

THE SECURITY OF EUROPE - THE ROLE OF THE EUROPEAN BORDER SURVEILLANCE SYSTEM (EUROSUR) IN SECRET SURVEILLANCE MONITORING

Maja Trajkovska

MIT University, Skopje, North Macedonia, trajkovska.m@gmail.com

Abstract: The Area of Freedom, Security and Justice (AFSJ) is a highly politicized and controversial area of competence that is rapidly developing within the European framework, hence this topic attracts the interest of analysts. When it comes to the internal security of the EU countries and the Old Continent in general, the Policy for the Management of External Borders occupies a central place within this framework. This concept is considered one of the fundamental solutions for protection against migratory pressure, otherwise one of the significant levers of the new security in Europe. Border management - regardless of whether it is practiced in the form of surveillance or control - has been the subject of many discussions and legal regulations in recent years. Thus, the EU, along with military actions in Ukraine or Iran, presents this issue as a central topic of European security and migration policy. Experiences in recent decades have shown that every conflict brings its own consequences and strengthens migration to Europe. It is therefore exciting that external borders and their serious treatment contribute to the redefinition of the European territory and the reconfiguration of security cooperation between Member States. In this context, we focus on a European project launched two decades ago in 2006 by the Commission, which deals with cross-border surveillance. The aim of this paper is to examine the foundations of the border management agenda through different prisms that we consider crucial for understanding the dynamics of the current European policy on external border management.

Keywords: European Union, EUROSUR, Security, Borders, Immigration, Schengen

1. INTRODUCTION

The Eurosur program illustrates the fundamental challenges of European policies on borders, migration and security. Our aim will therefore be to examine the questions of legitimacy that underlie the implementation of a major tool for borders at European level. In this regard, the Eurosur project – European Border Surveillance System – attracts our attention for several reasons. First, practical experiences in the functioning of this system so far allow us to develop basic outlines for understanding this phenomenon. In this way, a combination of relevant documents from the European Commission can combine theoretical reflection with empirical tools. Second, the Eurosur tool allows us to apply fundamental elements of current thinking on borders and security in Europe with a new instrument that has been the subject of several “scientific” studies. However, from the outset, the limitations of an analysis focused on a project that has been under negotiation for a long time within the European Commission must be mentioned. Eurosur is an integrated border surveillance programme for Europe designed to improve the information available both in the Member States and at European level, in particular through the Frontex agency. The development of new surveillance technologies will enable a smarter and faster response on the ground in the event of an influx of undocumented migrants and will ensure stronger cooperation between national patrols. In this sense, the establishment of a European border corps, competent for control and surveillance, supervised by the Frontex agency, is particularly important. Thanks to the operational resources deployed within the Eurosur programme, Frontex also operates in non-EU countries, such as North Macedonia. (Vallet, C.2024) In the course of this review, various fundamental concepts will be developed to understand these new border policies: border, sovereignty, internal security, territory, etc. We will see that the concept of border, traditionally associated with the exercise of state sovereignty over a limited territory, is changing in nature, becoming more complex and must be analyzed in the light of the profound transformations that state and international systems have undergone. In fact, within the framework of European integration, the abolition of internal borders and the creation of a common area of freedom, security and justice have transformed this concept, making the border a multidimensional concept. Eurosur illustrates this. One of the key issues is the degree of sovereignty and internal security, which are increasingly becoming fundamental axes of European policy. In this way, new priorities for European integration are being defined, which have found appropriate space in the Lisbon Treaty. However, the expectations surrounding the epilogue of the war in Iran, and the dilemma of whether an implosion of Iran and a new immigration crisis could occur, remain an open question.

2. HISTORICAL DEVELOPMENT

Historically speaking, the origin of the desire to harmonise legislation related to "foreigners", in the broadest sense - immigration, asylum, visas, but also borders - dates back to the 1970s during the "economic crisis and the first

