The evolution of Frontex and its portrayal in European media
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The evolution of Frontex and its portrayal in European media

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Introduction

Frontex has been a target of criticism by human rights and pro-migrant groups since it was founded (Léonard, 2009). Frontex is the European border and coast guard agency, and it safeguards and protects the external borders of the European Union. Frontex was established in 2004 as the European Agency for the Management of Operational Cooperation at the External Borders (Regulation 2007/2004). In 2016, Regulation 2016/1624 increased the budget of Frontex immensely in combination with the rapid organizational growth of the agency (Kalkman, 2021). The budget for the period 2021-2027 consists of 11.3 billion euros, financing an expected standing corps of operational staff of 10,000 people, including ships, vehicles, and planes. However, criticism by human rights and pro-migrant groups has materialized in a number of lawsuits against Frontex, for example, one filed by a Syrian family supported by Dutch lawyers (Opromolla, 2023). In addition, several reports and incidents regarding illegal 'pushbacks' have given the agency a controversial image (Graf & Budelmann, 2020). The criticism against the agency in combination with the agency being sued are in sharp contrast with the ambition of the EU to be a normative power, as well as being a potential leader of international human rights standards (Sidhu et al, 2021).

European media, as well as news outlets from the Member States often write about human rights violations in connection with Frontex (Opromolla, 2023; Taylor, 2022; Nielsen, 2023). According to staff and management of Frontex, the agency is frequently criticised, highly visible, and often used as a 'scapegoat' for migration issues and incidents regarding European border control (Perkowski, 2019; Wolff, 2014). Therefore, it is important to not just point the finger at Frontex directly (Wolff, 2014). This raises the question to which extent Frontex is actually the one to blame for certain issues and the often referred to 'pushbacks' or that Frontex is being used as a 'scapegoat', while the actual responsibility lies with the Member States.

Firstly, I research the mandate and competences of Frontex denoted in several regulations (Regulation 2007/2004, Regulation 863/2007, Regulation 1168/2011, Regulation 2016/1624 and Regulation 2019/1896) and compare them using comparative analysis to explore if the responsibility of the incidents and 'pushbacks' lies with the Member States or with Frontex. I also trace the evolution of these competences over time to see if there has been any change over the years in terms of the authority of Member States and Frontex. Frontex was established in 2004 by Regulation 2007/2004 which was then called the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Regulation 863/2007 introduced a mechanism for the creation of Rapid Border Intervention Teams (RABITs) regulating the tasks and powers of guest officers. The teams consisted of a pool of 500 to 600 agents from 26 different Member States and were intended to provide short-term assistance in moments of acute crisis for a period of up to three months (Perkowski, 2023). Frontex was then for the second time amended by

Regulation 1168/2011 with increasing powers and resources for the agency (Perkowski, 2018). The RABITs were renamed to European Border Guard Teams (EBGTs) and the possibility for national border guards to be included in these teams arose (Rijpma, 2016). In October 2016, Regulation 2016/1624 entered into force, renaming Frontex as the European Border and Coast Guard, granting it a range of new competences, gaining unprecedented independence from the Member States and a rapid organizational growth of the agency (Perkowski, 2023; Kalkman, 2021). The fourth, and currently last, change to Frontex's mandate was Regulation 2019/1896, which enabled a standing corps as well as revised provisions on the European Border Surveillance System (EUROSUR), which was established in Regulation 1052/2013. A final important legal document is Regulation 656/2014, which concerns sea operations.

Secondly, I conduct a content analysis of European news outlets, namely EurActiv, EUobserver and Euronews, to examine the way Frontex is framed in pan-European news. The content analysis covers the sentiment of the articles, the connection with certain Member States, the presence of actors and agencies, the connection with certain frames such as economic, geopolitical, cultural or moral frames (Chouliaraki et al., 2017), the category variable humanitarianism and a number of dual variables (Chouliaraki et al., 2017).

Using both the legal research and the content analysis, I try to give an answer to which extent Frontex is rightfully portrayed in the media. This question is thus broken down into two sub-questions which answer to what extent Frontex or the Member States are responsible for external border activities and in what way Frontex is portrayed in the media.

The legal research shows that Frontex has currently a shared responsibility with the Member States over external border control. Furthermore, it gained executive powers and can under quite specific conditions take over the control of a Member State, although these circumstances are very rare to occur. I therefore conclude that the shared responsibility is not divided equally and leans to the side of the Member States. Media backlash due to allegations of human rights violations should therefore not only be aimed at Frontex but also at the particular Member State in the situation.

As a consequence of the above finding, I analyse articles from European news outlets. Frontex is portrayed negatively to a greater extent in the media, particularly in terms of humanitarianism. This means that Frontex is negatively associated with human rights, humanitarian initiatives and solidarity. The sentiment of articles that feature Frontex are in general more often negative or neutral in comparison to being positive. The content analysis gives furthermore insights into the differences between pan-European news outlets, the appearances of Member States and third countries and several international actors. Moreover, the (geo)political frame is the articles' most used theme or concept. Finally, the most important result yields the fact that Frontex is more often accused of alleged human rights violations in comparison to the involved Member State in articles with a negative sentiment.

This paper contributes to the academic literature in a number of ways. Firstly, it gives an elaborate overview of the evolution of Frontex's mandate over the last twenty years.

Secondly, it gives a clear description of the current mandate and an explanation of the shared responsibility. Thirdly, the portrayal of Frontex in the media is drawn in pan-European news outlets. All combined, it answers the question of to which extent Frontex is rightfully portrayed in the media.

The paper is structured in the following way. Section 2 covers the academic literature regarding Frontex and embeds it in more context. Section 3 includes the used methods in relation to the research question. Then, section 4 covers the evolution of the mandate of Frontex and includes an elaborate discussion of their current mandate. Subsequently, the fifth section explains the content analysis and discusses the results. Finally, section 6 summarizes the main results, gives a discussion and provides ideas for further research.

Literature Review

When discussing Frontex, the academic debate has thus far centred on the following dimensions, namely human rights, international law, the discussion on responsibilities of Frontex and the Member States, its role in EU agency, migration policy, accountability and transparency. Frontex being founded in 2004, Léonard (2009), sheds light on the process that finally ensured the establishment of Frontex. It also emphasizes the lack of influence the European Parliament has over Frontex, as all proposed amendments by the European Parliament were rejected. Léonard (2009) suggests that this lack of influence causes the low priority to human rights in Frontex Agency, as he sees the European Parliament as the human rights ´champion´ in the European Union. This can explain how Frontex is centred among the other EU institutions. Motives for the establishment of Frontex are considered EU enlargement and decisionmaker views, namely, the change of EU agency at the beginning of 2005 (Ekelund, 2014), on which I elaborate in Section 4.

The discussion of who has the responsibility regarding external border control and the violation of human rights is no consensus in the literature. Some papers are quite positive (Rijpma, 2010; Aas et al, 2015; Marinai, 2016), while others are quite pessimistic (Papastavridis, 2010; Carrera, 2007). Pessimistic views show that there are sound reasons to believe that the operations carried out by Frontex are in violation of international law (Papastavridis, 2010). Particularly at sea, there would be disunity about EU fundamental rights and international human rights, causing problems (Papastavridis, 2010). A lack of transparency is another problem and a direct cause of rumours and accusations of human rights violations (Carrera, 2007). However, the mandate of Frontex has been amended four times with quite rigorous changes between them, so a lot of literature has to be placed at the time of writing.

Other papers are more optimistic or blame Member States. The powers of Frontex are limited and the responsibility lies largely with the Member States (Rijpma, 2010; Léonard, 2010). Frontex should rather be used to spread awareness about breaches of human rights by national border control (Rijpma, 2010). This is actually already the case in the form of training sessions for border guards (Aas et al., 2015), as human rights have become a legal and reputational risk to organisations (Whitty, 2011). New competences are also favoured,

such as search and rescue missions at sea (Marinai, 2016) or the securitisation of asylum and migration in the EU (Léonard, 2010).

De Bruycker (2016) argues that Frontex became a lot more powerful since the adoption of the 2016 legislation, including a shift from being totally intergovernmental to a weak form of supranationalism. However, according to De Bruycker (2016), this still will not be enough to fix the structural problems surrounding EU external border control. It could be a short-term solution to the Greek border problems at the time, but border control should be fully centralised according to De Bruycker (2016), although there is no legal basis for such an agency in the treaties. Treaty reform would therefore be the only viable option according to De Bruycker, as a legal basis is missing in current legislation. Niemann et al. (2018) agrees with De Bruycker (2016). They state that the conflict arises from one hand the supranational Schengen and on the other hand the largely intergovernmental external border regime Frontex. Carrera et al. (2016) are also very sceptical about Regulation 2016/1624 (2016). It will not solve the dependency of Frontex on the member states, as it will not have enough power to overrule the Member States. The problem of a decentralised agency will therefore remain and external border control will therefore remain weak on the ground. Carrera et al. (2016) remain also highly critical of the lack of definition in the 2016 legislation. What Frontex will do, how they will do it and who has competences remains unclear in the legislation. Another paper, Ferraro et al. (2016) states that Regulation 2016/1624 (2016) lacks supranational influence as well. Furthermore, the regulation threatens the respect for the principle of institutional balance, rule of law and democratic control both at Frontex and at the Member State level.

Deleixhe et al. (2021) discuss Article 19 of Regulation 2016/1624 (2016). This article states that Frontex has the possibility to take over the management of national border control operations if it jeopardises the interests of the European Union on the external borders of the Schengen Area. This Article is in direct conflict with the sovereignty of Member States. You could therefore argue that Frontex, since 2016, has become a more supernationalist in that sense.

The question regarding the responsibility divide between Frontex and the Member States remains, at least for a part, unanswered. For that purpose, the regulations in place need to be examined more carefully, complemented by the ideas of critical literature. Section 4 will follow up on this and give an elaborate discussion about the evolution of the regulations, namely the four amendments, and the current regulation in place, namely Regulation 2019/1896.

Methodology

To answer the research question, I engage in a combination of methods. On the one hand, I conduct legal research to determine the exact mandate of Frontex and its responsibilities when securing the external border of the EU in the Member States. For this purpose, I conduct desk research and make use of both primary sources, such as directives, regulations and other legal related sources on the authority of Frontex, as well as secondary sources, such as critical academic papers. On the other hand, I use quantitative and qualitative

content analysis to review the media coverage of Frontex regarding the matter of its responsibilities, the possible violation of human rights and their mandate. This could reflect the necessity of looking into the mandate of Frontex and its practical behaviour, as well as exposing a possible threat to EU legitimacy, and the ambition of being a normative power.

For the legal research, I use comparative analysis. The introduction and literature review already covers a number of ways in which the regulations and legal progress can be compared. Examining the regulations in detail, along with engaging in international law and critical academic literature, I try to answer the research question.

For the content analysis, I use three European-centred online news outlets, namely EurActiv, Euronews and EUobserver. I make use of the Dow Jones Factiva database to retrieve news articles in a structured way. After collecting the news articles, I first conduct a quantitative content analysis making use of a coding scheme. Section 5 elaborates on the coding scheme, the quantitative content analysis, the use of variables, the used sample and the results to give an exhaustive conclusion on the portrayal of Frontex in the media.

