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Transnational Governance of the European External Borders

The case of Joint Operation Triton

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Abstract

Frontex plays an important role in assisting European Union Member States towards ensuring effective and coherent management of its external borders. This study examines the way that Frontex and member states work together by using a network theory approach to this question, which places emphasis on issues including sensemaking, coordination and legitimacy. The overall aim is to differentiate between different types of networks and, based on the mentioned theoretical concepts, assess what type of network Frontex coordinated operations are. The focus is on Joint Operation Triton as the empirical case. The data material is based on operational documents and legal texts, and information from semi-structured interviews. The findings suggests that Frontex shows noteworthy features of a lead agency when organising JO Triton, but that there are also some elements of horizontal cooperation in the performance of tasks by the EU member states. Therefore, the argument is that the lead agency network model may provide a plausible description of JO Triton. The findings indicate that Frontex takes a leading role in organising JO Triton by framing the problem in technical terms concerning border control. This is perceived to enable cooperation by member states by mediating differences in opinions regarding migration. In terms of cooperation, Frontex appear to have a considerable role in planning the operation and overseeing its implementation. Furthermore, legitimacy is assumed to be expressed through controlled accountability and through providing substantial problem-solving. This thesis further argues that Frontex' prominent role in JO Triton can be explained as an instrumental and "means to an end" approach to the migration crisis, where an enhanced role from the EU-level was perceived as necessary in order to heighten EU solidarity.

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List of abbreviations

AFSJ: Area of Freedom, Security and Justice

EASO: European Asylum Support Office

ECDC: European Centre for Disease Prevention and Control

EU: European Union

EUROJUST: European body for the enhancement of judicial co-operation

EUROPOL: European Police Office

EUROSUR: European Border Surveillance System

EURTF: European Union Regional Task Force

FER: Frontex Evaluation Report

FOSS: Frontex-One-Stop-Shop.

FRA: Fundamental Rights Agency

FRAN: Frontex Risk Analysis Network

Frontex: European Border and Coast Guard Agency

ICC: International Coordination Centre

IOM: International Organisation for Migration

JHA: Justice and Home Affairs.

JO: Joint Operation

JORA: Joint Operations Reporting Application

MRCC: Maritime Rescue Coordination Centre

NGO: Nongovernmental organisation

OPERA: Operational Resource Management System

SAC: Schengen Associated Countries

SCIFA: Strategic Committee on Immigration, Frontiers and Asylum

UNHCR: United Nations High Commissioner for Refugees

List of tables

Table 1: Overview of documents44
Table 2: Overview of respondents47
Table 3: Overview of budget, staff and member state participants in JO Triton..... 84

Annexes

- Annex A: Interview guide
- Annex B: Information letter

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION	1
1.1 RESEARCH QUESTION	2
1.2 THESIS STRUCTURE	4
CHAPTER 2: CONTEXT	6
2.1 THE EVOLVING CRISIS MANAGEMENT CAPACITY OF THE EUROPEAN UNION	6
2.2 FRONTEX	9
2.2.1 <i>Structure and tasks</i>	10
2.2.2 <i>Prior research</i>	11
2.3 THE MIGRATION CRISIS	12
2.4 INITIATING JOINT OPERATION TRITON	14
2.5 SUMMARY OF CHAPTER 2	16
CHAPTER 3: THEORETICAL FRAMEWORK	18
3.1 WICKED PROBLEMS	18
3.2 GOVERNANCE AND AGENCIFICATION	19
3.2.1 <i>Governance of wicked problems</i>	21
3.3 NETWORK GOVERNANCE THEORY	22
3.3.1 <i>Sensemaking</i>	25
3.3.2 <i>Coordination</i>	30
3.3.3 <i>Legitimacy</i>	33
3.3.4 <i>Definitions</i>	37
3.4 SUMMARY OF CHAPTER 3	38
CHAPTER 4: METHODOLOGY	39
4.1 CASE STUDY METHOD	39
4.1.2 <i>Selecting and bounding the case</i>	40
4.2 DATA MATERIAL	41
4.2.1 <i>Documents</i>	42
4.2.2 <i>Semi-structured interviews</i>	44
4.3 DATA ANALYSIS	47
4.4 RESEARCH QUALITY	47
4.4.1 <i>Construct validity</i>	48
4.4.2 <i>Internal validity</i>	48
4.4.3 <i>External validity</i>	49
4.4.4 <i>Reliability</i>	50
4.5 SUMMARY OF CHAPTER 4	50
CHAPTER 5: SENSEMAKING	51
5.1 INFORMATION MANAGEMENT	51
5.1.1 <i>Gathering, analysing and disseminating information</i>	51
5.2 PROBLEM-FORMULATION	57
5.2.1 <i>What is the problem?</i>	57
5.2.2 <i>Who decides what the problem is?</i>	61
5.3 SUMMARY OF CHAPTER 5	63
CHAPTER 6: COORDINATION	65
6.1 COORDINATION THROUGH PLANNING	66
6.2 COORDINATION OF RESOURCES	67
6.3 COORDINATION OF ACTIVITIES	69

6.4 SUMMARY OF CHAPTER 6.....	73
CHAPTER 7: LEGITIMACY.....	74
7.1 PARTICIPATION.....	74
7.1.1 <i>Member state participation</i>	75
7.1.2 <i>Participation by international organisations, EU agencies and NGOs</i>	78
7.2 ACCOUNTABILITY	79
7.3 PROBLEM-SOLVING	84
7.4 SUMMARY OF CHAPTER 7.....	86
CHAPTER 8: THEORETICAL DISCUSSIONS IN LIGHT OF THE EMPIRICAL FINDINGS.....	88
8.1 COLLABORATIVE NETWORK, LEAD AGENCY NETWORK, OR NEITHER?	88
8.2 HOW CAN WE EXPLAIN THE ROLE THAT FRONTEX HAD IN JO TRITON?.....	92
CHAPTER 9: CONCLUSIONS	95
REFERENCES.....	99
ANNEX A: INTERVIEW GUIDE	107
ANNEX B: INFORMATION LETTER.....	110

Chapter 1: Introduction

Crises such as the financial crisis, the migration crisis and the recent terrorist attacks around Europe have demonstrated just how difficult it is to manage transboundary crises that transcends sectoral and geographical boundaries. Over the years, the European Union (EU) has increasingly been building their crisis management capacities as a response to such situations (Boin and Lodge, 2016). The EU's role in crisis management has evolved incrementally, where new challenges become evident and are met by cooperation between Union-level actors and member state actors (Boin and Rhinard, 2008). One of these challenges has been ensuring efficient border control of the external borders of the EU, where the European Border and Coast Guard Agency (Frontex) has gained a prominent role. The task of ensuring efficient border control proved to be especially difficult during the recent migration crisis in the Mediterranean region in 2015, when increased migration flows put the member states and the EU under tremendous pressure. This migration crisis proved that the EU lacked capacity in handling such a crisis (Berry et al., 2015).

Migration to Europe is not a new phenomenon, but a phenomenon on the rise, and the Mediterranean sea has long been a much used route for migrants trying to make it from Northern Africa to Europe (Malakooti, 2015). Since the start of the Arab Spring and the political turmoil that followed, the pressure on the southern maritime border countries has been extreme as migrants and refugees attempted the dangerous journey across the Mediterranean Sea to get to Europe (BBC, 2018). Since 2011, migration across the Mediterranean has increased significantly, and especially in 2015 migration rose to new heights. BBC reported that in that year alone, well over a million migrants arrived in the EU. According to IOM, 972 500 of them arrived by sea (IOM, 2019). The situation in Europe in the period leading up to the 2015 migration crisis can be described as chaotic, as the surge in migration led to a breakdown of both border security and the structures for managing asylum applications. Unregistered migrants travelled across the European continent, EU member states could not agree on the measures needed to solve the crisis, and the countries bordering the southern external borders called for EU solidarity and assistance.

The EU's role in crisis management areas is highly disputed, especially in areas that may have implications for national security matters (Boin and Rhinard, 2008). Transferring this kind of

authority to the EU-level is controversial. In this regard, EU agencies may potentially have a valuable role in facilitating member state cooperation in areas where international cooperation is needed. EU agencies can be described as arrangements where executive actors work within specified areas to conduct problem-solving activities (Busuioc et al., 2012). Frontex is one such agency that appears to have gained an increased role in conducting crisis management tasks. Over the course of Frontex' existence, the agency has conducted many joint operations simultaneously in response to an increasing need for border control. These joint operations are typically based in one member state which faces considerable pressures on their external borders. This thesis will focus on Frontex' role in one specific joint operation, based in Italy under the name Joint Operation Triton (JO Triton). This operation was established in the wake of the increasing pressures on the Italian external borders, and lasted from 2014-2018.

1.1 Research question

In light of Frontex' increasing role in conducting border management tasks, the following research question has been formulated:

To what extent does Frontex display characteristics of the collaborative network model and the lead agency network model in the organisation of Joint Operation Triton? How can we explain the role that Frontex has in this operation?

The research question is two-fold, and consists of one descriptive and one explanatory question. The descriptive part of the question will attempt to display different characteristics associated with the two network models. Can we see that Frontex has more characteristics with one of the two models? Can JO Triton be classified as a network at all? Network governance theory forms the basis of the theoretical framework for this thesis. To distinguish between collaborative networks and lead agency networks, the emphasis will be on three dimensions, namely sensemaking, coordination and legitimacy. These dimensions are perceived to be crucial aspects of crisis management (Boin et al., 2014a). The explanatory part of the research question will attempt to explain the role Frontex has in joint operations in light of these theoretical dimensions. The overall focus of this study is therefore to examine in what way and why Frontex shows features of these two network models when organising joint operations.

According to King et al. (1994) a research project should meet two criteria. First, the research should pose a question that is important in the real world, and second, it should make a specific contribution to the field of research it is placed within (: 15). The 2015 migration crisis can be seen as a humanitarian crisis, a security crisis and a political crisis. Many lives were lost in the crossing of the Mediterranean, and the EU member states could not control their external borders, allowing thousands of unregistered migrants to wander through Europe. In addition, established structures such as the Dublin Convention, which worked to legally enforce the rights of asylum seekers and clarify which country was responsible for them, was not designed to cope with this amount of migratory pressure (European Parliament News, 2017). The European leaders struggled to agree on what should be done. The situation in the Mediterranean, and especially the migration crisis in 2015, showed that neither individual member states nor the EU as a whole were sufficiently capable of handling the massive migration flows that crossed the external borders of the European Union (Berry et al., 2015). As a response to these challenges, the EU Border and Coast Guard Agency (Frontex) has since its establishment in 2004 gained an increased role in overseeing the management of the external borders (Léonard, 2010). Therefore, I would argue that studying the role of Frontex in border management is both important and relevant for the current state of affairs in Europe.

The research question asks to what extent Frontex shows features of a collaborative network and a lead agency network model in organising JO Triton. Thus, the theoretical framework is based on two different approaches to network governance theory. The network model is a widely used starting point in literature about crisis management at the EU-level (Boin et al., 2014a, Pollak and Slominski, 2009). The lead agency model has increasingly been discussed in crisis management literature (Christensen et al., 2016, Lægreid and Rykkja, 2015, Boin et al., 2014a), but has received little attention in an EU context, as this is seen as inappropriate both organisationally and politically (Boin et al, 2014a: 423). However, Boin et al. (2014a) claim that “we can find features of the lead agency model in important crisis management institutions, such as the European External Action Service, the European Commission and its DG ECHO¹, and the European Central Bank” (: 423), but do not clarify in what way or why these features are evident in these institutions. Their article discusses possible pros and cons of the two models along the three dimensions of sensemaking, coordination and legitimacy, but it does not specifically separate the network model from the lead agency model. Provan and Kenis (2008)

¹ Directorate-General for European Civil Protection and Humanitarian Aid Operations.

have evaluated the potential effectiveness of different types of networks (self-governed networks, lead organisation-governed networks and network administrative organisations) depending on the size of the network, goal consensus, trust and the need for network-level competences. What is still needed is a precise and consistent typology of what organising through a lead agency specifically entails. By combining elements from the aforementioned research, I wish to contribute to this task by studying to what extent the findings of the previous research on the lead agency model applies to Frontex in the organising of joint operations.

1.2 Thesis structure

Chapter 2 will first give an outline of the evolving crisis management capacities in the European Union, the establishment of Frontex and prior research on Frontex' development. Thereafter, I will account for the situation in the Mediterranean region in the period leading up to the 2015 migration crisis. Finally, I will present the case for this study, namely Joint Operation Triton.

Chapter 3 will present the theoretical framework for this thesis. First, I will account for the terms governance and wicked problems, in order to justify the reason why network theory is an interesting starting point for studying the management of wicked problems. Second, the analytical framework will be presented. I will account for two types of networks, namely a collaborative network model and a lead agency network model. These models will be further distinguished through the three dimensions of sensemaking, coordination and legitimacy. Theoretical expectations will be formulated, which will later be addressed in the empirical analysis.

Chapter 4 accounts for and discusses the methodological design for this thesis. Here, I will present the case study as a research method, and explain the choices made for selecting the case. I will also account for the data material, and discuss its strengths and limitations. Finally, I will discuss the quality of the research based on four tests relating to validity and reliability.

Chapters 5-7 consist of the empirical analyses of the dimensions of sensemaking, coordination and legitimacy. The empirical findings will be analysed consecutively, based on the theoretical assumptions and indicators which have been formulated in chapter 3.

In chapter 8, I will answer the research question in light of the findings from chapters 5-7. Here, I will clarify how the overall performance of JO Triton showed features of the collaborative network model and the lead agency network model. The theoretical framework will also be discussed, where I will discuss whether network governance theory is a fitting framework for studying Frontex coordinated joint operations. Chapter 9 will summarise and conclude the findings of this project, and make suggestions for further research within this field.

Chapter 2: Context

To understand Frontex' role in joint operations, this chapter will shed light on the challenging situations and crises that led to the creation of these operations. First, I will elaborate on what is meant by a transboundary crisis and how the EU's role in crisis management has evolved over the years. This will include accounting for the legal framework that has made it both possible and perhaps necessary for a more prominent role for the EU in such matters. Second, I will describe Frontex' tasks and structure, and give a brief account of prior research on Frontex' role in border management to place my research question within this field. Third, I will account for the situation in the Europe in the period up to the migration crisis of 2015. Finally, I will present JO Triton as the case for this study, in light of the migration trends that led to its establishment.

2.1 The evolving crisis management capacity of the European Union

Crisis management can be defined as the process of handling a crisis before, during and after a crisis situation has occurred (Boin et al., 2017). Christensen et al. (2016) claim that since there is no general theory on how it is best to meet a crisis, one must distinguish between the degree of uncertainty, how unique the situation is and its degree of transboundary features. The more transboundary, unique and uncertain a crisis situation is, the more difficult it will be to ensure efficient crisis management. Thus, the most demanding crises to handle are those that are complex and ambiguous, and which cut across administrative levels and sectors (: 890).

Boin et al. (2013) broadly defines a crisis as a “perceived threat to the core values or life-sustaining systems of a society that must be urgently addressed under conditions of deep uncertainty” (: 6). They further define a transboundary crisis as “crises that play out at the transnational level, affecting more than one member state at the same time, often with an impact on multiple sectors and systems” (: 9). There are differing opinions on what role the EU should have in responding to such types of crises. Some argue that these crises should be handled at the level where the crises unfold, which would mean a larger role for the EU. This is because transboundary crises can be claimed to emerge due to the increased interconnectedness that arose because of European integration. Therefore, it is claimed that the EU should also have a role in managing them. Others believe that these crises should be handled at the level where the consequences are most felt, suggesting that centralisation of crisis management capacities at

the EU-level would be less effective, as crisis management should be conducted at the lowest level possible (Boin and Rhinard, 2008). It can further be claimed that the migration crisis in 2015 showed that the member states bordering the external borders did not have the capacity to handle the migration flows themselves. Therefore it was no longer efficient to manage the crisis on member state level, and so, increased international cooperation became necessary.

An increase in transboundary crises is perhaps one of the consequences which stems from the establishment of the single market within the European Union (Boin et al., 2013). The introduction of the Single European Act turned the EU into “an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured (SEA, 1987: article 8a). Physical and technical barriers were lowered, regulations were harmonised and infrastructures were tied together. The integration of Europe has made the EU member states increasingly vulnerable to what could once be considered foreign or local problems (Boin et al., 2013), for example when the lack of capacity for effective border control at the external borders enables irregular migrants to travel to other EU countries, as there are no internal border control within the Schengen Area.

However, there is a tension between the perceived need for international cooperation when facing transboundary crises on the one hand, and what is called the principle of subsidiarity on the other (Boin et al., 2013). The principle of subsidiarity stands at the core of EU integration and refers to the division of competences between the EU and the member states. More specifically, it aims to preserve the member states’ ability to make decisions and take action on areas that do not fall under EU competences, while allowing for EU intervention when the objectives of an action cannot be sufficiently achieved by member states. In other words, issues falling outside EU competences should be handled at the lowest level possible as long as it is still efficient (European Parliament, 2018). In the case of border control, this competence is shared between the EU and the member states, meaning that the member states can adopt legislation autonomously, as long as the EU does not have legislation on the matter concerned (Mungianu, 2013). Furthermore, the member states retain the primary responsibility of their external borders, which must be considered when setting up common EU policies regarding border control (ibid).

Traditionally, justice and home affairs (JHA) issues have been the responsibility of each member state, and the idea of transferring this authority to the EU-level is controversial (Boin

and Rhinard, 2008). Competences in the area of JHA touch upon the core of member state's sovereignty, and integration in this area has happened incrementally (Rijpma, 2012). European Union cooperation on asylum and immigration formally started in 1999, when the Tampere Programme called for the EU to “develop common policies on asylum and immigration, while taking into account the need for consistent control of external borders to stop illegal immigration and to combat those who organise it and commit related international crimes” (Commission, 2002b). The Tampere Programme also introduced the concept of ‘Integrated Border Management’ (IBM). IBM refers to the idea of joining up all the activities of the public authorities of the member states relating to border control and surveillance. This includes border checks, analysis of risks at the external borders and the planning of the human and technical resources required (Léonard, 2010).

In 1999, the Schengen cooperation was brought under the legal framework of the EU. The Schengen area represents a territory in which the free movement of persons is guaranteed. As part of the Schengen cooperation, each member state had to take certain measures. These include the removal of checks on people at the internal borders, a common set of rules applying to people crossing the external borders, harmonisation of policies regarding entry and visa-applications, as well as enhanced police and judicial cooperation (European Union, 2009). The Dublin Convention (1990) established that the first country receiving an asylum application must examine and deal with the claim to prevent “asylum shopping” (Nugent, 2010: 337). Asylum shopping refers to situations where an asylum seeker applies for asylum in more than one EU member state, or chooses one particular state over the other because of a perceived idea that this country has better standards (Commission, 2019). The Dublin Convention turned out to pose severe challenges in the recent refugee crisis in the Mediterranean region, as this agreement was not designed to ensure a sufficient sharing of responsibility between member states, and therefore a few countries received the majority of the asylum applications (Commission, 2016a).

In 2007, the Lisbon Treaty introduced the solidarity clause, stating that “the Union and its Member States shall act jointly, in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster” (Treaty of Lisbon, 2007: article 222). This clause states that 1) both EU actors and member states shall act jointly, 2) the Union shall mobilise all instruments at its disposal, including resources available in member states, and 3) EU institutions and member state governments organise their response via the Council

of Ministers (Boin et al., 2013: 27). Thus, the focus is on joint action by member states *and* EU institutions, as well as an emphasis on coordination efforts at the EU level. According to Boin et al. (2013), this suggests a more supranational rather than purely intergovernmental response to crises (: 28). Boin et al. (2013) further state that the concept of solidarity has been open to differing interpretations by the member states, but as it has been formalised within the legal framework of the EU, such differences must be reconciled. This, in turn, will likely require new structures and procedures for cooperation to ensure a true “Union response” to crises (ibid: 29).

EU agencies can be seen as structures established to ensure a comprehensive and coordinated response to crises. Frontex is an example of such an agency, which was established as a response to challenges relating to the management of the EU external borders. Typically, EU agencies are either purely executive agencies responsible for managerial tasks, or have more regulatory functions by being “required to be actively involved in exercising the executive function by enacting instruments that contribute to regulating a specific sector” (Commission, 2002a: 4). Frontex was established as a regulatory agency, but also has a dual character as an operational agency. Its regulatory role is expressed by its tasks relating to assisting in the implementation of common policies, while the operational role is expressed by its tasks of coordinating joint actions between member states’ national border guards (Rijpma, 2016). Frontex works within the vision of creating an Area of Freedom, Security and Justice, and its main mission is to ensure safe and well-functioning external borders together with the member states (Rijpma, 2012).

2.2 Frontex

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (to be shortened as Frontex) was established in 2004, and became operationally active in 2005. The regulation establishing Frontex has been amended on several occasions, each amendment strengthening the role and responsibility of the agency, including increasing its resources in terms of staff and budget (Mungianu, 2013). The latest amendment from 2016 re-established Frontex as the European Border and Coast Guard Agency. The new regulation opened up for increased cooperation with third countries and also increased the focus on preventing transborder crime and terrorism (EU, 2016/1624).

2.2.1 Structure and tasks

Frontex is an independent agency when it comes to technical matters, with legal, administrative and financial autonomy. Frontex is tasked with promoting, coordinating and developing European border management. The administrative and management structure of Frontex comprises a management board, an executive director, a consultative forum, and a fundamental rights officer (EU 2016/1624). The management board is made up of representatives from each member state, in addition to two representatives from the Commission. Their overall responsibility is to control the functions of the agency. The executive director is elected by the management board on proposal from the Commission, but is independent and “shall not seek nor take instructions from any government or from any other body” (ibid: Article 68). The executive director is in charge of evaluating and approving proposals and requests from member states regarding joint operations, and to ensure the implementation of the operational plans for such operations. There is also an independent consultative forum comprised of representatives from various international organisations. This forum is tasked with assisting the executive director and the management board with independent advice regarding fundamental rights issues (ibid: Article 70). The fundamental rights officer is tasked with contributing to the agency’s fundamental rights strategy, and is also involved in overseeing the fundamental rights aspects of all of Frontex’ activities (ibid: Article 71).

Frontex performs a wide range of tasks, such as information management, provision of training arrangements for border guards in the member states, and coordinating joint operations. The agency’s main function is to efficiently monitor the crossing of the external borders, address migratory challenges and potential future threats at the external borders, ensure a high level of internal security within the Union, safeguard the functioning of the Schengen area and respect the overarching principle of solidarity (EU 2016/1624). The key role of Frontex, as stated in the regulation, is to establish a technical and operational strategy for the implementation of integrated border management, to oversee the effective function of border control at the external borders, and to support member states by providing technical and operational assistance when needed (EU, 2016/1624: (11)).

The focus in this thesis will be on Frontex’ role in joint operations. These operations are conducted in order to achieve integrated border management (IBM) at the European external borders. European IBM is a shared responsibility of Frontex and the national authorities responsible for border management. This means that the member states maintain the primary

responsibility for managing their part of the external border. Frontex should support these tasks by “reinforcing, assessing and coordinating the actions of member states which implement those measures” (EU 2016/1624: (6)). This also means that Frontex has a central role in monitoring the situation at the external borders, and assessing whether or not the borders are managed sufficiently. Where the capacity for border control is rendered insufficient, the regulation states that a response should be given at Union-level. The development of policy and legislation on external border control is the responsibility of the Union institutions by close cooperation with Frontex (EU 2016/1624).

