Part II: EUROSUR – The European Border Surveillance System

Since December 2, 2013, the European Border Surveillance System, EUROSUR, has been operational. This is to say that, since that day, most EU member states share "border related information" via a designated electronic network, the EUROSUR network.

The immediate purpose of EUROSUR is the generation of a situational picture, the so-called European Situational Picture (ESP). For this purpose, information is exchanged between EU member states and the Frontex agency. Apart from the information sent by participating member states, Frontex receives and processes information in agreement with third parties and uses surveillance information from different apparatuses such as radar, satellite, or drones. The visualization of the information is executed by means of a geographic information system (GIS). The ESP is then circulated among EUROSUR participants. The integration of information in the ESP is thought to increase "situational awareness" and the "reaction capability" along the external borders of the EU.[1]

Yet, after more than five years of being operational, it is still unclear whose "reaction capability" it is meant to increase: will the hunter be able to fence off migrants earlier, in a spatiotemporal sense, before they can claim rights or asylum in the EU? Or will the friend be fast enough to save migrants' lives at sea?

So far, EUROSUR's intrinsic ambivalence has not been resolved in favor of one side. While its success is attributed to knowledge items such as trend or risk analysis anticipating "migratory pressure" and the course of migrants' routes,

1 Regulation (EU) No 1052/2013 of the European Parliament and of the Council of October 22, 2013 establishing the European Border Surveillance System (Eurosur), in: OJ L 295/11-26, November 6, 2013, [hereafter cited as EUROSUR Regulation (EU) No 1052/2013], Art. 1.

this respective knowledge is apparently not used for coordinating rescue operations: The documented number of migrants drowning in the Mediterranean Sea has increased fivefold since EUROSUR became operational, from 600 deaths at sea in 2013 to 3,538 in 2014; 3,771 in 2015; 5,096 in 2016; 3,139 in 2017 and 2,277 in 2018. Estimates for 2019: 820 by July 31, 2019.[2]

This part of the book will not, however, focus on the operational performance and consequences of the European Border Surveillance System. Rather, it will reconstruct the development phase of EUROSUR. This focus on the development phase is based on the premise that certain aspects of EUROSUR can only be made sense of when reconstructing the negotiations, the work involved, and the resolution of controversies that preceded the system. The focus lays on the political objectives and normative will that went into the making of the system. During the process of establishing a network, however, many tools, talents and tactics are needed that might not be part of the final product, not even its maintenance. In other words: the politics of the development process cannot necessarily be fully reconstructed from the final product. Temporary concessions sometimes become invisible once the system is up and running. Consequently, the following examination of EUROSUR's formation deals with the period of its political, legal and technical development as well as the respective test phases and negotiations involved.[3] The development phase – from the commissioning of the EUROSUR Roadmap in February 2008 to when the EUROSUR Regulation took effect in December 2013 – will thus be the period of investigation.

The development phase comprised two parallel processes: on the one hand, the politically and legally sustainable drafting of a generally acceptable regula-

2 Numbers according to UNHCR statistics, at: http://data.unhcr.org/mediterranean/regional.php (accessed July 31, 2019), and according to UNHCR news of January 24, 2014, at: https://www.unhcr.org/news/latest/2014/7/53d0e2d26/unhcr-calls-urgent-european-action-end-refugee-migrant-deaths-sea.html (accessed July 31, 2019). For a discussion on the availability of data concerning the deaths of migrants at sea as well as the different sources and methods of data collection, and the politics of these numbers, see section 8.1.3.

3 Sometimes development and planning phases are even the subject of a monograph without yielding an actual result. For a famous example, see Latour's analysis of the technological vision of a personal rapid transit system in Paris called Aramis (Latour 2002 [1993]).

tion; and, on the other, the development of an IT application to make the EUROSUR network technically feasible.

This process yielded two products: the EUROSUR Regulation of 22 October 2013 and the electronic EUROSUR network – in other words, the IT application. Both products, the software and the regulation, are the products of a complex process of institutional negotiations between different officials of the European Commission (EC), the member states, Frontex and (not least) software engineers. Both products have also ultimately stabilized a political compromise that had been reached during the development phase, and which is – in Latour's (1986) fullest sense – *inscribed* into the system. By studying the development phase, I unpack this inscription process and inspect it for signs of controversies, crossroads, important incentives, decisive agreements and constant reservations.

This second part of the book is structured in a way that underlines my intention to separately investigate the development of these two products while also relating their mutual intertwining alternately from the perspective of each respective result. Chapter 4 starts by inspecting "EUROSUR on the screen," it traces the development of the IT application by outlining selected elements of EUROSUR's graphical user interface and by exploring the way these technical fixtures emerged and gained acceptance during the development phase. Chapter 5 explores the process of EUROSUR's legal establishment, thereby illustrating to what extent EUROSUR by its Regulation accomplishes the next step in the EU's Integrated Border Management (IBM). Finally, chapter 6 discusses the effect of the parallel development of software and regulation, outlining in how EUROSUR's dual development not only facilitates the exchange of information, but also *mediates* the outline of an external EU border.