Mandate and competences of Frontex

This section covers the mandate and competences of the European external border agency Frontex. Firstly, a review of the evolution of their mandate is given by a rather short comparison of the different regulations, namely Regulation 2007/2004, Regulation 863/2007, Regulation 1168/2011, Regulation 2016/1624 and Regulation 2019/1896. The mandate of Frontex has been amended four times: in 2007, 2011, 2016 and 2019, and these amendments have progressively expanded the mandate of the agency (European Court of Auditors, 2021), as the budget increased from 19 million euros in 2006 to 330 million euros in 2019. It is therefore interesting to evaluate each amendment in more detail and study the expansions through each change in regulation. Eventually, a broader review is given of their current mandate, given by Regulation 2019/1896, and their responsibilities in the present and future.

Regulation 2007/2004

Regulation 2007/2004 established the European Agency for the Management of Operational Cooperation at the External Borders, now known as Frontex. Two main reasons gave rise to the creation of this agency. First of all, the EU was on the eve of the greatest enlargement in the history of the union with the newcoming states being Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The need for an agency in charge of external border control was a result of the doubts as to the accession states' capabilities to control their external borders (Ekelund, 2014; Léonard, 2009; Nieman, 2018; Fernandez-Rojo, 2020). Secondly, the guaranteed involvement of the European Parliament due to the completion on 1 January 2005 of the five-year transitional period, after which external border matters would be governed by the co-decision procedure. This would give them the right to be actively involved, rather than merely consulted, in the legislative process (Léonard, 2009; Fernandez-Rojo, 2020; Case C-133/06, 2008). For those reasons, the negotiations regarding the creation of Frontex lasted less than a year, being proposed on 20 November 2003 and adopted on 26 October 2004.

The agency was designed as a networking agency (Coman-Kund, 2019), managing and promoting a network of border authorities of the Member States, but also as a solidarity instrument and a way of creating a pan-European border management in a more efficient and integrated way (Rijpma, 2016). This coincides with the main tasks given by Article 2(1) of Regulation 2007/2004, which are coordination of operational cooperation, assisting Member States on training, carrying out risk analyses, conducting surveillance research, operational assistance under certain circumstances and organising joint return operation. However, the responsibility for the control and surveillance of external borders remains with the Member States. As Article 1(2) states:

"While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future Community measures relating to the management of external borders. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States."

The agency, as established in 2004, can thus be considered to be an intergovernmental entity and their essential mission was to improve the integrated management of the external borders of the Member States of the European Union (Regulation 2007/2004 Article 1(1)).

Regulation 863/2007

The first amendment of Regulation 2007/2004 came with Regulation 863/2007. This amendment increased the powers and resources of the agency (Perkowski, 2018; Fernandez-Rojo, 2020;). It introduced the deployment of Rapid Border Intervention Teams (RABITs) to the Member States, which are multinational teams of border guards that support both the technical and operational capacities of a state facing a crisis at its borders and can be deployed at short notice (Léonard, 2009; Niemann & Speyer, 2018). Although training missions regarding these RABITS already took place, not any Member State has requested the deployment of such a team yet (Léonard, 2009). However, quote 5 of Regulation 863/2007 provides the necessity and cause for such teams as:

"The current possibilities for providing efficient practical assistance with regard to checking persons at the external borders and the surveillance of the external borders at European level are not considered sufficient, in particular where Member States are faced with the arrival of large numbers of third-country nationals trying to enter the territory of the Member States illegally."

Specifically, migration flows threatening certain Member States were the cause for this amendment as current rules in place at the time were not adequate (Léonard, 2010; Rijpma, 2016). This means a shift to securitising practices, as Frontex was initially founded to deal with emergency and acute threats such as foreign armed attacks, and now focuses on migration issues as well (Léonard, 2010). The second thing I would like to point out is the contribution to solidarity and mutual assistance between the Member States (Regulation 863/2007, quote 6). Member States are obliged to contribute border guards to a so-called 'RABIT Pool' (Regulation 863/2007, Article 4).

The amendment also introduced a Central Record of Available Technical Equipment (CRATE), which is a system that provides the possibility for Member States to share and lend equipment from other Member States for a temporary period of time (Fernandez-Rojo, 2020; Léonard, 2010). This equipment consists of aircrafts, helicopters and other special technical equipment and was intended to be used on a bilateral basis between the Member States (Fernandez-Rojo, 2020). This marks the first shift of the agency in becoming more supranational, although quote 4 of Regulation 863/2007 clearly states that the responsibilities for the external borders lie with the Member States. The exact division between the Agency and the Member States regarding the responsibilities was already a controversial topic back then (Léonard, 2010). So says Léonard (2010): "Frontex's official position has consistently been that the Agency's role is strictly limited to that of a coordinator of the actions of the EU Member States, with which the responsibility for the control of the external borders fully remains". However, it could be argued that the coordination process performed by Frontex gives it a certain degree of responsibility when an event occurs during a joint operation (Léonard, 2010; Baldaccini, 2010).

A final interesting point is carried out by Rijpma (2010). He concludes that the (increased) competences could have increased the number of migrants rescued at sea due to the clarity of fundamental rights in the regulation (Regulation 863/2007, quote 17; Regulation 863/2007, Article 2). Search and rescue missions are outside the scope of Frontex's mandate at this point, but joint operations "remain bound by the general duty under international law to come to the rescue of those in danger at sea" (Rijpma, 2010).

Regulation 1168/2011

Due to limitations on the operational side of the agency (Coman-Kund, 2019; European Court of Auditors, 2021), a second amendment took place in 2011 with Regulation 1168/2011. Additionally, there was an inadequate amount of support from the Member States (Coman-Kund, 2019), a lack of solidarity (Coman-Kund, 2019), increasing migration flows in the Mediterranean Sea (European Court of Auditors, 2021) and a need for stronger obligations concerning safeguarding human rights (Babická, 2013).

The amendments tried to tackle these problems with current legislation in the following way. The agency got a strengthened coordinating role in joint return operations (Coman-Kund, 2019), that is operations that include the return of individuals to their country of origin. Moreover, it enhanced its position by acquiring a co-leading role in joint operations and pilot projects by Article 3 of Regulation 1168/2011:

> "The Agency may itself initiate and carry out joint operations and pilot projects in cooperation with the Member States concerned and in agreement with the host Member States."

Article 7 of Regulation 1168/2011 also gives Frontex the opportunity to acquire or lease technical equipment. In theory, this strengthens Frontex's mandate significantly, but in practice, the resources of Frontex at this point consisted mainly of equipment owned by the

Member States (Fernandez-Rojo, 2020). Furthermore, the Rapid Border Intervention Teams introduced by Regulation 863/2007 were renamed European Border Guard Teams (EBGTs). In that context, they could now also be used during joint operational activity, instead of only being useable during rapid border interventions (Rijpma, 2016). Each Member State is instructed to maintain a pool of national border guards available for these teams with the right profile and the right number of guards (Article 3b, Regulation 1168/2011).

Another interesting part of the amendment involves the possibility of sending liaison officers to third countries (Article 14, Regulation 1168/2011). This expands the external relations role of the agency (Carrera et al., 2012). It can launch and finance assistance programmes in third states, welcome third-state officers to Frontex operations and let them observe, but most importantly place liaison officers in non-EU states to tackle potential border control problems in an earlier stage.

Finally, after critique from civil society organisations and the European Parliament, or the human rights' 'champion' of the EU (Léonard, 2009), human rights legislation is fully embedded in this new amendment (Babická. 2013). The Fundamental Rights Strategy is been mentioned in Article 26a of Regulation 1168/2011 is at the core of this movement:

> *"The Agency shall draw up and further develop and implement its Fundamental Rights Strategy. The Agency shall put in place an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency."*

Also, the provision of human rights obligation training for border guards (Article 5, Regulation 1168/2011), recruiting a Fundamental Rights Officer (Article 5, Regulation 1168/2011) and establishing the Consultative Forum on fundamental rights (Article 5, Regulation 1168/2011) are all initiatives to counter the criticism of pro-human right groups and to improve the relatively bad image of the agency when it comes to human rights. The principle of non-refoulement, which guarantees that no one should be returned to a country where they would face inhuman treatment, torture, punishment or other violations of human rights, is important in this sense and comes back in one of the main amendments of this regulation in Article 1 of Regulation 1168/2011:

> *"The Agency shall fulfil its tasks in full compliance with the relevant Union law, including the Charter of Fundamental Rights of the European Union ("the Charter of Fundamental Rights"); the relevant international law, including the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951 ("the Geneva Convention"); obligations related to access to international protection, in particular the principle of non-refoulement; and fundamental rights, and taking into account the reports of the Consultative Forum referred to in Article 26a of this Regulation."*

Regulation 1168/2011 did thus have a huge impact on the mandate and competences of Frontex and had promising intentions. The responsibilities and possibilities of the agency grew by being able to coordinate joint return operations, have a shared role in joint operations and pilot projects, being able to buy equipment and/or lease it from Member

States. Besides, human rights criticism was assuaged by the inclusion of human rights legislation.

Regulation 2016/1624

Another name change that took place with Regulation 2016/1624 unveiled the expanding mandate of Frontex, since then called the European Border and Coast Guard Agency. The legislation was a direct response to the 2015 European migrant crisis and to address the ´key deficiency´ of 2015, namely the ´inadequate reception conditions and asylum system inside the EU´ (Carrera & den Hertog, 2016; European Court of Auditors, 2021; Carrera et al., 2020). The European Commission realized that Frontex had insufficient staff and equipment, a lack of authority to conduct border-management operations and search-and-rescue efforts, and that due to these limitations, Frontex would not be able to address the situation created by the refugee crisis in an efficient and effective way (European Court of Auditors, 2021). The most important change to the previous legislation is the ´shared responsibility´ of European integrated border management (Carrera et al., 2017).

As with every change in the history of Frontex legislation, the mandate, competences, capacity, resources and equipment grew. So is the rapid reaction pool to be a standing corps with a minimum of 1500 border guards or other relevant staff (Regulation 2016/1624, Article 20(5)), which is quite evenly distributed among Member States as can be found in the Annex of the regulation. Frontex also becomes a 'coast guard' in addition to being a border control agency, which means they become actively engaged on sea as well. This could improve information sharing between Frontex and other maritime-related agencies, such as the European Maritime Security Agency and make border control 'an sich' more efficient (Carrera et al., 2017). Other new competences are monitoring the management of the external borders regularly and carrying out vulnerability assessments.

Frontex has also been recognised, with what Carrera et al. (2017) call the 'right to intervene' by Article 19:

Situation at the external borders requiring urgent action

1. Where control of the external borders is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area because:

(a) a Member State does not take the necessary measures in accordance with a decision of the management board referred to in Article 13(8); or

(b) a Member State facing specific and disproportionate challenges at the external borders has either not requested sufficient support from the Agency under Article 15, 17 or 18, or is not taking the necessary steps to implement actions under those Articles,

the Council, on the basis of a proposal from the Commission, may adopt without delay a decision by means of an implementing act, identifying measures to mitigate those risks to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. The Commission shall consult the Agency before making its proposal.

