

Challenges to European Security in the Process of Globalization

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Abstract

This article presents actual problems, related to regional security, which occur in EU in the process of globalization. These long – existing practices of information-sharing and transnational police cooperation have accelerated in recent decades. Information travels instantaneously in cyberspace; speedy transportation brings the most distant and exotic lands within the reach of the intrepid traveler, including police officials; the world's economy and financial system are intricately integrated and respond to butterfly disturbances in any part of the globe; crime and insecurity are not limited by borders. Globalization affects people's lives in many states; nevertheless, the ongoing changes do not alter the system of the hierarchy of human need: the most important needs of each person are needs for security and welfare. Economic and political integration, the European Union being the most advanced example, have necessitated a concomitant integration, harmonization and cooperation among laws, policies and agencies. In the EU, this now means working in an increasingly borderless "Schengen space." This article aims to reveal the major threats emerging regional security and sought a proposal from the law enforcement authorities' activities of overall coordination, discussed priority areas of co-operation.

Keywords: regional security, international organizations, law enforcement authorities' co-operation.

1. Introduction

European Union (hereinafter - EU) gradually created a huge national borders unfettered space, where people can move around unhindered without the border control. One of the cornerstones of the EU's privileges are EU citizens enshrined the right of free movement.⁴

Though the right of free movement enshrined in the EU is founded, but it has required people to ensure a safe built environment and create an effective mechanism to control the external borders.

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In order to speed up the freedom of movement of the implementation, on 14 June 1985⁵ German Chancellor Helmut Kohl and French President Francois Mitterrand's initiative, Belgium, Luxembourg, the Netherlands, France and the Federal Republic of Germany in Schengen (Luxembourg) signed the Agreement for the gradual abolition of controls at their common (internal) borders. The Schengen Convention provides a common external border controls, common visa and asylum policy, police and customs co-operation rules and security measures.

Europe is not the same place it was 50 years ago, and nor is the rest of the world. In a constantly changing, ever more interconnected world, Europe is grappling with new issues: globalization, demographic shifts, climate change, the need for sustainable energy sources and new security threats⁶. These are the challenges facing Europe in the 21st century.

Topicality of the theme shows that the biggest difficulty we face is still responding to any changes in the fight against crime and illegal immigration, the development of the European area of justice, improving the safety of all persons using the risk of serious crime detection tools, as well as ensuring a proper balance between security and privacy. This requires EU Member States to mobilize forces.

1.1. Objectives of the study and methodology

The object of research - possible areas of cooperation of the law enforcement authorities, eliminating threats to regional security in the context of globalization.

Aim of the article - to analyze the European Union's legal framework provisions, to assess the impact of globalization on regional security.

In order to answer the problem of the subject, the article used to study the methods of analysis, analogy, generalization, analytical, systematic methods. The basic method – the study the scientific references, it is a collection of data from the scientific references and EU law.

2. Freedom, security and justice in Europe

The international and regional framework which makes the prioritization of defense policy and national security has changed radically since the end of the Cold War, particularly after September 11th, 2001. The uncertainty and instability become the main features of international politics, marked by the emergence of new risks and new threats, which represent new obligations for States who identify themselves as responsible members of the international community⁷.

The development of a particular police event or other nature in a faraway country has immediate impact in the country due to the massive display of its effects, through the media and the feeling of insecurity that causes on the common citizen.

⁵ The Schengen Agreement is a treaty signed on 14 June 1985 near the town of Schengen in Luxembourg, between five of the ten member states of the European Economic Community. It was supplemented by the Convention implementing the Schengen Agreement five years later. Together these treaties created Europe's borderless Schengen Area, which operates very much like a single state for international travel with external border controls for travelers' travelling in and out of the area, but with no internal border controls. EU OL L 239, 22/09/2000.

⁶ Apap, J. (2004). Justice and Home Affairs in the E.U. The Transformation of Border Controls: What is different about Europe? – Great Britain: MGP Books Ltd, p.291.

⁷ Oliveira P. (2009). Imigrante Tipoem Portugal: Definicoes Conceptuais e Metodologias de Abordagem, Dissertacao de Mestradoem CPRI – Globalizacao e Ambiente, FCSH – UNL.

The "reconceptualization of security forces to recognize the presence of strangers as a defining element of contemporary societies, who do not identify with the dominant speeches and, therefore, can be seen as instability factors (...)"⁸.

The phenomenon of globalization, associated with the free movement of persons and property, led to the establishment of priorities including the need to produce policies, able to unite all the concerns inherent in this phenomenon⁹.

