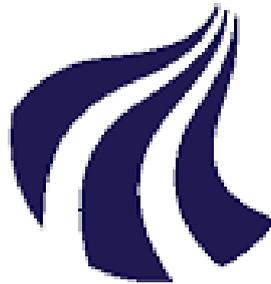




# THE DUAL ROLE OF FRONTEX IN HUMANITARIAN BORDER POLICING



**AALBORG UNIVERSITET**

Name: Andy Ghalichi

Name of supervisor: Martin Lemberg-Pedersen

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Aalborg Universitet

## ABSTRACT

This study critically examines the role of Frontex – the European Border and Coast Guard Agency in the securitization and humanitarianization dynamics at the external borders of the European Union (EU). It does so with an underlying understanding of the EU borders as sites of humanitarian border policing, where migration control co-exists with a prominence given to the human rights and well-being of migrants. This creates a situation where migrants are perceived as constituting a risk to the borders - in need of control, and at risk of drowning in the Mediterranean - in need of humanitarian assistance. In order to examine the role of Frontex in this context the study uses a constructivist approach to the concept of risk. It seeks to find how Frontex contributes to the construction of risk in the two ways in order to legitimize what the Agency does. Therefore, the study applies the theoretical framework of securitization to find how Frontex contributes to the construction of migrants as a risk in practices and discourses. Hereafter, it applies the theoretical frameworks of the humanitarian border and humanitarian reason to find how Frontex contributes to the construction of migrants as at risk in practices and discourses. The analysis combines a sociological analysis guided by the choice of theory and a discourse analysis of Frontex's annual risk analysis (ARA) reports from 2010 to 2018, which is inspired by Norman Fairclough's critical discourse analysis (CDA). The analysis of discourses in the ARA reports draws up a timeline where it is evident that the construction of migrants as at risk gains prominence over the years while the construction of migrants as a risk exists from the beginning and persists. By relating the analysis of discourses to the analysis of social practices the study finds that the social practices shape how Frontex portrays migration in a way that legitimizes border control

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## ABBREVIATIONS

ARA – Annual Risk Analysis

CC – Code of Conduct

CDR – Critical Discourse Analysis

CIRAM – Common Integrated Risk Analysis Model

EU – European Union

FRA – European Union Agency for Fundamental Rights

FSC – Frontex Situation Centre

NGO – Non-Governmental Organization

OCG – Organized Crime Group

RAU – Risk Analysis Unit

SAR – Search and Rescue

## INTRODUCTION

The European external borders have been given much attention in recent years where migration and asylum have been a central issue in European politics. Especially the Mediterranean and the influx of people who try to reach European shores by boat is a highly debated topic. It is an issue that is able to divide the European political landscape as well as the population. Many call for more restrictive measures to control and close the border, while others call for more humane means of solving the issues of migration. Irregular migration via the Mediterranean is also an issue that is often interpreted in two ways: as a security problem and as a humanitarian crisis/emergency.

The former is perhaps the most dominant perception given the shift towards more right-wing oriented politics in Europe in recent years, although many have tried to contest it (Bigo, 2002). The phenomenon of irregular migration has generated discourses of invasion (de Haas, 2011) that together with security practices contribute to the so-called securitization of migration to the EU where migration is interpreted as posing a security threat (Huysmans, 2006) (Bigo, 2002). The unprecedented arrivals in 2015 and 2016 caused temporary internal border controls to become established within the EU and thus undermine the Schengen Area, what the EU Commission deems “one of the major achievements of European integration” (European Commission, 2016). Specifically, between September 2015 and March 2016 eight countries (Denmark, Sweden, Norway, Belgium, Hungary, Slovenia, Germany, and Austria) reintroduced border controls referring to ‘massive’ movements of undocumented persons that “stretch the reception capacities of the respective national authorities and pose a serious threat to public policy or internal security” (European Commission, 2016). The EU advocates here for the European integrated border management of the EU’s external borders promoted and coordinated by Frontex.

The same phenomenon of irregular migration has generated much attention, both publicly and politically, on the many people who have tragically lost their lives in the attempt to cross the Mediterranean, often in ill-suited boats. The many tragedies, large and small, have invoked calls for greater humanitarian measures to be taken by policymakers, the EU, NGOs, activist groups, and the public alike. Some tragedies stand out and have gotten particular attention in recent years, for example an incident off the coast of Lampedusa on 3 October 2013; the three-year old Alan Kurdi who drowned and whose body washed up on a Turkish beach on 2 September 2015; and the incident on 18 April 2015 where around 800 people died in a single shipwreck during a failed rescue operation only six days after a boat capsized and led to 400 people drowning. Suggestions on how to minimize

the number of fatalities are manifold, from activist groups demanding that the EU ‘open the borders’; to NGOs feeding the narrative of emergency and the need of more extensive search and rescue (SAR) operations at sea; and to the EU Commission claiming that increasing European integrated border management promoted and coordinated by Frontex will save lives of migrants (Juncker, 2015)

This paper is concerned with the role of Frontex regarding the seemingly distinct logics of protecting borders (control) and protecting migrants’ lives at sea (care), working from the viewpoint that the two logics are not mutually exclusive, but interrelated in European border management (Pallister-Wilkins, 2015) (Moreno-lax, 2018) (Aas and Gundhus). The reason for this is that humanitarianism has been increasingly used in European border control to legitimize interventions and the role of Frontex, which illuminates a paradox in European border policing where migrants are subject to both humanitarianism and policing (Pallister-Wilkins, 2015). Migrants are perceived as constituting a risk while at the same time being at risk (Moreno-Lax, 2018) (Pallister-Wilkins, 2015). A central focus for this paper is the duality of migrants as an at risk population, while simultaneously being a population seen as posing a risk in European border management. Following the approach of securitization theory, the paper sees Frontex not only as policing migrants as an objectively defined risk, but also as contributing to the construction of migrants as a risk. Similarly, it sees humanitarianism as forming a component within border policing, which legitimizes migration governance on moral grounds by constructing migrants as at risk. The construction of the risk logic and the management thereof is therefore seen as a process, in which Frontex is involved, that gives meaning to the existence of the Agency and legitimizes its practices and expansion. This leads to the following research question:

## RESEARCH QUESTION

*How does Frontex contribute to the construction of ‘risk’ in relation to migration and use it to legitimize border control?*

## METHODOLOGY

The following chapter will present how I have approached the paper in relation to data. It seeks to generate a general transparency in how I have approached my analysis

### CHOICE OF DATA

The empirical framework in the paper can be divided into two categories: documents and reports. The documents included in the paper are the Common Integrated Risk Analysis Model (CIRAM), the Code of Conduct (CC), the founding regulation of 2004, and the regulation of 2016, Frontex budgets, an annual report on sea surveillance, the FRA and Frontex cooperation agreement, the state of the Union speech 2015. These documents are not scrutinized but read in order to substantiate my claims throughout the paper made on behalf of the theoretical framework. In parts of the paper the choice of theory has been leading for the data used to substantiate my claims, e.g. in the securitization chapter where Sarah Léonard's analysis of Frontex's practices to see if these can be categorized as securitizing practices. Here I draw on her findings, referring to some of the above documents, to argue how the practices contribute to the construction of migrants as a risk. In general, the key point of the Paris School of security studies, which is to pay attention to practices of security experts (managers of unease) made it illogical for me to not include an analysis of Frontex's practices to see how these construct migrants as a risk, when a focus on discourse in ARA reports exclusively could have been another option.

The reports used in the paper are Frontex's Annual Risk Analysis (ARA) reports. I have chosen to examine ARA reports as these constitute a formulated product of one of Frontex's main practices, namely risk analysis. Frontex produces a variety of different documents and reports and alternatively Press Releases could have been chosen in this paper. However, the ARA reports focus on themes such as patterns of irregular migration, *modus operandi*, main trends, assessments of vulnerabilities etc. consequently in every report, which makes it possible and interesting to detect variations as the themes largely remains the same but the discourse surrounding the themes are altered. ARA reports dating back to 2010 and up until 2018 are available for download on the Frontex website but with sensitive information subtracted from these. Having this in mind I have not considered it barrier for using the ARA reports data for the paper. Of the 11 available reports I have specifically selected four as empirical data, which are the ARA reports for 2010 (Frontex, 2010), 2014 (Frontex, 2014), 2016 (Frontex, 2016), and 2018 (Frontex, 2018). These reports are specifically selected due to what I regard as relevant dates of publish in an attempt to put the reports in a social

context. All reports are published in the beginning of the year they are associated to, for example, the ARA report for 2010 is published in the beginning of that year and is therefore influenced by events of the previous year. The ARA report for 2010 is the oldest available report and represents the furthest back I can go to trace a potential alteration in the discourse from. The ARA report for 2014 I presume is influenced by the substantial attention from media and by politicians given to a number of incidents related to irregular migration across the Mediterranean in 2013. The ARA report for 2016 I presume is influenced by the terrorist attacks in Paris in November 2015, the deadliest attack in France since second World War, and the unprecedented number of arrivals of migrants at the EU's external borders in 2015. The ARA for 2018 is the newest published report and therefore represents the furthest I can go forward from the ARA report for 2010 and represents the most contemporary discourses.