2.2.2 Prior research

Frontex is a consolidation of previous cooperative structures regarding border control, namely the External Practitioners Common Unit which consisted of a Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), a Council Working Party and the heads of the national border control services (Marin, 2011). Many scholars have taken an interest in the development of Frontex’ role in conducting border management tasks. Among them are Luisa Marin, who calls this development a “compromise between supranationalism and intergovernmentalism” claiming that Frontex is a new administrative order, where the Commission had aimed for a supranational structure but had to settle for an arrangement consisting of more intergovernmental features (: 472). This arrangement then became Frontex.

Mungianu (2013) also claims that Frontex’ developments show that operational cooperation at the EU’s external borders is a compromise between supranationalisation in the policy area of border control and the maintenance of member states’ sovereign interests, but that Frontex has to a certain extent shifted from intergovernmental to more supranational features. She claims that this is expressed through the changes of the regulation, whereas the later regulations provides Frontex with the mandate to perform “increased coordination” of member states’ border control activities, as opposed to simply “facilitating cooperation” (ibid: 384). Furthermore, when it comes to joint operations, Frontex’ role is no longer limited to providing technical and operational assistance. According to Mungianu (2013), Frontex also performs a more leading role. For example, Frontex now has the power to initiate an operation, which previously had to be requested by a member state. Frontex’ executive director also has a central role in formulating the operational plans for the specific operations. Additionally, Frontex provides staff which acts on behalf of the agency, and monitors and communicates their views regarding the implementation of the operational plan (ibid: 377).

Léonard (2010) points to three major factors that increased the willingness of EU member states to strengthen cooperation of external border management. First, migration flows have become an increasingly contentious issue in Europe. This has led to European states taking various measures to restrain the number of migrants, including the strengthening of border control. Second, in 2004 the EU went from 15 to 25 member states, thus expanding significantly by including several of the previous east bloc countries . Concerns were raised about the alleged inability of the new member states to sufficiently control the external borders. Strengthening cooperation was regarded as an effective way to secure external border control. Third, after the 9/11 terrorist attacks in the United States, there was an increased emphasis on the fight against terrorism. This motivated further cooperation, and later led to the creation of Frontex (ibid).

A large part of the literature on EU agencies has taken a principal-agent approach to the topic, which, according to Pollak and Slominski (2009) is ill-suited for studying coordinating agencies such as Frontex. They claim that Frontex' powers can be perceived as 'new forms of authority' because the establishment of Frontex is not based on delegation of powers from either the Council or the Commission, as neither of these institutions had border management authority to delegate (: 905). Instead, they take an experimentalist governance approach to the topic, claiming that Frontex can be understood as a network agency. Network agencies provide an administrative framework for the integration and coordination of existing networks of national and supranational officials, and Frontex can be seen as a technocratic, depoliticised and managerial body which works to support and connect national and supranational officials (: 908).

Based on the claim that Frontex can be understood as a network agency, I wish to contribute to the field by studying to what extent Frontex coordinated operations show features of network governance structures. In many regards, Frontex is an expert agency. Therefore, it is interesting to study how their expertise is put to use in a transnational problem-solving entity tasked with handling a contentious issue such as migration.

2.3 The migration crisis

In 2011, the migration flows in the Mediterranean region increased dramatically compared to the previous years, and most EU countries expressed concerns about the massive number of

irregular migrants entering the EU over a relatively short period of time (Berry et al., 2015). In the years that followed, the migration flows continued to increase, and the countries at the southern external borders struggled to maintain control, thus enabling unregistered migrants to travel freely across Europe (Olsen et al., 2015). Italy was one of the countries faced with these challenges, and they called for increased international cooperation in the light of EU solidarity. This assistance was long time coming, as there was very little agreement among the various member states regarding how this situation should be handled (Traynor, 2015). In addition, the situation received much attention in the media and in the public sphere in general, and opposing groups arose. On the one side, people wanted to open the borders and wish the migrants welcome, and on the other side, people wanted to close the borders and keep the migrants out.

As the situation escalated, it became clear that this was a crisis on many levels. For one, it was a humanitarian crisis, as many migrants were drowning in the Mediterranean while trying to escape poverty, war and suppressive regimes (Jumbert, 2018). Additionally, there was a lack of agreement regarding how the more humanitarian aspects should be handled. For instance, some argue that increased emphasis on facilitated search and rescue activities only encouraged more people to cross the Mediterranean Sea because they could expect be rescued shortly after departure. This could increase the problem of people risking their lives to get to Europe, as well as encourage criminal behaviour by creating a demand for smuggling networks that may take advantage of the migrants' vulnerable situation. Others point to the fact that migrants leave their home states for a reason, and will try to cross the sea regardless. They often claim that this requires more proactive search and rescue operations in the areas affected, and that saving peoples' lives takes top priority no matter what (Curtis, 2017).

Second, the situation can be considered a security crisis, where the lack of border control enabled anyone to travel freely within the Schengen area (Jumbert, 2018). Many feared that this lack of capacity to ensure sufficient border control would be exploited by terrorist groups such as the Islamic State. Concerns were raised that there were an increasing number of terrorists entering the EU disguised as asylum seekers and refugees (Olsen et al., 2015). The increasing number of terrorist attacks in European cities enhanced this fear, and can also be a possible explanation for the emergence of anti-immigration and right-wing extremist groups around Europe.

Third, the situation escalated into a political crisis. The EU member states reacted differently to the migration flows that soared through Europe, especially after the collapse of the Dublin-convention. Italian authorities were incapable of managing the high number of migrants that entered Italian territory, thus allowing unchecked migrants free passage through Europe. While some member states, such as Germany, took in refugees and asylum seekers even though it was not the first country of arrival, others, such as Hungary, attempted to maintain border control by building fences in order to keep the migrants out (Olsen et al., 2015). This can to some extent illustrate the key issues of the political aspects of the migration crisis: Germany called for solidarity by suggesting an alteration of the Dublin-convention, a suggestion many member states opposed. Others instead used the Dublin-convention as a justification for not taking in asylum seekers (Ask, 2015). The attempt of establishing a new quota-system for the distribution of refugees among the EU member states also proved to be quite challenging, as some member states agreed to take in a larger number of refugees, while others refused to take in any refugees at all (Moe and Ask, 2015).

As you can understand, the principle of solidarity was put under pressure when the Italian authorities were in large part left to handle the migration flows themselves, which eventually led to the Italian authorities neglecting to register migrants as they entered the EU territory, allowing them free passage through Europe (Traynor, 2015). In 2015, the situation was declared a crisis. The Dublin-convention was set aside without a new framework being established, and member states initiated different approaches regarding immigration policies. While some, such as Germany and Sweden, had fairly liberal immigrational policies, others, such as Hungary and other eastern European countries, were more restricted. This lack of uniform application of immigration and asylum policies contributed to the complex and chaotic situation in the European Union (Berry et al., 2015).

2.4 Initiating Joint Operation Triton

Joint Operation Triton was an operation based in the Central Mediterranean. The operation was hosted by Italy, and lasted from November 2014 to February 2018. JO Triton was initiated in order to provide assistance to Italy with managing the increased pressures on their external borders amidst the sudden rise in the number of migrants crossing the Mediterranean sea. (Frontex, 2018). Its mandate was adjusted through formal operational plans which were drawn up on a yearly basis. This also meant that size and budget of the operation varied from year to

year. At the start of the operation in 2014, only 15 EU member states and Schengen associated countries participated, whereas a total of 27 member states and Schengen countries participated in 2017 (Frontex, 2014c, Frontex, 2017b).

JO Triton was launched when the Italian operation “Mare Nostrum” ended in 2014. Mare Nostrum had then been active for one year. It was initiated in October 2013 after a boat departing from Libya sank near the island of Lampedusa, resulting in the death of over 300 refugees (BBC, 2018). Mare Nostrum was a search and rescue operation mandated to provide humanitarian assistance to vessels in distress (UNHCR, 2015). Although the operation contributed to saving many lives, it was also quite controversial, both in Italy and in the EU. For one, some saw this operation as a pull factor which would only encourage migrants to cross the Mediterranean to reach Europe, as migrants could expect to be saved shortly after having left Libyan shores (BBC, 2014). Also, the operation was expensive, and Italian authorities felt it was unfair that they should have to face the burden of massive migration flows alone. Frontex then launched JO Triton, although with a very different mandate than that of Mare Nostrum (Cusumano and Pattison, 2018).

While Mare Nostrum had specifically been a search and rescue operation, JO Triton was mandated to assist with border control. JO Triton would cover a smaller geographical area, and this decreased the possibility of its vessels being used for search and rescue activities. Furthermore, JO Triton had a much smaller budget than Mare Nostrum, and, at least in the beginning, had fewer vessels and personnel at its disposal (Jumbert, 2018, Cusumano and Pattison, 2018). Both the lack of emphasis on search and rescue activities and the modest budget of the new operation led to much criticism from international organisations and NGOs. This criticism stated that JO Triton did not do enough to save the lives of migrants (UNHCR, 2015).

In the years that followed, the debates about the migration issues raged on in Europe, and there were disagreements among European governments regarding what should be done and how the situation should be handled. Italy called for a change in the EU immigration policies which would allow for a more even distribution of migrants in countries across Europe, a proposal several member states were against. Italian authorities then threatened to issue Schengen visas to migrants upon arrival, which would allow them to travel freely through the entire Schengen area (Traynor, 2015). At the same time, several member states threatened to close their borders to migrants, and NGOs continued to call for increased search and rescue activities. It was clearer

than ever that there was a need for increased efforts in controlling the external borders, and Frontex coordinated joint operations were one way of contributing to this task.

Even as the international cooperation increased, there were conflicting views regarding how the various solutions should pan out. This was expressed, for instance, through the varying emphasis on search and rescue activities. Vessels patrolling under the mandate of JO Triton had responsibilities that may to some extent be conflicting. On the one hand, JO Triton worked to discourage people to make the dangerous journey across the Mediterranean. On the other hand, vessels patrolling the Mediterranean Sea are obligated by maritime law to aid and assist people and vessels in distress (Frontex, 2014c). It has proven to be very difficult to find a middle ground that is efficient, in which lives are saved, and at the same time ensures that the need for search and rescue activities is reduced. For instance, another operation in the Mediterranean, Operation Sophia, has tried to toughen its response, by burning and destroying smugglers' boats that are intercepted after a search and rescue activity has been conducted. However, this has led to smugglers using smaller, cheaper and poorer boats, which again results in an even more dangerous journey, and perhaps more need for search and rescue activities (Hannestad, 2017).

2.5 Summary of chapter 2

The aforementioned context of both the legal framework of the EU and the situation in the Mediterranean provides some background information on the establishment of Joint Operation Triton. First, the concept of crisis management has been explained in light of the incremental development of European Union's capacities in this respect. Second, I have explained the EU legal framework which relates to the challenges posed during the migration crisis, where the Schengen agreement, the principle of subsidiarity and the solidarity clause will be especially important for the remainder of this thesis. Third, I introduced the tasks and structure of Frontex, including an account of prior research on its developments which is especially relevant for my own research. Finally, the situation in the Mediterranean region has been accounted for, in order to create a picture of how complex and ambiguous the situation actually was. The situation was declared a crisis in 2015, and indeed it was a crisis on several levels, both relating to humanitarian aspects, political aspects and security aspects. This created an immense pressure on both Italy and the EU system as a whole, which led to the initiation of Joint Operation Triton, which is the empirical case for this thesis. The following chapter will provide a theoretical lens

in an effort to explain how and why Frontex contributes to manage the external borders of the EU in crisis situations.

Chapter 3: Theoretical framework

This chapter will account for the theoretical framework to be used in this thesis. First, the concept of wicked problems will be accounted for. This concept will be seen in light of the situation in Europe for the period leading up to the migration crisis. Thereafter, I will discuss the term governance with specific emphasis on the agencification process that has occurred in the EU in recent years. I will also present the analytical framework. As mentioned, network governance theory forms the basis for the study's framework. The aim is to distinguish between two types of network structures, namely collaborative networks and lead agency networks. This distinction is in large part based on the previous work of Provan and Kenis (2008). Thereafter, the two network models will be further distinguished through three dimensions, namely sensemaking, coordination and legitimacy, inspired by Boin et al. (2014a). These sections will also formulate theoretical expectations that will be further addressed throughout the thesis.

3.1 Wicked problems

Due to the integrated nature of the European Union, it is often claimed that transboundary crises requires an internationally coordinated response. However, exactly what this international response entails, is not universally agreed upon (Boin and Rhinard, 2008, Moe and Ask, 2015). The lack of agreement regarding international response to crises became very clear in the period leading up to the 2015 migration crisis. This crisis can be seen in light of the concept of wicked problems. According to Rittel and Webber (1973), wicked problems are characterised by diffuse and often ambiguous problem formulations. Such problems are complex and often contradictory issues taking place within unpredictable and ever-changing circumstances. They often have international implications, crosses organisational boundaries and levels, and plays out within different geographical territories. In addition to there being no definitive problem formulation, there is rarely a clear or specific solution, and there is often a high degree of uncertainty regarding the potential outcomes of the possible solutions. Solutions are rarely right or wrong, but are instead either better or worse. Wicked problems are often unique, and can also be considered a symptom of another problem (ibid).

The situation in the Mediterranean can be characterised as a wicked issue for several reasons. First, the topic in itself is a politically contested issue, where there is very little agreement among the different EU states. This in particular became a major challenge at the onset of the

migration crisis in 2015, as a lack of agreement and solidarity only increased the lack of capacity to manage the pressure on the southern external borders of the EU. Second, there is a high degree of ambiguity regarding both problem formulation and solutions, for example the inherent tension between the need for search and rescue activities and the potential pull-factors these activities can be perceived to create in the migration crisis. Third, this was an unique situation. This is especially due to the integrated nature of the EU, and the fact that the competences regarding both border control and immigration policy is shared between the EU level and the member state level. This was further complicated by the lack of agreement among the member states. Finally, the causes of migration are complex. Many fled their home countries because of civil wars, suppressive regimes and sufferings due to poverty, and therefore the migration crisis can also be seen as a symptom of other problems.

3.2 Governance and agencification

Processes of globalisation has led to an increasingly complex world characterised by a growing interconnectedness between states and non-state actors in the face of global challenges. This interconnectedness entails that, in certain policy areas, the individual nation-states are just one out of several actors in the process of governing. The role of the state as a hierarchical decision-making body has changed, and new forms of structures has emerged through constellations of various actors (Eriksen, 2009). These structures are often hybrid arrangements consisting of multiple stakeholders from various fields who come together to produce some form of public purpose. These stakeholders can be national and supranational bodies, but also interest groups, nongovernmental organisations (NGOs) and international organisations (Bevir, 2011). This falls under the term *governance*, which implies a process of governing, whether through the state, through the market, or through networks, over a social system, either through laws, norms, power or language (Bevir, 2012).

Eriksen (2009) points to two competing modes of governance in an EU-context. The first sees the EU as an intergovernmental problem-solving organisation in the hands of the member states, where affairs are dealt with through experts and the executives of national governments (: 156). Intergovernmental means forms of state interactions which maintains the independence and sovereignty of each nation (Heywood, 2004). The other mode sees the EU as a multi-level system of governance. Multi-level governance theory focus on the relationship between sub-national, national, and supranational actors, where the competences of decision-makers are

divided and multilateral (Kjær, 2004). Marks (1993) defines multilevel governance as “a system of continuous negotiation among nested governments at several territorial tiers” (: 392), in which “supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks” (: 402). Multi-level governance thus has horizontal and vertical dimensions, meaning that there is an increased interdependence between state and non-state actors operating at both different levels, between different territories and within different sectors (Bache and Flinders, 2004: 3). In a multi-level governance structure, decision-making competences are shared by actors at different levels rather than monopolised by state executives, which also involves a significant loss of control for individual state executives. Political arenas are interconnected as actors operate in both national and supranational arenas (Eriksen, 2009: 160). While intergovernmentalists often view the integration of Europe as a nation-state initiative with the EU governments in the driver’s seat, the multi-level governance advocates often emphasise the role of networks (Benz and Papadopoulos, 2006).

In recent years, a wide range of regulatory, decision-making, monitoring, and coordinating tasks have to an increasing extent been delegated to new agencies at the EU-level. In the literature, this has been called the process of agencification, which is about transferring action capacity from the constitutional states to agencies at the European level. Thus, agencies can be perceived as arrangements where executive actors work within specified areas to conduct problem-solving activities (Busuioac et al., 2012). These agencies typically consists mostly of representatives of member states, in addition to representatives from the Commission (Egeberg and Trondal, 2011).

There is perceived to be a set of advantages tied to these agencies in forms of efficiency, reduction of transaction costs, and additionally as a way of increasing transparency and credibility in the work of the European Union (Egeberg et al., 2012). One main reason why such agencies develop is that the EU member states aim for harmonisation of policies in many policy domains, but are reluctant towards delegating more substantial decision-making powers to the Commission (Bach and Ruffing, 2016). The agencies can then facilitate shared standards which again can facilitate coordination and a uniform implementation of EU policies. Additionally, accountability can be ensured through politically independent specialist agencies focusing on solving specific tasks (Eriksen, 2009). Majone (2006) argues that the agencification process in the EU has indicated that there are some functional needs that are not met by centralised policy-making institutions. He claims that agencies can facilitate cooperation

among member states in areas of shared competences, where such cooperation might be resisted if attempted by EU-institutions. Thus, agencies can provide a flexible organisational structure which is less traditional, less hierarchical and less centrally controlled. It can also contribute to increasing the ability of using technical expertise in areas relying on such expertise (Majone, 2006).

The agencification process suggests that there is a demand for cooperation, because the EU needs the administrative capacities of the member states to pursue its tasks, and it is therefore necessary with a coordinated approach to ensure coherent policy implementation in all member states (Bach and Ruffing, 2016). In order for national governments to achieve a more uniform implementation of EU legislation, they turn to establishing agencies instead of transferring more power to the Commission (Egeberg and Trondal, 2011). However, Egeberg and Trondal (2011) claim that EU-level agencies contribute to executive centre formation at the European level, as the agencies can act relatively independently of national governments, stating that the agencies find themselves closer to the Commission than the Council and national ministries (ibid).

Furthermore, EU-level agencies can often be characterised as network agencies as they rely on a network of national administrative actors. However, one major difference between networks and the EU-level agencies is that the agencies will have a more powerful position within policy-making processes (Bach and Ruffing, 2016). Boin et al. (2014a) suggests that the trend of agencification of networks may perhaps “lead to a hybrid model that is uniquely suited for the peculiar organisational and political creature that the EU is” (: 431). In this thesis, I wish to have a further look at this statement, by examining if this hybrid model can be characterised as a lead agency network, and to study the extent to which this applies to Frontex.

3.2.1 Governance of wicked problems

In the governance literature, there are three major types of social order, namely hierarchy, market and network (Börzel and Panke, 2007: 154). In short, hierarchical institutional arrangements are characterised by authority and dominance through command and control mechanisms. Market arrangements are based on competition and exchange between actors, which is in large part driven by incentives and price mechanisms which creates an ‘invisible hand’ as the main mechanism for steering. Finally, networks are a form of cooperation between

interdependent but autonomous actors, whose interaction is largely based on mutual trust and the exchange of resources (Bouckaert et al., 2010, Börzel and Panke, 2007).

Head and Alford (2015) claim that neither traditional hierarchical arrangements, nor more market-inspired arrangements such as New Public Management (NPM), are sufficient when it comes to developing a complete understanding of wicked problems, and therefore also insufficient when it comes to managing them. This expected insufficiency is in large part because employees in traditional hierarchical organisational arrangements tend to stay within their specialised agencies, thereby developing their knowledge within the same area of expertise. This can lead to a silo effect which is rigid and lacks the flexibility that is needed to fully meet transboundary and wicked problems that cut across different specialities. The conventional structures of the public sector are not capable of sufficiently grasping and responding to wicked problems, because of the high degree of flexibility and innovation which is needed in order to handle such complex challenges. They further claim that NPM-structures increasingly contribute to fragmentation, as the ideas behind NPM is result-oriented, and assumes that organisations have clear goals, a supportive political environment, and control over the necessary resources and capacities. Organisations then organise their structure, coordination mechanisms, and their financial and human resources towards reaching these set goals. However, this is rarely the case when it comes to wicked problems. Instead, Head and Alford (2015) points to networks as a potentially better governance solution in the face of wicked problems.

3.3 Network governance theory

Following Head and Alford (2015), neither traditional hierarchical structures nor market-related structures are sufficient when it comes to dealing with transboundary and wicked problems. Instead, organising through networks may possibly be a better governance structure in face of these problems. The remainder of this chapter will provide the analytical framework for the analysis of Frontex' role in joint operations. As the research question suggests, the two main models that will be discussed are collaborative networks and lead agency networks, and I will attempt to analyse which features from these two models are present in JO Triton. It is important to note that there is a third option in this framework, namely that JO Triton is neither of the two models, and cannot be characterised as a network at all. This will be discussed further in chapter 8, but the initial assumption is that JO Triton can be described in light of network

governance theory. To investigate whether 1) JO Triton is a network, and 2) which type of network it is, I will first define networks and separate between the two network models.

Networks have been defined in a range of different ways. For instance, Rhodes (1997) characterises networks as interdependence between organisations, expressed through continuing interactions between network members, caused by a need to exchange resources and negotiate shared purposes (: 48). Sørensen and Torfing (2007) defines networks as 1) a relatively stable horizontal articulation of interdependent, but operationally autonomous actors; 2) who interact through negotiations; 3) which takes place within a regulative, normative, cognitive, and imaginary framework; 4) that to a certain extent is self-regulating; and 5) which contributes to the production of public purpose within or across certain policy areas (: 9). Provan and Kenis (2008) defines networks narrowly as “groups of three or more legally autonomous organisations that work together to achieve not only their own goals but also a collective goal” (: 231).

Based on these definitions, I argue that a network in its basic form is a compilation of various interdependent but more or less autonomous actors, which voluntarily gather to contribute to providing public purpose within a certain area, by pooling resources and by sharing information. However, the way that networks are organised in practice may vary among different network structures. I will use the framework provided by Provan and Kenis (2008) to distinguish between the different types of networks.

Provan and Kenis (2008) separates between collaborative networks, lead organisation networks and network administrative organisations². I will only focus on collaborative networks and lead organisation networks (from here on referred to as lead agency network). Provan and Kenis (2008) claim that network governance forms can be categorised based on whether the network is brokered or not. At one extreme, we have a pure collaborative network which is not brokered, but characterised by shared governance where all participating organisations interact with each other on equal measure. In a collaborative network, the network participants governs the network themselves through horizontal relationships and decision-making through negotiations. They operate on relatively equal grounds, and performance is dependent on high

² Network Administrative Organisation is a type of network where an administrative entity is set up specifically to govern the network and its activities (Provan and Kenis, 2008: 236). The NAO is not a member of the network, but an external entity, and therefore not relevant to the case in question.

levels of participation of the actors involved (Provan and Kenis, 2008). Network members are responsible for managing and building the relationships among themselves, where all members interact with each other regularly. This type of network is more likely to be efficient when there are relatively few network participants, when there is high goal consensus, when trust is widely distributed among the network participants, and when there is not much need for network-level competencies. Network-level competencies refers to the nature of the tasks being performed, and it is assumed that if tasks requires significant interdependence among members, the need for administrative capacities are higher (Provan and Kenis, 2008).

