

**A Moveable East**

**Identities, Borders and Orders**  
**in the Enlarged EU and Its Eastern Neighbourhood**

A thesis submitted to the University of Manchester for the degree of Doctor of  
Philosophy in the Faculty of Humanities

**2014**

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**Word Count: 89,432**

# Abstract

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*A thesis submitted to the University of Manchester for the degree of Doctor of Philosophy in the Faculty of Humanities, 2014*

**A Moveable East: Identities, Borders and Orders in the Enlarged EU and Its Eastern Neighbourhood**, Benjamin Tallis, The University of Manchester

This thesis explores EU borders and bordering in Central and Eastern Europe (CEE) in the context of the 2004 EU enlargement, the 2007 extension of the Schengen zone and the 2004 Eastern Dimension of the European Neighbourhood Policy (ENP) that, in 2009, was upgraded to the Eastern Partnership (EaP). The thesis links borders with identities and governing orders to argue that while the EU has successfully included, *inter alia*, Czechs and Poles, it has excluded Ukrainians sufficiently to impact negatively on their lives *and* on the achievement of EU goals in the neighbourhood.

The de-bordering and re-bordering inherent to enlargement, Schengen, ENP and EaP have (partially) displaced CEE borders from traditional locations at state frontiers. Bordering activities still take place within the supposedly borderless Schengen zone as well as at external frontiers with neighbouring states, but the EU has also exported border practices onto the territories of its neighbours. These processes prompted the questions addressed in this thesis: where, how, why and with what effects the EU makes its borders in CEE. An analytical framework – the ‘Borderscape’ – is developed to explore the complex manifestations of post-frontier bordering and to understand its socio-political, spatial and temporal underpinnings, and the consequences that EU bordering has for identities and subjectivities, order and governance in CEE. The borderscape encompasses border features, bordering discourses and bordering practices, which are constituted by EU and national governmental actors, border security and law enforcement agencies, by civil society actors and the people who move and dwell in the region. The borderscape is tailored to the regional particularities of CEE, with specific reference to processes of post-communist transition, EU accession and the EU’s engagement with its neighbours, specifically Ukraine. The findings of the research are based on extensive, interpretive fieldwork conducted in the Czech Republic, Poland and Ukraine.

The thesis shows the various sites, forms and functions of contemporary EU bordering that comprise a diverse yet connected border archipelago stretching from the Schengen interior into the Eastern neighbourhood. The EU’s bordering discourses are shown to be plural and often contradictory: notions of freedom, security and justice and the desire to benefit from sharing these with Central and Eastern Europeans are juxtaposed with narratives of fear, suspicion and narrow-minded self-interest. The EU’s Europeanised bordering practices, including Risk Analysis and the protection of both borders and migrants, have enhanced mobility for EU-Europeans (such as Czechs and Poles) who now share in the highly desirable form of order that it has created. However, the EU has also restricted mobility for Ukrainians, who are still seen as ‘Eastern-Europeans’. The borderscape betrays the EU’s internal crises of identity and confidence, which has had psycho-social exclusionary effects on Ukrainians and contributed to the politico-strategic crisis in the Eastern Neighbourhood. However this analysis also points to ways that the EU can address these issues.

## Declaration

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I hereby declare that no portion of the work referred to in this thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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## Note on Referencing

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This thesis uses three forms of in-text referencing: (Round Brackets) are used for references to sources listed in the bibliography, e.g., (Wilson, 2014); [Square Brackets] are used for references to the fieldwork activities that are listed in Appendix 2 e.g., [UA-I-NGO-2]; and {Curly Brackets} are used to refer to other chapters and sections of the thesis e.g., {6-6}. Where a website is cited, a hyperlink is provided in a footnote for easy reference. All access dates for websites are listed in the bibliography.

## Dedication

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This thesis is dedicated to all those who make borders in Central and Eastern Europe and to those who experience their effects.

## Acknowledgements

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This research would not have been possible without the help, support and co-operation of a huge number of people, who are too many to name individually here. In particular, I would like to thank all those policy-makers, practitioners, officials, civil-society representatives and the people who move through and dwell in Central and Eastern Europe, or who try to, and who participated directly in this research or who helped facilitate it in other ways. I am very grateful to the academic and administrative staff at University of Manchester and at Anglo-American University in Prague who supported both me and my work. I am also indebted to the students at the latter institution who provided such inspiration, grounding and fun – you know who you are! I would also like to specifically thank Xymena Kurowska for her wise counsel, patience and friendship, from the inception of the project to its completion. Most importantly, however, I want to thank my parents, Terry and Ray Tallis, who supported me during this project in every possible way and without whose unstinting generosity and fierce loyalty it would not have been possible to complete it. Finally, I want to thank Kate Kochkina whose love and support - and assistance with parts of the field research – made borders happen, and unhappen, at crucial times.

# Chapter 1 – Introduction: Identities, Borders and Orders in Central & Eastern Europe

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## ***Context***

Ukraine hit the headlines in 2013-14 when the mass demonstrations triggered by President Viktor Yanukovych's last-minute rejection of an 'Association Agreement' with the European Union (EU) were met with violent responses from riot police. However, this only strengthened the resolve of the (largely) peaceful protestors who, rallying under the banner of 'Euromaidan', braved the police bullets that had fatal consequences for many, and held firm, toppling the government and forcing Yanukovych to flee to Russia. At the time of writing in January 2015, the crisis that ensued after Russian annexation of Crimea and intervention in support of anti-government rebels in the Donetsk and Luhansk regions of Eastern Ukraine is on-going. The EU and the United States of America imposed sanctions on Russia. Some North Atlantic Treaty Organisation (NATO) members in Central and Eastern Europe – such as Czech Republic - worried about the consequences of being drawn into a standoff with Russia, while others – such as Poland – increased defence spending in order to be better prepared for any future conflict.

That Ukraine, which was described as late as 2012 as “the great Unknown of Europe” by the popular Lonely Planet tourist guide, should rise to the top of news agendas was surprising enough, but the underlying causes and consequences of this crisis were possibly even more bewildering. The EU rarely arouses much positive popular excitement, yet here were Ukrainians on the freezing yet fiery streets of Kyiv, waving EU flags and risking their lives in support of their country's 'European direction' and the chance to live in accordance with 'European values' (Wilson, 2014). The EU has deservedly built its institutional reputation on transcending the inter-state conflict that plagued European history prior to its instantiation. That it should find itself embroiled in what many commentators saw as a 'classical' geopolitical conflict, which it is ill-equipped to deal with was a novel development that seemed to take the Union itself by surprise (Wilson, 2014; Mearsheimer, 2014; Kissinger, 2014; Lucas, 2014).

However, for others these developments were more a case of *déjà vu* as Euromaidan came less than ten years after Ukraine's 'Orange Revolution' that followed the rigged

elections in which Viktor Yanukovich, backed by the Russian Putin regime, first won the Ukrainian Presidency. Yanukovich then lost, in a hastily organised re-run, to Viktor Yushchenko, who was backed internally by the powerful bloc of Yuliya Tymoshenko and externally by 'the West', including the EU and US. The victory of the Orange coalition presaged a significant upgrading of Western engagement in Ukraine. Buoyed by its recent and successful enlargement into the post-socialist world and eager to capitalise on potentially favourable developments in Ukraine the EU accelerated its already growing involvement with its Eastern neighbours that had been signalled by the 2004 launch of the 'European Neighbourhood Policy' (ENP). ENP aimed to share the benefits of enlargement with the EU's new neighbours as well as to avoid drawing new dividing lines between them and the Union (Prodi, 2002). That the EU was willing to upgrade its financial and political commitment to the neighbourhood and, specifically, to Ukraine seemed to show its confidence in its own purpose and power to act as a force for good in the neighbourhood (Wilson, 2005; Aslund & McFaul, 2006; Kuzio, 2010).

However, this deeper engagement was also motivated by concern over the EU's newfound proximity to what it described as "troubled areas" and their potential to threaten the EU's hard won internal peace and prosperity (EU, 2003). It is no coincidence therefore, that one of the flagship initiatives of its intensified engagement with Ukraine was an institutionally innovative 'Border Assistance Mission' (EUBAM). This Mission not only comprised both supranational and intergovernmental elements, but also drew upon significant numbers of personnel from the newer, post-communist, member states of the EU, who had recently completed the accession process. Despite the collapse of the Orange coalition, it was in a still a hopeful climate and with great personal optimism that I arrived in Ukraine to work on this border assistance mission in 2006. Less than two years later I resigned from the mission personally, professionally and politically dissatisfied with its activities in particular, but also with EU involvement in Ukraine in general.

It was this dissatisfaction that motivated this research project and the thesis that stemmed from it. Initially, my dissatisfaction focused on the discrepancy between the noble ideas expressed in official EU and ENP statements and speeches and the reality on the ground that seemed to me to be mainly about serving EU interests rather than supporting Ukraine and Ukrainians. Working on a border assistance mission brought this into particularly stark relief as, despite Visa Liberalisation being a key aspect of the EU-Ukraine action plan and despite EUBAM's widely-trumpeted successes, little had been achieved in this regard by the time I left the mission (nor by the time of the Euromaidan) (Kurowska & Tallis, 2009) {5-4}. The way that the EU was treating Ukrainians seemed to be in marked contrast to



the way it had treated those Central and East Europeans, including Czechs and Poles, whose countries had joined the EU in 2004, putting into question the values that the Union claimed underpinned its policies and identity as a governmental actor. The difficulties that the Ukrainians that I knew had in travelling to EU member states (EUMS) and how much this affected them contrasted sharply with my own ability to move freely. This contrast and its apparent impact first suggested that investigating borders and related issues of mobility, security, governance and identity would be a productive way to explore my dissatisfaction.

Travelling from Odessa back to Prague, on my last journey with diplomatic privilege, further confirmed this impression. On a freezing night in December 2007, less than three weeks before Poland (and the other EU-8 countries) were due to join the Schengen zone, the queue of cars waiting to cross the border from Krakovets in Ukraine to Korczowa in Poland stretched to about 5km. While crossing the border the other way, from Poland (and the EU) to Ukraine was taking minutes, the Ukrainians, huddled in their cars, balancing the need for sleep and warmth with the attentiveness to seize the chance of slight forward motion, faced a wait of many hours. Many seemed to have already resigned themselves to bedding-in for a stagnant night on these Eastern approaches to the EU. The experience at the next frontier I crossed on this journey could not have been more different. Passing from Southern Poland into North Czech Republic, crossing the border, which was then still subject to permanent control, involved little more than temporarily halting to flash a passport at the solitary guard in a roadside booth and voluntarily answering a few questions from a student conducting a survey for the Czech tourist board. Weeks later, this crossing, like those at other newly intra-Schengen frontiers, became even easier.

### **Puzzles**

This research project was initially motivated by a desire to understand why, in what ways and with what consequences the EU was treating Ukrainians differently to the Czechs and Poles who had been able to join the Union and, subsequently, the Schengen zone. I wanted to understand why the EU was simultaneously engaged in both de-bordering and re-bordering processes, some of which seemed to support its stated aims while others seemed to contradict them. However, as discussed in detail in the following chapters, the process of researching contemporary EU bordering in Central and Eastern Europe, in the context of EU enlargement, Schengen expansion and the European Neighbourhood policy was to prove even more puzzling, yet rewarding to explore, than I had initially thought.

As the research proceeded, I sought to understand the tensions between EU policies that purported to create a 'ring of friends' and critiques that claimed it was engaged in creating

'Fortress Europe' - despite the large numbers of Ukrainians who want to – and can – enter the Union. I also wanted to explore the tensions in the Schengen area, which despite often being described as a 'borderless zone' and an exemplary EU achievement, has also attracted criticism for the ways in which it is policed, leading to accusations that the EU engages in oppressive governance, particularly against migrants. Exploring these issues led to consideration of wider puzzles in relation to who is considered variously European or East European and why this matters; what European governance entails and who can enact, expand or and challenge this. In short, examining how the EU makes borders in Central and Eastern Europe involved exploring a series of related puzzles that concern how identities and orders, as well as borders, have shifted and stabilised in the context of the collapse of communism and subsequent processes of post-communist transition.

This thesis is an attempt to grapple with and make sense of the complexity of borders that, to a greater extent than in the recent past, take place at non-frontier locations and to explore their nuanced underpinnings in, and impacts on, identity and governance in Europe (Lapid, 2001). In order to do so, it examines EU bordering at three 'sites': inside Schengen, specifically in the Czech Republic; at the external frontier of the EU (and Schengen zone) between Poland and Ukraine; and in Ukraine itself.

A significant body of critical academic research points to tensions in 'Schengenland', emphasising that, while the removal of frontier controls facilitated freer movement for many people, it relies on what William Walters has called "trans-European networks of control" (Walters, 2002; 2006; Bigo, 2002; 2007). These contributions highlight the (potentially) oppressive effects of 'de-territorialised' border functions that can take place at any point on road or rail networks, in towns, cities, as well as at the airports that serve them, particularly for non-EU citizens ('Third Country Nationals' [TCNs]). The activities of mobile Customs units attempting to detect contraband or drugs, roving Border Guard teams trying to interdict 'illegals' and the urban actions of Police and other public and private agents are seen by such analyses to be indicative in this regard. However, such analyses often neglect the positive aspects of the enactment and enjoyment of the benefits of free movement by hundreds of millions of people – both EU citizens and TCNs – who accept and endorse the security measures that facilitate this movement by the EU and its member states. This project thus seeks to understand the relationship between securities and the mobilities of various groups who (attempt to) pass in and out of, and move and dwell within, the Schengen zone and the effects that this has on governance and subjectivity (Guild, 2009; Cresswell, 2010).

The 2004 accession of eight post-communist states (the EU-8<sup>1</sup>) to the EU was widely hailed as the institutional realisation of the processes of post-communist transition that had begun with the revolutions of 1989. In 2003, at the signing of the treaty authorizing the enlargement, Jan-Peter Balkenende, then the Dutch Prime Minister, spoke for many when saying: “It is only today that the Berlin Wall has truly fallen” (BBC Website<sup>2</sup>). Despite this new *de jure* equality, other analyses also saw a continuing *de facto* hierarchy between the EU-8 and the older member states (EU-15) and some even advocated this (Kuus, 2004; Case, 2009; Habermas, Derrida, et al., 2003). This research examines the extent to which Czechs and Poles have been able to overcome these *de facto* hierarchies and enact EU-European belonging. However, despite declarations such as those of then German Chancellor Gerhard Schroeder that: “With this step, the Union is finally overcoming the division of the European continent into east and west”, the formal inclusion of *inter alia*, Czechs and Poles as EU members excluded others (BBC Website<sup>3</sup>). The thesis therefore also looks at reasons why Ukrainians have been deemed unworthy of membership and so must settle for the ‘Eastern-European’ identities and subjectivities of ‘neighbours’ and ‘partners’ (Kuus, 2004; Snyder, 2005; Zaiotti, 2007; Jeandesboz, 2007; Jansen, 2009).

It has been widely claimed that these exclusions are manifested in the creation ‘Fortress Europe’ at EU borders, including at its Eastern frontier {4-3} (e.g. Follis, 2012). However, the present research critically examines these claims and also investigates the subtleties of the exclusions and inclusions of EU relations with Ukraine, particularly through its visa regime and externalised bordering practices. The thesis examines how these inclusions and exclusions relate to internal EU governance in the ‘Area of Freedom, Security and Justice’ (AFSJ), as well as the EU’s external governance through ENP. In linking analyses of identities, borders and orders, this research is also relevant to understanding the situation in which the EU currently finds itself in its Eastern neighbourhood, with particular regard to its relations with both Ukraine and what this complex set of internal, frontier and external borderings mean for Europeans, within the EU and without.

### **Research Questions**

In order to explore these contradictions and tensions, that greatly ‘thickened’ the plot of this thesis, as well as the puzzles that inspired it, several connected research questions were posed. The main questions address the complexities of understanding ‘post-frontier’ bordering in Central and Eastern Europe and comprehending its contingencies as well as

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<sup>1</sup> Czech Republic, Poland, Hungary, Slovakia, Latvia, Lithuania, Estonia and Slovenia {5-2}.

<sup>2</sup> <http://news.bbc.co.uk/1/hi/world/europe/2954413.stm>

<sup>3</sup> <http://news.bbc.co.uk/1/hi/world/europe/2954413.stm>

its consequences. The subsidiary questions address specific issues necessary to answer the main, higher-level, questions. These sub-questions stemmed from the Analytical Framework that is outlined in Chapter 2, which argues that the main object of inquiry in this research is a “Borderscape” comprised of “related arrays” of features, discourses and practices (Perrera, 2007; Ingold, 1993). The Analytical Framework also shows the need to investigate the socio-political, spatial and temporal underpinnings or contingencies of these border features, discourses and practices in order to better understand their consequences for identities and orders, as well as how bordering can be challenged or contested. The questions were investigated using the interpretive methods and methodology that are outlined in chapter 3. The next section of this introductory chapter, which follows the research questions, outlines the structure of the thesis and the contribution made by the subsequent chapters that answer the research questions posed here.

#### **Main Questions:**

- In the Enlarged EU & its Eastern Neighbourhood, how and where does the EU make its borders?
- Why does it do so in the way(s) and locations that it does and how is it able to do so?
- How is EU bordermaking related to identities, subjectivities, orders and governance in CEE?

#### **Subsidiary Questions:**

- Which are the key Actors involved in constituting the CEE Borderscape?
- What are the key Features that constitute the CEE Borderscape?
- What are the key Discourses that constitute the CEE Borderscape?
- What are the key Practices that constitute the CEE Borderscape?
- What are the most important socio-political, spatial and temporal contingencies and consequences of these Features, Discourse and Practices?
- What consequences do these Features, Discourses and Practices have for identities and subjectivities, orders and governance in CEE?

### ***Contribution and Structure***

Having introduced the puzzle(s) that motivated the present research project, this section introduces the individual chapters of the thesis, setting out how the project was conceptualized and conducted and pointing to some of the findings that it generated. In

brief, the *Analytical Framework* {2} chapter sets out what the research project needed to find out in order to address the research questions. Chapter 3 - *Methodology and Research Design* - explains how the research was designed and conducted and why this matters for the findings it has produced. Subsequent chapters detail the various elements of EU bordering in CEE: the Features {4}, Discourses {5} and Practices {6} that constitute the CEE borderscape. These 'borderscape' chapters also identify the key consequences of EU bordering – in relation to identities and orders – as well as the social, spatial and temporal contingencies that allow this bordering to take place in the ways and at the locations that it does. The findings and analyses are then drawn together in the concluding chapter {7}, which also uses these conclusions to suggest potential areas for further research.

However, before outlining the contributions made in the individual chapters, it is important to highlight the key contributions of the thesis as a whole. The extension and development of the 'borderscape' as an analytical framework allows for a newly comprehensive and nuanced examination of the complexity and diversity of post-frontier bordering. The borderscape maps the material-territorial, discursive and practise-based instantiations and processes of bordering and offers insight into their underpinnings, inter-relations and implications. Combining insights from a variety of academic disciplines provides an innovative and nuanced socio-political, spatial and temporal prism for interpreting and understanding borders and their connections to identity and subjectivity, order and governance. In this thesis the borderscape is tailored to the regional particularities of Central and Eastern Europe but, with the necessary alterations, it has the potential to be applied in other empirical settings.

In empirical terms, the thesis makes several key contributions. First it organises the distinct forms of bordering in CEE into a typology that draws out their differences, while also showing the connections between them. In doing so, it challenges simplistic critiques of EU frontier bordering as 'fortress'-like, of its neighbourhood relations as merely creating buffer zones and its internal bordering as being overly oppressive. Combined analysis of features discourses and practices, confirms the scale of achievement of the creation – and subsequent extension - of the Schengen zone as an 'Area of Freedom, Security and Justice' and shows its desirability to EU citizens and Ukrainians alike. Furthermore, this analysis highlights the success with which Czechs and Poles have been able to overcome hierarchical relations and enact EU-European belonging through participation in Schengen. However, the thesis also highlights contradictory trends in the features, discourses and practices of EU internal, frontier and external bordering that could undermine this

achievement and threaten the gains that have been made in overcoming old animosities and in bringing peace and prosperity to large parts of the European continent.

When viewed through the borderscape's multi-dimensional prism, the thick empirical data generated through the research shows both the positive and problematic aspects of the EU's identities-borders-orders nexus. It brings out the contrasting ways the EU deals with Ukrainians, Czechs and Poles and points to serious issues that it needs to address. The contemporary CEE borderscape is argued to be indicative of – and to compound – crises of identity and confidence within the Union. The EU needs to tackle these twin crises or risk undoing much of its previous good work, which would be to the detriment of Europeans inside and outside its current frontiers. Significantly, the thesis shows that the borderscape is a good place to productively reflect on these issues.

Chapter 2 sets out the Analytical Framework – the borderscape - employed in this project to better identify and interpret the complexities and nuances of 'post-frontier' bordering, as well as its consequences and conditions of possibility. Drawing on an extensive, interdisciplinary literature review, this innovative analytical framework identifies the key aspects of bordering that it was necessary to inquire into in order to answer the research questions and explore the puzzle outlined above. The framework narrows down the large categories of 'the social' and 'the political' to those aspects which are most relevant to bordering: security, insecurity, mobility and immobility; the ways that these are desired, imposed, repudiated and denied; and how these relate to various ways in which power, resistance and acquiescence are understood. Rejecting the focus on exceptional or limit cases that characterises some critical border research, the framework incorporates Foucauldian (1978) rather than Agambenian (1998) understandings of power - in general and, specifically, in relation to different 'modes' of power (Walters, 2006). The socio-political section of the framework also highlights the differing relations between forms of bordering and modes of governance and subjectivity, which are then linked to the Identities-Borders-Orders (IBO) literature that informs much of the present research (Lapid, 2001; Rajaram & Grundy-Warr, 2007).

The Analytical Framework incorporates insights from the 'spatial turn' in social research and recent interpretations of 'political time' in IR, as well as interdisciplinary understandings of the 'regional particularities' of CEE, with specific regard to processes of post-communist transition, EU integration and delineations of 'Europe' and 'Eastern Europe' {2-5} (Parker & Vaughan-Williams, 2009; Soja, 2009:19; Wolff, 1994). Using these insights made it possible to take account of relations between space and subject,

mediated by power, resistance and acquiescence, and by particular forms of knowledge. The framework also incorporates both socially-performative and material place-making, which highlight the importance of understanding border sites and forms {2-4}. The temporal section of the frameworks looks at how the politics of history – and its supposed end – impacted on CEE by creating a ‘telos of transition’ which helped condition hierarchical relations between the EU and what became the EU-8, again linking discourses and practices of bordering to identities and orders. These insights from the analytical framework are combined in a unifying concept – the borderscape – that guided the conduct of the original research that was undertaken in this project. The conceptualisation of the borderscape, as being constituted by related arrays of features, discourses and practices, which is outlined in Chapter 2 goes beyond previous conceptualisations and makes the borderscape a more researchable proposition (Rajaram & Grundy-Warr, 2007) {2-2}.

Chapter 3 outlines the interpretive methodology and methods that underpinned the design and conduct of this research and which were influenced by the difficulties involved in the initial stages of the project. In keeping with the reflexive commitments of interpretive research, this chapter discusses these difficulties and how they were overcome as it narrates my own trajectory into and through the different phases of the research and reflects on these experiences. Interpretive research is designed and conducted differently than positivist research, as well as being based on different ontological and epistemological foundations, which the chapter discusses. Significantly for this project, interpretive research foregrounds the importance of the researcher, and their particularity, in co-generating data that is specific to the participants, sites and settings of the research project (Schwartz-Shea & Yanow, 2012). This approach made my professional background in the field of European (border) security highly relevant to the research, particularly regarding levels of access to and interactions with security practitioners and EU institutions, allowing for enhanced data generated but also raising questions of potential co-option. The chapter addresses these questions, as well as reflecting on how my background, combined with my academic positioning and knowledge, informed my interpretations of the data that was generated and the arguments that they support. The way these issues are addressed is informed by the normative commitments of what has been termed “critical pragmatism” {3-2; 3-5} (Kurowska & Tallis, 2013).

Chapter 3 details how the research was planned or ‘mapped’ in order to maximize its “exposure” and ‘intertextuality’ which are key aspects of ‘systematic’ interpretive research that can enhance the potential “trustworthiness” of the data that is produced and increase

the ‘persuasiveness’ of the claims made and arguments advanced {3-3}. This section of the chapter further discusses the multiple sites, actors and settings that were researched and how these evolved during the course of the project. The chapter then outlines the research skills and methods that were employed, both to contribute to the overall literature on this topic, but also to further enhance the explicit reflexivity of this project and allow readers to understand the means by which the data was generated {3-4}. The chapter concludes by reflecting on the negotiations that were required in the course of the field research, particularly in relation to the proximity that I strove to engineer and associated issues of researcher responsibility, but also in relation to the ways that I ‘made sense’ of the data that I had generated {3-5} (Schwartz-Shea & Yanow, 2012).

The next three chapters outline the key border *features*, *discourses* and *practices* that constitute the CEE Borderscape. Chapter 4 outlines the border *features*, which result from the combination of particular bordering forms and functions, at particular sites, in CEE. This chapter analyses the contingencies and consequences of the linked, yet distinct and diverse, features that comprise the archipelago of EU bordering in CEE, which stretches from the Schengen interior, through the EU and Schengen external frontiers and into Ukraine itself. Following previous analyses (of the pre-enlargement Schengen zone), this chapter shows that despite the removal of fixed, permanent frontier controls, bordering still takes place within the ‘borderless’ zone. Police checks as well as labour and residence bureaucracies act as internal borders, which effect social dividing practices. However, contradicting previous critiques, this chapter shows that, although they are time-consuming and inconvenient, these controls are neither totalizing, nor overly oppressive and can even offer ways into EU-European belonging for TCNs, albeit in limited numbers {4-1}. Chapter 4 goes on to show that EU citizens can also still face police controls when moving between Schengen states, particularly when crossing the former ‘Iron Curtain’ borders. The legacies of post-communist transition and hierarchical belonging also linger at the remnants of Border Crossing Points, but these sites also testify to the integrative successes of EU re-bordering {4-2}.

As noted above, the EU is often accused of building ‘Fortress Europe’ at its external frontiers, but chapter 4 argues that such critique is misplaced – with respect to the East at least - and that EU frontier-bordering with Ukraine is more like a *filter* than a *fortress*. The chapter shows that the strengthening of border protection, which has been misinterpreted as further fortification, has actually facilitated enhanced mobility for Ukrainians living in the border regions {4-3}. It is argued that fortress Europe critiques obscure the ways in which the EU *does* limit Ukrainian mobility – primarily through its over-restrictive visa regime,



which has damaging psycho-social effects on Ukrainians, as well as on the EU's ability to achieve its own goals in the Eastern neighbourhood. {4-4}. Other forms of externalized EU bordering in Ukraine itself, including the co-option of Ukrainian border management services to act as a 'first line of defence' has helped construct Ukraine as a source of threat but also as a site of counter-action, making it into a 'buffer-zone'. The value of the buffer-zone is used, alongside claims of Ukrainian difference from EU-Europeans, to justify on-going division and overly restrictive bordering. While this further excludes and alienates Ukrainians, it is undermined by their similarity of, *inter alia*, history, culture and language to EU-Europe, particularly the EU-8. This uncanny simultaneity of similarity and difference haunts EU relations with Ukraine that do not live up to the EU's history or its claims to be a values-based actor {4-5}.

Like the diverse *features* of the border archipelago, with its uneven and contradictory contingencies and consequences, the EU's *discourses* reveal much about its particular conceptions of security and mobility and why, as well as how and where, they are implemented and manifested in bordering. Chapter 5 identifies the EU's often-contradictory discourses that juxtapose integrative narratives with exclusionary tendencies. The chapter discusses the inclusive discourses that have helped make the Schengen zone an 'Area of Freedom, Security and Justice (AFSJ)', which is internally valued and externally desired. Moreover, it is argued that the ability to enact free movement, in a secure environment and to interact with a governing order that treats its citizens – and those of other states – justly has, in many ways, become the core of 'EU-European-ness' {5-1}. The development of the AFSJ and the 2004 EU enlargement heightened the importance of divisions between those Europeans who can enact these aspects of EU-European identity and those who cannot. Chapter 5 goes on to show how participation in Schengen has been highly significant for Czechs and Poles in overcoming lingering discursive hierarchies related to notions of 'new-ness' and 'Eastern-ness' and have, largely, been able to assert *de-facto* as well as *de jure* EU-European belonging at both individual and formal-political levels {5-2}.

In attempting to ameliorate the effects of the new divisions created by enlargement and to spread some of its benefits to its new neighbours, the EU launched the European Neighbourhood Policy (ENP) in 2004 and the Eastern Partnership (EaP) in 2008. As Chapter 5 shows, these policies depended on and propagated significant discursive elements that emphasized the shared values of the EU and its neighbours - specifically democracy, freedom and the rule of law – as well as the shared interests – in peace and prosperity – that they had in furthering co-operation and integration {5-3}. However, as the

chapter goes on to argue, these ‘positive’ discourses were countered by other discourses – of divergent values and interests as well as threat and fear, partly driven by prejudice and ignorance – that had the opposite effect, securitising and criminalising migrants and mobility and leading the EU to maintain division, through overly-restrictive bordering, between itself and Ukraine {5-4; 5-5}. Chapter 5 concludes by exploring the combined effects of these contradictory discourses, through the metaphor of ‘Euro-renovations’.

Chapter 6 discusses the EU border practices that, along with features and discourses, constitute the CEE borderscape. The chapter shows how the Europeanisation of EU bordering as a result of the obligations and responsibilities of shared borders through Schengen membership has led to the development of a ‘European border imaginary’ with the current Schengen frontiers as its key referent. It is argued that the creation of Frontex, the EU border agency, has helped spur the creation of a European border guarding community (although not a migration and mobility community), which has also facilitated the harmonization and diffusion of border protection practices and ‘Risk Analysis’. Chapter 6 examines the ways in which this type of knowledge, which is produced by operational border security and law enforcement, as well as the increasingly prominent ‘Fundamental Rights’ agenda have impacted on bordering in CEE {6-2; 6-3}.

The extent to which mobility is facilitated for Ukrainians by EUMS – specifically Czech Republic and Poland – is also examined and the contrasting effects of the policies and practices of these two countries are assessed in relation to the benefits of enhanced cultural, social and political contacts of the type outlined in official ENP documents. The ways in which Ukrainians negotiate the visa regimes and labour and residence bureaucracies of the EUMS in order to enact mobility are also discussed {6-4}. Chapter 6 goes on to discuss the practices and purposes of mobility into, within and out of the EU, which both result from and give rise to EU bordering. This section looks at the ways in which Czechs and Poles have used the possibilities afforded by EU and Schengen membership to enact different mobilities than those available to many Ukrainians. The chapter looks at how these practices of mobility, along with those of EU-European tourism to Czech Republic and Poland, but particularly to Ukraine reflect and generate particular constellations of identities, borders and orders. The chapter concludes that, despite some positive aspects, the overall impact of border practices in CEE is to overly-limit Ukrainian mobility and, consequently, the types of lives Ukrainians can live. Moreover, these practices also limit the potential of EU governance, particularly in the Eastern neighbourhood, but also within the Union itself.

Having outlined the key features, discourses and practices that constitute the borderscape, the Conclusion draws these analyses together to highlight their cumulative and contradictory effects on identities and orders in Central and Eastern Europe {7}. This directly addresses the puzzle that motivated this research and answers the research questions that were posed to explore it. This conclusion emphasises the positive aspects of the EU's internal re-bordering, particularly the 2004 enlargement and the creation and extension of the Schengen zone. These developments highlight the scale and scope of EU achievement in overcoming past European divisions and hostilities in order to create an area of Freedom, Security and Justice that is valued and desired by both EU citizens and TCNs. The enhanced freedom of movement that the Schengen zone facilitates has been achieved while continuing to uphold the rule of law and without either compromising security or imposing oppressive police controls within member states. Despite the lack of progress on Schengen burden sharing, which could prove problematic in the near future, it is argued that the AFSJ is an example of EU-European governance at its best. It has facilitated the creation of an EU-European order that allows for the full benefits of inter-state mobility with regard to both peace and prosperity to be realised.

It is further argued that the potential for successfully integrating Central and East European states into this order, and allowing their citizens to benefit from the subjectivities that it encourages in order to enact EU-European belonging, has been demonstrated by the EU and Schengen enlargement to the EU-8. However, this thesis also concludes that the EU yet to realise this potential in its Eastern neighbourhood and, although Ukrainians may not face 'fortress Europe', the EU mobility regime that they must negotiate is counter-productively restrictive. This is seen to have exclusionary psycho-social consequences for Ukrainians as well as detrimental effects on EU governance in the neighbourhood. The conclusion discusses the role of the EU's development as a security actor in creating this overly-restrictive regime and its relations to the difficulties that the EU faces in its neighbourhood. Based on the conclusions of the thesis, suggestions are offered for further research that could not only extend the scope of this thesis to generate deeper and wider academic knowledge on CEE borderscapes, but also that could explore the possibilities of altering the underpinnings and assumptions of EU bordering, in order to change its manifestations and consequences.

# Chapter 2 - Analytical Framework: A Social, Spatial & Temporal Borderscape

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## 2-1 Introduction: Interpreting Post-Frontier Bordering

The post Cold War period has seen a resurgent interdisciplinary interest in borders driven by the idea that understanding borders is crucial to understanding societies (e.g. Lapid, 2001; Van Houtum, et al., 2005; Soja, 2005; Rumford, 2006; Newman, 2006; Parker & Vaughan-Williams, 2009; Starr, 2013). From different starting points and with varied perspectives, scholars have generated a wealth of theoretical and empirical literature which is relevant to understanding EU bordering in Central and Eastern Europe (CEE). However, this rapidly proliferating profusion can be overwhelming, offering a view from everywhere, but of nowhere, as it ignores the diverse realities of particular situations in pursuit of theoretical sophistication and conceptual power. Equally unproductively, seeing borders as “ubiquitous” or “generalised” elides the variety of borders and erodes distinctions between borders and other phenomena (Amoore, 2006; Vaughan-Williams, 2008; Vaughan-Williams, 2009a; Parker & Vaughan-Williams, 2009).

This chapter therefore sets out the aspects of interdisciplinary border-related research that are of greatest relevance for understanding and interpreting post-frontier, EU bordering in CEE. This chapter does not attempt to produce a comprehensive, in-depth treatment of the voluminous literature, across the many disciplinary traditions that are relevant to this thesis. Instead it draws on an extensive literature review to fashion a concise analytical framework from the most relevant elements of the extant literature. As is explained later {3}, this framework guided both the conduct of the field research and the interpretation of the data that was generated. Here, key theoretical and conceptual underpinnings and insights are identified and contextualised in relation to each other and also in relation to the particular concerns of the thesis, while other perspectives, which have been influential in border research, are ruled out for the reasons explained below.

### *Analysing Post-Frontier Bordering: Space, Time & The Social World*

Ed Soja's (1989) concept of a 'trialectic' between 'the spatial', 'the temporal' and 'the social' is used to shape the facets of the analytical framework, reflecting both long-standing thinking on these themes as well as their more recent application in border-specific research (e.g. Foucault, 1977; 2007; de Certeau, 1984; Lefebvre 1991; Perera,

2007; Green, 2009). With varying emphases and myriad intersections, the components of this triad implicitly or explicitly infuse and enthuse much contemporary border research and this analytical framework takes on board the injunction that “we must all be historians, geographers & social analysts” (Soja & Hooper, 2002: 388; Parker & Vaughan-Williams, 2009; Green, 2009). However, informed by theoretical, methodological and normative choices, this framework combines these aspects in particular ways and, in keeping with the spirit and practice of reflexive, interpretive research {3}, attempts to wear these commitments openly.

Section 2-2 introduces the organising concept of the analytical framework – the ‘Borderscape’ and argues that the complex plurality of post-frontier EU bordering in CEE can be best researched and represented through the concept of the ‘Borderscape’, rather than through the traditional, static and discrete idea of ‘the border’. It is argued that the Borderscape allows for analysis of the social, spatial and temporal conditions of bordering in the later sections of the chapter, as well as their as well their consequences for governance and subjectivity (Rajaram & Grundy-Warr, 2007). Extant conceptualisations of the borderscape are augmented, through anthropological notions of landscape, in order to reflect the richness and diversity of post-frontier bordering,

Section 2-3 outlines the socio-political underpinnings of the analytical framework, which, following trends in ‘International Political Sociology’ (IPS), see ‘the social’ as a “constituting category” of ‘the political’ (e.g. Bigo & Walker, 2007; Huysmans, 2008). This section argues that security and insecurity, mobility and immobility are of crucial importance to bordering and are used to focus this socio-political analysis on the key concerns of this thesis. (In)security and (im)mobility are seen as socially constructed and contestable combinations of practices, discourses and experiences (CASE, 2006; Cresswell, 2010). The ways that security and mobility are defined, prioritised, desired and imposed leads into discussion of why Foucauldian notions of power are preferred to other, more traditional or contemporary (Agembenian), understandings and why the thesis eschews ‘limit fetish’. Building on this, section 2-3 then discusses relations between modes of border power, subjectivity and governance, as well as the need to normatively evaluate the contingencies and consequences of bordering.

Following an injunction to “revisit space more generally” in the study of borders, section 2-4 explores the most pertinent aspects – for bordering - of the interdisciplinary ‘Spatial Turn’ that has reclaimed space from simply being the “dead, unproblematic background” (Parker & Vaughan-Williams, 2009; Soja, 2009:19). Relevant relations of space to self and

subject are outlined and are complemented by consideration of spatial aspects of power and resistance, and how this relates to performative place-making - both of border sites as places and of their role in demarcating and defining other places. It is further argued that territory and materiality, as well as the space/power/knowledge nexus also need to be taken into account in understanding the contingencies, constituents and consequences of contemporary bordering.

Section 2-5 makes the case for considering temporality in understanding borders and the identities and orders with which they are intimately entwined (Lapid, 2001). This section combines recent interpretations of 'political time' with regional particularities to explore bordering in the particular contexts of 'post-communist transitions' and the 'End of History'. EU Bordering in CEE is thus contextualised as symbiotically related to particular, historically conditioned notions of identity and order, but also subject to co-option and contestation through, *inter alia*, particular politics of memory (Fukuyama, 1992; Lapid, 2001; Hutchings, 2008; Stenning & Hoerschelmann, 2008).

The reformulation and augmentation of the borderscape – through the incorporation of anthropological notions of landscape and fuller recognition of its social, spatial and temporal underpinnings - helped to conceptualise and carry out the research for this project, as discussed in the next chapter {3}. This reconceptualisation, which sees the borderscape as being constituted by Border Features {4}, Bordering Discourses {5} and Bordering Practices {6}, also forms the basis for the structure and substance of the empirical chapters of this thesis.

## 2-2 An Augmented Borderscape: Features, Discourses, Practices

This chapter outlines the analytical framework that is used to answer the research questions and address the puzzle posed above {1}. The socio-political, spatial and temporal sections of this framework - developed below – take insights from recent border-related research and focus them on intersections of security and mobility and the regional particularities of Central and Eastern Europe. However, before these underpinnings of the analytical framework are discussed, the present section outlines its overall organising concept – the borderscape. An augmented version of the 'Borderscape' is presented, building on the work of scholars who sought to better understand and represent the complex inter-linkages and separations of post-frontier bordering, rather than simply seeing them as a multitude of static, linear borders. Drawing on the 'Borderscapes'

collection in which the term was initially coined, this section outlines why and how extant versions of the concept needed to be augmented (Ingold, 1993; Rajaram & Grundy-Warr, 2007). Informed by anthropological conceptualisations of 'landscape', I argue that the borderscape - both as the object of research and the way that the research can be represented - is comprised of 'related arrays' of *border features, bordering discourses and bordering practices*. Each of these 'constituents' of the borderscape can be analysed with regard to their social, spatial and temporal conditions of possibility as well as their consequences, as discussed in the subsequent sections of this chapter {2-3; 2-4; 2-5}.

### *From Borders to Borderscapes*

When coining the term, Suvendrini Perera rejected the "flat and static representation" of borders on "the modern map" in favour of a "borderscape" in which (2007: 206):

[T]he moving bodies of asylum seekers reconfigure this multi-ethnic, transnational, trans-border space of islands and archipelagos, coastlines and oceans, constituted by a mesh of discourses and practices. There are multiple actors in this geo-political-cultural space, shaped by embedded colonial and neo-colonial histories and continuing conflicts over sovereignty, ownership and identity. The bodies of asylum seekers, living and dead, and the practices that attempt to organize, control and terminate their movements bring new dynamics, new dangers and possibilities, into this zone. Allegiances and loyalties are remade, identities consolidated and challenged, as border spaces are reconfigured by discourses and technologies of securitization and the assertion of heterogeneous sovereignties.

The borderscape thus provides a better way of conceptualising the fluidity and contingency of "geographies of actions, histories of place and the itineraries of moving bodies" that encompass "differential temporalities and overlapping emplacements" (Perera, 2007:207). Four contributors to the *Borderscapes* collection (Rajaram & Grundy-Warr, 2007) use the term a total of fifteen times and variously emphasise the borderscape's: "dynamism" or "flux" (*ibid*: xxviii-xxx); "complexity and vitality" (*ibid*: x); "inherent contestability of belonging and non-belonging" (*ibid*: xxvii-xxx); "lack of clarity" (*ibid*; xxxiv-xxxv); emergent "politics as an on-going process" (Toyota, 2007:93; 108); and the interaction of "discourses and practices" (*ibid*: 94; Rajaram & Grundy-Warr, 2007:xvii) that are both "spatial and non-spatial" (*ibid*: xxiv-xxv) and also "affective and moral" (*ibid*: xxi).

Despite these suggestive statements, the innovative and inspiring pieces in this collection do not further conceptualise 'the borderscape' beyond the specific examples they describe, offering little that could be coherently or productively transferred to other contexts, such as CEE. However, in one reference to Lefebvrian ideas of space, Rajaram and Grundy-Warr describe "human landscapes [as] contested creations", subject to attempts to "fix identities

and meanings” to particular places in “expressions of political and social belonging” and replete with “different and contesting technologies of the self” (*ibid.*). This reference to ‘landscape’ opened the way to a more productive and researchable conceptualisation of the borderscape.

The anthropologist Tim Ingold moved away from traditional studies of landscape to firmly situate it in – and as – the world of the everyday: “the world known to those who dwell in it” (1993). Ingold argues that landscape is “an array of related features,” the “embodied form” of a ‘taskscape’, which is “an array of related activities” to which it is immanent (*ibid.*). This means that the unending activities which comprise the taskscape, and thus construct and deconstruct the landscape, always take place *within* the landscape. Landscape is seen as a work in progress “embedded in the current of sociality” and rhythms of “movement and feeling that stem from people’s mutually attentive engagement in shared contexts of practical activities” echoing many of the ideas outlined above. Significantly for this project, Ingold sees the taskscape as being inherently connected to mobility - “the forms of the taskscape come into being through movement; the taskscape only exists so long as people are actually engaged in the activities of dwelling.” As Ingold also notes, borders and boundaries are therefore not natural features of the landscape in themselves, but relate to the activities of people, thus linking borders to the social, spatial and temporal issues raised below (*ibid.*).

The interlinked activities and relational meanings of the taskscape, confirm the need to examine bordering *practices* in order to identify and interpret the borderscape. Similarly, in Ingold’s reading, border sites and forms can be understood relationally and even peripatetically, without eliding their variety or disavowing their specificity. The borderscape (like other subsets of landscape) is therefore comprised of an array of related features, as well as an array of related tasks. Disregarding Ingold’s assertion that it is only ‘skilled’ agents who perform tasks, it can be seen that it is through the interrelations of the conduct and experience of border-tasks, whether those of the border user or the border practitioner, that we know and recognize the particular ‘borderliness’ of certain features and processes. The borderscape is distinguished here from other types of landscape through its specific inter-relation with security and mobility, identities and orders, which are outlined above.

However, this reading of the borderscape needs to be augmented in order to capture the richness and diversity of bordering identified below and to interpret its relations to subjectivity and governance. Recognising the need to consider discursive, as well as



practice-based bordering, the following discussion also introduces nuanced effective and affective understandings of border forms. In turn, this opens the way to the refined understandings of power, resistance and acquiescence that are outlined below {2-3} and allows for more sophisticated socio-temporal readings of border spaces and places.

The first addition that needs to be made to Ingold's conception of landscape is to explicitly account for discursive as well as practice-based and material power relations, which are discussed below in general, but also in specific relation to security and mobility and the socio-political {2-3}, spatial {2-4} and temporal {2-5} relations of bordering. The need to augment Ingold's (1993) framework can be seen in the context of his (pertinent) observation that "life must be lived amidst that which was made before," which implies the presence of memory and history in the features and activities of the landscape. In Ingold's conception (*ibid.*), however, all activities seemingly lay down their task-trace evenly, creating a situation where "meaning is not attached to, but gathered from the landscape," which does not fit with the notions of power developed below. Securitising processes as well as varying possibilities of mobilities into, through and within particular places testify to this {2-4}, as does the creation and contestation of these places and the borders between them {2-4} and the ways their histories are written and remembered {2-5}, all of which are replete with power relations. Therefore, while Ingold's idea of the landscape serves as a useful base, particularly due to its immersive social-relationality and co-constitutive ideas of materiality and activity, it requires augmenting to bring it into line with the insights of the current analytical framework.

Barbara Bender (2002) emphasises the subjective and volatile understandings, experiences and engagements that humans have with landscapes, critically developing Ingold's formulation to open the way for discursive, as well as material understandings of borderscapes as well as landscapes more generally. Sarah Green's work on borders and bordering in the Balkans has also shown the importance of self-locating discourses, as well as other personal border stories, which support or question these narratives, particularly in relation to ideas about the future and the past, echoing the temporal aspects of the border prism (Green, 2005). This all suggests that the meanings that can be *gathered from* the landscape are entwined with meanings that are *attached to* the landscape as part of on-going place-making processes, as well as through the space-subject relations that influence feelings of emplacement and belonging or, conversely, of feeling out of place {2-4} (Bender, 2002). Discourses of security, insecurity, mobility and immobility have also been shown to impact on bordering, but so do discursive constructions of individual and group identity-subjectivities and order-governance

institutions and their relations to space and territory. Discourses are therefore considered as important as features and practices in the constitution of the borderscape {2-3; 2-4; 2-5}.

Turning to the border forms found in the landscape, the interactions of ideational, socio-political and temporal influences with spatio-materiality (noted above), prompted Green (2009) to comment that:

[i]f borders mark differences, they do not all do so in the same way. While this has been studied from a range of angles, this has rarely focused on the forms that borders take, both in material and conceptual terms.

As Green notes, this problem is reflected in the representation of the most common formal-conceptual imagination of the border – the ‘line’. However, Green contrasts this with the notion of the ‘trace’, which is seen to evoke a sense of time in a way that a line cannot. However, while the ‘line’ may *efface time*, Green claims that the trace is not sufficiently *spatial* and suggests a new conception of border forms as tidemarks, that she sees as being spatial, temporal *and* able to reflect the mobile social constitution – and contestation – of borders. The main point here is that representations of border forms need to take account of their material particularity and spatial distribution *as well as* their contingencies and effects, consequences Yael Navaro-Yashin’s (2009) border ethnographies add the further need to account for *affect* in addition to *effect* in this regard {2-4; 4}.

Having outlined the augmented borderscape – the key analytical development of this thesis - the following sections of this chapter discuss the issues pertaining to the socio-political, spatial and temporal aspects of the borderscape and their relations to identities and governing orders.

### 2-3 Socio-Political Bordering

Although the need to consider ‘the social’ and ‘the political’ when investigating borders, is widely accepted, there is no consensus on how to productively narrow these categories for border research. This thesis takes a position that follows Didier Bigo and Rob Walker’s (2007) assertion that ‘the social’ is a “constituting category” of the political, and Timothy Cresswell (2010), among many others, who identify politics as those social relations involving power. However, this runs the risk of falling into a trap highlighted by Michel Foucault (quoted in Mills, 1997:80):

[t]o say that 'everything is political' is to recognise [the] omnipresence of relations of force and their immanence to a political field; but it is to set oneself the barely sketched task of unravelling this indefinite, tangled skein.

A general 'unravelling' is beyond the scope of this thesis, which seeks to investigate EU bordering in CEE and so the analytical framework outlined here limits this analysis to workable and pertinent socio-political concepts, in order to avoid entanglement in Foucault's "tangled skein," which would indeed reduce the exploration of CEE borderscapes to a barely sketched task (*ibid*; Huysmans, 2008). Therefore the analytical framework focuses on interactions between individuals, groups, institutions and things with regard to power relations, but specifically those interactions and inter-relations that pertain to the intersection of security and mobility. This section thus outlines the key elements of power relations that are considered, in relation to security and mobility, in the conduct of the fieldwork on and interpretive analysis of EU Bordering in CEE. This section therefore develops particular understandings of security and mobility informed by different aspects of securitisation theory and the recent development of a politics of mobility. The section then outlines more general understandings of power, before clarifying why Foucauldian conceptions are preferred to the Agambenian conceptions that have been influential in recent border studies. Finally, this section draws this together in discussing the relevance of different 'modes' of power for the Identities-Borders-Orders theory that informs much of this project, which allows for clearer understanding of the contingencies and consequences of EU bordering and its interconnections with subjectivity and governance.

### *Bounding the Border-Political in the Social: Security & Mobility*

Even at a cursory glance it is easy to see why security and mobility have played such central roles in research into 'traditional' borders at state frontiers (Agnew, 1994; Newman, 2006a; Parker & Vaughan-Williams, 2009). People attempting to pass from the territory of one state to another either have to try to dodge controls or must be checked and then granted or denied access by officials of the state that lays claim to the territory in question. As well as the benefits of mobility – in facilitating people to people contacts as well as trade {5-3} - such decisions are, to a significant extent, based on the perceived threat or risk that the cross-border movement is seen to pose. This threat or risk could be to the political, societal, environmental, economic or identity security of the community (whether imagined, affective or otherwise) that is considered to reside on the territory in question and which border control seeks to protect (Anderson, 1983; Agnew, 1994; Huysmans,

2000; Bigo, 2007; Guild, 2009; Ciuta, 2009; Corry, 2012).<sup>4</sup> The border function is provoked by attempted or desired movement, triggering a decision on access, based on security considerations as well as potential benefits from movement (Bigo, 2005; Walters, 2006). The state frontier, as a key intersection of security and mobility thus becomes a key site of bordering.

This analytical framework shows that the intersection of security and mobility, as well as their symbiotic relations to identity and order, subjectivity and governance are also highly significant in understanding post-frontier bordering (Agnew, 1994; Amoore, 2006; Walters, 2006; Guild, 2009). The EU's attempt to promote the "four freedoms" of movement for people, goods, capital and services, through the removal of the permanent border controls located at the frontiers between member states is accompanied by commitments to ensuring that "the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, immigration, asylum and the prevention and combating of organised crime" (Article 2, Treaty on European Union,<sup>5</sup> Huysmans, 2000; Haddad, 2007; 129; Jeandesboz, 2007). Didier Bigo also links security and mobility to re-bordering processes, as well as to the modes of power discussed below (2008:107-8):

Security works in a given area and favours the double movement of extending the area and freeing circulation [...] In fact, within the interplay of opposing forces, security is extended by displacing frontiers, pushing back controls on others, externalising discipline so as to maintain securitisation only in the name of the liberty of the majority [...] Circulation in a system of liberties does not only encourage mobility, it also seeks to impose it.

This double move of extending the area of "free movement" while firming up external borders to distinguish and secure it from the 'outside' ostensibly provides apt description of the Schengen zone's extension {4-2; 4-3; 6-3}. The intersection of security and mobility still shapes bordering in the Schengen interior, where internal mobility is also subject to control. These controls can be far from the frontier - on highways or in towns and cities - but are still triggered by the (attempted) movements or subsequent attempts to dwell on the territory bounded by the external Schengen frontiers. However, like frontier-borders, they are also strongly connected to (in)security and (im)mobility, albeit in different configurations (Walters, 2006). However, as the subsequent parts of this section discuss,

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<sup>4</sup> Clearly each of these terms is open to multiple understandings and interpretations, but the point remains that these are some of the most common categories used to map threats to referent objects of security (CASE, 2006; Guild, 2009).

<sup>5</sup> [http://eur-lex.europa.eu/en/treaties/dat/12002M/htm/C\\_2002325EN.000501.html](http://eur-lex.europa.eu/en/treaties/dat/12002M/htm/C_2002325EN.000501.html)

security and mobility as well as insecurity and immobility, are complex concepts that are constructed and contested politically in the social realm (e.g. Ciuta, 2009).

### *Mobilising Security: Securitisation, Risk and Mobility*

In seeing the social world as the domain in which security, mobility, identity and order are inter-subjectively constituted and contested, this thesis aspires to a “consistent constructivism” that is committed to interpretive investigation of bordering {3} (Kurowska, 2012: 9; Kratochwil, 1989; 2000; Price & Reus-Smit, 1998; Lapid, 2001; Ciuta, 2009; Kurowska & Kratochwil, 2012). The following engagements with security and mobility reflect these perspectives and commitments and draw on the many extant comprehensive conceptualisations of security and its relation to migration, as well as critiques of them, before going on to incorporate recent theorisations of mobility (Waever, 1995; Buzan, et al, 1998; Huysmans; 2000; Bigo, 2002; 2007; Bigo & Guild, 2005; CASE, 2006; Ciuta, 2009; Cresswell, 2010; Roe, 2012).

Since the emergence of the so-called Copenhagen and Paris schools as leading critical approaches to security in Europe, scholars looking at and for borders have been able to draw on a variety of different understandings and interpretations of security and securitisations – the processes through which certain issues are made into and acted upon as security concerns (CASE, 2006). Synthesising these approaches, this analytical framework combines the Copenhagen School’s focus on securitisation through speech acts - “the declaration of security” - usually by policy-makers, with the Paris School’s foregrounding of “practices of security,” particularly those arising from, and giving rise to the institutional logics and organizational orientations of security professionals (Waever, 2004; CASE, 2006; Balzacq, et al, 2010). As well as the explicit and immanent link between security and insecurity, this analytical framework also identifies and incorporates further commonalities between these approaches (CASE, 2006). Accordingly, both the ‘philosophical’ and the ‘sociological’ aspects of securitisation are examined in relation to CEE bordering (Balzacq, 2005). Performativity is used as a framework for examining both discursive and non-discursive securitisation and mobilization, as well as for understanding place-making {2-4}, and belonging {2-5}. The combination of both discourses and practices is also suggested by the Foucauldian notion of the “dispositif” (1980: 194) - a “heterogeneous ensemble [of] the said as much as the unsaid” - which has also been influential in recent border research and which the analytical framework draws upon, refines and focuses on the concerns of this thesis {3} (Butler, 1990; 1993:9-12; Balzacq, 2005; 2011; Stritzel, 2007; Bigo, 2002; 2007; 2008; Roe, 2012).

Given the particular prominence of “Risk Analysis” in border policy and practice (as well as the prominence of risk in recent security studies), Olaf Corry (2012) makes a compelling argument for separating Securitisation with its “logic of war” from “Riskification” which is seen to focus on reducing the risk of harm by increasing governmental capacity. However, the consistent identification with both declarations and practices of “security” by European professional and academic actors (albeit bound up with particular notions of risk {6-2}) makes it prudent to retain the term “security” here. This is consistent with Felix Ciuta’s (2009) insistence on understanding construction *in context*, as well as the interpretive methodology outlined in the next chapter (3). Furthermore, recent constructive critiques of the Copenhagen approach have pushed securitisation beyond the original triad of emergency, exception and existential threat, moving its concerns closer to those scholars who see the “normalization” of security, including by “professional managers of unease” as a key governmental logic (Bigo, 2002; Neal, 2009; 2012; Roe, 2012; Corry, 2012). This analytical framework and the empirical chapters that follow thus identify the “distinctive logics” of security, including those of risk, that influence and are influenced by EU bordering in CEE (Ciuta, 2009).

As well as de-emphasising some aspects of the Foucauldian dispositif and developing particular views on power, this analytical framework emphasises mobilities rather “circulations” (Bigo, 2008: 97). This approach is influenced by the “mobility turn in human geography and sociology” (Salter, 2010: 196), as well as calls for critical migration studies as a counterpart to critical security studies (Guild, 2009) and for the “mobilization of security” (Walters, 2010). The analytical framework draws on the work of Timothy Cresswell, who, in his sketch of a “politics of mobility” (2010) advocates consideration of “constellations of mobility” as entanglements of historically and geographically contingent “patterns of movement, representations of movement and ways of practicing movement,” which are comprised of six “constituent parts: motive force, velocity, rhythm, route, experience and friction.”

Clearly, the motivations for and experiences of movement for a truck driver and the stowaway in the container he is carrying vary, even if their routes ostensibly appear similar. Forced movement is likely to be experienced and represented differently than leisurely travel, although, as Cresswell notes the internal and external forces that turn inertia into movement (and vice-versa) are complex and neither the movement of the “tourist”, nor that the “vagabond” are seen to be entirely willed or completely compelled {6-3; 6-5} (Bauman, 1998). Velocity and friction are immanently related and similarly complex,

with speed associated with both exclusivity (e.g. fast-lane border controls) and necessity (flight from threat), while slowness is linked with both poverty (taking a long-distance coach instead of a plane) and luxury (a cruise or leisurely train journey). Immobility is also seen as multifaceted, encompassing both the possibility of dwelling without facing deportation and the denial of entry to, or passage through, a particular place. Some mobilities imply or open up the possibility of immobility (and *vice versa*) with ambiguous relations to imposition and desire and power relations, as well as to (in)security. In the EU, a “governmentality of unease” (Bigo, 2002) focused on ‘managing migration’ coexists awkwardly with what may be termed a ‘governmentality of ease’ that promotes the four freedoms of movement within the AFSJ, which are linked implicitly and explicitly to the notions of mobility as liberty, progress and even security (Cresswell, 2010) {5-1}.

By combining the aforementioned aspects of security and mobility, the analytical framework developed in this thesis allows for consideration of the ways in which people experience different combinations of mobilities and immobilities in relation to particular understandings and forms of identities and orders. The framework also allows for interpretation of the ways in which different rhythms, routes and purposes of movement intersect with (in)security and thus have particular impacts on bordering (Cresswell, 2010; Lefebvre, 2004:8-9). This thesis therefore examines the discourses and practices of (in)security and (im)mobility, as well as the experiences of people moving through and dwelling around or within the various border features of the CEE borderscape. This exploration is influenced by its particular perspective on power in social relations, which is explained below.

### *Power, Resistance & The Limits of the Social*

Like much contemporary research into borders, security and spatiality, this thesis draws on Michel Foucault’s work on power, resistance and acquiescence, as well as the different ‘modes’ of power identified in Foucauldian scholarship (Walters, 2006; Elden & Crampton, 2007). In contrast to top-down theories of power that saw the repression of powerless, ideologically-blinkered or structurally-bound individuals by the all-powerful king, the false consciousness producing hegemon or the ‘cold monster’ of the state, Foucault theorised power not as a *possession*, but as a *process* produced by, and within, social relations (1978:92-102; 1982; 2007:144; Digeser, 1992). For Foucault power was not merely repressive and thus something to be emancipated from, but omnipresent and “directly productive” of subjectivities and social relations that are “non-egalitarian and mobile”

(1978: 94). For bordering, as the next subsection shows, it is therefore necessary to understand not only *how* different forms of power are productive, but also *what* subjectivities and social relations they produce and how these relate to modes of government and societal order. The current subsection deals with ‘general’ issues regarding power, resistance, acquiescence and exceptionalism.

Foucauldian understandings see power as immanent with resistance, with power only exercised over “free subjects, and only insofar as they are free”, because those whom power is acting on - and through - must have more than one option: at the very least they must be able to affirm or resist, to obey or disobey and, as such, remain “recognized and maintained to the very end as a subject who acts” (Foucault, 1982: 341-2; 1978: 95). Without the possibility to do otherwise, without the very possibility of other possibilities, the relation is defined as one of violence rather than one of power. This does not, however, imply that the ‘partners’ in relations of power are equal, as power relations can solidify into forms of domination, which, in turn, do not preclude the possibility of resistance developing into revolution or change of other kinds (1978: 94; Foucault, 1982).

However, ‘resistance’ may not always be realistic or even desirable, which raises questions of complicity with the operations of power and even with forms of domination (Bigo, 2007). Nonetheless, submitting oneself to medical procedures or to the airport scanner because we feel it is in our best interest and perhaps even in the general interest, speaks not only to notions of ‘voluntary servitude’ but also to desires for governance and willingness to reproduce its codes (De la Boetie, 2008 [1548]). The non-egalitarian social relations through which power is produced and performed – and which it constitutes – imply that the balance between power and resistance, imposition and desire, coercion and acquiescence, can vary according to the subject position in question. However, the mobility of power also means that acquiescence should not always be seen as cowed subservience, nor should it necessarily be interpreted as permanent or totalising (e.g. Roe, 2012).

Giorgio Agamben’s work on power has, like Foucauldian scholarship, been highly influential in recent border research. One his leading interpreters in IR and border studies, Nick Vaughan-Williams (2009c: 29), describes how Agamben’s work has been “taken up” by scholars dealing with a variety of topics relevant to this project, although omits to mention that some such as Bigo (2007) do so in critical opposition rather than



endorsement.<sup>6</sup> Agamben develops Carl Schmitt's dictum that "Sovereign is he who decides upon the state of exception," emphasizing that power effectively resides with those having the monopoly on this 'decision' (1998:5-11). In such views, the power of decision regarding states of exception implies the power to decide over life and death and, using Agamben's terms is thus productive of "*homo sacer* (sacred man), who may be killed but not sacrificed" and who exists at the mercy of sovereign power (ibid:8). However, as Jef Huysmans (2008) argues, Agamben collapses Schmitt's dialectic between law and politics, making the exception the rule, which not only casts us "all" as *homo sacer* (1998:115), but universalises this across space (2000:37) and time (1998:191), leaving us, in the words of William Connolly "at a historical impasse, with no way out" (cited in Edkins & Pin-Fat, 2004: 11).

Although sovereign 'moments' do happen, generalising from them lacks proportion and perspective and obscures the socio-political complexity of bordering (and power relations more widely), as do other uses of 'exceptions' by Agamben and his disciples. From prisoners of Auschwitz (1998:185) and people used for Nazi medical experiments (ibid: 155) to those in permanent vegetative states (ibid: 164), Agamben uses exceptional cases to make claims about the norm. Agamben also describes "the camp" (meaning the concentration camp and specifically the Auschwitz-Birkenau death camp) as the "the new nomos of the earth" (2000:37) and "the fundamental biopolitical paradigm of the West" (1998:181). Agambenian scholarship in IR and border studies has, *inter alia*, looked at the plight of detainees at Guantanamo Bay (Minca, 2005), detained asylum seekers who have sewn their lips together (Edkins & Pin-Fat, 2005) and victims of British Police shootings (Vaughan-Williams, 2007).

