



April 2009

## Oppose the “Stockholm Programme”

### Statement by the European Civil Liberties Network\* on the new EU five-year plan on Justice and Home Affairs

The “Stockholm Programme” will set the agenda for EU justice and home affairs and internal security policy from 2010 to 2014. The EU has already taken a dangerously authoritarian turn, putting in place militarised borders, mandatory proactive surveillance regimes and an increasingly aggressive external security and defence policy. Ongoing discussions among EU policy-makers suggest that this approach will be deepened and extended over the next five years. It is expected that the “Stockholm Programme”, which is based on the final report of the EU's Future Group, analysed in-depth in *The Shape of Things to Come\*\**, will be adopted by the European Council (the 27 governments) under the Swedish Council Presidency of the EU in December 2009.

We are deeply concerned about these developments and have therefore taken the initiative to inform the public about this assault on their democratic rights and the deterioration of the human rights situation in Europe and beyond. We call on civil society groups and individuals to voice their opinions about the Stockholm programme and work towards a democratic Europe.

#### Background: Tampere, Hague and Stockholm

The EU has been developing the so-called 'Area of freedom, security and justice' – law and policy on police cooperation, counter-terrorism, immigration, asylum and border controls – for more than a decade. It claims to have upheld civil liberties and balanced people's privacy with its policies but many disagree, arguing that the EU has failed to uphold the human rights and democratic standards upon which the European Union claims to be founded.

The Stockholm programme will build on the two previous five year plans - the Tampere (1999-2004) and Hague (2005-2009) programmes - both of which were drawn up and adopted without any input from parliaments or civil society. While EU treaties like Amsterdam (or Lisbon if adopted) provide the legal basis for legislation, the five year plans spell out how the powers will be used, by setting the parameters for future policy and practice.

The process this time is slightly different. In 2007, the Council (27 EU governments) set up the 'Future Group' which issued its report\*\* in July 2007. This sets out the agenda for a Commission proposal and national and European parliaments are being “consulted” - but the final say will lie with the Council alone.

It is already clear how much has been lost and how much is at stake.

#### Implementing total surveillance

The EU has gone much further than the USA in terms of the legislation it has adopted to place its citizens under surveillance. While the PATRIOT ACT has achieved notoriety, the EU has quietly adopted legislation on the mandatory fingerprinting of all EU passport, visa and residence permit-holders and the mandatory retention – for general law enforcement purposes – of all telecommunications data (our telephone, e-mail and internet usage records) and all air traveller data

(on passengers into, out of and across Europe).

Under national laws implementing EU legislation, state agencies are beginning to build up a previously unimaginably detailed profile of the private and political lives of their citizens, often in the absence of any data protection standards, judicial or democratic controls.

According to the EU 'Future Group', this is just the beginning of a 'digital tsunami' that will revolutionise law enforcement, providing an enormous amount of information for police and internal security agencies. EU data protection law has already been left behind, with surveillance all but exempted. Individual rights to privacy and freedoms are being fatally undermined.

The EU is also funding the development of a European 'Homeland Security' industry, providing billions of Euros of subsidies to European corporations to help them compete with the US's military-industrial complex in the lucrative global market for security equipment and technology. In turn, corporations are exerting an increasing and unaccountable influence on EU security policy.

*What to expect from the next five years: an EU ID card and population register, 'remote' (online) police searches of computer hard drives, internet surveillance systems, satellite surveillance, automated exit-entry systems operated by machines, autonomous targeting systems, risk assessment and profiling systems.*

### **Fortress Europe: from border controls to social controls**

Since the late 1970s, EU Member States and, more recently, EU institutions, have embarked on a selective war on migration. In the 1970s, labour immigration opportunities were restricted, followed in the early 90s by the creation of substantive and procedural barriers to applying for and getting asylum. Since the late 90s, external border controls were stepped up and militarised, followed by the gradual externalisation of migration control, with third country readmission agreements and detention centres surrounding the EU and FRONTEX patrolling the Mediterranean Sea.

It is a selective war against migration, because the EU's restrictive measures specifically target those fleeing from poverty and persecution: whilst industrialised countries remain 'white-listed', poor countries are relegated to the EU's visa 'black-list', and restrictive control measures are deployed against their citizens. Whilst a rapidly developing and military-oriented EU Border Police (FRONTEX) and a series of central databases (SIS, SIS II, Eurodac, VIS) are being deployed to 'combat' undocumented or irregular migration at a global level. Highly skilled migration is being encouraged to replace the EU's ageing workforce and to maintain its living standards while ensuring the EU's 'competitive edge' in the global market economy. At the same time, the labour of undocumented migrants, working and living without labour and social rights – and under constant threat of deportation – is being shamelessly exploited in Europe. This labour benefits the EU's productive industries, such as agriculture and construction, as well as the service and reproductive economy, in particular the cleaning, hotel, restaurant and private domestic household sectors. It has been widely noted that the EU economy depends on this migrant labour, yet governments systematically deny workers their labour and human rights, in clear violation of international protection standards laid down by the EU's own human rights conventions, as well as those of the UN or the ILO.