At the other extreme, we have a pure lead agency network. A pure lead agency network is highly brokered, where governance would occur “by and through a single organisation, with few direct organisation-to-organisation interactions” (Provan and Kenis, 2008: 234). A lead agency can be characterised as something in between a traditional hierarchy and network (Boin et al., 2014a). It has network qualities in that it typically chairs a type of working group established to coordinate policy, but can at the same time be associated with a more traditional hierarchical approach to coordination since its function is to impose control on others within the network (Christensen et al., 2016: 893). A lead agency network still consists of interactions between various actors who pool their resources in order to conduct problem-solving activities which produce some form of public good. The main difference between a collaborative network and a lead agency network is that the latter has some hierarchical features. There is a more asymmetrical balance of power among the network members, where the lead agency has a somewhat higher hierarchical status than the other participants. Thus, a lead agency network is more centralised, where one of the network members act as a broker when it comes to coordinating activities and decision-making. The goals of the network are also likely to be closely aligned with the goals of this lead agency (Provan and Kenis, 2008). This type of network is more likely to be efficient in larger networks, where goal consensus is lower, when trust is narrowly distributed among participants, and where there is a higher need for network-level competencies (Provan and Kenis, 2008).

As the need for network-level competences and administrative capacities is one of the aspects that can explain why networks are organised in different ways, I will used Lodge and Wegrich (2014) distinction as a starting point for assessing what kinds of administrative capacities are needed in JO Triton. Administrative capacity can be divided in four different types, namely delivery capacity, regulatory capacity, coordinating capacity and analytical capacity (Lodge

and Wegrich, 2014). Delivery capacity, or problem-solving capacity, is about the capability to ‘make things happen’, and regards both resources and the power to perform various tasks. Regulatory capacity regards the capacity to monitor and control problem-solving activities. Coordination capacity applies when collaborative governance is taking place by bringing together and aligning organisations and actors from different backgrounds. Finally, analytical capacity is about the way in which executive actors are informed about current developments. These four capacities are claimed to be crucial to conduct efficient problem-solving, and can be expressed through instruments of information, authority, finance and organisation (ibid).

In the following sections, the collaborative network model and the lead agency network model will be further distinguished based on three dimensions, namely sensemaking, coordination and legitimacy. These three concepts are important but challenging aspects of transboundary crisis management (Boin et al., 2014a, Boin et al., 2017). The first dimension regards the challenge of *making sense* of a crisis, to gain a complete understanding of how and why the crisis developed, and how to best manage it. This is increasingly difficult when the crisis in question transcend national and political boundaries, as information is scattered among actors located at different levels of government and within different organisations within these levels. Furthermore, *coordination* of actions is crucial in order to ensure an efficient and comprehensive response, and is especially difficult when the network consists of actors within different policy sectors, levels and countries. Finally, it is important to ensure that the crisis management is perceived as *legitimate*, which is a challenge in transboundary and transnational crises, as decisions may be taken at a high level of governance, possibly without mechanisms that clarify who has the overall responsibility, and of what they are responsible for (Boin et al., 2014a; Christensen et al, 2016). These three challenges of sensemaking, coordination and legitimacy will be elaborated on in the following sections in light of the network distinction outlined above.

3.3.1 Sensemaking

The concept of sensemaking is about structuring the unknown in order to establish an understanding of a situation, and thus regards an individual or a group of individuals capability of making sense of the situation, its causes, what is currently happening and what may happen next (Weick, 1995). Sensemaking is a broad concept, which encompasses both the cognitive process of individual persons and their road to understanding. It is also a social process between a group of individuals and the road towards achieving a collective understanding. At the

organisational level, sensemaking is in large part about recognising a problem, formulating goals and finding possible solutions (Weick, 1995).

When it comes to effective crisis management of transboundary crises, sensemaking is an extremely difficult, but essential task. Not only is it challenging due to pressing timeframes and the urgency of coping with new and unpredictable situations, but these situations play out over a vast territorial area and affects multiple policy areas, which also means that information is scattered across multiple jurisdictions and located within organisations at both national and EU level. This makes it even more challenging to, first of all, see what information is needed, and second, to find where the information is located, and finally to gather and piece together the information in order to identify the problems that needs to be solved (Boin et al., 2014a: 424). Sensemaking is perhaps especially important when facing transboundary crises and wicked problems. A crisis is often characterised by a high degree of *uncertainty* (Boin et al., 2013). Uncertainty can be reduced by retrieving sufficient amounts of information. Network arrangements are assumed to enhance this form of sensemaking capacities through gathering the information from a variety of sources, which may ensure a comprehensive and complete picture of the situation at hand. It can, however, be all the more difficult to collect this information when there is a high number of participants involved, and information is scattered across different sectors and levels (Boin et al., 2014a). Furthermore, wicked problems are often characterised by *ambiguous* problem formulations (Rittel and Webber, 1973). Ambiguous problem formulations are not clarified simply through gathering new and additional information. Instead, ambiguity also requires interpretation (Boin et al., 2017). Therefore, interpreting the information that is gathered is essential to ensure that the situation is understood coherently, but at the same time, accurately.

Thus, sensemaking involves creating a collective understanding of a situation and how it should be handled, which is important in order to harmonise goals and ensure that everyone works towards the same purposes (Boin et al., 2014a). My focus regarding sensemaking will be narrowed to apply to information management and problem formulation, which will be elaborated on in the following sections.

Network arrangements are often based, at least in part, on a perceived need to exchange information among various autonomous actors. Rhinard et al. (2014) defines sensemaking in terms of “collecting, analysing and sharing information on the causes, dynamics and effects of

the crisis and its potential solutions” (: 13). Similarly, Attinà (2016) defines sensemaking as “the collecting, analysing and sharing of critical information that helps to generate a shared picture of the situation” (: 23). These definitions lay the foundation for what I will focus on in terms of sensemaking through information management in JO Triton, namely gathering, analysing and disseminating information. EU policy makers have over the years created new means for collecting, analysing and disseminating data in order to create an integrated picture of crisis situations. These new means are more specifically management tools that are used to gather, analyse and/or disseminate information. Gathering information is about first defining what information is needed, and then the gathering of this information. Analysis is about piecing together the information collected from various sources, validating this information and using it to create a complete picture of a situation. Finally, disseminating information involves communicating the information, either processed or unprocessed depending on the degree of analysis, with the relevant actors, be it decision makers at national or EU level, other involved agencies, border guards, or, in some cases, the general public (Rhinard et al., 2014).

Gathering, analysing and disseminating information is an important part of the sensemaking process, as it has implications for who gets what type of information, and how it affects their understanding of what is going on (Rhinard et al., 2014, Attinà, 2016). Furthermore, the analysis aspect is essential, as it specifically involves *making sense* of the information that is gathered, by transforming the gathered information into something that is useful to decision makers and those in charge of conducting crisis management. On the one hand, it is important that all relevant information is gathered and taken into account. This way, important aspects of the situation will not be left out. On the other hand, it is crucial that the information is analysed so that it is not contradictory or leads to different interpretations of the situation at hand (Rhinard et al., 2014). Frontex, as an expert agency, has the potential of ‘adding value’ by further analysing information uploaded by member states, through adding European level information, and through conducting more evolved situational reports based on these uploads (ibid: 9). I argue that in a lead agency network, one actor would be in charge of analysing the gathered information in order to create a shared picture of the situation. In a collaborative network, all actors would analyse their own information, before sharing it with the rest of the participants.

Information sharing is important in order to get a comprehensive picture of the situation that is handled, and may be decisive for how the problem is formulated. Formulating the problem is

an important aspect of the sensemaking process in network arrangements. In order to agree on the goals, one must first agree on what needs to be solved (Provan and Kenis, 2008). Since network governance structures consist of a wide variety of actors, these actors will likely have, to some extent, different goals they wish to achieve, and the larger the network, the more likely it is that there are disagreements. However, network arrangements are more likely to be effective when there is a high level of agreement around goals (ibid). As discussed, the individual member states have different policies and views on migration. Therefore, reaching agreement regarding overall goals might be a long and difficult process, which is not particularly practical in crisis situations which needs an urgent response. One potential solution to this challenge is therefore to organise the problem formulation through a lead agency. This would entail that this actor takes the role of a mediator when it comes to focusing the problem formulation towards something that everyone can agree on.

In order to distinguish between a collaborative network and a lead agency network by looking at problem formulation and information exchange, the following questions will be addressed:

- 1) How is information managed in JO Triton, and who has access to all of the information?
- 2) What is the problem to be solved in this operation, and who decides what the problem is?

The questions above will guide the analysis of the empirical evidence related to the concept of sensemaking. By looking at the use of information, and who is in charge of gathering, analysing and disseminating information, we can hopefully get an indication on who is involved in the sensemaking process that leads to the formulation of goals and solutions. Exchange of information is one of the characteristics of a network model, but the way information exchange is conducted may vary in different types of networks. In a collaborative network model, it can be assumed that all participants would have access to all of the information, and that the formulation of the problem would be based on mutual discussions of all participants, thus leading to a shared picture of what the situation is, with which there is relatively high agreement. In a lead agency network, information sharing will be equally important, but one actor would be in charge of managing the flow of information, and this actor would be in charge of sharing the necessary information with the appropriate actors. This actor would also work as a broker when it comes to creating an understanding of the situation at hand, and may even have a

prominent role in formulating the aims of the operation in light of what they perceive as the greatest challenges that needs to be solved.

3.3.1.2 Expectations

Regarding information exchange, the overall expectation is that Frontex takes a leading role in information management in order to enhance the analytical capacity of the network. Effective sensemaking in a crisis situation depends on good structures for information management in order to keep up situational awareness. Situational awareness, in turn, is crucial to handling a situation (Boin et al., 2014a). JO Triton is a large operation with many involved member states, and effective, accurate and consistent information sharing is essential. In a collaborative network model, the expectation would be that all member states are in charge with gathering, analysing and disseminating information. Additionally, all members would have access to all of the information. This information sharing is dependent on the willingness of member states to introduce information (Boin et al., 2014a). This could be problematic as member states may be expected to share information about sensitive national security matters with all the member states of the EU, which 1) they may be reluctant to do, and 2) may result in an overwhelming amount of information that is not always necessary for each and every member state to have. In line with Boin et al. (2014a), these challenges could potentially be eased by structuring the information processing through Frontex as a lead agency. In a lead agency network, information sharing would still depend on member state contributions. However, one possibility is that by providing Frontex with the task of gathering and disseminating information, member states may be less reluctant to share their information, knowing that it will be further disseminated on a need-to-know basis.

In a lead agency network, one actor would be in charge with managing the information flows through gathering, analysing and disseminating information. This could ease the process of sensemaking by bringing information under one roof (Boin et al., 2014a). Such a centralisation of information management may also be a more efficient solution. First of all, the member states will get the information they need without having to deal with unnecessary details. Second, ensuring extensive and comprehensive information gathering may reduce uncertainty by ensuring that as much information as possible is gathered and analysed. Having one actor in charge of analysing the gathered information may also increase the chance of creating a collective understanding of the situation by leaving less room for interpretation, and therefore

reduce ambiguity. This brings us to the next aspect of sensemaking, namely formulating the problems.

Regarding problem formulation, the overall expectation is that Frontex has a prominent role when it comes to formulating the problem in order to mediate differences in member state interest. Although the EU is moving further towards a common migration and asylum policy, there are variations in how member states want to handle migration. An example is that Germany and Sweden wanted to take in many refugees, as opposed to Hungary and Poland who wanted to close their borders (Berry et al., 2015). This indicates that at the core of a transnational cooperation in the handling of migration, stands a conflict of interest involving highly politicised issues regarding ethical and moral questions. One possibility is that Frontex attempts to direct the focus towards the security aspects of the crisis, while placing less emphasis on the political and humanitarian aspects. Thus, Frontex organises joint operations in order to render it possible to rephrase the problem to adhere simply to technical issues of border control. By depoliticising a highly politicised issue one could perhaps, to some extent, simplify a highly complex problem to something that is easier to agree on, and thus ‘unwicken’ a wicked problem. If the goals were to solve the challenges of migration in terms of dealing with asylum applications or the distribution of asylum quotas, consensus regarding goals and solutions could be very difficult to achieve. The assumption is that Frontex, as an expert agency, does not take a stance regarding the political aspects of migration. Frontex does not have an opinion regarding whether migration is good or bad, nor do they focus on whether there is too much migration or too little migration. There is simply migration, and this must be controlled. Migration flows are only too high in cases where all migrants have not been screened or registered, and when this is the case, there is an increased need for border control capacity. Frontex does not take into account the political and normative questions of migration, but instead formulate the problem in technical terms. Thus, in line with Provan and Kenis (2008), the expectation is that Frontex acts as a broker in harmonising the formulation of problems and solutions to something that everyone can agree on, namely border control. Frontex simplifies and narrows the focus in the problem-formulation in order to make sense of the situation and ensure a collective understanding where all participants work towards the same purpose.

3.3.2 Coordination

In its broad sense, coordination can be understood as “purposely alignment of tasks and efforts in order to achieve a defined goal” (Bouckaert et al., 2010: 5). At a minimum, coordination

implies an agreement among participants that they will not harm or impede on each other's programmes or activities. This is called negative coordination. Positive coordination is a more active form of coordination, where there is an emphasis on building coherence instead of simply avoiding conflict (Metcalf, 1994). This might entail that some actors would have to give up some of their goals in order to achieve the overall common goals of the entire network (Bouckaert et al., 2010: 20). Thus, coordination involves improving the collaboration of various actors who work together to reach certain goals, and to improve overall system of governance (Metcalf, 1994). When different actors are coming together, they will most likely have different starting points. They often possess different kinds of knowledge and expertise, and perhaps they also have different opinions on which goals are most important, and which means are best for reaching them (Provan and Kenis, 2008). Coordination can then be considered to be the instruments and mechanisms used to secure the alignment, whether voluntary or forced, of tasks and efforts conducted by organisations, including the use of resources brought together (Bouckaert et al., 2010).

Coordination applies to both the formulation and the implementation phase and is important in order to ensure that there is a connection between the means and the ends of joint action. In the formulation phase, it is important to create coherence in the goals that the network is working to achieve, to ensure that all participating actors work towards the same purpose. In the implementation phase, coordination is important to ensure efficient use of resources. This can be done for instance, by ensuring that there is not too much overlap and redundancy in the tasks performed, and by ensuring that all necessary tasks are covered (Peters, 2018, Bouckaert et al., 2010).

Coordination literature distinguishes between three different mechanisms through which coordination can be achieved, namely hierarchy, market and network (Bouckaert et al., 2010: 35). However, the instruments used to coordinate are rarely clear-cut hierarchies, markets or networks (Ibid: 55). This indicates that networks can consist of aspects of instruments applicable to hierarchical and market models as well. As a market model is not applicable in this case, I will make use of elements from the network and hierarchical models in order to distinguish between coordination in a collaborative network and a lead agency network. The general claim is that a lead agency network will consist of some hierarchical features when it comes to coordination. Hierarchical structures are characterised by features of authority and power, and the ability of conducting top-down steering of activities. There is an ability to

impose hierarchical control with the use of rules and internal authority, thus establishing clear lines of control and conduct planning through formulating objectives from the top-down. A pure hierarchical structure would entail that decisions come from the top, and the lower-levels would simply implement those decisions (ibid). This would not be the case in a network structure. I argue that a lead agency network would allow for participation and negotiation in decision-making processes, however under the supervision and the framework provided by the lead agency. Furthermore, the lead agency would play the role of a coordinator in the implementation process through controlling the allocation of the pooled resources, managing the exchange of information among the participants, and take on the task of coordinating the activities of the network members. Additionally, a lead agency may also be more actively involved with strategic planning, which is a more hierarchical feature (Bouckaert et al., 2010). The actual implementation would still be in the hands of the participating units, but the lead agency would be actively involved in planning the operational activities, and has some authority to tell other actors what to do (Alexander, 1993). Thus, there would be both elements of horizontal cooperation between member states, and hierarchical features of steering from Frontex.

If the lead agency has authority to command action, this would mean that there are features of vertical coordination. Vertical coordination is the coordination of actors that are placed at different levels in a hierarchy. On the other side, horizontal coordination is the coordination between actors on the same organisational level. The latter would entail that no actor can impose decisions on the other actors by referring to their hierarchical status, because none of the actors have more hierarchical authority than the others. Instead, horizontal coordination will be done through mutual adjustment among participants (Bouckaert et al., 2010). In small networks, mutual adjustment is a potentially efficient coordination mechanism, where coordination is done by simple processes of informal communication. But as the number of network participants grows, a process of mutual adjustment becomes harder to accomplish in practice (Provan and Kenis, 2008; Mintzberg, 1979). In such cases, some elements of direct supervision might become necessary. This entails that one actor is in charge of the work of the others, by issuing instructions and monitoring actions (Mintzberg, 1979). Thus, horizontal coordination will have more of a voluntary nature when performing various tasks, as opposed to vertical coordination, where there is hierarchy in the sense that actors on a higher level can impose decisions on the lower-level organisations (ibid).

To sum up, in order to differentiate between coordination in a collaborative network model and a lead agency network model, I suggest that coordination in collaborative networks has more emphasis on horizontal coordination through simple information sharing and mutual adjustments. In a lead agency network model there would be features of more active and vertical coordination through elements of command-and-control structures, through more active planning of operational activities, and through establishing central priorities which the participants should achieve. Participation is voluntary in both models, but the lead agency network model stipulates that the participants accept and abide by the lead agency's leadership. This will be studied empirically by looking at which coordinating mechanisms are present in the organisation of JO Triton when it comes to planning, use of resources, division of tasks and monitoring.

3.3.2.1 Expectations

Coordination of tasks and resources is considered to be very important in crisis management. It is important in order to ensure an efficient response, which relates to both capacity to deliver and solve problems, and may have implications for the legitimacy of the response (Christensen et al., 2016). Although assessing the relationship between coordination and legitimacy is beyond the scope of this thesis, it forms the basis for suggesting that active and effective coordination is extremely important for crisis management. As theory states, coordinating through mutual adjustment may be practical in smaller networks, and therefore the size and scope of JO Triton suggests that elements of lead agency coordination will be a more effective way of conducting joint action (Provan and Kenis, 2008). Therefore, the main assumption is that Frontex has an active role as a coordinator through planning, allocation of resources, managing information flows and coordinating activities, in order to improve overall function of the operation by ensuring that resources are used effectively and that all tasks are covered. The actual implementation, however, is expected to be left in the hands of the participating member states, under Frontex' supervision.

3.3.3. Legitimacy

Legitimacy is a complex concept, and is in its broad sense about the quality of a social and political order (Risse, 2006), often defined simply as 'rightfulness' (Heywood, 2004: 141). A common claim, based on the work of Max Weber, is that legitimacy is the quality that must be present to maintain social and political order on a long-term basis, as the perception of decision-

making institutions' 'right to rule' is necessary for voluntary compliance with the decisions made (Börzel and Panke, 2007). We can distinguish between procedural and substantial legitimacy. The former is about the processes within the administrative apparatus, and whether or not these are deemed appropriate, open, just and impartial. Substantial legitimacy regards the outcome of actions, and is closely related to the capacity to coordinate, deliver, regulate and analyse. Furthermore, the term input legitimacy refers to the participatory quality of decision-making, while output legitimacy refers to the problem-solving quality of the outcomes of decision-making (Risse, 2006). In other words, legitimacy can mean many things and can be expressed in many ways. In this thesis, I will discuss both procedural and substantial legitimacy by focusing on participation, accountability and problem-solving. However, assessing the actual legitimacy of JO Triton is not the focus of this thesis. Instead, I will look at these aspects of legitimacy as normative ideals which, if met, may enhance the legitimacy of the operation.

Participation

Network governance has the advantage of the possibility of facilitating high levels of participation by a wide variety of both state and non-state actors. In an EU-context, this can mean that all participating member states can come together and create capacity without having to cede more of their sovereignty to the Commission (Boin et al., 2014a). Additionally, other non-state actors such as international organisations and NGOs would be able to participate. Although decision-making by involving non-state actors could be problematic, as these are not elected officials, this form of governance enables the participation by civil society parties which could further contribute to the tasks of the network by providing a platform for sharing specified knowledge and resources (Börzel and Panke, 2007). Decision-making would typically be done through negotiations within the network in order to find common grounds for joint action. This may also ease the process of implementation of the decisions, as all participants should have been able to contribute in the negotiations (Sørensen and Torfing, 2007). The general idea is that participation will increase the likelihood of support of operational activities as network members are included in the processes. This inclusion primarily requires access to the decision-making processes, and secondly, actual influence in the decision-making (Risse, 2006).

Eriksen (2009) argues that problem-solving through deliberation is preferred over bargaining and voting. He explains that deliberation requires that the involved actors clarify and justify their points of view when it comes to both defining the problem and agreeing on the solutions. Deliberation as a mode of problem-solving in transnational governance structures entails a

cooperative use of competences and expertise in identifying and solving problems. This may further reduce ambiguities by detecting errors and findings truths (: 170-171). However, deliberation through such structures may have democratic limitations, as it is not required that affected citizens agree with the decisions being made. Therefore, Eriksen (2009) argues that problem-solving by governance structures should apply to pragmatic and technical issues that require epistemic knowledge to be solved, and which do not raise moral or ethical questions (: 174). Furthermore, Landfried (1999) argues that normative controversial issues in the EU have been shown to be redefined and ‘stripped’ of ethical aspects, which enables political bargaining regarding such issues. This can be problematic as problems are rarely purely technical, but is formulated based on the defining actors’ perspective, and thus inherently has normative implications. Furthermore, deliberation is not a substitute for democracy, and is therefore not enough to ensure legitimacy, in part, because of a lack of accountability (Eriksen, 2009: 184).

Accountability

By organising through networks, one potential negative consequence is the lack of clear lines of accountability (Boin et al., 2014a). This is often referred to as *the problem of many hands*. This refers to situations where many different actors participate in solving problems which may have severe implications for a social system or order, and where it can be difficult to know who has the overall responsibility for the decisions and actions made (Bovens, 2010). Therefore, establishing accountability is about making it possible to monitor an organisation and provide a basis for trust in the actions of these organisations, as well as defining procedures and performance criteria as a way of steering the behaviour of organisations (Schout, 2012).

Accountability is a concept closely associated with legitimacy, but shifts the focus from the overall governance systems to the particular relationship among actors (Risse, 2006). Accountability is thus perceived as something that may enhance, but not automatically ensure, legitimacy. Accountability can be defined as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens, 2010: 951). By this definition, both the actor and the forum can be an individual or an organisation, and the emphasis is on the relationship between the actor in charge and a ‘significant other’, be it a person or an organisation, who can hold the ones in charge accountable for their actions. Additionally, the actor in charge is obligated to inform the forum of his or her conduct, to which the forum has the possibility to ask question and to react, either in approval or disapproval. The

final element in the definition, face consequences, refers to the forums possibility of imposing formal or informal sanctions (ibid).

