

Chapter 2

Policies and Politics of De- and Re-bordering: The Case of Austria from 1995 to 2021

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Introduction

The migration movement in 2015 and the COVID-19 pandemic 2020 have precipitated two political crises, urging the governments of EU member states to resort to intensified border control measures. Intra-Schengen borders and EU external borders alike became central in political and academic debate on national sovereignty and further prospects of European integration (Schimmelfennig, 2021). If the creation of the Schengen area constituted a process of deinstitutionalizing EU internal border controls (Schimmelfennig, 2021), then member states' reintroduction of intra-Schengen controls can be considered a disintegrative trajectory. However, cross-border cooperation between member states, which is a result of European integration, has remained intact and in some cases, it has been even further expanded towards non-member states (Mau, 2006).

This chapter analyses border politics and policies in Austria from 1995 to 2021. Starting with Austria's accession to the EU (1995), we map key actors and policies, agreements, and forms of cooperation regarding border politics. Eventually, the chapter provides insights into re- and de-bordering activities against the background of Austria's EU accession and responses to external shocks and crises. Importantly, we demonstrate the transformation of a national model of border control, focusing on territorial borderlines, into a hybrid national-European model of dispersed control, implying simultaneous re- and de-bordering. This hybrid model is characterized by overlapping border areas that are governed nationally, supranationally, and internationally. This means that border controls no longer exclusively focus on the territorial borderline but reach within and beyond national territory (Mau, 2021; Schimmelfennig, 2021).

Analytically, we divide our period of investigation into two phases. The first phase, 1995–2014, is characterized by vertical and horizontal European integration, the adoption of the Schengen acquis, and the eastward enlargement of the EU. In line with legal and political developments in the European Union, Austria dismantled intra-Schengen borders and intensified border management cooperation with neighboring candidate countries. The second phase, 2015–2021, is characterized by two external shocks that brought national border policies back: the crisis of migration governance of 2015/2016 and the COVID pandemic of 2020/2021. In response, Austria introduced and continuously maintained intra-Schengen border controls towards Slovenia and Hungary in 2015, drawing on different exemption provisions of the Schengen Borders Code (SBC). Since May 2018, the maximum of two years of internal border controls regulated by the SBC has been exhausted (Hense-Lintschnig, 2018, p. 23). Furthermore, the federal government ordered the temporary construction of a border fence (2.5 meters high and 3.7 kilometers long) and introduced an annual quota for asylum applications (Rosenberger & Müller, 2020). Likewise, the Assistance Mission of the Federal Armed Forces (*Bundesheer Assistenzinsatz*) has gained

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increasing relevance. Moreover, the government extended its engagement to the Western Balkans region to call for and implement external border controls in the name of the EU (Milivojevic, 2019).

The systematic analysis of border policies underlines that the dynamics of de- and re-bordering exist simultaneously. However, we find that de-bordering is mainly the result of multilateral agreements in the context of EU integration as well as of efforts to externalize border control, while re-bordering is based on unilateral and bilateral initiatives.

For our analysis, we use data on key border control-related laws issued between 1995 and 2021, which was provided by the official legal information system.² Moreover, this chapter includes information on bi- and multilateral agreements, treaties, and specific communication with European institutions from the archive of the Parliament of Austria. The document search was based on key terms including *Grenz** (border), *Grenzraum* (border area), *Grenzraumüberwachung* (border area surveillance), *Grenzkontrolle* (border control), *Grenzübergang* (border crossing), *Schleierfahndung* (dragnet control), *Assistenzeinsatz* (assistance mission), *Schlepperei* (people smuggling), and *Einreise* (entrance). The document analysis is based on the screening of the content and categorization of the actors involved, the types of policies, levels of policymaking, the nature of the policy field, and the policy targets. We have inquired selectively into political debates that accompanied the adoption of key legal changes by drawing on online newspaper articles.

This chapter is structured as follows. First, we discuss certain theoretical approaches towards conceptualizing borders, bordering, and border policies (section 2). In section three, we cover the phase from 1995 to 2014 and describe actors and measures before summarizing the patterns of de- and re-bordering that occurred during the EU expansion. In the last section, we focus on the period from 2015 to 2021, when two critical junctures have impacted internal and external border policies. We end this chapter with some concluding remarks on the progress of and ruptures in European integration.

Theorizing borders and the politics of border control

[S]tate borders play key roles in the organization of modern societies. They are territorial and symbolic at the same time, marking the geographical limits of the state, as well as suggesting the cohesiveness of the delineated state space. Accordingly, modern state borders establish a purported congruence between the territory of the state and the society they enclose, as the term nation-state implies (Popescu, 2010, p. 293).

