TOWARDS "SCHENGEN LIGHT"

The temporary border controls inside the Schengen area has many people asking whether the treaty itself is in danger. More realistically a Schengen Light will emerge, where goods, services and capital move freely but people do not. This would be accompanied by a rise in security operations and control systems inside the Schengen countries.

The influx of undocumented migrants and asylum seekers into the borderless area of Schengen has put the focus on the raison d'être of the treaty on freedom of movement. Some claim that the treaty itself is endangered. This alarmism is, in part, merely a way of

RECOMMENDATIONS

- The growing number of undocumented people roaming inside the borderless area of Schengen is not a shortcoming of the Treaty.
- Sharing the burden of asylum applications and establishing more legitimate routes for migration are vital to regaining mutual trust and to continue the implementation of Schengen rules.
- Allowing temporary internal border controls in order to regulate the flows of undocumented people does not lead to the collapse of the treaty, but there must be common understanding on them.

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making politics. Undocumented people inside the Schengen area are considered to be a security threat, and therefore there is a need for urgent and exceptional measures. The claimed security threat is multifaceted: it includes different types of fears: from terrorism to disappearing cultural values, from material costs to the European population, to abuses of the vulnerable people (e.g. human trafficking, violations of their Human Rights) and severe shortcomings in the humanitarian conditions of people seeking to enter the Schengen area.
One of the main causes of the high numbers of undocumented people roaming inside the Schengen area is the unsuitability of the Dublin Regulation for dealing with the current high numbers of incoming asylum seekers. According to the regulation, the asylum process should be started in the first EU country that the asylum seeker enters. However, this has not worked in practice. Many people have entered the Schengen area without proper processing, because the responsible institutions, namely border management and asylum registration on the main entrance routes of migrants and refugees have been overwhelmed. Once people are inside the Schengen area, they have de facto freedom of movement, whether they have entered legally or not. This means that undocumented people can seek asylum from where they please, since countries inside the Schengen area do not control the movement of persons, as agreed in the Schengen Treaty. Paradoxically, this freedom of movement is in fact endangering the whole treaty on freedom of movement. Some blame Schengen and prefer to go solo on border management when the countries on the frontline can no longer face big flows of migrants and refugees alone.

Reasons for the ever-growing numbers of both refugees and migrants seeking to enter the Schengen area are multiple: the Syrian war, climate change causing drought and famine, and in some cases even improving economic conditions in their home countries. Meanwhile the EU has not been able to respond quickly enough to a problem that has been coming for years, and steadily, from the west outwards, some member states have started to tackle the issue by stripping down their social benefits and conditions for the asylum seekers and migrants with the aim of being the least tempting EU member state to seek a home in. This "race to the bottom" is possible only for a few member states without external Schengen borders, not for all Schengen states at the same time. It threatens the mutual trust amongst the Schengen countries and leads to destructive blame games around who is breaching the agreements and who is not. It is essential to remain aware that behind the rhetoric of securitization, there is popular desire to get rid of the treaty and bring back the old state sovereignty over borders. This desire is especially present in Eastern and Northern Europe, where opposition against sharing the burden is highest. Therefore it is not time for playing chicken, since it might end disastrously for everyone.

From blame game to solutions

The most important, but also politically difficult, measure for the EU would be to negotiate a new regulation for asylum seekers that would share the burden better between the member states. The current system is clearly not working as intended, since those countries on the external border are expected to do most of the work, whereas countries inside can benefit from their geographical position. As seen, voluntary sharing is not enough. However, this measure faces opposition, especially in Eastern and Northern Europe. This is short-sighted of them, since the flows of unregulated migration are increasingly moving towards their doorsteps.

Hand in hand with better processing of the refugees, there is a need for more routes for legal migration. At present some people try to abuse the asylum system in order to gain entrance to Europe, even though they are not persecuted or in danger. This overwhelms the system and undermines the capability to provide asylum for those really in need.

The easiest solution is to enforce the external border management institutions. There is little doubt that FRONTEX will grow, and it will be better able to support national border management structures in the future. This means that the building of "Fortress Europe" will continue. This has been the tendency for decades, and the current challenges merely speed the process up. Walls have already been built long ago along Spanish borders to Morocco, and in the near future more walls will rise along the Eastern borders.

