, "Human Blacklisting: The Global Apartheid of the EU's External Border Regime," *Environment and Planning D: Society and Space* 28, no. 6 (December 1, 2010): 964, doi:10.1068/d1909.

be) perceived in a singular way. This differentiation has been organised in the geographies the EU has drawn in its several regional partnership frameworks; the Eastern Partnership, the Union for the Mediterranean Partnership, the Black Sea Synergy, the Northern dimension, to name a few; as well as in the different border cooperation and/or border securitisation projects that these entail. Thus global 'security events', such as the rise of ISIS in Syria and Iraq and the jihadi groups in Africa, or the Russian military intervention in Crimea, are to be understood in their two-fold effect in respect to the EU's border politics. On the one hand the EU's outside is coherently organized against particular dangers coming from particular areas of the world (the south-east or the north-east), on the other, the EU's perimeter indeed develops in uneven ways across its length.

In his recent work, Vaughan-Williams has argued that the reorganisation of bordering practice in the EU has relied for coherence upon the figure of the 'irregular migrant', which is constructed however in an inherently unstable way. A migrant-centred EU humanitarian discourse, which can be found in recent EU migration and security policies such as the 2011 Global Approach to Migration and Mobility (GAMM), co-exists with practices whereby migrant lives are animalised in cage-like detention spaces,[30] 'left-to-die' in push-back operations at sea,[31] or dissected in 'disease surveillance' medicalised responses.[32] This, the argument goes, does not owe to the oft-cited hypocrisy of elites, or to a gap between rhetoric and reality, as much as to the immanent ambiguity of border security itself, and the ways in which border security produces the 'irregular migrant', as a form of life to be 'protective of' as well as 'protected from'.

Vaughan-Williams helpfully brings in Esposito's account of security relations as immunitary protection to conceptualise the operation of this potentiality.[33] According to this paradigm, the border acts as a biopolitical immunity system which is capable of fostering life but also of causing

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[30] Nick Vaughan-Williams, "'We Are Not Animals!' Humanitarian Border Security and Zoopolitical Spaces in EUrope," *Political Geography* 45 (March 2015): 1–10, doi:10.1016/j.polgeo.2014.09.009.
[31] Adrian Little and Nick Vaughan-Williams, "Stopping Boats, Saving Lives, Securing Subjects: Humanitarian Borders in Europe and Australia," *European Journal of International Relations*, August 10, 2016, 1354066116661227, doi:10.1177/1354066116661227.
[32] Nick Vaughan-Williams, *Europe's Border Crisis: Biopolitical Security and beyond* (Oxford: Oxford University Press, 2015).
[33] Roberto Esposito, *Bíos: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2008).

death, so much the death of 'others' as the death of the self in the event of an autoimmune crisis; the excessive effort to self-protect which may cause for the organism's own demise. From there, the EU's border, responsible for regulating the EU's immunity, is linked to a "complex and multifaceted topology",[34] not merely a protective membrane, but a diffused system where the inside and the outside become conflated, and threats are neutralised from within.

One question that emerges from this line of thought when we project this complex topology upon the EU's 'actual' border spaces is: what happens to those borders and border-spaces formerly acting and often still treated as 'protective membranes', in this new biopolitical system? What traces does the recent 'muscle memory' leave behind at the edges? If "bordering practices are increasingly spectral, undergoing a series of spatial and temporal displacements"[35] then what can these displacements mean for the "stubborn territorially identifiable borders [that] persist",[36] considering that the latter will neither disappear, nor 'persist' unchanged? From there, the thesis seeks to add to the CBS agenda, and to the increasingly nuanced renditions of the biopolitical argument, by contributing a study of the EU's external borders as simultaneously context-dependent entities, or, to put it in immunitary terms, as local inherited antibodies.

Structure of Thesis

To comprehend Europe's spaces in their social, historical, and biopolitical dimensions, the analysis deploys Foucault's concept of a heterotopia.[37] Foucault himself provided a brief and vague explanation of this concept, which tries to capture in relational ways the essential difference of spaces that are somehow 'different' or 'other', while secondary literature has developed into a diverse and at times frustrated debate regarding its conceptual meanings and analytical uses. The

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[34] Vaughan-Williams, *Europe's Border Crisis*, 114.

[35] Ibid., 5.

[36] Ibid.

[37] Michel Foucault, "Of Other Spaces," in *Heterotopia and the City: Public Space in a Postcivil Society / Edited by Michiel Dehaene & Lieven De Cauter.*, trans. Lieven De Cauter and Michiel Dehaene (London: Routledge, 2008), 17.

thesis attempts an interpretation of the concept specific to the study of borders; as a 'loose' space-time category that unfolds in multiple thresholds between inside and outside, mirroring and exaggerating the contradictions of the wider polities to which they belong. Unlike the cleanliness that ideal-type theoretical models propose, heterotopias thrive on messiness and complexity, enabling flexible thinking about the physical and temporal boundaries of milieus of power, and allowing patterns to emerge across things that seem disparate or opposing. Such a heterotopic approach also drives the structure of the thesis.

The book-ends of the thesis, Chapters One and Four, are concerned with two border-spaces which mirror one another in their relationship to the EU; Greece, a member-state and a Schengen exclave, and the Russian Oblast of Kaliningrad, a third-country territorial entity and a Schengen enclave. Noticing opposite and in some ways counter-intuitive measures deployed around both entities' perimeters, as a security politics of exclusion in the case of Greece, and a security politics of inclusion in the case of Kaliningrad, and taking note of the links between these policies and the biographies of the borderlands they attempt to regulate, the overarching question that these two chapters address is: *what happens in border spaces at Europe's edge, when geographical particularity and local history meet abstract security logics of risk?* The two middle chapters nuance this question further, asking how these practices reformulate conventional categories of border-thinking, such as the camp (Chapter Two), and how these security logics are translated into knowledge in the institutional context of the EU (Chapter Three).

As such, Chapter One introduces the context of the so-called EU 'migration crisis', asking what kind of crisis the EU is experiencing and what means are being deployed in response. Looking at the historical development of the EU's migration and asylum policy, as well as at the more recent responses in the 2015 European Agenda on Migration, the chapter demonstrates the existence of internalising/externalising/immobilising border dynamics, and a shift of emphasis towards the latter, involving practices of surveillance and identification. Subsequently, the chapter zooms in on the case of Greece, the EU's signature crisis space, which offers rich opportunities to investigate both the

implications of these EU policies 'on the ground', as well as the reciprocal effects of local history and geography upon their border objectives. Greece is re-staged as a frontier-land immobilised in time and space, a condition which is related to the country's geographical position, its 'frozen' security agenda preoccupied with the Greco-Turkish identity conflict, and the expanding use of detention as a means of managing migration. Overall, the chapter focuses on the ways in which the EU secures its borders and governs its outside through immobility and exclusion.

Chapter Two questions the EU's border politics in a productive sense, focusing on the transformations that its policies bring about to the paradigmatic space of the camp. The camp, thought of as a space of containment characterised by exceptionalism and sovereign excess, has returned forcefully in post-9/11 political geography scholarship. However, new types of camps trouble these standard understandings. Shedding light on the diversity of camps, and more generally border-spaces, the chapter takes as a case-study the informal camp which emerged in Greece's port of Piraeus; an open arrangement, at the heart rather than the edge of the urban landscape, administered by local activists rather than agents of sovereign power. What makes this space unlike other informal camp-sites and public spaces turned migrant dwellings, is its unlikely proximity to an EU watchtower with which it only passively engages, a proximity which, as the chapter argues, is far from accidental, but rather indicative of the increasingly tense balance the EU is trying to strike across its perimeter.

Chapter three enquires into the EU's modes of producing the 'border-expertise' that makes its complex border machinery possible. Focusing on Frontex, the EU's Agency for the management of the external borders, the chapter asks how this entity understands its present form and its position within a diverse context of actors and overlapping functional remits; the EU institutions, law enforcement, and the security industry. The chapter demonstrates tensions that coexist as parts of the 'riskification' of the EU's borders, and explains how this process works. The main findings concentrate on ideas about the geography of the EU that are produced, and demonstrate the creation from the ground up of the EU as a heterotopia of fragmented space.

Chapter Four looks into the Local Border Traffic (LBT) regulation of the EU, a policy that simplifies border crossings for non-EU nationals living in the border areas of the EU's north-east. Amongst the EU's several LBT agreements, the one between Poland and the Russian exclave of Kaliningrad stands out in terms of its geographical scope and legal parameters, deviating from the standard LBT rules. This outstanding position, which owes to Kaliningrad's sensitive and unusual geopolitical situation, provides rich opportunities to investigate the role of local history and geography in EU border policy design. Firstly, the border area in question has a rich biography of boundary shifts and geopolitical reinventions, which enables us to look at the LBT policy as a particular point upon a long line of historical attempts to politically delineate this part of Europe. Secondly, Kaliningrad's appropriation as EU 'experimental' space through the LBT demonstrates ways in which EU foreign policy and border security policy intersect, as complementary processes in the construction of an EU 'self'. Thirdly, the exceptional allowances of the Russo-Polish LBT agreement, helpfully illustrate the flexibility of the policy, as a technology of risk-based security. Overall, this chapter explores the ways in which the EU secures its borders, and governs its outside through mobility and inclusion.

Methodology

The thesis makes use of a qualitative methodological package that combines textual analysis and action research, drawing on data collected via participant observation, semi-structured interviews, policy analysis, as well as academic literature reviews. More specifically, I draw on the experience of a traineeship held at the Frontex Liaison Office in Piraeus, and volunteer work undertaken in the refugee camp of Piraeus and elsewhere in Athens. In these settings, I was enabled to conduct interviews with persons of interest, activists, asylum-seekers, and EU officials, but also to gain access into the daily-workings of these spaces.

These experiences warrant some clarifying notes, particularly with regards to the challenges associated with conducting research in an organisation where one works, and particularly "the risk

of the researcher him/herself becoming part of the situation under study."[38] Some of these issues are reconciled by the timeframe of the thesis (the majority of the interviews with Frontex officials were conducted prior to my deployment in Piraeus, and Chapter Three which deals with Frontex specifically was also drafted at that time), while others by means of reflection. My lived experience in these spaces revealed the multiple ways in which borders are being enacted through individual behaviours, casual racist and gendered biases, and distinct groups' self-interests. However, my own subject position and ambiguous 'belonging' as a researcher and a woman, also became relevant in the ways in which I was treated as more and less 'threatening' at once, carefully 'fed' a particular narrative of what Frontex is and does for example, but also too easily trusted with sensitive information.

Further to this, I have largely drawn on my personal notes from field visits at border-sites, at the Greek-Turkish border in the Evros region, the migrant community in Omonoia, central Athens, as well as the Russo-Polish border in Kaliningrad and the Frontex HQ in Warsaw. This has involved a lot of walking, in keeping with the advice of travel-writer Robert MacFarlane

> Catch the textual run-off of the streets; the graffiti, the branded litter, the snatches of conversation. Cut for sign. Log the data-stream. Be alert to the happenstance of metaphors, watch for visual rhymes, coincidences, analogies, family resemblances, the changing moods of the street, and the record ends. Walking makes for content, footage for footage.[39]

This way, I was able to grasp the differentiated ways in which the inside/outside divide is experienced by the local communities of border areas, and to notice how this differs from the more extreme binary perceptions of the border that one encounters in the urban setting of the capital.

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[38] Donatella Della Porta and Michael Keating, *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*, ed. Donatella Della Porta and Michael Keating (Cambridge: Cambridge University Press, 2008), 14.
[39] Robert MacFarlane, "A Road of One's Own," *The Times*, October 7, 2005, http://www.thetimes.co.uk/tto/others/article1888693.ece.

As Denscombe notes, "practice-driven research in local settings hardly lends itself to conclusions with universal application.[40] To make-up for the 'representativeness-deficit' that participatory methods invite, I triangulated these retrieved 'stories' against EU policy debates and legislative acts. This has enabled me to understand not only the different agendas that propel EU policy-making, but also the ways in which the EU exercises its power largely unchecked; through the production of norms and rules that are gated behind complex administrative procedures and hidden in plain sight; available on the web but unavailable in the sheer size and complexity of their archive.

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[40] Martyn Denscombe, *The Good Research Guide,* (Berkshire: Open University Press, 2007), p. 130.

CHAPTER ONE

The EU's Crisis at the Borders of Greece:
Governing through Immobility and Exclusion

[T]here is a habit of mind which is now so widespread that it affects our thinking on nearly every subject, but which has not yet been given a name. As the nearest existing equivalent I have chosen the word 'nationalism' [… .] By 'nationalism' I mean first of all the habit of assuming that human beings can be classified like insects and that whole blocks of millions or tens of millions of people can be confidently labelled 'good' or 'bad'. But secondly — and this is much more important — I mean the habit of identifying oneself with a single nation or other unit, placing it beyond good and evil and recognising no other duty than that of advancing its interests.

George Orwell, Notes on Nationalism

Introduction

This chapter maps some of the developments in the EU's border politics between 2010 and 2015, focusing on its south-easternmost edge, at the borders of Greece. The term 'crisis', as used to describe the arrivals of migrants and asylum-seekers into the EU, started appearing in NGO circles in 2010, to describe a humanitarian emergency at the Greek-Turkish land borders.[1] Since then, the term 'migration crisis' has been uncritically reproduced, to gradually blend into a generalised EU crisis-discourse, recently termed by the Commission president an 'existential EU crisis'[2]; conflated with the Eurozone debt-crisis, as well as the EU's own political integration and legitimacy crisis. The discursive inflation which has been enabled in this context is evident in the metaphors and

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[1] UNHCR, "UNHCR Recommends Urgent Measures to Address the Serious Humanitarian Needs in the Evros Region," October 15, 2010, https://www.proasyl.de/wp-content/uploads/2010/10/UNHCR_Urgent_Measures_Evros_Regionen.pdf.

[2] Jennifer Rankin, "EU Is Facing Existential Crisis, Says Jean-Claude Juncker," *The Guardian*, September 14, 2016, sec. World news, https://www.theguardian.com/world/2016/sep/13/jean-claude-juncker-eu-is-facing-existential-crisis.

references used to speak of migration into the EU. For instance, the wave of one million asylum-seekers that arrived in the EU in 2015, was often described as only second to, and thus comparable to, Europe's refugee crisis of World War II, although the latter involved 40 million displaced people. It has hardly been related to the Kosovo refugee crisis of 1999, which seems a more relevant comparison, not only due to the numbers of people affected (it has been estimated that 850,000 were displaced[3]), but also because the EU existed in 1999, and indeed undertook significant activities.

But even when separated from the domains of economic and political integration, the term 'migration crisis' still aggregates many distinct phenomena. It stands for the deaths in the Mediterranean and the stranded migrants and asylum-seekers in detention centres and camps across the EU; for the rise of extreme-right xenophobic sentiment across member-states' electorates; as well as for the revival of walls and fences, and the re-introduction of internal border controls in the passport-free area. This indistinguishable and multifaceted crisis has been causally linked to the on-going Syrian civil-war, which has seen more than five million victims flee the country, and another 6.6 million internally displaced. [4] According to this narrative, the conflict in Syria is creating a violent spill-over effect in the region, the excesses of which are also felt in the EU. But while this connection may be relevant, it does not exhaust the story.

The narratives surrounding the arrivals of migrants and asylum-seekers at the EU's borders, as well as the growing use of the term 'migration crisis', have followed from and are connected to two other important events dating back in the mid- to late- 2000s. These are the beginning of systematic collection and dissemination of data on irregular migration, and the launch of EU Joint Operations (JOs) at external sea and land borders. What this means is that the so-called 'crisis' has unfolded at the same time as a detailed lexicon of measuring and talking about it, and indeed an

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[3] UNHCR, "The Kosovo Refugee Crisis: An Independent Evaluation of UNHCR's Emergency Preparedness and Response," accessed September 12, 2016, http://www.unhcr.org/uk/excom/standcom/3ae68d19c/kosovo-refugee-crisis-independent-evaluation-unhcrs-emergency-preparedness.html.
[4] Rick Gladstone, "Syrian Refugee Spillover Into Europe Surges," *The New York Times*, September 13, 2013, sec. World / Middle East, http://www.nytimes.com/2013/09/14/world/middleeast/syrian-refugee-spillover-into-europe-surges.html.

entire border security apparatus to tackle it was being developed. For this reason, and without prejudice to the seriousness and magnitude of the current situation, the term 'crisis' should be treated with skepticism as regards the particular political deployment of a sense of urgency, and the ways in which continuities are obscured.

Greece, at the receiving end of these migration flows, has been a source of geographical and political particularity, the intricacies of which remain concealed when sweeping terminology and casual causality is employed. According to the mainstream narrative, Greece's complicated coastline and financial hardships have rendered the country unable to perform its gatekeeping duties towards its EU partners, hence inviting a range of EU operational interventions. However, and as this chapter will go on to explore, the geopolitical rivalries between Greece and neighbouring Turkey have played an important part in the security measures implemented at the Greek borderlands, and in the competing framings of the 'crisis' as a 'European' or a 'Greek' problem.

Therefore, the objective of this chapter is to separate the different amplifiers of the EU 'migration crisis' discourse, and to contextualise it historically and geographically. To this end, the analysis proceeds in two parts.

The first part provides an overview of the Schengen area, noting the fences erected and controls implemented on member-states' borders, and examining the authorized lexicon which has been developed to describe it. This moment is then situated within the historical development of EU migration policy. Three analytical axes are identified: a) dynamics of internalisation, focusing on policies and practices aimed at internal political consolidation; b) dynamics of externalisation, including matters of transnational labour markets and EU external relations; and c) dynamics of immobilisation, involving biopolitical practices such as detention and surveillance. With these parameters in mind, the analysis arrives at the particular configuration of internalisation/externalisation/immobilisation which underpins the 2015 European Agenda on Migration (EAM), and its emphasis on the last one of the three.

A second part fleshes out the process of immobilisation on a bigger scale, and Greece in its entirety is re-conceptualised as a borderland immobilised in time and space. More specifically, a first section visits the Evros fence which was erected as a migrant-deterrent measure in 2011, and which has been assumed a symbol of the return of fences in post-Cold War Europe. It is demonstrated that the fence in fact had limited operational relevance for migration, opening the question on what its actual political drivers were. An answer is sought in the following discussion, which narrates the geo-history of Greek-Turkish borders, focusing on the insecurities that the two countries' age-old rivalry has invested upon the Evros border. It is argued that that the Greco-Turkish conflict has acted as a structure of temporal immobility which produces particular logics of debarment, not directly related to migration, but nevertheless impacting upon incoming migration flows. The final section looks into the EU's attempts at managing migration on Greek territory through a deployment of practices that immobilize bodies in space, and observes that the blending of the two different 'immobilities' result in policy that relies overtly on detention. Overall, the chapter brings forth the condition of 'immobility' as one possible result of the encounter between the diffused and generalized biopolitical border, and the border where geopolitical questions and matters of territoriality persist.[5]

The EU as an Area to Migrate to

In speaking of a migration 'crisis', EU politicians have been assisted by a burgeoning amount of 'objective' data which describes migration in factual terms, routes of travel and 'types' of moving people, collected by its border Agency Frontex. Seven main routes have been identified as pathways for migration into Europe (figure 1.1), the most important of which are the 'Eastern Mediterranean' from Turkey to Greece and Bulgaria, the 'Central Mediterranean' from Tunisia and Libya to Italy and Malta, and the 'Western Balkan', as a secondary movement passage leading from the EU's 'frontline' states Greece and Italy further into EU mainland. Such systematizing efforts have also been deployed towards the moving persons, who are categorized mainly between those who migrate for economic

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[5] Peter Andreas, "Redrawing the Line: Borders and Security in the Twenty-First Century," *International Security* 28, no. 2 (October 1, 2003): 79, doi:10.1162/016228803322761973.

reasons and those seeking asylum- sometimes startlingly also referred to as 'returnable' and 'non-
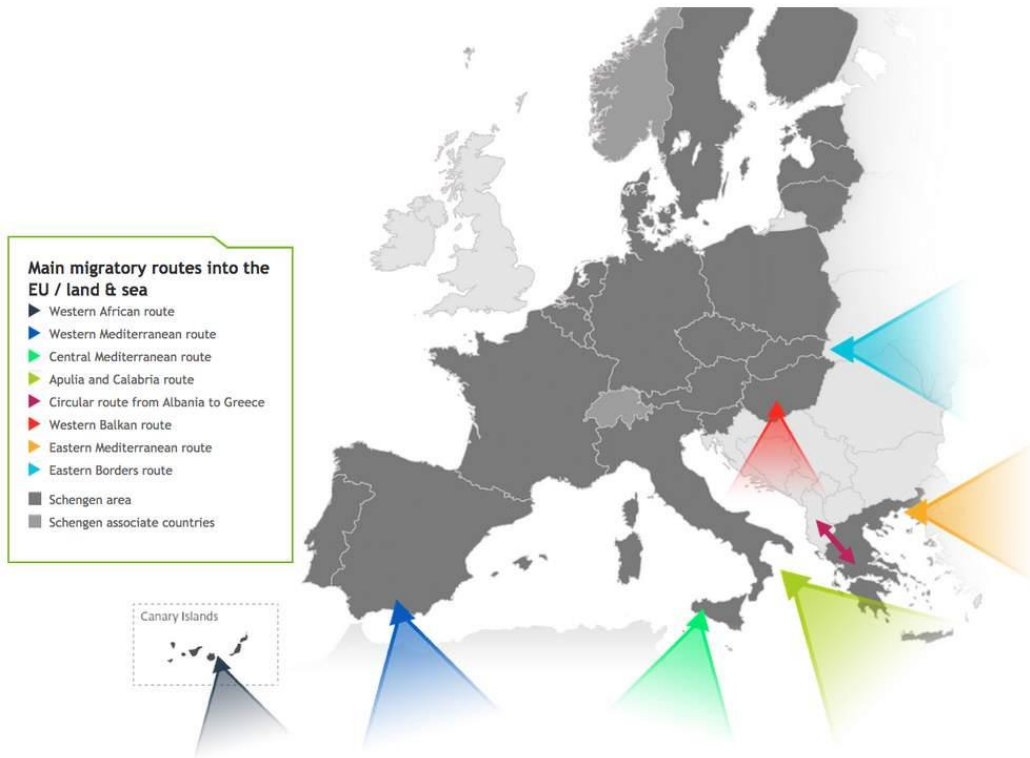
returnable' persons.[6]

Figure 1.1 Frontex drawn migratory routes[7]

Using such a language and official data, the EU migration landscape appears as follows. In

2007, the main source of irregular migration cited in EU circles were northern and western African

states' nationals crossing the Mediterranean on the Central Mediterranean route into Italy and

Spain, in order to find employment.[8] Following strengthened controls enforced by these two

member states between 2007 and 2009, as well as the launch of Frontex operations in Italy, Malta

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[6] European Commission, "Information Note on the Support to Be Provided by Frontex to Frontline Member States on the Return of Irregular Migrants," 2016, http://www.statewatch.org/news/2015/jul/eu-com-frontex-role.pdf.

[7] Source: Frontex website, www.frontex.europa.eu

[8] BBC, "Key Facts: Africa to Europe Migration," *BBC News*, July 2, 2007, http://news.bbc.co.uk/1/hi/world/europe/6228236.stm.

and Spain, this traffic decreased dramatically by 2010.[9] It was then the turn of the Eastern Mediterranean route to gather the attention of smugglers and border guards, travelled mostly by economic migrants from northern Africa as well as 'mixed' flows from Palestine, Afghanistan, and Iraq, seeking entry through the Greek-Turkish sea and land borders, albeit in much smaller numbers.[10] Throughout those years, overall irregular detections continued to decrease, but even at their peak in 2008, they stood at 160,000 annually, or one migrant for every 3,125 Europeans. The aftermath of the Arab Spring brought major changes to these patterns and an intensification of Frontex operations in the southern borders; there was a marked increase in arrivals of asylum-seekers as well as in fatal journeys, but also an over 50% drop in the overall numbers of people detected entering the EU irregularly.[11] By 2013 most were departing from war-torn Syria, while the aggregate numbers of annual arrivals exceeded 280,000, setting a new record for the EU's archives.[12] Growing demand for smugglers' services led to a new modus operandi after 2012, involving cargo-ships which sometimes carried more than 1000 persons, adding in even larger instalments to the death toll across the Central Mediterranean route. Nevertheless, in early 2015, it was asylum-seekers from Kosovo on the Western Balkan route who toped Frontex's lists for irregular detection, at 22,000 for the month of February alone; a trend which had been growing gradually since 2014, and which had been linked to rumours spread by smuggling networks in Kosovo about upcoming changes in asylum rules in Germany.[13] By the end of 2015 a fundamental shift in scale could be observed; there were 900,000 registered annual arrivals via sea, and more than 3,500 deaths, almost exclusively travelling on the Eastern Mediterranean route. [14]

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[9] Frontex Risk Analysis Unit, "Frontex Annual Risk Analysis 2011," 2011, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2011.pdf.

[10] Ibid.

[11] Frontex Risk Analysis Unit, "Frontex Annual Risk Analysis 2013," 2014, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf.

[12] Frontex Annual Risk Analysis 2014, available at www.frontex.europa.eu [accessed on 14.11.2015]

[13] Frontex Risk Analysis Unit, "FRAN Q1 2015," 2015, http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q1_2015.pdf.

[14] Data by UNHCR, Syria Regional Refugee Reponse Inter-Agency Information Portal, 2015, http://data.unhcr.org/syrianrefugees/regional.php

As deduced from this short and perhaps convoluted overview of the EU migration landscape, the migration 'crisis' appears nothing like a singular, linearly developing phenomenon, indicating the challenges of producing a linear narrative out of a multidimensional matrix. This discussion is taken-up again in Chapter Three. What can be noted at this point however is the range of problems that the used language and imagery creates; reducing in analytically flawed but also in dangerous ways the complexities and multiple layers of cross-border movement. Four problems can be noted. Firstly, the clandestine nature of irregular passage means that the actual routes followed by migrants are highly elastic and diffused, with changing departure points. Additionally, many migrants spend extended periods, sometimes years, in transit regions, meaning that country of origin and point of departure often do not align. Nevertheless, the Frontex-charted migratory routes, as shown in the figure above, create a different impression through their rough and sweeping arrows which have remained unchanged over the years. It appears that the reality of movement is manipulated to fit this map rather than the other way around, with the very political effect of painting a picture of multiple 'invasions'. Secondly, the problems run deeper when it comes to categorisations of people, since those leaving their countries of origin mostly do so for more than one reasons. Persons fleeing war also seek to resettle in countries with strong economies and advanced asylum systems, while people migrating for economic reasons are often also escaping states with high human rights violation records. Thirdly, these figures and maps, isolate the EU from the regional context, failing to communicate the wider picture of refugee and migrant movement, and producing an overall distorting effect of amplification. While these maps and reports communicate in excess detail the numbers and trends in people seeking asylum in EU countries, they are quiet about the vast majority of the displaced who have found shelter in nearby states. According to Amnesty International, in September 2015 95% of the Syrian refugees, approximately four million, were in Turkey, Lebanon, Jordan, Iraq, and Egypt.[15] Finally, a most serious problem with current articulations of EU migration is the inherent dehumanising effect of such methods of quantification and systematisations;

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[15]Amnesty International, "Syria's Refugee Crisis in Numbers," September 4, 2015, https://www.amnesty.org/en/latest/news/2015/09/syrias-refugee-crisis-in-numbers/.

allowing for real lives to be masked underneath the intricacy of statistics, and de-sensitising public

opinion to the detriment of those in need of international protection.

In this context, the gradual emergence of walls and fences as a response to the mass arrivals

of asylum-seekers has been a starting point for discussion. As elaborated in detail later in the

chapter, Greece's 2011 decision to erect a fence across its land-border with Turkey, allegedly to

prevent migrants from entering the country, appeared at the time as an anachronistic, non-

EUropean instinct. Nevertheless, fencing proved a contagious trend especially in member-states in

Central and Eastern Europe. Bulgaria, announced the construction of a fence along its border with

Turkey in 2013, followed by Hungary, which embarked on its own border fence with Serbia in the

same year. The fences were matched by internal border controls as well. In April 2011, France

proceeded with strengthening its border with Italy, with increased border patrols, passport checks

according to racial profiling, and halting of specific rail services.[16] In May 2011, Denmark also

announced tighter controls along its border with Germany, deploying additional personnel and

surveillance equipment, and setting up customs booths.[17] Following a joint proposal by France and

Germany in 2012, a new EU regulation established common rules on the temporary reintroduction

of border controls at internal borders.[18] Germany began performing internal controls on its border

with Austria and restricting train traffic in September 2015, and a month later Austria announced

that they would erect a fence across its border with Slovenia, marking the first physical barrier

across an internal border.[19] In December 2015, a month after the Paris terrorist attacks, Council

pressures urged the Commission to table a proposal amending the Schengen Borders Code. The

proposed regulation would enable states to expand systematic checks at external borders, not only

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[16] Bruno Waterfield, "France Threatens to 'Suspend' Schengen Treaty," *The Telegraph*, April 22, 2011, http://www.telegraph.co.uk/news/worldnews/europe/italy/8468981/France-threatens-to-suspend-Schengen-Treaty.html.

[17] BBC, "Schengen State Denmark to Re-Impose Border Controls," May 11, 2011, http://www.bbc.co.uk/news/world-europe-13366047.

[18] Council of the European Union, "Regulation (EU) No 1051/2013 Amending Regulation (EC) No 562/2006 in Order to Provide for Common Rules on the Temporary Reintroduction of Border Control at Internal Borders in Exceptional Circumstances," October 22, 2013, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1051.

[19] Barbara Tasch and Mike Nudelman, "Map of Border Fences and Controls across Europe," *Business Insider*, March 1, 2016, http://uk.businessinsider.com/map-refugees-europe-migrants-2016-2.

on entry but also on exit, towards both third-country nationals and EU citizens who enjoy the right of free movement.[20] The return of fences and walls in the supposedly borderless EU, if not a symbol of its disintegration, is an indication of fundamental changes to the EU as an area to migrate to and seek refuge in, compared to the recent past. This theme is discussed further in the following section, which outlines the EU's migration policy in historical context.

EU Migration Policy in Historical Perspective

While some symbolic decisions on free movement in the European Communities were made in the late 1960s,[21] a more appropriate starting point for contemporary EU migration policy may be in 1985. The provisional agreement amongst Belgium, France, Germany, Luxemburg, and the Netherlands established Schengen as an internal area without border controls, initially outside the EU institutional arrangements. Over the ensuing 30-year period, Schengen expanded to include most EU member-states,[22] and was incorporated in the EU institutional framework. Within this period, it is possible to locate three gradual shifts of geographical emphasis, policy focus, and perceptions of the figure of the migrant.

In Schengen's early stages, the geographical and policy reach of migration debates was characterized by internal dynamics, focusing on the space of the common market, and driven by economic security considerations. Member-states began looking beyond the informal intergovernmental approach after the significant rise in migration flows during the mid-1980s, which further increased after the collapse of the Soviet Union. Migration gradually ceased to be discussed in terms of market demands for cheap labour supply, as had been the practice in many European

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[20] European Commission, "Proposal for a Regulation Amending Regulation No 562/2006 (EC) as Regards the Reinforcement of Checks against Relevant Databases at External Borders," COM(2015) 670 final, (December 15, 2015), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015PC0670.
[21] Jef Huysmans, "The European Union and the Securitization of Migration," *JCMS: Journal of Common Market Studies* 38, no. 5 (December 1, 2000): 754, doi:10.1111/1468-5965.00263.
[22] Bulgaria, Croatia, Cyprus, Ireland, Romania are not, or not yet, part of Schengen

states since the 1960s,[23] and decisions on migration systems, until then an elite project of the economic and industrial lobbies, entered the agendas of politicians.[24] As migration acquired political dimensions it also gradually turned into a security problem,[25] although economic security still constituted the main frame of reference. Governments became concerned with the issue of asylum abuse, with migrants and refugees portrayed as impeding economic development, increasing unemployment for the domestic populations, and free-riding on national welfare systems. The result was a new dichotomy, not between 'economic' and 'political' migrants, but between the high-skilled/'desired' and the unskilled/'unwanted',[26] which in turn spelled out a priority of constricting the influx of the latter. At the same time, an early version of how incoming flows were to be distributed internally emerged in the 1990 Dublin Convention, which established a system determining the member-state responsible for examining an asylum claim.

In a second phase, towards the end of the 1990s, attention turned to the external field, and to the surrounding region of sending and transit countries. This shift was accompanied by 'widening' conceptions of security threats,[27] congealing in what Samers has called an emergent 'geopolitics of illegal migration'.[28] The Treaty of Amsterdam (1997) had moved immigration policy to the community method of decision making, in an effort to address intergovernmental deficits: "coherence, consistency, democratic accountability, respect for the rule of law and for human rights, and effectiveness."[29] In this favourable for integrated policies context, the figure of the migrant appeared not only as a potential threat to the economy but as a threat to a European society, and

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[23] Huysmans, "The European Union and the Securitization of Migration."

[24] Christina Boswell, *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion / Christian Boswell.* (Oxford: Blackwell, 2003), 1–8.

[25] Jef Huysmans, "Migrants as a Security Problem: Dangers of 'securitizing'societal Issues," in *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, ed. Robert Miles and Dietrich Thränhardt (Pinter Publishers, 1995), 53–72.

[26] Andrew Geddes, "Europe's Border Relationships and International Migration Relations*," *JCMS: Journal of Common Market Studies* 43, no. 4 (November 1, 2005): 787–806, doi:10.1111/j.1468-5965.2005.00596.x.

[27] Barry Buzan, "Rethinking Security after the Cold War," *Cooperation and Conflict* 32, no. 1 (March 1, 1997): 5–28, doi:10.1177/0010836797032001001.

[28] Michael Samers, "An Emerging Geopolitics of Illegal Immigration in the European Union," *European Journal of Migration and Law* 6 (2004): 27–46.

[29] Theodora Kostakopoulou, "The 'Protective Union'; Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe," *JCMS: Journal of Common Market Studies* 38, no. 3 (2000): 498, doi:10.1111/1468-5965.00232.

indeed to a European identity.[30] The Tampere meeting of the European Council (1999) externalised these insecurities by prioritising action that would prevent migration at its source, such as visa policies, pre-frontier controls, cooperation frameworks and readmission agreements with third countries.[31] Securitization of migration, and externalisation of migration control as a form of prevention took more acute forms after 9/11, and the Laeken European Council (2001) called for an incorporation of migration into the EU foreign policy remit.

A third shift, located in the mid- to late- 2000s, has involved a geographical focus *at* the site of the border, and a re-articulation of the figure of the irregular migrant as an unstable human form which is 'both a security threat and a threatened life to be saved.'[32] This phase has seen the proliferation of practices that can be conceptualized as *immobilising*; the surveillance of the border itself and the apprehension, interrogation, and detention of migrants, as a basis for subsequent internal and external measures. 'Freezing' migrants' mobility in time and space allows for data to be collected through interviews conducted with migrants upon arrival (the so-called screening and debriefing activities), to establish the identity of the person, and collect information on smuggling networks, countries transited, and intended destinations. This information, along with the dynamic geographical data drawn from surveillance activities, condition internal measures such as decisions on which country shall take responsibility for an asylum claim as per Dublin system, and external/foreign policy priorities, such as countries with which readmission agreements shall be sought. The following section considers the 2015 EAM, to further tease out the practical implications of these immobilizing tendencies.

European Agenda on Migration: Crisis as Acquis Building

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[30] Huysmans, "The European Union and the Securitization of Migration."
[31] Samers, "An Emerging Geopolitics of Illegal Immigration in the European Union."
[32] Nick Vaughan-Williams, *Europe's Border Crisis: Biopolitical Security and beyond* (Oxford: Oxford University Press, 2015).

The EU introduced the European Agenda on Migration (EAM) in May 2015, in the midst of wide public criticism of EU inaction, after the deadliest boat tragedy to date claimed the lives of approximately 800 persons a month earlier outside the coast of Libya.[33] The Agenda outlined the EU's plans for immediate action, its mid-term strategy, and the longer-term objectives, overall highlighting four priorities: developing the common asylum system, developing a new European policy on legal migration, fighting irregular migration, smuggling and human trafficking; and securing Europe's external borders. It should be noted that whilst a response to the proclaimed 'crisis', many of the measures introduced were not envisioned as temporary. As stated in the Commission's communication:

> It would be an illusion to believe that this is a short-term need which will
> not return. The reinforcement of Frontex and the setting up of new forms
> of cooperation with Member States should be seen as a level of support
> and solidarity which is here to stay.[34]

Within the EAM priorities, internalising, externalising, and immobilising measures co-existed and informed one another. For example, in terms of internal measures, the EAM foresaw a redistribution of arriving refugees through a 'Relocation and Resettlement' scheme, to evenly spread the 'burden' of asylum-seekers across the EU. The scheme, initially of a modest scope of 160,000 places, and drawing on EU funding of 780 million euros, foresaw the movement of people from the most heavily pressurized member-states and third-countries to other member-states, in proportion to their national population and economic capacity. In terms of externalising action, the EAM announced an overhaul of its common framework for returns, enhancing the EU's capacity to return

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[33] Ian Traynor and Tom Kington, "EU Pressed to Rethink Immigration Policy after Lampedusa Tragedy," *The Guardian*, October 8, 2013, https://www.theguardian.com/world/2013/oct/08/eu-immigration-policy-lampedusa-tragedy.
[34] European Commission, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration," COM(2015) 240 final, (May 13, 2015), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

migrants to their countries of origin, including the setting-up of a returns branch in Frontex, the compilation of a 'Returns handbook' for member states, and a new European Travel Document to be used for the purpose. It also included measures of intervention and cooperation with key countries of origin and transit: funding for regional development programmes, Common Security and Defence Policy (CSDP) sea-operations in the Mediterranean, border management missions, coordination centres, and deployments of EU migration officers to EU delegations.

However, action upon arrival preventing migrants' further movement appeared to be the overarching priority in the EAM, and dynamics of immobility underscored the entire strategy. For example, the Agenda's plans for enhancing the member states' returns capacity retained the 2008 Returns Directive as their legal base,[35] which in effect reiterated the potential to use detention as a management strategy. For example, in a communication regarding implementation of the EAM priorities in October 2015, the Commission stressed that

> Member-States should ensure the physical availability of an irregular
>
> migrant for return and use detention where necessary, to avoid that
>
> irregular migrants abscond. As long as there is a reasonable likelihood of
>
> removal, prospects for such removal should not be undermined by a
>
> premature ending of detention.[36]

Immobilising action, apprehension, interrogation, and detention were dominant themes in the new 'Hotspots' approach, forming part of the EU's immediate response in support of the 'frontline' member states, Greece and Italy. The concept of 'hotspots' was envisioned as a platform for multiple intervention by EU Agencies, Frontex, Europol, and the Asylum Support Office (EASO),

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[35] Council of the European Union, "Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals," 2008/115/EC, (December 16, 2008), http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF.

[36] European Commission, "Communication on Managing the Refugee Crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration," COM(2015) 510 final, (October 14, 2015), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_on_eam_state_of_play_20151014_en.pdf.

"when there is a crisis due to specific and disproportionate migratory pressure at their external borders, consisting of mixed migratory flows."[37] The official description paints a grand-scale holistic approach for the efficient 'sorting' of arriving flows of people, and their rapid resettlement or return.

> The operational support provided under the Hotspot approach, will concentrate on registration, identification, fingerprinting and debriefing of asylum seekers, as well as return operations. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum applications as quickly as possible. For those who are not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host Member State with investigations to dismantle smuggling and trafficking networks.

However, the practical provisions of the approach, and the negligence of the political context of their implementation, suggest that rather than a starting point, identification and containment rather acted as ends in themselves. 'Hotspots' foresaw the setting-up of purpose-built identification, first reception, and pre-removal centres, preventing further unregulated movement while asylum claims were examined, or deportation administratively arranged. As it emerged soon after they had been set-up and put into use, these centres had turned into overcrowded detention facilities for extended stays.[38] This development had been all but unexpected; Greece's limited administrative capacities to process asylum claims, and EU member-state reluctance to admit asylum-seekers through the relocation mechanism were known to policy makers in advance.

Immobilising logics, emphasizing apprehension, interrogation, and detention, have thus been established as the preferred EU response to the surge in migration flows, as well as to its own

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[37]European Commission, "Explanatory Note on the 'Hotspot' Approach," July 2015, http://www.statewatch.org/news/2015/jul/eu-com-hotsposts.pdf.
[38] Barbara Surk, "Greek Hot Spots 'used as Detention Facilities,'" *POLITICO*, March 23, 2016, http://www.politico.eu/article/refugee-registration-centers-detention-facilities-hotspots/.

need for common action and internal coherence. The following section focuses on Greece, the space where many of these new border tools have been tested and applied, to examine how these immobilizing dynamics interact with the local bordering regime and national security context.

Greece as Immobilised Borderland

Owing to its location at the strategic Mediterranean crossroads between East and West, and to a long and complicated coastline, Greece has been at the receiving end of migration flows from Africa, the Middle East, and Central Asia, through the Greek-Turkish land and sea borders. However, being a 'frontline' state is not the only reason why it is of significance to EU border studies. The country mirrors in some ways the 'special case' position that the EU holds for border studies at large. Its geographical and historical particularities became a source of reflection for Balibar's influential piece *We, the People of Europe*, which opens with the following passage

> [b]order areas—zones, countries, and cities—are not marginal to the
> constitution of a public sphere but rather are at the center. If Europe is for
> us first of all the name of an unresolved political problem, Greece is one of
> its centers, not because of the mythical origins of our civilization,
> symbolized by the Acropolis of Athens, but because of the current
> problems concentrated there.[39]

Greece has been an old member but also a particular case in the Western and European international cooperation structures. Greece signed an Association Agreement with the EU as early as 1961 and launched negotiations for EU membership in 1979 to become the 12th member in 1981. It signed the Schengen protocol in 1992, joined the Western European Union (WEU), the EU's defense arm, in 1995, and the Economic and Monetary Union (EMU) in 2001. The many EUropean memberships however are not corroborated by its history or geography. Until 1830 the country was

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[39] Étienne Balibar, *We, the People of Europe?: Reflections on Transnational Citizenship*, Translation/transnation (Princeton, NJ ; Oxford: Princeton University Press, 2004).

part of the Ottoman Empire, and thus did not share into the Western European experience of the Enlightenment that discourses of the EU's 'common roots' so often have recourse to. As for the many EUropean maps, Greece seems too far out of the EU core, and is in fact an exclave Schengen territory since most of its perimeter represents an external Schengen border, except for the sea-border with Italy.
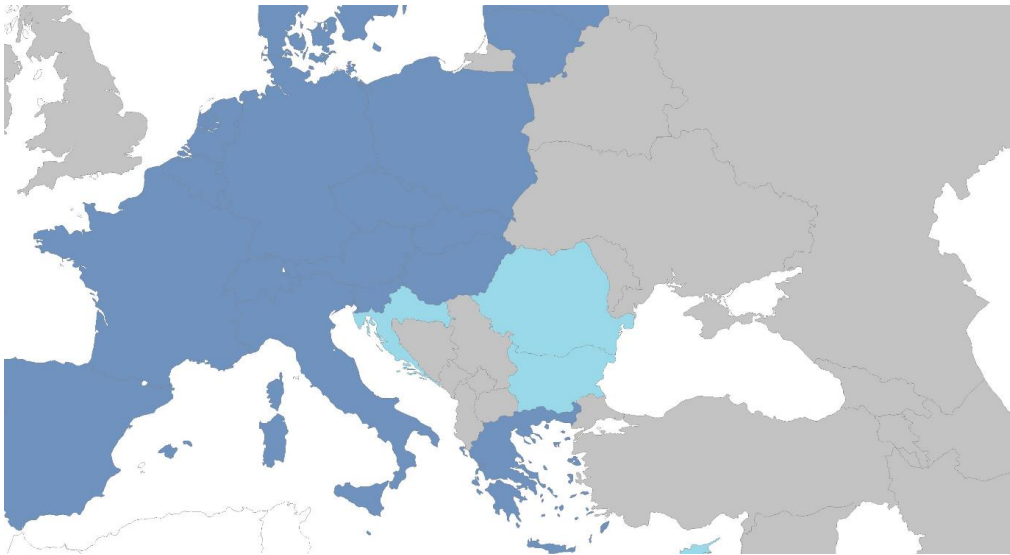
Figure 1.2 Greece as Schengen Exclave [40]

As such the remainder of this chapter unpacks this isolation by re-staging Greece as an immobilised borderland, temporally 'frozen' and geographically contained, and seeks to understand the implications of this condition for the management of migration in the EU. The following analysis proceeds in three sections. Firstly, the case of the Evros fence is discussed, as an illustrative encounter of the EU external border and the local gatekeeping regime, which involves complex interactions between Greece, Turkey, and the EU. A middle section situates this encounter within Greek-Turkish relations, observing the role of the EU in this bilateral context. A certain 'immobility in

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[40] Map designed by the author

time' is observed in the Greek security agenda, which invests non-migration related dynamics of debarment upon Greek borders. A final section looks into the joint EU-Greek efforts at managing migration on Greek territory, focusing on their convergence in using detention as a means of managing migration.

The Return of Barbed Wire

In early 2011, the Greek government announced its intention to construct a migrant-deterrent fence made of barbed wire and concrete in the north-eastern region of Evros, and thus seal the entire 200 km length of the Greek-Turkish land border. Following wide criticisms, the plan was quickly scaled down and government officials announced that they would only fortify the 11.5 km 'vulnerable' land section of the demarcation line which did not follow the natural barrier of the river, as it was this section that provided an easy and relatively safe pathway for irregular migrants into the country. The announcement came at a time when estimates appeared frequently in the news that 90% of the overall migration flows towards the EU were coming through this border.[41] The Commission expressed concern at the time over an "increasingly worrying" situation and flows of "alarming proportions", stressing the need to "handle this emergency situation in the most expeditious and efficient way."[42]

The prospect of a fence at the Evros passage received critical responses from numerous sides. Humanitarian agencies stressed that migrants and asylum-seekers would be prevented from reaching safety and pushed to follow more dangerous paths.[43] Local politicians in the neighbouring southern areas cited the high costs and quick-fix nature of the measure, arguing that it would merely

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[41] BBC, "On Patrol to Stop Illegal Migrants at Europe's Gateway," December 1, 2010, http://www.bbc.co.uk/news/world-europe-11892056.

[42] European Commission, "Press Release - Statement by Cecilia Malmström on the Request of the Greek Government to Get Assistance via Rapid Border Intervention Teams at the Land Border between Greece and Turkey.," October 24, 2015, http://europa.eu/rapid/press-release_MEMO-10-516_en.htm?locale=en.

[43] Elinda Labropoulou, "Concern over Proposed Greek Border Fence," January 4, 2011, http://edition.cnn.com/2011/WORLD/europe/01/04/greece.border.fence/index.html.

dislocate the flows of migrants towards their own communities.[44] The response in Turkey was cautious but communicated clear disenchantment. While the Turkish foreign ministry took the moderate position that 'Greece must guard its borders',[45] the Turkish minister for EU affairs elaborated further: "It is not the time to talk about new walls in Europe - we need to talk about new bridges. Europe paid the cost of walls in the recent past."[46] Turkish media unpacked this cautiously oppositional narrative some more. According to chief editor of Istanbul daily *Sabah*

> The Maritsa [Turkish for Evros] River delimits our border not only to Greece, but also to the European Union. Building such a fence amounts to putting an insurmountable obstacle between us and the EU that will reinforce the concept of the Schengen Area, a concrete symbol of restricted movement in Europe. Over and above the difficulties of obtaining a visa to visit the EU, a supplementary physical obstacle is being placed between the EU and Turkey – which makes this wall not just a Greek problem, but our problem too.[47]

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[44] Michel Foucault, "Of Other Spaces," in *Heterotopia and the City: Public Space in a Postcivil Society / Edited by Michiel Dehaene & Lieven De Cauter.*, trans. Lieven De Cauter and Michiel Dehaene (London: Routledge, 2008), 13–29.

[45] Kathimerini, "Mixed Response to Evros Fence Idea," January 3, 2011, http://www.ekathimerini.com/131314/article/ekathimerini/news/mixed-response-to-evros-fence-idea.

[46] Cited in Andrew Rettman, "Greek 'Wall' Is Negative Symbol, Turkey Says," February 9, 2012, https://euobserver.com/enlargement/115198.

[47] Erdal Safak, "Turkey-Greece: From the Other Side of the Wall," *Sabah Newspaper, Reproduced in English in VoxEurop*, January 17, 2011, http://www.voxeurop.eu/en/content/article/464511-other-side-wall.

Figure 1.3 The 'vulnerable' section of the Evros border[48]

As for the EU, their response was not ambiguous. The Commission quickly turned down the plan, refused to co-finance the fence, and withdrew from the controversy in the following fashion

> The Commission considers that the construction of a technical barrier in Evros at the Greek/Turkish border is not an effective measure to counter irregular migration and has informed Greece that it would not accept that the fence be included in the 2011 External Borders Fund (EBF) Annual Programme. … Greece remains free to decide to finance the construction of a technical barrier with national resources.[49]

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[48] Source: Der Spiegel (2013)
[49] Cecilia Malmström on behalf of the Commission, "Answer to a Written Question - Construction of the Evros Fence in Greece," February 24, 2012, http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-000105&language=DE.

The EU's distancing from the Greek fence should not be conflated with the objections of humanitarians, but rather viewed in the context of a perceived Greek deviation from the EU's 'norms', and choice of measures outside of what was foreseen in the Schengen toolkit. The Commission had declared its "readiness to co-finance other more effective measures" such as "special vehicles with surveillance equipment such as thermal cameras and/or X-ray system and the purchase of a helicopter to be used for surveillance of borderline and support of patrols on the ground."[50] This EU stance was in turn met with a confrontational response in Greece, where the announcement of the fence had found substantial support amongst Greek public opinion, with surveys reporting majorities between 60% and 80% agreeing to construction,[51] and a 3 million euro contract had already been signed.[52] The sentiment was summarised in the following statement of minster Papoutsis, published in the official governmental website

> The matter of guarding and controlling borders is a matter of national sovereignty. I would like to point out that it is hypocritical when some until now accuse Greece of failing to guard its borders according to the Schengen Treaty, and now emerge as critics [of Greece] for wanting to do what is common sense, to enhance the security of its borders. Perhaps some would prefer for Greece to become a centre for long-term stay and processing of asylum applications by migrants coming from all over the world and trying to reach other EU member states. However, Greek society cannot shoulder this burden.[53]

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[50] Ibid.

[51] TVXS, "Evros: Treis Dimoskopiseis Gia Ton Frachti [Evros: Three Surveys on the Fence]," January 16, 2011, http://tvxs.gr/news/ελλάδα/έβρος-τρεις-δημοσκοπήσεις-για-τον-φράχτη.

[52] Danai Angeli, Angeliki Dimitriadi, and Anna Triandafyllidou, "Assessing the Cost-Effectiveness of Irregular Migration Control Policies in Greece," *ELIAMEP: Midas Policy Brief*, October 2014, http://oppenheimer.mcgill.ca/IMG/pdf/MIDAS_Policy_Paper_EN.pdf.

[53] Hellenic Republic: Ministry for Citizen Protection, "Interview with Minister Christos Papoutsis," January 9, 2011, http://www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=3409&Itemid=461&lang=.

The episode of the fence is illustrative of the sides and tensions involved in the management of migration in Greece; the persistent Greek-Turkish animosity, tensions in EU-Greece relations, and the tortured affair of Turkish EU membership. What is interesting however, is how limited the fence's actual relevance as a barrier for migration was. Unlike the famous barriers that the Greek fence could be compared to at the time, such as the barbed wire surrounding the Spanish enclaves of Ceuta and Melilla in Morocco, or across the U.S.-Mexico border, and contrary to popular assessments following the completion of the fence in late 2012, that "the effects of the fence were instantly felt"[54] the barrier in Evros had not been about irregular migrants, and its impact on migrant movement has been dearly overestimated. Beyond the well-heard assessments, that the fence made for an inefficient short-term measure, another relevant point is that such a measure was also at that point unnecessary.

Evidence for this irrelevance came a few months later, when Frontex released its quarterly risk analysis, showing that flows through Evros had already dropped significantly in the first quarter of 2011, a fact that could only have been known in the ministry's circles. This was a result of increased Hellenic Police activities, and the deployment of 175 border guards as part of Frontex's Rapid Border Intervention Teams (RABITs), since October 2010. Irrelevance was also confirmed during interviews with Hellenic Police and Frontex officers, who retrospectively agreed almost unanimously that the fence's eventual impact on the sharp reduction of irregular detections at Evros after 2011 had been negligent compared to that of the 1,900-strong "Operation Shield" of the Hellenic Police or the Frontex RABIT deployment.

 Given this constructed link between the fence and the management of irregular migration, a question that emerges is: why would Greece spend such an amount of economic and diplomatic capital on fencing its border, at a time when both are scarce, and when other forms of assistance had already significantly mitigated the problem?

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[54] Danae Leivada, "Why Greece Shut The Shortest, Safest Route For Migrants And Refugees," *The Huffington Post*, 51:25 400AD, http://www.huffingtonpost.com/entry/greece-turkey-border-fence_us_55f9ab73e4b0d6492d63ec12.

This question has not been asked in the few existing accounts that have engaged with the Evros border. Pallister-Wilkins, who has looked at the operational cooperation of Greek border police and Frontex deployed officers in Evros, focused on the intersection of humanitarian practice and border policing, and the nature of EU border cooperation.[55] Pallister-Wilkins locates a tension within the very concept of protection, between the population as the subject of protection, and the territory as the object of protection. She argues that the EU, represented by Frontex in the field, occupies an ambiguous position, due to the "unreconciled relationship between member states' sovereign responsibility for border control on behalf of Schengen, and attempts at solidarity, facilitation, and coordination in border control at the European level."[56] A question that follows from this claim however is: what else is invested in the member-state's 'sovereign responsibility' with regards to that border, with reference not only to Schengen and the European population, but also the territory of that state, and the national population?