concrete reflections on the realization of a Europe of citizens".(Bigo, D./Guild, E./Mitsilegas, V. (2025), In fact, before that, the Community countries primarily relied on foreign labor. In the mid-1980s, the issue imposed itself at the EU level, following the decision to complete the Single European Act's commitment to complete the single market by December 1992. (BERGER, N., 2000, p.4.) Thus, the Maastricht Treaty of 1992 included these issues in the third pillar regulated by the intergovernmental method. In the context of the end of the Cold War, the collapse of the USSR and the Balkan Wars brought migration and borders to the centre of European concerns. Under the Treaty of Amsterdam, they were partly integrated into the first pillar. The Tampere European Council in 1999 only confirmed this trend by devoting all its discussions to this European area of freedom, security and justice. The Lisbon Treaty took a "further step" by establishing the full transfer of these areas to "Community competence", thus advancing this matter. At the same time, the European Union launched several major projects, in successive waves, focused on one or another aspect of the justice and home affairs domain, in particular by establishing judicial cooperation in criminal matters, borders – asylum and immigration, etc. Therefore, it seems that migration and security are, to use the words of two Belgian authors, "a constant current issue". (DE DECKER, S. /HUBERT. C, 2007, p, 4.) In fact, whether at national or European level, mass flows of illegal immigration, cross-border crime, organised crime and terrorism have become the subject of a strong mobilization of the electorate and politicians, especially in the post-Covid period. Among these policies, the management of the external borders of the European Union has emerged as fundamental. Numerous Commission communications, European Council conclusions and measures were adopted. These included the establishment of the Frontex agency, responsible for managing operational cooperation at the external borders of the Member States, the creation of RABIT – Rapid Border Intervention Teams, then EPN – European Patrol Network, the ARGO Programme, which promotes administrative cooperation in the areas of immigration and borders, the definition of concepts such as IBM/GIFE – Integrated Border Management; and the launch of an integrated border surveillance project for sensitive borders, embodied by the Eurosur – European Border Surveillance System programme. (Zacharakis, M &Skiada, K. 2023, p, 98.)

3. THE PROGRESS OF EUROPEAN THEORY AND EMPIRICISM IN THE MANAGEMENT OF MIGRATION FLOWS

The European dynamic has continued to be revitalized in this area of action, which is now considered central to ensuring the efficient management of migration flows. However, these elements should not lead us to conclude that in recent years there has been a uniform and single approach to migration and security issues within the European Union. In fact, the EU Summit in Tampere in 1999 set the trend towards a multidimensional rebalancing of this issue. It meant securing and respecting individual freedoms and rights, then giving way to a new dimensional logic that could be described as "repressive" in the post-2001 context, confirmed at the Seville European Council meeting in June 2002 and then at the Hague European Council meeting in 2004. (DUEZ, D., 2008, p, 110) Such an increased securitization of European territory was considered, in particular, in the sensitive international context especially after the 2001 Al Qaeda attacks in New York as an argument within the security discourse. It seems, therefore, that the European Union has undergone a security-focused change in recent years. This new dimension has strengthened the visibility and legitimacy of the Union, giving it a strong identity? (DE MAILLARD, J./ WYVEKENS, A., 2008, p,7) It is interesting to analyze to what extent discourses on security are gaining an increasing role on the European scene. This is particularly important in the context of EU enlargements and the aspirants faced with migration policies. This has resulted in increased mobility of people, globalization and evolving aspects of international security are at the heart of the debate. After the end of the Cold War, new theories related to international and internal security and new conceptions of threat and risk, including immigration, have emerged. Whether it is Ole Weaver's theory of social security, or Ulrich Beck's theory of the risk society, or the broader themes of the social and political construction of discursive representations of migrants, theory has also helped to affirm this issue. These theoretical approaches make it easier to understand the challenges of international and European migration in their security dimensions. (Zacharakis, M./Skiada, K., 2023)

4. NEW CHALLENGES

To address these new challenges, the European Union is promoting the use and sophistication of surveillance tools, such as biometrics and control measures, implemented by various actors, primarily states and international organisations such as the European Union, but also by the private sector. The current focus on border management in the European space "shows how contemporary transformations of modernity, the acceleration of globalisation, the privatisation of security and the emergence of new concepts of risk generate uncertainties that new technologies are called upon to control and manage". Increasingly sophisticated techniques are now being used to address the new challenges facing Europe in the first three decades of the 21st century. Furthermore, the interconnection between the different Justice and Home Affairs (JHA) policies is essential for understanding and maintaining a coherent security