As Popescu (2010) points out, state borders are of key importance for organizing and managing movements of goods and peoples. Whereas thoughts on state borders were often reduced to national territorial borderlines until the 20th century, their conceptualization has changed in the 21st century (Milivojevic, 2019; Popescu, 2010). Scholars from various disciplines have refined the understanding of borders as complex phenomena which are governed supra- and bi-nationally. Considerations also include the use of new policing tactics, digital technologies, and private actors such as transportation companies (Agier, 2016; Bigo, 2014; Gerst et al., 2021; Herrmann, 2018; Mau, 2021; Mezzadra & Neilson, 2013).

² Rechtsinformationssystem RIS, www.ris.bka.gv.at.

Drawing on this border study literature, we speak about *hard borders*, that is, territorial borderlines of nation-states with locally entrenched control activities, and *border areas*. Border areas are created in European bi- and multilateral political contexts. They include technical instruments and policing activities that transcend territorial national state borders. These spaces can emerge wherever states might perceive neuralgic migratory routes, furthermore within critical zones around territorial frontiers, and even in urban spaces (Mezzadra & Neilson, 2013). Accordingly, borders do not disappear if checkpoints along hard border lines are left unguarded. Instead, they become re-localized, moving inwards as well as beyond national territory. They continue carrying out the function of selecting and excluding non-citizens (Mau, 2021). On the one hand, this occurs through immigration laws that allow for internal interceptions and dragnet controls. On the other hand, it takes place through official cooperation with neighboring countries and through engagement in external border controls removed from domestic territory (Andreas, 2003). Sanja Milivojevic (2019, p. 11) illustrates this process with reference to EU candidate countries in the Western Balkans—a region particularly relevant to Austria’s engagement in border politics and the expansion of new European borderlands.

It is thus useful to think of borders not as static structures. Rather, they should be considered in terms of processes of bordering (Newman 2006). Bordering practices function in two directions: re- and de-bordering. The term *bordering* includes various activities relevant to boundary making and management (Schimmelfennig, 2021, p. 316). *Debordering* defines activities that open hard borders and decrease border control. Conversely, *re-bordering* refers to activities that close or tighten borders and increase border control activities (Popescu, 2012, p. 63). In practice, de- and re-bordering activities take place simultaneously and inconsistently. Bordering practices, including opening and closing, dismantling and intensification of border controls, mobilization and immobilization, all take place at the same time (Mau, 2021, p. 18).

Besides the degree and direction of political intervention, one can also address the spatial dimension of border control. Arguably, the delocalization of borders also functions in two directions: towards the interior or the exterior of state territory. Inward delocalization for example includes legal provisions in the Aliens Act that allow for interceptions and dragnet controls. Outward delocalization that reaches beyond the Schengen area involves non-EU member states (but often candidate states) that control migratory routes in order to protect Schengen external borders (Milivojevic, 2019, p. 11). Steffen Mau calls this practice the exterritorialization of border controls (Mau, 2021, p. 135ff), while Michael Jandl (2008) refers to it as the externalization of borders. Not only is the externalization of border controls conducted by other countries, but it can also involve private carriers being obliged to control whether a person transported by them is entitled to enter the territory surrounding a certain destination.

Transforming the hard border into a border area: 1995 to 2015

Throughout much of the 20th century, Austria was located between the two power blocs involved in the Cold War. It acted as a neutral country and presented itself as open to refugees who had fled their communist countries beyond the Iron Curtain (Graf & Knoll, 2017, p. 226). Furthermore, Austria engaged in bilateral labor recruitment agreements in the 1960s, especially with Turkey and former Yugoslavia.

Humanitarian and labor immigration both turned into salient political issues that were discussed throughout the 1990s. While Austria granted protection to refugees fleeing the Yugoslavian war in the 1990s (Graf & Knoll, 2017, p. 226), it witnessed the rise of a political narrative distinguishing between political and so-called economic refugees. The federal government consequently tightened requirements for labor immigration in 1989 by introducing visa requirements for citizens of the former Eastern-Bloc states and Turkey. Later, it also implemented penalties for illegal entry and installed migration quotas (Jandl, 2008, pp. 31; 37–38).

As communist regimes collapsed and the civil war in Yugoslavia commenced, domestic concerns over immigration from the east coincided with the liberalization of border controls towards Germany and Italy. Hence, Austria engaged in re-bordering activities at its eastern borders from September 1990 onwards. In order to sustain surveillance of the borders to the former Eastern Bloc countries, Austria deployed custom officials and soldiers to assist in border management tasks. The Assistance Mission of the Federal Army for border area surveillance continued until December 2011 (Jandl, 2008).

On 1 January 1995, Austria joined the European Union. After signing the Schengen Agreement on 28 April 1995, the federal government committed to the gradual dissolution of internal border controls towards Italy starting from December 1997 and towards Germany starting from April 1998.

a) Adapting national frameworks to Schengen border rules

With Austria's accession to the Schengen area, approximately 470 km of borders were transformed into EU-external borders. During this period, the government sought to adapt to the legal framework of the European Union and the Schengen acquis. Beside domestic considerations, the federal government aimed to prove towards the EU that it was "ready for Schengen," a concern primarily raised by Germany (Siebold, 2014, p. 293).

