



A Background Guide for the

EUROPEAN UNION

Border Control with Emphasis to the Refugee Crisisand Terrorism

Political and Financial Crisis in the European Union and the Implications of Brexit

TABLE OF CONTENTS

Lett	er from the Executive Board	03
Con	nmittee Background	04
Agenda 1		04
1.1	Introduction to the Agenda	04
1.2	Context and Concept	05
1.3	Potential Challenges, Problems, and Issues the Committee Must Address.	08
1.4	Recommendations and Suggestions, Priorities for Further Action	13
1.5	Questions a Resolution Must Answer	
1.6	Bibliography	
1.7	Links for Further Research	
Age	nda 2	15
2.1	Key Terms	15
2.2	Context and Concept	16
2.3	Potential Challenges, Problems, and Issues the Committee	
	has to Address	19
2.4	Recommendations and Suggestions, Priorities for Further	
	Action	22
2.5	Questions a Resolution Must Answer	23
2.6	Bibliography	23
2.7	Links for Further Research	24

LETTER FROM THE EXECUTIVE BOARD

Distinguished delegates,

Namaste!

We - Omisha Purohit, Diti Rawat and Prarabdh Shivhare, the Executive Board members of the European Union - find great pleasure in welcoming you to the third simulation of Shishukunj Model UN! While we know that participation in this conference requires a substantial time investment for preparation, we are sure that it will be one of the most interesting experiences of your academic, social, and cultural lives.

Not only will you be introduced to the theories and practicalities of European Union workings, but you will also meet and interact with politically-interested and - responsible people.

The agendas that the committee will be dealing with are:

Border control with emphasis on the refugee crisis, and

The political and financial crisis in the European Union and the implications of Brexit.

The following pages are intended to guide you with some basic information about the agenda as well as the Council. Both agendas are highly comprehensive, including vast areas of discussion and debate. While the first agenda deals with the migrant influx and loose border controls, the second agenda focuses on even more political matters, discussing internal EU problems and common policy areas.

As representatives of different nations to the European Union, you are expected to thoroughly research the agendas and work rationally towards different solutions. We expect you all to be open to everybody's ideas in the committee, be fully aware of your country's foreign policy and stance on the issues at hand, actively participate in the committee discussions, and pass committee resolutions, preferably by consensus instead of voting.

If you have any queries, feel free to contact us on our committee email ID, europeanunion@shishukunjmun.com.

The Executive Board wishes you the best of luck and hopes you have a great experience at Shishukunj Model United Nations 2017!

Committee Background

The European Union (EU) grew out of a desire for peace on a war-torn and divided continent. Five years after World War II ended, France and Germany came up with a plan to ensure cordiality, which a few years later resulted in the creation of the European Economic Community (EEC), the foundation today's European of Union. The EU has grown steadily since, from its six founding members to twenty-eight countries spanning across the continent

What began purely as an economic union has now grown into organization that tackles policy areas from climate and human rights to security, justice, and migration. The EU has become multilateral by integrating the entire continent into one single body by the formation of a single 'internal' market, abolishing border controls, adopting the 7th Environment Action Programme, and other such measures. Today, there are four key institutions which work together to run the EU: The European Commission, the European Parliament, the Council of the European Union, and the Court of Justice

Agenda 1: Border Control with Emphasis on the Refugee Crisis and Terrorism

1.1. Introduction to the Agenda

¹http://publications.europa.eu/webpub/com/factshe ets/refugee-crisis/en/)

With more than one million refugees arriving solely in 2016, Europe has experienced the greatest mass movement of people since the Second World War. Out of these, most are refugees trying to flee war-stricken countries like Syria, Iraq, Afghanistan and South Sudan. The EU has agreed on a range of measures to deal with the crisis, including targeting its root causes and increasing aid for people who are in need of humanitarian assistance. Steps to relocate refugees and asylum seekers residing in the EU, resettle people in need from neighbouring nations, and send back individuals who do not qualify for asylum, are already being taken. By introducing new border and coast guards, tackling human trafficking, and providing safer routes to enter Europe legally, the European Union has constantly been trying to improve its security measures. However, with illegal practices on the rise, steps of the Union have fallen short to curb the problems. 1

¹The EU has a moral and legal obligation to protect anyone in need. Bound by the EU Qualification Directive and the Geneva Convention, member states take up the responsibility asylum examine applications. However, as thousands of people die at sea in attempts to reach Europe, almost 90% of migrants now pay organized criminals and smugglers in hopes of getting across borders in a safer manner.²

Some EU member states have the enormous strain of providing transplants with food, water, and shelter. Financially unstable countries are the ones who have it worst, with refugees and migrants first entering the EU at their borders in large numbers.

²http://publications.europa.eu/webpub/com/factshe ets/refugee-crisis/en/

back to the reason many people chose to

Countries like Germany and Sweden are usually the final destinations for most of these people. This has, therefore, created problems for those states that are passed through by migrants refugees on their way to their final destinations. Examples of such countries include Croatia, Hungary, Austria, and Slovenia. In total, over €10 billion has been dedicated to the refugee crisis by the EU in the years 2015 and 2016. The basic amenities which refugees need upon entering these countries include clean water, food, and shelter. The EU has financed projects to address the most urgent humanitarian needs of the refugees across countries Greece, Turkey, and However, dealing with their own economic crises, many member states have started looking at these thirdcountry nationals as a big burden, stuck between helping their own citizens and incoming refugees. With one of the biggest refugee crises since the World War II, it is crucial for the EU to find a way to deal with the uncontrolled influx of refugees. 34

1.2. Context and Concept

1.2.1 Turmoil in Conflicted Areas

60 million people are currently displaced from their homes, at the end of their tether for a place to seek asylum. Increasing turmoil in countries such as Syria, Afghanistan, and Somalia is driving millions to pay exorbitantly high prices to human smugglers for a chance to enter Europe.

