

Friend or Foe? Inter-agency Co-operation, Organisational Reputation, and Turf

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Abstract

This article aims to explain two contrasting cases of bureaucratic co-operation: the co-operation practices of two similar European agencies—the European Union’s Law Enforcement Agency (Europol) and the European Agency for the Management of Operational Co-operation at the External Borders (Frontex)—with corresponding national-level structures. Both European agencies were set up to tackle specific policy problems by fostering operational co-operation among the EU member states in the area of law enforcement and border management. The sensitivity of the fields in which both agencies operate (i.e., in terms of national sovereignty) raises considerable potential for tensions with co-existing national structures. Rather surprisingly however, co-operation has developed smoothly in one case (i.e., border management) and has proven extremely difficult in the other (i.e., law enforcement). To make sense of this puzzle, the article adopts a theoretical approach to co-operation that is both ‘turf’ and reputation-sensitive. Informed by insights from classic literature on bureaucratic behaviour and more recent, influential work on organisational reputation, and drawing on a variety of documents and interview material, it argues that the divergent co-operation outcomes in the two cases are shaped to a large extent by the different reputational impact of co-operation for the national authorities concerned.

1. Introduction

In today's interconnected world, complex policy problems—be it environmental issues, serious crime, illegal immigration—increasingly span across geographical borders and regulatory jurisdictions. Meaningful regulatory response is therefore, necessarily of a growing trans-boundary nature; it entails the involvement of manifold bureaucratic entities, bypassing hierarchical centre-periphery divides and cross-cutting traditional regulatory jurisdictions. Crucial to this response, and therefore, to the successful tackling of such complex policy problems, is how bureaucratic co-operation plays out in practice.

Nowhere are such attempts at engendering trans-boundary co-ordination and co-operation as institutionally visible as in the context of the European Union (EU)—the quintessential 'regulatory state' (Majone 1996; 1997), characterised by a multiplicity of regulatory actors, operating and co-operating across different levels of governance. In the last three decades, we have seen for instance, among others, the rise of a new breed of bureaucratic actors at the EU level—European agencies, set up to address specific common problems through improved trans-national co-operation among (fragments of) member states' bureaucracies (Gehring and Krapohl 2007; Dehousse 2008; Groenleer 2009; Special Issue of the Journal of European Public Policy 2011; Busuioc, Groenleer and Trondal 2012; cf. Kelemen 2002; Kelemen and Tarrant 2011). These agencies, thirty-five to date, operate in a variety of regulatory areas—such as food safety, chemicals, energy, disease prevention, aviation safety and financial supervision, among others—and are themselves heavily reliant on co-operation from national structures (both horizontally, amongst each other as well as vertically, with the EU level) to function and fulfil their mandates.

Bureaucratic or inter-agency co-operation however, is not exactly easy to come by. It is one of those elusive 'good things': both desirable and necessary, yet hard to implement. The adoption of rules mandating co-operation is no guarantee that the formal decree will be followed through. The 'practice' of inter-agency co-operation is much less of a straightforward matter (Bryson *et al.* 2006): While we do encounter

‘success stories’, examples of bureaucratic reluctance to co-operate and even full-blown ‘turf wars’ (Wilson 1989, pp. 185-188; 195) abound, be it that the context is trans-national or a strictly national one. The magnitude of the problem is only compounded in a trans-boundary context, however. With the involvement of multiple actors, from different jurisdictions, and which, to complicate matters, are not accustomed to working together, tensions, inconsistencies and ‘turf wars’ are likely to be even more prevalent.

The difficulties and contradictions inherent in trans-national co-operation efforts are poignantly illustrated by two contrasting cases of co-operation: the co-operation practices of two similar European agencies—the European Union’s Law Enforcement Agency (Europol) and the European Agency for the Management of Operational Co-operation at the External Borders (Frontex)—with corresponding national-level structures. Both EU agencies were set up to tackle specific policy problems—serious crime of a trans-national nature and illegal migration, respectively—by fostering operational co-operation among the EU member states in the area of law enforcement and border management. The sensitivity of the fields in which both agencies operate (i.e., in terms of national sovereignty) raises considerable potential for tensions with co-existing national structures. Moreover, the two services are often merged into one authority at the national level. Rather surprisingly however, in practice the two agencies—while very similar on the one hand and expected to have face comparable co-operation challenges— have had dissimilar co-operation experiences. As we will see below, while Europol has encountered significant co-operation difficulties, manifested in a strong reluctance by national forces to co-operate across a whole range of key agency activities, Frontex, on the other hand, has benefitted from co-operation and support post-delegation from national authorities.

To explore and make sense of this puzzle, the article adopts a theoretical approach to co-operation that is both ‘turf’ and reputation-sensitive. Informed by insights from classic literature on bureaucratic behaviour (Wilson 1989) and more recent, influential work on organisational reputation (Carpenter 2001, 2010; Carpenter and

Krause 2012; Gilad 2009, Gilad and Yogev 2012; Maor 2010, 2013), it argues that turf-conscious bureaucratic actors co-operate subject to positive reputational calculations. Organisational reputation, and an understanding of how it is accrued in various contexts, can be important, it is argued, in making sense of bureaucratic willingness to co-operate or the lack thereof.

The topic of co-operation has received considerable attention from various strands of literature—particularly literature on collaborative governance, inter-organisational co-operation and collaborative public management (see for instance, Bryson *et al.* 2006; Ansell and Gash 2008; Emerson *et al.* 2011 for comprehensive literature overviews and efforts to systematise existing approaches). While this literature identifies a variety of factors that can determine co-operation such as leadership, incentives, (resource) inter-dependence, uncertainty etc., the role of organisational reputation(s) in conditioning co-operation remains largely unexplored. The two cases analysed here however, indicate that reputation can be a key consideration in public bodies' commitment to co-operation or to the contrary, their resistance to such endeavours.