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Frontex can thus intervene, if the Commission and the Council are in favour of it, for example deploying European Border and Coast Guard teams from the rapid reaction pool or deploying technical equipment. However, this will only be done under very specific circumstances where Member States act against protocol.

Finally, the Agency increased fundamental rights monitoring, by developing a code of conduct and the introduction of a new complaint mechanism in cases of alleged rights violations. Additionally, when cooperating with third countries, the agency and the Member States shall comply with Union law and act with regard to the protection of fundamental rights and the principle of non-refoulement (Regulation 2016/1624, Article 54(2)), also when cooperation with third countries takes place on the territory of those countries.

Considering all the new tasks and the increased mandate, Frontex has now gained more powers and seems to be highly influential. Carrera et al. (2017) and Carrera & den Hertog (2016) temper these developments and speculations using a number of examples. The European Border and Coast Guard is just a 'name' (Carrera & den Hertog, 2016), as it still depends on the contributions, political willingness to cooperate and domestic capacities of the Member States (Carrera et al., 2017). Furthermore, it will not own personnel nor have the power of command over national authorities. Carrera et al. (2017) therefore conclude that 'the new agency will not ensure a regular and stable presence across the EU external borders.'

To decide the responsibility and competences of Frontex, it is also important to take a look at the Management Board, which is responsible for decisions regarding 'the right to intervene' and specific activities of the agency. The Management Board consists of one representative of each Member State and two representatives of the Commission (Regulation 2016/1624, Article 63(1)), takes decisions using a voting rule of a two-thirds majority and each Member State has a veto when it regards their territory, as stated in Regulation 2016/1624 Article 62(3):

Proposals for decisions of the management board as referred to in paragraph 2 on specific activities of the Agency to be carried out at, or in the immediate vicinity of, the external borders of any particular Member State shall require a vote in favour of their adoption by the Member of the management board representing that Member State.

Considering this legislation, I can conclude that there is a key limitation to the autonomy of Frontex and that the Member States are in a great deal, maybe even total, control. This makes it quite impossible for Frontex to execute its policies. Especially SAR (Search and Rescue) missions will not be used often, due to the veto Member States have in combination with the Dublin conventions, which state that asylum seekers should be seeking asylum in the state they arrived at first. Member States are disincentivised from welcoming SAR missions due to these regulations and Frontex's hands are tied. Also, in terms of owning equipment there is no autonomy of Frontex and Regulation 2016/1624 does not design a clear framework for EBCG's responsibility (Fernandez-Rojo, 2020). The Member States thus 'continue to retain the primary responsibility for the management of external borders' (Carrera et al., 2020; Coman-Kund, 2020). Literature calls the EBCG 'a new model built on old

logic' (De Brucker, 2016), 'a Frontex+' (Carrera and den Hertog, 2016), 'a halfway EU reform' (Ferraro and De Capitani, 2016) and 'a natural evolution in the process initiated in 2004 with the creation of Frontex rather than qualified as revolutionary' (Carrera et al., 2020).

Regulation 2019/1896

The president of the European Commission, Jean-Claude Juncker announced the Commission´s ambition "to further strengthen the European Border and Coast Guard to better protect our external borders with an additional 10,000 European border guards by 2027" in his speech on the 2018 State of the Union. Approximately one year later, Regulation 2019/1896, was published in the Official Journal of the EU. The change from proposal to actual regulation was quite fast and had everything to do with the regulation being one of the last texts voted on under the 2014-2019 mandate of the European Parliament (Fernandez-Rojo, 2020). The mandate of Frontex increased again, but not that much in comparison with the change in 2016, on which it builds.

Considerably the most important articles from Regulation 2019/1896 are Article 7 about the shared responsibility and Articles 54 and 55 about executive powers for the staff of Frontex. Article 7 replaces and adds, on Article 5 of Regulation 2016/1624. Article 7(1) states that European integrated border management is a shared responsibility of the Agency and of the national authorities, however, Member States retain the primary responsibility for the management of their sections of the external borders. Frontex can give technical operational assistance upon request or with the agreement of the concerned Member State (Article 7(2)), management of external borders happens in close cooperation between the two parties and in full compliance with Union law (Article 7(3)) and Frontex may cooperate with third countries (Article 7(5)).

The main innovation is however the creation of the standing corps of 10,000 operational staff by 2027 which are conferred with executive powers (Carrera et al., 2020; Fink, 2020; Regulation 2019/1896, Article 54(3)). Frontex has a budget of 11.3 billion euros in 2021-2027, which includes these standing corps, but also the possible acquisition of its own ships, vehicles and planes (Kalkman, 2020).

The introduction of executive powers for Frontex personnel is in contradiction with the responsibility of the Member States as mentioned in the previous paragraph. Nevertheless, there is a legal basis for this under Article 77(2) (d) of the TFEU (Treaty on the Functioning of the European Union):

POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

Article 77

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning:

(d) any measure necessary for the gradual establishment of an integrated management system for external borders.

If the literature agrees on one thing, it is the need for more power to Frontex if the aim is the establishment of a well-functioning agency. Gaining executive powers is in that sense a great initiative to establish an integrated management system for external borders. As with most legislation, there are still some flaws along the executive powers. So declares Regulation 2019/1896 Article 82(2) that:

The performance of tasks and the exercise of powers by members of the teams, in particular those requiring executive powers, shall be subject to the authorisation of the host Member State on its territory as well as to applicable Union, national or international law, in particular Regulation (EU) No 656/2014, as described in the operational plans referred to in Article 38.

In other words, the Member States still have the power to assign or to not assign executive powers. This does have judicial consequences since now when violating fundamental rights (Carrera et al., 2020), 'as the Agency has avoided judicial accountability so far arguing that the Member States are responsible vis-à-vis the individuals.' According to Carrera et al. (2020), Frontex is now entering uncharted waters with the conferral of executive powers. Fink (2020) raises this exact question after the distribution of executive powers and the 2019 amendment. The EBCG can be held accountable before the Court of Justice of the European Union (CJEU), but it remains hard as Frontex is often only indirectly involved in possible fundamental rights violations (Fink, 2020). For an exact answer to the question of who is responsible, I refer to Fink (2020).

To come back to the 'right to intervene' from Regulation 2016/1624, Carrera et al. (2020) state that in practice, Frontex will not send teams to take over border control from Member States, but 'will suspend the application of Schengen in relation to the Member State concerned on the basis of Article 29 of Regulation 2016/399'. This means that when a Member State does not take persistent and efficient control of their external border, border control at internal borders may be reintroduced for a period of up to six months.

Another improvement is the introduction of impact levels. Three impact levels include a low, medium and high impact level and correspond with different types of action which expand on each other. Article 35 of Regulation 2019/1896 attributes risk analysis and ensuring sufficient personnel and resources to a low impact level. A medium impact level corresponds with appropriate border control measures, national coordination and possible support given, while the hard impact level corresponds with requesting support from the agency subject to the conditions for initiating joint operations or rapid border interventions. Finally, there is also a critical impact level, which states that the Agency shall notify the European Commission, which will issue a recommendation on which the Member State concerned has an obligation to respond in accordance with Article 41(2). Article 41(2) states:

The Member State concerned shall respond to the recommendation of the executive director referred to in paragraph 1 within six working days. In the event of a negative response to the recommendation, the Member State shall also provide the justifications underlying that response. The executive director shall notify the management board and the Commission without delay about the recommended actions and the justifications for the negative

response, with a view to assessing whether urgent action may be required in accordance with Article 42,

where Article 42 declares that the European Council can, on the basis of a proposal from the European Commission, adopt a decision by means of an implementing act and overrule the concerned Member State and require the Member State to cooperate with the Agency. Strict conditions need to be fulfilled to activate Article 42 such as jeopardising the functioning of the Schengen area and not implementing the necessary measures in accordance with a decision of the management board of the EBCG. The implementation of these impact levels, especially the critical impact level, is a significant innovation and is in line with the shared responsibility aims noted down in the preambles of the legislation.

Fernandez-Rojo (2020) concludes that Regulation 2019/1896 is far from an absolutely integrated and supranational administration of border management. The Agency is still controlled effectively and on a daily basis by the Member States. The regulation does furthermore not design a clear framework for the responsibility of the EBCG and the registration of equipment is still not authorised by the Member States (Fernandez-Rojo, 2020). For more details on Regulation 2019/1896 and a critical examination I refer to Regulation 2019/1896 itself and Fernandez-Rojo (2020).

Status Quo

With the 2019 amendment, the mandate of Frontex increased again and now has a shared responsibility for controlling the external borders of the EU. Under quite specific conditions, it can take over the external border control of a Member State and, in that sense, it gained executive powers. However, this only happens when a Member States acts against the recommendations of the Council and the Commission or when it has authorised the deployment of executive powers. The shared responsibility is thus not divided equally and leans to the side of the Member States. Therefore, I conclude that the extent of responsibility being given to Frontex for external border control is not outweighing the responsibility given to the Member States, and for that reason, the Member States should be bearing the consequences at least to the same degree as Frontex does, for example, in cases of backlash due to human right violations.

Quantitative Content Analysis

As the previous part concluded that the Member States should be bearing the consequences of allegations of human rights violations to the same degree as Frontex does, it is interesting to take a look at the portrayal of Frontex in the media. Therefore, I analyse articles from news outlets using quantitative and qualitative content analysis. The content analysis is divided into a number of steps (Prasad, 2008). Firstly, a research question is formulated. In this case, I try to answer the question of which way Frontex is portrayed in the media. This will be answered with the use of content analysis. Secondly, I need to gather a sample of content, which in my case consists of articles from pan-European news outlets. Thirdly, I develop content categories using academic literature. Fourthly, finalizing the units of analysis, fifthly, the establishment of the coding scheme, and finally the analysis of the collected data (Prasad, 2008).

Research question

In which way Frontex is portrayed in the media is the research question of the content analysis. The research question is relevant due to the fact that Frontex is often used as a ´scapegoat´ for migration by EU institutions (Perkowski, 2019; Wolff, 2014). The content analysis gives insight into the portrayal of Frontex and provides more detail on whether it is justified under the mandate and competences of the agency.

Sample of content

As Member States, and thus news outlets from Member States, have very different views on migration and European border control, I decide to use pan-European news outlets as sources for my content analysis. The pan-European news outlets include EUobserver, EurActiv and Euronews. As the mandate and competences of Frontex increased for the last time on the 13th of November 2019, it is interesting to take a sample of news articles since then. I use a sample of 80 news articles from the 13th of November 2019 until the 20th of July 2021, which includes 46 articles from EUobserver, 20 articles from EurActiv and 14 articles from Euronews. These articles are selected under the condition that Frontex is at least mentioned three times in the article to ensure the paper focuses enough on Frontex. Furthermore, sometimes an article is bundled with other articles or news. In such situations, I only focus on the article or part that concentrates on Frontex. I use the Dow Jones Factiva database to select these articles. Only three criteria are used for the selection of the sample. In the Free Text Search, I type 'atleast3 Frontex', which ensures only articles are sampled with at least three mentions of the word Frontex. Secondly, I enter the date range, which is the 13th of November 2019 until the 20th of July 2021. Thirdly, the entered sources are 'EUobserver.com', 'EurActiv.com' and 'Euronews'.