These cases undeniably exist and drawing attention to them serves a purpose, but to make generalising claims about (border) politics from these examples is a distortion that creates "an abridged understanding [...] of political, economic, and social space" (Coleman & Grove, 2009). It also does "victims of injustice" the "further indignity of becoming the objects of Theory" (Gregory, 2004: 318). Agamben's approach effectively eliminates the possibility of meaningful resistance or acquiescence and this study therefore agrees with Huysmans compelling rejection of the Agambenian "ontological

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<sup>6</sup> Vaughan-Williams lists: "Sovereign power, violence and resistance (Closs-Stephens and Vaughan-Williams 2008; Edkins 2000, 2007b; Edkins and Pin-Fat 2004, 2005) [...]; practices associated with security as the new paradigm of global governance (Bigo 2007); trauma, time and practices of memorialisation (Edkins 2003a); the politics of global space, surveillance and borders and bordering practices in global politics (Amoore 2006; Edkins and Walker 2000; Rajaram and Grundy-Warr 2007; Vaughan-Williams 2007b, 2008; 2009), migration and patterns of global movement (Doty 2007; Rajaram and Grundy-Warr 2004)."

erasure of the political conception of the social” (2008). The analytical framework employed here thus eschews the ‘limit fetish’ of Agambenian border studies and seeks instead to understand the complex interplay of desire, imposition, resistance and acquiescence in relevant social relations, particularly in the social construction of security and mobility and their connection to identities and orders (Neal, 2008: 47; Lapid, 2001; Bigo & Guild, 2005; Guild, 2009, Roe, 2012).

### *Borders, the Subject and Power: Identities, Borders and Orders*

Understanding how bordering processes and thus, performative constructions of security and mobility, relate to identities and orders requires exploration of the specific ways in which (bordering) power is exercised and what happens when it is (Lapid, 2001; Foucault, 1982: 337). The border analytical framework therefore incorporates understandings of different modes of power that reflect “distinct logics” of security and mobility, and imply or encounter different modes of resistance and acquiescence. The modes of power that are exercised and the relational effects that they have reveal much about the type of governing order in operation but also about the identities of the people that it relates to and how and why they co-constitute the borders they do.

Foucault notes power’s importance to ‘*what we are*’, making explicit the ways in which power “categorises the individual, marks him by his own individuality, attaches him to his identity [and] makes individuals subjects” (*ibid*: 331-333). In this analysis, identities – how people are identified and identify themselves - are considered to be inseparable from the subjectivities through which they are enacted. For this thesis, identities and subjectivities in terms of security, mobility and belonging and how they relate to other identities and subjectivities as well as to governing orders, are considered particularly relevant (e.g. Butler, 1993; Wibben, 2008). For example, an EU-European has mobility-subjectivities that differ from those of many Third-Country-Nationals (TCNs) and, in the performance of these mobilities enacts the identity of an EU-European and *is recognized* as such {4-1; 5-1}.

In this framework, ‘Orders’ are seen as the combination of structures and governing authorities that regulate and shape how people with particular identities can live by influencing and controlling the subjectivities they can enact. Most obviously, state actors (and supranational actors, such as the EU) can instantiate, deliver, police and bound a particular form of order, but, in addition to formal ‘political’ mechanisms they draw on - and

must pay heed to - social, economic, cultural and community considerations (Lapid, 2001:8). However, neither the EU nor its member states, can rule unchallenged and must interact with other actors such as non-governmental organisations and with the individuals and groups who experience, want to experience or seek to change the form of order they enact.

The relation between order and governance is imagined in a similar way to that between identity and subjectivity similar relation is imagined here. Order is enacted through governance, which shapes the way in which order is understood - internally and externally - including in relation to the facilitation of mobility for EU citizens and ensuring that as an EU Member State, their citizens are, *inter alia*, allowed to move freely within the Area of Freedom Security and Justice {4-2; 5-2}. Foucault emphasises the significance of formal knowledge, as well as governmental “dividing practices” (which immediately suggest bordering) in these processes, but also highlights the role that people play in turning themselves into subjects. This analytical framework thus foregrounds salient characteristics of modes of power for bordering and suggests how their effects can be normatively interpreted in relation to identity-subjectivity and order-governance.

Bigo’s (2008: 97) discussion of ‘circulations’ refers to the ‘regulatory’ power of ‘biopolitics’ (Foucault, 1978; 2003; 2007) and Walters (2006) identifies ‘disciplinary power’ (Foucault, 1977) and power exercised as ‘Control’ (Deleuze, 1995) as relevant to EU bordering. The varying spatialities and materialisations of these different modes or forms of power are discussed below {2-3; 4}, while their order and identity effects are noted here, as well as in subsequent chapters {4; 5; 6}. Disciplinary and Regulatory power are seen to share a “moralizing and inclusive drive” that seeks to reform and integrate marginal elements of society into particular ways of being (subjectivities) that allow people to exercise ‘belonging’ with a community through conforming to its norms (Walters, 2006). However, while Disciplinary power focuses on the bodies and souls of individuals, Regulatory power treats people as statistical cases and categorises them with respect to what is seen as ‘normal’ or ‘abnormal’ in the population as a whole (Foucault, 1977; 2003; 2007).

Power exercised in the mode of ‘Control’ echoes Disciplinary power’s impulse to govern each and all (*omnes et singulatim*) of the subjects it relates to, but unlike either Disciplinary or Regulatory power, treats people as ‘dividuals’, rather than as individuals or statistical cases. Unlike Disciplinary power, Control-type power can govern mobility without blanket confinement, by enacting a finer filtering that allows for (near) automatic entry control and the peripatetic verification of data through the use of information

technologies. The relevant data for Control-type power chiefly concerns the right to enter or be present in the space that is being controlled at the time it is being controlled. Walters (2006) thus argues that Control is “interested” neither in shaping subjectivities, nor in the same type of generalized economic productivity as Regulation, but rather in protecting existing orders and privileged subject positions, although in practice this is less clear {2-3; 4-1} (Deleuze, 1995). Different modes of power also imply differing relations within and between governing orders as well as within and between individuals and groups who divide and become divided in different ways, all of which are significant for bordering.

As well as forms of power, the dividing practices they enact and the way ‘power-knowledge’ works through and on identities, borders and orders, the border analytical framework used in this project also incorporates normative implications of the practice and study of these issues (Foucault, 1977: 27-28). This follows calls for normative engagements with securitisation that reject their blanket denunciation as always “negative” (Roe, 2012), or even claim that: “the horizon of security is, ultimately, fascism, the community that draws impermeable boundaries” (Aradau, 2008:162-3; Ciuta, 2009; Kurowska & Tallis, 2013). Similarly, “mobilities” are preferred to “circulations” as ways of understanding the movement and stillness of people, in part because of the need to reject totalizing, top-down categorizations imposed by scholars who tend to be “pessimistic for populations” that they see as “(over-)controlled” (Corry, 2012; Kurowska & Kratochwil, 2012). With regard to bordering in Europe, such views often overestimate the capacity, negative intentions or callous disregard of the relevant authorities and ignore the desires and experiences of the people who are also seen to callously support hierarchical dividing practices in pursuit of particular combinations of security and mobility. Similarly, those who are seen to suffer from these arrangements find themselves reduced to the objects of a “politics of pity” (Aradau, 2004; Bigo, 2007; 2008; Kurowska & Tallis, 2009; 2013; Roe, 2012).

Paul Roe (2012) cites Ken Booth’s critique of such “single attributions,” which are common in critical border research as well as in “negative” analyses of securitisation, as they ignore the “multifaceted lives” that people live. As this section of the analytical framework has shown, this thesis seeks instead to engage the complex interplay of (in)security, (im)mobility, imposition and desire in bordering and takes seriously the possibility of non-dominated acquiescence, as well as contestation, resistance, change and domination. The following sections of this chapter identify the key spatial and temporal contingencies and considerations of the analytical framework employed here,

but, like the research design {3} they also lay the ground for normative assessment of the consequences of EU bordering processes and their outcomes.

## 2-4 Border Spaces & Spatialities

The previous section of this chapter discussed the explicitly *socio-political* aspects of the analytical framework employed in this research project. The current section looks at the more explicitly *spatial* aspects of this framework, while recognising that the two are intimately connected. This section outlines the various facets of space and spatiality, as conceptualised in extant research, that are employed and developed here. This section therefore considers the connections between space, self and subjectivity, before looking at spatialisations of power that augment the analytical conceptions of power outlined above. It is then argued that these interconnections of the powered-relations of space and subject are inherently implicated in performative place-making and in the differentiation of places from one another, which are also related to the identity-subjectivities and order-governance of the people and institutions that effect and experience these borderings. The section goes on to argue that, despite the claims of some recent border research, both territory and materiality still matter in understanding the spatial effects and affects of bordering, but so too do the ways in which we make knowledge about borders, places and the people who live within and through them. This sets the conceptual scene for the following section's discussion of the specificities of CEE that influence both EU bordering and this study of it.

### *Space, Self & Subjectivity*

In revisiting space and spatiality, recent border-related research has examined relations between space and self and the ways in which individual, institutional and collective identities and subjectivities relate to particular spaces and places. This facet of the analytical framework outlines the ways in which we make our spaces, as they make us, and the ways in which we perceive spaces and places as well as our possibilities of access to and the appropriateness of our belonging in them (Ley, 2002: 73; Lefebvre, 1991; Dear & Flusty, 2002; Rose, 1997; Massey, 2005). Asking how the self relates to space questions our understandings of identity and difference and the boundaries and distinctions between people and places as well as how these are imagined, perceived and experienced. This analytical framework incorporates a key insight of the 'spatial turn' by taking a co-ontological position of 'being with' (*mitsein*), in which we are always-already

involved in symbiotically connected spatial as well as social worlds and thus in processes and positions not originally of our choosing, but also not beyond our capacity to change (Heidegger, 1962 [1927]; Nancy, 1991; Butler, 1993; Dear & Flusty, 2002; Parker & Vaughan-Williams, 2009; Warf & Arias, 2009).

This co-ontological position sees people becoming “*particular*” through a combination of “biography and interest” and selective paths of “attendance and association” (Ley, 2002: 73). Identity formation through the enactment of particular subjectivities is thus related to possibilities of mobility and how these are facilitated or frustrated for reasons of security. This view also sees these very mobilities or denials of mobility, feelings of security or insecurity as contributing to ‘place-making’ – the processes that turn spaces into particular places, which is discussed in more detail below. The ways in which we can choose our paths of attendance and association as well as how – and to what extent - they are chosen for us – shapes and is shaped by our spatially, socially and temporally conditioned understandings of particular spaces and places and our horizons of possibility (Lefebvre, 1991: 39; Lapid, 2001; Soja & Hooper, 2002 [1993] Dear & Flusty, 2002: 216).

Thus, the ways in which we conceive and perceive spaces – and our place in them – is connected to the ways in which we form identities and enact subjectivities. Our various senses of self are (partly) shaped by the accessibility or inaccessibility of spaces and whether we feel secure or insecure, in place or out of place in them. In turn, these relations of self and subject influence how we act in particular places, as well as how we represent ourselves – and are represented – in relation to them. (Ley, 2002; Kuus, 2004; Jansen, 2009; Dear & Flusty, 2002: 303-306; 363-367).

For people, as embodied selves and emplaced bodies therefore, how they are perceived – and perceive themselves - in relation to mobility and security directly impacts on borders and bordering by influencing their possibilities to dwell and move, within particular places, separated by borders, as well as to move through those border-places themselves (*ibid.*). The socio-political and spatial entanglements of bordering with feelings and perceptions of recognition, belonging, integration and precariousness are well illustrated by the Turkish-German poet Zafer Senocak’s words, which are quoted in the borderscapes collection by Nevzat Soguk (2007: 283).

I carry two worlds within me  
but neither one is whole ...  
the border runs  
right through my tongue.

In relation to formal, governmental bordering, Mark Salter (2006) and William Walters (2006) explore the connections between documentation, the body and governmentalities that seek to effect particular emplacements of embodiments, which divide belonging by making some people in place and some out of place, and thus affect subjectivity and identity. Similarly, Louise Amoore (2006) argues that biopolitical processes of identification and recognition seek to anchor identity, self and subjectivity in *particular* bodies by means of various abstract characteristics that are documented, categorised, data-based and risk-profiled and which facilitate future verification. Significantly, Amoore, like Vaughan-Williams (2009) argues that biometric technology allows “mobile bodies” as ‘carriers’ of “the portable border *par excellence*” to be subjected to spatially dispersed verifications of divided data through bordering practices that perform a “social sorting” (Lyon, 2002) between those who can enact recognised belonging and those who can not.

Catarina Kinnvall & Paul Nesbitt-Larking (2009) use a concept of “ontological security” to link subjectivity and space through “place-making processes.” These place-making processes construct particular subjectivities as threatening or non-threatening in particular spaces; or mean that people with particular subjectivities are more likely to feel secure or insecure in particular spaces {5-3}. Similarly, this thesis sees the relation between subjectivity and space as linked to bordering, mobility and immobility. Noel Parker (2009) suggests other ways in which space, self and subjectivity are implicated in bordering, focusing on the border as a place of mediation and negotiation between entities; of how ‘the world’ sees you and how you can see the world, making bordering an enhanced moment of knowledge of both self and other, albeit in iterative flux. As shown below {4-2; 4-4; 4-5} this reflective bordering applies to border-making institutions as well as to how people experience bordering, again linking borders to identities and orders, but also questioning how border powers work, are acquiesced to and are resisted in spatial terms (Lapid, 2001).

### *Spatial Power Relations*

In considering space-subject relations, as well as spatial governance with regard to bordering, it is also necessary to integrate the understandings of power developed above {2-3} into this facet of the analytical framework. The spatial turn has questioned the apparent (albeit temporary) fixity and singularity of the meanings and effects of spatial and material forms, including border forms (e.g. Raban, 1974: 2; Dear & Flusty, 2002: 216).

Following Lefebvre (1991: 40) and Cresswell (2010) neither space, nor mobilities are seen as natural or given but, rather, as constructed and performed through an entanglement of representations, practices and lived experiences. This means that space is not “innocent” which, as Karin Dean (2007) shows, is why the ways in which it is produced and experienced illuminate socio-political issues. The play of power, resistance and acquiescence in different modes of governance and subjectivity also has different spatial and material characteristics. Different types of bordering, with varying consequences, are thus constituted through different sites and forms, which need to be properly identified if they are to be understood {4-3}.

Much of the literature on the spatiality of power engages Foucauldian analyses of disciplinary practices and the “environments of enclosure” that facilitate “anti-nomadic technique[s]” which “fix or arrest movement” (Deleuze, 1995: 177; Foucault, 1977: 219; Hannah, 1997; 2007; Walters, 2006; Murakami-Wood, 2007). The dividing practices of the frontier Border Crossing Point (BCP) - the classic site of bordering - share the need for a fixed, surveilled site of (temporary) confinement with those of the hospital, the barracks and the prison. However, the wider territorial border, of which the BCP is just one part, bounds a space where plural modes of power operate and which enact differently spatialised, ‘internal’ borderings. At the BCP, discipline is the precondition for enacting control, but this also ‘controls’ (allows or denies) entry into this space, within which discipline and regulation are also operative (Anzaldua, 1987; EUBAM, 2006; Walters, 2006). ‘Inside’ this space however, regulatory, disciplinary and controlling forms of power express themselves, *inter alia*, through interior forms of bordering that facilitate certain types of integration, but also enact division {4-1} (Walters, 2006; Amoore, 2006; Vaughan-Williams, 2007; Kinnvall & Nesbitt-Larking, 2009). However, the formal characteristics of borders, as well as the power they exert, depend on who is attempting to cross the border. This emphasises not only the connection of borders to both identity and to the governing order that enforces them, but also the different subjectivity effects they have {2-3} (Lapid, 2001; Soguk, 2007).

As well as different materialities, differing forms of power have varying spatial distributions that are also variously resisted, acquiesced to or circumvented. Didier Bigo has contrasted Discipline’s centripetal character to Biopolitical Regulation, which is seen as centrifugal and non-interventionist, which encourages circulations, but also allow for checks and controls to potentially take place anywhere within the space bounded by the governing order (2008:94). Similarly, Walters (2006) has contrasted disciplinary power to control, which is seen as more “fluid and less centred ... operating in fluctuating networks of



production and consumption,” with blurred boundaries between the controlling institutions that are linked to dispersed and peripatetic sites of verification (Deleuze, 1995). Differently spatialised sites of verification and checking also show the different types of knowledge that facilitate different configurations of security and mobility and which rely on different types of information gathering (e.g. Murakami-Wood, 2007).

Famously, Discipline requires ‘panoptic’ vision, although outside of specific, bounded settings this cannot be achieved. Regulation and Control work primarily through data, although whereas the former looks to generalisable averages and categories, the latter prioritises particular aspects relevant to the mobility of the person and the security of a particular space. The control of this information externally to or on entry to as well as within, particular spaces and places has identity-subjectivity effects, which can positively or negatively affect horizons of possibility and feelings of belonging and again highlight the connection to particular forms of order-governance in place-making. As noted above, Regulation, like Discipline, ostensibly offers greater access to integrative societal processes as it seeks to promote productive circulations, whereas control is supposedly only “interested” in non-violation of access and stay parameters (Walters, 2006).

However, as will be seen below {4-1}, both internal and frontier-located Regulation and Control bordering *can* provide platforms for, or be co-opted in order to access, Disciplinary integration. Likewise, externalised border governance aimed at disciplining the ‘outside’ while regulating the inside, provides no guarantee of easier access for ‘outsiders’ through the control filters at the frontier, although it does provide limited mobility. Analyses that see this in terms of imposed circulations or inflexible and unchallengeable Control (both inside and outside) tend to obscure the desires for particular types of security, mobility and *immobility* that also shape these spatialised relations between people and institutions (Walters, 2006; Bigo, 2007; 2008). Such analyses also obscure non-dominated acquiescence – the ways in which people genuinely choose to re-inscribe and re-produce forms of power – as they search for stability and belonging, as well as the tactical use of identity-subjectivity, as they seek to find or make their place in particular spaces (Nah, 2007:35-48; Haddad, 2007; Rajaram & Grundy-Warr, 2007; 4-1; 4-3).

### *Place, Participation and Performativity*

As Stef Jansen (2009) observes: “having a place in the world clearly implie[s] knowing your place,” which is significant in delineating belonging, but also implies being able to

distinguish one place from another, which directly implicates bordering. The analytical framework takes on the spirit if not the terminology of Michel de Certeau (1984: 117) in seeing places as spaces that have acquired and help reproduce particular, dominant meanings, which are not, however, fixed, unequivocal or incontestable (Massey, 1993). Spaces, on the other hand, are either seen as yet to become places or as not being dominated by a particular set of meanings. While spaces signify fluxus or unrealised potential, places are seen to have a “real character” which makes certain behaviours and people, subjectivities and identities seem appropriate, while others are ‘out-of-place’ (Massey, 1995; 2005). The present analysis looks at how place-making relates to the imagination and instantiation of borders and bordering.

Rejecting the idea of space as natural or ‘given’ (see above), as well as vulgar constructivisms that require a blank slate upon which we freely and a-historically write ourselves and our worlds, this project considers place-making as *performative*, as well as socially and temporally contingent (Butler, 1990; 1993; Massey, 1995; 2005). Place-making can be seen as analogous to a performative speech act with its attendant felicity conditions, the fulfilment of which influences the success or failure of the speech act. Judith Butler’s focus on discursive and representational satisfaction of felicity conditions is augmented here by consideration of “material-semiotic” (Walters, 2010) factors, as well as the impact of practices and discourses, each of which operate in ‘re-iterative’ and citational ways to “produce the phenomena that [they] regulate and constrain” (Butler, 1993: 2, 11-12). In the case of place, these processes are the repeated (discursive and non-discursive) uses and ‘abuses’ of spaces and the repeated enforcements, rejections, reproductions or transgressions of certain behaviours, activities representations and experiences that reinforce or destabilise meaning (de Certeau, 1984; Cresswell, 2010). Place-making thus implies scope for resistance or acquiescence and for challenging, changing or re-affirming the borders between particular places as well as their associated spatial, temporal and socio-political imaginaries (e.g. Bialasiewicz et al., 2007; Sidaway, 2007).

While the fluidity inherent in the re-iterative aspects of Performativity allow it to explain change, it can also explain continuity, as discourse and practices impact on social space, which “stabilises over time to produce the effect of boundary, fixity and surface” (Butler, 1993: 9; Ley, 2002; Dear & Flusty, 2002:4). Place-making thus links the material and ideational boundaries, fixities and surfaces of the worlds we build to who and what are seen as in-place or out-of-place within them (Rajaram & Grundy-Warr, 2007).

In light of these understandings, this thesis primarily considers border place-making in two key ways. Firstly in the *making of border-places* - the ways in which a variety of sites and forms of bordering have acquired or retained “borderliness” despite (in some cases) their dislocation from the frontier and their departure from classically understood bordering practices (Green, 2009). This asks not only what constitutes a border (and how it becomes recognised and experienced as a border place), but how and why borders come to ‘take place’ in the sites and forms they do. Secondly, consideration is given to *the places that borders make* by bounding spaces, imposing particular orders or facilitating techniques of government.

In the context of this study, these issues mainly relate to different understandings of, inclusions within, exclusions from, impositions of and desires for ‘Europe’, but which are divided through the distinction between ‘EU-Europe’ with ‘Eastern-Europe’, which are seen as different places with different modes of subjectivity and governance. This separation of places for different people and conducts is manifested through the sites and forms, discourses and practices of the CEE borderscape {1; 2-5; 4; 5; 6}. However, the definitions of EU-Europe and the borders that demarcate it from ‘Eastern Europe’ have changed over time and could do so again. Such contestations of place and belonging do not relate to a single (frontier) border location but to the complex interplay of the ‘internal’, ‘edge’ and ‘external’ borderings effected by particular (EU & non-EU) regimes, which produce borderscapes that reflect and influence identities and subjectivities (Rajaram and Grundy-Warr, 2007: xviii; Kinnvall & Nesbitt-Larking, 2009).

Like other socio-political processes, bordering is not merely the repressive imposition of dominant government. Places require borders to retain their identity, their “real character” distinct from that of other places, which also implicates varied and uneven desires of groups and individuals who have different identity and subjectivity relations to border-making institutions. As well as providing platforms for resistance, places can also offer the stability that allows people to navigate and negotiate the world and understand their (current) place in it. As well as potentially excluding, such emplacement is also necessary to foster feelings of attachment and belonging - after all, there’s no place like home. Understanding the politics of belonging in Europe thus requires understanding of both how border-places are made and the places borders make, which, as discussed below, implicates territory and materiality, as well as discourses and practices.

### *Territory & Materiality Beyond Frontiers*

Much effort has been expended on freeing the analysis of borders from the “territorial trap,” (Agnew, 1994) and “Inside/Outside” (Walker, 1993), or Internal/External (Bigo, 2001) dichotomies in order to escape the pervasive “territorialist epistemology” which hindered understanding of contemporary, post-frontier bordering and (international) politics more generally (Brenner cited in Lapid, 2001:8). Such critiques primarily referred to the role of traditional frontiers in demarcating supposedly different realms of politics. However, understood beyond the “National Order of Things,” territory is still highly salient to understanding contemporary bordering despite the dislocation of (some) borders from frontiers (Malkki, 1994; Dear & Flusty, 2002: 363; Walters, 2010). Similarly, despite the prevalence of discursive and practice-based understandings of security and mobility, materiality also remains highly significant for border place-making and the ways that it relates to identity-subjectivity and order-governance (Walters, 2006; 2010; Rajaram & Grundy-Warr, 2007; Soguk, 2007).

It is widely acknowledged that the removal of permanent frontier controls between Schengen states has not meant the end of bordering practices on Schengen territory (e.g. Walters, 2006). However, as analyses of other borderscapes show, internal controls also take place within classically bounded territorial states (Toyota, 2007; Nah, 2007). However, exploring the materiality and territoriality of the EU’s internal, edge and external bordering, along with examination of the discourses and practices through which it is constituted, sheds light on its specific social, spatial and temporal contingencies as well as its consequences for European orders and identities (Balibar, 1998: 220; Rumford, 2006; Walters, 2006; Walters, 2010).

As many scholars have noted, cities are good sites to observe bordering, through the issuance and control of documents at labour and residence bureaucracies, consulates and embassies, and through police actions. Such research is also alive to the formal and informal, material, discursive and practised ways in which spaces become gathering points or, conversely, ‘no-go areas’ for particular groups and how these borderings effect and affect belonging and life-possibilities for different people (e.g. Davis, 1998; Soja & Hooper, 2002). Urban areas, as places of encounter, assembly, simultaneity and diversity thus emerge as significant sites for spatial politics, places where nuanced identities, borders and orders may be particularly legible in the landscape. However, too often this rich complexity has been obscured in top-down, theoretically and ideologically driven

analyses (De Certeau, 1984; Davis, 1990; Heisler, 2001; Ley & Mills, 2002: 371-377; Vaughan-Williams, 2007; Bigo, 2007).

As well as significant extant scholarship on 'de-territorialisation' of borders, through their dispersal within state frontiers, there is also a burgeoning literature on *re*-territorialisation, such as the Australian government's decision to excise thousands of islands from Australia's legal territory to prevent asylum claims being lodged by irregular migrants arriving there (Perera, 2007; Rajaram, 2007; Green, 2009). In Europe, the externalisation of bordering is less obvious, but no less real, as some border practices have become increasingly "remote" from both the traditional sites and institutions of border control, thus requiring reconsideration of the imaginative geography of European bordering (Balibar, 2004; Bigo & Guild, 2005; Walters, 2006; Jeandesboz, 2007) {4-5; 6-1}. From the decision to buy a ticket to contacting a human smuggler or encountering a trafficker, applying for a visa and initiating movement or being detained before reaching the intended destination, EU bordering moments take place and make border places at a variety of external as well as internal non-frontier locations, implicating an equal variety of materialities in these processes {4-4; 4-5; 6-2; 6-4}.

Many scholars have examined the material environments of bordering, drawing attention to the technologies and spaces of both internal and remote control (Walters, 2006; 2010; Amoore, 2006; Jansen 2009) {4-1; 4-4}; the materiality of documentation (Torpey, 2000; Jansen, 2009); and the building of the supposed Eastern wall of "Fortress Europe" (Follis, 2012) {4-3}; as well as to borders where permanent controls have been removed (Sidaway, 2005; Struver, 2005) {4-2}. As well as 'reading the social in the spatial' and engaging such 'present pasts', this thesis also seeks to take account of calls for deeper engagements with the material effects (Mukerji, 1997) and affects (Navarro-Yashin, 2009) of architectures and landscapes (Dear & Flusty, 2002; Huyssen, 2003; Mukerji, 1997; Navarro-Yashin, 2009). However, as discussed below {2-5}, more nuanced understandings of border territories and materialities as well as their temporalities and social relations also require consideration not only of how we produce knowledge on these phenomena, but also of how this knowledge can be represented (Green, 2009).

### *Space/Power/Knowledge*

Power produces knowledge ... power and knowledge directly imply one another... There is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.

Michel Foucault, *Discipline and Punish*, 1977, p. 27-28

A *leitmotiv* running through this spatial section of the analytical framework has been the connections between how we perceive, know or understand spaces (and our place in them) and the possibilities that we see to enter, influence, behave and belong in them. The role of 'formal' spatial knowledge plays a significant role in these processes, as it does in the recognition, understanding and experience of borders. Henri Lefebvre recognised this in his concept of 'conceived space': the 'representations of space' by "scientists, planners, urbanists, technocratic subdividers and social engineers" (1991: 40). Klaus Ronneberger argues that such knowledge helps to "divide space into separate elements that can be recombined at will [...] valorising, quantifying, [dividing] and administering space" (2008: 137). Lefebvre (1991: 27) also highlighted the production of spatial knowledges that enabled the "abstract to become true" materialised in spatial practice so that *pace* Korzybski (1931 cited in Siegert, 2011), the map does effectively become the territory (*ibid.*).

However, these perspectives overlook the dynamic and fluid nature of space and place and which are rendered potentially malleable through experience and encounter (Raban, 1974), but also ignore the ideas of power (and its relations to knowledge) outlined above. Foucauldian understandings of counter-knowledges (2003) and counter-conducts (2007) suggest the possibility of re-imagining and re-making spaces, places and the borders between them and recent research on borders has emphasised the problems of falsely stabilising dynamic borders, by representing them as static lines, fences or walls (Green, 2009; Parker & Vaughan-Williams, 2009). If borders exist because of, or are triggered by, movement then they need to be imagined and analysed differently than static borders (Bender, 2002; Sturgeon, 2005; Green, 2009). This dynamism, like the spatial dispersion discussed above, opens up different sites for the study of borders, but requires consideration of the mapping of such research {3-3}, as well as the ways in which representations, metaphors or visualisations can capture or convey the complex socio-spatio-temporality of contemporary bordering {4; 5; 6}.

As Jane M. Jacobs (2002:20), notes, "innocent cartographic science" "never simply replicate[s] the environment." Rather, the spatial imaginary and spatial practice of mapping and naming, reflect ways of knowing and governing both territories and the people who inhabit them (Crampton, 2007: 224). Jeremy Crampton has shown the impact that geographers and anthropologists had in imposing essentialised, racial borders in Europe after the First World War, the effects and contestations of which continue to reverberate into the present (*ibid.*) {4-2; 4-3}. Likewise, Mika Toyota's (2007) study of 'internal' bordering practices in Thailand shows the effects of externally imposed

anthropological classifications of 'hill people' as being 'backward' and therefore threatening to the security of the wider Thai population. Despite being Thai citizens and residing within Thai territory, the hill people have been subjected to additional bordering practices (*ibid.*). In the context of contemporary European bordering, similar issues arise in relation to the development and imposition, maintenance and modification of ideas of 'Europe', whether 'Western', 'Central', 'Eastern' 'EU' or 'New'.

As is shown in the next section {2-5}, there is also significant ambiguity in this regard concerning EU enlargement, but particularly the ENP, which can imply either that the states designated as neighbours are part of the European neighbourhood or are neighbours *of* Europe and thus external to it (Jeandesboz, 2007). This concerns nothing less than the geographic and affective imaginaries, as well as the performative enactment of differing delineations of Europe and European-ness, which question where, how and for whom, Europe is bounded and with what consequences (Bialasiewicz, et al., 2007) {5-6; 6-1}. This in turn implicates those involved in the study, as well as the practice, of European bordering in the reproduction and contestation of these imaginaries, requiring border researchers to be highly reflexive {3}. Through the analytical framework developed here, this thesis takes account of the various aspects of space and spatiality outlined in this section but, as the next section shows, CEE bordering is also linked to regionally particular temporalities in the context of post-communist transitions (Stenning & Hoerschelmann, 2008).

## 2-5 Time & the Temporalities of CEE Borders

I'm still here, though my country's gone West.  
*Extract from Das Eigentum (Property) by Volker Braun*

While this thesis seeks to contribute to better understandings of borders and bordering in general, it does so from a regionally-particular perspective: this is, at heart, a study of post Cold War Europe, the European Union and of Europeans in the particular contexts of what are often referred to (here and elsewhere) as 'post-communisms' or 'post-socialisms'<sup>7</sup> (Heyman, 1994; Stenning & Hoerschelmann, 2008). This final section of the analytical framework therefore combines Identities-Borders-Orders (IBO) literature with

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<sup>7</sup> Because of the varied usage in the extant literature, as well as in general discourse, the terms (post-)communism and (post-)socialism are used interchangeably. Although it is recognized that there are differences between these terms, they are not significant for this thesis.

critical interrogations of history, memory and post-communist transitions to identify the key aspects of CEE's regionally particular temporalities for understanding EU bordering (Albert, et al., 2001). This approach allows for examination of the hierarchical delineations of European belonging that are effected through EU bordering, which relies on the differentiation of 'EU-Europe' from its moveable 'East'.

In looking at both space and time, the analytical framework incorporates what is "in some ways, a simple argument which insists on the importance of history and geography" (Stenning & Hoerschelmann, 2008). It is, however, important to recognise the difficulties of relating history and geography and the inherent bordering that this effects by defining *the region* to which *particular* histories and temporalities are relevant. In observing that "we are all post-communist now," Richard Sakwa (cited by Stenning & Hoerschelmann, 2008) is right to emphasise that the effects of state socialism, its collapse - and what followed - have extended far beyond the borders of the states where socialism "actually existed" (*ibid.*). However, this thesis seeks to "keep hold of post-socialist difference" in exploring the CEE borderscape in three former-communist states – the Czech Republic (CR), Poland and Ukraine – but the focus on *EU bordering* ensures that this is also considered in relation to countries where state socialism did not exist. Following Kathrin Hoerschelmann (2002), I accept:

as a starting point, that there is an 'East', a part of Europe with a specific, though differentiated past, constructed as an (often singular) 'other' by the West (Wolff 1994; Todorova 1997) and differentially positioned in contemporary political and economic structures and flows. I also accept that this 'East' is variously constructed as Eastern, East Central and Central Europe (see, inter alia, Schöpflin and Wood 1989).

### *Identities, Borders, Orders: Time & Belonging in (Central) (& Eastern) Europe*

Using 'Central and Eastern Europe' as a singular term, rather than the separate terms 'Central Europe' and 'Eastern Europe' avoids reproducing some of the problems discussed below, while recognising that this region could not be reasonably described as Western Europe, yet refusing to peripheralise 'The East' by ceding the Centre to somewhere else. 'Central and Eastern Europe' is preferred to 'East-Central Europe', which is considered to be too literally geographic and, even on these terms, a fallacy – Vienna, which is rarely included in such definitions is *East* of Prague, which invariably is (Judt, 2005: KL-17922-78). As will be seen below, ascriptions of 'Eastern-ness' have been used to exclude from, or establish hierarchical relations with, 'Europe' and are often based on particular understandings of the past, which are variously imposed, embraced



and renounced. While it is tempting to paraphrase Timothy Garton Ash - "tell me your Central [and Eastern] Europe, and I'll tell you who you are" - if you have ever been labelled as Eastern-European, you are very likely to come from a post-communist state (1999:384). However, these distinctions and the borderings they support have been contested, in some cases successfully, which raises the possibility of future change {4-2; 5-2; 6-1}.

Recent border research that considers Identities, Borders and Orders to be relationally constructed and mutually constituted processes and performances, rather than natural, fixed and separable, shows that ideas of both past and future impact on and are effected through bordering (Albert, et al 2001; Rajaram & Grundy-Warr, 2007; Parker & Vaughan-Williams, 2009;).

Massive bodies of cross-disciplinary literature strongly suggest that IBO concepts are intimately related to each other; they are therefore best defined, and best discussed, *in relation*, to each other. Processes of collective identity formation invariably involve complex bordering issues. Likewise, acts of bordering (i.e. the inscription, crossing, removal, transformation, multiplication, and/or diversification of borders) invariably carry momentous ramifications for political ordering at all levels of political analysis. Processes of identity, border and order construction are therefore mutually self-constituting. Borders, for instance, are in many ways inseparable from the identities they help demarcate or individuate [and] from orders constituted to a large extent via such acts of individuation and segmentation (Lapid: 2001: 4).

This analytical framework therefore engages the ways in which histories of Europe, Central Europe and Eastern Europe and related temporalities have supported or challenged highly contingent definitions of European-ness in the making of identity claims. Examining how these temporal claims are also related to particular forms of government helps to shed light on the bounding of European belonging, which is strongly related to particular identities (Eastern European/European) and thus linked to past (Communist/Non-Communist) and present (EU/Non-EU) orders and borders (Hapsburg Empire/Russian Empire, USSR/non-USSR, EUMS/Neighbour). The analytical framework sees that, institutional 'orders' are *performatively* constituted by the type of governance they enact and in the type of place' they co-constitute with the people who live on and move within the territory they bound, as well as in the ways they demarcate it from other places and manage mobility between them (Kundera, 1984; Wolff, 1994; Lapid, 2001; Boym, 2001; Bialasiewicz, 2003; Kuus, 2004; Stenning & Hoerschelmann, 2008; Jansen, 2009, Case, 2009).

Like the social relations {2-3} and border cartographies {2-4} they are symbiotically related to, these identity claims are founded on particular readings and deployments of the past, the present and the future, which are mediated by extant orders and power relations (Kuus, 2004; Case, 2009). This section of the analytical framework therefore goes on to examine how particular politics of time and history have influenced processes of post-communist transition by legitimating particular delineations of EU-European-ness and Eastern-ness, but also how they have been contested or co-opted.

### *(European) Political Time: Historicism at the End of History*

Rather than a thousand shoots blossoming into as many different flowering plants, mankind will come to seem like a long wagon train strung out along a road. Some wagons will be pulling into town sharply and crisply, while others will be bivouacked back in the desert, or else stuck in ruts in the final pass over the mountains.

Francis Fukuyama, *The End of History and the Last Man*, 1992, p.338

Combining the regional particularities outlined above with recent interpretations of 'World Political Time' and philosophies of history in IR opens up possibilities to re-examine the temporalities of transition and their relations to EU bordering in CEE. Through processes of enlargement as well as through the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP), this particular temporal politics has impacted on and been expressed in the delineation of European belonging. This helped to create hierarchical relations within and between post-socialist states, as well as between post-socialist states and non-post-socialist states. Consideration of temporal perspectives, in addition to the socio-political and spatial perspectives outlined above, is thus critical to understanding the contingencies and consequences of bordering in CEE (Hutchings, 2008; Stenning & Hoerschelmann, 2008; Bigo, 2007).

Kimberley Hutchings (2008) identifies two modes of time, *chronos* and *kairos* of greatest relevance to understandings of "world-political-time." *Chronos* is seen as quantifiable, divisible and combinable, the linear, 'clock-time' against which phenomena can be measured and managed. *Kairos*, on the other hand, is seen as the transformational "time of action" in which the certainty of *chronos* is challenged or supplemented. *Kairos* is framed as an interruption to *chronos* or as the ways in which thinking about time establishes patterns for political time that "work across and through *chronotic* time" (Hutchings, 2008: 7). *Kairos* therefore implies "qualitatively specific categories" such as beginnings, endings, novelty, repetition, stasis and change. These categories are

inherently implicated in borders and bordering as dividing historical time into periods creates the possibility of telling stories about development through time and of distinguishing between *now* and *then* and *was*, *is* and *will-be*, as well as between *here*, where something happened, and *there*, where it did not (*ibid.*: 35). Crucially for this thesis, such processes facilitate hierarchies of established belonging (e.g. New Europe/Old Europe) and time-based distinctions in space, between *here* and *there* by “raising the possibility that different places inhabit different times” meaning that while some are viewed as advanced others come to be seen as ‘backward’ (*ibid.*: 7).

Hutchings also emphasises the importance of ‘historicism’ - the politicised naturalisation of *kairos* into *chronos* that is often associated with ideas of ‘progress’ - and the three modes of historicism that she identifies (mechanical, organic and pedagogic) are of particular relevance to post-communist transitions. Mechanical understandings of history link Newtonian ideas of linear, knowable time to natural, knowable processes in human history and frame *kairos* as “deeper-level causes [...] which appear to precipitate events in *chronotic* historical time,” (2008:50). This implies that historical processes are governed by natural, universal laws, which occlude the pluralism of human experiences in the shadow of unifying logics, such as those of Marx’s material conditions (*ibid.*).

Organic understandings of the *kairotic-chronotic* relation also imply the unifying logic of a teleological *kairos*, in which defined end points or goals both explain *and justify* the means and processes by which they are to be achieved. Such an understanding of organisms and societies as having a particular destiny regard a ‘true’ history as distinct from false, deviating paths which reflect poor “internal health and[or] [an] [in]appropriate environment in which to flourish,” thus legitimating corrective or remedial actions that seek to re-orient the *chronotic* arrow towards its *kairotic* destiny (2008: 50-51).

Pedagogical notions of time see historical development as analogous to personal development. However, the capacity for learning seems to be limited to those with a certain kind of self-consciousness, a capacity to reflect from a (supposed) position of wisdom on the lessons of *chronos*, and thus *kairotically* drag those who have yet to attain this enlightened state in the ‘right’ direction. Following such paths of wisdom, would allow these childlike figures to develop the same enlightened self-consciousness as those who dragged them out of their adolescent ignorance (*ibid.*). Not only does this notion seek to universalise understandings of history and consciousness, it also implies a timely civilising mission for both the theorist and the enlightened actor, echoing the disciplinary power outlined above {2-3} (*ibid.*; Garton Ash, 2009; Jacoby, 2001).

As Hutchings notes, each of these aspects can be found in teleological understandings of progress in the post Cold War period, which, while it came disguised as the ‘end of history’, actually signalled the political resurgence of historicism, which was most clearly expressed by Francis Fukuyama, as can be seen in the following text (Hutchings, 2008: 17; Isaac, 1996):

[F]ew of those comfortable residents of developed democracies who scoff at the idea of historical progress in the abstract would be willing to make their lives in a *backward*, Third World country that represents, in effect, an earlier age of mankind (Fukuyama 1992:130).

Playing on the ‘struggle for recognition’ by countries and peoples, supposedly diverted from their ‘true paths’ by communist deviance, a victorious ‘West’ enables the fulfilment of the ‘true’ destiny of what was the “East”, creating a *telos of transition*, which has significantly influenced identity-subjectivities and order-governance in CEE. The *telos* in this case is that of the forms of (neo)liberal-capitalist-market-democracy as practiced (or at least preached) in the West, but particularly in the EU, where it is connected explicitly to certain ‘European values’ and their manifestation in ‘European Standards {5-3; 5-4}. Despite the voluminous critique of Fukuyama’s work these same logics are apparent in processes of post-communist transition, EU enlargement and the creation of the Eastern neighbourhood, as discussed below, which again connect orders to both identities and borders (e.g. Burns, 1994; Huntington, 2002 [1996]; Hutchings, 2008).

### *Transition Time: Present Pasts & Hierarchies of European Belonging*

OSCE rules do not apply to real countries.

*A Western Diplomat*<sup>8</sup>

Alison Stenning & Kathrin Hoerschelmann (2008) have linked the type of historicism outlined above to what they term the “end of difference” trap, in which post-communist states are no longer seen as ‘different’ (as they were under communism), so much as ‘backward’ due to their delayed return to their ‘true’ path of development. This view sees an Eastern, communist detour<sup>9</sup> that “stolen” CEE states “European and capitalist past” and post-communist transition as a journey from point to point - of “return to Europe” and

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<sup>8</sup> As described by Toomas Ilves, a former Foreign Minister and, later, President, of Estonia. While the diplomat was responding to a question as to why EU member states do not follow the citizenship policies that the Organization for Security and Co-operation in Europe (OSCE) was recommending for Estonia, such attitudes are echoed in some EU policies and relations with CEE countries (Kuus, 2004) {5-4}.

<sup>9</sup>The slowest, most painful way from capitalism to capitalism, as a popular CEE joke has it.

the progressive trajectory of the Western present (Stenning & Hoerschelmann, 2008; Verdery, 1996; Boym, 2001; Kuus, 2004). Similarly, Juergen Habermas patronisingly described the events of 1989 as “catching-up revolutions” destined to be judged by and against an always-already advanced West (Scribner, 2003:146).

Frequent descriptions of “countries in transition” as “success stories” or “laggards” (e.g. King, 2000) and of some EU-8 countries as “backward” (e.g. Moravcsik & Vachudova, 2003) by leading scholars in the field shows the widespread acceptance of the aforementioned *telos* in the study, as well as the (institutional) practice, of transition (Stenning & Hoerschelmann, 2008; Kuus, 2004). Critics have characterised the hierarchical relations of transition as those of “tutors and pupils” or “priests and penitents,” underlining Pentecostal views of ‘revolution’ as re-birth implying the need for the “children” of ’89 to be schooled in (EU-)European-ness (Jacoby, 2001; 1999; Garton Ash 2009; Kuus, 2004).

These hierarchical relations exhibit elements of the mechanic and pedagogic historicisms outlined above that also had other consequences for both the study and practice of transition, which have tended to focus on ‘high politics’ and primarily on the ‘triple transition’: (re)forming economic structures, (re)making democratic institutions and (re)building international relationships. This focus has foregrounded elite and formal politics, particularly with regard to the institutional and procedural design of ‘democratisation’, marketisation and the accession of post-communist countries to the EU, but has obscured lived experiences of both communism and transition. Diverse realities and experiences are occluded in the Manichean contrast between the free and progressive post-communist present and their, exclusively negative, communist past. After their “salvation” (Cooke, 2005: 50) by the West, this contrast constructed the peoples of CEE as victims and poor relations, but also as damaged goods (e.g. Stark, 1990; Kaldor & Vejvoda, 1997; Stark & Bruszt, 1998; Urry & MacNaughten, 1998:149-50; Bunce, 2003; Gillingham, 2003; *and critiqued by* e.g. Boym, 2001; Scribner, 2003; Cooke, 2005; Stenning & Hoerschelmann, 2008; Case, 2009; Jansen, 2009).

The historicising *telos of transition*, combined with the EU’s own history and (neo)liberal sensibilities, implied a ‘duty’ to spread the ways and means that have facilitated European integration as well as the benefits that it has brought (Judt, 2005: KL-19760; Kuus, 2004). However, this duty found its corollary in dire warnings of entanglement in a ‘wild East’, which was vulnerable to the dark forces of “anarchy, retrograde interests and organised crime,” but also to the nationalism and xenophobia that ‘EU-Europe’ had, in its own self-

image, consigned to the past {5-5} (King, 2000; Zielonka, 2004; Case, 2009; Jeandesboz, 2007). The resulting hesitancy is reflected in many aspects of EU policy and practice in CEE: post-enlargement conditionality (Papadimitriou & Gateva, 2009); go-slows on accession processes (Trauner, 2009); and imbalanced partnerships which combine disavowal of responsibility with attempts to influence the neighbourhood while insuring against negative spillovers (Chandler, 2006). This hesitancy is also reflected in constructions of the Eastern neighbourhood through discourses and practices that also influence related mobility regimes (Bigo, 2002; Kuus, 2004; Huysmans, 2005; Jeandesboz, 2007; Guild, 2009) {5-3; 5-4; 5-5; 6-2; 6-3; 6-4}.

However, some CEE actors appropriated this ambiguous unease in their dealings with the EU (Kuus, 2004). Leading figures in Czech and Polish elites emphasised potential dangers to the post-communist 'liberal settlement' of exclusion from the 'West' (Isaac, 1999: 121-159; Follis, 2012: 185). However they also made positive arguments for inclusion that emphasised the 'European' histories, cultures and traditions of these societies, often echoing their interwar predecessors (Orzoff, 2009: KL-220-350) but with the addition of the victim complex famously articulated in Milan Kundera's description of Central Europe as a "Kidnapped West" (1984).

Frank Schimmelfennig (2001) notes the effectiveness of this strategy, which played on the EU's publically fostered image of itself to allow, *inter alia*, CR and Poland to overcome objections that they would bring little benefit to the EU as members that they could not bring as partners. However, while Czechs and Poles "Return to Europe" strategy worked effectively, it had the opposite effect on, *inter alia*, Ukrainians who, as part of the wilder, further East, were not only cast as even more dangerous, but also as part of Europe's constitutive other - the "Orthodox/Russian East" - which was blamed for the 'kidnapping' and subsequent oppressive detour from the 'true' European path (Isaac, 1999; Bialasiewicz, 2003; Judt, 2005: KL-14847). Stef Jansen (2009) sees these developments as illustrative of both the "recursive Eurocentrism" manifest in elite and popular desires for EU recognition of European-ness, and of fluid, "nested orientalism[s]" (Bakic-Hayden, 1995).

The difference between recognition of (EU-)European-ness contrasts with the negative 'othering' of various 'Easts' that may be geographically in Europe but are not recognised as fully 'European', which is highly significant for understanding EU bordering in CEE, as discussed below {4-3; 4-4; 4-5; 5-3; 5-4; 5-5} (Wolff, 1994: 7; Hoerschelmann, 2002; Kuus, 2004; Zielonka, 2004; Case, 2009). This thesis therefore draws on recent waves of critical

and interpretive research to apprehend these contingencies and address their relations to the diverse and complex lived experiences of (post)communisms. This approach allows for interpretation of borderscapes as neither static, nor confined to the present tense but rather, as being implicated in politics of both history and (collective) memory, as shown below (Scribner, 2003; Stenning & Hoerschelmann, 2008; Follis, 2012).

### *Memory Contra History?*<sup>10</sup>

What I never had is being torn from me.  
What I did not live, I will miss forever.  
*from Das Eigentum (Property) by Volker Braun.*

The aforementioned attempts to underpin historicist temporalities by fixing particular meanings to the past in the spaces of post-communism have impacted on EU bordering processes related to post-communist transition, but also on the ways in which people in post-communist states can enact European belonging within or outside the EU, as well as on their political subjectivities and how they are governed. However, as this subsection shows, historicising histories can be challenged by, *inter alia*, collective memory, with potentially significant consequences for subjectivity, governance and bordering (Scribner, 2003; Cooke, 2005; Judt, 2005: KL-19740-19763).<sup>11</sup>

Charity Scribner cites Pierre Nora's assertion that collective memory and history "far from being synonymous' actually oppose each other. If 'memory is life' then history reconstructs what is no longer" (2003:38). For Scribner and Cooke, (post)communist memory, like postcolonial memory is in Richard Werbner's (1998) conception is a collective socio-cultural practice and performance rather than the individual recall of something in particular. Scribner draws on Maurice Halbwachs classic work to assert that: "what remains in [collective] memory are not 'ready-made images in some subterranean gallery of thought'[,] [M]emory survives as an uneven smattering of 'piecemeal impressions' whose meanings can be divined only through the lens of the social" (Scribner, 2003: 38). The collective, socio-cultural performance of memory can therefore act as

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<sup>10</sup> In order to illustrate the regionally-particular relevance of this aspect of the border prism without pre-empting the empirical chapters, this subsection looks at the (comparable) role of memory in 'transition' and the 're-unification' of East and West Germany (Borneman, 1991; 1992; Hoerschelmann, 1997; 2002; Berdahl, 1999; 2005; Scribner, 2003).

<sup>11</sup> However, while Scribner & Cooke's books (devoted to memory and post-communism) see memory as a positive counterweight to official history, Judt takes the opposite view.

either a potentially resistant alternative to, or an acquiescent reproduction of dominant histories.

Paul Cooke (2005:42-50) cites the German parliamentary report into the DDR<sup>12</sup> as an example of the type of blanket, homogenising history that sees the communist period as exclusively oppressive, or in a minority of cases, bravely resisted, while largely ignoring the other ways in which people lived. In some cases this was by creating temporary 'outsides' for 'autonomous activity', but in others it was about living 'normally': in spite of the regime, because of or in agreement with the, via tactical co-option of aspects of the regime or through some combination these possibilities. A minority opinion to the Enquete commission from juxtaposes official history with lived experience and collective memory to point this out:

The history of the GDR is the history of victims and perpetrators, of mistakes, failures and crimes; but above all it is the everyday history of millions of people, whose personal happiness and suffering, sense of security and well-being, whose conflicts and protests, daring public acts and private withdrawal into the 'niches' *cannot be found in any archival source*. If these people do not find their history and their stories, their normality ... in the history that is written and the value judgements of the ruling political class, then the latter has failed (E1/I, 683) (my emphasis) (Cooke, 2005: 48).

Scribner links 'memory-work' to 'subjective authenticity': self-recognised continuity of identity, in the face of 'external' ruptures in frameworks of meaning and possibilities for action, specifically the collapse of communism and the changes to conditions of governance, belonging and social relations that it entailed (2003: 146; 158-177). This has been particularly important in the context of the dominant histories of (post-)communism. As the former head of the Stasi archive Joachim Gauck put it "I never wanted to feel like a GDR [DDR] citizen. My pride, my understanding of democracy and freedom would not allow it ... but since the division has gone, I feel that I am definitely an East German" (Cooke, 2005: 7).

While Gauck has since become President of the re-unified Germany, others have found it more difficult to find their place and have their stories heard. Many have found difficulty in gaining public recognition that their lives have not been merely wasted as victims in the oppressive shadow of totalitarianism and even that they are actually capable of accurately understanding their own experiences. As Cooke (2005), citing Kutter (2002), states: "positive memories of the DDR are painted as 'misjudgements' that must be 'devalued'." A

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<sup>12</sup> The Bundestag 'Enquete Commission'.



typical news report about an 18-year old visitor to the Stasi Archive further illustrates the point (Deutsche Welle website, 2009<sup>13</sup>):

She had just started studying the GDR in school, but had also heard a bit about it from her godmother, who grew up there. The GDR wasn't so bad, her godmother said, as long as you didn't criticize the system; you could have a normal family life just like in the West. "It's not right what she said, but she probably just didn't know or never realized. And when you're not seriously confronted with it, you don't really deal with it.

Richard Werbner (1998: 7, 99) and Jennifer Cole (1998: 105) show the link between practices of public memory and the formation of political subjectivities, identity communities and, consequently, attitudes toward accepting hierarchical assimilation to, impositions of or exclusions from other communities and thus, to bordering. Rajaram and Grundy-Warr (2007: ix-xxxvii) also argue that bordering is, in part, the bounding of "communities of justice" that delineate belonging. Furthermore, Karolina Follis is right to describe the Polish-Ukrainian "borderland as a palimpsest where new modes of living overlap with material and mental residues of old systems of rule and oppression" (2012: 33). This thesis also emphasises the importance of material memory at and around CEE frontiers, as well as in architectures and objects within their bounds: some recall oppression and exclusion, while simultaneously testifying to new inclusions; others question these by highlighting lingering hierarchies or current exclusions {4-2; 4-3}. Scribner (2003) also emphasises the importance for collective memory of material objects that simultaneously allow acceptance of the passage of the past as well as its maintenance in the present. This fosters a 'syncretic' nostalgia that neither succumbs to 'synthetic' kitsch appropriations, nor demands the 'substantive' return of a former regime, but which also rejects imposed amnesia. Such processes support subjective authenticity, which facilitates political subjectivities that can re-evaluate and question governance and belonging in the present, rather than merely accepting them as a necessary historical imposition (Van Dijk, 1998: 156; Hutchings, 2008; Tallis, 2012; 2013) {4-2; 5-2; 5-5}.

This chapter has outlined the analytical framework that has been developed for this thesis (the borderscape) and the underpinnings and implications of its key constituent elements: related arrays of border features, discourses and practices. The analytical framework allows for the interpretation of the conditions of possibility and the consequences of the arrays of these particular related arrays in CEE and which are the subject of Chapters 4, 5 and 6. The next chapter {3} looks at how the present research into the CEE borderscape was designed and conducted, why this was done in the ways that it was and what methodological and practical reflections this necessitated. The

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<sup>13</sup> <http://www.dw.de/learning-about-communist-east-germany-sheds-light-on-the-present/a-4831236>

subsequent chapters represent the features {4}, discourses {5} and practices {6} of the CEE borderscape are constituted and manifested and go on to analyse their conditions of possibility and consequences.

# Chapter 3 – Research Design & Methodology: Interpretively Researching the CEE Borderscape

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It is only in retrospect that the learning processes can  
be described in what sounds like a very patterned way  
*Peregrine Schwartz-Shea & Dvora Yanow, 2012: 32*

## 3-1 Introducing Interpretive Research: Finding Methodology in the Field

Drawing on the literature review that was conducted for this project, Chapter 2 outlined the analytical framework (the Border Prism) through which to understand post-frontier bordering in CEE in terms of its social, spatial and temporal contingency as well as its consequences for identity-subjectivity and order-governance. This ‘Border Prism’ allows for analysis of a ‘Borderscape’ that is constituted by ‘related arrays’ of border features, bordering discourses and bordering practices. Investigating these features, discourses and practices in CEE and interpreting them through the socio-spatial-temporal lens therefore opens up the prospect of addressing the central concerns and research questions of this thesis and the puzzles that motivated them.

However, it was not always thus. The initial literature review provided a surfeit of concepts and theoretical considerations of borders and bordering, from a variety of disciplines, leading to the development of an overly complex analytical framework and subsequent difficulties in translating this theoretical apparatus into a practicable fieldwork programme. As comments on an early draft noted, creating a Foucauldian Security-Mobility ‘*dispositif*’ proved particularly problematic in this regard as, in addition to looking at and for complex multi-actor borderings across multiple sites, this involved considering a “heterogeneous ensemble consisting of pretty much everything under the sun.”<sup>14</sup> The *dispositif* made so much (potentially) relevant for borders that little remained meaningful {2-3}. The empirical range and theoretical complexity of the project - as it was then designed - meant that when trying to arrange early interviews it proved difficult to explain what kind of questions I would be asking and why I would be asking them. Planning the interviews on the basis of this initial framework was also problematic, as I not only tried to cover too much ground

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<sup>14</sup> Comments by 1<sup>st</sup> year panel on the Literature Review (2011).

but, in doing so, also left too little room for concepts, material and meaning to ‘emerge from the field’.

Resolving these issues required the creation of theoretical, conceptual and interpretive frameworks which were better suited to exploring the puzzle that motivated this research – the seemingly contradictory impulses in EU bordering and their problematic relations to European and EU identities and orders. In turn this allowed for the revision of the research questions, which had also become somewhat theoretically ensnarled. The revised frameworks outlined above {2} and in this chapter provided a platform for designing and conducting further field research and analysis that could better seek to address these questions. The revised research questions, which pertain to the sites and settings selected for field research (discussed below), were stated in the introductory chapter {1}, but are also listed here for ease of reference:

**Main Questions:**

- In the enlarged EU & its Eastern Neighbourhood, how and where does the EU make its borders?
- Why does it do so in the way(s) and locations that it does and how is it able to do so?
- How is EU bordermaking related to identities, subjectivities, orders and governance in CEE?

**Sub Questions:**

- Which are the key Actors involved in constituting the CEE Borderscape?
- What are the key Features that constitute the CEE Borderscape?
- What are the key Discourses that constitute the CEE Borderscape?
- What are the key Practices that constitute the CEE Borderscape?
- What are the most important socio-political, spatial and temporal contingencies and consequences of these Features, Discourse and Practices?
- What consequences do these Features, Discourses and Practices have for identities and subjectivities, orders and governance in CEE?

The issues introduced above mean that before outlining how my research was designed to answer these questions, before outlining the rationale for engaging with particular sites and actors {3-3} or discussing the methods that were employed {3-4}, it is necessary to discuss methodology. This is not a sentence I would have written, nor thought to write – at least not in the way that I do now – before I started the fieldwork stage of my research.

However, the time for sustained reflection that was afforded on train journeys through CEE and in the long evenings spent in familiar as well as far-flung places prompted in-field re-designs and re-interpretations as well as reconsiderations of the knowledge being generated, its status and its purpose. The time spent going through field notes, listening to recordings and looking at photographs taken as well as preparing for the next day's fieldwork tasks spurred processes of reflection, reading and consultation that would change my understandings of what I have been engaged with and on what basis it can claim validity, as well as how I actually went about it. These processes led to consultations with others who were working in similar fields in seemingly similar ways and, especially through the experience of co-authoring a paper, I became more aware of 'interpretive' approaches to social research (Kurowska & Tallis, 2013). As I learned more about what interpretive research entailed, about how it both differs from positivist research *and* goes beyond the standard quantitative/qualitative or inductive/deductive dichotomies, it became clearer that, by and large, this is what I had been doing all along. Although I had lacked the concepts and vocabulary to articulate it, the struggles, iterations and recursivities of this approach had been mine too. As these reflections suggest and as discussed below, interpretive approaches foreground the role and particularity *of the researcher* in producing knowledge {3-2}.

As I sought to grapple not only with the surplus of meaning created through fieldwork, but also with ways of understanding how and why this research could generate 'trustworthy and persuasive' knowledge about European borders, security, mobility and identity, I had been pursuing an orientation I did not know how to describe (Schwartz-Shea & Yanow, 2012: 19, 91). In some regards it would have been easier to 'know what I was doing' at the time. In other ways, the very struggles of *thinking and feeling* through the processes of reformulating research questions, clarifying the status of analytical tools and conceptual frameworks, honing techniques, building relationships, revising planned field visits and questioning the hours spent grappling with complex theory lie at the heart of interpretive research, as I now call it.

A recent book, that sets the standard for interpretive methodology, explicitly addressed the issue of in-process research re-design of the kind described above: "positivist research designs, drawing on an experimental prototype, would require the researcher to hold fast to the initial design; but from an interpretive perspective, changing a design in light of field realities is par for the course" (Schwartz-Shea & Yanow, 2012: 29, 71-72). Rather than post-hoc justification of a poorly planned research agenda, these open reflections on a non-linear journey through ideas, practices and experiences, constitute an

essential element of interpretive practice (Zirakzedeh, 2009: 104; Schwartz-Shea & Yanow, 2012: 109-112). Having explained how and why interpretive methodologies were introduced to this project, this section goes on to introduce the most salient aspects of interpretive research *in general*, while the rest of the chapter discusses these in the specific context of this thesis.

### *Key Elements of Interpretive Methodology*

Interpretive research is designed and conducted differently than positivist research, as each approach engages methodologies and seeks methods that reflect their respective ontological and epistemological presuppositions and choices (Schwartz-Shea & Yanow, 2012: 4, 40, 65-69). At the risk of caricature, positivist research seeks an 'objective' "view from nowhere" intended to produce representations that could accurately "mirror" or "measure" the world on the basis of data collection, which assumes that data is in a sense "given" – separate from and waiting to be found by the researcher (Schwartz-Shea & Yanow, 2012: 78-81). Interpretive approaches reject the 'view from nowhere', and see 'data' as being generated in the process of research - by the researcher in, conjunction with the actors with whom, and settings where, the research takes place. In this view data, or evidence, is "brought into existence through the framing of a research question and those actions in the research setting that act on the framing" (*ibid.*: 79). Interpretive approaches therefore heavily implicate the researcher (*and* the researched) in the co-generation of knowledge as well as in framing, designing and conducting the research (Kurowska & Tallis, 2013).

Section 3-2 discusses my particularity as a researcher and how this influenced the approaches taken to this project, with specific reference to my professional and academic experience, choices and trajectories. Reflecting on this particularity and positioning necessitates a certain degree of auto-ethnography, but rather than self-indulgent navel gazing, interpretive approaches see this as a valuable dimension of reflexivity that illuminates the co-generation of highly contextualised or situated knowledges (Haraway, 1988; Schwartz-Shea & Yanow, 2012: 25, 32-39; Kurowska & Tallis, 2013). The concluding section {3-5} returns to these issues in reflecting on how these issues impacted on the conduct of the research and the production of the knowledge that is represented in the subsequent chapters {4; 5; 6}.

Section 3-3 discusses the ways in which the research was ‘mapped’ in order to enhance the “exposure and intertext” that are central to making interpretive research ‘trustworthy and persuasive’. This section engages the idea that epistemologically (as well as ontologically), interpretive research is based on a “different set of philosophical wagers” (Jackson, 2011, cited in Schwartz-Shea & Yanow, 2012: 91) than positivist research, rendering notions of “validity, reliability, replicability, objectivity and falsifiability” largely irrelevant as the world is seen as being neither “out there” nor stable. Section 3-4 also engages these issues but with specific regard to the methods, skills and sensibilities that were employed here in order to facilitate the interpretive research that was carried out (*ibid.*, 2012: 83-84, 89, 92, 99-100).

However, before outlining these different elements of interpretive research in relation to this project, it is important to note at this stage that rather than seeking to uncover *the Truth* about a particular aspect of the social world, interpretive approaches embrace the possibility of multiple, competing or complementary *truths* relating to a situation (e.g. Soss, 2006; Vrasti, 2008). Interpretive research therefore seeks to understand ‘meaning-making’ in particular contexts - to explore how actors in those contexts come to understand the worlds in which they live. Through a process of ‘sense-making’, these meanings are explored in relation to the research questions framed by the researcher, which (if framed properly) help demystify the puzzle(s) that drove the inquiry. This demystification can then be represented in ways that communicate the knowledge that has been produced (Schwartz-Shea & Yanow, 2012: 40, 71-73, 86-90, 96-100).