Similarly to the definition by Bovens (2010), accountability should consists of four main aspects: transparency, consultation, evaluation and correction (Scholte, 2011). Transparency means that what the affecting party is doing must be visible to the affected party. Consultation refers to a deliberation process between the different actors, in that participating actors should be able to give feedback, and that this feedback should be taken into account when making decisions. Evaluation means the possibility of assessing and monitoring the impacts of programmes which have been implemented, either by academics, journalists, other organisations or the persons affected. Finally, correction refers to a requirement of compensating when there has been negative consequences. This compensation can be of lesser or larger extent, either in the form of an apology or reparations (ibid). In this thesis, the focus is narrowed to apply to the three first aspects, namely transparency, consultation and evaluation.

Thus, the focus in this framework is on participation and accountability as expressions of procedural legitimacy, and problem-solving capacity as an expression of substantial legitimacy. The assumption is that legitimacy will be enhanced if these three factors are fulfilled. However, measuring the actual descriptive legitimacy of JO Triton is beyond the scope of this thesis. Instead, I will focus on these aspects of legitimacy, and discuss whether they are evident in JO Triton. Therefore, the empirical analysis will focus on 1) access to and nature of decision-making processes, 2) accountability mechanisms, and more specifically transparency, consultation and evaluation, and who speaks on behalf of the operations, and 3) the manner in which JO Triton contributed to problem-solving. In a collaborative network, I anticipate that all participants will have equal access to decision-making processes, which is based on non-hierarchical methods of reaching consensus. The general idea behind legitimacy through participation is to involve stakeholders in deliberative processes of mutual persuasion (Risse, 2006: 193). This may enhance its own mode of legitimacy, as it raises the information level and contributes to rational problem-solving, but may lack in aspects of accountability (Eriksen, 2009: 171). In a lead agency network, I assume that there will be clear lines of accountability, by the standard provided through the definitions on accountability by Bovens (2010) and Scholte (2011). Also, as a lead agency network is brokered, it may not be necessary with equal participation in decision-making processes, since the lead agency will stand for much of this work.

3.3.3.1 Expectations

It is important to note that assessing the actual legitimacy of the operation is beyond the scope of this thesis. Instead, I suggest that if accountability and participation is ensured, legitimacy will be expected to be enhanced. The theory on agencification points to increased accountability as one of the advantages of transferring certain tasks to agencies (Egeberg and Trondal, 2011). Additionally, participation is generally assumed to enhance legitimacy by ensuring equal access to decision-making, and therefore also increase support of the activities that are conducted (Risse, 2006). The overall expectation is that Frontex takes the role of a lead agency in JO Triton. Therefore, in line with the theoretical discussion in the previous section, I expect that there are clear lines of accountability in the work of JO Triton. Member states are expected to be invited to join in on discussions regarding the operation, but within the framework provided by Frontex.

Moreover, the concept of border control as a shared responsibility between the EU and the member states implies that it should be conducted at member state level as long as it is still efficient (European Parliament, 2018). In a complex crisis situation such as the 2015 migration crisis, it became clear that leaving border control responsibilities with the individual member state authorities was not efficient. Therefore one could assume that crisis situations will lead to a push towards a lead agency network model, which derives its legitimacy through providing substantial administrative capacities for crisis management. When the crisis has passed, the responsibility will again fall at the hands of the member state. Otherwise there will be a breach of the principle of subsidiarity, thus undermining its legitimacy. Therefore, the expectation is that Frontex can enhance the substantial legitimacy of JO Triton by providing substantial problem-solving.

3.3.4 Definitions

Based on the discussions in Chapter 3.3, the following definitions have been formulated:

A network is a constellation of various more or less autonomous but interdependent actors, who voluntarily come together to produce public purpose by pooling their resources and exchanging information. These networks can be organised in different ways. On one side, a pure collaborative network is understood as a network where completely equal actors collaborate on an equal footing to reach their common goals without much need for active coordination beyond

mutual adjustment. On the other side, a pure lead agency network is understood as a network that is brokered by one network member who holds the overall control over the network, including its resources, actions, goal-setting and coordinating activities, but where tasks are implemented by the individual participants.

3.4 Summary of chapter 3

This chapter has accounted for the theoretical framework which will guide the analysis in this thesis. First, the concept of wicked problems has been accounted for in light of the humanitarian, security and political crises in the EU following the sudden increase of migration from the period of 2011 onwards. Furthermore, different takes on the term governance has been explained, with emphasis on the agencification process in the EU, and the assumption that network governance structures may be the best suited structure in the face of complex issues. Following this, I have separated between collaborative networks and lead agency networks. The general expectation is that the more complex and wicked the transboundary crisis is, the higher is the need for more centralised control of network activities, and thus, the more features of a lead agency network model will be apparent.

Chapter 4: Methodology

This chapter will account for the methodological aspects of this thesis. First, the case study research method will be presented, followed by an account of the selection criteria for the empirical case of Joint Operation Triton. Thereafter, the data collection methods will be presented, namely qualitative document analysis and semi-structured interviews. This will include accounting for the selection criteria for both documents and respondents, as well as the data materials usefulness and possible weaknesses. The strategy for data analysis will also be accounted for. Finally, I will discuss the validity and reliability of the research.

4.1 Case study method

A qualitative case study research method with data triangulation is seen as the appropriate method for this project. A case study design is a good method to use to answer how and why questions regarding contemporary events (Yin, 2014: 9), and which springs from a theoretical interest and has a generalising purpose (Moses and Knutsen, 2012: 136). Gerring (2017) defines a case study as “an intensive study of a single case or a small number of cases which draws on observational data and promises to shed light on a larger population of cases” (: 28). He further states that a case study is highly focused, meaning that considerable time is spent analysing and subsequently presenting the case (ibid). It thus becomes possible to study a case in-depth in order to gain a comprehensive understanding of the case (Yin, 2014: 9).

According to Gerring (2017), the goal of a case study is to explain the case under investigation and at the same time shed light on a larger class of cases. It is, however, likely to be considerable uncertainty about how well the case under study represents a larger population (: 28). The strategy used for generalising findings in this study is to use theoretical propositions in order to generalise the lessons learned from the study. This differs from statistical generalisation, in which an inference is made about a population on the basis of empirical data collected from a sample of a universe (Yin, 2014: 40). In this case, the empirical findings will not serve an adequate sized sample to represent any larger population. Instead, analytic generalisation is a way of using theory to generalise from case studies. This is done by formulating theoretical propositions, and then addressing this through empirical findings in order to corroborate, adjust or reject the propositions, and address any new concepts which may have arisen during the study (Yin, 2014).

4.1.2 Selecting and bounding the case

When doing case studies, there is a choice to be made about whether it should be a single case study or a multiple case study. A multiple case study may allow for a stronger foundation for generalisation, and it also opens up for comparisons in order to, for example, identify variations and similarities between cases (Yin, 2014: 56). However, a multiple-case study is much more time consuming. The scope of this thesis is one of the reasons why I found that a single case study was the best option, as it allows for a more comprehensive and holistic study of the case in question (Yin, 2014). Another advantage of the single case study is that it can represent a critical test of a significant theory (Yin, 2014: 51). Historically, a lead agency approach in an European Union security area is perceived to be rather controversial and inappropriate (Boin et al., 2014a). Theoretically, however, a lead agency approach can be perceived to be a potential effective way of organising crisis responses (Christensen et al., 2016, Boin et al., 2014a, Læg Reid and Rykkja, 2015).

This study fits in the category of what Moses and Knutsen (2012) calls a “fitting” or “theory confirming” case study, which “aims to investigate the degree to which a given case fits a general proposition, and where a case is chosen as an empirical venue for applying the particular theory” (: 137). In this case, the theoretical starting point is two variants of network theory models, namely a collaborative network model and a lead agency network model. The aim is to study the degree to which Frontex displays characteristics of the two models when conducting joint operations, and why Frontex goes in the direction of one or the other. The general theoretical proposition is that a crisis situation will push the response further towards a lead agency network model.

Therefore, generalising beyond the case in question regards, first, other joint operations, and second, other crisis responses in an EU context. One aspect to be considered in this project is that Frontex’ role might be different from operation to operation. Differences in operations may depend on whether it is conducted at sea, land or air, as well as who is host country and the host country’s national laws, as well as the nature of the crisis and the extent of external pressures on borders. However, as Frontex aims at ensuring a uniform application of border control activities, and Frontex’ legal nature is the same regardless of where the operation takes place, generalisation to other Frontex activities might still be possible. Furthermore, if features of a lead agency network model is found in Frontex, it is likely that it will also be found in other

aspects of crisis management in an EU context. Thus, the single case can represent a contribution to knowledge and theory building, by confirming, challenging or extending the theory studied (Yin, 2014: 51).

As Frontex' performs a wide range of tasks and activities, I have chosen to look at one of its responsibilities regarding border control, namely joint operations. There were several joint operations to choose from. I found that Joint Operation Triton was the best candidate as this is one of the largest operations conducted by Frontex, in terms of participants, geographical span and budgetary allocations. Theory states that a lead agency approach is likely to be efficient in larger networks, and it is therefore most interesting to choose a larger operation (Provan and Kenis, 2008, Boin et al., 2014a). Furthermore, as the Frontex regulation was amended in 2016, it was important to choose an operation that was active during this change, to ensure relevance of the case. Finally, as it is challenging to gain access to on-going operations regarding security related issues, it was an advantage to choose an operation that is no longer active. Joint Operation Triton ended in February 2018, and I was granted access to reports and documents regarding the operation. An additional reason for choosing Joint Operation Triton was that Norway was a participant, which I assumed would further ease the access to respondents.

4.2 Data material

One of the strengths of doing a case study, is the flexibility and opportunity to use different sources of evidence (Yin, 2014: 119). This can be useful in two ways, either by addressing different findings that are part of the same study, or by aiming at data triangulation by using the information from multiple sources in order to corroborate the findings (ibid: 121). This study is based on both qualitative document analysis and qualitative semi-structured interviews, with the aim of achieving data triangulation.

The data material used in this thesis consists of both primary and secondary data. Secondary data are already existing data material which is not gathered specifically for the purpose of this study. This type of data is the foundation for the document analysis. Primary data is therefore specifically gathered for this purpose, and forms the data gathered through interviews (Ringdal, 2013). Getting access to data, both documents and respondents for interviews, proved to be quite challenging. This process will be discussed in the following sections.

4.2.1 Documents

A wide range of documents have been used, including legal texts, minutes from meetings and communication reports that are publicly available on the EU's home pages. Also, web sites such as frontex.eu and europa.eu has provided general information about Frontex and Joint Operation Triton. In addition, websites such as statewatch.org and asktheeu.org provided useful documents about operational activities, and also indicated which documents I should apply for access to. These documents included the specific operational documents, such as the operational plans, general and specific annexes to the operational plans, handbooks to the operational plans and evaluations of JO Triton from the year 2014-2018. The main challenge in gathering documents regarding JO Triton is that there is a fair amount of confidentiality related to border control activities, which makes it difficult to be sure that important documents are not missing from the selection. When applying for documents, I also had to be very specific of which precise documents I wanted access to. By doing a thorough search on the internet, EU online library, by checking debates, newspaper articles, EU regulations, communications and previous research on joint operations, I found that the aforementioned documents would provide a good foundation for my analysis.

One disadvantage with these documents is that much of the information is classified, and therefore censored. The reasons for this, as stated in the documents, were that disclosure could jeopardise ongoing activities related to border security, which again could “undermine the protection of the public interest as regards public security” (Frontex, 2015a: 5). This could also mean that useful information was withheld, and that it therefore does not represent the full picture. However, given the focus on the more structural aspects of the organisation of the operation, the withheld information is less likely to be crucial for answering the research question. Also, the information that was available did provide some useful insights. The operational plans, the handbooks and annexes specified the goals and purposes of the operation, the processes and organisational structures that were established in order to achieve their goals, as well as information about the division of competences and responsibilities and what was expected of participants. The annual evaluation reports provided useful information about how the operation had worked in practice, what needed improvements, and to some extent, suggestions on how it should be improved. Some of the proposed improvements were labelled as classified, and therefore censored, on the grounds of public security matters and the protection of the public interests regarding security (ibid: 25). However, by comparing the evaluation reports and the operational plans, by looking at what changed and what remained

the same from year to year, it was possible to see how the operation evolved. Furthermore, regulations and communications specifically points to Frontex' responsibilities, and the evolution of its responsibilities, which also is useful for the purpose of this project.

The strengths of document analysis is that the documents are stable and can be reviewed repeatedly, and they are unobtrusive in that they are not created as a result of the case study (Yin, 2014: 106). This means, however, that one must take into account the original purpose of the documents, who the documents are meant for, and who produced them, as this could lead to bias. It is therefore important to be aware of such potential biases in these documents, and to treat inferences carefully. One way of minimising vulnerabilities due to bias, is to use multiple sources of evidence to corroborate and augment the evidence (ibid).

These documents also provided valuable background information for the interviews, and allowed for the formulation of more specific and clarifying questions to ask the respondents. By being able to review documents both prior to and after interviews, these documents became a useful way of ensuring maximum benefit of the interviews, and as a means for corroborating findings.

4.2.1.1 Using Evaluations as Data Material

JO Triton was evaluated each year by Frontex officials, and these evaluations form a large part of the data material used in this thesis. It is therefore useful to distinguish between what are internal and what are external evaluations. Internal evaluations are conducted by actors who were directly involved with the program being evaluated, and external evaluations are conducted by actors who were *not* directly involved (Mathison, 1991: 159). In this case, both the Frontex evaluation reports (FER) and the Consultative Forum reports are internal evaluations. FERs are conducted by Frontex staff members. While the Consultative Forum is an independent forum, they are still involved with JO Triton. However, their reports are interesting to look at as this forum is made by representatives from international organisations, and they may have a different view of the goals that are to be achieved. This allows for some level of comparison.

According to Palumbo (1987), politics and evaluations are closely related, and it is therefore necessary to recognise that evaluations may have some political or ideological dimensions. This is important to take into account when analysing the documents, as it can affect the validity of

the research by providing a somewhat one-sided view of the subject. Evaluations may become part of the political decision process surrounding the program, and can be used to show support for or against a program. Lincoln and Guba (1986: 8, cited in Palumbo, 1987: 15) see evaluations as “determining the congruence between performance and objectives, obtaining information for judging decision alternatives, comparing actual effects with demonstrated needs, or as critically describing and appraising an evaluation through connoisseurship” (Palumbo, 1987: 15). Palumbo (1987) further argues that evaluations are not value-neutral. This means that it is unlikely that evaluations provide correct findings, but instead evaluates the different goals either by assessing the goals themselves, or by concluding the extent to which goals have been achieved efficiently (: 32). However, as this thesis does not aim to evaluate or assess the operation, this should not be a major threat against the validity of the research. Instead, it can be useful in discussing these goals and objectives under the concept of sensemaking.

Table 1: Overview of documents

Document type	Issuer
Operational plan, annexes, handbooks 2014-2017.	Frontex
Risk analyses	Frontex Risk Analysis Unit
Evaluation reports 2014-2017.	Frontex Frontex Consultative Forum
Legal texts: EU regulation 2016/1624 and EU regulation 2013/1052	Council, Parliament
Communications	European Commission

4.2.2 Semi-structured interviews

After carefully reviewing the documents, it was possible to formulate specific questions aimed at clarifying any ambiguities and unclarities from the documents, and gain increased knowledge of topics not covered in the documents. While the documents analysed in this thesis are useful to describe processes and structures, interviews make it possible to gain insight to why the processes and structures are organised the way they are, and how these processes function. Interviews provide a valuable source of information, as it is possible to gain increased information about topics that are not covered in the documents. Furthermore, interviews are

targeted towards the specific topics of interest, and can also provide explanations as well as personal views (Yin, 2014:106).

There are some general challenges when it comes to conducting interviews that need to be taken into account before and during interviews, and whilst analysing the data. First of all, it is important to formulate good and open-ended questions that are not leading. Poorly articulated questions may lead to biased answers, either because of a misunderstanding of what the question is really about, or if the respondents want to make themselves or their organisation look good (Yin, 2014). Second, data from interviews are subjective, and respondents may to some extent be coloured by their own background, which then affects their answers. The answers given is also dependent on the respondents memory of the events in question (ibid). To ensure that important aspects were covered and that questions were asked in a neutral manner, I formulated an interview guide that was followed while conducting the interviews³.

4.2.2.1 Selection of respondents

Initially, I wished to speak to members of the management board, national officials from Home and Host Member States⁴, a number of Frontex officials, and persons from other participating organisations and agencies, but I was not able to get in touch with many of them. The first challenge was to find out who to contact. The Frontex homepage does not provide information on the people involved in joint operations, nor on which national departments that provide participants to these operations. Contact information to the members of the management board was also difficult to find. The documents provided by Frontex was also censored for personal information, which made it difficult to find out precisely who to contact. Most of those I did find the contact information for, did not want to participate in interviews, except for one Norwegian representative, who then referred me to another Norwegian representative who agreed to be interviewed.

In order to get in touch with more respondents, I sent several general requests to different agencies and organisations. These general requests were sent to EU agencies such as Frontex, European Asylum Support Office and Europol; international organisations such as International Organisation for Migration and United Nations High Commissioner for Refugees; and national

³ Interview guide can be found in annex A.

⁴ Home member state is a EU member state or a Schengen associated country which participates in JO Triton. Host member state is the member state hosting the operation, which in this case is Italy.

agencies, such as the police directorates in various member states. In addition, I sent several requests to the various Italian authorities responsible for border control tasks. Unfortunately, few responded, and only Frontex gave their consent. In my general request to Frontex, I asked to speak with several members of their staff, such as the operational manager, the operational analyst, and the coordinating officer, to name a few. Frontex then required that I provided a specific interview guide beforehand. After providing them with an interview guide, Frontex provided me with one respondent, namely one of their spokespersons. Although it would be interesting to speak with people who had been directly involved with planning and implementing JO Triton, which this respondent had not, the interview did provide useful information. The respondent seemed well prepared to answer my questions thoroughly, and I was able to ask follow-up questions.

For this thesis, three interviews were conducted, with one Frontex representative and two Norwegian representatives. The interviews lasted between 40 – 80 minutes, and I was allowed to record the interviews, and the recordings were transcribed. All respondents received an information letter⁵ which contained information on the project as well as information regarding how the gathered data would be processed and stored. All respondents were offered a citation check, which one of the respondents wanted.

Prior to the interviews, I had written an interview guide to ensure that I covered most of the important aspects, and that questions were formulated in a precise and concrete manner to prevent misinterpretations. Two interviews were conducted over the phone, per the respondents request, and the third interview was conducted through Facetime. Although it could potentially be a disadvantage to have the interviews over the phone, as it is more difficult to build a more personal and informal connection with the respondents, as well as interpret body language and expressions, this did not appear to be a problem. All three respondents answered my questions thoroughly and seemed to be interested in sharing their experiences and knowledge.

Although it would have improved the data quality of this thesis to be able to speak with even more representatives, and especially Italian representatives, the three interviews provided useful information relevant to the research question. Based on the information I received from

⁵ Annex B

these interviews I perceive the gathered data to be useful for answering the research question.

Table 2: Overview of respondents

Respondent	Profession
Respondent 1	Frontex spokesperson
Respondent 2	Norwegian officer
Respondent 3	Norwegian officer

4.3 Data analysis

Qualitative studies have a clear advantage in the flexibility of the research process. This means, for one, that data gathering and analysis to a large degree is done simultaneously (Yin, 2014). One strategy to follow while conducting the analysis is to rely on theoretical propositions (ibid: 136). This entails that both prior to and during the data gathering, theory has provided guidelines for how the data material is 1) gathered, by providing a framework for what to ask respondents, and what to look for in documents, and 2) handled, by guiding the categorising and coding of the material. The material was structured by three main categories and several sub-categories. The main categories were sensemaking, coordination and legitimacy. Under sensemaking the sub-categories were problem-formulation and information management. Under coordination, sub-categories were planning, coordination of resources and coordination of activities. Under legitimacy, sub-categories were participation, accountability and problem-solving.

4.4 Research quality

In order to enhance the quality of the research, it is important to be aware of aspects affecting its reliability and validity. Yin (2014) points to four tests that can be used to assess the quality of the research, namely construct validity, internal validity, external validity and reliability (: 45).

4.4.1 Construct validity

Construct validity is about identifying correct operational measures for the concepts being studied (Yin, 2014: 46). Construct validity can be especially challenging in case study research if the researcher fails to develop a sufficiently operational set of measures and if subjective judgements affect the data collection (ibid). The first challenge in this regard, was to operationalise the concepts of collaborative networks and lead agency networks, in order to separate the two and know precisely what characterises the one or the other. This was done by looking at the concepts of sensemaking, coordination, and legitimacy, inspired by the previous work of Boin et al. (2014a), which provided a theoretical discussion of potential advantages and disadvantages of the two network models. The second challenge was then to operationalise these concepts beyond hypothetical pros and cons.

Adcock and Collier (2001) provides a framework for how to improve a study's measurement validity, in which a general background concept is conceptualised into a systemised concept, which again is operationalised to indicators that are scored in order for the cases to be analysed (: 531). By going back and forth between these levels, and by continuously revisiting the scores, indicators, systemised concept and background concept, the measurements are refined based on insight and knowledge gained during the entire process, with the aim of strengthening the relationship between concepts and observations (ibid). This was particularly helpful in knowing what to ask respondents about, and by knowing what to look for in the documents. The operationalisation also provided a framework for analysing the data gathered. In the theory chapter, I operationalised the three variables of sensemaking, coordination and legitimacy using this model, in order to increase the construct validity of the research. This also guided the data gathering process, and the analysis of the gathered data. The underlying idea is that scores which can validly be claimed to measure a systemised concept should fit expectations derived from the hypotheses that involves the concept (ibid: 542).

4.4.2 Internal validity

Internal validity means the strength of a cause-effect link, such as ensuring that the cause-effect is not caused by spurious relationships (Yin, 2014: 46). It is about the relationship between the theoretical model on the one hand, and the observation of empirical data on the other (Bukve, 2016: 100). In this case, the case-effect link mainly regards the proposition that a lead agency network is likely to be more evident in structures aimed at responding to crisis situations. Again, it is important to mention that the emphasis is on *crisis management*, and not the EU in general.

If the aim was to study a lead agency network in the EU as a whole, spurious effects would likely disrupt the causality of the conclusions, but by narrowing the focus to crisis management, we can expect similar tendencies in other crises situations, such as when it comes to managing epidemics as for example the swine flu outbreak.⁶

When it comes to internal validity, there are two main challenges: 1) to ensure that all aspects are taken into consideration when making inferences, and 2) to make sure that inferences are correct (Yin, 2014: 46). The use of multiple sources of evidence can increase internal validity of the research. In this case, especially the fact that Frontex decided who I got to interview may affect the internal validity. However, I also spoke with member state representatives and analysed documents, which can even out this problem.

4.4.3 External validity

External validity regards whether a study's findings are generalisable beyond the immediate context of the study, regardless of the research method used (Yin, 2014: 48). Generalisability is one of the main critiques against the case study method, and many have claimed that case studies are context specific in a way that hinders validity of concepts and theories beyond the case that is being studied (Flyvbjerg, 2006). However, by focusing on theoretical propositions and rival explanations, analytical or theoretical generalisation can actually be a strength of the case study method (Flyvbjerg, 2006, Yin, 2014).