The adoption of the Schengen acquis required adaptations to the national legal and administrative framework (Wukitsch, 2018, p. 27), which can be primarily found in the Border Control Act (*Grenzkontrollgesetz* 1996), the Police Cooperation Act (*Polizeikooperationsgesetz* 1997) and the Aliens Police Act (*Fremdenpolizeigesetz* 2005). Hence, the borders towards Italy and Germany would gradually be translated into a border area as stated by the Border Control Act:

A border control area is assigned to each border checkpoint; this is the area located inland within 10 kilometers of the border crossing point (Federal Law Gazette No. 435/1996, §7).

Based on the Border Control Act of 1996, persons would only be controlled by the public security authorities

[...] if there is reason to believe that they are subject to border control or that they intend to cross or have crossed the border without authorization outside border crossing points. (Federal Law Gazette No. 435/1996, §12a)

The Aliens Police Act passed in 2005 created the legal framework for rejection and repatriation within the framework of border, alien, and security police controls. According to this law, foreigners may be repatriated if they had entered the federal territory illegally. Furthermore, they may be controlled throughout a period of seven days after entering. The public security authorities can and may prevent

aliens from entering or continuing their journey if they do not meet the entry requirements. The Aliens Police Act further introduced carrier liability, which extends the duty of entry control to carriers by requiring them, under threat of penalty, to ensure that the persons they carry are permitted to enter the country.

These measures underline that the dismantling of border control posts did not mean the elimination of hard borders. Rather, borders became more volatile, mobile, and diffuse (Herrmann, 2018, p. 222). They reached inwards, and the responsibility for border controls was placed in the hands of a variety of state and non-state actors.

b) Bi- and multilateral agreements on police cooperation

The Police Cooperation Act of 1997 forms the basis for the intergovernmental agreements on police cooperation that regulate the intervention of the Austrian police abroad as well as that of foreign authorities on Austrian territory. These compensatory measures were part of the Schengen Agreement aiming at maintaining internal security (Pudlat, 2010, p. 11). Instead of hard border controls, several instruments and compensatory measures were installed:

- controls at the green and blue borders (land and water)
- surveillance and tracing groups
- a unit for dragnet controls throughout the country.

In 2000, the government established the Salzburg Forum, a platform for multilateral cooperation on border control. Police cooperation with neighboring states that were not yet part of the Schengen area was to guarantee a smooth transition towards joint control efforts. This was also the purpose of the Security Policy Partnership Project together with Slovenia, Poland, the Czech Republic, and Hungary, which was later joined by Slovakia (2001), Bulgaria, and Romania (2006) (Pudlat, 2014, p. 270). Both constitute efforts of the government to position itself an important security partner and expert on external border protection in the Schengen area. The Joint Declaration of July 2001 states:

Austria supports the participating accession candidates on their way to the European Union. Special attention has to be turned to acquiring full Schengen maturity as soon as possible.

and it continues:

[...] this ... requires from the participating partner countries a continuation of efforts in order to ensure a high security standard for this region (Salzburg Forum, 2001).

Police cooperation was planned on an operational level, “as well as close cooperation in their border regions” and border protection was conceptualized by joint strategy and “joint concepts for efficient border surveillance” (Salzburg Forum, 2001). The Ministers furthermore concluded Bilateral Memoranda of Understanding, which provided, among other things, for the strengthening of joint police patrols (Pudlat, 2014, p. 270). The Special Border Commission (SOKO Grenze) established in 2001 is an example of police cooperation in the border area. It consisted of police officers from Austria, Hungary, and Slovakia and was tasked with combatting human smuggling and collecting information on routes and smuggling procedures (o.A., 2001). In the Innsbruck Declaration, issued at the Salzburg Forum in 2007, the

participating states agreed to establish the Central European Operational Network (CEON), thus reinforcing the existing security partnership.

During the EU's eastward enlargement, the neighboring countries of Czechia, Slovakia, Hungary, and Slovenia joined the Schengen Agreement on 21 December 2007 (followed by Switzerland on 12 December 2008 and Liechtenstein on 19 December 2011). The Schengen enlargement was taken as an opportunity to intensify police cooperation on trafficking, criminal activities, and irregular immigration (Federal Law Gazette III 121/2006) as compensatory measures for the upcoming dismantling of border controls (Forum Salzburg, 2007; Marakovits, 2007, p. 39; Pudlat, 2014, p. 269). The Minister of Interior at the time, Günther Platter (Austrian People's Party), referred to the concept as a "twofold safety belt" (*Doppelter Sicherheitsgürtel*) (o.A., 2007, p. 15).