This process reflects the “abductive” reasoning that is inherent to interpretive approaches and which is distinct from the deductive-inductive dichotomy that often dominates discussions of method and methodology in social research (Friedrichs & Kratochwil, 2009; Schwartz-Shea & Yanow, 2012: 26; King, Keohane & Verba, 1994). If deductive reasoning would seek to generate testable hypotheses from a theoretical starting point and then test these hypotheses against a set of observations in a classically positivist mode of inquiry, inductive reasoning would start with a set of observations from which to induce general (or to some extent generalisable) laws or theories. In contrast, abductive reasoning, which has its roots in the philosophical pragmatism of Charles Peirce, “begins with a puzzle, surprise or a tension and then seeks to explicate it by identifying the conditions that would make the puzzle less perplexing” (Schwartz-Shea & Yanow, 2012: 27; Friedrichs & Kratochwil, 2009). Abduction thus relates to the “leading away” of the “researcher’s thinking [...] in an inferential process from the surprise towards its possible explanation(s)” (*ibid.*).

Significantly, whereas both deductive and inductive reasoning operate in a linear fashion (“first this, then that”), abduction acknowledges and makes virtue of the struggles in generating data as well as making sense of it in the exploration of the puzzle: “the researcher tacks continuously back and forth in an iterative-recursive fashion between what is puzzling and possible explanations for it, whether in field situations or [...] in research-relevant literature” (Schwartz-Shea & Yanow, 2012: 27). Drawing on a wealth of scholarly work, Schwarz-Shea and Yanow note that this “back and forth takes place less as a series of discrete steps than it does in the same moment. The researcher is simultaneously puzzling over empirical materials and theoretical literatures” (2012: 27).

The spiralling, non-linear struggle for sense-making in interpretive research therefore operates with a logic of inquiry connected to the idea of the hermeneutic circle (Dilthey, 1976; Gadamer, 1976). A hermeneutic circle does not have mandated starting or end points, but works from where the inquirer “is” and moves towards temporary and contingent “stopping points” which then provide the platform for the next cycle of inquiry, which “moves [...] in a continual process toward deeper and richer understanding” (Bentz & Shapiro, 1998: 170; Schwartz-Shea & Yanow, 2012: 30-31). The acknowledgement of the always-already immersed and situated researcher rejects the “god-trick” of Nagel’s “view from nowhere” (*ibid.*: 98) in favour of the view from *now, here* – and how this relates to a series of *then, theres*. While where the view is from (and of what) is not *generalisable*, it may nonetheless be persuasive and trustworthy in other socio-spatio-temporal contexts, which can be judged on the basis of the ‘thick description’ provided in representations of the knowledge produced (Geertz, 1973; Schwartz-Shea & Yanow, 2012: 48).

This thesis agrees with Yanow and Schwartz-Shea that there is a performative (as well as inter-subjective) quality to the hermeneutics of interpretive inquiry. The researcher, who can never start from a neutral point, recursively abducts from, within and between previous abductions, with this iterative process “stabilizing over time to produce the effect of boundary, fixity and surface,” of meaning and sense-making, echoing the processes of identity formation {2-3} and place-making {2-4} discussed above (Butler, 1993: 9-12; Schwartz-Shea & Yanow, 2012: 30-34). Such contingent and situated stabilisations are vulnerable, in a positive sense, to further abduction as well as open to contestation, (re-)appropriation and re-configuration through the interaction of the researcher and the researched actors and settings (Butler, 1993; Kurowska & Tallis, 2013).



My own struggles to adequately conceptualise, frame and conduct this research project were also marked by these empirically and theoretically entwined ‘iterative-recursive’ processes. The next section {3-2} outlines how considerations of my particularity as a researcher - regarding both experience and knowledge - as well as normative concerns impacted on the research as well as how they connect to the puzzles that motivated it. Section 3-3 discusses the ways in which I planned (and re-planned) the research in order to make the knowledge that I was producing more ‘trustworthy and persuasive’, as well as to follow the logics and chains of enquiry that arose from the field. Section 3-4 then details the skills and methods that were most important in generating the knowledge produced by this research project and which are concomitant with the interpretive approach outlined above. Discussing all of this openly satisfies another condition of interpretive research by engaging reflexively with the knowledge produced, but also the conditions of its production, thus aiding the process of assessing its trustworthiness and persuasiveness, but also noting how these concerns intersect with the practicalities of conducting field research. Finally, the concluding section {3-5} makes this reflexive process more explicit, setting standards against which the subsequent chapters, which represent the knowledge produced by this research, should be judged {4; 5; 6}.

### 3-2 Researcher Particularity: Towards Critical Pragmatism

The puzzle that motivated this research project was outlined in the Introduction {1}. Following the interpretive approach, it is useful to explore how the origins of the puzzle and how the ways I explored it affected what I ‘brought with me’ into the field, as well as how I made sense of what I took from the field. As Schwartz-Shea and Yanow (2012: 26) note, it is not unusual for prior experience, including professional careers, to be the spur to research or to provide the context in which puzzles emerge and, from the perspective of interpretive research, this can potentially be an advantage in helping facilitate access to certain settings. Unlike positivists, interpretive scholars do not see the particularity and positionality of the researcher as “something to be contained and avoided” in the production of knowledge and instead emphasise the need to reflexively deal with and indeed foreground the effects that it has on the conduct and outcomes of the research. Two of the issues that Schwartz-Shea and Yanow particularly point to are the “prior knowledge” and “prior experience” that researchers bring with them into the field and this section discusses these issues (*ibid.*). This section thus looks first at the origins of the puzzle in relation to my professional background in the field of European (border) security and particularly at the journey from the proximity of working for the EU, to the critical

distance of academia. The section goes on to outline how I then re-sought proximity, albeit of a different kind, through the field research conducted for this project and how this led to in-depth reflection on how and why I was undertaking this research, which also informed later processes of sense-making, which can be seen below {4; 5; 6; 7}.

### *Up Close and Personal: Experience, Knowledge & Critical Distance*

The research puzzle emerged from my experience of working for the EU, particularly the EU Border Assistance Mission to Moldova and Ukraine.<sup>15</sup> I wanted to productively explore the deep dissatisfaction I experienced with both the mission and EU engagement in Ukraine more widely. I therefore set out to understand how, despite the laudable stated aims of EU policy in the region, the processes involved could seem so different in practice - to the detriment of many Ukrainians. I was also concerned that the EU faced a risk to its reputation and thus to its potential to act as a positive force internally and externally. In addition, I worried that my experiences could be indicative of less-laudable hidden agendas in EU governance, which, in turn, were negatively affecting EU order-governance and the identity-subjectivity of Europeans, both within the EU and without (Kurowska & Tallis, 2009; 2013) {2-5}. This puzzle was further complicated by the apparent failure of the EU to live up to its stated aims and principles, or perhaps by its favouring of some of these to the detriment of others, again with uneven impacts on subjectivity through bordering and, *inter alia*, the distinction between members and neighbours. The research project was thus initially motivated by a quest to explain how this situation came to pass (and how it has been reproduced) and what impact it was having on Central & Eastern Europeans, as well as the consequences for the EU itself. I therefore sought to find ways to explore the contingencies and consequences of the uneven de-bordering and re-bordering that were effected through EU enlargement, the expansion of the Schengen zone and through ENP and EaP.

Seeking to distance myself from my professional dissatisfaction, I embraced academe and what I considered *the most* critical approaches to and explanations for the situations I had been dealing with. Somewhat auto-didactically I began to seek theoretical solace while still working for the mission, and this journey initially took in the Frankfurt School (Marcuse, 2002 [1964]; Adorno, (2001) [1944]) and other Marxist inspired critiques (Hardt & Negri, 2000; Scribner, 2003; Klein, 2007) as well as my first skirmishes with Foucault (1977;

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<sup>15</sup> I worked for 'EUBAM' from June 2006 until December 2007, having previously worked for the EU Police Mission EUPOL Proxima and the OSCE Spillover Monitor Missions in Skopje, Macedonia from 2003-2005.

2001 [1964]; 2002 [1969]), Deleuze (1995), Agamben (1998), Butler (1990; 2004) and Bauman (2007). In preparing initial PhD proposals, I discovered critical approaches to borders (Walters, 2006; Newman, 2006; Zaiotti, 2007) and was introduced to the Copenhagen School (Wæver, 1995; 2004) and critical IR (Cox, 1981; Chandler, 2006), and these proposals bear the scars of the struggles between my understandings of these theories and attempts to make sense of my professional experience.

I undertook an MA with a research-training component to boost my chances of acceptance to PhD programmes, and became increasingly enchanted with highly critical or radical poststructuralist approaches to international politics. I was concurrently introduced to International Political Sociology and the ‘Paris School’ of security studies and also began to explore geographical writings in relation to borders. These influences, along with an increasingly anthropological and ethnographic turn in my research orientation, are still visible (albeit tempered by the processes described in this chapter) in the analytical framework fashioned for this project {2}. It was little wonder that I could therefore write in a fieldwork report drafted for supervisors in May 2012 that the significant difference between the sleek, corporate Frontex Headquarters in Warsaw and a Czech migration facility in a former-Soviet military base (both fieldwork sites) seemed:

less than the chasm between the time and place where the rationale for this project began to crystallize and where, having been academically refined, it was shaken into stark, serif-less form.

Indeed, when I set out for fieldwork in September 2011, the journey back to Central & Eastern Europe, seemed like a “significant step back towards the Polish-Ukrainian frontier”, where “the frustrations on mission had taken clearly identifiable form” (*ibid.*). However, the theoretical perspectives that I had become aware of since leaving Ukraine and which I was now bringing back with me into the field were not only difficult to translate into practical fieldwork (3-1), but were also troubling in other ways.

As discussed above critical, border-relevant literature often focuses on extreme cases while claiming that these are indicative of wider situations. Agambenian work tends to situate practitioners of security as “temporary sovereigns” potentially exercising power with impunity and a degree of *agency* that implies callous recklessness, if not relish {2-3} (Minca, 2005; Vaughan-Williams, 2007; 2009a; 2009b). The rest of ‘us’ (non-sovereigns) are cast as (virtually) *homines sacri* in a world supposedly governed by the logic of the camp (Agamben, 1998: 115; 2000: 37). Meanwhile, non-Agambenian<sup>16</sup> critical work that

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<sup>16</sup> Indeed, these approaches often explicitly reject Agamben’s work – e.g. Bigo (2007) and Huysmans (2008).

focuses on securitisation through practices and thus also looks at the practitioners of security can, conversely, tend to over-emphasise *structure*, thus creating a “deterministic or doom-laden image of the ‘professional managers of unease’ (Bigo, 2002)” (Kurowska & Tallis, 2013). In this view, security professionals “appear as automaton executors of neoliberal discourse and creators of ever-more-fearsome institutional practice” (*ibid.*) Like the Agambenian scholarship, these approaches are appealing in both their logic and desire to highlight repressive practices, but they are not persuasive when attempting to generalise their arguments. To take just one example, a leading scholar in this tradition conflates passengers waiting to board international flights in airport lounges with detained migrants in ‘waiting zones’ to claim that “we are all in the waiting zone” (Bigo, 2007: 26).

Despite leaving my work with the EU because I had become highly critical of its policy and practice in the areas in which I was working, neither of these pictures seemed do justice to the nuanced interplay of impositions of, and desires for, particular forms of security and mobility in CEE, nor their impacts on identity and subjectivity (2-3). Moreover, neither analysis persuasively represented either the security-professional and civilian-practitioner colleagues that I had worked with in the Balkans and former Soviet Union or my own professional conduct and reflections on it (Kurowska & Tallis, 2009; 2013). While admiring their motivation and theoretical sophistication, I could not help, therefore, but reject the conclusions of these two visions of critical scholarship: (1) the terrifying agents of sovereign power, striking in a Benjaminian flash that turns every alleyway and airport lounge into some echo of Auschwitz and therefore needing to be stopped by drawing attention to their actions; or (2) the unthinking bureaucrat as a mere ‘throughput’ beholden to institutional discourse and thus needing to be outwitted in an interview in order to get beyond the company line and access the ‘real’ “backstage” agenda, which reveals the underlying and generalisable logic of domination (Goffman, 1959; Kurowska & Tallis, 2009; 2013; Schwartz-Shea & Yanow, 2012: 80-81, 111; Bueger & Mireanu, 2014).

These issues were further complicated by the difficulties of translating my theoretical work into practice as well as the normative implications of the work I was conducting. I became aware that the journey from dissatisfied practitioner to inquiring critical researcher had become increasingly bound up in my own struggles to retain a sense of ‘subjective authenticity’ while dealing with the ruptures in knowledge and outlook provided by critical literatures and their relation to my experience. However, this was about more than a practitioner simply engaging with academia in order to better understand a “surplus of meaning” from working in the field of European security – it was a journey through

subjectivities and perspectives which questioned how and why, for whom and by who knowledge is produced and which are discussed below (Kurowska & Tallis, 2013).

### *Up Close and Purposeful: Particularity, Proximity and Critical Pragmatism*

Determined to explore – and indeed influence – the situations that gave rise to the dissatisfaction that motivated this research project, I remained avowedly ‘critical’ in both orientation and theoretical grounding. However, I struggled to find ways to square the critical scholarly literature with my experience and use this combination to guide the production of trustworthy and “useful knowledge” (Friedrichs & Kratochwil, 2009). This struggle intensified as I began interviewing practitioners and functionaries in EU and EU member-state (EUMS) ministries, delegations, services and missions and went through rapport-building processes with people previously unknown to me or relationship re-kindling processes with former colleagues who either still worked for EUBAM or had moved to jobs with Frontex. These people seemed to fit neither of the categories described above and the more I thought it through, the more disingenuous and inadequate it seemed to either approach or represent them as such (Coleman & Grove, 2009; Bueger & Mireanu, 2014: 119-120). Co-authoring a paper on this topic and, in the process, becoming aware of the other concurrent attempts to grapple with such issues helped me to productively explore these tensions and better understand their consequences for this research project (Kurowska & Tallis, 2013).

As Christian Bueger and Manuel Mireanu (2014:118) compellingly argue, the roots of this problem seem to lie in the influential distinctions drawn by Robert Cox (1981) between ‘Critical’ and ‘Problem Solving’ research and the ways that critical scholarship in IR has developed from these beginnings. They particularly draw attention to Cox’s statements that problem-solving theory “takes the world as it finds it” and that critical theory “is critical in the sense that it stands apart from the prevailing order of the world” (*ibid.*) to argue that:

critical theorizing as a detached practice of historicizing and intellectualizing – which can be developed from Cox – set practical standards for years of scholarship to come. In these standards, scholarship gains its worth through distance: the good critical scholar engages in philosophical reasoning, large-scale histories and genealogies and seeks distance from security practitioners and the processes of making security.

Similarly, the notion that “theory is always for someone and some purpose” (Cox, 1981) and therefore also always “against someone and some purpose” (Mutimer, 2009) has forced scholars to choose ‘sides’. For critical scholars seeking to avoid reproducing

dominant discourses this choice has led to a deliberate distancing from those they critique, notably governmental agents of security, leaving other scholars to provide the problem-solving 'policy advice' that fails to question dominant discourses and practices (Kurowska & Tallis, 2013; Bueger & Mireanu, 2014). In asserting their critical identity, critical scholars thus effect two forms of othering: of 'policy-advice' researchers; and of practitioners of security, which, particularly, in the latter case rests upon a "great divide between Self and Other [which is] effectively vacuous" (Faubion, 2009: 150).

This divide is maintained in two key ways. Firstly, through detached, 'experience-distant' "historicizing and intellectualizing" that seeks ever more complex and sophisticated theoretical links between instantiations of power that are seen as dominant or oppressive, which allows such scholars to speak safely from the tenured 'margins', but simultaneously marginalizes their policy relevance (Bueger & Mireanu, 2014: 119; Soja & Hooper, 2002; Ley & Mills: 2002: 371-377). Secondly, for those critical scholars who engage in ethnographic-type fieldwork and 'experience-near' theorising, the divide has been reproduced in another way, through the type of "participant objectivation" advocated by Pierre Bourdieu (2003: 282), who James Faubion (2009: 150) sees as the latest inheritor of a problematic tradition that has been questioned by the reflexive turn in anthropological research (Vrasti, 2008; Lie, 2013).

Drawing on this reflexive turn, Xymena Kurowska and I (2013) used a revisit to a research encounter in European security to 'crack open' the researcher-practitioner relationship and examine the mutual constitution of "experience, interpretation and representation" that questions the academic's claim to a monopoly on knowledge and authorial authority (Jacoby, 2006: 173; Vrasti, 2008). If "border guards are people too"<sup>17</sup> and if they co-generate knowledge through research encounters, then rather than seeking distance, critical researchers and especially those interested in security practices should seek "proximity to the world of practitioners and their activities" (Bueger & Mireanu, 2014: 118; Kurowska & Tallis, 2013). In interpretive research, critical legitimacy can be maintained through the reflexive "negotiation" of this proximity rather than through distance and detachment (Bueger & Mireanu, 2014: 119; Schwartz-Shea & Yanow, 2012).

The particularity of my experience makes this negotiation of proximity particularly pertinent. Stressing that research should be initiated "from the point of view of the natives" (*ibid*: 6) speaks to the generation of the initial puzzle when I was, to some degree, a

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<sup>17</sup> Xymena Kurowska, personal communication, April 2012.

'native' (a practitioner) in the field of European security and from where I embarked upon a journey to become what I would now see as another kind of native or possibly a hybrid (researcher & former practitioner) (Lund-Petersen, 2013). I am however, also a third kind of 'native' – a European Union citizen who experiences (some of) the consequences of particular configurations of security-mobility in Europe, which also puts me into particular relationalities with people with other identity-subjectivities. I argue that bringing (at least) two sets of 'prior knowledge' into the field and negotiating relative distance or proximity to two research communities (critical & policy advice) as well as to practitioners and other participants increased, rather than compromised, the reflexivity and thus the trustworthiness of this project.

Being aware of other 'native' subjectivities allows concepts to "emerge from the field" through exploration of how these actors co-constitute meaning, while the researcher is still able to design a viable project that draws upon, but is not beholden to prior knowledge. Recognising these multiple and distinct, yet intertwining, trajectories and positions in the context of interpretive co-generation of knowledge mitigates concerns about ethnographic researchers 'going native,' which seem "ill-defined and inadequate" when the researcher-researched distinction becomes blurred or when the field is not as strange or exotic to the researcher as in classic anthropologies (Kurowska & Tallis, 2013). One challenge from this understanding that emerged in the course of the fieldwork – and reflections upon it – was the need to 'make strange' what was in some cases a familiar site, but to simultaneously be able to draw upon the advantages of familiarity so as to maximise 'access' and avoid appearing "socially stupid" (Schwartz-Shea & Yanow, 2012: 75; 3-5).

Rather than ceding the ground of policy-relevance to 'uncritical' policy-advice scholars, I regard this inquiry as a "social practice" (potentially) productive of social change which seeks to address "issues that require intellectual attention, not because they are 'matters of fact', but because they are matters of concern' (Latour, 2004)" (Bueger & Mireanu, 2014: 120). This not only resonates with the motivations for this research project, which grew from the identification of 'matters of concern' while I worked in practice, but also speaks to a growing '*critical pragmatism*' that seeks to make academic research relevant to those other than "immediate peers" while refusing to compromise on criticality (Friedrichs & Kratochwil, 2009; Kurowska & Tallis, 2013; Bueger & Mireanu, 2014: 120-121). Bueger and Mireanu (*ibid.*) draw on Bruno Latour's (2004) assertion that in investigating 'matters of concern', scholars should "invest more energy in 'composing' new and better realities, rather than deconstructing and destroying common wisdoms and societal truths." They cite Mark Brown's encouragement for scholars to "intervene in the

world” and echo Friedrichs & Kratochwil’s (2009) call for the production of “useful knowledge”. Here, I side with pragmatist philosophy in seeing the “practical power” of academic research as its advantage rather than being something to disavow (Dewey, 1958: 385). This approach contrasts with some of the critical literature discussed above by putting a greater responsibility on the researcher to not only create trustworthy and persuasive knowledge, but to also avoid disengaging with social realities and losing a sense of proportion. Encounters with and proximity to practitioners during the course of my research helped me in this regard and may they also help others in avoiding the twin pitfalls of inadequate critique and insufficient consequence.

For Schwartz-Shea and Yanow (2012), Bueger & Mireanu (2014) and also for Xymena Kurowska and myself (2013), it is proximity and the understandings of situatedness and context that it brings which can leverage the power of theory in practice, but only when allied to the reflexivity that allows for the production of trustworthy and persuasive knowledge. As Patrick Jackson (2011) has argued, reflexivity needs to extend from methodology to methods {3-4}, and Schwartz-Shea and Yanow (2012) rightly extend this into the full scope of research design, which is the subject of the next section of this chapter {3-3}. It is seen that theory not only helps “scholars attune to the world” (Mol, 2010: 262) and guide research design without over-determining concepts in advance (they should, after all emerge from the field), but can also provide the analytical tools to make the implications and stake of the analysis clear, context-specifically as well as transversally. Provided that this is allied to clear communication, which makes an effort to at least find common linguistic ground with policy-makers and practitioners, this can deliver on the promise of critical pragmatism.

### 3-3 Mapping Research for Exposure and Intertext

Building on the previous discussions of the interpretive redesign and re-conceptualisation of this research project, this section discusses what the research aimed to explore and how it mapped the emerging concept of the borderscape in order to maximise the trustworthiness and persuasiveness of the knowledge produced {4; 5; 6}. As noted above, interpretive researchers should ‘map’ the field that is their object in order to expose themselves to the fullness of this field and to allow for the intertextual ‘reading’ and cross-checking of its different elements and the differing perspectives of its various actors {3-1}. However, mapping the field in advance creates a potential problem. In most fields, but certainly in the field of security, there is a need to inform potential participants in advance



of your intention to visit for either observation or interviewing and indeed to gain permission to do so. Often this permission is contingent upon the approval of the types of questions the researcher wants to ask, the topics to be discussed or the purpose of any observation that will be conducted. This requires the researcher to know in advance what it is they want to get at through the fieldwork, which raises a potential contradiction for research that should let “concepts should emerge from the field” in order that the researcher should not *impose* meaning on the actors in-situ (Schwartz-Shea & Yanow, 2012:18).

This section explores these tensions and how they were resolved or worked with in the research conducted to produce this thesis, outlining the way in which the ‘borderscape’ became the key mapping-tool for the project, allowing for research to be conducted into its constituent parts – features, discourses, practices – without over-determining these in advance. The section then goes on to outline the sites, settings and actors that were identified as being relevant to the research and how these were refined and supplemented during the course of the project, as some actors, sites and settings became more or less important for ‘exposure and intertext’.

### *Mapping an Emerging Concept*

Entering the fieldwork phase of my research having just conducted the Literature Review, I had a head full of concepts, theories, ideas and other floating notions that amounted to an awful lot of prior knowledge that I was bringing into the field. This initially made it difficult for me to explain to some potential interviewees what I was doing and also left me wondering what the purpose of the fieldwork was if exploring the puzzle was clearly about the various aspects of security, mobility, identity, space, time and the social world that I had identified. Conversely if none of my interviewees talked about these things then I wondered whether this would effectively amount to a hypothesis that was tested and found wanting, thus implying a positivist conception of research to which I did not subscribe.

Successive redesigns and re-conceptualisations - of research questions and interpretive frameworks – helped in this regard. Initially I separated off a ‘Security-Mobility Dispositif’ (SMD) - which could and probably should have been called a border dispositif - from the framework through which it could be interpreted (the Border Prism). The SMD was a revised version of a Foucauldian dispositif that comprised actors, discourses, spaces &

materialities, laws and regulations, practices, experiences and expectations and quantitative data. The SMD provided a seemingly workable framework for planning research and requesting permissions for interviews and observation, but it also prevented the over-determination of concepts in advance, as the significant discourses, practices and features were left to emerge from the field.

However, as the research progressed, it became clear that the SMD was too broad, with only certain aspects of it arising from field research as well as an indistinct overlap between and artificial separation of its various categories. I was also struggling to properly relate and separate the SMD, the analytical framework and the Borderscape. It was in the process of transcribing interviews and reviewing and re-annotating the voluminous EU and EUMS material relevant to bordering that I made a crucial alteration. Having concluded that discourses, practices, and sites and forms were the crucial elements of the *dispositif* that arose from the field, it occurred to me that I had actually been mapping and exploring the borderscape – which, as per the amendments I had made to it included all these aspects as well as implying the presence of various actors. In writing about the use of the *dispositif* as a method, Philippe Bonditti notes the importance of refining the object of research until it becomes “analyzable” and, it is productive to add, representable (2013: 120). In the case of this research project that was done by disposing of some formal aspects of the *dispositif* while recognising that they or their influence still appear in the features, discourses and practices of the borderscape.

While the SMD was therefore a useful part of the research process, it became less useful in making sense of the data that I generated or representing the knowledge that this produced. The retrospective mapping I conducted conforms to the mapping-approaches described in a recent book on methods for Critical Security Studies which define mapping as: “akin to a slide show of the journey unfolding into the present” and as “unwinding a stable entity back into the past” (Loughlan, Olsson & Schouten, 2014: 47-48). Taking this approach allowed me to systematically analyse my research data and identify the key features (which combine particular sites and forms), discourses and practices that arose in the course of the research, to retrospectively map them and interpret their contingencies and consequences through the Border Prism, with the results appearing in the subsequent chapters of this thesis. Although each of these aspects of the borderscape is discussed in detail in the Interpretive Framework, summaries are provided here for convenience:

**Border Features** are found in the locations, territories and environments where border functions take place with sufficient 'borderliness' to make border places {2-3}. Both the 'Material Turn' in IR (e.g. Mutlu, 2013; Aradau, 2013) and the notions of landscape, territoriality and materiality outlined above {2-4}, point to the importance of understanding the interconnected ways in which meanings are given to and gathered from the forms that these border features take. Chapter 4 maps the key Border Features that comprise the CEE borderscape and represents each one through a metaphor that conveys both the particularity of its site and the architectural-material specificity of its form, with the power that it effects and affects {2-2}. As well as showing the spatio-material instantiation of certain social relations {2-3; 2-4}, border features also show the passage of time and its relation to identities, borders and orders through border place-making as particular spatial distributions of border features emerge, decay or are maintained over time {2-4; 2-5}.

**Bordering Discourses** were discussed above in relation to socio-political relations {2-1}, spatialities {2-4} and temporalities {2-5} and are key narratives and ideas that. Discourses underpin, legitimate, operationalise and emerge through policies and (formal and informal) practices related to identities, borders and orders. The examples given above included: declarations of security that attempt discursive securitisations of particular issues; understandings of mobility as being a marker of civilisation or freedom {2-3}; the relation of particular values to behaviours within a particular place such as the EU's 'Area of Freedom, Security and Justice'; declarations of European-ness and labellings of Eastern-ness; and the discourses of memory that challenge official historical discourse {2-5}. The key discourses for EU bordering in CEE are identified and interpreted in Chapter 5.

**Bordering Practices** are the tasks and activities of professional or non-professional actors involved in bordering. In an institutional context, this can refer to the tasks of border guards in managing a border crossing point, or, non-institutionally, to those of the migrants who evade controls or access the services of the state on the territory of which they reside. As noted above, securitisation can be practice-based as well as discursive and mapping its practices can reveal much about the subjectivities of those practice security as well as those who it is practised on and through. As Mark Salter put it, practices reveal: "the strategies, tactics, norm [and] best practices of the game" that various agents are engaged in as well as the institutional logics which arise from these practices (Salter, 2013: 85-86; see also Balzacq, et al. 2010). Practices of mobility as well as security are implicated in understandings of power (as well as resistance, endorsement and acquiescence) and the formation of identities and orders {2-3}; as well as place-making {2-4} and the enactment of collective memory {2-5}.

By developing the concept of the Borderscape as a mapping device I had unknowingly been echoing the work of Hugh Gusterson (2004: 66) who "converges the results of multi-sited fieldwork with theoretical reflections and analyses in to a key conceptual tool, which he calls the securityscape" (Bueger & Mireanu (2014: 125). The other ways in which this research was mapped – in relation to its sites, actors and settings - in order to maximise the possibilities for exposure and intertextuality in the CEE borderscape are discussed below.

### *Mapping Sites, Actors & Settings*

When this research project was initially proposed, it was decided that of the many potential sites in which to explore the puzzle and address the research questions in their regional particularity, four (the Czech Republic (CR), Poland, Ukraine and Moldova) had the greatest potential for generating evidence in relation to the three interlinked policy areas that were identified in the introduction as being most pertinent to EU bordering in CEE - the AFSJ/Schengen zone; EU and Schengen enlargement (and the limits of such), as well as the European Neighbourhood Policy (ENP) and specifically its Eastern Partnership (EaP) component. Multiple sites were specifically selected in order to maximise the 'exposure' to the policies, practices, forms and locations of EU bordering while also allowing the sites to speak to each other, recognising their inter-relatedness and providing for the possibility of intertextuality both within and between the sites (Schwartz-Shea & Yanow, 2012; Marcus, 1995).

Exposure to a greater range of border features, bordering discourses and practices allowed for better mapping of the diversity and richness of the constituents of the CEE borderscape but also for a fuller appreciation of their social, temporal and spatial contingencies, their uneven consequences for identity-subjectivity and order-governance, and the contradictions and complementarities between each of the elements of the borderscape and aspects of the border prism. This multiple-exposure and the need to account for similarities and differences in borderscape constituents as well as their contingencies and consequences boosts the claims of this research to meet the standards that interpretive research sets for producing trustworthy and persuasive knowledge through systematic and reflexive research (Schwartz-Shea & Yanow, 2012). This section introduces the processes of identifying key *sites* (state-based areas), *actors* (the key players involved in borders and bordering in each site), and *settings* (particular places where border sites occur or where bordering practices take place and where and how institutions and agencies are involved in bordermaking within each site).

As noted above {1; 2} CR, which joined the EU in 2004 and Schengen in 2007, is territorially surrounded by other Schengen states and therefore has no 'classical' land borders and no permanently controlled frontiers other than those at its international airports. This made it an ideal hunting ground for post-frontier border features, discourses and practices in a newer member state of both the EU and the Schengen zone. CR has

also had particular historical experiences of socialism and post-socialist transition as well as relations with and within the EU, which are outlined in greater detail in the following chapters and which speak to some of the regionally particular contingencies and consequences of EU bordering. Czech-EU bordering in the context of CR's relatively recent Schengen accession was therefore selected as the first site of research.

Polish experiences of transition and what went before, as well as of accession to and membership of the EU share certain commonalities with Czech experiences, but are also particular and, therefore, including both countries in the study adds depth and richness to its understandings of borders and bordering, which are often dealt with in blanket terms (Stenning & Hoerschelmann, 2008). Poland joined the EU and Schengen in the same waves of enlargement as the Czech Republic but still has land frontiers with non-Schengen, non-EU states (Russia [Kaliningrad], Belarus and Ukraine) and is a site of confluence for EU and Schengen frontiers with the Eastern neighbourhood, including with Belarus and Ukraine, two of the EU's 'Eastern Partners'. The second site selected for this study was, therefore, the Polish frontier with Ukraine which is an inaugural and highly significant member of both ENP and EaP. Focusing on the Polish-Ukrainian frontier allowed for consideration of how a 'traditional' border effects and is effected by the de-bordering and re-bordering processes inherent in Schengen, enlargement, neighbouring and partnership. Although this is ostensibly the most 'traditional' site of border enquiry, as the later chapters show, this part of the EU border archipelago is inherently linked to other, post-frontier border sites and practices, but nonetheless retains significant particularities.

As a key ENP and EaP country, and the and the inspiration for the puzzle that motivated this study, Ukraine was chosen as the third site for studying EU bordering in CEE, which reflects the EU's attempts to export both its border (through instruments such as re-admission agreements) and its border policy and practices (through the European Commission/ European External Action Service delegation in Kyiv, the EU Border Assistance Mission headquartered in Odesa and a variety of other ENP and EaP initiatives and instruments). The selection of Ukraine allowed for examination of 'remote control' and displaced bordering practices, as well as the relation between EU bordering and non-EU European subjectivities and forms of governance, outside the EU as well as regarding inward mobility. The Ukrainian experience of both socialism - as a Soviet Republic, constituted partly from formerly Polish territory - and of post-communist transition as an EU 'neighbour' and 'partner', but without the clear prospect of becoming an EU *member* raises different issues and questions than the Polish and Czech

experiences, even though there are also important commonalities between them (Stenning & Hoerschelmann, 2008).

It was initially seen that Moldova would also provide a good site of study as a 'smaller' European neighbour and partner when compared to Ukraine and thus providing a balance to the Czech and Polish 'internal' sites. However, in the course of working through the research proposal and design it became clear that rather than treating the Polish site in the same way as the Czech site, the second site would focus on the Polish-Ukrainian section of the EU frontier. This is not to discount the value of studying the Moldovan situation, but rather an acknowledgement that for the purposes of this study (and its manageable scope) it was considered more productive to have one ostensibly 'internal' Schengen site, one 'mixed' study at the EU's contemporary nominal edge (the Polish-Ukrainian frontier) and one 'external' site in a neighbour and partner country. The scope for further development of the approaches advocated in this study is thus significant, although Moldova's non-Slavic cultural and linguistic context and the significantly different communist and post-communist histories in play (especially with regard to relations with Romania) in this site would require a fresh socio-spatial-temporal calibration of the analytical framework.

Therefore, as the study proceeded it was seen that the three selected sites could offer sufficient exposure to the diversity of EU border sites and forms, discourses and practices in CEE. Having refined the site selection, I set about identifying the key actors involved in CEE bordering, through the intersection of security and mobility. Given that the project was aiming to explore EU bordering it was logical that the EU would be an actor in each site, as would the member or neighbour/partner state in each case. However this easy categorisation was complicated by the diversity of actors acting for the institution in each site, ranging from policy-makers in various ministries to professional practitioners in state and supra-state border agencies, migration and police services. In addition to governmental actors, moving and dwelling people were identified as important actors in each site, as were NGOs and other loose groupings or associations claiming or trying to speak for or with particular interests and groups.

However, rather than being negative, this complexity and the unfolding emergence of different interlocutors and settings for the research was one of the joys of fieldwork as it became clear in practice that some were more relevant and others less relevant. New opportunities for interviews, observation and informal conversation came from leads, tips and recommendations arising through the relationships that I formed or built-upon as I

followed the trail of inquiry. This dynamic, flexible approach further added to both the “exposure and intertextuality” of the research and contributed to a greater “thickness” in knowledge generation. This also helped check my sense-making in my attempts to deal with multiple meanings and also allows other researchers to check whether this research may be relevant for their own inquiries (Schwartz-Shea & Yanow, 2012: 51, 84-88). Engaging with different settings and previously unforeseen perspectives helped to intensify and extend my exposure, through proximity, to the ways that various actors make meanings, which also increased the intertextuality of the research. Although it complicates the process of sense-making, this approach supports the production of trustworthy, persuasive and potentially useful knowledge through contextualisation and cross-checking – not for facts, but for meanings and interpretations (Bueger & Mireanu, 2014; Schwartz-Shea & Yanow, 2012: 105). Concomitantly, the lack of access to certain settings and actors, notably in the Ukrainian site (especially with Ukrainian state agencies), means that some perspectives remain somewhat underexplored, again opening up the possibility of further enquiry.

In addition to the unfolding processes of identifying relevant actors and settings, it was necessary to plan the specific research methods that I would employ and the tasks that needed to be conducted in order to generate data in each case. These aspects of conducting interpretive research are discussed below {3-4} while the final section reflects on how the ways in which the research was conducted impacted on the knowledge produced {3-5}.

### 3-4 Conducting Interpretive Research

Interpretive methodologies require the researcher to be attuned to the dynamic inter-relationship of field research in order to adjust to the challenges and seize the opportunities it presents. As well as redesigning research plans and strategies on the fly, this also means accepting the loss of control that comes from recognising participant agency (Kurowska & Tallis, 2013). Relinquishing control adds an element of productive unpredictability, which can open up new research possibilities as access is surprisingly granted or rapport-building exceeds expectations, but can also lead to the denial of access or limited data being generated in what was previously been considered an important setting (Schwartz-Shea and Yanow, 2012: 74; Bueger & Mireanu, 2014: 128). Schwartz-Shea and Yanow (2012: 74-75) therefore identify several key competences for interpretive researchers: openness to learning and change; willingness to be able to

revise one's thinking in light of experience (Becker, 1998: 193); a high tolerance for ambiguity; improvisational skills; and the ability to manage myriad details of documents, observations and interviews transcribed into text, as well as pictures and other forms of representation or action. This section identifies the skills and sensibilities that were most pertinent to the various phases of research that are outlined below, before going on to discuss the various, specific methods that were employed in the course of the project. As with previous sections, these skills, sensibilities and methods foreground the researcher as the instrument of knowledge creation and this section thus sets the scene for the final section of this chapter, which reflects upon my particular negotiation of proximity and its implications for practices of generating trustworthy data {3-5} (Schwartz-Shea & Yanow, 65-70; Bueger & Mireanu, 2014:128).

### *Research Skills, Phases & Sensibilities*

While recognising the hermeneutic entanglement of empirical material and theory, of data generation and analysis, Schwartz-Shea and Yanow usefully distinguish certain 'phases' of research, which require different competences, sensibilities and methods (2012: 7, 99; Kurowska & Tallis, 2013) {3-2}. They describe these phases as 'fieldwork', 'deskwork' and 'textwork', noting that John van Maanen (2011) added the category 'headwork' to this mix. Fieldwork is seen to be the co-generation of data and evidence through engaging with actors, texts, material objects, affective spaces and all other aspects and elements of field sites and settings. Deskwork comprises the organizational and analytical activities that take place away from the field, including the literature review and initial planning, as well as the formal retrenching and revision that reflects revised thinking. Headwork is the conceptual work that informs the research, *inter alia* through the synthesis of prior knowledge or experience and the application of the interpretive framework to the data generated, but also the reflection and rethinking that could lead to research re-design, alteration of approach or the mix of methods employed. Textwork consists of the more focused preparation of the research report or thesis that will represent the knowledge that is produced (Schwartz-Shea & Yanow, 2012: 7, 90-104).

Again reflecting the iterative and recursive character of interpretive research, these phases should not be considered temporally discrete and can be understood as facets as well as phases, but they are distinct and point to the range of different skills and sensibilities that the interpretive researcher needs to call upon. Having reflected on this in the course of my own research, before going on to discuss the methods that were employed in this project, it is necessary to say a little more about Headwork. Van



Maanen's additional category is the least amenable of the research phases to the assignment of particular methods, as it basically involves thinking, reflecting, pondering, wondering and other somewhat intangible activities. However, reflecting the *mitsein* or co-ontological sensibilities of this project {2-4}, Headwork does not take place in the isolated mind of the lonely, detached or withdrawn scholar, but within and through interlinked communities of minds: one's headwork is done together with other heads, whether present, absent or elsewhere. Headwork is also done *with and through* objects and sensations, and would perhaps be better considered as also being mindwork, bodywork and soulwork as these aspects seem to more adequately reflect the immersive and at times all-consuming nature of research. This also reflects the idea that researchers, like the participants in their research, also remain emplaced bodies and embodied selves - people as well as researchers or practitioners - and this needs to be considered beyond adherence to the warnings of ethics committees as to the dangers of the field, even if such reflections often stay "in the shadows of fieldwork" (McLean & Leibing, 2007; Kurowska & Tallis, 2013; Ley, 2002 [1978]; 2-4).

Recognising and considering such issues also adheres to Yael Navaro-Yashin's (2007) assertion that "ethnography works against the grain of paradigm-setting; it asks for all scopes of the imagination to be kept on board." Concomitantly, it requires the researcher to be cognizant of the company that they are keeping, the conversations they enter into, the texts they read and the locations they situate themselves within, as these can all have an impact on the 'Headwork' that is being done. With that said, the discussion can turn to more formal considerations of the methods within the methodology that were used to generate data about the various elements of the borderscape across the sites and settings noted above.

### *Research Methods*

This sub-section details and reflects upon the methods employed in the deskwork and fieldwork phases of this project – documentary analysis and interpretation, (participant) observation, field-'noting' (including photographic, voice and object 'noting'), interviewing and focus groups – whereas considerations relating to sense-making and textwork are covered in the next section {3-5}. The various methods were chosen for their likelihood to generate data relevant to the research questions posed by this project, but this also involved processes of trial and error, in-field learning and adaption to the redesign of the research and the re-phrasing of research questions (Schwartz-Shea & Yanow, 2012: 83).

Initial deskwork mainly comprised analysis and interpretation of academic and policy documents relating to Schengen, ENP, EaP, EU Justice and Home Affairs and Borders (e.g. Frontex), including the Schengen *Acquis*, ENP Action Plans, the EU Treaty base, Frontex regulations and the electronic document repositories of, *inter alia*, European Commission Directorate General (DG) Enlargement & ENP; DG Justice, Fundamental Rights and Citizenship; DG RELEX (External Relations), the Council General Secretariat (CGS) and Frontex. It also involved broad and deep reading of the interdisciplinary academic literatures relating to borders, which were loosely defined as being characterised by the intersection of security and mobility with relevance for identity-subjectivity and order-governance, as well as the social, spatial and temporal underpinnings of these issues. Given the finite duration of the research project certain choices were made and leads were followed-up in an interpretive way (Schwartz-Shea & Yanow, 2012: 32).

These choices reflect the previously discussed particular intellectual and political choices made in this project {3-2} as well as the need for what I later came to describe as 'mapping for exposure and intertextuality' (Soss, 2006: 137; Schwartz-Shea & Yanow, 2012). The research project wears these choices on its sleeve, but it also remained open to surprises as I became aware of new literature, as well as remaining constructively vulnerable to critique and additional insight from outside of the borders that it drew. No claim is made that all the documents that were read during the course of the project were directly relevant or 'useful', but even the less relevant documents allowed, in an iterative mode, for the continued mapping and re-mapping of the research, the following up of 'surprises' and 'tensions' through their academic and policy hinterland and thus were not entirely irrelevant or useless. The central role of the researcher as a sense-making instrument is also notable in this phase of research, as returning to previously read documents in light of new understandings gained from either fieldwork or deskwork, or through research re-design is an essential part of the iterative, interpretive process.

Other deskwork involved the substantial organisational tasks of arranging fieldwork interviews, in gaining the necessary permissions to visit particular settings and making the necessary travel and accommodation arrangements to support such activities. Further deskwork was also conducted in the collation and organisation of data and in transcribing interviews and fieldnotes. However, here it is worth noting that the distinctions between analytical, organisational and interpretive activities are often marginal, and the researcher

should reflect on the implicit sense-making and underlying headwork that are going on through the course of these other processes.

In addition to deskwork, the main phase of research for generating data on the various elements of the borderscape was, of course, fieldwork. In order to access the meanings made, in-situ, by the various actors involved in bordering in CEE I employed various methods. The remainder of this section outlines how these methods – (participant) observation and fieldnoting, interviewing and focus groups – which together comprised a ‘quasi-ethnographic’ approach, were used to co-generate data with research participants and settings.

I engaged in both observation and participant observation<sup>18</sup> in and around (potential) border sites in order to better apprehend the everyday bordering practices of ‘professional’ and ‘non-professional’ actors, although this was, in some cases, limited by conditions of access to secured spaces and the need for permission to be in ‘the zone’ (Bueger & Mireanu, 2014; Kurowska & Tallis, 2013). These observation sessions were often escorted or guided by officers or officials from the relevant services or authorities, with whom I was able to discuss issues and situations as they arose, although often in different ways than in formal interviews, where it was more necessary to ask pre-planned “research questions” rather than “questions that arise spontaneously and directly out of the social situation” (Liebow, 1993: 321-322; Soss, 2006: 142). In the sites I explored myself there were a combination of intentional (although uncertain) and unintentional encounters with other actors, architectures and things.

In both cases, (participant) observation allowed access to “social processes of meaning making – patterns of conflict and collaboration that produce shared conceptions of reality” which are “primary objects of concern in interpretive research” (Adcock, 2003b: 16 - cited in Soss, 2006: 139). As well as generating data, participant observation enabled me to eliminate certain sites or actors from my enquiries, and suggested new leads, which I endeavoured to take in order to further enhance exposure and allow the research to unfold dynamically, in keeping with interpretive methodology.

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<sup>18</sup> I separate these as, contra some current scholarship drawing on the work of Latour or Bennett, I am not comfortable describing spaces and objects as participants, “actants”, “non-human agents” or indeed anything that seeks to recognize their agency in the same way as human agency (Mutlu, 2013: 192; Aradau, 2013: 200; Bueger & Mireanu, 2014). Rather, in dealing with spaces, places and objects as having affectual as well as effectual, practiced, discursive, material and ideational or ‘made’ and ‘believed’ qualities, they are observed and experienced, but cannot be considered as participants in the same way as people (Yanow, 2006; Navaro-Yashin, 2009; 2012).

Observation sessions often required that I participate in acts of border crossing or spend time in 'border' places, for example at the Border Crossing Point (BCP) at Medyka-Shehyni on the Polish-Ukrainian frontier, for which I needed permission from the Polish Border Guard Service. I also resided in the field area for the duration of my fieldwork and made many intra-Schengen as well as inter-Schengen journeys during this time. Some observation sessions primarily involved observing on-going human activity, while others focused mainly on the built spaces and physical artefacts that help constitute (potential) bordering places, but most were a combination of the two (Navaro-Yashin, 2009; Schwartz-Shea & Yanow, 2012: 6, 79). (Participant) observation also involved repeated conversations over time with people who had experiences of borders and bordering, of intra-Schengen and inter-Schengen mobility or of dwelling in CR, Poland or Ukraine. These, somewhat informal sessions, which were integrated into normal flows of life in the fieldwork sites, particularly in CR, allowed access to people's (re)construction of bordering practices, discourses and border features (Soss, 2006: 138).

All observations were accompanied and supported by extensive fieldnoting practices, either written (on paper, iPad or iPhone), voice-recordings, photography and through the collection of objects. Numerous incidental observations and contextual factors were registered, blurring the distinction between "note-taking (descriptions) and note-making (analytical comments)" (Schwartz-Shea & Yanow, 2012: 105). Fieldnotes contain the "thick description" of the research site, events, conversations [and] observed interactions [...] and include other contextualising comments that will be a reminder later on, especially during deskwork and analytical activities of thoughts, feelings, the texture of interactions, seeds of analysis and the like" (*ibid*: 89). The use of mixed methods of recording added to the intertextuality of the research, as photographs, text and voice recordings were used alongside written notes to reconstruct actors' meaning-making in-situ and the particular qualities of certain research settings (Pink, Kurti & Alfonso, 2004).<sup>19</sup>

Such plural 'fieldnoting' also allows for reconstruction of the experience of 'indiscrete' fieldwork activities. As, for example, the researcher is escorted through the corridors of the Frontex headquarters *en route* to an arranged interview, aspects of the materiality and organisation of the headquarters are exposed to observation and experience, allowing for contextual understandings to be enriched and reflect the expanded understanding of headwork outlined above. These understandings or insights were remembered and recorded in different ways that further enhance the possibility for intertextuality. These additional observations helped me to gain a richer understanding of the restricted settings

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<sup>19</sup> I hope to be able to use more of this material in future.

in which much of my research took place. I therefore agree with Schwartz-Shea & Yanow that fieldnotes, along with “researcher memory, embodied experience (and other types of evidence) together provide the evidence for researcher sense-making” (2012: 105).

Interviewing was the other main method employed in the fieldwork for this project. Interviews were conducted with border policy makers, border practitioners, border users and other moving and dwelling people, as well as with NGOs and other organisations working with migrants or on border issues (broadly defined) across the various sites. Interviews were used in order to “pursue questions that are difficult to locate in documentary sources or everyday interactions and to explore such questions in intricate detail” (Soss, 2006: 142). As Joe Soss (*ibid.*) also notes, interviews allow for the production of a transcript, a verbatim record of the ways in which “individuals use words and phrases, organise their narratives and puzzle through the phenomena under discussion.” These representations foreground the intertextual possibilities for understanding context-specific meaning-making that stem from conducting multiple interviews, along with using other methods.

The busy schedules of officials and practitioners, and the permissions required to visit restricted spaces meant that most interviews had to be arranged well in advance. I was often required to provide information on what questions I would be asking, partly to ensure that I was speaking to the right person, but also as a check on what I was trying to ‘find out’ and for the institution to guard against the possibility that I was trying to trip-up officials or trap them into giving away hidden truths or making misleading statements. Using the elements of the Analytical Framework and the Borderscape as a guide, I was able to conduct interviews that covered the issues relating to bordering, but did not impose concepts on participants from outside. Following Joe Soss, and contrary to positivist approaches that emphasise “controlled, consistent questioning” and comparability across cases, I took an interpretive approach that prioritised “tailored, mutually negotiated communication,” recognising participants’ situatedness as I too “sought to encounter such understandings on terms plausible to the participants themselves” (Soss, 2006: 132). The conversational interviews that ensued, were loosely and flexibly structured around the key themes discussed above {2; 3-2}, but were tailored in each case, according to prior information (including institutional literature), previous interviews or the flow of interaction so as not to waste participants’ time and avoid coming across as “socially stupid” by asking a rigid set of irrelevant questions (Hochschild, 1981:12 cited in Soss, 2006: 133; Zirakzedeh, 2009).

After initial small-talk, I generally began by asking interviewees to describe their job or how they came to be where they are (in the case of migrants), thus allowing them to begin the interview by establishing themselves in their own terms and context. In the course of doing so the interviewees would often touch upon aspects of the borderscape or the analytical framework, allowing for follow-up questions that flowed naturally through the conversation, but also allowed access to participant meaning-making in relation to key concepts. While I encouraged participants to elaborate on issues they considered important, I also asked directly about matters that I considered significant in relation to prior information, previous answers or particular elements of the borderscape. This conversational interviewing allowed for rapport-building with interviewees, but this often required that I demonstrate competence or knowledge, as well as sensitivity to the concerns of participants and the “sources and consequences” of their understandings (Soss, 2006: 136). Rapport-building also led to repeated encounters with certain interviewees, sometimes in less formal settings, which opened up other modes of inquiry and provided contextually useful information. Interviewees were chosen mainly in relation to the different actor groups and organisations that were identified in the initial mapping of the research, but this selection was also adapted in response to the unfolding possibilities and constraints of the field. In the case of organisations, the interviewees were generally able to speak ‘on behalf of’ their institution, or a part of it, as well as for themselves.

In the case of ‘moving people’, border users and those dwelling in particular locations, civil society representatives spoke about or sometimes claimed to speak for them, but also helped to identify people within these groups to speak to. As noted above, certain repeated encounters came about through the course of ‘normal’ (non-research-focused) life in the field sites. In other cases it was more practical to organise focus groups (structured similarly to the interviews), which allowed a greater number of voices to be heard, but they also allowed participants to identify and explore differences in experiences and understandings in potentially different ways than if I had prompted them. The focus groups also helped mitigate my presence and any associated power relations which I think helped reassure participants who were speaking without institutional backup.

The next section further discusses power relations relating to my presence and particularity as a researcher and reflects more widely on the processes through which data and knowledge were generated in this research project before going on to discuss how my particularity and positioning allowed for a dual reflexivity that potentially makes this research trustworthy, persuasive and useful.

### 3-5 Conclusion: Reflexive, Interpretive Research

Explicit and thoroughgoing reflexivity is a key aspect of interpretive research and has been emphasised throughout this project – even before I knew that I was doing interpretive research {3-1}. This commitment to reflexivity is discussed in the preceding sections of this chapter in relation to: prior knowledge and experience; the orientation and purpose of the research; the way the project was planned and the field and fieldwork were mapped; and in relation to the methods employed to generate data and the sensibilities and skills required to do so. This final section of the chapter now reflects upon the way in which the research was conducted influenced the data that was generated and the sense-making of it as represented in subsequent chapters {4; 5; 6}.

This section examines the ways in which my particularity as a researcher – as well as the type of research that was conducted – required me to ‘negotiate’ my proximity in and to the field carefully and reflexively. The positive sides of my particular proximity, in relation to gaining access and rapport building are discussed, but **so too** are the concerns that it raises regarding power relations in field encounters, ‘researcher contamination’, bias or even ‘going native’. This section outlines how these concerns are addressed through fieldwork practice, but also in the sense-making and representational aspects of this research project. This approach again requires the reflexivity, infused by critical doubt, in order to be able to produce ‘trustworthy and persuasive’ knowledge and deal with the contradictions as well as confirmations that come from intertextual approaches (Schwartz-Shea & Yanow, 2012: 100-101). I argue that the particularity of my trajectory from dissatisfied practitioner, to critically pragmatic researcher also provides additional reflexivity, specifically by being both ‘two-faced’ and ‘duplicitous’.

#### *Negotiating the Field, Negotiating Proximity*

I considered my background as a former EU security practitioner to be the most significant facet of my particular ‘identity’ as a researcher conducting a research connected to the field of European Security. This particular identity had a bearing on my gaining access to certain institutional settings, most notably Frontex, the EU Border Assistance Mission to Moldova and Ukraine, the Polish Border Guard Service and the Ukrainian Ministry of Foreign Affairs. In each case I asked my existing contacts to suggest people to speak to, provide introductions or endorse my presence as a researcher, which allowed me to

overcome bureaucratic and administrative hurdles<sup>20</sup> more easily than other researchers without this background.

More significantly however, it was in the conduct of interviews and the additional doors that were opened through them and, especially, in building or reviving relationships with practitioners in the course of the research that I felt the greatest impact of my researcher identity. As Robert Forbis (cited in Schwartz-Shea & Yanow, 2012: 66-67) states of his own research:

Ranchers are notorious about sizing someone up within the first five minutes of meeting them [...] I also knew that as a group, they are notoriously reserved ... Oil Representatives don't trust anyone ... And elected and non-elected officials are guarded when questioned by outsiders ... [-] ranchers and oil-men view academics as having 'agendas.' [...] If either of these groups suspected that I meant to do anything other than relate to them and their story or seek their expertise to help inform my research, ... they would have never opened up to me as much as they did ... I needed them to 'size me up' from the start as 'one of them' as someone who could be trusted with their story and tell/analyze/interpret it from their perspective, not mine [...]

Once in the room, I made small talk ... about being a 'born and bred' Wyoming boy, or about my first job out of high school as a 'roustabout in the oil patch' or that 'my dad was a former city administrator in a very small town in Wyoming.' As the interviewees found out about me, they saw me as something other than a PhD candidate.

Having worked on three international community security missions, I knew that attitudes towards academics could be mixed (to say the least).<sup>21</sup> Police and border-guard professionals seemed particularly wary of researchers who 'didn't get it' (and whose critiques they therefore viewed as invalid) or who were looking to trip them up - a problem exacerbated by researchers who see a need to outwit practitioners with "context specific cunning" (Kurowska & Tallis, 2013). Civilian practitioners tended to hold more ambiguous positions that required them to present a good image of themselves and their institutions, yet simultaneously show that they were aware of and could relate to (some of) the critiques made by academics and civil society (*ibid.*). In practice, civilian practitioners often sought to demonstrate that they 'got it' in this way by discussing the value and limitations of such critiques and the differences between research and practice, as well as by speculating on the potential usefulness of my work for practice (Kurowska & Tallis, 2013).

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<sup>20</sup> Which exist despite the generally welcoming and open approach of these institutions. This observation is based on anecdotal evidence from speaking to other researchers working on similar topics, many of whom asked how I got the access that I did.

<sup>21</sup> EUBAM to Moldova & Ukraine, EUPOL Proxima & OSCE Spillover Monitor Mission to Skopje – Police Development Unit.



Like Forbis, I was able to use my particular experience to partially break down the divide between researcher and researched and allow my interlocutors to see me as something other than *just* an academic (Shehata, 2006). I told stories about my own work on missions, often relating directly to stories that participants told me about similar issues. I could sympathise with many of the frustrations they had and was able to speak the same (EU) language to show that I too ‘got’ what they were doing and (in some cases) could relate to why they were doing it, even with the law-enforcement officers.<sup>22</sup> I also gave examples of academic research (or NGO statements & protests) that did not seem to understand the situations practitioners find themselves in (3-2) and distanced myself from them. This not only helped me position myself, but also gave those with an academic inclination something to get their teeth into and helped vitiate the power relations of entering an institution as a researcher (Soss, 2006: 138).

My past experience, allied to the approaches I employed, also helped build rapport with participants, leading to more productive research encounters (*ibid.*). In several cases, I was actually interviewing former colleagues, and even if I had not met previously met the person I was interviewing, we often knew people in common. However, given the transition in my own views and understandings during the course of the research (3-2) it should be emphasised that rapport-building did not involve ‘pretending’ to be sympathetic to positions of which I was critical (another form of ‘context-specific cunning’ but, rather, showing willingness to understand the ways people make meaning on their own terms and the reasons that they do so in the ways they do. However, being ‘two-faced’ or ‘duplicitous’ – in particular ways – is seen as beneficial for sense-making, as discussed below.

Where rapport building ‘worked’ it often opened up the complexities and tensions with which participants were working, including tensions within organisations and inner struggles to understand their work and its impacts – similar to those that I had experienced (Kurowska & Tallis, 2009; 2013). Showing awareness and understanding of these issues proved a valuable way to improve interviews over time, particularly when interviewing other people in the same organisation or in a similar field, confirming that such research is “based on on-going reciprocity and mutual learning” and again highlighting the symbiotic process of knowledge-making and the importance of researcher flexibility (Schwartz-Shea & Yanow, 2012: 73). I used terminology and concepts picked up from other interviews, as well as prior knowledge, and staff recommended other people working in their organisation as well as providing contacts or introductions to other

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<sup>22</sup> This was something that I had worked at during my professional career and which certainly helped in dealing with police, border guard, customs and military officers.

relevant institutions. The rapport that I built with participants – and that they built with me, as this was never a one-way process – also prompted (in some cases) encounters in less-formal, social settings that helped to provide additional contextual material and understandings. These intensifications and extensifications of encounter helped to further increase the exposure that my work had to field settings and actors, which also enhanced the potential for intertextuality.

However, there is little doubt that my ‘outsider-insider’ positioning also made me seem like a good target for instrumentalisation or partial co-option. Sometimes this took the form of participants wanting to ‘use’ me as a seemingly sympathetic and knowledgeable outsider as a way to get information out of the institution, which was seen as inadmissible, inappropriate or likely to be ignored within internal feedback mechanisms. On other occasions (including where rapport building failed), certain interlocutors presented classic ‘frontstage’ institutional positions, seeming to think that I would simply relay this uncritically, whereas in fact this data proved particularly interesting in intertextual relation to other, backstage data (Goffman, 1959; Schwartz-Shea & Yanow, 2012: 81). In one case, which highlights the ambiguous and socially-negotiated nature of interpretive field research, an institution freely admitted that “we want to use you as advertising.” For this reason, along with my enthusiasm for the site which the participants considered unusual and positive, I was granted extensive access to a secured setting, which provided the possibility for repeated encounters and rapport building and allowed for a combination of both frontstage and backstage data to be generated.

While my particularity and approach spurred trust and rapport building, which allowed for access and exposure to internal institutional grievances and complex reflections by participants on tensions or frustrations they experience, it also raised issues of bias, “researcher contamination” or even “going native” (Schwartz-Shea & Yanow, 2012: 95, 109). However, as mentioned previously (and explored in more detail elsewhere) ‘going native’ is an inadequate concept for understanding a situation where the field is simultaneously familiar (through experience) and strange (through the puzzle) rather than simply existing ‘out there’, waiting for an exotic researcher to arrive (Kurowska & Tallis, 2013). It is also inadequate because the researcher – whose identity in the field is co-constituted by interlocutors - is exposed to many different groups of actors, with significant differences and tensions *within* as well as *between* them – questioning *who exactly are the natives to whom the researcher is supposed to be going?* Moreover, in interpretive research, one of the guiding principles is to represent how actors understand their worlds and how they make meaning in and of them. This requires access and exposure to such

meanings, through temporary situatedness, while maintaining the ‘high tolerance for ambiguity’ that come from being plurally-situated in time horizons that extend beyond the research encounter. The real concerns in this regard for interpretive research are “researcher contamination” or “bias” which can skew sense-making processes. Fears in this regard mainly relate to the potential for powerful institutional influences or the researcher’s preferences and predilections to skew the representations of the knowledge that is produced, undermining its trustworthiness and persuasiveness. These issues, with relation to my particularity, positioning and proximities are dealt with below.

Very different considerations of positionality and power emerged in my dealings with other actors. In the case of the NGOs, a key challenge for rapport-building was to show that, despite being a former security-practitioner, I was not an agent of the state or EU policy, merely interested in reproducing dominant discourses, which many of these actors consider repressive. However, thanks to introductions from friends and acquaintances as well as previous encounters in Prague (where most of my NGO interactions took place) I was granted a certain legitimacy. I also shared many of the concerns expressed by NGO representatives and openly expressed these in the research overview that I sent to all participating organisations (including EU and government institutions). I was able to build trust to the extent that I was invited to join NGO legal staff on visits to a CZ-Mol migration facility where, having concluded their legal business, clients were asked if they would like to participate in research regarding borders and their current situations. Migrants were informed that there was no obligation to participate, nor would it influence the legal work on their cases and that they could stop the interview at any time. The vast majority of them agreed and, like all other interviewees, signed a consent form in a language they understood before the interviews proceeded formally with lawyers present. Negotiating potential power relations here meant respecting a high degree of formality to avoid exploiting people in potentially vulnerable situations, rather than building rapport or informalising the situation to mitigate the institutional settings where the practitioner-participant could exercise greater power than the researcher.

Having discussed my negotiations of proximity, particularity and power relations in generating data, the following subsection discusses the negotiation of these issues in relation to sense-making and the production of trustworthy, persuasive and useful knowledge.

### *Negotiating Trust: Sense-Making & Doubt*

The deskwork and textwork phases of my interpretive research required me to 'make sense' of the data that was generated in order to construct well-evidenced arguments that could constitute trustworthy and persuasive knowledge. While the concept of the borderscape {2-2} helped plan the field research and organise the data generated by it, it was the socio-political, spatial and temporal aspects of analytical framework that provided the heuristic tool, to interpret of the conditions of possibility and consequences of EU bordering in CEE {2-3; 2-4; 2-5}. However, as well as the flexible, yet systematic character of data-generation and argumentation, interpretive research's claim to trustworthiness also rests on reflexivity that infuses all aspects of the process with an "attitude of doubt" (Schwartz-Shea & Yanow, 2012:17). Rather than positivist falsifiability, interpretive research requires thoroughgoing critical reflexivity in specific relation to the types of knowledge that it seeks to produce. In communicating the knowledge that is produced through interpretive research, the researcher creates representations of aspects of 'social reality' by interpreting and analysing the interpretations that were encountered and generated in the course of fieldwork.

Interpretive research thus strives to understand meaning-making by actors in their own settings and then to make sense of and represent these meanings in relation to their particular contingencies and consequences in order to answer the research questions and make the research puzzle less puzzling. In producing knowledge of this kind that can be considered trustworthy, interpretive researchers do not impose the kinds of controls that positivist research would require (for example to ensure against 'bias'), and the ontological and epistemological presuppositions of interpretive research mean that "standards of validity, reliability, replicability, objectivity and falsifiability" do not apply (Schwartz-Shea & Yanow, 2012: 92). There are two key ways in which Interpretive researchers reflexively enhance the 'trustworthiness' of their findings.

