

Forum: Political and Decolonization Committee
Issue: EU border control controversy and policies
Student Officer: George Panopoulos
Position: Chair

INTRODUCTORY LETTER

Dear Delegates,

My name is George Panopoulos and I will serve as your Chair in the Special Political and Decolonization Committee of this year's 6th Platon School MUN (PSMUN). I am a student of the German School of Athens (DSA) and I am really looking forward to working with you.

At first I would like to congratulate you on your decision to join this year's Special Political and Decolonization Committee one of the most challenging and interesting committees in a MUN Conference and certainly the one that is infamous for its heated debate and discussions. Contradicting policies as well as different opinions and approaches to one issue is what makes our committee special. Therefore, as intimidating as it may sound, the GA4 requires a lot of hard work, commitment, passion and of course awareness of current political, disarmament, peace, and security affairs in order to achieve the best possible level of debate as well as master the capability of dealing with potential crises. Thus, I would like to remind you that exactly because our committee has such a challenging and unique nature I will always be at your disposal (georg.panopoulos@gmail.com) for any questions regarding procedure, information on the issue I will be specialized in or any other questions concerning our special committee.

Secondly, I would like to remind you that the purpose of this Study Guide is to provide you with basic knowledge on the issue of EU border control controversy and policies and not pose as a substitute to your own nation-centered and specialized research. Thus, it is not advisable to use it as the only source of your preparation for our conference. What is more I would personally advise to go through the Rules and Procedures of the PSMUN Conference.

I wish you a productive research and preparation!

Looking forward to seeing you all!

Sincerely,

George Panopoulos

Introduction

“There is no quick fix for illegal immigration. But only when we achieve better control of our borders and better respect for our immigration laws can we give meaning to the discussion we need to have over reforming the numbers, categories, and procedures for legal immigration (...)”

- Jan C. Ting

¹As the former U.S. Senator from Delaware and professor of law stated there is no short-term or long-term solution to illegal migration if the appropriate laws are not respected or if border controls are inefficient. Without those standards, without law as a basis, discussion on migration policies may prove to provide no solution to a problem that affects millions of displaced individuals and refugees. Yet, as the Roman poet Terence once said “Nihil humanum a me alienum puto”. This translates to “no human is alien to me”, which has been interpreted by modern supporters of the no-border policy as the simple realization that after all we are all human living in the same home. A home called Earth. In this home people are forced to leave their



countries mostly due to the political turmoil in the Middle East and Africa as well as in Afghanistan and Pakistan. Young men and women grow fond of a western education and other individuals simply dream of a safe job and a steady income. All those

migration quotas, especially the refugees, gather primarily in Greece, Italy and Spain, the border countries of the European Union (EU) and the EU member states that have received the biggest numbers of refugee quotas in 2015. After reaching those countries they either stay abiding to the rules of the Dublin Agreement, which read that refugees must stay in their countries of entry or they spread across Europe feeding the phenomenon of migrant smuggling and making the efforts of The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) less and less effective. Yet, are the smugglers the ones that facilitate the issue of weakened border security or is the approach of the EU on border control inefficient? The answer to that question will be the core subject of our debate as well as the way the issue of border security can be managed and in which way the EU should act against illegal refugee smuggling and on asylum seekers.

¹ Result of the political turmoil in the Middle East. A dead Syrian boy washed ashore.

Definition of Key Terms

Immigration:

Although the term immigration is generally defined as the act of an individual to seek permanent residence in a country, the European Union defines it as “the action by which a person from a non-EU country establishes his or her usual residence in the territory of an EU country for a period that is, or is expected to be, at least twelve months”

Migrant:

The term refers to an individual that leaves his country seeking residence to another in search of higher standards of life.

Refugee:

The term to an individual that is forced to leave his/her country due to war or other political and security reasons.

Asylum:

The term refers to the protection provided by a government to a refugee as defined above as well as to the provision of shelter, food and water.

Schengen:

The Schengen Treaty “removes controls at the common borders and allows freedom of movement for all citizens of the signatory EU countries, other EU countries or specified non-EU countries”. It was signed in June of 1985. Until now Belgium, France, Germany, Luxembourg and the Netherlands as well as Austria, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland have signed the treaty.

Schengen Information System:

An information system for the EU member states that enables the relevant authorities to have access to notifications on persons and property via an automated search procedure. It is mainly used for the purposes of efficient border control and other police and customs checks. In some cases, it is also used for issuing visas, residence permits and for the administration of legislation in the context of the Schengen Convention.

The EU Border Policy and its Brief History

The Schengen Agreement

When the Schengen agreement ²was signed on June 14, 1985 by France, Germany, Belgium, Luxembourg and the Netherlands one single external border has been established for the aforementioned countries allowing complete freedom of movement between them and abolishing all border passport checks. Specifically the exact Schengen Treaty Rules as defined by the EU are the following:

- A common set of rules applying to people crossing the EU external borders, including the types of visa needed and how checks at external borders have to be carried out;
- Harmonization of the conditions of entry and of the rules on visas for short stays (up to three months);
- Enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);
- Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;
- Establishment of the Schengen Information System (SIS);
- Documents needed for travelling in Europe.

