DEUTSCHE SCHULE THESSALONIKH MODEL UNITED NATIONS | 2018

Committee: EU Council of Ministers

Issue: Reviewing the Schengen Agreement

Student Officers: Katerina Sapanidou, Serafeim Ioannidis

Position: Deputy President

PERSONAL INTRODUCTION

Dear Delegates,

My name is Katerina Sapanidou and it is my great pleasure to be the Deputy President of the EU Council of Ministers committee at the 1st Deutsche Schule Thessaloniki Model United Nations. I am a sixteen-year-old student at the Arsakeio Lykeio of Thessaloniki, the town in which I was born and raised in. First of all, I would like to congratulate you all for being distinguished between your fellow classmates to participate in this particular conference.

The topic that is going to be discussed is a major crisis of the European construction referred to the growing needs of the Schengen zone. The refugee crisis as well as the threat of terror organizations have been mismanaged from both single Member States and the European Union. Yet, it may be claimed that all of the errors made in the crisis management are only and solely due to the Member States, these same, who are criticising Schengen and the EU for the crisis. Thus our committee will be examining and debating upon the reconsideration of the Schengen agreement.

So, you as delegates, in order to have a balanced and successful debate, need to sufficiently research both the country you're representing as well as its actions made in the past concerning the issue at hand. In other words that means that you should come well prepared and with a resolution that states the solutions you have come up with. That way, you will be able to participate actively in lobbying and deliver great speeches during the debate so you can explore the MUN experience on all its levels. You will also understand how MUN conferences give one a chance to both make many new friends as well as develop both your public speaking and negotiation skills.

Be reminded to check the rules of procedure on the DSTMUN website www.dstmun.com, so that you make sure you understand the flow of the debate and the rules that you need to follow. Shall any matters of any nature arise, feel free to contact me via e-mail at kasapanidou@gmail.com.

I am looking forward to meeting you all!

Katerina Sapanidou

Dearest delegates,

My name is Serafeim Ioannidis and I will be one of the two Co-Chairs for this year's European Council of Ministers' Committee of the DSTMUN. It's an honor for me to have this special position and I will try as hard as I can to influence the Committee in a positive way in order for it to be a successful one. With this study guide I hope that I help you start your research, providing you with some basic knowledge and giving you some clues on the topic. Prepare yourselves well and come to the committee with all your positive mood, in order for us to be ready to deal with this very controversial issue: the Schengen agreement's flaws, but at the same time enjoy the whole experience. There is so much on the topic that I believe you won't have any difficulties finding what you're searching for. In case you need any form of help, don't hesitate to contact me! Have fun while preparing yourself, see you in the committee!

With all kind regards,

Serafeim Ioannidis

TOPIC INTRODUCTION

The rules of the European Union (EU) encourage the free movement of people. In fact, the European Communities (ECSC, EEC) aim for the creation of a common market based on the freedom of movement of people. The "Four Freedoms" of the EU govern the movement of goods, people, services and capital within the EU. Freedom of movement for workers is often described as free movement of people. Although the freedom is described as relating to workers, in practical terms this includes family members and those seeking work.

A breakthrough came in 1985 when cooperation between individual governments signed in Schengen (a small village in Luxembourg) an agreement. The implementation of the Schengen Agreements started in 1995, with seven EU States involved. Today, most EU States bring together the Schengen Area, except for Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom. However, Bulgaria and Romania are currently in the process of joining the Schengen Area. Iceland, Norway, Switzerland and Liechtenstein are the non-EU States in the Schengen Area. In other words, the Schengen agreement ensures the free movement in 26 European countries -with no extra visa needed-.

It is believed that the Schengen agreement is one of the strongest agreements made in the EU, as well as the most important one for the managing of the borders, since it defines the document control that the travelers need to pass. However, the agreement has been endangered and questioned the past few years.

The refugee crisis and terrorism triggered the most, both societies and governments. Refugees escaping from war have entered illegally countries like Italy, Hungary and Greece, and may cross these borders in the Schengen area easier and migrate to other countries such as Germany and Sweden, as asylum seekers. This deteriorates the refugee crisis which is a critical problem in Europe. Terrorism is also a factor. Despite the migration crisis, the threat of a terrorist attack, especially in European countries, is getting more and more crucial for the society's security. That is why the Schengen agreement is being called for review in a way that would allow more checks to passengers' identity and luggage, in effect reinstating some border controls.

DEFINITION OF KEY TERMS

Schengen agreement[1]

"It is an agreement between European countries to get rid of all controls at their borders, and so allow people and goods complete freedom to move between their countries. "

Schengen area[2]

"It is a zone where 26 different European nations, acknowledged the abolishment of their internal borders with other member nations and outside, for the free and unrestricted movement of people, with common rules for controlling external borders."