First, in the course of sense-making, interpretive researchers must reflect on whether the negotiation of the field was sufficiently reflexive, which impels them to engage with the processes by which they sought - and to what degree they achieved - access, exposure and intertextuality; whether they allowed concepts to emerge from the field; how they negotiated particularity, positioning and proximity; and whether the methods through which they generated data were appropriate for the research questions and context, as discussed above.

Second, as “interpretive or critical reflexivity is linked to epistemology” an interpretive researcher must perform a “self-monitoring of one’s own seeing [,] hearing [and feeling] in relation to knowledge claims” as these are what “produce researcher understandings” (Schwartz-Shea & Yanow, 2012: 101). This self-monitoring involves searching for bias and examining whether “various experiences and viewpoints” are properly articulated so as to draw out their nuance and allow ‘surprises’ to be followed up, potentially with regard to ‘negative cases’ or other accounts that contradict the researcher’s interpretation (*ibid.*: 105). Reflexive practice also requires the researcher to interrogate the inconsistencies and silences that emerge from intertextual analysis across sites, settings and actors, echoing positivist researchers’ commitment to accounting for variance, but implemented differently.

Peregrine Schwartz-Shea & Dvora Yanow, whose book on *Interpretive Research Design*, has been so influential for this project, propose two variants of a key question that researchers could pose when examining their own sense-making (2012: 108):

- a. What evidence would convince you that your analysis is wrong?
- b. How would you know if there were something else afoot in this situation that might be a better explanation of the puzzle you are seeking to explain?

Schwartz-Shea & Yanow (*ibid.*: 108-109) go on to offer three ways in which these questions can be addressed from an interpretive perspective, which should “point to:

- 1) the consistency of evidence from different sources (the intertextuality of the analysis),
- 2) the ways in which conflicting interpretations have been engaged with, and
- 3) the logic with which the argument has been developed.”

The first aspect develops the themes of research design that have been outlined in this chapter, specifically trying to expose the research to a plurality of ambiguous meanings, perspectives, forms of evidence and sites that can deepen, widen and enrich understandings of the situations under consideration. The second, which heavily implicates deskwork and textwork in the reflexive process involves actively seeking out, exploring and engaging with the consequences of productive tensions in this intertextuality rather than “cooking the books” (*ibid.*: 112) by only using evidence that supports a certain argument or confirms a pre-held position. The third aspect relates to “explanatory coherence” in “recognising challenging evidence, engaging it and accounting for it in the analysis” as well as in through “authorial judgement and theorising” through which the

researcher can make knowledge not only trustworthy, but persuasive and useful (*ibid.*: 109).

Authorial judgement and the representations that it produces are another key site for (and potentially a source of) reflexivity, which has been crucial for the development of this project as the particularity and trajectories discussed above have required me to pay particular heed to the possibilities of “researcher contamination” and bias (*ibid.*: 95, 109). Using terms that I develop further elsewhere,<sup>23</sup> a key question in this regard is whether the ‘6<sup>th</sup> sense’ provided by my professional background and which facilitated rapport building, allied to the desire to produce policy-relevant knowledge, dulled the necessary *sense of doubt* and robbed the research of its critical trustworthiness. If this were the case then proximity, without sufficient reflexivity could effectively make the researcher a ‘5<sup>th</sup> columnist’ - masquerading as being critical but actually reproducing dominant power structures.

Unsurprisingly, and to the contrary, I argue that my desire to become accepted in and meet the standards of academia, as well as the critical impulse that drove this project, act in productive tension with the responsibilities that I have become acutely aware of, to appropriately represent practitioners of security and produce ‘policy-near’ knowledge. Rather than creating complacency and easy acceptance, this transgressive identity ingrains a sense of doubt and possibly suspicion in self and in others. In my own research, the misgivings that may be harboured by some practitioners that, as an academic researcher, I was likely to (wilfully) misconstrue or misrepresent their positions, try and ‘catch them out’ or show that I don’t ‘get it’ because of being stuck in some ‘ivory tower’ was a lurking presence throughout my research. The corollary was the uncertainty as to what the ‘critical’ academic community would make of research that was not only coming from a former practitioner and sought to have policy influence, yet claimed to share their critical orientation and sensibility. Far from ‘going native’ (in either direction) this was a powerful double-disciplining that put me in the position of a tightrope walker, highly attuned to any potential shift towards unreflexive proximity, and ‘at home’ in neither camp. This position continually foregrounded the responsibility incumbent upon the researcher to deeply think through the processes through which they produce knowledge and the uses to which it can be put.

This double life - speaking to two different audiences and paying heed to the competing and possibly contradictory demands and standards of different groups, of being judged in the courts of different publics’ opinions, speaks perhaps of a certain two-facedness. Taken

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<sup>23</sup> Paper presented at ISA Annual Convention 2014 in Toronto.

colloquially, this may be exactly the duplicity that is seen to undermine reflexivity and critical trustworthiness or to affirm the unproductive use of 'context-specific cunning'. However, in invoking the two-faced Roman god, Janus another meaning also emerges. The psychologist Arthur Rothenberg (1971) has written extensively on the 'Janusian' thinking that often drives creativity in both arts and sciences and which stems from being able to simultaneously hold and pay heed to seemingly contradictory ideas: "[a]ctively conceiving multiple opposites or antitheses simultaneously. As a mental operation, this process plays a role in the development of all types of creativity - *defined as the production of both new and valuable phenomena*" (Rothenberg & Hausman, 1976, cited in Rothenberg, 1996, my emphasis). Rothenberg's take on Janus, sees duality, such as my own, as providing an incommensurability that not only enacts a disciplining reflexivity, but also provides a spark to creativity which is necessary to seize the gauntlet thrown down by the 'critical pragmatism' outlined above and avoid research that either offers little critique or is of little consequence.

Having now outlined what the interpretive research community considers the state of the art in reflexive research practice, the following chapters illustrate the findings of the research conducted for this project: these are the representations of the knowledge produced through my sense-making of the data generated through interpretive field research and deskwork. This section should therefore be considered as a guide to the standards that this research project aspires to be held up against, the success of which readers can judge for themselves.

# Chapter 4 - Border Archipelago: Key Features of the CEE Borderscape

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## Introduction

The analytical framework developed above {2} showed that both the sites and forms of bordering are highly significant for understanding its consequences for terms of identities and orders, as well as its social, spatial and temporal contingencies. Different types of bordering generate different border spatialities and locations, as well as diverse materialities and architectural forms, thus making the social legible in the spatial. Each particular combination of site and form produces a particular border 'feature' that is related to the array of other border features that, along with discourses {5} and practices {6}, constitute the CEE borderscape. Based on the fieldwork described in Chapter 3, the current chapter maps the key features of EU bordering in CEE and creates a typology of these features with regard to their sites, forms and the functions they serve, as well as their contingencies and consequences. The chapter identifies: 'Firewalls' within Schengen states {4-1}; 'Shadows' between Schengen states {4-2}; a 'Filter' around the Schengen external frontier {4-3}; 'Curtain-Walls' at consulates and other institutions involved in visa processes {4-4}; and a 'Twisted Mirror' created by EU bordering on Ukrainian territory {4-5}; before introducing the cumulative effects of these border features on identity and order in CEE {4-6}, which is further developed in the concluding chapter to thesis {7}.

Section 4-1 focuses on the Czech Republic (CR) to explore the '*firewall*'-type borders that are found in the interior of Schengen states and discusses spatially dispersed and peripatetic police controls, as well as institutionally-anchored residence bureaucracies (Walters, 2006). Both types of control rely on the verification of documents and data, relating to a particular person that are obtained through particular processes. The processes of obtaining these documents and of having to produce them in order to prove one's right to remain on the territory, enact social, temporal and spatial dividing practices which include some migrants, while excluding others, from EU-European belonging. The result is a dividuated, bespoke borderscape in which different people experience the 'same space' differently. However, diverging from previous analyses (e.g. *ibid.*), this section argues that these 'control-type' borders are neither entirely oppressive nor discrete and incontestable, as they act in concert with other border forms, discourses and practice, to facilitate inclusion and acquiescence as well as exclusions and resistance.



Section 4-2 shows that ending permanent frontier controls between the CR and its Schengen neighbours did not mean the end of bordering at these sites. The ghosts of borders past lurk in the ‘*shadow*’ controls that still take place along the old ‘Iron Curtain’ border and act as reminders of *de facto* difference and hierarchy amidst the AFSJ’s *de jure* equality. Museums and memorials at former Border Crossing Points (BCPs) cast shadows of past European divisions, while other BCPs act as informal testaments to the EU-European belonging afforded by Schengen accession. At some BCPs, the infrastructure has variously been removed entirely, left to rot or superseded by other structures which dynamically mark other sides of ‘transition’ that reproduce old hierarchies in new ways. It is argued that, in their variety and unevenness, these BCPs are European *lieux de memoires*, spatial and material counterparts to Vaclav Havel’s contemplative notion of European ‘twilight’.

Very different border features manifest the Polish-Ukrainian frontier, which is also the territorial edge of both the EU and the Schengen-zone. While this border has often been characterised as the Eastern edge of ‘Fortress Europe’, section 4-3 shows that this is inaccurate, examining the material forms and functional effects of the bordering conducted at the frontier to argue that the EU’s Eastern edge is more like a *filter* than a fortress. The intended fixity of the fortress description also fails to capture the fluidity of this border since Schengen enlargement, as it ignores the flows that are facilitated particularly through the introduction of ‘Local Border Traffic Agreements’ (LBTAs) that dislocate the frontier-referent of the visa regime {4-4}. These LBTAs required the border to be ‘civilised’ but have helped to de-securitize some local forms of mobility, pointing to (unrealised) possibilities for more widespread loosening of the mobility regime.

Mischaracterising the Eastern frontier as a fortress also obscures the more subtle ways in which the EU *does* unduly restrict mobility for Third Country Nationals (TCNs), including Ukrainians and also misconstrues the modes and affects of EU external governance, which in relation to inward mobility primarily concerns the visa regime. In an amplified echo of internal ‘dividing practices’ {4-1} the EU and EUMS reproduce a hierarchy of European belonging. The commonly used term ‘visa-curtain’ implicitly (and sometimes explicitly) invokes memories of the ‘Iron Curtain’ and the concrete materiality of the Berlin Wall, but this metaphor fails to capture the nuances of contemporary EU bordering with Ukraine. This section argues that the architectural figure of the ‘curtain-wall’<sup>24</sup> better describes this border feature as it recognises the key role of ‘visuality’ in a mobility regime

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<sup>24</sup> From the non-load bearing but nonetheless bounding, steel and glass façade, characteristic of some types of architectural modernism

that leaves Ukrainians mainly able to “look [at,] but not touch” the “real Europe” that they see through glass, darkly, to the detriment of EU-Ukraine relations [UA-I-NGO-1].

Finally, through the EU-Ukraine ‘Readmission Agreement’, the activities of the EUBAM and EUDU, and the ‘deputisation’ of Ukrainian agencies, the EU has ‘exported’ aspects of its bordering practice to Ukrainian territory, turning Ukraine into an EU ‘buffer-zone’. This form of externalised bordering becomes a ‘mirror’ which, rather than reflecting strength and resolve, reflects the EU’s insecurities about its own capacities and modes of governance. Section 4-5 argues that this border-mirror has become twisted, distorting the EU’s vision of both itself and Ukraine. In this deformed mirror Ukraine appears as a borderland as well as a buffer zone, an uncanny place that the EU differentiates itself from, but which continues to assert its disconcerting similarity.

The chapter concludes by examining the implications of these diverse border features and the border archipelago they comprise. Section 4-6 highlights how, despite the success of inclusive, albeit incomplete, internal de-bordering in the Schengen zone and the fluidity provided by LBTAs at its Eastern frontier, the EU’s failure to apply these principles in its external bordering with Ukraine leaves it in a difficult situation where it struggles to achieve its goals in the neighbourhood, alienates its partners and antagonises other actors in the region.

## 4-1 Firewalls: Internal Control in Schengen States

Voltaire [...] suggested the possibility of a double Europe, one Europe that “knew” [...] and the other Europe that waited to be “known.” That other Europe was Eastern Europe.

*Larry Wolff, *Inventing Eastern Europe*, 1994, p.91*

Uniquely among the EU-8 states that joined the Schengen-zone in 2007, the Czech Republic (CR) was left with neither sea borders nor territorial frontiers shared with non-member states, meaning that its only remaining ‘external’ borders were courtesy of its international airports. However, as discussed above {2-4}, previous studies have shown that bordering practices do not only take place at ‘the border’, meaning that the cessation of permanent border checks at state territorial frontiers – the Schengen-zone’s key feature – does not mean the end of bordering on the territory of its member states {2-3; 2-4; 6-3}. In and around CR, Schengen accession has meant substantial de-bordering and facilitated freer movement for EU citizens (including Czechs), as well as for particular

groups of Third Country Nationals (TCNs) – specifically, those with ‘regular’ status. However, it also precipitated significant forms of re-bordering for TCNs – with particularly negative consequences for ‘irregular’ migrants – through the actions of police and residence bureaucracies, which William Walters (2006) has compellingly likened to ‘firewalls’. These de-borderings and re-borderings reflect the EU’s internal governance priorities of freedom, security and justice {5-1}, which primarily, although not exclusively, benefit EU citizens, but also create a hierarchy of belonging based on differentiating EU-European from Eastern-European subjectivities and identity {4-3; 4-4; 6-5}. However, this is not incontestable, as some Ukrainians – and other TCNs – can also enact aspects of EU-European subjectivity to effect belonging over time, although doing so remains unnecessarily difficult, inconvenient and available to far fewer than would wish to do so. This section shows how, where and why these *firewall* borders take place and with what consequences.

### *Policing the Borderless Zone I: Dispersed Verification of Belonging*

The interactions with police that constitute bordering moments for migrants in CR can occur ‘randomly’ in the course of ‘regular’ police duties, as well as through specific, targeted actions or as a result of controls and patrols which “compensate” for the removal of permanent frontier checks and which generally focus on main transport routes. Ukrainian research participants described how they ‘randomly’ encountered police while not having (or being able to apply for) the correct documentation, meaning that the controls effectively confirmed and made official their ‘irregular’ status [CZ-I-MF-2]:

I was driving the car when the police stopped me and wanted to see my ID and my passport and I didn’t have one so they arrested me.

At a control on the street they found I was here illegally [...] they just randomly checked me [...] in Prague.

I was just checked by police and then they took me here.

I was visiting a friend and had been there for a little while when the police came to check something with him. As I was there, they asked to see my documents and that’s how I ended up here [an Mol migration facility].

Representatives of the CZ-Mol and the Foreign Police Service<sup>25</sup> (FPS) confirmed that random document checks are carried out on the street, although the latter also stated that there is no policy of profiling ‘foreigners’ and that controls mainly occur in the course of traffic policing or public peace and order work by regular (non-FPS) officers, even though instructions had been issued not to do so intensively [CZ-I-Mol-3]. However, the CZ-Mol

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<sup>25</sup> In Czech - *Sluzba Cizinecke Policie* - <http://www.policie.cz/sluzba-cizinecke-policie.aspx>

representative disagreed, arguing that a significant proportion of TCN controls were actually conducted by the FPS [CZ-I-Mol-1]:

[They are] showing that [they] are here, protecting you [...] you can see it on the news and TV - they have some strong PR. To me - and some of my colleagues - it looks like building on the fright and fear, the xenophobia, the feeling of being threatened and endangered by foreigners so that we need to have these policemen.

The re-organisation of the Czech police in preparation for Schengen accession led to the dissolution of the old 'Border Police' and merged its remaining officers into the FPS which retained responsibility for 'inland' patrolling and control, as well as border checks at airports. However, the FPS has also faced cutbacks and its functions have been progressively civilianised, which contextualises the securitising move described above in relation to the goal of institutional preservation. While not fully successful in securitising mobility through practices - partly due to the influence of the CZ-Mol Schengen section {4-2; 5-2} - the FPS also influence the mobility and migration climate through the conduct of their "biggest task" – the control of the "legality of stay" of foreigners on Czech territory. Alongside random checks (mainly in the larger cities), the FPS undertake targeted and well-publicised residence and workplace checks in conjunction with the CZ-MoL. These controls, which further extend potential bordering sites, are generally carried out by specially trained officers, often former border police officers transferred to FPS duties after Schengen accession as part of the "compensatory measures" that, along with the strengthening of the Schengen external frontier, are intended to offset the removal of internal AFSJ frontier controls in terms of security provision and law enforcement [CZ-I-Mol-1] {4-3, 6-1, 6-3}.

In addition to random checks and targeted actions, as well as the permanent controls that remain in place at international airports, police – often acting on the basis of 'Risk Analysis' (RA) {6-2} - also conduct mobility controls, which are a significant aspect of policing the Schengen zone. Temporary checkpoints and mobile controls on major transit routes allow for document checks on highways and in trains and buses, while the police services of neighbouring Schengen states also undertake joint patrols in the 'border belt' (30km either side of the frontier) although, in accordance with Schengen rules, these controls cannot exceed the intensity of control elsewhere on the state's territory, which CR complies with [CZ-I-Mol-1].

Police controls inside Schengen transform a variety of spaces into temporary border places and, in so doing, effect social dividing practices which separate those who

experience them as bordering moments (TCNs) from those who do not (Czech and EU citizens). Police controls also divide ‘regular’ TCNs, who effectively pass the border, from ‘irregular’ TCNs, who face probable detention and subsequent expulsion from the EU. These spatially dispersed, peripatetic checks rely on computerised systems to check the documents of individuals against centralised databases in order to be able to verify their right to be in a particular place, epitomising the control-type borders that Walters (2006) characterised as “firewalls” (2006) {2-3}. Like ‘firewalls’, these checks enable the authorisation or denial of presence in the AFSJ by checking the person’s level of ‘access’ afforded by particular data - in this case the ‘regularity’ and validity of visas, residence and work permits. Obtaining the ‘right data’ is directly linked to the perceived desirability of the person’s entry into and stay in the EU and AFSJ, which, as discussed below, contributes to the creation of a hierarchy of belonging {2-5; 4-4; 6-4}. Following Deleuze (1995), Walters claims that this instantiation of control-type power relies on and reproduces a “dividuation” where, unlike in other modes of power {2-3}, the person is seen only with regard to the particular data, which resonates with Louise Amoore’s (2006) claim that for TCNs “the border is never entirely crossed, but appears instead as a constant demand for proof of status and legitimacy.”

However, this is rather like claiming that citizens of a state never fully belong in their ‘home’ society because their freedom to move and act in it is contingent upon their not committing a crime that would lead to their imprisonment. This renders the claim both obvious - and somewhat meaningless – given the socially legitimised consensus in the EU and EUMS that inward mobility should be managed rather than entirely open, and that law should be enforced. Research participants did not generally feel that police checks demanding proof of “status and legitimacy” were “constant”, oppressive or overly intrusive, seeing them instead as a necessary part of the maintenance of the AFSJ and upholding the rule of law (*ibid.*) {5-1}.<sup>26</sup> Problems of precariousness do, however, stem from the under-provision of possibilities for, and poor management of, processes that allow TCNs to move and stay regularly (discussed below), as well as skewed understandings of migration, particularly from the Eastern neighbourhood, which underpin counter-productively restrictive visa and mobility regimes {4-4; 5-4; 5-5; 6-2; 6-5}.

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<sup>26</sup> In CR, official state ID (citizenship card or passport) is required when accessing public services, medical or dental care, applying for a library card or even picking up a parcel at the post office, perhaps showing how well these systems of control are integrated into the normal circuits of life, but also how people are willing to submit to them as they see it in their best interest. Some participants claimed that police controls are more oppressive for people who do not ‘look European’, but this is beyond the scope of this study (CZ-PO-1; CZ-I-NGO-1).

### *Residence Bureaucracies: Inconvenient, But Not Oppressive*

Police checks only result in ‘negative’ outcomes (detention, expulsion, ban from re-entering Schengen territory), for TCNs without valid documentary evidence of their right to travel through, visit, reside or work on Czech territory. These documents are also required to enter Schengen territory, but the majority of ‘irregular’ foreigners who are apprehended actually enter Schengen with all papers ‘in order’, thus extending bordering moments to the point at which TCNs become ‘irregular’ or, conversely, affirm or renew the regularity of their presence and its purpose in the eyes of the Czech state, in accordance with its EU commitments (Frontex, 2013a) [PL-I-FTEX-2; PL-I-FTEX-5; PL-I-FTEX-8; PL-I-BG-4; CZ-I-MFA-1; CZ-I-Mol-2].

The extension of the bordering moment to the point of (ir)regularisation, implicates, *inter alia*, the offices of the FPS in the border archipelago. Unlike the police controls, which show a centripetal character of power, these fixed locations show the mode of power in internal Schengen border control to also be centrifugal, mirroring the two core elements of control-type power: the mobile (in)dividual record and the static, yet networked referent - the database {2-3}. FPS offices are key sites for the maintenance or cancellation of regular status for TCNs, but are notorious among foreigners in Prague for their byzantine complexity and obdurate *modi operandi* and lack of necessary language skills. Significant efforts have been made to improve service and combat queue manipulation, but FPS offices are still not pleasant places for TCNs {6-4}. The nagging worry caused by a missing document, incorrectly filled form or insufficient guarantee from landlord, employer or university is compounded by the perfunctory certainty of a long wait at an out-of-the-way office [CZ-I-IO-1; CZ-I-NGO-2; CZ-I-NGO-4; CZ-I-Mol-2; CZ-I-Mol-3; CZ-I-MF-1; CZ-I-MF-2; CZ-O-1; CZ-PO-1].

It was argued above that our *particular* identities are forged, at least partly, through our paths of attendance and association {2-4}. For TCNs in CR, maintaining regular status means attending and associating with the FPS – to make themselves known and knowable to the state in ways not required of EU citizens – which thus impacts on their identity, through the subjectivities they enact. This view challenges Walters’ (2006) argument that control-type power has no interest in or effect on subjectivity or identity, through socio-temporal as well as socio-spatial processes: time spent queuing and in the collection of the signatures, stamps, authorisations, permissions and confirmations that are required to attain and maintain ‘regular’ status. This use of time and its opportunity costs, is a targeted echo of the “etatization of time” which Katherine Verdery associated with communist regimes (1996: 39-57). However, in the AFSJ, time is now *stated* for the

few rather than the many, for TCNs such as Ukrainians but not for EU Citizens who do not have to undertake the labyrinthine procedures that compel the migrant to spend their time (or money – on expert help) to ensure that they fulfil the requirements for regular stay [CZ-I-MF-2; CZ-PO-1].

Even ‘regular’ migrants’ situations can change rapidly, particularly if they lose the job that validates their permits and, in the worst case TCNs in CR have *one day*<sup>27</sup> to find new employment or leave the country. This echoes the general precariousness of flexibilised labour markets and increases the possibility of exploitative workplace relations, but with greater social and spatial consequences, as EU citizens, unlike TCNs, need fear neither becoming ‘irregular’ nor having to leave the country and the social relations they have formed there. Becoming ‘irregular’ can also change TCNs’ horizons of spatial and social possibility. Czech NGOs argue that irregular migrants often avoid medical clinics because of the need to provide documentation, as doctors – like landlords and employers - become agents of the internally-bordering AFSJ state. Irregularity also opens up the space of the detention centre and potentially (and temporarily) precludes migrants from returning to the AFSJ [CZ-I-MF-1; CZ-I-MF-2; CZ-I-OMB-1; CZ-I-IoM-1; CZ-I-NGO-1; CZ-I-NGO-2; CZ-I-Mol-2].

However, for all the difficulties of negotiating the requirements of regularity, there are more than 400,000 foreigners – mainly TCNs, with Ukrainians as the largest group by nationality - with regular status living in CR, comprising nearly 4% of the population {6-5}. Regularity also opens up the rest of the Schengen-zone for travel, widening horizons of possibility and helping to create a sense of belonging, as regular TCNs can enact a highly valued aspect of EU-European-ness {5-1; 6-5} [CZ-I-OMB-1; CZ-I-IoM-1; CZ-PO-1]. TCNs can apply for long-term residency permits - after two years of regular stay - and for permanent residency after five years. The latter confers similar status to, and is often used as a step towards, citizenship. Regular *being* for a *long* time can thus equate to *belonging*, again questioning claims that ‘control’ “de-emphasises or abandons [...] the quest [to] reform and re-make the individual” as inclusive routes to EU-European-ness are available (Walters, 2006). Regularisation processes - involving finding and holding on to programmes of study, positions of employment, sources of income and places to live - often coincide with aspects of migrants’ own desires, and in order to achieve them they are often willing to play ‘the game’ and comply with its rules {2-3}. Rather than “hacking” the firewall borders by circumventing or tricking the control procedures, many TCNs

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<sup>27</sup> This is the case if the person is sacked or ‘fired’ from a job rather than being made redundant. The way that many Ukrainians find jobs in CR, through agencies or ‘Klients’ {6-4}, makes this an unfortunately common occurrence.

participate in and use the channels of authority to their own advantage, knowing that the divided information they are required to submit does not cover, limit or determine the rest of their being in or beyond the AFSJ (Walters, 2006). Visas and permits obtained for one place or purpose can also be used to open up or facilitate others, and migrant lives are neither completely overseen nor entirely determined by their documentation {2-3}.

The AFSJ's firewall-type internal borders only 'control' specific types of access and presence, which, along with the controls imposed by the frontier *filter* {4-3} and the visa *curtain-wall* {4-4}, creates differentiated horizons of social and spatial possibility for EU citizens and Ukrainians, although the latter can also contest these distinctions and effect belonging. The bureaucratic processes required to effect belonging also challenges the characterisation of these firewall borders as faceless, unknowable and incontestable, which a vibrant civil society and a vigilant Ombudsman's office also ensure {4-6} [CZ-O-1; CZ-I-OMB-1; CZ-I-Mol-2; CZ-I-NGO-1; CZ-I-NGO-2; CZ-I-NGO-3].

There is still much room for improvement in the way these issues are managed in CR: overzealous policing (motivated by institutional self-interest); unnecessarily abrupt invalidation of permits (among the harshest in the EU); and bureaucratic incompetence and obstinacy (albeit improved in recent years) mean that many Ukrainians, even with regular status, cannot confidently see their futures in Schengen. However, despite this precariousness, the exclusionary effects for 'irregular' migrants and bureaucratic inconvenience for regular migrants, police and bureaucratic checks within Schengen do not amount to a "society of control" nor are they overly or overtly oppressive for, *inter alia*, Ukrainians (Deleuze, 1995; Walters, 2006; Amoore, 2006; Vaughan-Williams, 2007). Bigger obstacles to Ukrainian mobility and belonging in EU-Europe relate to the counter-productively restrictive mobility regime that effectively sets the firewall's parameters and limits regular access and stay {4-4; 5-6}. As the next section shows, Czechs (and other EU-8 citizens) also face bordering within the 'borderless zone', as they encounter shadowlike reminders of their bordering past, despite being recognised as EU-Europeans.

## 4-2 Shadows: Revenants and Remnants at Intra-Schengen Frontiers

Achtung, Schengenraum! Hande Hoch!<sup>28</sup>

*Respekt*, 2007

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<sup>28</sup> This title is taken from a cover story in the leading Czech political magazine 'Respekt' (2007) and translates (from German) as "Attention - this is the Schengen-zone! Put Your hands in the air!" It appeared under the headline of *Volni Jako Schengen?* meaning 'Free Like Schengen?' or 'Freedom, Schengen style?'



We are unjust to twilight.  
*Vaclav Havel, Twilight at Dawn, 1996*

The freer movement afforded by CR's 2007 accession to the Schengen-zone provided a tangible benefit of EU membership, but also a clear symbol of Czechs' EU-European belonging {5-2; 6-5}. Although EU accession had reduced border crossings between CR and its neighbours to formalities, the ending of fixed, systematic controls at BCPs symbolised the overcoming of older, exclusionary divisions, particularly on the former Iron Curtain borders with Austria and Bavaria (Atger, 2008; Schwell, 2010).<sup>29</sup> However, police controls by neighbouring states – now mobile rather than at BCPs – and the remnants of the crossing points and frontier architectures, as well as what replaced them, have muddied the waters of free-movement and EU-European belonging. However, as this section shows, the exclusionary or hierarchical relations manifested in 'revenant' policing in the shadows of Czech frontiers have been partly overcome by political actions that themselves demonstrate inclusion and belonging {5-2}. This section then goes on to discuss the mixed messages that are legible in the remnants, ruins and re-purposings of the BCPs that were left behind "after Schengen" (Evangelista & Minkjan, 2014). Siding with the approaches taken in Dariusz Gafijczuk and Derek Sayer's (2013) collection 'The Inhabited Ruins of Central Europe' this section concludes that these spaces are worthy of serious contemplation in understanding CEE's past, present and potential futures.

### *Policing the Borderless Zone II: Revenants at Intra-Schengen Frontiers*

After CR's Schengen accession, as Robert Solich of the CZ-Mol Schengen section explained, "people were expecting totally free movement, they hoped that they would just go shopping and sightseeing without being stopped at all" [CZ-I-Mol-1]. It was therefore quite a shock when the Mol began to receive complaints from Czech citizens who had been thoroughly or repeatedly controlled by German police. These complaints were frequent and numerous enough for the Mol to conclude that from 2008-2010, the level of "shadow border checks" amounted to a replacement for fixed BCP controls. Being randomly stopped and controlled "very strictly and thorough[ly]" was deeply unsettling for Czech citizens who were left uncertain both of the Schengen zone's 'rules' and whether they belonged there after all, which Solich claimed left them in "a worse position than

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<sup>29</sup> The Czech borders two of the Laende (states/regions) of the Federal Republic of Germany – Bavaria and Saxony – but the latter was in the territory of the DDR up until 1990 and so was an intra-Warsaw Pact, not Iron Curtain' border.

before” particularly because of the unquiet ghosts lurking in these “shadow” borders [CZ-I-Mol-1]:

[W]e were getting frightening stories. People were being stopped by [unmarked] cars and officers in civil[ian] dress – the Germans can use unmarked cars – and they were taken off to some parking lot, off the road in the night, forced to get out and their car was searched. Some people had to do a drug test in the parking lot - they had to pee on a paper. Even my [relatives] had their laptops and phones taken away from them for twenty minutes and checked. This topic became very frequent in our bilateral negotiations with their Ministries of Interior - Bavarian, Saxon and Federal. We never got to a point of resolution but agreed that the policemen will, if possible, use uniforms and show police identification and [proper] practice. We explained simply that Czech people are not used to dealing with civil[ian] dress[ed] police. *For them it means the secret police, like StB<sup>30</sup> - it's not a good feeling.*

A former commander of the German Federal Police in the border region acknowledged that these checks took place, but denied they amounted to “systematic border controls.” He accounted for their intensity through a combination of “geographic and infrastructural conditions” and the need to deploy an increased number of officers from several different agencies in the relatively confined 30km deep “border belt” and their common focus on major transport routes [PL-I-FTEX-8]:

If we [had] 50km or 80km, then we would have been more flexible and targeted in surveilling the motorways and big national routes [...] We tried to do this in co-operation with the Czech police as we had before, but after Schengen accession, there were so many cuts and organisation[al] changes that there was nobody to co-operate with.

Rejecting this organisational/logistical explanation, the Czech Mol acknowledged the reduction (by 2012) in the number of complaints relating to police checks of private vehicles, but noted that approximately seven out of every ten coaches or buses entering Germany from Czech territory were still being thoroughly controlled. Solich again saw other motives for the intense controls, suggesting lingering hierarchies of belonging in the EU relating to spatial delineation of temporal experience and social conduct [CZ-I-Mol-1]:

I think that Western countries are still kind of suspicious [of] let's say 'Central European' countries and the more Eastern the countries are, the bigger suspicion you can feel. We went through that [...] the most visible opponents were from Germany and Austria, our neighbours, who were afraid of hordes of villains coming and doing ... well, I don't know what.

The prejudiced discourses discussed in later chapters {5-2; 5-5; 6-5} have now largely moved further 'East', but were reproduced by some Germans and Austrians living in the

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<sup>30</sup> The Statni Bezpecnost (StB) was the communist-era 'State Security' service, the Czechoslovak equivalent of the East German *Stasi*.

border regions in the run-up to the Schengen expansion, as well as by several EU officials, including the (Austrian) Political Advisor to the EU-DU (Atger, 2008; Schwell, 2010). When asked what the EU was doing to counter the “unjustified fear” of an Eastern “horde” “coming in, bringing crime,” his response, which was not supported with any evidence, was telling [UA-I-EUD-2]:

Is it really completely untrue? [...] for those who are victims of burglary, for example, it is not a good explanation to tell them, ‘well, you know, statistically, its *just 30% more* because Schengen borders are open’. I know [this] from only one case, from the city where I have lived - for Vienna there was a real issue with crimes going up.

The former police commander took a different approach, emphasising the need for frequent controls on the bus and train routes that offer “the easiest way to illegally enter Germany.” He also asserted that “some member states [including Germany] are under bigger (irregular) migration pressure than others,” thus using the relative desirability of EU countries as destinations for TCNs to justify varying intensities of policing {5-2} [PL-I-FTEX-8]. Czech officials concurred with the need to combat cross-border crime and irregular migration, but denied that this necessitated and certainly did not justify any violation of Schengen rules. The Czech government raised this matter with the European Commission and has supported cases on similar issues in the European Court of Justice but Solich claimed there is a “perpetual conflict” between “free movement” and the “national sovereign competence over security” with “the Commission and Czechs on one side and Germany, Austria and Spain on the other side” [CZ-I-Mol-1; UA-I-CZC-2].

The close monitoring of EU and Schengen accession processes for 2004/2007 entrants was intended to underpin the formal *egalite* between member states that would allow the removal of frontier controls and extend free movement, while reassuring existing members that the newer states could be trusted to fulfil their new responsibilities. Accession is often seen to signal the end of ‘post-communist transition’, as people and states became able to cast off the past and enjoy their newly recognised EU-‘European’ belonging {2-5; 5-2; 6-1; 6-3}. However, the presence of ‘shadow’ border controls questions this as their spatial locations and suspected motivations summon the ghosts of this very past - the spectres of hierarchical division {2-5} (Kuus, 2004). However, the Czech contestation of this, particularly in the determination of the CZ-Mol to uphold their citizens’ rights, and their faith in their ability to engage this issue at the EU level, shows the enactment of belonging through institutional political subjectivity as well as individual free movement, as Robert Solich movingly observed {5-2} [CZ-I-Mol-1]:

CR is maybe *the biggest defender of free movement*. We simply *insist* on respecting free movement over the internal borders at all times, everywhere. Maybe the reason behind this fight is that we were behind the Iron Curtain, and when it finally fell, we had some expectations.

### *Twilight Zones: Remnants of Intra-Schengen BCPs*

The removal of permanent controls at Czech frontiers in 2007 did not mean the simultaneous removal of the BCP infrastructure, through which cross-border flows were previously channelled, although the material remains of these highly particular structures vary in extent and condition: some have been repurposed, while others have been superseded by their surroundings, creating a variety of haunting, humdrum, kitschy and decadent places which carry multiple socially-significant understandings of time, space and social relations. Although ostensibly obsolescent, the BCPs nonetheless retain their 'borderliness' in 'traces' of former, current and potential future border regimes. Their highly affective materialities convey competing versions of history and memory, of progress and potential tragedy, of here and there, and of 'us' and 'them' (Green, 2009; Aas, 2013: 39-41; Ball, 2014) {2-5; 2-2}. As this thesis lacks the space for a comprehensive treatment of this issue, indicative examples of the remnants and re-uses of Czech BCPs and their significance are presented below.

Some border remnants at the Czech frontier have explicitly been transformed into sites of memory and memorial such as the touchingly curated, trilingual 'Museum of the Iron Curtain' that commemorates the Cold War border that ran between Valtice and Schrattenberg and the regularly updated photo-exhibition on the bridge between Cizov and Hardegg. At Slavonice-Fratres, the artist Hubert Lobnig has sculpted a question into the landscape – '*Where do the borders go?*'. A cycle path - the 'Iron Curtain Greenway' - now traces part of the levelled ground that was the last five yards of the superpower standoff, leading to the Czech-Slovak-Austrian tri-border point and a memorial to the Czechs and Slovaks who suffered from a lack of free movement under communism. To the North, the Czech-Polish-German tri-border point offers a sombre and moving reminder of the forced union that preceded Cold War separation [CZ-O-2]. These overt sites of memory emphasise the overcoming of past divisions and immobilities and make clear the scale of achievement and the importance of EU and AFSJ enlargement. The Czech frontier is replete with other memorials, but also acts as a trigger to non-curated memories, as Lucie Sladkova of the International Organization for Migration (IoM) explained:

My generation and older, we still have a trembling, a discomfort when we cross the point of entry. Mentally, it is very good for young people who do not even recognise

where any sort of a fence is or have to see controls, but for us it is still something of a discomfort when you cross it and you are looking if there is anyone who will do the check. I never travel with just my ID, even though I know you can. I always take my passport [CZ-I-IoM-1].

The myriad remnants of the previous regime amplify these echoes of the past, but also mark the changes in social relations over time in other ways. A Czech government poster, displayed in the Museum of the Iron Curtain promotes free movement with the slogan, “Don’t Stop, in Europe You are Free”, and a museum text claims that in Schengen, borders “in fact do not exist.” As well as recalling past division, the remnant and repurposed BCPs, also materially manifest the ways in which it was overcome. Sladkova’s observation that many people can simply ignore the BCPs as they pass through is also testament to the performative belonging made possible through formal inclusion in the EU and Schengen, which has become even easier at the locations where the infrastructure has been dismantled, even if traces remain visible to a keen eye [CZ-I-IoM-1] [CZ-O-2] {5-2; 6-5}. Where the infrastructure remains, other material traces of the particular processes of EU and Schengen accession that have facilitated this freedom of movement are also visible. Having been a single state from 1918 until the ‘Velvet Divorce’ of 1993, the newly formed Czech and Slovak republics had to build and police a border between themselves in order to satisfy the conditions for Schengen entry, which then meant that this control could be relaxed (Judt, 2005: KL-15748). For Sladkova, this signifies EU waste - “like buying the most sophisticated and expensive lock for the door which you want to have open” - whereas for Robert Solich of the CZ-Mol and Jan Vycital of the CZ-MFA, it represents the EU’s commitment to standards and CR’s commitment to meeting them in order to reap the benefits they bring [CZ-I-IoM-1; CZ-I-Mol-1; CZ-MFA-2]. Practices of ‘free movement’, and the BCPs they have reduced to remnants, reflect varying notions of post-89 progress through processes of post-communist transition, which are differently reflected at other BCPs {2-5; 5-2; 6-5} (Stenning & Hoerschelmann, 2008) [CZ-O-2].

In remote areas the BCPs often feel abandoned, especially where nature has crept back in after the border guards marched out, leaving behind derelict restaurants and boarded-up cafes, while elsewhere, new commercial developments have taken over. On the Czech frontiers with Germany and Austria (but not with Poland and Slovakia), homogenous ‘Travel-Free’ shops, exploiting price differentials on alcohol and cigarettes jostle for space with colourful, chaotic Vietnamese markets selling plastic ornaments, furniture and clothing. Often a harbinger of an imminent frontier, garden gnomes and outsize plastic animals greet the border-crosser like bizarre caricatures of the border guards they outlasted. On major transit routes other industries have flourished. As Mathilde Darley

(2009) showed, gambling and sex-work proliferated since 1989 in CR's German and Austrian border regions. Schengen accession has not derailed this trend and casinos and brothels are still prominent - and prominently advertised - but contrary to Svetlana Boym's (2001) observations of shabbiness, many have recently renovated, attention-seeking exteriors. The fantasies that fuel these businesses sit awkwardly next to other fantasy border worlds such as the spectacular 'Excalibur City' shopping and entertainment complex – a feat of kitsch that makes the plastic wares of the Vietnamese markets seem positively homespun and authentic [CZ-O-2].

Despite the notions of freedom and progress advanced above, the effect of these commercial activities is multivalent, as the border is (re)constructed as an almost archetypal space of neoliberal consumption, distinguishing between winning and losing locations, and reinforcing old hierarchies in new ways {2-5} (e.g. Shields, 2007). Even commercially 'winning' spaces trade, primarily, on the relative 'cheapness', decadent possibility and permissiveness of the post-communist 'East' in comparison to the expensive, staid and judgmental West (Boym, 2001; Darley, 2009) {5-5; 6-5}. In CR they produce an ostensibly tame exoticism that combines reassuring similarity with 'just-enough' difference. However, the development of cultural, architectural, historical and vinicultural tourism in (some) Czech border regions, provides a further, although slightly more edifying and hopeful, complication. While some BCPs are haunted by ruin, decay and tragic histories, others do carry the hope of (liberal) progress, signalling both the EU's success in overcoming past divisions, and the lingering hierarchies of neoliberal transition. The BCPs left behind after Schengen are the paradigmatic, ambiguous spaces of the "reflective" twilight in which Vaclav Havel saw hope for Europe's future as well as reminders of its past {2-5} (Boym, 2001: 223; Havel, 1996):

We are unjust to twilight. We are unjust to the phenomenon that may have given Europe its name. We should stop thinking of the present state of Europe as the sunset of its energy and recognize it instead as a time of contemplation.

#### 4-3 A Filter, Not a Fortress: The EU's Permeable Eastern Edge

In 2008 there was a year of protests on the border because of change in the customs law. [...] This caused riots because of the frustration - and because of our work. People that lived from smuggling were eliminated from the system. This is how the Polish border got civilised.

*Polish Border Guard Commander in Przemysl, 2012<sup>31</sup>*

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<sup>31</sup> [PL-I-BG-3].

In contrast to the murky, shadow-like or peripatetic border sites at and within intra-Schengen frontiers, the “fog of [the] border” seems to clear at the EU’s Eastern edge (Kurowska & Pawlak, 2012). Ostensibly, the external Schengen frontier – in this case the Polish-Ukrainian section – is a more ‘traditional’ border site than those constituted by either internal {4-1} or remote {4-4} control. The frontier has clearly demarcated ‘green borders’, permanent controls at static BCPs, Border Guard (BG) stations and detention facilities. However, despite the apparent legibility of the social in the spatial and material, this border has been repeatedly *misread* and *wrongly* characterised as (the Eastern edge of) ‘Fortress Europe’. Based on fieldwork conducted around the town of Przemysl and the nearby Medyka-Shehyni BCP, as well as at other sites, this thesis shows – here and below - that the architectures, spatialities and practices at the Polish-Ukrainian frontier reflect the EU’s particular brand of governing order and its related conceptions and combination of security and mobility in bordering: bureaucratically facilitating certain flows while frustrating others on the basis of particular knowledge about the people attempting to pass {4-1; 6-2; 6-3}. This section shows the border to be a filter, rather than a fortress, a conclusion that is confirmed by discussion of the Local Border Traffic Agreements (LBTAs) that have facilitated a degree of permeability that no fortress-based border could allow. It is further argued that LBTAs point to ways in which the EU could securely loosen its still overly restrictive, although not fortress-like, border regime {4-4; 5-6; 7} [PL-PO-1; PL-PO-2; PL-PO-3].

### *Constructing Borders: Frontier Architectures, Spaces & Traces*

The ‘Fortress Europe’ metaphor for EU bordering that has proliferated in recent years through media,<sup>32</sup> popular culture<sup>33</sup> and public intellectual discourse,<sup>34</sup> as well as through academia, has tended to focus on fixed border ‘defences’ and patrolling activities that detect, repel and deter irregular migrants entering the European Union (Bigo, 2002; Alscher, 2005; Andreson & Armstrong, 2007; Papastavridis, 2010; Follis, 2012; Finotelli & Sciortino, 2013). Scholarly work that has highlighted the difficulty and danger that irregular migrants face in entering the EU often obscures the distinctions between different EU

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<sup>32</sup> For example: <http://www.theguardian.com/global-development/ng-interactive/2014/jan/refugee-choices-interactive>; <http://www.theguardian.com/global-development/interactive/2014/jan/13/europes-border-control-interactive-guide>; <http://www.spiegel.de/international/europe/asylum-policy-and-treatment-of-refugees-in-the-european-union-a-926939.html>;

<sup>33</sup> Such as British band ‘Asian Dub Foundation’s song ‘Fortress Europe’ <http://www.youtube.com/watch?v=eMXKt99W61A> - 17/09/14.

<sup>34</sup> Such as Matthew Carr’s (2011) book and subsequent public interventions - <http://www.opendemocracy.net/matthew-carr/trouble-with-fortress-europe>

frontiers (particularly the East and the South) and the varying degrees of facilitation as well as frustration of movement they effect, although regionally-particular works have also used the 'fortress' metaphor (e.g. Follis, 2012).

Even allowing for metaphorical licence, the 'fortress' characterization is so strong that a researcher could reasonably expect to find it materially manifested at the frontier, to at least some extent. However, there are no ravelins or ramparts, battlements, bastions or casemates at the frontier, where current border architecture emphasises efficient volume, rather than mass (the *sine qua non* of fortress architecture through the ages) (Virilio, 1975; Mukerji, 1997; Hirst, 1997; Sebald, 2001). The sparse, rectilinear architectures of the Polish road-BCPs, adorned only with the state insignia and warnings against inappropriate conduct or violation of conditions of travel, instead exemplify the dual role of the 'liberal' border – facilitating both security *and* mobility. They provide shelter for the streamed flows that pass through them, as well as for the border guards and customs officers who (temporarily) interrupt this motion. They are light and spacious and convey a sense of capable professionalism and calm bureaucratic authority amidst the hustle and flow of border traffic [PL-PO-1; PL-PO-2; PL-PO-3] {2-4; 6-2; 6-3}.

Several BCPs at the Polish-Ukrainian frontier also have rail crossings where cargo trains are both observed and x-rayed. At Medyka-Shehyni, border guards enter passenger trains at a small platform in a fenced off zone and, equipped with mobile passport readers and database access, they temporarily transform the train compartments into border places as they conduct the Schengen-mandated document and identity checks while the train slowly winds its way to Przemysl. Medyka-Shehyni is, however, unique among the BCPs on the Polish-Ukrainian frontier in also having a pedestrian crossing, a paved pathway that is channelled between green metal fences. Although still generally open and spacious, some sections are roofed-over to prevent the illicit transfer of (excise) goods between the lanes, creating a tunnel-like effect that a focus group participant claimed "felt like being in prison." Polish border guards lamented this situation, but it is clear that it is an exception rather than the norm. Wire fences, barbed in places do run around the BCP, but these are no more fortress-like than many schools and shopping centres inside the EU [UA-FG-2; PL-PO-3].

The PL-BG are also responsible for surveillance of the 'green border' that runs between the BCPs and, unlike their Ukrainian counterparts, do not have watch towers, so instead they utilise natural features for mobile surveillance aimed at deterring irregular migration and smuggling {6-2; 6-3}. The green border, with its ploughed strip of land that acts as a



silent, material witness to unauthorised crossings between the Polish and Ukrainian border posts, is also distinctly un-fortress-like. There are BG stations every 12-15 kilometres along the frontier, up to 2 kilometres back from the borderline, but they do not militarise the border any more than a police station does a city. Entry to smuggling-prone border sections is strictly forbidden or requires advance permission, while at other sections entry is actively encouraged for leisure and recreation – appropriately so, given the extremely low number of irregular crossings: less than 1,600 annually along the entire ‘Eastern Land Border’ stretching from Norway to Romania (Frontex, 2011b; 2012b; 2013b) {6-2} [PL-PO-2; PL-PO-3].

Another key aspect of the supposed fortress identified by academics and activists is the “return of the camp” in the form of detention centres such as those at the EU’s Eastern frontier (e.g. Minca, 2005; Bigo, 2007; An Architektur, 2005). However, actually visiting these facilities provides a different picture than seeing them either as part of a EU-wide network of oppressive ‘waiting zones’ or through irresponsible Agambenian invocations of spectres of Auschwitz, that lack proportion or perspective or proportion {2-3; 3-2}. UNHCR Poland has nothing but praise for the clean, new PL-BG detention centres that offer exercise space and well-stocked reading rooms and kitchens, and which allow migrants to go into the towns in which the centres are situated, including to buy food that they want to cook for themselves. Clearly, detention centres will never be happy spaces for migrants, but they reflect bureaucratic efficiency in fulfilling Poland’s AFSJ responsibilities rather than anything more sinister [PL-I-UN-2; PL-PO-2].

Reflecting key modes of EU governance, the Eastern Schengen frontier is bureaucratic rather than militaristic in character, which makes it far more like a filter than a fortress and links it, as part of the border archipelago, to the internal controls within Schengen states. As noted above, this border-filter is also far more permeable than the walls of any fortress worthy of the name: Medyka-Shehyni alone facilitates a third of the fifteen million annual crossings into Poland from Ukraine [PL-PO-3] (Frontex, 2013a).

The nearby remains of older highly fortified border regimes confirm the inadequacy of the ‘Fortress Europe’ label. Hapsburg-era forts, built to cement the dual-monarchy’s grip on outlying Galicia (which straddles the current frontier) provide a salient reminder of what fortress-based bordering *really* looks like (Davies, 2011: 477-479). Similarly, the Molotov Line bunkers in Przemysl itself provide a material-formal link to the site-poured concrete of

the original *Festung Europa*<sup>35</sup> which, again, could not look more different to the present EU frontier (Virilio, 1975). These ‘traces’ of older border regimes also show the historical fluidity of frontiers in this region, which, through the reversion to the modified ‘Curzon Line’ after the protracted Second World War here, saw Przemysl and Medyka ‘returned’ to the Polish People’s Republic. This fifteen-kilometre diversion today means the difference between ‘free movement’, courtesy of EU citizenship, and being a TCN facing the visa curtain-wall {4-4; 5-5} (Lowe, 2012: 212-229). However, as the next subsection shows, this fluidity did not end with Poland’s EU accession.

### *Local Border Traffic: Mobile Borders & De-securitized Mobility*

The “Fortress Europe” label also fails to take account of the measures taken to ameliorate some of the exclusionary effects of the extension of the Schengen zone on neighbouring countries. Initial post-Schengen developments, such as those described in the epigraph above, may seem to confirm these gloomy assessments, but they actually laid the foundations for subsequent – and significant - facilitations of Ukrainian mobility through the LBTA. This analysis questions whether the ‘hardening’ of the EU’s external border regime as a “compensatory measure” for the relaxation of the internal regime is as “untouchable” at the national level and as incontestable at the EU level as it is often assumed to be (Snyder, 2005; Frontex, 2012c) [PL-I-FTEX-8]

Joining Schengen meant that Poland took on significant responsibility for the EU’s Eastern frontier, particularly in the context of fears about the newly proximate ‘wild’ East, and particularly regarding flows of illicit goods and irregular migrants {5-4; 5-5; 6-2}. Extensive infrastructure and equipment upgrades, as well as intensive training for staff, transformed Polish BCPs into ‘EU-modern’ bureaucratic border management structures, thus demonstrating Poland’s commitment to meeting this responsibility [PL-I-BG-1; PL-I-BG-3; PL-I-BG-4] {5-2; 6-1; 6-3}. These changes were, however, accompanied by the ending of certain ‘local’ arrangements regarding cross-border movement of goods and people in order to bring them into line with EU rules and the Schengen border code. The new standards and practices of border control directly impacted on the lives of people living in the frontier region, who now required a visa for even short-term travel to Poland, as well as on their livelihoods - through a clampdown on petty smuggling as the border “got civilized” [PL-I-BG-3] (Follis, 2012; Iglicka & Weinar, 2008; Triandafyllidou, 2009).

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<sup>35</sup> The German name for the defences of continental Europe during the Second World War.

Improving standards of border control allowed Poland to sign the LBTA with Ukraine in 2009, which exempted Ukrainians living in the border region (up to 50km from the frontier) from the visa regime providing they fulfil certain conditions, such as not travelling more than 30km into Poland. LBT permits are limited to those who have resided in the designated municipalities for three years, again showing the dynamic relation of time and space in facilitating a social process that has, in effect, moved the border - or at least the territorial referent of the visa regime - for particular routes and rhythms of travel {2-3; 4-4; 6-5}. LBT permits allow border-crossings without the need for passports to be stamped, thus offsetting the permit fee by saving the (greater) time, expense and effort needed to regularly replace full passports. The PL-BG commander emphasised that: “This is very popular – about 50% of people crossing the border now travel on this basis” [PL-I-BG-3].

The electronically-readable LBT permits allow for tighter control of personal customs allowances, which has dramatically cut petty smuggling of cigarettes and vodka, as quicker and more accurate data-checking has freed up time and space in BCP control zones for more stringent checks of people and luggage, significantly reducing abuse. However, LBTs have spurred the development of other cross-border trades, particularly in: food taken from Poland to Ukraine (often from the supermarket next to the BCP); petrol transported the other way in the large fuel tanks of certain types of cars; and an ‘ant trade’ that distributes commercial goods shipments for conveyance through the pedestrian crossing by individuals - paid per-trip - thus avoiding Ukrainian customs duties. These activities have also re-shaped the socio-spatial experience of the border as the PLBG re-opened a more spacious exit-control facility (without turnstiles) to facilitate easier passage for people with trolleys and large bags<sup>36</sup> [PL-PO-2; PL-PO-3].

As well as changing the border-regime, Schengen accession brought with it a special fund to support Poland’s Eastern frontier regions, which are amongst the EU’s poorest.<sup>37</sup> The border guards proudly pointed to the results - the new city administration building, renewed transport infrastructure and the beautifully revitalised city park in Przemyśl and the development of (cross-border) tourism in the region. Border guards also argued that this investment supported their anti-smuggling work by boosting economic development and creating jobs, pointing to the gleaming, part-EU-funded, ‘Galeria Sanowa’ shopping centre, which also attracts (LBT) shoppers from Ukraine and provides employment for Poles previously involved in smuggling. Despite potential criticism of oppressive neoliberal

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<sup>36</sup> As exports from Poland, these cross-border trading practices are tacitly encouraged by the Polish authorities, but have not been clamped-down on by their Ukrainian counterparts.

<sup>37</sup> [https://www.polskawschodnia.gov.pl/English/Documents\\_PORPW/Documents/PORPW\\_eng\\_final.pdf](https://www.polskawschodnia.gov.pl/English/Documents_PORPW/Documents/PORPW_eng_final.pdf)

homogenisation, the international and national chain-stores in the shopping centre have been welcomed locally and provided easier and more affordable access to wider circuits of ‘normal’ EU-European life for Poles and Ukrainians, making the Galeria Sanowa seem more hopeful than many of the banal geographies of history’s supposed end {2-5; 6-5} [PL-PO-2; PL-PO-3].

The introduction of LBT permits in 2009 has *not* led to widespread irregular stay in Poland, or irregular ‘secondary movement’ to other Schengen states – tens of millions of facilitated border crossings had, by mid-2012, resulted in *thirteen* detected cases of abuse, which reflects the generally low ‘risk’ of irregular migration at the EU’s Eastern land border [*ibid.*; PL-I-BG-3]. LBTAs also provide a practical way of de-linking individual mobility from the smuggling of excise goods, which is consistently identified as *the* biggest ‘threat’ to the Eastern frontier {6-2}. While LBT Agreements are by definition *local* in character, the flexible and widely used, although limited, freedom of movement they have provided and the changes to border flows that have ensued, point to wider possibilities for de-securitising Ukrainian mobility. The limiting of possibilities for smuggling by individuals has been accompanied by incentives and possibilities to seek other, *licit*, forms of income. These are often preferable to the life of a petty smuggler, which although often romanticised from afar, is all too often dangerously precarious and poverty-stricken (Driessen, 1999; Radu, 2009).

LBTAs, like the frontier architectures, show the inadequacy of the ‘Fortress Europe’ label applied by critics who do not acknowledge the permeable border architectures and practices at the at the Polish-Ukrainian frontier. However, both EU and Ukrainian goals would be better served by capitalising on the sophistication of its frontier filter and trusting it to act as a security-mobility ‘membrane’ rather than continuing to maintain the counter-productively restrictive visa regime that is discussed below {4-4; 4-6; 5-6; 6-3; 6-6; 7}.

#### 4-4 Curtain-Wall: The EU’s ‘Lose-Lose’ Visa Regime

Not all the bits of the Berlin Wall went to the museum ... it’s a very obvious sign where you are facing the real border. It starts in Kyiv, near the embassy.  
*Vasyl Cherepanyn, Ukrainian Academic and Activist*

For Ukrainians – and other TCNs – wishing to travel to the EU, their sequence of bordering moments begins long before they reach the territorial frontiers of the Union. In addition to the work and residence permits needed for medium, long or permanent stay in

a particular EUMS, Ukrainians also require visas for short-term travel or stay in the EU, which, for the countries of the Schengen-zone, are known as ‘Schengen Visas’ due to the harmonisation of these processes and documents as a corollary of the creation of the AFSJ {4-1; 5-1; 6-1; 6-4}. As noted above, the extension of the Schengen-zone required CR and Poland to end their (relatively-open) visa regimes with Ukraine, meaning that since 2007, Ukrainians have needed Schengen visas for short-term stays of up to ninety days in any one-hundred-eighty-day period. Visas are applied for through the consular service of the EUMS that the person wishes to visit for the *first or main* part or purpose of their trip, excluding transit to that country through other Schengen states.<sup>38</sup> The process of applying for the visa, which cannot be done inside the Schengen-zone, involves dealing with the relevant member state consulate (or one of their approved agents) to prove that all requirements for the granting of the visa have been satisfied. As this section shows, the chain of bordering events beyond EU and Schengen frontiers creates a form of bordering that has significant negative psycho-social effects on Ukrainian belonging in EU-Europe, which seems to confirm their ‘2<sup>nd</sup> class’, ‘Eastern-European’ identity and also negatively impacts on the EU’s ability to achieve the goals of ENP and EaP {5-3}.

### *Remote Control Through Consular Procedures*

Both CR and Poland have several consulates in Ukraine. The busiest and most important are in the capital, Kyiv and in the Western Ukrainian city of Lviv, reflecting the close historical ties and established migration and tourism routes between Western Ukraine, CR and Poland {4-5}.<sup>39</sup> Poland has also created additional, outsourced, consular centres where supporting documentation is checked and information is entered into the electronic systems for visa processing. The Czech government encourages and, in some cases, requires the use of an e-consular system - Visapoint – for visa applications {6-4}. Before visiting the consulate, applicants need to have collected a series of documents that are required to lodge their application, which vary according to the country in question. Generally, however, they include an invitation letter (issued by a person, a business or some other organization), proof of means of travel, proof of accommodation in the stated destination and proof of financial means to support themselves during the trip. The

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<sup>38</sup> Thus if a Ukrainian citizen wants to travel overland via Poland to visit Germany, but then also visit Austria for a shorter time before returning, they should apply for a Schengen visa at the German consulate.

<sup>39</sup> The consulate in Lviv is the third busiest Czech consulate worldwide in terms of visas issued after Moscow and Kyiv, issuing around 30,000 visas p.a. Even this pales into numerical insignificance, however when compared to the Polish consulate in Lviv, which issues ten times as many visas - 300,000 p.a.- nearly one quarter of **all** Schengen visas issued in Ukraine [JA-I-PLC-2] (EC Website - [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm))

applicant must have a clear explanation for the purpose of the trip, which must fit with the accommodation, transport and other plans contained in the documentation listed above and must also be in possession of a valid Ukrainian external passport and internal 'passport' (state identity card). Some consulates also require the applicant to submit proof of good health, including a negative HIV test. By contrast, EU citizens wishing to visit Ukraine require only a valid passport, which again shows the hierarchical relations between the EU and Ukraine that are reproduced by the mobility regime [UA-O-1; UA-O-2; UA-FG-1; UA-I-CZC-1; UA-I-CZC-2; UA-I-PLC-1; UA-I-PLC-2] (Jansen, 2009).

Similarly to the bureaucratic borders inside the Schengen-zone {4-1}, the aspirant Ukrainian traveller or migrant has to engage with a series of private and public organisations to show that they fulfil the necessary criteria to even have their application *considered*. Travel agents, transport companies, hotels, businesses, public doctors, private clinics and banks are "deputized" in these "remote control" bordering processes as they check the validity of the applicant's identity, documents and purpose of travel {4-1} (Walters, 2006). Like the internal controls, these processes take time and require attendance at particular locations as applicants need to arrange doctors appointments and invitation letters, have documents notarised and acquire authorised translations of university transcripts, all of which may require both physical waiting in the spaces of the various institutions involved and the nerve-wracking wait for the delivery of the necessary documents, while hoping they are 'in order'. Applicants also spend time arranging their appointment at the consulate or visa centre, or through the e-consular system, and in submitting their passport and supporting documents. If the applicant is required to submit the documents personally, or attend an additional interview, further time will be spent queuing for and completing these procedures. Delays in harmonising the required documentation across EUMS consulates were lamented by research participants who had experienced the frustration of spending time and money on an application only to be told that additional documentation was required [UA-FG-1; UA-FG-2; CZ-PO-1].

While the EU and EUMS have 'externalised' a significant part of their bordering with Ukraine in this way, the involvement of consulates and private sector actors in bordering processes is neither novel nor unique to the Schengen-zone. However, Schengen enlargement intensified this externalisation for Ukrainians wishing to travel to CR and Poland, creating a greater sense of socio-spatial exclusion. Successful applicants also face controls at the frontier and potentially in the Schengen interior and, in a further humiliation, some consulates require travellers to report back to them after they return - "just to check [that] we come back" – which costs more time and money [UA-FG-1] {4-1};

4-2}. The bordering archipelago for Ukrainians, which stretches through the frontier controls and into the Schengen interior, thus begins at sites beyond EU territory, including consulates and visa centres. The social sorting that these procedures enact may be, in some ways, less obvious than controls inside the AFSJ, as those who do not need to adhere to such procedures seem far away, rather than up-close and personally known. However, while many Ukrainians do successfully obtain Schengen and national visas, the socio-spatial exclusions of these processes are actually among the most clearly visible and keenly felt. However, as is shown below the visa regime has attracted sincere but misleading comparisons to the highly exclusionary and divisive bordering of the Cold War period, which do not reflect the reality of contemporary EU-bordering in CEE.

### *Behind the Visa Curtain-Wall: Ukraine as 2nd Class Europe*

The increased difficulty that Ukrainians experience in travelling to the Schengen-zone after its 2007 extension has frequently been compared to Cold War bordering in claims that there are now new Schengen “Walls” or Visa/Gold/Schengen/Belonging “Curtain[s]” that separate Ukrainians from EU-Europe (Snyder, 2005; Boym, 2001; Bialasiewicz & O’Loughlin, 2002; Prozorov, 2008; Dansci, 2008). However, neither of these metaphors adequately captures the form, function or effects of current EU bordering in Ukraine, particularly because of the possibilities that the semi-permeable border provides for outward travel and the possibility of return - or return without persecution - that it offers as many Ukrainians *do* gain entry to EU and Schengen countries. In 2012, consistent with trends since 2009, Ukrainians were the second largest group by nationality to apply for Schengen visas, lodging 1.3m applications – nine percent of the total and a fifty-three percent increase on 2009. In 2012, the refusal-rate for Ukrainians was only two percent, but this still amounts to 26,646 thwarted plans and dashed hopes; a number large enough for most Ukrainian research participants to know people who had visa applications denied, or to have experienced this themselves, which renders the possibility of rejection real enough to weigh heavily on the mind of the applicant during the nervous and frustrating application process (EC Website<sup>40</sup>) [UA-FG-1; UA-FG-2; CZ-PO-1].

