



CUIMUN XXIII

Study Guide

**Council of the European Union
(Foreign Affairs Council)**



STUDY GUIDE

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I. Welcome Letter from the Chairs

Dear delegates,

It is our pleasure to welcome you to the Council of the European Union, meeting as the Foreign Affairs Council. You will be representing the foreign ministers of the different member states who try to formulate answers on two complex issues in your field of action. It will be your task to find a way forward on both of these topics, all while striking the right balance between the interests of the European Union and your member state.

The European Union is facing a broad set of challenges at this point. Many of the surrounding countries find themselves in turmoil, which in turn reflects upon the internal functioning of both member states and Union. It is therefore essential for this Foreign Affairs Council to address these in order to stabilize the situation in member states and non-members alike.

We wish you a great conference and a solid preparation for CUIMUN 2017.

David-Jan Bosschaert, Director

Michelle Kazi & Janet Wong, Assistant Directors

II. Introduction to the Committee

The Council of the EU – not to be confused with the European Council or the Council of Europe – meets regularly and in different constellations, bringing together all 28 ministers responsible for a certain competence in their member state. Our committee will be an assembly of all 28 ministers of foreign affairs, thereby sitting as the EU’s Foreign Affairs Council.

Our body takes part in the decision-making process of all matters related to EU external policy, and is supported by the work of the European Commissioner for external relations, Mrs. Federica Mogherini, whose full official title is “High Representative of the Union for Foreign Affairs and Security Policy”¹ and who also ranks as one of the Vice-Presidents of the European Commission. She will also be present during our deliberations to represent the interests of the service she leads, the European External Action Service (EEAS): this service is the executive branch of the EU’s foreign policy and helps to implement the Union’s actions in third countries.

As is common in the EU, the European Commission drafts a proposal for a directive, which has to be passed by both the Council of the European Union and the European Parliament, who represent the interests of the member states and the European people respectively. We are therefore simulating the work of the Council of the European Union. Whilst in reality the European Commission also helps to draft the directives written by the Council, we will allow the Council to come up with its own solutions in a draft to be composed during our debates.

The voting procedure of the Council of the EU rather peculiar. All substantive decisions require a qualified majority,² in which 55% of member states (16/28) representing at least 65% of the total EU population must vote in favour. Uniquely, an abstention under qualified majority voting counts as a vote against. We will respect this qualified majority vote on substantive decisions within our Council. You can use the official calculator of the Council to see whether a draft would pass according to these criteria: an app has also been developed for this purpose.³

¹ European Commission, “The Commissioners”, <https://ec.europa.eu/commission/commissioners/2014-2019/mogherini>

² European Council, “Qualified majority”, <http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/>

³ European Council, “Voting calculator”, <http://www.consilium.europa.eu/en/council-eu/voting-system/voting-calculator/>

III. Topic A: Reforming measures to integrate refugees and asylum seekers into the European Union

a. Introduction to the Topic

The integration of refugees and asylum seekers has come under increasing scrutiny in the wake of repeated terrorist attacks on European soil. Integration of both refugees and asylum seekers has therefore become a permanent feature on the EU agenda overall and is unlikely to falter in importance in the near future.

Whilst most of these competences lie within the field of the 28 ministers of justice, our Council of the European Union configuration of 28 foreign ministers can tackle the proactive steps towards integration beyond the EU's borders. It also can focus on the impact of EU integration requirements on non-EU nationals who seek asylum or already have obtained it within a member state, thereby complimenting the actions undertaken in the past by the 28 ministers of justice.

Making sure that all those who have a right of stay on European soil are well integrated and feel at home is a key priority for the European Union. We as foreign ministers should therefore come up with policies that focus on new ways to improve the current situation, in which many are not integrated or made to feel welcomed.