EUobserver is an online, non-profit newspaper, founded in 2000, covering daily reports and in-depth articles on international affairs related to the European Union. The newspaper mainly targets Brussels and is financed by corporations (Accardo, 2016). It is also primarily read by MEPs, EU officials and opinion formers (Accardo, 2016).

EurActiv, established in 1999, is a news website well-known to a small audience of EU policy experts (Brüggemann & Schulz-Forberg, 2009) and provides fact-based reporting without editorial opinion (Varga, 2011). EurActiv works with approximately 50 journalists from a number of Member States and creates about 2750 articles a year. EurActiv is furthermore seen as pro-European, supports European values, but their contribution to European cultural identity is questionable (Kaiser, 2021).

Euronews is an ambitious pan-European broadcasting project, which is tailor-made for a European audience (Brüggemann & Schulz-Forberg, 2009). It is subsidised by the EU and the idea for this pan-European news outlet was planted by the European Commission in the mid-1980s to create a common European identity (Brüggemann & Schulz-Forberg, 2009) and launched on 1 January 1993. About 500 journalists from 30 different countries are employed by Euronews, but this also includes the television network.

Content categories

For the analysis of the news articles, I need content categories to quantify the output. These categories could involve simple dummy variables, frames, category variables and dual variables. Dummy variables can take the value of one or zero, depending on the presence of something. For example, for each article, I can test if the Member State Greece is mentioned. The dummy variables take on the value one if Greece is mentioned and the value zero when Greece is not mentioned. This could be interesting in relation to the sentiment of the article or the presence of a certain frame. An article could be placed in a certain frame, for example, an economic frame or a geopolitical frame. This is broader than a dummy variable and relates to the subject and idea of the article. Category variables represent a category, which could for example be humanitarianism. A category variable counts all mentions within the category. The category human rights could consist of the words human, rights, humanitarian and solidarity. The category variable counts the number of mentions of these words. The number of mentions could then be transformed into a code. For example, the code 0 when the category is mentioned less than 3 times, the code 1 if mentioned less than 6 times and the code 2 if mentioned 6 or more times. This could also be related to a frame, dummy variable or sentiment of the article. Finally, dual variables could represent the theme or concept of an article, where dual variables always have two choices, for example, Frontex versus the Member States or humanitarian versus militarisation.

Units of analysis

The unit of analysis differs between the content categories. For the dummy variables and category variables I use a unit of analysis of a word. For the frames and the dual variables, I look for themes and concepts and will thus be using the entire article.

Coding scheme

Sentiment

One of the most interesting details of the article is its sentiment regarding Frontex. The sentiment can be positive, neutral or negative. Positive sentiment is associated with a positive view of Frontex, an ask to an extended mandate or a mention of positive consequences due to the work of the agency. A neutral sentiment could relate to a change in regulation, a change in financial situation or a neutral change in the management of the European Border and Coast Guard. A negative sentiment is associated with a critical assessment of the tasks of Frontex, a violation of human rights or a conflict of another nature. When a discussion is formulated where both positive and negative sentiment is shown, I code it as a neutral article.

Dummy Variables

Dummy variables show if a certain condition is marked, where there are only two options. I use dummy variables that keep track of a certain Member State being mentioned or a third country that is involved in the external border control process, such as Turkey or Libya.

Frames

The frame of an article relates to the theme or concept of the article. I use four frames, namely an economic frame, a geopolitical frame, a legal frame and a moral frame, which are also used in Chouliaraki et al. (2017) and Rehejeh (2020) as reasons for migration. I use these frames in a broader sense as I focus not only on migration but on border control in general. The economic frame relates to the economic consequences, financial flows and economic reasons for migration and border control. The geopolitical frame is associated with geopolitical movements and politics in the Member States, as well as border control in this case as it intervenes with geopolitics in the area. The legal frame is associated with legal matters surrounding Frontex or human rights and the mandate and competences of the agency. The moral frame relates to humanitarian reasons for migration and the relation between human rights and border control.

Category variables

Gianfreda (2018) uses mainly category variables for her content analysis on parliamentary debates in Italy, the UK and the EU regarding the refugee crisis. As the refugee crisis is closely linked with the mandate and competences of Frontex, the used category variables in this paper are of interest. Due to my research question and the link to human rights, I only use the category variable 'humanitarianism', which consists of the words humanitarian, solidarity, human and rights (Gianfreda, 2018). This means I keep track of the occurrence of these four words for each article. The total number of words counted in this category for each article is divided by the word length of the article, as longer articles have a higher chance of having more words in this category. Each article will thus get a value. This value is standardized such that all values range between zero and one. Finally, I use a certain cutoff value to determine the articles that have a relatively high connection with the category variable humanitarianism and thus have a narrative involving humanitarianism.

Dual variables

The main dual variable in the content analysis represents the duality between humanitarianism and securitisation, which is an often-used duality in the academic literature to disaggregate migration policy along two dimensions, namely immigration integration and immigration control, and is often used in content or discourse analysis (Gianfreda, 2018; Chouliaraki et al., 2017). It also relates to the different views of Member States and national policies on migration, which are often more focused on border control or more focused on the humanitarian side which embraces the integration of immigrants in a pro-human rights way.

Actors

It is also interesting to take a look at the actors involved in the articles, be it the Member States, Frontex, the European Commission, the European Parliament or other actors. By definition again, Frontex will be an actor in the news article due to the selection of variables, but it is still interesting to see which other actors are involved as well. Chouliaraki et al. (2017) look at this as well for the migration crisis and particularly the divide between

agencies and asylum seekers. Factiva keeps a record of the involved actors as well for the entire period of article review, but I prefer to keep a record myself, due to some inconsistencies in Factiva.

Results

The content analysis has given a great number of results regarding the portrayal of Frontex in the media. I can draw inferences from the dummy variables, frames, category variables, dual variables, actors and sentiment.

The sample consists of 80 articles during the period between 13 November 2019 and 20 July 2020. It includes 20 articles from EurActiv, 46 articles from EUobserver and Euronews covers 14 articles as can be seen in Figure 1. The only condition for the selection procedure is that the article contains the word Frontex at least three times, including in the title. The articles differ quite a lot in size, with the average article having 589 words, the shortest containing 63 words and the longest containing 3620 words. It is important to mention that some articles include other subjects as well, for example, an article that reviews the whole week. If I leave those articles out of the sample, the average word length is 519 and the longest article has 1411 words.
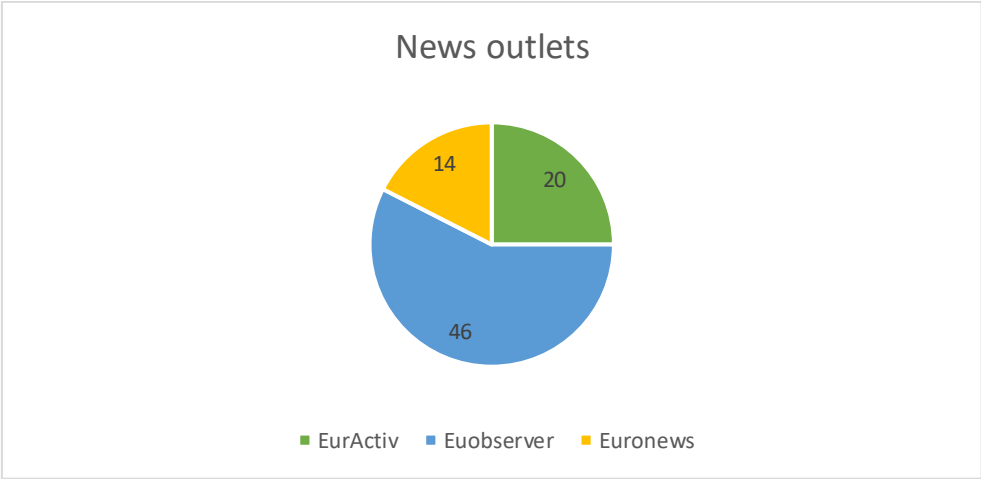

Figure 1: Division of the three news outlets

Figure 2 shows the number of articles per month during the sampled period. The timeline shows that the number of articles per month grew during the sample period and that most articles were written in 2021. This is due to the increase of pushback allegations since the start of 2021, the increase in reports and independent investigations into alleged human rights violations by NGOs and newspapers, and the increase of sea-activity by migrants during this period. Especially January 2021 involves a lot of inquiries into Frontex by for example the European Parliament and the anti-fraud agency OLAF. The appendix includes a complete overview of the articles used, the news outlet which produced it and the date of the article.
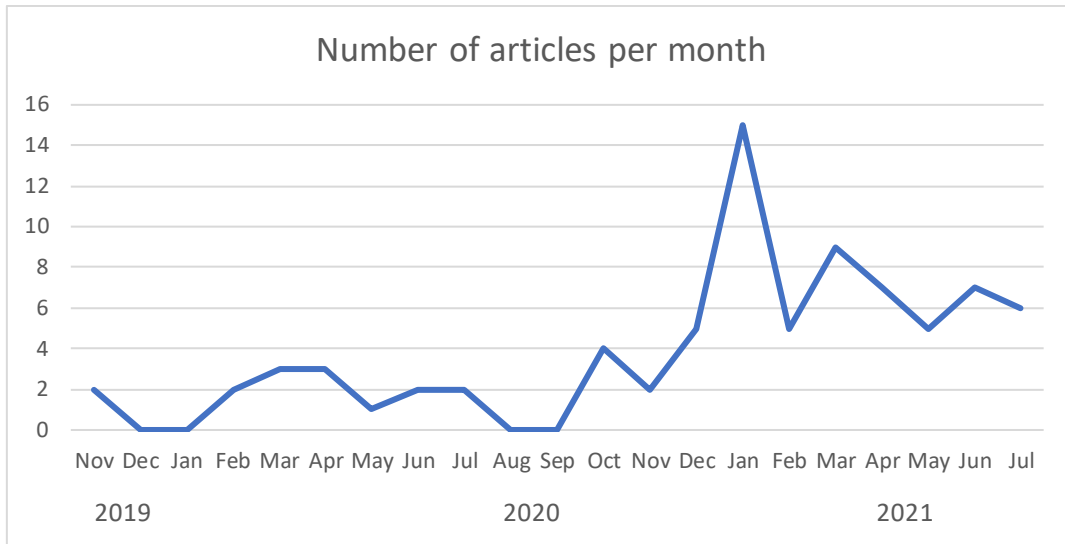
Figure 2: Timeline of the production of articles per month

