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More security at any price

The Stockholm Programme of the European Union

The Stockholm Programme, the latest in a series of EU agreements on security policy, was endorsed in December 2009. Based on the "principle of availability", the Programme plans to enable the cross-border collection, processing and sharing of data on a massive scale. Supposedly promoting "openness and security", it is a further step towards a hi-tech Fortress Europe, writes Christine Wicht.

German chancellor Angela Merkel's neologism *Flüchtlingsbekämpfung*, coined in the German parliament in 2009 and translatable as "refugee combating", might have seemed like a misanthropic lapse; it could, after all, easily belong to the jargon of the extreme Right. Yet in actual fact it accurately represents future EU strategies for immigration and justice policy, and well expresses the increasingly severe methods being used by EU states in sealing their outer borders and placing their own citizens under surveillance.

The catalogue of measures resolved upon by the EU at the Stockholm security conference in December 2009 constitutes an endeavour to establish a standardized European security architecture and "an area of freedom, security and justice serving the citizen".¹ Although this "security and justice" agenda for 2010 to 2014 is still only a declaration of intent, and must be translated into guidelines or legislation before it becomes legally binding, it has a good chance of being implemented in the current geopolitical climate.

If it is implemented, the exchange of information between the national security services would be significantly facilitated. In line with the "principle of availability" endorsed by the Programme, national databases would be centrally connected within the EU and made freely accessible to the authorities of individual member states.

Because the media was heavily concentrated on the Copenhagen climate summit that was taking place at the same time, these far-reaching resolutions largely escaped public notice. With fatal consequences: after all, EU citizens do not know which information is being stored in the fight against terrorism and crime, who exactly receives access to this data, and how long the data is supposed to be stored.

The multi-annual programme establishes, among other things, the agenda for EU refugee policy for the next five years. This would mean that the political course already embarked upon — i.e. barricading, surveillance and control — would be significantly stepped up. The likelihood of lethal consequences would become even greater.

Hi-tech fortress Europe

Ever since the beginning of the 1990s, the European Union has been steadily tightening the militarized controls at its external borders. Now, with the Stockholm Programme, it is planning the extension of the European border control system Eurosur. Using satellites and cameras in drones and aeroplanes, Eurosur would secure EU borders and collect data that it would distribute within the EU. The EU agency Frontex, which specializes in border control in the Mediterranean region, would also be extended in order to detect refugees illegalized in the "watertight" surveillance network.

Nevertheless, an increasing number of refugees will risk their lives trying to get past the EU's borders in the coming years. Faced with catastrophic situations in their home countries, they are prepared to risk anything for the hope of a better future in Europe. Regardless of this, the Stockholm Programme contains no trace of solutions for tackling the causes of immigration. Instead — very much in the spirit of "refugee combating" — it readily accepts a rising number of victims of the policies of defence and barricading as a price worth paying: each year, hundreds if not thousands of migrants drown trying cross the EU borders in boats.

For several years the EU has been financing deportation camps in third-party countries and signing agreements with "cushion states" on the deportation of migrants. The intention with this is to pick up refugees before they reach the European borders. With the development of the European Neighbourhood Policy (ENP) in 2004, plans were made for visa and trade relaxations for EU neighbour states.² In return, the EU demanded from its neighbours reliable border controls and the honouring of readmission agreements. For example, of the 494 million euros that Ukraine will have received between 2007 and 2010, 30 million were earmarked for setting up internment camps.

In order to strengthen defences against refugees at EU borders, the Stockholm Programme plans to give intelligence agencies access to European databases that until now have been used solely by police forces. It will also join up and merge these information systems into an agency whose job will be to "develop technically and manage large-scale IT-systems in the area of freedom, security and justice". In order to deal with the influx of data, the Programme aims to create an administrative department under the command of Europol and Frontex, so that the planned "interoperability of IT systems" is carried out "in full compliance with data protection standards". The police and security authorities of all member-states will receive access to the Schengen Information System (SIS), to the Customs Information System (CIS), to the Visa Information System (VIS) and to the EU fingerprint database for asylum seekers (Eurodac).

European civil rights campaigners have been especially critical of the widening of the availability of joined-up databases. In Germany, the unsupervised access of secret services to sensitive data is seen as particularly problematic, because of the experience of the Gestapo. Discussion about the necessary separation of the military, the police and the secret services will become increasingly theoretical if the areas of responsibility overlap, and if investigative methods that were originally "secret" and the preserve of intelligence services become available to police authorities throughout Europe. Privacy campaigners fear serious abuses as a result of setting up a combined database on such a gigantic scale.

Counter–terrorism versus basic rights

A similar paradigm shift is taking place in counter–terrorism. Here, the Stockholm Programme plans to join up databases that until now have been separate. In concrete terms, the intelligence findings of the Joint Situation Centre (also known as SitCen), the EU organization responsible for gathering and analysing information provided by the national secret service departments, would be made available to the European Council, the EU Commission, Europol and Eurojust. Joint counter–terrorism centres are planned in all member states, based on the German model established in 2004, the *Gemeinsames Terrorismusabwehrzentrum*, or GTAZ. The work of the GTAZ involves the Federal Intelligence Agency, regional intelligence and criminal justice departments, the Federal Police, the Customs Investigation Bureau and the Military Counterintelligence Agency.