Similarly, in Borg's contribution to the literature on the Evros border, the focus is on the activities of Frontex as potential EU statehood performances.[57] Borg's argument is that the borderwork undertaken in the name of the EU can be conceptualised as a form of state-crafting, concerned with processes of identification/bordering/ordering. In this vein, the EU engages in a self-making process, which produces migrants who enter Europe, and border guards who seek to secure it as 'subject-positions' that perform and construct it. However, this account is not specific to the locality thus bordered, formulated in such a way as to apply to other borders too, while the role of the Greek guards, and Greek sovereignty are not examined in any depth.

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[55] Polly Pallister-Wilkins, "The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros," *International Political Sociology* 9, no. 1 (March 1, 2015): 53–69, doi:10.1111/ips.12076.

[56] Ibid., 58.

[57] Stefan Borg, "Euro-Crafting at Border Zones: The Case of the Greco-Turkish Border and the Question of a European Union 'Beyond the State,'" *Geopolitics* 19, no. 3 (2014): 565–86, doi:10.1080/14650045.2014.883382.

Finally, Topak has examined the Evros and the Aegean as spaces of biopolitical control "where surveillance intensifies and migrant lives are held hostage."[58] The focus of this contribution is on the techniques of control performed across the Greek-Turkish borderlands, and the use of technologies which target the bodies of migrants, such as thermal cameras, drones, and night vision goggles, subsequently incorporating these bodies within risk-calculations. Topak's argument does go some way towards geographically contextualising these violent encounters, arguing that "while borders can no longer be located only at the edges of states… the practices and effects of the borders manifest themselves primarily at these territorial edges."[59] While valuable in proposing a way of embedding the old technology of the fence within the 'novel' biopolitical practices of the EU, the argument does not however problematize the ways in which the traditional connotations of fences still matter in any explicit way, neither is the Evros fence related to the local political context. With these gaps in mind, the following section will situate the fence and the support it enjoyed domestically in the history of insecurity that is historically associated with the Evros region, and the proximity with Turkey.

Lands of Insecurity

The Turkish threat has had a permanent presence in the Greek security agenda, so much so that the latter appears to be immobile in time, particularly when reviewed against the European context. As Moustakis and Sheehan write

> Because the primary focus of Greek security policy centred on the
>
> relationship and rivalry with Turkey, the end of the cold war and of the

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[58] Özgün E. Topak, "The Biopolitical Border in Practice: Surveillance and Death at the Greece-Turkey Borderzones," *Environment and Planning D: Society and Space* 32, no. 5 (October 1, 2014): 830, doi:10.1068/d13031p.
[59] Ibid.

Soviet Union did not lead the Greek security establishment to believe that

a fundamental reassessment of Greek security policy was necessary, in

contrast to most other European states.[60]

The ways in which these insecurities play out in the Evros borderlands may be grouped into

three themes; an identity conflict drawing on a nationalist and 'traumatic' rendition of bilateral

history; a strategic dilemma playing out in an ongoing arms race and frozen border disputes; and

open questions of local politics and demography in Thrace.

Territorial Traumas and Orientalist Narratives

The role of the Turkish *Other* in the development of a modern Greek identity has animated

an almost saturated field of scholarly investigation which has traced the presence of orientalist anti-

Turkish narratives in Greek history education,[61] in the informal discourses of the military,[62] and in

the political debates over individual rights and religious freedoms.[63] In such narratives present

anxieties blend with historical 'traumas', to present a glorified Greek identity as part of the European

civilization and in continuation of the Ancient Greek civilisation, constructed against the demonized

'barbarous' Turk, descendant of the reviled Ottoman occupier.[64]

Both nations have their roots in the multi-ethnic Ottoman Empire, and as state-building

projects bear many similarities. Diamandouros et al have written on "two states where the

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[60] Fotios Moustakis and Michael Sheehan, "Greek Security Policy after the Cold War," *Contemporary Security Policy* 21, no. 3 (December 1, 2000): 96, doi:10.1080/13523260008404270.; also see

[61] Spyros Spyrou, "Constructing 'the Turk' as an Enemy: The Complexity of Stereotypes in Children's Everyday Worlds," *South European Society and Politics* 11, no. 1 (March 1, 2006): 95–110, doi:10.1080/13608740500470364.

[62] Elisabeth Kirtsoglou, "Phantom Menace: What Junior Greek Army Officers Have to Say about Turks and Turkey," *South European Society and Politics* 11, no. 1 (March 1, 2006): 163–77, doi:10.1080/13608740500470422.

[63] Adamantia Pollis, "Greek National Identity: Religious Minorities, Rights, and European Norms," *Journal of Modern Greek Studies* 10, no. 2 (1992): 171–96, doi:10.1353/mgs.2010.0193.

[64] Alexis Heraclides, "The Essence of the Greek-Turkish Rivalry: National Narrative and Identity," *LSE Hellenic Observatory: GreeSE Papers*, 2011, http://eprints.lse.ac.uk/45693/. Hüseyin Isiksal, "An Analysis of the Turkish-Greek Relations from Greek'Self'and Turkish'Other'Perspective: Causes of Antagonism and Preconditions for Better Relationships," *Alternatives: Turkish Journal of International Relations* 1, no. 3 (2002): 116.

conceptions of territory and population, allegiance and nationhood, religious versus secular, ethnic versus constitutional principles have been in constant tension."[65] Modern Greece was established in 1830, following a 9-year War of Independence from the Ottoman Empire, and continued to append Greek-speaking territories throughout the 19th and early 20th centuries. The peace treaties of World War I, settling boundaries in the Balkans and dealing with the dissolving empire, ceded the region of Thrace into the Greek territorial body by 1920. Greek expansionism came to a halt after a bitter defeat in the Greco-Turkish war of 1919-1922, where the new Turkish National movement, fighting their own War of Independence under Kemal Ataturk, contested the borders imposed by the treaty of Sevres. The treaty of Lausanne, ending the war in 1923, established the Republic of Turkey, and drew its final western borders, appending Eastern Thrace to the newly founded Turkish state.[66] The treaty also foresaw demilitarisation of the Aegean islands in close proximity to Turkey, and the transfer of sovereign rights to Britain over the Ottoman parts of Cyprus.

A period of reconciliation followed the ceasefire, as official visits took place, and a friendship pact, the Treaty of Ankara, was signed in 1930, affirming the borders, and establishing balance of naval forces.[67] Following the Italian invasion and German occupation of Greece during World War II, Greek groups tabled territorial and reparation claims, and a proposal was discussed in the Paris Peace Conference, resulting in the addition of the Dodecanese to the national territorial body in 1946.[68] This unsettling of the status quo anticipated the end of the inter-war deterrence and the flare up of identity politics that followed. According to Petridis, the finality of the 1946 borders marked the end of Megali (Great) Idea,[69] the irredentist narrative which had the aim of uniting all of

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[65] Nikiforos P Diamandouros, Thaleia Dragōna, and Çağlar Keyder, *Spatial Conceptions of the Nation: Modernizing Geographies in Greece and Turkey*, International Library of Historical Studies (London: IBTauris, 2010), 2.

[66] "Treaty of Peace with Turkey" (Lausanne, July 24, 1923), http://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne.

[67] Evanthis Hatzivassiliou, "The 1930 Greek-Turkish Naval Protocol," *Diplomacy & Statecraft* 9, no. 1 (March 1, 1998): 89–111, doi:10.1080/09592299808406071.

[68] Basil Kondis, "Greek National Claims at the Paris Peace Conference of 1946," *Balkan Studies : Biannual Publication of the Institute for Balkan Studies.* 32, no. 2 (n.d.): 309.

[69] Pavlos Petridis, *Sygxroni Elliniki Politiki Istoria:1917-1940 [Modern Greek Political History:1917-1940]* (Athens: Govosti, 2000), 80.

Hellenism into one political community, envisioning boundaries which would include the diaspora communities on former Ottoman lands.[70]

Most analysts locate the beginning of mistrust in the early 1950s, when the Cyprus problem emerged. This led to a series of crises in the 1960s and dramatically culminated in the Turkish invasion of 1974. Following the outbreak of inter-communal violence, and a failed coup in Cyprus organized by the Greek junta, Turkish forces annexed northern parts of the island which amounted to 1/3 of its territory. The Cyprus crisis has been termed the major turning point for Greek foreign policy, instating the defense doctrine of the 'threat from the East'[71] which set the pace for bilateral relations for the final quarter of the century. Throughout this period, the two countries engaged in diplomatic rows which on occasion risked war, the most notable being the race for Aegean natural resources in 1976[72] and 1986,[73] and the Imia/Kardak Aegean sovereignty crisis in 1996.

Greece's EU accession in 1981, in many ways aggravated these tensions, by re-articulating the sense of difference between the two countries, interpreted as different 'modernisation' trajectories. Turkey had signed an EU Association Agreement around the same time as Greece, in 1964, submitted a formal application for EU membership in 1987, and joined into a customs union with the EU in 1995. Candidacy status was awarded in 1999, during the Helsinki Council, while official negotiations for accession commenced in 2005. As Rumelili has shown, until the realistic prospect of membership was put on the table, the EU had provided an additional dividing line

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[70] Ibid., 24.

[71] Panayotis Tsakonas and Antonis Tournikiotis, "Greece's Elusive Quest for Security Providers: The `Expectations-Reality Gap'," *Security Dialogue* 34, no. 3 (September 1, 2003): 301–14, doi:10.1177/09670106030343005; Thanos Dokos and Christos Kollias, "Greek Defence Spending in Times of Crisis: The Urgent Need for Defence Reform," *ELIAMEP Thesis*, 2013, http://www.jmc.uoa.gr/fileadmin/jmc.pspa.uoa.gr/uploads/PDFs/ELIAMEP-Thesis-1-2013_Th.Dokos-Ch.Kollias.pdf.

[72] Sotiris Rizas, "Managing a Conflict between Allies: United States Policy towards Greece and Turkey in Relation to the Aegean Dispute, 1974–76," *Cold War History* 9, no. 3 (August 1, 2009): 367–87, doi:10.1080/14682740802170883.

[73] Panagiotis Dimitrakis, "Greek Military Intelligence and the Turkish 'Threat' during the 1987 Aegean Crisis," *Journal of Modern Greek Studies* 25, no. 1 (2007): 99–127, doi:10.1353/mgs.2007.0002.

between Greece and Turkey, re-formulating the conflict as one between a member and a non-member, and ushering in a range of institutional asymmetries.[74]

The significance of the EU-induced division can be best appreciated in the context of its mitigation in the subsequent period of Turkish EU-candidacy, which has been characterized as one of renewed rapprochement. This development both led to and was further initiated by a change in Greek foreign policy in 1996, under the premiership of Costas Simitis. The new government had shown the intention to 'modernise' the Greek security agenda and desecuritise many of the ongoing issues with Turkey, as part of adopting to the demands of 'globalisation' and redirecting resources and diplomatic capital to establishing economic links and expanding Greek interests in the region.[75]

As such, and after having followed a strategy of 'negative conditionality', with subsequent vetos towards Turkey's candidacy and towards the dispersal of financial aid towards Turkey,[76] Greece turned into a strong supporter of Turkish membership. Rapprochement was thus enabled by the strong Turkish incentive to undertake reforms; the traction gained by the new Greek foreign policy agenda; and the dynamics of EU integration and acquisition of defence and security competencies, which created hopes for sustainable security guarantees for Greece, and greater conditionality upon Turkey. This led to views that the two countries had embarked upon a sustainable period of friendship, enabled by a normalising instead of divisionary EU framework. Rumelili for example was noting at the time

> From the booming trade to the increasing number of tourists, from the
> Greek music playing in Turkish bars to the famous kebab house in Athens,

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[74] Bahar Rumelili, "Transforming Conflicts on EU Borders: The Case of Greek-Turkish Relations*," *JCMS: Journal of Common Market Studies* 45, no. 1 (March 1, 2007): 105–26, doi:10.1111/j.1468-5965.2007.00705.x.

[75] Dimitrios Gkintidis, "Rephrasing Nationalism: Elite Representations of Greek–Turkish Relations in a Greek Border Region," *Southeast European and Black Sea Studies* 13, no. 3 (September 1, 2013): 455–68, doi:10.1080/14683857.2013.824665.

[76] Rumelili, "Transforming Conflicts on EU Borders."

there are strong indications of a positive change in Greek-Turkish relations

at the societal level.[77]

In retrospect, it is possible to identify three reasons why such optimism may have been misplaced or at least circumstantial. Firstly, in the last decade the relationship between Turkey and the EU has been characterized by a credibility deficit in both sides, and the de-securitising potential of the membership prospect has faded-out.[78] Secondly, the recession in Greece, and ensuing political instability, has prevented governments from decisive conciliatory action, for fear of domestic political costs.[79] Thirdly, the Greek-Turkish rapprochement thus far described mainly concerned areas of 'low politics' such as civic partnerships utilizing EU regional funds, whilst the major unresolved issues, such as the border disputes in the Aegean, were not tackled in any meaningful way.[80] The following section examines further these border conflicts, and briefly sketches the Greek view of the Greco-Turkish security dilemma.

The Aegean Dispute

Greco-Turkish relations are most often described in terms of a classical geopolitical puzzle, concerning territorial integrity and balance of 'hard power'. The salience of the perceived Turkish threat for Greek policy is often measured in the funds that the state has traditionally dedicated on defence, even in the recent austerity budgets. During the recession, defence spending decreased from 7.1 billion euros in 2010 to an estimated 4.4 billion euros in 2015, but these figures are still

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[77] Bahar Rumelili, "The European Union and Cultural Change in Greek-Turkish Relations," *The European Union and Border Conflicts* 17 (2005): 2.

[78] In spite of Turkey's reform record in the early 00s, which led to the beginning of accession negotiations in 2005, over the last decade, a provisional conclusion has been achieved on only one of the 33 chapters that cover the negotiations, while 17 are blocked due to Greek and Cypriot objections, and opposition from particular member-states, mainly Germany and France.

[79] Heraclides, "The Essence of the Greek-Turkish Rivalry."

[80] Christos Kollias, "The Greek-Turkish Rapprochement, the Underlying Military Tension and Greek Defense Spending," *Turkish Studies* 5, no. 1 (March 1, 2004): 99–116, doi:10.1080/14683849.2004.9687244; Ziya Öniş and Şuhnaz Yilmaz, "Greek-Turkish Rapprochement: Rhetoric or Reality?," *Political Science Quarterly* 123, no. 1 (March 1, 2008): 123–49, doi:10.1002/j.1538-165X.2008.tb00619.x.

high, when viewed alongside the country's shrinking economy. As a percentage of GDP, Greece has annually spent 2.3% of its national budget on average between 2010 and 2015, against 2.8% spent between 2005 and 2009.[81] This remains well above the EU mean, which stood at 1.52% for the 2010-2013 period.[82] Moreover, Greece is one of only five NATO members (along with Estonia, Poland, the UK and US), and only second to the US, who abide by the alliance's guidelines on spending at least 2% of their GDP on defence.

It has caused for skepticism that in a period of downsizing on public sector employment and cutting down on public services the state has not attempted reforms in the military, nor have Greek voters applied any pressure to this direction.[83] Judy Dempsey, writing for the New York Times, commented on this spending as "astonishing given that Greece is in a deep economic and financial crisis."[84] However, in Greek popular discourses, high defence spending is as naturalised as it is legitimate, and matters almost exclusively in relation to the size and capabilities of Turkey. Figures appear juxtaposed more often than individually. For example, the first page of a Google search for "Greek military capabilities" (in English), returns seven links about Greek 'hard power' in absolute terms and international rankings, as well as three links about Greek-Turkish military balance. Performing the same search in Greek produces nine (out of ten) articles about: the Greek-Turkish equilibrium, probabilistic scenarios on who would win in the event of war, and in one case an analysis of Turkey's military strength only.

At the same time, analysts approaching the question of Greek defence spending have also pointed out that Greece's contributions to EU and NATO missions have been rather modest in

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[81]"Defence Expenditures Data for 2014 and Estimates for 2015 - Financial and Economic Data Relating to NATO Defence," *NATO*, June 22, 2015, http://www.nato.int/cps/en/natohq/news_120866.htm.

[82] European Defence Agency, "Annual Report 2013," 2014, https://www.eda.europa.eu/docs/default-source/brochures/eda_ar2013_web.

[83] Jeremy Bender, "Greece's Military Budget Is Getting Bigger Even as the Country's Economy Lurches towards Mayhem," *Business Insider*, June 29, 2015, http://uk.businessinsider.com/why-greeces-military-budget-is-so-high-2015-6.

[84] Judy Dempsey, "Military in Greece Is Spared Cuts," *The New York Times*, January 7, 2013, http://www.nytimes.com/2013/01/08/world/europe/08iht-letter08.html.

relative terms.[85] Tsakonas and Tournikiotis, have explored this theme, arguing that Greece's very participation in the EU (and NATO) has been less than reciprocal. The authors examine recent examples where Greece turned to their Western allies for guarantees of inviolability of its borders; and claim that Greece's orientation to the West has been motivated by the "quest for security providers against the Turkish threat"[86] Official political discourse in Greece corroborates their view. As prime minister Mitsotakis was noting in his first address to the nation in 1990

> Our country's fate is tied to the fate of Europe. In the united Europe, our
> democratic governance is affirmed, our prosperity is guaranteed, and our
> national security is established, since the borders of Greece are the borders
> of Europe. For this reason we will actively support- and I believe that we
> will all agree to this- all efforts to quickly promote the political integration
> of Europe. Greece is our Motherland, Europe is our future[87]

Three issues over the Aegean sea-borders have perpetuated insecurity. The first concerns the width of territorial waters and the determination of the exact location of the sea border. While Greece in practice operates within a 6-nautical mile zone, it has declared that it reserves rights to an extension of its territorial waters to 12 nautical miles according to the provisions of the UN Convention of the Law of the Sea (UNCLOS).[88] Turkey precisely for reasons pertaining to the Aegean

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[85] Judy Dempsey, "EU and NATO Look on at Greece's Pampered Armed Forces," *Carnegie Europe*, August 27, 2012, http://carnegieeurope.eu/strategiceurope/?fa=49185; Dokos and Kollias, "Greek Defence Spending in Times of Crisis."

[86] Tsakonas and Tournikiotis, "Greece's Elusive Quest for Security Providers," 301.; also see Apostolos Agnantopoulos, "The Europeanization of National Foreign Policy: Explaining Greek Support for Turkey's EU Accession," *Southeast European and Black Sea Studies* 13, no. 1 (March 1, 2013): 67–87, doi:10.1080/14683857.2013.773173; Tsakonas and Tournikiotis, "Greece's Elusive Quest for Security Providers"; Moustakis and Sheehan, "Greek Security Policy after the Cold War."

[87] "Speech of Konstantinos Karamanlis," *Konstantinos Karamanlis Foundation*, April 24, 1990, http://www.ikm.gr/1990-1993.

[88] The UNCLOS Convention, was the product of nine years of laborious negotiations, and replaced four previous treaties within a singular framework; "a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment"

dispute,[89] has not ratified UNCLOS[90]and considers Greek unilateral action a *casus belli-* reason and willingness to go to war. The second issue concerns the width of national airspace, which Greece has defined as a zone extending 10 nautical miles from the coast of the mainland. This means that the airspace extends 4 nautical miles over the territorial waters that Greece effectively exercises, but still within the limits set by the contested UNCLOS rules. Turkey has argued in-line with the statute of the International Civil Aviation Organization (ICAO)[91] that aerial space cannot exceed territorial waters delimitation. The practice of Turkish non-civil aircrafts flying through the 4-nautical mile contentious zone and their Greek counterparts intercepting them is a regular occurrence.

The third unresolved border issue concerns sovereignty over specific Aegean islets, a dispute which led the two countries to the brink of war during the Imia/Kardam crisis in 1996.[92] The Greek claim refers to the 1923 Lausanne Treaty and the 1946 Paris Peace Conference which transferred rights over these islands and islets to Greece, while the Turkish claim has been that islets which are not mentioned by name in the treaties remain a 'grey area'. Because of the Aegean islets dispute, the width of the continental shelf also remains an unresolved issue, with Turkey claiming the line should be drawn halfway between the mainland shores, whilst Greece argues that the islands and islets should be considered, each with their own shore and territorial waters.

The contested Greek-ness of Evros

Athough the Evros border has not been contested by either side, these borderlands may also be categorized as part of the ongoing disputes, linked to the same discourse of territorial insecurity. Evros takes part in the threat narrative by which, according to Heraclides, Turkey seeks to "divide

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[89] Nilufer Oral, "Non-Ratification of the 1982 LOS Convention: An Aegean Dilemma of Environmental and Global Consequence," *Publicist* 1, accessed September 21, 2016, http://bjil.typepad.com/publicist/2009/03/publicist01-oral.html.

[90] There are currently 166 signing parties to UNCLOS. Israel, Libya, Syria, Turkey, and the US are non-parties.

[91] International Civil Aviation Organization (ICAO), "Convention on Civil Aviation ('Chicago Convention')," December 7, 1944, http://www.refworld.org/docid/3ddca0dd4.html.

[92] Ekavi Athanassopoulou, "Blessing in Disguise? The Imia Crisis and Turkish-Greek Relations," *Mediterranean Politics* 2, no. 3 (December 1, 1997): 76–101, doi:10.1080/13629399708414631.

the Aegean into two parts, and 'ensnare' the eastern Greek islands; grab Greek Thrace, if given the opportunity; and control all of Cyprus."[93] However, Evros insecurities are also mediated by an exacerbated local brand of nationalism, related not only to the immediate proximity to Turkey, but also to the marginal position of the region in relation to the national core.[94] This local nationalism emerged in the 1980s, in the aftermath of the Cyprus crisis when the possibility of a land invasion entertained popular discourses. As Gkintidis has illustrated, the fierce anti-Turkish rhetoric of the local society in Evros became entangled with requests towards Athens for economic and developmental allowances "based on the premise that the region should be militarily and economically fortified."[95]

The minority population of the wider Thracian region has been an additional source of insecurity, as well as a recipient of orientalist appropriations; seen as a threat of secessionism, and rendering Thrace 'insufficiently Greek'. The minority owes its presence to an exception agreed in the population exchange foreseen in the Lausanne Treaty, which had the aim of greater ethnic homogeneity in the respective homelands, and protection for ethnic and religious minorities across the newly drawn lines.[96] While the Greek Orthodox population of Istanbul and the Turkish Muslim population of Western Thrace had been excluded from the exchange for humanitarian reasons, the Greek minority diminished greatly after the Istanbul pogroms of 1955 and large-scale deportations in the 1960s, dropping from approximately 110,000 at the time of the Convention to 2,500 in the early 1990s.[97] The Turkish minority families today number approximately 120.000, concentrated in the cities of Komotini, Xanthi and Didimoteixo.[98] The Greek state has followed a policy of intolerance towards them, such as a ban of associations with the term 'Turkish' in their name, on the grounds that allowing for these Greek citizens to identify as Turkish implies an association with the

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[93] Heraclides, "The Essence of the Greek-Turkish Rivalry," 2.
[94] Gkintidis, "Rephrasing Nationalism," 457.
[95] Gkintidis, "Rephrasing Nationalism."
[96] Stephen Pericles Ladas, *The Exchange of Minorities, Bulgaria, Greece and Turkey* (New York: Macmillan, 1932).
[97] Human Rights Watch, "Denying Human Rights and Ethnic Identity: The Greeks of Thrace," 1992, https://www.hrw.org/sites/default/files/reports/TURKEY923.PDF.
[98] Human Rights Watch, "Greece: The Turks of Western Thrace," Vol. 11 No.1, (January 1999), https://www.hrw.org/reports/1999/greece/#P52_3453.

neighbouring state rather than an ethnic identity.[99] They therefore remain segregated, and by way of a vicious circle the threat they are perceived to pose is perpetuated by the Greek state.

Resonances

The securitization of borders that stems from the Greco-Turkish conflict intersects with anti-migrant border fortification in interesting ways. One example can be found in the framing of irregular migration, which Greece associates almost exclusively with Turkish actions. Two key arguments have been put forth. Firstly, Turkey's visa policy has been considered too 'lax', after granting visa-free travel to citizens of migrant-sending countries in the Middle East and Africa throughout the 2000s, as part of the government's turn to the tourism industry.[100] According to a statement of a local police chief to the media "Everyone gets to Istanbul by plane, flying on cheap tickets from Morocco, Algeria, Tunisia and so on. Then it's a three-hour car ride to Edirne [a Turkish city on the border] and a short walk to Greece"[101] Secondly, a narrative of lack of cross-border cooperation with the Turkish side has been put forth, so much in terms of implementing the 2002 Greece-Turkey Readmission agreement, as with actually apprehending migrants before they crossed the Evros border. As one police officer put it "If the Turks were doing their job properly, there would be no need for a fence".[102] These claims however disregard important factors behind the surge in incoming migration; the wider trends of border controls in the Mediterranean region and the sealing of the central Mediterranean pathways, or the substantial removal of landmines by Greece in 2009, which made this route a safer and more popular option. The partial interpretations offer some insight into the emotional reasoning at play.

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[99] For instance ECHR case Tourkiki Enosi Xanthis and Others v. Greece (no. 26698/05); ECHR case of Bekir Ousta and Others v. Greece (no. 35151/05) in detail in: Federation of Western Thrace Turks in Europe, "Letter to OSCE" (OSCE Supplementary Human Dimension Meeting, Vienna, 2015), http://www.osce.org/pc/195311?download=true.

[100] Faruk Balli, Hatice Ozer Balli, and Kemal Cebeci, "Impacts of Exported Turkish Soap Operas and Visa-Free Entry on Inbound Tourism to Turkey," *Tourism Management* 37 (August 2013): 186–92, doi:10.1016/j.tourman.2013.01.013.

[101] Marc Champion and Alkman Granitsas, "Refugees Stir Greek Anger," *Wall Street Journal*, January 18, 2011, sec. World News, http://www.wsj.com/articles/SB10001424052748704029704576088263223456234.

[102] Hellenic Police official, Interview to the author, 17 April 2012, Alexandroupolis, Greece.

Moreover, the turbulent bilateral history has enabled neo-orientalist perceptions of migrants coming through the Evros border by association with the 'threat from the East'.[103] This conflation is evident in the example of the other, lesser known, fortification in Evros; a 130 km long, 7 meters deep and 30 meters wide moat constructed by the Greek army in 2012. While the moat was constructed as a defence measure against the newly purchased amphibian tanks of the Turkish army, discussions in the media often stressed its added benefit to serve as an obstacle for irregular migrants.[104] However, nowhere has this reductive 'othering' been more evident than in the gruesome case which the *Welcome to Europe* activist network brought to light in June 2010, reporting that local police forces had been burying the dead bodies of unidentified irregular migrants in mass graves in the minority-inhabited Sidero village, on the grounds that they should be buried in a Muslim cemetery since they were likely to be Muslims. The bullet marks piercing the make-shift sign "Illegal Migrants Cemetary" stood testament to the feelings of some of the locals.

This section has argued for conceptualizing Greece as an immobile borderland, bringing forth the 'frozen' temporal logics of its security agenda, which have had their own bearing on the fortification of Greece's borders. In the discussion that follows, the spatial aspect of immobilization is analysed as enacted through the practice of detention; a point where Greek border instincts and the EU border objectives intersect.

Greece as Site of Detention

The practice of detention as a means of managing migration has recently entered the remits of scholarly research, in response to the proliferation of spaces for detention and the rapid growth in the numbers of detained migrants globally. In the United States, approximately

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[103] Elisabeth Kirtsoglou and Giorgos Tsimouris, "'Il Était Un Petit Navire': The Refugee Crisis, Neo-Orientalism, and the Production of Radical Alterity.," *Journal of Modern Greek Studies.*, 2016, 1–14.
[104] Loukas Dimakas, "Prochora to Ergo Tis Parallilis Me Ton Potamo Evro Amyntikis Tafrou [Defensive Moat Works Parallel to Evros River Move Ahead]," *Radio Evros*, July 29, 2011, https://www.radioevros.gr

380,000 were in detention in 2009.[105]According to a European Migration Network study, the numbers of detained migrants across the EU neared 93,000 in 2014, a count which excluded Greece, Cyprus, and Portugal, and should therefore be assumed as significantly higher.[106]

The emerging scholarship on migrant detention often observes the lack of attention paid to the international/European level, a negligence which likely owes to the great variation that exists across different national contexts,[107]but also to the lack of official aggregate data on immigration detention across the EU.[108] As a remedy, recent contributions have deployed several lenses to flesh out how detention works in an international context. Mountz et al have examined the practice of detention as implicated in three different sets of transnational processes: containment and mobility; bordering and exclusion; identity, citizenship, and subjectivity.[109] These authors argue that

> Detention is best understood as a process that cannot be disconnected
> from detection, deportation, and exclusion. … [D]etention produces
> paradoxical processes of deterritorialisation, externalisation, and
> internalisation of borders through the deliberate bordering and marking of
> migrant bodies.[110]

Similarly, Andrijasevic sees detention and deportation as twin strategies, deployed in the temporal regulation of migration flows across broad transnational spaces.[111] As for Martin and Mitchelson, they identify detention as part of modern state-building processes; as responses to the

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[105] Alison Mountz et al., "Conceptualizing Detention Mobility, Containment, Bordering, and Exclusion," *Progress in Human Geography*, October 15, 2012, 2, doi:10.1177/0309132512460903.

[106] Izabella Majcher, "Immigration Detention in Europe: What Are the Facts? A New European Migration Network Study," December 5, 2014, http://eulawanalysis.blogspot.com/2014/12/immigration-detention-in-europe-what.html.

[107] Mountz et al., "Conceptualizing Detention Mobility, Containment, Bordering, and Exclusion"; Sebastian Lundby, "On the European System of Immigration Detention," *Oxford Monitor of Forced Migration* 5, no. 1 (2015), http://oxmofm.com/wp-content/uploads/2015/08/LUNDBY-Sebastian-On-the-European-system-of-immigration-detention.pdf.

[108] Lundby, "On the European System of Immigration Detention."

[109] Mountz et al., "Conceptualizing Detention Mobility, Containment, Bordering, and Exclusion."

[110] Ibid., 534.

[111] Rutvica Andrijasevic, "From Exception to Excess: Detention and Deportation across the Mediterranean Space," in *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, ed. Nicholas de Genova and Nathalie Mae Peutz (Durham NC: Duke University Press, 2010), 147–65.

globalisation of migration, security, and trade; and as sites for the production of exclusionary discourses.[112] As such, the focus here is on the ways in which detention as practiced in Greece works across the national and the international; firstly as a metaphor which conditions the relationship between Greece and the EU as joint handlers of migration flows; and secondly in terms of actual detention practice, through the gaps and excesses between the common European legal framework and the national migration system.

Detention as Metaphor

In March 2016, Slovak prime minister Robert Fico, whose government had assumed one of the hardest anti-refugee stances in the EU, addressed the Greek government in a provocative manner: should Greece fail to stem the flows of asylum-seekers into Europe "there will only be one hotspot, and it will be called Greece."[113] It came a few months after another, equally controversial statement of Fico, which had sparked discussions on a potential Greek expulsion from the passport-free area if Greece failed to halt the inflow of migrants and refugees-until then a taboo issue talked about only behind the scenes.[114] The comments caused for much unease in Greece, echoing fears already voiced by the country in the preceding years,[115] but also reflecting a gradually materializing reality which mirrored Greece's own shift from prosperous and equitable EU partner to uncertain member itself in need of EU support.

As a migration destination, Greece has traditionally been both unwelcoming, offering few opportunities for legal long-term settlement, but also somehow open, due to informal systems of

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[112] Lauren L. Martin and Matthew L. Mitchelson, "Geographies of Detention and Imprisonment: Interrogating Spatial Practices of Confinement, Discipline, Law, and State Power," *Geography Compass* 3, no. 1 (January 1, 2009): 459–77, doi:10.1111/j.1749-8198.2008.00196.x.

[113] Romaric Godin, "Will Greece Become the Calais of Europe?," *EurActiv.com*, March 7, 2016, http://www.euractiv.com/section/global-europe/news/will-greece-become-the-calais-of-europe/.

[114] "Migrant Crisis: Greece Denies Schengen Threat from EU," *BBC News*, December 2, 2015, sec. Europe, http://www.bbc.co.uk/news/world-europe-34983426.

[115] See for instance the response of minister Papoutsis during exchanges on the Evros fence, note 15

labour exploitation which had been devised over the years.[116] However, since the outbreak of the recession in the late 2000s these patterns began changing significantly, as Greece itself transformed, from a destination to a transit country. Up until 2009, the main source of irregular migration into the country was seasonal workers coming through the Greek-Albanian border, to work in agricultural and construction jobs.[117] The seasonal circular flow which emerged in the 1990s did not involve secondary movement into other EU countries, and was not treated with urgency by European security circles. This type of migration, following a predictable cycle and offering a cheap labour pool covering specific labour market needs, had been gradually normalised in policy discourses on migration.[118] Albanian migrants in Greece were given a legal status through frequent regularization programmes (in 1998, 2001, 2005, and 2007) rather than through any comprehensive reform of the Greek system.[119] In this tolerant environment, a readmission agreement between Greece and Albania was put in place in 2005, and a visa liberalisation Agreement followed in December 2010. Owing to this facilitation, but importantly due to the economic hit on the sectors where Albanian migrants traditionally found employment, irregular migration from Albania decreased sharply. [120]

This drop in the mid-2000s coincided with the increase in Evros of economic migrants seeking to transit through Greece and onwards to wealthier EU states. The transit-character of Greece was further reified by the preferences of asylum-seekers in the coming years, who also sought to settle in the more affluent European north. According to Dimitriadi, who studied the movement of Afghanis through Greece, these journeys towards prosperous northern European

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[116] Gabriella Lazaridis and Joanna Poyago-Theotoky, "Undocumented Migrants in Greece: Issues of Regularization," *International Migration* 37, no. 4 (December 1, 1999): 715–40, doi:10.1111/1468-2435.00091.
[117] Frontex Risk Analysis Quarterly Update, Issue 1, Jan-March 2010, available at www.frontex.europa.eu, [accessed on 20 November, 2015]
[118] See for instance Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries, COM(2007) 248 final
[119] Anna Triandafyllidou and Maurizio Ambrosini, "Irregular Immigration Control in Italy and Greece: Strong Fencing and Weak Gate-Keeping Serving the Labour Market," *European Journal of Migration and Law* 13, no. 3 (2011): 251–273.
[120] Verbica, A., (2015), "Life in Greece Sours for Albanian Migrants", Deutche Welle, 19.07.2015, available at http://www.dw.com/en/life-in-greece-sours-for-albanian-migrants/a-18593818, [accessed on 23 November, 2015].

destinations have reflected the idea that "Europe is elsewhere".[121] Fico's comments touched upon this sensitive vein and further aggravated it. These discussions suggested a further 'downwards' transformation from a transit country, to a forced reception country. These detention metaphors, which blend the exclusion of migrants and the exclusion of Greece from the EU are best appreciated when viewed alongside the grim Greek reality of detention practice, which is discussed below.

Detention as Practice

Taking note of the increase in EU-Greek cooperation on migration, a relevant question that arises is what this collaboration and its compromise strategies mean for the fate and wellbeing of the migrants and refugees affected. Greece has traditionally preferred strategies of deterrence for the management of migration; it has some of the lowest asylum recognition rates in the EU,[122] and law enforcement are known to treat migrants and asylum-seekers in ways that have been characterised as inhumane.[123] At the same time, established and recent EU rules, such as the Dublin system or the new 'hotspots' concept, tend to 'lock' migration flows in space at their point of arrival, thus exposing migrants to such treatment. As Lundby notes, there is a "complicity of all participating states in the shortcomings of the European system of immigration detention."[124] This section focuses on the practice of detention, as the result of the encounter between this national context of deterrence and exclusion on the one hand, and the EU's immobilizing dynamics on the other.

Greece's dysfunctional migration and asylum system had come under international scrutiny even before the 2010 surge in arrivals. Between 2007 and 2009 several NGO reports brought to light the violent pushback operations of the Hellenic Police and the Hellenic Coast Guard (HCG), the

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[121] Angeliki Dimitriadi, "Migration from Afghanistan to Third Countries and Greece," *ELIAMEP: IRMA - Background Report on Afghanistan*, 2013, http://irma. eliamep. gr/publications/.

[122] Heath Cabot, "The Governance of Things: Documenting Limbo in the Greek Asylum Procedure," *PoLAR: Political and Legal Anthropology Review* 35, no. 1 (May 1, 2012): 11–29, doi:10.1111/j.1555-2934.2012.01177.x; Lena Karamanidou and Liza Schuster, "Realizing One's Rights under the 1951 Convention 60 Years On: A Review of Practical Constraints on Accessing Protection in Europe," *Journal of Refugee Studies* 25, no. 2 (June 1, 2012): 169–92, doi:10.1093/jrs/fer053.

[123] Leonidas K. Cheliotis, "Behind the Veil of Philoxenia: The Politics of Immigration Detention in Greece," *European Journal of Criminology* 10, no. 6 (November 1, 2013): 725–45, doi:10.1177/1477370813495129; Pro Asyl, "'The Situation in Greece Is out of Control' Research into the Situation of Asylum Seekers in Greece," 2008, https://www.proasyl.de/wp-content/uploads/2008/10/Out_of_contol_Eng_END.pdf.

[124] Lundby, "On the European System of Immigration Detention," 8.

practice of summary expulsions, degrading treatment of apprehended migrants, and deplorable conditions of detention.[125] The attention also brought systemic deficiencies to light. At the time, an understaffed and malfunctioning Asylum Department within the Aliens Directorate of the Hellenic Police was responsible for examining asylum applications. Leaving the 'first instance' judgement to the competence of the police, whose work is more attuned to 'catching bad guys'[126] than to assessing protection needs and individual circumstances, resulted too quick and too often in rejections. The long queues and enormous backlog of cases further discouraged eligible persons from turning to asylum services. A 2008 Pro Asyl report, quoting Greek lawyers working with refugees and migrants, was noting

> For months, thousands of protection seekers had tried in vain to claim asylum – they were turned away. "Come back in two months" asylum-seekers were told at the entrance. This policy of closed doors means that people wishing to claim asylum cannot enter the building and, therefore, have no access to asylum procedures. As a result, people seeking protection are at risk of arrest[127]

Since 2010 however, the Greek migration and asylum system has not been a product of Greek policy makers alone. The 2010 National Action Plan on Asylum Reform and Migration Management had been designed and implemented in cooperation with the Commission and relevant EU Agencies.[128] The plan foresaw, inter alia, re-structuring the asylum service with the addition of a 'first reception' service, and an appeals body, and increasing the country's reception

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[125] Migreurop, "Europe's Murderous Borders," 2009, http://www.migreurop.org/IMG/pdf/Rapport-Migreurop-nov2009-en-final.pdf.; Human Rights Watch, "Stuck in a Revolving Door : Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union," November 2008, https://www.hrw.org/sites/default/files/reports/greeceturkey1108web_0.pdf.

[126] Pallister-Wilkins, "The Humanitarian Politics of European Border Policing."

[127] Pro Asyl, "'The Situation in Greece Is out of Control' Research into the Situation of Asylum Seekers in Greece."

[128] Ministry Of Citizen Protection, "Press Release: Greece Sends Its National Action Plan for Migration Management to the European Commission," August 25, 2010, http://www.yptp.gr/index.php?option=ozo_content&perform=view&id=3246&Itemid=443&lang=EN.

capacity with purpose-built 'accommodation' and detention centres of acceptable standards, to gradually phase out the practice of detaining migrants in police and border guard stations. The plan was considered at the time a milestone in Greek policy, removing migration from the exclusive competence of criminal and police affairs, and offering for the first time a holistic approach which combined the logics of deterrence, reception, and return.[129] These measures were introduced into Greek legislation with Law 3907 of 2011,[130] which also constituted the transposition of the EU rules on conditions of detention, accompanied by emergency EU funding of 9.8 million euros.[131]

As field and legislative cooperation between Greece and the EU increased, so have the voices which called upon the latter to assume responsibility for the violence in the Greek borderlands.[132] The EU has been held liable for human rights abuses conducted in Greece directly or indirectly. This was for instance illustrated in HRW's 2011 report titled "The EU's Dirty Hands",[133] investigating the RABIT deployment in Evros. The findings of this report showed the participation of Frontex officers in human rights violations through exposure of migrants to inhumane treatment, amongst others by putting EU manpower under Greek command in operations apprehending migrants, and by providing buses and vans for the transfer of migrants to police stations and detention centres where police violence was known to take place.

Overreliance on detention, especially as highlighted in the 2010 plan, had been an oft-heard criticism against Greece and the EU.[134] Detention of migrants is regulated by two EU legislative acts;

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[129] Angeli, Dimitriadi, and Triandafyllidou, "Assessing the Cost-Effectiveness of Irregular Migration Control Policies in Greece," 8–9.

[130] Official Gazette of the Helenic Republic, "Law No. 3907 of 2011 on the Establishment of an Asylum Service and a First Reception Service," Vol A' No.7, (January 26, 2011), http://www.refworld.org/docid/4da6ee7e2.html.

[131] European Commission, "Press Release - The European Commission Provides an Additional €9.8 Million and Further Technical Support to Greece on Asylum and Border Issues," December 15, 2010, http://europa.eu/rapid/press-release_IP-10-1719_en.htm?locale=en.

[132] Médecins sans Frontières (MsF), "Obstacle Course to Europe: A Policy-Made Humanitarian Crisis at EU Borders," January 19, 2016, http://www.doctorswithoutborders.org/article/obstacle-course-europe-policy-made-humanitarian-crisis-eu-borders.

[133] Human Rights Watch, "The EU's Dirty Hands: Frontex Involvement in Ill-Treatment of Migrant Detainees in Greece," *Human Rights Watch*, September 21, 2011, https://www.hrw.org/report/2011/09/21/eus-dirty-hands/frontex-involvement-ill-treatment-migrant-detainees-greece.

[134] Ibid.; Danai Angeli and Anna Triandafyllidou, "Is the Indiscriminate Detention of Irregular Migrants a Cost-Effective Policy Tool?: A Case-Study of the Amygdaleza Pre-Removal Center," *ELIAMEP: Midas Policy Brief*, May 2014, http://cadmus.eui.eu/handle/1814/31574.

the 2008 Returns Directive,[135] which concerns detention of irregular migrants while their deportation is being organized; and the 2013 Reception Conditions Directive, which concerns detention of asylum-seekers while their application is being processed. These EU policies set the limit for detention at six months, but provide for the possibility of extensions up to an additional 12 months if a removal operation is likely to last longer.[136] According to these EU rules, use of detention as a means of managing migration is considered a measure of 'last resort' when less coercive methods have been examined, and should be proportionate to legitimate aims, such as minimizing a 'risk for absconding' or due to fears for 'threats to public security'.[137] Furthermore, member-states are required to provide alternatives to detention in their national legislation. These safeguards have been inadequate, as detention of migrants and asylum-seekers on ambiguous or even non-existent grounds are becoming increasingly common.[138] As noted by the *Open Access Now* campaign, a person found in any of the following situations could potentially end up in detention:

- coming to Europe without papers and/or visa and making an asylum application at the border;

- coming to Europe with a tourist visa and being held at the border for the failure to provide the required documents or show sufficient resources;

- entering as a tourist and staying after the expiry of the visa;

- losing one's job and being deprived of the right to renew a residence permit;

- failing to gather all the documentation required to get a residence permit or its renewal;

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[135] Council of the European Union, "Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals."

[136] Council of the European Union, "Directive 2008/115/EC on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals," December 16, 2008, http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32008L0115.

[137] Council of the European Union, "Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals."

[138] Grant Mitchell, "Engaging Governments on Alternatives to Immigration Detention," *Global Detention Project* Working Paper 14 (2016), https://www.globaldetentionproject.org/wp-content/uploads/2016/07/GDP-Mitchell-Paper-July-2016.pdf.

- failing to move from one visa category (for example a student visa) to another (for example a work visa);

- applying for asylum and being denied protection[139]

The example of the Amygdaleza pre-removal centre in the outskirts of Athens is one example of what happens when the ambiguous legal safeguards and immobilising tendencies of the EU meet a national context of deterrence. Amygdaleza, the first facility specifically created for pre-removal, is a massive construction, with capacity for 2,000 people spanning over 30,000 m^2, and located within convenient distance from the police academy. It opened in April 2012 and was covered extensively by national and international media, its exact specifications reproduced and characterised by some at the time as being of 'uncommonly high standards'.[140] Amygdaleza comprised of three barbed-wire wings with separate backyards and laundry areas, and 250 container homes, each to host 8 detainees in approximately 30m^2.[141] Police officers would guard the centre on the outside, whilst unarmed private security guards would be patrolling inside. The Greek authorities framed Amygdaleza as in full compliance with the EU's recommendations. As government officials noted "We maintain the rule of law, implement European solutions, protect our society's interests, but also the illegal migrants' rights."[142] The criticisms which emerged within a few months suggested a very different reality. The Greens of the European Parliament for example stressed "We regret having to report that we consider the Amygdaleza detention centre to be substandard and the conditions unacceptable for an EU member state."[143] Their statement echoed the opinion of the

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[139] Open Access Now, "The Hidden Face of Immigration Detention Camps," 2014, http://www.migreurop.org/IMG/pdf/hiddenfaceimmigrationcamps-okweb.pdf.

[140] Danai Angeli and Anna Triandafyllidou, 'Is the Indiscriminate Detention of Irregular Migrants a Cost-Effective Policy Tool? : A Case-Study of the Amygdaleza Pre-Removal Center', *ELIAMEP: Midas Policy Brief*, May 2014, http://cadmus.eui.eu/handle/1814/31574.

[141] Ibid.

[142] Dimitris Popotas and Aria Kalyva, "Anoikse I Amygdaleza [Opening of Amygdaleza]," April 29, 2012, http://www.protothema.gr/greece/article/193649/anoikse-h-amygdaleza/.

[143] Greens-EFA, "Letter to Minister Dendias," November 12, 2012, http://www.statewatch.org/news/2012/dec/ep-greens-greece-letter.pdf.

Council of Europe Parliamentary Assembly (PACE), which reported that "Greece has focused on reinforcing its external borders, and started a policy which relies too heavily on detention."[144]

Conclusions

> Define, on the two-dimensional surface of the earth, lines across which motion is to be prevented, and you have one of the key themes of history. With a closed line (i.e., a curve enclosing a figure), and the prevention of motion from outside the line to its inside, you derive the idea of property. With the same line, and the prevention of motion from inside to outside, you derive the idea of prison. With an open line (i.e., a curve that does not enclose a figure), and the prevention of motion in either direction, you derive the idea of border. Properties, prisons, borders: it is through the prevention of motion that space enters history.[145]

The above quote of Reviel Netz sums up perceptively the conceptual and material bearing of walls and fences. This chapter has encountered all three themes of fencing in one way or another. Firstly, in the erected barriers against migrants and asylum-seekers, the fence of Evros and the ones that followed. Secondly, in the expanding use of the practice of detention, and the deployment of Greece as a site for containing human excess. Thirdly, in the immobilising practices of surveillance and apprehension of the bodies of those who 'do not belong'.

The chapter has also explored the experience of making a crisis, as illustrative of transformations in the EU integration project itself. On the one hand, this indicates a departure from the capacity the EU has most vocally defended in the international stage; that of a broker of peace, and a fair normative power. While there are several examples in recent history, from Rwanda to

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[144] Parliamentary Assembly of the Council of Europe (PACE), "Mounting Tensions in the Eastern Mediterranean over Migration and Asylum: A European Problem," January 24, 2013, http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=4299&lang=2.

[145] Reviel Netz, *Barbed Wire: An Ecology of Modernity / Reviel Netz.* (Hanover, N.H.: Wesleyan University Press, 2004).

Libya, where the EU failed to act in a decisive manner as a 'force for good', this particular catastrophe is of importance because it has been taking place on EU territory and waters.

On the other hand, the so-called 'migration crisis' has exposed existing or created new gaps in conventional understandings which view the EU project as a process driven by rationalism; whether in a disciplinary framework as do functionalist and neo-functionalist accounts of integration, or in a politico-philosophical sense with reference to Descartes and the European modernity of Reason. Acting in concert should have been enabled both by the existence of an enormous administrative apparatus, and by raw interest-calculation. Assessing the current waves of migration in their actual rather than politically inflated scale, compared to past episodes as well as to the regional context, and investing in integrating refugees, is widely believed to be in the EU's and the member-states' best interest. A more welcoming approach could minimize the potential for future conflict within the host societies, initiate stabilising spill-over in the volatile eastern Mediterranean region, retain international capital by upholding legal and normative standards, and gain from a young and flexible workforce which can make positive contributions to the Eurozone's slow and damaged economy. That no support for such action exists owes not only to a lack of diplomatic virtuosity, but also because it requires resolving a difficult EU policy dilemma; the pattern of drawing on a politics of fear for the expansion of the EU's border control apparatus, when it is the same politics that fuels nationalisms and disintegration. In the words of Rosemary Righter "terrorism and immigration have rooted themselves in more or less the same area of the popular cortex, and confidence that things are "in control" can be restored only at national level."[146]

Finally, this chapter has suggested we view Greece as a European borderland, which has meant to disentangle from statist geographical projections and maps where borders between countries are the dominant ways of organizing the image, but also from amalgamated over-ambitious maps of a borderless EUrope. The following chapter develops further this form of spatial

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[146]Rosemary Righter, "Schengen: Going, Going… Gone," *POLITICO*, November 26, 2015, http://www.politico.eu/article/schengen-going-going-gone-terrorism-refugees/.

thinking, which breaks down pre-given lines and re-constructs them in historically, geographically,

and politically contextualized ways.

CHAPTER TWO

Power and Life in Situ:
The Refugee Camp of Piraeus as Biopolitical Heterotopia

Introduction

We have thus far examined some of the bipolar tensions that underwrite the EU's borderwork; the discontinuous assortment of common legislative provisions and state-of-the-art border security technologies on the one hand, and 'modern' forms of gate-keeping, such as barbed-wire fences along member-states' borders on the other. This chapter is concerned with exploring the EU's 'Janus' border politics in a productive sense. Building on the theme of containment, it investigates the transformations that combined border policies bring about in the paradigmatic border space of the camp.

In March 2016, in the short ten days between the sealing of the Greek-Macedonian border which blocked the Balkan pathway and the signing of a deal between the EU and Turkey on stemming migration flows to Europe,[1] approximately 50,000 asylum-seekers found themselves 'trapped' in Greece, the country that most had come to think as a transit corridor rather than a destination. In the port of Piraeus, the first point of arrival to the Greek mainland after the Aegean crossing, an unofficial refugee camp emerged within days. Families uncertain of their next move took shelter in passenger lounges, and local volunteer groups quickly organised basic aid distribution. The camp was sensationalised by national and international media as an iconic space of solidarity and resistance. Cameras captured Greek citizens donating food and clothes, volunteers stacking aid boxes in containers, and famous actors, athletes, and benefactors talking to refugee children. What most of these media reports disregarded was the watchtower that stood erect a few

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[1] The controversial EU-Turkey deal enabled deportations of migrants and refugees back to Turkey, in return for 6 bn euros of aid money, a 1:1 analogy of deportations to resettlements from Turkey to the EU, and lifting the visa requirement for Turkish citizens by the end of 2016.

meters away, the EU Regional Task Force (EURTF) premises, the command post and nerve centre for Greek and EU border officials' activities.

Diken and Laustsen, following Agamben, have claimed that the camp "can only be defined in relation, or perhaps rather in 'non-relation', to what is historically termed a 'city.'"[2] Stimulated by this observation, the camp is examined as much in terms of its own town-like qualities, as in relation to the actual 'town' within which it is encased. The camp's juxtapositions, of the agents of sovereign power and those who defy it, did not take place in a vacuum. It unfolded upon and tied into a geographical and historical canvas of urban, human, and economic displacement. The city of Piraeus has an ambivalent relationship to the Greek capital, seen at times as one of its many suburbs, and at others as an 'equal' urban counterpart. Its modern identity is intimately tied to its refugee heritage having become the new home to more than 100,000 uprooted Ottoman Greeks in 1922. As the main shipping and commercial port in the country, it is an internationalised hub for people and goods on the move, and recently the site of intense strike action, at the heart of controversial debates regarding the privatisation of the port and the loss of Greek economic sovereignty.

There are three ways in which the camp in the port's passenger terminal sheds light on place- and subject-making processes taking place at the EU's external perimeter. Firstly, the presence/absence of the sovereign enables us to investigate a form of camp that challenges dominant categories cited in camp literatures, inspired by Schmittian and Agambenian notions of spaces of sovereign exception. Secondly, its emplacement within the space of daily urban life provides rich opportunities to investigate the localised effects of border policy, and the ways in which the latter blends with local histories and geographies, economic processes and class struggles. Thirdly, the proximity of the refugee tents and the watchtower makes visible the existence of two contending biopolitical logics of human distribution, which brand some lives more 'worth living' than others: the excess life of the refugee and the executive life of EU workforce.

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[2] Bülent Diken and Carsten Bagge Laustsen, "The Camp," *Geografiska Annaler: Series B, Human Geography* 88, no. 4 (December 1, 2006): 443–52, doi:10.1111/j.0435-3684.2006.00232.x.

To make sense of this complexity, Foucault's concept of a heterotopia can be a valuable tool. Heterotopias are 'loose' space-times that lack a determined identity; they 'stand out' within their surroundings, acting as mirrors of the polity to which they belong, and exaggerate the polity's contradictions by bringing them in greater proximity. The heterotopia, which blends in helpful ways the spatial and temporal boundaries of spaces associated with the exercise of power, can shed light on the novel ways in which camps are entering the daily experience of urban life.