Sentiment

The sentiment is one of the most interesting characteristics of an article as it shows the general portrayal of Frontex across pan-European newspapers. The sentiment across the sample can be found in Figure 3. The sentiment across articles differs quite a lot. However, the distribution is skewed to the negative side with only 19% of the articles being positive and 40% of the articles being negative.
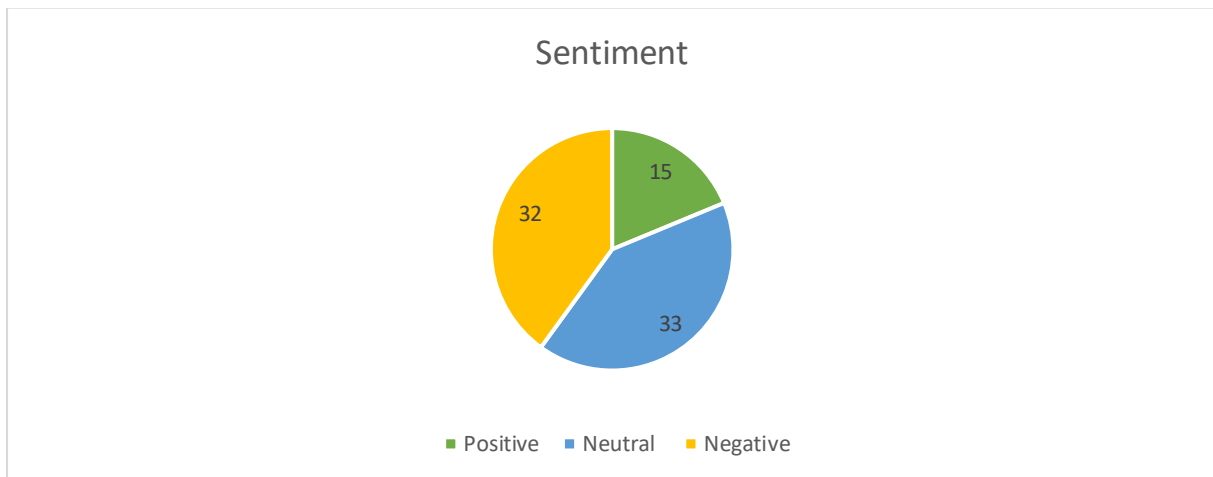

Figure 3: Sentiment of the articles

It is important to mention that an article can only be classified under one of these three options and that this refers to the standpoint of Frontex. This means that Frontex is more than twice as often negatively portrayed in the media than positively. A negative sentiment could be given in the case of a critical review of a Frontex operation where several human rights watchers indicate that fundamental rights have been violated. A positive sentiment could be given when the mandate of Frontex is expanded or when Frontex has handled a

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situation in a good way. When both negative and positive comments are made by different important actors, such as for example the European Commission being in favour of a decision and the European Parliament against it, or when an article is more factually based, such as an announcement of Frontex troops arriving somewhere, the sentiment is coded as neutral.

To compare the three news outlets, EurActiv, EUobserver and Euronews, I use the sentiment variable. This allows me to get a feeling of the news outlet and what kind of content they produce. The differences can be seen in Figure 4. The sentiment across the three news outlets differs significantly. EurActive has the most neutral articles with 60% having a neutral sentiment. This is in line with expectations, as EurActiv is a more factual news outlet, where the focus lies on fact-based articles instead of more critical columns or opinion pieces. Euronews provides by far the most negative articles with 55% being negative. Euronews can thus be considered the most critical of Frontex and has a broader focus on human rights and possible violations of these rights. EUobserver has the most even distribution with respect to sentiment and has relatively the most positive articles.
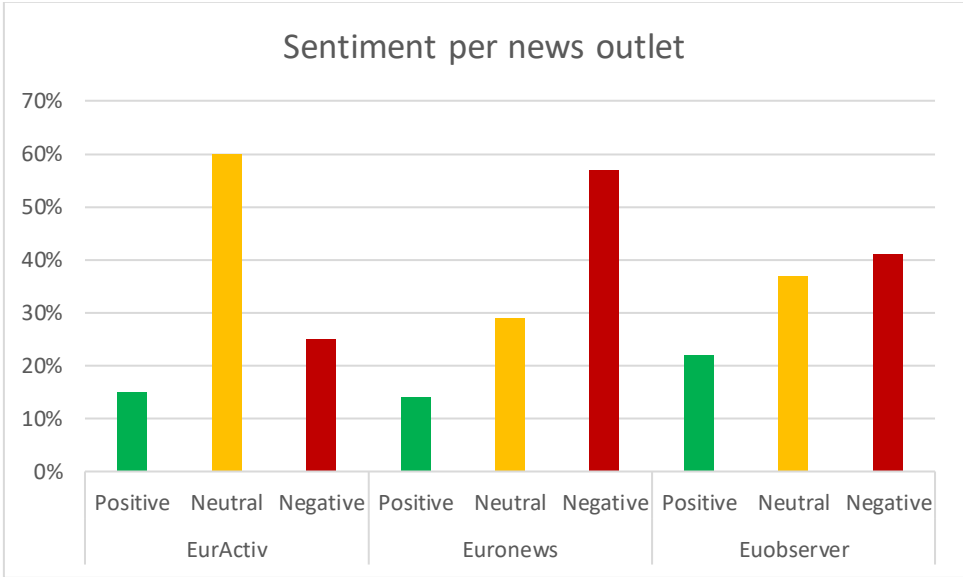

Figure 4: Sentiment for each news outlet

Dummy variables

The dummy variables keep track of the involvement of some Member States, some third countries and the EU. The EU is mentioned in each article with the exception of one, which does not come as a surprise as Frontex is an EU agency. Figure 5 shows the number of mentions of the other nations. Greece and Turkey are leading this statistic due to the continuous conflict between both nations regarding migration issues. This conflict is also often briefly mentioned as a reference to migration conflicts in general, although the subject of the article revolves not around the conflict itself. Germany is often mentioned due to, amongst others, the involvement of the German newspaper Der Spiegel, which is an advocate of human rights. Spain and Italy are mentioned often with their role in migration management due to their geographic location situated at the Mediterranean Sea, Libya, too, is mentioned as a place for many refugees from all of Africa to assemble and try to cross the Mediterranean Sea to Europe. The cooperation and involvement of Frontex in third countries

is also discussed by mentioning Serbia, Belarus, Bosnia and Northern-Macedonia, although Belarus mainly features in relation to its conflict with Lithuania. Finally, almost all Member States are mentioned to some degree.
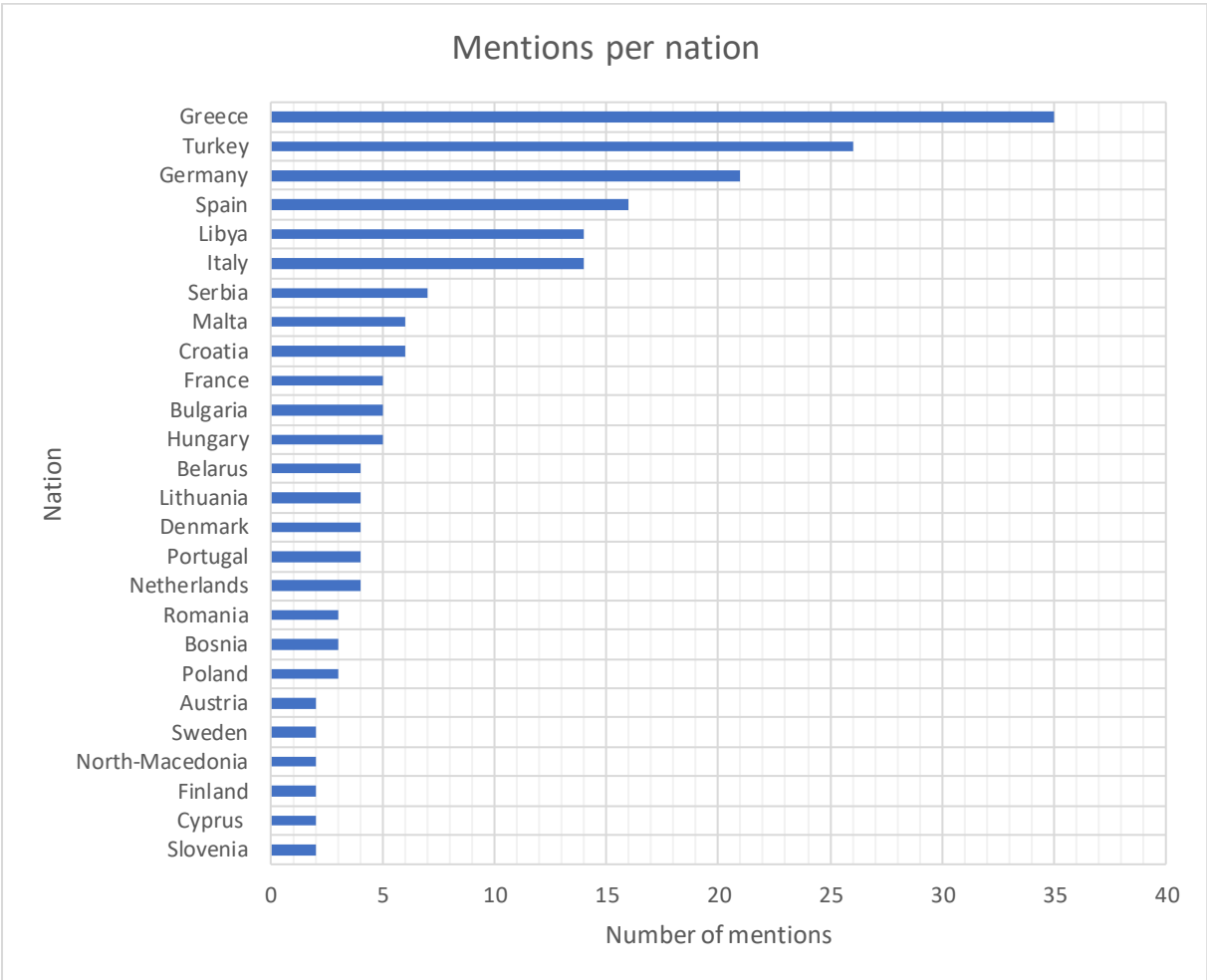

Figure 5: The number of mentions of some Member States and third countries

Frames

The distribution of frames can be found in Figure 6. The frames refer to the subjects or themes of the article and multiple frames can be associated with one article. It could also be the case that not any of the themes are present in a certain article or that all frames correspond with an article. The inspiration for the frames comes from Chouliaraki et al. (2017) and Rehejeh (2020). Chouliaraki et al. (2017) use these frames, namely the economic, geopolitical, cultural, moral, and uncertain, as press narratives of consequences of refugee and migrant arrivals. Although the content I analysis does not differ that much from Chouliaraki et al. (2017), I choose to not use the cultural and uncertain frame as they do not make sense in my research, but add the legal frame, as many articles have legal insights or narratives. In my sample, most articles fall within the geopolitical frame, where these articles reflect geopolitical tensions between Frontex, other EU agencies, Member States and third countries. The moral frame is found in articles reflecting the consequences of external border

management and the relation to possible human rights violations. Economics is not an integral part of the narratives in the articles and covers only 9 out of 80 articles.
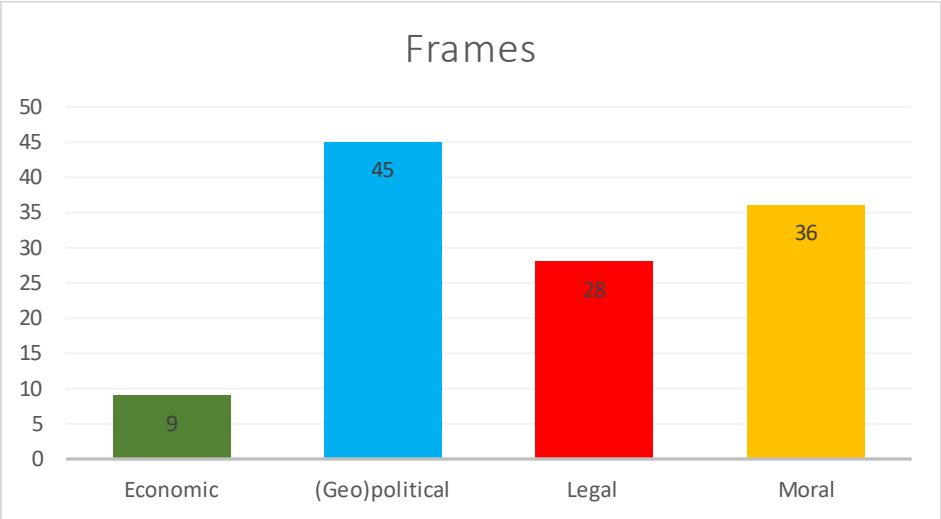