The EU competence to handle aspects of integration policy is by no means a new phenomenon. Let us take a look at how this competence was partially given to the European level and at the different EU initiatives so far.

b. Timeline of events

- *15-16 October 1999: Conclusions of the Finnish presidency of the European Council*

The European Council meeting in Tampere, Finland adopts the conclusions of the Finnish EU presidency, which for the first time outline a common EU asylum and migration policy. This innovation – combined with a genuine European area of justice, a Union-wide fight against crime and stronger external action – will become known as the “Tampere Milestones”.⁴ Because of this choice by the EU heads of state and government, consensus arises that the EU should get more competences in tackling asylum and migration policy, although the vast majority of these powers remain in the hands of individual member states.

These conclusions explicitly mention that “A common approach must also be developed to ensure the integration into our societies of those third country nationals who are lawfully resident in the Union.”⁵ They also state that “The European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.”⁶ Therefore, the call for a common EU integration approach is nothing new.

We should, however, bear in mind that EU presidency conclusions are mere policy documents rather than legislative texts. They state a desire to implement certain policies: the actual implementation of these goals is usually left to the European Commission, whose proposals are then scrutinized by the Council and the European Parliament. A good example of this can be found in the annex to the Tampere Milestones:⁷ the practical arrangements for the

⁴ European Council, “Tampere European Council 16 and 16 October 1999: Presidency conclusions”, http://www.europarl.europa.eu/summits/tam_en.htm.

⁵ European Council, “Tampere European Council 16 and 16 October 1999: Presidency conclusions”, http://www.europarl.europa.eu/summits/tam_en.htm, paragraph 4.

⁶ European Council, “Tampere European Council 16 and 16 October 1999: Presidency conclusions”, http://www.europarl.europa.eu/summits/tam_en.htm, paragraph 18.

⁷ European Council, “Tampere European Council 16 and 16 October 1999: Presidency conclusions”, http://www.europarl.europa.eu/summits/tam_en.htm, annex.

drafting of a European Union Charter of Fundamental Rights resulted in this charter being proclaimed in 2000 and then legally binding in December 2009.⁸

- *19 November 2004: Press release of the 2618th Council Meeting of the ministers of Justice and Home Affairs*⁹

The push by the 2004 Dutch presidency of the European Union led to the adoption of common basic principles for immigrant integration policy in the EU. A previous European Council in June 2003 had already “called upon the importance to establish common basic principles on integration”, defining it as “continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies”.¹⁰ It was however only in 2004 that an actual framework was agreed upon: this issue thereby made the transition from a mere policy idea to an actual policy.

The 2004 Dutch presidency obtained the consent of the European Council to a list of 11 “common basic principles for immigrant integration policy in the European Union”.¹¹ This list includes the “develop[ment of] clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective”, as well as “the participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level”.¹²

⁸ European Commission, “EU Charter of Fundamental Rights”, http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm.

⁹ Council of the European Union, “Press release of the 2618th Council Meeting of the ministers of Justice and Home Affairs 19 November 2004”, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf#zoom=100, pp. 19-24.

¹⁰ European Council, “Thessaloniki European Council 19 and 20 June 2003: Presidency conclusions”, <http://data.consilium.europa.eu/doc/document/ST-11638-2003-INIT/en/pdf>, paragraph 31.

¹¹ European

¹² Council of the European Union, “Press release of the 2618th Council Meeting of the ministers of Justice and Home Affairs 19 November 2004”, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf#zoom=100, p. 24.

These 11 common basic principles make up a significant policy declaration on behalf of the EU. The implementation of this list is left to our Council of the European Union. It remains obvious that the discussions on these common basic principles within each member state are different in nature. However, as part of the so-called “acquis communautaire” all EU member states – also those who joined after 2004 - are bound to implement them when shaping or reshaping their national integration policies.

- *2009 Stockholm Programme*¹³

In 2009 the Stockholm Programme gave additional “incentives and support for the action of Member States”; it also repeated that “a dynamic, two-way process of mutual interaction, requiring not only efforts by national, regional and local authorities but also a greater commitment by the host community and immigrants”.¹⁴ The European Commission was invited to help in the coordination of a “common reference framework, which should improve structures and tools for European knowledge exchange”.¹⁵ This decision by the European Council significantly pushed the debate forward on EU competence regarding integration.