In this case, it is not a question about the possibility to make a statistical generalisation to other cases, but instead to gain increased understanding about the complexity of international cooperation regarding crisis situations and the role of EU agencies in coordinating these tasks. It is important to mention that it is possible that Frontex' role is different in different operations, or that Frontex takes on a different role in their other tasks, such as return operations. Still, as all operations are based on a very specific mandate, the case can still shed light on the important subject regarding the role of EU agencies in security issues.

⁶ EU MS also cooperate in the area of public health, and the case of the swine flu in 2009 lead to a raft of new measures to be taken on EU level in terms of planning, monitoring and assessing the situation (Boin et al., 2014b: 136).

4.4.4 Reliability

The final test of data quality regards the reliability of the research (Yin, 2014: 48). In theory, this means that if another researcher did the same case over again by following the same procedures, the findings and conclusions should be the same (ibid). This chapter accounts for the steps taken in conducting this research, from selection criteria, to data gathering, to data analysis and the use of theory. This should give the reader a good indication of how the research has been conducted, the choices made, and the strengths and weaknesses which allows the reader to assess whether any information gathered has been biased in any way. Additionally, the interview guide is provided in annex A. I have also provided an overview of which actors have been interviewed and which documents have been reviewed. Furthermore, the use of multiple sources of evidence has enabled me to corroborate findings, which strengthen the credibility of the conclusions. This should strengthen the claim that replicating this research design would lead to the same conclusions.

4.5 Summary of chapter 4

This research is based on a qualitative case study design. The methods for gathering data are document analysis and semi-structured interviews. Documents mainly consist of legal texts as well as operational documents received from Frontex. Additionally, three people have been interviewed. Validity and reliability is strengthened by using multiple sources of evidence to corroborate and augment findings. This strengthens the credibility of the findings, even though it would have been desirable to have interviewed Italian representatives in JO Triton. Validity is further strengthened by operationalising concepts and addressing theoretical expectations. Reliability is strengthened by providing a detailed account for the choices made, the methods used and the data gathered when addressing the research question.

Chapter 5: Sensemaking

As stated in the theory chapter, sensemaking regards the process of creating a collective understanding of a situation and how it should be handled (Weick, 1995). Within the framework for this thesis, the focus is directed at sensemaking through information management and problem formulation. This chapter will account for JO Triton's sensemaking capacities by 1) studying how the information flows are managed and put to use in the operation, and 2) by studying how the challenges are formulated, and who participates in framing the problem.

5.1 Information management

The first question in this chapter regards how information is managed, and includes looking at the process of gathering, analysing and disseminating information (Rhinard et al., 2014). This is distinguished in a collaborative network model and a lead agency network model by looking at who is in charge of gathering, analysing and disseminating the information from the various participants of the joint operation. This will further give an indication as to who has access to all of the information and who decides what type of information the various actors have access to. In order to find these answers, I reviewed the operational documents and legal texts to see which systems form the basis for collecting, gathering and disseminating information, and how these systems are managed. Additionally, the respondents were asked to elaborate on the functions of the systems and how they work in practice⁷. The expectation as outlined in chapter 3 is that Frontex has a leading role in managing information by conducting analyses of the data provided by member states, and by sharing the information with the necessary actors. This is because gathering information under one roof may enhance sensemaking capacity by providing clear and efficient platforms for information exchange, as well as increase the possibility of achieving a collective understanding of the situation (Boin et al., 2014a).

5.1.1. Gathering, analysing and disseminating information

Frontex is an information driven agency, and facilitating information sharing and managing information is one of the main tasks of the agency (EU 2016/1624). In joint operations, and in Frontex in general, the use of information and information systems in order to gather, analyse

⁷ The interviews from respondent 2 and 3 were in Norwegian. Therefore, I have translated the quotes from these respondents into English.

and disseminate information, is a key component of sensemaking processes. Frontex has a number of information systems which are used to enhance the exchange of information between Frontex and the various member states in order to improve situational awareness. Some of these are the European Border Surveillance System (EUROSUR), Joint Operation Reporting Application (JORA) and Frontex-One-Stop-Shop (FOSS). These systems are the only ones mentioned in the operational plans. While EUROSUR is a reporting system for the entire Schengen area, JORA and FOSS are systems used in specific joint operations (Frontex, 2016d).

EUROSUR is a reporting system run and coordinated by Frontex. The system is used by all member states. The overall aim of the system is to improve the situational awareness in the entire Schengen area by providing a platform where both Frontex and the EU member states can enter information (EU, 2013/1052). JORA aims at improving real-time situation monitoring and enhancing the possibility of gathering and analysing the reported data (Frontex, 2016d). All incidents occurring in the course of the joint operation is entered into JORA. Incidents can be for example a boat in distress or detecting the use of fake documents (respondent 1). FOSS is a tool for improving situational awareness and facilitating cooperation between Frontex and its partners. This serves as the main platform for sharing operational-related information between the parties involved (Frontex, 2016d). A respondent informed me that the general starting point is that the information gathered in the host country is the property of that host country. This meant that when a participating member state is involved with the operation, the information gathered in that operation cannot be brought back home to use in their home country (respondent 3).

The process towards understanding the situation at the external borders starts through annual vulnerability assessments and risk analyses. These analyses are conducted by Frontex in order to assess the capacities of the member states and their capability of ensuring efficient border management, including their readiness to face threats and challenges (EU 2016/1624). If Frontex finds gaps or insufficiencies in a member states ability to handle the current situation at their external border, Frontex, under the command of the executive director, can intervene and initiate a joint operation (ibid). This shows that Frontex has authority to decide when a situation is not handled properly. It further indicates that Frontex has the overview over the situation, and also has an opinion on what the situation should be like. If there is not a match between the status quo and Frontex' ideal, Frontex can intervene and demand action. However, in the case of JO Triton, Italy requested Frontex' assistance, and Frontex provided its experts

in order to improve situational awareness and give advice on how the situation should be handled.

Risk analyses and vulnerability assessments are based on information provided by the member states through the European databases, as well as information gathered by the Frontex liaison officers who are deployed in member states to observe their capacities (Frontex, 2014a). Additionally, Frontex has a monitoring service in cooperation with third countries (non-EU or Schengen associated countries), in order to enhance situational awareness outside of the EU (respondent 1). It is stated in the Frontex regulation that all member states are obliged to share information with Frontex in an accurate and timely manner so that Frontex can perform its tasks, but are “not obliged to supply information the disclosure of which it considers contrary to the essential interests of its security” (EU 2016/1624: article 16).

These analyses are prepared by Frontex Risk Analysis Unit based on the information gathered through the cooperative structure of Frontex Risk Analysis Network (FRAN). FRAN is a collaborative risk analysis network which aims to connect Frontex and risk analysis and intelligence experts from member states (Frontex, 2019b). The main purpose of the risk analysis reports is to provide feedback in the context of information exchange, to provide updates on the situational picture regarding irregular migration at EU-level and to provide material for discussions regarding reporting protocols (FRAN, 2015).

It seems that the gathering of information is done in a fairly horizontal and voluntary manner. This is because both member states and Frontex are in charge of entering information into the various information systems. The regulation states that member states are expected to share information, but they are not obliged to enter information they deem would go against their national interests (EU 2016/1624). This indicates that the member states themselves can decide what information is shared, and what information is kept to themselves, further indicating a certain degree of autonomy when it comes to information sharing. The same goes for Frontex, as Frontex may refrain from entering certain types of information to these information systems if they deem that this information should be limited to one member state or one participant in the operations. Thus, I would argue that these findings indicate that information gathering is done voluntarily and horizontally, as no actor can demand that certain types of information is shared.

However, Frontex appears to play a larger role in analysing the information entered by the member states. Frontex has experts that are specifically tasked with analysing the information entered into the various systems. It is also Frontex' experts that conduct the risk analyses and the vulnerability assessments for the entire Schengen area. This corresponds to the description of sensemaking in a lead agency, where Frontex is in charge of analysing information in which situational reports are formulated and shared with the rest of the participants. Furthermore, as Frontex has a monitoring service in third countries, it appears that they also have access to information that individual member states might have a harder time reaching, and can therefore produce more comprehensive reports.

The information systems accounted for in the previous paragraphs appear to be the main platforms for information sharing. In the case of joint operations, there is a large amount of information that is gathered about both the general situation at the external borders and the specific incidents occurring in the operational area. This leads us to the main question that separates a lead agency network from a collaborative network when it comes to information management, namely who has access to all of the information?

According to one of the respondents, EUROSUR is available for all member states, however, not all information is introduced into the system. He further informs that “*some information might not be introduced to EUROSUR, because it can only be shared with one particular member state, or for instance Europol or Eurojust, in case there might be a judiciary follow-up*” (respondent 1). Access to JORA is granted on the basis of a “need-to-know” principle and only “qualified personnel” has access (Frontex, 2016d). Access is granted by “the responsible national and/or Frontex authority” (ibid: 56). Similarly, access to FOSS is granted to individuals by the Frontex operational manager and a national officer, on the conditions that they have an operational need for such access, but Frontex staff, national Frontex contact points and national authorities have permanent access to FOSS (Frontex, 2016b).

This was confirmed by one of the respondents, who also stated that while patrolling for JO Triton, they did not use these systems while being on the ship, but that the national coordination centre in their home country had access to them. However, it was pointed out that Frontex provided the national coordination centres with the information Frontex believed was relevant for this member state (respondent 2). Additionally, one other respondent said that the participating member states get “*a summary from Frontex which consists of un-identifiable*

information. (...) What we get is an analysis of the information and the data that has been entered” (respondent 3).

Furthermore, a respondent explained that while being on the ship, the crew received information from a variety of sources such as Frontex, Norwegian authorities and Italian authorities. However, there were two main challenges regarding the sensemaking aspect in the joint operation. First, it was pointed out that information quickly became outdated before it reached them. Second, the respondent explained that the Italian way of doing things was different to what they were used to, mainly because: *“Italy is a bit more fragmented, where everyone is in charge of their area, without always sharing that much information”* (respondent 2). However, it was pointed out that even though this could be challenging, it had worked relatively well. Furthermore, Frontex was available to them at all times, and continuously worked to ensure that the operations ran smoothly and that everyone got the information that they needed. *“Basically, we were under Frontex and they fed us with information”* (respondent 2). When their crew changed, they always received a briefing from Frontex officials with an update on the situation and an overview of the latest happenings in the region.

Frontex seem to be the actor in charge with disseminating information to the various participants in JO Triton. Although the respondents stated that their responsible national coordination centre has access to all of the information systems, they further pointed out that it is Frontex who provides these centres with the information that Frontex believes are relevant for that member state. This information takes the form of an un-identifiable analysis, indicating that the member states do not get the raw data, and thus, cannot analyse the material themselves. Thus, Frontex can decide what information is necessary for each member state to have.

Sensemaking in a lead agency network model would entail that information is gathered under one roof (Boin et al., 2014a). In this regard, it is interesting to look at how information is stored in Joint Operation Triton, and more specifically, which actors has access to all of the information. According to a respondent, Italy and Frontex has all of the information regarding joint operations while the other participating member states have restricted access (respondent 3). One respondent also stated that:

“Frontex has all the information and they know what they can share with others, and what information needs to be restricted to particularly one member state.

For practical reasons as well, not every member state wants to be informed, or needs to be informed, about everything happening at the external borders” (respondent 1).

This suggests that Frontex is in charge of deciding what information is shared with which member states, but, as the other respondents pointed out, Italian authorities also have access to all of the information regarding the joint operation. It was further pointed out that *“it is about who needs to know what, it is like that everywhere. Frontex has some people working with intelligence and some people who give information about the situation”* (respondent 2). So in terms of operational activities, Frontex is in charge of disseminating information with the participating member states.

Thus, it appears that both Frontex and Italy have access to all of the information regarding joint operations, while participating member states receive summaries of the analysed data. It also appears that Frontex decides who gets this information, although Italy also plays a role here. Access to FOSS and JORA are granted on a need-to-know basis, by Italian authorities and/or Frontex. This indicates that both Italy and Frontex are part of deciding who gets access, and that they therefore are part of deciding who needs to know what. The informants all indicated that this is the most practical way of managing information, because everyone does not need to know everything about what is happening at the external borders. This is not just for security reasons, but it appears that the practical aspects are just as weighty. It seems to be a rational means to an end justification for why the processes of information exchange are conducted in this way, which is simply that it is more practical to have one actor in charge of information management. This way the participants get the information they need in order to conduct their tasks, while the less relevant information is left elsewhere.

However, it appears that the type of information that is processed has indications for who gets access to it. According to one respondent, Frontex gets all the information that is shared related to the operations, but what happens to the migrants past the point of border crossing and registration, is the responsibility of the Italian authorities. Therefore, the information Frontex receives about this is limited. This suggests that Frontex is involved in some specific aspects of migration management, and less involved in others. This will be further examined in the next section, where the focus will be on how the participants in JO Triton understands the problem that they are solving.

5.2 Problem-formulation

The second aspect to be addressed relating to sensemaking in JO Triton regards problem formulation, and more specifically how the problem is formulated and which actors are part of deciding what the problem is. This is distinguished in a collaborative network model and a lead agency network model by studying who takes part in the process of formulating the problem. The theoretical expectation is that Frontex takes the role of a broker when it comes to problem formulation. This is because migration is a politically sensitive topic, and Frontex, as an expert agency, can therefore rephrase the challenges to apply to technical rather than political aspects, in order to enhance goal consensus. In order to answer this question, I have reviewed the operational plans and the evaluation reports in order to establish what the operation focuses on, and I have asked the respondents to elaborate on what they perceived were the biggest challenges in JO Triton.

5.2.1 What is the problem?

The operational plan formed the basis for the operations to be carried out. These plans state the aims of the operation, accounts for the needed resources, and maps out the division of responsibilities and tasks. The plan was evaluated on a yearly basis, and for each year, a new operational plan was drawn up based on the findings from these evaluations. JO Triton grew in terms of human, technical and financial resources each year, as the situation at the Italian borders escalated.

As the situation changes in the region, the operations are either adapted, cancelled or replaced, depending on the nature of the changes. For instance, since the migration pressures varied depending on weather and season, the supply of border guards and technical equipment was adjusted accordingly during the operation. In case of larger situational changes, the operations can be replaced. This happened in 2018 when JO Triton was replaced by another operation, JO Themis. This was because of an indication that a different phenomenon was appearing, namely an increase in transborder crimes such as drug smuggling. Therefore, a new plan was drawn up which focused more on drug smuggling and control on terrorism activities or possible terrorists coming in or leaving the EU (respondent 1). Thus, the main emphasis is no longer on migration. This suggests that since the situation changed so significantly, the problem also had to be formulated differently. Instead of focusing on migration, the new operation placed the emphasis

on criminality instead. This begs the question, why could not JO Triton just add the objective of fighting terrorism and drug smuggling to the operational plan? One possible explanation can be that the political nature of these two challenges are rather different from one another. Therefore, one could assume that these issues should be addressed separately, to avoid any political implications.

One of the ongoing discussions in joint operations regard the operational area, and especially how large of an area it should cover. According to the respondents, this discussion is tied to the influence the operational area may have as a pull-factor for migrants risking the journey across the Mediterranean. The further south the area covers, the more it can be perceived as a pull-factor because the migrants can expect that they will be rescued very early. JO Triton covered a relatively large area, as opposed to the operation that is currently on-going in Italy. Now, in JO Themis, the area is much more limited and closer to the Italian waters, in order to prevent that the border resources can naturally be perceived to be a rescue resource for migrants departing from Libya (respondent 3). This indicates that the focus is no longer directed primarily at migration.

Each joint operation conducted by Frontex has its own specific operational plan based on what the current challenges are in that region, and the emphasis in JO Triton operational plan was on irregular migration. The operational plans all consist of an overview of the current situation in the specified operational area, including an overview of the frequency of irregular migration, the push-factors leading migrants to leave their home, and the pull-factors leading them to come to Europe. The operational plan also provides a prediction on what the situation was likely to be in the upcoming months. Thereafter, the operational aims are formulated based on this description. The operational aim stated in all four plans of JO Triton was

“To implement coordinated operational activities at the external sea borders of the Central Mediterranean region in order to control irregular migration flows towards the territory of the MS of the EU and to tackle cross border crime”
(Frontex, 2014c, Frontex, 2015b, Frontex, 2016c, Frontex, 2017b).

In addition to an overall operational aim, the operational plans also state the objectives of the operation. This can further indicate what was perceived as the main challenges. The first objective was aimed at enhancing and increasing the efficiency of border security, by providing

effective border control at the external borders while maintaining preventive effects (Frontex, 2014a). The focus in this objective included detection and prevention of cross border crime, such as smuggling and trafficking of migrants, by detecting suspicious vessels, prevent unauthorised border crossing and take measures against persons who have crossed the border illegally. It also included carrying out border checks of persons and their means of transportation. Another objective regarded identifying possible risks and threats at the external borders, by obtaining intelligence and monitoring the political, economic and social situation in the countries of origin (Frontex, 2014a).

The respondents also indicated that they perceived the problem to regard border control. One respondent said that border control is not about preventing people from crossing the border, it is about knowing who arrives, who stays and who leaves. This respondent perceived border control to be an activity to facilitate legal border crossing and to ensure that those who wish to come to Europe can do so on safe terms, and that people can trust that the authorities have control when it comes to who arrives, stays in and leaves the area (respondent 3).

One of the major criticisms of JO Triton was their lack of emphasis on search and rescue activities, to which the Frontex executive director responded that search and rescue was not in Frontex' mandate (The Irish Times, 2015). However, in 2015, a year after JO Triton commenced, the European Agenda on Migration was formulated. The European Agenda on Migration outlined the immediate measures to be taken in order to respond to the crisis situation in the Mediterranean region. One of the measures was to triple the capacities and assets for JO Triton, with the goal of “expanding both the capability and the geographical scope of these operations, so that Frontex can fulfil its dual role of coordinating operational border support to member states under pressure, and helping to save the lives of migrants at sea” (Commission, 2015: 3).

In the updated JO Triton operational plan for 2015, the operational objective of contributing to search and rescue operation was added, in line with the European Agenda on Migration stating that efforts to save lives at sea would be stepped up. The objective indicated that JO Triton would provide support to the Italian Maritime Rescue Coordination Centre (MRCC) upon request (Frontex, 2015b). It was stated that in 2015, 90% of incidents reported were search and rescue incidents, and that 86% of them occurred outside the operational areas of JO Triton (Frontex, 2016c). The documents do not mention what this meant for conducting JO Triton, or

whether the activities were performed by Frontex assets or Italian officials, but the evaluation report of JO Triton 2016 states that “Frontex assets were involved in the rescuing of 47639 migrants” including “the transshipments of migrants at sea from different other actors operating under the coordination of the MRCC Rome” (Frontex, 2017a: 7).

The European Agenda on Migration also introduced the hotspot approach, where “the European Asylum and Support Office, Frontex and Europol will work on the ground with frontline member states to swiftly identify, register and fingerprint incoming migrants” (Commission, 2015). The aim with this approach was to provide a platform for the EU agencies to be able to rapidly intervene in the country facing extreme pressure when that country could not cope with it alone. A hotspot was then defined as a border section or region with extraordinary migratory pressure that required strengthened support (ibid). In Italy, the hotspots were considered as the place of disembarkation of the migrants rescued or intercepted at sea. The hotspot approach aimed at achieving 100% identification and registration of the third country nationals arriving at the EU external borders and to step up the fight against people smuggling (Frontex, 2015b).

The objectives in the operational plan and the answers given by respondents all indicates that the problem is narrowly defined in terms of controlling borders and preventing cross border crime. This is further indicated by the development of hotspots that signal the areas in Italy where most migrants arrive, with the objective of ensuring that everyone who arrives are screened and registered. This corresponds to the expectation that Frontex as an expert agency, emphasise technical aspects of migration rather than the normative aspects. This is further indicated by the fact that Frontex receives limited information regarding what happens with the migrants post-entry.

In this regard, it is interesting that the objective of contributing to search and rescue activities was added to the operational plan. As mentioned, search and rescue operations were highly disputed in the European political environment, as some argued it would increase the problem of people risking their lives to come to Europe. It was claimed that this would lead to an continuous increase in the pressures on the external borders. Interestingly, this objective was added to the operational plan after the Commission had issued an European Agenda on Migration. The Agenda addressed the tragedies of people drowning in the Mediterranean Sea and impelled that JO Triton would increase its resources and tasks related to search and rescue activities. This may suggest that the objective was added as a response to the external pressures

from the civil society claiming that not enough was done to save the lives of the migrants, but that it was added based on signals coming from the Commission, which is a more political body than Frontex is. Yet, the objective stated that JO Triton was to provide support to the MRCC upon request, and said nothing about conducting proactive search and rescue missions. However, vessels sailing under JO Triton should contribute to search and rescue activities when necessary, as it is obligated by maritime law to provide assistance to vessels in distress (Frontex, 2015c). This may indicate that Frontex tries to minimise its involvement in political contentious issues, such as providing *proactive* search and rescue activities. Proactive is the key word here, as this indicates actively seeking out situations where search and rescue is needed, while Frontex vessels may instead be tasked with providing *reactive* search and rescue activities upon request from Italian authorities.

5.2.2 Who decides what the problem is?

As I have only been able to speak with respondents from Norway and Frontex, it is difficult to assess the degree to which all participants agree that the formulated problem is in fact the main challenges (cf. sensemaking as creating a collective understanding of the situation). Thus, it is also difficult to clearly establish which actors' opinions prevailed. However, the findings do indicate that Frontex plays a significant role in formulating the problem, although in close collaboration with Italy.

First of all, Frontex' prominent role in problem-formulation is expressed through its involvement in conducting risk analyses and vulnerability assessments for the region. As mentioned, these form the basis for the operational plans. This implies that Frontex has already before the start of the operation to some extent mapped out the main challenges in the region where the operation is to be conducted. Second, when a member state requests Frontex' assistance, such as Italy did in JO Triton, it is the executive director who is in charge of initiating an evaluation of the request (EU 2016/1624). Thereafter, Frontex experts go to the site and assess the situation in cooperation with national experts from the country facing challenges. Here they map out what the needs are, what the problems are, and where there are gaps in terms of staff, specialists and equipment (respondent 1). This implies that there is a collaboration between Frontex officials and Italian officials in deciding where the main challenges lies, but that once Italy requests assistance, Frontex provides its expertise and guidance.

Following this, Frontex, in cooperation with Italy, draws up the operational plan, and this plan forms the basis for implementing JO Triton. The two Norwegian respondents stated that the participating member states were not all that involved in the process of deciding what the operation should focus on, but that this process is between Frontex and the host member state. When asked about the relationship between Frontex and Italy in formulating the operational plan, the Frontex respondent stated that Frontex formulate the plan together with Italy as host member state, but that “*Frontex in the end makes the plan, draws it up, agrees on it with the member states and then the executive director of Frontex signs the plan, because it is a Frontex operation*” (respondent 1). Furthermore, the respondent said that the plan is formulated while strictly following Frontex’ mandate. Their mandate is confined to enhancing cooperation related to controlling the external borders of the European Union and preventing transborder crimes, and does not address any political aspects about what should be done with migrants once they have entered the EU (EU 2016/1624). This suggests that Frontex do in fact formulate the problem in technical terms, while excluding the normative implications of migration in their formulation.