## CHOICE OF METHOD

According to Jørgensen and Phillips (1999), the term discourse is understood by Fairclough in two ways: as a noun to describe the use of language in a social practice and as a way of talking about something that gives meaning to an expression of perspective. The latter is in evidence in the paper when talking about a security discourse (migrants as a risk to the borders in need of security measures) and a humanitarian discourse (migrants as at risk of drowning in need of humanitarian assistance) or as a mix of the two discourses (migrants as at risk of ruthless smugglers in need of humanitarian assistance and smugglers facilitating migration as a risk to the borders in need of security practices)

To examine the security and humanitarian discourses of Frontex in ARA reports the paper applies a critical discourse analysis to the chosen ARA between 2010 and 2018 inspired by Norman Fairclough. It treats the ARA reports as a form of mediated communication as it is intended for the European Council, Commission, and Member States as well as to the wider public after sensitive information is removed from the reports. The critical discourse analysis is inspired by Norman Fairclough's approach because it sees discourse as both constituting and constituent of the social reality (Jørgensen & Phillips, 1999, p. 74) Discourse is therefore a form of social practice that shapes and reproduces knowledge, identities social power relations and is shaped by other social practices and structures (Jørgensen & Phillips, 1999, p. 77) This approach also lays the foundation for my research question, which I will now deconstruct to demonstrate. *How does Frontex contribute to the construction of 'risk' in relation to migration:* When answering this in the CDA I see the social reality as shaping the discourse of Frontex in the ARA reports, which is also why I have carefully

selected specific reports on behalf of occurrences happening around the date of publish. The discourse is therefore constituent of social structures; *and use it to legitimize border control*: when answering this in the CDA I see social practices, i.e. more control, growing mandate, or a growing given prominence of Frontex, as legitimized partly on behalf of how the risk construction is made by Frontex. The discourse is therefore constituting social practices. By following my theoretical framework I generate a hypothesis about the construction of migrants in ARA reports as having a constituting and constituent effect. I realize, however, that the ARA reports are only one of many platforms of discursive practices of Frontex and therefore the reports may do little on their own but have a *contributing* role.

Fairclough's CDA is interconnected by three traditions, namely a detailed text analysis, a macro-sociological analysis of social practice, and a micro-sociological interpretation of the everyday life as something created by sets of rules and procedures (Jørgensen & Phillips, 1999, p. 78) In the CDA of ARA reports as a discursive practice I try to illustrate a connection to social practices by incorporating the three traditions. The text analysis is inspired by some of Fairclough's analytical tools the first being modality. Modality refers to the way in which Frontex expresses itself in the ARA reports, which has an effect on the construction on migrants (Jørgensen & Phillips, 1999, p. 96). In fact, modality is a consistent focal point, often not stressed as a modality, throughout the paper also in the non-discursive analysis where Frontex position as an expert creates a modality of truth. Another analytical tool of Fairclough's is transitivity where one looks at how occurrences and processes are connected, or not connected, to subjects and object (Jørgensen & Phillips, 1999, p. 95) In order to locate the discourses and in order to locate for example the element of transitivity in the ARA reports I have made a list of words to search for in the reports. I have made two categories of words, one belonging to the security discourse and another belonging to the humanitarian discourse. These I will call key-words. For the former the key-words are: illegal, threat, vulnerability, security, control, and risk; and for the latter the key-words are: rescue, victim, smuggling, humanitarian, and risk. I have chosen these words after reading the reports to locate the used terminology within them and determined their relevance. While the key-words are systematically searched for in each report, other relevant words have been eclectically searched for during the analysis as well. Hereafter I have marked paragraphs in the reports in colors depending on which discourse I believe it belongs to in order to have a general overview of the discourse in the reports and how it changes. I have tried to examine how abstractions become represented via concrete representations, how these representations become conventionalized and how they might begin to affect, and be affected by,

social practices. The macro-sociological analysis should uncover the relationship between discursive practice and the broader social practice (Jørgensen & Phillips, 1999, p. 98). Fairclough's CDA does not provide a guideline for how much social analysis is necessary to be comprehensive and the paper therefore seeks to analyze to an extent that answers the research question. The arguments made throughout the paper should be considered a part of the social analysis, as these are substantiated on behalf of theoretical framework for the paper. As it difficult to prove the dialectic relationship between the discursive and the non-discursive (Jørgensen & Phillips, 1999, p. 102) I try to draw lines continually in the analysis between the construction of risk and arguments for Frontex involvement.

## THE EUROPEAN BORDER AND COAST GUARD AGENCY – FRONTEX

The following chapter will present Frontex. The purpose of the chapter is to give an overview of what the Agency does and how it has developed over the years. It will be overall descriptive and provide some details that can be useful for putting the findings in perspective to e.g. how Frontex has evolved.

Frontex is the EU's border agency in charge of managing the Union's external borders. Frontex was established on October 26, 2004 as 'the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' (Frontex) as an executive agency of the EU under Council Regulation (EC) no 2007/2004 (European Union, 2004). Since its birth Frontex has evolved and the original regulation was amended two times: in 2007 in order to facilitate the creation of Rapid Border Intervention Teams (Neal, 2009) (European Union, 2007); and in 2011 amongst other things to establish a minimum requirement for the annual contribution of technical equipment by Member States, and in order to make reference to Frontex's commitment to human rights (Moreno-Lax, 2018) (European Union, 2011). On September 14, 2016 the original regulation was repealed by Regulation (EU) 2016/1624 creating the 'new' Frontex, which also shortened the name of the agency to Frontex, the European Border and Coast Guard Agency (European Union, 2016). The Agency's legal personality has remained the same after the establishment of the new Frontex with full continuity in all its activities and procedures. Since its creation Frontex's budget has grown from €6.157.000 in 2005 to €320.198.000 in 2018 (Frontex, 2018c)

Its stated mission is to ensure safe and well-functioning external borders providing security in cooperation with Member States, a mission that is necessary to sustain the Schengen area without permanent internal borders according to the European Commission (European Commission, 2017). Frontex is therefore European integrated border management but it does not supersede the legal responsibility from Member States. Instead it functions in a way that is described as assisting, supporting, organizing and coordinating. For example, judicial decision-making, such as return decisions or entitlement to international protection to migrants, is beyond the mandate of Frontex and is the responsibility of national authorities. Likewise, development of legislation and policy on external border control remains a responsibility of the Union institutions (European Union, 2016, p. 8). Frontex, on the other hand, provides intelligence and deploys officers who supports in the screening, debriefing, identification and biometrical data-gathering. The officers are not employed by Frontex but provided by Member States, trained and deployed through Frontex. Vessels, aircrafts,

vehicles and other technical equipment used by Frontex are provided by Member States. Frontex could not previously own its own equipment and although the 2016 regulation has made the Agency able to it does own its own at the time being (European Union, 2016). Frontex reimburses the expenses of Member States for operations including salaries, maintenance and the training and education of staff from its budget of 2018,

In its own words Frontex focuses on “preventing smuggling, human trafficking and terrorism as well as many other cross-border crimes” (Frontex, 2018c), i.e. a variety of border related issues. This includes that of irregular immigration, which is the primary focus of the Agency. Frontex also operates extraterritorially, i.e. beyond the EU’s geographical limits, for example when monitoring migratory patterns and training personnel in third-countries and operating in high seas. In the founding regulation of 2014 six main tasks were presented and the 2016 regulation reformulated these to 21 tasks. The six main tasks of the founding regulation do, however, still cover what the Agency does:

- a) coordinate operational cooperation between Member States in the field of management of external borders;
- b) assist Member States on training of national border guards, including the establishment of common training standards;
- c) carry out risk analyses;
- d) follow up on the development of research relevant for the control and surveillance of external borders;
- e) assist Member States in circumstances requiring increased technical and operational assistance at external borders;
- f) provide Member States with the necessary support in organi[z]ing joint return operations. (European Union, 2004)

## CONCEPT CLARIFICATION

The following chapter will introduce some fundamental concepts that are relevant to understand when reading the paper. It will unfold the legal difference between a refugee and a migrant and furthermore the legal obligations of the international society towards people belonging to each category. It also seeks to diminish any binary perceptions between people within the two categories as well as binary perceptions about the facilitators of irregular migration.

## REFUGEES, NON-REFOULEMENT, MIGRANTS, AND HUMAN SMUGGLERS

A *refugee* is a person who meets the requirement of the 1951 Convention Relating to the Status of Refugees, which is a status and rights-based instrument developed by the UN in 1951, with entry into force in 1954. Firstly, it is status-based because it positions a person in a specific legal category, which provides refugee status, if that person meets the requirements and; secondly, it is rights-based because the international society, those who acknowledge the convention, have legal obligations to acknowledge and protect the specific rights of refugees. As the Convention originally was formulated to cover persons affected by events happening prior to 1951, primarily the Second World War in Europe, it has been subject to one amendment with the Protocol of 1967, which removed its geographic and temporal limitations. Therefore, from a European legal perspective, the term ‘refugee’ applies to any person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UN General Assembly, 1951, Article 1)

Refugee status is not applicable to every person subject to displacement as the definition above narrows the field. For example, the element of persecution naturally decreases the number of people who are able to earn refugee status, as many displaced by things such as internal armed conflicts are not personally persecuted.

However, while the definition of a refugee is narrowed to cover only certain displaced people, there are still elements within the definition that can be interpreted. One is not necessarily guaranteed refugee status despite him/her believing to meet the requirements and have genuine reasons to do so. For example, the primary premises in the definition is that a person has a ‘well-founded fear’ of persecution, an element that needs to be evaluated by the receiving country, which gives that country room to argue against the case of the asylum seeker, should they not agree with his or her claim. The evaluation of this distinct but key element is on the one hand subjective as fear is subjective for the person applying for asylum, and on the other hand objective because ‘well-founded’ relates to the objective situation that must support the subjective claim of fear (UNHCR, 2011, p. 11).

