

D.5.8. INEX-FRONTEx Workshop I

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Project, Converging and Conflicting Ethical Values in the International Security
Continuum in Europe (INEX)**

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Summary of INEX Papers Delivered at the INEX-FRONTEX Workshop I

Stephan Davidshofer's presentation aims were to give an overview of INEX **WP4** and to discuss its implications with Frontex activities. INEX WP4 focuses on the CFSP/ESDP, i.e. second pillar, aspects of the EU security continuum. Its aim is to critically assess, in particular from an ethical point of view, the existence of a security continuum tying together the internal and external aspects of the Union's security policies and practices.

Addressing this question from the standpoint of CFSP/ESDP proves surprisingly challenging. Surprisingly, because CFSP and ESDP have constituted, for the best part of the 1990s, the main policy domains where the EU has engaged with security questions. Justice and home affairs (JHA), which were dealt with in the third pillar of the EU, remained out of the spotlight during this period, at least until the entry into force of the treaty of Amsterdam, which transferred a part of the JHA domain (particularly asylum, immigration and border management) to the first pillar, and 'communitarised' the legal dispositions of the Schengen cooperation. With the entry into force of Amsterdam, matters of internal security moved up the ladder on the agenda of the European governmental arenas. A first multi-annual programme in JHA matters was hence established by the European Council gathered in Tampere (December 1999). In the process, JHA matters also made it into the 'external security' activities of the EU, where CFSP and ESDP had enjoyed until then a relative monopoly.

In 2000, the Feira European Council insisted upon the incorporation of JHA considerations in the external policies of the EU, i.e. first-pillar 'external relations' as well as ESDP/CFSP. This trend, however, was significantly reinforced with the events of 11 September 2001. The 'struggle against terrorism' was used by European governments to justify the development of the so-called 'external dimension' of the European 'area of freedom, security and justice' (AFSJ), and the increased incorporation of JHA matters in EU external relations, foreign and defence policies. In 2003, the European Security Strategy (ESS) hence proclaimed the inextricability of internal and external security matters, formally establishing the basis of an EU 'security continuum'. In 2004, the European Council adopted the second multi-annual JHA programme, dubbed the 'Hague Programme', which insisted on the elaboration of a consistent strategy for the external dimension of the AFSJ. JHA considerations have since been systematically incorporated into the external policy frameworks of the European Union, such as the European neighbourhood policy (ENP) action plans, EU development aid and financial/technical assistance policies. Police and justice missions deployed by the EU in third countries in recent years, sometimes making use of the legal and financial frameworks of CFSP and ESDP (e.g. civilian crisis management operations including rule of law and security sector reform dimensions (SSR)), have increasingly tackled issues associated to the JHA domain, such as border management, immigration, organised crime or terrorism. In the meantime, the EU external security activities have involved new actors beyond diplomats and the military: border guards (e.g. through the FRONTEX agency), judges and policemen are now routinely sent abroad in the framework of EU external activities. At the same time, CFSP/ESDP instruments have been taking into account internal aspects of security, mainly in the field of counter terrorism, through the focus on threats to social cohesion in European societies (violent radicalization) and the addition of a domestic intelligence dimension in the Joint Situation Center (SITCEN).

In this respect, it seems important to specify that the analysis of CFSP/ESDP in the context of the EU 'security continuum' cannot ignore these developments. The focus on CFSP/ESDP entices WP4 to take into consideration the full spectrum of EU external security activities, including the external dimension of the AFSJ – if only because the coexistence of different legal and policy frameworks in this domain raises significant ethical interrogations regarding both matters of accountability and matters of ethical coherence.