Whereas the Salzburg Forum had been an initiative that was carried out mostly outside the EU framework, Austria has also engaged in border management projects within the EU. For example, it signed the Prüm Treaty in 2006 and participated in the PHARE Twinning Projects with neighboring countries ((Pudlat, 2014, p. 270). Bearing the title "Strengthening Border Management," the project provided for the establishment of police cooperation centers (among others in Thörl, Dolga Vas, Hegyeshalom-Nickelsdorf, and Mauern). The responsibilities of these centers included the establishment of joint control, observation, and investigation groups, cross-border manhunts, mixed patrols along the common state border, the use of liaison officers, cross-border observation, hot pursuit and controlled deliveries (drug trafficking, money laundering, etc.), as well as undercover investigations to solve crimes (Federal Law Gazette III 51/2005). By expanding cross-border police cooperation, member states share some of their national sovereignty, as the agreements allow police officers of neighboring states to continue a police action on the territory of the neighboring state (Federal Law Gazette III 210/2005).

Reinventing hard borders: 2015 to 2021

In 2015, Austria became a reception and transit country for a large number of refugees moving into and across Europe. From September 2015 to February 2016, an average of about 131,500 refugees per month arrived in Austria (Rechnungshof, 2020, p. 8), which initially overwhelmed the reception system. Strong civil society engagement compensated for the lack of state-organized aid by providing shelter, food, and clothing. However, public sentiments soon shifted away from a welcome culture towards restrictive attitudes that would also be mirrored in asylum and border control policies (A. T. Müller & Oberprantacher, 2017, p. 226; S. Müller & Rosenberger, 2017)

Just as migration and asylum had gradually given way to other issues on the political agenda, the COVID pandemic hit the European Union in 2020, once more leading to the politicization of borders. Border controls and closures were now considered adequate policy tools to contain the spread of the virus. During this time, the government extended its border controls, introduced border closures and travel bans, and reinforced the existing police and military forces through an Assistance Mission of the Federal Army. However, to meet the demand on labor forces, it also organized a transportation, testing, and quarantine system to allow 24-hour caregivers and harvest workers into the country. The former mainly came from Romania and Slovakia, the latter from Kosovo, Ukraine, and Romania (derstandard.at, 2020; Krutzler, 2020; W. Müller & Scherndl, 2020; Scherndl, 2020).

c) Re-bordering through intra-Schengen border controls

Both moments of crisis were accompanied by a systematic and quasi-permanent suspension of the Schengen border rules. Therefore, the government used all three options by which the Schengen Borders Code (Recital of the Schengen Border Code, 2016) allows for a temporary suspension:

- (1) Article 27 (former 24), which applies to foreseeable events and therefore plannable internal border controls, such as political or sport events;
- (2) Article 28 (former 25), which regulates the reintroduction of border controls in the event of a serious threat to public order and internal security; and
- (3) Article 29 (former 26 and 27), which regulate the (re)introduction of internal border controls in the event of serious persistent deficiencies at the external border, which constitute a serious threat to public policy, internal security, and the overall functioning of the Schengen area.
- With reference to Article 29, member states can request the European Commission to submit a recommendation on the reintroduction of internal border controls to the European Council, which can recommend these for specific member states and specific border regions. Border controls based on Article 29 can be introduced for six months and extended to a maximum of two years.

All three procedures are subject to a reporting obligation to the member states, the European Parliament, the European Council, and the European Commission (Rieder, 2016; Wukitsch, 2018, pp. 24–27).

As **Table 1** below illustrates, September 2015 marks a turning point in the handling of border controls, as they were henceforth primarily legitimized in relation to migration. From 1995 to 2015, Austria had only reintroduced border controls three times. Each time they were related to political events: The official visit of representatives of the Islamic Republic of Iran, the World Economic Forum in 2011, and the hosting of the European Football Cup in 2008.

On 17 September 2015, Austria, following Germany, decided to reintroduce border controls at the border to Hungary, Slovakia, Slovenia, and Italy, in order to regain control of the movements of migrants who entered Austria on their transit route or as final destination (EC, 2021; Minns & Karnitschnig, 2016). Chancellor Werner Faymann declared that the Schengen Agreement on open borders was suspended temporarily. He pointed at *the failure of the EU to reach an agreement on a fair allocation of refugees and to secure its external borders threatens not just Schengen but the European project as a whole* (Minns & Karnitschnig, 2016).

The information letter issued by the Minister of the Interior to the European Union (CoE 2015, No 12110/15) stated that, due to the migration flows to and via Austria and due to the reintroduction of border controls by Germany, the security situation had prompted the government to reintroduce border controls to prevent further serious threats to public order and internal security. The minister argued that this measure had been unavoidable, given the massive influx of third-country nationals. Further, it was said that border controls contribute to the avoidance of a continuous overburdening of the police, rescue services, and public infrastructure. The Minister of the Interior stated that Austria itself was not responsible for the asylum procedures of the majority of refugees entering or passing the country, meaning that the responsible member states did not register the persons. Eventually, the minister pointed out that

the European legal framework can only function well if all member states accepted their joint responsibility in solidarity (Council of the European Union, 2015 No 12110/15).