The numbers of visas granted and entries permitted undermine comparisons to the Berlin Wall or the Iron Curtain (as well as the Fortress Europe label), but current bordering effects its own, subtler, yet very keenly felt, psycho-social exclusions. While research participants affirmed that there is a strong and growing Ukrainian desire to visit EU

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<sup>40</sup> Ukrainians were, however, far behind Russians who, in 2012 applied for 6m visas, forty percent of the total - [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm)

countries, activists and the Ukrainian MFA were willing to describe the processes that they must endure to do so as “consular sadism” [UA-I-NGO-2; UA-I-MFA-1]. Research participants confirmed that the very fact of having to apply for a visa signals non-belonging, which is compounded by humiliating consular procedures that confirm suspicions that Ukrainians are seen as “barbarians” from a “third-world country” rather than “real Europe[ans]” [UA-FG-1; UA-I-MFA-1; UA-I-NGO-1; UA-I-NGO-2; UA-FG-2] {5-5}. Much like the internal procedures of residence bureaucracies, consular procedures provide plenty of opportunity to contemplate the injustice of having to wait, while others do not; of having to apply for a visa when others do not; and of how this feels and what it means to be part of Eastern Europe - the “Europe that is waiting to be known” rather than the “Europe that knows”, thus reproducing some of the logics of transition discussed above, and which were emphasised by Ukrainian research participants {4-1; 2-5} (Wolff, 1994):

You are looked through first psychologically and then physically [...] every visit to the embassy or the consulate is a humiliating procedure [UA-I-NGO-2].

For me it was a terrible experience [...] I needed to get a visa and I was interviewed by the staff [and] asked about my travel, my plans and I was really afraid. They wanted to know if I intended to stay [...] it was hard for me. It feels like you are not trusted. It feels like I am a woman of 2nd class [UA-FG-1].

Many research participants were well aware of the shortcomings that (partly) lead their country to be seen this way. From corruption, standards and modes of government and practices of policing to customer service, the condition of roads and public transport, these critiques are also found in formal EU judgments on Ukraine or in the personal opinions of EU staff in Ukraine. Significantly, both Ukrainian and EU official participants also linked these perceived standards to the reasons why Ukrainians need a visa to travel to the EU, as they create a mark of difference and possible danger {5-4; 5-5}. However, as Yehor Bozhok of the European department of the UA-MFA argued, ordinary Ukrainians are effectively being punished for the ‘perceived’ “sins” of their government, meaning that they suffer twice from bad governance: once directly and then, again, in the limitations it places on their possibilities for travel (Jacoby, 1999) {2-5} [UA-I-EUB-2; UA-I-EUB-6; UA-I-MFA-1]. The divisive effects of this exclusion from “real Europe” provoked artist Nikita Kadan to propose that [UA-I-NGO-1]:

One of those parts of the Berlin Wall, so generously presented by Germany to other countries, should be put on the border between Ukraine and Poland – on the border of Ukraine and Europe. This is the border of ‘real’ Europe: it moves and it changes peoples’ conditions and environment. It really influences our life.



EU Officials, such as Frontex Principal Research Officer Tim Cooper argued compellingly that the current visa regime is detrimental to EU goals in the region as well as Ukrainians' lives {5-3; 6-4} [PL-I-FTEX-1]:

Well, presumably the idea, if not enlargement, is at least to get [citizens of neighbouring countries] to look favourably on 'our' way of life and to emulate it in some way [...] How do you expect [them] to improve, to become more 'European', if you never allow [them] to go to 'Europe'?

This drive for creating similarity through inclusion and supervision suggests disciplinary power at work in EU neighbourhood relations as well as the control-type power exercised through the visa regime (and in the Schengen interior) {2-3; 4-1}. However, this disciplinary power would, potentially, be willingly acquiesced to by *some* of its subjects such as the focus group participant who most clearly articulated a commonly expressed feeling among Ukrainian research participants [UA-FG-1; UA-NGO-1; UA-NGO-2; UA-FG-2]: "When we were in Poland, we had a tiny window to look at that life [...] and its like 'oh god, why can't we live like that?'"<sup>41</sup> Control-type power can provide access to this often-desired, disciplinary inclusion but thwarts it when its parameters are set too tightly, as they are in the EU's visa regime with Ukraine, reflecting the Union's confused neighbourhood governance. The 'windows' provided by the visa regime have contradictory effects, which challenge the inflexible solidity and opacity of the Iron Curtain and Berlin Wall metaphors, as academic Vasyl Cherepanyn and artist Nikita Kadan explained:

We have to somehow face not now the Iron Curtain [sic] but a more virtual, electronic or visa curtain [...] maybe this kind of control is more successful today because you cannot do your work with hard stuff: it's more soft, more sophisticated [UA-I-NGO-2].

This new border is [...] not as the Iron Curtain, but rather as dirty glass, through which you look but cannot get the form – [you can] look at the West [but] cannot get a proper image of what happens there. It's 'look but can't touch' [UA-I-NGO-1].

This visa regime's *visibility without tactility* reveals its function, as well as its form, to be different to that of the Iron Curtain or the Berlin Wall, making it – in a linguistic and conceptual coincidence – more like a curtain-wall. The curtain-wall is a characteristic feature of architectural high-modernism, normally made from steel and glass and 'hung' from the structural core of the building to provide a transparent perimeter. Crucially, the curtain-wall is not 'load-bearing' and supports nothing but its own weight, much like the EU visa regime, which, according to the EUDU political advisor Hannes Schreiber, creates a "lose-lose" situation [UA-I-EUD-2]. The visa regime is costly to administer, adds little

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<sup>41</sup> As recent events and surveys have shown, this is a view that is shared by a majority of Ukrainians, but one that is challenged by a substantial minority (e.g. IRI, 2014) {4-6; 7}.

value in terms of security and has an alienating effect on Ukrainians, compounding the “sadism” of consular procedures by offering tantalising glimpses of the EU-European life that many Ukrainians desire – often for instrumental, economic reasons as well as more existential ones connected to the ‘normal life’ afforded by EU-European belonging [UA-FG-1; UA-FG-2; UA-I-NGO-2; CZ-I-MF-1; CZ-I-MF-2] (Burrell, 2010). However the perceived need to secure the EU against Ukrainian mobility and the use of visa liberalisation as a leveraging tool in EU-Ukraine negotiations provide a façade of legitimacy for the visa regime and mask other reasons for its maintenance, which are discussed below {4-5; 5-5; 6-5}.

## 4-5 Twisted Mirror: Ukraine as EU Buffer-zone and Borderland

It helps to think of the external markers of the continent not as frontiers but as indeterminate boundary-regions – marches, limes, militaergrenze, krajina: zones of imperial conquest and settlement, not always topologically precise but delimiting an important political and cultural edge.

*Tony Judt, Postwar, 2005, KL-17942*

In addition to the visa regime, the EU has also externalised its bordering by exporting some of its bordering practices to Ukrainian territory. Stemming from the EU’s development as a security actor - and its (mis)identification of Ukraine as a key site for irregular migration – the EU-Ukraine Readmission Agreement and the activities of the EUDU, EUBAM and Frontex have ‘deputised’ Ukrainian actors to conduct EU border management and have transformed Ukraine into a buffer zone (Frontex, 2012a; 2013a) {6-2}. This section argues that this type of external bordering creates a double-sided mirror that reflects internal EU developments as well as showing Ukrainians how they are viewed by, and in relation to, EU-Europe. However, this double-sided border ‘mirror’ has been deformed by the tensions the EU and its member states experience in simultaneously treating Ukraine as both similar and different to themselves. This twisted mirror reflects the conflict between the successful, integrative history of the EU and the divisive effects of its more recent security focus and narrow definition of self-interest {5-6}. However, the twisted mirror distorts the EU’s view of itself - as well as of Ukraine and Ukrainians – and its approach to its largest Eastern neighbour and partner, leaving Ukraine in limbo: simultaneously potentially EU-European and Eastern-European, once again a ‘borderland’ as well as a buffer-zone {1}.

### *Exporting the Border: Ukraine as Buffer-zone*

From ENP's beginnings in anticipation of the eastward shift of EU frontiers in the 2004 enlargement, the EU has been acutely conscious of perceived risks stemming from its proximity to its new neighbours in the East. This has particularly been the case concerning 'mobile' risks which have the potential to spill over into the EU itself such as irregular migration or cross-border crime {5-4; 5-5; 6-2}. ENP and, later, EaP have explicitly and implicitly sought to mitigate these risks, as well as to pursue other, more positive goals {5-3}, but some of these activities have also shifted certain EU bordering tasks to sites in Ukraine, effectively exporting the border.

The EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was launched in 2005 at the invitation of the Ukrainian and Moldovan governments and came in the wake of the 'Orange Revolution' in Ukraine. EUBAM was tasked with both monitoring and capacity building activities at the border between Ukraine and Moldova, focusing on the Transnistrian section (Kurowska & Tallis, 2009). Working with Ukrainian and Moldovan Border Guard and Customs Services, EUBAM was ostensibly designed to improve standards of border management with a view to cutting off the (unrecognised) Transnistrian regime's illicit income stream from smuggling and cross-border crime and providing added incentive to negotiate with the Moldovan government and thus increase regional stability (*ibid.*). However, as EUBAM's work progressed, the dynamics of its partnership with the border services in Ukraine<sup>42</sup> and the need to influence central-level and senior management in order to effect change drew the mission into projects and activities beyond its original geographical scope. EUBAM delivered training to officers from other regions of Ukraine, and the practices that it preached were (sometimes) adopted more widely. The mission became closely linked to other EU projects such as BOMMOLUK, which provided funds for border management infrastructure and equipment at all Ukrainian frontiers. With its local counterparts, the mission developed 'Common Border Security Assessment Reports', conducted intensive capacity building work on Risk Analysis and supported Ukrainian participation in Frontex's 'Eastern Borders Risk Analysis Network' (EBRAN). These activities pushed the Ukrainian services to develop similar 'ways of seeing' and 'ways of knowing', which over time contributed to the alignment of Ukrainian risk assessments with those of the EU [UA-I-EUB-1; UA-I-EUB-2; UA-I-EUB-3; UA-I-EUB-6; UA-I-EUB-7; UA-I-BG-1] {6-1; 6-2}.

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<sup>42</sup> And also in Moldova, but this is outside the scope of this thesis.

Negotiations on Visa Liberalisation and the EU-Ukraine 'Association Agreement' imposed strict border management conditionality, further orienting Ukrainian action toward dealing with EU concerns over irregular migration. This process was bolstered by the signing of a 'Readmission Agreement' committing Ukraine to take responsibility for accommodating and 'returning' (to their home country) migrants found to have entered the EU irregularly through Ukraine. Philippe Bories, head of the EUDU Border Management Section, acknowledged the "heavy burden" that this placed on Ukraine, but noted that this was ameliorated by financial support for upgrading migration facilities as well as the surveillance and detection capacity of the UA-BG [UA-I-EUB-1]. However, along with support came 'advice', which, as Yehor Bozhok of the UA-MFA explained, was acted upon [UA-I-MFA-1]: "we established the new State Migration Service, which only deal[s] with illegal migrants, on the recommendation of the EU [...] we needed to fight illegal migration and needed a law enforcement unit to deal with illegal migration." Both the UA-MFA and EUBAM confirmed that this led to intensified inland patrolling aimed at intercepting irregular migrants in transit to the EU, creating a greater likelihood of bordering moments for non-Ukrainian TCNs taking place in the Ukrainian interior rather than at the EU frontier or inside the Schengen zone [*ibid.*; UA-I-EUB-7].

However, senior EUBAM officers questioned the extent to which irregular migration is a problem for Ukraine itself [UA-I-EUB-1]: "it's a transit country – [irregular migrants] aren't staying here to live off the generous social payments." Another EUBAM officer, who was responsible for mentoring and advising Ukrainian officers, agreed that the EU was primarily protecting its own interests through these activities [UA-I-EUB-6]:

This is our back door, so if we can stop someone [from] sneaking into Ukraine or Moldova it will stop them [from] sneaking into Germany in three weeks time [...] If the border guard [here] says 'This guy is going to Hamburg: he'll be out of the country in a day [so] why should I care?' or if he can bribe his way through, then the onus is on the Polish border to stop them. I see [stopping] this as our unofficial, unwritten job here.

Although enhancing Ukrainian border 'security' and the 'integrity' of the Ukrainian border regime coincides with the EU's general promotion of effective governance and rule-of-law, it also serves other purposes {5-1; 5-3; 5-4; 6-3}. The Readmission Agreement and the combined activities of EUBAM, EUDU and Frontex, have effectively deputised Ukrainian agencies to conduct EU border control tasks - both at Ukraine's external frontier (e.g. at Odesa's port) and in its interior, extending the EU border archipelago into the Eastern neighbourhood. Ukrainian activist Maksym Butkevych and the German NGO *Grenzraum* (2009) accuse the EU of self-interestedly creating a 'buffer-zone' that prevents Ukrainians

from enacting 'EU-European' belonging while stopping other TCNs from reaching EU territory [UA-I-NGO-3]. Although EUDU Political Advisor Hannes Schreiber dismissed this - "Buffer-zones stem from the Napoleonic wars. I don't think this is something we have today" - senior EUBAM officers acknowledged that their mission served the EU's "self interest" and helped provide a "first line of defence." When asked whether Ukrainian agencies are effectively policing the EU border, another EUBAM officer agreed: "*Exactly - because they are the buffering country. It's clear.*" [UA-I-EUD-2; UA-I-EUB-1; UA-I-EUB-3; UA-I-EUB-7].

Treating Ukraine as a 'buffer-zone' puts EU practices in tension with the values-based self-image that it promotes and precludes the possibility of extending these to Ukraine {5-6}. This leaves EU-Ukraine relations haunted by the disconcerting similarity of those the EU constructs as different in order to exclude them, turning Ukraine into an uncanny borderland in the twisted mirror of EU external bordering.

### *Borderland: Ukraine as Uncanny Europe*

With the export of EU border tasks to Ukrainian territory, Ukraine is constructed as both a place of threat *and* the site of its counteraction - a place where the threat can be contained and dealt with - and which it is therefore necessary to keep 'outside' the EU's core territory {5-4; 5-5; 6-2}. As Ukrainian agencies have taken on some of the EU's border work, this has confirmed the instrumental value of keeping Ukraine - and Ukrainians - at a socio-political distance, with geopolitical and border security concerns clashing with progression towards integration and openness {5-6}. The EU's institutional prioritisation of security thus keeps Ukraine close enough to be a partner, while keeping it at a safe distance from membership, reinforcing the faulty logic of the visa curtain-wall as well as the notions of difference that are used to justify the on-going division. This division is manifested through bordering between Ukrainians and EU-Europeans with the self-perpetuating effect of constructing Ukraine as a buffer zone {4-4; 5-4; 5-5; 5-6; 6-1; 6-2}.

However, while being seen as *different*, Ukraine is also claimed to be *similar* to EU-Europe due its historical, cultural and linguistic proximity and (putatively) shared values, which challenges the justifications for division {5-3; 5-4}. These place-making moves echo the 'Central European' strategy, which demanded both facilitation and recognition of the Czech and Polish 'return to Europe' {2-5}. Despite some dissenting voices, it was generally recognised that the EU could not refuse membership to (what became) the EU-8 by denying their 'European-ness'. When these 'Central European' states demonstrated

their commitment to EU-European values - by meeting 'EU standards' - the EU's values-based self-image, as well as previous statements by various EU and EUMS leaders, meant that these countries would have to be admitted {5-2; 5-3; 5-4} (Schimmelfennig, 2001; Judt, 2005: KL-17187-17915). Although Ukraine became an official EU 'neighbour' and later a 'partner', the halting of further EU and Schengen enlargement after 2007<sup>43</sup> as well as the emergence of a 'European Border Imaginary' - with the current frontiers as its primary referent - means that it is unlikely to be considered for membership anytime soon {5-6; 6-1}. Significantly, this exclusion also left Ukrainians stuck behind the visa curtain-wall and unable to enact the aspects of "performative European-ness" that have allowed other CEE countries to overcome barriers of prejudice and ignorance and effect inclusive re-bordering {5-1; 5-2; 5-5; 6-1}. The entry of these countries, including CR and Poland, into the EU and, later, into the Schengen-zone has further complicated this interplay of similarity and difference, as while their 'Central-ness' made Ukraine seem relatively more 'Eastern', they also provide clear and direct links, through history and experience, between Ukraine and the EU.

Many Ukrainians have been understandably keen to emphasise these links, particularly in relation to Western Ukraine's history as part of the Hapsburg province of Galicia, which also encompassed parts of contemporary Poland, Slovakia and Hungary - all current EU members (Judt, 2005: KL-18000; Bialasiewicz, 2003; Le Rider, 2008; Davies, 2011: 477-479). When visiting Western Ukraine, the architectural and socio-cultural links to EUMS are clear, but these same connections also recall the region's history as a borderland: it was formally included (in parts) but still somewhat strange; fraught with difficulty and danger and governed accordingly (*ibid.*; Roth, 2013 [1932]: KL-2272-2336) [UA-O-1; UA-O-2]. Lviv's history as both a significant interwar Polish city and the heartland of the Ukrainian national movement points to bloody division as well as connection (Lowe, 2012: 212-229). That the region around Uzhgorod was part of the First Czechoslovak Republic tells a similarly mixed story, and the inclusion of both areas in contemporary Ukraine provides a forceful reminder of the Soviet expansion that shaped its frontiers (Davies, 2011 632-634). The promotion of Western Ukraine's historical and geographical links to EUMS also highlights the fact that much of Ukraine, notably the areas that were part of the former Russian Empire, *do not* have these connections, and this points to the frequent (although often simplified and exaggerated) claims about Ukraine being a "torn country" with a "Huntington line" running through it, as a Polish MFA official claimed [PL-I-MFA-1] (Huntington, 1996: 138; Reid, 2000; Bialasiewicz, 2003) [UA-O-1; UA-O-2; UA-O-3].

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<sup>43</sup> With the exception Croatia's entry into the EU in 2013.

While recognising the historical, geographical and socio-political variation in relations between EU-Europe and different parts of the country, both Ukrainian and EU officials denied that Ukraine was “torn” in the ways that Huntington (*ibid.*) and many other commentators have claimed it to be (e.g. Wallerstein, 2014; Dejevsky, 2014; Riabchuk, 2010; Barrington & Herron, 2004). Research participants questioned the significance of these linguistic and religious distinctions, noting that similar cleavages exist in EUMS, which are rarely described in the same troubled terms, although they tended to agree that Western Ukraine is more similar to ‘Europe’ in terms of “culture” and “values.” Participants also saw urban areas and younger generations as ‘more European’ but, echoing EU discourse {5-4}, also lamented that Ukraine’s “post-Soviet” standards of living and governance differentiated it from the European-ness that many of them desire [UA-FG-1; UA-FG-2]. The historian Tony Judd argues that for Ukrainians, “identification with Europe” cannot be “about a common past”, but “about asserting a claim, however flimsy and forlorn, upon a common future” (2005: KL-17967). Unfortunately for those Ukrainians seeking such a possibility, endorsing a “European perspective” for Ukraine was precisely what EU officials seemed afraid to do, tying themselves in knots as they tried to both affirm and deny Ukraine’s ‘European-ness’ in relation to the EU {5-4; 5-6} [UA-I-EUD-1; UA-I-EUD-2; UA-I-EUB-3].

This section has argued that the EU’s external bordering acts as a *mirror* for its internal development, particularly its increased prioritisation of security concerns and diminished confidence in its own established ways and means of overcoming conflict and division, which are heavily linked to (de/re)-bordering {4-2; 5-6} (Van Houtum & Scott, 2009; Freyburg, et al., 2009). However, as Nikita Kadan argued, in Ukraine this mirror is “twisted”, distorting the EU’s vision of both itself and Ukrainians, and echoing Svetlana Boym’s assessment that: “the Eastern mistress returns her western lover his mirror image, only this is an image in a broken mirror; the more Europeanised she appears, the more he fears balkanization” (2001: 244). Ukraine’s similarity to EU-Europe is disconcerting because it threatens the carefully constructed, hierarchical difference that is used to justify division that is enacted through overly restrictive bordering, but which leaves a nagging sense of guilt and unease {5-4}. EU External Bordering reflects both EU-Europeans’ and Ukrainians’ past demons and present shortcomings, preventing the EU from opening up to or integrating with Ukraine {5-5}. This situation recalls Jean-Paul Sartre’s description of the Iron Curtain, which, unlike many of the other comparisons noted above, *does* accurately characterise contemporary EU-Ukraine bordering and its effects (Aronson, 2004: 150):

The Iron Curtain is only a mirror, in which each half of the world reflects the other. Each turn of the screw here corresponds with a twist there, and, finally, both here and there, we are both the screwers and the screwed.

The twisted or broken border-mirror not only provides its own distorted place-image of Ukraine, as an uncertain and “*unheimlich*”<sup>44</sup> borderland – simultaneously European and non-European; a quasi-reassuring buffer and a conduit of danger – but leaves Ukrainians and EU-Europeans with much to be concerned about, as the next section shows [UA-I-NGO-2].

## 4-6 Conclusion: An Archipelago of Diverse Forms and Uneven Functions

This chapter has mapped the key EU border ‘features’ in the CEE borderscape. The various border *sites* discussed above form an archipelago stretching from inside the Schengen-zone, through EU frontiers and on into the Eastern neighbourhood itself. As well as linking key sites of bordering, this cartography has also shown the distinctiveness and variety – in form and function – of the bordering enacted at each location. The diverse archipelago of EU border features thus includes the firewalls and shadows of the (Czech) Schengen interior, the permeable, membrane-like filter at the Polish-Ukrainian frontier and, in Ukraine, the visa curtain-wall and the twisted mirror. This concluding section looks at the overall consequences and contingencies of the diverse forms and uneven functions that comprise the archipelago of border features in the CEE borderscape.

The firewall borders within Schengen states that, in the Czech case, have been intensified through partial securitisation enact social dividing practices between TCNs and EU-Europeans, although these are contestable in many cases. Contrary to several aforementioned critiques of contemporary bordering, although they are inconvenient and often frustrating, firewall borders are not generally seen as oppressive or overly intrusive for TCNs who have attained and can maintain ‘regular’ status. This highlights a further divide - between ‘regular’ and ‘irregular’ migrants and residents – but it should also be noted that many Ukrainians willingly acquiesce to these controls in order to access the integrative possibilities that they can bring. These borders are consistent with the aims and practices of the AFSJ and its knowledge-based forms of governance, which require information about the population on the territory in order to uphold the rule of law. However, the shadow borders created by policing around Czech frontiers in the years

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<sup>44</sup> This German term can be literally translated as “unhomely” but more usually as “uncanny” (Krafft, 2007).



after Schengen accession were not, as they exceeded AFSJ rules and questioned the recognition of Czechs' European belonging. However, they also provoked other expressions of this very belonging through enactments of formal governmental political subjectivity in the EU and have, consequently diminished in recent years {5-2}. Concurrently, Czechs have increasingly made the most of their possibilities to travel provided by Schengen, which also indicates belonging, lingering historically conditioned hierarchies and neo-liberal modes of transition, the traces of which are found in the twilight zones of the remnant BCPs {2-5; 5-5}.

The EU's filtering borders at its Eastern frontier are neither as fortress-like, nor (for Ukrainians) as totally exclusionary as many critiques of 'Fortress Europe' claim. The Frontier BCPs and the green border provide material expressions of the EU commitment to its particular conceptions and combinations of Freedom, Security and Justice. Like the internal firewalls, this filter allows for verification of entry into the AFSJ in relation to visa, work and residence criteria, and assessment of the risk that this person poses and the purpose of their movement {5-1; 6-2; 6-3; 6-4}. The 'civilising' of the border - reducing irregular movement of people and illicit goods - has facilitated increased regular movement without increasing risk. As well as supporting economic development on the Polish side of the frontier, LBT permits allow Ukrainians to access more aspects of 'normal' EU-European life and effect an increased sense of belonging through recognition of similarity (Burrell, 2010) {6-5}. LBTs have positively changed the composition and increased the volume of cross-border flows, but the lessons of this increased permeability have not been fully learned and transferred to the mobility regime in general, which thus limits most of the benefits of this permeability to people who live and travel within the frontier regions.

The visa curtain-wall also effects forms of power that are similar to the internal 'firewalls' it is intimately related to. Although there is still significant excess demand for mobility, the visa regime does allow many Ukrainians to enter the EU and thus offers some integrative potential, but the ways it is administered enact severe forms of psycho-social exclusion. Externalised forms of EU bordering with Ukraine help separate '1<sup>st</sup> class' (EU) and '2<sup>nd</sup> class' (Eastern) European subjectivities. Externalised bordering has hindered processes of approximation to EU ways, means and standards, limiting the effectiveness of EU policy in the region, and created considerable resentment among those treated as "2<sup>nd</sup> Class" Europeans, undermining Ukrainian support for closer ties with the EU during the period 2010-2012, when little progress was made on visa liberalisation (IRI, 2014) {5-4}

[UA-I-MFA-1; UA-I-EUD-2; PL-I-FTEX-1]. While the visa-regime excludes many Ukrainians who wish to travel to and stay in the AFSJ, the EU is happy to 'include' the Ukrainian border services by deputising them to carry out bordering work on its behalf. Ukraine is thus treated as a useful 'buffer-zone', which is an obstacle to further EU integration {5-4; 5-5; 6-2}.

As well as limiting the integrative potential and transformative power of ENP and EaP, the EU's external bordering has also impacted on its relations with other actors in the neighbourhood as perceptions of the EU change and several analyses claim that the EU is becoming like a "state" (Scott & Van Houtum, 2009; Snyder, 2005):

Border control is the unplanned but irresistible shortcut: it is the policy that demands that the EU behave like a territorial state. Present developments suggest that the EU, as a state-like entity, is in the process of being born at its borders (Snyder, 2005: 2).

While some commentators have openly welcomed this, seeing the attendant "return of geopolitics" as a spur to the transformation of the EU into a more effective power-projecting actor in its neighbourhood, this is also likely to have other effects (Leonard & Wilson, 2014; Wilson, 2014). The claim that the EU's "territorial ambitions" make it threatening in a state-like or even imperial manner, as some critics have implied is seriously disputed and probably misreads the EU's position (Mukerji, 1997; Judt, 2005: KL-19025). However, the Union's pretensions as a security actor and the limited integrative function of its external bordering do suggest a quasi-classical territoriality that has complicated the EU's actions in its neighbourhood. However, even if these academic and policy analyses are wrong, the very fact that such allegations could credibly arise, given the EU's history, suggests that the Union has an identity crisis, reflected, *inter alia*, in where and how it makes its borders. Consequently, the EU finds itself dangerously close to becoming embroiled in a geopolitical game that it is ill-equipped to deal with and that runs contra to its commitment to the values, standards and integrative re-bordering that defined its historical success, and could undermine its own foundations {7} (Judt, 2005: KL-19025; Scott & Van Houtum, 2009).

This identity crisis is also apparent in the bordering *discourses* discussed in the next chapter {5}, (as well as the bordering *practices* discussed in Chapter 6). As Chapter 5 shows, these discourses map relatively closely onto the sites, forms and functions of bordering identified above. The significant achievement of freeing movement between Schengen countries without creating significant problems in terms of justice or security, and the further success of extending these benefits to the EU-8 show the value of the

EU's modes of governance and the order they allow. Despite the police checks, residence bureaucracy and frontier controls they endure, EU-European governance is also highly valued or desired by many Ukrainians. Moreover, while highlighting the depressing exclusion of the visa curtain-wall and the twisted mirror, Ukrainians do not tend to see the EU's firewall and filter borders as overly intrusive or oppressive and favourably contrast 'EU-European' order with their own "post-Soviet" or 'Eastern-European' order {5-1}. As discussed below {5-2}, the positive possibilities of EU governance are further demonstrated by the way that, *inter alia*, CR and Poland have, to a significant extent, been able to enact belonging in EU-Europe. Despite the lingering traces of hierarchical post-communist transition which echo the 'wild East' discourses that affect Ukraine {5-5}, Czechs' and Poles' 'EU-European'/ 'post-enlargement subjectivity' was still generally seen by research participants to be preferable to Ukrainians' Eastern-European/'neighbourhood subjectivity' in what are usefully understood as the "world rankings of everyday geo-politic[s]" (Jansen, 2009).

The EU's somewhat hesitant attempts to spread the benefits of enlargement to neighbours such as Ukraine have foundered on the rocks of suspicion, prejudice and self-doubt, suggesting that the EU not only has a crisis of identity, but also one of confidence. This hesitance and confusion is manifest in the setting of unnecessarily tight parameters for the EU's internal firewalls, its frontier filter and its 'lose-lose' visa regime, but also in its contradictory discourses on its values and interests, which are seen as both shared with and divergent from those of Ukraine {5-3; 5-4}. Discursive securitisations {5-5} of Ukrainian mobility relate to the troubles that the EU has in dealing with Ukraine as an 'uncanny' 'borderland', where ghosts of nightmarish European pasts lurk, restricting Ukrainian mobility as well as the integrative and transformative potential of ENP and EaP. The uneven effects - on orders and identities – of the diverse border archipelago outlined above are echoed in the multiple – and often contradictory – discourses that reflect and generate EU bordering in CEE. The next chapter {5} shows the effects of these diverse border discourses on the order-governance of the EU and Ukraine –and relations between them - as well as with regard to the identities and subjectivities of Central and Eastern Europeans.

# Chapter 5 - Euro-renovations: Key Bordering Discourses in CEE

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## Introduction

The previous chapter {4} described the diverse archipelago of border features in the CEE borderscape and showed the contingencies of these sites, forms and functions, as well as their consequences for identity-subjectivity and order-governance. This array of related border features is symbiotically linked to the bordering *practices* described in the next chapter {6}, but also to the bordering *discourses*, with which they collectively constitute the borderscape {2}. These discourses, which are both reflective and generative of the spatial, temporal and social contingencies and consequences of bordering, are the subject of the current chapter. Discourses are understood here as the stories that are told about borders and bordering or which, variously, facilitate or frustrate particular features and practices of EU bordering in CEE. This chapter advances a complex picture of conflicting and competing tendencies, hopes and fears, appeals to noble ideas and retreats to narrow-mindedness. These tensions, as manifested in EU bordering, are shown to be highly significant for the delineation of hierarchies of European belonging, which are strongly linked to the different types of governance that 'EU-Europeans' and 'Eastern-Europeans' experience. As well as impacting on Central & Eastern Europeans' horizons of possibility, bordering discourses have significantly influenced the orientation and effectiveness of the EU and EUMS as governing actors, both internally and in the Eastern neighbourhood.

Section 5-1 examines the importance of discourses of *freedom*, *security* and *justice*, to the external demarcation and internal functioning of the EU's 'Area of Freedom, Security and Justice' (AFSJ), commonly known as the Schengen zone. This 'area' requires a form of governance that both facilitates and protects freedom, security and justice, which are seen to be crucial to EU-European subjectivity, making it *the* key site for the performative enactment of EU-European identity and EU order. However, the delineation of an *Area* of Freedom, Security and Justice is also important for EU bordering as it territorially bounds a particular form of order-governance, creating an 'inside' and differentiating it from an 'outside' that implicitly becomes an area of *un-freedom*, *insecurity* and *injustice* that is proximate to yet different from and potentially threatening to the AFSJ.

However, this type of exclusionary place-making, has proved amenable to change, through re-bordering, over time, such as the 2004 EU enlargement and the 2007 extension of the Schengen zone. Section 5-2 looks at discourses relating to the challenges and opportunities encountered by the Czech Republic (CR) and Poland as part of the 'EU-8' "post-communist" states that became "new" members of the EU. This section shows how CR and Poland - and their respective citizens - overcame the lingering *hierarchy* that they faced and enacted *belonging* as EU- Europeans. Czechs and Poles have challenged the hierarchy that saw them as "non-core" Europeans by participating in, taking responsibility for, or even leading the development of certain policy areas – including Schengen and the Eastern Partnership. This transition from *de jure* equality to *de facto* belonging also suggests an enhanced reflexivity internally with the potential to impact on EU-neighbourhood relations.

While EU and Schengen membership allowed Czechs, Poles and their governments to enact EU-European belonging, they also created newly proximate - and thus more keenly felt - exclusions from these possibilities for, *inter alia*, Ukrainians (Snyder, 2005). Section 5-3 explores the ways in which the EU attempted to ameliorate the divisive effects of its new frontier through the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP). Buoyed by the success of enlargement, ENP was conceived as a "ring of friends" (Prodi, 2002) with *shared values* and *shared interests*, which meant that the EU (and its friends in the East) could do well, by doing good in the neighbourhood. However, the EU also saw the neighbourhood as a testing ground for its ambitions as a security actor, but has found it difficult to combine the politics of *friendship* with self-interest and ambition.

The justifications for the EU's progressive opening-up to and integrating with Ukraine under ENP and EaP have been challenged by counter-discourses, outlined in section 5-4, that see the two as having divergent rather than shared interests, particularly with regard to labour mobility. This *divergence* relates to differences in values that are seen to be evident in Ukraine's failure to meet certain European *standards*, which reflect a performative *Eastern-ness* that contrasts with the performative *EU-European-ness* discussed in section 5-1. These standards reflect EU and EUMS interpretations and implementations of values, including democracy, freedom and justice, but also construct the EU as a model to be emulated, reproducing the imbalanced partnerships of previous EU enlargement {2-5}. Ukraine's perceived lack of commitment or capacity to meet European standards allows it to be constructed as both different and threatening to the AFSJ, which supports on-going division, rather than integration.

Section 5-5, examines discursive influences on the construction of *threats* to the security of the EU and the integrity of the AFSJ that stem from a combination of the difference and divergence mentioned above as well as the *fears* that its proximity to the EU inspires. Perceived threats from “troubled areas” (EU, 2003:8<sup>45</sup>) combine with fears over the re-emergence (through EU engagement with Ukraine) of unsettling aspects of European pasts (EC, 2003<sup>46</sup>: 6, 11). Exacerbated by ignorance and prejudice, these threats and fears contribute to the criminalisation and securitisation of Ukrainian migration and mobility. As previously noted, there is a relatively low rejection rate for visa applications {4-4} but it is the very existence of a visa regime for short term travel that effects a significant form of psycho-social exclusion without obvious security benefits. The maintenance of the short-term visa regime shows a failure to support the desecuritisation of mobility - by decoupling individual mobility from threat – which prevents the people-to-people contact that could help Ukrainians overcome the prejudices they face from the “devils which live in Western minds” [UA-NGO-1].

Section 5-6 concludes that these discourses are repeatedly and unevenly layered, removed and re-layered atop each other, creating an overall impression of indecision, hesitation and uncertainty amidst mutual entanglement and residual desire. This overall discourse of EU bordering in CEE is explored through the metaphor of *Euro-renovations*, which it is argued that the EU needs to break through or remove if it is to draw on past successes to address the mutually felt shortcomings of its current relations with Ukraine and the border regime associated with them.

## 5-1 Performative EU-Europe: An Area of Freedom, Security and Justice

The Europe without borders is one of the great achievements of European integration. All the member states and all the citizens benefit from it [...]  
In our European democracies, freedom is secured by the rule of law.

*Angela Merkel, German Federal Chancellor, 2014*<sup>47</sup>

Many of the stories that the EU tells about itself foreground the development of the Schengen zone as “an area without internal borders” “created to ensure the free movement of persons and to offer a high level of protection to citizens” in the “Europe of

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<sup>45</sup> EU ‘European Security Strategy: A Secure Europe in a Better World’.

<sup>46</sup> COM(2003) 104 final ‘Wider Europe – Neighbourhood’

<sup>47</sup> Merkel (2014).

Free Movement” – the ‘Area of Freedom, Security and Justice’ (EC-Website<sup>48</sup>). These stories begin with the 1985 agreement between Belgium, France, Germany, Luxembourg and the Netherlands and its 1990 implementing convention (both signed in the Luxembourg town of Schengen). Next comes the removal of permanent frontier controls between these countries (1995) and incorporation into EU treaty structures – the Treaty of Amsterdam (1997) and, currently, Title V of the Treaty on the Functioning of the EU (2008). These major institutional milestones have also been accompanied by specific programmes focusing on Freedom, Security and Justice: Tampere (1999-2004), Hague (2004-2009) and Stockholm (2009-2014). Successive enlargements have meant that: “The Schengen area has grown rapidly [and, by 2012, covered] an area with 42 673 km of sea and 7 721 km of external land borders, where over 400 million Europeans from 26 European countries can enjoy passport-free travel” (EC, 2012).<sup>49</sup>

However, it is not only in size and scope that Schengen has grown; by being linked to an ‘Area of Freedom, Security and Justice’, it has come to represent much of what the EU itself stands for and seeks to embody through its governance and the order it constructs. This section therefore argues that the AFSJ is a key site for the mutually reinforcing discursive construction and performative enactment of EU-European-ness, which the EU and others conflate with ‘European-ness’, while excluding many Third Country Nationals (TCNs), including Ukrainians, from such categorisations. These bordering processes rely on particular discourses of freedom, security and justice, which, along with their contingencies and consequences, are outlined below.

### *Freedom: Mobility in Security*

The European Commission repeatedly emphasises that the opportunities for ‘free movement’ provided by the Schengen-zone are key aspects of ‘European’ life:

Free movement is a defining principle of the European Union and the ability to move within [it] without facing border checks at internal borders is one of its most successful achievements (EC, 2011: 2<sup>50</sup>).

The right to free movement of persons is a cornerstone of the European Union and the Schengen area without internal border control is one of the most valued achievements of EU integration (EC, 2012: 151).

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<sup>48</sup> Respectively: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm) ; [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/index\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/index_en.htm); <http://ec.europa.eu/dgs/home-affairs/pdf/flipbook/index.html>.

<sup>49</sup> COM(2012) 230 final ‘Schengen 1<sup>st</sup> Biannual Report on the Functioning of the Schengen Area’.

<sup>50</sup> COM(2011) 561 final ‘Schengen Governance – Strengthening the Area Without Internal Border Control’.

We make over 1.25 billion journeys as tourists every year [...] The creation of the Schengen area is one of the most tangible, popular and successful achievements of the EU - an achievement that we should cherish, protect and, where possible, improve (Malmstrom, 201252).

However, this is not just the official line, as many research participants, including activists working with irregular migrants, as well as migrants themselves also emphasised the AFSJ's desirability [CZ-I-NGO-1; CZ-I-NGO-2; CZ-I-OMB-1; CZ-I-loM-1; CZ-PO-1; CZ-O-1; UA-FG-1; UA-FG-2]. The European Internal Security Strategy clearly links free movement to understandings of 'EU-European-ness', asserting that "as Europeans we enjoy the right to live, work and study in European countries other than our own," (EC, 2010<sup>53</sup>), and Frontex Senior Research Officer Tim Cooper agreed that freedom of movement and inclusion in or access to Schengen provided a "key indicator of European belonging" [PL-I-FTEX-1].

The association of free movement with European-ness creates conditions for some people to performatively enact key aspects of 'EU-European' identity, while others cannot. This implies a hierarchy of belonging between EU citizens and TCNs, but also between 'regular' and 'irregular' TCNs, although this is not incontestable, as discussed above {4-1}. Yehor Bozhok of the UA-MFA was well aware of the significance of the former distinction: "Freedom to move - of course that is a basic freedom. [...] We hope that Ukrainian people [will] enjoy the same basic right for free movement and establishing people to people contacts as EU nationals enjoy [UA-I-MFA-1]. This disparity has been repeatedly recognised in ENP and EaP communications, but Ukrainian activists still point to the obvious conclusion that if "the very fundamental basic European right is mobility", then Ukrainians are not recognized as Europeans, at least not on the EU's terms [UA-I-NGO-2]. (EC, 2003<sup>54</sup>; 2006<sup>55</sup>; 2007<sup>56</sup>; 2008<sup>57</sup>; 2009<sup>58</sup>; 2011<sup>59</sup>)

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<sup>51</sup> COM(2012) 230 final 'Schengen 1<sup>st</sup> Biannual Report on the Functioning of the Schengen Area'.

<sup>52</sup> DR-31-11-126-EN-C 'DG Home promotional publication: 'The Europe of Free Movement: The Schengen Area'.

<sup>53</sup> EC-COM(2010) 673 – 'The EU Internal Security Strategy in Action'.

<sup>54</sup> COM(2003) 104 final 'Wider Europe – Neighbourhood'.

<sup>55</sup> COM(2006)726 final 'Strengthening the European Neighbourhood Policy.

<sup>56</sup> 'Working Together: The European Neighbourhood Policy' – brochure produced by the EU Publications Office.

<sup>57</sup> COM(2008) 164 'Implementation of the European Neighbourhood Policy in 2007' and COM(2008) 823 final 'Communication from the European Commission to the European Council and European Parliament' on the Eastern Partnership.

<sup>58</sup> COM(2009) 188/3 'Implementation of the European Neighbourhood Policy in 2008'.



Linking 'freedom' to 'security' provides a key justification for tighter bordering and restriction of entry into the AFSJ, as a 'compensatory measure' for freer movement within it, as Klaus Roesler, the Operations Director of Frontex, noted, echoing official documents {4-3} (EC Website<sup>60</sup>)

EU citizens expect to be able to enjoy the right of freedom of movement and to travel freely in a safe, border-free Europe. Criminal, terrorist or other threats should not be allowed to put this in jeopardy (EC, 2011:261).

Of course there is a connection between freedom and security. Life in freedom means free movement, free trade [and] free development of markets and society and requires security. Border controls at the outside mitigate the risks that are coming from outside [but] to be able to facilitate real freedom requires you to join the club, which means that you first need to meet some security requirements [PL-I-FTEX-8].

The need to meet certain requirements to be in 'the club' and thus benefit from 'real freedom' (and security) rather than being a potentially threatening non-member recreates the notion of a safe and similar 'inside' and a different and dangerous 'outside', linking bordering to both identities and order and encouraging the use of bordering as a security tool {5-4; 5-5; 6-3} (Walker, 1993; Agnew, 1994; EU, 2003: 8; Lapid, 2001). AFSJ bordering has clear spatial effects - most crudely in bounding its *Area* – and is reproductive of (and contingent on) the on-going temporalities of transition {2-5}, thus generating (and reflecting) hierarchical socio-political distinctions between "real" EU-European-ness and Ukrainians' 'Eastern-European-ness' [UA-I-NGO-1]. However, as subsequent sections of this chapter show, binary hierarchies are challenged by the history of EU enlargement {5-2}, as well as by other integrative imperatives in ENP and practices that soften the edges of the AFSJ {5-3}, making it more like a filter than a fortress {4-3}.

Many of the policy-makers and security-practitioners I interviewed highlighted the security implications of the increased 'freedom' of the Schengen zone [UA-I-EUD-2; PL-I-BG-1; PL-I-BG-2; CZ-I-Mol-1]. Frontex's Klaus Roesler put it succinctly: "without border controls there is more tangible, visible freedom of movement, but this is also used by criminals." The EU sees itself as having become more vulnerable to certain security threats *because* of the very freedoms facilitated by the AFSJ but notes the importance of both security and

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<sup>59</sup> COM(2011) 303 'A New Response to a Changing Neighbourhood' and SEC(2011) 650 'Joint Staff Working Paper on A Medium Term Programme for a Renewed European Neighbourhood Policy'

<sup>60</sup> EC-Website - [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm) -

<sup>61</sup> COM(2011) 561 final 'Schengen Governance – Strengthening the Area Without Internal Border Control'

freedom to EU-European subjectivity and order (EC, 2010<sup>62</sup>): “People in Europe expect to live in security and to enjoy their freedoms: security is in itself a basic right.” These symbiotic understandings reject analyses that see a zero-sum game or a simple “balancing act between security and freedom of movement” (Frontex, 2010: 75). Unlike some analyses, these perspectives do not see freedom and security as opposing concepts, but they rather see them as mutually reinforcing and linked to notions of justice, as Roesler put it: “If you don’t have a legal frame and your life is not secure, then your life is not free” [PL-I-FTEX-8] (Guild, 2007; Vaughan-Williams, 2008).

### *Justice: Ruling and Bounding*

*Justice*, like *freedom* (of movement) in *security*, is intimately related to self-understandings of EU-European order and its performative enactment through governance, which also distinguishes it from Eastern-European governing orders {2-5; 5-3; 5-4}. Particular discourses of justice complement those of freedom and security by emphasising individual rights and governmental responsibilities, fairness and integrity as well as legality and regularity, which in turn foreground the ‘rule of law’ and the role of law enforcement. Mari Juritsch, the head of Risk Analysis for Frontex, along with her colleagues Jeff Schlentz and Ewa Moncure (and other EU-official participants), linked various conceptions of justice to the desirability of EU order and border control:

[I]t’s the prospect of life, the quality of life, it compares favourably to CIS [Commonwealth of Independent States] countries where criminals get rewarded and others don’t” [PL-I-FTEX-5].

[A]s an EU citizen you have rights and you can exercise these rights [PL-I-FTEX-3].

For example, if your daughter was raped, you would not want that person who committed that crime to just get on any plane or drive through any border and disappear. We as Europeans want to have a system that protects us [PL-I-FTEX-4].

Student participants in the focus groups in Odessa and Lviv were also keen to emphasise this difference, particularly in dealings with authority:

[In] any government service, no matter what, hospital, tax department, you meet people who feel like they are the boss, not a service for you, that’s a great difference between Ukraine and the EU [UA-FG-1].

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<sup>62</sup> EC-COM(2010) 673 – ‘The EU Internal Security Strategy in Action’

Even at university we feel the difference between those who are in power and normal people [...] I believe in Europe its not that common [UA-FG-2].

[Europeans] know they have rights and that no one will violate them [UA-FG-2].

The police in Poland and in Germany are really polite [...] In Ukraine, the police [...] can do anything they want because they are police and they have the power. It's very hard to prove they were wrong - they protect each other [UA-FG-2].

One of the Ukrainian participants - who had been detained for irregular stay in CR - specifically stated that he came to 'Europe' because of "the mentality [...] there is more humanism - I mean human rights and the rule of law" [CZ-I-MF-1]. These distinctions between the EU and Ukraine echo the idea, advanced above {2-5}, that bordering is related to the bounding of communities of justice, which Ukrainian activists claimed that TCN workers in EUMS were excluded from. Nikita Kadan<sup>63</sup> and Vasyl Cherepanyn linked this issue to subjectivity and governance, arguing that the lives of 'people in transition' are shaped by "the invisible hand of the market as well as [the] very visible hand of uniformed power" [UA-I-NGO-1]:

For small money they will work at night, they don't have insurance, don't have to go through the bureaucracy, they will never struggle for their rights, they have no trade union. It's a description of why it is good to employ Ukrainian illegal workers ... illegal person is a perfect worker, totally unprotected [UA-I-NGO-1].

[the EU] would rather have illegal migrants [because] they have no protection, no voices [...] with proper legal background you have to pay more and provide this - [the TCNs] are not treated like real Europeans [UA-I-NGO-2].

However, this interpretation was strongly challenged by Czech government officials from the Czech Ministries of Interior (CZ-MoI) and Labour and Social Affairs (CZ-MoL), who spoke of the need to protect workers' rights and ensure regularity and legality of working for two main reasons: firstly to guard against exploitation of the workers themselves and, secondly, to prevent Czech workers from suffering *unfair* competition in the Czech labour market {5-4; 6-3} [CZ-I-MoL-1; CZ-I-MoI-1]. The CZ-MoL, which is influential in Czech migration policy, is *primarily* tasked with minimizing unemployment among *Czech* citizens, which highlights the hierarchical responsibilities of EUMS governments. While EUMS are prevented by law from discriminating against EU citizens and are legally bound to protect the fundamental rights of TCNs, this still leaves the latter group dependent on changeable

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<sup>63</sup> Kadan is an artist and specifically discussed his works 'Corrections' and 'Superproposition' in this regard - the latter is spoof advert promoting the benefits of hiring irregular workers.

mobility and residence regimes, putting them in a potentially precarious position {4-1} [*ibid.*; CZ-I-Mol-2]. Regarding justice and the presence of TCNs in the AFSJ, CZ-Mol officials were clear:

If it's legal, it's no threat [CZ-I-Mol-1].

If it is illegal, it is a threat to the system - not a security threat - but a threat because it is illegal. It is a threat to integrity and obeying of the law. All activities that are not in accordance with the law are, to a certain extent, a threat because they are illegal [CZ-I-Mol-2].

EU and EUMS discourses consistently conceptualise *justice as legality* and *upholding the rule of law* through rigorous law enforcement to ensure the 'integrity' of the governing order (and citizens' contacts with it), confirming the points made by several of the Ukrainian participants quoted above {5-3}. Many participants emphasised that the commitment to legality through law enforcement and accountable contacts between citizens and authorities both underpins EU-European order and makes it desirable, but also help to differentiate it from 'Eastern-Europe'. This can make it difficult for the Ukrainians who want to enter and, especially, work and stay in the AFSJ to do so, as they are considered potentially threatening to it {5-4; 5-5} Filtration (4-3) and firewall {4-1} bordering enforce regularity, while the overly restrictive visa regime (4-4) provides only limited possibilities for regular movement and stay. [PL-I-FTEX-4; PL-I-FTEX-5; PL-I-FTEX-8; UA-FG-1; UA-FG-2; CZ-I-OMB-1; CZ-I-Mol-1; CZ-I-MFA-1; UA-I-CZC-2].

However, Klaus Roesler of Frontex was clear when defending the EU's particular combination and conceptions of freedom, security and justice [PL-I-FTEX-8]:

Freedom? Freedom certainly. Freedoms of movement and trade for those that follow the rules, freedom for those that can be sure that the authorities of border control and police do their work properly: that is why millions of others can live in freedom and security.

If it is unsurprising that leading figures charged with enforcing the border regime should advocate such logic, it should also be noted that the same arguments were made by people who had been excluded by it or fallen foul of this very enforcement. Many Ukrainian participants argued that the EU was a "better place" to live than Ukraine, in large part because of the notions of freedom, security and justice that its order embodies, although also for economic reasons, which depending on their legal status, may or may not be unconnected [CZ-I-MF-1; CZ-I-MF-2; UA-I-NGO-2; UA-I-FG-1; UA-I-FG-2].

This situation creates considerable, although not insurmountable, barriers for Ukrainians wishing to live EU-European lives. However, as the next section shows, the EU-8, including CR and Poland were able to gain inclusion into the EU and AFSJ. It is argued below that this formal inclusion allowed Czechs, Poles and their governments to (largely) overcome the hierarchical relations that they experienced with extant EU states and enact EU-European belonging {5-2}. The reasons why the EU has found replicating this success more difficult for Ukraine and Ukrainians are discussed later in this chapter {5-4; 5-5}.

## 5-2 Upwardly Mobile: Moving from Hierarchy to Belonging

There were buoyant and emotional scenes in Poland, Hungary and the Czech Republic, where old border crossings came down, eliminating the divides that symbolized the last remnants of the cold war. Down the boulevards and across the squares where people power overcame the tyrannies of the Soviet era, Eastern Europeans extolled their new sense of arrival.

*The New York Times, 02/05/2004*<sup>64</sup>

Between 1994 and 1996, ten of the CEE countries in which communist regimes had collapsed in 1989 or 1991 applied for membership of the European Union. Poland, which was among the first to do so, and CR, which was among the last, along with six of the other post-communist countries (as well as Malta and Cyprus) joined the EU on 01 May 2004, becoming known as the 'EU-8'. In media commentaries<sup>65</sup> and the statements of leading European politicians of the time (BBC Website),<sup>66</sup> accession was seen to mark the "end of transition", thus "completing a unification process that began after the collapse of the Soviet bloc" (Stenning & Hoerschelmann, 2008). While many commentaries captured the mood, key facts often got lost in the euphoria (see epigraph). Although the ceremonies at places such as Zittau - the tri-border point between CR, Poland and Germany - were indeed symbolic, the frontier controls were not lifted until Czech and Polish accession to Schengen in December 2007, and even then, much of the infrastructure remained in place {4-2}. As this section shows, these were not the only barriers that the 'new' EU members still faced, as processes of post-communist transition had created a hierarchical relationship between the EU (and the EU-15) and the countries that became the EU-8 {2-

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<sup>64</sup> <http://www.nytimes.com/2004/05/02/world/celebrations-of-a-new-expanded-europe-are-clouded-by-old-fears-of-immigration.html>

<sup>65</sup> See, for example, British newspaper The Guardian's EU enlargement special series – the links here are to the Czech and Polish sections and include translations of the phrase "Welcome to the family of European nations." <http://www.theguardian.com/eu/country/0,14489,1193628,00.html>; <http://www.theguardian.com/eu/country/0,14489,1193436,00.html>;

<sup>66</sup> <http://news.bbc.co.uk/1/hi/world/europe/2954413.stm>

5}. However, the section goes on to show that the citizens and governments of Czech Republic (CR) and Poland have managed, to a large extent, to overcome these hierarchical legacies and enact EU-European belonging.

### *Hierarchy: EU Members but Non-Core Europeans?*

Several research participants referred to the ways that processes of post-communist transition {2-5} had created hierarchical relations between the extant EU and its aspirant members:

The dissidents who were appreciated as the heroes - as soon as they won, they became the pupils. 'During the seventies and eighties we admired you, and now, OK, we will teach you how to do economics and politics [CZ-I-NGO-1].

When I was with the Border Police, we had training [given by 'Western' experts] and they started by saying 'This is a passport' – we each had twenty years experience of working with passports! [CZ-I-IoM-1].

Before we joined the EU I was speaking to a Greek colleague and he told me 'you do not understand certain things: you are not in the Union so you do not know about it' (PL-I-BG-1).

Hopes that concluding membership negotiations in October 2002 would quickly equalise these relations were dealt a severe blow in the run up to the 2003 Iraq conflict, an issue that proved highly divisive for the EU (Menon, 2004). Each EU-8 state publically expressed support<sup>67</sup> for the American proposal to militarily effect 'regime change' in Iraq, prompting US Secretary of Defence Donald Rumsfeld to draw a distinction between 'old' and 'new' Europe, despite the fact that five existing EU members also did so. French President Jacques Chirac dismissed the EU-8 countries as "infantile" and claimed that: "[i]t is not responsible behaviour. It is not well brought-up behaviour. They missed a good opportunity to shut up," which did little to dispel suspicions that *de facto* hierarchies would persist, despite *de jure* equality (CNN website<sup>68</sup>; Kuus, 2004; Case, 2009: 112).

The Western European public intellectual 'left' soon got in on the act of asserting hierarchical relations over the EU-8 with the publication of an open letter, drafted by Juergen Habermas and signed by Jacques Derrida (and others) in May 2003, that drew a

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<sup>67</sup> Five current EU members – Denmark, Italy, Portugal, Spain and the UK – and three members in waiting – Czech republic, Poland and Hungary – signed the 'Letter of the Eight' on 30/01/2003, which was followed on 16/02/2003 by the 'Vilnius Letter', which was signed by five members in waiting – Estonia, Latvia, Lithuania, Slovakia and Slovenia – as well as two countries that would join the EU in 2007 – Bulgaria and Romania.

<sup>68</sup> <http://edition.cnn.com/2003/WORLD/europe/02/18/sprj.irq.chirac/> - 17/04/14.

distinction between a “Core Europe” that should lead the way in developing a European public sphere and European foreign policy, while the rest – including the EU-8 – should obediently follow (*ibid.*) The Hungarian philosopher Peter Esterhazy (2005: 74-75 cited in Case, 2009) described the experience thus:

Once I was an Eastern European; then I was promoted to the rank of Central European ... Then a few months ago, I became a New European. But before I had the chance to get used to this status – even before I could have refused it – I have now become a non-core European. [W]hile I see no serious reason for not translating this new division (core/non-core) with the terms “first class” and “second-class”, I’d rather not speak in that habitual Eastern European, forever insulted way.

The patronising attitude of ‘old Europeans’ pulling rank seemed to imply that Central and East Europeans were there to be seen (as evidence of the EU’s attraction and successful management of transition) but not heard as equal political actors. In some places EU-8 citizens were not even supposed to be seen – at least not as workers – as twelve of the existing member states imposed restrictions on labour market access for the accession countries, which triggered a flood of migrants, notably Poles, to the countries that did not – the UK,<sup>69</sup> Ireland and Sweden (e.g. Guild, 2009). However, even where they were not actually seen, migrants from the newly internalised East, embodied in the legendary ‘Polish Plumber’, were seen to pose a threat to local jobs as well as to the ‘Europe’ that had been so carefully built by Western Europeans over the previous half century. As Pascal Lamy, former EU commissioner and head of the WTO, commented, “plumber phobia” had been “cunningly manipulated” in a way that reminded him of “simple xenophobia” (Financial Times website<sup>70</sup>).

The accession of CR and Poland to the Schengen zone on 21 December 2007 opened up participation – for both governments and citizens - to a key EU policy area that, along with the Eastern Partnership (EaP), has contributed most to overcoming the hierarchical relations described above. Despite the obstacles noted further above {4-2}, Czechs and Poles have been able to performatively enact a key dimension of EU-European-ness, while their governments have been able to enact EU-European belonging in terms of collective political subjectivity. The ways in which Czechs and Poles have made the ‘transition’ from merely *being* members of the EU to *belonging* in it as political subjects at individual, professional and governmental levels provide the socio-political corollary to the

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<sup>69</sup> The presence of large numbers of “Eastern Europeans” has been a consistent and controversial feature of UK migration discourse ever since (Meardi, 2007; Maryniak, 2006; Burrell, 2010; McClaren, 2013;) See also <http://www.theguardian.com/uk-news/2014/apr/26/polish-immigration-britain-cities-elections>; <http://www.telegraph.co.uk/news/politics/ukip/10037822/Why-did-voters-turn-to-Ukip-in-parts-of-true-blue-Lincolnshire.html>; <http://news.bbc.co.uk/1/hi/uk/7735603.stm>.

<sup>70</sup> <http://www.ft.com/cms/s/0/9d5d703a-cf14-11d9-8cb5-00000e2511c8.html#axzz30fr0yJaC>

territorial re-bordering effected by the 2004 enlargement, and are also linked to the ongoing bordering policies and practices of the EU in CEE [CZ-I-MFA-1; CZ-I-Mol-1; PL-I-MFA-1; PL-I-BG-4; UA-I-PLC-1].

### *Belonging: Enacting Political Subjectivity in the EU*

For CZ-MoL and CZ-MFA officials, as well as for the former Czech Minister of Foreign Affairs, Cyril Svoboda,<sup>71</sup> the CZ-Mol official Milos Mrkvica, and Przemyslaw Bobak, the Political Director of the PL-MFA, there was little doubt that participation in one policy area above any other has changed how Czechs and Poles are viewed and how they view themselves in relation to Europe and the EU:

Schengen is very important for us politically to demonstrate [to the rest of Europe] that we Czechs are part of Europe. This is very important - to really be in one space and have the free movement of goods, services, finance and people. It's the full stop after the sentence [CZ-I-MFA-1].

We have free movement; and its great! We don't need visas. We don't have to queue. But it's also about how other people recognise us – maybe in the 1990s we were seen as different, as being somehow strange, but not now [CZ-I-Mol-3].

The tolerance of the majority of Polish youth towards the foreigners [...] this is thanks to the open border policy. These young Poles, they probably travelled much more than some people in the West and they are just European with a capital 'E' [...] Its not like it used to be: we still remember Westerners being afraid of Poles, you know [PL-I-MFA-1].

Several of the senior Polish Border Guard (PL-BG) representatives interviewed (and those working on the ground at the Medyka-Shehyni BCP) and Lucie Sladkova of CZ-IoM agreed, but also emphasised the transition from 'pupils' to 'tutors' that enhanced belonging through, *inter alia*, participation in Frontex [also PL-I-BG-3; PL-PO-3]:

We gain experience and this cannot be overestimated how good it is for our officers to go somewhere for a mission. Not only because they gain new experience and learn new things but because it helps to build their own image in their own eyes. Sometimes we underestimate ourselves, a kind of inferiority complex [...] that everything that is foreign is better [...] which is absolutely not true. Of course we learn new things, but we can also teach a lot [PL-BG-I-1].

We used the twinning projects provided by the Germans, the Dutch and now we can also say that we are experts, so we can go to [teach in] those countries - Ukraine and the Balkan countries [PL-I-BG-2].

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<sup>71</sup> Svoboda was in office at the time of the conclusion of negotiations on EU membership (2002), the referendum that led to popular approval (2003) and the actual accession (2004).



We did so much training, under foreign co-operation - all the officials here went through all the training during the accession period. We remember what it is like and now Czech experts are going to Moldova [CZ-I-IoM-1].

Robert Solich of the Czech Mol took it a step further, indicating that the transition from participation in to taking responsibility for enforcement of principles - from simply adopting to potentially adapting EU policy in practice - had provided a way to act politically, echoing the classic Charter 77/Helsinki model of holding authority accountable to the letter of its own law:

The main task before joining Schengen was the preparation for the evaluations and I was part of the team who took care of the evaluation committee. Now we take part in the evaluations – I evaluated air borders in Romania, as well as in Italy, Iceland, Austria and Denmark. The standards are actually higher in the applicants than in the older members [...] but the criteria are harder – we were in the same situation and we didn't like it [...] We want it to remain coherent, to be fair to everyone in terms of access but also in enforcing compliance. If I go to the old member states I want it to be the same strictness as we had and if we go to Bulgaria or Romania, I try to keep the rest of the group from being too strict.

Taking responsibility for these aspects of 'Justice' underscores Solich's previously quoted assertion that "CR is the [EU's] biggest defender of free movement", and is further evidenced by the Mol's assertive support for legal cases, brought against 'older' EUMS which have failed to ensure free movement {4-2} [CZ-I-Mol-1]. Solich asserted that being part of Schengen meant acting in solidarity *with* fellow members, but also demanding solidarity *from* them. For the PL-BG, the slogan 'Safe Poland, Safe Europe' clearly expresses this responsibility, which is taken seriously and proudly by the Polish authorities [PL-I-BG-4; PL-PO-2; PL-PO-3]. Like their Czech counterparts, the PL-Mol Schengen section emphasised their active participation and influence in Schengen governance, succinctly stating that: "We are a full member of the Schengen zone; *we are policy makers, not just policy takers*" [PL-I-Mol-1].

Poland has also become a key player in the Eastern Partnership (EaP) of the ENP, which has a clear impact on EU bordering {5-3} as well as on Polish belonging in the EU. The Polish consul in Kyiv, Rafal Wolski, affirmed that Poland is "proud" to be "the leader" of EaP. As Przemyslaw Bobak of the PL-MFA put it, "Poland is very engaged in strengthening the ENP [...] a well-balanced neighbourhood policy is key for the EU." Wolski stressed that "Brussels and old member state capitals learned very soon that the united Europe is enlarged not only on paper but in fact too" [UA-I-PLC-1; PL-I-MFA-1]. Bobak also argued that Poland's involvement brought an additional dimension to the EU's

engagement in its Eastern neighbourhood: “We can understand [the Eastern neighbours] because we [too] were part of the communist system - France wasn't. Some things we can feel better.”

This different ‘feeling’ highlights the effect that the specific histories, memories and experiences of the EU-8 have begun to have on the EU’s collective attitude towards its Eastern neighbourhood, but EU-European belonging has also had an impact domestically as Czechs and Poles seem increasingly comfortable with reflecting on their particular histories and memories, as well as how on they relate to the present. Radek Sikorski, Polish Minister of Foreign Affairs stated that:

I will probably be the first Polish foreign minister in history to say this, but here it is: I fear German power less than I am beginning to fear its inactivity (FT-Website, The Economist-Website).<sup>72</sup>

Media commentators saw this as “a sign of Poland’s new clout on the world stage” albeit a surprising one, given Sikorski’s “background of hawkish British Atlanticism” (The Economist-Website<sup>73</sup>). This second transition - from the ‘new Europe’ position that was attacked by Chirac, Habermas, *et al.* to being at the heart of EU internal and neighbourhood policy - has been highly significant for Polish belonging and political subjectivity in EU-Europe.