Regarding rights, the convention is the only international instrument directly applying to refugees. However, refugee law intersects with human rights law in several cases. In the 1948 Universal Declaration of Human Rights, article 14 (1), that states: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” While everyone should be protected by human rights law, some rights are key for refugees, i.e. persons who *have* been granted asylum, to demand from the contracting state including: The freedom of movement (UN General Assembly, 1951, Article 26), the right to travel documents (UN General Assembly, 1951, Article 28), and the right to free access of courts (UN General Assembly, 1951, Article 16)

A cornerstone in international human rights law (UN General Assembly, 1984) and refugee law (UN General Assembly, 1951, Article 33) is the principle of *non-refoulement*. It prohibits a contracting state of returning a refugee to the country of origin if he/she risks being subject to violations, which deduced in the recognition of refugee status in the first place. This makes it the only article that has an extraterritorial scope, for example in the high seas. Also under human rights law, customary international law and treaties states are prohibited from returning people unwillingly to territories where he/she risk torture or inhumane treatment and applies independently of any formal recognition of refugee status. Noticeably, “it applies to the actions of states, wherever undertaken, whether at the land border, or in maritime zones, including the high seas.” (Goodwin-Gill, 2011, s. 444)

The principle of non-refoulement furthermore ensures that a person cannot be involuntarily returned to his/her country of origin, if met by the above-mentioned criteria, even though the state in which a person have claimed asylum has rejected the need to provide protection to the individual. In such a case an agreement must be made with the rejected asylum seeker to be

returned voluntarily, if the state wishes to deport him/her. Such agreements are unsurprisingly not always straightforward to make. As seen in deportation centers in Denmark these cases can protract for a long time and be made intolerable in an effort to have rejected asylum seekers return voluntarily (Arce, Soares-Krabbe, & Lindberg, 2018), a strategy that is criticized as balancing on the edge of human rights violations.

As indicated there is an important conceptual distinction between a refugee and a *migrant*. While a refugee is a term reserved for people who have been granted asylum under the 1951 Refugee Convention, the term ‘migrant’ covers all kinds of moving people from those who move to find labor, those who move for pleasure, and those who flee conflict and persecution, whether or not they meet the requirements of the 1951 Convention. There is no universally accepted definition for migrant at the international level (MHub, 2015, p. 6). Although a refugee can be rightfully categorized as a migrant the two categories are separated to emphasize the legal status of refugees and the exceptional responsibility the international society has towards them.

While this separation of refugees from other migrant groups in theory could ensure rightful protection to those who need it and, perhaps more disputable, rightful rejection to those who do not, the manifestation is another in practice. One of the challenges is exactly the perception that migrants who seek protection but do not acquire conventional status then do not have legitimate reasons to flee from their homes. As such, an individual migrating from very difficult conditions, without meeting the standards of the 1951 convention, who is labelled, for example, ‘irregular migrant’ or ‘economic migrant’ is both excluded from international protection systems and have, by this label, his/her dire living conditions reduced to merely a question of economy and need for profit maximization.

In the European debate on migration a lot of attention is given to *irregular migration* and especially migration over the Mediterranean has commanded headlines in the media and much space in political debates. An irregular migrant is someone who enters a country, or the EU for instance, irregularly, i.e. without the necessary legal documents or by other means unauthorized. An irregular is also someone overdue his/hers permitted stay in the form of a Visa or temporary residency. Most irregular migrants in the EU are in fact examples of the latter (de Haas, 2011), yet most attention seemingly is given to those who travel via irregular routes and arrive at the European shores. Due to the immigration policies in many European countries becoming more restrictive and thereby reducing the opportunities for refugees to acquire a safe passage to protection in the EU, migrants and refugees

to a higher degree rely on the same irregular channels (Betts, 2013). Irregular migrants in need of protection remain in an unfortunate situation as “[t]here is no clear and authoritative set of guidelines on the implications of international human rights law for the rights of vulnerable irregular migrants. Nor is there a clear division of responsibility among international organizations for the protection of vulnerable migrants at the margins of the refugee regime” (Betts, 2013, p. 181)

The human *smuggler* plays a significant role in facilitating the journey along the irregular paths for refugees and migrants, for example through North African transit countries to Europe. Human smugglers have also been in focus in political and public debates sometimes portrayed as causing irregular migration. People smuggling, according to Interpol, “implies the procurement, for financial or material gain, of the illegal entry into a state of which that person is neither a citizen nor a permanent resident” (Interpol, 2018)

The smugglers’ reputation is largely negative and they are often portrayed as belonging to organized criminal gangs who exploit and endanger vulnerable migrants for enormous profits. While it is true that smuggling is an enormous industry bringing in between €3 and €6 billion according to Europol (Zhang, Sanchez, & Achilli, 2018, p. 7) and that this profit often comes at the expense of the safety of the migrants, such as by overcrowding the vessels and skimping on water and lifejackets, there is a tendency to wrongfully portray all facilitators of irregular journeys in the same negative light (Hidalgo, 2016). For instance, many migrants are in fact grateful for their facilitators who may as well be another migrant or refugee, a priest, a child, or a volunteer at coast of Italy who is portrayed as a criminal (Zhang, Sanchez, & Achilli, 2018, p. 9), but who may just as well have provided an opportunity for some to accomplish their journey and evade threats to their human rights or lives (Hidalgo, 2016). However, the logic of combatting smuggling as an illicit billion-dollar global industry by governments is “easy to translate into legislation and allocation of resources” (Zhang, Sanchez, & Achilli, 2018, p. 8). It results in situations where someone can morally defend the act of smuggling yet risk facing serious legal consequences (Hidalgo, 2016, p. 321), for instance in cases of civilian rescue at the European shores or citizens providing transportation to asylum seekers or unregistered migrants. In some cases, following Hidalgo, “smugglers have moral reasons to engage in people smuggling and these reasons are often far from minor. The smuggling of refugees is often necessary to protect human rights and there are strong reasons to protect the human rights of vulnerable people” (Hidalgo, 2016, p. 322).

## GOVERNING OF POPULATIONS BY HUMANITARIAN BORDER POLICING

The following chapter will introduce the concept of humanitarian border policing and how it relates to governance of populations. It does so by firstly presenting a securitization framework for explaining that migration becomes a security issue that legitimizes governance. Secondly, it uses another humanitarian border policing framework for explaining how humanitarianism is entwined in security governance if it is related to people rather than territory. The chapter should give the reader a basis for approaching the remaining paper, which will elaborate on securitization theory and humanitarian governance that together form humanitarian border policing, a lens to examine the work of Frontex through.

Migration has become a phenomenon that the EU responds to as a security issue and is not only understood as a social and economic phenomenon, as it traditionally was, but has moved into the debates of global politics and security (Huysmans & Squire, 2009). This e.g. shows through the use of military language and practices in a policy area that traditionally is non-military (Huysmans, 2006, p. 16). According to Huysmans and Squire, migration has not always been an issue of security but has emerged as one “in a context marked both by the geopolitical dislocation associated with the end of the Cold War and also by wider social and political shifts associated with ‘globalization’” (Huysmans & Squire, 2009, p. 1). European critical security scholars have named the process where a certain issue comes to be perceived as a security issue a securitization process (Buzan, Wæver, & de Wilde, 1998). Securitization is a process where a given issue is portrayed and perceived as related to security, not meaning that it de facto is a security issue (Buzan, Wæver, & de Wilde, 1998). One can therefore talk of a construction of a security threat. As Ole Wæver puts it: “To register the act of something being securiti[z]ed, the task is not to assess some objective threats that ‘really’ endanger some object, rather it is to understand the processes of constructing a shared understanding of what is to be considered and collectively responded to as a threat” (Wæver, 2004, p. 9). Critical security theories question the securitization process in a way that conceptualizes security not “as a value to be achieved” but as a tool for governing (Huysmans & Squire, 2009, p. 3) Because critical security theory applies a constructivist lens it is able to locate actors in social structures, structures that on the one hand constitutes those actors and, on the other, is constituted by their interaction (Farrell, 2002, p. 50). It moves away from a realist approach that sees the world as occupied by self-interested states towards focusing on ‘asymmetrical transnational actors’ (Guilfoyle, 2017) that not only can be perceived as posing a threat to national security but also to individual and societal identity-

construction in the EU, which Huysmans calls “the myth of national cultural homogeneity” (Huysmans, 2000, p. 762) It is therefore assigned to a Foucauldian understanding of governance where security practices/policing are concerned with the governance of population rather than of territories (Foucault, 2009)

Humanitarianism has a central role in the emergence of security practices concerned with the governance of populations (Pallister-Wilkins, 2015, p. 58) and has also become an integrated part of European border policing in the form of both discourses and practices (Pallister-Wilkins, 2015, p. 54). In contrast to traditional interstate security issues there is a management of the relationship between care and control that characterizes the policing of populations, which in border control takes many forms such as humanitarian language that legitimizes policing and implementation of principles for operational procedures that portray a higher humanitarian standard. Pallister-Wilkins points at three trends that have defined humanitarian action in recent years: Firstly, a growing willingness to help; secondly, a growing ability to help due to technological advancement and; thirdly, a growing use of humanitarianism as a motivation for security professionals and government agencies in governing ‘problematic peoples’ including migrants (Pallister-Wilkins, 2015, p. 59) This last trend can be seen as critical as it contradicts the defining principles of humanitarianism, humanity, impartiality, neutrality, independence, voluntary service, unity, and universality and transforms them into practices of security against a particular population group designed to secure other population groups (Pallister-Wilkins, 2015, p. 59). When humanitarianism is implemented in border policing it should not be seen as opposing the security logic but may be seen as intertwined part with it creating a sort of ethical policing (Pallister-Wilkins, 2015, Moreno-Lax, 2018, Aas and Gundhus, 2015) Moreno-Lax points at a strategical move that “interweaves border security with human security vocabulary that helps enhance the legitimacy and reputation of securitizing forces” (Moreno-Lax, 2018, p. 122). An important factor in order for the humanitarianized logics to intertwine with border policing is the portrayal of migrants as victims. Indeed people are at risk of drowning if trying to cross the Mediterranean in unseaworthy, overcrowded vessels, however, the perception of ‘boat migrants’ is also one of victims of the facilitators, the human smugglers as “perpetrators of death and abuse at sea” (Moreno-Lax, 2018, p. 119). This perception gives intervention at sea a double role where it on the one hand combats illegal migration and, on the other hand, saves the lives of migrants while blurring the underlying structures that makes the Mediterranean a deadly site by targeting smugglers as “the bad guys” (Moreno-Lax, 2018, Aas and Gundhus, 2015) Therefore, what characterizes the migrant in humanitarian border policing is a double reification as threats and as

victims, as *a* risk and as *at* risk (Moreno-Lax, 2018), both constructed in a way that that legitimizes migration governance.