The present-day refugee crisis traces

take a treacherous journey to Europe in the first place. From the 1970s to the early 2000s, many African and Middle Eastern countries suffered from political instability and civil wars. In 1980, various Somalian groups began fighting for power during a power vacuum created by this instability and war. Militant groups are still struggling against the Somali government to this date. The border conflict between Eritrea and Ethiopia first sparked in 1998, but the conflict continues to cause disturbance in the two nations today. Afghanistan, the leading country of origin of refugees in Europe, has been a battleground for Western forces and Al-Qaeda for over a decade. And finally, the Syrian Civil War that started in 2011 has forced millions out of the country in search of a safe place to settle.

1.2.2 Case Study: Syria

Six years of war has torn Syria apart. Brutal reactions to protests throughout the country descended Syria into confusion in early 2011. Syrian children and families have borne the brunt of the conflicts' devastating consequences. Presently, 13.5 million people in Syria need humanitarian assistance, with more than 5 million refugees trying to flee the turmoil. In such a condition, more than 15% of these refugees have fled to Europe, given that the refugees lack proper documentation required to get asylum in Europe, most of them try to enter the continent illegally. As the amount of violence augments, collapsed infrastructure and the amount of distressed peoples increases day by day. Therefore, it has now become critical for European countries to provide refuge to the displaced while at the same time help and protect their own citizens.

³ www.bbc.com

⁴http://publications.europa.eu/webpub/com/factshe ets/refugee-crisis/en/

1.2.3 Asylum Route

More migrants and refugees are arriving and resettling in Europe than ever recorded before, as war, persecution, and poverty continue to drive people from their homes. The unpredictability in Syria continues to be by far the biggest driver of relocation. But the ongoing resentment in Afghanistan and Iraq, violence in Eritrea, and poverty in Kosovo are also leading people to look for new lives in a different place. Maximum amounts of migrants have been arriving in countries like Greece, Italy, and Hungary. This disproportional settling has led to rising tension amongst members of the EU.

The EU's external border force, Frontex, monitors the different routes migrants use and the number of migrants arriving at Europe's borders. According to Frontex, there are eight routes often, used but the main three are the Central Mediterranean the route. Eastern Mediterranean route, and the Western Balkans route.



1.2.4 Central Mediterranean Route

⁵http://www.telegraph.co.uk/news/worldnews/euro pe/11890892/Mapped-How-the-way-migrantsThis route involves movement from North Africa to Italy. Migrants often meet in countries like Libya, where they smugglers locate and pay coordinate their passage through the Mediterranean. In 2014, the majority of border control operations on the Central Mediterranean route turned into search and rescue (SAR) operations. In that year, due to usage of old and large wooden boats, which were in poor condition, an estimated 3,500 migrants lost their lives 5

1.2.5 Western Balkans Route

This route includes two major migratory flows: firstly, migrants who hail from western Balkan countries, and secondly, those who enter Bulgaria or Greece through Turkey. The latter route is dominated by Syrian and Somalian nationals. Ever since the introduction of visa-free travel in the EU, the Western Balkan route has become rampantly popular. An unparalleled number of illegal border crossings by Kosovans were seen in 2014, mainly along the Serbian-Hungarian border. Kosovan nationals are not allowed visa-free travel in the EU, unlike other western Balkan countries. And most of these migrants are assisted by peoplesmuggling networks. Migrants from Afghanistan and Syria also dominate the flow in this region.

1.2.6 Eastern Mediterranean Route

This route is taken by migrants through Turkey to the EU via Greece, southern Bulgaria, or Cyprus. This route has had the biggest increase in the last few years, which is largely due to an incursion of Syrian and Afghan migrants. Eastern Mediterranean route

considered more favorable than the Central Mediterranean route because it is a shorter distance, is cheaper, and is much less weather-dependent.

1.2.7 Common European Asylum System

Asylum, a fundamental right which was first recognized in the 1951 Geneva Convention on the protection of refugees, is granted to people fleeing harassment or serious danger in their own country and therefore in need of international protection. In the EU, an area of open borders and freedom of movement, countries share the same fundamental principles, and states have a joint approach to ensure high standards of security for refugees.

Migrants, or those who seek protection, do not have the right to decide in which country they want to stay. As stated in the Dublin Regulation, it is a refugee's point of entry in Europe and not his wish that determines where his/her asylum application will be processed and consequently, where he/she will get asylum. To this end, the Common European Asylum System (CEAS) provides common minimum principles for the treatment of all asylum seekers and applications. CEAS consists of a legal framework which covers all aspects of the asylum process as well as a support agency, the European Asylum Support Office (EASO).

However, differing management of asylum seekers and varying recognition rates amongst member nations still define the current system. deviation is what encourages secondary activities and is partially due to the fact

that the current rules grant Member States a lot of discretion in how they apply the common EU rules. The largeexfoliation, uncontrolled arrival of migrants and asylum seekers since early 2015 has put a tenor on many Member States' asylum systems and on the CEAS as a whole. Despite having closed its border with Croatia in early October of 2015 to mitigate the flow of migrants, Hungary has the highest number of refugee, while Germany received the most asylum applications in 2015.6 Nearly 1,800 refugees per 100,000 of Hungary's local population had claimed asylum in 2015. Sweden followed close behind, with 1,667 per 100,000.78

1.2.8 Dublin Regulation

The Dublin Regulation is a European Union law to determine the EU Member State accountable for inspecting a request for asylum by migrants seeking international protection under Geneva Convention and the EU Qualification Directive within the European Union. A continent-wide fingerprinting database unsanctioned entrants to the EU has been established because of this. The Dublin Regulation quickly determines the Member State accountable and provides for the transfer of an asylum seeker to that Member State. Conventionally, responsible the Member State is the nation through which the asylum applicant first entered the European Union. The Dublin Regulation prevents an applicant from submitting applications to multiple states and also prevents the rotation of