For Czechs deeper reflections have been most obvious in relation to re-consideration and re-appraisals of particular aspects of the communist period, contesting the dominant politics of memory that have not only obscured the past, but also complicated Czechs’ European present. These re-appraisals are a ‘syncretic’ rather than a ‘synthetic’ or ‘substantive’ nostalgia: they do not fetishise or unrealistically glorify the past, nor do they wish for its ‘return’, but rather seek to rescue certain aspects of it, potential sources of happiness as well as pride and belonging, through connections to wider European trends from blanket condemnation, demonstrating a newfound confidence that enables the re-opening of discussions on this period, without risk to Czechs’ perceived EU-European-ness {2-5} [CZ-I-NGO-1; CZ-I-IO-1; CZ-O-1; CZ-PO-1] (Kundera, 1984; Stenning & Hoerschelmann, 2008; Case, 2009; Tallis, 2012; 2013).

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<sup>72</sup> <http://www.ft.com/cms/s/0/b753cb42-19b3-11e1-ba5d-00144feabdc0.html#ixzz30kEodOWF>; <http://www.economist.com/blogs/easternapproaches/2011/11/polands-appeal-germany>. This remark attracted allegations of treason and provoked serious internal political tension, which was, however, decisively resolved in Sikorski’s favour - <http://www.economist.com/blogs/easternapproaches/2011/11/sikorski-hero-or-traitor> -

<sup>73</sup> <http://www.economist.com/blogs/easternapproaches/2012/09/poland-and-britain>

The assertion and enactment of EU-European belonging through participation, responsibility and leadership has promoted nuanced understandings of present pasts, which could, in time, also help to challenge the limitations of premature declarations of European ‘unity’ having been achieved in the 2004 enlargement.<sup>74</sup> Partly based on notions of divergent histories {5-5}, these declarations implicitly excluded non-EU Europeans, such as Ukrainians. The next section examines the key discourses that have shaped the EU’s engagement with its Eastern neighbourhood, particularly Ukraine, in the wake of the EU-8 accession and which sought to avoid dividing Europe through the enlargement of the EU.

### 5-3 Our Friends in the East: Doing Well by Doing Good in the Neighbourhood

The Eastern Partnership is based on a community of values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. All countries participating in the Eastern Partnership are committed to these values.

*Joint Declaration of the Warsaw Eastern Partnership Summit, 30/11/2011*

The European Neighbourhood Policy is founded on the premise that by helping our neighbours we help ourselves.

*European Commission, 2007*

Despite the lingering differences described above, the EU was justly proud of the speed with which it had been able to formally include the EU-8, without compromising its own standards. According to then Commission President Romano Prodi, enlargement was “the greatest contribution to sustainable stability and security on the European continent that the EU ever made,” and also “one of the most successful and impressive political transformations of the twentieth century”, and “all this” happened in “less than a decade” (2002). However, even at this moment of triumph, Prodi (*ibid.*) and others were acutely aware of the challenges that this re-bordering presented - “we could not convince our citizens of the need to extend the EU’s borders still further east. [Therefore] we need to find solutions that will allow us to share the advantages of enlargement with our neighbours” and avoid making “new dividing lines” (EU, 2003: 8<sup>75</sup>). The result was the ENP, of which Ukraine was a founding ‘neighbour’, and, later, the EaP, in which Ukraine became a ‘partner’ (EC, 2008; 2009). This section shows how the EU emphasised the

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<sup>74</sup> <http://news.bbc.co.uk/1/hi/world/europe/2954125.stm>

<sup>75</sup> EU ‘European Security Strategy: A Secure Europe in a Better World’.

discourses of shared values and shared interests in order to justify its enhanced engagement with its new neighbours. However, as discussed in the following sections, these discourses of similarity-through-sharing that are challenged by discourses that instead emphasise a divergence of interest and the dangers of proximity to the 'East' {5-4; 5-5}.

### *Shared Values Among a 'Ring of Friends'*

Both ENP and EaP combine the EU's commitments to the values that it sees as being essential to its own identity - democracy, freedom and the rule of law - with the pursuit of interests - broadly categorised as 'peace' and 'prosperity' - that are used to help make the case for enhanced engagement, association and integration with the (Eastern) neighbours to the hesitant European publics mentioned by Prodi, as well as to potentially sceptical EUMS [e.g. UA-I-EUD-1; UA-I-EUD-2]. Significantly, the EU and its partners and neighbours repeatedly declare that they share these values and interests in order to legitimate co-operation and integration with, as well as opening up to, the neighbours. This discourse of similarity also functions as a 'mantra' to reassure the EU and its member states that it is doing the 'right thing' and is doing so in a way that lives up to its self-image (Kurowska and Tallis, 2009). The 'Wider Europe' strategy document that fleshed out Prodi's notion of the "ring of friends" signalled early on that the ENP is founded, *inter alia*, on respect for "democracy, human rights and the rule of law" {1} (EC, 2003:4). These terms re-appear in various combinations - as well as separately - in subsequent ENP and EaP communications and also resonate with the Ukrainian (UA-MFA) reasons for seeking closer association with the EU (EC, 2004; 2007; 2010):

[t]he values on which the European Union is built – namely freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law - are also at the heart of the process of political association and economic integration which the Eastern Partnership offers. These are the same values enshrined in article 2 of the European Union Treaty and on which articles 8 and 49 are based (EC & EEAS, 2011: 14).

[w]hat we are aiming for together is a democratic, prosperous and stable region where more than 800 million people can live [...] confident that their freedom, their dignity and their rights will be respected (EC, 2011: 21)

To ensure democratic developments inside the country; to ensure fundamental rights of people. To ensure progressive economic development according to the most modern standards. To fix [the] proper position of Ukraine in the international arena and to promote [a] positive image of Ukraine all over the world [UA-I-MFA-1].

In ENP and EaP documents, freedom is referred to in the context of liberty, democracy, the rule of law and respect for rights, but also in terms of mobility and free movement - as it is primarily understood in the AFSJ {5-1}. The 'Wider Europe' (EC, 2003: 10) paper advocated "liberalization to promote the free movement of persons, goods, services and capital (four freedoms)" to ensure that "the new external border is not a barrier to trade, social and cultural interchange or regional co-operation" (*ibid.*: 11). The 'Strengthening ENP' paper also emphasised the importance of mobility as part of the wider neighbourhood strategy, again relating this to the EU's own internal, experience (EC, 2006: 5<sup>76</sup>):

Even from the earliest days of the European Community, the ability of the citizens of our Member States to travel within the Community [...] has been vital in promoting internal trade and investment, in building mutual awareness and encouraging economic, social and cultural contacts. Mobility of persons is of the utmost importance also for all ENP partners.

Echoing the desires of both the UA-MFA officials – "freedom to move, of course, that is a basic freedom" [UA-I-MFA-1] and activists – "the very fundamental, basic European right is mobility" [UA-I-NGO-2] - Jan Vycital of the CZ-MFA's 'Consular Conception Unit' drew on Czech experience and, echoing the points raised above {4-4}, confirmed that:

What we can offer is free movement [...] you don't necessarily need to have so much money, but the feeling that you can travel is enough, it is what our citizens wanted straight after the velvet revolution [in order] not to feel like a second category [CZ-I-MFA-2].

Desires for and benefits of freer movement are repeatedly recognised in ENP and EaP documents but have only been realised to a limited extent with regard to Ukrainians, thus forming exactly the dividing lines that ENP was intended to prevent (EC, 2006:5<sup>77</sup>; 2010:4<sup>78</sup>) {4-4; 4-5; 6-5}. The higher awareness of such exclusions and their psycho-social impacts in the EU-8, compared to EU-15 countries, came across very strongly in interviews with the Czech and Polish officials, reinforcing the argument that the 2004 enlargement has brought additional perspectives to the EU and its dealings with its Eastern neighbourhood {5-2} [CZ-I-MFA-1; PL-I-MFA-1; UA-I-CZC-1; UA-I-CZC-2; UA-I-PLC-1; UA-I-PLC-2]. While EU officials were comfortable to talk about extending and intensifying friendly relations and co-operation with Ukraine in general terms [UA-I-EUD-1;

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<sup>76</sup> COM(2006)726 final 'Strengthening the European Neighbourhood Policy.

<sup>77</sup> COM(2006)726 final 'Strengthening the European Neighbourhood Policy.

<sup>78</sup> COM(2010) 207 'Taking Stock of the European Neighbourhood Policy'.

UA-I-EUB-2] {5-4; 5-5}, Marcin Zachowski of the PL-MFA was more definite about the need to reach out and open up to Ukraine in order to achieve ENP/EaP goals:

We try to push the EU institutions to develop the policy in this way [because] the border that we have now between the EU and 'Eastern Europe' is still a kind of obstacle. Somehow it stops or deteriorates these relations [PL-I-MFA-2].

It would be easy to dismiss the “ring of friends” as naïve or, conversely, to assume it to be the application of a cynical gloss onto self-serving motives, yet both in official documentation and in the interviews with research participants, there is plenty to suggest not only the desire to create friendly relations with the Eastern neighbourhood and recognition of the importance of doing so, but also some sense of the shared values and European-ness in which to ground such friendship. These perceptions of similarity provide justifications for the EU’s opening to and integration with Ukraine, which could include loosening the border regime to increase the possibilities for Ukrainians to move more freely, interact more with EU citizens, experience EU governance and, potentially, begin to enact EU-European belonging.

### *Shared Interests: Friends with Benefits?*

In addition to the development of friendly relations based on (putatively) shared values, the other pillar of legitimacy for the ENP and EaP is the prospect of mutual benefit through the existence and pursuit of shared interests. Again echoing the EU’s own historical development, these interests were seen to fall under two main categories, as Philippe Bories of EU-DU explained: “the name of Europe is peace and prosperity so this should apply to Ukraine as well” [UA-I-EUD-1], although in the current analysis these terms are taken to include notions of ‘security’, ‘stability’ and economic ‘development’, as used in the ‘Wider Europe’ strategy document:

Over the coming decade and beyond, the Union’s capacity to provide security, stability and sustainable development to its citizens will no longer be distinguishable from its interest in close cooperation with the neighbours (EC, 2003:1).

Subsequent ENP and EaP documents also emphasise the mutual interest in creating “security as well as stability and prosperity” (2004:3<sup>79</sup>) or sharing stability, security and prosperity (in various orders) (2007: 2<sup>80</sup>; 2008: 2<sup>81</sup>; 2009: 2<sup>82</sup>; 2010: 2<sup>83</sup>). The European

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79 SEC(2004) 566 ‘European Neighbourhood Policy Country Report Ukraine’.

80 European Neighbourhood and Partnership Instrument – Country Strategy Paper: Ukraine 2007-2013

Security Strategy (ESS), which was developed at the same time as ENP, also highlighted the need for the EU to “promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations” (2003). The 2008 follow up to the ESS, the ‘Implementation Report: Providing Security in a Changed World’, advocates “greater engagement with our neighbourhood” and sees EaP as “a real step change in relations with our Eastern neighbours [...] to strengthen the prosperity and stability of these countries, and thus the security of the EU” (2008: 10). The Implementation Report also cites Ukraine as an example of “significant upgrading of political, economic and trade relations,” noting that in comparison to other EaP countries, with Ukraine “we have gone further with a far-reaching association agreement which is close to being finalized”<sup>84</sup> (*ibid.*: 6)

The EU’s primary security interest in fostering closer co-operation with the neighbourhood is in countering threats to its own peace and prosperity (as well as the ability to govern in accordance with its values, including through the AFSJ) and that that have come closer as a result of the 2004 enlargement {5-5} (EU, 2003: 8<sup>85</sup>). However, it also has another interest - in becoming a security actor - with a view to living up to its (self-proclaimed) responsibility “for global security and building a better world” (EU, 2003: 1<sup>86</sup>) thus taking a step towards becoming a “global player” (Prodi, 2002; EU, 2007<sup>87</sup>). The 2004 enlargement affirmed the efficacy of the EU’s ways and means and simultaneously provided both the opportunity and the perceived need to replicate this success in a more ‘troubled area’ that could still further demonstrate the value of EU approaches. This was seen as an opportunity to “spread the benefits of political and economic co-operation” and act as a catalyst for the mutually reinforcing pursuits of peace (seen mainly as security and stability) and prosperity (economic development) for both itself and its partners, while also boosting its own international standing and influence.

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<sup>81</sup> COM(2008) 823 final ‘Communication from the Commission to the European Parliament and the Council: Eastern Partnership’.

<sup>82</sup> COM(2009) 188/3 ‘Implementation of the European Neighbourhood Policy in 2008’.

<sup>83</sup> COM(2010) 207 ‘Taking Stock of the European Neighbourhood Policy’.

<sup>84</sup> This is the association agreement that, after much delay, was ready to be signed at the 2013 Vilnius Eastern Partnership Summit and which Ukrainian President Viktor Yanukovich declined to sign at the last minute, provoking mass demonstrations on the streets of Kyiv {1}.

<sup>85</sup> ‘European Security Strategy: A Safer Europe in a Better World’

<sup>86</sup> European Security Strategy: A Safer Europe in a Better World’

<sup>87</sup> COM(2010) 207 ‘Taking Stock of the European Neighbourhood Policy’.

Continuing the trends identified above, the inaugural Eastern Partnership declaration stated that the EaP “will advance the cause of democracy, strengthen stability and prosperity, bringing lasting and palpable benefits to citizens of all participating states” (EU, 2009). The UA-MFA also emphasised the potential for mutual economic benefit from closer integration and co-operation - “because we have a huge market, but also we have labour” [UA-I-MFA-1]. Several PL-MFA officials also saw this as a “huge opportunity” for both the EU and Ukraine in economic as well as socio-cultural and strategic terms [PL-I-MFA-1; PL-I-MFA-2; UA-I-PLC-1; UA-I-PLC-2].

However, the EU considers that its ‘partners’ are primarily interested in realising such benefits through “market opening” and the establishment of “Deep and Comprehensive Free Trade Areas (DCFTAs)”, which was reflected in the Association Agenda signed in 2010 (EC, 2003:10<sup>88</sup>; 2010:3<sup>89</sup>). This emphasis on open markets and free trade as drivers of the prosperity that is seen to underwrite peace reflects the EU’s own history and points to the sharing of ‘means’ as well as ‘ends’. Both EU staff and official documents link free trade and open markets with free movement of people [UA-I-EUB-2; PL-I-FTEX-1] - a Ukrainian priority - but also note concerns over such freedom:

The Eastern Partners want freer trade and easier travel (Ferrero-Waldner, 2009)

Labour mobility is an area where the EU and its neighbours can complement each other. The EU’s workforce is ageing and labour shortages will develop in specific areas. Our neighbourhood has well-educated, young and talented workers who can fill these gaps (EC, 2011: 1190).

On the EU side there are legitimate concerns that the extension of freedom of movement in particular should not lead to lessened security within the EU itself [...] we need to take a fresh look at how we can promote mobility in spite of the political difficulties surrounding this issue (EC, 2011:37-3891).

Significantly, this brings one of the supposedly mutual interests – security - into potential conflict with free movement, which is seen as a key way to achieve both peace and prosperity through increased people-to-people contact as well as supporting free trade and the free movement of labour. That the EU found itself threatened by the very

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<sup>88</sup> COM(2003) 104 final ‘Wider Europe – Neighbourhood’.

<sup>89</sup> EU-Ukraine Association Agenda - [http://ec.europa.eu/external\\_relations/ukraine/index\\_en.htm](http://ec.europa.eu/external_relations/ukraine/index_en.htm)

<sup>90</sup> COM(2011) 303 ‘A New Response to a Changing Neighbourhood’.

<sup>91</sup> SEC(2011) 650 ‘Joint Staff Working Paper on A Medium Term Programme for a Renewed European Neighbourhood Policy’.



processes through which it was opening up to and integrating with its neighbours also called into question the EU's competence as a security actor in the neighbourhood – both in the international community and among its own citizens, as discussed below {5-4}.

The existence of shared interests and mutual benefits in terms of peace and prosperity, is one of the key discourses used to promote EU opening to and integration with Ukraine. However, the instrumental rationale outlined for 'selling' the *benefits* of greater co-operation is a far cry from treating (e.g.) free movement as a *right* based on commitment to shared *values*, or as part of deeper friendship in terms of contacts between people. Discourses of shared values open up a politics of friendship, but discourses of shared interest require an instrumental politics of gain and ambition that emphasises security in terms of protecting EU peace and prosperity and the realisation of EU ambitions to become a security actor. As the next section shows, countering perceived threats to these interests from potentially enhanced Ukrainian mobility, has left the EU needing to justify division rather than making the case for opening and integration {5-4}.

## 5-4 Neighbours and Fences: Justifying Division Through Divergence

Among ourselves, we keep the law but when we are operating in the jungle, we must also use the laws of the jungle.<sup>92</sup>

*Robert Cooper, senior EU advisor, 2002*

Trust, but verify.

*Russian Proverb*

The declaration of the EaP Warsaw Summit, which stated that the EU and its Eastern partners - including Ukraine - belonged to "a community of values," is one of many EU documents that emphasise its similarity- through sharing – with its neighbours and partners (2011<sup>93</sup>). However, EU-DU Political Advisor Hannes Schreiber made clear that "*this is a political declaration, not an actual one,*" thus highlighting the potential for discourses of perceived difference, divergence and division to exist in parallel with those of similarity, convergence and opening. This section discusses these counter-discourses of difference and divergence, which are used to justify on-going division rather than integration and which therefore challenge the more positive discourses of shared values

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<sup>92</sup> Cooper (2002).

<sup>93</sup> Public declaration of the Warsaw EaP Summit, 2011 - [http://eeas.europa.eu/eastern/docs/2011\\_eap\\_warsaw\\_summit\\_en.pdf](http://eeas.europa.eu/eastern/docs/2011_eap_warsaw_summit_en.pdf)

and interests outlined above {5-3}. As Schreiber and others were at pains to point out, the values that the EU *politically* declares that it already shares with its neighbours are *actually* related to reaching and upholding certain “standards” in particular areas such as good governance, policing, border management and the judicial system. Crucially, these ‘standards’ are deemed to be ‘[EU-]European standards’, which not only makes the EU (and EUMS) the ‘model’ to be emulated but the arbiter of success in doing so, again confirming that there is a “Europe that knows” and a “Europe that waits to be known” {4-1} (Wolff, 1994: 91). It is argued below that while meeting these standards would show a certain performative EU-European-ness, failing to do so has the opposite effect, enacting an ‘Eastern-ness’ that reinforces notions of difference, but also perceptions of diverging interests and even danger, which tighten EU bordering with Ukraine.

### *Different Standards: Performative Eastern-ness*

ENP was inspired – and necessitated - by the 2004 enlargement and it is therefore unsurprising that it has reproduced and extended the hierarchical relations of the ‘telos of transition’, resulting in an “imbalanced partnership” between the EU and Ukraine. However, the lack of a membership perspective for Ukraine raises serious questions about whether the successes of enlargement can be replicated without enlarging {2-5; 5-2; 5-6} [UA-I-MFA-1; PL-I-MFA-2; UA-I-EUD-2] (Prodi, 2002; Kuus, 2004; Chandler, 2006). Mimicking the tropes of transition, measurements of ‘progress towards’ pre-set standards has facilitated comparisons between neighbouring countries {2-5}, with the EC (2009:10) explicitly labelling some partners as “front-runners” more deserving of the integrative ‘rewards’ that the EU offers under the “more-for-more” approach outlined in a key ENP document:

Increased EU support to its neighbours is conditional. It will depend on progress in building and consolidating democracy and respect for the rule of law. The more and the faster a country progresses in its internal reforms, the more support it will get from the EU [...] including increased funding for social and economic development, larger programmes for comprehensive institution-building (CIB), greater market access, [...] and greater facilitation of mobility (EC, 2011:394).

However, Philippe Bories of EU-DU claimed that, with regard to mobility, which is highly significant for perceptions (and self-perceptions) of EU-European belonging {4-5; 5-1; 6-5}, this approach raised unrealistic expectations in Ukraine:

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<sup>94</sup> COM(2011) 303 ‘A New Response to a Changing Neighbourhood’

There was a continuous misunderstanding from the Ukrainian side. When they started negotiations four or five years ago they thought that in a month, everything would be done and they would have free access. And they gave free access to EU citizens even more than five years ago and of course every other month they say: 'How come we don't get the reciprocity?' It was never considered [UA-I-EUD-1].

While reciprocity may never **have** been considered, the tantalising prospect of visa-free travel was – and is - still held out to Ukraine *if* the country could fulfil its 'Visa Liberalisation Action Plan' (VLAP - a key part of EU-Ukraine relations since 2010<sup>95</sup>), which Hannes Schreiber claimed would allow the EU to say, "Now you have done everything. Now you are up to our standards. Please be welcomed: you don't need visas anymore" [UA-I-EUD-2]. The VLAP, along with other aspects of EU-Ukraine relations covered by the "Association Agenda" adopted in 2009 (EC-Website<sup>96</sup>), is subject to rigorous monitoring and regular VLAP Implementation Reports regularly assess Ukraine's 'progress' in: "Document Security, including biometrics; Irregular immigration, including readmission [and border management]; Public Order and Security [including Judicial matters and the fight against corruption] and; External Relations and Fundamental Rights" (EC, 2011<sup>97</sup>).

These detailed "technical" "assessments" allow the EU to disavow political responsibility for a visa regime that means Ukrainians are not yet "welcomed" while offering considerable room for interpretation. The broad scope of the assessments and the linkages they make between different issues, as well how progress towards standards is evaluated, especially considering that these standards, which are *actually* highly contestable, are presented as neutral and objective. This technocratic politics echoes concerns (raised above) about Schengen evaluations, and means that the EU can consistently move the goalposts for countries such as Ukraine, while maintaining its bureaucratic façade {5-1; 5-2} [UA-I-EUD-1; UA-I-EUB-2; CZ-I-MoI-1]. In this dynamic, the notion of 'tutors and pupils' re-emerges, with EU and EUMS officials being happy to talk about the 'tasks' assigned to Ukraine as "homework" [PL-I-MFA-1; UA-I-EUB-7; UA-I-CZC-1; UA-I-CZC-2; CZ-I-MFA-2]. Czech and Polish officials' willingness to talk in these terms reflects their own experience of these processes, but also further confirms their transition from 'pupils' to 'tutors' {2-5; 5-2} [PL-I-MFA-2] (Jacoby, 2001; Jansen, 2009).

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<sup>95</sup> Council of the European Union 17883/10 'EU-Ukraine Visa Dialogue - Action Plan on Visa Liberalisation'.

<sup>96</sup> EC Website - [http://www.eeas.europa.eu/ukraine/docs/2010\\_eu\\_ukraine\\_association\\_agenda\\_en.pdf](http://www.eeas.europa.eu/ukraine/docs/2010_eu_ukraine_association_agenda_en.pdf)

<sup>97</sup> SEC(2011) 1076' First progress report of the implementation by the Ukraine of the Action Plan on Visa Liberalisation'.

Yehor Bozhok of the UA-MFA argued that “being a pupil” is not “uncomfortable, improper or dangerous,” but noted that some EUMS seemed to have forgotten that “the process of studying is a two-way street - and a never ending process” [UA-I-MFA-1]. Despite actively campaigning against the inadequacies of the justice system in Ukraine, activist and academic Vasyl Cherepanyn was also critical of the EU’s ‘assessments’ in this area, particularly regarding accusations of “selective justice” in the trial and imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko, which both EU officials [UA-I-EUD-1; UA-I-EUD-2] and EUMS politicians<sup>98</sup> highlighted as particularly concerning:

This doesn't mean that [they] are dealing with the real problems, it's more like a ritual, more like a mantra, trying to express in front of the world that you are Europe, defending democratic values and so on, but it is not a solution [UA-I-NGO-2].

The repeated ‘technical’ evaluations through which the EU highlights deficiencies in Ukrainian governance, border management, judicial and policing systems are, ostensibly, intended to provide a spur towards meeting ‘European standards’. What these assessments also *do* is clearly differentiate the EU as a place where ‘European’ values are upheld from Ukraine as a place where they are not, creating a distinction between different types of order through governance. The performative EU-European-ness that is recognised through the enactment of these ‘European’ standards, as a measure of commitment to European values, has its corollary in a performative ‘Eastern-ness’, of unrealised or incomplete post-communist transition {2-5; 5-2}. Many EU staff, particularly at Frontex, happily described the EU/non-EU distinction as equivalent to that of Europe/Eastern Europe<sup>99</sup> [PL-I-FTEX-3; PL-I-FTEX-4; PL-I-FTEX-5]

A Polish member of Frontex’s staff argued that Poland, where the agency is based, “used to be Eastern Europe” [PL-I-FTEX-4] {2-5; 5-2}. Polish government officials noted how this is judged, by whom and with what effects, lamenting that “Europe is still seen in two parts” although some also reproduced this “nested orientalism” [PL-I-MFA-2] (Bakic-Hayden, 1995; Kuus, 2004):

Ukraine is fully European, despite some deficiencies - its only a matter of time when they overcome [this stigma] [UA-I-MFA-1].

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<sup>98</sup> This critique culminated in the boycott of the Ukrainian part of the Euro 2012 football championship by EU and EU member state politicians and officials. E.g. <http://www.theguardian.com/world/2012/jun/07/euro-2012-boycott-ukraine-uk-government>; <http://www.independent.co.uk/news/world/europe/euro-2012-ukraine-plays-on-as-yulia-tymoshenko-lies-in-jail-7858860.html>

<sup>99</sup> When this was discussed further, although several interviewees reflected more deeply on this distinction – as well as what it does - but others dismissed such concerns as being ‘too philosophical’ or ‘semantic’ and argued that this was simply a pragmatic differentiation that made their work easier.

I wouldn't call them Eastern Europeans: we also get called that [and] its offensive for us [...] but I understand that for many people from Western Europe there is this distinction [PL-I-BG-2]

Ukraine, as a post-communist country, is still in this Eastern world with, to some extent, Eastern values, thinking and so on [PL-I-MFA-1].

Significantly, both government officials and focus group participants saw that the marks of difference - attached through the standards-to-values-based distinction and the visa regime that it underpins - prevent the type of people-to-people contact and 'two-way' learning that could address 'Western' perceptions, which as is argued below are, ironically, often based on ignorance, rather than knowledge {5-5}. Yehor Bozhok of the UA-MFA saw such stigmatisation as a significant "obstacle" to the "spreading of EU values" which punished "citizens" for the failures of the Ukrainian state, whose officials already tend to benefit from visa-free travel [UA-I-MFA-1; CZ-I-MFA-2; UA-I-CZC-2; UA-I-PLC-1; UA-I-PLC-2; UA-FG-1; UA-FG-2].

### *Divergent Interests: Justifying Bordering, Delineating Belonging*

While discourses of *shared values* are challenged by counter-discourses of standards and hierarchy, discourses of *shared interests* are challenged by counter-discourses that emphasise the threats rather than the benefits from the EU opening-up to the Eastern neighbourhood. As Klaus Roesler, Head of Operations at Frontex somewhat ruefully observed: "the picture is created that the threat mainly comes from those who do not share common values, those who do not share the common legal basis" [PL-I-FTEX-8]. This statement shows the link between these two sets of counter-discourses: failure to meet common standards and demonstrate shared values contributes to understandings of threats that are seen to stem from the diverging interests that this difference creates. Guarding against these perceived threats often further compounds the restrictive mobility regime and divisive bordering between the AFSJ and the neighbourhood described above {4-4; 4-5; 5-1}.

The potential downsides of key aspects of ENP and EaP – particularly freer inward movement of people – are framed primarily as threats to EU prosperity, but also as threats to the integrity of the AFSJ that is so significant for the enactment of EU-European subjectivities {5-1}, as well as to other referent objects of security {2-3}, which are discussed below {5-5}. The remainder of this section looks at some of the key threats that were reproduced or re-iterated by research participants and that relate to the divergence of interests between the EU and Ukraine. The next section {5-5} inquires further into the

discursive construction of these threats, while the next chapter {6} looks, *inter alia*, at threat construction through practices. A key threat discourse rehearsed by participants concerned the negative implications for EUMS labour markets of increased inward mobility from Ukraine. The distinction {5-1} between beneficial, legal migration and threatening, ‘illegal’ migration for labour purposes collapses when *both* regular and irregular access to labour markets are seen to threaten EU prosperity, as some senior EUBAM staff claimed:

European countries are overloaded with the migrants [they] are flooded with people [coming] from the East [...] Of course inside EU and Schengen area we have a right to move to other countries, finding the work, the good positions, but migrants coming from outside means reducing the place for our people. That’s the point. The market is not big enough for the others. There is just enough for the community [UA-I-EUB-8] (my emphasis).

People would like to receive higher income [so] they are going for work abroad. But there is less work on the EU market – during the crisis there are less jobs [so] why should we have people from [outside the EU] stealing our jobs [UA-I-EUB-2] (my emphasis).

The use of the term “stealing” explicitly connects migrant workers with illegality and illegitimacy. However, using less aggressive rhetoric, CZ-MoL officials reflected upon why Czech citizens *should* have priority over TCNs in the Czech labour market, concluding that CR is “our place” and that the Czech government’s first responsibility is to the citizens who have elected a government committed to getting as many Czechs into work as possible [CZ-I-MoL-1]. CZ-MoL and CZ-MFA officials emphasised the need for migration to be “beneficial”, which meant not posing a threat to the employability of Czechs or causing problems because of being unable to ‘integrate’ [CZ-I-MoL-1; CZ-I-MoL-2; CZ-I-MFA-2]. CR’s EU commitments prevent any formal distinction in the treatment of Czech and EU citizens, and show the extent to which such us/them distinctions can – and have been – overcome, albeit for some more than others {4-2; 5-2; 6-5}. However, with regard to TCNs, including Ukrainians, the EU/non-EU distinction creates a clear hierarchy of belonging or being ‘welcome’ that is openly and directly acknowledged by some officials [CZ-I-MoL-2].

The CZ-MoL officials specifically identified illegal or irregular working as a threat to the Czech labour market as well as to migrants themselves {6-3}. However, in also discussing the *use*, as well as the *abuse* of the benefits system by TCNs, they echoed the claims of senior EUBAM staff that TCNs are a “drain on resources” that they are not “entitled” to, whereas Czech and EU citizens are seen as being entitled in this way [UA-I-EUB-6; CZ-I-MoL-1]. While showing a practical aspect of the hierarchy of belonging that is created by EU bordering with its neighbours, these narratives tend to ignore the migrant contributions

to the economy, society and culture of the host country, as well as research that shows that (some) migrants are often less likely than native citizens to use state services or claim benefits. Calculations of opportunities and benefits are also excluded from the risk-dominated EU and EUMS assessments of migration and mobility, despite claims by several participants, which echoed extant research, that migrants were not only no threat to employment in EUMS, but could also bring substantial benefits – both economic and socio-political, through exactly the processes that the EU itself describes in the positive discourses of ENP {5-3} [CZ-I-IoM-1; CZ-MoI-1; CZ-I-MoI-2; CZ-I-OMB-1; CZ; PL-I-MFA-1; PL-I-FTEX-4] (Guild, 2009; Dustman, Frattini & Halls, 2010; Dustman & Frattini, 2013; Salt & Dobson, 2013).

As the next chapter shows, the EU's focus on risks and threats rather than opportunities and benefits of inward migration and mobility stems partly from the practices of law enforcement agencies that dominate the field of EU border knowledge {6-2}. This practice-based securitization plays a part in skewing the picture regarding mobility for Ukrainians and others from the EU's Eastern neighbourhood, but significantly, these analyses gain greater traction in the context shaped by more general narratives of fear and threat, which challenge discourses of 'friendship' {5-3} and are outlined below {5-5}.

## 5-5 Threats and Fears: Discursively Securitising the Neighbourhood

The integration of acceding states increases our security but also brings the EU closer to troubled areas.

*European Security Strategy: A Secure Europe in a Better World, 2003*

History is a nightmare from which I am trying to awake.

*Stephen Dedalus in James Joyce's Ulysses, 1922, p.21*

The previous section showed that the EU and EUMS use discourses of difference and divergence to justify restrictions on Ukrainians' mobility and prevent harm to EU labour markets. However, other perceptions of danger stemming from Ukrainians' difference – and, particularly, their Eastern-ness – also contribute to what Czech human rights lawyer Pavel Cizinsky described as the “criminalisation” and “securitisation” of migration, echoing academic critiques of the pre-enlargement Schengen-zone and of ENP [CZ-I-NGO-1] (Huysmans, 2000; Bigo, 2002; Jeandesboz, 2007). This section looks at how discursive constructions of threats and fears contribute to these processes, and are used to justify

the restrictive border and visa regimes that question the previously discussed discourses of openness, integration and friendship. The key threats identified by EU actors as stemming from Ukraine – and from potentially enhanced mobility for Ukrainians – are discussed in relation to the ‘difference’ that is seen to cause them, which primarily relates to standards of border management and law enforcement, and relatively poor economic development. However, as the section shows, there are also other factors at work in creating the conditions for the partially successful securitisation of migration – to the detriment of both the EU and Ukraine - which are primarily driven by Western EU-European ignorance and prejudice. The next section {5-6} then looks at where this overlaying of competing, contradictory discourses leaves EU-Ukraine relations.

### *Threats of Difference: Organised Crime and Disorganised Migration*

Several influential EU documents explicitly link the neighbourhood with multiple threats to the Union and can be seen as securitising moves, with the aim of gaining agreement from the EUMS to drive neighbourhood policy in particular directions, as well as trying to gain buy-in from the EUMS for the more positive aspects of ENP. The ‘Wider Europe’ document, that laid ENP’s foundations highlights threats from “illegal immigration, trafficking [and] organised crime” and notes that in relation to the EU’s Eastern land borders, “particular attention should be paid to drug trafficking, trafficking in human beings, smuggling of migrants, fraud, counterfeiting, money laundering and corruption” (EC, 2003: 11-12). These threats all relate to the mobility of people, goods and capital that would be facilitated through opening up to or integrating with, *inter alia*, Ukraine. The ‘European Security Strategy’ asserts that “Europe is a prime target for organised crime [such as] cross-border trafficking in drugs, women, illegal migrants and weapons” (2003:4-5). The ‘Implementing and Promoting ENP’ paper specifically highlights the need to “fight against organized crime and corruption [and] co-operat[e] on migration and border management [...] to tackle illegal migration” and notes that Trafficking in Human Beings (THB) is a priority (EC, 2005: 4, 11) {6-3}. The ‘Working Together’ document points to “trafficking, corruption, drugs, money laundering and THB” as problems but also claims that “Illegal migration must also be tackled, which means helping the EU’s neighbours to improve their border management” (EC, 2007:9) and the ‘Strengthening ENP’ report confirms that “[p]artner countries are important countries of origin and transit for irregular migrants” (EC, 2011:11).



The first EU-Ukraine Action Plan explicitly linked these threats to bordering and mobility by including “migration, border management, money laundering and trafficking in human beings, drugs as well as corruption and fighting sexual exploitation of women” among its priorities for action (EC, 2004:30). Subsequent country-specific reports linked threats from migration, asylum, organised crime and terrorism to co-operation on “Freedom, Security and Justice” in order to improve Ukraine’s judicial and border management capacities, as pre-conditions for opening and integration (EC, 2007: 2012<sup>100</sup>). The effects of this approach on the externalisation of EU bordering were presented above {4-5}, and its impacts are also discussed in the conclusion to this chapter {5-6}.

As well as inadequate standards of border management, law enforcement and judicial practice, research participants also identified the “difficult economic situation in Ukraine” as a factor pushing Ukrainians to seek work abroad. Given the limited possibilities for regular entry, employment and stay in the EU, this economic situation is seen to threaten EU (citizens’) prosperity and AFSJ integrity by forcing Ukrainians into irregular mobility and stay and, potentially, into illegal activity to support themselves {6-5} [UA-I-EUB-2; A-I-EUB-6; UA-I-EUD-2; UA-I-PLC-2; UA-I-CZC-1]. Frontex consistently highlights incentives for cross-border crime and smuggling that stem from differences in economic opportunities and the prices of excise goods in the EU and Ukraine, thus drawing borders between areas perceived to be sources of crime and criminality (such as Ukraine) and those threatened by them (EUMS) {5-1}. EU and EUMS officials working in Ukraine confirmed these threat perceptions. Philippe Bories of the EU-DU claimed that: “THB, trafficking of Drugs, trafficking of weapons, financial crime and financial flows and smuggling [...] cigarettes, like all excise goods are subject to heavy smuggling” [UA-I-EUD-1]. The Polish and Czech consuls in Lviv both argued that high unemployment created incentives for irregular working and smuggling [UA-I-PLC-2; UA-I-CZC-1]. EUBAM Deputy Head of Mission, Slawomir Pichor, concurred with Frontex’s Eastern Borders Annual Overview Reports (2011-2013), which repeatedly identify the “smuggling of excise goods, especially cigarettes and fuel” as “the single largest threat to border security at the common borders between EUMS and EB-RAN<sup>101</sup> countries” [UA-I-EUB-2] (Frontex, 2011b: 5-6; 2012b: 5,19; 2013b: 5,23).

The Frontex reports are extremely clear that the magnitude of threat from cigarette smuggling is actually far higher at the Eastern borders than that of irregular migration, yet

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<sup>100</sup> 2007 ENP Ukraine Country Strategy Paper; and SWD(2012) 10 final - ‘Second progress report on the implementation by Ukraine of the Action Plan on Visa Liberalisation.

<sup>101</sup> Eastern Borders Risk Analysis Network – Belarus, Moldova, Ukraine and the Russian Federation.

as shown above, the border regime continues to restrict the movement of people, as well as contraband goods, showing that the potential problems caused by moving people tend to be “dramatised” to a far greater extent than those caused by moving goods (Waever, 1995) {4-4; 5-4}. The restriction of movement for people is justified through the enunciation of the smuggling threat but, as shown by the Local Border Traffic Agreements (LBTAs) {4-3} and the overall sophistication and effectiveness of EU border control at the Eastern frontier {6-3} border it would be possible for the EU to decouple mobility from smuggling. As discussed below {6-2} Frontex Principal Research Officer Tim Cooper also pointed to flaws in Risk Analysis, creating uncertainty which had been exploited for political purposes – “its not evidence-based policy-making, its policy-based evidence-making” – and which have helped to securitise inward mobility from the Eastern neighbourhood [PL-I-FTEX-1; PL-I-UN-1].

The threats identified above emerge from cumulatively reinforcing differentiations between the EU and Ukraine in terms of economic opportunities and price levels, which creates diverging interests as Ukrainian standards of governance, justice, border management and law enforcement are seen as insufficient to counteract the threats associated with enhanced mobility {5-4}. However, the level of threat identified in EU analyses is incommensurate with a border regime that it is overly focused on EU security and mobility at the expense of Ukrainian mobility. This betrays a failure to apply the lessons of the LBTAs at, *inter alia*, the Polish-Ukrainian frontier, which successfully increased regular Ukrainian mobility without increasing the risks of smuggling and irregular mobility {4-3; 4-4; 4-5; 6-5}. Furthermore, it should be remembered that talk of visa liberalisation only applies to the ‘Schengen’ visas required for short-term travel. Member states would remain in control of the permits required for longer term residence or work and border controls – at the frontier and in the Schengen interior – would enable the enforcement of a border regime that would promote regular mobility while clamping down on irregular mobility.

The EU’s desire to become a security actor and its consequent viewing of the neighbourhood through a security lens contributes to the imbalance between EU security and Ukrainian mobility, but a senior PL-MFA official also identified other factors at work in relation to EU and Western European perceptions of Ukraine and Ukrainians: “Most people feel a fear but it is not a threat. A threat is something real: fear is unreal; it is psychologically motivated” [PL-I-MFA-1].

### *Fears of the East: Devils in Western Minds*

Employing the distinction (above) between threats and fears, this section now examines how fears of Ukraine and ‘Eastern Europe’ influence EU bordering. The two are clearly linked, but for the purposes of this analysis, threats are seen to be more specific, endangering a particular object which becomes a referent for security discourses and practices, whereas fears are seen as more general, underlying psycho-social constructions that influence the environment into, and from which, threat discourses are spoken. These underpinnings may help provide the necessary ‘felicity conditions’ for securitisation by influencing particular audiences and thus increasing the likelihood of successfully securitising a particular issue as a threat to be reckoned with, as well as impacting on the context in which security practices are enacted {2-3; 4-6; 6-2; 7}. The two major sources of fear that emerge both imply difference and are related to the past: firstly to Ukrainian history, particularly the Soviet period, which is regularly cited as having significant influence on the present, particularly with regard to ideas of incomplete transition and an ingrained ‘Eastern-ness’ that is resistant to full Europeanisation (Kuus, 2004). Secondly, they relate to understandings of the Ukrainian present that provide discomfiting reminders of aspects of European history that the EU prides itself on having overcome (Boym, 2001: 222). Incomplete transition and resurgent, negative aspects of European history thus reinforce notions of performative Eastern-ness that differentiate the Eastern neighbourhood from EU-Europe.

Similarly, EUBAM officers working in Ukraine claimed that while “[Ukrainians] are perfectly capable, they have *chosen* not to take that ‘big leap forward’” and change their “bad habits” which leaves them suffering from a “Soviet hangover” [UA-I-EUB-1; UA-I-EUB-6]. EU-DU staff also lamented the “on-going influence of communist and Soviet times,” the “Soviet-style show trial” of Yulia Tymoshenko and a prevalent, yet “terribly old-fashioned, centralist attitude” that encouraged corruption, but hindered delegation and pro-activeness, thus preventing Ukrainians from reaching ‘European standards’ {5-4} [UA-I-EUD-2; UA-I-EUD-1]. Other participants offered a ‘hierarchy of luck’ as an explanation, in which a country’s ability to adapt to EU ways and means is inversely related to the duration of communist rule as well as to whether it is seen as post-socialist (or occupied), rather than post-Soviet:

The Iron Curtain, was not only on the Elbe but also on the Bug River, we were lucky on this side. Ukrainians were unlucky - they were part of the USSR [PL-I-MFA-1].

Poles were lucky because here only two generations lived under communist rule, but in Ukraine three generations did - nobody remembers normal times, which is a big difference [PL-I-MFA-1].

Certain EU officials and politicians consider Europe as something which was up until the Iron Curtain and that their 'enlargement' dealt with states which they consider to have been occupied by the USSR. Unfortunately our state is not considered to have been occupied [UA-I-MFA-1].

In EU and EUMS discourse, a picture cumulatively builds up of unfortunate Ukrainians being pushed by circumstance into illegal activity, which their inadequate judicial and law enforcement mechanisms cannot prevent. This creates an impression of a "Wild East" that threatens to spillover into the EU-'West' through petty and organised crime, THB and people smuggling, irregular labour and sex work, fuelling legal, moral<sup>102</sup> and health-related fears and contributing to (self-) images of Ukrainians as "resources" or "commodities" [UA-I-NGO-1; UA-I-NGO-2] (EC, 2007<sup>103</sup>; Szmagalska-Follis, 2009; Brown *et al.*, 2010) {6-5}. As discussed below {6-2; 6-3}, Claudia Aradau has argued that such intersections of the 'politics of pity' with the 'politics of risk' can limit mobility and political subjectivity and this has been the case in EU-Ukraine bordering (2004).

However, in other narratives of the 'Wild East' such as those that emerged in the run-up to the 'Euro 2012' football tournament that was jointly hosted by Poland and Ukraine and coincided with the fieldwork conducted for this project, the Easterners are cast as perpetrators rather than victims. The BBC Panorama documentary *Stadiums of Hate* made allegations of widespread, unpunished racist and anti-Semitic violence in both countries, prompting a call for fans to "stay at home. Don't risk it - *you could end up coming back in a coffin.*" A feeding frenzy ensued in British (and other Western-European) media, with claims that "racial thinking is socially endemic"<sup>104</sup> in these "distant cousins in the family of football,"<sup>105</sup> "notorious for their extreme yobs,"<sup>106</sup> and "thugs [in] ruined

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<sup>102</sup> Elspeth Guild (2009:5) notes that the (2003) edition of Stanley Cohen's classic "Folk Devils and Moral Panics" makes specific reference to migrants.

<sup>103</sup> 'Working Together: The European Neighbourhood Policy' – brochure produced by the EU Publications Office.

<sup>104</sup> The Daily Mail Website - <http://www.dailymail.co.uk/sport/euro2012/article-2146242/Euro-2012-Black-Asian-England-fans-risk-racist-attack-Poland-Ukraine.html>

<sup>105</sup> BBC Panorama, *Stadiums of Hate* - first broadcast 28/05/2012, ten days before the tournament kicked-off.

<sup>106</sup> The Sun-website: <http://www.thesun.co.uk/sol/homepage/news/4323892/Theo-Walcott-family-to-avoid-Euro-2012-amid-Nazi-thug-fears.html>

buildings and weed-covered parade grounds”<sup>107</sup> are just a few among many examples of this. An academic blog claimed that while “the continent’s Easterly nations clamour for a place at the table of European modernity,” the “cosmopolitan atmospheres” of previous tournaments were unlikely to be repeated in countries with limited histories of multicultural [sic.]”<sup>108</sup>.

Research participants agreed with the documentary’s numerous critics<sup>109</sup> and saw it as typical of ignorance and prejudice towards ‘Eastern Europe’. Both Yehor Bozhok of the UA-MFA and Polish Consul Rafal Wolski deplored the use of individual cases, taken out of context, to give a distorted and negative picture, but argued that the “reality of the tournament” destroyed these “myths” [UA-I-MFA-1; UA-I-PLC-1]. However, a participant who works as a tour guide confirmed that the damage was already done: “[tourists] heard awful stories – [that] if you come here you will be killed or raped [...] it is a pity for my country because it is not true” [UA-FG-2]. Marcin Zachowski of the PL-MFA added: “It was very sad and strange - especially because it is the BBC - because the journalists did not know enough about Poland and Ukraine” [PL-I-MFA-2].

Bohdan Rajcinec of the Czech NGO ‘Ukrainian Initiative’ argued that this was a classic example of the “fear [of] the unknown”, while Jan Vycital of the CZ-MFA noted that this was more the case for Western Europeans than for Czechs or Poles because of their “common history” with Ukrainians” [CZ-I-NGO-3; CZ-I-MFA-2]. Veteran CEE commentator Edward Lucas (2012) condemned the documentary’s portrayal of “eastern ‘backwardness’ and Western ‘progress’ [and] ‘orientalism’: the belief that ‘ex-communist’ is synonymous with ‘poor’, ‘nasty’ and ‘ignorant’” (European Voice – website<sup>110</sup>). The slurs of *Stadiums of Hate* resonate with Western commentaries on Ukraine and ‘Eastern Europe’, which associate carving out a post-Soviet national identity with racism and fascism in this “Unexpected Nation” (Wilson, 2002; Case, 2009; Snyder, 2014; Applebaum, 2014). The effects of such slurs have been less significant for Poland than for Ukraine due to its *de jure* and *de facto* belonging with the EU, although they were hurtful nonetheless and show

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<sup>107</sup> The Sun-website: <http://www.thesun.co.uk/sol/homepage/news/4284461/The-Sun-investigates-anarchy-in-Ukraine-Euro-2012-hate-camps.html>

<sup>108</sup> LSE Blog - <http://blogs.lse.ac.uk/politicsandpolicy/archives/24301>

<sup>109</sup> The documentary was condemned by people featured in it: Jonathan Ornstein, head of the Krakow Jewish Community Centre, was “furious” to have been “exploited” for a “sensationalist” programme, and Polish anti-racism campaigner Jacek Purski called the programme “one-sided,” as did black Polish MP Jon Godwin, while Ukrainian football journalist Yuri Bender, whose wife is of afro-Caribbean descent, criticized the selective reporting. See, for example: <http://www.economist.com/blogs/easternapproaches/2012/06/ugly-spectre>; <http://www.theguardian.com/football/2012/jun/06/panorama-attacked-sensationalist-euro-2012-racism-claims>

<sup>110</sup> <http://www.europeanvoice.com/article/imported/europe-s-orientalism-/74596.aspx>

the on-going battle that even Central Europeans with EU citizenship face to overcome stereotyping.

Discourses of dangerous Ukrainian difference and ‘backwardness’ provoke Joycean fears for the EU’s hard won wakefulness and strike at the heart of the EU’s self-image as *the institution* that that consigned the “nightmares” of European history to the past. This context of fear underlies security-focused bordering that is incommensurate with assessed threat levels and unnecessarily frustrates Ukrainian mobility, which also hinders the achievement of EaP goals and hurts the EU and its citizens. While risks – of smuggling and irregular mobility – do exist, the EU and EUMS have shown themselves able to reduce their vulnerability to them by managing mobility and improving border control: LBTAs have successfully decoupled individual mobility from smuggling and have not shown themselves to be vulnerable to abuse for the purpose of irregular migration {4-3}. The EU has long acknowledged the need to challenge the negative stereotypes of the Eastern neighbourhood that its own activities help to create (EC, 2003 – Wider Europe), and Nikita Kadan noted the role played by Poland in “fighting the devils which live in Western minds” [UA-I-NGO-1], but Ukrainians are painfully aware of how they are still seen: “Outside the cities are barbarians, so the city builds walls to protect itself from these so-called barbarians - this can be used as an allegory for Schengen” [UA-FG-1].

These observations point again to the complex backdrop of hope and fear, against which EU bordering with Ukraine, which is caught between opening-up-to and protecting-from, takes place. In effect, lingering prejudices and fears lead to the talking-up or dramatisation of threats that are not supported by analysis by the EU and its member states as to the level of threat and risk posed by increased Ukrainian mobility. The final section of this chapter concludes the examination of bordering discourses, by arguing that these tensions, apparent in narratives of hesitancy and uncertainty, desire and indecisiveness, themselves constitute a discourse which manifests itself in a continual re-making and remodelling of the EU and its relations with Ukraine in a process of ‘Euro-renovation’.

## 5-6 Conclusion: Discursive ‘Euro-Renovations’ in EU-Ukraine Relations

**Our history reminds us that we must protect [the European Union] for the good of future generations. For that reason we must always renew the political shape of Europe in keeping with the times. We**

have to renew it time and again [...] so that Europe can continue to fulfil its promise to ensure peace, freedom and prosperity.<sup>111</sup>

*Angela Merkel, German Federal Chancellor, 2014*

This chapter has shown the importance of a number of key discourses for EU bordering in Central and Eastern Europe: freedom, security and justice; hierarchy and belonging; friendship, shared values and shared interests; differing standards and divergent interests; as well as threats and fears. The overall picture that emerges is one of tension, conflict and confusion between: (1) the EU's proven ability to deliver what Europeans (including Ukrainians) want in terms of freedom, security and justice, which is linked to the positive narratives of having successfully spread these values and benefits to the EU-8 and the potential to further spread them by opening to and integrating with neighbours and partners such as Ukraine; and (2) the ways in which this opening and integration have been frustrated through a combination of supposed unwillingness and incapability on the part of Ukraine and fearful mistrust on the part of the EU and (some) EUMS.

This concluding section argues that EU bordering in Central and Eastern Europe and wider EU relations with Ukraine, which are both reflective and generative of bordering, are characterised by the repeated and uneven layering, removal and (re)layering of these different discourses. This layering happens over time, in successive reports and statements, but also near-simultaneously, *within* reports and even single statements by politicians and practitioners, which concurrently opens-up and closes-down relations, which then impact on bordering. This repeatedly re-made and remodelled relationship is reminiscent of the post-Soviet design style known as 'Euro-renovation', as described by Ukrainian artist and activist Nikita Kadan:

This style of interior was about using very cheap materials and imitating designs from Western magazines, but in a cheap way, to do it quickly and temporarily, not for a long time [...] I often use this term of Euro-Renovation - this very 'special' style of interior design, which emerged in post-Soviet countries in the early 90s when, people wanted to somehow become part of the winners' world, part of the West, but they started from the surface only, not with deep institutional changes, they didn't establish new relations, but only changed the surface. We use this term, which all people know, about interiors, but [also] about social conditions, about social construction<sup>112</sup> [UA-I-NGO-1].

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<sup>111</sup> Merkel (2014).

<sup>112</sup> Euro-Renovation is translated from the Ukrainian and Russian word Евроремонт (Evroremont).

Euro-renovations' flimsy construction allows for easy alteration, removal and replacement but the flimsiness of the new or supplementary design will be unlikely to completely or perfectly cover the traces of the old.<sup>113</sup> Their poor construction also means that while they might look the part for a short time, Euro-renovations will quickly decay and again need refurbishing or begin to reveal the older structures beneath (e.g. Shevchenko, 2008: 128). Ukraine's post-communist 'transition' and its perceived failure to come up to 'European standards' {5-4}, were linked by research participants to the shortcomings of its elites, who are seen to be engaged in processes of socio-political 'Euro-renovation', which echoes previous comparisons to "Potemkin Europeanisation"<sup>114</sup> [UA-I-NGO-1; UA-I-NGO-2] (Kurowska & Tallis, 2009). These facades of reform may have facilitated initial engagement and mutual opening with the EU, but once the lack of structural change was revealed, this hindered further progress, most obviously with regard to Visa Liberalisation and an EU membership perspective for Ukraine, both of which are key to EU-European belonging in terms of identities and orders.

However, the EU has also engaged in its own processes of 'Euro-renovation', as it has sought to re-new and re-shape itself and its relations with its Eastern neighbours. Fear, threat and the desire to become a security actor have been layered over freedom, integration and friendship. The calculation and pursuit of narrowly defined self-interest has been layered over the openness and sharing of both values and benefits that have allowed the EU to build peace and prosperity in the past. A narrow neoliberal meaning of material prosperity - as an end in itself - has been layered over the notion of prosperity as a means to richer ends. Intrusive verification and cautiousness have been layered over trust, confidence and vision. These trends reflect EU internal politics as much as the neighbourhood, but they have had specific effects in the neighbourhood (as shown above), leaving Ukrainians excluded (to a significant extent) and the EU unable to exert significant influence for change, with neither EU-Europeans nor Ukrainians demonstrably more secure or economically better off.

Being Euro-renovations however, glimpses of the earlier design are regularly revealed, most clearly with regard to the question of a membership perspective, which despite Prodi's (2002) attempts to be 'clear' when saying that ENP would neither "promise" nor

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<sup>113</sup> Anyone who has tried to rent an apartment in Ukraine or Russia will be familiar with this style. Nikita Kadan described Euro-renovations as being made of "Gypsum walls that you could put your elbow through by being expressive in conversation" – [UA-I-NGO-1].

<sup>114</sup> Referring to the specially constructed "Potemkin villages" constructed by Count Grigory Potemkin, supposedly to fool Empress Catherine the Great of Russia into thinking that the life of the Russian peasantry was distinctly better than it was, although more likely aimed at foreign dignitaries travelling with the Empress (Davies, 1997: 658).



“exclude” membership, and that while any “European state” could apply for it, they could not be certain to succeed. EU officials in Ukraine also reproduced this uncertainty:

[S]ometimes I tell them there is no membership perspective ... that there is no membership perspective currently ... but at the same time, the Treaty of Rome does stipulate that any European country does have that, as long as they fulfil the criteria [...] so based on that logic there is such a prospect [UA-I-EUB-3].

No. Not at all. It has never been considered, never. Well, in theory, in principle all European countries should be possible candidates for membership of the EU, but [...] at the moment Ukraine is definitely not being considered. Take the example of Turkey - it has been a candidate for more than 50 years - is Turkey a member of the EU? [UA-I-EUD-1].

Comparisons to the Turkish experience are unlikely to reassure Ukrainians anxious for recognition of their European belonging, and saddened to be made to feel ‘2<sup>nd</sup> class’ {4-4}.

The latter official also made this comparison regarding visa liberalisation:

It’s a long-term perspective. For the moment we cannot even think of any timetable for a partial or total liberalisation of the visa [...] Long-term can be interpreted as three months or twenty-five years – look at Turkey – sixty years later, it is still a long-term perspective!

Despite EU awareness of the importance of both visa liberalisation and a membership perspective to many (although not all) Ukrainians, the Union’s unwillingness to give a sign that may imply future responsibility again shows its fears over security and prosperity. According to Yehor Bozhok of the UA-MFA, this creates “obstacles which prevent the promotion” of the values the EU seeks to spread. Understandably this has made Ukrainians even more uncertain about further integration with the EU and of their prospects of being able to enjoy ‘Freedom, Security and Justice’ rather than being seen as a threat to it. Some research participants questioned whether integration with and eventual membership of the EU were still the best way to achieve ‘European standards’, while others worried that “Europeanisation will just mean neoliberalisation” but nonetheless still felt that “the very idea of the EU is essentially good” [UA-FG-1; UA-I-NGO-2]. Many participants agreed that European standards should mean something better than those Ukraine has at the moment and that the EU should embody and guarantee those standards and the values that underpin them. Most would like to see these possibilities opened up to them as well, but were not confident of this happening, which would require the breaking through and removal of Euro-renovations and ending the mutual hesitancy of their current embrace (IRI, 2014).

The influence of the positive discourses of opening and integration ensures that the EU's bordering with Ukraine continues to be more filter-like than fortress-like, but it remains counterproductively restrictive, which is testament to timidity rather than toughness and betrays the EU's own crisis of confidence. Providing visa-free travel for Ukrainians seeking to make short-term visits to the Schengen zone would not mean the end of border controls and would not remove the requirements for visas and permits for longer-term stay or work. This would remove a significant element of psycho-social exclusion while allowing EUMS to guard against threatening mobilities that may stem from the difficult economic situation that Ukrainians face and the poor standards of control offered by their own authorities.

The next chapter {6} looks at how practices of bordering also reflect and generate the features and discourses of the CEE borderscape in the context of increasing Europeanisation of bordering {6-1} and increasing reliance on law-enforcement agencies to produce knowledge about {6-2} and protect borders {6-3}. It is argued that these trends are infused with the same crisis of confidence as EU discourses and that this has further limited mobility for Ukrainians, while the unlearned lessons of previous successes continue to be apparent in Czechs' and Poles' practices of intra-EU mobility {6-4; 6-5}. The chapter concludes by arguing that, like the Euro-renovating discourses above and the features of the border archipelago, border practices act to limit the potential of the EU, Ukraine and their respective citizens to the detriment of all concerned.

## Chapter 6 – Limiting Europe: Key Bordering Practices in the CEE Borderscape

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### Introduction

Chapters 4 and 5 respectively outlined the key *features* and *discourses* of the Central and East European (CEE) borderscape. The present chapter now looks at the *practices* that also constitute the CEE borderscape. Practices are seen as the activities and tasks that most saliently relate to bordering, but also the institutional logics they both arise from and give rise to. This chapter explores the spatial, temporal and social contingencies and consequences of these bordering practices, identifying ways in which they impact on identity-subjectivity and order-governance in CEE. The cumulative underpinnings and impacts of the three key constituent elements of the borderscape are then outlined in the final, concluding chapter that follows {7}.

The ‘master practice’ of EU bordering in the last decade has been *Europeanisation*: the (still partial) transformation of bordering from the sovereign preserve of EU member states enacted at their own frontiers, to an EU (or Schengen) level activity carried out at - and in relation to - frontiers that have become common and in an expanded interior that has become an important site of bordering {4-1; 4-2}. Section 6-1 examines how the creation and extension of the Schengen zone triggered the emergence of a ‘European border imaginary’ that necessitates certain practices of mutual solidarity and support, which have further ‘Europeanised’ EUMS frontiers. The creation of the EU border agency – Frontex – partly due to the need to ensure that the EUMS are capable of taking the responsibilities entailed by Schengen membership, has spurred further Europeanisation through the harmonisation and standardisation of key aspects of border guarding. Practices of Europeanisation have facilitated the extensification and intensification of the practices described later in the chapter, but have not extended into the creation of effective measures to share the burdens and take the opportunities presented by mixed flows of inward mobility to the EU. This limits the effectiveness of EU governance as well as the mobility of Third Country Nationals (TCNs) such as Ukrainians.

As Section 6-2 shows, this *limited and limiting* Europeanisation was partly driven by, but also drove, the rise of ‘Risk Analysis’ (RA) {6-2} as *the* key way of *knowing* borders, migration and mobility in the EU and has negatively impacted strategic decision-making.

The section raises questions over the integrity, interpretation and use of RA, which is not balanced by any comparable way of knowing borders that estimates the possible and probable *benefits* and *opportunities* of inward migration and mobility, creating a distorted view of these issues that is largely determined by those who “see like border guards” (Follis, 2012). This section argues that RA’s façade of technical and operational credibility has legitimised the dominance of law enforcement agencies in EU border policy and practice, which has negatively distorted EU views of migration and mobility.

Section 6-3 shows that distorted views of migration and mobility as primarily bringing threats to be guarded against or burdens to be avoided (if possible) are compounded by the promotion of Fundamental Rights and the prioritisation of the need to *protect* migrants from the dangers of their own mobility. This section shows that ‘humanitarianisation’ of migration and ‘victimisation’ of migrants complement securitisation and criminalisation {5-5}, to further limit mobility for TCNs, and these processes have been accelerated by the tactical use of Fundamental Rights by Frontex and EUMS to claim that firm bordering is fair. However, this section also argues that another, related practice of protection, somewhat counter-intuitively, provides a platform for increasing TCNs’ mobility: practices of *protecting* both ‘the border’, and the integrity of the Schengen border regime have been improved to the extent that they now provide the potential for freer movement for (e.g.) Ukrainians, without increased risk.

As section 6-4 argues, this improved border protection has *facilitated* freer movement for Ukrainians into Poland, not only through Local Border Traffic Agreements, but by underpinning the Polish government’s strategy of increasing regular, managed migration, partly to deter irregular migration {4-3}. However, this is a somewhat isolated example, as most practices of *facilitation* apply only to particular groups of people or purposes of travel, and as this section shows, the Czech Republic (CR) has used facilitation as a way of limiting Ukrainian labour migration while maintaining an image of open-ness. This section then goes on to look at the informal facilitations that Ukrainians make for themselves in order to negotiate the complex and opaque visa and residence bureaucracies that hold the key to their inter-EU mobility and which often push them into irregular or illegal activity. The section shows that these various privileges in and negotiations of complex and restrictive visa, labour and residence bureaucracies reflect particular aspects of EU governance and intra-EU relations, as well as impacting on Ukrainian mobility.

Following on from this discussion of facilitation – primarily in relation to Ukrainian mobility - section 6-5 identifies the key practices of mobility and migration that influence and are

influenced by EU bordering in CEE more generally. This section examines the differing uses that Czechs and Poles make of the possibilities for free movement in Schengen and argues that this freedom is also used and highly-valued by TCNs (with regular status). It is argued that practices of tourism within the EU as well as from the EU to Ukraine have ambivalent – and often negative – effects on the perceptions of the destination countries, which help reinforce notions of difference and the need for division. Inward mobility for Ukrainians to the EU – primarily for work – is seen to raise similar issues, mainly due to the limited possibilities and types of work available to them, although all of these practices of *moving* also raise the possibility of the greater contacts and understandings that can help overcome division.

