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The other Frontex debate: how border geopolitics will define the future of Schengen

By [Roderick Parkes](#) | 10 May 2021

Key Issues

- The dubious practices of FRONTEX, the EU's border agency, are being hotly debated by parliamentarians and NGOs in legal and constitutional terms.
- However, the Schengen Area is a product of geopolitics, and FRONTEX's role and practices are likewise a reflection of geopolitical agendas.
- In order to bring these practices under control, constitutionalists and human rights experts need to be aware of this geopolitics, and of the current tug-of-war to reshape it.
- There are at least five vectors of EU border geopolitics, emanating from the European Commission and geographic clusters of member states – and from FRONTEX itself.

The Schengen Area is usually discussed in constitutional terms, as though the EU free movement zone were a classic example of state-building on a European scale. FRONTEX, the European agency which manages its borders, is currently being criticised in precisely these terms, confronted with allegations of poor accountability and accountancy in the exercise of its new powers. It stands accused of shirking scrutiny in its control of the border, and of pressing partner countries into dubious practices. It faces allegations of meeting with unregistered lobbyists from the arms industry and of poor internal administrative standards.

But Schengen is a product of geopolitics – a novel form of geopolitics that has changed the map of Europe and generated a toolbox that the EU still applies to territorial fault-lines from Moldova

to the Middle East. Whereas the classic constitutional debate in the European Parliament treats the border as a neat demarcation between the EU's internal and external spheres, there is a second more geopolitical debate that treats the EU's external border as an experimental space; and border management as an instrument of territorial transformation.

For at least 25 years the EU has deployed border experts, tech and intel to alter geopolitical realities in Europe and abroad. But in 2015, the style of those deployments changed. The European Commission and member states understood the migration crisis as heralding a new and more hostile international situation. They are now shaping a more defensive European border geopolitics, with FRONTEX as its main vehicle. European parliamentarians, NGOs and

media ought to be aware of this geopolitical tug-of-war: it helps explain how FRONTEX is being instrumentalised, how it has become the recipient of expansive new powers, and the shortcuts it is taking in their exercise.

The five vectors of Europe's new border geopolitics are presented in the following sections.

The Commission's border geopolitics: "Europe alone"

The Commission is pushing for the creation of a common system for protecting Europe's external border. Its goal is to "complete Schengen" – to finally put in place flanking measures identified as early as 1997 to protect the passport-free travel area, and which member governments have kicked down the road. The mainstream constitutional debate in the European Parliament focuses on this agenda and treats it as a question of state-building at the EU level. For the Commission, however, this is not about EU state-building per se. It is about geopolitics. To put it crudely: the Commission's push for state-like border policies is based not on the assessment that the EU should join the community of nations but that the EU stands alone in a space of chaos and neo-imperialism.

In conversations and interviews with the author, Commission officials involved in border and migration talks with countries such as Turkey, Niger and Morocco painted a Malthusian picture. Africa's population is growing by nearly 3% each year, and its arable land will shrink by 2/3 by 2030; conflicts directly linked to extractive resources are more than 5 times more prevalent than a decade ago, and states such as Saudi Arabia, Qatar and Abu Dhabi are engaged in land grabs. Von der Leyen's Commission may be "geopolitical," but it will not engage in this fight for space. Instead, officials say, the goal is to build EU resilience – defined as the ability not only to resist shocks but also to push back at outside powers that "weaponize" the chaos of migration flows.

A resilient Europe is one in which members close off mutual vulnerabilities and share responsibilities for the Schengen Area, and FRONTEX is the key to getting each state to contribute to mutual border

defence rather than shifting problems to other member states. To this end, the Commission has pushed for FRONTEX to be empowered to: carry out intrusive analyses of member state border vulnerabilities at least once every 3 years; deploy border guards to member states that ignore calls to remedy their border problems; and enforce pledges made by member states to share personnel and border hardware in a crisis. The underlying assumption: Schengen members may resist such interference in the heat of the moment, but they will thank the Commission later.

These officials seem to view FRONTEX as an instrument to demonstrate the benefits of EU unity to member governments. And the best place to show the combined power of the EU-27 is in relations with Europe's weak neighbours. Thanks to a series of hosting agreements, armed FRONTEX officers will soon be able to deploy across all the Balkan states, with diplomatic privileges and immunities. And thanks to the EU's crisis-management missions, FRONTEX staff are deploying to ungoverned spaces such as Libya where they can establish an extra-European border regime. This is to be an EU capable of quick, almost unilateral action in its neighbourhood and of holding its own in what officials paint as a brutal game of power politics across Eurasia and North Africa.