⁶ http://www.bbc.co.uk/news/world-europe-34131911

⁷https://diplomatikyorum.com/2016/03/08/turkeyeuropean-union-and-the-refugees/)

⁸https://eeas.europa.eu/sites/eeas/files/12 ceas 2pg .pdf

asylum seekers from one member state to another. 9

Accepting or rejecting the application is in the hands of the country in which the seeker first applies for asylum. Also, starting the process in another jurisdiction is not permissible. A person is given certain rights through the Oualification Directive (a directive that sets out criteria for applicants to qualify refugee status or subsidiary protection and also defines the rights afforded to them), if his or her application is accepted. The rights given include a residence permit, local health care system access, and the right to work.

However, if a person's application is rejected, they can make an appeal. On failure of the appeal, the person might be sent back, but if the appeal is successful, then the same rights that are granted on the success of the application are given to the person. According to the Common European Policy, this is how the system should function.

One of the major issues posed by the Dublin Regulation is that national governments are unable to track everyone crossing their borders before their claim is processed on being fingerprinted, using their countries as temporary stoppage points. Moreover, as opined by the European Court of Justice and the European Court of Human Rights, the nations bordering main entrance points to Europe for migrants- like Greece, Italy and Bulgaria- are particularly overburdened as they face the responsibility of examining the refugee status of most asylum seekers. 10

9 http://www.europa.eu.com/

1.3. Potential Challenges, Problems, and Issues the **Committee Must Address**

Since 2013, there has been a rapid increase in the number of migrants attempting to enter Europe by crossing the Mediterranean. EU countries saw a 24% increase in the number of asylum applications solely from 2013 to 2014. Presently, Europe provides shelter to over one and a half million refugees.

On April 19, 2015, one of the deadliest shipwreck accidents took place when a boat packed with over 850 migrants from Libya capsized 190 km away from Lampedusa, a southern Italian island. Despite an intensive rescue mission by Malta and Italy, there were only 28 survivors. It was later found that many passengers drowned not because of the initial capsize but because they were trapped in the lower levels of the ship.

This accident was a clear indication of the lack of security and safety measures that asylum seekers face while trying to reach the safer shores of Europe from the various conflicted areas.

After this accident, EU ministers responded by tripling the budget of Operation Triton, the EU's current border security operation which began in 2014. However, such actions are in opposition of the contrasting problems that EU member states continue to face since most countries are hosting refugees in large numbers, which at times results in acute shortage of

¹⁰http://one-europe.net/dublin-ii-regulation-and-itsimpact-on-greece

resources for survival of the migrants as well as the citizens

1.3.1 Shelter Facilities

Countries like Germany and Sweden are presently taking in refugees in numbers comprising more than one percent of their own population. With small territorial areas and ever-increasing populations, such countries continue to face problems in housing refugees while already being overburdened by their national population growth. 11

1.3.2 Economic Issues

Financial issues impact some countries' abilities to strengthen their protection thereby affecting systems, conditions of both their own citizens and asylum seekers. The 2015 UNHCR budget for the EU was €432.5 million, reflecting a 150% increase from the previous year. Although some countries believe that the benefit system of around €55 per week for each refugee is quite expensive, deporting immigrants may cost even more; estimates suggest that almost €11 billion has been spent on repatriating migrants to their home country. The costs of asylum application checks at borders and further the provision of shelter, food, and jobs to refugees are causes of huge financial pressures countries. Finally, the already expensive cost of Operation Triton*, currently at €120 million, may rise even further if more lives are lost on the Mediterranean Sea.

*OPERATION TRITON- supports Italy with border control, surveillance and search and rescue in the Central Mediterranean; Its operational area covers the territorial waters of Italy as well as parts of the search and rescue zones of Italy and Malta; also helps in detection of smuggling trafficking in the Mediterranean waters; works simultaneously with Operation Poseidon- the EU program for border management and safety near and around Greece.

1.3.3 Social Issues

The xenophobic attitude of many European citizens has led to the mistreatment of many refugees. Many people living in Europe mistakenly believe that most asylum-seekers are merely looking to escape poverty rather than actual violence because it is difficult to distinguish refugees from economic migrants. This has caused unsettlement between many of the European nationals and their respective governments. Moreover, nationalist backlash within Europe has also made low-skilled migrants feel unwelcomed in general.

1.3.4 Political Issues

Politically, the European Union is comprised of 28 member states with diverse agendas and interests. This makes it extremely hard for Europe to address its refugee situation as a collective unit. Countries receiving thousands of asylum applications are urging fellow EU member states to share their burden, while other nations try to avoid facing the responsibility by rejecting all proposals that will expand Europe's refugee intake. Chaos in some

¹¹http://frontex.europa.eu/assets/About Frontex/Go vernance documents/Work programme/2014/PoW

²⁰¹⁴ EN.pdf

of the Sub-Saharan African and the Middle Eastern countries is leading to the greater influx of refugees into the European Union, thus creating a bigger political rift between EU countries.

1.3.5 Case Studies

The following case studies are to give a better idea of the refugee crisis in different European countries.

<u>Italy</u>

In 2008, Berlusconi's government in Italy and Gaddafi's government in Libya signed a treaty including the stoppage of irregular migration from Libya to Italy by mutual cooperation. This then led to a policy of forcibly returning boat migrants intercepted by the Italian coast guards at sea to Libya. In the aftermath of the Libyan civil war in 2011, the cooperation collapsed following a ruling by the European Court of Human Rights, which stated that Italy had violated the European Convention on Human Rights by returning migrants to Libya by exposing them to the risk of ill-treatment by the Libyan people and also violated the collective prohibition of expulsions. With flourishing networks and liberal control of the Libyan ports, particularly since 2014, smugglers have been able to readily transport migrants to Italy. Lampedusa, Pozzallo, Porto Empedocle, Augusta, Taranto, and Trapani are the major refugee hotspots in Italy.