The chapter begins by reviewing recent contributions to camp literature, identifying a 'social' gap in the conceptual space that has been opened up between two paradigmatic camp forms: the exceptionalist camp of sovereign excess, and the camp as an instrument of diffused biopolitical control. A second part narrates a journey through time and space in the refugee camp of Piraeus, taking note of the numerous figures who bring it to life, enacting complex power relations and delineating shifting spatialities. The Foucauldian notion of a heterotopia is then introduced as a helpful -although not unproblematic - conceptual tool, and a particular reading is proposed, tailored to the analysis of border-spaces. Subsequently, the city of Piraeus is examined, as urban, human, and economic space, and the pervasive theme of displacement is brought forth, as the key resonance between the city and the camp. A final part returns to the camp, to examine the uneasy proximity of the refugee tent and the watchtower, and to question the biopolitical logics of population distribution that bring it about. Observing an overlap of geometries and sovereignties, which unsettles the Agambenian adage that the excluded is 'taken outside', it is argued that the blurring of the boundary between the included and the excluded is indicative of the increasingly tense balance that the EU's 'janus' border politics attempts to strike.

Theorising Camps

Following Zygmunt Bauman, who termed the 20th century 'the age of the camp',[3] but also Agamben's claim of the camp as the 'global nomos of our time',[4] the camp is neither a novelty nor a naturalised ancient practice, but a historical formation whose genealogy appears enclosed within what can be broadly called European modernity. Recent IR and Political Geography scholarship, often driven by a moral imperative, have critically examined the European and Western origins of camps as well as their persistent presence since;[5] their inception during the Boer War,[6] their proliferation in the early 20th century colonies in Africa and Cuba,[7] and their re-deployment 'back home', in the Stalinist and Nazi death camps[8], and more recently in the signature human container of Guantánamo Bay,[9] and the migrant detention centres across the EU area. But beyond providing fruitful motivation to remove camps from the "realm of the unspeakable",[10] this proliferating camp scholarship has also called attention to the human management model of containment and control, and its conditions of possibility and re-invention. If, to paraphrase Agamben, the camp is 'that which remains'[11] of the pre-EU era, the missing link between the geographies of colonial geopolitics of race, Auschwitz, and biopolitical security regimes after 9/11, EU topologies can hardly escape the camp's grasp.

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[3]Zygmunt Bauman, 'A Century of Camps?', in *The Bauman Reader*, ed. Peter Beilharz, (Malden, MA: Blackwell Publishers, 2000), 266–80.

[4] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (California: Stanford University Press, 1998)

[5]Claudio Minca, "Geographies of the Camp," *Political Geography* 49 (2015): 74–83, doi:10.1016/j.polgeo.2014.12.005.; Diken and Laustsen, "The Camp."

[6] Lindsay Weiss, "Exceptional Space: Concentration Camps and Labor Compounds in Late Nineteenth-Century South Africa," in *Archaeologies of Internment*, ed. Adrian Myers and Gabriel Moshenska (New York ; London: Springer, 2011), 21–32.

[7]Jonathan Hyslop, "The Invention of the Concentration Camp: Cuba, Southern Africa and the Philippines, 1896–1907," *South African Historical Journal* 63, no. 2 (2011), http://www.tandfonline.com/doi/abs/10.1080/02582473.2011.567359.

[8] Vladimir Kolosov, "Geography of Camps in the Stalin Epoch: Experiences and Lessons," *Political Geography* 49 (2015): 87–89, doi:10.1016/j.polgeo.2015.05.003.

[9]Claudio Minca, "The Return of the Camp," *Progress in Human Geography* 29, no. 4 (2005): 405–12, doi:10.1191/0309132505ph557xx.

[10] Minca, "Geographies of the Camp."

[11] Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive* (New York: Zone Books, 1999).

Camps, as enclosed spaces with a determined function, appear in many forms, including recreational ones. However, the two infamous camps of the last century, Auschwitz and Guantánamo, have caused for a widespread perception of the camp alongside the lines of exception and detention. These two absolute camps, perhaps non-comparable in terms of their lethality, represent the extremes of their respective eras, and they carry together similar connotations of exceptional circumstances, lawlessness, and internment. However, as Minca puts it, camps have become "constitutive hubs of much broader geo-political economies",[12] and several blind-spots remain when this body of camp literature is projected upon the multiplicity of forms that camps take. This literature is briefly reviewed below, to identify some of these gaps, and possible ways of addressing them that have been put forth.

Spaces of Exception

Camp literature has mostly focused on the works of theorists of exception, Schmitt and Agamben, to analyse the workings of power within the camp. Across those arguments, two contending paradigmatic forms of the camp emerge as protagonists; the camp as an exceptional, spatiotemporally dislocated space, and the camp as a biopolitical instrument of population management. In this literature, the expected problem of privileging one over the other seems less pressing than the problem of identifying ways in which the two relate and potentially reinforce on another.

An exceptionalist camp geography follows from a 'purist' reading of Schmitt's corpus, and particularly of his earlier works. In *Political Theology* (1922), Schmitt defined sovereignty as the right of the ruler to decide on the exception, and considered this decision to be the actualisation of the sovereign's power.[13] For Schmitt, who was developing these thoughts as the Weimer crisis was unfolding, unbounded state-authority was necessary to maintain the integrity of the state and the

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[12] Minca, "Geographies of the Camp," 74.

[13] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, Studies in Contemporary German Social Thought (Cambridge: MIT Press, 1985).

nation in the face of conflict, war, or other emergency situation. This authoritarian and decisionist conception of politics, and the clear lines it draws between inside/outside, friends/enemies, order/disorder, has also translated into what has been called a 'methodological extremism.'[14] Schmitt's bold articulations enforce this view. "The exception is more interesting than the rule. The rule proves nothing; the exception proves everything."[15] Following this political and scholarly approach of clear distinctions, Schmitt's camp emerges as a 'borderline' situation, an absolutely contained and exceptional space at the verge of the normal juridical, spatial, and temporal order.

Newer Schmittian readings have emerged in the last decade and a half, following the wide taking of Agamben's work, and the attention that the concept of exception has received in the context of the Global War on Terror.[16] These 'post-Agambenian' renditions,[17] draw on Schmitt's later works and particularly the 1950 *Nomos of the Earth* which was translated into English in 2003.[18] They have focused on different aspects of his thought. Such are the existing structure of rules conditioning the decision on what counts as exception, already present in *Political Theology*,[19] but also his dual post-war turn from the domestic to the international, and from the juridico-political to the relation between law, politics, and space. This latter relation comes together in the ideas of a European Grossraum (Great Area), and of "an original constitutive act of spatial ordering"[20], one which he termed *nomos*. Minca and Rowan, who have undertaken a careful analysis of the

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[14] Samuel Weber, "Taking Exception to Decision: Walter Benjamin and Carl Schmitt," *Diacritics* 22, no. 3/4 (1992): 5–18, doi:10.2307/465262.

[15] Schmitt, *Political Theology*, 15.

[16] See for instance; Andrew W. Neal, *Exceptionalism and the Politics of Counter-Terrorism: Liberty, Security, and the War on Terror*, Routledge Studies in Liberty and Security (London: Routledge, 2010).also Louiza Odysseos and Fabio Petito, *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order*, Routledge Innovations in Political Theory ; 24 (London: Routledge, 2007).

[17] Stephen Legg and Alex Vasudevan, "Introduction: Geographies of the Nomos," in *Spatiality, Sovereignty and Carl Schmitt: Geographies of the Nomos*, ed. Stephen Legg, Interventions (London: Routledge, 2011).

[18] Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003).

[19] See for example Regan Burles, "Exception and Governmentality in the Critique of Sovereignty," *Security Dialogue* 47, no. 3 (2016): 239–54, doi:10.1177/0967010615620972.

[20] Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, 78.

development of Schmitt's spatial thought in historical context,[21] shed light on the geopolitical visions the concept of the *nomos* entails:

> At the crux of Schmitt's argument lay the notion that international law concerned above all the management of war. The existence of 'free' spaces for competition between European powers in the 'New World' and the world's oceans allowed European land to become a space of order and relative peace from which conflict was displaced 'beyond the line.'[22]

Within these more nuanced readings of Schmitt, and notwithstanding the dangers of reading too much relevance into his politically qualified geographical interpretations, the conceptualisations of the camp that can be drawn are consequential in a different way; the camp's own ordering is somehow of lesser sovereign interest in itself, but rather serves as a container for the excess of the order that is being established inside. In this vein, Johns performs a reading of Schmitt which de-privileges the state, to study the strategies of internment and control in Guantánamo Bay.[23] It is convincingly argued there that such strategies have been sustained through their own normalisation, and their making as un-exceptional through the evasion of any actual decision. The paper concludes that Guantánamo Bay is "to a hyperbolic degree, a work of legal representation and classification: an instance of the norm struggling to overtake the exception."[24] This is a view similar to the one that Aradau has put forth, arguing that Schmitt's *nomos,* taken as order and orientation in space imposed by the most powerful, can help us understand Guantánamo as a space appropriated by a law in the process of transformation.[25]

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[21]Claudio Minca and Rory Rowan, *On Schmitt and Space*, Interventions (London: Routledge, 2016). Claudio Minca and Rory Rowan, "The Question of Space in Carl Schmitt," *Progress in Human Geography* 39, no. 3 (June 1, 2015): 268–89, doi:10.1177/0309132513517989.

[22] Minca and Rowan, "The Question of Space in Carl Schmitt," 282.

[23] Fleur Johns, "Guantánamo Bay and the Annihilation of the Exception," *European Journal of International Law* 16, no. 4 (September 1, 2005): 613–35, doi:10.1093/ejil/chi135.

[24]Ibid., 613.

[25] Claudia Aradau, "Law Transformed: Guantánamo and the 'other' Exception," *Third World Quarterly* 28, no. 3 (April 1, 2007): 489–501, doi:10.1080/01436590701192298.

The exception has a different meaning in Agamben. Drawing on Benjamin's critique of Schmitt, which has crystallised in the proposition that 'the exception has become the rule', Agamben has reframed exceptionalism as the dominant paradigm of contemporary sovereign politics in the west. This rendition of the exception focuses on the subject and the sovereign act that places some subjects outside the law while still taking hold of them, included by virtue of their exclusion. Agamben's contra-distinction to Schmitt's thesis is precisely about the existence of such indistinction: "[W]hat Schmitt could in no way accept was that the state of exception be wholly confused with the rule."[26] However, the point that the philosopher makes here is not just about an exception that is somehow non-transcedental or non-eschatological, which is Agamben's reading of Benjamin's critique.[27] It is about going beyond the exception as an inversion of the hold of law, arbitrary and violent, and as constitutive of a structure of itself, one which he terms, borrowing from Jean-Luc Nancy,[28] the structure of the ban.

Agamben considers the camp to be the paradigmatic space of the sovereign ban, the principles of which have been projected and extended to become "the hidden matrix and *nomos*"[29] by which western societies are ordered. Agamben defines the camp as "the space that is opened when the state of exception begins to become the rule."[30] In other words, the camp is not the space that encloses the exception but the zone of indistinction that erupts between them when exception and rule approximate, taking the form of two poles, and activating a charged field between them. It is within this field that the 'originary sovereign act'[31] is performed, to include by exclusion and produce *bare life.* This production invites the separation of life into biological (*zoē*) and political (*bios*), a divide present already in ancient Greek philosophy, and consists in the reduction of the

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[26] Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), 58.
[27] Chapter 4: Gigantomachy Concerning a Void, Ibid., 52–64.
[28] Jean-Luc Nancy, *The Birth to Presence* (Stanford: Stanford University Press, 1993).
[29] Agamben, *Homo Sacer*, 166.
[30] Ibid.
[31] Vaughan-Williams, *Border Politics*, 100.

subject, or rather of some subjects, into the elements of the former, their living organism taken control of, their politically qualified being suppressed.[32]

The concept of bare life has opened fruitful ways into connecting the biopolitical rationality of population management to the realities of contemporary camps. Minca's work has been invaluable in this respect, having elaborated in a series of reflective papers the theoretical implications of spatialising the state of exception, as well as the ways in which the latter is entering our everyday geographical experiences. [33] In Minca's words "[t]he space of exception is, then, an unsettling point of contact between the broader structure of the norm and the individual, between geography (in its cartographic, geometrical sense) and biography."[34] Therefore, one of the ways in which Agamben's camp is particularly useful is that it remains open to a certain indeterminacy. The camp "pure, absolute, and impassable" is at the same time a phenomenon that undergoes "metamorphoses and disguises."[35] Indeed, Agamben has been critical not only of the sovereign power of the state, which is not alone in producing bare life in camps, but also of liberal humanitarianism:

> The separation between humanitarianism and politics that we are
> experiencing today is the extreme phase of the separation of the rights of
> man from the rights of the citizen, in the final analysis, however,
> humanitarian organizations – which today are more and more supported
> by international commissions – can only grasp human life in the figure of
> bare or sacred life, and therefore, despite themselves, maintain a secret
> solidarity with the very powers they ought to fight[36]

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[32] For a disambiguation of bare life and zoe see Ibid., 103–8.

[33] Minca, "The Return of the Camp."; Claudio Minca, "Giorgio Agamben and the New Biopolitical Nomos," *Geografiska Annaler: Series B, Human Geography* 88, no. 4 (December 1, 2006): 387–403, doi:10.1111/j.0435-3684.2006.00229.x. Claudio Minca, "Agamben's Geographies of Modernity," *Political Geography* 26, no. 1 (2007): 78–97, doi:10.1016/j.polgeo.2006.08.010.

[34] Minca, "The Return of the Camp," 408.

[35] Agamben, *Homo Sacer*, 73.

[36] Ibid., 78.

In this vein, Edkins has unpacked the ways in which this 'secret solidarity' works, examining the famine relief camps of the 1980s in Sudan alongside NATO's refugee camps in Macedonia after NATO's own 'humanitarian' bombing campaign in March 1999. It is demonstrated there that aid workers and NATO both engaged in sovereign power performances and arbitrary decisions, producing "a form of life that can be saved (as bare life), not as people whose communities and livelihoods have been destroyed, but who still have political views."[37]

Post-exceptional Camps and the 'Social' Gap

The research focus on exception and detention, which has matched the intensity of the phenomena described, has somehow obscured the differentiation that exists across camps, even within those that one might associate with power, borders, and international mobility. Beyond government-run detention, identification, transit, and refugee camps, or humanitarian camps run by international organisations, there are also informal camps such as the one near the outsourced UK border in Calais, or the one in Idomeni near the Greek-Macedonian border, supported by NGOs, activist groups, and volunteers. There are camps that have turned into permanent settlements, such as the Afghani settlement in Pakistan, referred to by some media outlets as 'tomorrow's cities.'[38] It has been estimated that over 10 million lived in a protracted refugee situation[39] in 2011.[40] However, there is not enough empirical engagement in Political Geography with camps that do not fit one of the standard parameters of exception, urgency, and detention, and existing camp-theory seems to leave a lot of these instances unaccounted for.

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[37] Jenny Edkins, "Sovereign Power, Zones of Indistinction, and the Camp," *Alternatives: Global, Local, Political* 25, no. 1 (2000): 13.

[38] David Hatch, "Today's Refugee Camps Are Tomorrow's Cities," Citiscope.org, (November 25, 2015), http://citiscope.org/citisignals/2015/todays-refugee-camps-are-tomorrows-cities.

[39] UN defines the protracted refugee situation as "one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance." UNHCR, "Protracted Refugee Situations," 2004, http://www.unhcr.org/40ed5b384.html.

[40] "Protracted Refugee Situations," *US Department of State*, 2011, http://www.state.gov/j/prm/policyissues/issues/protracted/.

The 'post-Agambenian' Schmittian approaches manage to work around the problems of Schmitt's anchors to 20th century geopolitics, such as a static understanding of national and international territory,[41] and they capture important ways in which the space of the camp is being deployed under neoliberalism. Nevertheless, the focus of these contributions on Guantánamo but not in other, fuzzier instances of encampment, seems to somehow reflect the methodological extremism accorded to Schmitt. Furthermore, these works do not seem to aim at grasping and interpreting the societal aspect of contemporary camps. This is understandable. Schmitt's aversion to pluralism and liberal constitutionalism, which he saw as inherently undermining the state and its capacity to handle emergencies, also prevented his theory from accessing the societal in much depth. As Huysmans notes Schmitt's project, underpinned by the intention "to separate the concept of the political from its historical form", implies a state that is "clearly distinct from societal forces."[42] However, either by reference to the multiple forms of social engagement, the growing footage of camps in the media and first hand interactions of Western citizens with camps and camp figures, or to the more fundamental parallels which some scholars identify in our increasingly camp-looking societies,[43] the relationship between society, the camp, and exception appears just as demanding of attention as are the strategies by which camps are brought into existence and operate.

Similarly, and as famously noted by Connolly, a certain finality seems to accompany Agamben's concept of bare life.[44] Amoore and Hall have extended this reflection on Agamben's tight sovereign categories of subjects and subjectivities, by examining the role of the clown in border activism. The clown, it is argued, draws in a complex genealogy of proximity to sovereign power, and occupies a hybrid, privileged and dangerous, inside/outside position which cannot be inscribed within the categories that Agamben's sovereignty draws. This figure, the authors note, brings out

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[41]For a cautionary critique of Schmitt's revival in IR see Stuart Elden, "Reading Schmitt Geopolitically," *Radical Philosophy* 161, no. (May/Jun 2010) (2010): 18–26.

[42] Jef Huysmans, "The Jargon of Exception—On Schmitt, Agamben and the Absence of Political Society," *International Political Sociology* 2, no. 2 (June 2008): 165–83, doi:10.1111/j.1749-5687.2008.00042.x.

[43] Bülent Diken, *The Culture of Exception: Sociology Facing the Camp / Bülent Diken and Carsten Bagge Laustsen.*, International Library of Sociology (London ; New York: Routledge, 2005).

[44] For a critique of Agamben's tight logic of political and cultural subjectivity see William E. Connolly, *Pluralism* (Durham, NC: Duke University Press ; Chesham, 2005).

two interrelated problems with the acute deployment of the Agambenian argument: the neglect of "the politics of subjects who are not readily made objects of biopower"[45]; and the re-production of dichotomous identity references and indolent understandings of resistance as merely 'counter-' or 'anti-' sovereign, which misses the multiplicity of ways in which resistance and sovereign power reside within one another.

The way out of this problem, it has been argued, does not deviate from Agamben's thinking entirely. It rather involves re-focusing on the philosophers' lesser-known discussions about a 'form-of-life', a 'whatever being',[46] which is not tied to any identity, and which go beyond the condition of sovereignty and well into the realm of subjecthood and ways of being.[47] Nevertheless, applying the concept of a 'form-of-life' within Agamben's own descriptions of the camp is less than straightforward. When considering Agamben's camp, firmly defined in terms of sovereignty, death, and the production of bare life, and trying to picture at the same time the 'whatever being' inside it, the gap between the 'two Agambens', the negative and the affirmative, the critical and the constructive, which Antonio Negri has remarked upon[48] becomes visible, and requires bridging.

Whilst Foucault is not one to emerge often in the exception literatures, some scholars have considered his thinking as an alternative to these approaches.[49] In his paper *Foucault in Guantánamo,* Neal proposes a Foucauldian take on the camp, as an alternative to Schmitt, Agamben, as well as Waever's securitisation theory, whose respective exceptionalisms, it is argued, perpetuate the primacy of the sovereign, and remain tied to dualistic understandings and separating lines. "If these limits do not attempt to mark off the domain of sovereign power, then at least the

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[45] Amoore, L., & Hall, A. (2013)

[46] Giorgio Agamben, *The Coming Community* (Minneapolis: University of Minnesota Press, 1993); Giorgio Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life*, (Stanford, California: Stanford University Press, 2013).

[47] Jenny Edkins, "Whatever Politics," in *Giorgio Agamben: Sovereignty and Life*, ed. Matthew Calarco and Steven DeCaroli (Stanford: Stanford University Press, 2007), 71–91.

[48] Antonio Negri, The Ripe Fruit of Redemption, trans. Arianna Bove, 2003, http://www.generation-online.org/t/negriagamben.htm.

[49] Bülent Diken, "From Refugee Camps to Gated Communities: Biopolitics and the End of the City," *Citizenship Studies* 8, no. 1 (March 1, 2004): 83–106, doi:10.1080/1362102042000178373.;Michael Welch, "Guantánamo Bay as a Foucauldian Phenomenon An Analysis of Penal Discourse, Technologies, and Resistance," *The Prison Journal* 89, no. 1 (March 1, 2009): 3–20, doi:10.1177/0032885508329971.

decision over the shape and location of these limits is accorded to sovereign power."[50] Neal turns to

Foucault's earlier, 'archaeological' thought to develop a different account of exception. Archaeology,

the author contends "[W]ould not seek to find beneath the appearance of exceptional statements

and practices the return of the formal conditions of sovereignty, security or the metaphysical

possibility of 'the exception.'"[51] It would rather entrench any instance of rupture within a plural grid

of "temporally and spatially dispersed regularities"[52] and, quoting Foucault, "divide up their diversity

into different figures."[53]

It appears however that Neal's argument as to why Agamben's theory is in this respect

inadequate lies on a selective reading of Agamben. Neal takes issue with Agamben's exceptionalism,

viewing it as an expression of a logical-philosophical rather than a political problem: "Giorgio

Agamben proffers a less political and more philosophical totalization of exceptional sovereign

decision by erecting it as a central pillar of the whole paradigm of Western politics, projecting the

problem backwards and transcendentalizing it in a rather vain way"[54] However, Neal only engages

with the philosophical problematisations of Agamben's exception, and does not make reference to

the more concrete analytical descriptions, and particularly the logic of a zone of indistinction. Even in

his privileging of Foucault's archaeology over genealogy, some doubts emerge as to whether the

paper is concerned with tangible manifestations of 'exception', as the title suggests, or with the

discursive play between contending theories.

At any rate, Neal insightfully identifies both a need and a way to access the historical and

geographical conditions of possibility of camps, although his approach as argued does not preclude

Agamben's camp from being considered alongside. As Vaughan-Williams writes, in Agamben's logic

of the field, "entities within it are not mutually exclusive phenomena but physically continuous

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[50] Neal, *Exceptionalism and the Politics of Counter-Terrorism*, 35.
[51] Ibid., 38.
[52] Ibid., 37.
[53] Michel Foucault, *Archaeology of Knowledge* (London: Routledge, 2002), 23.
[54] Andrew W. Neal, "Foucault in Guantánamo: Towards an Archaeology of the Exception," *Security Dialogue* 37, no. 1 (2006): 32, doi:10.1177/0967010606064135.

within their milieu of interaction."[55] It is therefore, in keeping rather than disagreeing with Neal's line of sight that this chapter later on restages the camp as a zone of indistinction within Foucauldian thought.

The following section, which precedes this discussion, narrates a journey through time and space in the refugee camp in the port of Piraeus, attempting to bring out the multiplicity of subjects, modes of subject-making, and grids of power relations, as illustrative of the challenges that theoretical approaches to new types of camps will need to accommodate.

A Walk in the Camp

The refugee camp of Piraeus' passenger terminal operated between March and July 2016, hosting a shifting population; peaking at approximately 5,300 persons around the time of the EU-Turkey deal on March 20, and decreasing over the course of the next few months, as people were gradually transferred to state-run facilities.[56] During this time, the terminal assumed a town-like configuration, extending concentrically from the EURTF watchtower, making use of the existing passenger lounges complex, and the port's internal shuttle bus. Let us walk through the different areas of this tent-city, as they appear and disappear over time.

MARCH, 2016 ⟶ MAY, 2016

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[55] Vaughan-Williams, *Border Politics*, 101.

[56] Indicative numbers of the camp's population: 5300 on March 22, 3700 on April 17, 1400 on May 13; ANA-MPA, "Roughly 5,000 Refugees Hosted in Piraeus Port Building," February 29, 2016, http://www.amna.gr/english/article/13024/Roughly-5-000-refugees-hosted-in-Piraeus-port-building.; Proto Thema, "Pano Apo 3,700 Prosfyges Paramenoun Sto Limani Tou Pirea [Over 3,700 Refugees Remain in Piraeus Port]," accessed August 20, 2016, http://www.protothema.gr/greece/article/570977/pano-apo-3700-prosfuges-kai-metanastes-sto-limani-tou-peiraia/. Kathimerini, "Refugees, Migrants at Piraeus Port Reach 1,407," 2016, http://www.ekathimerini.com/208606/article/ekathimerini/news/refugees-migrants-at-piraeus-port-reach-1407.

Figure 2.1 The Piraeus refugee camp over time

It is March 20, and we are entering the port through Gate E3. This is the smallest lounge of the complex, hosting no more than 300 people, almost all of them Syrian families with small children. The dwelling consists of an indoors area, which fits approximately 20 tents, and a small 'garden' area outside, with benches which are also used for sleeping. It is run by a small group of local activists who support the homeless of Piraeus, unlike the rest of the camp which is administered by the larger network of local actors, the 'Pan-Piraeus Initiative in Support of the Refugees'. This lounge stands out due to its orderly administration and friendly atmosphere. Located at the furthest end of the complex, and right off a central street, this hub interacts the most with daily normality, but it is also fenced by bushes which, according to the volunteers, "make all the difference" in maintaining order, providing privacy for the families, and keeping away criminal elements.[57] There are birthday parties and games, which one-time volunteers and passers-by attempt to photograph, only to be informed by members of the group that cameras are not allowed.

It is April 1 as we are getting on the port's shuttle bus, heading to Gate E2. The vehicle is packed with young male asylum-seekers, although there are also a few uniformed officers of the Hellenic Coast Guard on their way to work, and some tourists with large suitcases on their way to some Aegean island. As we get off the bus in front of Gate E2, a disenchanted driver complains about the smell that he has to endure all day, adding that this was 'not his job.' The atmosphere is entirely different in the biggest of the dwellings, an enormous and dimly lit open plan area which is hidden from street-sight, tucked behind an even larger, derelict stone structure, an old barn decorated in sea-themed graffiti. Over 2,500 are camped there, in truly unhygienic conditions, with access to only 20 chemical toilet booths. A middle-age female cleaner, a low paid employee of private contractors is "trying her best to help these people", at the same time warning young female

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[57] Volunteer in Piraeus Port, Interview to the Author, March 21, 2016.

volunteers off socialising with Muslim men. The members of the Pan-Piraeus Initiative are pulling 12-hour shifts, distributing aid, and mediating conflicts that erupt over the few available tents. The large numbers and shielded architecture makes Gate E2 an attractive pole for smugglers who flood the area in the night hours, spreading misleading information that the Greek-Macedonian border may still be crossed. During the hours of daylight however, it is the preferred shooting location for camera crews, who secure hours of emotive footage of refugee children getting vaccinated at the children's 'hospital' which operates there. The state remains mostly absent, with the exception of the regular patrols of the Hellenic Coast Guard officers.

It is April 10 as we board the bus again, and a fresh instalment of refugees arrives, having just been transferred from Gate E3; the first of the three dwellings to be evacuated, cleaned, and returned to tourist use.

It is May 1 as we arrive at the passenger lounge beside Gate E1, which stands across, and is fully visible from, the watchtower. It acts as a sort of headquarters, collecting aid from individuals and organisations, organising the storage of goods and consumables, arranging for distribution of food to the other buildings, and hosting meetings where a daily schedule is devised for shifts, eating times, curfew etc. Anyone who is not an asylum-seeker can let themselves into the storage room where the food is kept, and help themselves to a snack. Anyone can turn down a refugee asking for a snack, instructing them to wait until dinner-time. Children of gypsy families who live in the area are also turned away. Organisation however leaves a lot to be desired. Sacks of bread and milk are going off somewhere in the back, after having been wrongly stacked along with the biscuits. The same boxes of baby-formula are being carried back and forth from the container to the storage room several times. Somehow belatedly, UNHCR, as well as Greek and international NGOs, have also set-up container offices there. Some workers of the European Asylum Support Office (EASO) are briefing refugees on asylum procedures, but they don't coexist easily with the volunteer coordinators and soon abandon the task. Further down a confused man in ancient Greek warrior attire, distributes food to a refugee queue, at the same time cursing at them in Greek "Go back to where you came

from." Approximately 1,500 remain in the port now, most of them in and around Gate E1, as Gate E2

has also been dismantled.

Figure 2.2 The refugee tents and the watchtower at Gate E1[58]

The EURTF, the EU's new multi-agency entity, stands erect right in the middle of the remaining tents, visible to everyone but known to few. It resides inside/outside a domineering edifice of Greek sovereignty, the white and blue building that hosts the Greek Ministry for Shipping, and the headquarters of the Hellenic Coast Guard. The 11-storey watchtower communicates with the 6-storey main building through a bridge on the latter's top floor, and access is a complicated procedure. The officials residing up there only passively engage with the refugees below, manoeuvring through tents to reach the parking lots each morning.

As we exit the terminal on May 30, the initial utopian atmosphere of a solidarity town has entirely evaporated. It has been replaced by fights between asylum-seekers of different national groups, and by volunteer and donors' fatigue, the latter also discouraged by warnings of the Greek

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[58] Photo credit: Pantelis Saitas for Ana-Mpa News Agency

Ministry for Public Health on the risks of infectious disease in refugee camps.[59] Although the evacuation of the port in time for the beginning of the tourist season had been framed as a matter of urgency, the last tent of the camp will only be folded in late July.

Emerging Questions

The short-lived refugee camp of Piraeus does not find adequate explanations in the theory thus far discussed. An open arrangement, in the heart rather than the edge of the urban landscape, administered by local civil society, and passively monitored from a distance, it escapes understandings of the camp as either insular spaces of sovereign excess or diffused posts of biopolitical control. It is included in the multiple networks of those who inhabit it, those who administer it, those who profit from it, and those who watch it remotely. Through this indistinction, many of the standard divisions of social space seem to collapse as the refugees' space of living becomes conflated with the locals' space of resistance, the border guards' and the smugglers' space of work. As such, three lines of questioning emerge.

Firstly: What resonances exist between the lines that structure the camp and the lines that structure the city, as well as between the lines that are thereby collapsing?

Secondly: How can we conceptualise the role of the societal in its heterogeneity beyond the binary understandings of sovereignty/resistance, inside/outside, and subjugation/solidarity?

Thirdly: What kind of sovereignty is implied by the presence/absence of the state and the EU in the camp, and what are the power effects of the passive surveillance habitus?

The following section introduces Foucault's concept of a heterotopia, tracing the theoretical ground within which answers to these questions will be sought.

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[59] Proto Thema, "Grave Health Risks in Refugee Camps, Warns Public Health Ministry," accessed August 20, 2016, https://en.protothema.gr/grave-health-risks-in-refugee-casmps-warns-public-health-ministry/.

Different/Other Spaces

Foucault's concept of a heterotopia is discussed in the posthumously published script of a lecture that Foucault delivered in 1967 to an amphitheatre of architecture students, named *Des Espaces Autres (Of Other Spaces)*. The lecture had been based on a radio broadcast that he had given a year earlier, titled *Utopies et Hétérotopies*, and discussing literary themes, while a suggestive first use of the term appears in the preface to *The Order of Things* where the disorderly taxonomy of Borges' Chinese encyclopedia is briefly described as heterotopic.[60] Arrested between space and text, forgotten by the author, and never properly reviewed for publication, the concept comes with much promise but also with many limitations. This section first looks at how Foucault presented the heterotopias to his audience, and then offers one interpretation, embedding the heterotopia into his corpus, and outlining ways in which it can help us think about bounded political space.

Outline

Foucault's essay can be broken down in three parts. A first introductory section arranges the historical and theoretical context by means of a brief 'history of space'; a second part recounts a set of epistemological reductions; and a third part develops the six principles of an emerging heterotopology as "a sort of systematic description that would have as its object, in a given society, the study, analysis, description, and 'reading'… of these different spaces"[61]

According to Foucault, during the Middle Ages, a spatiality of hierarchy arranged the realm of social living, *a space of localisation* where things had a certain place, either naturally or violently assigned. Between the 17th and 19th century, this rigidly organized space of hierarchy, was supplanted by the *modernist space of extension.* Under the influence of Galileo's scientific discoveries and the Cartesian turn, which opened up "an infinite and infinitely open space"[62] to be

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[60] Michel Foucault, *The Order of Things an Archaeology of the Human Sciences*, Routledge Classics (London: Routledge, 2002)
[61] Foucault, "Of Other Spaces," 17.
[62] Ibid., 15.

submitted to rationalism, a 'thing's', an object's or subject's place would be no more than a slowed-down point in its continuous movement. Arriving at Foucault's present moment,[63] the question of space has been turned into a problematique of sites, and of grids of relations between sites; "Today the [space of] *emplacement* substitutes [the space of] extension".[64]

Against this backdrop of transitions, Foucault narrows down the empirical field of heterotopology in three successive steps, three complementary reductions: 'outer spaces', 'mirror spaces', 'real spaces'. Firstly, heterotopias are not to be found in the phenomenological 'inner space', the spatial structure of subjective experience, "the space of our primary perception, the space of our dreams and that of our passions."[65] Heterotopology rather concerns the heterogeneous space in which humans live, and the set of relations that "delineate emplacements that cannot be equated or in any way superimposed."[66] Secondly, across this totality of a common lived space, Foucault singles out those spaces that act as society's mirrors, the utopias and heterotopias, which have the curious 'property' of being in relation to all the other sites, but in such a way as to suspend, neutralize, or invert the set of relations designated by them. Thirdly, heterotopias are distinguished from the utopias, the mirror-spaces which have no-real place (*ou-topos*), and which reflect "society itself perfected" or "society turned upside down."[67] Heterotopias are by contrast the real places that make up our societies, and which contradict such ideal representations. "[A] sort of counter-emplacements, a sort of effectively realized utopias", Foucault writes, "a kind of places that are outside all places, even though they are actually localizable . . . places [that] are absolutely other than all the emplacements that they reflect"[68]

Having provided an outline for the spaces that shall be considered as heterotopic, the second part of the script offers the six principles of the heterotopology.

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[63] Foucault's use of the word "today" is to be read in a broad sense. He makes references at this point to modern technologies such as the storage of information into a machine's memory, locating his reference in the Information Age, while in the following paragraph he extends this temporal bracket to include the technological moment of demography in the 17th-18th century

[64] Foucault, "Of Other Spaces," 15.

[65] Ibid., 16.

[66] Ibid.

[67] Ibid.

[68] Ibid., 17.

1. Heterotopias fall into one of two categories; they will be either *heterotopias of crisis*, hosting individuals in a state of breakdown (adolescents, menstruating women, pregnant women, and the elderly are cited as examples here); or *heterotopias of deviation*, populated by individuals who are in some way deviant when compared to the societal norm.

2. While considered a universal element of human civilisation, heterotopias are shifting in meaning and function over time. They are variable historical constants which operate "according to the synchrony of the culture in which they occur"[69]

3. Heterotopias are spaces of juxtaposition, making it possible for several spaces which are in themselves irreconcilable to come together in "a single real place"[70]

4. Heterotopias are connected to different rhythms of time; time may be accumulating *ad infinitum* (here we are given the example of museums and libraries) or assume a transitory form (as in the case of an annual fair or festival): "The heterotopia begins to function fully when people find themselves in a sort of absolute break with their traditional time."[71]

5. Heterotopias will be at once accessible and insular, and they will exercise a particular system of opening and closing. Entry might either be forced (as for example in the case of a prison) or enabled by a specific permission and subject to particular gestures, rituals, and acts of purification.[72] Even then, Foucault continues, one's entry may not be conclusive: "one believes to have entered and, by the very fact of entering, one is excluded."[73]

6. Heterotopias will perform one of two functions in relation to the remaining space of society; they will act either as a site of illusion "that exposes all real space . . . as even

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[69]Ibid., 18.
[70]Ibid., 19.
[71] Ibid., 20.
[72] Ibid., 21.
[73] Ibid.

more illusory"[74] or as one of compensation, making up for the actual space in which we live, which is "disorderly, ill construed, and sketchy"[75]

How to Read Heterotopias

This chapter has been the hardest one for me to write, and by this I refer to the process of arranging the document in a coherent manner, once all the concepts and all the data are in place. I had been warned:

> Heterotopias are disturbing, probably because they secretly undermine language, because they make it impossible to name this and that, because they shatter or tangle common names, because they destroy 'syntax' in advance, and not only the syntax with which we construct sentences but also that less apparent syntax which causes words and things (next to and also opposite one another) to 'hold together'.[76]

Whilst widely used to reflect on a host of real and metaphorical spaces, from Facebook[77] to the body of the vampire,[78] heterotopias appear to have received more criticism than praise in the spatial disciplines. Critiques converge on a view that while Foucault's work showed the intention to tackle questions of space, his engagement lacked explicitness, depth, and momentum. Thrift has claimed that Foucault's contributions to the spatial disciplines have been held back by blindness to the 'aliveness' of space and reluctance to incorporate affect in his analysis, which he attempted to ameliorate by inventing 'non-categories' such as heterotopias.[79] Similarly, Saldanha finds Foucault's effort to speak of spatial differentiation to be laid with structuralist flaws and underpinned by an

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[74] Ibid.
[75] Ibid.
[76] Foucault, *The Order of Things an Archaeology of the Human Sciences*, xix.
[77] Maarten Derksen and Robin Rymarczuk, "Different Spaces: Exploring Facebook as Heterotopia," *First Monday* 19, no. 6 (2014), http://www.ojphi.org/ojs/index.php/fm/article/view/5006.
[78] Ann Davies, "Guillermo Del Toro's Cronos: The Vampire as Embodied Heterotopia," *Quarterly Review of Film and Video* 25, no. 5 (2008): 395–403.
[79] Nigel Thrift, "Overcome by Space: Reworking Foucault," in *Space, Knowledge and Power: Foucault and Geography / Edited by Jeremy W. Crampton and Stuart Elden.* (Aldershot: Ashgate, 2007), 53–58.

inadequately dynamic take on space.[80] An underlying common frustration however has been that 'anything and everything' can be a heterotopia. As de Cauter and Dehaene eloquently note "when putting on heterotopian spectacles, everything tends to take on heterotopian traits."[81] It has thus acquired the reputation of an umbrella term that may help us describe space, but has little to offer analytically.

Frustration with the concept of the heterotopia is largely justified. The tight structure, conceptual formulas, reductions, and visual examples encourage a 'standard' reading of the heterotopia, as a textual map or a factual script. However, it is in this reading that the heterotopia becomes most problematic. Foucault's essay, caught up in numerous tensions of terminology and denotation, proceeds with posing dilemmas and refusing to take sides. A comparison of the four different English translations of the essay illustrates this issue clearly, as translations of the French *autre* of the title have been divided between writing on 'different' and 'other' spaces.[82] This binary ambiguity clashes with Foucault's deceptive clarity in the use of straightforward dualisms (crisis/deviation, infinite/transient, illusion/compensation), in the sense that no framework emerges within which to make sense of them.

Nevertheless, I feel that heterotopias can be a useful tool, in helping us capture the elusive in-betweenness of contemporary border spaces, precisely because they are inherently dialectic concepts, unfolding in multiple thresholds, between difference and otherness, norm and reality. As Foucault writes

> [P]erhaps our life is still ruled by a certain number of oppositions that
> cannot be touched, that institution and practice have not yet dared to
> undermine; oppositions that we regard as simple givens: for example,

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[80] Arun Saldanha, "Heterotopia and Structuralism," *Environment and Planning A* 40, no. 9 (September 1, 2008): 2080–96, doi:10.1068/a39336.

[81] Michiel Dehaene and Lieven de Cauter, *Heterotopia and the City: Public Space in a Postcivil Society* (London: Routledge, 2008), 6.

[82] Miscowiec who first translated the text, as well as Dehaene and de Cauter whose translation this chapter uses, have opted for *Of Other Spaces*, whilst Hurley titles his translation as *Different Spaces*, a take that Johnson agrees with in his review essay *Unravelling Foucault's 'Different Spaces'*

between private space and public space, between family space and social

space, between cultural space and useful space, between the space of

leisure and that of work. All these are animated by an unspoken

sacralisation.[83]

To this end though, a different, looser reading of the essay is required, one that refrains

from seeking to extract fixed meanings, structures, and transposable formulas, allowing for the

binary ambiguity to transform into dialectic multiplicity. The reading that helped me unlock

heterotopias for the project at hand was, as Strausz contends, an 'experimental' and 'experiential'

one, involving a certain "scholarly presence, a mode of being and a form of doing that turn[s]

discourse into a contested site to be thought and to be in."[84] Foucault's own work takes us some of

the way to translating this into analytical practice. As Strausz notes amongst others,[85] a certain

metamorphosis takes place in Foucault's work, which distinguishes the author of the *History of*

Sexuality (and *Of Other Spaces)* in 1966 from the lecturer at the College de France in the 1970s, and

which involves the notion of parrhesia. Whilst this turn has mostly been linked to the so-called ethics

of subjectivity, the project of the making of the self, the caring for the self, and the governance of

multitudes through the dissemination of modes of governing the self, what it also stands for is a

more explicit approach to the 'telling of the truth'.

Truthful spaces

Foucault's turn to the telling of the truth-as-it-is, also plays out spatially in the implicit re-

appearance of the heterotopias problematique in the first of his 1977-1978 lectures, titled *Security,*
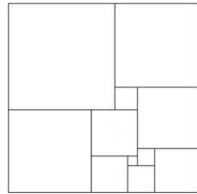
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[83] Foucault, "Of Other Spaces," 16.
[84] Erzsébet Strausz, "Being in Discourse with Foucault: The Practice of Life," *Theory & Event* 16, no. 4 (2013): 2, https://muse.jhu.edu/article/530497.
[85] Nancy Luxon, "Ethics and Subjectivity Practices of Self-Governance in the Late Lectures of Michel Foucault," *Political Theory* 36, no. 3 (June 1, 2008): 377–402, doi:10.1177/0090591708315143.

Territory, Population.[86] There, Foucault discusses the different treatments of multiplicity in space, by

the modulations of sovereignty, discipline, and security articulated in examples of three town-

planning models, the succession of which amounts to a coming politics of accommodating reality.

The first example, which echoes the space of localisation, is a *fictional town*, at the head of a

"well 'capitalised' state."[87] The paradigmatic space of sovereignty, which represents the imperative

of the law and the ruler, is sketched upon a concentric circles model. The circles are organised in
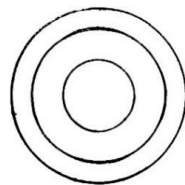
three societal, functional, and geographical orders; a) the peasants of the countryside, b) the

artisans in the small towns, and c) the sovereign and the officers at his service in the centre. It is

thus identical to the architectural form that Foucault has also referred to as the panopticon, or

Bentham's utopia.

Figure 2.3: the geometry of sovereignty

The second example, resonant with the space of extension, is a *model-town*, which is built

from scratch, in order to organise the hierarchical distribution of elements across space. The

resulting geometry is one of squares, rectangular blocks, and divisionary central streets, creating

separations such as between the living quarters and the trading quarters, or the wealthy areas and

the poor ones. This is the space that Foucault identifies with the roman camp.

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[86] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France : 1977-78* (Basingstoke: Palgrave Macmillan, 2009).
[87] Ibid., 15.

Figure 2.4: the geometry of discipline

Foucault's third topological example, evoking the space of emplacement, is a *real town* (Nantes) representing "the real development of towns that actually existed."[88] Planning space according to the dispositif of security will involve a range of spatial techniques, for optimally managing existing space rather than work on a blank canvas, taking into account natural and artificial givens. This space will not (and cannot) have any one definite form. It will not be subject to any one *a priori* logic. It will rather work on estimates of probabilities of future events, materialising in an oscillating geography of overlaps and surveillance
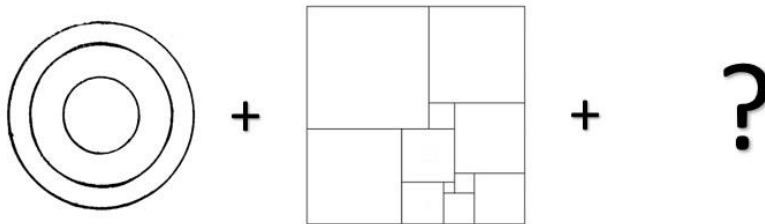
Figure 2.5 the geometry of security

The resonance which becomes evident when reading the three town-examples as an analytically tighter articulation of the history of space enables tracing these tangible schematic forms back to a spatio-ontological ground, the delineation of space through the movements of localisation, extension, and emplacement. But further to this, heterotopias have an organic part to play in the tri-fold schema of sovereignty- discipline- security, as 'passages' between these pre-defined and *ad hoc* topologies. As Foucault writes

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[88] Ibid., 17.

[T]here is not a series of successive elements, the appearance of the new causing the earlier ones to disappear. There is not the legal age, the disciplinary age, and then the age of security. Mechanisms of security do not replace disciplinary mechanisms, which would have replaced juridico-legal mechanisms. In reality you have *a series of complex edifices* in which, of course the techniques themselves change and are perfected, or anyway become more complicated, but in which what above all changes is the dominant characteristic, or more exactly, the system of correlation between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security.[89] (my emphasis)

Heterotopias can therefore help us unpack these complex edifices, and operationalise the potentiality, simultaneity, and connectivity of heterogeneous postmodern spaces, taking into account the binary oppositions at play. Considering both the camp and its surroundings as heterotopias, as spaces of porosity,[90] enables us to keep sight of the ways in which they remain connected, even when both undergo transformations.

The two works that have been discussed, taken as discursive/textual spaces, partake in a movement in themselves, as the first and middle steps in the tri-step passage from fiction, to model, to reality. This is a movement parallel to the one that Neal brings forth in his analysis: "Foucault urges a move in the other direction, to resist the move from the particular to the formal, from the dispersed to the unified, from the different to the same."[91] If the essay on the heterotopias is read as a discursive space of fictional unity and if the lecture of *Security, Territory, Population* is taken as the discursive space of models and hierarchy, then a third part to follow will be the description of a *real*

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[89] Ibid., 8.
[90] Stavros Stavrides, "Heterotopia and the Experience of Porous Urban Space," in *Loose Space: Possibility and Diversity in Urban Life*, ed. Quentin Stevens and Karen A Franck (London: Routledge, 2007), 174–92.
[91] Neal, "Foucault in Guantánamo," 43.

space, which will redeploy these previous elements for its own tactical purposes within its specific task.

Before the chapter proceeds with unpacking the 'real spaces' of Piraeus, an apology/clarification is in order. I have omitted from this discussion Ed Soja's reading of Foucault's heterotopology. Soja's chapter "Heterotopologies: Foucault and the Geohistory of Otherness" which sits right in the middle of his monograph *Thirdspace,* offers one of the most lucid, critical, and constructive engagements with heterotopology that I have come across. It involves an intersectional review of post-colonial, feminist, and post-historicist spatial critique, tapping into the wide range of 'differences' that are implied by the heterotopological epistemology. The author does not hold back on the shortcomings of Foucault's presentation of the concept, but finds through them a promising "intentional disordering and disruption."[92] Soja's analysis argues for the incorporation of heterotopias within the radical project of an 'alternative envisioning of spatiality'. Heterotopias "are meant to detonate, to deconstruct, not to be comfortably poured back into old containers."[93] I have drawn inspiration from this discussion, and particularly from Soja's three-sided sensibility of 'spatiality-historicality-sociality', aligned as much with Foucault's trinity of space-knowledge-power, as with Lefebvre's trialectics of space, and I have borrowed from his analysis the idea of a time-space journey. Nevertheless, I feel that this approach entails a taxing and not entirely necessary dilemma; heterotopias can either work within a radically reformulated conceptual framework or they will not work at all. I would like to suggest here that heterotopias can still be usefully incorporated in analyses of contemporary spaces, where 'old containers', camps, cities, states, are not entirely shattered but rather reshaped and repurposed. When it comes to EU politics, where the concept of the state seems peculiarly resistant, I would argue that this is quite significant.

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[92] Edward W. Soja, *Thirdspace: Journeys to Los Angeles and Other Real-and-Imagined Places / Edward W. Soja.* (Cambridge, Mass; Oxford: Blackwell, 1996), 163.
[93] Ibid.

Spaces of Piraeus

Following the 2011 administrative reform, the Regional Unit of Piraeus consists of five

municipalities; Korydallos, Keratsini-Drapetsona, Nikea-Ag. Ioannis Rentis, Perama, and Piraeus,[94]

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[94] This is the space that the following sections denote with the term 'Piraeus'. When reference is made to the

covering an area of 50 km2 with a population of 449,000.[95] It is one of five electoral districts[96], and one of eight subordinate regional units[97] of the Attica region; a second-level local administration

entity supervised by the Decentralized Administration of Attica, with Athens acting as its centre. This complex administrative overlap has only added to controversies regarding the urban agency of Piraeus, sometimes mentioned as a Mediterranean port-city in its own right, at others as a coastal outgrowth of Athens. A distinct local identity, colloquially called Piraeotes as opposed to Athenians, harbours great internal differentiation; the bourgeoisie of the old town centre in the southeast, the working class and refugee-descendants of the north-west, the port-workers, ship-owners and maritime agency executives at the coastal intersection, all have a distinct claim to it. The following sections examine how a common theme of displacement features in each of these spatial, human, and political categories.

Municipality of Piraeus, the historical centre, it is as such indicated.
[95] Hellenic Statistical Authority (ELSTAT), "Greek Census of 2011," 2011, http://www.statistics.gr/en/2011-census-pop-hous.
[96] These are: Athens A, Athens B, Piraeus A, Piraeus B and Attica.
[97] These are: North Athens, West Athens, Central Athens, South Athens, West Attica, East Attica, Piraeus, Islands

Figure 2.6: Schisto area, Piraeus, from left to right: migrant relocation centre, industrial park, cemetery.

Planned Space and Urban Displacement

Piraeus' present urban geography has been the result of three interconnected spatio-political processes; the development of the Athens-Piraeus bi-city relationship, the development of Piraeus' own urban fragmentation, and the urban practices of Europeanisation following Greece's EU accession in 1981. The three are examined below.

Figure 2.7 Map of the Athens-Piraeus Metropolitan Complex

The Industrial Era: Commercial Satellite

Rhetoric on Piraeus' individual identity draws on a proud place-history, as the grounds of victory over the navy of the Persian Empire in the Battle of Salamis in 480 B.C., and a major trade and civilisation centre of Ancient Greece between 400 and 86 B.C. This era however was followed by a period of desertion, lasting approximately 15 centuries, after the Siege of Athens and Piraeus by the forces of the Roman Republic. The lack of historical continuity renders these links between modern-day Piraeus and its glorified past weak. The abandoned fishing-village was rediscovered

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between 1833 and 1838, first by inhabitants of the Aegean island of Chios escaping Ottoman violence, then joined by poor sailors from the nearby island of Hydra, as well as stevedores from the wider Mediterranean basin, mainly Italy and Malta, making up 8-10% of the local population in the 1860s.[98]

At the time of its modern establishment, when "a town [was being] built where previously there was nothing"[99], Piraeus had been envisioned as a less than equal part of a "bipolar urban complex".[100] Following the declaration of Greek independence in 1830, and the decision to relocate the Greek administrative centre from Nafplio to Athens in 1834, an official Piraeus municipality was formed in 1835. The new city was built upon the architectural plans of Kleanthis and Schaubert, who had also provided the plans for Athens, including Pireos Avenue as a connecting artery between the two. The urban transformation of the emergent Athens-Piraeus area in many ways epitomised the transition from the rural geographies of the Ottoman Empire to the industrialised capitalist European model, placing the emphasis on the development of infrastructure and transport networks. Subject to these forces, the two cities' assigned roles were evident in the early days of their development. According to Leontidou, "in the 1830s, the two towns started to develop interdependently and grew rapidly, especially as a result of the centralism of the Greek State: Athens and Piraeus, *comprador* city and its port, unproductive and productive, bourgeois and proletarian cities."[101]

The Twentieth Century: Fragmented Regional centre

Part and parcel of the industrialisation processes of these first founding decades, by the 1860s Piraeus was already on an individual trajectory, gradually developing a more clearly defined urban geography of its own. The Athens-Piraeus railway connection that was built in 1869 provided

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[98] Yiannis Chatzimanolakis, *Chroniko Mias Politeias: Pireas 1835-2005 [Chronicle of a Polity: Piraeus 1835-2005]* (Piraeus: Municipality of Piraeus Press, 2005), 51.
[99] Foucault, *Security, Territory, Population*, 15.
[100] Nikos Belavilas, "The Port of Piraeus from 1835 to 2004," *Patrimoine de L'industrie*, no. 7 (2002): 75.
[101] Lila Leontidou, *The Mediterranean City in Transition: Social Change and Urban Development / Lila Leontidou.*, Cambridge Human Geography (Cambridge: Cambridge University Press, 1989), 159.

both an additional connection to the capital, but also an internal "dividing axis"[102] between the 'right' side, which included the Chiot settlement and the main administrative functions of the town, and the 'left' side, which had been reserved for settlers of all other origins.[103] Piraeus enjoyed growth ahead of the national average at the turn of the century,[104] sheltered in some ways from the political and economic instability that consumed the rest of the country, including the turmoil of the 1897 Greco-Turkish war, and the Balkan Wars (1912-1913).

In the absence of a planning policy during these turbulent years, the expansion of Piraeus continued by means of a building sprawl dictated by arising needs. This allowed for economic forces to substitute previous town-planning decisions, as the city expanded to all directions. Its mixed population continued to increase rapidly, also owing to the exodus of rural Greeks to the urban centres. The 1834 plan had been drafted at a time when no more than 300 settlers resided in Piraeus, and foresaw a town of 15,000 people. The population of Piraeus however grew to 50,000 by 1896,[105] and to 135,000 by 1920.[106] The enlarging trend continued, accelerated by the industrialisation of the first decades of the 1900s, and by a range of modernising projects undertaken by the newly-established Piraeus Port Organisation in 1930 which expanded the territory of the port, but also made it more insular. Shipyards, dry-docks, and manufacturing plants laid the dividing lines for the city, between an eastern residential and a western industrial zone.[107] The arrival and settlement of 100,000 refugees from Asia Minor between 1922 and 1925 enhanced the pattern of expansion and fragmentation, also adding a more disadvantaged residential area to the canvas. The refugee quarters (Prosphygika), emerged behind the industrial zone, with approximately 83,000

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[102] Nikolas Karachalis, Evagelos Kyriazopoulos, and Nikolaos Lourantos, "I Epanahrisimopoiisi Viomihanikon Horon Se Limania: I Periptosi Tis Polis Tou Pirea Kai Tou Mouseiou Nautikis Paradosis [The Re-Use of Post-Industrial Space in Seaports: The Case of Piraeus City and the Maritime Tradition Museum," in *I Elliniki Poli Se Istoriki Prooptiki [The Greek City in Historical Perspective]*, ed. Manolis Arkolakis (Athens: Dionikos, 2005), 5.