system in Europe. Beyond immigration and visas, asylum, police cooperation (Europol, etc.) and judicial cooperation (Eurojust, European Judicial Network – EYN) in particular, closely and inseparably contribute to the goals of a safer and fairer European territory. The notion of border, traditionally represented by a physical border, is now also embodied through complex regulations. Are borders becoming stakes and "barriers" behind which to retreat, at national, regional and even global levels, in a world where economic and trade liberalization is changing international relations? Europe, as Hervé de Charette says, was built from the very beginning on the idea of the gradual disappearance of borders between states. (LABOUZ, M-F, PHILIP, Ch. / SOLDATOS, P., 2006) The question of borders has become a fundamental issue, not only in Europe but throughout the world; one only needs to look at the intense debates over the security of the border between the United States and Mexico or that between Israel and the Palestinian territories. It should also be remembered that issues of migration, security and borders have traditionally been closely linked to the nation-state as an entity expressing political power. The increasing intervention of a supranational body such as the European Union in these extremely sensitive areas testifies to a radical change in traditional conceptions of sovereignty and power, but also of borders and territory. In the European Union, states, initially through Schengen and later within the Union itself, agreed to go beyond these concepts in order to adapt their sovereign powers to a context of increasing globalisation. (BERTOZZI, S., 2008, p. 8.)

5. EU LEGISLATION ON EXTERNAL BORDERS

Community legislation on external borders represents the first step in the European approach to the management of external borders. This act dates back to the Schengen Agreements, signed in 1985 and 1990. The activities of certain groups or clubs in the 1970s and 1980s, the most famous of which are the TREVI meetings, focused on the police aspects of transnational cooperation in internal security matters and should be mentioned in the light of future developments in European security and its connection with migration and border issues. (Dupont, S., 2022, p.3) It should also be noted that cooperation at external borders was debated in the late 1980s within the ad hoc Committee on Immigration, to which the French Presidency submitted a draft convention on the crossing of external borders. However, this project, which included significant progress in this area, in particular with regard to the harmonisation of visas, was not adopted by the Member States. The Open Borders Agreement emerged in the 1980s following a strike in the transport sector, which demanded complete free movement of people within European territory. In this direction, the most significant step was marked by the Schengen Agreements. Negotiations then began at the heart of Europe and between five of its founding states - the Federal Republic of Germany, France and the Benelux countries - during the 1980s. Following an initial Franco-German bilateral agreement dating back to 1984, the Schengen process was launched in 1985. "These five countries have clearly confirmed their will and solidarity by taking the initiative to launch a movement intended to fulfil the desire, declared thirty years earlier, to ensure complete freedom of movement for persons, goods, capital and services." The Benelux countries played an important role as initiators and models, having already established an economic union that included the free movement of people as early as the 1960s. The Benelux General Secretariat then led the negotiations that led to the signing of the Convention implementing the Schengen Agreement on 19 June 1990. (Favarel-Dena, J., 2023) After years of discussions, particularly disrupted by the collapse of the former USSR and the reunification of Germany, but also by the reluctance of national ministries to undertake a project of such magnitude, the abolition of controls at the internal borders of the European Union came into force on 26 March 1995. It should be noted that this was not a question of abolishing the borders as such, but of the controls carried out there. In the geopolitical context of the early 1990s, awareness of the need for joint management of migration issues was growing at European level. From this point on, the desire for joint legislation in these areas no longer appeared merely as a response to the desire to complete the single market, but became a fully-fledged policy of the European Union, pursuing its own objectives. (Wihitol de Wenden, C., 2024) After this, a harmonised management of the Union's external borders would gradually be implemented. In doing so, each state that controlled the borders had to do so in its own interest, but also in the interest of all the states participating in the agreement. The medal also had another side. This agreement significantly violated the sovereignty of the states that are closely linked to their borders. The primary objective of establishing the Schengen area is therefore not directed outwards, but inwards, towards Europe. It aims to facilitate the completion of the single market, and not, initially, to control the flow of people from outside in a coordinated manner. This new challenge will arise from the need created by the elimination of internal controls. This includes what are called compensatory measures. Border control has gained fundamental importance over time, as migration and security issues have become priority European concerns. In the meantime, other member states have joined the agreement, such as Italy (1990), Spain, Portugal (1991) and Greece (1992). Thus, initially, a form of "enhanced cooperation" was established in Europe. Neither Ireland nor the United Kingdom agreed to join. These two countries considered it not to be European integration in the strict sense. However, several countries such as Norway, Iceland

and Switzerland that are not members of the EU have associated themselves with the Schengen process. (De Graffenried, V., 2026)