Calais

France has been perceived to be unwelcoming by most migrants because of a poor job market. Since the introduction of border controls in July 2015, migrants entering France illegally by train from Italy have been sent back by French police. For this reason, most migrants prefer to go to the United Kingdom instead of France, and this has resulted in year-round camps migrants around the French city of Calais, where one of the Eurotunnel (shuttle services to connect the United Kingdom to France and continental Europe) entrances is located. During the summer of 2015, at least nine people died in attempts to enter Britain, including falling from or being hit by trains and drowning in a canal at the Eurotunnel entrance. Migrants from the camps also attempted to enter trucks bound for the UK, with truck drivers often being threatened by the migrants and cargo being robbed. In response to this, A financed fence was built along the A216 highway in Calais. In October 2016, migrants intent on travelling to the UK, who were in the Jungle Camp in Calais, started violent riots as the police helped demolition workers take down the camp in Calais full of UKbound migrants. Just a few hours after that, the same migrants set up a new camp to house those who were ejected from Calais. In the following week, migrants arrived in thousands to the capital city of Paris, with the aim to set up their camps there. Consequently, on various other such attempts to demolish illegally-constructed campsite, extremely violent riots often broke out.

Germany

In 2015, the Chancellor of Germany, Angela Merkel, opened Germany's border gates in a concerned act of humanitarian relief. Germany had initially expected to take in around 450,000 migrants, though this quickly expanded to 800,000 as the crisis in the conflict-ridden areas grew larger. The German citizens soon questioning their government's decision and consequently became sceptical of it. While the world praised Germany for its

efforts, the massive influx quickly became overwhelming for the country. As a result, thousands of refugees still remain unaccounted for, with no official documents and certainty about their future. In 2015, according to Germany's own refugee agency's data, a historic peak of about 1,000,000 asylum seekers was recorded, which further rose by almost 10% in the following year. As Dublin IIIRegulation suspended for Syrian nationals on August 25, 2015, Syrians, constituting almost half of all refugees received, became able to apply for asylum in Germany even if they'd entered another EU member state first. This step refuelled debates on the migrant influx in Germany as politicians sought to separate the 'economic' and the 'asylum-seeking' migrants.

According to the 1951 United Nations Convention on the Status of Refugees – "Asylum seeker" means a person who has applied for asylum under the 1951 Refugee Convention on the Status of Refugees on the ground that if he is returned to his country of origin he has a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group. He remains an asylum seeker for so long as his application or an appeal against refusal application of his "Refugee" in this context pending. asvlum seeker application has been successful. In its broader context it means a person fleeing e.g. civil war or natural disaster but not necessarily fearing persecution as defined by the 1951 Refugee Convention "Economic migrant" means a person who has left his own country and seeks by lawful or unlawful means to find employment in another country.

Greece

For the refugees stuck in Greece, insufficient money, limited access to humanitarian goods and amenities, degrading conditions in camps, and a huge increase in far-right attacks have created plethora of daily a complications, substantially adding to already-existing problems. According to the UNHCR, about 60,000 refugees remain in the country. Greece has sought to improve conditions for these people. But given the uncertain financial conditions of Greece and the amount of EU money available to aid refugees in Greece (around € 100 million), this has been a difficult task for the Greeks so far. The EU Civil Protection Mechanism* was activated on December 3, 2015, upon a request by Greece. In response to this, over 20 European countries offered more than 150,000 basic need items, including bags, tents, and sleeping bags. 12

*EU Civil Protection Management-This mechanism was established to enable coordinated assistance from the member states to victims of natural and man-made disasters in Europe and elsewhere; it works closely with the European Maritime Safety Agency

Smuggling And 1.3.6 Trafficking at the Borders

Criminal networks that offer services which facilitate illegal movement of peoples and goods within the EU have emerged as one of the most profitable and ubiquitous activities for organized

¹²http://ec.europa.eu/echo/what/civilprotection/mechanism en

crime in Europe. The refugee crisis is the main cause for this boost in the smuggling business. Everyday, refugees and migrants from the conflict regions who live on less than €1.80 per day are willing to pay traffickers €270 for a dangerous transit to Europe. As a result, more than 510,000 illegal border crossings between the EU registered in 2016, with nearly all of the irregular migrants (those migrants who arrive, stay or work in a country without the essential authorization or documents required under immigration regulations) arriving in the EU through use of the services offered to them by traffickers, whose aim is to exploit the migrants.

Children are affected even worse, as thousands of them fall prey to illegal smuggling and trafficking networks every day. Many children are smuggled airports on fake documents. into Moreover, criminal networks are trying to regain control in certain territories like Calais and the extensive mafia network which operates in the Dunkirk camp. More than 5,000 international organised crime groups are currently under investigation in the EU, along with a proportionally-increasing refugee crisis

1.3.7 Terrorism

Terrorism is a threat that does not recognize borders; it affects states and people irrespective of their geographical location. More so, it has remained a matter of utmost urgency and concern for Europe for decades. The masscasualty attacks in Paris in 2015 and in Brussels in 2016 as well as the plethora of self-starter plots uncovered in countries like Germany, Denmark, and the United Kingdom, over the last few years have highlighted the extent of the terrorist threat across Europe.

