

Heidelberg National Model United Nations Conference 2016

European Council Study Guide

"Either Europe stands together and acts with solidarity in times of hardship for hundreds of thousands, or fences and barriers will again be raised [...] and then the vision of a united Europe crumbles,"

Frank Walter Steinmeier, December 10th 2015

"I can hardly imagine Muslims integrating in Slovakia, without the members of their family, out of their environment. They would not have the opportunity to practice their religion. [...] Given that Slovakia is a country where the Catholic Church dominates, followed by the Lutheran Church, we cannot tolerate an influx of 300 to 400,000 Muslim immigrants who would start building mosques all over the place,"

Robert Fico, September 9th 2015

"If Europe fails on the question of refugees, then it won't be the Europe we wished for,"

Angela Merkel, August 31st 2015



I. European Council Overview

The European Council (EC) is an institution of Europe comprised of the heads of state of the member states of the European Union. Although not affiliated with the United Nations, its similarities with UN bodies makes it fit for a MUN simulation. Formally established in 2009, it has no legislative power. Its meetings, often referred to as EU summits, serve as an opportunity for the leaders of the European Nations to set an agenda for European policy. Apart from the heads of state, the meetings are attended by the President of the European Council, as well as the President of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy in the role of observers.

Decisions in the EC are usually found by consensus, only special cases call for votes by either unanimity or qualified majority. In the scope of our MUN simulation, we will assume this to be a special case, calling for a vote by qualified majority. A qualified majority is defined as 55% of the votes and 65% of the population. Every member country has one vote. The observing parties do not have any voting power, neither does the President of the European Council. He serves as a mediating entity, trying to guide the parties to a consensus. The current President of the European Council is Donald Tusk.

The countries and their relative population

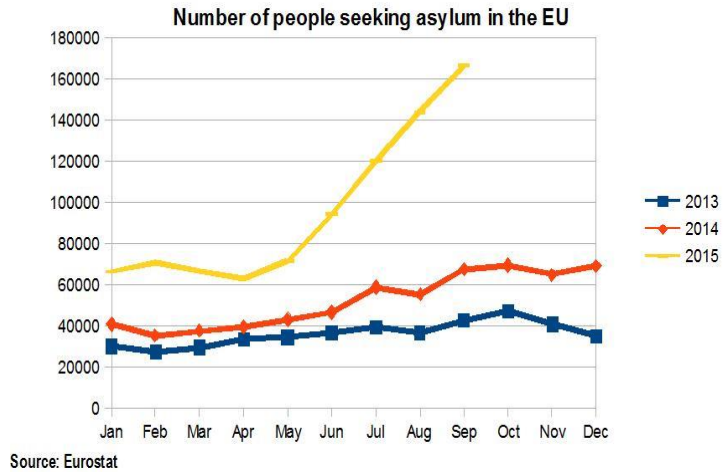
AUS	1.68%	EST	0.26%	ITA	12.05%	POR	2.06%
BEL	2.21%	FIN	1.07%	LAT	0.39%	ROM	3.93%
BUL	1.43%	FRA	13.02%	LIT	0.58%	SVK	1.06%
CRO	0.84%	GER	15.91%	LUX	0.11%	SLO	0.41%
CYP	0.17%	GRE	2.17%	MAL	0.08%	SPA	9.17%
CZE	2.05%	HUN	1.95%	NED.	3.37%	SWE	1.90%
DEN	1.11%	IRE	0.91%	POL	7.49%	UK	12.63%

Visit <http://www.consilium.europa.eu/en/european-council/> to further read up on the EC.
Hint: In your preparations, make sure not to confuse the European Council with the Council of Europe or the Council of the European Union.



II. Topic Overview

In 2015, the European Union has experienced an unprecedented influx of people seeking asylum as shown in the graphic. This is largely due to the unstable situation in various middle eastern countries. In light of these extraordinary events, European countries have struggled to find satisfactory response. On January 9th, 2016, the European Council will once again convene to try and find a unified answer to the multitude of challenges Europe has to face right now.