## SECURITIZATION

The following chapter seeks to show how one can understand Frontex as having an active role in constructing migration as a security issue. The theoretical framework of securitization, a critical and constructivist take on security, is applied as a lens to explain how Frontex due to its status as a security expert in particular is able to draw a link between migration and insecurity. The chapter furthermore seeks to explain how this construction legitimizes more border control and therefore Frontex. Firstly, it will present key elements in securitization as understood in the Copenhagen School of security studies and determine that this approach has some limitations when applied on Frontex, as it focuses solely on political discourses. Secondly, it will present key elements in the Paris School of security studies, which develops on the Copenhagen School to show how also practices of security experts are important for understanding the securitization process, an approach that proves to be more applicable to the case of Frontex. Thirdly, two specific practices of Frontex are scrutinized, namely risk analysis and joint operations, to determine how they contribute to the construction of migrants as a risk considering the theory presented. Fourthly, ARA reports between 2010 and 2018 are examined to see how Frontex discursively constructs migrants as a risk in these over the years and how this construction may be influenced by occurrences and external pressure, and in turn if they influence social practice.

## THE COPENHAGEN SCHOOL (POLITICS OF EXCEPTION)

The securitization of a given issue typically increases the political attention on that issue and calls for exceptional measures to be taken, regardless of if the issue constitutes an actual threat to states or individuals within states (Buzan, Wæver, & de Wilde, 1998). Hence, if an issue is successfully securitized it is moved from the sphere of normal politics into exceptional politics. (Buzan, Wæver, & de Wilde, 1998) Wæver et. al. argues that “the exact *definition* and *criteria* of securitization is constituted by the intersubjective establishment of an existential threat with saliency sufficient to have substantial political effects” (Buzan, Wæver, & de Wilde, 1998, p. 25).

According to Wæver (2000), “security is *the speech act* where a securitizing actor designates a threat to a specified referent object and declares an *existential threat* implying a right to use *extraordinary means* to fence it off.” (p. 251) Hence, it implies that the securitizing actor is someone capable of persuading a large audience, with the use of words, assuming that there is a hierarchical structure in which a speaker and an audience are present. Wæver adds that “[t]he issue

is securiti[z]ed [...] if the relevant audience accepts this claim and thus grants the actor a right to violate rules that otherwise would bind”. (p. 251) Notably, in this understanding is that the securitization process is the *cause* for security measures to be taken and as such a speech act would cause for the legitimate use of exceptional politics.

Key notions in Wæver’s definition above are: *speech act*; *existential threat*; and *extraordinary measures* and these are essential to the securitization process according to the Copenhagen School. They are so because they define firstly, the precise tool of securitization, i.e. speech and discourse; secondly, a certain volume of which a threat must be projected to constitute, i.e. existential and; thirdly, how the issue must be dealt with “outside the normal bounds of political procedure” (Léonard, 2011, p. 235) compared to other ordinary issues, i.e. extraordinary.

Considering these ‘rules’, how applicable is the Copenhagen School’s approach to Frontex? Several scholars have already argued that it hardly applies (Neal, 2009) (Léonard, 2011). Therefore, instead of attempting to analyze how Frontex constructs migration as a risk with the Copenhagen School as a theoretical guideline, I will lean on existing research to argue why it is inapplicable and why a development of many of its elements is necessary.

Firstly, It is argued (Neal, 2009) (Balzacq, 2007) (Léonard, 2011) that the EU does not represent an arena in which the discursive dynamics, as presented in the Copenhagen School, can take place, partly because it is “difficult to identify the key securitizing speakers in the complex institutional field of EU politics” (Neal, 2009, p. 336). Furthermore, within EU politics it is common that logics of security are at play even though discourses uttered to the public are absent because the EU to a greater extent can act without the same need for justification as states need (Léonard, 2011, p. 236). Citing Leonard, “[t]he EU is evidently not a state; it has no government or president to make the kind of dramatic securitiz[ing] speech acts that can be identified in national contexts.” (Léonard, 2011, p. 236) In a national context, in contrast, statements of political leaders are obvious to focus on in securitization studies as these are widely reported and debated and are in turn highly influential on policy outcomes (Neal, 2009, p. 336).

Secondly, Frontex has neither the legal character or political ethos to be a securitizing actor. One of Neal’s (2009) points is that the fixed boundary for *who* constructs security, *how* they construct security, and *where* they construct security is not applicable to the institutions of the EU and therefore neither Frontex as an EU agency. It is difficult to discern the direct relationship between

the discursive securitizing moves and political outcomes at the EU level and the “dramatic invocation of existential threats” and politics of exception are therefore absent (Neal, 2009, p. 352). Even the establishment of Frontex was a rather slow process and was not an urgent move in response to 9/11 according to Neal (2009) and therefore not the direct product of an attempted securitization of migration. According to Leonard, Frontex was established in a period where “EU asylum and migration policy had already been shaped by a securiti[z]ation trend for a certain number of years” (Léonard, 2011, p. 236).

The above second point leads to the third one, namely that exceptional politics may not be what characterizes Frontex’s and its work at all. As such, the Copenhagen school may not prove helpful to understand the processes of European border security (Lemberg-Pedersen, 2018, s. 241). But do these above considerations prevent us from characterizing Frontex as a securitizing actor and thus undermine the role of Frontex in constructing migration as a risk at the Euro-Mediterranean borders? No, not necessarily. Even though the Copenhagen School, due to its limitations, is not extensive enough to regard Frontex as a securitizing actor it is possible to use the fundamental notions of the theory and develop on the elements that limit the analysis. Security Scholars such as Bigo and Huysmans have built upon securitization theory and other researchers (Balzacq, 2007) (Léonard, 2011) (Neal, 2009) have found this developed approach more useful when analyzing European border control and Frontex in particular. Limitations are met when considering the boundaries for *how* to construct a threat in the due to the precise definition of a securitizing speech act, which faultily ignores practices (Léonard, 2011) (Bigo, 2002). These limitations can be circumvented by instead regarding the securitization of migration as institutionalized over time and in this ongoing institutionalization Frontex can be seen as playing a role.

### THE PARIS SCHOOL (MANAGEMENT OF UNEASE)

This approach develops on the approach made by the Copenhagen School and moves focus from securitizing speech acts to securitizing practices in relation to the securitization process. It sees securitization of immigration as part of the daily practices of professional agents who with the use of technology and expertise are able to constellate a ‘truth’ about the link between insecurity and migration (Bigo, 2002). In short, “[s]ecurity practice makes phenomena intelligible as insecurities and thus as objects of security policy.” (Huysmans, 2006, p. 146). It suggests therefore to also look beyond discourses of political leaders and into the role of technocrats and security experts, such as

Frontex, and their day-to-day practices to understand how the securitization of migration takes place in the EU and the dynamics between actors, practices and discourses:

The securitization of immigration (...) emerges from the correlation between some successful speech acts of political leaders, the mobilization they create for and against some groups of people, and the specific field of security professionals (...). It comes also from a range of administrative practices such as population profiling, risk assessment, statistical calculation, category creation, proactive preparation, and what may be termed a specific habitus of the 'security professional' with its ethos of secrecy and concern for the management of fear or unease. (Bigo, 2002, pp. 65-66)

Considering the above quote, the securitization process happens equally much in 'silence', according to the Paris School, and to focus only political discourses in the securitization processes "is to underestimate the role of the bureaucratic professionalization of the management of unease" (Bigo, 2002, p. 74).

For Bigo (2002), the securitization of migration can therefore be seen as the result of practices rather than the cause for practices (p, 73). Especially this notion divides the securitization field: whereas the Copenhagen School is focused on what role the discourses of certain actors play and how their securitization-through-speech acts *cause* for (exceptional) security measures to be taken, the Paris School approach argues that security measures *result* in securitization and acknowledge the silent bureaucratic dynamics in European border management.

Frontex could be regarded as the opposite of exceptionality and thus securitization, Neal argues, as "Frontex is not the institutionaliz[ation] of exceptionalism, but the institutionaliz[ation] of *normalization* in the form of European Union technologies and regulations" (Neal, 2009, pp. 347-348). BUT to see Frontex as the institutionalization of normalization is not necessarily a barrier for regarding the Agency a securitizing actor according to Léonard (2011) as it depends on how one defines security and securitization. Léonard, following the thoughts of Bigo, argues that the institutional management of risk fits into the securitization analysis as long as security is not limited to the realm of existential threats and exceptionalism (Léonard, 2011, p. 249). The move away from political figures to security experts and from exceptionalism to the standard is what Bigo coins 'the management of unease'. According to Bigo, securitization is "a structural unease in a "risk society"

framed by neoliberal discourses in which freedom is always associated at its limits with danger and (in)security.” (Bigo, 2002, p. 64).

It is Frontex’s position as security experts that makes the Agency able construct what is and what is not a risk by its practices and this construction is difficult to challenge by non-professionals without the same ethos (Bigo, 2002, p. 74). This is because security professionals have succeeded in making security issues their legitimate object instead of the object of national politicians, thus “have created considerable autonomy for their own field – the management of fear.” They are ‘managers of unease’. (Bigo, 2002, p. 75)

This is also the case with other security experts, such as Private Security Companies (PSCs), whose role in European border control is far more extensive than to simply provide surveillance and security technology for the EU and Member States to buy. In fact, PSCs greatly influence border control through lobbying and by counseling as security experts, which ultimately serves their own immediate interests, which is to sell technology and gain profit (Lemberg-Pedersen, 2013). Huysmans argues that their professional position as security experts gives their definitions great authority (Huysmans, 2006, p. 72) For example, studies that seek to contest popular assumptions, such as; ‘migrants and refugees are more vulnerable to radicalization’, or ‘refugee flows constitute a back door to Europe for terrorists’ (Crone & Falkentoft, 2017) hardly challenges these perceptions as the security discourse is too strong (Bigo, 2002).