The article is structured as follows: first of all, the proposed theoretical approach to co-operation is laid out. This is followed by a section on methods, where case selection and data sources are addressed. Next, the practices of co-operation of national structures with the two EU agencies are examined in turn, in a comparative fashion, pointing at significant differences in our two cases. The following section attempts to explain the observed differences through the prism of the proposed theoretical approach. In one field, co-operation depletes important reputational resources of national offices. This threatens their 'reputational uniqueness', triggering turf-protective tendencies and a reluctance to co-operate. In the other case, vertical and horizontal co-operation efforts bring important gains to national authorities' ability to discharge their tasks successfully—and thus, to their reputation-building efforts. Crucially however, they do so *without* threatening their 'reputational uniqueness'.

2. Theoretical Approach: Co-operation Meets Reputation

An important, and growing, body of work emphasises the key relevance of reputational considerations in understanding bureaucratic behaviour (Carpenter 2001, 2010; Carpenter and Krause 2012; Maor 2013). In this approach, the reputation an agency cultivates—through its (uneven) response to expectations from multiple audiences—is the primary source of its power, which can allow it to enlist public support, build its autonomy, protect it from external attacks and ultimately, help ensure its survival (Carpenter 2001, 2010; Maor 2013). Organisations therefore, expend a great deal of time and effort cultivating this ‘valuable political asset’ (Carpenter 2002).

Reputation-based accounts have been initially relied upon to explain aspects of agency behaviour pertaining to bureaucratic autonomy and autonomy forging (Carpenter 2001). They are increasingly being used however, to explain a whole array of regulatory behaviour (Carpenter 2010; Carpenter and Krause 2012) of regulators and regulatees alike as well as their interactions such as: regulatory enforcement practices (Gilad 2009; Maor and Sulitzeanu-Kenan 2013; Etienne *forthcoming*), regulators’ prioritisation of tasks (Carpenter 2002), jurisdiction claiming (Maor 2010) or the strategic use of communication (Maor *et al.* 2013; Gilad *et al.* 2013). Given that co-operation is just another (specific) instance of bureaucratic behaviour—in the form of two or more organisational entities working together towards implementing a joint public policy goal—research on the issue from a reputational perspective could prove particularly insightful (see Gilad 2009, on the role of reputation in shaping the mutual co-operation of regulators and corporations in enforcement).

Drawing on this (and earlier) literature, this article proposes to view co-operation outcomes as a function of reputation and related ‘turf’ considerations. Reputation is defined as ‘a set of symbolic beliefs about the unique or separable capacities, roles, and obligations of an organization, where these beliefs are embedded in audience networks’ (Carpenter 2010, p. 45). ‘Turf’ is understood here as an agency’s

distinctive 'jurisdiction'/'mission' (Wilson 1989, p. 182) or 'regulatory dominion' (Maor 2010, p. 136). Although the concept of 'turf' has not explicitly been discussed (for an exception, see Maor 2010) and developed as such in reputation theory, it seems intuitively crucial to an agency being able to forge a distinctive organisational reputation.

As mentioned above, agencies, like other organisations, are assessed by their audiences on the basis of their reputation, which centres 'on their ability to provide unique services capably' (Maor 2013, p. 4), on 'the proficient execution of a *unique* function' (Gilad and Yogev 2012, p. 4). They therefore, strategically cultivate 'reputational uniqueness' (Carpenter 2001, p. 5), a reputation, 'which enables an agency that possesses it to make a claim for unique contribution to the public good' (Maor 2013, p. 3; Maor *et al.* 2013, p. 583), different from other organizations. It is, in other words, organisational (survival) mantra to carve out a *distinctive* reputation, a 'niche role' (Gilad and Yogev 2012). Central to this is maintaining and protecting a separate 'turf' or 'regulatory dominion' through efforts 'to seek out tasks that are not performed by others', 'to fight organisations that try to perform your tasks' and relatedly, therefore, 'to be wary of joint or cooperative ventures' (Wilson 1989, pp. 189-190).

Co-operation efforts can be risky; they can unwittingly bring about new bureaucratic rivals, intruding upon one's 'regulatory dominion.' This would jeopardise an organisation's unique function, its organisational claim to uniqueness. This helps explain why in practice, agencies are time and time again found to be reluctant to co-operate and highly defensive of their 'turf': 'regulatory bureaucracies, like all bureaucracies are keen to protect their own turf' (Baldwin *et al.* 2011, p. 368; see also Wilson 1989, Chapter 10 on 'turf' more broadly). Such behaviour makes good sense when considered from a reputational perspective.

The theoretical argument put forward here therefore, is that whether an agency is willing to engage in co-operative efforts, or to the contrary, it is turf-protective and reluctant to co-operate, is intrinsically linked to reputational calculations. In other

words, *co-operation is reputation-conditioned*: it is shaped by the benefits co-operation can bring in terms of the *unique reputation* the agency maintains and cultivates towards its key audience(s). Agencies are thus, more likely to engage in co-operative efforts when these bring gains to their organisational reputation—sustain their ability to successfully carry out tasks that fall within their core role— *without* threatening their organisational uniqueness (i.e., *reputation-enhancing co-operation efforts*). In other words, in such a scenario, co-operation would entail reputational accrual without jeopardising the unique role of the organisation concerned. To the contrary, an agency would be expected to display resistance to co-operation efforts that threaten its reputational uniqueness, as discussed above (i.e., *reputation-depleting co-operation efforts*). When faced with such co-operation prospects, agencies would be more likely to display turf-protective tendencies and a strong reluctance to co-operate.