- *20 July 2011 European Agenda for the Integration of Third-Country Nationals*¹⁶

Backed by the call in the 2009 Stockholm Programme, the European Commission sent an entire packet of suggested measures to the European Parliament, the Council, the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR). The broad list of recipients demonstrated the desire to have as broad a discussion as possible: the latter two (EESC

¹³ European Council, “The Stockholm Programme – an Open and Secure Europe serving and protecting citizens”, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>, paragraph 6.1.5.

¹⁴ European Council, “The Stockholm Programme – an Open and Secure Europe serving and protecting citizens”, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>, paragraph 6.1.5.

¹⁵ European Council, “The Stockholm Programme – an Open and Secure Europe serving and protecting citizens”, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>, paragraph 6.1.5.

¹⁶ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Agenda for the Integration of Third-Country Nationals. 20 July 2011”, https://webgate.ec.europa.eu/multisite/homeaffairs/sites/homeaffairs/files/doc_centre/immigration/docs/agenda/1_en_act_part1_v10.pdf.

and CoR) representing European employers and trade unions as well as local, regional and devolved governments respectively. This showcased the need for a coherent EU integration strategy involving both civil society and non-national levels of government.

This European Agenda repeated that managing integration is a shared responsibility, and called upon integration through participation, more action at local level and the involvement of countries origin. Practical recommendations included improving language skills, better use of EU funding, pre-departure information in support of integration and monitoring results.¹⁷ This document thereby built further upon the 2009 Stockholm Programme by outlining some concrete new measures that should be taken.

- *7 June 2016: Action Plan on the Integration of Third-Country Nationals*¹⁸

This Action Plan is the first EU-driven initiative on integration in the wake of different terrorist attacks on the European continent. It stresses the need for the “successful integration of all third-country nationals, whether recently arrived or not, [which] will make migration an opportunity for both third-country nationals and host societies”.¹⁹ The arguments are at times economic (“if well integrated, migrants can boost GDP”), moral (“All actors have a responsibility: national,

¹⁷ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Agenda for the Integration of Third-Country Nationals. 20 July 2011”, https://webgate.ec.europa.eu/multisite/homeaffairs/sites/homeaffairs/files/doc_centre/immigration/docs/agenda/1_en_act_part1_v10.pdf.

¹⁸ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan on the integration of third country nationals”, 7 June 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf.

¹⁹ European Commission, “Factsheet: Action Plan on the Integration of Third-Country Nationals 7 June 2016”, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160607/factsheet_action_plan_integration_third-country_nationals_en.pdf.

local and regional authorities; the EU; civil society organisations; employers; migrants and all citizens.”) and pragmatic (as a response to the increased flow of migrants).²⁰

The five outlined key priorities are “pre-departure/pre-arrival measures”, “education”, “labour market integration and access to vocational training”, “access to basic services” and “active participation and social inclusion”.²¹ As the most up-to-date document, this 2016 Action Plan will form the basis of our debates within our committee.

c. Discussion

Whilst integration policy remains by a large extent a competence of the different member states and their subdivisions (regions, provinces, municipalities), we have observed a gradual tendency to make part of the discussion European. This call for a more coherent integration policy was historically driven by the national ministers themselves, sitting on the Council of the European Union, and has moved on to take the shape of the Action Plan we see nowadays.

Whilst the Action Plan is relatively recent and up-to-date, the European Union is now equally facing an uphill struggle to deal with more migrants and asylum seekers arriving on its shores. At the same time questions have been raised regarding the quality of integration of third-party nationals already present in EU member states in the wake of repeated terrorist attacks. Exchanging best practices and “address[ing] the assessment, validation, and recognition of

²⁰ European Commission, “Factsheet: Action Plan on the Integration of Third-Country Nationals 7 June 2016”, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160607/factsheet_action_plan_integration_third-country_nationals_en.pdf.