In this session of the EC, two major questions will be addressed:

- 1. What would a unified European legislation on asylum look like that holds in times of crisis?**
- 2. What can Europe do abroad to prevent future migration crises?**

1. Legislation on Asylum

The European legislation on asylum is determined by the Dublin Regulation (for details see the box on p. 4 below). While functioning before, in times of crisis the Dublin Regulation has not held up, leading to states such as Germany temporarily suspending the legislation. This calls for a revised or renewed legislation that will not implode under large numbers of asylum seekers.

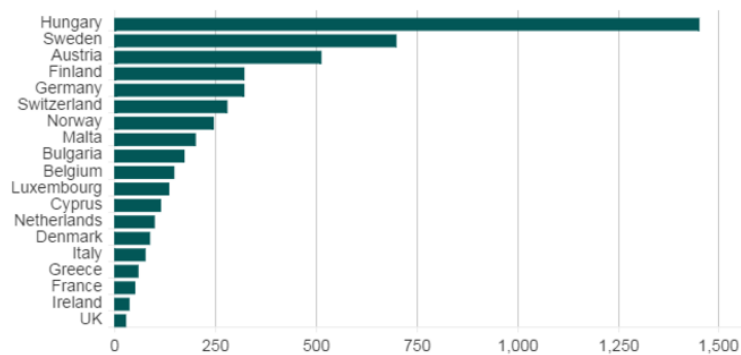
During the crisis, the burdens have been distributed unevenly over the member states. Greece and Italy are on the forefront of receiving migrants crossing the oceans, while Hungary, Austria and Croatia have experienced large numbers of migrants arriving via the Balkan route. Greece, itself having to deal with a multitude of problems pertaining to its debt crisis, has been unable to properly cope with the large amount of new arrivals every



day. Hungary, primary target at the end of the Balkan route, has chosen to build a fence along its borders. As shown in the graphic below, some states have received significantly more applications with respect to their population than others. Any new legislation must ensure that every member state does its fair share.

Asylum applications per 100,000 local population

January - October 2015



Source: Eurostat



The Dublin Regulation

The Dublin Regulation is European Law governing asylum within the EU. It applies to all member states except Denmark, which signed a separate agreement with the EU. Switzerland, Norway and Iceland have signed an agreement to apply the Dublin Regulation. Dublin III was implemented in July of 2013.

The Dublin Regulation states that the member state where the finger prints of an asylum seeker are first registered is responsible for handling the claim for asylum. It aims to prevent people seeking asylum in multiple member states simultaneously. Once asylum is denied by one member state, the seeker may not apply again in another jurisdiction.

It is important to note that it is not the state the person has first entered, but the state where he or she was first registered and his or her fingerprints were collected to be transmitted to the EU-wide database.

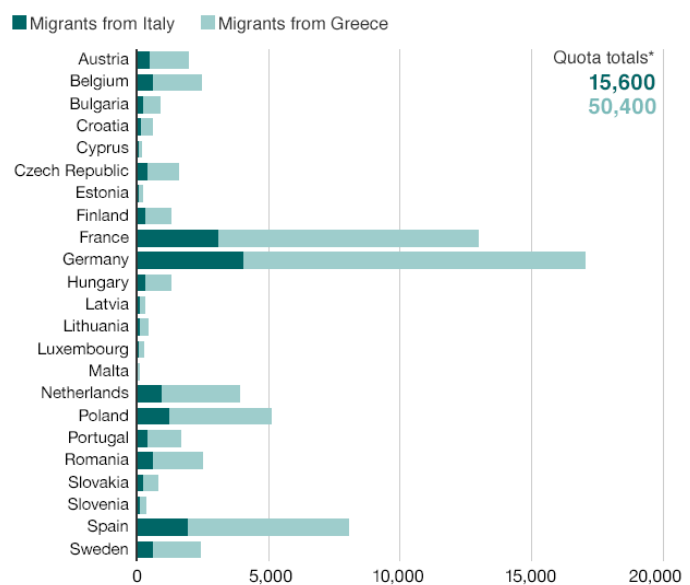
The system has been criticized by the UNHCR as well as the European Council on Refugees and Exiles (ECRE) for being unfair, inefficient and unequally distributing the burdens between member states.