An agency would also be expected to forgo co-operation on aspects that are directly removed from its core functions and tasks (see also Gilad and Yogev 2012) and thus, not directly relevant to the protection and cultivation of its reputation in the eyes of its audience/s (i.e., *reputationally-marginal co-operative efforts*). Agencies, we know, ‘avoid taking on new tasks that differ significantly from those at the heart of the organization’s mission’ (Wilson 1989, p. 190). Whether new tasks come by as a result of co-operation or by other means, such an approach seems likely since reputational gains thus obtained would be trivial, yet they come with significant associated costs (e.g. loss of control, inefficiencies or potential new rivals).

What is more, agencies are likely to be particularly wary of such reputationally-marginal co-operative efforts when these entail additional liabilities such as, for instance, complex new tasks and/or salient ones (see Krause 2003). As mentioned above, agencies are evaluated on their ability to provide unique services *capably*, ‘by avoiding visible failures’ (Maor 2013, p. 6). Complexity for instance, can render it difficult to demonstrate competence to successfully solve policy problems (Krause 2003).

3. Data and Method

Specifically set up to improve trans-national co-operation in a multi-level regulatory context, and heavily dependent themselves on co-operation from multiple national bureaucratic structures themselves, European agencies make for textbook examples for the study of multi-level co-operation at work. The research presented below follows a most similar case study design i.e., ‘two cases are apparently quite similar, and yet demonstrate surprisingly different outcomes’ (Gerring 2007). It examines two comparable European agencies (Europol and Frontex), yet which display differing co-operation outcomes, as it will be shown more at length below (section 4).

Both agencies operate in highly contentious and sensitive policy areas from a member state perspective, strongly interlinked to national sovereignty. The said organisational predisposition towards ‘turf protection’ would be expected to be particularly emphasized in such cases, with an ensuing reluctance to co-operate by national structures. Yet interestingly enough, the outcome (i.e., co-operation) in the two cases—gaged primarily on the basis of secondary literature analysing national-level involvement in core agency mandated tasks requiring such co-operation (and corroborated through interviews)—has been divergent. Frontex, on the one hand, has benefitted from member state co-operation and support post-delegation. Europol on the other hand, has suffered from significant co-operation difficulties, being faced since its creation with a strong reluctance by national forces to co-operate and a general resistance to Europol as an organisation, as we will see below.

The premise underlying this article is that the different outcomes in the two cases are strongly related to reputational calculations. This is not to say that other co-operation determinants do not play a part as well; but rather, that organizational reputational concerns are crucial in shaping co-operation behaviour in the two cases. On-going empirical developments allow for strengthening the claim against alternative determinants (e.g. different functional needs, fields of operation, resource differences etc.) as primary explanatory factors of the divergent outcomes

in the two cases. In the Frontex case, developments, which would reverse the co-operation-reputation patterns along similar lines as in the Europol case are being envisaged. This affords us a glimpse of what would happen within the same case (i.e., Frontex) if we were to flip the reputational benefits —all other factors staying the same. As we will see below, we then see similar turf-protective tendencies emerging, as in the Europol case, strengthening the case for co-operation patterns being strongly shaped by reputational considerations.

The article draws on (legal and policy) documents and interview material. The interview data consists of 21 semi-structured expert interviews with EU and national-level respondents from/working with Frontex and Europol. The respondent sample consists of high-level agency respondents (such as agency directors, directorate staff, and heads and staff of key operational units) and members of the management boards of the two agencies, which are generally the heads of corresponding national-level agencies. It includes five agency directors: the incumbent executive directors of the two agencies, a former executive director of Europolⁱ, as well as two former deputy directors. The interviews were taped and transcribed; interview quotes are used to illustrate the main points. Each respondent was assigned an interviewee number, and is referred to as such in the text, for the sake of preserving his or her anonymity.

4. Multi-Level Police and Border Management Co-operation

4.1. Alike...

Europol and Frontex are two agencies of the European Union operating in the Area of Freedom Security and Justice (AFSJ), exercising mandates in the field of law enforcement and external border management, respectively. Europol was set up in 1995, through the signing of the Europol Convention (replaced in 2010 by the Europol Council Decisionⁱⁱ) and Frontex in 2004, through the adoption of the Frontex Regulation.ⁱⁱⁱ Both agencies are organisationally separate from the EU institutions, they have their own budget (funded from EU contributions) and are endowed with

legal personality. Their mandates are to improve operational co-operation among national authorities in an effort to prevent and combat organised crime, terrorism and other forms of serious crime (Europol) and to strengthen external border controls (Frontex).

The driving forces behind the creation of both agencies have been broadly similar: a perceived need for closer co-operation among the EU member states, faced with growing challenges of transnational character (i.e., serious crime and illegal migration, respectively) and spurred on by a series of high impact events (e.g. the fall of the Berlin Wall, EU's Eastern enlargement) or crises (e.g. 9/11 terrorist attacks) (Den Boer and Walker 1993; Monar 2005; Leonard 2009; Groenleer 2009; Busuioc *et al.* 2011; Perkowski 2012). In this context, loose co-operation efforts of a bilateral and/or strictly intergovernmental nature were no longer regarded as sufficient, and more permanent, enhanced supranational structures of co-operation became necessary to address common problems.

Although border management has seen deeper integration than law enforcement, both policy areas remain highly sensitive and contentious from a national perspective, and integration efforts have been piecemeal and controversial. Given the delicate nature of the tasks at stake, national bureaucracies have been protective of their prerogatives in these areas. Keen to maintain control post delegation, both EU agencies' management boards are almost exclusively made up of national representatives i.e., they are composed of one representative from each member state, together with the European Commission (one representative in the case of Europol and two for Frontex). Also part of the attempt to maintain national control and pointing at the sensitivity of both fields, the European Parliament was kept outside the set up process of both agencies, with its amendments being ignored by the Council (Den Boer 2002; Curtin 2005; Peers 2005; Leonard 2009).