²¹ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan on the integration of third country nationals”, 7 June 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf.

qualifications and skills of third country nationals” are but some of the preliminary answers formulated to create a more coherent EU integration strategy.²²

The challenge for our committee lies in the evaluation of all of these EU initiatives so far. How successful have they been, and how can they be amended in order to generate better results? Whilst the Commission will keep on supporting the member states, the political decision making on behalf of the member states remains within our Foreign Affairs Council. It is therefore up to Council of the European Union to decide whether or not the EU’s action in regards to integration will be expanded or restricted. The 2016 Action Plan will serve as our main starting point, with any other measures up for discussion during our debates.

d. Bloc Positions

The main fracture point lies in the transfer of competences to the EU on matters of integration. Several countries – including the United Kingdom, Poland and Slovakia – feel the need to take some of those powers back and to keep the EU push for common basic principles at the bare minimum. Poland and Slovakia are both well-known objectors to hosting refugees and migrants. Others – including Belgium, France and Luxembourg – are eager to go further and to entrust the EU with more competences in the field of integration of asylum seekers.

When it comes to the implementation these EU common basic principles, countries like Italy, Spain and Greece would be keen to secure additional budgets, given their geographic position. Coping with the high numbers of refugees requires more resources from national, regional and local governments overall. Although the 2016 Council Conclusions wanted to “Consider the need for allocating more resources from the EU budget for the integration of third-country

²² Council of the European Union, “Conclusions of the Council and the Representatives of the Governments of the Member States on the integration of third-country nationals legally residing in the EU, adopted by the Council at its 3508th meeting held on 8-9 December 2016”, <http://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf>, paragraph 2.

nationals in the future annual budgetary procedures and to provide guidance to Member States on how to maximise the EU funding supporting integration”,²³ this hasn’t necessarily come to pass in the specific areas where additional financial help is needed the most. Not all member states might be keen to give this additional support to Italy, Spain and Greece, where most migrants get into the European Union.

e. Conclusion – Key issues

Although the June 2003 conclusions already warned for the “legal, political, economic, social and cultural diversity of Member States”,²⁴ a coherent EU framework based on common basic principles remains more needed than ever. Fresh challenges lie ahead, including the high amount of new asylum seekers and refugees trying to enter the EU. It is now up to you, the Foreign Affairs Council, to make sure that the current EU legislation and policy on this matter is updated and amended. Here are some questions that should be addressed:

1. Is the current Action Plan enough to cope with the increased numbers of asylum seekers and migrants arriving in Europe?
2. If not, how can these high number of people be integrated effectively within the EU?
3. Should more competences be made European or should more power be given back to the member states when it comes to integration of third-party nationals?
4. Which other measures should be included to make integration in the EU successful? Should more budget be provided to implement these additional measures?

²³ Council of the European Union, “Conclusions of the Council and the Representatives of the Governments of the Member States on the integration of third-country nationals legally residing in the EU, adopted by the Council at its 3508th meeting held on 8-9 December 2016”, <http://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf>, paragraph 2.

²⁴ European Council, “Thessaloniki European Council 19 and 20 June 2003: Presidency conclusions”, <http://data.consilium.europa.eu/doc/document/ST-11638-2003-INIT/en/pdf>, paragraph 31.

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- European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Agenda for the Integration of Third-Country Nationals. 20 July 2011”, https://webgate.ec.europa.eu/multisite/homeaffairs/sites/homeaffairs/files/doc_centre/migration/docs/agenda/1_en_act_part1_v10.pdf.
- European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan on the integration of third country nationals”, 7 June 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf.

