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COUNCIL OF EUROPE

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An Overview of the Topic:

History and Prior European Council

Action:

The Schengen Agreement is composed of two separate agreements that were ratified in 1985 and 1990.¹ The 1985 Schengen Agreement was created between Belgium, France, the then Federal Republic of Germany, Luxembourg, and the Netherlands. This agreement was solely between the governments of these nations and was completely separate from any wider European Economic Community (EEC) discussions or agreements.² The goal of the agreement was to ensure the freedom of

movement of people within the borders of these nations. In 1990, the Convention was signed and formally implemented. However, the Agreement did not truly come into force until 1995.³ The final set of Schengen rules include that current member states are obligated to:

1. “Regulate people crossing the EU’s external borders, including the issuing of required visas and how checks at these borders should be carried out.
2. Harmonise the conditions of entry and visa rules for short stays of up to three months.

¹ ACS, "The Schengen Agreement History and Information," ACS, last modified 2017, accessed September 30, 2018, <https://www.acs-ami.com/en/travel-articles/schengen-agreement/>.

² Library of the House of Lords, Schengen Agreement: A Short History, House of Lords. (United Kingdom. Mar. 2016).

³ European Commission, "Schengen Area," European Commission: Migration and Home Affairs, last modified January 7, 2013, accessed September 30, 2018, https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en.

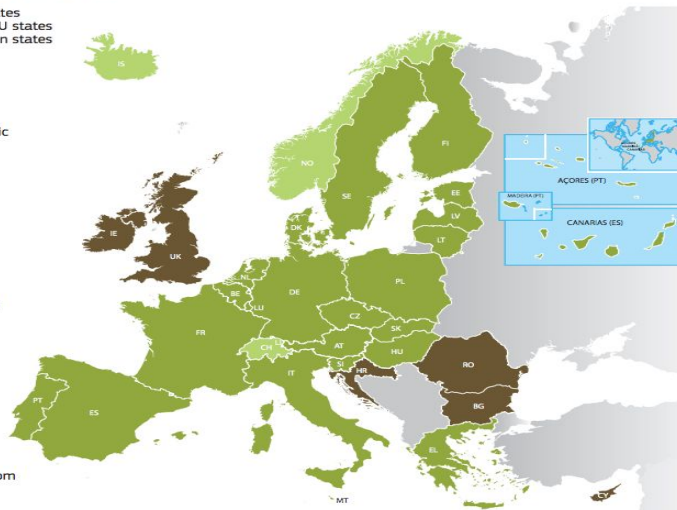
3. Provide for police cooperation, including on cross-border surveillance and hot pursuit.
4. Provide for judicial cooperation for faster extradition systems and for the transfer and enforcement of criminal judgments.
5. Establish the Schengen Information System (SIS). SIS is an information system that supports external border control and law enforcement, by enabling data sharing between member states.⁴

After the Convention entered force in 1995, six more countries signed, including the non-European Union (EU) nations Iceland and Norway. The Schengen Agreement was formally incorporated into the European Union’s institutional framework and laws through the 1997 Treaty of Amsterdam.⁵ Today, the Schengen Area consists of 22 EU member states and four non-EU member states: Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Italy, Latvia,

The Schengen area

- EU Schengen states
- Non-Schengen EU states
- Non-EU Schengen states

- AT Austria
- BE Belgium
- BG Bulgaria
- CH Switzerland
- CY Cyprus
- CZ Czech Republic
- DE Germany
- DK Denmark
- EE Estonia
- EL Greece
- ES Spain
- FI Finland
- FR France
- HR Croatia
- HU Hungary
- IE Ireland
- IS Iceland
- IT Italy
- LI Liechtenstein
- LT Lithuania
- LU Luxembourg
- LV Latvia
- MT Malta
- NL Netherlands
- NO Norway
- PL Poland
- PT Portugal
- RO Romania
- SE Sweden
- SI Slovenia
- SK Slovakia
- UK United Kingdom



Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden, along with Iceland,

⁴ Library of the House of Lords, Schengen Agreement: A Short History, House of Lords. (United Kingdom. Mar. 2016).

⁵ Ibid.

Liechtenstein, Norway and Switzerland.⁶

Current Situation:

People with visas that allow them to travel to one Schengen Area member state are able to freely move to other nations within the Schengen Area. However, in extenuating circumstances, Schengen rules allow member nations to reintroduce internal border ID checks for up to six months in the case of a “serious threat to public policy or internal security.” Such a period of border checks can be extended in six-month intervals, up to a maximum of two years.⁷

⁶ Europe without Borders: The Schengen Area (European Commission, n.d.), accessed September 30, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/schengen_brochure/schengen_brochure_dr3111126_en.pdf.

⁷ Jon Henley, "Extend Border Controls to Counter Terror Threat, Say France and Germany," *The Guardian*, last modified September 15, 2017, accessed September 30, 2018, <https://www.theguardian.com/world/2017/sep/15/france-and-germany-extend-limit-on-schengen-zone-suspension>.

The last time that Schengen nations invoked their right to impose border checks was in 2015 in response to the European Migrant crisis. Although the migrant crisis has subsided, in the wake of recent threats of terror, nations have called for longer time period allowances of border controls. According to many, the current limitations “do not match the needs in the context of a long-term terrorist threat.”⁸

In 2017, a document created by France and Germany, which was supported by Austria, Denmark and Norway, was leaked to media organization. The document called “to allow member states to reintroduce internal border controls for periods longer than currently provided for.”⁹

In 2018, the European Union announced that it plans on deploying 10,000 armed border guards by 2020. These borders

⁸ Ibid.

⁹ Ibid.

guards will have the ability to use armed force to prevent “unlawful migration” along the E.U.’s external borders. They’ll primarily be deployed to point-of-entry countries such as Italy and Greece to help process incoming migrants. It is unclear as of yet whether this border force will be actively policing the borders between E.U. member states since it would be a major change to free movement within the Schengen Area. This border force is a significant upheaval within the European Border and Coast Guard Agency (Frontex), which currently only employs 1,500 border guards.

There are many concerns to consider around this controversial decision. Human rights groups have already expressed their concerns of creating a Europe with “exclusionary borders, external processing camps, and border guards able to use force.” The point-of-entry countries may also want

to preserve the sovereignty of their own security efforts.

Bloc Positions

The Visegrad Group

This group includes the Czech Republic, Hungary, and Poland and works in conjunction with Austria. These countries are advocates for less migration into the E.U. and for more sovereignty in handling migrant processing. These countries do want the stricter border control that a larger Frontex brings, but would have concerns about the E.U. infringing upon the sovereignty of their own border security.

The Schengen Supporters Group

This group is interested in preserving the Schengen area freedoms. As a result, they tend to be more amenable to assisting migrants. Countries like Germany and Iceland are in favor of the Schengen Area

policy to continue both convenience and tradition.

Scandinavian Countries

Despite being known for their humanitarian values, Scandinavian countries have become stricter to curb migrant immigration into their countries. Though Sweden has been open to receiving migrants in the past, it too has imposed more restrictions on its borders and tightened its asylum benefits.

Questions to Consider:

1. Should the European Union sacrifice freedom of movement to limit migration?
2. To what extent should the European Union increase border security to curb migration?