Free movement

Legal permission for citizens to leave one country and enter another country without extra taxes, legal documents etc.

Refugee

A person who has been forced to leave their country in order to escape war, persecution, or natural disaster.

---

[1] The Schengen agreement, https://www.macmillandictionary.com/dictionary/british/the-schengen-agreement

[2] Schengen Area Countries List, https://www.schengenvisainfo.com/schengen-visa-countries-list/

Immigrant

 A person who comes to live permanently in a foreign country.

Terrorism

 The unlawful use of violence and intimidation, especially against civilians, in the pursuit of political/religious aims.

Asylum seeker

 A person who has left their home country as a political refugee and is seeking asylum and a better life in another.

BACKGROUND INFORMATION

The issue dates back at 1985, when five EU states decided to abolish internal border controls, the Schengen area was created. The Schengen agreement was firstly signed between Belgium, France, West Germany (later Federal Republic of Germany), Luxembourg, and the Netherlands in Schengen, a town in Luxembourg, on June 14th, 1985. In March 1995, the convention entered into force and border controls were abolished between Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Portugal (Spain and Portugal signed the agreement in June 1991).

In the following years, the other countries of the Union successively joined the founding group: Austria on 28th April 1995 and Sweden, Finland and Denmark on 19th November 1996. Norway and Iceland, countries outside the Union, but members of the Nordic Passport Union, acceded to the Schengen area as associate members on 19th December 1996. Only the United Kingdom and Ireland are not part and have maintained their own border checks.

Schengen Area

Map of Europe[3]

Schengen Area, including non EU countries
Countries de facto part of the Schengen Area
Members of the EU legally obliged to join the Schengen area, but not yet members

The Schengen Agreement has risen to greater prominence as a result of increased migration into the EU following the conflict in Syria and the consequent pressures on its borders, particularly in Greece. Yet in recent months the system has been facing up to the largest refugee crisis since the Second World War. The conflict and crisis in Syria and elsewhere in the region have resulted in huge numbers of

---

[3] Schengen Area, https://en.wikipedia.org/wiki/Schengen_Area

refugees and migrants arriving in the European Union, which in turn has revealed serious deficiencies at parts of the Union's external borders and resulted in a wave-through approach applied by some Member States. This has led to the creation of a route across the Western Balkans which sees migrants travelling swiftly north. In reaction, several Member States have resorted to reintroducing temporary internal border controls, placing in question the proper functioning of the Schengen area of free movement and its benefits to European citizens and the European economy.

THE CURRENT SITUATION

It is arguable whether the new nationalism and proliferating border controls will stem immigration or combat Europe's homegrown terror problem. The terrorist attacks are almost invariably carried out by people with EU and Schengen passports. In addition, the open borders created drug-trafficking problems. In other words, limited border controls do not prevent drug dealing from one country to another. It is also a fact that some European countries with strict gun control laws have even complained that weapons can be smuggled across the border from other nations with relative ease.

Migrant Crisis

Europe is struggling with the biggest migrant crisis from the Second World War to the present. In 2015 more than 1 million migrants have asked for asylum in Europe, and their number is growing every day. In the category of migrants are included the economic migrants in search of a better life, coming from North Africa and the Balkans, refugees from Iraq - where the population is terrorized by ISIS, Afghanistan - devastated by war and Syria - where the population is afraid of ISIS and civil war.
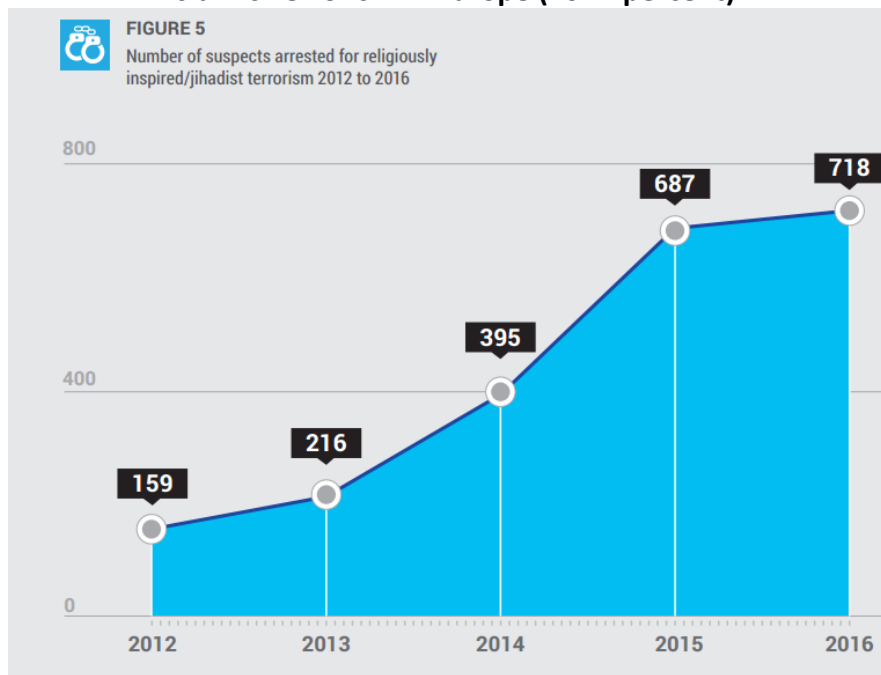
Because of the lack of personnel, adequate technology and registration centers, the authorities in Greece and Italy were overwhelmed by the large number of migrants. Although these were the countries where they had to seek asylum, they became only transit countries. The final destination of the migrants became the developed countries in the north-west of Europe, where they hoped to find jobs or to benefit from the social aid programs.