Both agencies are operational-co-operation agencies in nature and their mandates revolve around improved co-operation (as opposed to the drafting/adoption of common rules). Europol's tasks are centred on the gathering, exchange and analysis

of information and intelligence received from national police authorities (but also third states, other EU and international bodies), through the mediation of a network of liaison officers and complex information exchange systems. Europol has its own officers with limited operational powers, primarily centred on supporting and co-ordinating investigations. The agency can ask national police authorities to initiate, conduct and co-ordinate investigations and its officers can participate in joint operations with national authorities, the so-called Joint Investigation Teams (JITs). Europol officers cannot however, carry guns, conduct searches or use force (Groenleer 2009).

Frontex' tasks range from the co-ordination and conduct of joint border operations, deploying joint member states' staff and equipment at the external borders (land, sea, air), to carrying out risk analysis or assisting member states in the training of national border guards. The agency manages the so-called European Border Guard Teams (EBGT), a pooled resource of national border guards kept in full readiness for deployment in joint operations and rapid border crisis interventions. Under the aegis of Frontex, border guards from various EU member states act in the same capacity as national border guards. They can carry guns, ammunition and equipment as well as use force in the territory of a member state (i.e., the host member state), which is not their own, albeit subject to restrictions.

Horizontal and vertical co-operation is thus crucial to both agencies' functioning and ability to deliver and to fulfil their mandate, an issue both agencies are intensely aware of. As observed by a Europol director: 'We couldn't function without the flow of information from the member states' (Respondent #5). In the words of a high-level Frontex respondent (European Parliament report 2011): 'I have said many times that Frontex is nothing without the member states. And asking and tasking Frontex to do more is to ask the member states to do more. The business that we are in is operational co-operation among the border security authorities.' Whereas both agencies are heavily dependent on co-operation from national authorities, and whereas this is in some cases explicitly stated in both agencies' constituent acts as a formal obligation ('shall') on the part of national authorities to participate and

engage in a whole range of agency products and activities^{iv}, the two agencies cannot actually oblige member state authorities to follow through and are dependent on their willingness to co-operate.

4.2. Yet Different Co-operation Outcomes

EU trans-national police co-operation has been 'plagued' from its very establishment by a strong resistance from national structures to co-operate: 'Initially, Europol faced a lack of co-operation from national police authorities, reluctant to share information (...)' (Groenleer 2009, p. 277) and 'the office still faces a lack of collaboration from national police services' (Groenleer 2009, p. 296). While co-operation efforts in the field have generally benefitted from considerable support at the high political level, with recurrent increases in Europol's mandate and budget, the agency's struggles to obtain support and co-operation from national law enforcement agencies are extensively documented empirically in the literature along the years (Zanders 2002; Den Boer and Bruggeman 2007; Groenleer 2009; Busuioc 2010; Busuioc *et al.* 2011). This has led to 'a wide gap in support between the political and bureaucratic and professional level' (Groenleer 2009).

Poor co-operation has manifested itself both in terms of a lack of supply of information by national offices, the very 'lifeblood' of Europol, as well as in terms of poor trans-national co-operation at the operational level. In terms of information input, national offices have been extremely guarded about sharing information with Europol and have preferred to co-operate on a case-by-case, bi-lateral basis (House of Lords 2008). As reportedly observed by a Europol director: 'I cannot influence the member states to insert more data. I appeal, I remind them all the time and now they are getting very tired. (...) The system is by far not filled as it should be' (Busuioc 2013, p. 147). A Europol director similarly observed in 2011: 'it's [information exchange] still an issue, and it's the biggest challenge that Europol has always had for the last twenty years' (Respondent #5).

On the operational side, in terms of joint investigations, the instrument has been and continues to be considerably underused (Gualtieri 2007; Busuioc 2013). In the words of the same director: 'JITS have not been an unqualified success, since they were introduced 10 years ago. For a number of reasons but it clearly hasn't taken off still, which is a shame because they have great potential' (Respondent #5). On terrorism co-operation, he similarly noted: 'we have developed counter-terrorism resources (...) But that's simply not used at the level that they could be. There are 50 terrorism experts here, specialist databases and they are used more than they were, but are still operating at a suboptimal capacity. It actually brings into quite sharp relief an interesting issue about aligning political expectations, with practitioner reality (...).'

What is perhaps surprising is that, by comparison, EU border management co-operation has been largely qualified as successful. Frontex has benefitted not only from high-level political support (Pollack and Slominski 2009, p. 904)—as evidenced by the expansion in its mandate as well as sky-rocketing budget and staff increases^v—but also from close co-operation from national structures. The co-operation of national border guard authorities has taken place across the full range of the agency's mandate: in terms of the supply of information, participation and requests for new joint operations, pooling of staff, technical equipment and resources etc., albeit there are differences in this respect among member states (Respondents #8; first interview 2011; second interview 2013; #15; #18; #20; COWI 2009; Pollack and Slominski 2009). Pollack and Slominski (2009, p. 912) for instance, note that '[d]espite the short time of activity as well as the delicate nature of its operations, Frontex has shown considerable activity covering and increasing number of fields of border management and involving and increasing number of member states. (...) This is also reflected in the overall increase of its activities in terms of range, duration, intensity and involvement of member states.'