At the end of 2009, EU ministers of the interior decided to extend the controversial Swift agreement to allow US investigators access to movements in European bank accounts. The Belgium–based financial services company "Society for Worldwide Interbank Financial Telecommunications" (Swift) compiles information on financial transactions from around 7800 banks, stockbrokers, stock exchanges and financial institutions worldwide. The interim agreement entered into force on 1 February 2010 and lasts until October; however on 11 February the EU parliament vetoed the heavily disputed agreement with a clear majority. As a result, the Swift agreement has been temporarily suspended.

The demand lodged by the German EU presidency for comprehensive surveillance of the Internet along with collaboration with the security departments of the member states in this field resurfaced in the Stockholm Programme. Capacities would be increased in order to allow better control of the World Wide Web with regard to "terrorist activities" within the EU. The worry is that the fight against crime and terrorism will be used to pave the way for comprehensive censorship of the Internet, as the discussions in France and Germany over the past year have shown.

The thwarted terrorist attack on the Airbus A 330 from Amsterdam to Detroit in September 2009 highlighted that it is not shortage of data that is the problem, but inefficient processing of existing information. Despite this, the EU obviously sees no alternative than to place the 500 million citizens of the EU under general suspicion, to monitor them and to collect and analyse their personal data in a centralized database. Basic democratic rights — the main achievement above all of European history — are being chucked overboard.

Redefining development aid

It is not only the boundaries between counter–terrorism and refugee policy that are blurred in the Stockholm Programme. Civilian foreign policy and military operations also overlap. In the future, military and police forces would work more closely with development aid organizations.

In September 2004, Italy, Spain, France, Portugal and the Netherlands signed an agreement establishing the European Gendarmerie Force (EGF). Romania has since also signed the agreement and a partnership agreement exists with Poland.³ The Stockholm Programme now plans to move the Gendarmerie into the legal framework of the EU. This could mean that the EGF would operate throughout the whole of Europe.

The EGF is a 3000–strong army tasked with civilian duties, which can and should also be deployed in crisis areas inside and outside Europe. The paramilitary outfit works closely with the border police force Frontex, for example in using coast guard boats, helicopters and aeroplanes to prevent refugee boats in the Mediterranean coming ashore and driving them back out to sea instead. Although the German police force is not yet a member of the EGF, it already cooperates with the police and military units of other states — for example in Kosovo and Afghanistan. According to the European Council, the EGF supports the NATO Training Mission Afghanistan (NTM–A) in the Hindu Kush, among other things in developing police infrastructure.⁴

VENRO, an umbrella organization of German development NGOs, has strongly criticized the lumping together of civilian and military duties: if soldiers are increasingly deployed in reconstruction and food aid, this endangers independent humanitarian aid organizations whose work is determined not by political (far less military) considerations, but duty–bound solely to the "humanitarian imperative".⁵

European preventative logic

Alongside refugee and counter–terrorism policy, the five–year plan of the EU interior ministers also sets its sights on criminal prosecution. To improve cross–border cooperation in crime fighting, the decision was taken to extend the European Criminal Records Information System (ECRIS), and to set up a European Index for Convicted Third Country Nationals (EICTCN), a European Police Records Index System (EPRIS), and a European Crime Prevention Network (EUCPN). The EUCPN is an observation centre for criminal prevention, in which all EU data on crime are compiled and processed into statistics. It has a secretariat that would be attached to Europol. Crime prognoses would be made in collaboration with European police departments, using data mining programmes to search the gigantic stocks of data.

In November 2009, the EU Commission approved the Green Paper on Obtaining Evidence in Criminal Matters from One Member State to Another. This concerns a far–reaching system for obtaining evidence in cross–border criminal cases.

The Stockholm Programme also "emphasizes the horizontal importance" of the already existing electronic linkage of national criminal registers (e–Justice) in combating cross–border criminality. The EU is planning to simplify the regulations for criminal investigations when these are carried out on the sovereign territory of another member state. Until now, agreements had regulated which information may be exchanged between member–states under what conditions; however the "principle of availability" now gaining ground assumes that entire data sets may be forwarded without restrictions.⁶ Privacy campaigners quite rightly object that this data could include sensitive information and that it has not yet been explained how the EU will be able to guarantee protection from unauthorized access.

The EU interior ministers are also planning a strategy on the basis of the Prüm Decision, in order to facilitate the exchange of information between member states' police forces. The Prüm Decision stipulates that police and criminal departments may have direct access to certain databases maintained by the authorities in other signatory states. It enables the cross border exchange of personal identity data, of the results of DNA analyses, of vehicle registration data and of telecommunications data without the approval of the courts. Also

stipulated in the Prüm Decision are jointly operated police patrols, cross-border intervention in order to prevent dangerous situations, and the transferral of sovereign authority to police officers of other signatory nations.