When migration become a task of these security experts who are traditionally concerned with the combat of crime (military, police) it extends the definition of security, an extension that cause migration and terrorism to be a matter of the same “institutionalized mode of policy-making”, according to Huysmans. (Huysmans, 2006, p. 71) According to Bigo (2008), this extension puts different phenomena on the same security continuum which incorporates:

the fight on terrorism, drugs, organized crime, cross-border criminality, illegal immigration – and to further control the transnational movement of person, whether this be in the form of migrants, asylum-seekers or other border-crossers – and even more broadly of any citizen who does not correspond to the *a priori* social image that one holds of his national identity (p. 17)

So, what is it that makes practices of Frontex, as managers of unease, securitizing practices? Léonard argues that “securitizing practices can be defined as activities that, in themselves,

convey the idea that asylum-seekers and migrants are a security threat to the EU.” (Léonard, 2011, p. 237) This could include the execution of targeted surveillance and control, data-collection methods such as biometrics, restrictive visa regimes and screenings of asylum seekers as potential terrorists etc. The practices of Frontex have been under the loop of Léonard (2011) with the purpose to examine whether or not they can be seen as securitizing practices and if Frontex can be characterized as a securitizing actor. In her study she pays little attention to the concept of risk, which is relevant because risk is able to bridge “humanitarianism and crime-fighting, enunciation and practice, politics and patrols: it provides the depoliticized language needed to make migrant boats an abstract threat to the external border” (Andersson, 2012, p. 9)

According to Léonard's analysis all Frontex's practices as presented in the founding regulation can be regarded securitizing practices. She emphasizes, however, that Frontex is not a securitizing actor on its own, but indeed has “contributed to the ongoing securiti[z]tion of asylum and migration in the EU” (Léonard, 2011, p. 248) While Léonard (2011) has shown why all six main practices, as presented in the founding regulation, can be defined as securitizing practices, the analysis of this paper focuses on 1) joint-operations and 2) risk-analysis and how these take part in constructing migrants as a risk. The reason for focusing on the two is the importance they have in particular: the former having the largest cut of Frontex's annual budget and is perhaps the most visible and debated practice; and the latter being the starting point for all Frontex's activities as well as having a relatively high budget compared to its relatively low-cost operation. The reason for a focus on the construction of risk, rather than of construction of security threat, is because Frontex more often speaks of risk rather than security threat directly. This is not, however, necessarily an impediment for using securitization theory as a framework in an analysis of practices and discourses, as the concept of risk can be seen as fitting into the wider security continuum as presented by Bigo (2008).

## RISK ANALYSIS

When examining Frontex's website and Frontex documents it is clear that Frontex first and foremost is represented as a coast *guard* agency. Its primary responsibility is to prevent cross-border related crimes, a category in which Frontex systematically places irregular migration. There is a general emphasis on Frontex's intelligence driven approach when it is described how Frontex and Member States manage the borders. The word intelligence is not neutral but has traditionally been used to refer to information concerning national security threats by national intelligence agencies such as CIA in the US, MI6 in Britain, PET in Denmark etc., and can therefore be seen as a conceptual approach that contributes to the securitization in the EU (Léonard, 2011). The following examples are taken from the Frontex website and show an extract of the Agency's missions and tasks that illustrate the intelligence work and migration focus:

Frontex focuses on preventing smuggling, human trafficking and terrorism as well as many other cross-border crimes. It shares any relevant intelligence gathered during its operations with relevant national authorities and Europol

(Frontex, 2018b)

To help identify migratory patterns as well as trends in cross-border criminal activities, Frontex analyses data related to the situation at and beyond EU's external borders. It monitors the situation at the borders and helps border authorities to share information with Member States. The agency also carries out vulnerability assessments to evaluate the capacity and readiness of each Member State to face challenges at its external borders, including migratory pressure.

(Frontex, 2018b)

The backbone of Frontex intelligence-driven approach is the Agency's risk analysis. It is one of the main tasks of Frontex and it is the starting point for all other practices of the Agency (Frontex, 2018b). Here, Frontex especially stands out as a security expert, in that it has the expertise to define risks, and as the intelligence-driven organization, which the Agency presents itself as (Léonard, 2011, p. 242). Similar to the argument of intelligence, neither is risk a neutral term but rather a term that constructs a migration-security nexus. Risk analysis has a budget of €15.605.000 in 2018, which makes it the fourth most expensive operational activity of Frontex (Frontex, 2018c). Being among the top budgetary priorities in Frontex although it is largely a desk-based and inexpensive practice in itself

indicates the importance of risk analysis (Paul, 2017, p. 691). Not only is it important for shaping the practices of Frontex but also for other economic and political decisions at the EU-level, such as for how the financial resources of the European External Borders Fund are distributed (Horii, 2016) and for European harmonization dynamics (Paul, 2017) Within the Agency it is the Risk Analysis Unit (RAU) that carries out risk analysis. RAU produces various reports, such as Annual Risk Analysis (ARA) reports, Quarterly Risk Analysis reports and Tailored Risk Analysis reports, with a focus on a specific country or phenomenon. Common for all the reports is that irregular migration is the main focus and that they are built up around information gathered about a population group that is considered 'risky'.

The reports can be seen as self-reinforcing because they define the problems and solutions as well as Frontex's role, hence, Frontex plays an influential role in constructing risks and how risks must be addressed. They are further important because they serve as the starting point for the more observable activities, such as joint operations. Therefore, the risk analyses shape practice and one can argue that the basis for the entire range of activities by Frontex, and general European border management, is based on the existence of a risk that Frontex is capable of formulating.

In order to better understand the procedure behind risk analysis and how that contributes to the construction of migrants as a risk I will try to examine the underlying methods. RAU uses CIRAM as a method for its risk analysis. The model was originally developed in 2002 for a European Council Expert Group but later passed to Frontex in 2004. According to the model, the purpose of CIRAM is to "establish a clear and transparent methodology for risk analysis" and "to develop a conceptual framework to assist Frontex and Member States in the preparation of risk analyses" (Frontex, 2012, p. 5). CIRAM is therefore a good indicator for how knowledge production *within* Frontex takes place.

In the model, *threat* is defined as a force or pressure acting upon the external borders and *vulnerability* is being defined as the capacity of a system to alleviate that threat. In addition, *impact* is defined as the potential consequence of the threat (Frontex, 2012, p. 7). These definitions show that in the core of risk analysis migrants are administered as a threat that makes EU borders vulnerable. This is further substantiated by an example of how to measure threat following CIRAM:

Measuring the magnitude of a threat means first determining the unit of measurement for the threat. The choice of the unit will depend on the threat. For threats related to

immigration, the units may be the number of migrants illegally crossing the border, or the number of persons refused entry (Frontex, 2012, p. 22)

CIRAM underlines that Frontex identifies migrants arriving irregularly to the EU as threats in that its definitions are concerned only with state security rather than that of persons (Gundhus, 2018, p. 224) According to the CIRAM guideline, the objective of Frontex in a nutshell is to minimize “the threat of illegality at the border” while increasing the convenience of “bona fide travel” (Frontex, 2012, p. 9). This distinction made between illegality at the border and bona fide travel as fundamental for how Frontex approaches migration arguably also contribute to the construction of migrants, including refugees, as a risk because crossing the border irregularly in itself is considered an illegality. However, the model ignores who is ‘illegally’ crossing and what rights they may have. Migrant boats that cross the European external sea borders are all considered illegal border crossings in CIRAM and separated from bona fide travel. However, many of those who are considered irregular border crossers by Frontex are in fact refugees who have no formal ways of reaching and seeking refuge in the EU (Betts, 2013) and are thus de-facto not illegal if they apply for asylum. According to the European council on Refugees and Exiles (ECRE) 90% of refugees rely on irregular entry to the EU (ECRE, 2004). This categorization of people who try to reach EU shores as illegal is not only criminalizing migrants without conventional grounds for protection but also bona fide refugees without bona fide migration opportunities, as they all cross the border illegally in the perspective of Frontex. In other words, Frontex does not exclude to-be receivers of international protection from their statistic of illegal border-crossings, statistics that become included in their various risk reports.

Another aspect in which risk analysis can be seen as constructing migrants as a risk are the structures developed by Frontex to gather, produce and exchange intelligence of migration because these are similar to the structures that have been used to monitor traditional security threats (Léonard, 2011, p. 242) One example is the establishment of the FRONTEX Situation Centre (FSC). The FSC gathers information from countries both within and beyond the EU, from academic publications and the press to create an image of the ongoing situation at Europe’s borders (Frontex, 2012, p. 9) and is able to initiate a 24/7 emergency response in a critical situation (Léonard, 2011, p. 242). Situation Centres, according to Léonard (2011), have always been used to monitor traditional security threats. This has been the case in NATO, the UN, and the EU and the FSC can therefore be categorized as a security measure applied to monitor migration and therefore contribute to the construction of migrants as a risk (Léonard, 2011, p. 243) Similar to this example is how asylum

seekers' biometrics are registered by Frontex and stored in the Eurodac database (Frontex, 2012). According to the European Commission's website (European Commission, 2018) the objective of Eurodac is to serve the implementation of the Dublin Regulation, however, after an amendment of the Eurodac Regulation in 2013 law-enforcement authorities, such as Europol, can also consult Eurodac "for the purpose of prevention, detection or investigation of terrorist offences and of other serious criminal offences" (Frontex, 2017, p. 45). These changes can also be seen as constructing asylum-seekers as more criminal than the rest of the population who are not forced to have their biometrics registered and stored by the EU.