- European Commission, “Factsheet: Action Plan on the Integration of Third-Country Nationals 7 June 2016”, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160607/factsheet_action_plan_integration_third-country_nationals_en.pdf.
- Council of the European Union, “Conclusions of the Council and the Representatives of the Governments of the Member States on the integration of third-country nationals legally residing in the EU, adopted by the Council at its 3508th meeting held on 8-9 December 2016”, <http://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf>.

IV. Topic B: Towards an Arab-European regional vision for Sustainable development, Conflict and Security: Suppressing Independent Terrorist Groups

a. Introduction to the topic

According to information collected by the Council of the European Union, in 2016 alone a total of 142 failed, foiled or completed attacks were carried in EU members states and 135 people were killed in jihadist terrorist attacks. In the course of the last year, 1002 persons were arrested for terrorist offences; most of them were reportedly related to jihadist terrorism.

Although it would be a generalization to say that the security scene in Europe is most urgently dominated by jihadist terrorism, there is no denying that in recent years a significant rise can be observed in individuals committing acts of radical violence motivated by Islamic ideologies and their interpretations. Given the existing status quo, there is a real need for Europe to strengthen its strategies against terrorism motivated by extreme political ideologies and religious hatred, in all shapes and forms.

Instead of feeding on the populist, right-wing and extremist narratives against Muslims, refugees and Arab people for being culpable for the wave of terrorist threats, Europe should seek ways to build or restore confidence with their Arab partners in order to generate more cooperation in the field of security. Sustainable peace doesn't stem from short term measures, but from the mutual trust between peoples of these two diverse regions. Fleshing out this groundbreaking partnership between the Council of the European Union and its neighbouring countries is therefore key to tackling the issue of terrorism in both regions.

The threat of radicalisation continues to be a worrying reality in the fight against terrorism. According to the Council of the European Union, an increasing number of Europeans have being readily radicalised in recent years; many of them have also travelled abroad to fight.²⁵ This phenomena is likely to persist in the coming years. In broad terms, the strategy employed by the EU centers around four pillars: prevent, protect, pursue and respond.²⁶

²⁵ Response to foreign terrorist fighters and recent terrorist attacks in Europe. (2017, June 26). Retrieved from <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/foreign-fighters/>

²⁶ EU fight against terrorism. (2017, August 11). Retrieved from <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/>

In prevention, the EU prioritises the identification of radicalisation and the processes by which individuals are recruited to commit acts of terror. The Council also studies evolving trends, such as the phenomena of lone actors and foreign fighters or the growing potential of social media for mobilisation and communication. In protection - which comes as second priority after prevention - the building of infrastructure is key, as well as the reduction of the vulnerability of civilians to attack. External border security, transport security, and critical infrastructures are the strongholds against terrorism under this priority. Under the umbrella of ‘pursue’, the EU is working to hinder terrorists' capacity to plan and organise. Apart from strengthening its legal instruments and frameworks, practical cooperation and information exchange between police and judicial authorities have also been proposed. Lastly, under the fourth pillar “respond”, the last objective of the EU counter-terrorism strategy is to prepare, to manage and to minimise the consequences of a terrorist attack.²⁷ The emphasis while doing this lies on improving EU member states' capabilities to deal with the aftermath of an attack, the coordination of the response and the needs of victims.

Although the EU has a consistent and sound overall direction, it is important to note that the Council of the European Union has its specific role to play that would fit into the bigger picture of EU's counter terrorism strategy.

b. Role of the Council of the European Union

The Council of the European Union, also known as the Council of Ministers, brings together the ministers in EU member states to draft policies to be implemented in the national scene. It is composed of the 28 national ministers of a certain competence, whereby countries are represented by one of their regional ministers. Decisions in the Council of Ministers are made upon receiving a qualified majority or by unanimity, depending on the competence at stake. Our Council tackles the issue of regional terrorism through formulating and passing directives proposed by the European Commission, which will become law in EU countries if the European Parliament agrees to them as well. Hence, the strategy employed by the Council against terrorism is multifaceted and should also involve the European Parliament. It is therefore equally important to listen to the opinions of Members of the European Parliament (MEPs) on this matter.