Figure 6: The occurrence of frames

The frames can additionally be examined for each news outlet. Figure 7 compares the three news agencies and the average over the sample for the four frames. EurActiv is relatively more focused on geopolitical movements and this coincides with the neutral and fact-based character of the news provider. The most interesting outlier is the focus on the moral frame by Euronews. This also coincides with the focus on human rights, the negative portrayal of Frontex and the negative view surrounding humanitarianism, which will be covered in more detail in the next two paragraphs. Finally, EUobserver focuses relatively more on legal and economic issues.
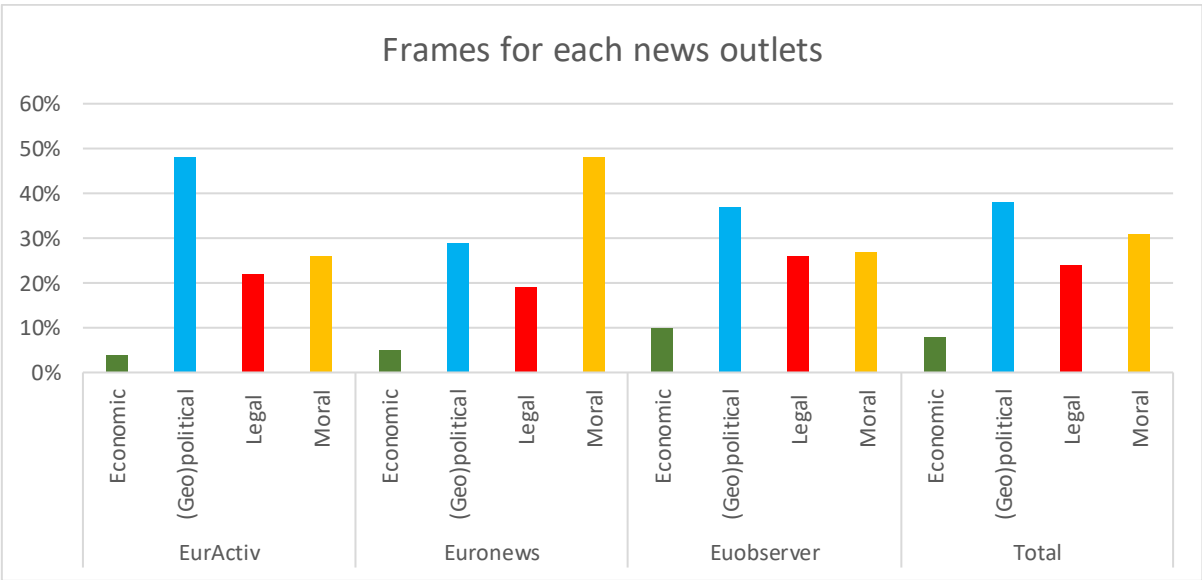

Figure 7: Frames for the different news outlets and the average of the sample

Category variables

For the content analysis, I use the category variable humanitarianism. The words humanitarian, solidarity, rights and human are counted for each article. The occurrence of these words throughout the sample of 80 articles can be found in Figure 8. The words humanitarian and solidarity are mentioned rarely. The words rights and human are often mentioned throughout the sample and are often mentioned in combination with each other as in "human rights".
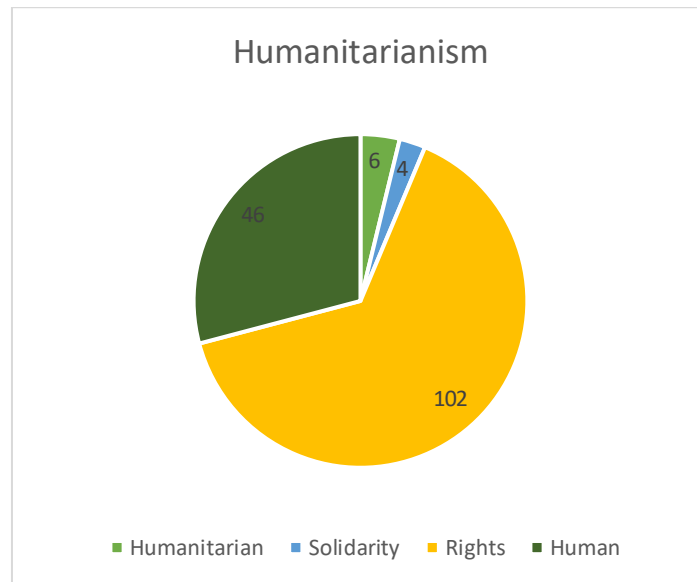

Figure 8: Category variable humanitarianism

The counting of words means that every article gets a score related to the category variable humanitarianism. For example, if the article features one time the word humanitarian, two times the word rights and three times the word human, the score of the article is six. The number six is subsequently divided by the total number of words. If the word length of the article is 400 words, the score is thus 0.015. Finally, I standardise all scores to ensure that all scores range between zero and one. In my case, this is done by multiplication of 50.37. The score of the article will then thus be 0.015*50.37 = 0.76. All articles now have a score between zero and one. I determine a cutoff value to consider a smaller sample of the articles, which have a relatively high interaction with the category variable humanitarianism. To give more emphasis to the category variable, I determine the cutoff value in such a way that it gives some interpretation. As all articles have a score between zero and one, you could order all the articles from least interaction with the category variable to most interaction with the category variable. For this research, it is interesting to look at the sample of articles that have a relatively high interaction with the category variable. The cutoff value, which determines how many and which articles I consider for this sample, is 0.32 and is chosen in such a way that the sample includes one article that has a positive sentiment. This essentially means that the article with a score of 0.32 has a positive sentiment. For more information on

the cutoff value, I refer to the excel file of the content analysis. Figure 9 shows the interaction between the category variable humanitarianism and the sentiment variable. From the smaller sample of articles that have a high number of words falling in the category variable humanitarianism, only one out of 17 has a positive sentiment. Both neutral and negative sentiments can be found in eight of the 17 articles. This result corresponds with the literature and the hypotheses to the extent that Frontex is framed quite negatively when it comes to humanitarianism. This could be explained as Frontex being framed as a human rights violator. However, this should be nuanced a bit, because all articles are about migration. When the humanitarian side of migration is covered and human rights are reviewed, Frontex is often portrayed with negative sentiment in general. Nevertheless, Frontex is the European border and coast guard agency and is partly in charge of migration issues. Therefore, with some nuance, I can argue that Frontex is framed negatively in the media when it comes to humanitarian issues.
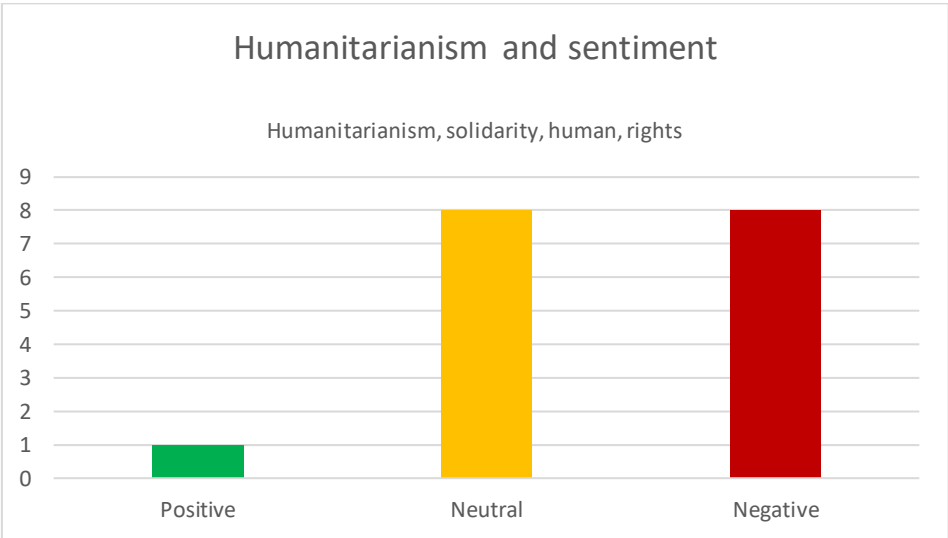

Figure 9: Combination of the category variable humanitarianism and sentiment

Dual Variables

The humanitarian versus militarisation variable is extremely interesting. The variable stresses the focus of the article, where humanitarian refers to the more moral side of external border control, whereas militarisation refers to expanding the presence of Frontex. Although this variable has a subjectivity bias, all combinations occurred. With this I mean a ticked box for only humanitarian, only militarisation, both boxes ticked, or both not. Figure 10 shows the distribution of combinations. Most of the time, one of the two options is chosen. However, for a large part of the sample, none of the boxes is ticked. This is the case when the article is based on more factual data such as migrant numbers, is about a legal decision regarding Frontex or is more focused on the handling of a particular Member State.
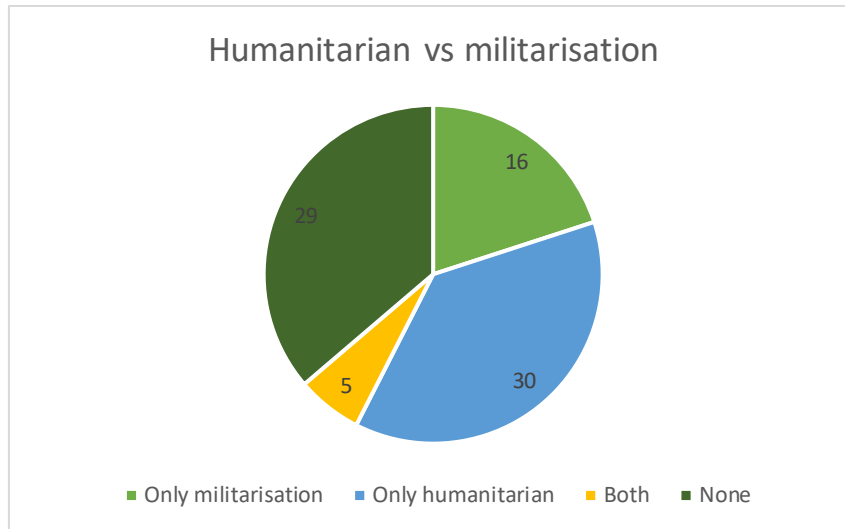
Figure 10: Humanitarian, militarisation, both or none.