#### JOINT OPERATIONS

Of Frontex practices the joint operations are probably the most observable and is the operational practice with the largest cut of the Frontex budget amounting to €115.795.000 (Frontex, 2018c). It is also the practice that has met the most criticism from NGOs and activist groups (Léonard, 2011, p. 239) Several joint operations have been coordinated by Frontex over the years, such as operation Hera in the Western Mediterranean, operation Poseidon in the Eastern Mediterranean, and operation Trion and Themis the Central Mediterranean.

Considering operation Hera in 2007 as an example that resulted in push-backs of migrant boats (Statewatch, 2017) joint operations can, in this situation, be regarded as non-arrival practices and therefore a part of the European deterrence paradigm. According to Gammeltoft and Tan (2017), non-arrival practices are part of the deterrence paradigm because they aim to impede access to asylum. Frontex news release states that "a total of 1167 migrants were diverted back to their points of departure at ports at the West African coast" during operation Hera in 2007 (Frontex, 2007). Such practice can be considered out of the ordinary as it conflicts with human rights including non-refoulement, to seek asylum, and to leave any country including one's own (Moreno-Lax, 2018, p. 123), and this out of the ordinary act is part of constructing migrants as a risk in that it suggests that it cannot be dealt with by ordinary procedures (Léonard, 2011, p. 237). Ultimately, operation Hera's results were deemed a success due to the deflection of would-be immigrants back to their point of departure (Moreno-Lax, 2018, p. 124). In this case it was arguably not considered if any of the migrants in the boat in fact had a right to international protection.

The joint operations can also be categorized as semi-militarized according to Léonard (2011) and therefore take part in the construction of migrants as a risk. This is partly due to the deployment of semi-military personnel, such as the Guardia Civil from Spain and the Guardia di

Finanza from Italy (Léonard, 2011, p. 240). On their official webpage the Guardia Civil webpage is presented as: “a public security corps of military nature and national scope that is part of the State Security Forces and Bodies” (Guardia Civil, 2018). The argument here, again, is that when actors and procedures that traditionally have been used against more traditional security issues, such as interstate war or against piracy, are used to manage migration, it contributes to the securitization of migration and the construction of migrants as a risk.

## CONSTRUCTING MIGRANTS AS A RISK IN ARA REPORTS

The following chapter will examine the ARA reports for 2010, 2014, 2016, and 2018 to see how Frontex discursively constructs migrants as a risk and how the Agency uses this construction to legitimize border control. The reports will show how the construction of migrants as a risk changes over the years, which allows to make contextual references to occurrences taking place over the years. What is presented in the ARA reports will reflect how Frontex adapts to the social reality in order to give meaning to what it does and legitimize its own role.

The first noticeable observation in the ARA reports is that there is a change in the way migrants are referred to regarding their status. In the ARA report for 2010 ‘illegal migrant’ is consistently used to define someone who crosses the border irregularly. However, in the later reports this definition changes to ‘irregular migrant’. As the term illegal refers to criminal action it implies the need of some kind of sanction or interference towards the illegal agent (Horsti, 2012, p. 305) and this arguably contributes to the construction of migrants as a risk. Illegal is applied to all migrants registered of crossing the external border in the ARA for 2010 including asylum seekers and potential refugees. This arguably criminalizes people who are de facto not breaking the law if they apply for asylum. The term illegal is not abolished in ARA reports after 2010 but is continuously used to define actions, such as ‘illegal border-crossing’, ‘illegal migration’ and ‘illegal staying’ but without defining the migrant directly as an illegal agent for crossing the border. In the ARA reports after 2010 migrants are referred to as ‘irregular migrants’ who cross the border illegally. From the ARA report for 2014 the focus instead changes towards the human smugglers as the criminal agents for facilitating migration. Whereas there is no mention of human smugglers in the ARA report for 2010 they appear from the ARA report for 2014 and becomes of extensive focus in the ARA for 2016 and 2018. The following extracts illustrate the change from illegal migrants to irregular migrants and the attention given to smugglers as the criminals:

Forged documents, particularly EU passports and ID cards, are frequently used by illegal migrants to enter to the EU. Forged documents are mostly used in association with other criminal activities or types of frauds, such as the abuse of social benefits. There is growing abuse of documentation by impostors. Unconfirmed identities undermine border controls and are a potential threat to the internal security of the EU, particularly if migrants are able to conceal a criminal or terrorist past.

(Frontex, 2010, p. 3)

It is possible that organi[z]ed crime groups (OCGs) will get increasingly involved in the facilitation of smuggling of migrants and trafficking in human beings across the EU. There are growing reports that facilitators not only provide assistance to cross the border illegally, but also facilitate the stay of irregular migrants in Member States by providing fraudulent documents (Frontex, 2014, p. 66)

In the first extract above from the ARA report for 2010 there is less attention given to the used terminology by labeling migrants as illegal. The terminology, which has been used widely by EU institutions, has meet criticism from scholars, activist groups and the UN for negative connotations and potentially negative impact on the public opinion and for being linguistically wrong, in that only acts can be illegal but not people (Paspalanova, 2008). The connection made between social benefit exploitation and migration is also made without factual substantiation, which is not the case in later ARA reports. Such claims, also bearing negative connotations, have also been contested by scholars for not reflecting a genuine picture of European immigration patterns (de Haas, 2011) (Thielemann, 2004). The changes may be seen as adjustments made by Frontex due to external critique, which makes the construction of migrants as a risk less clear but not absent. A similar argument is made by Horsti (2012) about the public communication in Frontex press releases published between 2006 and 2011.

Even though migrants stop being designated as illegal beings in the ARA reports their actions continue to be described as illegal and posing a risk to the EU. It continues to be the focal point of ARA reports that irregular migration in itself constitutes a risk. It shows in the general formulation of sentences such as: “countries of origin presenting the highest risk of irregular migration,” “the risk of clandestine entry,” and “the risk the applicant presenting a risk to the security or public health” (Frontex, 2014 p. 17). It is clear that the ARA reports revolve around the definitions of threat and vulnerability as defined in CIRAM, as presented earlier. On its own, this fundamental risk approach upholds the construction of migrants as a risk in the ARA reports in a way where Frontex is seemingly able to constitute a truth between risk and migration due to its expert character. The expert character of Frontex especially becomes expressed in the technocratic language in the ARA reports. By using technocratic language Frontex can draw a link between insecurity and migration without directly pointing it out and therefore it sanitizes border control (Horsti, 2012, p. 11). The technocratic language describes the use of surveillance and control that effectively bring

migration to a halt. The following two extracts show how Frontex formulates its technocratic role as a factor for minimizing migration, which is representative of all the ARA reports of concern in this analysis:

It is during surveillance that border control authorities detected illegal border- crossings.  
(Frontex, 2014, p. 18)

The decrease compared to previous years followed the strengthening of border surveillance on the Greek side, including the completion of a fence along the 12-kilometre land connection with Turkey, and deployment of additional staff to patrol the area of the River Evros marking the land border between Turkey and Greece.  
(Frontex, 2014, p. 32)

The suggestion of methods such as strong surveillance, border patrolling, and putting up fences to halt migration contributes to the security discourse and takes part in constructing migrants as a risk because they are strident and can be characterized as measures out of the ordinary. The risk-based management against unwanted migration should, as stated in the ARA report for 2018, not impede bona fide travelers whose journey should be “facilitated smoothly” in times of “rising global mobility” (Frontex, 2018, p. 9). Asylum seekers and potential refugees are, in this construction, excluded from the group of bona fide travelers and from the rising global mobility. Instead they are characterized as “high-risk individuals” if they cross the border irregularly (Frontex, 2018, p.9). The distinction between bona fide travelers and migrants divides people into two groups whereas the one is allowed to travel under minimal controlled circumstances and the other requires extensive control as they are framed as high-risk.

In the ARA report for 2016 there is an interesting development in how Frontex links threats to internal security and migration. In this report the struggle against terrorism gains prominence in particular due to the terrorist attacks in Paris in 2015. The following extract shows how the terrorists attack are used to legitimize more thorough registration of migrants:

the process of registration at the borders should more thoroughly take into account the risks to internal security. The Paris attacks in November 2015 clearly demonstrated that irregular migratory flows could be used by terrorists to enter the EU. Two of the terrorists involved in the attacks had previously irregularly entered through Leros and had been registered by the Greek authorities  
(Frontex, 2016, p. 7)

In the ARA report for 2014 the threat of terrorism is considered to be a potential consequence of the conflict in Syria due to the return of 'idealized' and 'radicalized' young foreign fighters. However, as the above extract illustrates, concrete examples are used to legitimize the role of Frontex in the ARA report for 2016, which is not the case in the ARA report for 2014. According to Bigo (2002) it is a typical tendency that security professionals transfer their legitimacy gained from struggles against terrorism towards other targets, such as people crossing borders. The words terror and terrorism appear seven times in ARA report of 2014, prior to the Paris attacks, and 24 times in the ARA report for 2016, subsequent to the Paris attacks, which indicates that the reports are influenced by the events. The threat of terrorism continues to be of high concern in the ARA report for 2018 where Frontex's described role is to support Member States' counter-terrorist efforts by "screening, registration, document checks or voluntary debriefing activities" (Frontex, 2018) The importance of Frontex's presence at the external land and sea borders are legitimized on the premise that these areas are vulnerable if not controlled because terrorists can exploit irregular migratory movements. Border checks and biometric data collection of potential terrorists amongst irregular migrants, which are the tasks of Frontex, "significantly contribute to guaranteeing the long-term security of the Union and its citizens", according to the report (Frontex, 2018, p. 31).