Geopolitics of the eastern land border: "geopolitism"

In interviews with the author, officials from EU states at the eastern land border expressed concern that the Commission, rightly concerned by the current dangerous international situation, is getting the response wrong, establishing a hard new curtain that cuts the EU off from states such as Ukraine, Belarus and Moldova. Already during the Schengen enlargement of December 2007, these officials said, European legislators exported hard borders to the EU's eastern and south-eastern flanks. Polish and Romanian border professionals now complain that the EU has not only pushed its borders outwards, but has now begun to moralize about how these are guarded – and that westerners' lack of trust prevents the easterners from developing their own standards.

Their hopes lie in the establishment of a trained EU Border Corps. Governments such as those

in Warsaw and Helsinki are generally sceptical about the Commission's plan to create a Corps of 10,000 by 2027. But their border officials *do* see this Europe-wide professional network as a way to achieve three positive geopolitical shifts: (1) deploy human intelligence at the EU border in a bid to keep these open to locals; (2) leverage common professional ties with third-country counterparts to undercut the weaponization of cross-border flows by Moscow or Ankara; and (3) replace top-down EU border norms with a sense of mutual respect between border guards.

The EU Border Corps should thus be built upon guards who know their locality and who can, for example, keep the border open to Ukrainian farmers and Kaliningrad's tradespeople. It could usefully comprise a hotline system like the one which

Europeans to face up to life on the EU's frontier, and that means an end to their "moralisation" about the brute treatment of some migrants.

Geopolitics of the western networked border: "a sheriff with firepower"

Conversations with German and Dutch officials suggest that the EU's western members are indeed driven by suspicion of eastern and southern members. Through Schengen, major destination states such as Germany, France and the BENELUX countries have effectively entrusted their neighbours with the task of controlling their borders, and in 2015 they felt cheated when migrants simply crossed through Hungary, Greece and Italy to reach them. To prevent being surprised again, they have resorted to horizon-scanning exercises, such as the Strategic

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the Finnish border guard has to its local Russian counterparts to prevent the "weaponisation" of migration by Moscow's *siloviki* (securocrats). And it should be able to tap into Eurasia's own vast web of border-guard networks – not least the web of senior officials across the Balkans and Eastern Europe who trained together in the late 1980s and 1990s before the proliferation of independent new states and borders.

Above all, border guards in Romania and Poland hope to build mutual respect Europe-wide amongst their peers. This would serve to counter the top-down Brussels attitude and localize the EU's approach to cross-border connectivity and globalization. Proponents call this "humanisation," and say it applies just as well to the EU's air and sea borders. One points to the EU's new system of pre-travel authorisation: it seems nobody at FRONTEX had thought of establishing a hotline at airports and seaports outside the EU to answer queries as to why someone was being denied embarkation to Europe. But these officials also hope it will force western

Risk Analysis (SRA), a foresight exercise with a 10-year time horizon carried out last year by FRONTEX.

But these officials are not really interested in long-term migration predictions. The SRA itself will be revisited every 30 months over the next decade and present multiple *alternative* futures. So this is more of an intellectual exercise, designed to build up FRONTEX's intelligence reflex: the western officials approached by the author are strong proponents of intelligence-led law enforcement. They manage Europe's globalized airports and seaports, and these rely on a "networked border system" – they need to anticipate unwanted migrants and cargoes from embarkation points as far away as the Americas and Africa if they want to prevent them reaching its borders. This requires intel.

Officials in these states speak of sharpening FRONTEX's intelligence capability so as to identify bad faith by their partners. Germany is pushing for Schengen members such as Italy to be sanctioned if they fail to prevent so-called "secondary flows";

France has pushed for powers to reintroduce visa restrictions against Balkan and Latin American states which do not cooperate on migration; and both Paris and Berlin have explored the option of trade sanctions against states such as Bangladesh which refuse to repatriate nationals from the EU. As with other “hybrid threats,” identifying and attributing bad behaviour in the management of migration requires a strong intelligence capability.

In geopolitical terms, this is about re-establishing a rules-based order: good faith in the area of borders and migrant repatriation is a pillar of international law. But there is a sharper geopolitical vision here, and it is about turning the EU’s old “civilian power” into smart power. The EU chose in the 1990s to demilitarise its borders, and that now looks naïve given hybrid threats and the weaponisation of cross-border flows. If Greece, Ukraine or Georgia have all fallen prey to hybrid actions, it is because they followed the EU and dismantled their highly capable *military* intelligence at the border. FRONTEX needs to show that its civilian intelligence model can match these new threats.