To evaluate the linkages with the sentiment of the article, I only used the articles that were either regarded as ´humanitarian´ or as ´militarisation´. These articles have been counted with respect to their sentiment in Figure 11. The results are quite fascinating. The articles assigned to militarisation have often a positive sentiment, sometimes a neutral sentiment, but never a negative sentiment. The opposite happens for the humanitarian choice. They often have a negative sentiment, sometimes a neutral sentiment, but never a positive sentiment. This informs me that Frontex is regarded as important and positive when a problem arises and Frontex needs to come to the rescue by increasing their presence in a certain region or situation. This also means an increase in the mandate is seen as something positive. However, when the humanitarian side is highlighted, Frontex is framed as a negative presence and as the institution to blame. This figure thus shows quite well how Frontex is reviewed by the media, without raising the question if this is done rightfully or not.
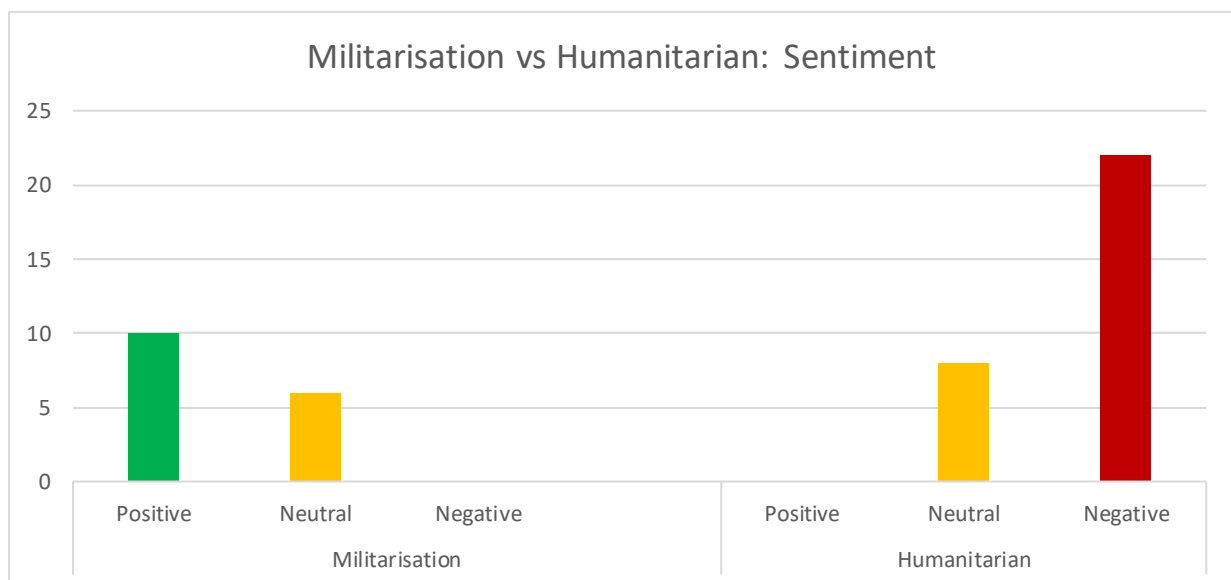

Figure 11: Militarisation and humanitarian sorted on sentiment

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Actors

The news articles involve a lot of international actors as can be seen in Figure 12. The actors include Frontex, the European Commission, the European Parliament, the Member States, the EU's anti-fraud office OLAF, the Court of Justice of the European Union, the European Council, the EU Court of Auditors, Sea-Watch, Europol, the UN Refugee Agency, the International Organisation for Migration, the European Asylum Support Office, Human Rights Watch, the Council of Europe and the Global Legal Action Network. Some agencies are mentioned only once, but most are discussed in a number of articles. Without surprise, the European institutions are well represented. The European Commission and the European Parliament are often part of the discussion. The European Commission has two representatives in the Management Board of Frontex and in that way influences the agency. The European Parliament has critical MEPs who often have an opinion on the way Frontex operates and the European Parliament is known to be an advocate for human rights. The Member States are mentioned often as well due to their role in the shared responsibility of the external border control of the European Union. However, this shared responsibility is never mentioned directly, which is quite surprising. Interesting is the presence of the EU's anti-fraud office OLAF with mentions in as many as 16 articles. In combination with other human rights advocates, such as the Sea-Watch, the UN Refugee Agency and Human Rights Watch, these fit in the earlier humanitarianism arguments. All institutions and agencies that have a focus on migration are present and no unexpected agencies are on the list.
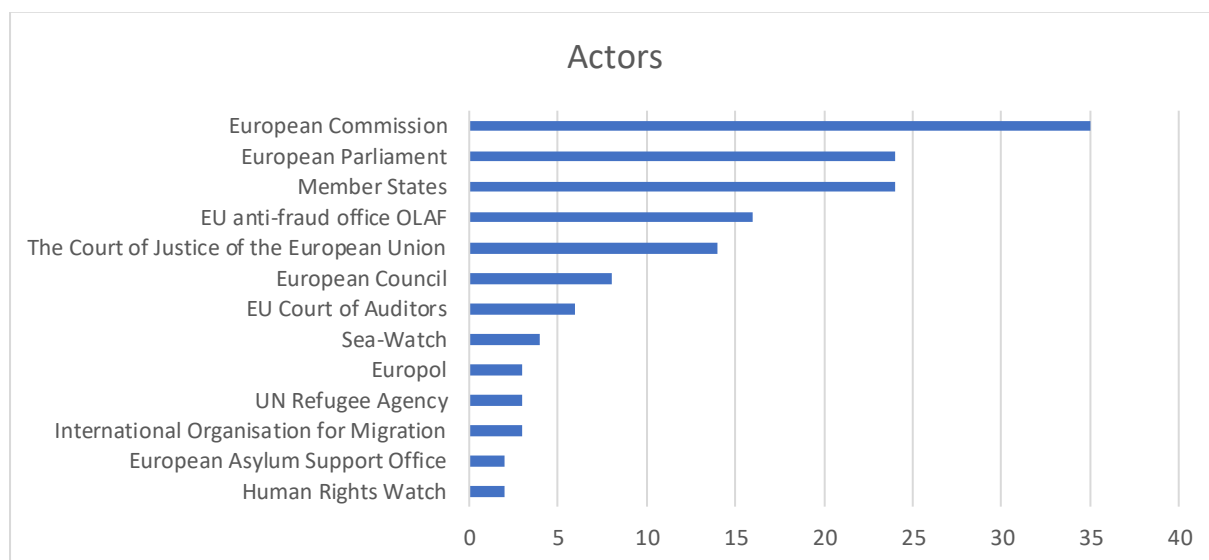

Figure 12: Actors involved in the articles

Qualitative Content Analysis

The quantitative content analysis already produced quite interesting results. However, to answer the research question to the fullest extent, it remains useful to take a more qualitative look at the way Frontex and the particular Member States are portrayed in the articles with a negative sentiment. This sample includes 32 articles in which Frontex is portrayed in an unfavourable way. To research the portrayal of Frontex in relation to the

Member States, it is beneficial to analyse the portrayal of the particular Member State in those articles. However, not every article with a negative sentiment revolves around the issue of responsibility, which means that only 24 articles are considered for the qualitative comparison. Figure 13 shows the distribution of the actor that gets the blame, be it Frontex or the Member State involved. It should be taken into account that this statistic measures the overall view of the article. This means that it is always relative, for example when the Greek authorities are mentioned one time as the culprit, while Frontex is blamed three times, then Frontex is chosen as the one who gets the blame. The figure shows that Frontex is far more often accused solely than the involved Member State, even more often than when they are both accused, which is shown by the blue bar. This shows that Frontex is portrayed in the media as a 'scapegoat', at least to a certain degree. The surveyed articles discuss mainly pushback allegations and human rights violations. Frontex is more often than not accused of these allegations, while the Member State in which Frontex has operated is blamed to a lesser extent. In combination with the legal research, which showed that Member States still retain more responsibility regarding the external border control of the European Union than Frontex, I can conclude that the latter is portrayed incorrectly in the media and is used as a 'scapegoat', at least to a certain degree.
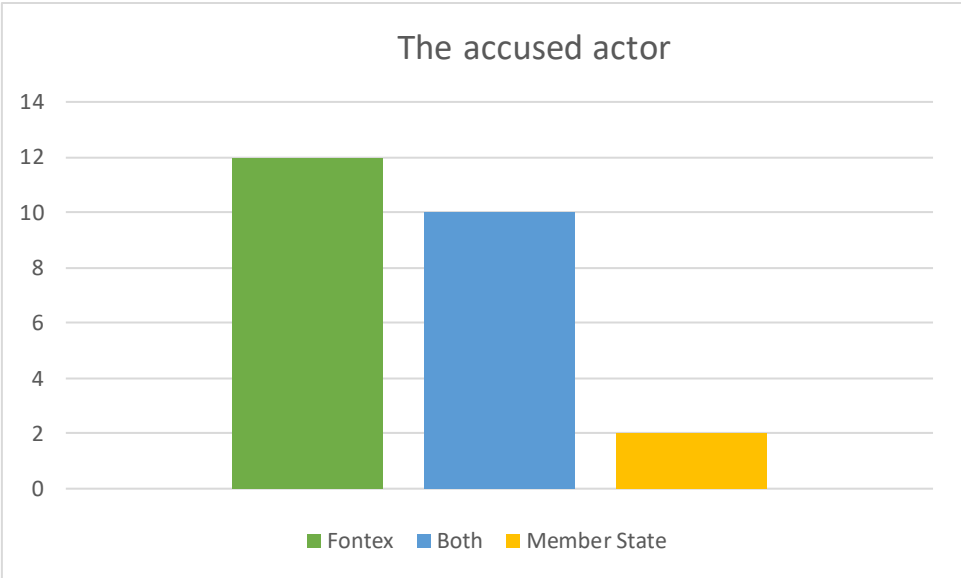

Figure 13: The accused actor in the sample articles with a negative sentiment

Conclusion

This study examines the justifiability of the portrayal of Frontex in the media. On the one hand the shared responsibility of Frontex and the Member States which is skewed to the side of the Member States in Regulation 2019/1896 and on the other hand the fact that Frontex is more often accused of alleged human rights violations in comparison to the involved Member State, I conclude that the portrayal of Frontex in the media is not justifiable.

The legal research shows that Regulation 2019/1896 gives a shared responsibility to Frontex and the Member States regarding the external border control of the European Union. It gives

executive powers to Frontex, but only when assigned to by the Member State. The regulation aims for a standing corps of 10,000 operational staff by 2027 and introduces impact levels. The critical impact could also lead to executive powers when a Member State gives a negative response to advice from the institutions and in that case, Frontex could overrule the Member State. However, executive powers can as of today only be given to Frontex in quite rare circumstances. Therefore, I argue that the Member States still have more responsibility although the regulation speaks of a shared responsibility.

