



# STUDY

G U I D E



ŞEHREMINİMUN

25

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## Letter from the Secretary-General

The most esteemed participants,

It is an utmost pleasure and privilege to serve as the secretary general of ŞehreminiMUN'25 and it is most certainly an honor to extend you the welcome to our conference.

Our academic and organization teams have been working for countless months and hours, perfecting every detail and pouring their hearts out into shaping this enriching experience that is yet to come for you, proving that impossible is, in fact, nothing.

Throughout the conference days, you will step into the roles of diplomats and policymakers, tackling real-world problems and seeking real solutions. We wish to create an environment that encourages you to think critically, engage respectfully with diverse viewpoints, and expand your comprehension of our interconnected world.

Embrace this vision, for it is through such an approach that we create positive change. Acting is one of the greater strengths of people, born from duty and instinct, and we cannot be prouder to address ourselves as the organizing team of a conference which aims to bring that strength forth.

We hope this conference will be a fruitful and enjoyable experience, providing you with a fresh outlook on global issues and empowering you to become bringers of change. Once again, welcome to the second edition of ŞehreminiMUN.

Best Regards,  
Secretary General of ŞehreminiMUN'25  
Zeyal Türkoğlu

## Letter from the Under-Secretary-General

Beloved Delegates,

It is my utmost pleasure to welcome you all to ŞehreminiMUN'25, where I am the Under-Secretary-General of one of the best committees. I am Zeynep Rüya Özdemir and I believe I will be guiding you well through the conference.

Our commission will be focusing on two agenda items which are pretty crucial for Europe and its international atmosphere. We will first dive through the agenda item "Schengen Treaty". that provides the opportunity to cross all the borders of the EU countries without a passport and thus greatly increasing freedom of movement as well as movement of goods and ideas in the European Union. This framework also helps millions of citizens to travel easily as well as contributing significantly to deepening economic integration within the region.

Then comes the agenda item "Scotland's Independence and EU Membership". Scots are thinking about the future, although they find themselves with the question of whether or not independence entails a re-evaluation of the EU membership, however, one has to consider the advantages of a right of access to the single market and rights stemming from membership in a larger political union. This committee will show how the Schengen Treaty, together with the debate on Scottish independence, contributes to the understanding of identity, governance and cooperation dynamic in Europe.

I believe reading the contents carefully and thinking about the points to cover are the most crucial steps in taking the most of this study guide, so I recommend you to take this seriously.

Although it may be sometimes difficult to find the right words and solutions, brainstorming and working together is the principle of a MUN. I frankly hope the study guide is loaded enough for you to find what you need to know. I tried to gather the most essential things as possible. If you have any questions regarding the commission, you can get in touch with me through my email address "ozdemirzeynepriya@gmail.com". I hope to see you all soon, buona fortuna!!

Best Wishes,  
Zeynep Rüya Özdemir

## Letter from the Academic Assistant

Dear participants of ŞehreminiMUN'25,

I am highly honored to welcome you all and serve as your academic assistant on this great committee, the European Council.

I am Elif Uysal and I am currently a 10th grader in Besiktas Sakıp Sabancı Anatolian High School.

I believe we will achieve a highly productive debate within the four days with the dedication and the participation of our delegates, a carefully selected and prepared agenda item, and the hard work of our USG and the chairboard.

I truly hope that this committee will meet with dedicated delegates who will best debate on behalf of the delegations that they will be representing and you benefit from this study guide since it contains valuable information needed for the welfare of the committee.

Sincerely,  
Academic Assistant,  
Elif Uysal



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## Introduction to the Committee

The post-war (the Second World War) cooperation in Europe led to the establishment of the European Union in 1951 and continued on growing ever since.

The European Union (EU) is a supranational political and economic union that has a unique setup of institutions, bodies and agencies who all work for the common interests of the EU and European people. It has major 3 roles; the European Community (economic integration), Justice and Home Affairs, and Common Foreign and Security Policy. In certain areas, the EU can only support, coordinate or complement the actions of member countries. It has no power to pass laws and may not interfere with member countries' ability to do so.