Going back to the 19th century, we find that the rights of citizens of today have no comparison with the existing at that time, or with the immediate postwar period. The nation-states were forced to reframe their traditional citizenship policies, due to the growth of economic and policy migrations in the late eighties and throughout the nineties.

As a result of global free trade and capital flows, economic rights were extended to non-resident and resident non-nationals, such as contract workers for a certain period of time. Moreover, the limit of political rights became increasingly blurred with the emergence of dual nationality and length of the voting rights of expatriates first and even second-generation¹⁰. Successive waves of immigration have produced multicultural policies that have forced states to develop new definitions of citizenship and political and social rights.

In 1990, there was the Intergovernmental Conference which reviewed the Maastricht Treaty¹¹, providing for a new citizenship, "Citizenship of the Union", including the following principles:

- The European Union citizens are nationals of EU Member States ("Citizenship of the Union shall complement and not replace national citizenship");
- The European Union citizens have the right to reside anywhere in the EU;
- European Union citizens have the right to elect and be elected in local elections, wherever they reside in the European Union.
- Citizens of EU in third countries are entitled to consular protection by the embassy of any EU member state.
- The European Union citizens have the right to petition the European Parliament and write to any institution in any official language of the European Union.

However, this did not mean that all citizens have equal rights in all Member States. Each Member State has its own set of civil, economic, political and social rights being selectively granted to citizens of other Member States. For example, citizens of a Member State cannot vote in national elections in another Member State. Moreover, and still giving as an example, a citizen of ethnic minority residing in another Member State, has not the same right of equality, as the national minorities of that State. On the other hand, the rights of EU citizenship only effectively apply to EU citizens, because they decide who is the EU citizen, and therefore who has access to economic and political rights granted under the Treaty on European Union.

The state is no longer an autonomous and independent organization, constituted only by its people, closed in itself.

⁸Rodrigues T. (2010).Dinamicas Migratorias e Riscos de Segurancaem Portugal, IDN cadernos, No. 2, Lisboa, p. 34.

⁹Communication from the Commission to the Council and the European Parliament – Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations, COM(2004) 4002.

¹⁰Hix S. (2005).The Political System of the European Union; The European Union series,ed. Palgrave Macmillan, New York.

¹¹The Treaty of European Union (Maastricht Treaty).Official Journal C, 2002-12-24, No. 325-5.

Speaking of rights, participation and representation in politics are in fact issues that go beyond national citizenship, breaking definitively with the classical order and formal nation-state.

The European Union policies on citizens' rights and internal security are divided into four major categories:

- Free movement of persons among Member States of the European Union, ranging from the right to work and residence until the removal of border controls among these Member States.
- Fundamental rights of citizens of the European Union (EU) in other EU Member States, such as the right to equality in economic, political and civil rights.
- Immigration and asylum, policies involving cooperation on refugee are matters and common policies regarding nationals of third countries.
- The police and judicial cooperation to combat drug trafficking, terrorist activities, cross-border crime and illegal immigration.¹²

In fact we are dealing with two large universes. The first two concern the rights of EU citizens who move between and / or living in other member states of the European Union. The last two reflect how the Member States and EU institutions decide on the access to national citizenship rights and the European Union, and how these rights should be guaranteed and protected.

The Treaty of Rome introduced a structural right of citizenship; the right of citizens of a Member State may seek employment in any of the other Member States, contributing with this measure, to remove all physical barriers, allowing the movement of people and goods. Subsequently, the Treaty of Maastricht added the "third pillar of the European Union," also called "justice and home affairs", which provides for and regulates the free movement of persons, establishing policies on immigration and police and judicial cooperation. The big change occurs with the entry into force of the Amsterdam Treaty¹³ in May 1999, adding a new Title (IV) to the Treaty on European Union, with the goal of creating an area of freedom, security and justice. For the implementation and consolidation of this new amendment, the governments of the Member States met, respectively, in December 1998 and October 1999, the European Council in Vienna and Temple, where defined a plan that consisted of a "space of freedom" covering the free movement of persons, combating all forms of discrimination and protection of fundamental rights.

And finally, a "judicial area", as it provides equal access for all EU citizens to justice, cooperation between the authorities of the Member States in civil issues as well as minimum standards and common to all Member States, in the definition of unlawful and criminal behavior's their procedures and condemnation.

3. The Free Movement of Persons

The Treaty of Rome established the free movement of persons, based on the fundamental objectives of the European Economic Community. However, these rights do not fully apply to nationals of third countries, even if they are married to EU citizens. Secondly, the Treaty of Rome made it possible for any Member State to refuse entry of another citizen of the U.S., for reasons related to threat to national security, public health or public order.

