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CAN EUROPE REALLY GIVE UP ON SCHENGEN?

Stefano Bertozzi, Senior Adviser at the European Bank for Development and Reconstruction*

*The ideas and comments are entirely those of the author and do not necessarily reflect those of the European Bank for Reconstruction and Development.

For several years, globalisation has been portrayed as the harbinger of deeper cooperation and integration among countries. These two positive forces should have primarily worked for the benefit of people and should have helped to make the world a wealthier and safer place. However, these optimistic assumptions, which have been consistently defended by numerous politicians, the media and scholars, have crashed headlong against reality. Current global trends reveal the dangerous resurgence of national interests, more profound fragmentation within world regions, serious potential conflicts, insidious terrorist threats, the lingering impact of the Eurozone crisis and the formidable challenges exposed by unprecedented migration flows and their knock-on effects.

At present, 22 EU countries are party to the Schengen Agreement: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and Sweden. Bulgaria, Cyprus, Croatia,

Ireland, Romania and the United Kingdom, for their part, are not party to the Agreement. Bulgaria, Croatia and Romania are not yet ready to join, while the other three EU countries have shown no interest in joining. Iceland, Liechtenstein, Norway, Switzerland complete the list of countries that are party to the Schengen Agreement, bringing the current number of Schengen countries to 26. Switzerland was the last country to join the Schengen area on 12 December 2008, finalising a twenty-three year process of laborious negotiations to build the Schengen area as we know it today: a glowing and valuable testament to the construction of Europe, which has enabled millions of EU citizens to travel without their passports and fostered economic growth among neighbouring countries. For example, the French authorities have recently conducted a research on this issue. According to their estimates, the reintroduction of border controls within the Schengen area could reduce the GDP of the Schengen countries by €100 billion.

How well has the European Union responded to this complex and vast array of issues, particularly regarding

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Cooperation among Schengen states is inadequate and often driven by short-sighted national interests. They need to come up with more innovative, technologically advanced and effective border controls in an effort to ensure the free movement of people across borders while guaranteeing greater security for Europe's citizens.

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According to international experts, there would be a growing number of migrants and displaced people coming from Southwest Asia and Northern and Western Africa.

Progress in Europe's border management will occur only when political leaders understand that their current approach to border checks has become obsolete and unable to keep pace with existing external challenges and security threats.

The objective should be to further improve external border checks and enhance the security of Europe's citizens, while making life easier for bona fide travellers.

migration? The 2015 Eurobarometer spring survey's results provide some guidance as to what were the key priorities for EU citizens. These data show that 46 per cent of EU citizens did not trust the European Union compared to 62 per cent of citizens not trusting their respective national governments. Migration was the most pressing issue identified by the survey (27 per cent), followed by unemployment (24 per cent), public finances (23 per cent) and terrorism (17 per cent), prior to the shocking Paris terrorist attacks in November 2015. As regards migration, only 24 per cent of Greek citizens considered it to be a prominent issue, while more than half of the Danish, Estonian, German and Maltese population attached great importance to this matter. 43 per cent of Italians felt that migration was their top priority concern, followed by unemployment (32 per cent).

Given the challenges posed by globalisation, I would venture to say that cooperation among Schengen states is inadequate and often driven by short-sighted national interests. This is because Schengen states have not yet absorbed the fact that increased movements of migrants, together with the pressing external security threats (i.e. terrorism and drug and weapons smuggling), have significantly undermined their ability to control either their national or the EU's external borders. Schengen States need to come up with more innovative, technologically advanced and effective border controls in an effort to ensure the free movement of people across borders

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while guaranteeing greater security for Europe's citizens. It must be stressed that the security of EU citizens is an invaluable right requiring the highest level of commitment and attention by all stakeholders. Improved border management should avoid stifling Europe's economic growth through excessively restricted border checks and take due account of the respect for human rights and the rule of law, the important principle of *non-refoulement* and data protection. In other words, in the 21th century, border management needs to be assisted by measures and technological tools to keep border checks focused on external challenges, responsive to unexpected circumstances and easy to operate by future EU border and coast guards. It is also short-sighted in that some Schengen states have lost sight of the political relevance of the *Schengen acquis,* which is a glowing example of the construction of Europe. This EU framework has enabled millions of EU citizens to travel without passports and fostered economic growth among neighbouring countries.