The agency's independent external evaluation found that 'most Member States have a positive attitude towards JO [joint operations]' (COWI 2009, p. 40). It observed that 'In terms of operational impact, there is clear evidence of increased cooperation

between Member States in terms of scale of cooperation (number of countries involved) and number of operations. Without Frontex this would not be the case' (COWI 2009, p. 42). Similarly, in the area of risk analysis, the same report found that 'The level of satisfaction with RA [risk analysis] amongst e-survey respondents is high with 70% giving a positive or very positive overall score (...)' (COWI 2009, p. 47). It concluded that the 'structure of communication set up by Frontex for consultation and cooperation with Member States in the field of risk analysis is functioning well. It helps in creating a sense of partnership in RA in the EU and improves the exchange of information' (COWI 2009, p. 48). This was also corroborated in recent interviews conducted for this study. To illustrate, in the words of a Frontex director:

The activity and the level of activeness of member states has developed positively year after year. I am happy man to see that the management board of Frontex, that consists of the heads of national boarder guard services, don't consider Frontex as a pain, or some kind of obligation, or a burden or a competitor. (Respondent #8, second interview 2013)

In the section below, an attempt will be made to help elucidate some of the observed discrepancies by relying on the theoretical framework introduced earlier.

5. To Co-operate or not to Co-operate? A Product of 'Turf' and Reputational Calculations

While the differing co-operation outcomes in the two cases seem baffling at the first sight, a closer look at how organisational reputation is maintained and accrued in both fields sheds light on the crucial role played by reputation in shaping co-operation outcomes. This is not to say that other factors, as mentioned earlier, do not potentially intercede as well in fostering or discouraging co-operation. And in fact, we will see below inter-dependence play a role for instance, in national co-operation with Frontex (albeit working through bureaucratic reputation). But rather, that reputation is a crucial part of the explanation. And that de-constructing reputation processes can be important for understanding why turf-protective tendencies—and an ensuing reluctance to co-operate—become manifest in some cases, and less so in others.

5.1. Not to Co-operate: Law Enforcement, a Case of Turf-Protectionism

While the rise in transnational crime requires a transnational response, most crime does not actually have a transnational element, but instead it still largely occurs within a national context. Most law enforcement and prosecutorial powers continue to be located at the national level and national police authorities' 'regulatory dominion' pertains to tackling crime within the national territory. Police officers are assessed and rewarded for fighting crime effectively within the communities they serve, rather than across national borders: 'police forces in Europe are foremost nationally or even regionally or locally oriented' (Groenleer 2009, p. 297). In other words, reputation—bureaucratic and individual—is built in this case vis-à-vis key national and local audience(s) by fighting crime in a national context. It is strongly, or nearly exclusively, oriented towards policing activities of a local or national significance.

Institutionalised supranational co-operation therefore, entails a loss of control by national forces of key reputational sources to a new bureaucratic rival—Europol. First of all, sharing information with Europol in an ongoing, institutionalised basis essentially empowers Europol, while potentially, albeit not purposefully, compromising a key resource of national offices: (intelligence) data. In this connection, a respondent spoke of:

A tendency of policemen to say: "it's my data", afraid that the data would be corrupted for instance, in the case of an undercover operation or that someone else would investigate on his case and the case would be burnt.
(Respondent #16)

What is more, drawing on data gathered at the national level, the European agency could get involved in specific national cases, or even worse from a national authority perspective, actually solve them. Closing cases at the national level is an important reputational source of national police authorities—and their officers, with arrest and clearance rates traditionally relied upon as indicators in assessing police performance. A supranational authority solving relevant cases can interfere with the 'reputational uniqueness' of national offices, with their ability to provide a unique

public service. Supranational co-operation efforts are thus perceived as *reputation-depleting*, triggering customary turf-protective tendencies. In the words of a respondent:

Too often the national authorities of the EU member states consider Europol as a competitor. And that is the core problem why they don't give Europol the information that they should receive. (...) Because of one of the unwritten rules in law enforcement. Who is the hero in law enforcement? It's the guy who solves the case. That's the point. (...) And if you give the information to your co-operative partner, you give the list of names and telephone numbers, who after 2-3 months says, "I did it, I solved the case, I'm the hero."

And again 'They are afraid that by co-operating someone will steal the case' (Respondent #6); 'I want to have all the credit from this one' (Respondent #19).

As a result, it is not surprising therefore that Europol's databases are underused—suffering from a so-called 'information dehydration' (Respondent #6)—as are its JIT instruments, as discussed above. The overwhelming majority of agency respondents interviewed recurrently spoke of competitive and 'turf-protectionist' tendencies among national law enforcement authorities.

A Europol director told of:

A certain cultural resistance in the police community to sharing their information with Europol. (...) we had it across all areas of our work. And it's convincing what is normally a conservatively-minded police audience in Europol that it is safe, secure and it will lead to added value for them if they can cooperate with Europol. (...). And it's breaking into that police culture that it's now the challenge for us. (Respondent #5)

This echoes the observations of Patrick Zanders, the Belgian representative in the management board of Europol in 2002, who then publicly and critically noted: 'national police services prefer to run the information and investigation themselves with the sole object to pat oneself on the back (me-culture). This culture should change into a European "we-culture" in which a common quest for security output becomes more important than the personal or corps interest' (Zanders 2002).

Moreover, given the manner in which reputation is accrued in the field of law enforcement, supranational co-operation can only bring marginal reputational

benefits to the national authorities involved (*reputationally-marginal co-operative efforts*). As discussed above, such co-operation efforts—sending data to Europol, participating in joint cross-border operations— might well result into Europol successes but would not necessarily translate into organisational (or even individual) reputational gains at the national level. Even in the fewer circumstances when a case does have transnational elements, Europol respondents refer to a reluctance of national police forces to engage in co-operation for ‘fear that the case would become too complex’ (Respondent #14). International co-operation adds a new layer of complexity as well as placing relevant issues outside national offices’ direct control. This can interfere with national offices’ ability to do things capably, a crucial aspect of reputation-building efforts. In the words of a Europol respondent:

They [national investigators] just want to close their case. If they send the information to us, there is a risk that we find something and the investigation becomes too difficult—too many other leads in too many other countries. It is easier to keep it simple. (Respondent #16)

And again, ‘There is a mentality of “What’s in it for me? I keep to the borders of my country. That will make my life easier”’(Respondent #14).