Because the Prüm Decision only holds between individual states (currently ten EU member-states and Norway), the signatories are consciously acting outside the framework of EU law. In other words, by signing the agreement they are consciously bypassing the formal structures and legal principles of the EU as well as the principle of unanimity at the ministerial level within the EU.

At the EU summit in June 2008, the Justice and Home Affairs Council (i.e. the Ministers for Justice and of the Interior) — chaired by Germany — agreed on carrying across parts of the Prüm Decision into EU law. This obliges all member-states to introduce databases for the automated transfer of data between EU states. In this way, each EU member-state gains access to all available data.

In order to strengthen Europol, the Stockholm Programme plans to create investigation groups consisting of civil servants of multiple member-states, and also to make the national databases of all member-states available to Europol and Eurojust. In addition, an ad-hoc network would be introduced to make it easier to join up various police forces. Data could be linked via portable appliances such as mobile phones or laptops, without the necessity of an overarching network infrastructure. Data obtained using surveillance cameras and movement sensors could then be constantly transmitted via this network. The hi-tech manufacturer IABG has announced that it wants to couple its especially developed mobile ad-hoc communications system HiMoNN (Highly Mobile Network Node)⁷ with the Galileo PRS Signal (GPS). This would allow mobile security service personnel to locate "suspicious" persons automatically at anytime. The new system is due to be tested for the first time during the London Olympics in 2012 and from then on will be deployed in other large sporting events and demonstrations.

Finally, the Stockholm Programme takes aim at a central achievement of the European integration process: EU citizens' freedom to travel. While German minister of the Interior, Wolfgang Schäuble claimed that the Schengen Agreement meant "more freedom and at the same time more security".

The Schengen Agreement did indeed make it easier for EU citizens to cross borders, namely by removing the need for time-consuming passport controls. However the Schengen Information System (SIS) has long since ceased to be a straightforward database, and now focuses on "the prevention and recognition of threats to public order and security". Also planned is an electronic system of registration for travelling in and out of the sovereign territories of the EU member-states. The introduction of a European registration system for travellers is also being tested. Information on incoming travellers would in the future be stored electronically and linked up using a so-called "entry/exit system". This would for example allow the immediate detection of expired visas, whereupon the responsible department would be alarmed. If the system goes ahead, the conventional passport with stamp and photo will quickly be a thing of the past. The European space would indeed remain borderless, however more under surveillance than ever.

Whose security?

Practically unnoticed by the public, the EU member–states are using the Stockholm Programme to persevere with their increasingly repressive policies. The programme of the next five years bolsters Fortress Europe and increases the surveillance of EU citizens, whose data is compiled, stored and processed in data networks of which is impossible to gain an overview. In this way, the EU interior ministers hope as far as possible to be able to control the citizens of Europe.

It is difficult not to suspect that behind the Stockholm Programme lie governments' fears of their own unjust social policies and the danger of crisis–like escalations. Rising unemployment, continuing redistribution from the bottom up, and growing social disadvantage among the lower rungs of society could give rise to increased social tension and political protests in the EU states. If the Stockholm Programme is any indication, large–scale demonstrations in the future will be accompanied by enormous surveillance measures along with mass police and military presence.

The dramatic threat to fundamental rights posed by the new "security architecture" is all too easily dismissed by the argument that we live in a healthy democracy and that abuse by organs of the state is impossible. The constitutional restrictions placed on official authorities and "state morality" are constantly being undermined in the name of counter–terrorism, while the balance between freedom and security has for years been shifting steadily in favour of security. It is a fact that we, as citizens of the European Union, pay heavily in terms of freedom for our supposed "gain in security".

The crucial question, however, is: what happens when anti–democratic powers are only able to maintain their power and influence and to combat their opponents by abusing instruments introduced for the purposes of crime fighting and counter–terrorism? It would not have been the first time that social protest was itself declared "terrorism".

The Stockholm Programme deals neither with the causes of terrorism, nor seeks to ask why people seek shelter in Europe. It is therefore unable to achieve its proclaimed aim of creating "an area of freedom, security and justice serving the citizen".⁸ As the President of the European Commission José Manuel Barroso put it so well: the Stockholm Programme should bring concrete and tangible changes for EU citizens. Indeed, thanks to the Stockholm Programme, Europe's citizens will have to accept some very concrete incursions on their freedom.

¹ Translator's note: This formulation, included in the title of earlier drafts of the Programme, was changed in later drafts to "An open and secure Europe serving and protecting the citizens". See:

http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965

² See: http://ec.europa.eu/world/enp/policy_en.htm

³ See: <http://www.eurogendfor.eu/>

⁴ See: Conclusions of the Chair of the Meeting of the European Council in Brussels (18/19.06.2009).

⁵ See: <http://www.venro.org/home.html>

⁶ See: <https://www.datenschutzzentrum.de/polizei/060329-pruem.htm>

⁷ See: http://www.iabg.de/infokom/telekommunikation/himonn_de.php

⁸ See footnote 1 — trans.

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