As sensemaking in large part regards establishing a collective understanding of the situation, it is interesting to see how other actors perceives the challenges in the Mediterranean region. As mentioned, NGOs have criticised JO Triton for their lack of emphasis on search and rescue and the more humanitarian aspects of the migration crisis, to which Frontex executive director has replied that search and rescue was not in Frontex’ mandate (The Irish Times, 2015). When discussing the subject of the various opinions regarding search and rescue, the respondent stated the following regarding Frontex’ role as an agency:

“We cannot enter into a political debate, because we are an operational agency, we are not a political actor, we do not have a mandate as representatives elected by the people” (respondent 1)

This can to some extent corroborate the claim that Frontex does not take into account the political aspects of the migration challenges. They focus simply on operational activities. These operational activities are not based on political ideas or opinions, but regards security aspects. Furthermore, when asked about NGOs role in the operation, one respondent explained that there is an informal cooperation between the participants in JO Triton and NGOs, but that NGOs are not part of the operation. Instead “*they are there on their own initiative*” (Respondent 2). The

Frontex respondent confirmed that there is a practical cooperation there, but they do not form part of the operation, as they have “*different goals and different ideas*” (respondent 1). This further indicates that there was a difference in the goals of JO Triton as opposed to the other actors involved with responding to the crisis in the Mediterranean Sea. As Eriksen (2009) claims, expert agencies should respond to technical issues, not normative issues. The respondent clearly stated that they cannot enter into a political debate, which further indicates that since Frontex is an expert agency they focus on issues requiring expertise. NGOs are not officially a part of JO Triton, and therefore, their view on the situation is not emphasised when formulating the problem to be solved in the operation. Instead, this is a process happening between Frontex and Italy, and it appears that Frontex steers the formulation in line with their mandate, without taking political aspects into account.

5.3 Summary of chapter 5

This chapter has accounted for sensemaking capacities in JO Triton regarding information management and problem-formulation. This section will summarize the main findings regarding Frontex’ role when it comes to making sense of the situation in the Central Mediterranean, and answer the question of how Frontex enhances sensemaking capacities in joint operation Triton.

First and foremost, Frontex enhances sensemaking capacities by providing platforms for information sharing, which enables swift and efficient exchange of data that can be used in order to maintain situational awareness when the circumstances are complex and difficult to grasp. This may give grounds for conducting a quick response when the situation changes. Second, it is Frontex’ task to process the information provided, which enables them to analyse the information from member states, third countries and EU actors in order to enhance situational awareness. Theoretically, sensemaking is about creating a collective understanding of a situation, and this may be enhanced by having one actor responsible for analysing the information, ensuring that there are no conflicting views regarding what the situation is. This way, the other participants receive the information they need in order to know how to perform their tasks, and do not need to spend time analysing the information. This brings us to Frontex’ third contribution to sensemaking, namely disseminating information to the necessary actors. Frontex clearly plays a significant role by providing what they deem are relevant information to the other participants. Finally, Frontex formulates the operational plan. This is done in

cooperation with Italy, but in the end, it is Frontex who draws up the plan based on Frontex' mandate. And as stated, Frontex' mandate is to provide assistance to member states in controlling their external borders. Frontex does not participate in political debates, but perform their tasks based on their mandate as an operational agency. One of their tasks is to formulate the operational plan which the JO Triton participants are to follow, and this plan focuses on border control.

Chapter 6: Coordination

Coordination implies the instruments and mechanisms used to secure the alignment, whether voluntary or forced, of tasks and efforts conducted by organisations (Bouckaert et al., 2010). This chapter will account for how JO Triton was coordinated, and will be analysed according to the theoretical framework accounted for in chapter 3. I will look at coordination through planning, coordination of resources, and coordination of activities. To assess whether Frontex takes a leading role as a coordinator, I will discuss whether there are 1) features of positive or negative coordination; 2) horizontal features of mutual adjustment or vertical features of direct supervision; and 3) whether Frontex has authority to command action. The theoretical assumption regarding coordination in joint operation Triton is that Frontex has an active role as a coordinator through planning the operation, controlling the allocated resources and coordinating operational activities. The actual implementation is expected to be left in the hands of the member states under Frontex' supervision.

The operational plan states that Frontex is the EU coordinator, by initiating, facilitating and promoting the EU member states' synchronised efforts to control the external borders (Frontex, 2014c). This specifically points to the fact that Frontex has a coordinating role in the operation. The Italian Ministry of Interior is referred to as Frontex' direct partner, and is responsible for all border related activities within the joint operation (Frontex, 2016c). What is meant by direct partner is, according to the Frontex respondent, that as the operation takes place in Italian waters, and as it is specifically focused on Italy, the Italian national authorities have the overall responsibility of the implementation of the operation (respondent 1). The plan further states that guest officers may perform tasks and exercise all powers under instruction from and, as a general rule, in presence of Italian officers (Frontex, 2016d).

Enhanced cooperation is one of the objectives of JO Triton. This objective specifically regarded ensuring a high level of member state participation and cooperation with other union agencies and bodies. It furthermore aimed at achieving enhanced cooperation between the national authorities of the host member state, and to seek involvement of third countries (Frontex, 2014a). This indicates that enhanced cooperation is perceived to be one solution to the challenges of border control in the Mediterranean region. This corresponds to how the Frontex respondent seemed to understand the problem and means needed to solve it. He stated that "*We*

do not speak of illegal migration, we speak of irregular migration. It is not illegal to come to the Schengen area, but we should know who enters. And we can only do that by pooling resources and our forces together” (respondent 1).

6.1 Coordination through planning

Coordination through planning can be a somewhat hierarchical instrument to ensure coherence in the work conducted by the network participants. The degree of hierarchical features in the planning process depends on who is involved in the planning, and whether it is done through horizontal discussions or if this process is confined with a limited number of actors. This will be addressed in the following section.

When discussing the topic of coordination, a respondent stated that *“it is all a matter of cooperation and coordination, and the base is the operational plan”* (respondent 1). This plan is binding for all participants, and provides information to all participants in JO Triton regarding the aims of the operation, the division of tasks and responsibilities, and a code of conduct related to how the officers are to handle certain situations. As mentioned, this plan is drawn up and formulated by Frontex in cooperation with Italy. Additionally, all member states are consulted on the plan. However, only Frontex and Italy would have to formally agree on the plan, but the respondent from Frontex stated that they would take it into account if the participating member states had objections (respondent 1).

These operational plans are largely based on plans from previous operations, but are adapted according to the specific situation in the area it is located. The situational picture is largely based on the initial vulnerability assessments and risk analyses conducted by Frontex. One respondent further explained that Frontex steers mostly through planning and coordinating the response in light of the risk analyses. Then Frontex makes the operational plan by adhering to the set of rules provided by their mandate (respondent 3).

Thus, the operational plan forms the basis for all the activities conducted in JO Triton. Frontex formulates the plan based on four central aspects: 1) the vulnerability assessments and risk analyses conducted by Frontex experts; 2) Frontex’ mandate as stated in the regulation; 3) a framework provided by previously formulated plans from other Frontex coordinated operations; and 4) comments and discussions with the host member state. This indicates that

the basic framework for the joint operation is already laid down before the plan is formulated. This could indicate that a large part of the plan has already been established without the host member state's input, although the specific plan is adapted according to the needs in the region, which is mapped out by experts from both Frontex and Italy. This gives Italy some say in where the need for assistance is highest. Also, Italy has to approve the operational plan before it can come into effect, and thus play a role in adapting the plan to fit with the specific situation in Italy. But as the respondent stated, in the end, it is a Frontex plan (respondent 1). In light of the discussion from the previous chapter about Frontex' prominent role in formulating the challenges, this further indicates that Frontex is highly involved with coordinating the operations through processes of planning. This planning involves establishing where the main challenges lie, which resources are needed, where there are gaps in terms of staff and resources, and informing about the legal framework which binds all the participants together.

The prominent role of the Frontex-formulated plan implies that there is a high degree of positive coordination occurring in JO Triton, where the plan functions as a guiding framework for building coherence as regards the overall goals and the manner in which these goals are to be reached. This plan can therefore be seen as an instrument used to ensure that participants work towards the same purposes, that important tasks are covered, and that the necessary resources are available. As Frontex has such an eminent role in formulating the operational plan, I would argue this is a rather clear feature of a lead agency.

6.2 Coordination of resources

The regulation states that Frontex relies on the cooperation of member states in order to perform its tasks effectively. This includes cooperation regarding the pooling of resources, in which both Frontex and member states contribute (EU 2016/1624). It is first and foremost member state resources that are used in joint operations, although Frontex provides human resources in terms of staff and experts, and also funds the use of member state resources. Although Frontex can purchase or lease its own equipment, the Frontex respondent states that they prefer to use member state resources for cost-effectiveness reasons. Additionally, he pointed to the fact that it is more practical to use vessels provided by the member states, because the vessel often comes with staff that are familiar with the supplied equipment (respondent 1).

One of Frontex' responsibilities is to coordinate the use of the resources that the member states provide. According to the respondents, Frontex plan, establish, and manage the supply of

resources, and have a coordinating role when it comes to deployment and redeployment of resources (respondent 3). The planning of resources is in large part done in the initial stages of the joint operations, where the host member state and Frontex assess the situation and what resources are needed. Thereafter, Frontex sends out a request to the member states asking for their contribution and participation in the joint operation. The provision of resources is discussed at management board meetings, where member states are briefed on the situation and what needs to be done. It is up to the members of the management board to establish what the individual countries can provide (respondent 1).

Once resources have been contributed, this information is put into the Operational Resource Management System (OPERA). OPERA is an information system for managing operational resources pooled and deployed in Frontex coordinating activities (Frontex, 2015c). The system provides an overview of resources and specialists that is used or can be used in joint operations. Thus, Frontex has easy access to a list of available resources and which country they can call on to use them (respondent 1). This implies that it is Frontex who has the oversight over the international resources deployed in the operation.

Frontex is also involved with coordinating how the resources are to be put to use. First of all, one respondent points to Frontex' decision-making authority regarding where the resources go, more specifically, to which of the active Frontex operations they are to be deployed. For instance, if member states provide in total 2000 officers for a certain period, they cannot all be placed in Italy as long as officers are also needed in Spain or Greece. The amount of staff and resources that are deployed to the various operations is based on the total risk assessment in the area regarding where the resources are most needed. However, once the resources are deployed to JO Triton, Frontex has limited decision-making power, but has a more consultative role.

“For instance, when the Italian coast guard wanted to focus on search and rescue. But that is not the primary for Frontex. So then Frontex has a role in saying that now we have to allocate the resources to the mission that the fellowship shall contribute to, namely border control.” (respondent 3)

Frontex has an advisory role regarding the coordination of resources. This is because it regards international resources which should be used for the purposes of their joint responsibilities. However, Frontex does not have the authority to command Italian authorities to take their

advice, they can merely advise them what to do. The exception is if the Italian authorities fail to act in accordance with the legal framework, in which case Frontex can withdraw their support (respondent 3). Another respondent informed that at the start of their participation, their ship was mostly used for search and rescue activities instead of border control tasks. As the mission changed along the way, the tasks also changed to focus more on border control, and thus, more about controlling boats and persons entering Italy (respondent 2).

Thus, determining what resources are needed seems to be resolved in collaboration between Italy and Frontex, while Frontex appears to have a leading role in gathering these resources through requesting contributions from member states. However, it is up to the member states to decide what they can submit and for how long. This indicates a high degree of horizontal collaboration when it comes to pooling resources, where no actor can impose decisions on other actors by demanding that they provide contributions. Once resources have been pooled, Frontex has the overview of which resources are contributed and by whom. Furthermore, Frontex has decision-making authority regarding to which specific operations the resources are to be deployed. This decision-making authority seems to diminish once the resources have been deployed to the joint operation. At this point, it is up to the responsible host member state to decide how these resources are put to use. Here Frontex maintains a consultative role, but does not have the authority to command that the resources are used in a specific way. Thus, when it comes to coordinating resources, I would argue that Frontex shows some features of a lead agency by organising the pooling of resources, by maintaining an overview of the resources, and by deciding what resources are allocated to the specific operation. However, the collaborative network model is also evident as the resources are pooled in a horizontal manner, where member states themselves decides what resources they can provide and for how long, and where Frontex has limited authority to command how the resources should be used in the operation.

6.3 Coordination of activities

All respondents pointed to the International Coordination Centre (ICC) as a structure of essential importance to the coordination of the operation. The ICC was located in Rome and served as the main coordinating structure of the operation. The ICC was tasked with leading and coordinating the implementation of the operational activities and the deployment of human and technical resources. The operational plan states that Frontex demands that the ICC fulfil

certain requirements, for example that it must be manned and functional on a 24/7 basis, have English-speaking staff available at all times, and that it ensures that daily reports are delivered to Frontex (Frontex, 2016b). This indicates that Frontex can make demands regarding some of the tasks that are conducted at this centre.

The ICC staff consisted of Italian officers, Frontex staff, and one national official from each participating member state. The ICC was headed by an ICC coordinator, which was an officer assigned by Italy. This officer worked closely with the staff from Frontex and the national officials from participating member states to ensure the overall functioning of the ICC. The national officials were responsible for coordinating the actions of their respective national assets, and were under the command and control of their respective member state. Of Frontex staff, there was a Frontex operational coordinator, a Frontex coordinating officer, an operational manager and an operational analyst (Frontex, 2016d). The operational manager was responsible for the overall planning, monitoring and evaluating activities, the coordination officer monitored the implementation of the operation, and the operational analyst was in charge of validating and analysing the information gathered during the operation (Frontex, 2017a). In addition, a respondent explained that Frontex support officers were always available in the field (respondent 1). These officers were Frontex representatives and took instructions only from Frontex, and also served as a link between the ICC and the Frontex Headquarters (Frontex, 2016d). The Frontex representatives were there to provide support to Italian authorities when it came to coordinating activities, analysing information and had an overall consulting role (respondent 3). The ICC provided a platform where the representatives from Frontex, Italy and participating member states met on a daily basis. A respondent explained that this was efficient because all member states were aware of what was happening on the ground, and could therefore alert their member states and prepare them for receiving a request from Frontex when more resources and staff were needed (respondent 1).

The way that the ICC functioned suggests that there was a fairly high degree of collaboration between participants. This is expressed in the division of tasks among the national officials which were stationed at the ICC. Representatives from each participating unit met on a daily basis in order to enhance situational awareness and to be able to effectively communicate with their national coordination centres back home in case the situation changed. Additionally, the national officials at the ICC responded to their home member states, and they were also in

charge of coordinating their respective national assets. This indicates that the implementation of the operational activities are in large part left in the hands of the participating member states.

However, Frontex appears to have a rather big role at the ICC. First of all, the fact that Frontex was able to make demands regarding some of the tasks of the ICC implies that there are some vertical features evident, as Frontex can require that certain criteria are fulfilled. Second, Frontex was strongly represented at the ICC through providing its own staff who were there to monitor and evaluate the implementation of operational activities. These officers were also there to support Italian authorities and had a consulting role in how the activities should be carried out. This implies some elements of direct supervision, in which Frontex makes demands, monitors and evaluates activities.

A respondent further pointed to the Frontex support officers and their role in coordinating activities and division of tasks in the aspects that regards JO Triton's purpose of enhancing border control. For instance, the operational manager was responsible for coordinating the gathering of information from the actors in the field when needed (Frontex, 2014b). Additionally, the Frontex support officers were important on the ground in order to coordinate and deal with practical matters such as coordinating information exchange and reporting (respondent 1). The officers also dealt with incidents such as:

“If an officer says ‘I see a conflict of interest here, because I am asked to do something which would go against certain things in my member state, or I have a particular problem here, or I have been approached by people asking me certain things, I don’t know what to do’” (respondent 1).

This indicates that the Frontex support officers could instruct the participants on what to do in case they experienced any difficulties or a conflict of interest in the tasks they were asked to perform. The fact that it was the Frontex officials who were approached in case there were questions or conflict of interests, indicates that Frontex takes the lead in cases where there is uncertainty of how a situation should be handled.

However, it also seems that there are some features of mutual adjustment when performing tasks in JO Triton. One respondent explained that they cooperated with the other boats that were patrolling in the area, but that this was not necessarily under the auspices of Frontex. This

cooperation regarded for example sharing the patrolling area among the various ships and scheduling meetings out on the ocean. This cooperation was performed by the participants' own initiative. However, when cooperation regarded developing systems and guidelines to ensure that participants did the same tasks in the same way, this occurred in close cooperation with Frontex (Respondent 2).

As stated earlier, the Italian Ministry of Interior is Frontex' direct partner in JO Triton. Therefore there would be an Italian officer on board each vessel provided by participating member states. In case a formal arrest had to be made, it was the Italian officer who made the arrest. In this regard, the respondent from Frontex stated that *"It is always in partnership, in cooperation. So yes, we are the direct partner, but it is all under the command, in the end, of the Italian Ministry"* (respondent 1). This officer would also take over coordination of search and rescue activities, where he would speak to the MRCC which then decided how the situation should be handled, where the ship should go and where it could disembark (respondent 1).

This implies that there are differences in the coordinating role that Frontex has in various aspects of the operation. This depends on the nature of the tasks that are to be performed. In 2015, the objective of contributing to search and rescue activities was added to the operational plan. More specifically, this contribution entailed providing, upon request, enhanced reaction capacities to search and rescue missions to the relevant Regional Coordination Centre (Frontex, 2015c). However, the respondents all stated that when a search and rescue activity became necessary, the Italian Maritime Rescue Coordination Centre (MRCC) took over the responsibility. In this case, the MRCC would contact the ICC and request assistance from the resources deployed in JO Triton. One respondent explained that at that point they would be submitted to the MRCC until the rescue mission was over, and then they would be transferred back to the ICC. Thus, when the tasks regarded search and rescue activities, the participants reported to the MRCC, and when the tasks regarded border control activities, the participants reported to the ICC (respondent 2).

This may have to do with the idea that search and rescue missions are not one of Frontex' main activities in JO Triton. Frontex seem to be focused on the border control aspects of joint operations, not the search and rescue aspects. This is also interesting in light of the previous discussion of how Frontex urges Italian authorities to use the pooled resources on border control activities, as this is what the fellowship are tasked to contribute with. It also implies that Italian

authorities are more concerned with receiving assistance in conducting search and rescue activities, which are tasks that the MRCC are responsible for, and not only aspects relating to border control. However, as the findings indicate, Italian authorities were able to use JO Triton resources for rescue activities. This suggests that Frontex officials, who answer to Frontex and not to any member state, is highly involved in coordinating the activities to be conducted, except when it regards search and rescue activities, in which Italy takes over the coordinating responsibility.

6.4 Summary of chapter 6

This chapter has accounted for the coordination mechanisms in place in JO Triton, with an emphasis on coordination through planning, mutual adjustment and direct supervision in the task of coordinating resources and activities. The findings indicate that Frontex is highly involved with planning the operation, although together with Italy. However, Frontex' mandate and their previous operations form the basis for the operational plan, which confines what the plan will focus on. Furthermore, Frontex has a prominent role in resources management, by requesting contributions from member states, and deciding how much of those resources should be deployed to JO Triton. How much resources are provided, however, is up to the member states to decide. Furthermore, Italy has the final authority to decide how the resources in JO Triton should be put to use, while Frontex has a consultative role. Frontex urges that international resources are used primarily on border management tasks, and less on tasks regarding search and rescue activities, but in the end, it is up to Italy to decide where resources are to be used. In general, coordination of member states' contributions are done by national officials from that member state which are stationed at the ICC, where Frontex is strongly represented. In case of a rescue mission, Italian authorities takes over coordination through the MRCC, where Frontex is not represented. Moreover, Frontex officials supervise and monitors the implementation of JO Triton to ensure that it is done according to the operational plan. However, the actual implementation appears to be carried out by the member states, where Italy has the overall responsibility.

Chapter 7: Legitimacy

With reference to the discussion in chapter 3, I will study legitimacy by focusing on participation, accountability and problem-solving. The assumption is that by achieving high participatory quality, accountability and effective problem-solving, legitimacy should also be enhanced. Legitimacy through participation implies that high participation by all involved participants can enhance legitimacy by ensuring that member state officials are represented in decision-making processes. By processes of negotiations and compromise leading to satisfactory outcomes by all participants, goal consensus is assumed to be high, and equal influence makes the procedures fair (Sørensen and Torfing, 2007). Furthermore, high degree of accountability can be assumed to improve legitimacy. Accountability regards a responsibility to answer for ones actions, and implies that conduct and decision-making processes are transparent (Bovens, 2010, Scholte, 2011). Finally, enhanced problem-solving capacity can enhance substantial legitimacy of the operation (Risse, 2006). Three broad questions will guide the analysis of this concept, namely

- 1) Who participates in the decision-making processes in JO Triton?
- 2) Are there clear lines of accountability, in terms of transparency, consultation and evaluation, and an ability to hold someone accountable for the actions conducted in JO Triton?
- 3) How did JO Triton contribute to problem-solving?

The general expectation is that legitimacy through participation in decision-making processes is less evident in JO Triton, because of Frontex' prominent role in formulating the problems and the solutions in the operation. However, legitimacy is assumed to be strengthened by increased accountability, as Frontex' leading role provides transparency and a clear picture of who has the overall responsibility for the overall operational activities. Furthermore, the substantial legitimacy is expected to be enhanced through providing substantial problem-solving.

7.1 Participation

In JO Triton, there was a high level of member state participation in the operational activities. At most, 27 member states and Schengen associated countries participated, although this

number varied from year to year. In addition to EU member states and Schengen associated countries, other EU agencies and international organisations are involved with the operation, although, according to the respondents, not official members of JO Triton. Also, Libya, Albania, Moldova, Nigeria and Ukraine were part of the joint operation as observers, with the aim of achieving mutual beneficially cooperation and exchange of expertise (Frontex, 2017a). The evaluation reports all state that excellent level of cooperation has been experienced in the joint operation.

7.1.1 Member state participation

Member state participation in joint operations is not mandatory, meaning that Frontex cannot make member states contribute with personnel or resources. However, participation is expected, and usually member states contribute with what they can (respondent 1). In a collaborative network, no participant would be able to impose their decisions on another actor by referring to a higher hierarchical status. At first sight, the clearest feature of the collaborative network model in JO Triton is the fact that neither Frontex nor Italy have the authority to compel participation in joint operations. Although participation is expected through the solidarity clause of the Lisbon Treaty, which is also referred to in the Frontex regulation, member state participation in joint operations is not mandatory (Treaty of Lisbon, 2007, EU 2016/1624).

Thus, in accordance with the definition of networks, participation is voluntary. However, the regulation states that if member states refrain from participating, they must submit their justified reasons for this decision to Frontex (EU 2016/1624: article 20). Thus, one can argue that Frontex grants exemptions for non-participation, and the fact that Frontex can demand a justification for non-participation would suggest that the agency, in some respects, has a higher hierarchical status than the member states. As the crisis in the Mediterranean escalated due to a lack of solidarity between EU member states, it is conceivable that Frontex had this role in order to ensure that the solidarity clause was upheld by member states. This could indicate a lead agency network model, as Frontex urges member states to participate by requiring that member states must give good reasons for not participating, but that in the end, it is voluntary to contribute.