## HUMANITARIANIZATION

The following chapter will show how humanitarianism has become an important element in Frontex's role as the EU's border police. Drawing on the notions on the humanitarian border (Walters, 2011), humanitarian reason (Fassin, 2012) and humanitarian border policing it will show how Frontex has an active role in shaping how we understand migrants as at risk. It will illustrate how attention to humanitarianism have gained prominence in Frontex and how moral reasons are used to legitimize control drawing on the work of Pallister-Wilkins (2015), Moreno-Lax (2018), and Aas and Gundhus (2014). Thereafter, it will examine the same ARA reports as examined in the securitization chapter to see how Frontex discursively constructs migrants as at risk in these, how this construction has changed over the years, how it is influenced by and influence social practice, and how it is used to legitimize border control.

## MORAL REASONS AND THE HUMANITARIAN BORDER

Until now we have examined how Frontex's practices and discourses take part in a construction of migrants as a risk to the EU. There is, however, another perspective within the construction of risk logic, namely the one where migrants are perceived as *at* risk (Moreno-Lax, 2018). The term construction should not be understood as if risks that migrants face are purely constructions, but instead that Frontex takes part in constructing migrants as at risk in particular fashion that in the end legitimizes control. In this sense one can think of a process similar to the one of securitization but with the human security as a focal point that may call for humanitarian responses, which can be coined humanization (Fassin, 2012) or humanitarianization (Walters, 2011) (Moreno-Lax, 2018). It may, however, also call for security measures depending on how risk is constructed, "a humanitarian mission but set up for reasons of security" (Fassin, 2012, p. 136). According to Fassin, moral sentiments, i.e. "emotions that direct our attention to the suffering of others and make us want to remedy them" are a strong force in politics in that they "nourish its discourses and legitimize its practice" (Fassin, 2012, p. 1). When moral sentiments are deployed for intervention it is, according to Fassin (2012) a form of humanitarian governance. The moral sentiments that legitimize humanitarian governance can work as a disguise for other practice and politics that restrict people or increase social inequality

It may be objected that there is often a form of cynicism at play when one deploys the language of moral sentiments at the same time as implementing policies that increase

social inequality, measures that restrict the rights of immigrant populations [...] In this view, the language of humanitarianism would be no more than a smoke screen that plays on sentiment in order to impose the law of the market and the brutality of realpolitik (Fassin, 2012, p. 2)

For Walters, the borderlands in the Mediterranean represent what he coins the humanitarian border, where humanitarianism can be “operationalized in an attempt to manage a political crisis” (Walters, 2011, p. 145). Borders can take the form of a humanitarian border, but also many other forms. Therefore Walters (2011) presents four points that will clarify his understanding of the humanitarian border:

Firstly, it is specific in that it materializes certain places under specific circumstances i.e. where Global North and Global South confront or at what can be coined the “frontiers of poverty” (Walters, 2011, p. 146). The European external borders where Frontex practices unfold represents this confrontation.

Secondly, it can only be understood alongside other ongoing strategies because the humanitarian border exists only at the expense of a paradigm where border-crossings have become a matter of life and death. It is only a humanitarian border because migrants are more or less forced to use dangerous routes, e.g. the Central Mediterranean Sea, by dangerous means, e.g. in overcrowded boats due to the closing of legal corridors to the EU for asylum seekers. This notion is interesting as it suggests that as a result of the securitization and militarization of the border that Frontex contributes to, it becomes a place in need of humanitarian assistance. Another example is when Frontex estimates that a particular corridor is central for irregular migration and therefore enhance control in order to close it down, migration patterns change to more dangerous routes (Crawley & Sigona, 2016). Or, when Frontex destroys the wooden boats of smugglers as a tactic to interrupt the criminal business model, resulting in cheaper and even more inadequate rubber boats replacing the wooden ones (Forensic Oceanography)

The above also means, thirdly, that the humanitarian border is not fixed but fluctuating depending e.g. on the shifting routes of migration. While the shifting to more dangerous routes can be seen as an act of necessity to escape in the view of migrants, Frontex describes it as a shifting ‘modus operandi’ of smugglers that requires a European response (Frontex, 2018, p. 6).

Fourthly; agents of moral interventions, such as maritime rescue NGOs are part of constructing emergency, despite their best intentions, and are therefore “implicated in global order” (Walters, 2011, pp. 146-148). This is because an emergency calls for immediate action and legitimizes short term solutions while it obscures the root causes for displacement and procrastinates the long-term solutions to fix these causes. Furthermore, in the state of humanitarian emergency it is not time to stop and reconsider the methods and thus it “works into the continuation of such a border control system while failing to take account of the fact that interventions to save lives and secure borders have the same practical effects” (Pallister-Wilkins, 2015b).

This last point, that interventions to save lives and secure borders have the same practical effect talks into what Moreno-Lax (2018) presents as the ‘rescue-through-interdiction/rescue-without-protection’ model that characterizes European border management. Frontex in acting ‘humanitarian’ in rescue missions is also impeding access to safety in Europe and curtails migrants’ human rights (Moreno-Lax, 2018, p. 119). Of this it should be understood that migrants rescued may indeed be brought to safe shores in the EU but are simultaneously lodged into a paradigm that does not always provide fundamental human rights. Humanitarian sentiments for intervention and implementation of a humanitarian set of principles does not entrust migrants with their full extend of humanitarian dignities, and does not recognize “good reasons (if not rights)” that causes migrants to seek access to Europe (Moreno-Lax, 2018, p. 134)

As Aas and Gundhus (2015) show, in the case of Frontex humanitarian border policing is not only characterized by humanitarian discourses but also by a growing organizational focus on human rights. For example, the cooperation agreement between Frontex and the European Union Agency for Fundamental Rights (FRA), which began in 2010 (FRA and Frontex, 2010). According to the agreement, the overall objective of the cooperation is to strengthen the respect for fundamental rights in Frontex activities. In joint operations it means that FRA “on request” can offer its expertise to Frontex. In risk analysis it means that FRA will hold consultations with Frontex on how to strengthen the capacity to collect data with an appreciation of the likely assistance needs of vulnerable groups, offer “on request” methodological guidance to data collection and development of related risk indicators, and together with Frontex “consider” the possibility for cooperating in developing analytical reports (FRA and Frontex, 2010). The cooperation with FRA can indeed be seen as if more consideration is given to human rights, however, it does not necessarily contribute to major changes in real practice. According to Aas and Gundhus (2015) “human rights principles per se provide no

firm base for police practice and can be subject to considerable flexibility of interpretation and enacting” (p. 14) Another focus on human rights is implementation the Code of Conduct (CC) in 2011. The CC applies to “all Frontex operational activities, including those which take place outside the territory of the Union and [...] to all persons participating in them.” (Frontex, 2017b, p. 7). Within the core values of the CC is the commitment and full respect of fundamental rights (Frontex, 2017b, p. 5). Again is the actual translation into practice is unclear. Aas and Gundhus’ interviews with Frontex officers show that some of their informants believe the formulated humanitarian principles are primarily relevant for their Eastern European colleagues (Aas and Gundhus, 2015, p. 4). The non-legally-binding force of the FRA cooperation and the CC can therefore, according to Moreno-Lax (2018), be seen as cosmetic and not precipitating any real change in practice (p. 130) The growing prominence given to human rights can be seen as a strategy to sharpen Frontex’s humanitarian profile and for Pallister-Wilkins it works to challenge accusations about Frontex from various actors and criticism from European institutions (Pallister-Wilkins, 2015, p. 66)

#### CONSTRUCTING MIGRANTS AS AT RISK IN ARA REPORTS

When examining the reports and how risk is constructed discursively in relation to migration it is evident that a focus on migrants at risk becomes of larger concern over time and is incorporated in the language and presentation of how Frontex operates.

In the ARA report for 2010 Frontex there is no mention of the word ‘rescue’, and as such, there is no mentioning of Frontex’s engagement in SAR operations. One chapter in the ARA for 2010 concerns human trafficking and here migrants as victims are referred to rather descriptive without insinuation of the need of interference. Risk is entirely connected to that of the borders and risk of routes that can be exploited by ‘illegal’ migrants. In the ARA for 2014 the word rescue appears five times and the front page illustrates a rescue situation where two rescue workers assist a group of people from one smaller rubber boat to a larger one. Frontpages of earlier ARA reports containing a photograph illustrate a more investigative type of practice, such as a night vision goggle point of view over landscape. In between the ARA report for 2010 and 2014 some significant incidents happened that may have affected the growing attention given to humanitarian needs. In the year of 2013 a lot of media attention was given to the lethal side of the European migration system, with several hundreds of caskets lined up in Lampedusa to illustrate the tragic fate of both adults and children who did not manage to reach safety in Europe (Bruun-Schmidt, 2013) It also became a political point of focus as EU leaders demanded immediate action by solidary and targeted action to prevent people

from drowning at sea in the form of more surveillance and registration and by establishing the new Eurosur as quickly as possible (Ritzau, 2013). Despite the fact that deaths in the in the Mediterranean was not a new phenomenon, at the time it seemingly became a turning point where the humanitarian language gained prominence and practices of control became intertwined to practices of care in the discourse. This humanitarian control is also reflected in the ARA report for 2014 where SAR is mentioned for the first time in the ARA reports. The following extract illustrates an example where Frontex portrays migrants as at risk and how Frontex seeks to remedy this by adjusting practice:

An increased use of rubber boats has also been reported, mostly by sub-Saharan. Compared to fishing boats, rubber boats put migrants' lives at a greater risk, but offer the cheapest sailing option. On the other hand, when fishing boats or larger boats are used, they tend to be overcrowded, which also increases the risk of them capsizing. To prevent this, search and rescue operations are undertaken ever closer to the Libyan coast. However, *the awareness of these measures among facilitators and migrants decreases their overall perception of risk taken when embarking on what remains a perilous journey.* (Frontex, 2014, p. 34)

The argument with rubber boats is an interesting one as Frontex has in fact have been criticized for inciting the rubber boats' replacement of wooden boats due to a strategy of destroying or impounding the wooden boats. This has, according to the critics, further endangered migrants' lives (Forensic Oceanography(b)). Frontex accuses the smugglers of putting migrants at greater risk of drowning because of a change to cheaper and ill-suited boats and Frontex expands its operational area using moral sentiments of protecting the migrants at risk. However, destroying the wooden boats de facto equates to action being taken against the migrants behind a veil of a more neutral victim-protection practice (Moreno-Lax, 2018, p. 132). The last sentence (italics) is also noteworthy, stating that SAR may increase migration. Frontex have claimed that NGO SAR operations act as a pull factor for migration in that migrants and facilitators would know that chances of being rescued and disembarked at European shores are higher (Forensic Oceanography(b)). The same rationality as above is at play here where the presence of rescue ships is portrayed as putting migrants lives at risk indirectly, because the danger is minimized and people dare to.