[103] Stamatina Malikouti, "Growth of Urban Piraeus," in *Piraeus: Centre of Shipping and Culture*, ed. George Steinhauer et al. (Piraeus: Aegis, 2012).

[104] Aggeliki Pardali-Lainou, "I Exelixi Tou Limaniou Tou Pirea Kai I Epidrasi Tou Stin Oikonomiki Anaptyksi Tis Evriteris Periohis Tou Pirea Apo to 1835 Eos to 1985 [The Development of Piraeus Port and Its Impact upon the Wider Piraeus Area between 1835 and 1985]" (Panteion University, 1990).

[105] Chatzimanolakis, *Chronicle of a Polity*, 78.

[106] Belavilas, "The Port of Piraeus from 1835 to 2004," 78.

[107] Nikos Belavilas and Georgios Karatzas, "Planning and Architecture in Greece in the Neoliberal Era," *Architecture_MPS* 4, no. 4 (April 1, 2014): 76.

people settling across the areas of Drapetsona, Keratsini, Kokkinia and Korydallos, while only 15,000 settled in the south-eastern coast.[108] According to Belavilas

> The new 'second' city which was thus created lacked infrastructures, suffered from the pollution caused by the factories and was inhabited by an exclusively working-class population. Piraeus was divided in two, with the harbour and the industrial zone serving as the barrier between its poor and wealthier districts.[109]

The European Era: Neoliberal City of Sites

The early stages of de-industrialisation, combined with the rapid growth of the shipping industry in the 1960s and 1970s, allowed for the port to gradually substitute the factory as the economic heart of Piraeus. Post-war reconstructing activity, took place under the new law of Antiparochi, a uniquely Greek land-exchange arrangement, whereby small land-owners relinquished plots to contractors, receiving in return apartments in the building blocks thereby erected. This visual renewal was ideologically imbued, as Antiparochi had been associated with the planning directions of the Marshall plan. Propagating the liberal economic doctrine and small private property, it was encouraged with tax deductions and became "the unique system for condominium building until the late 1970s."[110]

Already by then Athens, Piraeus, as well as Thessaloniki, had become subject to pressures emanating from the country's aspirations for EU membership.[111] The emergence of new 'urban economies'[112] connected in a 'global cities network'[113] fostered new commonalities for these cities,

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[108] Vasias Tsokopoulos, "Piraeus in More Recent Times," in *Piraeus: Centre of Shipping and Culture*, ed. George Steinhauer et al. (Piraeus: Aegis, 2012), 254.

[109] Belavilas, "The Port of Piraeus from 1835 to 2004," 78.

[110] Nikos Karadimitriou and Thomas Maloutas, "Vertical Social Differentiation in Athens: Alternative or Complement to Community Segregation?," *International Journal of Urban and Regional Research* 25, no. 4 (December 1, 2001): 699–716, doi:10.1111/1468-2427.00340.

[111] Belavilas and Karatzas, "Planning and Architecture in Greece in the Neoliberal Era," 2.

[112] Aspa Gospodini, "Post-Industrial Trajectories of Mediterranean European Cities: The Case of Post-Olympics Athens," *Urban Studies* 46, no. 5–6 (May 1, 2009): 1157–86, doi:10.1177/0042098009103859.

[113] William K Carroll, "Global Cities in the Global Corporate Network," *Environment and Planning A* 39, no. 10 (October 2007): 2297–2323, doi:10.1068/a38372.

but also separated them in encouraging self-reliance and the development of urban authenticity. These pressures were written into the 1985 Master Plan of Athens, which structured the governments' efforts to "rationalize [the] city's development […] laying the foundations for future suburbanization" according to the model of a "polycentric city."[114]

These neoliberal transformations in some ways also pushed the two adjacent centres of Attica, Athens and Piraeus, closer together, gradually to resemble a common core. The early 2000s, and the regeneration activity that took place in preparation of the 2004 Olympic games in particular, has been called a turning-point in this respect, mainly in that it granted to private interests extended rights in the re-articulation of the two cities' social, urban, and infrastructural fabric. For the development of required infrastructure in Athens and Piraeus, an emergency statutory framework was introduced[115] so as to circumvent long bureaucratic procedures for investors, and "for the first time, public works, state property and enterprises of public interest were privatised."[116] These large-scale redevelopment projects, which lacked a conscious planning direction, reified the new orientation of the local economy towards tourism and leisure, and further enhanced urban fragmentation[117] by disproportionately upgrading the centre's infrastructure, and causing for the periphery to appear all the more peripheral. Circulation has followed this centre-to-centre logic. Having joined the Attica Metro Network in 2011, Piraeus' centre's connectivity to Athens has been identified as a priority project of the EU's Cohesion Policy programmes, and a major investment of 186 bn euros from EU regional funds has been approved by the Commission, to extend Athens metro Line 3 to the port.[118]

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[114] Vasiliki Makrygianni and Charalampos Tsavdaroglou, "Athens Urban Space Riots: From December 2008 Revolt to Mobilizations in the Era of Crisis," *Quaderns-e de l'Institut Català d'Antropologia* 0, no. 18(2) (2013): 40–52.

[115] "Law 2730/1999 on Planning, Integrated Development, and Execution of Olympic Installations," *Official Government Gazette*, no. A 130/25.06.1999 (1999).

[116] Belavilas and Karatzas, "Planning and Architecture in Greece in the Neoliberal Era."

[117] Erik Swyngedouw, Frank Moulaert, and Arantxa Rodriguez, "Neoliberal Urbanization in Europe: Large–Scale Urban Development Projects and the New Urban Policy," *Antipode* 34, no. 3 (July 1, 2002): 542–77, doi:10.1111/1467-8330.00254.

[118] European Commission, "EUR 186 Million of EU Regional Funds to Extend Athens Metro Line 3 to Piraeus," 2014, https://ec.europa.eu/commission/2014-2019/cretu/announcements/eur-186-million-eu-regional-funds-extend-athens-metro-line-3-piraeus_en.

Chapter Two

Lived Space and Human Displacement

The conditions of these people upon their arrival in Greece was pitiable beyond description. They had been herded upon every kind of craft that could float, crowded so densely on board that in many cases they had only room to stand on deck . . . In one case, which I myself beheld, seven thousand people were packed into a vessel that would have been crowded with a load of two thousand.

Henry Morgenthau in Piraeus, 1922

Piraeus' urban and economic development cannot be separated from its heritage as a site of human displacement for approximately 100,000 between 1922 and 1926.[119] An overview of the 'Greek refugee problem' of 1922 is useful, not only in contextualising the urban fragmentation of Piraeus after this defining moment, but also because it draws interesting parallels between the present and the past. The EU's refugee crisis and the one of 1922 remain connected, seen as externalities of the imposed redrawing of the Middle-East, enabling a historical comparison as regards European and international cooperation in the presumably non-political sphere of humanitarian relief.

Over 1.2 million reached Greece as a result of the population exchange foreseen in the Lausanne Treaty (June 1923), most of them Greeks but also some 50,000 Armenians, from Asia Minor. Greek leadership of the 1920s had been in some ways culpable for the humanitarian disaster, after following an expansionist course in Asia Minor at the time of the Ottoman Empire's dissolution, which was to be avenged. However, as a local consequence of the World War I settlement at large, the humanitarian crisis was an international problem, as the human flow of 1923 had been the product of international law, the first ever diplomatically legitimated 'forced migration'.[120]

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[119] Data of 1928. Table adapted from Leontidou, *The Mediterranean City in Transition*, 159.
[120] Onur Yildirim, *Diplomacy and Displacement: Reconsidering the Turco-Greek Exchange of Populations, 1922-1934* (London: Routledge, 2006).

The exodus of refugees to Greece had begun before the conclusion of the Lausanne conference, which merely formalised the 'unmixing' of peoples that was already underway.[121] The first wave of displaced had fled the coast of Ionia during the 'Catastrophe of Smyrna' in September 1922, to arrive at the ports of Piraeus and Thessaloniki. In a second wave, following the armistice of Mudanya in October 1922, the Ottoman Greeks of Eastern Thrace began to cross the Evros river into Western Thrace and Macedonia. Dispersed arrivals of refugees continued between 1923 and 1926, originating from the depths of Anatolia and the Black Sea shores, including many belatedly repatriated prisoners of war.[122]

Humanitarian agencies, mainly American and British, had arrived in Greece in October 1922. Provision of immediate relief, and their mid- and long-term resettlement, were tasks well beyond the capacities of the poor and war-ridden Greek state, whose distressed economy remained under the supervision of an International Financial Committee since 1897, and whose population at the time did not exceed 5 million. The humanitarian tragedy quickly gathered international interest and sympathy, communicated across the Atlantic in dramatic terms by the Greek prime minister Eleftherios Venizelos,[123] and by prominent figures, such as Henry Morgenthau, former U.S. Ambassador to the Ottoman Empire.[124] But while public sentiment and narratives of humanitarian responsibility had been important in urging foreign governments to take action, support did not owe to the power of benevolence alone. Negotiations often revolved around wider matters of regional balance of power in a shifting global stage, and the extent of international intervention was

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[121] Renée Hirschon, "Unmixing Peoples in the Aegean Region," in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon (New York ; Oxford: Berghahn Books, 2003).

[122] Antonis Klapsis, "Violent Uprooting and Forced Migration: A Demographic Analysis of the Greek Populations of AsiaMinor, Pontus and Eastern Thrace," *Middle Eastern Studies* 50, no. 4 (July 4, 2014): 622–39, doi:10.1080/00263206.2014.901218.

[123] Venizelos had explicitly requested the assistance of the US to handle refugee resettlement:
"Europe has been sorely tried by the convulsions through which she has gone during the last decade, and is, perhaps, too worn out to cast more than an apathetic glance on this mass of human suffering. And so it is to America that we chiefly turn, and, indeed America has responded magnificently to the appeal. . . . There is one point which I particularly wish to stress, and it is that we need help in the organization of the relief as much as we need funds" Dimitris Pentzopoulos, *The Balkan Exchange of Minorities and Its Impact on Greece* (London: Hurst & Company, 2002), 77.

[124] The activities of Morgenthau in Greece as first chairman of the RSC have been recorded in Henry Morgenthau, *I was sent to Athens: An account of the repatriation in Greece of the Greek refugees from Asia Minor* (New York: Doubleday, Doran & Co, 1929).

contingent upon the intra-European and trans-Atlantic interests and rivalries.[125] The nature of these agencies' work however was temporary. Thus, when American agencies withdrew from Greece in June 1923, their departure signalled the end of the 'emergency response' period, and the beginning of the new 'normal', whence ways to deal with the long term implications would have to be devised at the national level.

The involvement of European governments in the rehabilitation of refugees had been deep-reaching in terms of producing internal order. Whilst solutions were to be sought within the Greek state's and the refugees' own capacities, action would be taken under the supervision and technical advice of the League of Nations. Greece had received a reluctant reaction to an appeal for a loan from the League of Nations' financial committee, the latter suggesting a much smaller sum, not due to a different assessment of the costs of such an undertaking, but rather because the securities that Greece could offer in support of the request were deemed unreliable.[126] Thus, the Refugee Settlement Committee was formed in 1923, an international body under the League of Nations which enabled the government to negotiate two loans (in 1923 and 1927) for a combined 19 million pounds, which was to be used for refugee resettlement rather than humanitarian relief.[127] The RSC, to whom these funds were disbursed in their entirety, was to be actively involved in resettlement policy, endowed with the mandate to establish refugees in permanent homes and into productive employment.

The eventual distribution of refugees across the country was therefore a result of the combined objectives of the RSC, the Greek government, and the refugees themselves.

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[125] The chief spenders during this period were U.S. organisations, mainly the American Red Cross and the Near East Relief Organisation. The biggest European contributors had been the British Red Cross, the British Relief Committee and the (also British) Save the Children Fund, while assistance of smaller magnitudes had been provided by Action Suisse, Action Hollandaise, and the International Red Cross. For a detailed account of the politics of humanitarian agencies in Greece see Louis P. Cassimatis, *American Influence in Greece, 1917-1929* (Kent, Ohio: Kent State University Press, 1988).

[126] Elisabeth Kontogiorgi, *Population Exchange in Greek Macedonia: The Rural Settlement of Refugees 1922-1930* (Oxford: Clarendon, 2006), 77.

[127] League of Nations, *Settlement of Greek Refugees. General summary of the work of the Greek Refugee Settlement Commission.* (Geneva, 1928).

	Local Population	Refugees	%
Athens	459,211	129,380	28.17
Piraeus	251,659	101,185	40.21
Greece	6,204,684	1,221,849	19.68

Table 2.1: Distribution of Refugees in Athens/Piraeus (1923-1928)[128]

For the Greek government the outcome of the exchange was linked to the consolidation of the new borders and normalisation of relations with Turkey, and thus a high foreign policy priority. Planning for new settlements was linked to the agrarian reform which had also commenced in 1922, concerning land allocation for indigenous Greeks, and the re-population of the territorial acquisitions of the Balkan Wars and the borderlands drawn in Lausanne.[129] Greece's territory and population had doubled after 1913, but these territories had not become assimilated within the national core, and remained a source of insecurity. In the words of Eleftherios Venizelos "After the collapse of the Greater Greece, we can consolidate the borders of Great Greece only when Macedonia and Western Thrace have become not only politically but also ethnologically Greek lands."[130]

For the RSC, emphasis was placed on delivering results on their mandate for permanent housing and productive employment. The make-up and circumstances of the refugee population were not conducive to rehabilitation. They had arrived with no possessions, while the vast majority were women and children, since all men of military age had been detained by the Turkish forces and deported in labour camps.[131] Searching for solutions within these limitations, RSC policy had been to categorise refugees as 'urban' or 'rural', in order to facilitate their rehabilitation by providing

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[128] Leontidou, *The Mediterranean City in Transition*, 159.
[129] Pentzopoulos, *The Balkan Exchange of Minorities and Its Impact on Greece*, 151–54.
[130] Kontogiorgi, *Population Exchange in Greek Macedonia*, 58.
[131] Hirschon, "Unmixing Peoples in the Aegean Region."

suitable opportunities for work, either in the emptied rural lands in Macedonia and Thrace, or in the emerging centres of Athens, Piraeus, and Thessaloniki. In agreement with the government's line, emphasis was given to rural rather than urban resettlement, and agricultural rather than economic integration.[132] Besides the land availability in the rural north, other factors drove this prioritisation. Firstly, agricultural establishment and occupation was faster and incurred lesser expenses than creating new opportunities in the cities, where small-trade was already to an extent saturated.[133] Secondly, urban resettlement was viewed as potentially threating to urban public order, running the risk of creating slums of proletarianised workers if no decent employment opportunities were available.

By 1930, the year when the RSC was dissolved, the settlement of urban refugees was more or less final. In total, a combined area of 839,044 hectares was ceded by the Greek government to the RSC for the resettlement programme; roughly two thirds were 'exchangeable' properties in the countryside, which came to the Greek state's ownership after the departure of Bulgarian and Turkish populations, and one third were plots in and around the urban centres.[134] However, in spite of the RSC and the Greek government's directions, it has been estimated that 50% of the refugees eventually settled in urban areas.[135] Promises of land in the rural periphery were of little allure to those, especially from Smyrna, who had been in 'urban' and 'educated' professions in their former lives, and thus these families chose to disregard the locality assigned to them. According to an RSC report of the time. "[T]he refugees, in preferring the large towns, were not obeying a blind instinct, but were actuated by a sense of confidence in their capacity for work and their ability to adapt themselves to their new surroundings."[136]

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[132] George Kritikos, "State Policy and Urban Employment of Refugees: The Greek Case (1923–30)," *European Review of History: Revue Européenne D'histoire* 7, no. 2 (2000): 189–206, doi:10.1080/713666751.
[133] *Ibid*
[134] Athina Yiannakou, "Residential Land Development and Urban Land Policy in Greece : The Case of Greater Thessaloniki" (Ph.D., London School of Economics and Political Science, 1993), 25, http://etheses.lse.ac.uk/1233/.
[135] Fotini Georgakopoulou, "Prosfygikoi Synoikismoi Stin Athina Kai Ton Pirea [Refugee Settlements in Athens and Piraeus]," *Encyclopaedia of the Hellenic World, Asia Minor*, 2002, http://asiaminor.ehw.gr/forms/fLemma.aspx?lemmaId=5944.
[136] Cited in Ibid.

Economised Space and Displacement of Labour

Piraeus port affairs constitute a national rather than local matter, given the port's contribution to the national economy. Piraeus represents the central hub of Greek international
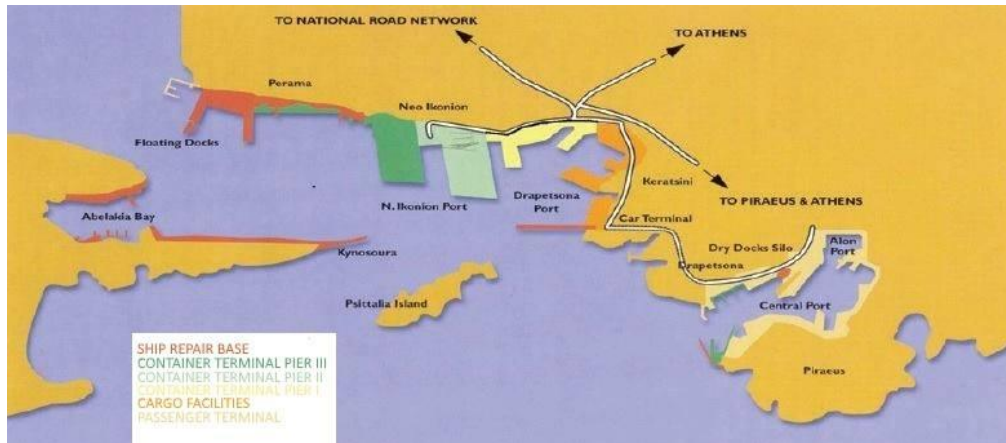
commercial transactions. Between 2000 and 2013, annual net receipts from maritime transports accounted for 3.7% of Greek GDP on average, while annual net receipts from the tourism industry accounted for 4.2%.[137] In spite of the economic downturn, Greece has remained a leading ship-owning country, accounting for 16% of the global Dead Weight Tonnage (DWT)[138], an indicator for the strength of a nation's maritime economy. However, during the economic crisis, the country's capacity to respond to the shrinking global growth rates in commercial fleets was compromised,[139] while foreign merchant companies began avoiding transactions with their Greek counterparts in fear of bad payments, leading to a decreased flow of imports.[140]

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[137] Maria Prandeka and Vasilis Zarkos, "The Greek Maritime Transport Industry and Its Influence on the Greek Economy," *Eurobank Research: Economy & Markets* IX, no. 5 (2014): 1–11.
[138] United Nations Conference on Trade and Development (UNCTAD), "Review of Maritime Transport 2015," 2015, http://unctad.org/en/PublicationsLibrary/rmt2015_en.pdf.
[139] Ibid.
[140] Juliet Samuel and Monica Houston-Waesch, "Greek Debt Crisis Threatens Flow of Imports," *Wall Street Journal*, July 6, 2015, http://www.wsj.com/articles/greek-debt-crisis-threatens-flow-of-imports-1436209716#:b-ZjIySJrN3LsA.

Figure 2.8 Map of Piraeus Port [141]

The controversial debates on how the port of Piraeus could best contribute to restoring the national economy have revolved around the operations of Piraeus Port Organisation (OLP), the chief administrator of the port for the biggest part of the 20th century. OLP was founded in 1930, to replace the previous more informal 'Piraeus Port Committee' which comprised of delegates from Athens and Piraeus local governments and Chambers of Commerce.[142] Centralisation was seen at the time as an answer to deficiencies in the operation of the port, such as frequent strike action, unrest, and mismanagement, largely attributed to an oversupply of labour after the arrival of refugees.[143] Ironically, it was a similar line of argumentation, over inefficient operations and an idle unionised workforce, which underlined the efforts to privatise the port and weaken the powers of OLP since the early 2000s.[144]

Two major developments between 2010 and 2015 have accelerated the neoliberal transformation of Piraeus port operations. Firstly, the lifting of cabotage restrictions, which facilitated the operations of foreign ships within the port,[145] and secondly, the privatization of port services, with the gradual concession of terminals and control rights to Chinese shipping giant, Cosco Pacific. The concession of the port's container terminal to Cosco, the first concession of its kind in Greece but also one of the last in Europe, was only finalized in 2011, after seven years of highly politicised negotiating rounds. Cosco invested over 200 million euros in improving works, including a new pier for larger container ships and upgraded infrastructure, and was awarded a further contract

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[141] Harilaos N. Psaraftis and Athanasios A. Pallis, "Concession of the Piraeus Container Terminal: Turbulent Times and the Quest for Competitiveness," *Maritime Policy & Management* 39, no. 1 (2012): 33, doi:10.1080/03088839.2011.642316.

[142] Law 4748 thus foresaw the creation of OLP as an autonomous public entity, and set-up a Piraeus Free Zone, a regime allowing goods to be considered as in 'free territory' and not subject to taxation unless exported within the mainland. OLP's establishment was followed by a sharp budget increase, from 76 million drachmas in 1928, to 212 million in 1930, highlighting the importance and expectations thereby placed.

[143] Christos Zoumboulidis, *History and Development of Piraeus Port* (Piraeus: OLP, 1932).

[144] Psaraftis and Pallis, 'Concession of the Piraeus Container Terminal', 29.

[145] In the maritime context, cabotage refers to the restriction of port operations to the state's own services, and is thus a means of maintaining national control and protecting the domestic shipping industry. Lifting cabotage restrictions enables ships of a third-country flag to perform round trips, starting and ending within the territory of the home-country, taking over a process that is called homeporting.

in March 2016, as part of an asset liquidation programme agreed between Greece and its creditors for a controlling stake of OLP's shares (67%), which would grand the Chinese firm rights to run and control the port.

The privatisation of Piraeus port and the sale of OLP can be seen as processes of multiple displacement, removing the workers, the local society, and the Greek state from the space of the port. On the one hand, this has provided a platform for the internal class divisions of Piraeus to be re-articulated and re-affirmed. For example, the Municipality of Piraeus, allocated a seat in the new Management Board, had been a cautious advocate of the privatisation.[146] As Mayor Yiannis Moralis stated "Although we hold a different opinion with regards to the particular approach to privatisation, for our local authority supported the involvement of private interest but stood against the sale of shares, I feel this may be of benefit to the city."[147] By contrast, in the working class municipalities of the north-west, where many port-workers fearing for their jobs lived, mayors sided with the Greek Left's discourse of a 'fire-sale' of Greek assets and the *de facto* loss of national economic sovereignty.[148] As Mayor of Keratsini-Drapetsona Christos Vrettakos put it "The port's privatisation is going to have dire consequences for our cities, leading to deeper economic decline, and alienation from port activities."[149]

This polarisation within Piraeus has also been articulated around the role of the EU in the privatisation process. It has fuelled anti-EU sentiment in the working-class areas, which have been known as more Eurosceptic than their counter-parts in the centre.[150] Privatisation has been seen as

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[146] "Ti Diekdikei Kai Ti Kerdizei O Dimos Peiraia Apo Ton OLP [What Municipality of Piraeus Asks of and Receives from OLP]," *Naftemporiki Newspaper*, April 12, 2016, http://www.naftemporiki.gr/finance/story/1092740/ti-diekdikei-kai-ti-kerdizei-o-dimos-peiraia-apo-ton-olp.
[147] Efimerida ton Syntakton, "Ofeli Gia Ton Pirea Apo Tin Idiotikopoiisi Tou OLP [Piraeus Gains from OLP's Privatisation]," February 11, 2016, http://www.efsyn.gr/arthro/ofeli-gia-ton-peiraia-apo-tin-idiotikopoiisi-toy-olp.
[148] Jennifer Rankin and Helena Smith, "The Great Greece Fire Sale," *The Guardian*, July 24, 2015, http://www.theguardian.com/business/2015/jul/24/greek-debt-crisis-great-greece-fire-sale.
[149] "Mayor of Keratsini-Drapetsona Christos Vrettakos at Meeting of Stakeholders against OLP's Privatisation," *Keratsini-Drapetsona.gr*, 2015.
[150] Taking the 2015 EU referendum as a point of reference, Piraeus B electoral district, which encompasses the working class municipalities, supported a NO vote by 72.5%, whilst Piraeus A, which is mainly made-up of the central municipality of Piraeus, whilst also voting for NO, did so by 59.51%. These places the two districts well above and slightly below the national average of 61.3% respectively.

in-line with the Commission's long-standing aim of maritime transport liberalisation. The regulation on the abolishment of cabotage restrictions amongst member-states had been one of the earliest efforts towards consolidation of the internal market, voted in 1992,[151] whilst the Commission has regularly issued interpretative communications which gradually extend the scope of the regulation (in 2003, 2006, 2014). Since 2007, the Commission's liberalisation efforts have been subsumed under the development of an Integrated Maritime Policy, which has sought to eliminate protectionist measures, targeting state-aid as undermining EU-rules on competition. As such, the narrative that attributes responsibility upon the EU for Piraeus' loss of revenue, jobs, and access to public space, has been prevalent amongst striking workers and vocalised in aggressive chanting during their demonstrations.

The presence of the local volunteers in the camp, port-workers and refugee descendants amongst them, brings Piraeus' past into the present, and weaves together the struggles of the city with the struggles in the camp. Amongst the painted walls and placards that the port's camp had been embellished with, these connections were made explicit. "Piraeus knows what being a refugee means", "Europe is Illegal, not the Refugees". Indeed, many of these past and present 'resistances' overlap, particularly in their relation to the EU; the oppressed against the powerful, the periphery against the centre. To stop the analysis here however would be precisely to replicate a range of problematic dichotomies as regards identities produced and resistances performed. The following section turns again to the biopolitical logics at play in the space of the port, to situate this multiply delineated camp within Agamben's zone of indistinction, where more complex and interlocking networks of power can become visible.

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[151] Council of the European Union, "Regulation (EEC) No 3577/92 of 7 December 1992 Applying the Principle of Freedom to Provide Sevices to Maritime Transport within Member States (Maritime Cabotage)," December 7, 1992, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Al24065.

Contending Logics of Distribution

As discussed so far, the workings of power in the port's camp do not find adequate explanations in the space of exception. The camp was not treated by the Greek state under conditions of urgency. In fact the long-standing humanitarian camp of Idomeni was evacuated first, although its remote location and large population (over 10,000) meant a far greater logistical challenge. The lack of urgency in the evacuation of the port's camp is telling of a well-managed rather than absent threat, capitalising on the 'fortunate' proximity of the watchtower. We are therefore compelled to ask: how did this proximity come to be, and what forms of sovereignty does it imply? A partial answer is traced by engaging the dialectic of the two distinct distribution logics that brought it about a) the distribution of the 'human excess' that migrant life represents and b) that of EU regulatory power, and the executive life that embodies it. To this di-polarity however, a third figure needs to be inserted, the voluntary administrator of life in the camp, holding these sovereign categories together as soon as they challenge them.

Distributing Human Excess

When considering the EU's response to the inflow of migrants and asylum-seekers, and particularly the emphasis it has placed on processes of biometric identification, its role as a biopolitical machine needs less arguing than does its effectiveness in achieving its purported
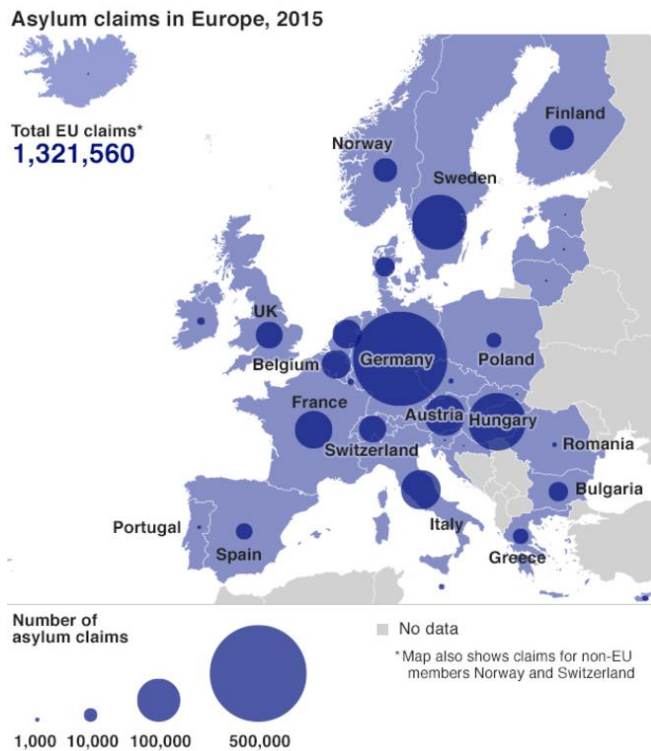
biopolitical aims.

Figure 2.9: Asylum Claims in the EU in 2015[152]

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[152] Map adapted by the author, Source: BBC, "Migrant Crisis: Migration to Europe Explained in Seven Charts," *BBC News*, March 4, 2016, http://www.bbc.co.uk/news/world-europe-34131911.

The lack of symmetry of the map above, accounts for the failure of implementing a common EU approach of proportional rationality for the distribution of asylum-seekers. The Commission's plan to relocate 160,000 refugees from Greece and Italy across the EU represented one such attempt to restore proportionality; according to the relevant Commission proposal, decisions on which member-state should take responsibility for which asylum application, and for how many in total, would be taken according to a distribution key "using objective and quantifiable criteria (40% of the size of the population, 40% of the GDP, 10% of the average number of past asylum applications, 10% of the unemployment rate)."[153] Nevertheless, due to lack of political will, the plan materialised in less than 700 relocations in the first 10 months. The asymmetry of small circles over large areas, as they appear over Poland, Romania, and the Czech Republic, and over high-GDP countries, such as the UK, or EEA member Norway, paint a picture that contravenes the expressed EU norm, of channelling the movement and settlement of global mobilities according to an optimal formula. Of course the actual map is in many ways a coherent one. One would expect Germany, with its robust economy, Sweden, with its strong institutional framework for protection, and Hungary, at the exit point of the Balkan corridor, to be bearing the brunt of the human influx. The map, with its layered asymmetries of injustice, depicts the failure to depoliticise (entirely).

This is not to say however that the impact of the distribution plan and of its algorithmic sensibility was non-existent in crafting this human geography. It has rather been indirect. Even in its failure to convince reluctant member-states to take in more refugees, the plan still articulated the 'authorised' version of the technocratic EU migration discourse. In the negotiating attempts to make it mandatory and permanent, the relocation plan acted as a contending pole against which anti-EU narratives were reinforced. Explicitly in the discourses of far-right politicians in member-states, including France, Germany, Hungary, and most vocally the UK in the lead-up to its EU referendum, refuting common solutions, restricting movement on national borders, and withdrawing from

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[153]European Commission, "Proposal for a Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy, Greece and Hungary," COM(2015) 451 final, (2015).

humanitarian obligations became a trope of re-asserting sovereign control over national borders against the dictum of the unelected EU super-state.

Distribution of Refugees across Attica

In contrast to the League of Nations' response to the refugee flows of the 1920s, this time European intervention on the resettlement of asylum-seekers within the state appears to have stopped at the border of the state in question. Again, this is not to say that the EU has had no say in the internal distribution of refugee flows in Greece. Thousands of people have spent extended periods of time in the EU's overcrowded 'hotspots' in the Aegean, although the latter had been designed for short-stays for the purposes of registration and identification. However, responsibility about planning for their longer-term rehabilitation was mostly assumed by the Greek state, assisted by humanitarian organisations.

The scenario of a confined and unwilling refugee population in Greece had been discussed in the months preceding the closure of the Greek-Macedonian border. Greece and UNHCR had agreed during the Western Balkans Leaders' Meeting, already in October 2015, to cooperate on increasing the asylum capacity of the country. The Commission and UNHCR launched the 'Reception and Relocation' programme in January 2016 to provide 20,000 additional reception places for asylum-seekers in Greece, funded with 80 million euros from the 2016 EU budget.[154] However, acting pre-emptively proved beyond the capacity of the Greek public administration, and the capabilities of humanitarian actors involved. Families took camp in public spaces, squares and parks, while in many cases, local governments opened public buildings, schools, and stadiums to stranded families in their towns. The government's efforts towards this initial improvised distribution, according to interviews given by officials[155], involved two key security priorities: a) to evacuate the 'unofficial' camps and

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[154] UNHCR, "Programme Seeks 20,000 Places for Asylum Seekers in Greece," 2015, http://www.unhcr.org/uk/news/latest/2015/12/566edcf89/programme-seeks-20000-places-asylum-seekers-greece.html.
[155] Efimerida ton Syntakton, "Analogika Me Ton Plithismo I Katanomi Ton Prosfygon [Refugee Distribution Proportional to Population]," June 1, 2016, http://www.efsyn.gr/arthro/analogika-me-ton-plithysmo-i-katanomi-ton-prosfygon.; Ta Nea, "Pano Apo 54,400 Prosfyges Stin Elliniki Epikratia [Over 54,400 Refugees on Greek Territory]," 2016, http://www.tanea.gr/news/greece/article/5358402/panw-apo-54-400-prosfyges-sthn-ellhnikh-epikrateia/.

move asylum-seekers to state-run facilities, controlled by the police, the army and the Ministry of Defence, and b) to scatter said facilities across administrative units in the country in proportion to their population, aiming for many small premises rather than fewer large centres so as to prevent the creation of 'small ghettos'.

Apart from these governmental priorities however, variable local responses also weighed in. When Ministry officials addressed a request to Attica's municipalities to offer up reception spaces within their administrative territories,[156] some local communities came forth as more welcoming than others. For example, the leasing of a building by the International Organisation for Migration in the wealthy area of Attiko Alsos in central Athens raised strong opposition amongst local residents, who took the matter to the Council of State.[157] By comparison, the pleas of the Mayor of Perama, the Piraeus district which hosted the largest reception centre in the mainland, had not been about excluding the area from sharing in on the burden, but rather for Piraeus to not be "the only port in the country where ships full of migrants will arrive"[158], a request echoed by the mayor of neighbouring Keratsini-Drapetsona who requested that "each local society shoulder their share of the burden accordingly."[159] It could be argued that these latter local administrations were to some extent accepting an inevitable consequence of the proximity of the port, and thus making a virtue out of a necessity in accommodating refugee presence within their communities. Nevertheless, the overall distribution of refugees across Attica seems too skewed, and the reactions of residents comparatively too timid, to entirely dismiss the hold of (self-) perceptions of Piraeus as a haven for the displaced. Data of the Central Coordinating Body for the Management of the Refugee Crisis, [160] a

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[156] Union of Municipalities of Attica. "Pragmatopoiithike Synantisi gia to Prosfygiko [Meeting Held on Refugee Issue]." 2015. http://www.pedattikis.gr/home/?p=5250.

[157]"Prosfygi Sto StE Gia Na Min Filoxenithoun Prosfyges Sto Attiko Alsos [Appeal to Council of State to Not Host Refugees in Attiko Alsos]," *In.gr*, 2016, http://news.in.gr/greece/article/?aid=1500063072.

[158] "Psahnoun Horous Filoksenias Prosfygon Kai Metanaston Se Athina Ke Thessaloniki [Search for Refugee and Migrant Reception Spaces in Athens and Thessaloniki]," *Newsbomb.gr*, accessed August 23, 2016, http://www.newsbomb.gr/ellada/news/story/669010/psaxnoyn-xoroys-filoxenias-prosfygon-kai-metanaston-se-athina-kai-thessaloniki.

[159] Ibid.

[160] Data of 17/08/2016. Source: Central Coordinating Body for the Management of the Refugee Crisis, 2016, http://www.kontranews.gr/sites/default/files/2016-08/lista%20metanastes.pdf.

hastily arranged entity under the command of the Greek army, shows that Piraeus came to host four

times as many refugees as the whole of Attica, as a share of its population.

	Local Population	Refugees	%
Attica	3,812,230	9,714	0.25
Piraeus	449,000	4,510	**1**
Greece	10,787,690	57,679	0.53

Table 2.2 Indicative Refugee Distribution in Attica/Piraeus (2015)

Distributing Executive Life
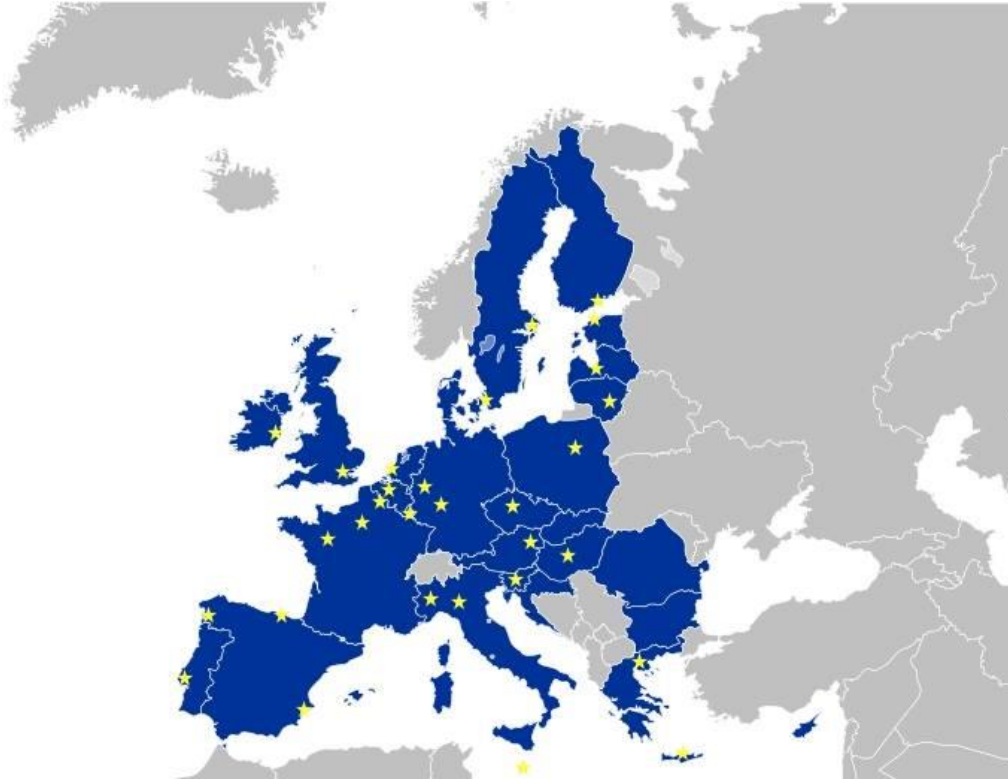
Figure 2.10 Distribution of EU Decentralised Agencies

The EU's algorithmic logic of distribution emerges more clearly in a map of the EU as an administrative district, portraying the allocation of EU executive workforce in the regulatory agencies. These agencies are commonly presented in a technocratic vein, as scientific or managerial organisations which 'help the EU institutions make and implement policies'. A small number of them are Executive Agencies based in and around the Brussels citadel, working closely with the Commission on specific tasks, for a limited period of time, and under a common legal base. Most of

them however fall under the category of Decentralised Agencies,[161] the term *decentralised* referring to their organisational structure as much as their location.

The distribution of the EU's regulatory agencies, which extend EU power and influence across spheres of daily life, has been a quiet affair; having raised no major controversies amongst public opinions and policy circles, it has mostly been accepted as a fair and straightforward process. Article 341 of the EU Treaty maintains that the seat of EU institutions is to be determined by common accord of the governments of the member-states.[162] Per this principle, the European Council of December 2003 agreed "to give priority to Acceding States, once they have joined the Union, in the distribution of the seats of other offices or agencies to be set up in the future."[163] The presence of an EU Agency or office was thus commodified, equated with the conferring of actual agency and a level of influence to the host state, and underlined by the intention of geographical spread and proportionality. The Common Approach, which was adopted in 2012, was hailed as a breakthrough in this respect. An overhaul considered in-line with austerity politics and the need for effective use of EU funds, the new framework instituted the practice of impact assessments, regular evaluations of work programmes, resource planning, and a streamlined governance structure.[164]

There are several issues which muddle this straightforward story of transparency and technocracy. Firstly, questions of accountability arise, since these agencies have been set-up on a case-by-case basis, operating with a fragmented legal basis, and with little oversight. Observers have addressed a range of critical questions in this respect, including conflicts of interest of management board members, lack of effective scrutiny of their operations, and an overall dubious position within

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[161] Excluding the more informal 'Joint Undertakings', 45 such entities exist across the EU: Agencies under CSDP (3), EURATOM Agencies (2), Executive Agencies (6), Decentralised Agencies (34) See Annex 2.1
[162] European Union, "Treaty on the Functioning of the European Union," *Official Journal of the European Union* C 326/50 (October 26, 2012), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3AC2008%2F115%2F01.
[163] Council of the European Union, "Presidency Conclusions," 5381/04 ANNEX (Brussels, December 13, 2003), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52006DC0840.
[164] European Commission, "Press Release - Breakthrough as EU Institutions Agree Common Approach on Agencies," June 13, 2012, http://europa.eu/rapid/press-release_IP-12-604_en.htm.

the EU's administrative landscape.[165] Secondly, even though at first glance the localisation of these entities appears indeed 'neutral', a closer look reveals expected geographical/cultural appropriations; the European Asylum Support Office (EASO) is seated in Valetta, the Maltese capital, the European Banking Agency (EBA) in London, the European Insurance and Occupational Pensions Authority (EIOPA) in Frankfurt. As such, efforts that have gone towards presenting agency distribution as non-content specific, and non-geopolitical, need to be questioned. One such example can be found in the FAQ section of the Frontex website, under the question "Why is Frontex based in Warsaw and not in a country with a higher migratory pressure?" to which an all too brief response is provided: "Since the role of Frontex is that of a coordinator, *the location of its HQ is practically irrelevant* as its operations take place at all external borders."[166]

On one hand, these issues bring forth the tensions between the de-politicising efforts of a biopolitical machine, and the messiness of the political reality that it aims to regulate. Another matter that is of interest however has to do with the threshold concerning the minimum living standards of EU officials. The general rule of distribution has been that while the decision on the state to host an Agency is taken at the EU level, the particular localisation of an Agency within a country is taken by the host-state. The Common Approach however inserted a set of 'objective criteria' for choosing the location of an agency. Some of these had to do with ensuring that material conditions will allow the agency to fulfil its mandate, such as assurances that the seat would be set up in time for commencement of work, or accessibility of the location. Other provisions, however, were of a very different nature, having to do with the 'quality of life' of the executives, such as access to the labour market for spouses or the existence of international education schools for

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[165] See for instance Eva M. Heims, "The Role of 'Bureaucrats' in the Executive Order of the EU: Re-Examining the Practices of the Commission, EU Agencies and Council Working Groups," *Journal of European Integration* 35, no. 6 (September 2013): 723–29, doi:10.1080/07036337.2013.820468.; Nikolai Atanassov, "Accountability of EU Regulatory Agencies," *European Parliamentary Research Service Blog*, March 3, 2015, https://epthinktank.eu/2015/03/03/accountability-of-eu-regulatory-agencies/.
[166] "Frontex | About the Agency," accessed August 23, 2016, http://frontex.europa.eu/pressroom/faq/about-the-agency/.

employees' children.[167] What emerges strikingly from the conflation of these different sets of parameters is the link that is forged between the localisation of executive power, and the element of care, turning personal happiness and wellbeing into an 'objective' criterion to partake in the allocation mechanisms of executive power. In ensuring the 'vital' character of the workforce's life, the EU executives are also produced as a form of life, by the same biopolitical machine, only differently configured.

The EURTF as Encampment

The new multi-agency entity in the port of Piraeus has been somewhat of an oddity within this generalised agency distribution discourse, one which I argue bears striking resemblance to a camp. There are three ways in which the EURTF may also be seen as an instance of encampment. Firstly, the EURTF resides in a zone of physical indistinction. As discussed earlier, its peculiar architectural configuration places it in an inside/outside position in respect to the adjacent signature building of Greek sovereignty. This architecture however has material implications too, which establish an administrator-beneficiary relationship between the two. The EURTF relies on the Greek state for its vital services; electric power, heating, telecommunications, cleaning services, and, importantly, security.[168] In other words, the EURTF depends upon the Greek sovereign for its administrative subsistence.

Secondly, the EURTF resides in a zone of political indistinction, where the law and the fact become confused, and the decision between the two is regularly revised. Occupied by EU officials since 2010, the tower previously hosted the first-ever regional Frontex branch, which was also the first Frontex premises outside the headquarters in Warsaw. It was set up to coordinate the tactical operation Poseidon, the tactical continuation of the emergency RABITS deployment. It therefore came into being as a response to an operational need, excluded from the general discourse on agency seating. It was envisioned at the time that the office would oversee not only joint operations

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[167] European Commission, "Joint Statement of the European Parliament, the Council of the EU, and the European Commission on Decentralised Agencies," 2012, http://europa.eu/agencies/documents/joint_statement_and_common_approach_2012_en.pdf.

[168] "Seat Agreement between the Hellenic Republic and Frontex for the Hosting of the Frontex Operational Office in Greece," *Official Government Gazette*, no. A 216/23.12.10 (2010).

on Greek territory, but also Frontex activities within the wider Eastern Mediterranean region, including Cyprus, Malta, and Italy. According to then-executive director Ilka Laitinen, "The pilot FOO will complement HQ's unity with a regional approach"[169], and if successful more regional offices would follow modelled upon it. Therefore, whilst set up in an exceptional manner, the intention had been to create a new rule, which would make up for the Agency's absence from its field of operation. This course was not followed through. In 2013, the Frontex Operational Office was demoted to a Frontex Liaison Office (FLO) and saw its personnel considerably reduced, a move interpreted as having to do not only with shifting attitudes towards the regional approach at large, but also, according to rumours amongst personnel, with curbing the influence and powers of the office itself vis a vis the Warsaw HQ. The office was restructured again in January 2016, incorporated within the new multi-agency entity, the EURTF, set-up by a Frontex-Europol agreement on cooperation.[170] According to media reports, the decision to restructure and incorporate the FLO within the new multi-agency entity was itself an uncertain one, the result of pressures from Greece and Cyprus within the agency's Management Board, against the intention to remove it altogether. [171] The new entity, along with its twin in Catania, was identified as a *temporary* response to present needs, and was thus further removed from the norm-setting framework.

Thirdly, the EURTF is also in some ways a container of human displacement. One of the heralded breakthroughs of the approach to joint border controls that the EURTF was established to consolidate was the large-scale deployment of a mobile workforce. In October 2015, Frontex requested no less than 775 border officials to support Greece and Italy in registering and identifying people arriving via sea, the travelling missions of whom would be managed by (also temporarily deployed) staff at the new coordinating offices. According to Frontex executive director, border force would need to increase to match the pressure created by increasing numbers of irregular

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[169] "Frontex | News - Frontex Operational Office Opens in Piraeus," 2010, http://frontex.europa.eu/news/frontex-operational-office-opens-in-piraeus-hk4q3Z.

[170] "Europol, Frontex Sign Agreement," *Professional Security*, 2015, http://www.professionalsecurity.co.uk/news/transport/europol-frontex-sign-agreement/.

[171] Kathimerini, "Frontex to Keep Piraeus Office after Protests," 2015, http://www.ekathimerini.com/203826/article/ekathimerini/news/frontex-to-keep-piraeus-office-after-protests.

arrivals: "We are facing a migratory and refugee crisis. Because of this, Frontex has called on Member States for the first time to provide such a large number of border guards."[172] In this way, the EURTF offices and the camp's tents emerge as interconnected; their mobile populations fluctuating in tandem.

Witnessing the Heterotopia

The architecture of power within the port of Piraeus, and the proximity of the EU's border-guards and the refugees which does not involve their engagement in a relationship of camp-ruler and camp-inmate, problematizes the theory in interesting ways. Not only are these EU officials in some ways also within an spatial condition of encampment, but the presence of refugees within sovereign power's intimate field of operations, seems to completely invert a central claim of Agambenian camp-thinking, that "what is excluded in the camp is […] *taken outside.*"[173] What we have here examined is an instance where the excluded have rather *taken inside*, literally surrounded, the embodiment of power.

A comparison of the two distributing logics discloses a common mode of fragmenting the sovereign decision - namely that while the decision on the state which is to host an asylum-seeker/EU official is taken at the supra-national/EU level, the decision on their precise location within the national territory, be it in refugee camps or luxurious office complexes, lies with the hosting state. In some ways, this brings back Schmittian notions of sovereignty, as posed in his German theory of the state, which draws a distinction between the concept of sovereignty and that of the state.

> What is gained by this distinction is that individual states may retain their
> status as states without being endowed with sovereignty. Nevertheless,
> the old definition, in phraseological variations, is always repeated:

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[172] "Frontex | News - Frontex Asks for 775 Border Guards," 2015, http://frontex.europa.eu/news/frontex-asks-for-775-border-guards-eQvFQA.

[173] Agamben, G., (2000), "What is a Camp?", Means without End: Notes on Politics, pp. 37-45.

> Sovereignty is the highest, legally independent, underived power. Such a
> definition can be applied to the most different political sociological
> configurations and can be enlisted to serve the most varied political
> interests. It is not the adequate expression of a reality but a formula, a sign,
> a signal. It is infinitely pliable, and therefore in practice, depending on the
> situation, either extremely useful or completely useless.[174]

Considered along these lines, the EU's absence/presence seems not to detract from its
sovereign powers, but rather to affirm a particular biopolitical type of sovereignty, whereby the EU
regulates its presence, intensifying it where deemed necessary – as in the Aegean waters that are
regularly patrolled via air and sea vessels - and withdrawing from its field when a passive presence
seems adequate - as in the case of refugee camps or on the tables were resettlement policy is being
produced. As Aradau writes "The sovereign decision can be withdrawn from the 'weight' of spatial
divisions and the necessity of territorial appropriations, it can be kept at a distance from the
concrete necessity of space."[175]

On the other hand, the juxtaposition of the two antithetical populations in a single space
echoes the Agambenian logic of a gray zone, where the political is depoliticized and the biological is
politicised. Indeed, it is only within such a depoliticised vein, that the two distributions can even be
brought in comparison - for the personal circumstances of the generously remunerated, comfortably
travelling, and well-insured EU executives bear little true resemblance to those of war victims paying
large sums of money to smugglers and risking their lives travelling in overcrowded dinghies. This
generalised depoliticisation, communicated through impact assessments, technocratic and non-
geopolitical discourses, and a formula for the decision, is similarly responsible for the lack of
astonishment at the violence that underlines this juxtaposition. Even though both the executive life
of the EU official and the excess life of the migrant are re-produced as bare life, as mobile biological

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[174] Schmitt, *Political Theology*, 15.
[175] Aradau, "Law Transformed," 497.

bodies rather than politically qualified beings, the important distinction, which re-politicises the field, consists in that the biological life of the former is cherished and the latter abandoned. We can see the material manifestation of biopower, in its double rendition of 'letting die' and 'making live'.[176]

Between these two poles constituted by the EU's biopower, the volunteers of Piraeus which make the camp possible form an aporetic figure when viewed outside their own geographical, historical, and political context. They are not secret 'collaborators' as the agents of liberal humanitarianism have been characterised, for their efforts are not reimbursed. Enmeshed in their own narrative of oppression, they identify with the 'undermen' rather than the 'overmen', standing in solidarity and shared anti-EU sentiment. However, they cannot entirely cross over to the 'other side', either. They also exert power over asylum-seekers, giving them permissions, intervening at their level of subsistence, producing them as 'bare lives' to be saved. In some ways, they correspond to an inverted version of the Sonderkommandos of Auschwitz, the detainees who undertook the task of managing the gas chambers, in return for a chance of survival.[177] The volunteers of Piraeus are there, administering life instead of death, bearing witness and making-up for, in improvised ways, the gaps of non-responsibility of sovereign power.

Conclusions

This chapter has narrated the story of a camp that 'came to be', an open and porous space, where solidarity and subjugation, surveillance and abandonment, law and fact, appear to go hand in hand. Although the camp disappeared within the course of one summer season, its brief existence is indicative of something more permanent. It has been argued that the unlikely proximity of the refugee tent and the watchtower in the port of Piraeus, far from accidental, is a symptom of the increasingly tense balance the EU is trying to achieve across its perimeter. Only this condition of

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[176] Paul Rabinow and Nikolas Rose, "Biopower Today," *BioSocieties* 1, no. 2 (2006): 195–217, doi:10.1017/S1745855206040014.
[177] As discussed in Agamben, *Remnants of Auschwitz*.

approaching a breaking point appears now to have permanent characteristics. This camp of peculiar proximities and juxtapositions is another one of the camp's 'disguises and metamorphoses' that Agamben urges us to look out for, a zone of indistinction, but also a reflection of the contradictions that drive the EU's political project at its external perimeter.

The European Commission has taken to regularly updating the public on the Migration and Refugee crisis- continuing to call it a crisis in July 2016, after four consecutive months of dramatically decreasing arrivals.[178] They publicize on their website minute facts and details on the incoming migrant and refuge flows. They make available thematic reports, such that anyone can know how many people were returned from Greece to Turkey on a particular day, whether standard procedures are in place in particular disembarkation locations, or what the per-day fingerprinting capacity of a country is. Of these reports, the one titled "Hotspots- State of Play",[179] caught my attention. The report was made up of two tables, one for each country with Hotspots- i.e. Italy and Greece. Each table had one column for each hotspot-location, (Lampedusa, Pozzallo, Porto Empedocle/Villa Sikania, Trapani, Augusta and Taranto in Italy; Lesvos, Chios, Samos, Leros, and Kos in Greece), and two rows; one for 'total reception capacity', noting the numbers of migrants and refugees, and one for 'EU presence', noting the numbers of EU officials.