There are also natural factors that play a major role. These factors include, in particular, demographic pressure, shortage of drinking water and climate change. People from different regions/climates (which most of the times are LEDCs) are likely to migrate to Europe in order to attain a better and healthier life. However, Europe cannot take care of the whole world's poverty. These challenges cannot be ignored, because they are going to account for millions of migrants eventually taking to the road[4].

---

[4] António Vitorino, http://www.institutdelors.eu/wp-content/uploads/2018/01/synthesisschengenmenghipascouausept2015.pdf?pdf=ok

Islamic Terrorism in Europe (2014-percent)

FIGURE 5
Number of suspects arrested for religiously inspired/jihadist terrorism 2012 to 2016

Source: EUROPEAN UNION TERRORISM SITUATION AND TREND REPORT 2017, page 23. ISBN 978-92-95200-79-1

Terror Threat

There is a huge risk that with the wave of migrants, terrorists will enter in the Schengen area. Two of the jihadists who attacked Paris, France in November 2015 when three suicide bombers struck outside the Stade de France in Saint-Denis, during a football match injured, entered through the refugees who came from Greece.. This was followed by several mass shootings and a suicide bombing, at cafés and restaurants and as a consequence 130 people were killed and over 400 were injured. This is not the first time that the Schengen agreement has appeared to be in danger of fraying. In 2011, fearing an influx of North African refugees, Italy and France pushed for a review of the agreement.

The existence of new challenges, such as international terrorism in particular, is a fact. A growing sense of fear is being created, thus it is crucial that the traditional threats to our security, in particular threats such as drug trafficking, illegal arms sales are not being overlooked.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Luxembourg

Luxembourg is where the Schengen Agreement was signed on the 14th of June in 1985 and one of the first five signatories of the agreement.

Greece

Greece has suffered a lot during the last few years due to its refugee crisis. With hundreds of thousands of refugees flowing into the country every year, only few of them are identified or registered. This means that all these people have easy access to the Schengen Area, causing at the same time security issues to other Member States. For this reason, controlling Greece's borders is an issue of major importance which is directly connected to the Schengen Agreement's problems.

Italy

Italy also faces serious problems when it comes to dealing with the refugees.

The government have threatened Europe by claiming that the state would give permanent visa cards to refugees allowing them to travel in any European country and also by almost closing their borders, thus expressing their need of reviewing the agreement.

Hungary

Hungary has built a border fence together with Serbia in order to stop the arrival of immigrants in the country, adding a lot of pressure to Croatia, which seemed the only way out for a lot of refugees in the area. It also applied strict border controls in 2016, thereby displaying a difficulty in controlling its external borders and at the same time a lack of trust towards the other Schengen's Member States.

Germany

Germany has applied very strict border controls on its borders, always in Application of the Schengen Borders Code.

Austria

Austria has applied strict border controls as well. The state has announced to build a permanent barrier to protect its borders with Slovenia. Although this has not been implemented until today, it would be a move that should add a lot of pressure to the countries around it and at the same time would limit the power of the Schengen agreement, which has as a main principle the connection of its Member States.

France

France has been hit multiple times by terrorist attacks and truly needs a review of the Schengen agreement. The number of irregular refugees being in the Schengen Area that have caused such incidents alongside with the lack of border controls have brought to light some flaws of the current form of the agreement.

BLOCS EXPECTED

Bloc A

The countries that belong to this bloc face problems due to the lack of border controls that the current form of the Schengen agreement suggests and need a better organised era of the agreement that will help them get rid of all this pressure. Such countries are Greece, Italy, France, etc.

