Conclusion: Synthesis and Outlook

As the previous chapters have revealed, the EU’s internal structure translates in a specific way into a border control regime at the Polish–Ukrainian border that constitutes exterritorial buffer areas for unwanted migration. Two distinct features of the external border can be traced to the EU’s multilevel polity, comprising supranational and intergovernmental elements. In institutional terms, the particular structure of this polity consists of a mechanism for assuring the compliance of the constituting units – the member states – by establishing with the European Commission and the ECJ a supranational level characterized by a high degree of independence from the member states. This stabilization mechanism is also at work in the EU’s area of free movement, and it provides the linkage between the policy on external borders and the common area without border controls. Without a mechanism to assure a high and predictable level of controls at the external borders, the Commission assumes, member states in the EU’s geographical centre would be tempted by their concerns about uncontrolled immigration to reintroduce controls at their common borders with other member states. As recent events between France and Italy as well as in Denmark have revealed, this scenario can become reality if political actors within the member states seek to mobilize public concerns about a massive inflow of undesired migrants. Lacking trust in peripheral member states’ border control systems accounts, according to the Commission, for the fragility of the Schengen area. The proposed solution is to first expropriate autonomy over border control procedures from the member states and instead institutionalize the same legal and operational standards all over Europe. Thereby institutionalization and the associated reliability are promoted as a substitute for the lack of trust in the peripheral member states’ security agencies. To this end, controls at the external
border become more and more independent from the respective member states, both through stronger codification in supranational law, and by the creation of operational capacities at the EU level via the establishment of FRONTEX. Though being far from a fully developed border guard force, the agency managed to acquire both competencies and resources from the member states, to deploy them according to its own intelligence based view on the border, and to promote its own understanding of border guarding through the implementation of EU-wide training procedures.

Secondly, the institutional capacities of the border are backed up by strategies which seek to establish control procedures already prior to arrival at the border, mainly by incorporating countries of transit and origin in the prevention of undesired migration.

These two elements also reflect the spatial divergence of member states’ interests in the external borders. Their support for this strategy’s elements differs with regard to proximity or distance to the border. Although the question of generalizability will be discussed later on, we can observe that at least in the case of Germany the distance to the border translates into preferences which emphasize the border’s protective capacities at the expense of further exterritorialization. For Germany, as well as for other states in the EU’s geographical centre, the external border already provides the function of exterritorialized migration control because the border’s ‘negative’ concomitants, such as responsibilities for asylum seekers, lies mainly with the peripheral member states. Consequently, Germany can opt for stricter controls instead of further exterritorialization. Contrary to this attitude, the Commission’s strategies which aim at delegating control tasks to states outside the EU coincide with the Polish preferences in a more permeable external border.

Thus, Poland and the Commission strive together for the combination of a facilitated visa regime with the EU’s eastern neighbours with the delegation of protection and control tasks to these countries. Hence, both actors can be perceived as allies for further exterritorialization, though with different objectives. Consequently, these findings corroborate the hypothesis of the EU’s dynamics towards further expansion (Vobruba, 2003, 2005). However, this dynamic meets an internal limit not only with the EU’s ability to integrate new member states, as has been emphasized by Vobruba (2003), but it also faces resistance within the EU’s core, since these member states perceive exterritorialization outside the EU as likely to jeopardize the external border’s protective function and therefore obstruct attempts for visa liberalization.