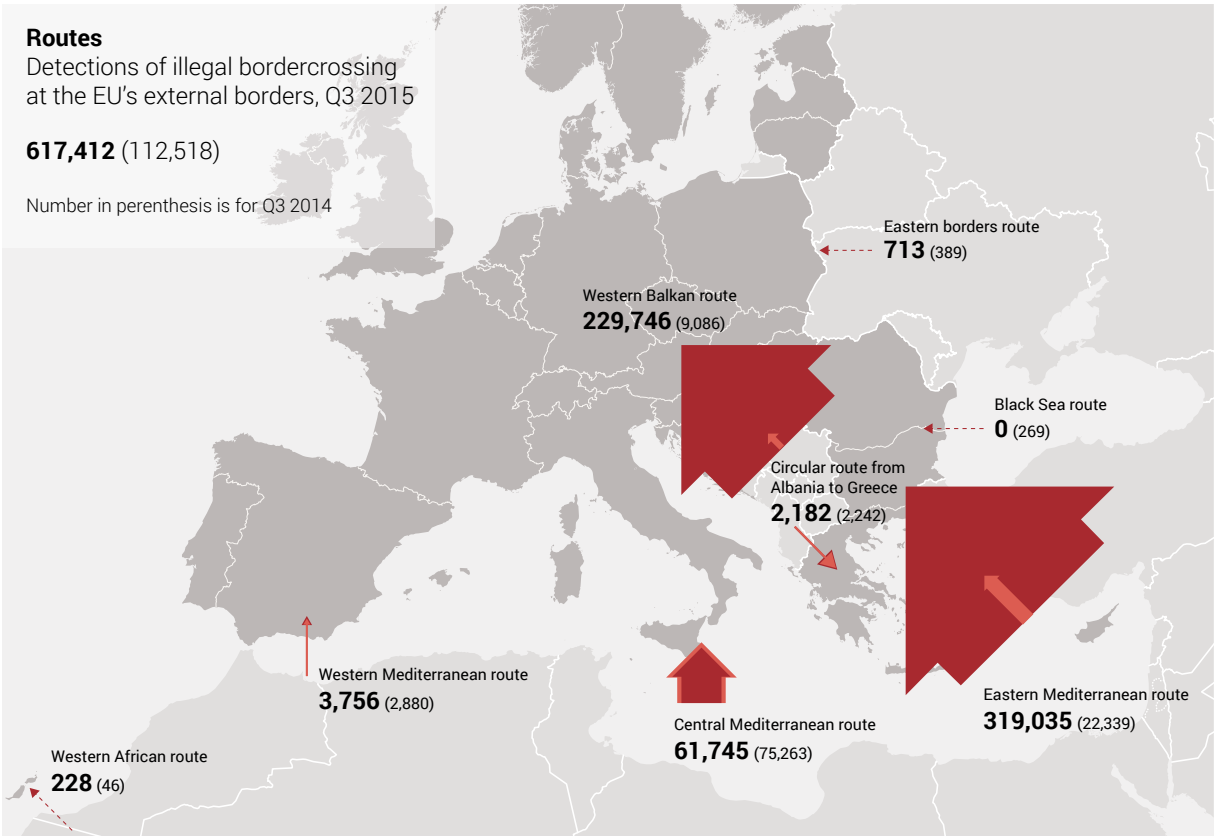
Meanwhile, as the "fortress" is being built, some temporary controls on the internal borders might be necessary to ease up political pressure in certain member states and avoid rupture inside the Schengen area. This means that migration flows and undocumented people could be justified as an "exceptional circumstance" for establishing temporary border controls. The downside of this political decision is that it leads into a "lighter" version of Schengen, where goods, services and capital move freely as before, but not persons.

Another measure is to locate undocumented individuals already inside the Schengen area. This is a task for national police forces, but other state officials can be involved. This is important in order to return to easy border crossing for the millions of travellers with full rights.

A third measure already taking place is regulation of long distance travel by public transport; in other words people need proper documentation to buy bus and train tickets.

For the future implementation of Schengen rules it is important to pay attention to the negative impact of harsh austerity measures on institutional capabilities. Justice systems, law enforcement forces and border control have suffered from cutbacks in many countries on the frontline of the migrant flows, for example in Greece. This has led to prolonged processing times of the asylum applications, shortcomings in fair and just treatment of people, and a loss of the sense of security among the local

SURVEILLANCE



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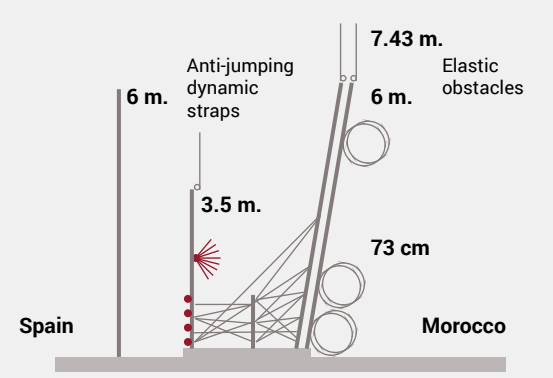
population. This last point in particular should not be underestimated. There is a rapid growth in the anti-migration and pro-nationalist movements in Europe. Apart from the danger that these movements become involved in radical action against the refugees and migrants, there is also a growing political pressure undermining the efforts to improve the conditions for processing the incomers. If national leaders are unable to make unpopular but necessary common decisions regarding migration, "temporary" measures might become permanent, and the talk about Schengen's collapse a self-fulfilling prophecy.

ANTI-CLIMBING FENCE



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