Bloc B

The countries that belong to this bloc have taken in relatively few refugees. They have already applied strict border controls but would still encourage the introduction of an improved version of the agreement. Such countries are Germany, Hungary, Austria, etc.

TIMELINE OF EVENTS

Dates	Description of event
June 1985	Schengen Agreement signed by Belgium, Germany, France, Luxembourg and the Netherlands

June 1990	Convention implementing the Schengen Agreement signed by Belgium, Germany, France, Luxembourg and the Netherlands
March 1995	Convention entered into force and border controls abolished between Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Portugal (Spain and Portugal signed the agreement in June 1991)
October 1997	Border controls abolished with Italy (agreement signed in November 1990)
December 1997	Border controls abolished with Austria (agreement signed in April 1995)
May 1999	Treaty of Amsterdam integrated Schengen cooperation into the legal framework of the EU
January 2000	Border controls abolished with Greece (agreement signed in November 1992)
March 2001	Border controls abolished with Denmark, Finland, Sweden, Iceland and Norway (agreements signed in December 1996)
December 2007	Abolition of land and sea border controls with the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia
March 2008	Abolition of border controls at airports with the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia
December 2008	Abolition of land border controls with Switzerland (agreement signed in October 204)
March 2009	Abolition of border controls at airports with Switzerland
December 2011	Abolition of border controls with Liechtenstein (agreement signed in February 2008)

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The Schengen Agreement

The Schengen agreement was signed on the 14th of June in 1985 in Schengen, Luxembourg, by five countries: Belgium, France, Netherlands, West Germany, Luxembourg. Today, it contains 26 countries.

The Schengen Border Code

The Schengen Border Code was created on the 15th of March in 2006. This treaty's main idea was that there would be no control of people on the internal land borders. However, it would be possible to introduce temporary controls for limited time, when needed.

The European Agency for the Management of Operational Cooperation on the external Borders

The aforementioned European Agency was created during October 2004. It played a vital role in the European border management policy.

The Schengen's Evaluation Mechanism

This evaluation mechanism was created in 1998. It introduced controls both for the already Member States of the agreement, which are continuously evaluated, as well as for the States wanting to sign the agreement, which have to pass an obligatory evaluation.

European Parliament Resolution on the Schengen Agreement and Political Asylum

On the 6th of April in 1995, the European Parliament adopted a resolution on the impact of the Convention implementing the Schengen Agreement on asylum policy.

"The Hague Programme"

''The Hague Programme" (2004-2009) was created for the strengthening of the internal control free area while guaranteeing a high quality of security on the external borders and at the same time introduced a double principle of solidarity and fair distribution of responsibility between Member States. It also introduced the Common European Asylum System (CEAS).

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Schengen Information System (SIS)

The SIS is a common database for authorities in the Schengen State to easily exchange data. From 1995 on, it allows authorities to receive information introduced into the system by one of the Member States. An SIS alert not only contains information about a particular person or object but also clear instructions on what to do when the person or object has been found.

Regulation of the Visa Information System's legal framework

The Visa Information System's legal framework was regulated on the 9th of July in 2008 in order to make controls on external border crosses easier. This made Millions of travellers' lives easier.

Revision of the Evaluation System

This review of the Schengen Evaluation System aimed at making it more effective. After this event, each evaluation team would have one expert from a Member State and one from the European Commission. Apart from this, every Member State under evaluation would be obliged to put an action plan forward to the Council and the Commission.

Revision of the Schengen Borders Code

This revision of the Schengen Borders Code extended its State's possibilities to re-introduce temporary controls. For instance, the starting form of the Code allowed the introduction of temporary controls in the event of a serious threat to public order or to the international security. A third case was added to the previous two, namely the possibility to introduce temporary border controls in the event of a serious failure on the part of a Member State in fulfilling its commitments on external border controls.

Smart Borders Project

The Smart Borders Project encouraged the use of new technologies in order to strengthen controls but at the same time make border crossing easier for

travelers. It aims to improve the management of the external borders of the Schengen Member
States, contest against irregular immigration and give information on overstayers, as well as make border crossings for pre-vetted frequent third country national (TCN) travellers easier.

European Border Surveillance System

The European Border Surveillance System was introduced during the September of 2013 in order to improve the borders' surveillance. It promotes a common technical framework to give more knowledge about the situation on external borders and the capability of the surveillance and the control services.

Revision of the Eurodac Regulation

The EURODAC regulation establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they find themselves in the EU, their fingerprints are sent to the EURODAC central system. The revision of the Eurodac regulation gave access to the police authorities in strict circumstances to the EU databases that contain fingerprints of asylum seekers to detect and prevent serious criminal acts, such as terrorist attacks, and to investigate such crimes.

