EU steps up internal border controls

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The reintroduction of internal border controls within the European Union's Schengen Area is to be left increasingly to national governments and the period over which this operates extended.

The Schengen Area covers twenty-six European countries and operates very much like a single state for international travel, with border controls for those traveling in and out of the area, but with no internal border controls.

The clampdown was agreed by the interior and justice ministers of the European Union during the meeting of the Council of Ministers last week. The reform of the Schengen Treaty provides that member states can largely re-introduce internal border controls at their own discretion for a period of up to two years.

The draft unanimously adopted by the ministers also includes a significant expansion of the grounds on which the closure of intra-European borders can be justified. And it strengthens the national governments in relation to the EU Commission.

The Council therefore largely followed the thrust of the German Interior Minister Hans-Peter Friedrich (Christian Social Union, CSU), who a few weeks ago had signaled a revision of the Schengen agreement with his then French counterpart Claude Guéant. The newly-elected French Interior Minister Manuel Valls of the Socialist Party (PS) has now seamlessly continued the policy of his predecessor, which is also supported by the Dutch government.

The increase in refugee movements in Southern Europe was cited as the reason for the proposed amendments to the Schengen Treaty. Following the revolution in Tunisia and the NATO war against Libya last year, tens of thousands of refugees landed on the coast of Italy; the French government then unilaterally closed its border to the neighboring country. And in March this year the Greek government was accused of showing a "lack of political will" in securing the EU external border, which was allegedly "open like a barn door".

During the French election campaign, President Nicolas Sarkozy said that France would revoke the Schengen agreement if the EU's external borders were not better protected against migrants within twelve months. His successor, François Hollande, is now implementing this policy by transforming the Schengen agreement along these lines together with the Merkel government in Berlin.

In the past, only terrorist attacks or "foreseeable threats to public order and internal security" could be used to reactivate the checkpoints at Europe's internal borders and carry out identity checks. A so-called "emergency mechanism" has now been added, which allows the various Schengen states to suspend the Schengen Treaty for a period of up to two years if another signatory state does not reliably control its borders.

Previously, the borders could be closed and identity checks carried out at the internal European borders in the case of major events. For example, this is currently being practised by the Polish government during the European Football Championship. This mechanism has already been used to minimise transnational protests at meetings of the leaders of the G8 countries by preventing demonstrators from traveling to their destination.

What is new is that the Schengen signatories can now implement these measures unilaterally, as long as they do not exceed a period of thirty days, and merely have to inform the EU Commission.

But the new measures now also limit the requirement to consult the EU Commission in emergency cases. The European Council of Ministers for Justice and Home Affairs is now to give a recommendation to member states following a proposal from the European Commission. However, the regulation provides that a member state may now practically compel the Commission to propose the introduction of the emergency mechanism. The final decision can be made unilaterally by national governments. The conditions that can trigger such an emergency have been left deliberately vague. The new Article 26 states, under the heading "Specific procedures in the event that extraordinary circumstances jeopardize the functioning of the Schengen Area as a whole without internal border controls" that this case exists when "persistent problems in securing the external borders (...)" presents "a serious threat to public order or internal security in the Schengen Area."

In addition, monitoring compliance with the Schengen

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rules, and thus the control of the EU external borders, will not be under Brussels' purview, but is to be carried out by member states. They will decide themselves whether an emergency exists that allows the raising of the internal borders. This opens the door to virtually arbitrary checks, because it is in the nature of uncontrolled immigration that there are no reliable figures, and estimates are always politically motivated.

German Interior Minister Friedrich, who has largely achieved his objectives, stated in hindsight, the emergency mechanism was only a "last resort" and would only be triggered "at the very end, when all else fails", but this case might happen very soon.

His French counterpart Valls justified his approval of the reform package saying, it "could counter a serious situation, such as a flood of refugees as a result of the worsening political crisis in Syria." The mere geographical proximity to Greece and the repeated allegations that the government in Athens is not sufficiently protecting the EU's external borders could be used to suspend the Schengen Agreement in its present form everywhere and for a long time.

The Austrian Interior Minister Johanna Mikl-Leitner was already talking openly that "the situation on the Greek-Turkish border" makes clear "the need for clear emergency rules for the Schengen Area". This argument was then fueled by figures from the EU border agency Frontex, which claims to have identified a rise in illegal immigration across the Mediterranean to southern Europe by 35 percent to 140,000 migrants in 2011. It claims more than 55,000 refugees had entered the EU illegally via the Greek-Turkish land border. Frontex also warns of an increase of refugees from Afghanistan, Pakistan and Somalia.

The EU Commissioner for Justice and Home Affairs, Cecilia Malmström from Sweden, said she was disappointed because her powers had been drastically curtailed by the Council of Ministers. Senior members of the European Parliament also announced their reservations about the reform plans. But there is widespread agreement for the reintroduction of internal borders within the political establishment. The disagreements primarily concern who gets what powers, and here, both the Commission and the EU Parliament feel excluded by the national governments. In addition, the Council of Ministers has left a back door open for waving the reform package through parliament.

Even in its present form, the Schengen Agreement is not primarily intended to ensure freedom of travel, but to control immigration. When it came into force in 1995, Schengen largely removed the European internal borders to allow the unimpeded flow of capital, goods and individuals; but it sealed off the external borders and drastically restricted the rights of immigrants from Eastern Europe and non-EU countries.

In addition, the powers of the Border Police were strengthened by increasingly defining public spaces, such as railway stations and main roads, as border areas where refugees and illegal migrants could be hunted down. According to human rights organizations, nearly 15,000 refugees have lost their lives trying to reach the European Union since the agreement has been in force.

The same Council of Ministers meeting also decided to introduce the new Schengen Information System (SIS II) in spring 2013. Contrary to the previously existing database, SIS II not only provides opportunities for the police and the justice system when it comes to searching for wanted persons, but it can also be used as a dragnet. To this end, SIS II not only widens the database but also its accessibility to the state security apparatus.

The European Parliament is currently discussing an initiative of the Commission for the expansion of the European border management system. This includes not only the military and technological upgrading of the EU's external borders, but also the introduction of a database recording the fingerprints of all third country nationals on EU entry and exit. In addition, so-called "smart borders" are being introduced. Through this system various security levels would be assigned using data collection and by matching people arriving and leaving and assigned to different security levels.

These measures, like the tightening of the Schengen Agreement, are directly related to the fiscal pact, which means massive budget cuts at the expense of the working class. The pact is driving much of Greece and southern Europe into bitter poverty. It is feared that the social division of Europe could trigger massive new waves of migration. The German Federal Office for Migration and Refugees has already recorded a sharp rise in immigration to Germany from Greece and Spain, and also from Eastern Europe.

Two decades after the fall of the Berlin Wall, Europe is again raising its internal frontiers in order to force refugees to accept the misery in their home countries. The nature of the EU as an instrument of the financial aristocracy to intensify the conditions of exploitation is nakedly apparent.

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