6. FROM THE TREATY OF MAASTRICHT (1992) TO THE TREATY OF AMSTERDAM (1999)

The Treaty of Maastricht The treaty signed in 1992 implied a significant reform of the European system. Without dwelling on this, we will primarily note the transformation of the European Economic Community and the establishment of the European Union and its three pillars of competence. The third pillar, which concerns Justice and Home Affairs (JHA), occupies a part of this topic, as it gives the Union new powers related to migration, security, border control and justice. However, initially, the new pillar operated on an intergovernmental basis. Seven years later, after its entry into force in 1999, the Treaty of Amsterdam incorporated, through an annexed protocol, the Schengen acquis, which became binding on the Member States (with the exception of Ireland and the United Kingdom) as well as on future accessions. Amsterdam thus incorporated the partial “communitarianisation” of Schengen into the first pillar of the Union (Articles 61 to 69 of the EC Treaty), but also a whole range of competences falling under the third pillar. (Favarel-Dena, J. 2023) This pillar covered borders, asylum, irregular immigration, legal migration, visas and civil and judicial cooperation. A special emphasis on the issue of borders related to security was the EU's enlargement to the East (2004-2007). The last enlargements of the Union contributed to an unprecedented reshaping of the European space and led to a shift of competence over external borders to the East, requiring the new members to manage the migratory pressure at the eastern, but also at the southern gates of Europe. The shift of the EU's emphasis to external borders and cooperation in internal security placed the new member states as the first line of defense. The new member states joined the Schengen area, and the last country to do so was Bulgaria and Romania.

7. THE LISBON TREATY AND INTEGRATED BORDER MANAGEMENT (IBM)

The Tampere European Council in 1999 made a significant contribution to establishing internal security and migration as key objectives of the European Union. (Röhn,T./Stascheit,M./Stibi,B.,2023) In fact, the conclusions of this summit, entitled "Management of Migration Flows", stated: The European Council stresses the importance of the effective control of the future external borders of the Union by specialised trained professionals. In 2001, the Laeken European Council introduced for the first time the concept of integrated border management, including "the conditions under which a common control mechanism or services could be established" at the external borders, making border policy the ultimate solution for the effective control of illegal immigration. This was later taken up by a communication from the Commission on 7 May 2002 and reinforced by the action plan on external borders adopted by the Seville European Council in June 2002, which pursues both legal and operational objectives for border management. The Hague Summit in 2004 reinforced this trend by making the strengthening of operational police cooperation based on cross-border information exchange networks and integrated border management, at the level of controls and surveillance, one of the priorities of the European security policy. Integrated border management, as defined by the Justice and Home Affairs Council of 4 and 5 December 2006, must, on the one hand, focus on controls, namely border surveillance, the fight against cross-border crime, the development of cooperation with third countries, inter-agency cooperation and the coherence of the policies implemented, and, on the other hand, include all border-related threats within the framework of an integrated strategy. The concept of integrated border management (IBM) is therefore based on a dual logic: on the one hand, an integrated approach to territorial and specific border management (surveillance and control) and, on the other hand, a comprehensive approach to migration issues, in particular in relation to external relations (the comprehensive approach to migration was adopted by the European Council in December 2005⁶²). At present, it is possible to identify two waves, two “generations” of measures adopted within this framework: the first essentially establishes the Frontex agency and the Schengen Borders Code; the second is currently implementing the Eurosur programme and the European Border and Coast Guard Network (EPN). Furthermore, this approach encourages the use of new technologies for surveillance and control, as well as enhanced information exchange between Member States. However, for Sergio Carrera, “IBM” is essentially a discursive and political strategy that seeks to promote European objectives regarding border controls in a more accessible and “fashionable” way. We will later analyse to what extent the Eurosur programme fits into this new integrated approach and how it relates to the new European area of internal security. Finally, the Lisbon Treaty provides for the full integration of the area of freedom, security and justice within the first pillar of the Community (Title V, including in particular the concept of integrated border management in Article 77). The Treaty, however, provides for broad possibilities of "opt-out" for Member States, through exceptional mechanisms that could give greater flexibility to the action of the States.