However, this chapter concludes by looking at the ways in which bordering practices, overall, *limit* the potential of EU governance and Ukrainians' mobility and potential (EU-) European. Section 6-6 argues that EU bordering practices (in CEE) combine to limit the EU's view of migrants as well as their mobility, while also limiting its own potential to govern effectively and in accordance with its values and history within the Union and in the Eastern neighbourhood.

## 6-1 Europeanising: Capacity Without Community

There is one phenomenon, which is not totally perceived by Czech citizens - that we Europeans have a new borderline, the border between Poland and Belarus, between Slovakia and Ukraine, and that there is a common responsibility for this.

*Cyril Svoboda, former Czech Minister of Foreign Affairs*

Chapter 4 (Border Features) showed that Czech and Polish accession to the EU and Schengen zone had significant re-bordering effects, transforming the sites and spaces of border practices in the two countries as well as in Ukraine. However, as the current chapter shows, bordering practices themselves have also been transformed by EU and Schengen enlargement, as previously national frontiers have been 'Europeanised', partly in response to the 2004 (EU) and 2007 (Schengen) enlargements and the discourses through which they were understood {5}. This section looks at the practices of Europeanisation (and their limits) that act as the 'master practices' for the bordering practices discussed below, particularly focusing on responsibility, oversight, harmonisation and the solidarity that stems both from Schengen's development and the related emergence of a 'European border imaginary'. The section looks at the institutionalisation of a 'European' level of border management, distinct from - yet related to - the level of the

member states who remain responsible for border control, particularly through the creation of Frontex, which has facilitated the spread and growing influence of the bordering practices discussed later {6-2; 6-3; 6-4; 6-5}. However, the current section also shows how Europeanising processes have mainly focused on standards and practices of border control rather than migration and policy in general, which has limited Ukrainians' mobility and the EU's potential to achieve its own goals in the neighbourhood. These limits to Europeanisation also reflect tensions and challenges in current EU governance.

### *Europeanising National Frontiers*

Europeanisation, in the sense that it is used in this thesis, refers to the extension and transformation of bordering practices from the level of the EUMS to that of the EU – or the Schengen zone. The emergence of a 'European' border imaginary,<sup>115</sup> which is distinct from but still related to those of EUMS, results from the increased interconnection and interdependence between Schengen states, particularly the reliance on other states to control external frontiers, as Frontex's head of Strategic Risk Analysis, Mari Juritsch, confirmed:

There is a common border so there is a legitimate common interest and a reliance on other countries doing their job right. It's right that Finns want to know and have a right to know that things are being done right in Greece [...] it really is a common border [PL-I-FTEX-5].

This 'European' border imaginary reflects and reinforces the discourses of common interest and shared risk in relation to the AFSJ {5-1}, but also the increasing institutionalisation of border management at the EU level. While some EU-8 states, such as Poland, have taken on additional responsibilities, older EUMS sought to ensure that these 'newer' states are up to the task through monitoring and oversight mechanisms. This desire for knowledge of - and reassurance about - the standards of border control conducted by other member states is reflected in Schengen evaluation mechanisms and the system of mutual inspection by representatives of member state border agencies, which are overseen and organised by the European Commission, and take place both in the lead-up to Schengen accession and at five-yearly intervals afterwards {5-2}. Accession preparations, primarily through training and infrastructural improvements, funded and facilitated by the EU, are credited with having greatly improved standards and conditions of border control at Polish 'external' frontiers. The extensive efforts that were

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<sup>115</sup> In fact it is an EU or more specifically Schengen border imaginary, but participants tended to refer to a 'European' level, rather than either of the other two options.

made to meet the Schengen criteria were agreed to have paid off, as Poland could claim it was “as responsible as possible” for its “part of the external border of the EU” not only to “Polish people, but also to those living further West,” reflecting the PLBG slogan – “Safe Poland, Safe Europe” - and indicating Polish belonging in the EU [PL-I-BG-1; PL-I-BG-3; PL-I-BG-4; PL-I-UN-2] {4-3; 5-2; 6-3}.

Prior to formal evaluation of Poland’s Schengen-readiness, capacity-building programmes were provided by the EUMS-BG services - which also participate in Schengen evaluations – in order to guide the changes to border-infrastructure and border-control procedures. Regular monitoring visits took place to raise awareness and understanding of, as well as compliance with, the Schengen *Acquis* (legal framework), the Schengen Catalogue (of best practices) and the Schengen Border Code (regulation of border control procedures). In co-operation with EUMS-BG agencies, handbooks were created to assist border guards to translate these principles and standards into practices and procedures, which had considerable harmonising effects [PL-I-BG-1; PL-I-BG-2].

However, harmonised border-control also requires harmonised understandings of the EU’s conceptions of security and mobility in relation to the EU’s type of border management, which depends on filtration of flows on the basis of Risk Analysis {4-3; 6-2; 6-3} (Neal, 2009). The centrality of Risk Analysis also had institutional impacts on Schengen border governance, as despite no longer having land frontiers with non-Schengen states, institutional change also took place in Czech Republic (CR). According to Pavla Novotna of the CZ-Mol, it is due to Schengen accession that the cross-ministerial analytical centre - involving the CZ-Mol, CZ-MFA and CZ-MoL - exists:

What we do is a result of accession to the Schengen zone ... because in the evaluation it was commented that we should have a more co-ordinated approach and now we have the centre and a body for the ‘co-ordination of border protection’ at the level of deputy ministers [...] It’s about everyone having the same information [...] now we speak with the same words, and it helps create the policy [CZ-I-Mol-2].

Novotna’s colleague (in the analytical centre) from the CZ-MFA, Jan Vycital, agreed that Schengen accession had driven internal governmental harmonisation with regard to border and migration policy, and both officials referred to CR’s responsibility to its AFSJ partners concerning ‘secondary movement’<sup>116</sup> and other risks relating to irregular mobility within the Schengen zone [CZ-I-MFA-2]. Robert Solich of the CZ-Mol also highlighted the

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<sup>116</sup> People entering one Schengen state and exploiting free movement to enter or stay in another Schengen state without the necessary permissions.

Czech need to fulfil its responsibilities in this regard if its defence of free movement is to remain credible, but was also clear in emphasising the responsibilities of other member states {4-2; 5-2}:

Some of our colleagues would like to have the opportunity to re-introduce border checks anytime when they feel there is a migratory threat [but] why should we pay for the inability of someone in the South to protect their border? [CZ-I-Mol-1].

Solich acknowledged that the migratory pressures in ‘the South’ were both greater than in ‘the East’ and more than some states could cope with noting that this required Schengen states to show solidarity with fellow members experiencing difficulties and that support should be provided to help them maintain the standards they signed up to, thus underpinning mutual commitments to ‘free’ movement. The importance to the European border imaginary of encouraging and co-ordinating ‘solidarity’ in order to prevent regression to narrowly defined national self-interest, which would threaten free movement in the AFSJ, lay behind the creation of Frontex, which has given formal expression to mechanisms of solidarity, but has also had other significant impacts on the Europeanisation of EU bordering and its limits (Frontex website<sup>117</sup>) [PL-I-FTEX-4; PL-I-FTEX-5].

### *Limits to Europeanisation: Border Control Without Migration Policy*

The creation in 2005 of a new “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union” (Frontex) was driven by the need for harmonisation of standards of border management, as well as the concomitant need for solidarity or burden-sharing between Schengen states that have differing levels of capacity and face uneven mobility pressure. Frontex is routinely referred to in public discourse as the ‘EU Border Agency’ (BBC-website, 2007; The Guardian-website, 2010<sup>118</sup>). However, as Andrew Neal (2009) noted, and agency staff were at pains to emphasise, Frontex is *not* an EU Border Guard Service or EU Border Police Force, and responsibility for border control remains with EUMS authorities [PL-I-FTEX-3; PL-I-FTEX-4; PL-I-FTEX-5; PL-I-FTEX-8; PL-I-BG-1]. Frontex has nonetheless emerged as a key player in EU border-making, and the creation of a

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<sup>117</sup> <http://frontex.europa.eu/about-frontex/origin>; [http://europa.eu/rapid/press-release\\_MEMO-11-130\\_en.htm](http://europa.eu/rapid/press-release_MEMO-11-130_en.htm)

<sup>118</sup> <http://news.bbc.co.uk/1/hi/world/europe/6303089.stm>; <http://www.theguardian.com/uk/2010/may/25/eu-border-fewer-illegal-immigrants>



specifically European-level border management institution has been a key Europeanising practice, which has also facilitated the spread of other practices {6-2; 6-3}. The influence of Frontex as a Europeanising actor is particularly pronounced in the formalisation of Schengen solidarity mechanisms – such as Joint Operations and the creation of European Border Guard Teams - but also in deeper harmonisation between member state BG agencies, fostering what Frontex terms “Europe’s Border Guard Community” (Frontex website<sup>119</sup>).

‘Joint Operations’ (JOs) are one of the key ways in which Frontex helps to promote solidarity in the Schengen zone by arranging and funding the deployment of border guards, particular experts or technical equipment from one EU country to another in cases of “significant pressure” or pre-planned need. JOs also target specific phenomena through the co-ordinated action of EUMS, focusing on irregular migration at the Polish-Ukrainian frontier for example. These JOs have involved officers from many Schengen countries, who were deployed for up to six-months, thus demonstrating solidarity and co-operation, but also allowing for ‘informal’ oversight and information gathering [PL-PO-1; PL-PO-2; PL-PO-3; PL-I-FTEX-8] (Frontex website<sup>120</sup>). Frontex also developed a rapid reaction mechanism to support member states experiencing ‘extreme migratory pressure’ and mitigate threats to the integrity of the Schengen border regime and the risk of ‘secondary movement’. Rapid Border Intervention Teams (RABITs) were first deployed in 2010 in response to sudden and significant increases in irregular crossings of the Greek-Turkish border at the Evros river. Rather than relying on ad-hoc voluntary provision of resources and personnel by member states, RABITs draw on a pre-designated pool to be used only in “exceptional and urgent” situations (Frontex-website<sup>121</sup>). The perceived success of RABIT deployments prompted the expansion of this pool to allow it to be used for regular JOs, as well as the amendment of the Frontex regulation to allow the agency to procure and possess its own assets. Jeff Schlentz, head of Frontex’s Pooled Resources Unit explained the significance of this development:

These officers are not on standby, so the member states have to manage their absence and their work [...] the co-financing by Frontex, operational co-ordination and policy of course, which is the starting point, are all in place - these are all elements for a European Border Guard system and, more concretely, there are now these European Border Guard Teams [EBGTs] and there is equipment, common equipment [PL-I-FTEX-3].

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<sup>119</sup> <http://www.ed4bg.eu>

<sup>120</sup> <http://frontex.europa.eu/operations/archive-of-operations/?year=&region=Eastern+Europe&type=&host>

<sup>121</sup> [http://frontex.europa.eu/assets/Attachments\\_News/fer\\_rabit\\_2010\\_screen\\_v6.pdf](http://frontex.europa.eu/assets/Attachments_News/fer_rabit_2010_screen_v6.pdf)

Schlentz also emphasised that the development of RABITs had shown the need for enhanced interoperability, which led Frontex to develop comprehensive harmonisation and gap-filling training, which was later rolled out to the wider EBGT pool, which was made easier by the fact that, as Frontex Operations officers from Portugal and Austria put it: “we learned from the same book – the Schengen Border Code” [PL-I-FTEX-2]. Frontex’s Research Unit collects and disseminates best practices, and Frontex has also pioneered development of a ‘Common Core Curriculum’ for border guard training across EU member states. This is accompanied by a codification of “Common Core Competences” for border guards, which, as senior staff from the Training Unit agreed, amounted to “defining what European border guarding is” and has a “European flavour” that takes account of “European Level” interests [PL-I-FTEX-6].

Apart from clarifying the need for interoperability in the name of solidarity (and creating capacity-building opportunities for Frontex), JOs, RABITs and EBGTs have also had other Europeanising effects as border guards have been able to “make contacts” and “maintain networks” across different national authorities. These contacts and networks, facilitate information sharing and more effective co-operation, which in turn also support the EU-European belonging of the national authorities [PL-I-FTEX-2; PL-I-FTEX-4] {5-2}. Frontex actively encourages “socialisation” effects of the type that have driven Europeanising processes in other spheres, not only on missions, but since 2010, through its annual “European Day for Border Guards,” where officers from across the EU (and beyond) gather in Warsaw for a conference, exhibition and social evening (Howorth, 2000; 2010). Frontex thus supports and develops the “European Border Guard Community,” a fraternal *esprit* beyond national *corps* [PL-I-FTEX-1; PL-I-FTEX-3; PL-I-FTEX-4; PL-I-FTEX-8].

The intended cumulative effect of these Europeanising practices was expressed by several Frontex staff in the concept of “*European Border Guardianship*” that had previously been outlined by Frontex Executive Director (2005-2014) Ilkka Lehtinen [*ibid.*; PL-I-FTEX-6]. This reflects widespread (although not unanimous) views in Frontex (and beyond) that AFSJ bordering would be best provided by a common border management service or system that, as Neal (2009) shows, could not be agreed upon at the time of Frontex’s creation, leading to the agency becoming something of a compromise, with an unusual governance and oversight structure split between EUMS and the European Commission. As Tim Cooper, Frontex Principal Research Officer, put it:

It’s a standard operating procedure for the Commission. When you hit a political issue you can’t resolve, you make it a technical issue and then change the facts on the ground so that, ten or twenty years later when you come back, you can then resolve it politically [PL-I-FTEX-1].

The need for, efficacy of and possible constitution of a ‘European’ border guard service or system were challenged by several participants [PL-I-BG-1; PL-I-BG-4], but the democratic legitimacy, accountability and acceptance of any such service amongst European publics would also be highly contentious (Neal, 2009). While the Europeanising practices described above can be seen as preparing the ground for, or influencing the context of, future formal Europeanisation of EU border control, for now it is the member states that remain “in charge” [PL-I-FTEX-1; PL-I-FTEX-3; PL-I-FTEX-4; PL-FTEX-I-8; PL-I-BG-1; PL-I-FTEX-2; PL-I-BG-3; UA-I-PLC-2]. The creation of a ‘European Border Guard Service’ would be particularly contentious at a time when EUMS’ capacity to control migration has become a key political issue in Europe, and it is significant that the logics of Schengen and the “common border” have had a far lower Europeanising impact on the wider field of migration and mobility policy than on border-control practices {5-2; 5-4; 5-5}. Many participants emphasised that border-control cannot substitute for migration policy - as one Frontex operational officer put it “Migration is *anything but* a police issue” [PL-I-FTEX-2] [PL-PO-4].

However, the political sensitivity of migration and mobility, especially in the post-2008 economic climate, has limited the Europeanisation of key issues such as asylum burden-sharing, let alone the notion of a balanced migration policy that would consider the potential benefits as well as costs of inward mobility [PL-I-FTEX-4; UA-I-NGO-2; CZ-I-NGO-1] (Malmstrom, 2014<sup>122</sup>) {5-2; 5-5}. The construction of a European border imaginary and the means to control these borders have not been accompanied by the parallel development of a European bordering community which would be committed to sharing the burdens of the AFSJ – for example by taking a proportionate number of asylum seekers from other Schengen states. The political disavowal of the benefits of migration as well as the lack of willingness to share its costs, has led to a focus on ‘technical’ or operational responses to policy questions. As the next section shows, this technification has given law-enforcement services a distorting monopoly on the production of border knowledge to the detriment of the EU and its neighbours, including Ukraine.

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<sup>122</sup> [http://europa.eu/rapid/press-release\\_SPEECH-14-244\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-244_en.htm);  
<http://www.theguardian.com/commentisfree/2012/mar/07/asylum-europe-present-united-front>

## 6-2 Knowing: Risk Analysis and the Distortion of EU Bordering

Practices of 'Europeanising' the EU's Schengen bordering have also helped to spread and enhance the influence of other practices and institutional logics. Later sections of this chapter will discuss practices of *protecting* {6-3} and *facilitating* {6-4} in this regard, while the current section examines the ways in which key EU and EUMS actors create knowledge about borders, bordering and mobility. This section shows that a particular kind of 'Risk Analysis' (RA) has become the predominant mode of border knowledge at the national and EU levels, reflecting the twin imperatives that infuse these 'liberal' border regimes (and aspirations to liberal governance more generally) - security and mobility. The need and desire to facilitate (certain types of) mobility while also providing security mean that neither fortress-type sealed borders nor completely open borders (without control) are a viable option at the EU's external frontiers, which also relates to the tensions and contradictions identified in EU bordering discourses {4-3; 5-6}. In light of this difficult search for appropriate combinations of security and mobility, borders and bordering take on great importance, as they are required to filter particular beneficial or acceptable kinds of movement from potentially harmful or unacceptable types of movement on the basis of particular knowledge about populations and moving people. This, in turn, not only shows the type of order the EU aspires to, but also helps to variously construct different subjectivities – and identities – as normal or abnormal, safe or threatening, welcome or unwelcome. It is in this context that RA has become *the* way in which potentially harmful, risky flows are differentiated from less-risky, safer flows, but as a key bordering practices, it has also become highly significant for governance and subjectivity in CEE as well as for EU-Ukraine relations [PL-I-FTEX-5; PL-I-FTEX-8; PL-I-Mol-1; PL-I-BG-4] {2-3; 4-3; 4-4; 5-5} (Foucault, 1977; 1978; Walters, 2006; Aradau, Lobo-Guerrero & Van Munster, 2008; Bigo, 2008; Guild, 2009).

### *Risk Analysis as Dominant Mode of Border Knowledge*

RA in one form or another has always been part of bordering, but in the EU context it has become increasingly formalised, standardised and influential in the last twenty years. These processes were driven by the EU's development as a security actor and heightened security focus post-9/11, its increasing involvement in Justice and Home Affairs (JHA) issues and the mixed blessings that it perceived in its post-2004 proximity to the Eastern neighbourhood. However, these influences were tempered by the EU's existentially important commitment (in principle and often in practice) to certain values - internally in the AFSJ, as well as in ENP - meaning that a blanket security approach

disregarding freedom, justice, trade or neighbourly relations was not acceptable. Thus in the creation of Frontex as well as in preparations for the EU-8's Schengen accession, risk and RA were defining features of attempts to manage these tensions and have subsequently become further entrenched and developed [CZ-I-Mol-2; CZ-I-Mol-3; PL-I-BG-2; PL-I-BG-4] {4-5; 5-3; 5-4} (Neal, 2009).

Key Frontex staff from across the organisation as well as external interlocutors confirm that "risk analysis is the starting point for all Frontex activities." Mari Juritsch, head of Strategic Risk Analysis, explained that the Common Integrated Risk Analysis Model (CIRAM) 2.0 which Frontex employs was specially adapted to suit the needs and role of the agency, as well as the situation at and risks to EU external borders [PL-I-FTEX-5]. CIRAM 2.0 defines *Risk* as a function of *Threat, Vulnerability and Impact* which "reflects the spirit of the Schengen Borders Code and the Frontex Regulation"<sup>123</sup>. [PL-I-FTEX-4; PL-I-FTEX-5; PL-I-FTEX-8; PL-I-UN-1] Juritsch justified this approach, saying:

When we do RA it is supposed to serve decision-making so there is a very instrumental information need behind it. There are a lot of things that it is nice to know, but whatever we do should strictly serve a purpose - an operational purpose or a decision-making purpose [PL-I-FTEX-5].

Echoing the agency's website,<sup>124</sup> Juritsch went on to note that Frontex conducts *operational* RA to prioritise its activities and allocate resources, but also undertakes *strategic* RA to "inform decision makers and key stakeholders, [...] senior management, member states, BG agencies, the Frontex Management Board, the Commission and the Council." RA thus not only influences border control practices, but also the overall border regime, mobility policy and neighbourly relations. The enhanced role in EU bordering for technical or expert knowledge (particularly from law enforcement agencies) has established Frontex as *the* source of European level border knowledge and RA as *the* way of knowing it {6-1}.

These developments have been further bolstered by the adoption and harmonisation of RA practices across responsible EUMS services, including 2004/2007 accession countries, which allowed the nascent European Border Guard Community to "speak the same language," according to Frontex's Head of Operations Klaus Roesler [PL-I-FTEX-8]. A senior officer in the Czech Foreign Police described Risk Analysis as "the magic words"

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<sup>123</sup> Frontex website – <http://frontex.europa.eu/intelligence/risk-analysis>

<sup>124</sup> Frontex website – <http://frontex.europa.eu/intelligence/risk-analysis>

for both the European Commission and the Czech ‘Analytical Centre for Border Protection and Migration’. Czech officials also stressed the importance of unified analyses, from comparable data, for formulating policy at national level and having influence at EU level as well as in shaping consular practice [CZ-I-Mol-2; CZ-I-Mol-3; CZ-I-MFA-2; UA-I-CZC-2] {6-1}. The PL-BG has fully adopted CIRAM 2.0 as its own RA system and made it integral to policy and practice at strategic level, where “the migration situation in the whole of Poland” is analysed, and at the PL-BG posts where it guides inland patrolling, green border surveillance and checks at BCPs [PL-I-BG-4]. Polish embassies and consulates also feed and use the system, and the Mol confirmed that PL-BG RA informs their practice and policy-making [PL-I-BG-3; PL-PO-3; PL-I-Mol-1; PL-I-Mol-2; PL-PO-3]. As in CR, RA has facilitated and driven a more integrated, inter-ministerial, multi-agency approach in Poland.

The pervasive influence of Europeanised RA practices can also be seen in Ukraine, where the UABG participates in Frontex’s ‘Eastern Borders Risk Analysis Network’ (EBRAN), which analyses risks *to* and *through* the borders that the EU “shares” with its Eastern neighbours, requiring the adoption of particular methods of collecting, collating and exchanging information. Both the EU-DU and EUBAM have engaged in considerable persuasion and mentoring on RA’s benefits and have conducted extensive human and technical capacity-building as well as donating hardware and software to facilitate the implementation of RA in Ukraine. Significantly Ukraine’s adoption of RA, as well as its participation in border and law enforcement information exchange networks, was tied to Ukraine’s Visa Liberalisation Action Plan (VLAP) and EU Association Agreement {5-4}. EUBAM RA expert Janos Meszaros concurred with the UA-BG’s assessment that that RA system is very similar to CIRAM. Significantly, in terms of the production of border knowledge, Meszaros claimed that “we [EUBAM] are a technical mission: *we are just teaching [the UA-BG] how to think*” (my emphasis) [UA-I-EUB-7; UA-I-BG-1]. This “technical” mission is guided by its Analytical and Operational Support Unit (AOSU), which also conducts “political analysis” that helps to “drive planning” by supplying EU, EUMS and Ukrainian authorities with analysis on “what is happening” regarding borders, migration, mobility and security in Ukraine. EUBAM’s perceived success has made it highly influential in EU border policy and practice, as a senior EUDU official confirmed: “EUBAM is our pride [...] *and our think tank* [UA-I-EUD-1; UA-I-EUD-2; UA-I-EUB-2] (EUBAM, 2006-2012<sup>125</sup>; Kurowska & Tallis, 2009).

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<sup>125</sup> EUBAM Annual Reports, available at - [http://www.eubam.org/en/knowledge/eubam\\_pubs](http://www.eubam.org/en/knowledge/eubam_pubs)

### *Opportunity Cost: Limitations of Risk Analysis*

As law enforcement agencies have taught other actors “how to think,” RA has become *the* way of knowing CEE borders, and is the foundation of Frontex, EUBAM and national BG authorities’ legitimacy of both expertise and action. However, as this sub-section highlights, serious doubts have been raised over the integrity of the data that underpins RA. Moreover, even improved statistical accuracy would not address the ways that statistics and other information are used and interpreted in the framework of RA, which have had significant effects on governance, mobility and subjectivity in CEE. It is therefore argued that these issues of interpretation and use need to be addressed if more balanced knowledge about borders and mobility, is to be produced.

Frontex officials, such as Mari Juritsch, are proud of the scope and depth of their RA, claiming that it is: “really detailed and sophisticated – I don’t think that anyone else has such data.” [PL-I-FTEX-5]. However, Principal Research Officer Tim Cooper revealed that Frontex had only recently established “*basic bloody facts*” on “stocks and flows” of migrants or even the number of border guards working in the EU, which he had calculated to be about a quarter of previously used figures. Emphasising the distorting effects of erroneous figures on policy, Cooper cited the FP6 ‘Clandestino’ Report, which challenged previous estimates of ‘stocks’ of irregular residents in the EU, claiming that the European Commission had based “millions of dollars’ worth of policy actions” on a figure of 8m irregular migrants, which had effectively been “made-up” by the French newspaper *Le Figaro* [PL-I-FTEX-1] (Triandafyllidou, 2009; Vogel, Kovacheva & Prescott, 2011). The Clandestino Report provides comprehensive evidence and methodological transparency for its estimates of there being between 1.8 and 3.3m, while the Figaro figure is unreferenced and unsupported (*ibid.*)

In other cases, RA seems to be used as ‘window dressing’, as several Frontex and EUBAM priorities do not seem to be supported by the analysis that they ostensibly put such trust in. Mari Juritsch claimed that there were “a lot” of “illegal” border crossings at the Slovak-Ukrainian frontier, but Frontex reports show only 900-1500 a year along the *entire EU Eastern Land Border*. Even at the upper end, the figures are miniscule in comparison to statistics that Frontex presents for both regular flows at this border (69m crossings a year in 2012) and illegal crossings elsewhere in the EU (72,437 – 141,051 annually between 2009 and 2012), with smuggling, particularly of excise goods, rather than irregular migration, consistently identified as *the biggest threat* in the region at that time [PL-I-FTEX-5] (Frontex, 2011a; 2012a; 2013a).

Janos Meszaros of EUBAM also claimed that “illegal migration” is a significant problem in the region, but other senior mission officers dismissed this as “a total talk up” of already shoddy data. Meszaros thus followed a long-standing EUBAM trend<sup>126</sup> of ‘dramatising’ particular issues, including THB, that according to other mission staff are not supported by “the numbers” [UA-I-EUB-1; UA-I-EUB-6; UA-I-FTEX-7] {6-3}. Meszaros explained that “the main reason to start the [EUBAM] mission [was] to stop the migration flow from Ukraine and Moldova to EU member states.” Awkwardly, however, this supposed threat that provides an (unofficial) reason for EUBAM’s existence is not even supported being significant by EU organisations’ own analysis. Given the statistical difficulties mentioned above, it is difficult to say whether or not irregular migration – or indeed migration in general – from and through Ukraine is *actually* a threat or not but, crucially, RA is used to give credence to the claim that it is. However, even on the basis of the statistics that are presented, this claim does not appear justified.

It is significant that some EUBAM and Frontex staff saw fit to question the statistics that underpin Risk Analysis in the two organisations. It is also significant that they questioned ways in which RA was being used to justify particular courses of action, which highlights the role that prevailing interpretations of ‘the numbers’ – within these organisations and in the wider contexts in which they operate - are highly contestable. Challenging the claim on a statistical basis could therefore be one way of contesting the current border regime and improved statistical accuracy regarding the migration and mobility situation would be a positive development for the kind of border management the EU advocates. However, there are also other issues at hand which relate to the discursive construction of threats noted in the previous chapter {5-4; 5-5} but also to institutionalised policies and institutional politics, as will be seen below.

Echoing Steve Smith’s (2004) injunction about “facts” not speaking for themselves, Piotr Fialkowski, deputy head of RA for the PL-BG, argued that analysis “can’t only be based on statistical and quantitative data, but also [on] qualitative data” which he readily agreed “involves the imagination” [PL-I-BG-4]. Behind RA’s pristine statistical façade lies considerable scope for interpretation. As Mari Juritsch of Frontex recognised, the interpretation of law enforcement professionals is “focus[ed] mainly on the threats. [...]”

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<sup>126</sup> Initial justifications for the mission had included suspicions of widespread arms trafficking, smuggling of radioactive materials, illegal migration, THB and even organ trafficking. However, the most significant issue that EUBAM identified in its AoR in its first year of operation (at the time I worked there) was the smuggling and “re-export” of chicken meat into Ukraine via Transnistria (EUBAM, 2006). Mission management at the time noted that although serious, this issue does not carry the political cache of those mentioned above.



that's what we are traditionally good at [...] and it still is." Juritsch (and others) claimed that this was due to the structural influence of the legal framework – "law enforcement doesn't have the luxury to say what is right and wrong" [PL-I-FTEX-5; PL-I-FTEX-8]. The institutionalised focus on threats explains some but not all of the prevailing interpretations by EU actors with regard to mobility from and through Ukraine.

If an important (unofficial) reason for launching EUBAM proved not to be backed up by statistical evidence, questions may be raised over the mission's continued existence and size of budget. This in turn may create an incentive among staff who believed in the value of the mission's work - and their own positions - to 'dramatise' particular issues behind a façade of technical expertise, regardless of the statistical or interpretive validity of doing so. It is significant in this regard that senior mission staff were willing to state that the EUBAM's prioritisation of (irregular) migration and THB were unsupported by the numbers that they produce. However, the need to 'stop migration' does resonate with Janos Meszaros' previously quoted view that "migrants coming from outside means reducing the place for our people [sic]" and Deputy Head of Mission Slawomir Pichor's assertion that migrants "steal our jobs" indicating the presence of other agendas that are masked by the supposed objectivity of Risk Analysis [UA-I-EUB-2; UA-I-EUB-7].

This approach has effectively harmonised practice-based and discursive securitisations of mobility, regardless of the actual numbers involved {5-4; 5-5}. Similarly, it has been easier for the EU to justify the maintenance of its overly restrictive visa regime on the basis of what some EUBAM staff argued were "talked up" yet illusory migratory threat because it resonates in the public consciousness in a way that smuggling does not. This approach is also highly expedient for the EU, especially given its general hesitancy over Ukrainian mobility, the value it sees in treating Ukraine as a 'buffer zone' and the use it makes of Visa Liberalisation as a key leveraging device in negotiations with Ukraine {4-3; 4-4; 4-5; 5-4; 5-5}. It is no wonder, therefore, that the EU-DU official quoted above referred to EUBAM, with its useful, RA-based veneer of technical credibility, as "*our think tank*" and the head of AOSU as "a man of global vision"<sup>127</sup> [UA-I-EUD-1].

These interwoven policies, purposes and preferences (sometimes bordering on prejudices) reveal reasons for maintaining the visa regime and border policy towards Ukraine that cannot be found in the 'objective' numbers of Risk Analysis. Tim Cooper was most damning about this, powerfully condemning RA as "*policy-based evidence-making*,

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<sup>127</sup> The then AOSU head has subsequently taken up an important role at Frontex.

*not evidence-based policy-making* [PL-I-FTEX-1]. The problems identified above in the underlying data and its (wilful) misinterpretation and misuse need to be addressed in order to improve the credibility of RA, which does - and *should* – have an important role in understanding borders. This is because a central and desirable tenet of the AFSJ is that law enforcement and border management agencies should enforce the law *as it is*, being constrained by it rather than taking it into their own hands, and so it is right and proper that RA conducted by these agencies should focus on threats defined in law and how to counteract them {5-1}.

However, rather than simply needing to be constrained by law, a bigger issue stems from the near monopoly of law enforcement actors on the production of border knowledge. This dominance means that “proper visualizations” and “situational pictures” of “*what is happening*” (my emphasis) are produced and interpreted by those who “see like border guards” (Follis, 2012) [PL-I-FTEX-5; PL-I-FTEX-8]. In the absence of any serious counterweight to these points of view, security is prioritised over mobility, with all the negative consequences identified above {4-4; 5-4; 5-5}. As Mari Juritsch rightly noted:

There might be a fantastic impact of a person who comes and contributes to the economy of [e.g.] the Czech Republic and buys this and this, [...] is young and working hard, [...] is a major innovator and may start a business, [that] could be, but [analysing] that is not our role [PL-I-FTEX-5].

Currently, it seems to be nobody’s role, as CZ-MFA, PL-MFA, CZ-MoL and CZ-IoM officials admitted, leading to a negative imbalance in knowledge of borders and mobility. RA and law enforcement dominance over bordering knowledge therefore need to be “countervailed” by other ways of knowing and understanding borders to address the distorted view of migration and mobility that they produce (Galbraith, 1993 [1952]). As the next section shows, it is not only practices of *knowing* that contradict rather than contribute to the achievement of EU goals in CEE through bordering, but also related practices of *protecting*. However, in both cases, there is room for contestation as discussed in the concluding section of this chapter {6-6} and the concluding chapter of this thesis {7}.

### 6-3 Protecting: Borders and Migrants

You do not have a fundamental right to illegally enter the European Union.  
*Senior Frontex Official*

A key consequence of the dominance of RA is that EU external frontiers have become not only a prime site of security practices to interdict perceived threats by filtering out supposedly harmful moving people and goods, but also have themselves become objects of protection. Maintaining the integrity of the border regime is essential to the credibility and existence of the Schengen zone. As shown above, AFSJ governance and policing are reliant on the gathering and verification of particular knowledge about the people moving into and out of the EU, as well as those residing and moving within the Schengen zone. This section discusses EU and EUMS practices of protecting both the border and the integrity of the border regime, primarily through border checks at BCPs and surveillance of the 'green borders' that run between them as well as inland patrolling. However, the current section also examines other practices of protection that have become increasingly relevant for EU bordering in CEE - protecting migrants and other moving people from fundamental rights violations and physical harm as well as from labour or sexual exploitation, with particular focus on preventing THB. The section shows that the potential for enhanced mobility created by highly efficient and effective border protection practices is not only underused (echoing analyses above {4-3; 4-4}), but is also counteracted by the restrictive impulses unleashed by practices that ostensibly seek to protect migrants from the dangers of their own mobility.

### *Protecting the Border and the Integrity of the Border Regime*

Border Crossing Points (BCPs) are prime sites for the protection of the border and the integrity of the border regime. It is at BCPs<sup>128</sup> that Ukrainians (and others) seeking to enter the EU must present their passports and visas, residence and work permits. The details of these documents are entered into computerised systems and checked against the Schengen Information System (SIS) and national databases. Depending on the travel history indicated by passport stamps and database entries – and the purpose of the current travel, border guards ask questions about the purpose, duration and conditions of their entry into and stay in the EU. Those travelling as tourists may be asked about their reasons for visiting a particular place or what they plan to see when they get there, while potential workers can expect questions on their employer, salary and conditions of accommodation, with lack of knowledge considered suspicious. These questions may also

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<sup>128</sup> Working BCPs in Czech Republic are now exclusively at international airports. While these airports are also sites of border protection, the focus here is on the road, rail and pedestrian BCPs at the "land border" between Poland and Ukraine, which are by far the most significant channels for Ukrainians seeking to enter the EU.

be prompted by the luggage the person has,<sup>129</sup> the vehicle that the journey is being made in, or the other travellers<sup>130</sup> in the group.

Vehicle, luggage and document checks are conducted in close co-operation with customs officers and, infrastructure permitting, the Polish authorities have implemented 'one-stop' controls to "facilitate faster movement" through concurrent checking of documentation, transportation and possessions. The documents of incoming EU citizens are also checked although PLBG officers confirmed that there are "two different levels of checks: minimal for people who enjoy community rights of free movement and full, thorough checks for TCNs." Like the checks performed inside the Schengen zone {4-1} this differentiation performs a social sorting function, which is also expressed spatially at BCPs {4-3}, where, as at airports, flows of TCNs are separated from EU citizens, who enjoy lower average checking times, which are a key performance indicator for the PL-BG [PL-I-BG-4; PL-I-FTEX-2; PL-I-FTEX-5; PL-I-BG-3; PL-PO-3]. The frequency and extent of deeper border checks (second-line controls) conducted on both EU and Ukrainian citizens passing through the BCP are, to a large extent driven by the 'profiles' that are generated by RA, which focus on key indicators warranting closer examination {6-2} [PL-I-BG-4; PL-BG-3; PL-PO-3; PL-I-FTEX-2; PL-FTEX-5]. Frontex 'guest' officers deployed - on request - for periods between three and six months are also on hand to provide expertise on, for example, national documents or detecting stolen vehicles [PL-PO-3]. Border guards and customs officers augment risk profiles with their professional experience, expertise and local knowledge. While operating within the rules set out by their national agencies and the Schengen *acquis*, in CEE they are neither temporary sovereigns nor unthinking executors of repressive discourse {3-2} (Kurowska & Tallis, 2013).

All vehicles pass through radiation detectors at the BCP, while goods vehicles and cargo trains are also x-ray scanned to detect and deter smuggling of people or contraband.<sup>131</sup> Ensuring that people *do not* avoid controls is central to the integrity of the Schengen border regime, which requires that documented data be "fixed" to the person, so it can be assessed for risk, irregularity or abnormality (Amoore, 2006; Salter, 2007). Information submitted during visa-application processes is verified and documents are evaluated in relation to the types of movement the border guards see taking place. This process

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<sup>129</sup> A weekend tourist trip made with a car full of domestic possessions, or a student travelling with work clothes and equipment may prompt further inquiries.

<sup>130</sup> A group of young female travellers with relatively recently issued passports travelling for waitressing jobs in Western Europe in a minivan with a male driver with an older passport, may face some questions as to how much they know about the exact nature and conditions of their future employment.

<sup>131</sup> These detection devices are installed at major Polish-Ukrainian BCPs, which are also equipped with 'mikrosearch' capabilities that detect concealed people or animals [PL-PO-3; PL-I-BG-4].

requires that moving people pass through BCPs, where the checks and verification can take place thoroughly and professionally, rights can be respected and proper consideration can be given to safety as well as security {4-3} [PL-PO-3; PL-I-BG-4; PL-I-FTEX-2]. Channelling flows through BCPs is therefore essential to the maintenance of the integrity of the filtration-based border regime, which also emphasises the importance of border surveillance (aimed at preventing crossings outside BCPs) to the credibility of the management of EU and Schengen borders by member state authorities.

The freedom of movement allowed by the Schengen zone has significantly increased the pressure on states with external borders to ensure that they 'know', check and thus manage flows into (and out of) the AFSJ, with 2004/2007 accession states, such as Poland, under particular pressure to show that they could meet EU standards in this regard {4-3; 5-2; 6-1}. The PL-BG conduct extensive border surveillance, based on risk-analysis-driven patrolling of the areas in and around the green border and the border belt. Vehicles, including Land Rovers, quad-bikes and vans equipped with long-range night vision equipment, as well as light aircraft and helicopters, facilitate mobile patrolling and observation of the border region as well as inland transport routes [PL-I-BG-3; PL-PO-3; PL-O-4] {4-3}. The practices of border control conducted by the PL-BG were praised by Frontex officials for facilitating mobility while providing security; by representatives of the UNHCR for respecting people and their fundamental rights; and by focus group participants for being "kind and polite [...] not cruel," even when denying people entry. Focus group participants contrasted this with Ukrainian controls and compared the experience of entering the EU favourably to crossing the Ukrainian-Russian frontier {5-1} [UA-FG-2; PL-I-FTEX-3; PL-I-FTEX-8; PL-I-UN-2].

### *Protecting Migrants, Limiting Mobilities*

Besides practices of border protection, practices of protecting migrants and their Fundamental Rights (FR) have, especially through the growing influence of Frontex, become central to contemporary EU bordering.<sup>132</sup> This trend has been accompanied by increased efforts to prevent migrants from being exploited, both sexually and in the labour market. While they are ostensibly well-intentioned, this section shows how these migrant-protecting practices contribute to a more restrictive mobility environment for TCNs (including Ukrainians).

Coming in the wake of the establishment of the EU Fundamental Rights Agency (FRA)

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<sup>132</sup> As well as formal accountability, the presence of officers from different countries has had the effect of providing an external 'conscience' that limits the potential for FR violations.

and the European Asylum Support Office (EASO), and the prioritisation of FR by DG Home Commissioner Malmstrom, the amended 2011 Frontex regulation approved the agency's upgraded Fundamental Rights Strategy. The regulation established a permanent 'Fundamental Rights Officer' (FRO) within Frontex – to perform an internal audit function - and a Consultative Forum on Fundamental Rights (CF) – to provide both expertise on FR and an arena for NGOs to raise concerns relating to FR. These institutional changes followed controversial allegations about Frontex's complicity in or perpetration of FR abuses, relating mainly to poor detention conditions for migrants and possible cases of *refoulement* (denying people in need of international protection the possibility to exercise their right to claim asylum). These allegations have been strongly challenged by the agency, which admits that isolated violations – by national rather than Frontex officers - have taken place, but convincingly rejects claims by extreme 'anti-border' activist groups that it carries out intentional, systematic or institutionalised FR violations [PL-I-FTEX-1; PL-I-FTEX-7; PL-I-FTEX-8].<sup>133</sup>

That Frontex takes its FR responsibilities seriously is not in doubt and, increasingly, its staff members come from FR backgrounds, enabling the agency to provide performative expression of key ideas of justice that are crucial to EU-European identity and self-image {5-1}. Frontex staff, national authorities and the UNHCR pointed to the influence that the agency has had on up-scaling awareness of and training on FR at all levels of European border guarding. From training programmes to inclusion in the Common Core Curriculum and Common Core Competences for Border Guards, FR protection is an integral practice of EU bordering [PL-I-FTEX-5; PL-I-FTEX-6; PL-I-UN-1; PL-PO-3]. However, as External Relations Officer David Reizenzein stated, there were tactical as well as principled reasons for the agency's foregrounding of FR:

There was a push in terms of enhanced border security and in terms of enhancing the capacities and capabilities of Frontex, [...] and there was a trade off in the course of negotiations [...] for enhanced safeguarding of FR [PL-I-FTEX-7].

Despite its many positive aspects, protecting migrants' FR has also become a further legitimising logic for the increasingly dominant risk-based and security-focused view of borders and mobility {6-2}. The focus on upholding rights prioritises procedural rather than substantive notions of justice in bordering discourses and practices, which suggests that if FR are protected then the mobility regime is considered *fair* and so can also be justifiably *firm* and, which has come to mean overly restrictive {4-6; 5-6}. Protecting FR also includes ensuring that asylum claims are recognised, which in addition to fostering the image of

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<sup>133</sup> See e.g., <http://frontexplode.eu>; <http://frontex.antira.info>; <http://noborders.org.uk>

migrants as victims - in need of saving - creates perceptions that they are a burden in terms of the cost they impose on state budgets {5-2; 5-5; 6-1} (Walters, 2006; Andrijasevic, et al. 2012). Ukrainians do not substantially benefit from this, as they do not apply for asylum in the EU in significant numbers, but the labelling of the country as a significant transit route for irregular migration and potential asylum seekers from other third countries is conflated with it being an origin country, adding to the perception of mobility from Ukraine into the EU as burdensome (Frontex, 2012, 2013). Michele Simone of UNHCR noted that “abuse” of the system further complicates matters, which was confirmed by Jan Vycital of the CZ-MFA, who identified the large number of unfounded asylum claims by citizens of Western Balkan countries that have visa-free travel to the EU as a significant obstacle to visa liberalisation with Ukraine [PL-I-UN-1; CZ-I-MFA-2].

Vycital also highlighted the protection of migrants from exploitation as a significant influence on the “general context” of visa liberalisation focusing, like several other interviewees, on labour exploitation [CZ-I-MFA-2; CZ-I-Mol-2; CZ-IoM-1; CZ-MoL-1; CZ-I-NGO-1; UA-I-EUB-6; UA-I-EUD-2]. While undocumented working is seen to leave migrants vulnerable to mistreatment, poverty and living unacceptably precarious lives that are incompatible with the goals of the AFSJ, their irregular labour is also seen to threaten EU values and standards, pose unfair competition to EU citizens in the labour market and be linked to criminality, even while it remains unofficially ‘in demand’ {4-1; 5-1; 6-4} (Frontex, 2014). Many other interviewees, as well as EU reports, focused on sexual exploitation of female migrants and linked it to Trafficking in Human Beings (THB), which is seen as a particularly significant problem in relation to Ukraine (e.g. EC, 2004). Frontex has established a THB working group, developed handbooks to help identify potential “victims of THB” and organised many training events on the topic, which is included in the CCC. These initiatives take place amidst global campaigns against “modern slavery” and widespread EU and public condemnation of THB {5-5} (Weitzer, 2011) [UA-I-CZC-2; UA-I-EUD-1; PL-I-FTEX-4; PL-I-FTEX-5; PL-I-FTEX-8; PL-I-BG-4].

However, several academic studies have compellingly challenged the conflation of sex work with THB, and of THB with other forms of organized crime and irregular migration, which has put women, especially those from CEE, at the intersection of a “politics of pity” and a “politics of risk” where they must be prevented from harming both themselves and the EU or AFSJ (Andrijasevic, 2009; 2012; Aradau, 2004). Sophie Day (2010) has identified a clear connection between the increasing prioritisation of THB in Western Europe and the arrival of increasing numbers of CEE women to work in the sex industry there {6-5}. Ronald Weitzer (2011) has shown that a “robust mythology of trafficking” is

not supported by hard evidence and that “many of the claims made about it are wholly unsubstantiated.” Preventing THB nonetheless provides “a nice justification”<sup>134</sup> for restricting mobility, but denies agency to those constructed as “passive victims.” However, sex workers are often seen as “different” from other women and potentially socially or morally harmful, which makes them “reproachable victims” (Jacobsen & Skilbrei, 2010). Similar, although less exaggerated feelings are expressed in relation to irregular workers who are associated with labour market threats, corruption and criminality, as well as their own mistreatment, reproducing hierarchical divisions between ‘EU-Europeans’ and ‘Eastern-Europeans’ (Darley, 2009; Boym, 2001; Case, 2009) {2-5; 4-2; 5-1; 5-4; 6-5}.

This section has shown that practices of border protection underpin the integrity and credibility of the Schengen border regime [UA-I-EUB-2]. Not only do these practices facilitate the freer movement of people within Schengen but they are, in general, carried out with consideration of and sympathy for the difficulties facing Ukrainians seeking to enter the EU, with many practitioners recalling their own pre-accession travails [PL-PO-3]. However, practices of migrant protection intended to prevent exploitation – and guard against both burdens and threats - also restrict mobility. Human rights lawyer Pavel Cizinsky argued that this contributed to “humanitarianisation and victimisation” of migrants (complementing “securitisation and criminalisation”), which as “a total perversion of the human rights argument,” is “very repressive” in terms of both mobility and belonging [CZ-I-NGO-1] {5-5}. Nonetheless as the next section shows, Ukrainians do find - and are offered - ways through the restrictions, and these facilitations of mobility are the subject of the next section.

## 6-4 Facilitating: Snakes and Ladders in the Visa Castle

Despite the restrictive effects of the practices described above, millions of TCNs, including Ukrainians, do travel to the EU each year, again dispelling the notion of “Fortress Europe” (EC Website<sup>135</sup>) {4-3}. While the next section {6-5} discusses practices of movement in CEE, the current section looks at the ways in which certain types of travel to, and stay in, the EU are *facilitated*. Firstly this section discusses the ways in which official facilitations, connected to processes of Europeanisation {6-1}, have made travel easier. The section also shows that while the facilitations of mobility provided by the EU and EUMS are often well-intentioned and in accordance with the positive discourses regarding opening-up to

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<sup>134</sup> The term used by a sex worker interviewed by Andrijasevic, et al. (2012).

<sup>135</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm) -



the Eastern Neighbourhood, they also privilege particular people and purposes of travel, which re-reaffirms the hierarchical inclusion and exclusion of particular subjectivities {4-6; 5-3; 5-6}. Despite a significant under-provision of possibilities for regular movement and stay, Ukrainians, like others, also find their own ways to *negotiate* opaque and complex visa and residence bureaucracies. However, as the section also shows, this sometimes involves elements of irregularity, or even illegality, giving a kernel of credence to the overstated link between migration and (organised) criminality, which helps create conditions for restricting mobility {5-5; 6-2; 6-3}.

### *Privileges: Formal Facilitations*

Europeanisation {6-1} has brought common Schengen policies and practices that require AFSJ states to respect rights of free movement for holders of visas issued by other states and apply common facilitations as part of the (incomplete) process of harmonisation. These facilitations are part of the EU-Ukraine Visa Dialogue, which is linked to both Ukraine's Visa Liberalisation Action Plan and Association Agreement and are seen to "strengthen ties between the citizens of Ukraine and the EU" (EC-Website, 2012<sup>136</sup>) {5-3}. Commissioners Cecilia Malmstrom (Home) and Stefan Fuele (Enlargement and Neighbourhood) concurred, implicitly recognising the detrimental effects of the restrictive visa regime for EU-Ukraine relations, as well as on citizens' preferences and perceptions {4-4; 4-6} (*ibid.*):

[Visa Facilitation] will further facilitate people-to-people contacts and make it easier for ordinary Ukrainian citizens who want to travel to Europe. The changes will facilitate travelling for, amongst others, representatives of the civil society, NGOs and journalists.

It is a very positive signal to the people of Ukraine that despite the current difficulties in the overall EU-Ukraine relations, the EU is firmly committed to strengthening the people-to-people contacts between the citizens of the EU and Ukraine.

In practice, visa facilitation expedites the process – and increases the likelihood – of obtaining a Schengen visa for certain types of travel and travellers and, in some cases, also waives the cost of doing so. As the Ukrainian NGO 'NoVisa' noted, this "long-awaited" amendment "expand[ed] the list of privileged categories", creating distinctions between those considered "*bona fide*" and those considered otherwise and confirming which types of travel are explicitly seen as beneficial and effectively creates profiles of those people and purposes that are more – or less - 'welcome' in the EU. That the privileged groups

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<sup>136</sup> [http://europa.eu/rapid/press-release\\_IP-12-821\\_en.htm](http://europa.eu/rapid/press-release_IP-12-821_en.htm)

(such as journalists, businessmen, politicians and bureaucrats) are already seen by many Ukrainians to enjoy considerable unwarranted privilege helps to foster particular impressions of who and what the EU is for [UA-I-MFA-1; UA-FG-1]. However, some of those who were most strident in these critiques, such as activists Nikita Kadan and Vasyly Cherepanyn, also benefit from facilitations, albeit only for certain purposes – as Cherepanyn put it, “I have never in my life travelled as a tourist”, which again echoes the dividuality by the control-type power discussed above {2-3; 4-1; 4-6} [UA-I-NGO-1; UA-I-NGO-2].

The visa policies of EUMS for longer-term travel, stay and work have similar effects. The Czech authorities are described as “problematic” by ‘NoVisa’ because, despite waiving the fee on 40% of visas, they operate an – openly acknowledged – hierarchical system of preference for the type of people and purposes of visit (2012: 8). While the Czech consul in Kyiv correctly challenged some of NoVisa’s figures (specifically, the visa rejection rate), the CZ-MoI- and CZ-MoL co-operate on special programmes to attract particular groups including: professionals and people with higher-level qualifications or high-paying jobs<sup>137</sup> as well as people from particular countries.<sup>138</sup> Jan Vycital of the CZ-MFA highlighted the fact that *Ukraine is included* in this group of privileged countries, but human rights lawyer Pavel Cizinsky dismissed this as a “media bubble project” benefitting a negligible number of Ukrainians. Lucie Sladkova of CZ-IoM agreed, calling the programme a “fairy tale”, which was more to do with what Vycital described as “limiting the number of workers” – effectively a populist clamp-down on unskilled labour without actually increasing mobility for skilled Ukrainian workers {5-4}. Sladkova claimed that this ignored the unmet Czech demand for unskilled labour, but also increased the cost and complexity of enforcement, again creating a lose-lose situation {4-4} [CZ-I-IoM-1; CZ-I-MoI-2; CZ-I-MFA-2; UA-I-CZC-2; CZ-I-NGO-1; CZ-I-MoL-1].

Like other forms of visas and residence and work permits, the facilitated visas and permits are processed through the Czech ‘Visapoint’ system. Visapoint was part of a raft of measures introduced to prevent abuse at consulates (including in Ukraine) and offices of the Foreigners Police {4-1}. However, although these measures have improved the

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<sup>137</sup> More than 150% of the gross average wage, which in 2014 was calculated as being approximately 1000 EUR per month, with 1500 EUR needed to qualify for a Blue Card - [http://portal.mpsv.cz/sz/zahr\\_zam/modka/ciz#prokoho](http://portal.mpsv.cz/sz/zahr_zam/modka/ciz#prokoho)

<sup>138</sup> Citizens of Australia, Montenegro, Croatia, Japan, Canada, South Korea, New Zealand, Bosnia and Herzegovina, Macedonia, United States of America, Serbia, Ukraine can apply for the ‘Green Card’ programme which has three categories: A – Qualified Workers with University Education or “Key Personnel” where a particular need has been identified in the labour market; B – jobs with a minimum education requirement; C – other workers; [https://portal.mpsv.cz/sz/zahr\\_zam](https://portal.mpsv.cz/sz/zahr_zam)

experience of many visa applicants, to some extent cutting what Czech consul David Pavlita referred to as “strongarms” and the “queue mafia” out of the system, they have had other, malign uses. Pavel Porizek of the Czech Ombudsman’s Office alleged that the opacity of the Visapoint system is used to covertly enforce quotas for applications and approvals from certain countries, including Ukraine, in violation of EU law. This was flatly denied by the CZ-Mol analytical centre, which, like some consular staff, claimed that processing capacity was the real limiting factor. However, both the Kyiv consulate and the Consular Policy Section of the CZ-MFA openly admitted that *in addition* to capacity constraints, a secret government decision from 2009 had imposed quotas on migrants from five countries, including Ukraine, based on numbers from the analytical centre mentioned above {6-2} [UA-I-CZC-1; UA-I-CZC-2; CZ-I-OMB-1; CZ-I-Mol-2; CZ-I-MFA-1].

Polish policy and practices stand in contrast to the Czech approach and show the possibility for manoeuvre despite harmonisation, reflecting what the NGO NoVisa calls “political will,” as well as the domestic and EU political considerations and positioning of the two countries (2012:22). Polish officials emphasised that the Polish policy is open to and encourages managed, regular migration, thus fulfilling “obligations” of history and decency towards Ukrainians, but also discouraging irregular migration [PL-I-MFA-2; PL-I-Mol-1; UA-I-PLC-1]. This policy is supported by the well-protected, well-managed Polish-Ukrainian frontier, which thus facilitates rather than hinders mobility and also helps fill gaps in the Polish labour market from Poles’ Westward migration since EU accession (a bigger issue for Poland than Czech Republic) {4-3; 6-3; 6-5}. Poland (unlike CR<sup>139</sup>) also offers special facilitations for Ukrainians of Polish origin, including free education up to university-level for “young people”, free one-year visas and permit-free working [UA-I-PLC-1]. It is little wonder that ‘NoVisa’ named Poland as “the absolute visa champion.” However, the Polish approach is exceptional and there is still an overall under-provision of possibilities for regular entry into and stay in the EU and AFSJ for Ukrainians. As discussed above {4-1; 4-4} and below, the procedures for those who attempt to move and stay regularly in CR – and other EU countries combine with this under-provision to create a situation where Ukrainians without privileges must find their own ways of negotiating the system.

### *Negotiations: Informal Facilitations*

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<sup>139</sup> This has particular consequence and poignancy in relation to those who live in Zakarpattiya around Uzhgorod that was part of the Czechoslovak ‘First Republic’ (Davies, 2011: 638) and for the ethnic Czechs living in the Ukrainian region of Volhynia. E.g. <http://www.ceskenoviny.cz/zpravy/volhynian-czechs-disappointed-at-czech-govt-not-helping-them/1059324>

As argued above {2-5} mobility intersects with sense of self and place, and the under-provision of possibilities for regular movement creates a particular sense of injustice for those Ukrainians who see themselves as being 'European' by dint of history or culture, and thus as entitled to the same types of mobility as Czechs or Poles. Some consider that they are being denied a universal right, spurring them to claim it for themselves. Others simply calculate that they have a better chance of improving their lives materially, but also in other ways, in the EU and are thus willing to explore all options to move into and stay within the EU and AFSJ. Some are more pushed, while others are more pulled, but this excess demand for mobility also creates a market for informal negotiations of EU and EUMS visa, labour and residence bureaucracies {6-5} [CZ-I-NGO-3; CZ-I-IoM-UA-I-NGO-1; UA-I-NGO-2; UA-I-MFA-1; CZ-I-MF-1; CZ-I-MF-2; CZ-I-NGO-3; UA-FG-1; UA-FG-2].

This is one of the reasons that the presence of a substantial existing diaspora population is a key factor in driving migration, as it not only makes mobility and stay easier, but also more likely to be beneficial (e.g. Collier, 2013). This is significant for Ukrainians in both the Czech and Polish cases, but particularly in the former, as CR is further from Ukraine and has higher barriers to regular entry for work. However, as Lucie Sladkova of CZ-IoM observed, what starts as informal advice seeking or providing useful contacts for friends or family, can quickly become "highly organized" [CZ-I-IoM-1]. In CR, these organisations mainly take two forms: the creation of civil society organisations such as "Ukrainian Initiative" in Prague; or "klient" organizations that, with varying degrees of formality and legality, provide or link migrants with jobs, accommodation and other services on a commercial basis. [CZ-I-MF-1; CZ-I-MF-2; CZ-I-NGO-1; CZ-I-NGO-2; CZ-I-NGO-3; CZ-I-OMB-1; CZ-MFA-1].

From the CZ-MoI to the Ombudsman's Office, CZ-IoM, NGOs, Ukrainians in a Czech migration facility and TCN-students living in Prague, there was consensus that the complexity and obduracy of Czech residence and labour laws and bureaucracy created the need for both types of organisations. These participants also generally agreed that this situation increased the precariousness of migrant lives and the possibility of 'irregularity' and, occasionally, pushed migrants into contact with people operating on the fringes of legality. Both Bohdan Rajcinec of the 'Ukrainian Initiative' in Prague and human rights lawyer Pavel Cizinsky conceded that 'klients' involved themselves in both licit and illicit activities. However, both civil society representatives rejected claims that Ukrainian migration to CR is "organised" on the "black market" and lamented the (wilful) conflation of 'klients' with "mafia", by Czech media and government, as it supports the unjustified criminalisation of migrants. Echoing the views above, Cizinsky emphasised that 'klients'

“help [Ukrainians] overcome state repression: they help with migration itself [and] they help them find work and to overcome the state bureaucracy” [*ibid.*; CZ-PO-1].

Simplifying the labour and residence permit system, though a new migration law, was a priority of the CZ-MoI and CZ-MoL but the proposed law – which was heavily criticised by NGOs – stalled when the Czech government collapsed in 2013. However, procedures requiring the migrant to be present (with their passport) have limited ‘klients’ involvement in residence and employment processes at the Foreigners’ Police and cut out ‘queue mafias’. The CZ-MoI has also funded the work of NGOs such as Berkat Inbaze and ASIM, which provide free advice and advocacy for migrants (including those who have been detained), as well as a direct information campaign on their rights and obligations. Unfortunately, CZ-MoI and NGOs noted that Ukrainians’ were still willing to pay extortionate fees to ‘klients’, rather than accept the free help of NGOs, which increases their precariousness. Some Ukrainian participants described dealings with ‘klients’ that had left them out-of-pocket and without regular status and ultimately led to them being detained, while others affirmed that the klient had provided the service, but for a high price [CZ-I-NGO-1; CZ-I-NGO-4; CZ-I-MFA-2; CZ-I-IoM-1; CZ-I-MF-1; CZ-I-MF-2].

Pavel Pesek and David Pavlita of the Czech consular service in Ukraine explained that information campaigns are also necessary at consulates and embassies due to the confusion over visa requirements and procedures due to deliberate misinformation spread by klient and criminal organisations, as well as the complexity of the visa system. Harmonisation seeks to simplify the visa system but is still not complete, but even after shutting out what Pavlita, called “strong arms” and “mafia” from the visa queues, they have found other ways to profit from visa processes. The Czech and Polish consulates both co-operate with a list of ‘approved’ travel agencies, which guarantee the validity of the purpose and practice of travel and ensure travellers meet the visa requirements. Many focus group participants had used such services, despite the cost involved. Pavlita however, explained that some agencies had been blacklisted for abusing their status to facilitate irregular movement, normally with travellers intending to overstay their tourist visas in order to work. Focus Group participants also claimed that: “you may also buy a [false] invitation [letter] for about 100 USD, but for a real letter from Poland it’s like, 100 EUR,” and claimed that sometimes it was even possible to buy an actual visa [UA-FG-2; UA-I-CZC-1; UA-I-CZC-2].<sup>140</sup>

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<sup>140</sup> During the period of my fieldwork, a scandal erupted at the Polish consulate in Lutsk, in North Western Ukraine, leading to dismissal of the consul general and five deputy consuls for corruption in the granting of visas, linked to THB. <http://www.kyivpost.com/content/ukraine/source-employees-of-polish-consulate-in-lutsk-dismissed-following-visa-scandal-311381.html>

Such claims, like those regarding the activities of clients in CR, again cloud understandings of mobility by associating them with irregularity and illegality. Tomasz Cytriniowicz, director of the PL-Mol's Office for Foreigners denied that this was problem in Poland, partly thanks to their more open mobility regime, but law enforcement agencies note significant problems regarding document security [PL-I-Mol-3; PL-I-FTEX-2; PL-I-FTEX-5; CZ-I-Mol-2; UA-I-EUB-1]. Both human traffickers and people smugglers are both known as facilitators by law enforcement agencies, but as Lucie Sladkova noted, people smuggling presents different complexities to THB: “[before 1989] those people who could smuggle you into the ‘Western paradise’ were heroes. How, in a short period of time, can you turn them into bad guys?” [PL-I-FTEX-4; CZ-I-IoM-1] {5-5; 6-3}.

Currently, EU facilitation and protection practices turn too many migrants into ‘bad guys’. Ukrainians’ unmet demand for regular mobility, their dependence on the unreliable *noblesse oblige* of EU-European states and the complexity and opacity of EU and EUMS visa and residency bureaucracy drive informal facilitations of entry and stay, potentially linking migrants with irregular or illegal activity. The Polish approach shows a way to break this cycle by increasing provision of regular, managed movement and stay. However, the difference in the Czech approach shows the importance of “political will”, despite EU harmonisation, and CR and Poland’s common “colonial” legacy in Ukraine. Although NoVisa criticised the Czech government for acting more like a “Western” EU member than a post-socialist country, as the next section shows, CR hosts more long-term migrants than Poland, Hungary and Slovakia combined, which also makes it more like a ‘Western’ EUMS. Their respective *facilitation* policies reflect distinct Czech and Polish understandings of their political positioning within the EU and in relation to the neighbourhood, which are also reflected in their differing approaches to *intra-EU mobility*, as the next section shows {6-5} [UA-I-PLC-1; UA-I-PLC-2; UA-I-CZC-1; UA-I-CZC-2; UA-I-NGO-2; PL-I-MFA-2; UA-FG-1; CZ-I-IoM-1].