In addition to this WP4 general presentation, Stephan Davidshofer emphasised the need to document and critically assess the very recent developments of collaboration between second pillar actors and Frontex in the field of border control. The policy area of maritime surveillance has witnessed a growing implication of CFSP/ESDP in FRONTEX related activities. For example, a working agreement has been signed between FRONTEX and SITCEN on risk analysis purpose in 2008. Moreover, the European Defense Agency (EDA) has constituted a working group, which aims to develop a solution that fulfils the need for a coherent common recognized maritime picture for ESDP maritime mission and tasks taking into account an inter pillar approach. Most of the debates regarding these institutional transformations unfortunately focus only on the technological challenges raised by the issue of systems interoperability. However, the collaboration between FRONTEX -a first pillar agency- and CFSP/ESDP actors also raises ethical issues in terms of accountability. This aspect has been neglected so far.

María Hernández Carretero gave an overview of the objectives and progress of INEX **WP6**, which focuses on the Mediterranean Neighborhood. WP6 applies the conceptual work of the more theoretical workpackages of the INEX project to the specific geographic area of the EU's Mediterranean Neighborhood, specifically Morocco, Algeria and Egypt. Its aim is to assess the consequences, in value and ethical terms, of the projection of EU security initiatives into these countries. The analysis focuses on existing non-military security-oriented policies promoted in the focus-countries through the European Neighborhood Policy and the Barcelona processes. This includes counter-terrorism, migration control, and policies to combat transnational organized crime and drug and human trafficking. After reviewing existing policy documentation and academic research in the area, empirical work will be carried out through fieldwork in the focus-countries as well as some relevant Member States and Brussels. The objective of the fieldwork will be to explore the existence of ethical dilemmas arising between the application of the relevant security policies and fundamental EU values. That is, it will assess whether the implementation of certain EU-promoted security-oriented practices may undermine the protection of the fundamental rights of citizens of third countries.

Kerry Longhurst gave a presentation on **WP5** – the Eastern European Neighbourhood. Like WP6, this aspect of INEX is empirically driven with a view to testing out INEX's main conceptual concerns in the context of the Eastern neighbourhood. The WP aims to get to the nub of the link between European/EU values as being articulated through EU policies and their attempted application to the borders in the Eastern neighbourhood.

The WP focuses on Ukraine, Belarus, Moldova – which though representing 'a regional group', do have significantly different types of relationships with the EU; Ukraine and Moldova already have or are about to have an advanced status and the two states seek actual membership. Meanwhile Belarus does have any contractual agreement with the EU and thus remains very much an outlier – though this situation may well change in the course

of the coming year and will be a development that the WP team will be monitoring. For the most part research in WP5 will be on the European Neighbourhood Policy – which is the principle framework for the EU's relations with the neighbours, but this will be part of a larger sweep of analysis to include other EU instruments and policies towards the region that are relevant to the internal/external security continuum ie. ESDP missions, energy security. ENP is a neat focus for us since it's an attempt, on the part of the EU to export its values to the neighbourhood (east and south) to bring about security and create well governed, friendly states etc, as the phrase goes.

However, the ENP doesn't give us the whole picture, since although it espouses a strong cross-pillar approach, (a) it isn't regarded as a perfect policy especially by Ukraine and Moldova (b) it doesn't coordinate with ESDP, energy security nor does it foster regional cooperation, or really tackle regional conflicts. So, for these reasons we will broaden our analysis of EU strategies above and beyond the ENP. But, it is also a moving target because of the planned Eastern Partnership (EaP) – a new policy framework, within which visas/mobility/security as key issues in the form of 'Security and mobility pacts', as well as energy, regional integration are set to become key aspects. Crucially, for INEX, the EaP represents 'solidarity', a recognition of shared European values between the EU and prospective partners, and an upgrading of relations and a greater differentiation between the southern and the eastern neighbours, based on 'European values'.

Event Programme

INEX-FRONTEx Workshop I: Researching the EU Borderlands

Collegium Civitas, 25 February 2009
Warsaw, Poland

09.00-09.15	Welcome, <i>J. Peter Burgess</i>
09.15-11.00	Presentation of INEX WP1-WP6 links to FRONTEX
11.00-12.00	Discussion
12.00-13.00	Lunch
13.00-15.00	Presentation of FRONTEX links to INEX
15.00-16.00	Synthesis

Participants

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