Table 1. Overview of internal border control events and assistance missions of the federal armed forces

Date	Internal border control events	Federal armed force assistance missions
4.9.1991–21.12.2007		Immigration-related: at green and blue borders to Hungary, Slovakia, the Czech Republic, Slovenia
22.12.2007–16.12.2011		Immigration-related: at green and blue borders to Hungary and Slovakia
2.6. 2008–1.7.2008	European Football Championship EURO 2008	
4.6. 2011–9.6.2011	World Economic Forum	
16.9.2015–11.1.2018	Migration governance crisis	
18.9.2015–28.12.2018		Immigration-related: Hungary, Slovakia, Slovenia, Italy
9.7.2018–13.07.2018	Informal meeting of Justice and Home Affairs Ministers in Innsbruck	
17.9.2018–21.9.2018	Informal meeting of the European Council in Salzburg	
12.11.2018–12.11.2019	Migration issues	
12.11.2019–12.5.2020	COVID-19 and migration issues	
11.3.2020–11.5.2020	COVID-19	
Ongoing since 10.03.2020 (status quo: 19.11.2021)		Due to COVID (at all borders) ³
12.5.2020–11.11.2021	COVID-19 and migration issues	
12.11.2021–11.05.2022	Migration issues	

Sources: EC 2021; Rechnungshof 2010; 2013; 2020.

Austria has extended its internal border controls ever since. It has invoked different paragraphs of the SBC. Whereas it first invoked Article 25 (Art. 28 from 2016), relating to the event of a serious threat to public order and internal security, it later adduced Articles 23 and 24 (SBC 2013), which refer to cases of plannable border controls. Meanwhile, in accordance with the Council's Implementing Decisions, Austria extended border controls from May 2017 to May 2018, pursuant to the new Article 29 introduced to the Schengen Border Code in 2016.

The European Council repeatedly made its recommendation to reintroduce internal border controls to Denmark, Germany, Norway, Austria, and Sweden (Council of the European Union, 2016). It stated that the EU had been facing an unprecedented migration and refugee crisis, following a dramatic increase in migration flows since 2015. This crisis had further highlighted structural weaknesses in external border management and had led to failures in the reception and registration of migrants. The deficiencies of external border management, as the Council stated, had led to secondary movements, resulting in serious threats to public order or internal security in several member states. The introduction of temporary internal border controls by Denmark, Germany, Austria, Sweden, and the associated country Norway was considered necessary and appropriate by the European Council. It consequently recommended that

³ See Austria Institut für Europa und Sicherheitspolitik, 2021. By November 2021, it was not clear whether the military assistance mission was related to the COVID-19 pandemic or to migration issues. Moreover, the Ministry of Defense did not report which border areas were controlled by the Federal Army.

the controls be continued, considering that persisting serious deficiencies in external border controls would jeopardize the overall functioning of the Schengen area in the absence of internal border controls (Council of the European Union, 2016).

d) Unilateral re-bordering measures

Against the background of increased immigration via the asylum system in 2015 and the COVID crisis beginning in March 2020, the government introduced a broad variety of unilateral re-bordering measures. An emergency regulation from 2016 authorized the federal government to install an upper limit (*Obergrenze*) of asylum applications, even though this measure never was enforced (Graf & Knoll, 2017, p. 230; Rutz, 2018, p. 50). The regulation was justified on account of the maintenance of public order and the protection of internal security, which, it was argued, would be endangered, should a great number of people seek asylum in Austria (Benedek, 2016, p. 955). According to legal scholar Peter Hilpold (2017, p. 311 f.), the decision to introduce an upper limit in the Asylum Act was ultimately an unconstitutional legal measure.

Beside introducing restrictions in the Asylum laws, government ordered the construction of a border fence towards Slovenia along the checkpoints Spielfeld and Bad Radkersburg in December 2015, even though it had earlier criticized Hungary for similar actions (Rechnungshof, 2020, p. 19; Rheindorf & Wodak, 2020, p. 223; Rutz, 2018, p. 46). It also communicated plans to build a border fence along the Austrian-Italian border (tirol.orf.at, 2016), but did not implement the plan due to the resistance of the Italian government, which had announced filing a complaint against Austria because of an infringement of the Schengen Agreement (Kleine Zeitung, 2016; meinbezirk.at, 2016; Mumelter, 2016). Former Chancellor Werner Faymann (Social Democratic Party) stated that this border tool could not be considered a fence:

There is a difference between building a boundary and building a door with side elements. It is not a fence around Austria. It is a technical security measure that does not encircle Austria (Faymann cited in Rheindorf & Wodak, 2020, p. 229).⁴

The Minister of the Interior claimed that a fence was the only tool to retain control over refugee movements. In June 2018, both the Ministry of the Interior and the Ministry of Defense of the Austrian People's Party and Freedom Party coalition government organized a border guard exercise with the name "Pro Borders" in Spielfeld (Styria), which drew much media attention (Rechnungshof, 2020, p. 9). As a further initiative, the Federal Army was called into an assistance mission to regain control over irregular migratory movements in mid-September 2015. It focused on supporting border management towards dealing with migration flows but also included humanitarian aid within the country. In August 2016, the government expanded the assistance mission to include the guarding of foreign representative bodies in Vienna (terminated by the end of 2018). In August 2017, it was further extended to include large-scale controls in the interior of the country (Hense-Lintschnig, 2018; Rechnungshof, 2020, p. 7). The Ministry

