

European Union continues to build a “fortress Europe”

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Towards the end of 2004, the European Union (EU) agreed further measures strengthening “fortress Europe”. At a meeting in Luxemburg, ministers from the 25 EU member states established the basis for a common asylum system, an EU border guard, the inclusion of biometric data in passports and visas and the wider sharing of information by national police forces and security services.

The measures are contained in the *Hague Programme*, a five-year plan “for the field of freedom, justice and security.”

In a classic example of doublespeak, the EU claims this further crackdown on asylum seekers and attack on democratic rights represents “the improvement of the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards and the access to justice...”

In reality, the “fundamental rights” being guaranteed are those of the EU authorities and the various member states to repel those deemed to be “illegal immigrants”, and to collect as much personal information as they can about their citizens. “Access to justice” means that express asylum proceedings are to be swiftly followed by deportation.

The *Hague Programme* is intended to initiate an overarching framework of EU regulations governing immigration and travel. However, member states will still be able to implement much more draconian measures within their own borders. For example, drawing the definition of asylum even more restrictively, withdrawing welfare support to those who fail to gain refugee status, and forcing asylum seekers to live in towns far away from their own expatriate communities.

After a passing reference to the need to “provide protection in accordance with the Geneva Convention on Refugees”, the main proposals deal almost exclusively with providing further powers to the state, rather than

extending the rights of the individual. These include:

- * establishing a common asylum procedure and a uniform status for those who are granted asylum;
- * ensuring an effective removal and repatriation policy;
- * developing an integrated management system for external borders and the strengthening of controls at and surveillance of the external borders of the Union;
- * integrating biometric identifiers in travel documents, visa, residence permits, EU citizens’ passports and information systems; and
- * intensifying practical cooperation between police and customs authorities of Member States and with Europol.

Firstly, fortress Europe is to be strengthened at its external borders, and above all those it now shares with non-EU countries to the east of the new member states.

The *Hague Programme* “emphasises the need for intensified cooperation and capacity building, both on the southern and the eastern borders of the EU, to enable these countries better to manage migration and to provide adequate protection for refugees.” In other words, the wealthier nations of west and north Europe want more border guards in the newly acceded countries to repel so-called “illegal immigrants”.

The governments in Warsaw (Poland), Budapest (Hungary), Ljubljana (Slovenia) and Bratislava (Slovakia), Tallinn (Estonia), Riga (Latvia) and Vilnius (Lithuania) are charged with defending the new frontiers of the European Union to the east. In the Mediterranean, Valletta (Malta) is now in the first line of defence against those seeking to come to the EU from Africa.

The document calls for the establishment of an “integrated management system for external borders and the strengthening of controls at and surveillance of the external borders of the Union.”

Money, expertise and equipment are to be made available to the new member states, to ensure that the EU’s external borders are made as impenetrable as

possible, in many cases cutting across transit and migration routes in Eastern Europe that have existed for decades, if not centuries.

Where such measures still leave a few cracks and refugees coming from further east, Asia or Africa manage to slip into the new member states, then they are to be kept there, prevented from journeying westward and becoming a burden on Berlin, Paris or London.

Meanwhile, a regime of constant police and immigration checks is planned to scoop up all those deemed to have no right of abode inside fortress Europe.

In an open letter, human rights organization Amnesty International criticized the *Hague Programme* for its “one-sided emphasis on ‘security’ at the expense of the elements of ‘justice’ and ‘freedom’.”

“The fact that asylum is principally a human rights issue seems to be lost amid all the discourse surrounding migration management.” The EU’s justice and home affairs agenda is “driven by counter-terrorism and the fight against ‘illegal immigration’,” the organization noted.

Mandatory fingerprinting of EU citizens

Under the guise of the “fight against terrorism”, the EU is proposing far-reaching measures that infringe basic democratic rights. While refugees and asylum seekers are a particular target, the compulsory inclusion of biometric data in passports and exchange of information by the various police and security services throughout Europe are aimed at every citizen.

The *Hague Programme* proposes that in future, any EU citizen applying for a passport will have to submit to mandatory fingerprinting. This data, together with a second “biometric identifier” (such as a digitized facial image) would then be included in new machine-readable passports.

An analysis prepared for civil liberties organisation Statewatch by Dr. Steve Peers, Professor of Law (University of Essex), concludes that such a proposal is effectively illegal.

“The proposed Regulation on EU passports, with or without mandatory fingerprinting requirements, exceeds the legal powers conferred upon the Community to adopt measures concerning checks at external borders. It furthermore exceeds any other powers conferred upon the

Community. If the Regulation includes mandatory fingerprinting requirements, it would also breach the principle of proportionality that is a requirement for the legality of Community acts, and the general principles of Community law, which include the protection of the right to private life.”

The plan to introduce mandatory fingerprinting was rushed through the EU Justice and Home Affairs Council (JHA) behind closed doors at a meeting in October 2004. The JHA decision now looks set to be rubber-stamped by the European Parliament.

In the wake of the 9/11 attacks on the World Trade Centre, the US introduced the compulsory fingerprinting and face-scanning of those visiting the country from abroad. The EU now proposes to go much further—effectively establishing a massive biometric database of its own citizens—containing potentially over 450 million individuals.

In an open letter to the European Parliament, calling for it to reject the mandatory fingerprinting proposals, Statewatch, together with Privacy International and European Digital Rights, warns that “When combined with data profiling and data sharing proposals also being developed by the Commission and the Council, Europe faces the real prospect of creating a surveillance behemoth.”

Linked to other personal data (such as details of health, social security, employment, financial situation, travel itinerary, etc.) and freely exchanged by state agencies throughout the EU, the measures truly take on the quality of a panopticon—Jeremy Bentham’s 18th century design for a prison as an “all-seeing eye”.

If the EU plans become a reality, Fortress Europe will not just be an impenetrable redoubt capable of repelling all interlopers, but the ultimate penal complex, where even the innocent have records like criminals.



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