²⁷ *ibid*

Some key milestones in improving the security of the EU include a number of EU-wide policies, including these past directives:

- *Directive 91/477/EEC on control of the acquisition and possession of weapons*

This directive addresses the public security risks posed by weapons such as firearms. In imposing a new obligation on firearms manufacturers to mark all their essential components, the traceability of firearms is enhanced. Mutual recognition of marks is also ensured as all EU member states will adopt the same measure and similar codes, ensuring the cross-border effect of the policy. Member states are also obliged to ensure that dealers and brokers register any transaction of firearms “electronically and without any undue delay”²⁸.

Furthermore, stricter rules for the acquisition and possession of the most dangerous firearms are also imposed to enhance regional security. This means that individuals can only purchase the most dangerous firearms on the basis of an exemption granted by the relevant EU member state. The Council’s policy sets strict rules regarding what is considered reasonable for this exemption: it can only be granted to individuals in circumstances such as national defense or the protection of critical infrastructure. As a default, the most dangerous firearms that belong to this category are now banned from civilian use: the Council’s policy specified that all “short semi-automatic firearms with loading devices over 20 rounds and long semi-automatic firearms with loading devices over 10 rounds”²⁹ belong to this category. The safety of the public and of public order therefore clearly stands as the first priority.

- *Directive 2017 of the European Parliament and the Council of the European Union on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA*

²⁸ Council of the EU Home Affairs EU strengthens control of the acquisition and possession of firearms. (2017, April 25). Retrieved from <http://www.consilium.europa.eu/en/press/press-releases/2017/04/25-control-acquisition-possession-weapons/>

²⁹ *ibid*

This directive taps into anti-terrorist legislations, unifying the law in criminalising terrorist activities across EU member states. Replacing the old anti-terrorist legislation passed in 2002, this enhanced directive criminalises activities such as: 1) Travelling within, outside or to the EU for terrorist purposes, e.g. to join the activities of a terrorist group or with the purpose of committing a terrorist attack. 2) The organisation and facilitation of such travel, including through logistical and material support, such as the purchase of tickets or planning itineraries; 3) Training and being trained for terrorist purposes, e.g. in the making or use of explosives, firearms, noxious or hazardous substances mirroring the existing provision of knowingly providing such training; and 4) Providing or collecting funds with the intention or the knowledge that they are to be used to commit terrorist offences and offences related to terrorist groups or terrorist activities.³⁰ The benefit of having an EU-wide legal framework is that regional coordination and law enforcement against terrorism can be implemented in order to prevent terrorist attacks. The rise of the phenomenon of foreign terrorist fighters can also be addressed through this coordinated approach.

** Regulation (EU) 2017 of the European Parliament and of the Council of the European Council amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders*

In response to the increase in terrorist threats, this legislation aims to secure the borders within the Schengen area from terrorist threats. The regulation forces states to carry out “systematic checks against relevant databases on all persons, including those enjoying the right of free movement under EU law”³¹ when they cross the external borders. This obligation will come into force at all external borders - air, sea and land borders - both at entry and exit. When implemented, the regulation obliges member states to check “third country nationals systematically on entry against all databases” for reasons of public order and internal security.

This amendment on the existing regulation also puts an emphasis on the greater usage of

³⁰ DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. (2017, February 23).

³¹Schengen borders code: Council adopts regulation to reinforce checks at external borders. (2017, March 07). Retrieved from <http://www.consilium.europa.eu/en/press/press-releases/2017/03/07-regulation-reinforce-checks-external-borders/>

shared databases, such as the Schengen Information System, the Interpol Stolen and Lost Travel Documents and national databases. In its implementation, the border guards of the Schengen area will have access to these databases, which will aid the systematic checks. EU member states are also advised to deploy “appropriate staff and resources in sufficient numbers”³² to carry out systematic checks in order to prevent “disproportionate waiting times and hindering the flow of traffic at external borders”³³.