Now this political milestone is under severe strain. Razor-wire fences have been built, border controls reintroduced, one Schengen country invited to leave the passport-free area, six others asking to maintain border controls for a longer period of time. An EU member state has passed measures designed to deter refugees from seeking asylum, including confiscating valuables exceeding €1.300, other EU member states are returning as many as 80.000 migrants who failed

to obtain asylum, and anti-migrant sentiment is on the rise in several EU countries. This blame and shame game among Schengen countries is likely to precipitate the dismantling of this area, which is highly valued among EU citizens. For example, pointing the finger at Greece does not seem politically wise. This country, with a population of some 11 million, had to cope with an influx of more than 850.000 migrants in 2015 alone, in addition to providing the first European shelter. Germany, whose population is above 80 million citizens, is having trouble with one million newcomers. Although both countries have experienced episodes of social unrest triggered by migrants, the disgraceful attack on women in Cologne of December 2015 will go down in the history books.

Unpleasant political wrangling can also be added to the current difficulties of the Schengen area. While the EU Agency for large-scale IT systems (EU-LISA), which was established in 2011, is located in Tallinn, the operational management of the Visa Information System, the Schengen Information System II and the EU Asylum Fingerprint Database (EURODAC), which are essential for the successful implementation of EU migration, asylum and border policy, is conducted in Strasbourg with a back-up facility in Austria. The European Commission has a dedicated budget line to fund the networking, maintenance and security of these three systems. Frontex has in turn the responsibility for managing the European external border surveillance system (Eurosur), which includes, among other things, automated large vessel tracking and detection capabilities designed to combat cross-border crime, tackle irregular migration and prevent loss of migrant lives at sea.

Despite the foregoing, Europe has a way out but only if it steps up its game. In this regard, an important political and operational decision was taken on 15 December 2015, which included a set of measures geared towards more effective border management without impinging upon the principle of free movement of people within the Schengen area. More specifically, the establishment of the European Border and Coast Guard, who would also cooperate with national border guards, should help Frontex and the Schengen states to improve the management and control of the EU's external borders. These new border guards can be more easily deployed and a Schengen member can ask for joint operations and rapid border interventions, in particular when its borders face disproportionate migratory pressure. These joint operations could also involve national border guards from third countries. Other aspects worth underlining are the possibility of sending liaison officers to third countries, the creation of a standard European travel document, which should facilitate return operations (provided it is accepted and recognised by third countries) and the renewed commitment of EU and international agencies to fighting cross-border crime and terrorism. As regards border management, there are other positive developments to be noted, such as the upscaling of the Poseidon Sea Joint Operation in Greece, the closer cooperation between Albania, Greece and the Former Republic of Macedonia, Frontex support at the border between Bulgaria and Turkey, and the strengthening of the Frontex

Western Balkans Risk Analysis Network. Nevertheless, the concluding remarks of the EU Home Ministers gathered for an informal meeting in Amsterdam on 25 January 2016, were less helpful in terms of finding a more sensible and coherent solution to the issue of migration flows.

A further component of the EU's comprehensive response covers inspections, which are an instrument obliging each Schengen member state to painstakingly apply the Schengen *acquis* and related measures. In the past, inspections of this kind have been carried out on a regular basis. However, Schengen member states had plenty of time before they were asked to address the weaknesses identified during these inspections, whether they were announced or unannounced. In the recent case of Greece, it seems that the results of these inspections have been used more for political purposes than for operational gains. Given the importance of the security of EU citizens, Schengen member states should have a shorter period of time to deal with their border management shortcomings and comply with the strict rules and procedures applied at the EU's external borders, and do their utmost to sharpen their technological tools in order to share data and experiences with EU authorities and those of the other Schengen members.

A border management strategy cannot be implemented in full unless it includes an effective return policy for illegally staying third-country nationals. Article 3(2) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 lays down the EU definition of "illegal stay": "*the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State*". Although it is not easy to identify and return irregular, undocumented migrants, Europe and its member states need to conclude re-admission agreements with a growing number of countries of origin. Since costs are clearly a hindrance, the European Commission, with the assistance of the EU agencies involved, has to find the wherewithal needed to help the EU member states concerned to implement such flights. Returning irregular migrants would be one of the most powerful messages sent to human traffickers and potential migrants who have to find large sums of money to pay for their trips to Europe.

In 21st century, border controls are not limited to territorial checks at the gates of entry. Although Schengen states are the supreme authority of power, they have had to come to terms with growing migration flows, which have a direct bearing on how they manage their own borders. In other words, the "diminishing power" over their borders has become a permanent feature for several Schengen states. Since they find themselves outside their comfort zone, these states tend not to react in a coordinated fashion. In addition to these important checks at their external borders, the authorities of the Schengen member states should also look equally at how their consulates process visa requests (in the past, the media have uncovered scandals involving bribes and other favours

in exchange for Schengen visas) using new technologies that help to identify and record all Schengen visa applicants. The ultimate objective is to facilitate the legitimate movements and business travels of third-country citizens, while at the same time ensuring a higher degree of security for EU citizens. Enhanced security is the result of closer cooperation between police, customs and consular staff and any other measures needed to fight external security threats such as terrorism and cross-border organised crime.