The EU maintains relations and partnerships with non-EU countries, at both bilateral and regional levels. As an international actor, it also contributes to several global topics and strategies and is an active member of many international organizations and fora.



**AGENDA ITEM 1:  
THE TREATY OF SCHENGEN**



# Agenda Item I: Treaty of Schengen

## 1. Introduction to the Agenda Item

The Schengen Agreement is known as the Treaty of Schengen that has made a great contribution to European integration with reference to the principles of the free movement of people, goods, and services between participating states. Signed on June 14, 1985 between five European countries namely Belgium, France, Germany, Luxembourg and the Netherlands, the intention of the agreement was to eliminate the internal border controls progressively in order to allow for the formation of the “Schengen Area” within Europe. Later, the treaty transformed into a general one, and thus has become one of the key pillars of the European Union’s policies concerning the freedom of movement.

The Schengen Area which was created with the help of Schengen Agreement and the Schengen Convention signed in 1990 eliminates control at the internal borders of the member countries. However, due to this additional freedom to move around the treaty also brought new measures to control the external borders, security and police cooperation.

Despite the fact that the treaty has proven to be very useful in making cooperation easier in economic terms and in the conduction of people’s movement it has also posed some challenges such as those relating to immigration, security issues and the necessity of re-establishing temporary border controls in critical situations. Nevertheless, getting through all these challenges, the Treaty of Schengen has become a landmark of European people's unity and cooperation that influenced the political processes on the specific continent during several decades.

### 1.1. Glossary

*Schengen Area:* The border-free Schengen Area guarantees free movement to more than 425 million EU citizens, along with non-EU nationals living in the EU or visiting the EU as tourists, exchange students or for business purposes (anyone legally present in the EU).

*Free Movement:* Free movement of persons enables every EU citizen to travel, work and live in an EU country without special formalities. Schengen underpins this freedom by enabling citizens to move around the Schengen Area without being subject to border checks.

*Border Control:* Border control comprises measures taken by governments to monitor and regulate the movement of people, animals, and goods across land, air, and maritime borders.

*Internal Borders:* Internal border means any common land border between any two Member States, or any airport used for flights within the Region, or sea port used for trans-shipment connections exclusively within the Region.

*External Borders:* The parts of a Schengen Member State's border, including land borders, river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, that are not common borders with another Schengen Member State.

*Visa Policy:* Under this key policy, all 27 countries in the Schengen area apply the same visa rules. Non-EU nationals need a visa to enter the Schengen area for a visit of up to 90 days in any 180-day period. When someone enters a country in the Schengen area, the 180-day period starts. They can enter Schengen area countries as many times as they want, but only stay for a total of 90 days, every 180 days.

*Customs Union:* The EU Customs Union, established in 1968, makes it easier for EU companies to trade, harmonizes customs duties on goods from outside the EU and helps to protect Europe's citizens, animals and the environment.

In practice, the Customs Union means that the customs authorities of all EU countries work together as if they were one. They apply the same tariffs to goods imported into their territory from the rest of the world, and apply no tariffs internally.

*Travel Facilitation:* Non-EU nationals who travel frequently to Europe may benefit from derogations from thorough checks upon arrival under national facilitation programmes. These programmes will facilitate border crossings by providing passport control officers with information about a non-EU national's prior stays in the European countries using the EES, and/or refusals of entry.

*Cross-Border Cooperation:* Cross Border Cooperation (CBC) is a key element of the EU policy towards its neighbors. It supports sustainable development along the EU's external borders, helps reduce differences in living standards and addresses common challenges across these borders.

## **2. Background**

### **2.1. Europe Before the Schengen Agreement**

The European continent before the implementation of the Schengen Agreement in 1985 was characterized by extensively well-protected national boundaries and passport check points. Every country had its own immigration and customs control, thus, when moving from one nation to another, a border control had to be performed despite the countries belonging to the same region. Its purpose was to safeguard national sovereignty and prevent immigration, maintain security at the same time. But it also caused great restrictions regarding trade and economic integration and mobility within Europe.

After World War II, there was a rising integration among European countries, for instance by the establishing of the EEC in 1957 in a bid to develop a single market among the member states. Nonetheless, free movement of persons was controlled by these national border checks thus preventing complete economic integration. Citizens and residents of the Eurasian region together with other travelers, businesspersons, and tourists experienced a plethora of barriers with borders being especially slow and requiring constantly passports and visas.