c. Discussion

Some key issues that the Council of the European Union ought to solve with regards to building a sustainable security for the region are outlined as follows:

i. Loose definition of terrorism

Terrorism is defined loosely around the world and there is virtually no legal definition accepted universally without contention. The EU has adopted the following working definition: “Terrorist offences are defined as acts committed with the aim of 'seriously intimidating a population', 'unduly compelling a government or international organisation to perform or abstain from performing any act', or 'seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.’”³⁴ The confusion over what constitutes terrorist acts is exacerbated when one tries to distinguish the different kinds of perpetrators. There is a very fine line between “lone-wolf terrorism” and acts committed by independent terrorist groups, as some perpetrators who are thought to belong to a terrorist group can have no actual affiliation to the group that claims them, but instead become radicalized online and through external media outlets. Others can be the opposite: authorities might have thought them to be lone-wolf actors, and later discovering that they are handled and trained by coordinated terrorist groups. The different shapes and forms that perpetrators come into being can prove challenging for the identification and cracking down of terrorist activities.

³² REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders. (2017, February 22).

³³ *ibid*

³⁴ Understanding definitions of terrorism. (2015, November). Retrieved from http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/571320/EPRS_ATA%282015%29571320_EN.pdf

Ii. The continuous threat of Radicalisation

As mentioned, a trend that sets back efforts to counter terrorism is the increasing number of people being radicalised by extremist ideologies. Terrorist propaganda on the internet has a dangerously huge presence and may prove more influential than previously thought. Despite efforts by the EU internet referral unit (EU IRU) in identifying terrorist and violent extremist content online, some still manages to escape the authorities and seep into the civil society.

The Council of the European Union is perhaps weaker in its soft power (e.g. impacting the civil society) than it is in exercising its hard power of setting standards and regulations across the EU. As members of the Council, ministers face the challenge of tackling radicalisation - an issue quite cultural in essential through legislative means. In particular balancing the fine line between freedom of speech and freedom of religion against the needs for national security will be a challenge for a Union marked by a great internal diversity. The mere strategy of detection and removal of terrorist-related content should be reviewed and enhanced.

Iii. Mistrust between Western and Arab countries

The rise of populism in the West has significantly worsened relations between the EU member states and Arab countries. Nationalists have branded Muslims as universally dangerous and unwelcome in Europe; this is not only prejudicial, but also breaks down trust and adds to the misunderstanding between religions and cultures. Most importantly, this stigmatization creates an environment that extremists capitalize on to radicalize even more believers into terrorism.

The ‘scapegoating’ of Muslims - as is all too often seen after attacks committed by jihadists were reported - does not help build a sustainable society and international peace. Instead, it further damages the trust between Western and Arab countries. Paradoxically, these are the regions that need to understand and work with each other to put terrorism to rest.

Iv. Curtailing Civil Liberties

As the Council of the European Union primarily amends European Commission-drafted directives and regulations that might get legal status, a main area of contention remains that anti-

terrorist legislations cannot overstep the line and curtail civil liberties, even in the name of national security. As this is a matter of a sensitive nature, countries are bound to have their own take on how and where to draw the line. An added difficulty remains the confrontation of human rights which are defined nationally (e.g. constitutional), supranational (e.g. the European Charter of Fundamental Rights) and internationally (e.g. the European Convention on Human Rights): they sometimes are contradictory and might prove hard to combine with EU proposals.