What sort of migration challenges is Europe likely to face in 2016? To make an educated guess, a good starting point is to look at migration movements through Niger as migrants transiting this African country tend to arrive mainly in Libya. According to Frontex data, between 1.000 and 1.500 Sub-Saharan migrants enter Libya illegally every week. These migrants, travelling with ECOWAS (Economic Community of West African States) documents, first arrive in Niger legally (although they usually bribe the border guards to get into Niger). Then they board lorries going from Niamey or Agadez to Libya for €5.000 (each lorry can carry up to 30 migrants).

Other migrants from Cameroon, Ghana and Mali, who are afraid of the security risks posed by the militia raiding many parts of Libya, choose the Algeria-Morocco routes and seek to enter the EU via Ceuta and Melilla, which continue to experience migratory pressure. Migrants from Senegal go to

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Morocco directly as they are aware that the Algerian authorities have tightened their border controls.

It is also worth noting the results of a study on potential refugee flows for 2016 carried out by the United Nations High Commissioner for Refugees and the International Organisation for Migration. According to the experts of these two institutions, there would be a growing number of migrants and displaced people coming from Southwest Asia and Northern and Western Africa. The situation in Libya and Syria would also continue to generate high levels of internal and external movements of refugees.

To start addressing migration flows, Europe's leaders need look at the root causes of migration more carefully. In other words, African countries need help in addressing this formidable challenge, which involves them directly. For example, in Nigeria victims are trafficked domestically and outside the country. Children from Benin, Ghana and Togo are smuggled to Nigeria and forced to work for labour-intensive industries. The forging and abuse of authentic documents has become a real issue, which is compounded by widespread corruption. In addition, sectarian violence and kidnapping for ransom are on the rise and so is the proliferation of armed terrorist groups, such as Boko Haram. It has to be stressed that border management in African countries is operated by poorly trained border guards using rudimentary techniques and tools. Capacity building for risk analyses, specific training

for border guards and the use of more advanced technological tools could help African countries to enhance their border management approach, which is clearly not equal to the scale of the challenges they face. The European Commission, Frontex, other EU agencies and member states should be ready and willing to go the extra mile to help African countries improve their border checks and risk analyses. This would also be in the interests of EU citizens and of Europe as a whole.

The Facility for Turkey designed to curb the number of asylum seekers and migrants to Europe was only approved by EU countries on 3 February 2016 after a lengthy negotiation with Italy (the plan was agreed in November 2015). The funds, amounting to €3 billion, should help improve the living conditions of refugees (over 2 million), who are currently in Turkey, and combat human traffickers. According to the latest estimates, the European Commission would provide €1 billion, while the rest would come from EU member states. Germany would contribute with €427 million, followed by the UK with €327 million, France with €309 million, Italy €225 million and Spain with €153 million. This Facility, however, represents a piece-meal solution to the most acute migration crisis since 1945. The overarching objectives of this Facility are noble and should be wholeheartedly sup-

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ported. However, it would be a mistake to consider that providing decent shelters to a growing number of asylum seekers and migrants could deter other migrants and displaced families from attempting to arrive in Europe. As a matter of fact, UN Agencies have estimated that 67.000 more migrants have already arrived in the EU in January 2016 through the Turkish-Greek path.

More recently, the Donors' Conference, which was held on 4 February 2016 in London, managed to secure the pledge of more than $10bn in aid for Syria. These funds would be provided by several countries and international organisations in an effort to address the growing humanitarian crisis. More specifically, these funds would be primarily used to provide protection and economic and educational assistance for the 4.6 million Syrians who have fled to Jordan, Lebanon and other neighboring countries as a result of the conflict. Unfortunately, the results of this important conference were tempered by the intense fighting around Aleppo and the breaking down of peace talks in Geneva.

My final point is political. It is clear that Europe should not aim to enhance its controls at its external borders in a bid to transform into an impenetrable fortress. This is unrealistic and not in the interests of Europe. Europe needs to further advance its integrated approach to border management by tapping into the potential of cutting-edge technologies, well-trained border and coast guards, closer cooperation between member states and specific assistance programmes for third countries. Progress in Europe's border management, how-

ever, will occur only when political leaders understand that their current approach to border checks has become obsolete and unable to keep pace with existing external challenges and security threats. Europe cannot throw the baby (i.e. Schengen achievements) out with the bathwater (i.e. migratory pressure and terrorist threats). It would be a zero-sum game for all EU citizens and put the fastidious European construction in peril. The objective should be to further improve external border checks and enhance the security of Europe's citizens, while making life easier for *bona fide* travellers. This requires solid political backing, which is essential to developing a medium-term strategy designed to make the EU's long and diverse external borders more hostile to terrorist groups and more welcoming to those who have the right to land on Europe's territory.