Recently, the European Council has agreed on the resettlement of 120,000 refugees, aiming to lessen the burden of states such as Greece, Hungary and Italy. The plan is to distribute around 50,000 refugees from each Hungary and Greece and around 15,000 from Italy over the next two years. Since Hungary has up until now refused to participate in the relocations, the quotas will solely be applied to refugees in Italy and Greece. While this may give these states some temporary breathing space, it is only a one time action and as the member states could not agree on a mandatory distribution key proposed by the European Commission (see IV. Further Research). In addition, the plan is already being contested by some member states, with Hungary and Slovakia aiming to challenge the quota at the European Court of Justice.

The challenge now lies in finding a sustainable solution for the future, agreed upon by all members. Europe needs legislation on asylum that does not disproportionately burden some member states. Furthermore, it must be ensured that claims for asylum are processed quickly and efficiently. While it is essential that people in need find a safe haven within the EU, this can only be guaranteed if its citizens stand behind this effort.

Number of migrants EU member states are being asked to take



Note: UK has opted out, Ireland has offered to take 4,000, Denmark will take 1,000.
Switzerland and Norway have also agreed to take refugees, numbers yet to be agreed.
*Relocation of a further 54,000 migrants still to be decided.

Source: European Commission



2. A Unified Strategy Abroad

To answer the question what Europe can do abroad to prevent future migration crises, it is essential to understand what European foreign policy looks like and what its potentials and limits are.



Potential and Limits of EU foreign policy

Simply by its sheer demographic and economic weight of its 28-nation bloc, the EU is a major power in the world. The EU is the world's biggest trader, and the euro is the world's second currency. Hence, a joint foreign policy of the EU's 28 members has a far greater leverage than national policies could ever achieve.

Acknowledging this, as the European states have been integrating over the past decades, their common foreign and security policy has done so too. As a result, the EU can speak and act today as one in world affairs. Yet, it is not always easy to find a compromise between all the member states.

In order to ensure better co-ordination and consistency in EU foreign and security policy, the Lisbon treaty of 2009 created the *High Representative of the Union for Foreign Affairs and Security Policy* (HR), currently held by Mrs. Federica Mogherini. Since December 2011, the HR is also in charge of the European External Action Service (EEAS), the EU's diplomatic corps.

In general, the EU's foreign policy seeks to preserve peace and to strengthen international security by both promoting international cooperation and by developing and consolidating democracy, the rule of law, and the respect for human rights and fundamental freedoms. The means through which this pursued are mainly based on multi-track diplomacy, trade, and humanitarian aid. Security and defence policies often play a complementary role.

The Common Security and Defence Policy (CSDP) enables the EU to take a leading role in peace-keeping operations, conflict prevention, and in the strengthening of the international security. For instance, since 2003 the EU has launched some 30 civilian missions and military operations on three continents, contributing to stabilisation and security in Europe and beyond. For the EU has no standing army, it relies on ad hoc forces contributed for by EU countries. In times of tight budgets, the CSDP allows EU Member States to pool their resources and build stronger defence capabilities to act rapidly and effectively. Since January 2007, for instance, the EU has been able to carry out rapid-response operations with two single-battle groups of 1.500 soldiers each at the same time. Deployment decisions are taken by national ministers from EU countries meeting in the Council of the EU.

Another key part of the EU's foreign policy is the European Neighbourhood Policy (ENP). This policy is designed to strengthen the EU's relations with its southern and eastern neighbours, to enhance the political association and to foster economic integration. Due to the uprisings in the Middle East and North Africa region (MENA), the ENP was relaunched



to better assist the transformation to democracy, the rule of law, and human rights. Since 2011, EU has given over €3.2 bn in support of the victims of the crisis in Syria, thus making the EU the largest donor here.



EU cooperation with its neighbours



The EU and the Middle East and North Africa (MENA) region

Apart from the large sums of aid that the EU has been giving to the MENA region, Europe did not play a significant role in this area; in the past it refrained from intervening in the domestic events. Europe's potential impact seems to be clearly limited there. Though Catherine Ashton chaired the nuclear talks with Iran, the EU has found itself in a position to support or observe rather than to determine outcomes in MENA in 2014. The developments in the Middle East are rather orchestrated from within the region, by the Gulf Cooperation Council states (GCC), Iran and Turkey. Even the US merely seems to react to the events rather than shaping them. ISIS' shocking advances across the sub-region in 2014 despite US-led airstrikes give testimony to this.