Decision-making of the operational plan is confined to Frontex and Italy. However, the plan states that the plan is formulated *in consultation* with home member states. Beyond providing this information, the documents do not clarify who are part in the decision-making of how JO

Triton is organised. Therefore, the respondents were asked what this consultation role specifically entailed. The respondent from Frontex explained that all member states who participated in JO Triton are consulted on the plan, and additionally, experts from all member states work for Frontex and can give advice in case they see that there will be problems. Furthermore, the management board meetings are perceived to be especially important, as this forms a venue where all problems can be discussed and sorted out. When asked if decisions needed to be made by consensus, he replied:

“We want to have consensus, we want to have partners which agree, but there is this set of rules, there is our mandate, and there is the obligations in a way for all member states to participate, which all member states generally usually do. It might be for one particular operation a member state says that it is difficult for us to do this, and then we take that into account” (Respondent 1).

The respondents also indicated that participating member states take part in decision-making mostly through discussions of the provision of resources, in terms of what can be contributed and for how long. In this regard, the Frontex respondent specified that it is fully understood by all involved that the smaller member states have less to contribute, and that the larger member states can contribute more. He further pointed out that the amount of contributions have no implications for their influence in decision making. It is proportional to the size of the country what they can contribute, and for how long they can provide equipment and personnel. This is all sorted out at the management board meetings where all the participating member states are represented (respondent 1). However, these representatives are not necessarily democratically elected representatives. Typically, management board members are usually representatives from the national agencies responsible for border control (respondent 1). Theoretically, this may have implications for the democratic legitimacy of the operations, as decisions are not made by elected politicians (Börzel and Panke, 2007). Arguably, it further points to a depoliticization of the challenges, especially in light of the fact that Frontex is not a political actor, and do not have a mandate as representatives elected by the people (respondent 1).

Neither of the respondents were directly involved with the formulation of the JO Triton operational plan, but had some knowledge of how this cooperation and consultation process typically go. One respondent pointed to the fact that these operational plans are established structures. This means that the framework for the operation is for the most part already

accounted for, but adapted to serve the need for the specific area it takes place. This adaptation was done by Frontex and Italy, and as Frontex writes the operational plan, Italian authorities are consulted and they provide their comments (respondent 3). One other respondent stated that the participants in the field did not participate in the decision-making process, but that they were in continuous contact with Frontex during the operation. They often discussed their role with Frontex, and as the missions changed along the course of the operation, their role was adapted accordingly (respondent 2).

Legitimacy through participation requires that participants are involved in deliberative processes concerning the tasks that are to be conducted and the goals they aim to achieve (Risse, 2006). Based on the aforementioned review of the nature of participation in decision-making processes, it appears participants are involved in deliberative processes regarding the activities in JO Triton. One respondents stated that member states mostly participate through deciding which resources they can provide, and for how long they can participate (respondent 3). However, there is also an emphasis on consultation between Frontex and the member states during the formulation phase of the operational plan. The Collins English dictionary defines consultation as “a conference for discussion or the seeking of advice” (HarperCollins Publishers, 1994). The definition indicates that consultation is a two-way communication, in which the receiver is allowed to actively voice their opinion regarding the content of the decisions that are made. Participating member states are consulted on the operational plan, which indicates that they are invited to discuss its content and voice their opinions.

However, legitimacy through participation also implies that the consulted participants have actual influence in decision-making. The respondent from Frontex said that they “would take it into account” if member states had objections to the operational plan. Furthermore, he said that even though they want to have consensus, the operational plan is based on Frontex’ mandate. In the words of the respondent:

“we have our mandates, and every plan is based on what is in our mandate. We would not go beyond what is legally possible. And we have a team of legal experts here, which will always look at every plan meticulously and see that everything is in agreement with the mandate” (respondent 1).

This implies that participants do have the opportunity to voice their opinions and take part in discussions, but in the end, Frontex can override the opinions of the participants by referring to their mandate, as long as the aspects are covered by the mandate.

In terms of participation in decision-making processes, this seems to occur through the management board meetings where all member states are represented. However, during the operation, it seems that the majority of the discussions occur between Frontex and the member states, not among the member states themselves. This could further indicate that Frontex is a lead agency. This is in line with Provan and Kenis' (2008) claim that in a lead agency network the participants would mainly interact with the lead agency, and not the other network members.

7.1.2 Participation by international organisations, EU agencies and NGOs

International organisations are involved in joint operations mainly through the Frontex consultative forum. The consultative forum is an independent forum established by Frontex. The forum is tasked with providing independent advice regarding fundamental rights issues in Frontex' activities, and may also carry out visits to hotspots and joint operations (EU 2016/1624: article 70). In total 15 international organisations are members of the consultative forum, but only International Organisation for Migration (IOM), Fundamental Rights Agency (FRA) and United Nations High Commissioner for Refugees (UNHCR) are considered permanent members. Other organisations are selected "on the basis of a public and open call for expression of interest to become members" (Frontex, 2019a). In JO Triton, IOM and UNHCR mainly participated by giving out information to guest officers, in which UNHCR gave operational briefings to the guest officers on fundamental rights aspects and access to international protection, while IOM gave briefings on potential health hazards (Frontex, 2016d). Only IOM and UNHCR are mentioned in the operational plan, and it seems that other international organisations are involved through their tasks as members of the consultative forum.

According to a respondent, other EU agencies do not form part of Joint Operation Triton, even though there is cooperation there, and so they are not part of decision-making processes (respondent 1). Cooperation with other Union agencies mainly concerns exchange of information, and these agencies act according to their own mandate, not as part of a structure under Frontex' supervision. Other EU agencies appear to be involved in JO Triton primarily through their presence at the hotspots. The European Union Regional Task Force (EURTF) was

the management tool for the implementation of the hotspot concept in Italy. The EURTF consisted of 5 representatives from Frontex, in addition to one Europol representative, one EASO representative and 6 liaison officers. However, it was stated that when participating in EURTF, the representatives act as representatives for their respective agencies, and that they implement their activities according to their mandate (Frontex, 2016d).

It appears that international organisations are involved mainly in consulting on fundamental rights issues. They do not participate in conducting operational activities beyond that of providing information to JO Triton participants on aspects regarding fundamental rights and international protection. Even though the consultative forum members are chosen on a basis of a “public and open call of interest”, it seems that JO Triton is a closed structure, where participation is limited to member states and Schengen associated countries. EU agencies cooperate through the hotspots, but are not part of the deliberative processes in the operation. As mentioned in the previous chapters, NGOs are not part of the operation, neither through the hotspots or the operational activities conducted under JO Triton.

7.2 Accountability

The standard for accountability is that there is a relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences (Bovens, 2010). This requires transparency, consultation, evaluation and correction (Scholte, 2011). Firstly, the respondents were asked who answers on behalf of the operation, to which the Frontex respondent replied:

“In the end, it is the executive director who answers to the management board, who answers to the European Commission and who would answer to the European Parliament. And we are in touch with national governments, we have the representatives on the management board who are essential, and it can be a particular officer in a certain case, but in the end, the overall responsibility for the running of the Agency is of course in the hands of the executive director”
(respondent 1).

This suggests that Frontex perceives that they are ‘the actor’, and that they answer to ‘the forum’, which consists of the management board, EU institutions and, to some extent, the national governments. He further elaborated that it is mostly the Frontex spokespersons who answers to the general public, but that occasionally officers in the field do answer to the media. In this case, *“of course we would be in touch with them and we would say how to approach it”* (respondent 1). So there is a code of conduct regarding what the participants are allowed to say to the press, and it is generally the host country and/or Frontex who makes statements. There were three main reasons for this, the first being that they do not want just anyone to make a statement. The second reason was to protect each individual from having to make statements. The third, disclosure of information from one operation can have influences on other operations in other areas (respondent 3).

The operational plan states that as Frontex activities are financed from public funds it is their obligation to be transparent about its activities, but that openness cannot hinder operational activities (Frontex, 2016d). Therefore, “participants are allowed to talk to the media only within the limits set by specific guidelines indicated below” but “all participants need to contact the Frontex Press Office before agreeing to an interview” (ibid: 52). What participants can say is limited to 1) confirming that it is a joint operation coordinated by Frontex; 2) informing about which member states and third countries are involved in the operation; 3) what the participant’s line of work is (for example if he or she is a border guard, or which type of expert he or she is) and where the participant is from; and 4) “I am not authorised to give the media any more details - please contact the Frontex Press Office” (ibid: 52).

Both Italy and Frontex establish a press office for managing requests from the media. The Frontex press office is the point of contact for international media requests. They provide the media information on Frontex missions and activities, including the activities in the joint operation, and also monitors and analyses media tendencies and whether the tendencies are positive, negative or neutral. The Italian press office is the point of contact for national media requests and arrange interviews with Italian representatives. Drafting and distributing press releases is a shared task between the two press offices (Frontex, 2016b). This indicates that Frontex speaks on behalf of the joint operational activities conducted through the use of international resources, while Italy answers to the Italian people when it concerns national aspects.

The controlled manner in which information is given to the general public, can possibly be explained by the fact that Frontex is an expert agency tasked with solving a narrowly defined technical problem. The Frontex respondent stated that they face questions and concerns from people on a daily basis. For instance, he points to the more politically loaded criticism they are faced with, where *“people on the one side say that we do not do enough to save people, and on the other side people say we should not be patrolling at all because we facilitate people smuggling, which I think we do not”* (respondent 1). Although they try to address these concerns, they cannot enter into political debates because they are not representatives elected by the people. Thus, it is conceivable that Frontex wants to control what is being expressed to the general public to ensure that the responses are about the technical aspects of the operation, and does not dwell on political controversies. This is left in the hands of the Italian authorities. When it comes to international resources it is Frontex who is perceived to be the main provider, and therefore JO Triton participants must adhere to Frontex’ principles.

Even though the implementation of operational activities in Italian territory technically is the Italian authorities’ responsibility, it appears that Frontex is highly involved when it comes to answering questions from international media, member state authorities and other EU institutions. Not only do Frontex have to approve of interviews being conducted, they instruct the interviewers on how to conduct them. This is perhaps reasonable, as it involves matters that can have implication for the security of the Schengen area, but it would have been interesting to see where the line goes regarding what is kept secret and what is allowed to be shared. For instance, as mentioned in chapter 4, the documents reviewed in this thesis are censored to a very high degree. It is one thing to censor personal information and contact details, but some of the information regarding the general situation in the area, tasks of the various Frontex staff, and parts of the evaluation of achievement of objectives (to name a few) have also been censored. Some of the reasons given for the non-disclosure is that disclosure would disrupt effectiveness and obstruct working methods of the border guards (Frontex, 2016a). But it also shows that transparency is in fact rather low. This makes it difficult for people outside of the operation to assess and evaluate its activities, which is an essential part of the checks and balances of those producing public purpose.

This lack of transparency is also expressed through the relationship between Frontex and the Frontex consultative forum. The respondent from Frontex explained that the consultative forum exists so that Frontex can consult with the broader outside world, including other EU agencies,

international organisations and NGOs, and that the consultation goes both ways as much as possible. The regulation states that the consultative forum “shall have effective access to all information concerning the respect for fundamental rights, including by carrying out on-the-spot visits to joint operations” (EU 2016/1624: article 70). However, in their report from 2017, the consultative forum stated that:

“While the Consultative Forum has appreciated the open and positive dialogue maintained with Frontex and the Management Board throughout the year, it regrettably continues to face challenges in being proactively and timely provided with access to the necessary information to carry out its mandate as set forth in the European border and coast guard regulation” (Consultative Forum, 2018: 7).

To this, the respondent from Frontex stated that they were aware of the views of the consultative forum, and that Frontex has tried to address this and provide them with the information they think they can give them. He further elaborated that Frontex is obligated to be transparent about their activities, but they are not a relational agency and some the information cannot be shared purely for operational reasons. Furthermore, certain types of information cannot be shared because it may endanger the operation. If too much information is given, people smugglers may get access to the information and exploit it, which would be counterproductive as one of the essential aspects of JO Triton is to tackle the problem of people smuggling (respondent 1). Although the consultative forum is tasked with overseeing Frontex’ activities, they appear to receive rather limited information. Since their mandate concerns consulting on fundamental rights aspects, what kind of information they need might be limited. Conversely, one could argue that in order to address fundamental rights aspects, one would need quite extensive information regarding how border control activities are conducted.

By Scholte’s (2011) definition of accountability, evaluation entails that it should be possible to assess and monitor the impacts of programs implemented, by for example academics, journalists or other organisations. The findings indicate that this evaluation would happen in a very controlled manner, in which Frontex decides which actors can give interviews and what they can say. This is also possible to see through my very own difficulties with getting access to information. This can further indicate that transparency and evaluation by Scholte’s definition is somewhat low. First of all, much of the information in the documents I received

from Frontex was censored due to its classified nature. Second, it was very difficult to get in touch with respondents, and ultimately, Frontex had to provide me with a respondent after I had sent in a specific interview guide listing the questions I wished to ask. Additionally, they would not refer me to people who had been involved with the operational aspects of joint operations, and I was only allowed to speak with the spokesperson of the agency.

This relationship between an actor and a forum also indicates that the forum has some expectations as to what the actor should achieve. With this in mind, I asked the respondents what their expectations were to JO Triton, and if they had the impression that national governments had realistic expectations regarding what JO Triton could achieve. Again, it is important to mention that I only got to interview three people, which is not exactly a representative sample, but they provided some interesting insights in this matter. The Frontex respondent pointed to the fact that all member states are represented at the Frontex management board, which meets regularly and are also in contact with the experts deployed in the field. This way they are able to continuously keep each other updated. The Norwegian respondent pointed to the fact that the legal framework, which is binding for *all* participants, provides clear and precise information on what can be done and how situations should be handled. This forms a basis for what the national governments can expect. However, he also stated that *“as we saw with the migration flows in 2015, when there really is pressure on the area, we struggle with handling it in practice, and that makes people, the society as such, unsure whether we are handling it”* (respondent 3). He then pointed to the fact that many countries introduced partial border control on the internal borders, *“which sends the signal that the control of the external borders is unsatisfactory”* (respondent 3).

As the respondent said, the migration flows in 2015 proved that the EU lacked capacity in controlling the external borders. The resources deployed in JO Triton increased significantly between 2014 and 2016. This is expressed in table 3, where an overview is provided of JO Triton’s budget, deployed staff, and number of participating member states and Schengen associated countries. Additionally, Frontex’ tasks increased and its mandate strengthened in the new regulation which came into force in 2016.

Table 3: Overview of budget, staff and member state participants in JO Triton⁸

Year	2014	2016
Budget	8,031,104 Euros	45,400,000 Euros
Staff deployed	60	977
MS participants	15	26

This increase in resources and the reinforced mandate indicates that the 2015 migration crisis created a demand for a strengthened EU-level response in order to ensure effective control of the external borders of the EU. In light of the principle of subsidiarity, this increase can also indicate that border control was not managed effectively by the individual member states bordering the Mediterranean Sea, and therefore the EU-level strengthened its role in border management while the pressures were the highest. This can be claimed to have further legitimised the fact that Frontex increased its presence in organising border management tasks.

7.3 Problem-solving

Legitimacy can be enhanced by providing effective problem-solving (Risse, 2006). Effective problem-solving can be enhanced by strengthening the capability to coordinate, deliver, regulate and analyse (Lodge and Wegrich, 2014). All respondents agreed that Frontex provides added value to the task of protecting the external borders of the EU. Some of the reasons mentioned were that Frontex could contribute with resources, expertise and training, which applies to both the specific situations handled in the joint operation, but also to further developing the concept of border control in general. The importance of burden sharing was also emphasised, which is something that Frontex coordinated activities can ensure. One Norwegian respondent also stated that they want Frontex to have a supportive function, and that member states remain responsible for their respective external borders. He said that Frontex should contribute to developing new methods and new technology, promote proposals and conduct research which makes collaboration easier. This, he said, can contribute to establishing mutual solutions for activities and to avoid that each member state has to do everything alone. *“And Frontex is undoubtedly an important contributor in ensuring common structures”* (respondent 3).

⁸ Numbers are retrieved from the JO Triton operational plans of 2014 and 2016. The numbers regard the deployment of resources at the start of the operation, and may have been altered during the course of the operation.

As mentioned in chapter 5, the hotspot approach was established in order to increase cooperation between national officials and the relevant EU agencies in areas where migration pressures are highest. The EURTF was established in order to facilitate cooperation between the teams of experts from the different agencies, and Frontex was assigned as the coordinating agency responsible for coordinating the administrative and logistical arrangements. Frontex' overall role was to “foster daily cooperation with local authorities, follow the implementation of the activities on the spot, and ensure a trustful and constructive presence in the operational area” (Frontex, 2016d: 56). The Frontex component to EURTF aimed at providing support to the JO Triton operational team by monitoring the correct implementation of the operational plan, gather and assess information, and in general act to promote cooperation between all participants and provide support where needed.

According to the evaluation report from 2015, JO Triton played a significant role in the implementation of the hotspot concept by supporting debriefing activities, screening activities, registration of migrants and security checks of identification documents, and by deploying experts within the respective fields. It was further stated that Frontex had the leading role in the establishment of EURTF Catania (Frontex, 2016a). The evaluation report also asserted that the permanent presence of Frontex was an added value to the hotspot concept, and

“allowed Frontex to reinforce its presence, ensure a trustful and constructive presence in the operational area, foster the daily cooperation with local authorities, effectively monitor the implementation of the operational activities and their integration to the national procedures, and to set a smoother and more practical exchange of information with EU partners” (ibid: 21).

The problems to be solved were defined as controlling irregular migration flows and to tackle cross border crime. This was to be done by enhancing cooperation between EU member states and Schengen associated countries. The evaluation report from 2014 stated that the objective of enhancing border security had been achieved, as the percentage of migrants screened upon arrival had increased to almost 80 %. However, there was still room for improvement to ensure that 100 % of migrants were screened (Frontex, 2015a). In 2017, Frontex had significantly increased the number of deployed experts, which led them to conclude that “Frontex support during JO Triton 2017 has contributed to achieve the identification and registration of 100% of

the migrants arriving in Italy” (Frontex, 2018: 11). It was also stated that the operation contributed to tackling cross border crime, by detecting vessels carrying significant amounts of drugs and a total of 37 falsified documents. Additionally, the objective of enhancing cooperation and exchange of information was labelled as fully achieved, due to the high level of member state participation, and efficient information flow between the various actors in the operation.

With this in mind, one could argue that there is a relation between the concept of sensemaking and the concept of legitimacy. As legitimacy can be enhanced by providing solutions that work, and by ensuring that challenges are faced effectively and properly, one must first define what the problems are. JO Triton seem to define the problem in technical terms, by focusing on the necessity to know who crosses the borders, in order to ensure that the border crossings occur in a legal and controlled manner. In 2014, nearly 80 % of migrants arriving in Italy had been screened, but the migration pressure continued to increase. Therefore, Frontex needed to up their game by pooling more resources from member states and by increasing their presence in the areas facing the most pressures. In 2017, it was claimed that all migrants arriving in Italy been screened. Migration pressure on Italian borders decreased, and JO Triton was completed. The new operation, JO Themis, was drawn up with a new mandate based on a new problem formulation, in line with how the situation in the Central Mediterranean had changed.

7.4 Summary of chapter 7

This chapter has accounted for three normative ideals which are presumed to enhance the procedural legitimacy of JO Triton, namely legitimacy through participation and legitimacy through accountability, and legitimacy through providing substantial problem-solving. In terms of legitimacy through participation, it appears that member states are in fact involved with deliberative processes regarding the operational activities, however their degree of influence is difficult to assess. Although the Frontex respondent states that they will take it into account, which indicates some influence, it also appears that Frontex can override their opinions by referring to their mandate, as long as those aspects are covered in Frontex’ mandate. However, member states cannot be forced to participate in joint operations, which indicates that those who participate accept Frontex’ decisions. This points to the lead agency network model being the most descriptive, which assumes that participants are invited to participate in deliberative processes regarding the operational activities, but that the lead agency has the final say.

In terms of legitimacy through accountability, it seems that Frontex seems to be the actor accountable to the international community, while Italy is accountable to the national community. However, by the definition of Scholte (2011), accountability requires transparency, an ability to evaluate, and processes of consultation. The findings indicate that there is a lack in transparency and evaluation, although there seems to be a higher degree of consultation. This consultation, however, appears to be somewhat reduced due to the lack of transparency. Therefore, the operation does not reach up to Scholte's (2011) standard of accountability, which is assumed to weaken the operation's legitimacy.

However, the findings indicate that JO Triton has significantly contributed with enhanced problem-solving capacities in times of crises. This is assumed to enhance the legitimacy of the operation. Furthermore, once the crisis passed, JO Triton was completed. This indicated that it was no longer a need for a Union-level response to solve the challenges of lack of control on irregular migrants, but instead the new operation focused primarily on transborder criminality.

Chapter 8: Theoretical discussions in light of the empirical findings

This chapter will answer the research question of this thesis. The first part of the chapter will address the descriptive part of the research question. Here, I will discuss whether JO Triton matches the description of the collaborative network model and the lead agency network model, and whether it is plausible to claim that this structure can in fact be described as a network. The second part of the chapter will address the explanatory part of the research question, and attempt to explain why Frontex had its prominent role in organising Joint Operation Triton.

8.1 Collaborative network, lead agency network, or neither?

The research question for this thesis assumes that JO Triton can be seen as a network. However, the respondent from Frontex stated that:

“This is basically not a network. We are an agency, we are an operational agency of the EU. We have been tasked by the European Union as an agency to fulfil certain operations, so we are not a network, we are an operational agency with a specific mandate” (respondent 1).

Another respondent also said that it was challenging to place the division of responsibilities within the distinction of the two network models. He further pointed to the fact that everyone acts within the same legal framework which applies to the whole EU and all Schengen associated countries (respondent 3). Frontex’ mandate is to contribute to making member states do everything they can to abide by the regulation, and that *“those who establish the rules in Brussels have objectives regarding how this should be, and Frontex is in a way their extended arm, to push the member states to do as much as possible”* (respondent 3).

Within this framework, a network in its basic form has been defined as a constellation of various more or less autonomous but interdependent actors who voluntarily come together to produce public purpose by pooling their resources and exchanging their information. When defined this narrowly, this description of a network matches the structure of JO Triton. Participation is

ultimately voluntary, and the participants are technically legally autonomous actors. The goals they are working towards can also be claimed to represent a common good, as it aims to ensure security of the external borders of the Schengen area and prevent crime. Even though some may believe that the commitment to search and rescue missions is underemphasised in JO Triton, the overall commitment to ensure effective border control does provide public purpose. Finally, the pooling of resources and information exchange are central parts of the functioning of JO Triton.

Networks are typically associated with horizontal cooperation among equal actors. However, it has been difficult to pinpoint the exact extent of horizontal cooperation in JO Triton. The network framework is further complicated by the role that Italy has as the host member state. All respondents pointed to the fact that although Frontex has a prominent role in planning and coordinating the operational activities, it is Italy who has the overall responsibility of the operation. At the same time, it is pointed out that the member states resources deployed in JO Triton, are under the command and control of their respective home member state. This is perhaps the clearest feature of horizontal cooperation, in addition to the fact that member states themselves decides which resources to contribute, and for how long. Furthermore, member states are invited to participate in deliberations regarding the operation, although their actual influence has been difficult to assess. Increased insight in the nature of the deliberative processes would potentially have clarified the extent of horizontal collaboration in JO Triton.