Whilst EU politicians have consistently ignored and even encouraged breaches of international human rights law, social justice activists have recorded the 'fatal realities' of exclusionary immigration and asylum policies. They have documented almost 10,000 deaths that are the direct result of 'Fortress Europe'. It is a damning indictment of neo-liberal globalisation that while travelling the world to generate profit in certain industries is encouraged, travelling to survive is condemned. At the same time, the economic contribution that migrants working in low-paid sectors are making to destination countries is not recognised by those countries.

The apparatus and institutions that have been established to control immigration into the EU are rapidly expanding. Border controls are steadily developing into a much broader form of social control, concerned not just with migrants, but citizens as well. Airports and external borders are quickly

becoming police and military checkpoints at which everyone will be subject to extensive checks and vetting. This infrastructure is developing into a sprawling data-based net that is spreading from the borders to cover entire territories and populations.

*What to expect from the next five years: e-borders, passenger profiling systems, an EU 'entry-exit' system, 'drone' planes for border surveillance, joint EU expulsion flights, dedicated EU expulsion planes, EU-funded detention centres and refugee camps in third countries.*

### **The militarisation of security, the securitisation of everything**

The EU is at the centre of a paradigm shift with regard to the way that Europe and the world beyond will be policed. This is the result of a number inter-related historical trends, including the gradual blurring of the boundaries between police and military action and those between internal and external security, the widespread deployment of surveillance technologies and the development of the security-industrial complex, the economic motor for these developments.

We are now witnessing the political 'securitisation' of a whole host of complex policy issues, from food and energy supply to complex social and environmental phenomena such as climate change and migration. The result is an increasingly security-militarist approach to protracted social and economic problems. At times of heightened global insecurity, the danger is that the rule of law becomes secondary to the objective of threat neutralisation. Like NATO, the EU is re-positioning itself as a global policing body, developing the capacity to intervene in failed states and conflict zones, to address the potential fallout from climate change, energy crises, food crises and 'uncontrolled', or autonomous, migration movements, and to combat human trafficking, terrorism and piracy on the high seas.

The EU is taking the same militarist approach to social conflict and crisis management within Europe. EU policy on the policing of summits and protests against international organisations, critical infrastructure protection, civil contingencies, crisis management and emergency response are all based on the same strategy: control the situation with force, intervene to neutralise threats and opposition. This will be the approach should the current economic crisis result in increased social tension and protest.

*What to expect from the next five years: expansion of the para-military European Gendarmerie Force, deployment of EU Battle Groups, crisis management operations in Africa, permanent EU military patrols in the Mediterranean and Atlantic.*

### **An unaccountable EU state apparatus**

As these policies are developed and implemented, an increasingly sophisticated internal and external security apparatus is developing under the auspices of the EU. It is comprised of law enforcement and security agencies (the European Police Office EUROPOL, the agency for judicial co-operation EUROJUST and the Joint Situation Centre SITCEN), EU databases and information systems (police and customs intelligence, crime and immigration records, DNA and fingerprints), para-military organisations like FRONTEX and the European Gendarmerie Force, a growing military capability and a thinly accountable network of officials that are developing the common rules and policies of the EU at a daily level. This apparatus is being extended with every new proposal for 'harmonisation', 'interoperability' or 'convergence' in member state law and practice.

*What to expect from the next five years: more power for EU agencies, interlinking of national police systems, an EU criminal record, a permanent EU Standing Committee on internal security (COSI) dealing with operational matters.*

### **Call for change**

Far from a necessary evil, the security-driven approach to social and economic conflict is a choice. Violent conflict is often the result of specific social and economic injustices, an unequal distribution of global welfare and sustained poverty. Tackling these inequalities and imbalances at the local, regional

and global level should be the priority in any political agenda. The choice to tackle conflict with armed force, data collection, preventative policing and surveillance, serves specific interests of the few, and certainly not the interests the global or national peoples.

We demand a change in the current political agenda towards protecting social, economic and human rights at the national and global level. The Stockholm agenda, and many more preceding Justice and Home Affairs policies on migration, terrorism, policing and security are in clear violation of democratic standards and human rights. We therefore demand a retraction of anti-terrorism legislation and restrictive migration laws, and the implementation of a truly democratic political and economic system.

We call on everyone to engage in the discussions on the Stockholm programme, to inform yourselves and others and make your views known, and to defend freedom and democracy against the surveillance society that the EU is becoming.

\* See <http://www.ecln.org/about.html> to read the ECLN founding statement and for a list of founding and supporting groups and individuals.

\*\* Available for download at <http://www.statewatch.org/analyses/the-shape-of-things-to-come.pdf>, published in hard-copy format by Spokesman Books (£5.99, 80 pages, Paperback, ISBN: 978 085124 7601), see [http://www.spokesmanbooks.com/acatalog/Socialist\\_Renewal.html#a436](http://www.spokesmanbooks.com/acatalog/Socialist_Renewal.html#a436).

For full background and ongoing documentation on the "Stockholm Programme" see: <http://www.statewatch.org/future-group.htm>

For further background see: <http://stockholm.noblogs.org/>

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