Afterwards in 1990 the Schengen Convention which proposed a common visa policy has also been signed. The Convention also created the Schengen Information System (SIS). In this digital information cloud Schengen countries exchange information on asylum seekers, refugees, criminals, immigrants and on those under surveillance by state security agencies. In order to join the Schengen Area a country has to fulfill several standards and pre-conditions such as:

- Joining common border control on behalf of the other Schengen States and issuing Schengen visas;
- Contributing to the achievement of a stronger judicial cooperation and security by cooperating with the appropriate law enforcement agencies after the borders have been abolished;
- Applying the common set of Schengen rules (the so-called "Schengen acquis"), such as controls of land, sea and air borders (airports), issuing of visas, police cooperation and protection of personal data;
- Connecting to the SIS and operating it.

Applicant countries undergo a "Schengen evaluation" before joining the Schengen Area.

² Austria, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland are also currently signatories

FRONTEX

After the abolishment of borders with the Schengen agreement, a follow-up agreement was signed in 1999 called the Treaty of Amsterdam incorporating intergovernmental cooperation into the EU framework. Since 1999 the European Council on Justice and Home Affairs has taken several steps towards strengthening the cooperation in the area of migration, asylum and security between member states. This effort led to the creation of the External Border Practitioners Common Unit - a group composed of members of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and heads of national border control services. This Common Unit's first task was to coordinate national projects of Ad-Hoc Centers on Border Control. Those ad-hoc centers were the following:

- Risk Analysis Centre (Helsinki, Finland)
- Centre for Land Borders (Berlin, Germany)
- Air Borders Centre (Rome, Italy)
- Western Sea Borders Centre (Madrid, Spain)
- Ad-hoc Training Centre for Training (Traiskirchen, Austria)
- Centre of Excellence (Dover, United Kingdom)
- Eastern Sea Borders Centre (Piraeus, Greece)

As a means to improve its border management policy as well as reinstate the working methods and procedures of the Common Unit the European Council under the Council Regulation (EC) 2007/2004 established the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) on the 26th of October in 2004.

Countries involved in the Issue

Germany

Germany is the recipient of the largest number of asylum applications compared to any other European country. The number of refugees and asylum seekers exceeds 550.000 individuals and, thus despite their open-border policy Germany imposed border controls in the borders between Austria due to this high influx of refugees.

Greece

As mentioned previously in the Study Guide, Greece is one of the entry countries for refugees, providing them with a portal to Europe. Greek Authorities and the EU's refugee registration system in Greek islands, as for example Lesbos, have been accused of promoting favoritism among nationalities. Specifically a three-tier structure has been created where Syrian women and children are given specialized treatment that allows them to leave the country within 24 hours, where Syrian males, Yemenis and Somalis are also being registered in camps that most of the time allow them to exit the country also within a day, while Afghanis, Pakistanis and other

asylum seekers are being registered in a camp with half as many passport-scanners as the other ones, resulting in a parallel chaotic process that lasts up to a week.

Italy

Italy is also one of the entry countries to Europe with refugees mostly coming from Libya. Currently the Italian government is blocking a multi-billion euro fund for Syrian refugees in Turkey refusing to pay their share, while insisting that the funds should be paid by the EU coffers and not by its member states. What is more as a sign of protest against the horrible conditions in several Italian refugee camps, the doctors without border are considering the seizing of activities in the region.

Spain

Asylum seekers and refugees in Spain have reached the number of 17.258. Leftist leaders across the country have pledged to commit to dealing with the refugee crisis and have gathered 10 million euro, as well as around 1.500 volunteers to work in refugee camps only in Barcelona. Yet the center-right government of Prime Minister Mariano Rajoy says it doesn't have the financial capability to accept more refugees and, thus in July only 2,749 refugees out of the 5,849 were accepted.

Timeline of Events

Date	Event
14 June 1985	The Schengen Agreement was signed
1990	The Schengen Convention
26 March 1995	The creation of the Schengen Area
1999	The Treaty of Amsterdam
2000	The creation of the External Border Practitioners Common Unit
1990	The Dublin Convention
2003	Dublin II Regulation
26th of October in 2004	The Creation of Frontex
3 December 2008	Amendments to the Dublin Regulation
June 2013	The Dublin III Regulation
2015	The European Refugee Crisis began

Possible Solutions

It is highly advised to base your research on these three solution natures, but yet it would be more preferable if one came up with different creative approaches according to one's country policy.

The creation of a true European coast guard.

Due to its close proximity to the regions of Africa and the Middle East, the Mediterranean can be expected to remain the main security challenge and the main portal of illegal immigration for the years to come. Therefore, a EU backed standing coastal force will provide a flexible solution to inter-European fund allocation as far as border management is concerned. Since Frontex is severely limited in scope of its operations and countries with the highest influx of refugees undergo deep economic crises, as for example Greece, the creation of a coast guard according to the third rule of the Schengen Treaty (police cooperation) will not only reinforce the framework for internal security, but help achieve a proper allocation of funds towards that new force, relieving those countries from their heavy burden.

Achieving a coordinated response to the issue and switch focus from own interest to common interest.

The fact that self-interest is prevailing among European member states could easily destroy the EU. A crisis that shouldn't have taken that extent from the beginning is now posing a major danger to the unity of the EU as well as exposing the lives of refugees to great peril. A smart, comprehensive plan crafted by all EU member states in cooperation with immigration experts would set a flow to the fight of finding a proper allocation of refugee quotas to member states as well as to the provision of asylum, shelter, food, security and integration.

Establishing development zones where displaced Syrians are allowed to work legally.

The reason behind the underlying economic problem leading refugees to prefer Europe as a destination of migration is the lack of opportunities in the neighboring regions. Thus, the creation of specific development zones in neighboring countries while establishing a workforce consisting of both local workers as well as refugees would provide the refugees with a legal and safe job close to their country, but not in dangerous proximity.

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