8. CONCLUSION

The arguments that have been highlighted allow us to re-examine the concept of the border, in the light of the development of European border policy. Ultimately, it seems that the border inevitably represents a territorial demarcation between two sovereignties, but it can in no way be reduced to this single aspect. The externalization of border practices, which takes place through strong cooperation with third countries, in the form of information exchange and risk analysis, is thus reinforced. The role played by visas, readmission agreements and other similar measures contributes to borders becoming a fluid concept, materialized constantly for a third-country national who wants to enter European territory. The Eurosur program is no exception to this strong focus of European border policy. The phenomenon of virtualization focuses on aspects of the border related to the use of high-tech systems in order to protect the territory delimited by that border. Eurosur, is developed by financing new cutting-edge technologies to improve surveillance or the establishment of secure and computerized networks to improve communication between competent authorities, etc. The border, as a set of rules and legislation, complicates the analysis of projects such as Eurosur, given the number of provisions, agencies, programs and funds dedicated to this policy. Finally, we mentioned the "identity" dimension of the border, as a cultural and socio-political barrier against the outside world. (Biscop, S., 2003) The Eurosur program allows us to reconsider the concept of borders and some of the fundamental attributes of the state, such as security, territory, identity, etc., which the European Union is currently trying to restore. Therefore, from the practical analysis of the Eurosur program, we can conclude that it reinforces the trends we have mentioned: the externalization and virtualization of borders, territorial securitization and the search for a European identity. It is therefore fundamentally part of the current dynamics of border redefinition, which leads the European Union to seek a new basis for legitimacy and visibility, both on the European and international stage. Ultimately, what is at stake is the image that the European Union wants to project, both to the outside world and to its own population. However, this Eurosur program is implemented within the framework of a European security environment that has also been widely criticized. The Schengen Information System raises ethical questions regarding data protection and accessibility, as do other databases such as Eurodac and VIS. Has the European Neighbourhood Policy really redefined cross-border relations between third countries and Member States?; ... Eurosur not only allows us to reinterpret the concept of borders in the current context, but also to assess more broadly the fundamental challenges of European internal security. With this historical moment, a policy focused on the protection of human rights - migrants, asylum seekers, etc. - is now desirable, as is strict supervision of the Frontex agency's missions, especially when they take place on foreign or international territory, thus respecting the will of the people of Europe to be guarantors of the democratic international system. (Sieber, P-A. 2022) The solution of increased border surveillance seems dominant today; however, it offers only a short-term answer, as it does not address the root causes of illegal immigration at the beginning of the 21st century, namely the significant international inequalities in terms of economic and social development and political stability. Of essential importance is a policy of protecting personal data and ensuring strategic networks for the exchange of information, as well as limiting the use of this information to legitimate purposes explicitly provided for by law. Border surveillance and control must be carried out efficiently, respecting the principle of proportionality of the means used, so as not to give in to the security industries, which are able to strongly influence European debates and policies. Finally, in the long term, it will be necessary to ensure genuine cooperation with third countries. This cooperation should be on an equal footing and develop a proactive policy on a larger scale, for joint development and joint management of migration, in the spirit of the Comprehensive Approach to Migration and the High-Level Group on Asylum and Migration. On the contrary, a completely open border, without restrictions, is not a solution; it would open the door to numerous abuses and imbalances. It will therefore be necessary to promote a more humane approach to these issues. This matter is fundamentally linked to the individual, to personal journeys that are often neglected today, combined with strengthened measures for integration and the promotion of cultural diversity. These issues are currently facing the dilemma of globalization and the retreat into identity politics. The European Union represents a completely different space as the expression of a new type of political power, going beyond traditional conceptions of the state. In areas falling within the domain of freedom, security and justice, states are revolutionizing their traditional operational logic by transferring to the Union a set of responsibilities that are usually considered sovereign rights. The border therefore seems much more difficult to understand clearly and uniquely today, since it is embedded in a complex and constantly evolving security architecture. It was initially embodied in the Schengen Agreement, which was expanded to a much wider, larger-scale network. The border of the European Union is innovative and creates a strong symbolism because Europe now has to manage unprecedented spaces, which in the long term could allow it to build a truly unique identity. In the identity quagmire, the peoples of Europe could find a reason to continue their cooperation.

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