⁴“Es ist ein Unterschied, ob man eine Grenze baut oder ob man ein Türl baut mit Seitenteilen. Es ist kein Zaun rund um Österreich. Das ist eine technische Sicherheitsmaßnahme, die Österreich nicht einkastelt” (Bundeskanzler Faymann in ORF News 2015, cited by Rheindorf & Wodak, 2020, p. 229).

of the Interior and the Ministry of Justice agreed on stepping up policing to combat human smuggling by tightening controls in trains from Hungary, and in the immediate vicinity of the border.

The assistance mission had the objective of supporting security police forces in border control actions at border checkpoints, particularly to intercept individuals. Furthermore, the armed forces were supposed to carry out surveillance tasks in defined areas beyond border checkpoints, specifically through independent patrol activities (Rechnungshof, 2020, p. 39). The Court of Auditors has criticized that the armed forces have contributed to merely 3.5 percent of the total number of interceptions of irregular migrants from March to December 2016. In 2017, this number rose to 4.5 percent of the interception cases and totaled 1.6 percent in the first half of 2018 (Rechnungshof, 2020, p. 8).

Simultaneous to the assistance mission of the army, the Home Affairs Minister established various new police units. In January 2016, the existing police units responsible for alien and border controls were reinforced with 200 police officers (BMI 2015). In 2017, the Organizational Unit for Operational Compensation Measures was established, primarily performing dragnet controls. This includes control and search actions throughout federal territory, especially on transit routes, with the aim of combatting irregular migration, smuggling, and human trafficking. The unit consists of trained specialists in the recognition of forged or falsified documents (o.A., 2017). In 2018, the Alien and Border Police Unit Puma was installed to deal with refugee movements. It was replaced by the Unit for Investigative Techniques in 2020, which was tasked to support other organizational units with the aid of drones. This includes drone operations to combat human smuggling, carried out in the border area (o.A., 2018). The established police units compensate for the dismantling of border controls by carrying out investigative, border, and alien police controls in the interior of the country through so-called dragnet controls (o.A., 2018).

e) Re-bordering through externalization

During 2015–2021, Austria continued its engagement in bi- and multilateral agreements concerning border policies. In 2015, Austria agreed with Hungary on cooperation in dealing with cross-border trafficking in the event of the reintroduction of border controls. Furthermore, Hungary and Austria agreed on strengthening their cooperation to combat cross-border crime and irregular migration. They thus wished to ensure the maintenance of public security and order. Additionally, cooperation with the alien police force was to be increased, for example through joint police patrols (Federal Gazette III 165/2018).

Likewise, bi- and trilateral police cooperation with the Czech Republic, Slovakia, and Hungary was reinforced to fight human smuggling, cross-border crime, and irregular migration (BMI & BK, 2015, p. 10). Beyond that, the Ministry of the Interior has continued its efforts towards bilateral agreements on police cooperation with the Czech Republic, Italy, Switzerland, Germany, and Liechtenstein (cf. Federal Gazette III 47/2017; 55/2016). These agreements contain joint measures for cross-border surveillance and hot pursuit, cooperation in cases of controlled delivery, the provision of liaison officers, joint policing centers, assistance in controlling irregular immigration, joint repatriation efforts, and mutual surrendering of persons at the border. Furthermore, the agreement with Germany includes assistance towards the implementation of measures in the event of the temporary reintroduction of border controls (cf. Federal Gazette III 18/2018).

In the past, Austria had already engaged in joint operations on the international level and within the EU framework. As a result, the Joint Operational Office against human smuggling and trafficking (JOO) was installed in Vienna in May 2016. It serves as an operational platform for international investigations into migrant smuggling along the Western Balkan and Central Mediterranean route (APA 2017). In addition, the JOO is responsible for reporting on illegal migration movements and trafficking routes (Europol, 2016).

Another such initiative was the Joint Action Days (JAD), which was defined as “cross-border law enforcement action days focusing on horizontal key crime hot spots and criminal infrastructures across the EU” (General Secretariat of the Council, 2016). In 2019 and 2020, the JAD Danube, under Austrian leadership with the support of FRONTEX, was supposed to combat migrant smuggling in the Western Balkan region and within the EU. Countries from the EU and all Balkan states participated (FRONTEX, 2019).