As discussed throughout this thesis, theory states that networks can be organised in various ways (Provan and Kenis, 2008). Within this framework, a pure collaborative network has been defined as a network where completely equal actors collaborate on an equal footing to reach their common goals without much need for active coordination beyond mutual adjustment. A pure lead agency network has been defined as a network that is brokered by one network member who holds the overall control over the network, including its resources, actions, goal-setting and coordinating activities, but where tasks are implemented by the individual participants. Based on these definitions, I argue that even though the respondent from Frontex said that JO Triton is not a network, it may still fit the description of a lead agency network. This is because Frontex clearly takes the lead in several respects when it comes to organising JO Triton, but there are also some elements of horizontal cooperation between member states. This is expressed mainly by the way that member states are part of deliberative processes regarding operational aspects, including the pooling of resources and the tasks performed.

Additionally, these resources are stated to be under the command and control of their respective member states, which are coordinated by national officials deployed at the ICC.

In terms of sensemaking, JO Triton shows features of a lead agency network in two ways. First of all, Frontex shows lead agency features through its prominent role in information management. The agency has established platforms which gathers the information under one roof. Frontex has all of the information, and produces analyses of the gathered information, which is then disseminated by Frontex. Thus, Frontex makes many of the decisions regarding which information should be shared with which participants. However, the member states themselves are in charge of introducing the information to the information systems which forms the basis for the analyses conducted. Additionally, Frontex' analyses form the basis for the process of formulating the problem. This brings us to the second indicator for Frontex' leading role in sensemaking, namely its prominent role in framing the problem. The analyses that Frontex produces appear to form much of the groundwork for the sensemaking process by identifying the challenges of the region. It is also Frontex who formulates the operational plan, in cooperation with Italy. However, participating member states are consulted on the plan, which suggests that they are invited to discuss the plan and voice their opinion.

Regarding coordination, Frontex shows signs of a lead agency by its significant role in planning the operation, and in storing and managing the resources that the member states have contributed with. Frontex also has a consulting role in deciding the use of resources, but does not have the authority to demand that the resources are used for specific tasks. Furthermore, Frontex officials appear to be available for all member state participants and Italy by providing advice on how tasks should be conducted. They also have a role in monitoring the implementation of the operation. However, it appears that the member state participants are in charge of performing the actual implementation, under Italy's responsibility. A respondent also stated that although they were there to provide support to Italy, the home member state is responsible for the participants and the resources provided by that home member state (respondent 3). This suggests that there are elements of horizontal cooperation in JO Triton.

Participating actors are primarily EU member states and Schengen associated countries. However, other EU agencies, international organisations and third countries are also connected with the operation, although with somewhat limited influence. NGOs are not involved with JO Triton, but perform their own tasks in the Mediterranean region. This indicates that JO Triton

is a closed structure. International organisations are invited by Frontex to appoint representatives to the consultative forum. Frontex also sends requests to member states, arranges for cooperation with EU agencies, and organises the cooperation with third countries. Therefore it seems that Frontex have much influence regarding who participates in the operation. The closed structure of JO Triton could be explained by the fact that member states and Schengen associated countries are bound by the same legal framework. This framework may to some extent confine the scope of the cooperation, which could be ‘disrupted’ if NGOs and international organisations gain increased influence. As the respondents stated, NGOs have different goals and ideas, and their inclusion may increase the ‘wickedness’ of the formulation of the problem, while Frontex works to simplify this formulation.

Participating member states are invited to discuss the operational plan, and Frontex takes it into account if member states have objections. This is expressed, first of all, through the role that member state representatives have in the management board. Here representatives from member states are invited to discuss the operation, and to sort out any differences of opinions. However, in the end, the operational plan is formulated by Frontex, based on Frontex’ mandate. This indicates that Frontex provides certain guidelines for what these deliberations are concentrated on, namely an emphasis on border control issues. Second, the influence is expressed through the role that Frontex support officers have in the field. As the respondent stated, these officers are available to coordinate tasks in case an officer feels that the task contradicts his home member states interest. This further indicates that participants have some autonomy, in that they do not have to conduct tasks they deem are inappropriate.

The discussion regarding accountability further points to Frontex having a lead agency role. Frontex seem to have a major role when it comes to deciding what information is shared with the international community, while Italy has the same responsibility regarding the national community. Although lacking in transparency, Frontex do appoint spokespersons and a press office. These actors are the first instances where people can turn to receive answers to the questions they may have. This indicates that it is Frontex who, in the end, speak on behalf of the operation where it regards operational activities using international resources.

Based on the findings of the empirical analysis, I argue that the lead agency network can provide a plausible description of JO Triton. First of all, coordination occurs through planning, supervision and consultation from Frontex, and thus, goes beyond processes of mutual

adjustments. Second, Frontex appear to have a significant role in formulating the problems and the goals of the operation. As Frontex is in charge of monitoring the situation at the external borders and beyond, they are able to assess where the main challenges lie before the process of formulating the operational plan has even begun. Thereafter, Frontex' mandate provides the framework for the plan, and participating member states have to abide by this framework. Finally, Frontex holds the information regarding deployment of resources, and additionally is tasked with allocating the resources among the various active operations.

However, a pure lead agency model does not fully match Frontex' role in JO Triton. It appears to be some degree of horizontal collaboration between participants, mostly during the implementation of the operation, but also to some extent during the formulation phase. Participants are consulted on the operational plan, and also appear to have some influence regarding the tasks they are to perform. Member states are free to decide how much resources they contribute, although Frontex does to some extent grant permission for non-participation. Additionally, although Frontex can give advice on how the pooled resources should be used, they do not have authority to give commands in these regards. This points to a some degree of horizontal cooperation among member states, which may further strengthen the claim that network governance theory is an appropriate framework for analysing JO Triton.

8.2 How can we explain the role that Frontex had in JO Triton?

The situation in the Mediterranean Sea in the period leading up to 2015, can be seen as a transboundary crisis and a wicked issue. Following the definition on crises by Boin et al. (2013), the situation threatened core values as people were drowning in an attempt to flee from the troubles in their home countries. The situation threatened life-sustaining systems as the countries bordering the Mediterranean Sea struggled to maintain control over their external borders, which could jeopardise the internal security in the Schengen area, as well as the Schengen cooperation system as a whole.

Furthermore, the situation can be seen as a wicked problem. First of all, the conditions that the migrants had to endure was undoubtedly a tragedy, where those who survived the journey to Europe were left homeless or crammed in refugee camps. Second, the political environment in the EU was extremely divided regarding the solutions to the migration pressures. This was in part because of the differences in immigration policies among the various EU member states,

in which some wanted closed borders while others wanted to let the migrants in. Furthermore, some wanted search and rescue missions, while others argued that this would only increase the problems. To reach an agreement on both of these problems and to find the solutions proved difficult. These differences further led to a lack of solidarity among member states, leaving the southern European countries to manage the pressures on their own. In light of this, the overall expectation of this thesis was that a complex crisis will create a demand for more centralised action, and consequently create a pressure towards a lead agency network model. The findings indicate that this may, to some extent, be true.

Network governance structures are often referred to as a suitable strategy for coping with wicked issues (Head and Alford, 2015). This is first of all because it allows for a comprehensive pooling of resources and enhances sensemaking capacities by gathering information from a variety of sources (Boin et al., 2014a). Second, networks are often praised for their flexibility, which can enhance efficiency of responses to pressing situations (ibid). However, agreements on goals can be seen as a prerequisite for effective network governance (Provan and Kenis, 2008), and agreements on goals may be difficult to achieve when it regards a disputed topic such as migration.

So why did Frontex have such a prominent role in organising joint operation Triton? With reference to the concept of agencification, the argument is that Frontex contributed to increase the overall capacity and to further harmonise border management by facilitating member state cooperation. One of the advantages of enhancing the role of agencies is that these agencies can function as arrangements where executive actors conduct problem-solving activities within certain specified areas (Busuioc et al., 2012). With this in mind, one explanation for Frontex' prominent role in managing the migration crisis is that Frontex was able to confine the problem in order to facilitate for cooperation among various national executive actors. In order to accomplish increased cooperation, the differences of opinions among member states needed to be reconciled. The highly politicised issue of migration must therefore be depoliticised. By giving Frontex a role of a lead agency, Frontex could rephrase the problem in technical terms and use its expertise to establish common structures in order to promote effective and uniform border control. By arranging for effective information sharing, pooling of resources and coordination of activities, EU member states could enhance their overall capacity to deliver on problem-solving activities through Frontex coordinated joint operations. Through Frontex'

leadership, a wicked issue became less wicked, which may have enabled increased cooperation among member states in times of crises.

The findings indicate that Frontex had a prominent role in formulating the problems to apply to technical aspects of border control, as opposed to the more normative aspects of migration. Frontex is an expert agency, which uses its expertise to improve border management by enhancing capacity to analyse, coordinate, regulate and deliver. By taking a leading role in the planning and formulation phase of joint operation Triton, Frontex appears to have been able to even out the differences of opinions among the member states. The problems were defined narrowly, and applied simply to securing border control by ensuring that migrants are registered and screened, and to dismantle smuggling networks which take advantage of migrants and their vulnerable position. Interestingly, Frontex' involvement in search and rescue activities appears to be rather limited. Although the objective of contributing to search and rescue missions was added to the operational plan in 2015, these activities were organised and coordinated by the Italian authorities. However, JO Triton resources were provided for these tasks. This strengthens the claim that Frontex contributed through providing assistance relating to technical issues.

Frontex has provided common structures for both enhancing information sharing and effectively pooling resources. Their systems provide both information on situational aspects in order to enhance situational awareness, and information on resources to ensure that resources are available and ready for rapid deployment. This appear to enhance JO Triton's capacity regarding sensemaking and coordination, which further influence the capacity to deliver, which again has implications for the operation's legitimacy. Although lacking somewhat when it comes to transparency and representative decision-making, JO Triton managed to regain control on the external borders by ensuring that migrants were screened and registered upon arrival. Once control was regained and the crisis had passed, JO Triton was completed and managing migration was again the responsibility of the Italian border guard authorities.

Chapter 9: Conclusions

This qualitative case study research project has addressed the extent to which Frontex shows features of the collaborative network model and the lead agency network model in the organisation of Joint Operation Triton. It has further attempted to explain why Frontex had its prominent role in organising this operation. The method for analysis was based on theoretical propositions, examined through data material from documents and semi-structured interviews. This chapter will summarise the main findings of the study in light of the theoretical framework, and round off with a suggestion for future research within this topic.

The 2015 migration crisis can be seen as a humanitarian crisis, a political crisis and a security crisis. It was a humanitarian crisis as migrants risked their lives whilst searching for a better life in Europe. Many died in the attempt, and many were left homeless or stranded in refugee camps while waiting for their asylum applications to be processed so that their new lives could begin. It was a political crisis because the leaders of Europe could not agree on how these challenges should be solved. Established structures such as the Dublin convention proved to be rather useless in the face of such pressures, and in spite of the solidarity clause of the Lisbon Treaty, there was a lack of solidarity between the EU member states in sharing the burden of the challenges posed by the increased migration pressure. The general public was divided, and there was a surge of both right- and left-wing groups emerging, on the one side advocating that the increased migration was a threat to the European culture, and on the other side advocating that Europe should step up and do more to help those in need. Finally, it was a security crisis as there proved to be a severe lack in capacity to ensure efficient border control, allowing thousands of unregistered migrants free passage through Europe.

So how was the response to this crisis organised? Along the dimensions of sensemaking, coordination and legitimacy, the findings have shown that Frontex to large extent took the lead in organising the response to this crisis. First of all, they took the lead by directing the focus on the security aspects over the more political and humanitarian aspects of the crisis. Arguably, this can be perceived as a way of enabling member state cooperation, despite their different views on migration policy. The highly politicised issue of migration was depoliticised and reframed as a security issue, not a political issue. Although member states were invited to partake in deliberative processes of the operational tasks that were to be conducted, the

guidelines seem to have already been laid down by Frontex. Therefore, one could claim that Frontex acted as a broker by facilitating deliberation, but within the frames of border control issues. Furthermore, coordination seems to have been done through a structure where all member states were represented. However, Frontex was always available for providing advice and expertise. They also had a prominent role in the planning process, and through monitoring and supervising the implementation. Implementation was conducted by member states, but this structure points to some features of direct supervision and control. Finally, although assessing the legitimacy of this operation was beyond the scope of this thesis, some empirical remarks can be made. It is plausible that in terms of legitimacy, the emphasis is on controlled accountability and through providing substantial problem-solving. Although participation by member state representatives is ensured, these representatives are typically not democratically elected officials. This further enhances the claim that emphasis is on solving technical tasks within a specific area, namely border security.

The research question was based on the assumption that JO Triton can be described as a network, and I argue that the operation does show noteworthy features of a network structure. This is because the operation is a cooperation between several autonomous but interdependent member states who work together in order to secure the external borders of the European Union by pooling their resources and sharing information. As cooperation is voluntary, and as there are some elements of horizontal collaboration, I hold on to the claim that network theory is a suitable description for this cooperative structure. However, the findings do show that the cooperation is not conducted in a purely horizontal manner, but instead has several vertical features through binding frameworks and direct supervision. All in all, the findings indicate that the crisis response was organised through an instrumental and a “means to an end” approach, where Frontex provided a framework for what the operation should achieve, and, to a large extent, how this was to be done. Therefore, I have argued that the lead agency network model provides a plausible description of joint operations, where Frontex has the role of the lead agency.

The shift towards a lead agency network structure when managing the external borders of the EU can perhaps best be explained in light of the principle of subsidiarity. External border control is a shared competence between the EU and the member states. Transferring authority concerning national security areas to the EU level is controversial as it touched upon the core of national sovereignty. In this regard, the development towards an agencification in the EU

can be perceived as a compromise between intergovernmentalism and supranationalism, where problem-solving in specific areas is conducted in cooperation between national executive authorities and EU experts. When a crisis occurs, and if the member states are not sufficiently able to manage the situation, these EU agencies may get an enhanced role in organising the crisis response. In the case of JO Triton, Italy requested assistance from Frontex, signifying that Italy acknowledged a need for a more prominent response from the EU-level. Thereafter, Frontex appears to have taken the lead in organising the joint response by facilitating for member state cooperation, offer advice and expertise, and ensure that the efforts made are coherent and effective. This, in turn, seems to have led to a harmonisation of border management tasks, and increased capacity through enforcing the Solidarity Clause of the Lisbon Treaty.

As discussed in the methodology chapter, generalisability is often pointed to as a weakness of the case study method, as cases are context specific and therefore limits the ability of generalising beyond the case in question (Flyvbjerg, 2006). However, generalising beyond the case of JO Triton may be possible to other crisis situation in the EU, especially in areas where the competences are shared between the EU level and the member states. The general assumption guiding the analysis was that a crisis situation would create a demand for more centralised control, and therefore also create a pressure towards a lead agency network when it comes to organising transnational crises responses. The empirical findings show that in the case of JO, there was a need for a more prominent role of the EU in managing the migration crisis, and that the features of a lead agency network became clearer as the situation in the Mediterranean escalated.

Therefore, it could be interesting to apply the theoretical framework of the lead agency network model to crisis management in other areas where there is international cooperation. This could be relevant for, for instance, the EU agency European Centre for Disease Prevention and Control (ECDC). This agency was established in 2004, after concerns had been raised that member states were not adequately prepared for dealing with communicable diseases (Boin et al., 2014b). Studying the ECDC' role in managing epidemics could therefore be interesting within this framework, for example in the wake of the swine flu outbreak in 2009. Additionally, by staying within the context of migration, the European Asylum Support Office also strengthened their mandate in 2016. This gave them an enhanced mandate to offer assistance in asylum processes (Commission, 2016b). As the findings of this thesis indicate that Frontex

frames challenges of migration in technical terms, it could be interesting to see what role EASO has once the migrants cross the borders of the EU and are left outside of Frontex' area of responsibilities.

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ANNEX A: Interview guide

INTRODUCTION

1. Can you please tell me about your role in Frontex/Joint Operation Triton? How long have you had this role?

2. Network governance theory distinguishes between collaborative networks and lead agency networks. On a scale from 1-10, where 1 is a pure collaborative network where equal actors collaborate on an equal footing to reach their common goals without much need for active coordination, and 10 is a pure lead agency network that is brokered by one network member who holds the overall control of resources, actions, goal-setting and coordinating activities. Where would you place Frontex on this scale?

3. Can you please elaborate on which actors are involved in formulating the operational plan, and how the decisions are made?

4. The Operational Plan refers to Italy as the “direct partner of Frontex”. Can you please explain what this partnership entails?
 - Are Frontex and Italy equal partners?
 - In case of disagreements, how are disagreements solved?

5. The Operational Plan states that it has been agreed on by Frontex and the authorities of the Host Member State, in consultation with the authorities of the Home Member States participating in the operation. Can you please explain what this consultation-part entails?
 - Who has the final say?
 - Are decisions made by consensus?
 - o How do you reach consensus?
 - o Are there disagreements between the different participants? How are disagreements solved?

SENSEMAKING

6. Frontex can be seen as a problem-solving organization. What would you say are the most significant challenges that you are facing? What is emphasized when defining these challenges?
 - Is anything left out of the definition? If so, why?

- Have you noticed any disagreements between Frontex and Host MS or Home MS when it comes to recognizing the main challenges that are to be handled?

7. When it comes to formulating problems and solutions, what is Frontex' discretion? What discretion do the participants in the network have?

8. The Operational Plan mentions a number of information systems, such as FOSS, JORA and OPERA. Can you please elaborate on the use of these systems?

- Who runs these systems?
- Who uses them?
- Who is in charge of processing the information gathered?
- What kind of information is processed?
- What is then done with this information?
- Does anyone have *all* the information?
- Who has access to it?
- Does Frontex has access to all the information that Italy holds? Does Italy have access to all the information that Frontex holds? How about participating Member States? How about participating International Organizations and other EU-Agencies/institutions?

COORDINATION

9. In organizational theory, there is often a tension between coordination and specialization. When it comes to the implementation of this operation, to what degree are participants dependent on other actors and their actions?

- Is there a need for better coordination?
 - o If yes: in which way? What can Frontex do to alleviate this?
 - o If no: Has it always worked so well? Can you please describe what makes this successful?

10. Does coordination simply apply to the pooling of resources, or does it apply to other aspects as well?

LEGITIMACY

11. Who answers on behalf of the operation? Who answers to national governments? Who answers to the participants in the operation? Who answers to the general public?

12. In the 2017-report from Frontex Consultative Forum, they write that they “face challenges in being proactively and timely provided with access to the necessary information to carry out their mandate”. Do you think this criticism is unfair or do you think it is appropriate?

- The topic of border control and refugee crises gain much attention in the public sphere both in and outside the EU. Do you experience critique from other sources regarding Frontex and/or Operation Triton?

- From whom/what kind?
- Do you think this critique is appropriate?

13. Do you think that European governments have realistic expectations of what Frontex can do?

14. The 2016 evaluation report states that participating member states showed a high level of solidarity and support by contributing with requested human and technical resources. Can you please elaborate on how Member States join the Operation and become participants? Why do some Member States choose not to participate?

15. Can you please explain how other EU-agencies and International Organizations join the Operation?

- Are there any limitations as to who can participate?
- Are there any other actors, such as societal actors or NGOs or other administrative units, that wants to participate?

16. What is the advantage of protecting the EU external borders through Frontex, as opposed to having each Member State conduct this responsibility on their own?

FINAL QUESTIONS.

- Do you have any suggestions as to who else I can speak with?
- Can I contact you at a later time for follow-up questions, if needed?

ANNEX B: Information letter.

Are you interested in taking part in the research project: “*Transnational Governance of European External Borders: The case of Joint Operation Triton*”

This is an inquiry about participation in a research project where the purpose is to study Frontex and the organization of Joint Operation Triton. In this letter we will give you information about the purpose of the project and what your participation will involve.

Purpose of the project

Frontex plays an important role in assisting European Union Member States towards ensuring effective and coherent management of its external borders. In my master thesis, I will study the way that Frontex and Member States work together using an organization theory approach to this question, which places emphasis on issues including sensemaking, coordination and legitimacy. As my empirical case, I focus on Joint Operation Triton.

This research project will be a purely academic work in the fulfilment of a Master degree in Public Administration at the Department of Administration and Organization Theory, at the University of Bergen, Norway. The purpose of the study is to gain knowledge and understanding about the way that Joint Operation Triton is organized, and I seek to study what role Frontex plays in conducting this operation.

My research question is as follows:

To what extent does Frontex display characteristics of collaborative network and lead agency models in the organization of Joint Operation Triton? How can we explain Frontex' role in this operation?

By looking at the concepts of coordination, sensemaking and legitimacy, it is my aim to explain the role that Frontex has within this joint mission through a network theory approach.

Who is responsible for the research project?

The University of Bergen, Department of Administration and Organization Theory, is the institution responsible for the project.

Why are you being asked to participate?

In order to study the organization of Joint Operation Triton, and the role of Frontex in this operation, I wish to interview persons that have a central role in Frontex and/or Joint Operation Triton.

What does participation involve for you?

If you agree to participate, participation will involve being interviewed about your role in and knowledge about Joint Operation Triton and Frontex. The interviews will last for approximately 45 minutes. If agreed to, the interviews will be recorded. These recordings will be deleted after the project has ended in June, 2019.

Participation is voluntary

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you choose not to participate or later decide to withdraw.

Your personal privacy – how we will store and use your personal data

We will only use your personal data for the purpose specified in this information letter. We will process your personal data confidentially and in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act).

- In connection with the University of Bergen, the only persons who will have access to the personal data will be myself and my supervisors.
- To ensure that no unauthorized persons are able to access the personal data, I will store and treat the information in a research server called SAFE (Safe access to reasearch data and E-infrastructure). Furthermore, I will replace your name and contact details with a code. The list of names, contact details and respective codes will be stored separately from the rest of the collected data.
- The only personal information that will be published will be your occupation, organizational affiliation and/or home country.

What will happen to your personal data at the end of the research project?

The project is scheduled to end on June 3rd 2019. The personal data, including the digital recordings, will be deleted at the end of the project.

Your rights

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified
- receive a copy of your personal data (data portability), and

- send a complaint to the Data Protection Officer or The Norwegian Data Protection Authority regarding the processing of your personal data

What gives us the right to process your personal data?

We will process your personal data based on your consent.

Based on an agreement with the University of Bergen, NSD – The Norwegian Centre for Research Data AS has assessed that the processing of personal data in this project is in accordance with data protection legislation.

Where can I find out more?

If you have questions about the project, or want to exercise your rights, contact:

- Student Trine Svanholm Misje, email: trine.misje@student.uib.no
- My supervisor Lars Blichner: lars.blichner@uib.no
- Our Data Protection Officer: Janecke Helene Veim.
- NSD – The Norwegian Centre for Research Data AS, by email: personverntjenester@nsd.no or by telephone: +47 55 58 21 17.

Yours sincerely,

Trine Svanholm Misje
Student

Lars Blichner
Supervisor

Consent form

I have received and understood information about the project *Transnational Governance of European External Borders: The case of joint operation Triton* and have been given the opportunity to ask questions. I give consent:

- to participate in an interview
- for information about myself to be published in a way that I can be recognised. The only information that will be published will be home country, profession and/or organizational affiliation.

I give consent for my personal data to be processed until the end date of the project, approx. 03.06.19.

(Signed by participant, date)