¹²Seniutienė D.&Greičius S. (2005). The Schengen Convention influence on Lithuanian Border Organization. *Jurisprudencija* 73 (65), p.77-86.

¹³Treaty of Amsterdam amending the treaty on European Union, the treaties establishing the European Communities and related acts, Official Journal C 340, 10 November 1997.

Based on this pleading, the Member States maintained their border controls within the European Union. Later, in 1985, Member States approved a document entitled "Completing the Internal Market" (European Commission, 1985), which suggests the complete elimination of internal border controls from December 1992. However, several measures were taken by the Council to remove controls on the free movement of goods by that date, however little has been done in the removal of controls on the free movement of people, because most Member States were reluctant to remove these controls without harmonized rules, such as visa requirements and common policies on asylum. Due to the requirement of unanimity, the Council failed to reach agreement on such rules at that time. Meanwhile France, Germany, Belgium, Netherlands and Luxembourg in 1985 signed the Schengen Agreement that provides for the elimination of border controls between signatory states. The intent of the Schengen Agreement was to create an area without travel restrictions, in which border controls between participating countries were eliminated and there was greater cooperation in combating transnational crime. Later the Schengen Agreement was incorporated into cooperation agreements with the EU that currently includes all EU countries except Ireland, Cyprus, Romania, Bulgaria and the UK.

Since 1954, all Nordic countries are members of the Passport Union of the Nordic countries, which also provides an area without travel restrictions which include Iceland, Denmark, Sweden, Finland and Norway. When the Nordic countries-EU members - Denmark, Sweden and Finland - have joined the Schengen agreement, Norway and Iceland had to enter into an agreement with the Schengen countries in order to retain the Union of the Nordic Passport.

In 1999, Norway therefore concluded an agreement with the EU on its association with the Schengen Agreement. This agreement allowed Norway to take part in the planning of new laws on the implementation, application and further development of the Schengen acquis (the whole set of agreements and legislation relating to the Schengen system). In order to create an area with a common external border and no internal border controls, all participating countries establish similar requirements for entry. This means, for example, that must have common rules on visa requirements for nationals of third countries. On the other hand, the visitor visas are generally valid in all countries Schengen. Moreover, all countries included in the Agreement, must rely on the ability of other countries to carry out satisfactory border controls.

The Schengen acquis also provides for cooperation between police authorities of the participating countries. The Schengen Information System (SIS), a joint information system, allows the police to the Schengen countries to issue communications concerning wanted criminals, missing persons and stolen property.

This system centralizes two broad categories of information relating to a vehicle or other objects sought and on people. For the latter, the SIS contains data relating to persons wanted for arrest and extradition, persons not nationals of a Member State of Schengen, whom are refused entry into the Schengen area, missing persons or to be placed under protection, people sought by judicial authorities in connection with criminal proceedings, persons under discreet surveillance or specific checks. SIS can also include the name of the owner of stolen goods, those in criminal proceedings, as well as the driver of the vehicle and its occupants under surveillance.

In the SIS fit into other data types, including those related to arrests for extradition purposes, like in case of loss, search for minors or persons who should be interned following a decision by a competent authority, not admitted to the territory under an administrative or judicial decision taken in accordance with national procedural rules, or on a public or national security threat, or failure to comply with the standards for entry and stay of foreigners, with the arrest to be brought to justice, even as a witness in criminal proceedings or to comply with a term of imprisonment. The European Council has become the main executive body on the application of Schengen rules.

4. Immigration and Asylum

The Maastricht Treaty brought together immigration policies, police and judicial cooperation, ensuring that these issues should not be treated as rights and freedoms of citizens, but as issues related to security. The regular meetings of the political sphere between the ministers of justice and home affairs, tended to produce non-binding resolutions and recommendations, instead of consolidating and effective joint actions or decisions. The easing of travel restrictions on third-country nationals to study in the European Union, a transit visa system common to all Member States, a uniform format for residence permits and burden sharing with regard to admission and residence of refugees, were some of the few joint actions of major reference. In October 1999 and in line with the goals of the Amsterdam Treaty, the Tampere European Council defined the following basic elements of European immigration policy:

- Comprehensive approach to the management of migration (the police must cover migration meeting the needs of the European economy as well as the protection of asylum).
- Nationals of third countries should, when possible, have equivalent rights to nationals of the Member State in which they live.
- Creation of partnerships with the origin countries including policies of co-development.
- Need for a common asylum policy that fully respects the terms of the Geneva Convention and the obligations of Member States under international treaties.