What struck me were certain ironies in the ways the EU's state of exception was being written down, codified, and reported on, in these regular state-of-play documents. The first irony exists in the very unexceptional ways in which the state of exception is being turned into knowledge, reduced into spread-sheets reminiscent of accounting practices rather than war. But in a different sense, I felt the irony of a certain 'playfulness' in the treatment of information that was once reserved for operational Risk Analyses publications referring to specialised audiences. These reports appear to be re-writing the rules of the 'game', in a language that is accessible, thus including binary

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[178] European Commission, "DGs - Migration and Home Affairs - ...Press Material- Managing the Refugee Crisis (13/07/2016)," accessed August 27, 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/.

[179] European Commission, "Hotspots State of Play," August 22, 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_hotspots_en.pdf.

us/them categories. It recalls Agamben in this sense, "One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them of it for good."[180]

Of course these categories encompass far greater complexities. To speak of an 'EU presence', is a political articulation, constitutive of and constituted by the EU itself, in the making of itself as a unitary entity and a political actor. To take it at face value however would be to leave aside a substantial part of the reality of what an EU presence on the ground actually is. As indicated in the filled boxes of the table, the 'EU presence' consists of a heterogeneous assortment; agency officers, most of whom are seconded national officers from different member-states, other member state experts, interpreters, cultural mediators, and interim staff. It is the heterogeneity that emerges through these filled boxes that unlocks the puzzle of power relations at the EU's perimeter. In this context, the following chapter investigates the role of Frontex as a collector and producer of such box-filling knowledge, and the conceptions of Europe they insert in this way into our geopolitical imaginaries and everyday geographies.

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[180] Agamben, *State of Exception*, 64.

CHAPTER THREE

Frontex's Europe

Introduction

Having looked at the ways in which EU migration and border policy impacts upon the real spaces that make up its external perimeter, this chapter enquires into the production of knowledge that informs this policy. To this end, I look into Frontex, the Agency responsible for the management of the EU's external borders, soon to be subsumed under (or expanded into) the more powerful European Border and Coast Guard. I ask what type of an institution Frontex is, what its putative and implicit objectives are, and how these objectives relate to the integration of Europe's borders and to the project of constructing the EU as capable of articulating a unitary voice in foreign policy tables, and undertaking security work in a uniform way. I argue that the Agency undertakes its work through a series of juxtapositions: between intelligence and operational activities, between urgency and normalisation policy instrument, between processes of depoliticisation and re-politicisation. It is in this context that we are to view the creation of the new European Border and Coast Guard, which marks a further step towards internal EU security and indeed towards encroaching upon (certain) member-states' sovereignty.

A first section outlines these current public debates by visiting some of the responses to the recent tragedies at the EU's southern sea borders, which shifted media and public attention to Frontex, and exposed the obscured dilemma of upholding the border and/or saving lives. A second section traces the origins of Frontex, going through the post-Lisbon adopted and proposed legislation affecting it. It shows how the debate on a Union-led versus an intergovernmental approach to the conduct of Schengen area has shaped the policy processes that give Frontex its dual nature as an intelligence agency and an operational actor. A third section considers the theoretical framework of risk as a conceptual matrix within which antithetical elements can co-exist. In order to identify the ways in which border knowledge is produced in this context of riskification, the chapter

visits the work of the Risk Analysis Unit and third-party experts. It is argued that certain interpretative problems exist in their produced texts, which have to do with the divorce of the border from its context. Problematic as the fragmented findings of these documents might be, we find that the texts containing them are presented and consumed as apolitical truthful manuals; they form the basis for subsequent policy work, granting authority to particular geographical imaginaries. In the fourth section the chapter touches upon the 'smartening' of the EU's bordering infrastructure with the use of biometrics, conceptualising it as a tri-fold attempt: to keep up with the pace of technology, to re-configure the role of human labour in border-work, and to maintain a profitable border security-industrial complex. The conclusions serve to bring together these ideas in the argument that far from a 'technician' of border management, Frontex is enmeshed in deeply political activities, which divide the EU's perimeter according to perceived threat parameters. These have the combined effect of generating a topological configuration of the EU, which I suggest we conceptualise as a heterotopia of fragmented space.

Deathcount and Milestones

As has been discussed so far, the current border regime, immigration rules, and visa and asylum policy leaves economic migrants and asylum-seekers, mainly from the troubled regions of North and Sub-Saharan Africa and the Middle East, with only one option for entering the safety and prosperity of the EU: through an immediate encounter with the physical border rather than a virtual or remote one, such as a visit to an embassy or a distant application procedure. Frontex has been at the centre of the debates sparked by calls for an effective distribution of responsibility over the violent happenings that such encounters entail.

Many of Frontex's most important steps towards centralising border control across the EU, be it in the launch of new operational capabilities, human resource and budget expansion, or indeed a change of mandate, have followed events of loss of human life: the deaths in the Mediterranean, as well as those wrought by the recent terrorist attacks in European cities. Not only do these

parallels of death and policy intersect temporally, but they also seem to match one another in terms of scale, in tandem with the increasing use of emergency rhetoric.

When thousands began boarding ships to flee violence in Libya in 2011 over 1500 annual deaths at sea were recorded, marking the deadliest yet year for this region according to UNHCR.[1] The loss of life was linked to the need for a better control over what is happening at the border. The context supported the articulation of an alleged migrant-centric, humanitarian approach in the re-launched Global Approach to Migration and Mobility,[2] which remained at odds however with the increased cooperation in border patrols and asylum with countries in the region which have dark records with regards to fundamental rights, such as Egypt and Libya.[3]

The link between border fatalities and border control decisions was forged stronger in October 3 2013, when almost 300 people drowned in a single incident, as the overcrowded ship they had boarded in Libya capsized just outside the coast of the Italian island of Lampedusa. At the time, EU Commissioner for Justice and Home Affairs Cecilia Malmström blogged an ambitious proposal in response to the incident: to re-organise the operational activities of Frontex in the Mediterranean into "one comprehensive coast-to-coast operation from Spain to Cyprus", with a focus on search and rescue operations (SAR) "so that more lives can be saved."[4] This proposal, which would require generous funding and political capital, failed to gather the consensus of member-states.[5] It is debatable whether it was articulated in a realistic manner, since Frontex alone did not have the capacity for such a large-scale operation.[6] What this incident did provide grounds for however was the approval of the European Border Surveillance System (EUROSUR), the decision on which was

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[1] Sybella Wilkes, "Mediterranean Takes Record as Most Deadly Stretch of Water for Refugees and Migrants in 2011" (UNHCR Press Briefing, January 31, 2012),
http://www.unhcr.org/uk/news/briefing/2012/1/4f27e01f9/mediterranean-takes-record-deadly-stretch-water-refugees-migrants-2011.html.

[2] Nick Vaughan-Williams, *Europe's Border Crisis: Biopolitical Security and beyond* (Oxford: Oxford University Press, 2015).

[3] Luiza Bialasiewicz, "Off-Shoring and Out-Sourcing the Borders of EUrope: Libya and EU Border Work in the Mediterranean," Geopolitics 17, no. 4 (2012): 843–66, doi:10.1080/14650045.2012.660579.

[4] "Blog of Cecilia Malmström - European Commission," October 9, 2013,
http://ec.europa.eu/archives/commission_2010-2014/blogs/malmstrom/.

[5] Traynor and Kington, "EU Pressed to Rethink Immigration Policy after Lampedusa Tragedy."

[6] Roderick Parkes, 'It's Not Frontex, It's Us', *PISM Bulletin* 120 (2013),http://www.pism.pl/files/?id_plik=15201.

adopted only weeks later.[7] This large-scale surveillance mechanism, an investment estimated at 244 million euros for a period of 6 years, using state-of-the-art technologies such as satellite imagery and unmanned aerial vehicles, was hailed as a major step in improving situational awareness for operational stakeholders- including for SAR operations. In an address given to the Council by European Parliament president Martin Schulz, this expenditure was put in congratulatory terms:

> Just two weeks ago we adopted EUROSUR, which will be operational in less than two months' time. We will continue to fight for adequate funding, including for Frontex, whose budget the Council seeks every year to reduce, but which we have each time successfully defended.[8]

In November 2013, the European Parliament and the European Council reached an agreement on the EU's budget for the 2014 financial year after a difficult and lengthy negotiating session. While the agreed overall EU spending at 135.5 billion euros marked a 6% decrease,[9] a cut considered not deep enough for some of the pro-austerity governments,[10] the budget for Frontex increased by 2 million, following a strong case made by the Parliament.[11] This point needs to be appreciated together with officials' statements, like Budgets Committee chair Alain Lamassoure's: "The Parliament has taken its responsibility by accepting a lower budget. But we managed to get the priorities right." [12]

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[7] Council of the European Union, "Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 Establishing the European Border Surveillance System (Eurosur)," accessed September 8, 2016, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1052.

[8] Martin Schulz, "Speech at the European Council," *European Parliament*, October 24, 2013, http://www.europarl.europa.eu/the-president/en/press-room/speech-at-the-european-council-by-martin-schulz-president-of-the-european-parliament_1.

[9] BBC, "EU Negotiators Clinch Deal on 2014 Budget," *BBC News*, November 13, 2013, http://www.bbc.co.uk/news/world-europe-24909708.; Caroline Bauman and Peter Spiegel, 'EU Overrides Objections to Agree €135.5bn Budget for 2014', Financial Times, 12 November 2013, http://www.ft.com/cms/s/3d8c9e08-4ba0-11e3-a02f-00144feabdc0

[10] The UK, the Netherlands, Sweden and Denmark opposed the deal as too generous.

[11] European Parliament, "EU Budget 2014: Parliament and Council Strike a Deal," November 12, 2013, http://www.europarl.europa.eu/news/en/news-room/20131112IPR24403/eu-budget-2014-parliament-and-council-strike-a-deal.

[12] Ibid.

In April 2015, another migrant-filled boat capsized at 30 km off the coast of Libya, marking a new record death-toll; 800 lives were lost. Making headlines worldwide, the incident was termed a wake-up call at the time, and more calls urged concerted EU action to better save lives and better guard borders, from humanitarian groups and right-wing politicians respectively. The event provided the necessary backing for the long-promised European Agenda on Migration, one of the key measures of which was the strengthening of Frontex's mandate.

In each of these occasions, the discourses legitimating operational expansion and financial expenditure have been articulated around two objectives: a) to respond rapidly to situations when lives are at stake; and b) to uphold, secure, and seal those same borders from unwanted migratory pressures. Take as an example the Commission's response to the European Parliament's approval of EUROSUR

> EUROSUR[…]will make an important contribution in protecting our external borders and help in saving lives of those who put themselves in danger to reach Europe's shores. It will strengthen the information exchange and cooperation within and between Member States' authorities, as well as with the EU border agency Frontex. Information on incidents and patrols will be shared immediately by the newly established National Coordination Centres and Frontex. This will increase our possibilities to prevent cross-border crimes, such as drug trafficking or trafficking in human beings, but also to detect and provide assistance to small migrant boats in distress[13]

Commissioner Malmström at the time maintained that the two objectives could be seen as necessarily connected and interdependent; a strict approach to bordering and a focus on keeping people out would eventually discourage traffickers as much as migrants from ever setting out on life-endangering journeys, leading to a decrease of the death-toll of what has been called the

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[13] European Commission, "Cecilia Malmström Welcomes the European Parliament's Vote on EUROSUR," MEMO/13/863, (October 9, 2013), http://europa.eu/rapid/press-release_MEMO-13-863_en.htm.

Mediterranean cemetery.[14] Similarly, the European Agenda on Migration, with its focus on patrols and registration of arriving people, was linked to the protection of vulnerable individuals, as put by Commission vice-president Frans Timmermans:

> The tragic loss of life in the Mediterranean has shocked all Europeans. Our citizens expect Member States and European institutions to act to prevent this tragedy from continuing unabated. The European Council clearly stated that we need to find European solutions, based on internal solidarity and the realisation that we have a common responsibility to create an effective migration policy.[15]

The particular link established between the Agenda, with its focus on identifying arriving persons on the one hand, and the protection of human life on the other, implied that member-states would somehow accept asylum-seekers if frontline member-states performed better as gatekeepers and security-cleared them upon arrival. The underpinnings of this argument were however better clarified in a direct statement made by EU Council President Donald Tusk: "Let's avoid hypocrisy: it is not a question of international solidarity anymore, but a problem of European capacities. Europeans would be less reluctant if the EU's external border was really under control."[16]

That these links have proved feeble was not a surprise for scholars and EU watchdogs, who had been noting that the two objectives are fundamentally contradictory, constituting an unresolvable dilemma rather than two parts of a single way forward.[17] Increased surveillance would

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[14] Expression as used for instance by the Maltese Prime Minister, Joseph Muscat BBC, "Mediterranean 'a Cemetery' - Maltese PM Muscat," *BBC News*, October 12, 2013, http://www.bbc.co.uk/news/world-europe-24502279.

[15] European Commission, "Press Release - Managing Migration Better in All Aspects: A European Agenda on Migration," May 13, 2015, http://europa.eu/rapid/press-release_IP-15-4956_en.htm.

[16] Eric Maurice, "Tusk: 'Wave of Migrants Too Big Not to Be Stopped,'" *EU Observer*, December 3, 2015, https://euobserver.com/migration/131363.

[17] Charles Heller and Chris Jones, "Eurosur: Saving Lives or Reinforcing Deadly Borders?," *Statewatch Journal: Reflections on the State and Civil Liberties in Europe* 23, no. 3/4 (February 2014): 9–11. ;Heinrich Böll Foundation, *Borderline - The EU's New Border Surveillance Initiatives* (Berlin, 2012), https://www.boell.de/en/content/borderline-eus-new-border-surveillance-initiatives.

rather lead migrants towards even more dangerous routes. It was uncertain whether EUROSUR would have the capacity to detect small boats. No enforcing mechanism had been put in place in order for an SAR operation to be launched by either Frontex or a member-state, neither had it been clarified exactly how EUROSUR was supposed to use its capabilities for SAR. As it turned out, EUROSUR has enabled the interception of migrants in neighbouring countries before they had reached the border, and allowed for responsibility to be passed on to these countries, where often no safeguards exist that fundamental rights would be respected.[18] As for the impact of the European Agenda on Migration, as already discussed, it enabled detention of asylum-seekers in the newly-established hotspots, which constitutes a breach of international law.

What emerges from this brief review of the deathcount and milestones nexus that constitutes the operational environment of Frontex is the disjunction between presented objectives, measures conjured, and achieved results. The constitutive dilemma of this disjunction emerges in many forms: saving lives versus 'inviting migrants in', border security versus right to asylum, humanitarianism versus efficiency. All these renditions tie into another intra-institutional and intergovernmental dilemma upon which much of the Frontex discourse unfolds, and which has to do with the contested desirability of one shared border. Whilst the 'shared border' has been put forth by Frontex as an "important common interest",[19] Frontex publications are mostly cautious enough to always refer to the EU's 'external borders', with emphasis on the plural. It is only through casual slips and oversights elsewhere[20] that we can see how the idea of a single unified perimeter survives outside the Warsaw headquarters in EU politicians' circles. Both a symbolic achievement and a result of spill-over from other areas of co-operation, the border-work of Frontex has amounted to re-inventing the idea of the border down to its fundamental elements. It resonates with important political questions concerning the heart of the EU project; what kind of border is the one which

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[18] Amnesty International, *The Human Cost of Fortress Europe* (United Kingdom: Amnesty International, 2014), http://www.amnesty.eu/content/assets/Reports/EUR_050012014__Fortress_Europe_complete_web_EN.pdf.
[19] Frontex, *Beyond the Frontiers: Frontex, the First Five Years* (Warsaw, 2010), http://frontex.europa.eu/assets/Publications/General/Beyond_the_Frontiers.pdf.
[20] European Commission, "New Schengen Rules to Better Protect Citizens' Free Movement," MEMO/13/536, (2013), http://europa.eu/rapid/press-release_MEMO-13-536_en.htm.

circumscribes a geopolitical area of the sort that the EU aspires to be, and which provides the particular brand of security that the EU identifies with? The expanding EU border *acquis,* increasing securitisation of migration, and accumulating media and public interest suggest this to be a pertinent question, and although it is not known what this acquis aspires to be, the constant re-invention of its rules indicate that it is not there yet. The following section undertakes a brief overview of the tensions that have accompanied its gradual development, and the role that Frontex has been invited to play.

Situating Frontex: Intelligence Agent or Boots on the Ground?

Since its commencement, Frontex has been repeating in its communications its nature as an agent of intelligence rather than one of force, as well as its supplementary rather than leading role. As stated in a 2011 publication for dissemination to the press: "The activities of Frontex are intelligence- driven. It must be stressed that Frontex does not replace, but complements and provides particular added value to the national border management systems of the Member States."[21] The aim of this section is to investigate the extent to which such claims can still be made with credibility in 2016, in light of its new mandate which has enhanced both its operational side as well as its executive authority.

The birth and evolution of Frontex have been central themes of a growing number of policy-studies, situating their questions along institutional as much as security lines of sight.[22] Pollak and

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[21]Frontex, *Frontex Press Pack 2011* (Warsaw, 2011),
http://frontex.europa.eu/assets/Media_centre/Frontex_Press_Pack.pdf.
[22]Hélène Jorry, "Construction of a European Institutional Model for Managing Operational Cooperation at the EU's External Borders: Is the FRONTEX Agency a Decisive Step Forward?," *CEPS Challenge Paper* 6 (2007), http://aei.pitt.edu/7406/.; Sarah Leonard, "The Creation of FRONTEX and the Politics of Institutionalisation in the EU External Borders Policy," *Journal of Contemporary European Research* 5, no. 3 (2009): 371–88.; Sarah Leonard, "EU Border Security and Migration into the European Union: FRONTEX and Securitisation through Practices," *European Security* 19, no. 2 (2010): 231–54, doi:10.1080/09662839.2010.526937.Neal, A., W., (2009), "Securitization and Risk at the EU Border: The Origins of FRONTEX" JCMS: Journal of Common Market Studies, 47(2), pp. 333–356; Nick Vaughan-Williams, "Borderwork beyond Inside/Outside? Frontex, the Citizen–Detective and the War on Terror," *Space and Polity* 12, no. 1 (April 2008): 63–79, doi:10.1080/13562570801969457.

Slominski situate its establishment within a specific post-2000s wave of EU 'agencification',[23] a pattern of delegating authority to non-majoritarian institutions by manufacturing of a portfolio of public tasks to be performed, entering in this way policy areas previously subject to more accountable forms of governance.[24] In the same vein, Wolff and Shout have argued that the establishment of Frontex marked an instance of professionalising and depoliticising policy work, setting-up Agencies as independent regulatory instruments in response to an EU political legitimacy crisis.[25] From a security angle, Neal has argued that Frontex represents the failure of the securitisation of migration after 9/11 to produce urgent responses and solidarity between states. On the other hand, Vaughan-Williams finds in the evolution of Frontex a partial response to the societal threats revived in the post-9/11 terrorism wave, a link that was established firmly in the 2004 EU "Declaration on Combating Terrorism."[26]

This variety of perspectives seems to reflect the ambiguous context within which Frontex has been operating. As has been argued in the literature, the construction of migration as a European security question and the politicisation of asylum had been underway long before the terrorist attacks of 2001.[27] The impact that 9/11 did have on EU security policy however was to accelerate cooperation, enabling the construction of a common external threat, as well as an internal security dimension. As such, the efforts to create a European border guard have been shaped both by discourses securitising the link between migration, terrorism, and the threat coming from 'outside', as well as by regular internal processes and functional spill-over. But whilst the former, external dimension has implied some kind of unity, the latter, internal element has involved a great degree of differentiation between the Commission's centralising tendencies, and the

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[23]Johannes Pollak and Peter Slominski, "Experimentalist but Not Accountable Governance? The Role of Frontex in Managing the EU's External Borders," West European Politics 32, no. 5 (September 1, 2009): 904–24, doi:10.1080/01402380903064754.

[24] Ibid., 904.

[25] Andrew W. Neal, "Securitization and Risk at the EU Border: The Origins of FRONTEX*," *JCMS: Journal of Common Market Studies* 47, no. 2 (2009): 333–56, doi:10.1111/j.1468-5965.2009.00807.x.

[26] Vaughan-Williams, *Border Politics*, 25–27.

[27] Boswell 2007, Huysmans 2000, Walters William and Henrik Haahr Jens, *Governing Europe: discourse, governmentality and European integration*, (London: Routledge, 2005), p.101.

Council's heterogeneous position that pushed towards intergovernmental directions. This section sketches the institutional evolution of Frontex through such experimental processes of trial and error, alongside the construction of a dual role for the EU as an external and internal security actor.

Border Forum

A look into Frontex's more informal predecessor demonstrates the range of challenges that the subsequent entity was expected to resolve, and why a professionalised model was considered a suitable option. The Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), was an intergovernmental initiative established by the Treaty of Amsterdam (1997). SCIFA comprised a common forum where senior national officials could meet in order to exchange views and draw up strategic guidelines on matters of borders and migration.[28] In the context of growing migration flows, and within the emergency aftermath of 9/11, the European Council of Laeken in September 2001 noted the need for a more operational component to these informal groupings, and called for "arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created."[29] In response, the External Borders Practitioners Common Unit (PCU, also known as SCIFA+) was set-up in 2002, comprising the members of SCIFA as well as the heads of national border authorities, with the task of coordinating national projects through *ad hoc* border control centres[30] and conducting common integrated risk analyses.

The PCU had emerged as a compromise solution between the Commission's references to a European border force in the May 2002 Communication *Towards Integrated Management of the*

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[28] Sarah Wolff and Adriaan Schout, "Frontex as Agency: More of the Same?," *Perspectives on European Politics and Society* 14, no. 3 (2013): 305–24, doi:10.1080/15705854.2013.817809.

[29] Council of the European Union, "Press Release - Presidency Conclusions European Council Meeting in Laeken 14 and 15 December 2001," DOC/01/18, accessed September 3, 2016, http://europa.eu/rapid/press-release_DOC-01-18_en.htm.

[30] The six ad-hoc centres were: Risk Analysis Centre (Helsinki, Finland), Centre for Land Borders (Berlin, Germany), Air Borders Centre (Rome, Italy),Western Sea Borders Centre (Madrid, Spain),Ad-hoc Training Centre (Traiskirchen, Austria), Centre of Excellence (Dover, United Kingdom), Eastern Sea Borders Centre (Piraeus, Greece)

External Borders of the Member States of the European Union,[31] and the Council's preferences for

intergovernmental cooperation, as noted in the *Plan for the Management of the External Borders of*

the EU.[32]It was abandoned only a year after its inception. As a first attempt at practical cooperation,

it demonstrated many deficiencies, operating in a fragmented manner under multiple national

mandates,[33] and became highly politicised.[34] Whilst the PCU was eventually criticised by both the

Commission and the Council, and both bodies expressed opinions in June 2003 that a new

institutional structure should be considered, their concerns were divergent; the former noted the

structural limits of the PCU with regards to performing operational tasks,[35] while the later pointed

out the absence of a monitoring mechanism and of a method for independent evaluation.[36]

When the establishment of Frontex as an Agency for external border cooperation was put

on the table in November 2003,[37] the proposed regulation represented again the fused position of

centralising and intergovernmental logics. Whilst the depoliticised guise of an Agency marked a

significant shift towards professionalised supranational control, Frontex would still be under close

intergovernmental supervision, its Management Board consisting of national officials as well as

Commission representatives, unlike the general Agency-framework which falls entirely within the

Commission's control. The carefully formulated mandate reflected this balancing, outlining

centralising tasks for Frontex but framing them as supplementary: a) *to coordinate* operational

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[31] European Commission, "Towards Integrated Management of the External Borders of the Member States of the European Union," COM (2002) 233, (2002), http://eur-lex.europa.eu/procedure/EN/173483.

[32] Council of the European Union, "Plan for the Management of the External Borders of the Member States of the European Union," COD 10019/02, (2002), http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2013926%202006%20REV%203.

[33] Council of the European Union, "Report on the Implementation of Programmes, Ad Hoc Centres, Pilot Projects and Joint Operations," 10058/1/03, (June 11, 2003), http://data.consilium.europa.eu/doc/document/ST-10058-2003-REV-1/en/pdf.

[34] Wolff and Schout, "Frontex as Agency."

[35] European Commission, "Communication from the Commission to the European Parliament and the Council in View of the European Council of Thessaloniki on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders and the Return of Illegal Residents," COM/2003/0323 final, (June 3, 2003), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52003DC0323.

[36] Council of the European Union, "Report on the Implementation of Programmes, Ad Hoc Centres, Pilot Projects and Joint Operations."

[37] European Commission, "Proposal for4 a Council Regulation Establishing a European Agency for the Management of Operational Co-Operation at the External Borders," COM(2003) 687 final, (2003), http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52003PC0687&from=EN.

cooperation between member-states; b) *to contribute* to training border guards, including the establishment of common training standards; c) to conduct risk analyses; d) *to follow up* research and development; e) *to assist* member-states if increased needs arise; f) to coordinate joint returns operations. (my emphasis)

A is for Apolitical

The need for 'depoliticising' reasoning to counter intergovernmental obstacles can also be positioned in relation to the wider internal tensions concerning the contested proprietorship of the ASFJ policy agenda, especially during the years following the failure of the European Constitution, and the signing of the 2007 Lisbon Treaty as a watered-down version of the rejected charter. The treaty had the difficult task of bringing more coherence across policy areas, by undoing the divide of the previous 'pillar structure', without intruding too much within member-state sensitive remits. One example of such sensitivities was the European Pact on Immigration and Asylum, drafted by the French Presidency and adopted by the Council in October 2008, which paid much attention to upholding member-state competences and, according to Carrera and Guild, "attempted to bring legitimacy to (and universalise at the EU level) certain national policy responses and practices of particular member states." [38]

It was during such post-Lisbon policy readjustments, which have been described by Kaunert and Leonard as "inroads into various areas of security-including internal security matters",[39] that the Stockholm programme was introduced, outlining the goals for the Area of Freedom Security and Justice (AFSJ) for the period between 2009 and 2014, and including border management both in its internal and its external security priorities. The programme placed a renewed emphasis on the

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[38] Sergio Carrera and Elspeth Guild, "The French Presidency's European Pact on Immigration and Asylum: Intergovernmentalism vs. Europeanisation? Security vs. Rights?," *CEPS Policy Brief* 170 (2008), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1333530.
[39] Christian Kaunert and Sarah Leonard, "After the Stockholm Programme: An Area of Freedom, Security and Justice in the European Union?," *European Security* 19, no. 2 (2010): 146, doi:10.1080/09662839.2010.534137.

professionalization of security and the potential of data technologies,[40] and hinted at the future form of Frontex within this context. The programme added technical tasks to the scope of Frontex's work, reporting mechanisms and data processing responsibilities, and while no concrete reference to a European corps of border guards was made, the latter did appear as a future possibility.

While the Commission-authored 2010 Action Plan implementing the programme stated that "[t]he Union will pursue an integrated approach to the control of access to its territory in an enlarged Schengen area",[41] a legislative package that followed in 2011 suggested otherwise. It comprised an amendment to the 2010 proposal for the foreseen Schengen Evaluation mechanism, as well as the proposal for a regulation to establish rules for the temporary reintroduction of internal border controls in emergency circumstances. The amendment to the Schengen Evaluation Mechanism involved again compromises, such as between the existing intergovernmental system of peer-review, and the Commission's proposal for on-site visits of teams under the control of the Commission, eventually agreeing that the member-states and the Commission shall be "jointly responsible for the implementation of the evaluation and monitoring mechanism"[42] In keeping, the 2011 Frontex amending regulation was framed as in line with "the objective of the Union to develop a policy with a view to the gradual introduction of the concept of Integrated Border Management",[43] although still maintaining the provision that "the responsibility for the control and surveillance of external borders lies with the Member States"[44]. Importantly however, the amendment introduced the European Border Guard Teams, comprising seconded border guards to be deployed in JOs *and rapid border interventions*

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[40] Didier Bigo and Julien Jeandesboz, "Border Security, Technology and the Stockholm Programme," *INEX Policy Brief* 3 (2009), http://aei.pitt.edu/14993/.

[41] European Commission, "Action Plan Implementing the Stockholm Programme," COM(2010) 171 final, (April 20, 2010), http://ec.europa.eu/justice/citizen/files/com_2012_99_municipal_elections_en.pdf.

[42] European Commission, "Amended Proposal for a Regulation on the Establishment of an Evaluation and Monitoring Mechanism to Verify the Application of the Schengen Acquis," COM(2011) 559 final, (September 16, 2011), http://ec.europa.eu/dgs/home-affairs/news/intro/docs/20110916/1_en_act_part1_v6.pdf.

[43] Regulation (EU), No. 1168/2011 of the European Parliament and of the Council of 25 October 2011, amending Council Regulation (EC) No. 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, available at http://www.frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf, accessed on 26.11.13.

[44] *Ibid:* Article 1 par. 2.

As it were, the depoliticised Agency model appears to have held this common EU border authority together, even though its priorities and modus operandi are often caught between a wide range of institutional forces, competing interests, and diverse or even contradictory expectations. Frontex has been as often expected to demonstrate measurable impact in fulfilling its mandate, as it does to carry out its operations in line with the EU's principle of proportionality, taking cautious steps and refraining from major and rapid change so as to avoid leading hesitant member-states back into an attitude of mistrust. It is from this fragmented institutional and policy ground, however, that it has been possible for Frontex to assert relevance in different areas, and to access diverse opportunities to obtain momentum, presence, and bargaining power in neighbouring remits, such as foreign policy and internal security.

This very short review has located Frontex's position within policy and institutional arenas, as well as its dual organisational identity as intelligence agency and as aspiring operational actor associated with physical presence, within its aim of integrated border management. The view of this position from within the organisation is illuminating in several ways, and examined below.

View from Inside

The 2010 special Frontex publication "Beyond the Frontiers- Frontex: The first five years",[45] a commemorative volume which was printed in many copies in a luxurious hardback edition, included a conversation with then Executive Director Ilka Laitinen reflecting on the Agency's work thus far. The interview unfolds over 10 small pages, which include photographs, maps, and congratulatory quotes. It presents the 'authorised' Frontex view on the main interlocutors, stakes, and discourses, and the challenges that have become re-appearing themes in its attempts to evolve into a single European border guard. Excerpts from this conversation are directly quoted below, in order to relay the interesting tone of the discussion, and to highlight three points: a) the reliance on member-

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[45]Frontex, *Beyond the Frontiers: Frontex, the First Five Years*.

states for staff and equipment b) the gap between operational needs and executive authority, and c) the need for greater access to and liberty to process information.

Q: It sounds as if the Commission gave you a relatively free hand. Do you think that the structure of the organisation, or the way it is operating, would be different if the Commission had been more rigid?

IL: That could have been the case. The staffing certainly could have developed differently. … I remember very well when I asked the Commission what were the options to recruit people. I was told that it needs time. Then I asked 'What about national experts?' 'Yes, but it is not how we do it.' 'Is it illegal?' I asked. 'That's not the ordinary way, but no it is not illegal.' 'OK,' I said. 'Then that's how we do it.' I think we gained about six to seven months by just hiring national experts. But that meant I was the only statutory staff member until the end of 2005.

Q: What changes would you like to see to the mandate of Frontex?

IL: Frontex needs equipment *so that we are not too dependent on the Member States*, so that we don't have to make too many compromises. …We need more reaction capacity to cope with unpredictable events. … We also need incentives to Third Countries. *It would be a good thing if Frontex could be the European actor in terms of capacity building programs in Third Countries, so that we have something to give them.* (my emphasis)

Q: Are there any other changes you would welcome?

IL: Yes. A third change relates to information management. I think it was good that from the beginning we were extremely clear that we must be an intelligence-driven organisation. But *what we are missing is the opportunity to process information that contains personal data.* We understand that it is a very sensitive issue from the data protection point of view and we know how important it is to have protection in place. But having seen developments over many years, I am quite convinced that if we are not able to process all information, including that which contains personal data, we will not be able to fulfil the potential of the agency.

Q: Does that make you feel that you are fighting criminals, for example, those who traffic in human beings, with one hand tied behind your back?

IL: That's right. It's intensely frustrating when you really think the answer to a crime is in the information, but you cannot touch it to analyse it properly. … *It is a choice between data protection and operational needs* (my emphasis)

As Horsti notes, Frontex is no stranger to word-games, having a dominant role in shaping the public debates on migration and borders by acting as a 'discursive technologist.'[46] Horsti shows how Frontex responded to critiques from both humanitarian activists and from those "concerned with national sovereignty"[47] when reporting on their operations. Official accounts must demonstrate that Frontex is indeed capable of tackling a serious problem and also of doing so in a 'humane' manner. The existing tendencies have developed into the "current humanitarian discourse (which) has become a sign of the present-day administration and operation that appears both neutral and

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[46] Karina Horsti, "Humanitarian Discourse Legitimating Migration Control: FRONTEX Public Communication," in *Migrations: Interdisciplinary Perspectives*, ed. Messer, Michi, Schroeder, and Ruth Wodak (Vienna: Springer, 2012), 297–308, http://link.springer.com/chapter/10.1007/978-3-7091-0950-2_27.
[47] Ibid., 11.

politically correct."[48] Similarly, one other understanding that emerges when looking at the discursive and other interactions of major players: Frontex is often taken as the EU's spokesperson in its routine communications with member-states' border authorities and often has o respond to anxieties about the transference of sovereign powers.

Related to this, Kasparek addresses the interesting contradiction of public perceptions of Frontex and how the Agency views itself. He argues that the link between Frontex and the securitisation of migration is not matched by the discourses of Frontex officials, the latter stressing the Agency's responsibility over issues of the management of the border *only*, which fails to render Frontex into a significant actor in European migration management.[49] As one Frontex official put it, there seems to be "a difference between perceptions and reality"[50] when it comes to the expectations of Frontex and what the Agency has been able to deliver. This statement can be read alongside a particular Frontex ethos, a biopolitical self-limiting consciousness where the founding principle is not rooted in what the Agency has been enabled to do but in what it (perceives it) cannot and should not do. There have been clear red lines to Frontex's powers such as the powerlessness to enforce an activity or course of action to a member-state, outline instructions to deployed officers that oppose the command of the hosting member-state authorities, or the incapacity to effectively deny entry, which remains the responsibility the member state, a sovereign act reserved for a sovereign actor.

Thus, Frontex's work as negotiator between member-state border authorities appears to have educated the Agency staff on the practical limits of Europeanisation in the field of border management, owing to the fact that member-states "differ appreciably on what constitutes the best

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[48] Ibid.

[49] Bernd Kasparek, "Borders and Populations in Flux: Frontex's Place in the European Union's Migration Management," in *The Politics of International Migration Management / Edited by Martin Geiger and Antoine Pécoud.*, ed. Martin Geiger and Antoine Pécoud, Migration, Minorities and Citizenship (Basingstoke: Palgrave Macmillan, 2010), 120.

[50] Frontex Officer, interview to the author, 1 November 2013.

means to wage the fight against illegal immigration."[51] Lessons learned from this practice have been a very gradual and careful implementation of major reforms, preparedness for long multilateral negotiations, patience and persistence in the face of slow or only partial member state compliance. Given these limitations, it is not surprising that Frontex had been advocating for a number of years for their role to remain one of facilitating member-states in carrying out border related activities, but not to officially or nominally replace their exclusive authority on sovereign matters. In short, Frontex has worked on a moderate profile, as an improving mechanism rather than one of radical change which can be associated with political intent. The drawbacks of such an approach, prolonged implementation times, and gaps between set benchmarks and achieved results, have at times been seen as reluctance and lack of decisiveness. As eloquently put by one Commission official during a Frontex-hosted conference in 2013, in spite of increasing resources and accumulated experience, "our borders are becoming less and less Europeanised with time."

We have seen so far how Frontex's beginnings have run parallel to the process of EU integration itself, evolving through the similar challenges of proposed centralisation restrained by member-states' drive to maintain control. Through these challenges, the Agency has still enjoyed immense growth since the organisation was founded, its budget growing from 6 to 88 million euros, and staff recruitments from 30 to 294 employees between 2005 and 2010.[52] The growing trend continues enhanced in the proposal for an EBCG, projecting a budget increase from 143 million euros and 402 staff in 2015 to 322 million and 1,000 staff for 2020 - also considering that these figures tend to inflate from their initial projections. If, as Monar notes, the creation of Frontex represented "an important step towards a more integrated and 'institutionalised' management of

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[51] Wolff, S., (2008), "Border management in the Mediterranean: internal, external and ethical challenges", *Cambridge Review of International Affairs,* 21(2), p. 259.
[52] Frontex, "Frontex General Report 2010," 2011, http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2010/frontex_gener al_report_2010.pdf.

external borders",[53] then the Agency's new name and mandate are likely to signify the first definition of European integrated border management.[54] The innovations introduced and red lines affirmed by the new mandate, illustrate the results of integrating the emergency reasoning enabled by the crisis-framing, with the patient politics of the managerial Agency framework.

The New Frontex Mandate

Many of the long-standing concerns over operational capacity and executive powers were partially addressed in the Commission's proposal for a European Border and Coast Guard, but yet again the new mandate did not reflect the equivalent of a European border force, primarily because it still did not create a body of border guards under exclusive EU command, or grant the EU the 'right to intervene'. Furthermore, far from a response to the securitising discourses that afforded visibility and legitimacy for the *European Agenda on Migration*, the proposal for setting up the new Agency had been based on studies and discussions conducted well before the 'landmark' year of 2015, with the mass-arrivals of refugees and terrorist attacks in European cities. However, the *Agenda* and the new mandate had been approved in a popular context of urgency, the same one which saw the militarisation of the Southern perimeter with the launch of the EUNAFOR MED Operation Sophia in the South Central Mediterranean and the deployment of NATO ships in the Aegean, and entails some elements of 'hard' power.

The proposal expanded Frontex's operational, executive, and regulatory capacity in important areas. Most notably: a) it introduced the Vuneralibity Assessment Mechanism, enabling the Agency to conduct itself assessments on potential weaknesses of external border control and

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[53] Jörg Monar, "The Project of a European Border Guard: Origins, Models and Prospects in the Context of the EU's Integrated External Border Management," in *Borders and Security Governance: Managing Borders in a Globalised World.*, ed. Marina Caparini and Otwin Marenin (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2006), 206,
http://www.dcaf.ch/content/download/36799/528815/file/10_paper_Monar.pdf.
[54] Jorrit Rijpma, "The Proposal for a European Border and Coast Guard: Evolution or Revolution in External Border Management? -," Study for the LIBE Committee (Brussels: European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs, March 2016), 5,
http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556934/IPOL_STU(2016)556934_EN.pdf.

determine where EU intervention might be required; b) it enabled a degree of operational autonomy in the form of a Rapid Reserve Pool of 1,500 border guards,[55] and the permission to acquire its own equipment c) it afforded a greater executive say and leading role in returns activities, as well as enhanced capacity to cooperate with third-countries; and forged more extensive cooperation channels with other law enforcement agencies.

Human rights groups and international watchdogs correctly pointed out the extensive reach which the new mandate granted EBCG in sensitive activities such as returns, patrols, and screenings.[56] The new mandate raises concern as regards the supervision of such activities. More specifically, the proposal was not accompanied by the necessary clarifications in relation to responsibility for SAR operations, personal data protection safeguards, as well as fundamental rights precautions. What can be seen as worrisome in this sense is that the new mandate opens more ways for bending international protection norms. In contrast to the violent practice of illegal pushbacks, which has at least called national authorities to clear legal liability in some occasions, the ways in which the EBCG activities could interfere with the right to asylum are rather indirect and dispersed; sealing the cracks through which the current Asylum system works by reinforcing the surveillance capacities; and performing interceptions and disembarkations according to the EU's questionable 'safe countries of origin' list.

Further to these humanitarian concerns, policy thinkers close to Brussels have read the new legislation with some confusion, noting a contradiction in the way member-states agreed upon a proposal that made binding those same provisions they had previously not fulfilled, such as the mandatory deployment of national officers at the request of the Commission. Dimitriadi has noted that "it is paradoxical that member-states are willing to support a new framework of operation that

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[55] The innovation of the Rapid Reserve Pool has been to create an obligation for member-states to provide border guards, and revoke the previous privilege of member-states to turn down requests by invoking an emergency situation which requires the deployment of all available human resources at their national borders.
[56] International Commission of Jurists, ECRE, and Amnesty International, "Joint Briefing on the European Border and Coast Guard Regulation," April 4, 2016, http://www.icj.org/joint-briefing-on-the-european-border-and-coast-guard-regulation/.

commits them to pledges, tasks, and responsibilities that they refused to carry out under Frontex."[57]

In the same vein, Ripma commented that

> It seems contradictory that Member States would be willing to accept more binding obligations under this proposal, while nothing prevents them from furnishing the Agency with the necessary tools now. Likewise, it would be naive to think that greater powers and a new name for Frontex might suddenly remedy structural flaws in some Member States' external border management systems.[58]

This confusion needs to be read against the context of a securitising effort which has been more successful in raising insecurities than in mustering support for common solutions.

Having traced the contending elements which render Frontex a dual entity, the following section looks into the ways in which Frontex participates in the production of border knowledge through the practice of risk analysis, constructing itself as a depoliticised engineer of expert border solutions.

Frontex as Author of Risks

As discussed, a number of critical security scholars have expressed the view that the birth of Frontex may not be amenable to explanations borrowed from securitisation theory.[59] Neal helpfully elaborates on this point, noting that in the creation and evolution of Frontex one reads the conceptual language of modalities of risk.[60] This does not owe to a lack of securitising attributes, such as urgency and exceptionalism; the debates following each tragic event in the Mediterranean

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[57] Angeliki Dimitriadi, "Commentary-The European Border Guard: New in Name Only?," *European Council on Foreign Relations (ECFR)*, 2016,
http://www.ecfr.eu/article/commentary_the_european_border_guard_new_in_name_only_7035.

[58] Rijpma, "The Proposal for a European Border and Coast Guard: Evolution or Revolution in External Border Management? -."

[59] Leonard, "EU Border Security and Migration into the European Union."

[60] Neal, "Securitization and Risk at the EU Border."

demonstrate how speech acts securitising migration in the EU are in place and relevant. As Neal highlights, it is rather in the parting between urgency discourses and the routine institutional environment in which EU policy is being decided, where the inception of Frontex should be located.[61]

I would like to add to Neal's argument and conceptualise this risk modality of Frontex as a dialectic between emergency and technocratic reasoning, which have supported respectively, but at different speeds, the highly politicised development of operational capacity on the one hand, and the somehow less sensitive intelligence-driven activities on the other. Rather than formulating the question as a dilemma between emergency solutions and normalisation, I would like to re-stage and unpack this binary and propose that the residue of the 'failure' of turning securitising discourses into 'urgent action', namely the surge in intelligence-driven activities, is in fact lending credence to securitising discourses by producing 'emergency knowledge', and eventually contributing, albeit at a slower pace, to greater operational autonomy and physical border presence.

Theorising risk

"Risk" is likely to be one of Frontex's most frequently used terms. As Petersen explains, the rapid spike in uses of the term "risk" in academic and practitioners' discourses reflects the emergence of a field of 'risk studies' within the debates that concern the expansion of the contemporary security agenda.[62] Within this field, Aradau and van Munster identify "the emergence of a 'precautionary' element that has given birth to new configurations of risk that require that the catastrophic prospects of the future be avoided at all costs."[63] Rasmussen, reading Beck's thesis on the emergence of a 'Risk Society',[64] argues in this same vein that political actions are becoming

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[61]Ibid., 342–43.

[62]Karen Lund Petersen, "Risk Analysis – A Field within Security Studies?," *European Journal of International Relations* 18, no. 4 (2012): 693–717, doi:10.1177/1354066111409770.

[63] Claudia Aradau and Rens Van Munster, 'Governing Terrorism Through Risk: Taking Precautions, (un)Knowing the Future', *European Journal of International Relations* 13, no. 1 (2007): 91, doi:10.1177/1354066107074290.

[64] Ulrich Beck, *World Risk Society* (Cambridge: Polity, 1999); Ulrich Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992).

increasingly reflexive and overlapping with security praxeologies.[65] These, as much as the security agents that enact them, are both shaped within the same social setting which is governed by a particular security rationality[66]. Rasmussen extracts from the Risk Society thesis what he calls the three constitutive elements of reflexive politics, which he suggests are particularly relevant for international security thinking. The first of those is the logic of 'management', an insight that suggests politics to be the constant attempt to navigate a field of possibilities, regulating transformative processes, and replacing political ends with means. The second is the 'presence of the future', and it refers to a logic that populates strategies of eliminating risk, "defining present problems by their perceived future consequences"[67] in a forward-oriented politics which derogates the present time. The final element of an international risk society is the 'boomerang effect' which describes the spatial and temporal breakdown of the distinction between 'self' and 'other'. In effect, threats can often be "the consequences of one's own actions"[68]. This point, which establishes the reflexive link, focuses on how political actors are looking inside as much as outside and, as they draft a range of scenarios that can potentially cause fear and insecurity, they identify a part for themselves, constructing a version of the self as equivalent to a risk.

A short survey of texts and other discourses that Frontex takes credit for reveals a presence of these elements. As an entity which has thus far identified with intelligence much more than 'hard power', Frontex had taken its *raison d'etre* to be the conduct of risk assessments and authorship of risk analysis reports. On its website Frontex underlines that "risk analysis is the starting point for all Frontex activities, from high level strategic decision-making to planning and implementation of

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[65] Mikkel Vedby Rasmussen, "Reflexive Security: NATO and International Risk Society," *Millennium - Journal of International Studies* 30, no. 2 (2001): 285–309, doi:10.1177/03058298010300020901.

[66] Much as Rasmussen proposes that an identification of parameters is needed in Beck's framework, Aradau and van Munster more poignantly note this problem stressing that "it is problematic to argue, as Beck does, that all practices of security can be reduced to one type of risk" (p.5), whilst Petersen also argues that "we need a much more contextualized approach which is sensitive to the different uses of the concept" (p. 696). These comments point at a helpful direction, that it is precisely the importance of contextualisation that drives a sociological enquiry on security, which these literatures consider.

[67] Rasmussen, "Reflexive Security," 293.

[68] Ibid., 285–86.

operational activities."[69] The majority of these reports are tailored analytical products, produced by the Frontex Risk Analysis Unit (RAU) in collaboration with the Frontex Risk Analysis Network (FRAN), a practitioners' group composed of analysts from member-state authorities. These analyses are classified, presumably due to their sensitive operational nature, since they contain detailed information on the tactics and modus operandi of law enforcement. As a result, the work that goes into them remains unaccountable. As Carrera points out, the European Parliament is absent from the entire process, and therefore "the very source legitimising the operation cannot be at all contested, reviewed and in the end made democratically accountable."[70]

The less detailed Frontex Annual Risk Analyses (FRAN) and the FRAN Quarterlies, are made available online to anyone. The Quarterlies in particular act as a public newsletter about movement and activities at the EU's external borders, but it can also be taken as a profile of the Agency itself, a demonstrable portfolio with illustrative examples of their work. Starting as a working group of member-state professionals under the aegis of Frontex, with its roots in the PCU, RAU was aimed at working out definitions and common understandings of attributes and indicators and agreeing on a standard procedure of data collection, validation and harmonisation. In Beck's words, it would be the institutionalisation of the 'definitional struggles over the scale, degrees and urgency of risks'[71]. The CIRAM (Common Integrated Risk Analysis Model) which had been requested by the Seville European Council meeting in 2002 and adopted in January 2003,[72] had the same purpose of fine-tuning the existing different approaches to risk management, by recognizing acceptable definitions of threat as a function of risk, vulnerability, and impact.[73]

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[69] Frontex Website: Risk Analysis, http://frontex.europa.eu/intelligence/risk-analysis/
[70] Sergio Carrera, "The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands," *CEPS Working Documents* 261 (2007): 14, http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=1338019.
[71] Ulrich Beck, *World Risk Society*, 46.
[72] Council of the European Union, (2003), *Common Integrated Risk Analysis Model (CIRAM)*, Finnish Delegation, Strategic Committee on Immigration, Frontiers, and Asylum, 6100/03, Brussels.
[73] CIRAM underwent a comprehensive update in 2012, known as CIRAM 2.0, following the amendment to the Frontex regulation, and incorporated the so-called four-tier access control model; measures in third countries, cooperation with neighbouring countries, controls at the external border control, measures within the EU area

The following image and passage, found on the first page of every risk analysis document,

sheds light on the ways these analysts perceive their work

Figure 3.1: Frontex Risk Analysis symbol

> Risk analysis publications bear a triangular symbol formed by an arrow drawing a triangle, with a dot at the centre. Metaphorically, the arrow represents the cyclical nature of risk analysis processes and its orientation towards an appropriate operational response. The triangle is a symbol of ideal proportions and knowledge, reflecting the pursuit of factual exactness, truth and exhaustive analysis. The dot at the centre represents the intelligence factor and the focal point where information from diverse sources converges to be processed, systematised and shared as analytical products. Thus, Frontex risk analysis is meant to be at the centre and to form a reliable basis for its operational activities.[74]

The language of this concise description is aimed precisely at establishing scientific neutrality, suggesting that its operation reside outside the arena of political games. As Belina and Miggelbrink suggest, the risk management approach has allowed Frontex to "place itself in a central

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[74] Frontex Risk Analysis Unit, "FRAN Q1 2013," 2013,
http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q1_2013.pdf.

position in the implementation of a European border regime, but does this in the guise of a pure services agency meeting the expectations of its customers".[75]

Analyse (all of) that: the Work of the Risk Analysis Unit

Frontex's emphasis on risk analysis has presented its own challenges, the first of which is that a constant and regular flow of data, one of the Agency's most important resources, is also a significant liability, since full compliance of member-states is required. As suggested earlier, a lack of disciplinary procedures to ensure timely cooperation means that at its very core, Frontex's work is dependent on good working relations and individual states' capacities, and is thus easily compromised. Georgiev has addressed the problem of data collection and data quality, citing as an example the request towards member-states to submit a completed questionnaire on the impact of the economic crisis on their border management activities in 2009, to which frontline member-states, the ones that the questionnaire most concerned, did not respond.[76]

Similarly problematic, this approach relies on a static framework made up of indexes, figures, routes drawn on maps, and seeks to make deductive statements in order to represent accurately the changing geographies of migration, including the many arteries of movement which remain undetected. Problematic as such a framework may be, it still forms the basis for the resulting documents, which in turn sometimes resembles a pieced together text of disconnected comments and figures. For instance, in the executive summary of the FRAN Quarterly, reviewing activity during the third quarter of 2012[77], all of the following comments reside alongside each other in the short space of three pages with large margins.

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[75] Bernd Belina and Judith Miggelbrink, in *The Spatial Dimension of Risk: How Geography Shapes the Emergence of Riskscapes / Edited by Detlef Müller-Mahn.*, ed. Hans-Detlef Müller-Mahn (London ; New York, Routledge, 2013), 125.

[76] Vihar Georgiev, "Towards a Common European Border Security Policy," *European Security* 19, no. 2 (2010): 259, doi:10.1080/09662839.2010.526111.

[77] Frontex, (2012), FRAN Quarterly, Issue 3: July-September 2012, Frontex: Warsaw.

- Firstly there was a massive reduction in detections of illegal border crossing compared to previous third quarters, widely attributed to increased operational activity by the Greek authorities … fewer detections than in any previous third quarter

- Despite the clear impact of the Greek operational activities on the number of detections of illegal border crossing, there is little evidence to suggest that the absolute flow of irregular migrants arriving at the region has decreased in any way

- Document fraud on flights from Istanbul increased once the Greek operations commenced

- Perhaps somewhat predictably there were increased detections of illegal border-crossing at both the Turkish sea border with Greece and land border with Bulgaria

- Secondary movement from Greece to other EU member states were still detected in very high numbers

- Greece reported more than half of all detections of illegal border crossing

These points contain contradictions, which make it difficult for the document and its empirical findings to 'speak for themselves' in harmony. It remains unclear whether operational efforts towards tackling irregular migration into Greece over the stated period could be considered as successful or not. Instead, these observations read as independently existing and malleable, fragments of discourse that can lend themselves to success stories as much as to accounts of disappointment. Much of the ambiguity may be attributed to what law enforcement circles call the 'dark figures' paradox whereby an increase or decrease in registered incidents could owe both to higher/lower crime rate or to an increased/decreased monitoring practice.[78] However, the large

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[78] Albert D. Biderman and Albert J. Reiss, "On Exploring the 'Dark Figure' of Crime," *The Annals of the American Academy of Political and Social Science* 374, no. 1 (November 1, 1967): 1–15, doi:10.1177/000271626737400102.

amount of statistical data that has to be interpreted also makes it difficult to unpack the complexities of the numbers they make reference to. The information gathered represents a matrix with too many dimensions whilst the articulable conclusions that can be drawn can only refer to one at a time.

Another example, also illustrative of a 'presence of the future' bias, is found in the predictions about clandestine movement originating from Albania published in the 2012 Work Programme, the Agency's annual operative plan. There we find that "following the introduction of visa free travel for Albanian holders of biometric passports in 2011, illegal border crossings along the green border between Greece and Albania is expected to decrease"[79]. Turning to the subsequent reports we find in Q3 of 2012 that after all "Albanians continued to be detected illegally crossing their land border with Greece" with only a slight decline to be observed, while increasing detections of counterfeit border-crossing stamps were reported.[80] Fast-forwarding to the first report of the following year, we find that "Albanians detected illegally crossing their land border into Greece was the single largest phenomenon in Q1 2013", continuing "to feature highly in several indicators of irregular migration […] with more than 1000 detections, they were the most commonly detected migrants illegally crossing the external land border"[81].