Since the beginning of 2013, the issues of radicalization and foreign terrorist fighters have been regular items on the agenda of the Council of the EU and the European Council. Thev developed a comprehensive response, including both internal and external lines of action. Experts believe that the recent rise in terrorist activities is connected to the influx of refugees to the European Union. Terrorists often take advantage of the vulnerable situation at the borders and enter nations under the disguise of refugees. Over time, it has been taken into account that strict regulation of border control activities is essential to keeping terrorism absent from Europe. In order to ensure this, the EU adopted a counterterrorism strategy in 2005. The strategy focuses on four fundamental principles:

Prevent-

To identify and tackle the factors which contribute to radicalisation and the processes by which individuals are recruited to commit acts of terror.

Protect-

To protect the citizens and reduce their vulnerability to attacks by protection of external borders, improvement transport security and the protection of strategic targets.

Pursue-

To hinder terrorists' capacity to plan and organise, and to bring them to justice by strengthening national capabilities, improving practical cooperation and information exchange between police and judicial authorities.

Respond-

To prepare, manage and minimize the consequences of a terrorist attack by improving capabilities to deal with the aftermath, coordination of the response and the needs of victims

Across these principles, the strategy recognizes cooperation with third-party

countries and international institutions to be of utmost importance.¹³

1.4. Recommendations and Suggestions, Priorities for Future Action

1.4.1 Combatting Smuggling

Every day, thousands of people die while being illegally transported from crisis areas to European countries. To prevent any more loss of life at sea, a possible solution is to combat human smugglers under the Common Security and Defence Policy of the Lisbon Treaty. The EU has already sent in aircrafts, ships, and drones to monitor the activity of smugglers, looking forward towards a way to curb the traffickers. of Libvan practices However, if the European Union actually decides to carry out military operations in Libya or any other country, it will require approval of the United Nations Security Council under the Responsibility to Protect.

1.4.2 Military or Monetary Intervention in Conflict Areas

Since the migrant problem has become so grave, one possible solution that has arisen is to provide assistance to those suffering in conflict areas by directly intervening and providing military or monetary aid to them. According to the UN's guidelines on the Responsibility to Protect, sovereignty may no longer protect states from foreign intervention in a situation of severe conflict. If the EU chooses to intervene on behalf of the refugees, they will have less reason to pay smugglers and, furthermore, risk their lives in the process. However, this solution might be difficult implement, as in addition to violating a nation's sovereignty, the EU might even damage its foreign relations by sending aid to a country in turmoil. The aforementioned are only some of the possible solutions to the existing problem in Europe. The migrant issue is a very complex one which will require a combination of different approaches to address problem through multilateralism. which makes the European Union what it is.

1.4.3 Quota System

In May 2015, Jean Claude Junker, the President of the European Commission, offered a possible solution to the EU migrant crisis - a quota system. As a part of the proposal, the European Union would have to accept 20,000 asylum applications in the following 2 years, and each member state would have to take in a certain number of refugees, based on an individual nation's abilities, ensuring equitable distribution refugees among member states. While this solution will offer more protection to those seeking safety and will ensure a much fairer distribution of refugees among EU member states, it also has its drawbacks. Looking at the morality of the solution, no country should be forced to take in refugees and offer them shelter and protection. It should rather be a voluntary action. Moreover, a quota system will most likely breach the objectives of the Dublin Regulation, as the regulation stresses on making the country at the point of initial entry responsible of examining the asylum application.

¹³http://register.consilium.europa.eu/doc/srv?l=E N&f=ST 14469 2005 REV 4

1.4.4 Deporting Illegal **Immigrants**

According to the Convention and Protocol Relating to the Status of Refugees, a country is not allowed to send refugees back to their home country against their will. Nevertheless, the European Union can deport illegal immigrants who have not applied for asylum or proper documentation and implement stricter border control. If Europe increases its number repatriations, there will not only be fewer refugees in Europe but also less internally-displaced motivation for peoples (IDPs) to make their way into Europe in the first place. Practically, almost all EU member states will welcome the prospect of having fewer asylum applications. Yet ethics point toward a moral obligation for the developed European Union nations to protect those in need. Being rich in all sorts of resources, European nations must do all in their power to aid and protect those that are being exploited.

1.5. Questions a **Resolution Must Answer**

Q1. To what degree are countries obligated to offer asylum to migrants?

Q2. Is the adoption of a quota system feasible?

Q3. Is it right / feasible to reject the asylum applications of the refugees and send them back?

Q4. Is it possible to send aid to conflict zones without violating the sovereignty of concerned states?

Q5. What ways does the committee propose to combat smuggling and terrorism from the refugee influx?

Q6. Does the Dublin Regulation need amending? Q7. How will the EU ensure quick and effective response to future possible accidents involving shipwrecks in the Mediterranean?

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Agenda 2: Political and Financial Crisis in the European Union and the Implications of Brexit

2.1 Introduction the to Agenda

On June 23, 2016, areferendum took place regardingwhether or not the United Kingdom should remain in the European Union, with a result of 52% UK nationals voting for 'Leave the EU'. This was followed by the triggering of Article 50 of the Lisbon Treaty by Theresa May, the current Prime Minister of the United Kingdom, on March 29, 2017. These events allude to an instability in the European Union, with some member states unhappy with the present policies and workings of the union. On June 24, 2016, the day following the Brexit vote, the pound fell its lowest value since 1985, demonstrating how significantly Brexit

has affected not just the UK or the EU but the global economy as a whole. Hence, it is vital that the Council now take rational decisions about the terms of the UK's exit from the EU and the status it will hold in the EU after March 2019. Moreover, the committee cannot ignore the discontentment between member states regarding certain policies and treaties of the European Union. In order to stop the internal conflict and prevent other member states from exiting the European Union, it is vital to start the debate and discussion over Brexit's future and set an example of compromise and commitment to ensure that the retirement of the United Kingdom from the Union benefits the country as well as the remaining member states. It is the aim of this committee to accomplish this.