The Council of the European Union directives in 2017, as cited in section B, stipulate that the tightening of rules and enhanced measures are to be used on individuals, especially with regards to border control. The “legitimacy” of the Council to decide on these matters can be challenged, given that the Council is made up of ministers, who enjoy only indirect representativeness and may not be in the best position to decide on weighty regulations with legal impact that can infringe on individuals’ civil liberties. It is however explicitly foreseen in the EU Treaties that the Council has the legal competence to do so; whether this is “legitimate” remains a policy discussion. The United Kingdom, for example, has struggled with these problem of legitimacy and legality of EU decisions for as long as the EU existed and found it hard to balance this with its own entrenched “parliamentary sovereignty”. On the other hand, being a member of the EU means that member states have an obligation to each other and to their citizens to protect the safety of the region. The freer borders and easier movement of people means more danger under such a volatile political climate. Ensuring regional safety should therefore be and remain a key priority within the Union.

d. EU bloc positions

The Council of the EU plays a “supportive role”³⁵ in responding to the cross-border nature of terrorist threats. The primary role in the fight against terrorism is to be undertaken by the EU member states, who are the most apt to fight terrorism within their own borders. Hence, the positions taken by different EU member states in their domestic policies dictate how they react to EU proposals. Here are some of them:

³⁵ Response to foreign terrorist fighters and recent terrorist attacks in Europe. (n.d.). Retrieved June 28, 2017, from <http://www.consilium.europa.eu/en/policies/fight-against-terrorism/foreign-fighters/>

As a leading EU member state, **Germany** was one of the few European countries willingly opening its doors to refugees. At the same time internal pressure ran high in the run-up to the recent parliamentary elections, as Berlin suffers backlash illustrated through anti-refugee sentiments and other security complaints. It remains a tug of war between social cohesion and political goodwill as to how Germany chooses to respond. **Poland** on the contrary made it clear that while it is willing to share data on border security, it will be unable to accept refugees. The declaration have some commentators calling the Polish policy to be of “selective solidarity”, especially compared to Poland’s repeated calls for a united EU front on the Ukraine crisis.

France and the **United Kingdom** had their capitals attacked by terrorists in similarly coordinated manners. French president Hollande responded by declaring that France was “at war” with terrorism, promptly extending military air strikes against the Islamic State from Iraq to Syria. The London attacks from March through June of 2017 coincided with the UK General Election, on which Conservative Prime Minister Theresa May had capitalized in making comments about heavy-handedly passing hardline terrorist legislations in order to safeguard national security. Their attitude towards refugees has however not been significantly influenced by these recent terrorist attacks on their soil.

Distinct from the other member states, **Spain** “lacks anti-EU, far-right or xenophobic parties”³⁶, which means that the Spanish public is less prone to Islamophobia and to linking the terrorism problem to Muslims. This results in a seemingly more welcoming attitude towards refugees. In **Italy** the opposite is true: several political parties voice the concern that refugees are too numerous and pose a security threat. MEP Matteo Salvini (Lega Nord, Vice-Chair of the Europe of Nations and Freedom Group) stresses the need to close borders to “any kind of migrants, regardless of whether they are refugees”³⁷. However, such opinions are not the official Italian government position and remain confined to parties such as the separatist Lega Nord.

³⁶ Rapnouil, M. L. (n.d.). View from Paris: On a martial footing. Retrieved from http://www.ecfr.eu/article/commentary_view_from_paris_on_a_martial_footing5061

³⁷ Francescon, S. (n.d.). View from Rome: The possibility of a View from Rome: The possibility of a "European" Islam. Retrieved April 05, 2016, from http://www.ecfr.eu/article/commentary_view_from_rome_the_possibility_of_a_european_islam5060

e. Conclusion - Key issues

To further the efforts of the Council of the European Union, delegates need to answer the following questions in the summit:

1. Has the Council of the European Union done enough through the passing of directives and regulations to fight terrorism? How can we bolster the strengths and overcome the weaknesses of the Council's mode of operation?
2. What is the Council's attitude towards jihadist terrorism? Is there a way to prevent the discourse within EU member states from being dominated by Islamophobic rhetoric?
3. What kind of working relationship does the Council anticipate to form with the Arab League? Are there policy initiatives that could benefit from a partnership?
4. How do EU member states build a relationship of mutual trust with the Arab partners? Is the civil society prepared for it?
5. How can we make sure that security can be sustainable?

f. Bibliography and further reading

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