Moreover, when necessary in specific cases, the gains of trans-national co-operation (i.e., access to information, joint operational co-operation) can often be obtained on a case-by case bilateral basis, bypassing institutionalised structures of co-operation. In other words, the gains are often not exclusive and can be accessed without having to engage in institutionalised supranational co-operation through formal Europol structures: ‘what works is the old boys’ network’ (Respondent #14). Temporary, informal co-operation, outside Europol structures, affords the possibility to avoid some of the reputational costs associated with institutionalised co-operation e.g. relinquishing— by default— control over data and potentially losing cases.

And sure enough, national police offices have preferred, when necessary, to co-operate bilaterally in an informal manner, bypassing formal structures. For instance, it has been observed that: ‘the vast majority of information exchanges between liaison bureaux occurs outside the formal systems, and thus while providing very

significant benefit to participating countries the main loser is Europol (...) It is reported that up to 80% of bilateral exchanges occurs this way' (House of Lords 2008). Member states can also set up JITs without the involvement of Europol 'and most of them don't involve Europol' (Respondent #16).

Pre-empting turf-protective tendencies among national authorities becomes increasingly difficult. To stimulate co-operation, Europol, like Frontex, cannot actually oblige national authorities to co-operate. In a complex regulatory system such as the EU, decisions to co-operate are often made at the top of political hierarchies (Council-level in this case), to be implemented downward by the composite elements of the multi-level system: national bureaucracies amongst each other and in co-operation with EU-level actors. The supranational level, as seen in this case, often lacks the authority and the instruments needed to actually ensure compliance with co-operation mandates at the various levels of governance and/or the willingness to enforce these for fear of alienating national authorities. Instead, agencies have to rely on informal influence to instil co-operation downward, within this composite system. Europol has placed an emphasis on 'communicating success', on persuading through demonstrating added value: 'since recently, Europol has been treating successful operations as an opportunity to boost its image' (Groenleer 2009, p. 286).

This is a deliberate strategy on the part of the agency to break through national turf-protectionist tendencies and align top-level political decisions with lower level practices. In the words of a Europol director:

How can we do that [engender co-operation]? Through success. Through demonstrating that the system works. (Respondent #5)

In the words of another director:

Europol will not be harassing the member states for information, continuously requesting information (...) Europol will prove its value added, its credibility, by leading by example. (Respondent #2)

The agency has purposefully steered clear of more aggressive communication means i.e., 'naming and shaming' through providing statistics of contributions of various

member states and identifying co-operation 'laggards'. Such a strategy is generally regarded as politically incorrect by Europol for fear that it would further alienate national authorities:

No statistics are available (...) We advise against taking up a quantitative assessment approach. (Respondent #14)

It's not the right approach for us. I catch more flies with honey than with vinegar. (Respondent #16).

The role of communication in bringing the various organisational levels in alignment with decisions adopted at the top of the organisational hierarchies is well-recognised in organisation theory (Simon 1944; 1997). In this case however, Europol's informal efforts to influence national-level behaviour are not aligned to how co-operation is actually accrued by the national authorities, and the police officers, they are trying to reach. They are not tuned in to the key role played by reputation in conditioning perceptions of co-operation. Though 'communicating success' Europol may well be trying to entice national authorities with a good serving of 'vinegar' instead of the proverbial 'honey', mentioned by the respondent above. Given that the bureaucratic reputation of national law enforcement authorities is linked to them effectively fighting crime, solving cases at the local/national level, as discussed above, a strategy of communicating supranational 'success' is potentially self-defeating. It comes at the cost of being perceived as infringing national authorities' 'turf'—solving their cases with their hard-won data—summoning or reinforcing turf-protective tendencies on their part. In the words of a respondent:

The more successful Europol is, which is pending on the amount of information and intelligence that they gather, the less likely it is that it's the member state authorities who alone solved the case.

In other words, informal attempts of organisational influence towards co-operation, which are not mindful or aligned to how reputation is built by the different organisational (sub-)units risk missing their aim or even become counter-productive.

5.2. *To Co-operate: Border Management, a Case of Reputation- Enhancing Co-operation*

The Schengen Agreement (1985) and the Schengen Convention (1990) implementing it^{vi}—now incorporated in the EU Treaties and European Union law—resulted in the gradual abolition of internal borders and the creation of Europe’s borderless Schengen Area within common external borders. With the removal of internal border checks, national border authorities are facing increased pressures rendering trans-national co-operation an important element to the successful fulfilment of their core tasks. While under Schengen, national border authorities remain responsible for their borders—by law, the primary responsibility for the control and surveillance of the EU external borders lies with the national authority in question, integration in this area has nevertheless, created strong inter-dependencies. Actions of one organisational actor in the system influence the performance and reputation of other actors, and trans-national co-operation becomes central to bureaucratic efforts to *capably* discharge their core mission.

First of all, national Schengen authorities that have an external border are required to ensure proper checks and effective surveillance at their borders. In the context of a borderless internal area, the migratory pressures at some of these borders, now essentially entry points to the whole of the EU, can be outright immense. What is more, shifts in migratory flows due to political crises in neighbouring regions can add considerably to already existing pressures. For instance, the outbreak of the ‘Arab Spring’ led to strong migratory pressures particularly at the coasts of Italy, Malta, Spain and Greece; the Syrian conflict resulted in strong pressures at the Turkish-Greek border. It was estimated for instance, that Greece accounted for 90% of all detections of illegal border crossings in the EU.^{vii} These pressures can thus be, in some cases, extremely urgent and exceptional in nature ‘member states cannot cope anymore with their national means (...)’ (Respondent #20).