## 6-5 Moving: CEE Mobilities Within & Without the EU

While the previous section examined formal and informal facilitations of certain types of mobility into the EU for Ukrainians and other TCNs, the current section looks at practices of movement in general, outlining key trends and salient practices, patterns and rhythms of mobility in CEE. This section shows that the EU and AFSJ accession made travel and migration to EU member states much easier for Czechs and Poles, which is not only

highly valued, but has also had significant bearing on their EU-European belonging. The section also explains why Czechs are significantly less likely to migrate to other EUMS than Poles, although both nationalities utilise free movement for tourism and other short trips (Eurostat, 2011; 2012; 2014) {4-2; 5-2}. Although neither country is yet a significant destination for EU-15 migrants, inward tourism both challenges and re-affirms certain hierarchies of transition {2-5}. EU citizens' movement to Ukraine, primarily for tourism, and Ukrainian mobility into the EU, primarily for work, are argued to be highly significant in reproducing the negative impressions of the country, reinforcing notions of difference that underpin the EU's overly restrictive mobility regime.<sup>141</sup>

### *Ever Closer Union: Intra-EU & Schengen Movement*

Since joining the EU and Schengen, both Czechs and Poles have made great use of their freer movement to travel, although to a lesser extent than people from EU-15 countries, reflecting on-going wealth disparities and comparatively recent AFSJ accession. Nonetheless, citizens of both countries rank the “freedom to move to and reside in other EU countries” as one of their two most important EU-related rights (Eurostat, 2011). However, continuing a pronounced historical trend (with self-perpetuating elements), Czechs have been more reluctant to relocate on a longer-term basis than Poles. Fewer and less-numerous diaspora populations and organisations make informal barriers to migration and perceived obstacles to success higher for Czechs, who historically also received a cooler welcome home than returning Poles [CZ-PO-1; CZ-O-1] (Kundera, 2002; Burrell, 2010; Eurostat, 2010; Kowalska & Strielkowski, 2013).<sup>142</sup> Robert Solich of the CZ-Mol confirmed that there had also been “no migration wave at all [-] *because we have free movement.*” Research participants and a recently published *Field Guide to the Czech Psyche* affirmed the importance of the *possibility* of travel to Czechs, but also highlighted a socio-cultural reticence to uproot without being pushed to do so (Serran, 2013). Jan Vycital of the CZ-MFA observed that while Czechs highly value the “possibility to travel and study abroad [they also] saw that maybe not everything is perfect [there]” [CZ-I-MFA-2; CZ-I-IoM-1].

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<sup>141</sup> The overwhelming majority of the 200,000 foreign citizens living in Ukraine come from former Soviet states and no EUMS is in the top ten origin countries (IoM 2008; BMP, 2011). Ukraine was 10th in CEE for Foreign Direct Investment rankings, (Ernst & Young, 2011).

<sup>142</sup> For example, British government figures for 2011 show 643,000 Poles compared to only 33,000 Czechs – far less than migrants from EU-8 countries with lower populations (e.g. Lithuania and Slovakia) officially residing in the UK (ONS, 2012 - <http://www.ons.gov.uk/ons/rel/migration1/migration-statistics-quarterly-report/august-2012/population-by-country-of-birth-and-nationality.html>)

Academic research has attributed this disparity to Poles' greater "sensitivity" to their (generally worse) economic situation (Svec, 2013) or the legacy of differently structured communist-era housing and labour arrangements (Kowalska & Strielkowski, 2013), but Kathy Burrell's (2010) research on Polish migration to the UK suggests more complex factors at work. Burrell identifies various motivations for Poles' intra-EU migration: from working to save money to take or send home; to "searching" for adventure and new experiences like on a pre-university 'gap year'; or to "progress their li[ves] more generally". Burrell also emphasises that for many young Poles in particular, the search is not for "a better life" but for "a normal life." This has often meant construction, domestic-care, cleaning or entry-level service sector jobs, but higher-skilled migrants have also been progressively more able to find positions commensurate with their skills and have increasingly engaged with other aspects of social life (*ibid.*). Poles, who are among the largest groups of EU nationals living in other EU countries, have enacted many of the benefits of mobility that Ukrainians could also benefit from if they were allowed to move more freely into the EU {5-3}; (*ibid.*; Daily Telegraph-Website<sup>143</sup>; Eurostat, 2011; 2012). Czechs, however, generally see possibilities for "normal" European closer to home, echoing the country's emergence as a migration "magnet" in CEE [CZ-I-IoM-1; CZ-I-Mol-2; CZ-O-1] (Kowalski & Strielkowski, 2013).

Western European tourists (alongside millions from elsewhere) flock to both CR and Poland, particularly Prague and Krakow, which have highly-developed and well-known cultural and historical tourist industries (Eurostat, 2012). However, the frontier-zone movements from Austria and Germany into CR for sex, gambling or 'cheap' shopping are echoed in larger, urban tourist destinations {4-2}. Although diminished from its post-enlargement peak, the 'stag party' scene with its promise of wild times, cheap booze and quasi-exotic adventure, where 'what goes on tour stays on tour' and "you can do things you wouldn't get away with back home," still thrives [CZ-O-1; CZ-PO-1] (BBC-Website<sup>144</sup>). In the context of historicist discourses of transition, as well in the dominant portrayal of CEE history as tragic, oppressive or barbaric both of these types of tourist practices help reinforce particular impressions of EU-CEE relations {2-5; 5-2} (e.g. Kundera, 1984; Snyder, 2010; Applebaum, 2012). Despite CEE states' EU membership this place-making is connected to lingering notions of 'Eastern-ness', still haunted and hindered by the past

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<sup>143</sup> <http://www.telegraph.co.uk/news/uknews/immigration/9840059/Why-Poles-love-coming-to-Britain.html>

<sup>144</sup> BBC Documentary (2010) "Stag Weekends: The Dirty Secrets: - <http://www.bbc.co.uk/programmes/p005zx93>



and “poor but sexy” – and somewhat louche - in the present (Pyzik, 2014; Tallis, 2012) {2-5; 4-2}.

While tourist impressions impact on a country’s international sense of place (Jansen, 2009), they cannot reflect the richness and diversity of life available to its longer-term residents, although there are comparatively small numbers of immigrants from EU-15 states in CR and Poland. Despite the increasingly professional or business-oriented profile of these ‘expats’, a combination of above-average incomes, high and rising quality of life, reasonable living costs, looser social restrictions and a greater sense of possibility than ‘back home’ remain part of the charm, providing a positive counterpart to the negative impressions noted above. There is also a recent trend for workers from Bulgaria and Romania to take low-paid, low-skilled jobs, as their EU citizenship gives them a competitive advantage over TCNs. However, in both countries Ukrainians still comprise the largest group of foreign born or foreign citizens residing on their territory (Eurostat, 2010; 2011; 2012) [CZ-I-Mol-2; CZ-I-IoM-1; CZ-I-MoL-1; CZ-PO-1; CZ-O-1].

For TCNs, the benefits of ‘free movement’ once ‘inside’ often seem even greater than for EU citizens. Staying or working ‘regularly’ in the EU is fraught with difficulty but opens up the entire Schengen zone for travel, as well as conferring belonging in the state in which they reside {4-1; 4-2}. Many TCNs regularly take the opportunity to travel, some scarcely believing that it is so easy, while others book weekends away without a second thought, having, like many EU citizens, “internalised” the sense of freedom that Schengen conveys<sup>145</sup> [CZ-PO-1; CZ-O-1; CZ-I-MFA-2] (Eurostat, 2010). Polish officials stressed the importance of this “right,” while representatives of Ukrainian NGOs and the Czech Ombudsman’s Office confirmed that it was not only exercised by the young and privileged [CZ-I-NGO-3; CZ-I-OMB-1]. However, while TCNs with Schengen residence can travel in the AFSJ, unlike EU citizens they are not “free” to reside or work in other EU countries. Like other practices of mobility, this reflects and reproduces a gradated hierarchy of belonging in the EU, which is further influenced by the practices of mobility between the EU and Ukraine outlined below.

### *So Near, Yet So Far: Movement to and From Ukraine*

The vast majority of the 4-6m EU citizens<sup>146</sup> who annually visit Ukraine generally do so for ‘private visits’, although recently there have been more visits for ‘cultural, sporting or

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<sup>145</sup> Having to apply for a separate, UK visa, was often seen as a ludicrous inconvenience.

<sup>146</sup> While Poles account for more than a million of these tourists each year, Czech visitors only number around 50,000, far less than Hungary and Romania (more than 700,000 each in 2013) and Slovakia (more than 400,000) – Ukrainian State Statistical Service - <http://www.ukrstat.gov.ua>

religious events', culminating in the 2012 UEFA European Football Championship. While Ukraine may not have capitalised on this opportunity as much as co-host Poland, it did provide an economic boost, particularly given the greater purchasing power of visitors who could better cope with prices that, to the chagrin of many Ukrainians, do not seem to correspond to their low wages [UA-FG-1] (Kyiv Post, 2012<sup>147</sup>). Such tourism also raises awareness of the Ukraine - "the great unknown of Europe" - which was listed as a top destination in leading tourist guides in 2012 (CNN-Website; Lonely Planet-website<sup>148</sup>). Czech and Polish officials argued that such visits allow EU citizens to see that "Ukraine is a normal country with normal people" [UA-I-CZC-1; UA-I-CZC-2; UA-I-PLC-1; UA-I-PLC-2]. Locals also claimed that tourism helped to improve EU citizens' knowledge of Ukraine and Ukrainians and to counter prejudices, clarify misconceptions and forge links to EUMS, while highlighting extant historical, socio-cultural and architectural connections [Ua-FG-2] {4-5}.

Other forms of tourism, particularly sex and 'marriage' tourism, have the opposite effect, exaggerating negative stereotypes of Ukraine and Ukrainians, and conditioning more extreme versions of the hierarchies experienced by Czechs and Poles {4-2; 6-5}. The Ukrainian activist group Femen's first protests asserted that "Ukraine is not a brothel" as they "hop[ed] to "change how foreigners regard Ukrainian women, who suffer from an association with the sex trade throughout Europe," (Global Post-website<sup>149</sup>) which is supported by a survey showing that 70% of (female) students in Kyiv have been by approached by foreigners offering them money for sex (Spiegel International-website<sup>150</sup>). According to Femen leader Anna Hutsol, they have also sought to change "how Ukrainian women view themselves" because "the basic problem is that we lack emancipation" (Global Post-website.).

Unfortunately, as Shaun Walker (2014) shows in his *expose* of the sham and scam of the 'marriage tourism' industry (which, in practice, overlaps with dating and sex work) - *Odessa Dreams* - it is the very lack of "emancipation" that many marriage tourists seek. Walker struggles to square the tourists' desires for "family oriented" women with their intentions to either uproot the Ukrainians from their families or treat them as "kept

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<sup>147</sup> <http://www.kyivpost.com/content/ukraine/experts-ukraine-did-not-use-euro-2012-to-promote-tourism-potential-314645.html>

<sup>148</sup> <http://www.lonelyplanet.com/travel-tips-and-articles/76856>; <http://travel.cnn.com/explorations/escape/best-places-visit-2012-776891>

<sup>149</sup> [http://www.globalpost.com/dispatch/russia-and-its-neighbors/090608/sex-tourism?page=0\\_1](http://www.globalpost.com/dispatch/russia-and-its-neighbors/090608/sex-tourism?page=0_1)

<sup>150</sup> <http://www.spiegel.de/international/europe/kiev-s-topless-protestors-the-entire-ukraine-is-a-brothel-a-760697.html>

concubine[s],” while missing the point that the “traditional values” they seek are inherently patriarchal and misogynistic. Like the EUBAM officer who commented, “the women here are feminine, not feminist, unlike in Germany these days,”<sup>151</sup> many of the tourists see Ukrainian women as “different,” temporally as well as socio-spatially - “they are like our girls used to be in the 40s and 50s” (Walker, 2014). The dominant relation is one where beauty and youth are commoditised and exchanged for the possibility of material gain and enhanced mobility through a relationship with a generally older, richer man with EU or US citizenship (*ibid.*; Antonova, 2012). Ukraine’s “wildness” thus re-emerges through the perceived confluence of an exoticised “beauty”, unattainable in the ‘West’ but, potentially, available here, courtesy of lawless immorality and hierarchical socio-economic power relations.

Regarding movement into the EU, activists argued that Ukrainian males are also commoditised as “good” but “cheap” labour, a resource to be used and discarded when necessary rather than to be fully included into ‘normal’, intra-“European” social relations, echoing the analyses of precariousness and threatening-vulnerability presented above {4-1; 5-4; 6-3} [CZ-I-NGO-3; UA-I-NGO-2]. However, despite these perceptions Ukrainians (particularly Western Ukrainians who, like Poles, have a history of mass emigration) have not been discouraged from moving in significant numbers, with CR and Poland among their top destinations, which reflects historical ties {4-5; 6-4} (BMP, 2011; IoM, 2011; 2013; Davies, 2011; Frontex, 2013). Despite its attitude to facilitation {6-4}, CR has a larger absolute (and proportional) number of long-term Ukrainian migrants than Poland (BMP, 2011) {6-4} [PL-MoI-1; PL-MoI-2; CZ-MoI-2; CZ-MoL-1].

Predominantly travelling by coach and minibuses and facing rigorous border controls Ukrainians generally – and frustratingly - travel to the EU in ‘the slow lane.’ When they get there, they mainly work in construction or agriculture (men), or in cleaning, domestic care or entry-level service sector jobs (women) at the lower end of the socio-economic scale, although some also move to study, mirroring early intra-EU Polish mobility patterns [CZ-I-IoM-1; CZ-I-MoL-1; CZ-I-OMB-1; PL-PO-3; UA-I-PLC-1; UA-I-CZC-2] (BMP, 2011; Follis, 2012; IoM, 2008; 2013). Ukrainian mobility is mainly seen as being driven by desire to escape or circumvent poor economic prospects at home, although the idea of a “normal” as well as a “better” life in the AFSJ holds considerable appeal for many and some participants echoed the “searching” Poles described above (Burrell, 2010) {5-1}. Despite bureaucratic difficulties, many Ukrainians feel comfortable in EUMS, but those who primarily seek to save money, or those in grey areas of semi or precarious regularity, do

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<sup>151</sup> Personal conversation in Odesa, 2007, while working on EUBAM.

not get the same chance as (e.g.) Poles have had to ‘normalise’ their position in - and relations with - the societies of their destination countries {4-1} [UA-FG-1; UA-FG-2; CZ-I-MF-1; CZ-I-MF-1; CZ-I-Mol-2; CZ-I-OMB-1; CZ-I-NGO-3]. Figures for “overstay” by TCNs residing or working irregularly having entered through regular routes with valid documents are contested and the Clandestino Report (Triandafyllidou, 2009) criticised the inaccuracy of *inter alia*, Czech estimates. Frontex records only 8,835-13,081 Ukrainians being apprehended annually for “illegal stay” (in all EUMS) between 2009 and 2012, while still claiming that it *is* a significant problem, which is challenged by Polish officials. However, both overstay and fact that Ukrainians are the biggest yearly recipients of “refusals of entry” at EU frontiers - primarily at the Eastern land borders and mainly on suspicion of intent to stay or work irregularly – reflect excess demand for regular mobility). [PL-Mol-1; PL-Mol-2] {6-2; 6-3; 6-4} (Iglicka & Weinar, 2008; Follis, 2012; Frontex, 2013a; b).

This section has shown that, despite significant psycho-social differences between CR and Poland, increased travel is perceived to have helped Czechs and Poles improve their image abroad and temper unrealistic expectations about life abroad that were formed during the communist period when travel was greatly restricted or during the ‘90s when ‘West was best’ (Zizek, 2002; Stenning & Hoerschelmann, 2008). This is in contrast to the situation faced by Ukrainians, who are often stereotyped and stigmatised for their jobs and associated with poverty as well as prostitution, criminality and immorality born of “desperation.” The restricted types of most Ukrainian mobility into the EU – and justifications presented for it – further skew perceptions of the country and its people, reinforcing ideas of difference that underpin tight bordering. Ukrainians may not face “Fortress Europe,” but their mobility is still overly restricted, compounding other exclusionary effects of EU bordering that contribute to a gradated hierarchy of belonging within EU-Europe. However, previous prejudices (against Poles and Czechs) that have largely been overcome point to the contestability of these social relations, but also to the centrality of opening up and ‘normalising’ mobility in doing so, which is discussed in the concluding section to this chapter and the concluding chapter of this thesis [CZ-I-NGO-1; CZ-I-Mol-1; CZ-I-MFA-2; UA-I-PLC-1; UA-I-CZC-1] {5-4; 5-5; 6-1; 6-2; 6-3; 6-6; 7}.

## 6-6 Conclusion: Border Practices as Limits to European Potential

The preceding sections of this chapter have shown that bordering practices – of *Europeanising, Knowing, Protecting, Facilitating and Moving* - are key constituents of the CEE borderscape. While intimately related to the *discourses* discussed in Chapter 5, they also take on their own logics and have their own impacts. Practices thus feed-back into

and impact on discourses, together with which they combine to shape the sites, forms and functions of the border *features* discussed in Chapter 4. Examining border practices has revealed some of the underpinnings of border discourses and features, as well as how they cumulatively impact on and play out in the lives of people who seek to move and dwell in and around the EU in CEE. While the concluding chapter to this thesis {7} draws together these cumulative contingencies and consequences, the current section concludes this chapter by looking at the specific impact of bordering practices on *limiting* both the mobility of Eastern-Europeans and the potential of EU governance.

The ‘master practice’ of EU bordering in the last decade has been ‘Europeanisation’, which has mandated and facilitated the harmonisation and diffusion of other key practices. Formal inclusion in the Schengen zone has allowed the EU-8 states, including CR and Poland, to increasingly participate and feel included in the EU and AFSJ. The emergence of a recognised ‘European’ border imaginary has, to use Yael Navaro-Yashin’s terms, changed the way in which the EU’s borders are “believed” as well as “made,” pointing to the symbiotic relation between how ‘Europe’, the EU and Schengen are imagined and enacted and how they are bordered (2009, 2012). While this may seem to have solidified (and institutionalised) current ‘European’ borders as those of the extant EU (and the Schengen zone), this need not necessarily continue to be the case. Past enlargements and the example of the Czech-Slovak border (that had to be built in order to be removed) are instructive here, although it will take a significant amount of political will to re-imagine the current European ‘community’ beyond its current Eastern borders (Anderson, 1991) {4-2; 5-2}.

The connection between practices of *Europeanising* and *Knowing* EU borders limits the potential for such re-imagining. The latter, particularly through the questionable “pseudo-science” of Risk Analysis, have come to legitimate the political disavowal of bordering by providing a seemingly credible, technical alternative to contentious public political discussions of migration and mobility in full [PL-I-FTEX-1]. That this ostensible ‘technification’ of EU bordering has been allowed to drown out discussion of the benefits of migration and mobility into the EU is a manifest failure of political leadership at the EU level and at the level of the EUMS. This is a failure of political leadership, not in the anti-democratic sense of driving through an elite project against the wishes of European publics, but of failing to publically make the case for, and win the argument on, the possibilities of effective common management of greater regular mobility and its associated benefits. Doing so could facilitate exactly the kind of mobility for Ukrainians that EU-Europeans have benefitted so greatly from while helping the EU achieve its goals

in the neighbourhood. Despite sharing both risks and opportunities and being bound by an increasingly 'common' border, Schengen states have not yet fully bonded as a community capable of managing migration and mobility. These same states are, however, commonly bound enough to have identified clear security interests. Partly through the dominance of Risk Analysis and the prioritisation of operational border control over mobility policy, the EU and EUMS seem, in the most part, to have bought into the negative discourses that prevent opening-up to and integrating with the neighbourhood. This buy-in is also a self-defeating sell-out that represents the EU's worst recent tendencies and flies in the face of its previous integrative successes {5-2; 5-4; 5-5}.

However, the improved border control that this thinking *has* yielded at the Eastern Frontier actually provides the very platform for opening, rather than continuing to restrict, mobility for TCNs such as Ukrainians – as seen on a smaller scale in the Local Border Traffic Agreements at the Polish-Ukrainian frontier {4-3}. However, doing so requires the development of other ways of *knowing* borders than those naturally, and rightly, prioritised by law enforcement agencies. As Mari Juritsch of Frontex noted, finding these other ways of *knowing* is not the role of Frontex or other law enforcement agencies, but in the absence of political commitment, it is currently nobody's role. This means that the potential benefits of migration and mobility are not seriously calculated, even on an economic basis, let alone in relation to the socio-political advantages (outlined above) with regard to people-to-people contact, inclusion and belonging and in terms of spreading EU values and standards {5-2; 5-3; 6-5}. Thus, the negative psycho-social {4-4; 5-5} and politico-strategic {4-5; 5-6} effects of the overly restrictive visa regime are perpetuated by the dominance of Risk Analysis. In effect, the spread of Risk Analysis has helped to spread – and *Europeanise* - nervousness, hesitancy and discrimination by transferring these attitudes from the level of (particular) member states to the EU/Schengen level where they have been institutionalised through the practice of Risk Analysis, which has a near-monopoly on the production of border knowledge. This dominance along with the security-first approach to bordering that it stems from - and legitimates - has been furthered, rather than tempered, by the increasing prominence of the Fundamental Rights agenda, which in both its substance and its tactical usage (by, e.g., Frontex), limits perspectives on migrants, as well as limiting their mobility {6-3}.

In *practice*, the politics of risk combine with the politics of pity to create a situation where Ukrainian migrants are seen by the EU as potential *burdens* to be kept out and potential *victims* to be prevented from moving. They are *not* seen as potentially contributory members of society who could pay taxes and consume local goods and services (as well

as save enough to send home), or as people who could add to and enrich, as well as learn from, local cultures and societies (Aradau, 2004). While EUMS including CR, actively *facilitate* the movement of those bringing obvious financial benefits – “rich Russian tourists” or high-wage, high-skill workers - such narrowly defined, self-interested perspectives obscure the deeper and more nuanced benefits that would accrue to both EUMS and Ukrainian societies from loosening the mobility regime [CZ-I-Mol-2] {5-3}. In guaranteeing the integrity of the border regime, practices of border *protection* provide the very conditions for *more open* mobility policies, where visa liberalisation would not lead to a loss of control. EU borders should therefore not only be seen as security tools, but as enablers of enhanced inter-EU mobility without threat to the AFSJ, although at the time of writing, this potential remains unrealised [PL-I-FTEX-8] {4-3; 6-4}.

Overall, the EU’s bordering practices do a disservice not only to its own stated ambitions in the Eastern neighbourhood and to those of Ukrainians seeking ways to improve their lives, but also to its own history. Current EU bordering practices limit the chances that Ukrainians have to see the EU for themselves, engage with EU citizens and enjoy the benefits of doing so, but they also prevent wider learning processes from taking place, whereby Ukrainians could take the best of what they see in the EU and make it their own - replicating, adapting and improving it as they see fit. The EU’s bordering practices thus provide an additional layering to the negative discourses and restrictive forms discussed above {4-4; 4-5; 5-4; 5-5}. These practices further obscure the values that have defined the creation and development of the EU, which should practice the political celebration of its postwar achievements rather than resorting to an exclusionary essentialism, dressed in the preaching language of standards and the practices of reluctant and cowardly restriction. Not all Ukrainians claim to be Europeans, nor do all of them want to be. However, the EU should be confident enough in its own attractions to be able to deal with this and to deal more sensitively with those who believe enough in what the Union has to offer to be willing to stake their own prospects on its future or to be curious enough to want to find out.

The next, and concluding, chapter in this thesis draws together the features, discourses and practices that constitute the contemporary CEE borderscape with their myriad social, spatial and temporal contingencies and the consequences they have for order-governance and identity-subjectivity. However, before drawing together the conclusions of this thesis, it is worth taking a moment to consider the effect of current EU bordering on those Ukrainians who *do* feel themselves to be part of a ‘Europe’ that is increasingly conflated with the EU and from which they are excluded. This is particularly the case for

those who are keenly aware that there was a time when “the Habsburg sun sent its beams as far East as the border with the Russian Tsar” and the possibilities to practice movement were very different (Roth, 2013 [1932]: KL-2273):

It's like this with the border: when I'm being told that I cannot just go whenever I want to Vienna, Warsaw or Berlin, it feels the same way as if someone locked me out of the rooms of my own house (Yuriy Andrukovich, quoted in Follis, 2012: 184).

To my mind, to pose such a question as ‘Is Ukraine Europe?’ represents an inertia of thinking based on the historical experience of the closed border of the Soviet Union with the rest of world. Our parents' generation wasn't allowed to travel to European countries [and] these restrictions created the situation where we do not perceive ourselves as European, but it wasn't always like this. If we go back a hundred years, to travel from my hometown of Kolomniy to Vienna was easier than it is now. We need a visa now, but we didn't then. In the future, without a visa, this experience of Ukrainians in the big European world will eliminate such a question [UA-FG-1].



## Chapter 7 – Conclusion: Identities, Borders and Orders in CEE

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This research was motivated by the puzzling contradictions in EU border policy and practice in Central and Eastern Europe (CEE) and the significant, yet ambiguous effects of EU bordering (and re-bordering) on the lives of Central and Eastern Europeans. These puzzles were set out in the opening chapter of the thesis, as were the complexities of ‘post-frontier bordering’ in Europe, with particular reference to the EU enlargement of 2004, the development and (2007) extension of the Schengen zone to the EU-8 countries and with regard to the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP). These complexities informed the research questions that were posed: *where* and *how* (*in which ways*) the EU makes borders in CEE; as well as *why* these borders are made and located as in the ways and locations they are; and *how* (on what basis) the EU is able to do so.

Developing and employing the augmented borderscape as an analytical framework enabled these questions to be answered in a newly comprehensive manner. Using the borderscape as a lens allowed for the identification and specification of the most significant features, discourses and practices of EU bordering in CEE, as well as their social, spatial and temporal underpinnings and their relations to subjectivity and governance. This approach facilitated nuanced understanding of the most important consequences of EU bordering - for order-governance and identity-subjectivity in CEE - that stem from its specific combination of features, discourses and practices and the interplay between them. These consequences are summarised in this section and contextualised in relation to the EU’s present situation, as well as to the on-going crisis in Ukraine.

However, viewing EU bordering through the lens of the borderscape also highlighted the underpinnings of EU bordering, pointing to how they can be contested. The final section of the thesis thus highlights further research directions that stem from either the limitations of the present research or that suggest ways in which the EU could address the shortcomings of its bordering by altering some of its social, spatial or temporal underpinnings. It also suggests, contrary to the claims of much of the critical literature, that the EU has much to be proud of in its bordering in CEE and can reflect on this as an inspiration for future improvement. These suggestions further show the potential of using

this augmented borderscape as an analytical framework with which to generate knowledge that can be relevant both within and beyond critical academia – confirming the development of this framework as a key contribution of this thesis.

## 7-1 Consequences of EU Bordering for Identities and Orders in CEE

Chapters 4, 5 and 6 showed the uneven effects of the EU's diverse archipelago of border features, the counterproductive layering of competing and contradictory border discourses and the limiting effects of border practices on both Ukrainian mobility and EU governance. This concluding analysis draws together the effects of these different aspects of the borderscape to argue that the EU has much to be proud of 'internally', specifically in relation to the creation and extension of the Schengen zone, which is its crowning achievement in overcoming old European enmities and divisions. It affirms the inadequacy of critiques that claim the Union is constructing the Eastern wall of 'Fortress Europe' at its frontier with Ukraine, that it has created a zone of oppressive policing in the Schengen interior or that it is merely engaged in the production of buffer zones in its Eastern neighbourhood. However, it is also argued that the EU has failed to sufficiently learn or apply the lessons from these integrative successes in its 'external' engagement with Ukraine and Ukrainians. It is further argued that this failure, while far from total, is serious enough to undermine its influence in the Eastern neighbourhood. Moreover, the EU's approach to the neighbourhood also reveals crises of identity and confidence in the Union itself that, if unaddressed, threaten its own internal achievements, which would be of great detriment to Europeans both within and without its current frontiers.

### *EU-European Order-Governance and Identity-Subjectivity*

Chapters 4, 5 and 6 showed that the EU's Area of Freedom, Security and Justice (AFSJ) is a significant expression of the Union's values and a concrete fulfilment of its goals. The possibilities it allows for free movement between, as well as residence and employment within, its member states while maintaining security, delivering procedural justice and upholding the rule of law is highly valued by its citizens - who benefit from this directly and near-uniformly. It is, however, also highly desired by citizens of other states who benefit from it far less evenly. The free movement of people afforded by the cessation of permanent frontier controls and reciprocal rights of residence and non-discrimination in labour markets has multiple benefits. It contributes to greater intra-EU trade as part of the

completion of the single market but also, and more significantly, to the people-to-people contacts that are seen as essential to driving not only prosperity, but also the peace that can allow Europeans to flourish in diverse ways. Contrary to previous critical claims, this freedom has been achieved without instituting oppressive 'territorial' police checks on either EU citizens or Third Country Nationals (TCNs) in the Schengen interior, and is therefore a credit to EU order-governance (e.g. Walters, 2006; Amoore, 2006; Vaughan-Williams, 2007).

Chapters 4, 5 and 6 also showed that the extension of the AFSJ to the EU-8 in 2007 has, arguably, had an even greater effect on the sense of belonging - for both citizens and governments - than formal EU accession in 2004, although the former was largely dependent on the latter. Initially over-zealous policing controls by EU-15 states, particularly in the vicinity of the intra-Schengen frontiers of the EU-8, with which they now share common external borders, have largely subsided - at least in the Czech-German case. Both the Czech and Polish governments now see themselves as significant participants in Schengen governance and their respective citizens have capitalised on the possibilities for free movement provided by Schengen and EU membership. However, the different ways in which they have done so reflect their respective social situations, self-understandings and perceived possibilities for pursuing 'normal' EU-European lives. These increasingly confident assertions of EU-European belonging have been accompanied - and facilitated - by the increasing 'Europeanisation' of border control. While formally remaining the prerogative of individual EU Member States (EUMS), border control has been heavily influenced by the institutionalization of a 'European border imaginary', primarily through the creation and activities of Frontex. This Europeanisation, which came partly in response to concerns over the implications of extending shared frontiers to the EU-8, has also provided additional ways for Czech and Polish border authorities to enact EU-European belonging, as well as offering reassurance for EU-15 states over standards of border control, which has helped to underwrite free movement in the AFSJ.

However, as chapters 4 and 6 showed, these benefits are not limited to EU citizens, although TCNs must fulfil different conditions in order to access them. For Ukrainians (as well as many other TCNs) inside the AFSJ, the need to conform to the requirements of residence and labour bureaucracies in EUMS differentiate them from EU citizens in some of the ways they must spend their time and in the places they must visit. However, while onerous (and in the Czech case inefficiently and obdurately administered) these encounters with bureaucracy are, like internal police checks, neither oppressive nor

excessively intrusive. Many TCNs, including Ukrainians, in Czech Republic (CR) and Poland, have internalised the sense of free movement that Schengen provides, as they enact a key aspect of belonging in EU-Europe, which shows the potential contestability of hierarchical exclusions. It is accepted by TCNs and EU citizens alike that the need for state knowledge on non-EU citizens seeking to enter, stay or work within EUMS is in accordance with EU and AFSJ values, as well as commitments to manage mobility and uphold the rule of law, which necessitate a border regime that is neither entirely open nor completely closed. However, while many Ukrainians favourably compare EUMS' police checks and bureaucratic procedures to dealing with their own authorities, the complexity of these bureaucracies in CR increases the probability of TCNs becoming 'irregular' and creates a market for informal and even illegal facilitations of mobility and stay. Poland has shown the way by simplifying procedures and reducing unnecessary precariousness for Ukrainians, highlighting the room for manoeuvre available to EUMS with sufficient political will.

Overall, with regard to EU-European order-governance, the analyses undertaken in this thesis show that enlarging the EU and the Schengen-zone to the EU-8 have allowed, *inter alia*, Czechs and Poles to enact EU-European belonging and largely (although as yet incompletely) overcome their previously hierarchical relations with the EU-15. However, the benefits of these enlargements extend beyond the EU-8, as former European Commission President Romano Prodi emphasized when arguing that enlargement was the EU's single "greatest contribution to security and stability on the European continent" (2002). It is worth emphasising that these benefits came through opening to and integrating with, rather than shutting out, the EU's (then) neighbours. As noted above, the legacies of previous divisions as well as the hierarchies created or reproduced by processes of post-communist transition are still visible in the enlarged EU, although to a far lesser extent than in EU relations with Ukraine, which are discussed below. Poignant and powerful reminders of the benefits of overcoming the divisions of the past (as well of on-going hierarchies) can be found in the remnants, and the new uses, of the BCPs at Czech intra-Schengen frontiers. These spaces provide psycho-geographic invitations to contemplate the political construction and contestation of Europe's present and future identities, borders and orders. For the sake of its own actor-identity and goals in the Eastern neighbourhood, as well as the lives of the Europeans that it currently excludes as well as those it includes, these are invitations that the EU could productively accept as it considers its relations to its neighbours, particularly Ukraine.

## *EU External Order-Governance and Neighbourhood Identity-Subjectivity*

When summarizing the effects of bordering on EU external governance and relations with the neighbourhood it is first necessary to emphasise that, contrary to many critical academic and popular analyses, the EU has not constructed the Eastern wall of 'Fortress Europe' at its frontiers with Ukraine. Neither the ethos and practices of EU border control, nor the spatial and material forms through which they take place, support the fortress characterization. Furthermore, too many Ukrainians (and other TCNs) pass into, through and out of the EU each year to sustain this critique. Several border policy-makers and practitioners who participated in this research project complained vociferously about such apparently un-informed academic or activist critiques that failed to appreciate the realities of their professional roles and responsibilities, or were ideologically motivated in ways that not shared by European publics (e.g. radical demands for an end to all borders and bordering). Many of the 'fortress Europe' critiques therefore fall into the trap of 'insufficient consequence' that was identified in Chapter 3, as they are ignored in policy and practice. The present analysis, which sees EU external governance and bordering as in need of serious reform rather than revolutionary change, seeks to have consequences beyond the academic realm. It does not pull its critical punches in order to do so, despite also highlighting positive aspects of EU bordering that show potential for further development. Every effort has been made to correctly specify the critiques offered, not in order to make them more palatable to powerful institutions, but to do justice to the concepts and meanings that arose from the systematic research and analysis that was conducted for this project.

Despite not being fortress-like, EU external bordering *is* counterproductively restrictive, which negatively impacts on the type and effectiveness of EU governance in the Eastern neighbourhood as well as on Ukrainian identity and subjectivities. These consequences were discussed in the borderscape chapters above, but are worth re-stating here: firstly with regard to the exclusionary psycho-social effects on Ukrainians themselves; and, secondly, in relation to the EU's influence and achievement of its goals in Ukraine as part of ENP and EaP. Despite the numbers of Ukrainians who are able to travel to and even reside in EUMS, participants in this research project keenly felt the exclusionary effects of the Schengen visa regime. This is partly due to the lengthy and uncertain nature of many visa - as well as residence and work permit - application processes. Several participants agreed that these processes amounted to a "consular sadism" that has left many Ukrainians feeling like they are '2<sup>nd</sup> class' Europeans, echoing the hierarchical distinctions

that divided 'Eastern Europe' from the 'real Europe' that research participants tended to associate with the EU (e.g. Wolff, 1994; Kuus, 2004).

Chapters 4 and 5 showed that restricted mobility into 'real Europe', as well as the very fact of needing a visa to travel, left some participants feeling that EU sees them as "barbarians" who it needs to guard against. Significantly, however, there is little to suggest that removing the Schengen visa requirement would increase EU vulnerability to smuggling or irregular migration. Chapters 4 and 6 noted the consequences of these exclusions that cuts across historic cultural, social and linguistic ties to EUMS and to the very idea of Europe, which are particularly painful for Ukrainians who see themselves as Europeans. This situation is also galling for other Ukrainians who wish to travel to the EU for more instrumental purposes, in the belief that they have better prospects for work or study in the EU and who, like tourists, would also be exposed to (some) other aspects of EU-European life while there. Restricted travel and limited possibilities for obtaining regular routes into study or work in the EU prevents Ukrainians from fully experiencing the considerable benefits of EU-European political, social, economic and cultural life for themselves, making it more difficult for them to adapt and reproduce them in Ukraine. Many EU and EUMS officials also lamented the handicapping effect that this has on the EU's influence in Ukraine, both by creating resentment and by preventing learning and imitation processes from taking place. The limited progress on visa liberalization and the EU-Ukraine Action Plan between 2004 and 2013, as well as declining Ukrainian support for EU association and integration, which reached a low point in 2012, attest to the difficulties created by these rejections. As discussed in chapters 4,5 and 6, these difficulties compound problems internal to Ukrainian governance – notably inefficiency and corruption – and create a cycle of mutual resentment and suspicion (IRI, 2014).

The significantly scaled-down Association Agreement that was due to be signed in 2013 also testified to the failure of the EU to exert influence in Ukraine or exhibit sufficient attractiveness to Ukrainians. The EU's hesitant embrace of Ukraine, driven by the supposedly shared values and interests at the heart of ENP and EaP, has foundered on the rocks of suspicion, prejudice and timidity. However, as the reaction to the unilateral cancellation of the Association Agreement by then Ukrainian President Viktor Yanukovich in 2013 showed, most (although not all) Ukrainians still want to pursue the benefits of EU-recognised European-ness and of the processes needed to achieve this, highlighting a real, albeit nervous and wounded, "recursive Eurocentrism" (Jansen, 2009; IRI, 2014). Unfortunately, the EU's lacklustre support for the 'Euromaidan' left many Ukrainian protestors "convinced that they had sacrificed blood for 'European values', while EU

states would not sacrifice treasure for the same causes” according to Andrew Wilson in a recent book on the 2013-14 crisis (2014: KL-144). Wilson, writing with Mark Leonard, had earlier concluded that the EU’s response to the Ukraine crisis showed that ENP had “failed” (2014). This is too harsh a judgement, as there are highly positive and promising aspects of ENP, and EU hesitance has also been driven by uncertainty as to how to deal with the Russian Federation’s involvement in the crisis – and how to deal with Russia more generally. However, as argued below, the very fact that the EU finds itself in this situation does point to significant *failings*, although not outright *failure*, in its approach to the neighbourhood, which are particularly apparent in its bordering.

Wilson claims that the EU’s problems in the neighbourhood can be traced to two key tendencies, the first of which is in agreement with the present analysis, while the second is disputed. Firstly, Wilson claims that the EU’s internal crisis of confidence stemmed from the economic crisis of 2008, which also contributed to migration “emerging as the new number one concern for almost every EU state” with “the rest of Europe [including Ukraine] only important as its source” as “European politics became more nationalistic, more populist and more zero-sum (2014: KL-370; 269; 167). This echoes the analysis presented in the borderscape chapters, which argues that the EU and EUMS turn towards short termism and narrowly defined self-interest has come at the expense of the integrative vision that drove previous EU success in overcoming conflict and division in Europe to the benefit of all concerned (e.g. Judt, 2005). This dynamic of crisis and loss of confidence, as well as xenophobia and prejudice – both residual and resurgent - is clear in perceptions of migration and mobility as threatening rather than potentially beneficial (e.g. Malmstrom, 2014).

However, the loss of confidence in its tried and trusted ways and means is also manifest in other developments in bordering in the neighbourhood and goes against the second aspect of Wilson’s analysis; namely that the EU and its member states have failed to take security concerns sufficiently seriously (2014: KL-202-240; 384-405). Despite its beginnings in the good intentions of the ‘ring of friends’ with whom, on the basis of shared values and shared interests, the benefits of the 2004 enlargement could be shared and its potentially divisive effects could be ameliorated, the EU has come to *prioritise* rather than neglect security as the guiding logic of its engagement with its Eastern neighbours, particularly Ukraine. The reasons for this are discussed extensively Chapters 4, 5 and 6. They range from the political disavowal of the positive aspects of migration and mobility policy at the EU level and in EUMS - leading to the dominant role of operational security and law enforcement agencies in bordering and mobility - to the heightened perception of

threats to European labour markets and ways of life from migration, in addition to lingering prejudices against Eastern Europeans in EU institutions as well as amongst EU-European publics.

Wilson, following the arguments of luminaries such as Robert Cooper, Dmitri Trenin and Zbigniew Brzezinski, argues that because of the way that the EU has developed, EUMS no longer have the worldview to comprehend, or capabilities to deal with, threats that require the “complete toolkit of classical statecraft” (2014: KL-222). However, it is precisely the rejection of such “classical statecraft” that has helped the EU to successfully prevent conflict and overcome division in Europe and which has previously been its competitive advantage in international affairs. The EU’s more recent prioritisation of security, from the late 1990s onwards, has been guided by divisive logics that bring it back into the ‘classical’ world of interstate conflict and threaten its own identity and the order that it has brought, as well as hindering its engagement with its neighbours (Howorth, 2002). Cooper’s patronising distinction between the EU as a civilized space of laws and values and an external “jungle” with its own, more barbaric rules, by which the EU must also be willing to “play”, exemplifies this logic (2002).

As shown in Chapters 4, 5 and 6, the EU’s desire to become a security actor influenced the development of ENP and, consequently, EU bordering. This has happened through the confluence of an increased focus on security, with its logics of nervousness and suspicion of ‘difference’, and the identification of the neighbourhood as a key proving ground for EU security ambitions. Constructing the neighbourhood as both a source of threat and the site of its counteraction has driven the EU to treat Ukraine as a buffer-zone and borderland, which has prevented it engaging in other ways that could have yielded more productive influence and integration. This security-focused approach has presaged exactly the narrow-minded, zero-sum way of thinking that Wilson talks of, leading to a failure to fully embrace Ukraine in the non-security focused, *but actually security-providing* way that it did with the EU-8.

The EU thus finds itself with a very real identity crisis over what kind of actor it is with regard to security as well as its relations to parts of the world that it sees as playing by different rules. This identity crisis is potentially more concerning than its (largely groundless and thus more easily rectifiable) crisis of confidence over its status as a “symbol of quality and of whatever a ‘normal’ life mean[s], from the rule of law to high welfare and living standards” as well as an unrivalled provider of peace and prosperity in the broadest sense (Wilson, 2014: KL-355-360). Wilson, Leonard and others claim that



the EU needs to start thinking geo-strategically and upgrade its hard power capabilities accordingly. However, this would be another step away from the ways and means that helped make the EU so successful in developing a peaceful, prosperous and highly desirable order in which enviable EU-European identities have flourished. Therefore, as well as suggesting potentially productive areas for deepening or widening the scope of the present research, the next, and final, section of this thesis also identifies ways in which the EU could address some of the conditions that influence and affect its currently sub-optimal external bordering, which is necessarily linked to orders and identities, inside and outside its current frontiers.

## 7-2 From Crises to Opportunities: Future (Research) Directions

There are several ways in which the scope of the current research could be productively extended in order to further improve academic understanding of borders and bordering, in CEE and beyond, which are outlined briefly below. However, the conclusions of the thesis also open up avenues for further research on the shortcomings of contemporary EU bordering in CEE that could provide policy-relevant knowledge to help address these shortcomings, in line with the normative commitments of this thesis. These are also briefly outlined below.

The analytical framework that is developed in Chapter 2 went beyond previous conceptualisations of the 'borderscape' in identifying its key constitutive elements – features, discourses and practices – its key social, spatial and temporal contingencies and its key consequences for identity-subjectivity and order-governance. This overall framework could be productively applied in researching other borderscapes, with necessary alterations made to reflect local specificities, but the general nature of this framework would still allow concepts to arise from the field in other sites and settings. The temporal aspect of this framework would require greatest alteration as, for this thesis, it reflects the regional particularities of CEE and especially Czech Republic, Poland and Ukraine. *Mutatis mutandis* the framework developed in Chapter 2 could be applied to widen the present investigation of bordering to other parts of CEE to include other EU member states (particularly the other members of the EU-8) and other EU neighbours and partners (particularly Moldova and Belarus). For example, research into the operation and impact of Local Border Traffic Agreements between the Baltic states and Russia and Belarus, or between Hungary, Slovakia and Ukraine as well as into the types of mobilities

that flow between these countries could provide additional useful knowledge in relation to the issues raised by this thesis.

In non-European contexts it would require greater alteration, but the principles could still be adapted and applied. However, the involvement of the EU in its various facets and institutional constellations and particularities raises other questions that are worthy of further inquiry. The conclusions of the thesis suggest the need for further research into the EU's internal and politics and external relations. It would be interesting, for example, to explore how the interplay of different institutions and constituencies in supra-national and intergovernmental institutions as well as at the level of the member states and their respective national agencies have resulted in the state of affairs discussed above. While recognising this need, the present research suggests that the following areas would be merit further investigation in this regard and could, potentially, lead to improved EU bordering, which would positively impact on identities and orders in Europe. It is, however, important to note that these suggestions are inspired by the EU's history of overcoming conflict and division in Europe, which, later, helped it make good on the hope and promise of the revolutions of 1989 by including the EU-8 in its highly desirable form of order-governance.

The most important factor in changing EU bordering for the better, is the political will to do so. Specifically, this requires political re-engagement with intra and inter-EU migration and mobility, in the full scope of the benefits and opportunities it offers, as well as the costs and burdens that it brings. Such a re-engagement would need to challenge the political disavowal and delegation of responsibility for borders and migration to operational or technical agencies that has helped to restrict mobility for *inter alia* Ukrainians. Politically re-engaging with the positive aspects of mobility and migration as well as the need to develop genuine solidarity and shared responsibility between Schengen countries is unlikely to happen spontaneously in individual EUMS. However, recent developments are encouraging in this regard: internally, with Commission President Juncker's admonishment of the British government for 'criminalising' Eastern European migrants and (Guardian website<sup>152</sup>); externally in Ukraine, where a senior EU official claimed<sup>153</sup> there had also been a "Maidan" in EU offices and in many member state embassies in Ukraine.

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<sup>152</sup> <http://www.theguardian.com/world/2014/dec/12/juncker-warning-ukraine-eastern-europe>

<sup>153</sup> Informal conversation with a senior EU official, involved directly with the situation in Ukraine in Prague, August 2014.

Like this thesis, these developments show the importance of addressing negative perceptions of Central and Eastern Europeans – within the governments as well as the populations – of EUMS, particularly in the ‘Western European’ states of the EU-15. Research could be conducted into the ways that EU institutions, in collaboration with EUMS governments and the Ukrainian government could challenge the prejudice and xenophobia that Ukrainians (and to a lesser extent) Czechs and Poles face in the EU. However, this could also be productively accompanied by research into the development of a new framework through which to assess migration and mobility: an ‘Opportunity Analysis’ to act as a positive counterpart to ‘Risk Analysis’ and countervail the latter’s dominance. It would be useful in this regard to examine the ways that such ‘Opportunity analysis could calculate and assess the full potential benefits of migration and mobility of different kinds, rather than simply looking at economic aspects as existing studies have tended to do. Opportunity analysis could also include assessments of the benefits to TCNs and their home states, such as Ukraine, as well as in the EU’s relations with them.

While ‘Opportunity Analysis’ could have a balancing impact on EU bordering – and views of migration and mobility more generally – research could also be conducted into how this might be translated into policy, perhaps through the creation of a ‘Mobility Ombudsman’ at the EU level, who could be tasked with ensuring that EU policy and practice considers the benefits as well as costs of migration. A framework of incentives could then be established to encourage EUMS to do the same and to attract certain numbers and configurations of migrants, as well as to proportionately share the burdens of hosting asylum seekers who enter Schengen. The possibilities for encouraging countries that are vocal supporters of free movement within the EU – such as Poland and the Czech Republic - to proactively take their fair share of asylum seekers that arrive in other Schengen states, although the practicalities of doing so would also have to be examined. The practical management of mobility and migration in the Czech Republic would also benefit from research into how best to build on existing reforms and create streamlined, user-friendly labour and residence bureaucracies, which would remove needless, administratively-created precariousness for TCNs. This could be aided by examining the possibilities for passing a simplified law on migration, which could also amend what are, currently, some of the harshest conditions in the EU for migrants who lose their jobs. Poland has shown the way in this regard, as well as in actively encouraging and facilitating mobility for Ukrainians, without compromising effective control over mobility within and into the country.

Developing the conclusions of the current thesis, research could also be conducted into the extent to which the EU and its member states can capitalise on their sophisticated and

highly effective border control protection that has been established at the Eastern Frontier in order to end their lose-lose Schengen visa regime with Ukraine. If it is confirmed that the Eastern frontier can act as an effective and trusted filter, then the EU would be better able to explore the possibility of liberalising its short-term visa regime with Ukraine and allowing Ukrainians the same visa-free travel that Moldovans now enjoy. Such a move could emulate the success of Local Border Traffic agreements that have, along with the technical upgrading of the Eastern frontier, successfully decoupled smuggling and illicit activity from the movement of people, helping to desecuritize mobility and create a positive cycle of mutual exposure and learning, rather than a vicious circle of exclusion, desperation and suspicion. Visa liberalisation of this kind would not mean the end of border controls, nor of the EUMS visa regimes for longer term stay or for work, meaning that a significant psycho-social barrier to Ukrainian inclusion would be removed, without a loss of control or increased risk of either smuggling or irregular migration.

At a deeper level, which would be influenced by the conclusions of the research proposed above, the possibilities for re-orientating the EU's its approach to the Eastern neighbourhood, away from the security concerns that have led it to (partly) turn Ukraine into a buffer zone, could also be usefully explored. Such research could examine the possibilities for re-embracing the opportunities of enhanced co-operation and integration that inspired the creation of ENP and for translating this into policy and practice. Such an approach could learn the lessons from the 2004 enlargement in order to help the EU return to doing what it does best, sticking to the values and methods that have served it well in the past and which have provided sustainable security in the long-run. Such research would also need to examine the issues related to providing a formal, long-term membership perspective for Ukraine, which would be conditional on meeting all necessary criteria and gaining popular endorsement, as it was in the EU-8 countries.

Exploring the possibilities outlined above could not only help the EU begin to resolve its own crises of identity and confidence, but also to address the ways in which it has contributed to the on-going crisis in Ukraine. While this crisis has been primarily caused by poor governance in Ukraine and the actions of the Putin regime, the EU has, arguably, failed to live up to and act in accordance with its own values in its Eastern neighbourhood. (e.g. Snyder, 2005; Chandler, 2006; Scott & Van Houtum, 2009; Wilson, 2014).

To summarise, the EU and its member states need to re-capture the spirit of 1989 (and 2004 and 2007) if they are to repeat their success in influencing and subsequently integrating (through membership or otherwise) with its Eastern neighbours. This requires

confidence in its approaches and capabilities, as well as the vision and heart to be willing to share their benefits with others rather than further retreating into short-termism, narrow-mindedness and zero-sum thinking. Thankfully, there is much for the EU to draw upon in this regard. Notwithstanding persistent reports of economic doom and gloom, EU-Europe is still one of the world's most desirable places to live. EU member states on the whole offer higher standards of living to greater proportions of their citizens than states elsewhere and, by choice, offer different combinations of work, welfare, leisure and culture, than other places in the world (Judt, 2005). Successful re-bordering, that did justice to the spirit and promise of 1989, spread these advantages to the EU-8 without undermining their substance and allowed for further deepening as well as widening of integration. Applying the lessons of past successes, rather than radically altering EU governance to become more explicitly security-focused or classically geopolitical, interests-based, would not only improve relations with Ukraine and the lives of Ukrainians, but would help to shore-up the EU order that has allowed EU-European identities to flourish through the highly desirable subjectivities it facilitates.

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# Appendix 1:

## List of Fieldwork Activities and Fieldwork Reference Key

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The following table lists the fieldwork activities that were undertaken as part of the research for this thesis. The fieldwork activities are broken down in this listing by the site of the fieldwork that they are most relevant to and the type activity undertaken. Where institutional actors are involved, the names and functions of interviewees or the specific setting where the research was conducted is listed, as are the names of participants who gave written permission to be listed as participants in the research and to have their contributions attributed to them. The dates of the fieldwork activities are given in each case. Finally, the activities are all assigned a particular code, which is used to refer to them throughout the text of the thesis and which provides a shorthand identification of the site, type of fieldwork activity, the setting of the activity and a number which can be used to differentiate between multiple activities of the same kind in each setting.

So, for example, the first interview undertaken with officials of the Polish Ministry of Foreign Affairs is coded as PL-I-MFA-1, while the second interview with an official of the Polish Ministry of Foreign Affairs is coded as PL-I-MFA-2. Focus Groups are given the code 'FG', while Participant Observation activities have the code 'PO' and observation activities are given the code 'O'. The acronyms used to identify different types of actors are consistent with those presented in the acronym list given in Appendix 2. Thus, fieldwork undertaken with the Polish Ministry of Foreign Affairs appear as PL-MFA, although unlike in the text, they are separated in references to fieldwork by the type of activity that was conducted, so as to avoid confusion.

### *Fieldwork Activities: Czech Site*

Code	General Site	Type	Specific Site/Organisation	Person/ People	Date
CZ-FG-1	CZ	Focus Group	NGO - Ukrainian Initiative	Anon.	14/12/12
CZ-I-MFA-1	CZ	Interview	MFA – former Minister	Cyril Svoboda	05/01/12
CZ-I-MFA-2	CZ	Interview	MFA – Consular Conception Department	Jan Vycital	18/12/12
CZ-I-MF-1	CZ	Interview	Migration Facility	5x Anon	30/12/11
CZ-I-MF-2	CZ	Interview	Migration Facility	5x Anon	10/03/12
CZ-I-Mol-1	CZ	Interview	Mol – Schengen Section	Robert Solich	17/06/12
CZ-I-Mol-2	CZ	Interview	Mol – Analytical Centre	Pavla Novotna	05/11/12
CZ-I-Mol-3	CZ	Interview	Mol – Foreign Police Service	Milos Mrkvica	31/07/13
CZ-I-MoL-1	CZ	Interview	MoL – Migration Policy Department.	KS/MV	30/07/13
CZ-I-NGO-2	CZ	Interview	NGO - ASIM	Jirina Neumannova	15/12/11
CZ-I-NGO-1	CZ	Interview	NGO - Centre for Citizenship & Civil & Human Rights	Pavel Cizinsky	13/12/11
CZ-I-NGO-4	CZ	Interview	NGO-Berkat Inbaze	1xAnon.	29/07/13
CZ-I-IoM-1	CZ	Interview	IoM	Lucie Sladkova	06/03/12
CZ-I-NGO-3	CZ	Interview	NGO – Ukrainian Initiative	Bohdan Rajcinec	23/05/12
CZ-I-OMB-1	CZ	Interview	Office of the Ombudsman –	Pavel Porizek	06/03/12
CZ-O-1	CZ	Observation	Prague	General Immersion	09/2011 - 08/2013

CZ-O-2	CZ	Observation	Czech Frontier and former BCPs		08/2013
CZ-PO-1	CZ	Participant-Observation	Anglo-American University, Prague	Students & Staff	10/2011 - 06/2013

**Table 1: List of Fieldwork Activities Undertaken in Czech site of Research.**

*Fieldwork Activities: Polish Site*

Code	General Site	Type	Specific Site/Org	Person/ Issue	Date
PL-I-FTEX-1	PL	Interview	Frontex-Research Dept.	Tim Cooper	26/04/12
PL-I-FTEX-2	PL	Interview	FTEX-Operational Officers	Nuno Ladeiro & Wolfgang Neuberger	27/04/12
PL-I-FTEX-3	PL	Interview	FTEX-Pooled Resource Unit	Jeff Schlentz	27/04/12
PL-I-FTEX-4	PL	Interview	FTEX-Press Officer	Ewa Moncure	27/04/12
PL-I-FTEX-5	PL	Interview	FTEX-Risk Analysis Unit	Mari Juritsch	05/06/12
PL-I-BG-1	PL	Interview	BG-HQ-Frontex National Point of Contact	Malgorzata Schabowska	08/06/12
PL-I-BG-2	PL	Interview	BG-International Co-operation Co-ordinator	Marcin Drozd	08/06/12
PL-I-BG-3	PL	Interview	PLBG-Field-Przemysl Detachment	BG Commander & Other Senior Officers	13/07/12
PL-I-FTEX-6	PL	Interview	FTEX-Training Unit	FS/RB	16/07/12
PL-I-UN-1	PL	Interview	UN-Frontex Liaison Officer	MS	16/07/12
PL-I-UN-2	PL	Interview	UN-Polish Office	MP	16/07/12
PL-I-BG-4	PL	Interview	BG-HQ-Risk Analysis & Operations	PF/AM	17/07/12
PL-I-FTEX-7	PL	Interview	FTEX-External Relations Unit	DR/JV	19/07/12
PL-I-MFA-1	PL	Interview	MFA-Political Director	PB	20/07/12
PL-I-MFA-2	PL	Interview	MFA-Eastern Dept.	MZ	03/08/12
PL-I-Mol-1	PL	Interview	Mol-Schengen		03/08/12
PL-I-Mol-2	PL	Interview	Mol-OFF	TC	03/08/12
PL-I-FTEX-8	PL	Interview	FTEX-OPS	KR	10/12/12
PL-O-1	PL	Observation	Warsaw	General	/04/2012
PL-O-2	PL	Observation	Warsaw	General	/06/2012
PL-O-3	PL	Observation	Warsaw	General	/12/2012
PL-O-4	PL	Observation	Warsaw, Przemysl & Frontier Locations	General	07/2012-08/2012
PL-PO-1	PL	Participant-Observation	Frontex-Chelm & Dorohusk BCP	Operation	06/06/12
PL-PO-2	PL	Participant-Observation	BG-Przemysl & Medyka BCP	BCP, Green Border, Migration Facility.	13/07/12
PL-PO-3	PL	Participant-Observation	BG-Przemysl/ Medyka BCP	BCP, Green Border	07/2012-08/2012
PL-PO-4	PL	Participant-Observation	European Border Guard Community, gathered in Warsaw	European Day for Border Guards	21/05/14

**Table 2: List of Fieldwork Activities Undertaken in Polish site of Research.**

*Fieldwork Activities: Ukrainian Site*

<b>Code</b>	<b>General Site</b>	<b>Type</b>	<b>Specific Site/Org</b>	<b>Person</b>	<b>Date</b>
UA-FG-1	UA	Focus Group	Odesa	Anon.	26/07/12
UA-FG-2	UA	Focus Group	Lviv	Anon.	27/10/12
UA-I-NGO-1	UA	Interview	NGO-Hudrada	NK	20/07/12
UA-I-MFA-1	UA	Interview	MFA- European Integration Dept.	YB	23/07/12
UA-I-EUD-1	UA	Interview	EUDU-Border Management Section	PB	24/07/12
UA-I-PLC-1	UA	Interview	Polish Consulate-Kyiv	RW	24/07/12
UA-I-EUB-1	UA	Interview	EUBAM-Capacity Building	AF	25/07/12
UA-I-EUB-2	UA	Interview	EUBAM-Deputy Head of Mission	SP	25/07/12
UA-I-EUB-3	UA	Interview	EUBAM-Press Officer	RG	25/07/12
UA-I-EUB-4	UA	Interview	EUBAM-Strategy, Planning & Performance Office	Anon	25/07/12
UA-I-EUB-5	UA	Interview	EUBAM-Capacity Building	KP	26/07/12
UA-I-EUB-6	UA	Interview	EUBAM-Head of Field Office	MP	26/07/12
UA-I-EUB-7	UA	Interview	EUBAM-Risk Analysis (AOSU)	JM	26/07/12
UA-I-PLC-2	UA	Interview	Polish Consulate-Lviv	JD	25/10/12
UA-I-CZC-1	UA	Interview	Czech Consulate-Lviv	DP	26/10/12
UA-I-CZC-2	UA	Interview	Czech Consulate-Kyiv	PP	19/11/12
UA-I-EUD-1	UA	Interview	EUDU-Political Advisor	HS	19/11/12
UA-I-BG-1	UA	Interview	BG-International Co-operation Dept.	YV	20/11/12
UA-I-NGO-2	UA	Interview	NGO – Visual Culture Research Centre	Vasyl Cherepanyn	10/12/12
UA-I-NGO-3	UA	Interview	NGO – No Borders: Kyiv Initiative	Makysm Butkevych	08/01/13
UA-O-1	UA	Observation	Kyiv, Odesa, Lviv	General	/07/2012
UA-O-2	UA	Observation	Lviv, Uzhgorod	General	/10/2012
UA-O-3	UA	Observation	Kyiv	General	/11/2012

**Table 3: List of Fieldwork Activities Undertaken in Ukrainian site of Research.**

## Appendix 2: List of Acronyms

### List of Acronyms

Acronym	Full Text/ Explanation	Acronym	Full Text/ Explanation
AFSJ	Area of Freedom, Security and Justice	Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
AoR	Area of Responsibility	FTEX	Frontex (in fieldwork references)
AOSU	EUBAM Analytical and Operational Support Unit	GDR	German Democratic Republic (DDR in English)
ASIM	Asociace pro Právni Otázky Imigrace (Association for Legal Immigration Issues)	I	Interview (In fieldwork references)
BCP	Border Crossing Point	IBO	Identities, Borders and Orders or Identities-Borders-Orders (Albert, et al., 2001)
BG	Border Guard (Service)	ICMPD	International Centre for Migration Policy Development
BMP	Building Migration Partnership formed by ICMPD and several CEE Ministries of Interior.	IoM	International Organisation for Migration
BOMMOLUK	EC-funded project for 'Improvement of Border Control at the Moldova-Ukraine Border'.	IPS	International Political Sociology
CASE	Critical Approaches to Security in Europe.	IRI	International Republican Institute
CEE	Central and Eastern Europe/ Central and East European	JHA	Justice and Home Affairs
CF	Frontex 'Consultative Forum' on Fundamental Rights	JO	Joint Operations
CIRAM	Common Integrated Risk Analysis Model	KL	Kindle Location.
CIRAM 2.0	Common Integrated Risk Analysis Model (2 <sup>nd</sup> version).	LBT	Local Border Traffic
CR	The Czech Republic	LBTA	Local Border Traffic Agreement
CZ-MFA	Ministry of Foreign Affairs of CR	MA	Master of Arts
CZ-Moi	Ministry of Interior of CR	MF	Migration Facility (in fieldwork references)
CZ-MoL	Ministry of Labour and Social Affairs of CR	MFA	Ministry of Foreign Affairs
CZC	Consulate of CR	Moi	Ministry of Interior
DCFTA	Deep and Comprehensive Free Trade Area	NATO	The North Atlantic Treaty Organisation
DDR	Deutsche Demokratische Republik	NGO	Non-Governmental Organisation
EaP	The EU's Eastern Partnership	O	Observation (in fieldwork references)
EASO	The EU's European Asylum Support Office	OMB	Office of the Ombudsman (in fieldwork references)
EBGT	Frontex's European Border Guard Teams	PL	Polish/ Poland
EBRAN	Frontex's Eastern Borders Risk Analysis Network	PL-BG	The Polish Border Guard Service (Straz Graniczna)
EC	The European Commission	PL-MFA	Polish Ministry of Foreign Affairs



EEAS	The European External Action Service	PLC	Polish Consulate
ENP	The European Neighbourhood Policy	PO	Participant Observation (in fieldwork references)
ESS	The European Security Strategy	RA	Risk Analysis
EU	The European Union	RABIT	Rapid Border Intervention Team (Frontex)
EU-15	The 15 Member States of the European Union from 01/01/1995 to 30/04/2004.	StB	Statni Bezpecnost, the communist-era secret police in Czechoslovakia.
EU-8	The post-communist states that joined the EU on 01/05/2004.	TCN	Third Country National
EU-DU	The EU Delegation to Ukraine	THB	Trafficking in Human Beings
EUB	EUBAM (In fieldwork references)	UA	Ukraine/ Ukrainian
EUBAM	The European Union Border Assistance Mission to Moldova and Ukraine	UA-BG	The State Border Guard Service of Ukraine
EUD	The EU Delegation to Ukraine (in fieldwork references)	UA-MFA	The Ukrainian Ministry of Foreign Affairs
EUMS	The Member States of the European union	UN	The United Nations
FG	Focus Group	UNHCR	The United Nations High Commission for Refugees
FPS	The Foreign Police Service of CR	VLAP	Visa Liberalisation Action Plan.
FRA	The EU Fundamental Rights Agency		

**Table 4: List of Acronyms Used in the Thesis.**