Southern maritime geopolitics: “shock and awe”

For their part, border personnel in Spain and Portugal focus increasingly on FRONTEX’s role in bringing cutting-edge border technologies from the lab to the field – or, in their case, to the coast. States such as Spain need significant tech capabilities to monitor the Mediterranean and Atlantic, but also to influence migration policies in coastal states such as Morocco whose own border systems are often more advanced than those used by the EU. If the EU wants to control its territory, then freeing up its scarce border personnel through the automation of low-end tasks and if it wants to compete with great power rivals, then supplying more attractive security technology to its partners is the way to go.

Europe’s border professionals too often find themselves tied down with “analogue” tasks, such as identifying a vessel off the coast of Libya from nothing but an aerial surveillance shot, or spotting an oil spill in one of thousands of satellite pictures. Ideally, FRONTEX would have an application which can rifle through thousands of open-source photos

of vessels, and match these by the placement of masts and other deck features. Or it would use the satellite pictures for internet CAPTCHA tests, relying on swarm intelligence to identify oil spills and feeding the results to Artificial Intelligence (AI) systems until these learn to do it themselves.

This is not about automation for its own sake, it is about using border tech to re-establish the EU’s international prestige. On a military airbase just outside Madrid, FRONTEX analysts bid for commercial services in hopes of gaining snapshots of the Libyan coast; they watch with envy NATO’s highly capable surveillance aircraft taking off. One border official talks of the need to “awe” non-European countries using advanced EU capabilities. For a brief window in the 1990s, the EU was at the cutting edge of border management. But it has been eclipsed in its raw technological capabilities by the US, Singapore, Israel – indeed, even Serbia or Morocco.

These border tech proponents also criticise the Commission’s instinct to *regulate* before it has even experimented. The EU seeks a first-mover advantage by setting tech standards, but this can dampen European innovation. And if the EU can’t develop technologies that are attractive even to its neighbours, its standards will soon be disappplied and replaced by something harsher. Thus, border control is a useful zone of experimentation: officials interviewed by the author push back at the Commission’s effort to set AI standards in the area of border security as set out in the 2020 White Paper, and they treat it as a field where the EU has the chance to develop strong capabilities for tricky tasks.

The FRONTEX agenda: “back to the roots”

Inside FRONTEX itself, veterans of previous reforms have seen it all before, i.e., the attempts by the Commission and member states to confer the agency with new resources and powers in pursuit of a particular agenda. What is different this time is that FRONTEX took up the offer. The agency’s leadership has accepted new budgets and responsibilities since 2016, and in so doing fuelled expectations about what FRONTEX will achieve. This traps the agency in the negative debate about migration

control, with the Commission pouring money into FRONTEX in a bid to push member states to take on the burden for Schengen, and the member states doing the same to avoid it or pull the regime in their chosen direction.

The logical remedy is to decouple FRONTEX from this negative agenda, and tie it to something bigger. The COVID-19 pandemic has been a period of innovation and improvisation for FRONTEX, and its divisions have rolled out new services that stressed goals such as supply chain security, digital transformation and green recovery. Although this was often banal (e.g., improving recycling in FRONTEX), it reflects a sense that border management is not just about migration control. The border is the front line for the EU when it comes to coping with climate change, system competition, social change – with the big international drivers that will define what moves internationally. To focus narrowly on migration is to look only at the symptoms.

The point is that these ideas appear to be emerging from within FRONTEX itself and largely on the initiative of individual divisions. FRONTEX is used to being the object of a political tug-of-war, as the Commission and governments try to supersize

parts of the agency (the selection and role of the Executive Director, the Training Unit, the Risk Analysis Unit and Vulnerability Assessment Unit, the Research and Innovation Unit). But now these units are themselves providing ideas, which they presumably hope the Commission and member states will pick up. For FRONTEX, this is almost an existential question – to re-establish border management as a tool that transforms geopolitical realities as well as helps the EU and its neighbours deal with the strains of globalization.

Viewed from the perspective of European geopolitics, one can only hope that FRONTEX succeeds in re-establishing this transformative element. But from a constitutional perspective, nothing could be less desirable: FRONTEX is a mere agency and has no right to influence the EU's political agenda in this way. Members of the European Parliament, NGOs and even the relevant European Commissioner accuse it of going rogue – of turning away asylum-seekers at the border, avoiding scrutiny from statutory fundamental-rights observers, and meeting with unregistered lobbyists. This is a valid accusation. But an agency being used as a geopolitical football is being held to constitutional norms when it kicks back.



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