The problem with the original assumption had been its failure to recognise the overall geographical and political context, i.e. that seasonal migration from Albania owes to poverty at home, which means that the cost of a biometric passport would still constitute a barrier for many. Further to this, trends established rely upon a very narrow set of parameters. The slight decline observed in 2012 could not have anticipated the subsequent surge as it was an observation referring to a very short period of time, and to green border crossings, between rather than at BCPs, which is

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[79] Frontex, "Frontex Programme of Work 2012," 2011,
http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Work_programme/2012/frontex_pow_2012.pdf.
[80] According to FRAN indicators and based on data since 2009, the seasonal variation cycle of irregular entries between BCPs peaks during the 2nd and 3rd quarter of each year. Q3 seems to be the preferred time of reference for purposes of comparison between annual trends.
[81] Frontex Risk Analysis Unit, 'FRAN Q1', 2013, 7–12,
http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q1_2013.pdf.

only one way of irregular entry. In short, these findings are so specific that the knowledge they produce ends up collapsing into singularity. As this example demonstrates, having access to detailed of information does not ensure accuracy or sound forecasting. One Frontex risk analyst mentions with regards to the credibility of findings that, "the numbers give us the trends but they cannot be followed blindly. Errors do happen."[82]

But more than simply human errors, the difficulty of eliciting comprehensive and accurate observations can also be a result of too much or too disparate data. These risk analyses cannot be perfect representations of the ground, as they are themselves structured upon a problematic fragmented knowledge base,[83] carrying forward and multiplying, information and previous assessment deficits. In this light the logic of management becomes apparent, in the attempts to manipulate a dynamic process in a particular way whereby "events are de-singularised and placed in the context of a certain political project",[84] producing in turn fragmented policy.[85]

These shortfalls have not compromised the emphasis and trust put into Frontex's risk analyses. It is in unquestioned confidence that risk analysis conclusions met the EUROSUR proposal, bringing forth an interesting association. In the latter, we encounter the following passage:

> Better awareness of what is going on at the external borders is only of limited value if not complemented by an improved capability of EU Member States to react to challenges faced at their external borders. For this reason, *Member-States shall divide their external borders into borders sections* (Article 13), to which- based on risk analysis and the number of incidents occurring- impact levels shall be attributed (Article 14). Depending on which impact levels have been attributed, the national

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[82] Frontex Officer, interview to the author, 30 October 2013.

[83] Michael Jandl, 'Irregular Migration, Human Smuggling, and the Eastern Enlargement of the European Union1', *International Migration Review* 41, no. 2 (2007): 294, doi:10.1111/j.1747-7379.2007.00069.x.

[84] Mikkel Vedby Rasmussen, 'Reflexive Security: NATO and International Risk Society', *Millennium - Journal of International Studies* 30, no. 2 (2001): 292, doi:10.1177/03058298010300020901.

[85] Sarah Wolff, "Border Management in the Mediterranean: Internal, External and Ethical Challenges," *Cambridge Review of International Affairs* 21, no. 2 (2008): 253, doi:10.1080/09557570802021030.

> coordination centres and the Agency shall take counter-measures in order
>
> to lower the impact on the border section in question[86] (my emphasis)

What this passage effectively points to is a process of re-drawing of the EU's perimeter for particular operational purposes. Here, different borders (border sections as per official document) are brought together into aggregate categories that are based not on the member-state that they belong to, but according to the seriousness of the threat that they pose for the bigger entity they are now delineating. This is similar to the process that aggregates all external EU borders into land, sea, and air categories, which are coordinated by different sectors at Frontex, as well as to the delineation of operational areas, SAR regions, Common Patrol Areas (CPA) for Joint Operations (JOs).

Figure 3.2 Operational Areas, JO EPN Hermes 2014[87]

Through these operational mappings, and the surveillance and patrolling activities they initiate, alternative carvings of the continent are produced which, as per Rasmussen's 'boomerang effect', involve the breakdown of the existing spatial form of the self (and the other).

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[86] European Commission, "Proposal for a Regulation Establishing the European Border Surveillance System (EUROSUR)," COM(2011) 873 final, (December 12, 2011), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/eurosur_final.pdf.
[87] Frontex, "Sea Surveillance Report 2014," July 9, 2015, http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Sea_Surveillance/Sea_Surveillance_report_2014.pdf.

From Border Practitioners to Border Consultants

The ways in which the professionalized risk modality has affected the EU border acquis become evident when one considers its impact on the sensitive issue of EU 'boots on the ground'. As Carrera points out, the setting-up of an ESBG had "never disappeared from the EU agenda as a long-term policy vision"[88]. However, the ways in which it has been approached have been transformed, alongside changing understandings of obtaining and processing border knowledge. The establishment of a European border corps, the European System of Border Guards (ESBG), was the object of a feasibility study which began in the summer of 2013, contracted to consultancy firm Unisys. It is worth comparing this study to one that was undertaken in 2002 on the same subject, for their different conceptual and methodological approaches can demonstrate two very different ways of producing border expertise.

The first study,[89] undertaken at the initiative of member-states Belgium, France, Germany, Italy and Spain, concluded neither in favour of nor against the setting up of an EU border force, but their findings are not so important here. The Study Group responsible for the 2002 project was made up of border practitioners, officers of the border authorities of the participating countries, academic advisors and national experts, and one representative of the European Commission (DG Home Affairs) and Europol each. Their study begun by acknowledging that the project had "a high symbolic value, derived from the idea of "border": a challenging idea that the European peoples and the European States are confronted with, i.e. preserving and reinforcing the conditions of well-being and internal peace within the Union"[90]. A pre-study phase lasted four days, when a questionnaire to be used during the visits to member-states was drafted. As for the research part, it was carried out "with an empirical methodological approach, neither finalised to the research of theoretical formulation detached from reality, nor oriented to the discovery of justifications of the correctness

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[88] Carrera S., (2010), "Towards a Common European Border Service", *CEPS Working Document,* No. 331.
[89] "Feasibility Study for the Setting-Up of a European Border Police" (Rome, 2002), http://www.statewatch.org/news/2005/may/eba-feasibility-study.pdf.
[90] Ibid., 15.

of 'ideal' solutions"[91]. Reporting on their visits, the members of the Study Group stated that they had acquired "a new and articulated picture of the structures, of the organisations, of the procedures and of the other relevant aspects of the border police in the 15 EU countries"[92]. In short, their approach was to study the field without pre-conceived ideas, avoiding drafting scenarios and imagining the future.

A very different set of guidelines governed the 2013 study.[93] Firstly, instead of entrusting the project to border practitioners and persons with expertise in the field, the 2013 study was contracted to a consultancy (Unisys) which conducts a variety of projects for diverse customers, from building societies to banks and air-carriers. Unlike the 2002 study which had started by acknowledging the sensitive issues it would work on, the approach described by Unisys is one reminiscent of managerial techniques, focusing on efficiency rather than subtlety. In line with the risk assessment model, the drafting of anticipated scenarios was endorsed, and the initial phase included a period of desktop research where three models were drafted describing varying degrees of EU executive control,[94] as well as the drafting of a questionnaire which was then taken to member-state authorities. Their answers were subsequently used to further develop those initial models.[95] This shift from a political to a managerial approach to extracting and producing knowledge resonates with the logics of risk within which Frontex operates. The remainder of the chapter is concerned with situating the element of technology in this context, the relationship it forges between policy and the security industry, and the balance of border work to be conducted by humans and machines.

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[91] Ibid., 7.

[92] Ibid.,10.

[93] Unisys, "Study on the Feasibility of the Creation of a European System of Border Guards to Control the External Borders of the Union (ESBG)" (European Commission, 2014), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf.

[94] The three initial models were the 'Support Scenario', 'Participation Scenario', 'Delegation and Accountability Scenario)

[95] The three subsequent models were the 'Optimal Use of Existing Instruments', 'Shared Responsibility', Full Integration at EU level')

Making Borders Smart

Checking everyone in the same way is very old-fashioned.[96]

As discussed, the 2008 Stockholm programme inserted an approach "overtly oriented towards the reinforcement of the reliance on technology within the context of EU security policies"[97]. This has been linked to the post-2001 security agenda, where "techniques of imagining the future have taken on new political significance"[98]. At the heart of these narratives lies a technological determinism stressing the importance of incorporating computerised technologies in security responses; proliferation of information systems and expertise is being presented as a one-way solution to the threat of being surpassed and having to face an untraceable 'enemy' several steps ahead. This particular security-temporality, focused on future events and the pace of technology, is present in the biometric border which absorbs such technological innovations, becoming versatile and performing as and when needed; as a filter of diverse mobilities, a recording device of the biological form, or a barrier to undesired mobilities.[99]

This border is also present in the operations of Frontex, which has developed as an accelerating organisation, always in a state of becoming. As one Frontex official put it, the Agency is "not an accomplishment but an ongoing process"[100]. According to the *Frontex Perspectives on Biometrics for Border Checks*, an academically styled paper written by senior Frontex officials, the border *acquis* is becoming free from "requirements [that] were written at a time when biometrics was not a common good as it is today."[101] Biometrics "make the concept of automated border

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[96] Frontex officer, interview to the author, 28 October 2013.
[97] Bigo and Jeandesboz, "Border Security, Technology and the Stockholm Programme."
[98] Marieke De Goede, "Beyond Risk: Premediation and the Post-9/11 Security Imagination," *Security Dialogue* 39, no. 2–3 (April 1, 2008): 155, doi:10.1177/0967010608088773.
[99] Amoore, "Biometric Borders."
[100] Former Frontex officer, interview to the author, 1 November 2013.
[101] Erik Berglund and Rasa Karbauskaite, "Frontex Perspectives on Biometrics for Border Checks.," in *BIOSIG*, ed. Arslan Brömme, Christoph Busch, and Detlef Hühnlein, vol. 137, LNI (GI, 2008), 107–16, http://dblp.uni-trier.de/db/conf/biosig/biosig2008.html#BerglundK08.

crossing feasible"[102]. Automated Border Control (ABC) is defined as the use of automated identity verification systems at BCPs which work "without the need for human intervention",[103] a definition that recalls what Amoore identifies as the "all border security dreams of an automated gate, a digital decision and risk-based rules"[104].

These investments are of course costly. Between 2002 and 2013, 500 million euros were spent on developing and eventually rolling-out the revised Schengen Information System (SIS II), the central Schengen database containing alerts on persons suspected of criminal activity, stolen objects, and entry bans.[105] The development of the Visa Information System (VIS), the system containing visa data of Third Country Nationals (TCNs), cost 134 million between 2004 and 2011.[106] The Agency which was set-up in 2011 to run and maintain SIS II and VIS (as well as Eurodac), the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), had a budget of 67 million euros for 2015.[107]

The proliferation of data technologies in EU border security seems to be unfolding at a new scale after the announcement of the 'smart' borders package. Modelled on the US-VISIT system of automated border controls at airports, the concept of the 'smart' border was suggested by the Commission in 2008, and a proposal for a regulation came in 2013. It introduced a system of scanning all 10 fingerprints of persons over the age of 12 who cross an external air border, and its costs have been estimated at 1.1 trillion euros between 2015 and 2020.[108] The package consists of a Registered Traveler Programme (RTP) and an Entry/Exit System (EES), which "will help facilitate a

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[102] Ibid.

[103] Frontex, "Best Practice Operational Guidelines for Automated Border Control (ABC) Systems," 2012, http://frontex.europa.eu/assets/Publications/Research/Best_Practice_Operational_Guidelines_for_Automated_Border_Control.pdf.

[104] Johnson et al., "Interventions on Rethinking 'the Border' in Border Studies."

[105] European Court of Auditors, *Lessons from the European Commission's Development of the Second Generation Schengen Information System (SIS II)* (Luxemburg, 2014), http://www.eca.europa.eu/Lists/ECADocuments/SR14_03/SR14_03_EN.pdf.

[106] European Commission, "Press Release - Frequently Asked Questions: The Visa Information System Goes Live," October 11, 2011, http://europa.eu/rapid/press-release_MEMO-11-682_en.htm?locale=en.

[107] Data availableat http://www.eulisa.europa.eu/AboutUs/Finance/Pages/default.aspx

[108] European Commission, "Impact Assessment Accompanying the Document Proposal for a Regulation on Establishing an Entry/exit System to Register Entry and Exit Data of Third-Country Nationals Crossing the External Borders of the Member States of the European Union," SWD(2013) 47 final, (February 28, 2013), http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_impact_assessment_part1_v4.pdf.

more open and secure Europe, relying on state-of-the-art technologies."[109] More specifically, the RTP concerns all third-country nationals, who will be vetted and subjected to thorough screening before offered a readable machine card which entitles them to a faster crossing of the border. Similarly, the EES records the movements of travellers across the borders, and is also aimed at saving time, while an additional feature which has been presented as an advantage is that verification of a person's identity can be done even in the absence of travel documents, if for example a traveller has lost their passport. Overall 'SMART' borders are framed as a four-fold solution; reduce queues at borders, control the period of stay of TCNs, systematically identify and report overstayers, and improve the identification of individuals in the fight against terrorism. Malmström spoke of the necessity to come to terms with the speed of technological innovation in this way:

> In this 'digital era' made of tablets, smartphones and high-tech devices, our border guards still use a manual system based essentially on stamps in the passports. [...] (With an EES) for the first time, it will be possible to have a real time picture of which third country nationals are present in the Schengen area[110]

The 'SMART' borders package, characterized by Jeandesboz as "mass surveillance with a straight face"[111] has been received with suspicion by the media, who reported on the package along the lines of "a scheme to track every non-EU citizen."[112] These reports echoed the position of the European Data Protection Supervisor (EDPS) who said that "[the Commission's] stated aims of replacing a 'slow and unreliable' system with its finger print system do not sufficiently justify the

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[109] Cecilia Malmström, "Speech-'Smart Borders': for an Open and Secure Europe" (Brussels, February 28, 2013), http://europa.eu/rapid/press-release_SPEECH-13-172_en.htm.
[110] Ibid.
[111] Julien Jeandesboz, "Smartening Border Security in the European Union: An Associational Inquiry," *Security Dialogue*, 2016, 296, doi:10.1177/0967010616650226.
[112] Nikolaj Nielsen, "'Virtual Borders' Scheme to Track Every Non-EU Citizen," *EU Observer*, 2014, https://euobserver.com/priv-immigration/121532.

expense and intrusions into privacy." [113] A European Parliament-ordered study also found that the Commission's impact assessment, based on the study delivered by Unisys, had been 'creative' with the given figures - failing to report a 25% margin of error in the cost estimates - and was "designed to legitimize the policy option already chosen by the European Commission."[114] Given all these sounded alarms, questions emerge with regards to the particular link which is being established between the 'common good' of biometric technologies and border security. As explained below, this link is implicit, multifaceted, and directly related to questions of human agency and the development of the EU security industry.

Borders, Workers, Traders

One important aspect in the uses of computerized controls is their potential to automate humans out of the system. The guidelines for ABC systems highlight that "a single border guard can typically supervise from three to ten e-Gates"[115]. The security benefits are then two-fold; fostering the convergence of diverse bordering practices, and cutting-down on the costs of border work.

Integrated border management has become more or less established as a factor contributing to the overall security of the Schengen area. In that sense, growing uses of computerized border technologies promote security by implementing universal techniques. ABC systems "have been elaborated in an effort to achieve harmonization of practice, similar travel experience, and consistent security levels at the different border crossing points of the European Union/Schengen area."[116] Human agency is antagonistic to these aims, seen as one of the major sources of divergent border practice; humans are influencing and are influenced by their particular

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[113] Nielsen, N., (2013), "EU Virtual borders' scheme based on 'creative' figures", *EUobserver: Investigations*, 28.10.13, available at http://euobserver.com/justice/121923, accessed on 05.11.2013.
[114] Statewatch News Online, "EU Smart Borders: Commission Impact Assessments Misleading, Suggests European Parliament Study," November 7, 2013, http://www.statewatch.org/news/2013/nov/smart-borders.htm.
[115] Frontex, "Best Practice Operational Guidelines for Automated Border Control (ABC) Systems," 15.
[116] Ibid., 18.

domestic contexts, which direct different approaches on "how the work should be done."[117] Frontex heads several efforts to address this differentiation, from the establishment of a European Day for Border Guards, to common training sessions and the development of a Common Core Curriculum standardising basic training. However, erasing national divergence by means of teaching and socialisation cannot be absolute. For instance, common training standards are supposed to be taken into consideration in the domestic level, but the responsibility of adopting them ultimately lies with the member-states and it is often only partial.[118] Furthermore, the process of automation also entails, a reduction of border staff costs. This is a point that the Commission has also stressed when defending the expenditure of the 'SMART' package As Malmström stated "[t]he costs must also be seen in conjunction with the savings that will follow more effective border checks. The new systems will boost the ability to handle growing number of travellers without having to increase the number of border guards."[119]

Market forces appear to be another source of momentum for the proliferation of data technologies at the border. The Commission adopted a Security Industrial Policy (SIP)in 2012,[120] which aimed to boost the European security-market, allegedly to the dual benefit of society, both in terms of having access to a range of 'security products' to enhance citizens' security, as well as through growth and employment opportunities:

> We need to be aware of the fact that no technology will ever guarantee a
> 100% security, but at the same time, no security concept is thinkable
> without the adequate technologies. *A competitive EU security industry is*

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[117] Otwin Marenin, *Challenges for Integrated Border Management in the European Union* (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Geneva, 2010), 72.
[118] Satoko Horii, "It Is about More than Just Training: The Effect of Frontex Border Guard Training," *Refugee Survey Quarterly* 31, no. 4 (2012): 160, doi:10.1093/rsq/hds015.
[119] Malmström, C., "Smart Borders: for an open and secure Europe".
[120] European Commission, "Commission Staff Working Paper: Security Industrial Policy," SWD(2012) 233 final, (July 26, 2012), http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2012:0233:FIN:EN:PDF.

the conditio sine qua non of any viable European security policy and for

economic growth in general.[121] (my emphasis)

In this respect, the SIP outlined action in order to address a range of issues: 'market fragmentation', standardization, EU-wide certification procedures, synergistic capability development between the civil and military domains, bridging research and market activities. However, and as noted by critical observers, the SIP also "goes some way to meeting the demands of the security industry" seeking to assist companies in expanding their business.[122]

These tensions are far from new, as shown by the case of SIS II which is briefly outlined here, as indicative of the stakes and stakeholders. The need for an upgrade to the SIS database was identified in 2001, in view of the 2004 enlargement which would create additional capacity requirements to the existing infrastructure. A decision was taken to develop a system with greater capacity, to be launched by 2007.[123] The SIS II however was delivered in 2013, six years later than planned and eight times costlier than the initially estimated 68 million. According to a 2014 report by the European Court of Auditors,[124] the costs of SIS II were not justifiable in relation to the foreseen benefits. This report, sympathetically titled "Lessons from the European Commission's Development of the Second Generation Schengen Information System (SIS II)", found a series of reasons for the delay and expenditure, which appear like 'honest' mistakes; the project's initial timeframe and costs had been underestimated, not enough staff with the right expertise had been hired, and the overall work was not well-coordinated also due to poor working relations between the Commission. What the auditors also noted however was that the main justification for the SIS II, to offer increased connectivity capacity, had ceased to exist when an upgrade to the previous system called SISone4all

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[121] Ibid., 4.

[122] Chris Jones, "The Visible Hand: The European Union's Security Industrial Policy," Statewatch Analysis (Statewatch, 2016), http://www.statewatch.org/analyses/no-297-security-industrial-policy.pdf.,4.

[123] Council of the European Union, "Decision on the Development of the Second Generation Schengen Information System (SIS II)," 2001/886/JHA, (December 6, 2001), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001D0886.

[124] European Court of Auditors, *Lessons from the European Commission's Development of the Second Generation Schengen Information System (SIS II)*. (Luxemburg, 2014)

allowed for additional member-states to connect to the central computer. At that point, the report continues, the Commission failed to reassess the business case, even when the changes to the costs and expected benefits became clear. The reasons justifying continuation of the development had more to do with developing new functionalities-including a search engine for biometric identifiers, as well as with salvaging the reputation of the Commission. Finally, the investigation also found that delays also occurred because the contractor, Hewlett-Packard and Steria (HPS), had performed poorly in the first phase of the project, but was in a 'powerful negotiating position.'

Doing research for this chapter, the name of consultancy firm Unisys appeared often in the related documents, having been in charge of all the outsourced projects thus far discussed - as quality assurance contractor for the development of SIS II, and as contractor for the ESBG and 'SMART' borders feasibility studies - as well as on several other Commission projects involving the use of biometric data, including criminal records. This company is one of many players participating in the EU's security industrial nexus, whereby long-standing partnerships are developed, along with other leading names such as G4S, PwC and Accenture. These private actors become involved in the production of border knowledge, as impartial third-party observers who can overcome complex political sensitivities, branding them as 'problems' to which solutions may be applied. However, as an aspect of the professionalisation of border policy, this turn to the industry can also be problematic since, unsurprisingly, there are irregularities to note as regards contracting projects and using their end-results.[125]

Some Borders are just Smarter than Others

What is also important to note with regards to the 'smartening' of the EU's borders is that most of these technologies have little to offer in terms of irregular migration in the first instance; since it only affects crossings at the official BCPs, the majority of migrants and refugees arriving at

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[125] For example, the development of the SIS II involved a Court of Justice injunction procedure whereby errors were found in the Commission's assessment of the submitted bids, as the winning contractor's tender (HPS) had been in fact more expensive than one of its competitors'.

the Mediterranean shores fall outside its scope. The 'smart' package is rather intended to track 'overstayers' (those remaining in the EU beyond the validity period of their visas) - who arguably make-up the largest proportion of 'illegal' detections in EU territory, but who are not considered an urgent security threat given that they have already been security-cleared through the visa application. However, the way that the 'smart' proposal has been argued for has not done much to clarify this important distinction. Although it is acknowledged in official documents that the so-called migration crisis and the 'smartening' of the EU border are not directly related, the Commission has admitted to being aware that public support for measures on the external borders draws on such an association. [126] Conflating the two in this way, it arrives at unchallenged conclusions such as that "The question whether an Entry Exit System is necessary and desirable is no longer in the centre of political debate. The real issue … is how such a system should be developed."[127]

It thus appears that the border's 'performance' at pace with technological development has become a 'generally good idea' and an aim of its own rather than the pursuit of a specific security outcome, drawing validity from a generalized security discourse without requiring a detailed justification for newly introduced practices in each narrow area of border control separately. In other words, the foreseen impact of technologies such as the ABC and 'SMART' do not respond directly to the traditional security problems featuring in the rhetoric that legitimised them. What is being obscured however is the ways in which the external borders are becoming differentiated. The application of advanced biometric technologies at the airport, compared with the militarization of the Southern sea-borders, makes obvious and fosters a separation between the 'high-tech' and human-less borders for regular flows and wealthy tourists from the traditionally guarded irregular

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[126] European Commission, "Impact Assessment Accompanying the Document Proposal for a Regulation on Establishing an Entry/exit System to Register Entry and Exit Data of Third-Country Nationals Crossing the External Borders of the Member States of the European Union."
[127] European Commission, "Impact Assessment Report on the Establishment of an EU Entry Exit System," SWD(2016) 115 final, (April 6, 2016), 2, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/20160406/smart_borders_package_-_20160406_-_impact_assessment_-_part_1_en.pdf.

ports of entry where economic migrants and asylum-seekers are expected, thus further fragmenting the common EU perimeter.

Conclusions

"It's like this. I have been appointed judge in the penal colony. In spite of my youth. Because I assisted the former commandant and also, I have the best understanding of the machine."

Frontex, much like Kafka's officer in *The Penal Colony,* is a relatively young organisation in the EU architecture and indeed thought of by many as the most informed, relevant and capable actor, owing to their knowledge of the EU 'border machinery'. However, a systematic look into the complexities of the EU's borderwork quickly reveals that neither is this gathered technical knowledge unproblematic, nor can it override political obstacles and lead to direct implementation of top-down decisions.

This chapter has focused on the daily operations, the partners, stakes, and tensions surrounding Frontex, to make a number of observations. Firstly, Frontex's apolitical profile is found to be at odds with its highly politicised institutional position, having to juggle conflicting pressures and expectations of different stakeholders. Caught between the Commission's centralising approach and the Council's commonly intergovernmental but heterogeneous interests, Frontex has to demonstrate impact and decisiveness, as well as exercise caution and avoid overstepping member-states' sovereign remits. As such, it operates both as an external security instrument, concerned with mitigating threats coming from the EU's 'outside', as well as an internal security instrument, concerned with fostering cooperation and security across an 'internal' EU territory.

These tensions resonate with Frontex's ambiguous organisational identity, oscillating between the intelligence-driven Agency framework and the gradual but perceptible development of operational capacities. As regards the first of those elements, its analytical work in producing specialised border knowledge is presented as factual, truthful, and apolitical. This is in spite of the fact these analyses rely on a decontextualised reading of the migration and political landscape, and

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produce fragmented visions of the EU's perimeter. What is more, the depoliticised vein has also sustained an ambiguous context of accountability, allowing the Agency to identify as a 'technician' of border-crafting and claim a lack of responsibility for what eventually happens at the border sites.

The role of an expanding security industry needs to be appreciated in the same context, signifying the entry of private profit in the politicised area of border controls. While the effects of these technologies are meant to be homogenising, in bringing uniform techniques of automation, it has been argued that in some ways they are divisive; the 'smart' border technologies that the external borders of regular mobilities are being invested with are at odds with the traditional 'hardening' of the Southern sea borders.

Frontex hardly engages in political talk but its work is directly connected to and productive of multiple borders, and multiple delineations of Europe: external and internal borders; sea, land and air borders; borders in varying tiers of threat; borders of different operational areas; borders that are smart and borders that are less so. These lines and the spaces they produce are not owing to a standing geography but to a political consciousness which is made geographical. To appreciate them however theory needs to detach from certain deeply rooted spatio-conceptual assumptions regarding how these spaces relate to each other, as for instance the idea of effortlessly inscribing the geographically small into the geographically large, in the case of the EU and member-state spatial relationship. Engaging with the vocabulary of Frontex, where many of the standard categorizations are relativized, allows us to see not only how member states are geopolitically constructed as parts of the EU but how the EU is similarly being constructed in part at the member-state and local border-site level, giving way to a fragmented geographical imaginary, a European-wide heterotopia of fragmented space.

These observations have been connected to a risk-based rationality, a particular way of thinking and practicing security, which involves attempts to chart the multiple, minimise the uncertain, draft versions of the future and prepare responses to hypothesised threats. Some of these observations are taken further in the following chapter, which examines an additional border

category produced within the context of riskified border security, that of the inclusive external border.

CHAPTER FOUR

The Local Border Traffic Agreement in Kaliningrad
Governing through Mobility and Inclusion

Introduction

Having examined the ways in which a risk-based framework drives the EU's border security logics, this chapter goes on to examine the Local Border Traffic policy of the EU, and its implementation on the border between Poland and the Kaliningrad oblast of the Russian federation, as an example of a flexible 'riskified' border technology. The EU's Regulation 1931/2006 on Local Border Traffic is a peculiar act of legislation, dealing with the specific case of local cross-border mobility. It enables member-states to conclude bilateral agreements with their non-EU neighbours under the Schengen regime, easing crossings for local residents who want to move within the border area. Practically, it amounts to a softening of the border, replacing the formal requirement for a Schengen visa with the LBT permit, a document that is cheaper and easier to obtain, and entitles holders to dedicated lanes and border crossing points (BCPs), as well as multiple crossings. Legislatively, this translates into a derogation from the standard Schengen rule on crossing external borders for third country nationals (TCN), established through an amendment to the Schengen Convention. The Regulation provides a set of common parameters regarding eligibility and costs for a permit, and how far from the border permit holders can travel; border residents should have been lawfully resident in the area for a minimum of one year, the cost of the permit should not exceed the cost of short-term multiple-entry visas, while border areas may extend up to 50 km from the border. The exact specifications however are decided in individual agreements, signed by the two neighbouring countries. The EU is not party to these agreements.

The LBT raises some interesting questions regarding the security logics it works with. Firstly, it contradicts Schengen's logic of flanking measures, whereby opening internal borders is

compensated by strengthening external ones. Secondly, it is at odds with Schengen's key objective

of standardisation and harmonisation, which dictates that the shared external perimeter operates

the same way across its length. Thirdly, it contradicts the understanding of Schengen's integration as

a cumulative transference of competences to the community level. Moreover, while the Regulation

is geographically neutral, its application has had a clear geographical scope; the member-states that

have signed such agreements to day [1] are all in eastern and north-eastern Europe.[2]

There has been little discussion of this interesting policy. The EU's framing does not go

beyond the narrative of openness, "to ensure that the borders with its neighbours are not a barrier

to trade, social and cultural interchange or regional cooperation."[3] Media accounts have reproduced

this framing, while mainly focusing on the politics behind individual bilateral agreements, rather

than the LBT as a whole. As such the view of the LBT has remained obscure, uncritical, and

fragmented.[4] The persons concerned are only a small fragment of the EU's regular flows from third-

countries, with an overall 500,000 permits issued between 2008 and 2014[5]- by comparison,

member-state consulates issued 15,684,796 Schengen visas in 2014 alone.[6] However, the LBT

accounts for 7.5 to 10 million crossings per annum.[7]

Amongst the general neglect of the LBT policy, the 2011 Russo-Polish agreement on

Kaliningrad has attracted some attention from the media. One reason for this is the general

sensationalism that surrounds Kaliningrad as a geographical and political anomaly in the middle of

Europe. The westernmost federal subject of Russia, Kaliningrad is an exclave with no direct land

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[1]The member-states which have concluded LBT agreements are: Hungary, Latvia, Romania, Croatia, Poland, Norway and Slovakia.

[2] The local border traffic regime that Spain operates on its enclaves, Ceuta and Melila, has remained outside this regulation, operating under its own special rules.

[3] Council of the European Union, "Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 Laying down Rules on Local Border Traffic at the External Land Borders of the Member States and Amending the Provisions of the Schengen Convention," accessed September 20, 2016, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:405:0001:0022:EN:PDF.

[4] An exception to this neglect, offering a good overview of LBT agreements can be found in Andrei Yeliseyeu, "Keeping the Door Ajar: Local Border Traffic Regimes on the EU's Eastern Borders" (Finnish Institute of International Affairs, June 25, 2014), http://www.fiia.fi/en/publication/429/keeping_the_door_ajar/.

[5] Ibid.

[6] Visa statistics for consulates 2014, available at www.ec.europa.eu [accessed on 10/07/2015]

[7] PwC, "Technical Study on Smart Borders–Cost Analysis," October 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/borders-and-visas/smart-borders/docs/smart_borders_costs_study_en.pdf.

connections to the Russian mainland, and also a European enclave, wedged between EU member-states Poland and Lithuania. Due to its history as a militarised territory during the Cold War, and its modern reputation as corrupt and deprived, Kaliningrad became a security issue for the EU as the 2004 eastern enlargement was approaching. Since 2008, in the context of Russia's assertive conduct in Eastern Europe and Caucasus, it has also become a source of anxiety across the Euro-Atlantic area, due to its use by Putin's administration as a station for nuclear warheads. Anxieties about Kaliningrad only intensified after Russia's annexation of Crimea in 2014, raising questions on the strategic role that both could perform, as military outposts in Europe.[8]

In this tense geopolitical frame of reference, the LBT agreement concerning Kaliningrad has been reported in obscuring simplicity, as a one-way concession mechanism; treated sympathetically as a "crack in the EU" by Der Spiegel,[9]and as granting Russian citizens "very tangible access to the West", by the Economist.[10] Polish leadership has mostly affirmed this framing;

> When I'm told by politicians that local border traffic should be stopped because Russia doesn't act fair towards Ukraine and shows its worse face, I have one answer: Why residents of Bartoszyce, Elbląg, Olsztyn, Tri-city or ordinary residents of Kaliningrad would have to pay for Putin's wrong decisions and Moscow's policy towards Ukraine?[11]

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[8] RT International, "Russia to Boost Military Capabilities in Crimea, Kaliningrad, Arctic," January 14, 2015, https://www.rt.com/news/222371-russian-defense-plan-2015/.

[9] Spiegel Online, "Crack in the EU: Poland and Kaliningrad Open Borders for Locals," August 2, 2012, http://www.spiegel.de/international/europe/poland-and-russia-test-visa-free-travel-a-847828.html.

[10]The Economist, "Small Border Traffic," *The Economist*, October 8, 2013, http://www.economist.com/blogs/easternapproaches/2013/10/poland-and-kaliningrad.

[11]Secretariat of the Prime Minister, "Prime Minister in Warmińsko – Mazurskie Province: Local Border Traffic Is Not at Risk | Kancelaria Prezesa Rady Ministrów," 2014, https://www.premier.gov.pl/en/news/news/prime-minister-in-warminsko-mazurskie-province-local-border-traffic-is-not-at-risk.html.

At the same time, Poland's recent decision to build six 160-feet-high watchtowers across the border, with a total cost of 3,7 million euros, 75% of it to be shouldered by the EU, suggests that this line of thinking at least co-exists with considerable insecurities.[12]

The simplistic framing of an inclusive mechanism sits uncomfortably with such geopolitical tensions, and the external border security benchmarks that the EU has otherwise displayed. The aim of this chapter is therefore to provide a more nuanced account, arguing for the LBT as an inclusionary policy which is not divorced from the geopolitical context but rather formulated as a response to it. It is suggested that the policy is best understood as a versatile security technology, which operates in three different ways. Firstly, as a place-making instrument, which (re)produces precarious spaces as standardised borderlands, projecting the EU's governability beyond its external borders, and consolidating its wider geopolitical activities in the north-eastern neighbourhood. Secondly, as a member-state and EU foreign policy tool, and an opportunity for engagement and cooperation with neighbouring third countries. Thirdly, as a further step in the Schengenisation of border policy, whereby the EU and member-states are sharing sovereign control over external border crossing exceptions.

To demonstrate this argument, the chapter proceeds in four sections. A first part conceptualises the binary tensions surrounding the LBT as a dialectic of rule/exception and openness/insecurity, and brings in the risk-based framework discussed in Chapter 3 to chart the three security functions; borderland standardisation, local desecuritisation, and population surveillance. Building on these elements, the LBT is subsequently situated within three different stories of security politics. The second section outlines the history of boundary shifts and geopolitical reinventions over the Russo-Polish border area in the last century, and teases out the major EU geopolitical norms in the north-eastern neighbourhood. Section three, turns to the Poland-EU-Russia foreign policy matrix. It traces the early development of an EU policy towards Kaliningrad since 2001,

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[12] Agence Agence France-Presse, "Poland to Build Watchtowers at Russia's Kaliningrad Border," *The Guardian*, April 7, 2015, https://www.theguardian.com/world/2015/apr/07/poland-to-build-watchtowers-at-russias-kaliningrad-border.

in the context of EU-Russia relations, as well as the formation of the Polish foreign policy agenda after its EU accession, focusing on how Kaliningrad has featured along its strategic priorities. A fourth and final section examines the development of an LBT *acquis* alongside Schengen's development of a common visa policy and system for data collection, and teases out the intergovernmental sensitivities that surround the decision on exceptions to external border crossings.

What Kind of Exception for what Kind of Security

In addition to offering a rich security context for an analysis of the LBT, the agreement in Kaliningrad is also an illustrative example of the policy's *ratio legis*. An outcome of Polish diplomatic efforts, the agreement goes beyond the standard LBT rules and operates by means of a granted exception across a border area much larger than what the Regulation stipulates as 'standard'. The extended agreement, includes the entire Kaliningrad oblast and an equal in size zone in Poland, and it has been established as a one-time, no-precedent act, through an amendment of the Regulation. In this sense, it is the only case which mirrors the LBT's derogatory logic.

Some research which has been conducted in the field of European law, has emphasized the unusual character of member-state legislation with an effect on common EU rules.[13] From this perspective, Dubowski has identified a dialectic rationality in the LBT:

> [T]he LBT appears to be … an important factor determining the whole system of Union's external borders … At the same time, the LBT should be perceived multi-dimensionally and may be treated as one of these EU law institutions which concentrates in itself the tangential points of spheres seemingly distinct.[14]

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[13] Steve Peers, *EU Justice and Home Affairs Law* (Oxford: Oxford University Press, 2011).
[14] Tomasz Dubowski, "Local Border Traffic – European Union and Member States' Perspective (Based on Polish Experience)," *European Journal of Migration and Law* 14, no. 4 (January 1, 2012): 367–91, doi:10.1163/15718166-12342014.

Such reasoning resonates with the risk-management mentality discussed in chapter 3, and its preference for flexible solutions. Whilst derogating from the standard rules of the Schengen *acquis*, the LBT is at the same time a further step in its overall diversified development. This rationality applies on the case of Kaliningrad as well, exempted from the common rules, but at the same time included into the policy in a more conclusive manner. The argument emerging from such a take on the LBT, and its means of managing the insecurity/openness and the rule/exception tensions, is that it is best conceptualised as a flexible technology of risk-based security.

A first of three security advantages to the LBT is to work towards the discursive and legislative standardisation of borderlands, and do so in a flexible way, leaving room for states to devise responses to local needs. By introducing the categories of the 'border *area*', the 'border population', and the 'local border traffic' as a form of circulation, it has added new core terms to the Schengen manual, improving coherence, communication and compatibility. At the same time, under these standard parameters, variance exists between agreements. For instance, Poland allows an uninterrupted stay of 30 days maximum in the agreement with Kaliningrad, and up to 60 days in the agreement with Ukraine but in both the total amount of time spent on Polish territory should not exceed 90 days per six month period. Slovakia allows uninterrupted stays equal to a maximum of 90 days over six months. Norway only allows 15 day stays each time, but imposes no limit on the overall period of stay within the validity of a permit.[15] These specific provisions act as means for member-states to operationalise their desired degree and form of openness.

Secondly, the LBT regime practice has a desecuritising effect, relieving divisive elements within the area concerned. It has provided further reasons for the regular communication and cooperation between authorities, as consulates maintain communication channels to exchange specimens of documents and information on possible abuse cases, while the border authorities organise combined trainings for border-guards enforcing the policy. Increased crossings are fostering people-to-people contacts, as local groups visit touristic locations, and attend local cultural events.

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[15] Russian Visa Office in the Kingdom of Norway, "Local Border Traffic," *Invisa Fiduciary Services*, accessed September 21, 2016, http://www.ifs-norway.com/main.php?id=m-razreshenie&lang=en.

Routine shopping trips across the border provide for economic stimulation in local businesses. This also has a mitigating effect on the issue of smuggled excise goods, a commonly detected form of cross-border crime on the eastern external borders. Providing regular channels for the purchases of tobacco, alcohol, and petrol for individual consumption, the local activity of illegal networks is curbed by reducing demand. The effects of these routine practices amount to a process well-described by Joenniemi, whereby access into a local society's territory translates into "fewer confrontational situations and less emphasis on the exact location of frontiers."[16]

Finally, the LBT has added to the monitoring capacity over the border area. The arrangement has not only enabled, but in fact encouraged the crossings for inhabitants of border areas. In the first year of the regime, the Polish consulate in Kaliningrad issued more than 100,000 permits and crossings increased by 74%, from 2.3 million people in 2011 to 4.1 million in 2012.[17] These numbers have meant increased opportunities for data collection and identification. A comprehensive application process involves depositing of biographic and biometric data[18], SIS checks, and the compilation of a national LBT database which can be used for enhanced risk analyses, while frequent crossings translate into instances where permit holders present themselves at border posts for identification. Moreover, dedicated mobile units are deployed to patrol the area, and specialised law enforcement staff are trained to handle abuses of the regime. This nexus of securities/insecurities that the LBT addresses does not emerge in a vacuum, but rather upon a rich geopolitical history of population movements and spatial re-arrangements, which are examined below.

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[16] Perti Joenniemi, "Kaliningrad as a Discursive Battlefield," in *Cooperation, Environment, and Sustainability in Border Regions*, ed. Paul Ganster (San Diego: San Diego State Univ, 2002), 321.

[17] "100,000 Cards Issued by WFP in Kaliningrad," *Polish Consulate in Kaliningrad*, July 31, 2013, http://kaliningrad.msz.gov.pl/ru/p/kaliningrad_ru_k_ru/news/100_000_mrg_in_kaliningrad.

[18] The LBT permits were not machine readable at first. The 2013 Polish Act on Foreigners introduced the use of biometrics, effective as of May 1st 2014.

The Border Area and its Population

The constituent parts of the Russo-Polish LBT border area are: the Kaliningrad Oblast, the northern half of Warmia-Masuria province, and part of Pomerania in the north-east.[19] Establishing this border area, is incompatible with a basic rule of the LBT regulation, which is the standardized delineation of 'border areas'. According to this rule, designated border areas may extend a standard 30 km from the demarcating line, which may be extended to a maximum of 50km in the event that a town or city ends up divided. As per Regulation

> a Member State wishing to conclude a bilateral agreement must choose administrative districts which are at least partially within the 30-kilometre zone and which do not extend beyond the 50-kilometre zone, thus ensuring that the entire district may be designated as border area[20]

The capital city of Kaliningrad, situated at 35 km from the demarcating line, fell outside the scope of the regulation, and should the rules be applied there as prescribed, its half million inhabitants could not be considered for LBT permits. Moreover, under the current rules, the overlap with an LBT agreement with Lithuania would divide Kaliningrad's population into four tiers, with different travel access according to their location; those in the Russo-Polish area, those in the Russo-Lithuanian, those in both, and those in none.

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[19] The Polish Administrative Districts and individual populations are listed in Annex 1
[20] Council of the European Union, "Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 Laying down Rules on Local Border Traffic at the External Land Borders of the Member States and Amending the Provisions of the Schengen Convention."

Regulation 1342/2011 was therefore introduced, allowing exceptionally for all of Kaliningrad

Oblast to be considered as a border zone, to prevent creating an artificial division through a policy

aimed at overcoming barriers.[21] In respect of the principle of mutuality, the border zone definition

has been extended for the Polish side as well. In the combined border area of 32,400 km^2, the

national constituents of the area are roughly equivalent in size (Kaliningrad at 15,100 km^2 and Polish

lands at 17,300 km^2). However, within the 2,859,762 border resident population, the eligible persons

on the Polish side are more than double those on the Russian (1,918,762 and 941,000 respectively).

Figure 4.1: The Local Border Traffic area in Kaliningrad[22]

This border area, where the geographical and personal scope become intertwined, is

considered "a single, unique and particular case"[23] for EU border policy. The singularity reference

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[21] Some flexibility with regards to the border area delineation had already been established in practice. By 2011, out of the 4 agreements that had come into force (between Hungary, Slovakia, Poland and Ukraine; and between Romania and Moldova), only the one between Romania and Moldova was in full compliance with the regulation as regards the 30-50 km rule. European Commission, "Second Report on the Implementation and Functioning of the Local Border Traffic Regime Set up by Regulation No 1931/2006," COM(2011) 47 final, (February 9, 2011), http://ec.europa.eu/dgs/home-affairs/news/intro/docs/comm_pdf_com_2011_0047_f_en_rapport.pdf.

[22] Source: Piotr Kaźmierkiewicz, Agnieszka Łada, and Łukasz Wenerski, "The Borderlands Landscape: Prospects and Experiences of the Functioning of the Local Border Traffic Regime with the Kaliningrad Region" (Warsaw: Instytut Spraw Publicznych [Institute for Public Affairs], 2013), http://www.isp.org.pl/uploads/pdf/1273460855.pdf.

deserves some unpacking. Some basic structural similarities exist across these districts; their economies face similar struggles associated with their geographical position in the periphery,[24] while as parts of their respective states they both enjoy the stability of ethnic homogeneity and face no irregular migration pressures. Yet, deeper-reaching connections appear if the border area in its given shape, taken as a heterotopia, is put in historical perspective. The LBT lines become a cartographical reminder of the unity this area experienced before the European wars of the 20th century, and add to the long sequence of boundary shifts in the region, which is discussed in the following section.

Dissecting the Border Area: From German Empire to the 2004 EU Enlargement

The shared past of the border area begins with the 1790 partition of Poland and the expansion of the German Kingdom of Prussia, which became part of the German empire with the 1871 unification. More specifically, today's Tricity area was part of the province of West Prussia, with Danzig (now Gdansk) as its capital. The remaining lands formed most of the province of East Prussia, with Kaliningrad acting as its capital, then under the name of Königsberg. Following the end of World War I, the Treaty of Versailles effected three important territorial and political changes in the area. Firstly, it re-established the Polish state, drawing its eastern boundary south of Grodno, through Brest-Litovsk, and along the Bug River. Defeated Germany ceded to the new Polish state the area of Soldau (now Działdowo) in East Prussia, and some territories of the eastern part of West Prussia and of the southern part of East Prussia in Warmia and Masuria. German East Prussia thus became detached from the rest of Germany. Secondly, it provided for the establishment of the Free City of Danzig in 1920, which was to be separate from both Germany and Poland, and under the control of the League of Nations, although Poland was granted some rights over the territory and included it in a customs union, securing access to its port. Thirdly, it initiated preparations for the

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[23]Council of the European Union, "Addendum to Draft Minutes of the 3134th Meeting (Transport, Telecommunications and Energy)," 18504/11 ADD 1, (March 21, 2012), 4, http://data.consilium.europa.eu/doc/document/ST-18504-2011-ADD-1/en/pdf.

[24] Vincent Lamande, Ivan Samson, and Evgeny Vinokurov, "Measuring Regional Economic Development in Russia: The Case of the Kaliningrad Oblast," *European Urban and Regional Studies* 11, no. 1 (January 1, 2004): 71–80, doi:10.1177/0969776404039145.

East Prussian Plebiscite for self-determination, to resolve the German-Polish dispute over areas in

Warmia and Masuria. The plebiscite was held in 1920 and while it gave German East Prussia a solid

victory with 363,209 votes against 7,980 for Poland,[25] it still reflected a highly tense decision; it was

conducted in the shadow of the ongoing Soviet-Polish war, and overseen by German authorities who
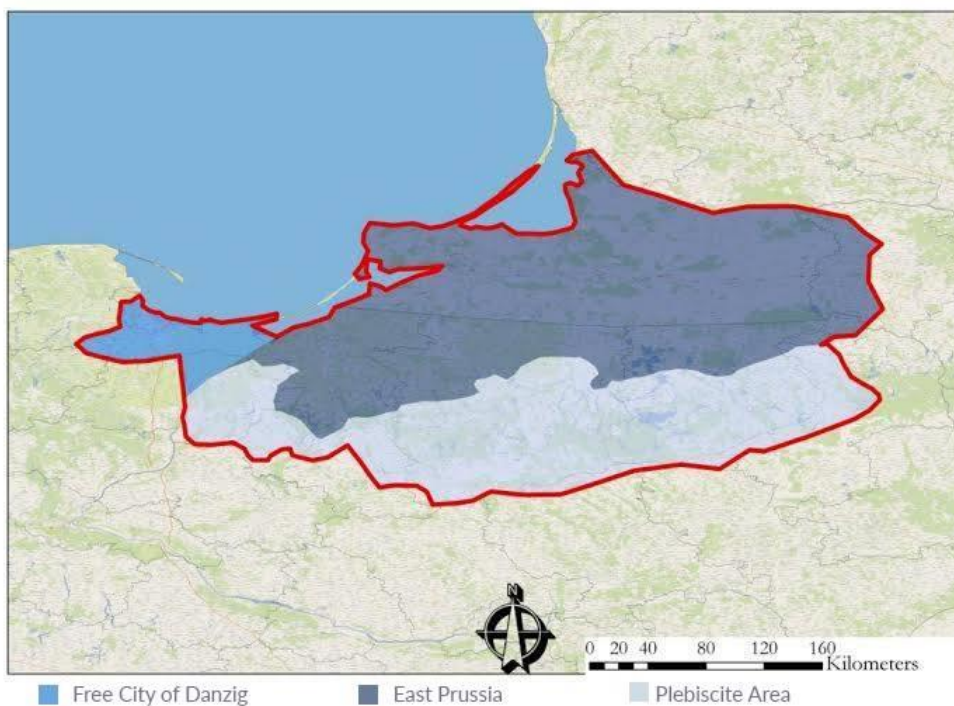
pursued an aggressive and violent anti-Polish campaign.

Figure 4.2 The border area after Versailles (1923)[26]

In the interwar period, the region became a melting pot for the contact and negotiation of

hybrid German and Polish identities, influenced by local patterns of language, religion, and daily

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[25] Peter Thaler, "Fluid Identities in Central European Borderlands," *European History Quarterly* 31, no. 4
(October 1, 2001): 523–28, doi:10.1177/026569140103100402.
[26] Map procured by the author, designed by Javier Baluja

interaction, but also by wider ethno-national movements.[27] Königsberg acted as the unofficial

birthplace of the National Socialist German Workers' Party (NSDAP), after Hitler's historical speech in

1934, and with a strong local majority aligning behind NSDAP it was dubbed Hitler's Fortress City.[28]

During the war the city was targeted and severely bombed by the British Air Force, destroying most

of its infrastructure, including historical landmarks such as the famous Königsberg castle. It was

subsequently annexed until surrender by the Soviets during the East Prussian Offensive on the 9th of

April 1945. The Treaty of Potsdam outlined a three-way partition for East Prussia; it incorporated the

northern part, over the line extending from Braniewo to Goldap, into the Russian federal entity, the

southern East Prussian lands to Poland, and the Klaipeda region in the north to the soon to be

Lithuanian Soviet Republic.[29] The Free city of Danzig was also appended to Poland. Even though the

announced peace conference which would formalise the Russian acquisition of Königsberg was

never held, and an explicit transfer of sovereign rights has still not occurred, Russia's hold was

quickly established, enabled by the preoccupation of Europeans at the time, to prevent the re-

growth of a revanchist Germany.

In the postwar period, the human landscape of the region had been radically homogenised,

following the extermination of Jewish communities, and the forced migration of ethnic Germans out

of Eastern Europe in the final years of the war. The handover of Königsberg was an extreme case, as

the Soviet presence there was firmed through militarisation, and establishment of a centralising

hold, upheld throughout the socialist era. The region and its capital city were both renamed

Kaliningrad, honouring one of the original Bolsheviks and Soviet Head of State Mikhail Kalinin. The

territory closed off to foreigners and most Russians in 1948, as weaponry and troops were

strategically positioned throughout the area, and whole districts became military quarters

inaccessible even to the locals. Almost a third of its territory became the object of travel regulations

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[27]Thaler, "Fluid Identities in Central European Borderlands."

[28] Isabel Denny, *Fall of Hitler's Fortress City* (Havertown: Casemate, 2009).

[29] Of the former East Prussia, the southern parts were ceded to Poland while the Klaipeda region in the north was appended to the Lithuanian Soviet Republic.

or other limitations with regards to economic activity[30]. Material reconstruction accompanied the de-germanisation of the area, which was principally pursued via ethnic cleansing. It is estimated that 1,8 million ethnic Germans from East Prussia were deported, massacred or forced to flee between 1944 and 1960, whilst several thousands were sent to labour camps.[31] More than 400,000 Soviets were recruited to re-populate Kaliningrad between 1946-1950, the majority of whom were families of farmers and other vulnerable individuals from formerly Nazi-occupied regions of Russia, the Baltic Republics, Belarus and Ukraine.[32] This population was highly mobile, with large numbers of travelling military personnel moving between Kaliningrad and Soviet Russia's mainland, whilst civilians were also to an extent transient, because of the difficult living conditions in the oblast.[33] Therefore, while the post-war period saw the region unified as intra-soviet space, and in this sense the area's borders decreased in relevance, the character of Kaliningrad as a sealed-off military outpost meant that it was at the same time significantly isolated.

Walesa's new Polish government in 1990 and the eventual dissolution of the Warsaw Pact in 1991 effected a renewed fragmentation in the area, but also created some new passageways. Kaliningrad became separated from Russia 'proper', as Poland, Lithuania and Belarus reclaimed their sovereignty, but agreements were conducted quickly for easier travel through the three neighbouring states. Kaliningrad's city council came to a decision to open its borders to foreign visitors, and a direct train service from Berlin was re-established, for the first time since 1945. The

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[30] Jurij Rozhkov-Jur'evskij and Gennady Fedorov, "The Correlation between the Barrier and Contact Functions of the Kaliningrad Section of the Russian Border," *Eurolimes*, no. 15 (2013): 80.

[31] Alexander C Diener and Joshua Hagen, "Russia's Kaliningrad Exclave: Discontinuity as a Threat to Sovereignty," in *Borderlines and Borderlands: Political Oddities at the Edge of the Nation-State / Edited by Alexander C. Diener and Joshua Hagen.* (Lanham, MD: Rowman & Littlefield Publishers, 2010), 131.

[32] This strategy was common at the time in the region. As Service argues, authorities in both Poland's new territories as well as in Czechoslovakia's new western border regions also pursued similar, expulsion, repopulation, and cultural cleansing policies. Hugo Service, *Germans to Poles: Communism, Nationalism and Ethnic Cleansing after the Second World War* (Cambridge: Cambridge University Press, 2013, 2013).

[33] Characteristically, Kostyashov notes that by 1958, two thirds of the original population had returned to their place of origin. Yuri Kostyashov, "The Post-War Settlement in the Kaliningrad Region and the Characteristics of the Soviet Settlers," in *Kaliningrad Identity-Crucial to Democracy and Development in the Baltic Sea Region: A Seminar Report*, ed. Thomas Lundén, Gunnel W. Bergström, and Lise-Lotte Nilsson, The Post-War Settlement in the Kaliningrad Region and the Characteristics of the Soviet Settlers" (Södertörn University, Centre for Baltic and East European Studies (CBEES), 2009), 48–49, http://www.diva-portal.org/smash/record.jsf?pid=diva2:305769.

emergence of issues such as the expensive and complicated transport of goods, further highlighted the need for cross-border contacts, and political cooperation in the region. In the words of Krickus, Kaliningrad's future depended "as much upon the good will of Kaliningrad's neighbours as upon Moscow's capability to nurture Russia's westernmost enclave."[34]

In those first post-Soviet years, and while the newly independent eastern European governments and re-unified Germany engaged in state-building which would restore stability, Kaliningrad was acquiring an increasingly experimental character. In 1996 the introduction of the Yantar Economic Zone, a customs-free regime designed to encourage foreign investment, initiated new phraseologies of Kaliningrad as a haven for business opportunity, the 'Hong Kong of the Baltic'.[35] At the same time, a series of discourses emerged contesting Kaliningrad's rightful ownership. Yuri Matochkin, appointed by Yeltsin as the first governor of Kaliningrad in the post-soviet era, threatened in 1993 with a regional referendum to increase the region's autonomy to the status of a republic within the Russian federation.[36] At the same time some territorial claims came from neighbouring Lithuania by Stasys Lozoraitis, candidate in the 1993 presidential elections and former Lithuanian Ambassador to the US, who spoke about including 'Lithuania Minor' into the newly independent Lithuanian state.[37] Phraseologies emerged speaking of Kaliningrad as a potential 'fourth Baltic Republic', an American plan in 1995 suggested Kaliningrad became a demilitarised zone under international supervision, and rumours of a Polish plan also received some attention, talking about subdividing the region, into Polish, Ukrainian, Belarusian, and Lithuanian sections.[38] While these plans remained at the fringes of official discourse, and the *de facto* control that Russia had established over Kaliningrad was not aggressively questioned, they highlighted the relation of its

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[34]Richard J. Krickus, *The Kaliningrad Question*, New International Relations of Europe (Lanham, Md. ; Oxford: Rowman & Littlefield, 2002).