This might change following the Paris terror attacks. So far, the European defence ministers have unanimously backed a French request for help in defeating ISIS; and the United Kingdom and Germany have decided to militarily support France in the „war”



against ISIS. Still, in spite of the fact that counter-terrorism has replaced supporting transitions as the watchword for Europe's policies towards the MENA region, there has not yet been set up a coherent approach concerning ISIS, the civil war in Syria, and the MENA region as a whole.

The challenge for the EC is now to design such a strategy, agreed upon by all members and in line with Europe's political beliefs, that brings quickly an end to violence and misery there. Given Europe's limited impact in the region, it is necessary to first investigate and assess where Europe's potentials in the new environment lie and where Europeans can make a real difference. A simple relaunch of the ENP as it was done in the wake of the Arab spring uprisings will not be enough this time.

III. Points of Discussion

The European member states have approached this crisis in different manners. Some states such as Germany have tried to welcome refugees to the greatest possible extent, with Angela Merkel proclaiming "We can do this", although recently criticism within Germany has mounted. Hungary chose a different approach, building a border fence and joining other Eastern European states in the call for accepting less refugees. The United Kingdom has vowed to take refugees in only on its own accord, and plans to focus its efforts on helping in refugee camps close to war torn regions rather than welcoming people into Europe. It is concerned that an open doors policy will motivate many more to take on the risky journey into Europe, leading to an unnecessary loss of life and Europe passing the limits of its capacity. As Germany is leading the call to take in more refugees, many states such as France may fear that Mrs. Merkel will once again impose her way on European policy, as previously in the Greek debt crisis. In addition, ever since the terror attacks in Paris, the debate has entered another dimension. The fear of facilitating entry to Europe for terrorists posing as refugees has left many more reluctant to accept refugees.

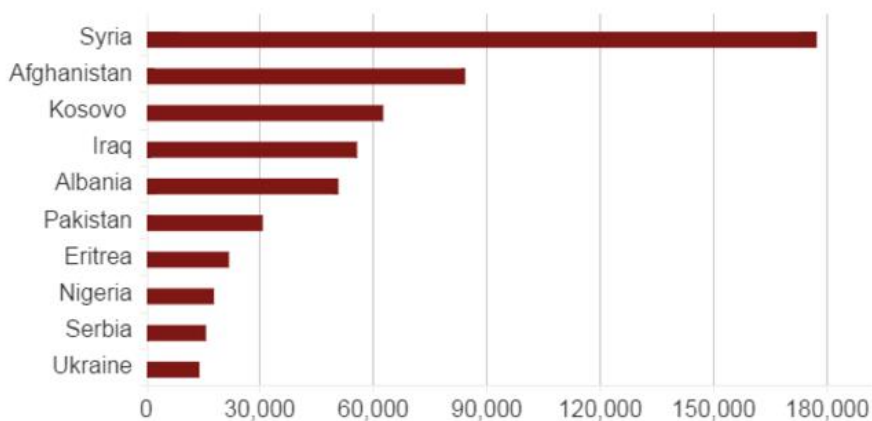
Seeing such different positions, it will be difficult to find common ground. With right-wing, euro-sceptic parties gaining even more popularity, most recently coming into government in Poland and winning regional elections in France, Europe once again is at a turning point. If an agreement is reached, governments will face the challenge of integrating large amounts of people from different cultures and addressing the fears of the local population to ensure a coherent society in the future. If not, they will have to justify turning their backs on the plight and suffering of hundreds of thousands of people.



Moreover, the discussion will at some point have to touch upon what defines a refugee and who is eligible for asylum. While the situation for people fleeing from the civil war in Syria seems more or less clear, calls have been more frequent to deny migrants from Kosovo, the third largest group, the claim to asylum on the grounds of it being a safe state.