For national authorities faced with such pressures at their borders, co-operation can be critical to their being able to carry out their core tasks capably and avoid visible

failures. Through Frontex operations, the host member state—which is generally the state in need of European support, in whose territory the joint operation is carried out—essentially receives additional (operational and financial) support to assist it to cope with the added pressures. Under the umbrella of Frontex and with the involvement of multiple national authorities, it becomes possible to undertake joint operations of a scale beyond the ability of any individual national authority. Frontex operations can have an important stabilising effect. In the words of a Frontex director:

When we have joint operation at the border, a certain level of crisis is going on there, otherwise we don't have a joint European operation.

[...]

The pressure in the cases in which Frontex is involved, for example the RABIT operation in Turkey, the flow is so huge that the assets and the energy of the host country are exhausted with very basic things, just trying to maintain the overall control over the situation (Respondent #8, 2011).

Secondly, also in the case of national authorities generally not impacted by such high migratory pressures at their own borders—either because they lack an external border or because their external borders, for various geo-political reasons, are not high pressure ones—engaging in trans-national co-operation becomes important for the effective execution of their tasks. With the removal of internal borders, such countries are directly affected by developments that often originate outside their territories, and over which they lack the ability to exercise control. Co-operation through Frontex allows them to become aware of pertinent threats and/or tackle them before they escalate in their own territories, pre-empting visible failures. It is relevant to them being able to competently carry out their core tasks.

One of the incentives that the member states have for more participation is (...) that they have become aware of certain types of risks they previously did not know about because the place where it really materialised was quite far away from their country. But once the problems entered the Schengen area, sooner or later it reached the other member states (...). (Respondent #8, second interview 2013)

Given strong inter-dependencies created by Schengen, national border authorities are thus, directly impacted by the actions of other border authorities in their daily operation and in their ability to adequately manage immigration within their

territories. Failings of border authorities in one country to recurrently detect illegal crossings at their borders can gradually result, in the context of an internal borderless area, in increases in illegal immigration, a build-up of asylum claims, inefficiencies and backlogs in another.

Border control and surveillance is still the responsibility of the member states. (...) But if you have a look at the migratory flows and the consequences of migratory flows all over Europe, you see the entrances are in Greece but the asylum requests are in Sweden, in Germany. (...) They are the ones that are dealing with the asylum claimants that are coming from other borders. (Respondent #20)

In other words, trans-national co-operation becomes relevant in supporting national authorities' efforts to capably fulfil their unique tasks and thus, to their reputation-maintenance and reputation-building efforts. As observed by a national border authority respondent:

I think the member states are strongly motivated to assist Frontex in the belief that 'exporting the border' as far as possible upstream of the national border is bound to reduce the threat to the security of the national border *and to the reputation for competence that the national border management authority hopes to gain for itself*. (Respondent #15)

And reiterated:

For the border force, reducing the number of irregular migrants attempting to enter the country *will reduce the number of times we make newspaper headlines*. I believe *it increases public confidence that our border is being managed in a professional manner* that safeguards the security of all those who are here lawfully.

Unlike in the case of EU law enforcement, bureaucratic reputation in the case of border management, while built vis-à-vis key national audience/s, is strongly—rather than marginally as in the Europol case—contingent on transnational co-operation activities. At the same time, and very significantly, these co-operation efforts are *not reputation-depleting*. To a large extent, this is due to the fact that operations are led by the national authority in question and staffed by border guards *from other national authorities*, as opposed to Frontex border guards. As observed by a national authority respondent:

Frontex is only the mediator in the end. You don't have *real* Frontex officials. You have of course people wearing a recognisable emblem but they are not

Frontex. *It's always other countries' officers helping you out.* The perception is that you stay in charge. Frontex is not taking over operations. It's supporting operations. So it's co-ordinating, it's supporting. (...) It does not lead the operations; you're always in charge yourself. You're supplied with X border guards of different nationalities but you're still in charge. It's *your* operation. *They [Frontex] are not stealing the operation. It's an important difference.* (Respondent #4)

The fact that the operational staff on the ground comes from other national authorities means that there is not a risk of another entity appropriating important reputational resources from national offices, taking credit and competing for the same turf.

Frontex does not suggest they 'own' certain areas, or border control issues, or problems. (Respondent #4)

Although technically speaking, during joint operations, other national authorities are operating on another authority's 'turf' (both strictly in a geographical sense and in a jurisdictional one), turf protective tendencies do not arise, as the reputational uniqueness of the national authority in question is not threatened. This seems to indicate that not all turf overlaps and infringements will be resisted but rather those by another organisation(s), which can appropriate one's reputational resources, acting as a competitor. This is further aided by the fact that, unlike in the police case, individual reputation is not palpably linked to solving specific cases: 'We don't have such cases and if we have, it's really difficult to identify who really did it' (Respondent #8, first interview 2011).

Co-operation efforts are thus *reputation-enhancing* in this case. They are relevant for the successful fulfilment of national authorities' core mission *while* simultaneously not threatening their reputational uniqueness. Co-operation is perceived by national authorities not as turf-infringement but rather as being in their direct interest (a national respondent even explained the drive for co-operation as a matter of 'national interest', Respondent #15).