[35] Stephen Castle, "Kaliningrad: From Russian Relic to Baltic Boom Town," *The Independent*, March 23, 2006, http://www.independent.co.uk/news/world/europe/kaliningrad-from-russian-relic-to-baltic-boom-town-6105839.html.

[36] Brian Vitunic, "Enclave to Exclave: Kaliningrad between Russia and the European Union," *Intermarium* 6, no. 1 (2003): 11.

[37]Raimundas Lopata and Vladas Sirutavičius, "Lithuania and the Kaliningrad Oblast: A Clearer Frame for Cooperation," *Lithuanian Foreign Policy Review* 3 (1999): 51–66.

[38] Ibid.

exclavity to the potential for separatism. Kaliningrad's bizarre combination of economic contacts and defensive geopolitics, allowed for the oblast to be considered by its neighbours in the area as inconclusively incorporated into the Russian state.

Following the economic downturn of the 1990s in Kaliningrad, and with the prospect of the EU's enlargement drawing closer, a series of discourses emerged framing Kaliningrad as a Russian 'experimental space' for cooperation, a 'pilot region', or a window of communication between Europe and Russia.[39] These discourses however co-existed with a firm federal approach of the Russian government after Putin's election to the presidency in 2000. Putin had been supportive of a pro-EU governor in Kaliningrad, former Admiral of the Baltic Fleet Vladimir Yegorov, a reformist who intended to foster closer ties with the surrounding member-states and accession countries, but whose loyalty could not be questioned. Characteristically, when asked about the issue of visa-free travel for residents of Kaliningrad prior to the 2001 EU-Russia summit, Yegorov had employed a sharp discourse which emphasized the importance of being closer to Russia and phrased the issue in hard geopolitical terms; "You don't have to ask for a neighbor's permission to enter your home (…) Russia must defend its sovereignty once and for all and shouldn't make any concessions on that."[40] Putin's policy sustained the narrative of cautious international economic cooperation, but subdued it to the priorities of a homogenising policy across regional subjects. For example, the new presidency opposed the Yantar Economic Zone, with official voices in Kremlin citing the costs that it imposed to the federal budget. They questioned its effectiveness, as it had an import instead of export intensive character, and expressed fears that it encouraged a subservient economy in Kaliningrad.[41]

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[39]Leonid Karabeskin and Christian Wellmann, *The Russian Domestic Debate on Kaliningrad: Integrity, Identity and Economy* (London: Münster, 2004).

[40]Vladimir Isachenkov, "Kaliningrad Governor Talks Tough," October 9, 2002, http://www.themoscowtimes.com/news/article/kaliningrad-governor-talks-tough/243052.html.

[41] See for instance the 1999 Statement of the federal government and the Central Bank of Russia, in support of Russia's appeal to the IMF for financial support. "Russian Federation Letter of Intent, July 13, 1999," International Monetary Fund (IMF), accessed September 23, 2016, http://www.imf.org/external/np/loi/1999/071399.htm.

As has been argued in policy literature, the Russian centre's main concern remained that the Zone might be used by regional authorities as an instrument to increase their autonomy.[42] As such, it was eventually replaced with the 2006 Special Economic Zone (SEZ) regime, which offered tax allowances instead of the more attractive customs-benefits, and significantly raised the threshold for investment for interested businesses.[43] The shift from Yantar to the SEZ reflected russifying over internationalising dynamics in Kaliningrad's economy, since most 'resident' businesses taking advantage of the SEZ benefits were big Russian companies instead of foreign Small and Medium Enterprises (SMEs) who had benefited from Yantar.[44] Additional restraining policies had come with the 2001 financial and administrative reforms which restricted the local government's rights to receive taxes directly, and reduced the amount of subsidies which would be governed by the federal law. Not only would Kaliningrad's regional government have a smaller capacity to generate its own funds, but large parts of the centrally subsidised funds would now be granted on an ad hoc basis.[45] With these contradictions of centralisation/internationalisation at play, but also against the *fait accompli* of Schengen's enlargement, aspirations for Kaliningrad to become an experimental space for EU-Russian cooperation and re-integrate in some form with its surroundings, conveyed limited certainty.

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[42]Sara Dutch, "Why Kaliningrad Hasn't Transformed into the 'Singapore' of Russia," *Eastbook.eu*, July 4, 2013, http://www.eastbook.eu/en/2013/07/04/why-kaliningrad-hasnt-transformed-into-the-singapore-of-russia/; Artur Usanov, "Special Economic Zone in Kaliningrad as a Tool of Industrial Development" (Pan - European Institute: Turku School of Economics, 2008), http://www.utu.fi/fi/yksikot/tse/yksikot/PEI/raportit-ja-tietopaketit/Documents/Usanov%200908%20web.pdf.

[43] At the moment, the policies of 1996 and 2006 co-exist to some extent, combining both custom and tax privileges for those companies that began their operations before 2006. This is set to change in 2016, when Russia's accession to the World Trade Organisation (WTO) is concluded and the remaining concessions connected to the 1996 framework will come to an end.

[44]Artur Usanov, "External Trade of the Kaliningrad Oblast" (Pan - European Institute: Turku School of Economics, 2009), 12, https://www.utu.fi/fi/yksikot/tse/yksikot/PEI/raportit-ja-tietopaketit/Documents/Usanov_External%20Trade%20Kaliningrad_2109%20web.pdf.

[45]Jadwiga Rogoza, Agata Wierzbowska-Miazga, and Iwona Wisniewska, *A Captive Island: Kaliningrad between Moscow and the EU* (Warsaw: Centre for Eastern Studies, 2012), 9.

Production of Border-Space in the EU's East and North-East

While the LBT has been framed in an isolated and practical manner, as a legal exception to Schengen rules which resolves the specific problem of frequent needs for local travel, it belongs to and depends upon a wider normative context. In the words of Prospel Weil "the capacity of the international legal order to attain the objectives it was set up for will largely depend on the quality of its constituent norms."[46]

The EU's geopolitical norms in the north-eastern neighbourhood have been studied in regional projects such as the Northern Dimension Initiative (NDI), European Territorial Cooperation (ETC), and the European Neighbourhood Policy (ENP) where the issue of mobility has featured in varying degrees. Scholarship on regional policy has largely made use of a tri-fold theoretical typology[47] to conceptualise the ways the EU exercises geopolitical agency, and the cognitive maps that it works with. The first, taking after Ruggie's postmodern EU polity argument,[48] is the neo-medieval model of rule, which reworks territories and borders into networks, creates hybrid entities and identities, and spreads power in a diffused manner rather than projecting it from a fixed centre. The second is a modernist Westphalian model which affirms a statist territorial polity, through external border fortification, 'othering' logics, and concentration of power in EU administrative capitals. As elaborated by Caporaso, according to this model, the EU possesses three different dimensions, a Westphalian, a regulatory, and a post-modern, which he conceptualises as variations of 'stylised forms of state'. [49] This account however has been more prevalent amongst practitioners than academics, present in Schengen's securitising discourses, and premised upon the inside/outside distinction. The third model is an EU imperial model, where territoriality stems from a centre and

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[46]Prosper Weil, "Towards Relative Normativity in International Law," *Am. J. Int'l L.* 77 (1983): 413.

[47]Christopher S. Browning, "Westphalian, Imperial, Neomedieval: The Geopolitics of Europe and the Role of the North," in *Remaking Europe in the Margins: Northern Europe after the Enlargements*, ed. Christopher S. Browning (Aldershot: Ashgate, 2005), 85–101.

[48] Ruggie, "Territoriality and beyond."

[49] James A Caporaso, "The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?," *JCMS: Journal of Common Market Studies* 34, no. 1 (March 1, 1996): 29–52, doi:10.1111/j.1468-5965.1996.tb00559.x.

unfolds in concentric zones. In this model, borders become 'fuzzy' and the imperial centre's hold decreases with physical distance.[50]

It has been pointed out that these theoretically contained models co-exist in actual geopolitical practice, and scholars have shared a call to disentangle from their implicit ideas of geopolitical fixity, and absolute territorialisations or de-territorialisations. Instead these models should be taken as shifting visions or discourses, which may or may not materialise in concrete form. Amongst these calls for flexible conceptualisations, Kaliningrad, with its unlikely enclavity/exclavity situation and precarious sovereignty, is a useful case study, which can be (and has been) used not only to demonstrate the gap between neat models and messy realities, but also to identify particular patterns of interaction between the geopolitical dynamics that the three models encompass. In the short literature and policy review that follows, three EU norms are drawn out from the NDI, ETC, and the ENP respectively, as they are examined alongside the Kaliningrad question: geopolitical intersubjectivity; externalisation of internal ordering; and a differential geopolitical consciousness.

Northern Dimension Initiative and Geopolitical Intersubjectivity

The Northern Dimension Initiative (NDI) was launched in 1997, upon a proposal of Finland following its EU accession. Its stated aim was to enhance cooperation and forge close economic and political ties between the EU and individual member-states on one hand and the northern neighbours, Norway, Russia, and Iceland on the other, as well as with regional actors in the northern neighbourhood, such as the Barents EuroArctic Regional Council, and the Council of Baltic Sea States. It was renewed in the Helsinki Summit in November 2006, during Finland's presidency. Its activities include co-financing of programmes in four areas: environment; public health and social well-being; transport and logistics; culture. While covering a wide geographical area,[51] the focus of the NDI has been on north-western Russia where it borders the EU, with a special note on Kaliningrad. In this

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[50]Jan Zielonka, *Europe as Empire: The Nature of the Enlarged European Union* (Oxford; New York: Oxford University Press, 2007).; Ole Wæver, "Imperial Metaphors: Emerging European Analogies to Pre-Nation-State Imperial Systems," in *Geopolitics in Post-Wall Europe: Security, Territory and Identity*, ed. Ola Tunander, Pavel K Baev, and Victoria Ingrid Einagel (London: Sage, 1997), 59–93.

[51] The NDI covers an area from the European Arctic and Sub-Arctic to the southern coast of the Baltic Sea, and from North-West Russia to Iceland and Greenland

sense, the NDI has acted as another expression of EU/Russia relations. According to Sergounin, it is "the first attempt to acknowledge that the EU and Russia may need to apply special cooperation at the regional or sub-regional level."[52] Moreover, this cooperation, based on the principle of co-financing, aspires to an 'equal partnership'. Smith claims the NDI owes its successes precisely to this mode of cooperation without integration expectations, which minimises the sensitivities of political and identity questions.[53] This wide range of actors involved and the de-politicised discourse of common interests and shared ownership has supported conceptions of the NDI in neo-medieval terms, as a form of 'new regionalism', and an "innovative network governance strategy."[54] Nevertheless, its impact should not be overstated. The NDI has been held back by the lack of support from member-states other than northerners, Finland Sweden and Denmark.[55] Moreover, while this 'new regionalism' approach may be well-suited for federal Russia's foreign policy, this has not been the case for Brussels, the EU position being against too much decentralisation: the NDI "should not be seen as a new regional initiative, which in the Commission's view is not necessary."[56] As Vahl has noted, since the early days of the NDI's conception "it appears that the ambitions concerning the Northern Dimension initiative have been lowered and that the discrepancy between [its] (perhaps) overly ambitious aims and the resources the EU has been willing to put into the initiative has been reduced."[57]

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[52] Alexander Sergounin, "Russia and the European Union: The Northern Dimension," *PONARS Policy Memos Series No* 138 (2000): 1.

[53] Hanna Smith, "Russian Foreign Policy, Regional Cooperation And Northern Relations," in *The New Northern Dimension of the European Neighbourhood*, ed. Pami Aalto, Hanna Smith, and Helge Blakkisrud (Brussels: CEPS, 2008), 19–34.

[54] Mette Sicard Filtenborg, Stefan Gänzle, and Elisabeth Johansson, "An Alternative Theoretical Approach to EU Foreign Policy `Network Governance' and the Case of the Northern Dimension Initiative," *Cooperation and Conflict* 37, no. 4 (2002): 387–407, doi:10.1177/001083602762574478.

[55] Sergounin, "Russia and the European Union," 7.

[56] European Commission, "Communication from the Commission: A Northern Dimension for the Policies of the Union," COM(1998) 589 final, (November 25, 1998), http://aei.pitt.edu/3360/1/3360.pdf.

[57] Marius Vahl, "Models for the European Neighbourhood Policy: The European Economic Area and the Northern Dimension," *CEPS Working Documents* 218 (February 1, 2005): 2, http://aei.pitt.edu/6650/.

Aalto however takes a more nuanced view of the geopolitical objectives of the EU in embracing northerners' concerns, and pursuing the Northern Dimension.[58] He sees it as an example of an 'imperial' centre exporting its practices in the near abroad, which is also underlined by a traditional geopolitical actorness assumption, namely the EU's intention to have regional impact. That this mix of geopolitical models has not materialised in more coherent institutionalisation, he argues, owes only partly to difficulties in raising similar levels of social resonance across EU member-states. The broader reason to consider, is the EU's own 'geopolitical subjectivity', a meta-concept which Aalto introduces to capture the combined effects of popular, formal, and practical geopolitical discourses. Geopolitical subjectivity corresponds to the perceived and actual capacity for "ordering of territories and political spaces, extending from one's own sphere of sovereign rule to broader regional contexts"[59] aiming to create "a certain pattern of social and material relations."[60] Turning to the EU's conduct with regards to Kaliningrad, he observes that while the EU had been recognised by Russia and other international actors as a legitimate partner in the development of joint policies for Kaliningrad, and was therefore invested with a great degree of geopolitical subjectivity', the Commission refrained from providing effective responses, and thus the EU has appeared unwilling to act in a "proper 'geopolitical' manner."[61] Aalto argues however, that the EU was already having considerable ordering impact on Kaliningrad implicitly, through Schengen policy, and in this sense those instances of EU-passivity do not stand for an absence of geopolitical agency, but rather illustrate the intersubjective constitution of the EU as a geopolitical subject. In the case of Kaliningrad, and this can be somehow generalised for the Northern Dimension as well, evolving interaction with Russia has been more significant than the EU's narrow interests in the oblast. The 'lenient', dialogue-promoting nature of the NDI, it's contested potential for decentralised forms of ordering, and the fragile internal EU geopolitical constitution vis a vis Russia as discussed by Aalto,

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[58] Pami Aalto, "A European Geopolitical Subject in the Making? EU, Russia and the Kaliningrad Question," *Geopolitics* 7, no. 3 (2002): 142–74, doi:10.1080/714000977.
[59] Ibid., 143.
[60] Ibid., 148.
[61] Ibid., 143.

have meant that no NDI initiative could actually push beyond the circumstantial constraints of the wider EU-Russia state of affairs. It is therefore not surprising that while the NDI makes some modest references to enhancing people-to-people contacts in the north, the issue of enabling mobility in Kaliningrad has not been discussed explicitly, beyond the context of EU-Russia visa-talks at large.

European Territorial Cooperation – Externalising Internal Ordering

European Territorial Cooperation, better known as Interreg, was launched in 1990 to implement cross-border cooperation programmes at internal and external EU borders after the dismantling of the Berlin wall. In subsequent years, and especially after 2004, it was reframed as a mostly internal instrument for territorial cohesion and regional development in deprived areas. It is a key objective of the Cohesion Policy, funded by the European Regional Development Fund, and is closely linked to the European Spatial Development Perspective goal to bring greater socio-economic homogeneity across EU territory. Its motto, "more growth and jobs for all regions and cities *of the European Union" (*my emphasis), highlights that this internal logic is at least discursively prevalent.

In practice, a great degree of externalisation takes place under the ETC framework. Three strands make-up the structure of the ETC; cross-border (Interreg A), transnational (Interreg B), and interregional (Interreg C). Interreg A is the largest one and entails a great degree of cooperation with public authorities of neighbouring third countries and programmes on their territories. Provisions have been made to allow third countries' authorities to participate in the European Territorial Groupings of Cooperation, the transnational legal entities who can act jointly for the implementation of programmes, which were initially open only to member-states.[62] As of 2013, externalisation has been geographically expressed in the so-called 'macroregional strategies'; integrated frameworks addressing "common challenges faced by a defined geographical area relating to member-states and third countries located in the same geographical area."[63] The creation of these purpose-specific

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[62] Council of the European Union, "Regulation No 1302/2013 Amending Regulation (EC) No 1082/2006 on a European Grouping of Territorial Cooperation (EGTC) as Regards the Clarification, Simplification and Improvement of the Establishment and Functioning of Such Groupings," No 1302/2013, (December 17, 2013), http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013R1302.

[63] European Commission, "Macro-Regional Strategies," *Regional Policy-InfoRegio*, accessed September 23, 2016, http://ec.europa.eu/regional_policy/en/policy/cooperation/macro-regional-strategies/.

programme areas, the Euroregions, and the projection of the EU's inner spatial workings upon them in a flexible manner, suggest relevance for the neo-medieval geopolitical paradigm. At the same time, the policy is laced with the language of territory, and its primary objective remains that of territorial consolidation however loosely defined, demonstrating that Westphalian conceptualisations are not entirely absent.

Kaliningrad participates in Euroregion Baltic as the only non-EU partner, along with border areas of Lithuania, Poland, Denmark, and Sweden.[64] Under the Lithuania-Poland-Russia Cross-border Cooperation Programme (2007-2013),[65] which was funded with 132 million EUR, projects in Kaliningrad have extended into a wide range of areas; "Development of Co-operation in Order to Improve Health and Safety of the Population of the Russian – Lithuanian – Polish Borderland", "Sport education on cross-border territory", "Energy-efficient resource management" and "Good governance and cooperation- response to common challenges in public finance". However, the key objective has been to turn the border region into "the node of East-West and North-South transport axes and trade and tourism routes",[66] and efforts have been made to this end, to improve the accessibility and capacity of border-crossing points (BCPs). Externalisation of EU's internal territorial policy has had a quiet but profound effect on representations of Kaliningrad, offering one rare depiction of it as integrated in rather than singled out by its environs.

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[64] It is also included in Euroregion Neman which covers border areas of Poland, Lithuania, and Belarus, but has mostly remained inactive.

[65] This CBC brings together core-cooperation areas from the three states: Klaipėda, Marijampolė and Tauragė counties in Lithuania; Gdańsk-Gdynia-Sopot, Gdański, Elbląski, Olsztyński, Ełcki, Białostocko-Suwalski sub-regions in Poland; the Kaliningrad Oblast of the Russian Federation. It is the successor of the "INTERREG IIIA/Neighbourhood Programme for Lithuania, Poland and the Russian Federation's Kaliningrad Region" which operated between 2004 and 2006.

[66] "Lithuania-Poland-Russia ENPI Cross-Border Cooperation Programme 2007-2013," October 7, 2014, http://www.lt-pl-ru.eu/en,5,52.
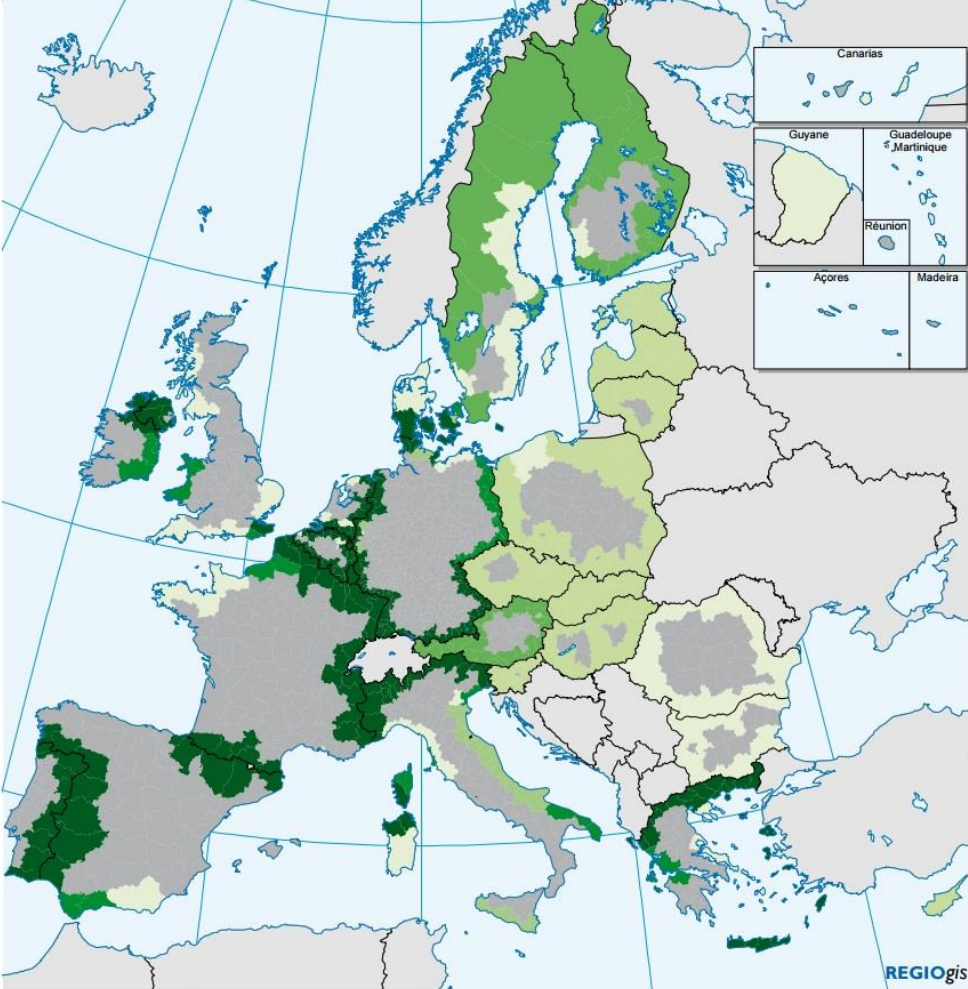
Cross-border cooperation 1989 – 2013

Participating regions

■ since 1989	▨ since 2004	
■ since 1994	□ since 2007	
■ since 1995	▨ other regions	

NUTS3 regions as of 01/01/2008.
Including partly eligible regions.
2007-2013: including ENPI programme areas
(not covered by this publication).

Figure 4.3: Evolution of European Territorial Cooperation[67]

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[67] Source: European Commission, "European Territorial Cooperation: Building Bridges between People," 2014, http://ec.europa.eu/regional_policy/sources/information/pdf/brochures/etc_book_lr.pdf.

European Neighbourhood Policy – Differential Geopolitical Consciousness

The European Neighbourhood Policy was launched in 2004, with greater scope and ambition than the fragmented and somehow shadow-working ETC. As stated on the ENP website, the policy aims at "avoiding the emergence of new dividing lines between the enlarged EU and our neighbours, and instead strengthening the prosperity, stability and security of all." Covering all neighbouring states,[68] but not the NDI countries, it has been characterised as a security response to the new proximity to 'unstable' regions in the east and south, and as an incentive for integration, alternative to the prospect of full EU membership which seemed increasingly unlikely for these states after the 2004 'big-bang' enlargement.[69] Many pointed out at the time that the ENP operated as a one-size fits all policy; with five eastern and seven southern partnering states, it had a geographical scope much too large and diverse to be effective.[70] Indeed, its first two years saw some states committing to Action plans and others remaining reluctant, and by 2006 proposals were being made for an 'ENP plus' which would allow for greater differentiation.[71]

The ENP presents an interesting blend of all three geopolitical paradigms. It has been conceptualised as a protective buffer zone, a so-called 'ring of friends', standing between the EU, and the new neighbours' further neighbours. The 'ring of friends' analogy, along with official promises of the ENP as a deal offering "everything but institutions"[72] has invited imperial explanations, and Waever's schema of concentric circles with zones less EUropeanised moving outwards from the centre. At the same time however, the ENP's proposed understanding of border

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[68] The sixteen current neighbours are Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia, Ukraine.

[69] Rosa Balfour and Alessandro Rotta, "Beyond Enlargement. The European Neighbourhood Policy and Its Tools," *The International Spectator* 40, no. 1 (January 1, 2005): 7–20, doi:10.1080/03932720508457107. Smith, "Russian Foreign Policy, Regional Cooperation And Northern Relations."

[70] Richard G Whitman and Stefan Wolff, "Much Ado About Nothing? The European Neighbourhood Policy in Context," in *The European Neighbourhood Policy in Perspective: Context, Implementation and Impact*, ed. Richard G Whitman and Stefan Wolff, Palgrave Studies in European Union Politics (Basingstoke: Palgrave Macmillan, 2010), 15–16.

[71] Michael Emerson, "EU-Russia–Four Common Spaces and the Proliferation of the Fuzzy," *CEPS Policy Briefs* 71 (2005), https://www.ceeol.com/search/article-detail?id=247022.

[72] Romano Prodi, "A Wider Europe - A Proximity Policy as the Key to Stability" ("Peace, Security and Stability International Dialogue and the Role of the EU" Sixth ECSA-World Conference., December 5, 2002), http://europa.eu/rapid/press-release_SPEECH-02-619_en.htm.

regions, as "regions defined around a border rather than divided by a border"[73] suggests neo-medieval understandings of hybrid territories and productive borders are at play. And finally, Westphalian inclusions/exclusions are also present; by singling out their 'friends', the EU has created a distinction between ENP members and countries further out, making those non-EU borders into lines of 'othering', and the space beyond them into an outside field.

For Browning and Joenniemi, the ENP "has in essence been about borders and bordering",[74] and requires far more nuanced lenses. In their paper, *Geostrategies of the European Neighbourhood Policy*, they add to the three-fold geopolitical framework, by drawing in Walters' schema of four geostrategies to constructing boundaries: the globalised *networked (non)border*, the outwards pushing *colonial frontier*, the indinstinct security zone of the *march*, and the finite, edge-like *lime*. These four approaches, they argue, "exist in multiplicity, and while informed by particular geopolitical models/visions they are also fluid enough to adopt to different geographical contexts" (p. 4). The authors then suggest that while the overarching geopolitical vision of the ENP can be likened to that of an empire, within this paradigm we can still think of a prevalent geostrategy of a lime, coexisting with geostrategies of the march and the colonial frontier.

A link was first established between the LBT and the ENP, with the famous 2003 'Wider Europe' communication which states that; "an efficient and user-friendly system for small border traffic is an essential part of any regional development policy."[75] This link has been further unpacked;

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[73]European Commission, "European Neighbourhood & Partnership Instrument: Cross-Border Cooperation Strategy Paper 2007-2013," 2007, http://ec.europa.eu/europeaid/sites/devco/files/enpi_cbc_sp_ip_2007-2013_final_en.pdf.

[74] Christopher S. Browning and Pertti Joenniemi, "Geostrategies of the European Neighbourhood Policy," *European Journal of International Relations* 14, no. 3 (September 1, 2008): 519–51, doi:10.1177/1354066108092311.

[75] European Commission, "Communication from the Commission to the Council and to the European Parliament: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours," COM(2003) 104 final, (March 11, 2003), https://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf.

The Union cannot fully deliver on many aspects of the European Neighbourhood Policy if the ability to undertake legitimate short-term travel is as constrained as it is currently. Yet our existing visa policies and practices often impose real difficulties and obstacles to legitimate travel. *Long queues in front of EU consulates are a highly visible sign of the barriers to entry into the Union.* Whether for business purposes, for purposes of education or tourism, science and research, for civil society conferences or even for official meetings at national or local government level, the ability to obtain short-term visas in reasonable time at reasonable cost will be an indicator of the strength of our European Neighbourhood Policy.[76]

However, Russia is the big absentee from the EU's ENP partners, and its cooperation with the EU comes through a separate bilateral framework (further elaborated later on). Therefore, Kaliningrad might seem like an odd place to look for insights into the ENP. Nevertheless, there are many useful links to be drawn from examining the two alongside. First of all, the ENP has further intensified Kaliningrad's encirclement by space that is in some way governed by the EU. The ENP delineation marks out Kaliningrad not only as the odd one out amongst EU-members, but also amongst EU friends. Secondly the issue of Kaliningrad's mobility has been situated within a broader regional context, resonating with the ENP's challenging objectives. A third synergy between the ENP and the Kaliningrad question is however more subtle and deep-reaching, having to do with the need for the EU to display a more differential geopolitical consciousness in order to achieve its security objectives in the region. This much has become evident in Russia's refusal to participate in the ENP,

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[76] European Commission, "Communication from the Commission to the Council and to the European Parliament on Strengthening the European Neighbourhood Policy," COM(2006)726 final, (December 4, 2006), http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0726:FIN:EN:PDF.

and its underlying assumption that the EU was not recognising for Russia a status which corresponds to its size and international standing.[77]

The theoretical implications of this link are implicitly present in Browning and Joenniemmi's earlier work, and the paper titled *Contending Discourses on Marginality: The case of Kaliningrad*.[78] The article starts by problematising the concept of marginality which is present in geopolitical analyses of Kaliningrad. The modernist geopolitical accounts have attached a definitive peripherality to margins, whereby the relationship to the centre of the state to which the margin belongs is the dominant source of the margin's (lack of) agency. As a result, the margin assumes not only an inferior position with regards to exercising influence, but also an all-consuming identity as the core's outpost or edge. To contest this narrow view to marginality, the two authors turn to Noel Parker's postmodern approach. Parker distinguishes between borders, boundaries, frontiers, margins, and peripheries in his analysis. Whereas the first three are more attached to the concept of the line, the latter two take on existence as "territories in their own right". Between those two then, a further distinction is drawn, with margins possessing the capacity to use their position at the edge as leverage in order to challenge the centre's order; a capacity which is missing from the less autonomous peripheries. This is the point where Browning and Joenniemi depart from Parker's thinking. As they note, Parker's account allows us to think of margins in a more flexible way; it makes room for the margin's possible attachment to more than one core, and can potentially accommodate conceptions of overlapping spaces. However, as the emphasis on the margin/periphery distinction suggests, a systematising hierarchical logic of concepts is still at play, and therefore "Parker remains ontologically stuck in the modernist predilection for trying to fix meaning."[99] The paper then draws inspiration from Kaliningrad to suggest a more reflective view on margins, introducing marginality, as a discursive and dynamic concept engaged in discursive contestations. They identify three factors, which have influenced Kaliningrad's capacity to exert

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[77] Whitman and Wolff, "Much Ado About Nothing? The European Neighbourhood Policy in Context," 14.
[78] Christopher S. Browning and Pertti Joenniemi, "Contending Discourses of Marginality: The Case of Kaliningrad," *Geopolitics* 9, no. 3 (September 1, 2004): 699–730, doi:10.1080/14650040490478747.

influence. The first is the presence of a distinct identity and a positive conceptualisation within the margin, which has determined the ability of Kaliningrad to argue its case convincingly vis a vis Moscow and Brussels. The second is the structure of the wider discursive environment, and what kind of discourses on marginality it has favoured at different times; defensive modernist outposts or experimental postmodernist 'third spaces'. The third is the deposit of historical narratives, and how they have been utilised to support the particular framing of marginality that the regional actors played on.

Browning and Joenniemi suggest a discursive understanding of marginality, and illustrate firstly how, in spite of their neglect, margins can have impact in world politics, and secondly, how marginality has worked in determining the political agendas on Kaliningrad. In this way however, while they provide Kaliningrad with an account unique to its circumstances, they also construct a marginality unique to Kaliningrad, which can be difficult to embed in wider contexts. For instance, how does this marginality interact with other marginalities? Moreover, how can these marginalities be brought together conceptually, as they do in practice in the ETC framework which groups internal and external margins in maps, discourse and practice? This setback owes to the policy prescriptive nature of their research; "Our argument is that whilst marginality can be utilised as a resource for the benefit of such regions, some discourses of marginality are likely to be more successful than others." Rather than an exposition of the EU's concepts and tools for ordering space, the argument is meant to work as a word of caution "for the regional elites to make the best of their situation." However, the need for the EU to display differential geopolitical consciousness, which has been at the background of their analysis, resonates with the wider geopolitical and territory-making activities in the eastern neighbourhood, and particularly with the ENP.

EU External Relations and Polish Foreign Policy

Within foreign policy debates, the LBT has operated as a token of good will between the contracting parties. This security function is particularly relevant in those cases where tensions

between security narratives exist, and in the Russo-Polish case, this web of competing security narratives requires considerable untangling. In the amending LBT regulation 1342/2011, we find that:

> This Regulation contributes to further promoting the strategic partnership between the European Union and the Russian Federation, in line with the priorities set out in the Roadmap of the Common Space on Freedom, Security and Justice, and takes into account the overall relationship between the European Union and the Russian Federation.[79]

To this correlation, we need to append the complex relationships with the involved constituent parts, the Republic of Poland, and the Kaliningrad Oblast; four entities of a different political, administrative and geographical nature, who have pursued distinct agendas in different ways. To illustrate some of these tensions, we examine firstly the development of an explicit EU policy towards Kaliningrad and the mobility of their population, in the wider context of EU-Russia relations, and secondly the development of a Polish foreign and border policy with respect to Russia, in the context of Poland's EU integration after accession.

Kaliningrad in EU-Russia Relations

Modern Russia is the only state with which the EU holds two summits a year, as the two maintain ties of mutual dependence; currently EU member-states account for the biggest part of foreign investment in Russia, while Europe relies upon Russia to cover more than a quarter of its energy needs. The 2014 diplomatic breakdown, epitomised in president Putin's annexation of Crimea and the EU's response with severe sanctions against Russia, has been dramatic evidence of this relationship being uneasy. For Europeans Russia represents a less than established democracy,

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[79] Council of the European Union, "Regulation (EU) No 1342/2011 Amending Regulation (EC) No 1931/2006 as Regards the Inclusion of the Kaliningrad Oblast and Certain Polish Administrative Districts in the Eligible Border Area," December 13, 2011, http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011R1342.

while Russia views the EU as an expansive agent with Atlanticist loyalties. Within these broad-brush parameters, bilateral relations have had distinct phases since cooperation commenced in the early 1990s; an early cautious and exploratory period where cooperation was loosely pursued, followed by a latter more engaged period where cooperation increased alongside building geopolitical tensions, leading to the confrontational post-2008 environment. Throughout all periods, the position of Kaliningrad and of the bigger question of visa-free travel between Schengen and Russia, has been a permanent point of friction in the agenda, dependent upon and constitutive of the overall state of bilateral affairs.

Unengaged Associates

By the end of the first post-Soviet decade, Kaliningrad enjoyed a not-so-flattering reputation as an economic and social black hole in the middle of Europe, presenting most challenges that the EU identified with its dangerous outside. Organised crime, structural poverty, smuggling, prostitution, pollution, diseases such as tuberculosis and diphtheria, and one of the highest HIV rates in Europe, made the oblast a considerable security nuisance for the EU. As Commissioner for External Relations Chris Patten was stating during his official visit in 2001; "We should help-and not just out of altruism. These problems have obvious transborder implications."[80] In turn, the EU would bring particular problems to Kaliningrad after the accession of Poland and Lithuania. Firstly, the Schengen benchmarks would nullify an existing arrangement thanks to which Kaliningraders could travel to Poland and Lithuania on internal ID documents. Instead, expensive passport- and visa-demands would be introduced, restricting travel to mainland Russia which required transiting through EU territory. In Vitunic's words, the enlargement would "isolate with a paper wall the 900,000 Kaliningrad residents from their own country of citizenship"[81] Moreover, the accession of the two states would exacerbate regional differences, and it would affect important sources of local

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[80] European Commission, "Press Release - Commission Launches Debate on Impact of Enlargement on Kaliningrad," January 17, 2001, http://europa.eu/rapid/press-release_IP-01-66_en.htm?locale=en.
[81] Brian Vitunic, "No Easy Answers," *Transitions Online: Regional Intelligence*, October 18, 2002, http://www.tol.org/client/article/7602-no-easy-answers.html.

income, restricting the considerable grey-scale economy such as shuttle-trading across borders with these states, and impeding regional tourism.[82]

As has been argued in the literature, the Commission's initial responses to these concerns trivialised the problems that the EU was bringing to Kaliningrad.[83] The 2001 communication titled *The EU and Kaliningrad*, stated that "the enlargement of the EU will be a positive development for its neighbours, contributing to stability and prosperity. Russia stands to benefit substantially from enlargement and regions such as Kaliningrad are well placed to take advantage of the new opportunities which will be created."[84] Predicated upon an assumed favourable climate, the communication outlined ideas such as working groups to devise solutions for the movement of goods, or a TACIS-funded study on energy needs to investigate energy potential and possible scenarios. Suggestions stopped short of any special Kaliningrad treatment. A trade regime was deemed unlikely by the Commission; "Kaliningrad is an integral part of Russia, it would be difficult to grant any special status, such as free trade or a customs union. This would raise a number of political and legal issues apart from the fact that Russia is unlikely to grant the necessary degree of autonomy to Kaliningrad."[85] Similarly, the question of mobility was also inhibited. While the possibility of examining small border traffic in the future was mentioned in the communication, what the Commission emphasized was the existing *acqui*s provisions for visas, as well as the possibility of funding towards improving border infrastructure. A re-admission agreement for the EU to return irregular migrants via Russia was twice stressed as a condition to open any kind of visa-talks.

Three major limitations, drawing on an existing tradition of interaction, can be identified as precluding a more decisive approach: a loose EU-Russia cooperation framework; ambivalence with

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[82] Sergey Artobolevsky, "The Kaliningrad Oblast: A Unique Region and a Typical Centre," *Baltic Region* 2 (2009): 98–106; Sergounin, "Russia and the European Union."
[83] Christopher S. Browning, "The Internal/External Security Paradox and the Reconstruction of Boundaries in the Baltic: The Case of Kaliningrad," *Alternatives: Global, Local, Political* 28, no. 5 (2003): 545–81.
[84] European Commission, "Communication from the Commission to the Council - The EU and Kaliningrad," COM(2001)26, (January 17, 2001), 1, http://publications.europa.eu/en/publication-detail/-/publication/359c5927-66bb-4508-b0b8-acd715727688/language-en.
[85] Ibid., 3.

regards to Putin's first presidency; and concerns for Schengen coherence in the early days of its development.

EU-Russia cooperation was at the time premised on the 1994 Partnership and Cooperation Agreement (PCA), which pursued projects on market liberalisation but also social, institutional and administrative reforms. Funding for these projects came from the EU's TACIS programme (Technical Aid to the Commonwealth of Independent States) which had been adopted in the final months of the USSR, to assist economic growth in the soon-to-be-former Soviet republics.[86] While significant readjustments had to be made to the programme in its first year to fit the realities of the Commonwealth of Independent States (CIS) -now Newly Independent States (NIS)-, and an explicit goal of re-alignment with the EU emerged quickly, the TACIS projects remained tied to a soft and detached disciplining logic:

> The programme aim[ed] at developing the local skills and know-how required for the acceleration of the economic reform process in the NIS through the provision of advice, know-how and practical experience necessary for the effective functioning and management of a market-based economy and related democratic institutional structures.[87]

The normative/schooling nature of the aid mostly failed to foster engaged cooperation,[88] as it was also accompanied by modest funds for Russia in general and particularly weak financial 'carrots' for Kaliningrad- no more than 30 million euros per annum allocated on Kaliningrad cross-

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[86] The Commonwealth of Independent States included Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Tajikistan, Turkmenistan, Uzbekistan, Ukraine and Russia

[87] European Commission, "TACIS-Annual Report from the Commission: 1992 and 1992," COM(93)362 final, (July 28, 1993), http://aei.pitt.edu/5630/1/5630.pdf.http://aei.pitt.edu/5630/1/5630.pdf

[88] When TACIS expired in 2006, EU auditors concluded that the 200 million euros spent on programmes in Russia per annum had been used inefficiently, noting "the lack of a real dialogue between the Commission and the Russian authorities and the consequent lack of a sense of ownership on the Russian side." Press Release from the Council 11574/06 (Presse 218)

border cooperation programs.[89] This approach was derived from a simplistic understanding of Russia's interests, as Aalto notes, a "universalising discourse" which treated Russia as an 'other' lacking in agency.[90] The Common Strategy on Russia which was developed in 1999, the first under the CFSP's new instrument of common strategies, reproduced a simplistic discourse of Russia and its "return to its rightful place in the European family",[91] and was criticised as having little operational potential.[92]

Secondly, Putin's election in the Russian presidency in 2000 created new dynamics and ambivalence. In Europe and the US both positive and negative expectations of the new presidency existed, especially regarding Russia's liberal democratisation process. While Putin's victory represented the first proper transference of mandate through free elections in Russia, he was himself closely linked with the previous regime led by president Yeltsin. An analysis of the Carnegie Endowment, an American think-tank, is illustrative of the uncertainty at the time:

> Putin may turn out to be Russia's Milosevic. He may develop into a weak leader presiding over a feudal order, dominated by oligarchs and regional barons, in which the people have little say. But he may also lead Russia out of its chaotic, revolutionary, and anarchic recent past and into a more stable decade of economic growth and political stability. And economic growth and political stability can help to consolidate democratic institutions. At the same time, Putin has provided mixed signals on which direction he wants to take Russia and demonstrated a real indifference to democracy. Consequently, the only honest assessment to be made at the

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[89] Hiski Haukkala, "Two Reluctant Regionalizers. The European Union and Russia in Europe's North," *Finnish Institute of International Affairs: UPI Papers* 31 (2001), https://www.ciaonet.org/attachments/527/uploads.
[90] Aalto, "A European Geopolitical Subject in the Making?," 153.
[91] Council of the European Union, "Common Strategy of the European Union of 4 June 1999 on Russia," accessed September 23, 2016, http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114137.pdf.
[92] Hiski Haukkala, "The Making of the European Union's Common Strategy on Russia," *Finnish Institute of International Affairs: UPI Papers* 28 (2000), http://kms1.isn.ethz.ch/serviceengine/Files/ISN/19254/ipublicationdocument_singledocument/3BB4E8CD-99B4-4D74-875D-36602C71ED16/en/wp28.pdf.

early period of the Putin era is to assert that democracy in Russia is not

lost, but its future is still uncertain.[93]

Along this contingency, whilst hope existed that Putin's presidency would bolster

negotiations on Kaliningrad,[94] his firm federal approach towards the oblasts was signalling a narrow

range of possible solutions.

Finally, the debate was inevitably tied to the much wider and still unexplored questions of

an EU-wide knowledge and legal basis for elaborate border management solutions. Borrowing

Joenniemmi et al's formulation, resolving Kaliningrad's issue required of the parties a clarity "about

their approaches as to the construction of political space and borders that to some extent deviate

from each other."[95] As is further discussed in the following section, Schengen legislation at the post-

Amsterdam treaty consultation stages, had an undeveloped capacity for custom-answers to specific

problems. The EU's policy for Kaliningraders' mobility would necessarily follow the pace of wider

border and place-making mechanisms within the basic parameters of the Schengen Convention. The

detached framework of cooperation, uncertainty about Putin's agenda, and the ongoing process of

Schengen's integration led to a modest first attempt to deal with the Kaliningrad problem. The issue

was to become part of a heated discussion as the EU and Russia were finding themselves coming

increasingly close at the turn of the century.

Necessary Partners

The need for proper bilateral engagement due to the proximity that the enlargement was

bringing, was further stressed by the global security context. A renewed commitment for

cooperation was reflected in the Joint statement adopted at the EU-Russia summit in October 2001,

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[93]Michael McFaul, "Russia's 2000 Presidential Elections: Implications for Russian Democracy and U.S.-Russian Relations," *Carnegie Endowment for International Peace*, April 1, 2000, http://carnegieendowment.org/2000/04/01/russia-s-2000-presidential-elections-implications-for-russian-democracy-and-u.s.-russian-relations.

[94] Joel C. Moses, "The Politics of Kaliningrad Oblast: A Borderland of the Russian Federation," *The Russian Review* 63, no. 1 (January 1, 2004): 107–29, doi:10.1111/j.1467-9434.2004.00306.x.

[95] Pertti Joenniemi et al., "Impact Assessment of Lithuania's Integration into the EU on Relations between Lithuania and Kaliningrad Oblast of the Russian Federation," *Lithuanian Foreign Policy Review* 6, no. 2 (2000): 2.

which emphasized the need for closer ties in matters of security and forming a response to the fight against terrorism.[96] Increased focus on biltateral relations in JHA also drew further attention to Kaliningrad. Point 52 of the conclusions of the Laeken Council in December 2001 made an explicit reference to Kaliningrad; in April 2002 the Council issued a document dealing specifically with matters of transit;[97] and in June, the Seville European Council listed the oblast as the first item under 'External Relations' and invited "effective and flexible" solutions.[98] A special meeting of the visa working party which had been held a few weeks earlier had seen member-states disagree over two proposals, made by the delegations of Germany and Netherlands and suggesting special travel documents and an individual arrangement for the specific travel routes from the oblast to mainland Russia.[99]

In bilateral fora, the EU and Russia had been stirring the discussion in different directions. Premised on the equitable view of all its subjects, Russia was insisting that the Kaliningrad problem should be resolved via visa-talks that would cover all of its citizens, and that while cooperation was desirable, the implication of Kaliningrad's further separation from Russia was not. As Federal Minister German Graf was stating at the time "Kaliningrad is a part of Russia. It cannot move towards merging with the EU more rapidly than the rest of the country. The region will integrate with the European Union at the same speed as the whole country."[100] These arguments were articulated in a highly politicised context, in terms of a discrimination and violation of human rights against Russian citizens, with Russian officials stressing that such arrangements existed even at the

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[96] European Commission, "The EU Response to September 11th," MEMO/01/385, (November 23, 2001), europa.eu/rapid/press-release_MEMO-01-385_en.pdf.

[97] These were: multiple entry visas reviewed case-by-case, and privileges for certain professionals (e.g. lorry drivers and transport crews who cross the border regularly); cheap or even free visas until the lifting of internal border controls; visa-exemptions for persons such as holders of diplomatic and official passports.

[98] Council of the European Union, "Presidency Conclusions: Seville European Council," DOC/02/13, (June 22, 2002), http://www.refworld.org/docid/3f4e45154.html.

[99] Council of the European Union, "Visas – KALININGRAD Presidency Report on the Special Meeting of the Visa Working Party," 9873/02, (June 11, 2002), http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209873%202002%20INIT.

[100] Cited in Karabeskin and Wellmann, *The Russian Domestic Debate on Kaliningrad*, 60.

height of the Cold War for the isolated West Berliners, and presently between Schengen states and Switzerland.[101]

On the other hand, the EU's primary concern for the coherence of Schengen meant that solutions would be sought in administrative form, dealing with the costs of visas and time-delays of crossings. In a spirit of bureaucratic solutions, the Commission's *Kaliningrad: Transit* communication of September 2002 separated the 'urgent' issue of transit between Russia and Kaliningrad from the issue of cross-border contacts for economic or cultural reasons. The first of these issues was discussed in the EU-Russia summit of November 2002, which produced the "Joint Statement on Transit between the Kaliningrad Region and the Rest of the Russian Federation."[102] In addition to no-cost visas for Kaliningraders, it introduced the Facilitated Travel Document (FTD) and the Facilitated Rail Transit Document (FRTD); special forms which enabled simplified travel to Russia via land routes (private cars, buses and special non-stop trains). It further clarified that travelling between Kaliningrad and Russia does not necessarily require passing through Polish territory and therefore Poland need not partake in these discussions as a transit country, like Lithuania, but as a neighbouring one. The border traffic issue on the other hand was deemed "not specific to the situation of Kaliningrad" and would therefore be considered "on a horizontal basis for all the new border regions of the enlarged Union."[103] The communication also stated that the Commission "does not start from the premise that the *acquis* is so inflexible that it cannot cater for special circumstances."[104] But with separating the two problems, the scope of issues which would require

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[101] Parliamentary Assembly of the Council of Europe (PACE), "Official Report of Debates- Ordinary Session of 24-28 June 2002," *Council of Europe Publishing* 3 (2003), https://book.coe.int/eur/en/parliamentary-assembly-official-reports-of-debates/2601-parliamentary-assembly-official-report-of-debats-2002-ordinary-session-third-part-june-2002-volume-iii.html.

[102] "Joint Statement of the European Union and the Russian Federation on Transit between the Kaliningrad Region and the Rest of the Russian Federation," *President of Russia*, November 11, 2002, http://en.kremlin.ru/supplement/3537.

[103] European Commission, "Communication from the Commission to the Council- Kaliningrad: Transit," COM/2002/0510 final, (September 18, 2002), 1, http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52002DC0510.

[104] European Commission, "Communication from the Commission to the Council- Kaliningrad: Transit."

solutions truly unique to Kaliningrad had been reduced, and contained within Lithuania's accession negotiations.

A more comprehensive EU-Russia framework of cooperation, to replace the ambiguous PCA, was announced in May 2003, and its roadmaps were agreed two years later in the May 2005 EU-Russia summit. The negotiations for these roadmaps, the four so-called Common Spaces, had been laborious. A 2004 communication, titled *On relations with Russia* was reporting a bilateral context "under increasing strain, with divergence between EU and Russia positions on a number of issues" and particularly noting the "more assertive Russian stance towards a number of acceding countries and the NIS".[105] With such challenges at hand, the four spaces were an effort to declare intentions and to make cooperation practical: they put greater emphasis on creating binding legal obligations, outlining numerous areas for cooperation, and expanding the focus on matters broadly defined as security. At the same time, the artificial nature of the drive for closer cooperation became more evident as the ambiguity surrounding the PCA was crystallising in a deeper normative rift; Russia's insistence for bilateral cooperation that reflects an equal partnership and a recognition of its own significant international standing, against the EU's counter-vision to proceed with horizontal policies towards its partners and bring them to convergence with EU governance. This rift had wider operational implications, viewed in the context of Russia's refusal to participate in the aggregative ENP policy, and the EU's inclusion of funding for Russia's PCA programmes under the ENPI (European Neighbourhood and Partnership Instrument), the financial arm of the ENP.[106] As Emerson notes, the common spaces demonstrated still that the two partners "know that they have to try to make the best of living together in the same European home, but do not yet know how to do it."[107]

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[105] European Commission, "Communication from the Commission to the Council and to the European Parliament on Relations with Russia," COM/2004/0106 final, (February 10, 2004), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2004:0106:FIN.

[106] The ENPI has since been revised and renamed as the European Neighbourhood Instrument (ENI), in an effort to both provide for greater differentiation in cooperation with individual partner countries, and single out Russia as a strategic partner.

[107] Emerson, "EU-Russia–Four Common Spaces and the Proliferation of the Fuzzy."

Disillusioned Neighbours

The deficiencies of the cooperation framework, and its failure to commit the EU and Russia into a reliable partnership, became more problematic in the post-enlargement era. The June 2008 EU-Russia Summit launched negotiations on the new agreement, in the midst of the emerging geopolitical security dilemma over the establishment of influence across contested north-eastern European and Eurasian lands. The EU's concerns of a growingly assertive Russia were aggravated after the 2008 Russo-Georgian war. Moreover, Putin's threatening stance against Ukraine and its NATO candidacy, Russian involvement in nationalist instability in Crimea, and the frozen conflict in Transnistria, were seen as outright antagonistic to the EU's democratisation plans for the Western CIS countries. The Russian concerns over EU expansionist activity were exacerbated by the establishment of the EU's Eastern Partnership (EaP) in 2009. A parallel sub-project of the ENP, the EaP removed the very different Mediterranean neighbouring states from its focus, and aimed to foster closer ties with Ukraine, Georgia, Armenia, Azerbaijan and Moldova. Due to the exclusive nature of these association agreements, which prevent EaP states from participating in similar economic projects with Russia,[108] the initiative was received by Kremlin as intrusion into Russia's vital space and disruption of balance, drawing these 'buffer' states deep into the Western geopolitical orbit. Following the concerted EU efforts in the eastern neighbourhood, the horizontal LBT regulation was passed in December 2006, and the first draft agreement, between Hungary and Moldova, was submitted for consultation as soon as May 2007.

Growing EU-Russia irritation only stalled further action on Kaliningrad, as its potential strategic and military uses for Russia in this renewed confrontational environment had to be considered. In November 2008, a day after the US presidential elections, President Dmitry Medvedev announced the deployment of short-range nuclear missile heads in Kaliningrad, in response to NATO's plans to build an anti-missile shield in Europe with defense sites in Poland and

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[108]Jeanne Park, "The European Union's Eastern Partnership," *Council on Foreign Relations*, March 14, 2014, http://www.cfr.org/europe/european-unions-eastern-partnership/p32577.

Czech Republic.[109] The oblast's geostrategic purpose was re-affirmed in 2010 with the inclusion of the dedicated Kaliningrad Special Region in Russia's Western Military District.[110] The perceived re-militarisation led international observers to speak of Kaliningrad as the "frontline of the new cold war",[111] observing growing unease in neighbouring Baltic states. With Kaliningrad becoming a centre for regional insecurity discourses, EU policy had reasons to boost cooperation there, but also difficulties in mustering member-state resonance. As such, a reluctant pace continued, with aid through cross-border programmes and improvement of infrastructure, such as the 8 million euro Chernyshevskoye border crossing point on the Lithuanian border, which was opened in 2009. Talks about exceptions in border crossings through an LBT arrangement, dependent upon state initiative, would not commence until domestic politics created favourable circumstances.