2.2 Context and Concept

2.2.1 The History of the EU-**UK** relations

The relations of the United Kingdom and the European Union have been tense since the inception of the Union. The United Kingdom was denied membership to the European Economic Community (A regional organization which aims to bring about economic integration among member states) in 1967 because the then-French president Charles de Gaulle vetoed its application. The UK finally made it into the Union in 1973, but just after two years of its membership in what was referred to as the Common Market, the UK was on the verge of backing out. The 1975 British referendum on whether or not the United Kingdom should remain a part of the EEC experienced 67% of the population voting Remain to the membership to the EEC. Hence, the UK stayed in the EEC. Tensions in 1984 between the UK and the EEC were when Prime Minister exacerbated Margaret Thatcher demanded reduction of British payments in the EEC budget. This demand, however, was met as the payments did reduce by 60%. Soon after this, in 1993, the European Union was formed. This followed a ban on British beef being imposed in the late 90s. This did not help UK's relations with the EU, especially member states like France, who kept the ban till several years after. Finally, in 2007, the Treaty of Lisbon was signed, stating that any country could leave the EU according to its constitutional requirements. though David Cameron vetoed the EU treaty which would bring in reforms to tackle the Eurozone crisis in 2011, he did support the idea of staying in the EU. After winning re-election in May Cameron went renegotiating the UK-EU relationship. In Feb 2016, he announced the results of those negotiations and set June 23 as the date of the referendum. But more than half of the population did not like the idea of staying in the union, and as a result, the referendum passed by a slim margin of 51.9 percent to 48.1 percent, with over 30 million people voting 'Leave' for the Brexit. David Cameron soon resigned office, being replaced by Theresa May, who came in to office in October 2016.

2.2.2 Why did the Brexit referendum happen?

The United Kingdom has been one of the most prominent members of the European Union. It is the second-largest contributor to the Union's budget after Germany, contributing 17% of each fiscal year's budget. With liberalization in the intra-EU trade at its peak, a majority of the British felt such policies

seemed to be harming their nation's economy. **Issues** ranging employment and immigration to education and security worried the citizens of the UK. For these reasons, the government of the United Kingdom decided to have a referendum on leaving the EU. During the referendum, economic policies were major areas of debate. Remainders, including the UK treasury, argued that being in the EU had had a strong positive impact on trade in the past, and, as a result of leaving the EU, the United Kingdom's worsen. trade would However, supporters of the withdrawal from the EU argued that the cessation of net contributions to the EU would allow for some cuts to taxes or increases in government spending. People voting for Brexit also believed that remaining in the European Union would make Britain follow Europe's lead. Therefore, the UK decided on having a referendum for the Brexit

The following points summarize key reasons why the United Kingdom's people voted for the Brexit. They believed that:

- The EU imposed too many restrictions on the lawmakers.
- b. The sovereignty of their country was at stake.
- c. Political elitism was at its peak.
- d. The EU imposed a plethora of restrictions on immigration laws.
- e. People were facing identity issues.
- It was predicted that in the future, the UK could be forced to abandon its currency, the pound, and adopt the Euro instead.

- The economic cost of the UK's membership to the EU was too expensive, amounting to 11% of its total GDP(£200 billion)
- h. Remaining would increase chances of terror threats and attacks

2.2.3 Article 50 of The Lisbon Treaty

order to analyze the United In Kingdom's exit from the European Union, it is important to understand the process involved in it, such as Article 50 of the Lisbon Treaty.

The Treaty of Lisbon (Reform Treaty) amended two basic constitutional treaties in order to reform the EU because of an extension of the Union's membership from 15 to 27. The Treaty of Lisbon was signed by EU member states on December 13, 2007 and was ratified on December 1, 2009. Article 50 of this treaty plays an integral role in shaping the agenda, Political Crisis in European Union the and the Implications of the Brexit

The clauses under the article state:

- 1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.
- 2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That

agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

- 3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing after that. two years referred notification to in paragraph 2, unless the European Council, in agreement with the State Member concerned. unanimously decides to extend this period.
- 4. For the purposes of paragraphs 2 and 3, the member of the European Council or ofthe Council the withdrawing representing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it.

A qualified majority shall be defined as 20 States with 65% of the population voting yes (article 238(B)).

5. The procedure referred to in Article 49 may be followed in case an already withdrawn member appeals to re-join.

2.2.4 Timeline

The following timeline is given to provide delegates with a basic idea of the major events that have taken place between the European Union and its member states

1957 - The European Economic Community (EEC) is created. The member countries are Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany. The group aims to remove trade barriers and form a common market.

1973 - Denmark, Ireland, and the United Kingdom become member countries.

1981 - Greece becomes a member.

1985 - Spain and Portugal become members.

June 14, 1985 - Five of the 10 member states sign the Schengen Agreement, which eventually opens borders of agreeing member states, doing away with border controls. As of 2016, 26 countries belong to the Schengen Area.

February 7, 1992 - The Treaty on the European Union is signed in Maastricht (Netherlands) by leaders of the member states.

November 1, 1993 - The Maastricht Treaty enters into force.

1993 - The EEC members at the time (Belgium, France, Germany, Italy, Greece, Spain, UK, Luxembourg, the Netherlands, Denmark, Ireland, and Portugal) extend their cooperation into the areas of justice, home affairs, and a common foreign and security policy.

January 1, 1995 - Austria, Finland, and Sweden join the EU.

April 30, 2004 - A ceremony is held in Dublin, Ireland, marking the expansion of the EU from 15 to 25 members. The new members are Poland, the Czech Republic, Slovakia, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, and Slovenia

June 2004 - The member countries approve the text of the EU Constitution. It is signed by all the members in October 2004.