The word rescue continues to appear in ARA reports after that of 2014, mentioned 20 in the ARA for 2016 and five times in the ARA for 2018. The expressed importance of SAR operations is especially consistent throughout the ARA report for 2016, which may have something

to do with 2015 being a record year, at the time, for both arrivals and deaths at sea registered (Frontex, 2016) In the preface of the 2016 report Executive Director Fabrice Leggeri notes that there is a correlation:

The year 2015 was unprecedented for the EU and its external borders, with 1.8 million detections of illegal entries associated with an estimated one million individuals. Unlike almost any other year since World War II, the scenes of chaos and the tragic images of those who have lost their lives have sharpened the focus on migration issues.

(Frontex, 2016, p. 5)

One can argue that a sharpened focus on migration issues results in Frontex gaining more capacity. Moreover, when moral sentiments including those in the extract above, it is an example of moral grounds being used to legitimize more Frontex and thereby more control. The argument is substantiated by Jean-Claude Juncker's State of the Union speech in 2015 where he presents the plans of creating the 'new' Frontex in 2016 using the same logic in his speech by referring to lives lost at sea, war and terror in Libya and Syria, oppression, and human dignity. "This is first of all a matter of humanity and of human dignity" (Juncker, 2015) the President of the European Commission says in the speech before introducing the necessity of the establishment of a new and costlier Frontex. The argument is also substantiated by the fact that the 2016 regulation gives Frontex larger intervention capacities and the ability to make independent decisions without Member States. The 2016 regulation makes it possible for Frontex, in cooperation with the Commission and the Council, to deliver an effective response on Union-level around the Member State if it is deemed that the Member State is incapable of or unwilling to control the external borders to an extent that jeopardizes the function of the Schengen area (European Union, 2016). The exponential economic growth of Frontex since its creation and the capacity it gradually gains can arguably, in cases where the need of Frontex is linked to humanitarianism, be seen as legitimacy gained on the construction of migrants as at risk.

From the ARA report of 2016 and onwards smugglers are directly portrayed as putting migrants at risk, when in earlier reports it is the means of facilitation that are targeted. This represents a move from traffickers to also smugglers being personally targeted for putting migrants at risk and creates a victim of smuggling logic

Smugglers are becoming more and more aggressive and ruthless to increase their profit, forcing migrants to board already overcrowded boats. Such behavior led to lives being

lost in the Aegean Sea, including that of a three-year-old boy near Bodrum, Turkey.  
(Frontex, 2016)

While the above observation might be correct, the presentation in the ARA report for 2016 fail to grasp the reasons people have for actively using a smuggler as a means to migrate in the first place. It makes invisible the individual migrant's agency and reduces his/her dire circumstances to the greed of the smugglers (Horsti, 2012). In the ARA report for 2018 smugglers are continuously portrayed as actively putting migrants at risk by articulations such as: agents in the smuggling networks “find migrants wishing to be smuggled across to Europe” (Frontex, 2018, p. 35) where after they facilitate the journey across the Mediterranean, “one of the most dangerous forms of migrant smuggling requiring humanitarian assistance efforts” (Frontex, 2018, pp. 8-9). Frontex's construction of migrants as at risk mainly because of ruthless smugglers deflects attention from root causes and suggests an immediate response that Frontex can provide by targeting these smugglers. There are several examples where Frontex constructs migrants as at risk in the ARA reports and propose a way or necessity to tackle the situation immediately after. Often these are connected to a security discourse that, at the same time as proposing humanitarian assistance, proposes security measures to be taken. The following extract illustrates very well the interaction between discourses and the dual construction of risk that legitimizes border control both for humanitarian reasons and security reasons.

Irregular migration by sea, and more specifically via the Mediterranean routes, will remain the main modus operandi for illegally crossing the EU's external borders and also one of the most dangerous forms of migrant smuggling and one which often requires humanitarian assistance efforts. To tackle this phenomenon, cooperation among maritime security players and shared use of assets are gaining momentum.  
(Frontex, 2018, p. 41)

## CONCLUSION

The paper has examined and illustrated how Frontex takes part in constructing a risk logic in relation to migration in two ways and how these constructions legitimize border control. The paper has found that Frontex has an active part in constructing migrants as a risk and as at risk simultaneously through its practices and its discourses. Securitization theory has paved the way for understanding how Frontex, as a security expert Agency, contributes to the construction of migrants as a risk. By applying two directions within securitization theory it has become clear that the securitization of migration as understood by the Copenhagen School (Buzan, Wæver, & de Wilde, 1998) is not sufficient to the case of Frontex, particularly due to limitations in the approach about *who* can be a securitizing actor and *how* something become securitized. Drawing on the work of Neal (2009) and Léonard (2011) it has been argued that Frontex is not capable of performing speech acts and does not have the required audience. Therefore, the Paris School has been applied as it suggests examining a combination of practices and relevant discourses to understand the securitization migration where Frontex can be seen as belonging to a category described as the managers of unease (Bigo, 2002). This conceptualization showed that Frontex's risk analysis and joint operations as practices contribute to the construction of risk. The former does so by approaching migration as a threat, measuring vulnerability of borders instead of people, and generally create a risk-based approach to migration that collects and stores biometrics in Eurodac, which is accessible for criminal investigators. The latter contributes to the construction of migrants as a risk especially in cases of push-backs where migrants are denied of their human rights, and by having military personnel carry out the operations. The status as security experts is fundamental because it gives authority to Frontex and allows it to become a manager of unease who reproduces the construction of migrants as a risk to give meaning to itself.

However, critique and accusations of Frontex have caused for developments in the Agency's humanitarian profile which are visible. Actual translation of humanitarianism into practice is more complicated to point at even though the humanitarian discourse becomes incorporated and rights respecting operational strategies are implemented. The CC and the cooperation with FRA are two examples that show that the implementations are cosmetic rather than actually humanitarian. Theory on the humanitarian borders (Walters, 2011) and humanitarian reason (Fassin, 2012) opens for a perspective in which one can see Frontex as portraying the Mediterranean as a site of humanitarian crisis, and therefore migrants as at risk, and using this to legitimize its own presence

while upholding the security discourse. This is the focal point of the concept of humanitarian border policing (Moreno-Lax, 2018) (Pallister-Wilkins, 2015) (Aas and Gundhus 2015). The approach points at the interconnectedness between humanitarianism and border policing where humanitarian ideals and human rights become incorporated as a strategy of Frontex to display a higher standard. It also points at a contradiction where Frontex contributes to a paradigm where migrants become at risk of drowning in the Mediterranean and simultaneously claiming to be the solution, what was coined the rescue-without-protection/rescue-through-interdiction model.

The CDA of ARA reports published between 2010 and 2018 has generated a context where it has been possible to examine how Frontex constructs migrants as a risk and as at risk at the same time. The analysis shows that humanitarianism and the migrants as at risk logic is more or less absent in the report for 2010 but starts to appear in the ARA report for 2014 and becomes an integrated part in the ARA reports for 2016 and 2018 where migrants are depicted as in need of humanitarian assistance, such as rescue at sea and from smugglers ruthless methods. In the ARA report for 2010 migrants are criminalized in direct fashion by referring to every person crossing the border irregularly as illegal migrants. There is an alteration in terminology in the ARA reports for 2014 and onwards where persons crossing the border irregularly are referred to as irregular migrants. Migrants are nevertheless still indicted for illegal border-crossings regardless of if they are entitled to international protection. The alteration in the discourses between the two reports happens parallel to the cooperation with FRA in 2010 and the implementation of CC, which shows a move towards a humanitarian strategy in the period in both discourses and practice. Drawing on the work of Pallister-Wilkins, Moreno-Lax, and Aas and Gundhus the paper suggests, however, that the prominence given to humanitarianism is hardly translated into actual practices. The political and public attention given to the tragedies happening in 2013 is likely to also have affected the discourse of the ARA reports as concern towards the migrants begin to appear in the ARA report for 2014. From here on human smugglers appear in the reports and entirely as someone who put migrants at risk. The human smugglers simultaneously appear as tangible targets that Frontex can approach and therefore indirectly curb migration. It does so in tandem with using morality towards migrants as a legitimizing factor. The security discourse and the humanitarian discourse are interlaced in this case. Although the portrayal of migrants as at risk starts to appear the portrayal of migrants as a risk persists in the security discourse of Frontex in the ARA reports. It does so by consistently drawing a line between migration to risks and threats. Especially the terrorist attacks in Paris in 2015 and the foreign fighter phenomenon are used to legitimize control and surveillance at the EU's external borders, which is

evident in the ARA reports for 2016 and 2018. The dual construction of migrants as a risk and as at risk legitimizes border control on both security and humanitarian grounds and social dynamics can be seen as influencing how Frontex constructs risk in relation to migration.

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