Kaliningrad in the Polish Foreign Policy Mix

As discussed thus far, the LBT has emerged as an opportunity for the EU to assert geopolitical actorness in the contested eastern European borderlands, by consolidating region-building, but also an opportunity to engage with Russia and display a singular voice within an increasingly confrontational international environment. This second exercise however has had its distinct intergovernmental complications, in this case Poland's own border politics and security narratives. As Carr notes "in a country whose frontiers have been forcibly re-arranged by invasions and occupations by its more powerful neighbours, and which has twice been erased from the map of Europe, it is perhaps not surprising that Poland takes the security of its borders very seriously."[112] The border politics of modern Poland have followed the country's strategies of political re-invention, and re-positioning in the international sphere once it regained its independence in 1991. This

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[109]Ellen Barry and Sophia Kishkovsky, "Russia Warns of Missile Deployment," *The New York Times*, November 5, 2008, http://www.nytimes.com/2008/11/06/world/europe/06russia.html.

[110] The Western Military District, which includes Leningrad, Saint Petersburg and Kaliningrad, is one of four military districts (the others being the Central, Eastern and Southern)

[111]Luke Harding, "Living on the Frontline of the New Cold War," *The Guardian*, November 8, 2008, https://www.theguardian.com/world/2008/nov/08/kant-medvedev-missile-plans-bolshakova-russia-lithuania.

[112]Matthew Carr, *Fortress Europe: Dispatches from a Gated Continent* (London: Hurst, 2012), 31.

involved a multifaceted struggle, to detach from the Soviet past, establish itself firmly into the Western economic and security networks, but also to maintain a strong national identity.

Poland became one of the first three Central and Eastern European countries to enter NATO in 1999, along with Hungary and Czechoslovakia. Since joining the EU, it has succeeded in aligning its economy with the directions of the Copenhagen economic criteria more than any other accession state, and has proved resilient throughout the 2008 economic recession. This redefinition of the Polish state has been embraced internally. In the 2014 Eurobarometer, 77% of the Polish nationals polled said that they feel themselves to be citizens of Europe, well above the EU average of 65% and ahead of older EU member-states such as Greece, Italy, France or the Netherlands. Polish foreign minister, on the 10th anniversary of EU membership was claiming that "2004 enabled us to accelerate our unprecedented civilisational development."[113] For these reasons, its record of membership has been widely framed as a model transition and integration example,[114] so much so that it has come to be thought of as a bringer of EU norms to the rest of Eastern Europe.[115]

Poland's strategic objective to re-orient itself with the West, has coexisted however with a populist current to maintain its national, religious, and cultural identity. Polish government officials of the liberal Civic Platform have maintained some of the strongest anti-immigrant rhetorics in the EU, while Poland's last presidential elections were won by eurosceptic Andrzej Duda of the right-wing Law and Justice party, on a conservative nationalist and anti-Russian agenda. These tensions were visible already prior to accession, when significant in numbers groups in Poland were wary of the expected rise in the presence of foreigners. A 2003 Aliens Act had tightened control on migration

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[113]MFA Press Office, "Minister Grzegorz Schetyna on Polish Foreign Policy Priorities," *Ministry of Foreign Affairs: Republic of Poland*, November 6, 2014,
http://www.msz.gov.pl/en/news/minister_grzegorz_schetyna_on_polish_foreign_policy_priorities.
[114]Remi Adekoya, "How the EU Transformed Poland," *The Guardian*, May 1, 2014, sec. Opinion,
https://www.theguardian.com/commentisfree/2014/may/01/eu-poland-10-years-economic.
[115]Judy Dempsey, "Poland's Unfinished Revolution in Eastern Europe," *Carnegie Europe*, February 27, 2014,
http://carnegieeurope.eu/strategiceurope/?fa=54673.

and border-traffic, with noticeable results in decreasing numbers of settlement permits, as the state turned to more temporary solutions to accommodate foreigners.[116]

This dual approach of being open to economic opportunity and able to spread European norms, but doing so with a strong ethno-national protectionist instinct, has been definitive of Poland's stance towards Kaliningrad. The latter has involved contradictory elements, at times pre-occupied with their own investments in the Baltic region, and at others with maintaining proper distances from Russia. For instance, while the Foreign Ministry had refused to allow transit through Polish territory pre-accession, they also postponed the introduction of proper border controls, initially planned for July 2003, to avoid disrupting the tourism season, while Poland had been supportive of an agreement to provide visas free of charge. Despite these efforts, Poland's accession was followed by a sharp decrease in the number of crossings on the Kaliningrad border, dropping from 9.1 million in 2002 to 7 million in 2004.[117]

The premiership of Donald Tusk of the liberal conservative Civic Platform after November 2007 was a catalyst for the launch of Russo-Polish negotiations, which began in 2008 and lasted for two years. Tusk, a devoted Europeanist who has since moved on to the Presidency of the European Council, stood for a re-balancing of Poland's traditionally U.S.-focused foreign policy, embedded within a narrative of openness and innovation in international cooperation. The latter was most characteristically demonstrated in Poland's principal role in the development of the Eastern Partnership proposal, devised jointly with Sweden, which involved measures such as liberalised visa regimes or free trade zones.[118] On this extrovert foreign policy agenda, the normalisation of Russo-Polish affairs was also a priority, and LBT negotiations acted as an opportunity for dialogue. The initial consultations resulted in April 2010 in a joint letter signed by Polish and Russian foreign

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[116]Krystyna Iglicka and Magdalena Ziolek-Skrzypczak, "EU Membership Highlights Poland's Migration Challenges," *Migrationpolicy.org*, September 1, 2010, http://www.migrationpolicy.org/article/eu-membership-highlights-polands-migration-challenges.

[117]Evgeny Vinokurov, "Kaliningrad: Enclaves and Economic Integration," *CEPS Special Report*, 2007, 87.

[118]Artur Adamczyk, "The Role of Poland in the Creation Process of the Eastern Partnership," *Yearbook of Polish European Studies*, no. 13 (2010): 195–204.

ministers, Sikorski and Lavrov, and addressed to EU Higher Representative Ashton, asking for an exception which would allow for the atypical border area to be established.[119]

Following this early demonstration of consensus, Tusk's line was met with resistance from multiple sides. Only a few days later, the crash of an airplane that carried Poland's President Lech Kaczynski and his delegation to an official visit in Smolensk[120] caused great disturbance in bilateral relations, and fuelled anti-Russian sentiments within. Some groups in Poland aligned behind the late-President's brother, who claimed that the crash was in fact an assassination orchestrated by Kremlin.[121] Lithuania, also dealing with its own security issues with Russia, was drafting an LBT agreement for Kaliningrad and was generally not opposed to regulated border traffic. It was hostile however to the proposal for an extended border-zone and refused to co-sign the joint Russo-Polish letter, claiming that any exceptions would effect unnecessary complications. On the side of Russia, inconsistencies were also appearing, with Putin shifting his position according to opportunity; while he had expressed continuous support for the LBT in Kaliningrad since 2008, and that was a time when four crucial deals between Gazprom and Warsaw were on the line, he eventually opposed the policy ahead of the June 2011 EU-Russia summit, a move interpreted as pressure towards the Commission to accelerate visa-free travel negotiations for all Russians.

Unreliable support had led Tusk's government to a firm position on this matter, with minister Sikorski declaring that "we are prepared to take the risk of undertaking such an agreement even if some people in Brussels don't like it."[122] The openness doctrine was forcefully re-affirmed during Poland's first EU Presidency in the second half of 2011 with an inaugural address that urged against fear-driven, defensive foreign policy where "the worst we can do is fill the moat of our

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[119]Miłosz J. Zieliński, "Cross-Border Co-Operation Between The Kaliningrad Oblast And Poland In The Context Of Polish-Russian Relations In 2004-2011," *Lithuanian Foreign Policy Review*, no. 28 (2012): 11–42.

[120] 2010 marked the 70th anniversary of the Katyn Massacre, a mass murder of Polish intelligentsia and political personnel in a forest near Smolensk, Russia, under the Soviet Regime.

[121]RT International, "Polish President's Plane Crash 'Assassination,' Claims Brother," March 29, 2012, https://www.rt.com/politics/polish-air-crash-russia-kaczynski-751/.

[122]'Poland to Push for Visa-Free Travel in Russia's Kaliningrad', *RadioFreeEurope/RadioLiberty*, 6 August 2010, http://www.rferl.org/content/Poland_To_Push_For_VisaFree_Travel_In_Russias_Kaliningrad/2120781.html.

nation-state castle, raise the draw bridge and fortify ourselves within its walls."[123] This line was repeated in the context of LBT negotiations, with a senior Polish diplomat stating in 2011: "We believe in dismantling obstacles to freedom of tourists and businessmen to travel ... If some of our member-states want to move on visa liberalisation with Russia, good, Poland is at the spearhead [of the process] with the local border traffic agreement for Kaliningrad."[124] When the Commission eventually consented to treat the entire Kaliningrad region as a border area in July 2011, the decision was widely interpreted as "in accordance with the wishes of the Polish EU Presidency which intended to make a goodwill gesture in a difficult moment for Russia-Polish relations."[125]

Situating the LBT in the Schengen Acquis

The common visa policy[126] of the EU has become one of the most europeanised areas of Schengen cooperation, following the priorities set in the 2004 Hague programme, which emphasized the need for harmonisation and parallel use of information technologies in visa-matters. The LBT however falls at the intersection of two areas of the Schengen *acquis*: the more integrated and less controversial visa policy; and the more sensitive issue of border checks. As such, its development has been a matter of finding the right balance between the two areas integrating at different speeds, also inviting the question of exclusive competence between member-states and the EU.

Visa Policy Harmonisation

The 'smartening' EU's border is meant to work alongside a common visa policy, aiming at efficient control of regular flows, detection of irregular flows, and prevention of the possibility that

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[123]Radosław Sikorski, "Priorities of the Polish Presidency of the European Union" (Warsaw, June 30, 2011), http://www.mfa.gov.pl/resource/6b89c4f9-eaec-4abf-aa69-fcd1efc6d4d6:JCR.

[124]Valentina Pop and Andrew Rettman, "EU Preparing to Launch Visa-Free Talks with Russia," *EU Observer*, November 15, 2011, https://euobserver.com/justice/114281.

[125]"EU Borders Open to Kaliningrad Citizens," *EurActiv.com*, August 1, 2011, https://www.euractiv.com/section/justice-home-affairs/news/eu-borders-open-to-kaliningrad-citizens/.

[126] We refer here to short-stay visas, for travel of no more than 90 days in a six-month period. Long-stay visas remain in the competence of member-states and are therefore not discussed here.

the regular become irregular in the future - i.e. overstayers violating the temporal conditions of their visa.[127] As we have seen, in the SMART framework, universal entry-exit monitoring (EES) for all non-EU nationals performs a particular role in preventing overstaying, as an automated system replaces the manual process of calculating length of stay based on stamps. However, while exhaustive in its scope, EES operates only at the time and place of the crossing, and therefore does nothing to "avoid the painful and expensive problems in sending [people] back if they are not the one who should be travelling."[128] On the other hand, the pre-vetting of travellers (RTP) which does entail the pre-emptive element, has a very limited scope, as it only concerns those who already have a good track record of entering Schengen. Therefore, the SMART border can only operate on top of a comprehensive visa policy that ensures effective controls in advance of the crossing and for all. The development of the EU's visa policy to work to this end has been a dual project of standardisation and diversification, predicated upon extensive data mining.

The first of three elements of visa standardisation is Schengen's basic distinction of positive/negative third countries, introduced in 2001, and initially formulated as a black/white list.[129] It separates the states whose nationals must have a visa when crossing the external borders (Regulation's Annex I), from those who are exempt (Regulation's Annex II). The geopolitical and discriminatory implications of this stratification have been discussed, by van Houtum,[130] who observed that most Muslim and poor states are placed in the 'black list', while the criteria for the initial entry or subsequent transfer into the EU's 'white list' have not been made adequately explicit, the Regulation vaguely referring to the risks of illegal immigration from that state. His argument

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[127] An overstayer is a third country national who has exceeded their authorised period of stay in the Schengen zone. While anyone can become an overstayer, regardless of whether they need a visa or only a biometric passport to enter, the majority of overstayers are nationals of visa-bound third states. Overstaying rather than irregularly entering makes for the greatest source of irregular presence in the Schengen area.

[128] Didier Bigo and Elspeth Guild, "The Transformation of European Border Controls," in *Extraterritorial Immigration Control. Legal Challenges*, ed. Valsamis Mitsilegas and Ryan Bernard (Brill, 2010), 257, https://kclpure.kcl.ac.uk/portal/en/publications/the-transformation-of-european-border-controls(4f27d242-a781-4c75-8220-879b4b9a7215)/export.html.

[129] Council of the European Union, "Regulation (EC) No 539/2001 of 15 March 2001 Listing the Third Countries Whose Nationals Must Be in Possession of Visas When Crossing the External Borders and Those Whose Nationals Are Exempt from That Requirement," accessed September 20, 2016, http://eur-lex.europa.eu/legal-content/GA/ALL/?uri=celex:32001R0539.

[130] Van Houtum, "Human Blacklisting," 957.

then is that with its sharp distinction, the EU "inscribes an unambiguous di-visionary borderline on the planet" which amounts to a global apartheid. A 2014 amendment to Regulation 539/2001 provided some insight into the criteria upon which positive/negative allocation is decided.

> From now on the determination of the third countries whose nationals are subject to, or exempt from, the visa requirement should be governed by a considered, case-by-case assessment of a variety of criteria relating, inter alia, to illegal immigration, public policy and security, the economic benefits, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries including, in particular, respect of human rights and fundamental freedoms.[131]

The outlining of these criteria was meant to add transparency to Schengen's stratification, and while the case-by-case consideration clause and the particular criteria outlined, did not imply any changes in the exclusionary logic, what they did underline is its dynamic nature.[132] In addition to the exclusionary function however, the bureaucratic security reasoning behind the binary classification has been one of coherence and commonality. The goal of this list has been as much about separating the 'wanted' from the 'unwanted' as it has been about member-states reaching an agreement as to who is and will continue to be the former and who the latter.

The second element of Schengen's visa framework has been the EU Visa Code (Regulation 810/2009), governing the issuing of short-stay visas. It defines the responsible state/consulate for the processing of a visa application, the requirements of the applications (personal documents,

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[131] European Commission, "Proposal for a Regulation Amending Regulation (EC) No 539/2001 Listing the Third Countries Whose Nationals Must Be in Possession of Visas When Crossing the External Borders of Member States and Those Whose Nationals Are Exempt from That Requirement," COM/2012/0650 final, (November 7, 2012), http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2012:0650:FIN.

[132] The rationale of the Regulation is that it will be regularly reviewed and revised, to reflect changes in the criteria, as the security status and the EU's external relations with third states evolve. There have been nine amendments this far: Council Regulations (EC) No 2414/2001 of 7 December 2001, (EC) No 453/2003 of 6 March 2003, (EC) No 851/2005 of 2 June 2005, (EC) No 1791/2006 of 20 November 2006, (EC) No 1932/2006 of 21 December 2006, (EC) No 1244/2009 of 30 November 2009, (EU) No 1091/2010 of 24 November 2010, (EU) No 1211/2010 of 15 December 2010, and (EU) No 509/2014 of 15 May 2014

collection of fingerprints, and the set visa-fee), as well as guidelines for examining and accepting/refusing an application. Importantly, the EU visa code clarifies when and how the Visa Information System (VIS), the common identification system for visa data, will be consulted. The VIS, launched in advance of the visa code in 2008, consists of a centralised architecture made up of a core EU hub, the Central Visa Information System (CS-VIS) and the member-state National Interfaces (NI-VIS), streamlining visa data from consulates and all external BCPs.[133] It stores both the biographic information collected through the visa application form, as well as biometric information which is processed by a Biometric Matching System (BMS).

The third component is the uniform format for the visa sticker, which was introduced in 1995.[134] The sticker was mainly designed as a security precaution, to meet specific technical standards that safeguard against document falsification, and it was upgraded in 2002 to meet newer security standards such as integration of machine readable photographs. Today, its security functions are becoming increasingly obsolete, replaced by the VIS functionalities, as it does not store biometric identifiers. The sticker is still useful however not only because it contains information necessary to the traveller which is visible to the eye (dates of entry, territorial validity and type of visa), but also in creating a uniform appearance.

Within the Schengen visa framework, which standardises the documents produced, the processing and storage, and the operative stratification, several diversifications have been pursued. A first area encompasses the various types of visas which correspond to the specific travel needs. A third country national may apply for one of seven types of visas, providing for different types of access:

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[133] European Commission, "Decision Laying down the Physical Architecture and Requirements of the National Interfaces and of the Communication Infrastructure between the Central VIS and the National Interfaces for the Development Phase," 2008/602/EC, (June 17, 2008), http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:194:0003:0008:EN:PDF.

[134] Council of the European Union, "Regulation (EC) No 1683/95 of 29 May 1995 Laying down a Uniform Format for Visas," accessed September 20, 2016, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31995R1683.

- the standard Uniform Schengen Visa (USV), which comes in three forms: a Type A (airport transit), Type B (transit visa), and type C (short stay) itself broken down into, single-entry, double-entry, and multiple entry;

- the Limited Territorial Validity VISA (LTV), for travel to one Schengen state, to be used in emergency situations and/or when humanitarian reasons apply;

- and the National Visa, also known as type-D, which applies to specific categories of people such as students or workers who need to reside for a longer period of time in one Schengen state.

A second area of diversification, known as the Visa Facilitation Agreements (VFA), extends into the issuing process, and essentially into the rigid classification of third countries, beyond the visa-bound/visa-exempt distinction.[135] Based on the condition that readmission agreements are in place between the EU and the contracting state, VFAs reduce or waive short-stay visa fees and reduce processing times for certain categories of people (such as students, diplomats, or business people) if they are also holders of biometric passports. Across VFAs, still greater variation can be found, as they are devised individually for each third country. Trauner and Kruse observed in their 2008 study that although all agreements to date had stated the eventual goal of visa-free travel, more or less vague wording was used, suggesting a different timeline and determination for each case.[136] Moreover, they found that the agreements where more encouraging language was used, (i.e. the VFA with the Western Balkan States which refers to the "first concrete step towards the visa free travel regime"), tended to be the most comprehensive in terms of categories of people to be included, whereas agreements framed in less promising terms (i.e. the Russian VFA which speaks of

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[135] Twelve VFAs have been concluded so far; with Russia in 2007,Serbia, Montenegro, FYROM, Albania, and Bosnia and Herzegovina in 2008, Georgia in 2011, Ukraine and Moldova in 2013, Armenia, Azerbaijan, and Cape Verde in 2014

[136] Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements: A New Standard EU Foreign Policy Tool?," *European Journal of Migration and Law* 10, no. 4 (2008): 411–38, doi:10.1163/157181608X376872.

the generic "intention to establish the visa-free travel") were the least inclusive.[137] The VFA framework has been viewed in many ways, often rather critically. Some view it as yet another 'carrot', a negotiating tool that the EU uses to entice foreign governments to conclude readmission agreements, and assume responsibility for large numbers of persons found in an irregular situation in the EU.[138] Importantly, as Boratynski et al note, their fragmented scope can appear to create "a feeling of discrimination" and the idea that "the European Union is interested only in the [...] elite."[139] And in spite of their tailor-made character, they may still fail to resolve local problems, as in the case of Kaliningrad, where the VFA replaced the 2002 no-cost visa arrangement, and eventually functioned as a restricting measure.[140] Finally, as the Commission has admitted at times, flexibilities in the visa policy, such as the VFAs, "go a long way in improving access to the territory of the Union for large groups of travellers but have not been matched so far by any efforts to simplify the actual border crossing for those groups."[141]

The high degree of diversification within the standardised visa framework raises questions as to why the LBT became a distinct legislative arrangement rather than another visa sub-category, even though, in the consultations until 2004, it had been proposed as a special 'L' type visa. The LBT differs from VFAs in that its scope is territorial rather than personal; it covers all residents of a certain area of a state, rather than certain categories of people across an entire state. Moreover, it goes a step further than the VFAs in blurring the Schengen black/white classification, as it commands amendments to Schengen's positive/negative lists. Yet, in many ways, it works just as another type of visa-diversification rather than a separate regime of control; coming at a cost, even if reduced,

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[137] Indeed, the EU proceeded with visa-liberalisation with the Western Balkan states, former Yugoslav Republic of Macedonia, Montenegro and Serbia, in December 2009, moving these states to Schengen's white list. Russia remains in the black list, even though the concluded VFA is the longest-standing.

[138] Annabelle Roig and Thomas Huddleston, "EC Readmission Agreements: A Re-Evaluation of the Political Impasse," *European Journal of Migration and Law* 9 (2007): 363–88; Esther Barbé and Elisabeth Johansson-Nogués, "The EU as a Modest 'force for Good': The European Neighbourhood Policy," *International Affairs* 84, no. 1 (January 1, 2008): 81–96, doi:10.1111/j.1468-2346.2008.00690.x.

[139] Jakub Boratynski et al., "Questionable Achievement: EC-Ukraine Visa Facilitation Agreement," *Warsaw: Stefan Batory Foundation*, November 2006, 2.

[140] Evgeny Vinokurov, "Kaliningrad Transit and Visa Issues Revisited," *CEPS Commentaries*, July 2006, http://aei.pitt.edu/11635/.

[141] European Commission, "Smart Borders - Options and the Way Ahead," COM(2011) 680 final, (October 25, 2011), http://ec.europa.eu/dgs/home-affairs/news/intro/docs/20111025/20111025-680_en.pdf.

allowing for the standard maximum 90/180 day length of stay, and involving a similar application process at the consular offices which includes depositing of biometric identifiers.

One reason why the LBT has become a separate arrangement has been the desire to enhance its inclusionary character. Framed and publicised as a visa-free mechanism, it remains outside the criticised visa-facilitation framework as it avoids its discriminatory effects, and it further supports the EU's narrative of openness in its north-eastern neighbourhood. In the same vein, it also responds to a voiced concern of the Commission that "the European Union's all-or-nothing consular approach to visas means that either all nationals of a non-EU Member Country are subject to the visa requirement or they are not" while "those who are not, are not subject to any checks before they arrive at the destination Member State."[142] However, the most important reason for the LBT to remain outside the communautarised visa-framework has been to maintain a high level of member-state competence; while visa-liberalisation and VFAs are signed between the EU and the third country concerned, the LBTs have states as signatories. To understand the limitations in communautarising the particular area of local mobility exceptions, it is helpful to outline the particular development of the LBT *acquis* within the wider Schengen framework.

Local Border Traffic Acquis: Who decides on the Exception?

As Peers notes, whether the EU has exclusive powers on a particular area of external relations depends on the extend of harmonisation of this area in internal law, and even when it comes to areas fully harmonised, it is still open to interpretation, since exclusivity of such powers comes about through exercise rather than nature.[143] An early idea of a community Local Border

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[142] European Commission, "Preparing the next Steps in Border Management in the European Union," COM(2008) 69 final, (February 13, 2008), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Al14580.
[143] Peers, *EU Justice and Home Affairs Law*, 224.

Traffic appeared already in the 1990 Schengen Implementing Convention (SIC).[144] In several member-states, agreements facilitating border region mobility already existed, in their various ways overriding the principle of crossing external borders only at BCPs and during the fixed opening hours. Article 3 of SIC opened the door for the Executive Committee to adopt common provisions, exceptions, and arrangements governing such agreements, and article 136 laid the complementary rule that "no contracting party shall conclude with one or more third states agreements simplifying or abolishing border checks without the prior agreement of the other Contracting Parties", [145] unless these were small border traffic agreements complying with the rules to be adopted. The provision was left idle, and small border traffic remained solely a member-state concern until 2002. Concerning the sensitive issue of bilateral relations with neighbouring third countries as regards their fringe populations, local border traffic has been in some ways a stronghold of intergovernmentalism in Schengen border policy, telling of the challenges in the Schengen Area's integration itself.

The first reason why a community Local Border Traffic stalled, had to do with the overall selective pattern of implementation of the Convention, after its entry into force in 1995. The intergovernmental obstacles were visible even in internal crossing practices; at the Austro-Italian internal border, overzealous customs staff had been implementing the Schengen rules in such a way that the actual crossings were in fact delayed,[146] while France retained its internal border controls with the Benelux countries until well into 1995. The annexed protocol to the Treaty of Amsterdam, which brought Schengen legislation under the community framework, endowed the EU with powers on external borders. It was a product of laborious negotiations, which envisioned greater coherence, transparency and enforceability, transferring implementing powers previously reserved for the

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[144] "The Schengen Acquis - Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders," *Official Journal of the European Union* L 239 (September 22, 2000): 19–62.

[145] Ibid.

[146] Fortress Europe Circular Letter (FECL), "Schengen Implementation: First Effects on Border Controls," March 1995, http://www.fecl.org/circular/index32.htm.

intergovernmental and somehow secretive Schengen Executive Committee to the Council of Ministers.[147] Integration of the Schengen *acquis* implied an overall reshaping of policy in the areas of free movement of persons; checks at external borders; asylum, immigration and protection for the rights of nationals of non-member countries; and judicial cooperation in criminal matters. It required scrutinising the fragmented *acquis*, a bulk of agreements, conventions and accessions, identifying the ones which would be redundant, individually determining a legal basis to those provisions deemed relevant, and allocating the latter either to the first, more tightly integrated pillar, or to the third which allowed for greater flexibility and retained a substantial degree of national control.

At the Inter-Governmental Conference preceding the signing of the Amsterdam Treaty in June 1997, the debate over the allocation of the provisions demonstrated their highly politicised nature.[148] Member-states who held the opinion that the intergovernmental approach had been but the early 'trial phase' of a Schengen Laboratory, supported the partial deliverance of competencies to the EU level. With a majority of 12 out of 15, they decided on the transference to the first pillar of the measures regarding internal controls. The compensatory 'flanking' measures concerning external borders, would come under the third, and several relevant provisions remained classified and were not included in the Decision defining the Schengen *acquis*.[149] This included small border traffic, at the time in place in Germany, France, Italy, and Austria. Denmark, objecting to any transference of competencies, and the UK and Ireland, wishing to maintain authority over border controls, opted out of Title IV.

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[147] Council of the European Union, "Regulation (EC) No 790/2001 of 24 April 2001 Reserving to the Council Implementing Powers with Regard to Certain Detailed Provisions and Practical Procedures for Carrying out Border Checks and Surveillance," 790/2001, (April 24, 2001), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001R0790.

[148] Select Committee on European Communities, "Incorporating the Schengen Acquis into the European Union," 31st Report Session, (1998),
http://www.publications.parliament.uk/pa/ld199899/ldselect/ldeucom/24/2485.htm.

[149] Council of the European Union, "Decision Concerning the Definition of the Schengen Acquis for the Purpose of Determining, in Conformity with the Relevant Provisions of the Treaty Establishing the European Community and the Treaty on European Union, the Legal Basis for Each of the Provisions or Decisions Which Constitute the Acquis," 1999/435/EC, (May 20, 1999), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31999D0435.

In the ensuing 5-year Schengen transitional period, during which member-states could put forward comments and proposals and the Council appropriate amendments and updates, further practicalities were worked out and some important commonalities were introduced. In addition to the Schengen positive/negative list, a set of Common Consular Instructions on issuing visas was introduced in 2002.[150] In the same year, the communication on Integrated Management of External Borders[151] enabled the implementation of further practical provisions, introducing a set of best practices and a handbook for border guards, and also recasting and an old and legally dubious Common Manual (CM) on Checks at the External Borders which outlined conditions for entry and rules for checks and surveillance.[152] The new CM repeated the call for developing a common set of exceptions and arrangements for local border traffic, acknowledging that the existing agreements presented significant differences concerning the geographical area, length of stay, eligibility criteria, and document requirements. While the CM initially listed in attached annexes the existing agreements, along with the penalties each state imposed for unauthorised crossings, both items were withdrawn at member-state request due to their confidential nature, in a Council Decision which also amended/deleted the parts of the Common Manual referring to crossing the border at places other than authorised border crossing points.[153]

These early attempts for a community local border traffic opened up a debate, which was becoming increasingly relevant as the 2004 enlargement approached. On one hand, the enlargement prospect added to the matter some urgency, as most of the accession states (Slovenia, Bulgaria, Romania, Hungary, Poland, Latvia, and Lithuania) also had highly diverse agreements with their neighbours. A preliminary paper released by the Commission in 2002 repeated the need for

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[150] Council of the European Union, "Council Introductory Note: Common Consular Instructions on Visas for the Diplomatic Missions and Consular Posts," 2002/C 313/01, (December 16, 2002), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32002X1216(02).
[151] European Commission, "Towards Integrated Management of the External Borders of the Member States of the European Union."
[152] Schengen Executive Commitee, "Common Manual," *Official Journal of the European Union* C 313 (2002): 97–335.
[153] Council of the European Union, "Decision on the Revision of the Common Manual," 2002/352/EC, (April 25, 2002), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32002D0352.

minimum common principles noting that the future member-states "will not only need clear guidance as regards rules on local border traffic with their neighbouring countries, but also need to be closely involved in drawing up such rules."[154] On the other hand, the particular timeline of the enlargement as regards Schengen accession made matters more complicated. In the 2003 Commission proposal[155] in addition to the main regulation on the establishment of a local border traffic regime, a second complementary regulation was necessary, to allow for such agreements to be concluded on the "temporary external" land borders between member-states, during the acceding countries' two-step process of implementing the Schengen *acquis*.[156]

The Commission urged for the two proposals to be adopted before the 1st of May 2004, to avoid further complications. The main regulation itself had two parts; a first part based on Article 62(2)(a) (EC) which concerns standards of border checks, establishing the exception of the provisions, and a second part based on Article 62(2)(b) (EC), establishing a specific "L" visa to be issued for the purpose of local border traffic.[157] After the May 1st deadline, measures related to the increasingly harmonised area of issuing visas would be adopted in accordance with the co-decision procedure, whilst measures related to the more sensitive area of border checks would still need to be adopted unanimously by the Council. Due to their incompatibility, the two elements of the main proposal would have to be further broken down into two separate proposals. The Commission's deadline was not met, as discussions proved very difficult and progress towards achieving unanimity was slow. The Hague programme of 2004 however extended the co-decision procedure to cover the

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[154] European Commission, "Commission Staff Working Paper: Developing the Acquis on Local Border Traffic," SEC(2002)947/1, (September 9, 2002), http://ec.europa.eu/transparency/regdoc/rep/2/2002/EN/2-2002-947-EN-1-0.Pdf.

[155] European Commission, "Proposal for a Council Regulation on the Establishment of a Regime of Local Border Traffic at the External Land Borders of the Member States; Proposal for a Council Regulation on the Establishment of a Regime of Local Border Traffic at the Temporary External Land Borders between Member States," COM/2003/0502 final, (August 14, 2003), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2003%3A0502%3AFIN.

[156] In the 'two-phase implementation procedure' of the Schengen *acquis*, new Member States only apply part of the *acquis* upon their accession, whilst the remaining provisions, which are the ones related to lifting internal border controls, are implemented upon the authorisation of a special Council decision.

[157] The proposal distinguished between third country nationals on the positive and the negative Schengen list; while border residents of a state in the positive list would be allowed to cross the external land borders on the basis of an identity card or a specific border crossing permit (article 6), border residents of a state in the negative list would require a passport where the new L type visa could be affixed.

relevant provisions pertaining to border checks,[158] and a new 'merged' proposal was drafted in 2005, covering existing as well as temporary external borders, and provisions on both border checks and conditions on issuing the special "L" visas. The Regulation affirmed the particular power-sharing that the LBT would involve:

> While this Regulation sets a Community regime on local border traffic, thus conferring on the Community external competence on this matter, it has been considered appropriate- taking into account the specific nature of a local border traffic regime, whose establishment largely depends on local geographical, social, economic and other considerations-to delegate to Member-states the actual implementation of such regime via bilateral agreements.[159]

While the Hague Programme provided a technical legislative solution to the lag between visas and border checks harmonisation, and provided for a formula distributing competence, it did not resolve the underlying tensions. In practical terms this meant difficulties in reconciling the Commission's more centralised approach with a focus on securing the border, with the member-states' more flexible views that emphasized diversity in order to provide greater benefits to the border residents. According to the *Committee* on Civil Liberties (LIBE Committee), the Commission's proposal still "placed serious demands on the people who live along the European Union's external borders."[160] Following further rounds of harmonisation negotiations, an amendment was achieved,

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[158] Council of the European Union, "Decision Providing for Certain Areas Covered by Title IV of Part Three of the Treaty Establishing the European Community to Be Governed by the Procedure Laid down in Article 251 of That Treaty," 2004/927/EC, (December 22, 2004), 45, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0927.

[159] Council of the European Union, "Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 Laying down Rules on Local Border Traffic at the External Land Borders of the Member States and Amending the Provisions of the Schengen Convention."

[160] "European Parliament Debate - Local Border Traffic" (Procedure 2005/0006(COD), Strasbourg, February 14, 2006), http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20060214+ITEM-005+DOC+XML+V0//EN&language=BG.

so that instead of the special 'L visa', a local border traffic permit would be issued, not in uniform format and not to be stamped upon entry and exit.

Conclusions

This chapter has unpacked the conceptual tensions surrounding the LBT, identifying the EU's dialectic conduct of dealing with exceptions via rules and dealing with insecurity via openness, which invites a risk-based framework to conceptualise its security logics. The security functions of the LBT have been analysed according to three different perspectives and geographical scales. The chapter first considered the border area itself in heterotopological terms, in order to tease out the historical resonances of the contemporary security complexes Kaliningrad has been entrenched in. Visiting this area's past, a view of it emerges as a historically 'odd' deployable territory enmeshed in multiple geopolitical agendas. In turn, this situates the border-area it in the wider, north-eastern place-making processes of the EU, which can shed light on the functions of the LBT as a regional instrument that extends the EU's reach by standardising borderlands at the EU's external perimeter, consolidating Schengen's coherence, and investing a European sameness upon spaces that are 'different' in a north-eastern way.

Secondly, it has been observed that the LBT in Kaliningrad has functioned as discursive currency in support of particular international cooperation narratives, by the actors involved. Negotiations for an LBT have been dependent upon the overall state of EU-Russia relations, embedded within the wider questions of visa-free travel for Russian citizens. However, and especially in the years following 2008 and the increasingly confrontational Russo-Polish bilateral environment, it was rather Poland, driven by its own security concerns, which brought momentum to the stalling issue of Kaliningraders' movement, seeing in the LBT a means of diffusing tensions at its borders in a secure way.

Thirdly, the LBT has been examined alongside Schengen's integration, as part of the common instruments to regulate non-clandestine movement. As discussed, the common visa policy

framework seems well-equipped to provide the facilitations of the LBT, while ensuring effective data collection and monitoring. That the LBT has remained outside of this highly integrated Schengen area seems to owe to the particularly sensitive nature of its policy scope, the intergovernmental stronghold of border exceptions, and can thus be conceptualised as the present threshold of border integration.

The heterotopological analysis of the border area in Kaliningrad, which historicizes the geopolitical/biopolitical interplay in this part of Europe, also allows us to view a particular geographical imaginary of the EU, a heterotopia fragmented along a north/south divide. This chapter has provided one example of the different security logics that apply on either side of the divide, and that is the inverted practice of exception. In the LBT context, member-states are exceptionally softening the Schengen external border regime in order to be inclusive towards their neighbours. This has been taking place at the time of fences and returning internal border controls, as a response to threats coming from the south. What is more interesting however is the subtle similarities that exist between the LBT and the southern-focused Eurosur as discussed in chapter 3; they both have a fragmenting effect, which involves a break-down of the external perimeter into distinct sections, according to local security parameters. These observations add to the argument that the risk-based framework for border security and its flexible responses may entail coherence at the executive level but it is a coherence which is grounded in technical knowledge rather than politics, and as such fails to translate into a versatile but singular perimeter, mirroring the challenges of creating the EU itself as a diverse but united whole.

Conclusions

Conclusions
Introvert Continent

Abusaleh, a 26-year-old Syrian refugee with a Master's degree and excellent English, began his journey from Aleppo in March 2013, and worked in Turkey for a year before deciding to attempt the Aegean crossing to go to Europe. He hired the services of a smuggler, found through a Facebook group, and paid 300 euros for a 'guaranteed' Aegean crossing, meaning that even if their dinghy was apprehended and returned to Turkey, they would try again at no extra charge. Abusaleh had to learn how to swim the day before their departure, and as it turned out that last-minute lesson may have saved his life. The overcrowded dinghy was indeed apprehended mid-sea by the Hellenic Coast Guard, its passengers invited to climb onto the larger vessel and take off their life vests. They were then asked to jump back into the water, the only consideration for their safety being one officer who asked whether the group had a working phone in order to get in touch with the Turkish Coast Guard and be rescued. Abusaleh tried twice more before his boat was rescued by a Hellenic Coast Guard vessel that transferred him and his fellow travellers to one of the Greek islands, and subsequently to Athens. He stayed there for approximately six months, in hotels, rented flats, and friendly houses, and made four attempts to board a flight to Italy. Each time cost him the price of the flight and an extra 100 euros for a fake ID card, supplied by Pakistani migrants settled in Athens, and once delivered with spelling errors. Being apprehended at the airport, he recounts, was a very different experience than in the sea. "The border guards were OK. They said 'Come back another day' or 'Get a better document.'"[1]

On his fifth attempt, and shortly before the money that was given to him by his family ran out, Abusaleh managed to fly into Rome, cross into Nice, and from there to make his way into Germany where he finally applied for the refugee status. Our interview was conducted shortly after one of the failed

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[1] Interview to the Author, Athens, 10 December, 2014

attempts, and in a spirit of disillusionment. During our conversation, I asked Abusaleh about the reasons that make the EU an attractive destination for him, to which he responded "Nothing, I just want to go to Germany".[2]

Abusaleh's views on the relevance (or lack thereof) of the EU do not differ much to those of the European Commission President Jean Claude Juncker. In his 2015 State of the Union speech, titled "Time for Honesty, Unity and Solidarity", Juncker defined the crisis in the EU in terms of a triple lack; lack of honesty in the Union, lack of Europe in the Union, and lack of union in the Union. The remedy suggested was a return to politics, as opposed to the routine depoliticised work of the EU's executive in 'normal' times.

> This is why I said last September before this House that I wanted to lead a political Commission. A *very* political Commission. I said this not because I believe we can and should *politicise* everything. I said it because I believe the immense challenges Europe is currently facing – both internally and externally – leave us no choice but to address them from a very political perspective, in a very political manner and having the political consequences of our decisions very much in mind. Recent events have confirmed the urgent need for such a political approach in the European Union. This is not the time for business as usual.[3]

What these two different testimonies alert us to, are the ways in which the recent waves of migration into the EU, and the ways of (mis)handling them, have had the capacity to reflect back to us as observers and to those more directly involved, the gaps and excesses of the European project itself.

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[2] Ibid.
[3] Jean Claude Juncker, "State of the Union Speech 2015: Time for Honesty, Unity and Solidarity," September 15, 2015, http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm.

The thesis has focused on such gaps and excesses, asking: what happens in border spaces at Europe's edge, when geographical particularity and local history meet abstract security logics of risk? To answer this question, the heterotopia has been put forth as an analytical tool. Heterotopias, taken as dialectical spaces with loose spatial and temporal boundaries, provide a means to capture and conceptually operationalise the differentiated and fragmented nature of EU space. Four Chapters, have addressed distinct aspects of this differentiation.

Chapter One started by introducing and interrogating the 'migration crisis' context, zooming in on the case of Greece, a member-state at the frontline of migration flows and in the heart of the EU 'crisis' debates. The chapter focused on the uses of exclusion and immobility, techniques of governing borders which have seen dramatic growth in the EU during the years of the 'crisis'. Findings suggested that the proliferation of practices of surveillance, identification, and detention represent a particular response to the perceived threat of irregular migration, the making of 'knowns' out of 'unknowns' through a deployment of immobility. It has been argued however that these are not the sole product of the EU's interventions, or the 'urgency' context of the crisis, but also represent continuities of the national migration context and local gatekeeping regime. The chapter explored Greece's own logics of spatial and temporal immobility, its exclavic geography, ambiguous belonging to Europe, and lingering insecurity stemming from the Greco-Turkish conflict. It concluded that in this case, Greece's own predicament has aligned with the EU's border objectives, resulting in an amplification of immobilising practices and particularly in the use of detention as a tool for managing migration flows.

Chapter Two unpacked the practice of immobility further, focusing on the paradigmatic space of the camp, and on transformations which require going beyond the conventional scholarly understandings of camps grounded in exceptionalism and sovereign excess. The informal camp of Piraeus, was used as an example of the diversity of forms that camps take, as they expand, multiply and enter the spaces of daily life. The chapter made two further points in respect of the EU's border policy.

Firstly, it has been argued that the paradoxical proximity of refugee tents and executive border watchtowers is an exposition of the arbitrary logics of discrimination at work in the EU; residing in de-politicised logics of population distribution, and rendering some lives as more worthy of living than others. Secondly, it has demonstrated how these de-politicised logics blend with local history and present political struggles in malleable ways, allowing for local patterns of class, race, or national identity lines to dictate particular configurations at spaces associated with EU power.

Chapter Three considered the EU's modes of producing 'border-knowledge', making its elaborate border machinery possible. The case study of Frontex demonstrated the diverse context of actors within which this knowledge production has been taking place; the EU institutions, law enforcement, and the security industry. It was found that the tensions surrounding Frontex's identity; as an intelligence agency and an operational actor at once, resonate with the 'riskification' of the EU's borders; the turn to management logics, the orientation towards the future, and the de-construction and re-construction of the EU 'territorial self'. The main findings concentrated on ideas about the geography of the EU that are produced, and demonstrate the operational reconstitution of the EU as fragmented space.

Chapter Four focused on the politics of inclusion produced by the risk-based border logics, considering the Local Border Traffic (LBT) regulation of the EU, and its application in Kaliningrad, a case selected due to its unusual geopolitical situation. The LBT has been examined as a policy that 'softens' the border, and enables the regulation and monitoring of sensitive areas in the EU's northeast. This case-study enabled three interesting observations. Firstly, the ways in which Kaliningrad's spatial memories re-appeared in official EU maps, showed the limits of the EU's border policy and its potential to have a radically transformative effect over historical and local geopolitical patterns. Secondly, Kaliningrad's appropriation as EU 'experimental' space and ground of cooperation with Russia has demonstrated one of the ways in which foreign policy and border security intersect. Thirdly, the

exceptionally extended allowances of this particular LBT agreement illustrated the flexibility of the policy as a technology of risk-based security. Overall, the chapter brought forth some of the ways in which EU border security is also pursued through mobility and inclusion.

Three interconnected analytical strands bring these chapters together; a) borders as constitutive processes in the production of difference/sameness b) borders as instruments to delineate spaces for the containment and management of threats c) borders as objects and as sources of knowledge. Taken together, the three conceptual strands and the empirical findings suggest that the EU has related to its borders (and its neighbours) in a rather introvert way. Borders have been used in the EU not simply to filter 'wanted' from 'unwanted' mobilities, but also to constitute the EU itself as a political actor by means of geographically organising its difference from its 'outside'. By scanning its doorstep in excess detail, and subsequently assigning levels of threat to parts of the world, a degree of *Otherness* is asserted; by deploying regimes of immobility/exclusion and mobility/inclusion the distance between the self and the *Other* is regulated accordingly. However, while this EU border politics has been productive of many and different border-spaces, within which lives and relations of power are meant to unfold in a biopolitically pre-configured manner, the latter are already enmeshed in established patterns, shaped by history and geography. The ways in which the EU's border politics blend with these patterns, at times aligning and at others antagonising local lines of difference and otherness, and the ways in which the *local* in turn transforms the *EUropean* and its relationship to the *outside,* mirrors the very complexity as well as the fragility of the EU project.

Contribution to the Literature

The thesis has sought to add to the Critical Border Studies agenda by contributing a set of case studies on border spaces, adding a commentary question to the 'borders are everywhere' thesis, and asking "but where exactly?" I have attempted to contextualise biopolitical borders in local history and

geography, as a means of going beyond the geopolitics/biopolitics dilemma. This has been done by focusing on the ways in which biopolitical and geopolitical logics have used one another as vessels, settling on distinct configurations of hard and soft, 'smart' and 'old-fashioned', territorially fixed and diffused bordering processes.

The re-worked concept of Foucault's heterotopia can be useful to border studies in three ways. Firstly, to conceptualise the production of multiple difference at the micro-level, as the difference of a part which belongs to multiple wholes. Secondly, to trace the ways in which temporal and spatial logics intersect, embedding the borders of the past into the present realities, and illustrating continuities that would have gone amiss if studied in a purely biopolitical way. Thirdly, to enable a particular 'loosening' of the fixity and location of borders, without disposing of them entirely, bringing forth ways in which bounded entities can disappear and re-emerge within diverse spatial contexts.

Whilst a Foucauldian streak runs through the thesis, the latter has not been loyal to one analytical approach, to one method, or one archive. I left instead each chapter take its own course and the empirical material to spell-out the theories, concepts, and 'data-banks' that best brought out its nuances. As such, the project also makes multiple small contributions to the different fields that it has taken from. Chapter one may be of interest to students of Modern Greece who are interested in the recent stages of its European trajectory, and the effects of the recent migration patterns on its EU integration. Chapter two might have some useful materials for scholars working on post-industrial urban spaces or port-cities, by offering a contemporary Mediterranean example. Chapter three may hold some value for researchers questioning the EU institutions from an organisational and modernisation theory perspective, and researching ways in which these institutions respond to processes of globalisation, expanding uses of information technologies, and neoliberal ideologies of profit. Chapter four should hold some insights for historical geographers of Central and Eastern Europe, as well as for political scientists looking into the particularities of Kaliningrad's modern history and identity.

Reflections-Limitations

The argument of this thesis shall be read with the following three limitations in mind.

One, I have used throughout the thesis thick signifiers which have not been elaborated further. The terms and concepts of area, place, and space are subjects of debate amongst geographers, and they carry indeed different connotations; scientific, political, and affective. Given the focus of this thesis on the politics of crafting particular geographical imaginaries in every day settings, I have rather relied on context to bring out the meaning of these terms, which is not necessarily the same across the different parts of the thesis, or in the discourses that these parts engage with. Another concept that has been used without definition is that of dialectic/dialectics. Between Adorno's negative dialectics and Bourdieu's affirmative dialectics, there is a whole rich field of interpretations premised upon this term. I have used dialectics in a lay manner here, inspired instead by Schopenhauer's dialectics of practice as the 'art of disputation.' The term is therefore meant to denote an irreducible conceptual conversation that unfolds in juxtapositions, and the productive effects of which are rooted in context rather than logic.

Two, as I came to realise at a late stage in the thesis, the ways in which the EU has treated some of its many geographical 'irregularities', the policies of ordering, monitoring and disciplining that it has deployed towards these spaces, are more grounded in Europe's colonial past than commonly thought. I have tried to engage this idea, albeit implicitly in Chapter two, by taking note of the origins of the camp in European colonial history, but also through the particular heterotopology that has been suggested; a way of doing spatial history by locating the specific sites of historical struggles within present landscapes of power.

Three, should there be no time or space constraints, I would have liked to focus more on the anthropological aspects of my research question, and the agency of migrants and their communities in particular. Literature has had unproblematised recourse to the 'migrant', the mobile, rootless subject, in

order to construct otherwise very nuanced arguments. This is a limitation that my thesis has not altogether avoided. Through empirical research I came to understand that moral positions, aggregating a vast assemblage of personal circumstances, backgrounds, and political positions into a single narrative of privilege/oppression are to a great extent 'easy answers', and often themselves mirror the repressive policies that they criticize, producing and reproducing individuals into subjects that resemble textual bare lives. Although this has not been discussed explicitly in a dedicated chapter or section, l have tried to address it to some degree through the overall argument that is advanced here, on dismantling homogenising categories, be they in policy prescriptions or scholarly discourses, and paying closer attention to instances of individual difference.

Implications and Questions for further research

Building on the findings of this project, and taking cue from its limitations, some avenues for further empirical and theoretical research emerge. Firstly, the theoretical implications of the concept of a heterotopia could be taken further, and its potential as a bridge between post-modern networked space and the legacies of colonial geographies could be investigated. The Spanish enclaves of Ceuta and Melilla, or the French Guadeloupe in the Caribbean make for particularly interesting cases that could inform such research. What does Europeanisation translate into in those spaces which are geographically detached from the EU and projected into its 'outside'? What forms of identity and subjectivity are thereby produced as a result of EU membership, in a geographical and political context where Europe's colonial past cannot be ignored?

A second direction that this thesis has pointed me towards concerns personalised internet technologies, and the ways in which they become implicated in the phenomenon of migration, enabling mobilities and immobilities, and problematizing understandings of 'access'. Some of the themes to investigate would be the ways in which smartphone, GPS and map technologies are used by migrants to

enter the physical spaces from which they are excluded; or how Facebook, as open and accessible virtual space, is used by migrants, smugglers, and border guards to coordinate their activities.

A third theme that has emerged through this research is the ongoing competition that exists between EU law enforcement and smuggling networks, as regards the regulation of international mobility. When viewed from the perspective of migrant mobility, the Mediterranean represents not only a contested juridical space of multiple and fluid sovereignties, but also a highly profitable market. Questions that could thereby be asked are; how do EU neoliberal logics that outsource state-functions to private enterprise inform the logics of the smuggling market? How does the construction of the 'smuggler' as the EU's 'enemy' and Other relate to the EU's own lack of power to enforce manageable systems of regulating mobility?

In conclusion, the thesis has argued for the need to embed the study of the EU's biopolitical borders within geographical and historical analytical frames. Taking a contextualising approach to the delineation of EU borders and border spaces can offer a political interpretation of the de-politicised logics of risk. Mobility and immobility, inclusion and exclusion are then not merely acts that permit and forbid bodies from accessing an internal and prosperous sub-world, but performances of difference and otherness in the process of constituting the EU as such.

Appendices

Annex I

List of Interviews

Hellenic Police official, 17 April 2012, Alexandroupolis, Greece.

Hellenic Police official, 20 April 2012, Thessaloniki, Greece.

Hellenic Police official seconded by Frontex, 22 April 2012, Thessaloniki, Greece.

Frontex official, 28 October 2013, Warsaw, Poland.

Frontex official, 30 October 2013, Warsaw, Poland.

Frontex official, 1 November 2013, Warsaw Poland.

Syrian asylum-seeker, 26 October 2014, Athens, Greece.

Pakistani migrant, Athens, 4 November 2014, Athens, Greece.

Syrian asylum-seeker, 10 December 2014, Athens, Greece.

Frontex official, 20 April 2015, Piraeus, Greece.

Hellenic Police official, 11 June 2015, Athens, Greece.

Volunteer in Piraeus port, 21 March 2016, Piraeus, Greece.

Annex II

The EU's Decentralised Agencies

Agency for the Cooperation of Energy Regulators (ACER)	Ljubljana, Slovenia
Body of European Regulators for Electronic Communications (BEREC)	Riga, Latvia
Community Plant Variety Office (CPVO)	Angers, France
European Agency for Safety and Health at Work (EU-OSHA)	Bilbao, Spain
European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)	Warsaw, Poland

European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)	Tallinn, Estonia
European Asylum Support Office (EASO)	Valetta, Malta
European Aviation Safety Agency (EASA)	Cologne, Germany
European Banking Authority (EBA)	London, UK
European Centre for Disease Prevention and Control (ECDC)	Stockholm, Sweden
European Centre for the Development of Vocational Training (CEDEFOP)	Thessaloniki, Greece
European Chemicals Agency (ECHA)	Helsinki, Finland
European Environment Agency (EEA)	Copenhagen, Denmark
European Fisheries Control Agency (EFCA)	Vigo, Spain
European Food Safety Authority (EFSA)	Parma, Italy
European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)	Dublin, Ireland
European GNSS Agency (GSA)	Prague, Czech Rep.
European Institute for Gender Equality (EIGE)	Vilnius, Lithuania
European Insurance and Occupational Pensions Authority (EIOPA)	Frankfurt, Germany
European Maritime Safety Agency, (EMSA)	Lisbon, Portugal
European Medicines Agency (EMA)	London, UK
European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)	Lisbon, Portugal
European Union Agency for Network and Information Security (ENISA)	Heraclion, Greece
European Police College (CEPOL)	Budapest, Hungary
European Police Office (EUROPOL)	Hague, Netherlands
European Public Prosecutors Office (EPPO)	(To Be Announced)
European Railway Agency (ERA)	Valenciennes, France
European Securities and Markets Authorities (ESMA)	Paris, France
European Training Foundation (ETF)	Torino, Italy
European Union Agency for Fundamental Rights (FRA)	Vienna, Austria
European Union Intellectual Property Office (EUIPA)	Alicante, Spain
Single Resolution Port (SRB)	Brussels, Belgium
European Union Judicial Cooperation Unit (EUROJUST)	Hague, Netherlands
Translation Centre for the Bodies of the European Union (CdT)	Luxemburg, Luxemburg

Annex III

Border Area on the territory of Poland; administrative units and population

Pomerania

COUNTY	POPULATION
Puck (town)	82414
Gdynia (commune)	247820
Sopot (town)	37654
Gdańsk (town)	461489
Gdańsk (commune)	107382
Malbork (commune)	64257
Nowy Dwór Gdański	36254

Warmia-Masuria

COUNTY	POPULATION
Elbląg (town)	122368
Elbląg (commune)	58174
Braniewo (commune)	42469
Lidzbark (commune)	42506
Bartoszyce (commune)	59830
Olsztyn (town)	173831
Olsztyn (commune)	123049
Kętrzyn (commune)	65040
Mrągowo (commune)	50901
Węgorzewo (commune)	23604
Giżycko (commune)	57562
Gołdap (commune)	27353

Olecko (commune)	34805

Total of Polish Border Residents: 1.918.762

Source: Central Statistical Office of Poland; Local Data Bank, available at www.stat.gov.pl

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