These co-operation dynamics might change in the future, however. A European System of Border Guards is being envisaged^{viii}, which would likely entail the creation of Frontex *border guards* and the transformation of Frontex into an actual border guard agency, much like national agencies. This would essentially assign Frontex an overlapping ‘regulatory dominion’, with tasks matching those of national offices and which could take credit for operations, essentially challenging national authorities’ claims for a unique contribution to the public good. This could alter the co-operative dynamics described above into competitive ones, giving rise to turf-protective tendencies among national offices.

Should the creation of a European System of Border Guards take place in the future, along these lines, this would offer the possibility for a ‘naturally’-occurring experiment to test the explanation put forward here or indeed, elucidate whether other alternative dynamics are at work. There are early cues in the meantime in support of the analysis offered here, however. The national-level respondents interviewed spoke of a strong resistance among national authorities to the creation of a European System of Border Guards: ‘In the corridors of the management board meetings, it is one of the issues which has a lot of opposition’, ‘it would meet much objections from the member states’ (Respondent #4), ‘it goes much too far’ (Respondent #3). This resistance was explicitly voiced in terms of institutional tensions and competition with national authorities and the possibility ‘that they take over’ (Respondent #3). In the words of a national authority respondent:

If the strategy would be for Frontex to have their own officers at their disposal, the problem of Europol can become the problem of Frontex. So then you have a body with executive powers and capabilities that can be directed to a certain place and more or less land there with a touch of arrogance: “we are the solution, we will tell you how to do things”. I think the same tension would develop as right now with Europol. (Respondent #4)

And reiterated:

If the objective is to add to the quality of the system as a whole, further standardisation will supply you with the same effects [as the creation of the European System of Border Guards] without starting a competition with national border agencies.

6. Conclusion: Re-thinking Bureaucratic Co-operation

This article has sought to explain divergent, and puzzling, patterns of agency co-operation arising in two comparable institutional settings. To understand why co-operation efforts proceeded smoothly in one case, while triggering strong turf-protective tendencies in the other, the article adopted a reputation-informed approach to bureaucratic co-operation. It argued that the divergent co-operation outcomes in the two cases are shaped to a large extent by the different reputational impact of co-operation for the national authorities concerned.

In the area of law enforcement, reputation is largely accrued within a national context. Against this setting, trans-national co-operation brings marginal gains in terms of reputational accrual for the national offices. Yet, it threatens major reputational resources of these authorities— (intelligence) data and cases— potentially sapping their ‘reputational uniqueness’, triggering turf-protective tendencies (i.e., *reputation-depleting co-operation efforts*). In the area of border management, to the contrary, trans-national co-operation becomes an important aspect of national authorities’ efforts to capably discharge their tasks and to maintain their reputations for competence in an increasingly inter-dependent, trans-national context. Pointedly however, and contrary to the Europol case, the structure of the system also allows national offices to maintain their claim to a unique role (i.e., *reputation-enhancing co-operation efforts*). The set up of this multi-level administrative system, in which the EU agency acts as a mediator—with actual operational support on the ground provided by *national* (rather than *European*) border guards—dispenses with the risk of a supranational organisational entity that could potentially appropriate key reputational resources, and compete with national offices. This appears to temper the surge of turf-protective tendencies among national border authorities.

The analysis offered above also casts doubt on the viability of envisaged reform efforts in both cases. Neither Europol’s informal attempts aimed at engendering co-operation through ‘communicating success’, nor the broader and more sweeping

institutional changes envisaged for the future in the Frontex case, are tailored to the reputational dynamics identified in the two cases. To the contrary, these reform attempts seem set to trigger (and in the case of Europol, worsen) turf-protective tendencies among national authorities.

More broadly, the findings point at the relevance of formally mandated co-operation efforts anticipating whether, and if so how, bureaucratic concerns with 'turf' and reputation will impact inter-agency interactions in practice. The analysis above indicates that co-operation initiatives will likely prove more persuasive when mindful of, and adapted to, bureaucratic reputation building processes in the specific context(s). Ideally, this could allow to better calibrate the design of co-operation structures to reputation accrual processes so as to reinforce, rather than deplete this link, for instance, as illustrated by the Frontex set up. Alternative, and perhaps more difficult, approaches to promoting co-operation could potentially entail attempting to shape reputation accrual processes themselves for instance, by explicitly incorporating transnational co-operation results in assessment processes at the national level.

These insights become particularly relevant in complex regulatory systems such as the European Union, where supranational bureaucratic newcomers are expected to co-operate and symbiotically share the same regulatory space with co-existing national structures. The 'success' of such interactions may well depend on keeping bureaucratic turf-concerns at a bay through the introduction of adequate reputational incentives that are attuned to the street-level 'realities' of the various bureaucratic entities involved.

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ⁱ Frontex has had only one executive director since its establishment.

ⁱⁱ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol), OJ L 121/37, 15.5.2009, which came into force on 1 January 2010. This is to be replaced by a Europol Regulation, COM (2013) 173.

ⁱⁱⁱ Council Regulation (EC) No 2007/2004, OJ L 349/1, 25.11.2004, as last amended by Regulation (EU) No 1168/2011, OJ L 304/1, 22.11.2011.

^{iv} For example, Article 4 on risk analysis, Article 7(3) on contributing to the technical equipment pool, Article 8b on composition of teams for rapid interventions of the Frontex Regulation; Article 7 of Europol Decision on requests for the initiation of criminal investigations.

^v The budget of Frontex has increased six-fold since 2006: from approximately 19 million to 118 million in 2011. Its staff numbers grew from 79 in 2006 to 304 in 2011.

^{vi} [2000] OJ L 239/13 and 19.

^{vii} <http://www.frontex.europa.eu/news/frontex-deploys-rapid-border-intervention-teams-to-greece-voEY8S>

^{viii} The Frontex Regulation provides for the carry out of an evaluation to analyse the feasibility of the creation of the European System of Border Guards.