The quantitative, and qualitative content analysis give insights into the portrayal of Frontex in the media. The general sentiment in articles from pan-European news outlets is mostly negative or neutral. Most interestingly, Frontex is accused much more of human rights violations than the Member States. The geopolitical frame is the most used setting or theme in the articles and there are quite strong differences between the three news outlets. The inclusion of certain nations and actors also gives quite interesting insights into the portrayal of Frontex in the European media landscape.

The literature already gave an incentive for both the legal research and the content analysis as it showed that Frontex had been considered a 'scapegoat' and although the mandate of the agency increased over the years, it still did not achieve full responsibility. The outcome of the legal research therefore gave an incentive for the content analysis, which examined the portrayal of Frontex in the media. Having considered both aspects of the issue, I conclude that the portrayal of Frontex by the media is not justifiable.

The unjust portrayal of Frontex damages the identity of the European Union. Academic research and awareness about the unjust portrayal of Frontex in European media is therefore important. The discussion in the media could be nuanced by giving a better understanding about the shared responsibility with the Member States of external border control of the European Union and to accuse both Frontex and Member States of possible human rights violations in a more equal manner. Additionally, unjust media portrayals create a unjust view to society of Frontex and the EU in general and could cause decreasing support for EU integration.

This research contributes to the literature in a number of ways. The thesis builds on the work of Perkowski (2018), Fernandez-Rojo (2020), Léonard (2009), Rijpma (2010), Coman-Kund (2019) and Carrera et al. (2017) by giving an elaborate overview of the evolution of Frontex's mandate over the last twenty years. However, it then departs from their academic discussion by adding both a quantitative and qualitative original analysis of the portrayal of Frontex in European media based on an examination of novel primary data, which indicate unjust framing of Frontex.

However, it is also noteworthy to mention some limitations. European legislation and especially framework legislation is always quite subject to interpretation. Framework legislation, which is often preferred by European legislators and Member States, makes sure that the goals of the legislation are quite clear but the way these goals will be realized stay open for change, preference and debate. Nevertheless, content analysis is subject to more bias. The sample includes mainly Frontex, which involves a bias by definition. Furthermore,

the choice for sentiment, the connection with a frame and with a certain dual variable is to at least a small extent personal. The content itself could be a bit biased as well, as it is easier for, for example, the European Parliament and human rights watchers to launch an inquiry into Frontex in their capacity as EU body than to blame Member States directly, not to mention the political tensions this would create.

Frontex remains a highly interesting agency and will stay important in EU politics for the coming decades. Further research could focus on more qualitative content analysis, a larger sample of articles, different newspapers and a broader overview of EU legislation such as the Schengen area or even EU enlargement, which both do have an effect on the competences of Frontex and the way it operates. Research on Frontex should definitely continue to give a better understanding of the most powerful EU agency in a faster-than-ever-changing EU external border management.

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Annex

Coding Scheme

Part of the coding scheme. More details and graphs in the excel document.

	Sentiment	Negative (0)	Neutral (1)	Positive (2)	
Dummy variables	EU mentioned	Yes (1)	No (0)		
	Greece mentioned	Yes (1)	No (0)		
	Bulgaria mentioned	Yes (1)	No (0)		
	Hungary mentioned	Yes (1)	No (0)		
	Italy mentioned	Yes (1)	No (0)		
	Cyprus mentioned	Yes (1)	No (0)		
	etc	etc	etc		
Frames	Economic				
	Geopolitical				
	Legal				
	Moral				
Category variables	Humanitarianism	Humanitarian	solidarity	Rights	Human
Dual variables	Humanitarian	Vs	Militarisation		
Actors	Frontex	Member States	European Commission	European Parliament	
	European Council	etc			

Overview of the articles used

These are the used articles for the content analysis. Keep in mind that the title of two articles could be the same due to an update on this article on another date.

Title - News outlet - Date

1-10

Germany's Seehofer wants unauthorised migration prevented at EU border – EurActiv – 18/11/2019

Ticker; Transparency campaigners lose Frontex Case – EUobserver – 27/11/2019

NGO rescue boats do not receive Frontex alerts – EUobserver – 03/02/2020

Frontex hits activist pair with €24,000 legal bill – EUobserver – 27/02/2020

Commission silent on Greece suspending asylum claims– EUobserver – 04/03/2020

Greece will not get extra Frontex staff until next week – EUobserver – 05/03/2020

Virus: Frontex tells officers to keep guarding Greek borders – EUobserver – 27/03/2020

Rescue group, EU officials dispute fate of 85 sea migrants – EurActiv – 14/04/2020

EU financial support for Libya coastguard under scrutiny – EUobserver – 29/04/2020

Deaths at sea case raises questions over Malta's role – EUobserver – 30/04/2020

11-20

Ticker; Frontex set for Serbia and Montenegro launches – EUobserver – 27/05/2020

Migrants return to EU after virus-linked slump – EurActiv – 16/06/2020

Migrants return to EU after virus-linked slump – EurActiv – 18/06/2020

A migration pact in the spirit of the German government? – EurActiv – 02/07/2020

Ticker; Frontex trains new border guards online – EUobserver – 07/07/2020

Bulgaria blocks North Macedonia Frontex agreement – EurActiv – 22/10/2020

EU signs €100m drone contract with Airbus and Israeli arms firms – EurActiv – 22/10/2020

Ticker; Report: EU border agency flouts law to help Greece – EUobserver – 26/10/2020

Frontex refuses to investigate pushbacks, despite EU demand – EUobserver – 27/10/2020

EU Commission: EU free-travel overhaul planned – EUobserver – 09/11/2020

21-30

Greek operation on Turkish border to keep out migrants – EUobserver – 19/11/2020

Socialists demand resignation of EU border-agency chief – EUobserver – 02/12/2020

Frontex takes transparency activists to EU court – EUobserver – 02/12/2020

MEPs seek parliament inquiry into Frontex – EUobserver – 03/12/2020

Digital Brief, powered by Facebook: Indian disinfo, …, Romanian CyberSec – EurActiv – 11/12/2020

Ticker; Canary Islands migrant arrivals highest since 2009 – EUobserver – 17/12/2020

Gibraltar joins Schengen as Spain, UK ink 11th-hour deal – EurActiv – 01/01/2021

S3668908

EU reports overall drop in illegal migration, but sharp rise in sea crossings – Euronews – 08/01/2021

Hungary 'ignoring EU court ruling on asylum' – EUobserver – 11/01/2021

EU anti-fraud office launces probe into Frontex – EUobserver – 11/01/2021

31-40

Frontex: EU's border agency probed over harassment, misconduct and migrant pushback claims – Euronews – 12/01/2021

EU to scrutinise Hungary 'ignoring asylum ruling' – EUobserver – 13/01/2021

Tweets of the Week: Government Resignations, Frontex Uniforms, Luxembourg Affront – EurActiv – 15/01/2021

Frontex spent €94,000 on a dinner in Warsaw – EUobserver – 18/01/2021

Frontex and Europol pledge greater access to documents – EUobserver – 18/01/2021

EU border chief refuses to quit over pushback claims – EurActiv – 20/01/2021

EU Parliament pressing for inquiry into Frontex – EUobserver – 20/01/2021

EU migration chief urges Frontex to clarify pushback allegations – Euronews – 20/01/2021

Tweets of the Week: EU Bauhaus, Navalny, Frontex celebration dinner – EurActiv – 22/01/2021

Frontex: EU border agency chief told to 'immediately' handover details on 3 migrant pushback claims – Euronews – 22/01/2021

41-50

EU migration chief welcomes Frontex suspension of operations in Hungary – Euronews – 28/01/2021

Portugal to meet with Frontex to ensure 'European law' is respected – EurActiv - 05/02/2021

EU summit on vaccine problems This WEEK – EUobserver - 22/02/2021

Romania denies forcing migrant-boat back to Turkish waters – EUobserver - 23/02/2021

MEPs to personally investigate Frontex amid pushback allegations – Euronews - 24/02/2021

Frontex chief: 'about time' MEPs probe his agency – EUobserver - 26/02/2021

MEPs inquiry into Frontex will now be public – EUobserver – 03/03/2021

Internal Frontex probe to deliver final report this week – EUobserver – 04/03/2021

EU Commission cannot hold Frontex to account – EUobserver – 05/03/2021

Lack of legal clarity on EU 'pushbacks' of migrants at sea – EUobserver – 09/03/2021

51-60

EU plan for vaccine 'certificates' This WEEK – EUobserver – 15/03/2021

Frontex guards in Greece could be armed by summer – EUobserver – 17/03/2021

Frontex scrutiny on rights violations is a PR stunt – EUobserver – 18/03/2021

Frontex redacts its hospitality spending figures – EUobserver – 23/03/2021

Frontex is its own worst enemy – EUobserver – 29/03/2021

Frontex guilty of inflating legal fees against activists – EUobserver – 19/04/2021

Pandemic has prevented many migrants from reaching Europe – EurActiv – 23/04/2021

Why Frontex won't leave Greece, like it left Hungary – EUobserver – 27/04/2021

EU plans to boost power of border agency Frontex raise eyebrows – Euronews – 27/04/2021

S3668908

EU adopts strategy on sending irregular migrants back – EurActiv – 28/04/2021

61-70

EU commission calls Frontex its new 'Return Agency' – EUobserver – 28/04/2021

Report: Frontex working with Libyan Coast Guard – EUobserver – 30/04/2021

Italy, Malta & Libya slow to react to deadly shipwreck, analysis finds – Euronews - 04/05/2021

Report: Turkish coast guard harassed Frontex boats – EUobserver - 05/05/2021

Frontex 'mislabelling minors as adults' on Greek islands – EUobserver – 10/05/2021

EU border agency Frontex criticised by NGOs for photo competition – Euronews – 10/05/2021

NGOs sue EU's Frontex for violating migrants' human rights – EurActiv – 26/05/2021

EU plans to lift internal border checks with focus on IT – EUobserver – 03/06/2021

EU border agency Frontex failing to fulfil its duties, say auditors – Euronews – 07/06/2021

Expanding EU border guard agency is falling short, auditors say – EurActiv – 08/06/2021

71-80

Frontex 'own worst enemy', says EU auditor – EUobserver – 08/06/2021

EU watchdog in Frontex inquiry – EUobserver – 18/06/2021

Activists from Italy, Spain, Slovenia protest treatment of migrants on Bosnia-Croatia border – Euronews – 19/06/2021

Amnesty accuses Greece of 'systematic' policy of migrant pushbacks – Euronews – 23/06/2021

Frontex to 'significantly' increase support along Lithuania-Belarus border – Euronews – 11/07/2021

EU to detail future relationship with Gibraltar next week – EurActiv - 12/07/2021

'Absolutely unacceptable': Belarus accused of using migrants in its fight with EU – Euronews - 12/07/2021

Lithuania: Official entities participate in Belarus human trafficking – EurActiv - 13/07/2021

Syria refugees prefer Libya sea-crossing to 'dangerous' Greece – EUobserver - 15/07/2021

Slovenia: Progress slow in EU migration pact talks – EurActiv - 16/07/2021