May 29, 2005 - The people of France (and its territories) vote against the European Union constitution in a referendum. (No = 54.87%/Yes = 45.13%)

June 1, 2005 - The Netherlands votes against the constitution in a referendum. All 27 members of the EU must pass the constitution for it to take effect. Either a national parliament can approve it or, in some countries, the citizens vote on a referendum

June 23, 2007 - European Union leaders in Brussels agree on an outline of a treaty that would replace the EU constitution rejected by French and Dutch voters two years before.

November 19, 2009 - Herman Van Rompuy, the Belgian Prime Minister, becomes the first president of the European Council under the Treaty of Lisbon. Catherine Ashton of the UK will be the first foreign minister.

December 1, 2009 - The Treaty of Lisbon comes into force, having been ratified by all European Union member states. It amends the Maastricht Treaty of 1992 and the Rome Treaty of 1957.

June 25, 2013 - The European Union agrees to a new round of membership negotiations with Turkey.

July 1, 2013 - Croatia joins the EU as its 28th member.

¹⁴http://edition.cnn.com/2013/06/06/world/europe/e uropean-union-fast-facts

June 23, 2016 - The UK votes to leave the European Union. It will take at least two years to sort out the exit.

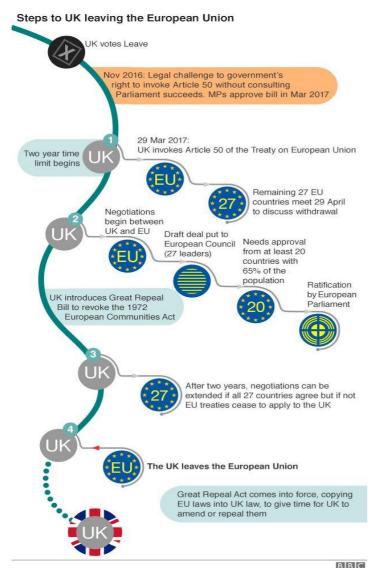
March 16, 2017 - Britain's exit from the European Union moves another step closer after the legislation enabling the country's departure is given royal assent by Queen Elizabeth II. The Queen's signature means that British Prime Minister Theresa May is now able to move forward and trigger Article 50 allowing formal talks to begin between Downing Street and the EU's 27 member states on the terms of the divorce, nicknamed "Brexit." 14

2.3 Potential Challenges, Problems, and Issues the committee has to address

2.3.1 Present scenario

On March 29, 2017, Theresa May, the current Prime Minister of the United Kingdom, triggered Article 50 of the Lisbon Treaty, marking the beginning of vears of discussions negotiations on the terms of UK's exit from the EU. This implies that by March 29, 2019, the UK will cease to be a member of the European Union and will no longer be a subject to its treaties, whether or not a withdrawal agreement has been reached.

Over the course of the coming two years, there are a number of policy areas to be negotiated. Some of them include:



EU's Single Market

Devoid of any internal borders or other regulatory obstacles, the single market refers to the European Union as one territory in order to ensure the free movement of goods, people, services. EU companies have been able get the freedom to establish themselves in other EU countries and render services there only because of the existence of the EU single market. Treaty rules have been applied by the European Union in order to prohibit the varied restrictions that are put on and exports. Doing imports

therefore, helps liberalize intra-EU trade many-fold. Moreover, any sort of trade deal between an EU member state and a third party country (not a part of the EU) should comply with standardized EU trade policies, therefore requiring approval from the EU. All of this has made trade within the EU very easy and simple. With the UK's exit from the EU, it is very important for the committee to discuss and decide the position UK will be holding while trading with the EU or EU member states after March 2019: will it be a part of the EU's single market or not, and on what terms?

The consultations will need to consider the framework for exporting and importing goods (cars and food) and the basis for continued services trade (such as legal advice on big company takeovers) to and from the EU. In addition to this, procedures for customs, regulation of environmental, health, and safety standards, and passport controls

for business travelers will also have to be covered in the negotiations. Theresa May, the Prime Minister of the United Kingdom, has confirmed that the United Kingdom hopes for a free trade arrangement with the EU instead of seeking permanent membership to the EU's single market. ¹⁵

<u>Free Movement of EU Nationals</u>

Developed by EU secondary legislation and the case law of the Court of Justice, the 'free movement of workers' is a fundamental principle of the treaty

¹⁵ http://www.cnn.com/

embodied in Article 45 of the Treaty on the Functioning of the European Union. According to this, EU citizens are entitled to:

- look for a job in another EU country
- work there without needing a work permit
- reside there for that purpose
- stay there even after employment has finished
- enjoy equal treatment with nationals in access to employment, working conditions, and all other social and tax advantages.

Other than this, EU nationals may also have certain health and security coverage transferred to the country in which they go to seek work as a part of the free movement of workers, which also applies to Iceland, Liechtenstein and Norway, therefore covering the European Economic Area. 16

Under this system of the free movement of workers, many citizens of the UK are currently settled in different EU member states, and vice versa. As the United Kingdom has begun the twoyear-long process of its exit from the EU, the fate of the 1.2 million British nationals living in other EU countries and the 3.3 million people from other European countries living in the UK lies in the hands of the committee and the decisions it takes.

2.3.2 Are other countries looking towards an exit?

With the UK triggering its Brexit and a forthcoming number of country elections, the stakes are high for witnessing another country exiting the Union. **Journalists** and experts prognosticate France. Netherlands. Italy, and Greece to leave the EU next.