POSSIBLE SOLUTIONS

There are numerous proposals regarding the issues at stake. First of all, increasing the security levels in each country aiming to limit incidents such as terrorist attacks could be proved effective without altering the Schengen agreement's main idea: the abolishment of external borders controls.

In addition to the aforementioned point, implementing taxes to countries closing their borders, severely harming the Schengen agreement's effect, would prevent countries from transferring the pressure they are under to other countries by declining the acceptance of refugees. To expand this point, countries will only be allowed to close their borders in special cases, for example when the state has proof that peoples' lives are in danger. It could possibly be added that these periods of time will be strictly regulated and extended, when needed.

Apart from this, identifying, registering and fingerprinting all irregular immigrants could be helpful in better securing the area's borders.

Another possible solution would be implementing a sea border surveillance to countries with vulnerable borders, such as Greece, for further controlling the people entering the Schengen Area.

Additionally, enhancing the communication databases between the Schengen countries would make controlling the people crossing borders much easier.

Furthermore, sending Border Guard teams to countries requesting them would be another step towards achieving the best security quality possible. Last but not least, abolishing the agreement and returning to the traditional external borders' system could be the last solution, only if no other proposal works for both sides.

BIBLIOGRAPHY

"Why the Schengen Agreement Might Be Under Threat", The Economist, 25th August 2015
https://www.economist.com/the-economist-explains/2015/08/24/why-the-schengen-agreement-might-be-under-threat

Thomas Buttin, "The Schengen Crisis: A Failure", The New Federalist, 31st October 2017
https://www.thenewfederalist.eu/the-schengen-crisis-a-failure

"Europe without Borders, The Schengen Area"
https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/schengen_brochure/schengen_brochure_dr3111126_en.pdf

"Schengen Agreement", Encyclopaedia Britannica
https://www.britannica.com/topic/Schengen-Agreement

"The Schengen Area - Historical Events in the European Integration Process (1945-2014)", Cvce Website
https://www.cvce.eu/en/recherche/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/50c23742-6a21-483e-aebd-3aaf21b44bf9

Adam Taylor, "The euro isn't the only EU institution under threat this week", The Washington Post, 1st July 2015
https://www.washingtonpost.com/news/worldviews/wp/2015/07/01/the-euro-isnt-the-only-e-u-institution-under-threat-this-week/?noredirect=on&utm_term=.05e0186dd31c

Christina Elena Popa, "The Challenges of the Schengen Area", Expert Journal of Economics, 27th December 2016
http://economics.expertjournals.com/23597704-410/

Martina Menghi, Yves Pascouau, "The Schengen Area Under Threat: Problem or Solution?", Notre Europe Jacques Delors Institut, 2nd September 2015
http://www.institutdelors.eu/wp-content/uploads/2018/01/synthesisschengenmenghipascouausept2015.pdf?pdf=ok

"A brief history of the EU", Malta EU2017
https://www.eu2017.mt/en/Pages/A-Brief-History-of-the-EU.aspx

"Brexit Basics, the Four Freedoms", KPMG International
https://assets.kpmg.com/content/dam/kpmg/xx/pdf/2017/02/brexit-basics-the-four-freedoms.pdf

EUR-Lex Access to European Union Law
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013AP0264

Yves Pascouau, "The Schengen Area in Crisis - The Temptation of Reinstalling Borders", Fondation Robert Schuman, 17th May 2016
https://www.robert-schuman.eu/en/european-issues/0392-the-schengen-area-in-crisis-the-temptation-of-reinstalling-borders

Philippe Delivet, "Schengen thirty years on: results, realities, challenges", Fondation Robert Schuman, 15th June 2015
https://www.robert-schuman.eu/en/european-issues/0361-schengen-thirty-years-on-results-realities-challenges

"The Schengen Agreement History and Information", ACS
https://www.acs-ami.com/en/travel-articles/schengen-agreement/

Changes to Schengen, European Parliament, 7th July 2011
http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0336+0+DOC+XML+V0//EN

"All you should know about Schengen Area Countries - Schengen Countries Absolute Guide", Visa Reservation, 31st July 2017

https://visareservation.com/schengen-countries-area/

EU law and related documents, EUR-Lex Access to European Union Law

https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-other.html

"Schengen Area", Migration and Home Affairs, European Commission

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en

Amendment of Schengen Border Code and Convention Implementing the Schengen Agreement, European Parliament, 12th June 2013

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0264+0+DOC+XML+V0//EN&language=EN