Top 10 origins of people applying for asylum in the EU

January - October 2015, first-time applications



Source: Eurostat



With respect to action abroad, leaders face another difficult situation. In light of the failed interventionist policy in Afghanistan and Iraq, both led by but were not limited to the United States, and the recent fiasco of the 'coalition of the willing' in Lybia, many are wary to intervene once again. However, Europe has to ask itself the question how much responsibility it has in the world. When civil unrest broke out in Rwanda, the world stood idly by and watched a genocide unfold. And more recently, hundreds of thousands have died in a bloody civil war in Syria and through the hands of a terrorists self-proclaimed caliphate, with the world only half-heartedly attempting to help. After the terror attacks in Paris, some countries such as France and the UK have almost instantly altered their stance on interventionist policy, enhancing air strikes on ISIS. Other countries, such as Germany, quickly promised to help its allies but were more sceptical as to how to assist. Now, Germany is preparing for its largest military operation since World War II, while others refrain from any sort of intervention. In sum, a coherent and unified European strategy is yet to be unveiled.



Delegates will have to discuss whether to act militarily, economically, or not at all. Should Europe act militarily? Should the focus lie on development aid? Should Europe be at all concerned with conflicts outside of its borders? Once again, the challenge lies in finding an answer that is more than simply a compromise acceptable to all parties. A good answer needs to entail a coherent strategy concerning Europe's role in the conflict in the middle east.

While the EC is not a a law making organ, the goal of this conference will be to draft a binding resolution entailing an agreement on what European legislature on asylum could look like, as well as a strategy how Europe's foreign policy will look in the future. It is up to you, fellow delegates, to make that happen.

IV. Further Research

While we have listed some sources of information below, the best way to research the policy of your country is reading the news. Most political leaders have taken stand with regards to the issues at hand.

If you have been assigned the position of president of the European Council, the president of the European Commission, or the High Representative of the Union for Foreign Affairs and Security Policy, you will take a more mediating position. The ultimate goal of the President of the European Council is that an agreement is reached, while the other two will try to act as experts for Europe as well as try to find what is best for the EU.

If you have any questions regarding your preparations, do not hesitate to contact your chair team.

News, Facts and Figures

On European debates

<http://www.euractiv.com/>



On the refugee crisis

<http://www.bbc.com/news/world-europe-34131911>

http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report

<http://data.unhcr.org/mediterranean/regional.php>

On the resettlement quota

<http://www.bbc.com/news/world-europe-34324096>

On the European Council

<http://www.consilium.europa.eu/en/european-council/>

Dublin Regulation

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0604>

<http://www.ecre.org/component/content/article/41-protection-in-europe/10-dublin-regulation.html>

The proposal by the European Commission which was rejected

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_council_decision_establishing_provisional_measures_in_the_area_of_international_protection_for_it_gr_and_hu_en.pdf



EU Foreign Policy

<http://www.eufp.eu>

http://europa.eu/pol/cfsp/index_en.htm

<http://www.ecfr.eu/scorecard/2015>

<http://www.eufp.eu/conceptualising-eu-foreign-policy>

V. References

https://en.wikipedia.org/wiki/European_Council

https://en.wikipedia.org/wiki/Dublin_Regulation

http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report

<http://www.consilium.europa.eu/de/european-council/>

<http://www.euractiv.com/sections/justice-home-affairs/robert-fico-anti-refugee-pro-russian-headache-socialists-318324>

<http://www.euractiv.com/sections/justice-home-affairs/either-eu-unites-migrants-or-it-crumbles-warns-steinmeier-320331>

<http://www.bbc.com/news/world-europe-34131911>



<http://www.bbc.com/news/world-europe-34324096>

http://www.huffingtonpost.co.uk/2015/09/01/angela-merkel-immigration-migrants-germany_n_8069928.html

<http://www.zeit.de/2015/38/angela-merkel-fluechtlinge-krisenkanzlerin>

http://europa.eu/pol/cfsp/index_en.htm

<http://www.ecfr.eu/scorecard/2015/mena>

https://en.wikipedia.org/wiki/Common_Foreign_and_Security_Policy

<http://www.eeas.europa.eu/enp/images/enpmap-web-big.gif>