The rhetoric of the closure of the Western Balkan Route was a key political issue that emerged from the crisis of migration governance in 2015. At the Western Balkan Conference on 24 February 2016, titled *Managing Migration Together*, Austria joined forces with government officials from Slovenia, Croatia, Bulgaria, Albania, Kosovo, Macedonia, Montenegro, and Serbia. The agreement contained closely coordinated measures in order to manage migration movements efficiently in line with international and European law, specifically concerning the Schengen Borders Code and particularly addressing border management (Dzihic, 2019, pp. 9–10). The member states of the EU offered mutual support for efficient border management in the Balkan region. The agreement furthermore provides for closer police cooperation among the Western Balkan states. The common aim was to reduce the number of migrants in the region significantly (BMI & BMEIA, 2016). This marks a new form of European border politics, which externalized the responsibility of EU border controls to non-EU countries. The special situation in the Western Balkans was that all countries were either EU candidates or were aiming at becoming such. Sanja Milivojevic (2019, p. 65), a scholar on border control in the Balkans, consequently states:

Potential and candidate states in the region have been pressured to harmonize their legislation, policies, and practices with the EU, and to “do border” on its behalf. Through the implementation of requirements set in the EU policy framework, future members have to demonstrate both the capacity and the willingness to become a new frontier of the EU’s border regime. These “genuine partnerships” are, however, a simple transfer of the mechanisms of border control to potential and candidate states.

The EU-Turkey Deal enacted on 18 March 2016 has been argued a more efficient instrument to decrease the number of refugees entering the Balkan area and the European Union significantly (Dzihic, 2019, p. 10; Graf & Knoll, 2017, p. 230; North, 2017). Nonetheless, the narrative of the closure of the Western Balkan route continued to exist in Austrian domestic politics. Particularly chancellor Sebastian Kurz repeatedly visited countries such as Serbia and North Macedonia, where he argued that “the closure of the Western Balkan route shows that migration flows can be actively influenced” (krone.at, 2017).

In 2020, the ministers of the countries of the Salzburg Forum, the Western Balkans, Denmark, Greece, and Germany, as well as representatives of the European Commission, EASO, FRONTEX, and the Director General of the ICMPD issued the Vienna Declaration on effectively combatting irregular migration along the Eastern Mediterranean Route at a renewed West Balkan Conference (Vienna

Declaration, 2020). The Austrian Minister of the Interior postulated that reopening the borders in the context of the COVID pandemic would mean opening borders for irregular migration and human smuggling. The Vienna Declaration (2020) states:

... [i]rregular border crossing will not be tolerated. Likewise, encouraging migrants to endanger their lives by attempting irregular border crossing by land or sea is not acceptable. These messages should be relayed.

The aim of the conference was to establish a three-stage security network for Austria. The first stage included securing the external EU border. Austria therefore sent armored vehicles and Cobra police-unit forces to Greece. The second stage included securing the borders in the Western Balkan region as well as the external EU borders of Croatia, Slovenia, and Hungary. The third stage pertained to a security network running along the Austrian border and in the interior of the country (o.A., 2020).

The Vienna Declaration proposed a holistic approach towards combatting irregular migration and human smuggling by coordinating and harmonizing the approaches to border protection, repatriation, asylum, and combatting smuggling. To this end, bilateral and multilateral agreements were made with non-EU countries along the Eastern Mediterranean Route. In addition, an Operational Platform – Eastern Mediterranean Route was established in Vienna. Its main focus was coordination, cooperation, and communication between all involved states and organisations (o.A., 2020; Vienna Declaration, 2020).

f) Intensified re-bordering: the COVID-19 pandemic

In the context of the COVID-19 pandemic, which hit Austria in March 2020, internal border controls were reintroduced along the borders to all neighboring countries. Furthermore, cross-border traffic was suspended, starting with the borders to Italy, Switzerland, Liechtenstein, Slovenia, and Hungary. This was extended to all neighboring countries and lasted until May 2020. The information letter to the EU concerning the temporary reintroduction of border controls at the Austrian internal borders in accordance with Article 284F of Schengen Borders Code states that the cause for the border controls is the increase of COVID cases across Europe. As a result, all available measures would be taken to avoid a further spread of the Corona virus, which was qualified as a serious threat to public security as defined in the Schengen Borders Code.

As early as May 2020, the government justified the prolongation of border controls with the migration issue once more. In the information letter to the EU, the Minister of the Interior, Karl Nehammer (Austria People's Party), declared:

Due to the continuing high migration pressure and the continuing volatile migration situation on various routes and within the EU, as well as the increasing activity of human trafficking, the Austrian Federal Government concludes that the situation is still not sufficiently stable (Council of the European Union, 2020).

The minister also pointed out that Turkey had attempted to blackmail the EU and that an increase in migratory pressure could therefore be expected once the COVID-19 situation had subsided. He argued that the measures to combat the COVID-19 crisis (above all border closures) had caused migrants to become stranded in the states of the Western Balkans. Therefore, it had to be assumed that migration

pressure would increase when the situation eased and the borders re-opened. He further emphasized that a continued shortcoming in external border protection could lead to a criminal and terrorist threat (Council of the European Union, 2020).