FREXIT

"Frexit" is a term created for the hypothetical French withdrawal from the European Union. The term was used before the Brexit referendum in 2016 beginning when French politician Marine Le Pen used the abbreviation 'Frexit' in an interview. A June 2016 poll by the Pew Research Center, before the United Kingdom European Union membership referendum, found France to have a 61% unfavorable view of the EU, second only to Greece's 71%. However, when asked about an actual departure from the EU, 45% of French citizens wanted to stay, while 33% expressed a desire to leave. After the referendum. Marine Le Pen promised a French referendum on EU membership if she were towin the 2017 presidential election. President François Hollande met with politicians, including Le Pen, in the aftermath of the vote, and her proposal for a referendum was rejected. Fellow 2017 candidates Philippe Poutou (NPA), Nathalie Arthaud (LO) and, Jacques Cheminade (Solidarity and Progress) also called for a referendum, proposing to withdraw from not only the EU but also from the NATO. Jean-Luc Eurozone and Mélenchon (La France insoumise) and Nicolas Dupont-Aignan (Debout la France) are considering a Frexit should their proposed EU treaty re-negotiations fail.

NEXIT

A hypothetical Dutch withdrawal from the European Union is also commonly

¹⁶ http://ec.europa.eu/social/main.jsp?catId=457

referred to as "Nexit". A poll in June 2016, before the British referendum. found the Dutch to have a 46% negative view of the European Union, less than the 51% of their population found to have a positive view towards it. Another poll, in the aftermath of the British vote, found 50% of the Dutch population to be against a similar referendum in their country and 46% to favor remaining in the Union, compared to 43% against. The most popular party in the country which favors a Nexitis the right-wing populist Party for Freedom; its leader Geert Wilders made it a key issue in their manifesto for the 2017 general election, with his party leading the polls. Other parties believing in EU withdrawal or holding a referendum include Voor Nederland, The Libertarian Party, SP, 50PLUS, and Forum voor Democratie.

2.3.3 Does the EU need reforms?

The debate about whether or not the EU needs reforms has taken a lot of political space in recent times. It is argued that the EU needs growth. For many member states, this means structural reforms that have been postponed for decades need to be implemented. The EU needs to agree on a budget adequate enough to meet the challenges of investment, growth, and reform.

Changing the existing border control systems, making trade for the EU member states with other countries less regulated by the EU, reducing the annual economic costs for the membership to the European Union, and finding better strategies to tackle terrorism, are just a few such reforms that need to be made. It has now become imperative for the committee to discuss all potential problems and work towards making the EU more multilateral, where all European countries can find a secure place.

2.4 Recommendations and Suggestions, Priorities for Future Action

2.4.1 Abolition of Open **Borders**

Almost all European countries are presently overburdened by the refugee influx from the Middle Eastern and Sub-Saharan African conflict areas. In addition to that, countries like Germany France receive overwhelming numbers of migrants from other EU member states under the free movement of goods, services, and persons. This in turn, has posed great difficulties for these nations to provide shelter and other basic facilities to every person residing in their respective countries. As the number of people arriving in their countries increases day by day, overburdened nations are taking the influx of other EU nationals into their countries negatively. This has resulted into conflict between member states, as they are reluctant towards the migrant flow from other European countries. The abolition of open borders between the EU member states which gives EU nationals the right to move and reside in any EU member state can be considered as a solution to this conflict. If the intra-EU borders are closed, the frequency of the movement of people between drastically reduce. countries will However, this will go against the EU's principles and aims behind the creation of a single market and the free movement and trade between the EU member states. It is now in the hands of the committee to evaluate this as a

solution to one of the reasons behind the internal conflict in the European Union

2.4.2 Changing EU Trade **Policies**

Being a part of the EU's single market, all member states are bound by the rules and regulations of the European Union. This means that any member state will have to comply with and seek approval of the European Union on finalizing trade deals with any other nation or organization that is not a part of the EU. This makes the trade rules uniform for all member states but also binds them. something which is not always favored by EU nations. Altering these trade policies in order to make them more flexible can be one possible solution to the discontentment of the member states.

2.4.3 Possible Implications and Views on the Issue

As we all know, the Brexit will have varied effects on different member states, depending on their domestic issues and their relationships with both the EU and the United Kingdom. Some of the possible effects are:

Brexit similar may simulate referendums and exits being held and could embolden Eurosceptic movements in countries such Denmark and Austria. Furthermore, it could weaken Eurozone economies dependent on UK trade and just as easily could strengthen influential countries.

As mentioned above, the UK's exit can cause a variation in the strength member states have within the EU. For example, Germany, which is already one of the most influential members of the EU, could gain more influence in the Union.

Only 10% of the remaining 27 member states were in the favor of Britain's exit from the EU, such as Austria, Cyprus, France, and Luxembourg. However, 60% were clearly against it, including Lithuania, Malta, Portugal, and Ireland. 'Euroscepticism' gives us an idea about the concerns related to the UK and also the discontentment towards functioning of the EU, particularly with regards to its policies of immigration and economic measures.

Change in the EU is now inevitable. However, whether this change will strengthen the EU and make it unbreakable or lead to its further dismantlement is up to the committee and the way its delegates handle it.

2.5 Questions a **Resolution Must Answer**

- Q1. What are the main reasons for discontent amongst EU member states?
- Q2. Does the EU want to consider closing borders between member states? If yes, then how will this affect trade?
- Q3. Should the EU maintain a joint trade policy where every country needs the permission of the EU before trading with any other state?
- Q4. After March 2019, will the UK be considered completely as a non-EU member, or will it be included in the European Economic Area?
- O5. What would be the status of the British citizens living in other EU nations post-2019, and vice versa?

Q6. How will the committee prevent further such exits from the EU?

Q7. What measures can be taken to prevent the negative impact Brexit can have, and what actions should be taken in response, if repercussions are not completely avoided?

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Further 2.7 Links for Research

Free movement of individuals http://www.efta.int/eea/policyareas/persons

http://www.lse.ac.uk/europeanInstitute/ LSE-Commission/Hearing-4---Free-Movement-of-Persons-&-Migration-REPORT.pdf -

Brexit- extra information http://www.bbc.com/news/uk-politics-32810887

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EU's single market

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Views on Brexit

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Possible Exits

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