Between 2000 and 2001, the Commission issued a series of legislative proposals, such as common rules for non-EU citizens working in the EU, the right of third country nationals to family reunification programs and technical and financial assistance to third countries on immigration and asylum. Also adopted a directive that established minimum standards for temporary protection of displaced persons on grounds relating to environmental disasters, persecutions on political or economic reasons. Later, in January 2003, the Council adopted a Directive laying down minimum standards of reception for asylum seekers. In June 2008 the Commission adopted an Action Plan on Asylum, which provides and clearly defines the way it was intended to give the asylum policy of the European Union. The European Union can now define how the Member States grant asylum and temporary protection visas to nationals of third countries.

Most Western European states have felt some difficulty since 1980, to prevent the entry of asylum seekers, refugees for economic and political and illegal immigrants, why is recognized today the European continent, the continent as a multiethnic. In the mid-nineties, 6% of EU residents were racial minorities, ethnic or religious. In the 90s, Europe became embroiled in a wave of asylum demands for political reasons, and especially war-related economic problems of citizens from the former Yugoslavia, Ethiopia, Somalia, Afghanistan and the region Great Lakes, especially in Burundi and Rwanda. It is estimated that in 2001 alone, the Union has registered a total of 366,269 asylum applications in greater numbers requested to Germany with 88,363, followed by Britain with 70,135 requests. Today, Europe is home to approximately 8% of indigenous and about 6.5% of minorities in immigration status. In response to changing patterns of global migration, European governments have chosen to promote policies of social integration of minority populations through the application of the principle of equal opportunities, the greater proximity and greater control of immigration and asylum. In the 1990s, organized crime also increased in the European Union. Environmental crime, money laundering, corruption, drug trafficking and terrorism are issues that are part of organized crime that usually occurs in areas outside our borders¹⁴.

¹⁴Teixeira N.S. (Coord) (2006). Estudo para a Reforma do Modelo de Organizacao do Sistema de Suguranca Interna, in Relatorio Preliminar. Instituto Portugues de Relacoes Internacionas (IPRI), Universidade Nova de Lisboa, p. 25.

At the beginning of the century XXI, has witnessed a growing internationalization of organized crime, with profits obtained of crime committed in another state, contributing to this, the increasing mobility of its authors. It also helped not only the development of technological means, but also the abolition of frontiers in the field of customs control and movement of people.

The absence of border controls within the internal market, has not facilitated the increase of migration and organized crime. The increased migration of fact, when there was the collapse of communism, the Balkan wars and crises in North, East and Central Africa. Similarly, organized crime in Europe is linked to the globalization of capital flows and national policies practiced by the various EU Member States, especially as regards the liberalization of laws on soft drugs like cannabis. The lack of physical controls on the movement of goods, services and people, has made it difficult for national governments, the pursuit of independent policies to control migration and international crime.

The changing nature of European society and cross-border crime, made the European Union created by Decision 2007/125/JHA of the Council for the period 2007 to 2013, a specific program "Prevention, Preparation and Consequence Management on terrorism "as part of the" Safety and protection of freedoms ", to support projects on preventing and combating crime, organized or not. This program has as main objective to prevent and combat crime, including terrorism, drug trafficking, human trafficking, arms trafficking, corruption and fraud. It includes five major areas: crime prevention, law enforcement, protection and support to witnesses and protection of victims. It aims to develop greater coordination and cooperation between various authorities and bodies of the EU, to promote best practices on protection of victims and witnesses and to develop integrated and closer, strategies for preventing and combating crime, ensuring greater security in Europe.

5. Generalization

Schengen area - is an important achievement in the development of Europe as an area of open borders. Freedom of movement means that each person is entitled to cross the internal borders at any point and no border checks are needed. The refusal of border checks at internal borders necessarily means a lack of security, since the Member States lose an important national tool to control people coming into the country, establishing their identity.

What the future will bring as regards law enforcement authorities' cooperation is difficult to predict. Given that globalization is more likely to increase overall in many areas rather than decrease, there is every reason to assume that the globalization of law enforcement authorities' cooperation will also continue. This will in the first instance involve the expansion and refinement of the existing types of cooperation. This is because the EU Treaty's offers opportunities to organize law enforcement authorities' cooperation not only from a more operation point of view than at present but also to make it more mandatory for the Member States.

One of the core objectives of the European Union is to provide its citizens with a high level of security within an area of freedom, security and justice. That objective is to be achieved by preventing and combating crime through closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to the Member States.

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