In the spring of 2020, the Ministry of Health issued a landing ban on aircrafts from COVID-19 risk areas between 13 April and 15 July 2020 (Federal Law Gazette II No. 83/2020 and No. 319/2020). Likewise, rail traffic from Switzerland, Liechtenstein, and Italy was suspended between 13 April and 14 June 2020 (Federal Law Gazette II No. 86/2020 and No. 196/2020). Furthermore, the entry regulations to Austria were supplemented by the requirement of health certificates (Federal Law Gazette II No. 80/2020, No. 89/2020, and No. 263/2020).

In 2020, an average of around 1,100 soldiers per day assisted the police forces as an assistance mission of the Federal Army. An average of 286 soldiers were on duty at the border in support of the police forces and health authorities. Members of the militia were conscripted additionally. On behalf of the health authorities, the Armed Forces were designated to check health-related entry regulations together with the police at the border (Bundesministerium für Landesverteidigung, 2020). In February 2020, the Command Support Battalion and parts of the Air Force were deployed to assist in border surveillance and health-related border controls in Tyrol (Bundesministerium für Landesverteidigung, 2021). In May 2020, almost 1,400 soldiers were deployed for the COVID-19 assistance mission, but not all were located at the borders. A month later, about 800 soldiers supported the Security Police Assistance Mission, which had been installed in 2015 for the purpose of Austrian border management. The Minister of the Interior argued that the imminent opening of EU- borders would increase migratory pressure. The remaining fighter companies would therefore serve in the migration mission at the Schengen border as well as in the Anti-COVID-19 mission at the border to Italy ((Bundesministerium Inneres, 2020). The Security Police Assistance Mission was still in force in 2021, as was the extension of the internal border controls.

Conclusion

This chapter has presented key developments of Austrian border politics and policies, beginning with the country's accession to the European Union and its participation in the Schengen area in the mid-1990s. By differentiating two phases, we provided evidence that from 1995 until 2014, the national adaption to the Schengen acquis implied selective de-bordering towards Germany and Italy, and later towards the eastern neighboring countries. However, initial de-bordering measures towards western neighbor states were accompanied by fortification measures toward the east as well as compensatory measures, including dragnet controls of aliens and crime policing in selected border areas. Border control measures included the involvement of the federal armed forces along border hinterlands as well as the relocation of immigration-related policing activities along routes where suspicious individuals could be expected. The high expenditure of personnel and resources for border control along the former external borders can be considered an act of European integration, through which Austria wanted to prove that it was ready for Schengen. Evidently, integration into the Schengen area did not merely imply de-bordering but rather suggested new concepts of bordering, which were geographically partly detached from national territorial borderlines. After 2007, when the new EU member states had successfully implemented the Schengen acquis, bordering efforts were further externalized to the Western Balkans countries.

As from 2015, we can observe two key developments. On the one hand, externalization measures through bi- and multilateral agreements and cooperation continue to play an important role in Austrian border politics. This became particularly evident in the context of the dominant narrative of “closing the Western Balkans route”. The Austrian government, especially under exterior minister and later chancellor Sebastian Kurz, played a key role in politicizing the region as the new European borderland. Diplomatic ties with Serbia and North-Macedonia, for example, were strengthened in order to intensify cooperation in border controlling.

On the other hand, the increased application of national measures, such as restrictive asylum and immigration laws, the building of a fence, and the assistance missions of the Federal Army indicate that the crisis had induced shocks which have shaken the trust between EU member states. The return of the hard border can be considered both as a set of concrete policy tools that has effectively increased national capacities for control, interception, and rejection, and as an attempt to restore the symbolic authority of the government over apparent migration-related challenges. The policy to set an upper limit for asylum applications can be interpreted as the deterioration of human rights and a discursive move, “resemiotizing the politics of delimiting and policing the national body” (see Rheindorf & Wodak, 2020, p. 34).

The second crisis followed in 2020, when COVID began to spread across Europe. Throughout the pandemic, Austria’s government had reinforced border controls and issued travel bans, quarantine regulations, and health checks. This led to a new approach toward borders, considering that permission to enter federal territory was linked to proof of sound health. These measures represent a completely novel approach. For the first time, they applied to all European and national citizens. Interestingly, one can also observe measures of immigration mobilization for particular groups. Due to a supply crisis of 24-hour care workers and seasonal harvesters, government decided to actively organize and facilitate the journey and accommodation of labor forces from Eastern Europe (derstandard.at, 2020; W. Müller & Scherndl, 2020; Norbert Lehmann, 2020; Scherndl, 2020; wien.orf.at, 2020).

These two crises have led to the erosion of the Schengen measures. Intra-Schengen border controls that had previously neither been considered as a tool of immigration control for asylum-seekers nor as a means of fighting pandemics have recently taken on a new meaning. While unilateral bordering and the return of the hard border may create the impression that states are regaining sovereignty, these measures potentially foil solidarity and coordinated action within the European Union, acting as makeshifts for durable solutions such as distribution schemes for asylum-seekers or harmonized rules for mobility during pandemics.

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