The Cold War also influenced the borders of Europe, and measures were stricter especially in Eastern Europe where there was the Iron Curtain which separated Europe into two, political and ideologically. In Western Europe there were occasional formal agreements such as the Benelux treaty 1958 that minimized checkpoints between Belgium, Netherlands and Luxembourg but further integration was not very extensive.

However, the moves towards economic integration stepped up during the 1970s and 1980s as EEC widened and member states looked for enhanced intra-Community trade and mobility. Nonetheless, the continuation of internal borders was interpreted as a mainly negative factor in relation to the process of further unification of Europe. Entrepreneurs, tourists, and statesmen also came to realize that free movement, without borders in Europe, was a prerequisite if desirable economic development, efficient transportation and growth of a shared European spirit were to be achieved. These pressures laid the foundation to the emergence of what is widely referred to today as the Schengen Agreement—which initially was to change the face of mobility within Europe.

## 2.2. Timeline and Development

The EU identifies the Schengen Agreement as a major step in the process of Europe integration, with the intention of abolishing borders within its member countries and enhancing people's mobility within these countries. Here's a detailed timeline of its key developments:

### 1950s-1970s: Early European Cooperation

1951: A supranational European institution is created and is called the European Coal and Steel Community (ECSC) which comprises the six founding members of the European Union including West Germany, Netherlands, Luxemburg, France, Italy and Belgium. This is the beginning of Europe's economic symbiosis.

1957: The Treaty of Rome leads to the formation of the EEC with a common market, however the border control of the member states was still preserved.

### 1970s: Pushing for Greater Mobility

1971: The economic integration in the EEC takes off, and nations start seeking how they can liberalize their borders for increase in trade and traffic. However, internal border controls that are still in force facilitate the continued separation of those groups who are deemed to be different from one another.

1979: The Benelux countries (Belgium, the Netherlands and Luxembourg) make the first move towards dismantling the borders with a prelude to signing the Schengen Agreement.

### 1980s: Formation of the Schengen Agreement

June 14, 1985: The Schengen Agreement is signed by five EEC member states: Belgium, France, Germany, Luxembourg and Netherlands. Called after the village of Schengen in Luxembourg where the agreement was signed, it plans to effectively abolish internal borders of the Schengen countries within Europe to allow free travel. Still, at this point it stays outside of the legal framework of the EEC only.

1986: Spain and Portugal became members of the EEC and showed their willingness to be part of the Schengen Agreement thus making it even bigger.

### 1990: The Schengen Convention

*June 19, 1990:* Schengen Implementation Convention is brought into force which shows the measures that are required to be taken to achieve the objective of elimination of internal borders and establishment of a single external border. This convention also makes known the Schengen Information System (SIS), a database which is intended to improve cooperation between police forces across the Schengen border.

*1990s:* Other regions also show their intention to join the Schengen area including Italy, Greece, Austria and the Scandinavian countries that would lead to other rounds of negotiation and addition to the Schengen territory.

#### *1995: Schengen Comes into Effect*

*March 26, 1995:* The Schengen Agreement is fully implemented, abolishing internal border checks between seven countries: All of Western Europe: Belgium, France, Germany, Luxemburg, Netherlands, Portugal and Spain. This is considered as the official formation of the Schengen Area.

#### *1997: Integration into EU Law*

*1997:* The Treaty of Amsterdam includes the Schengen Accord into the European Union law. This integration enables the institutions of the EU, including the Parliament, the Court of Justice and others, to monitor and control the matters related to Schengen cooperation.

#### *2000s: Expansion and Consolidation*

*2004:* Ten new member states, most of which are in the central and eastern part of Europe became part of the European Union and many of them start to make arrangements for accession into the Schengen Area.

*2007:* Nine of these countries are: Poland, Hungary, the Czech Republic, Estonia, Latvia, Lithuania, Slovakia, Slovenia and Malta become an official member of the Schengen Area, which is considered an expansion for the agreement.

*2008:* Switzerland, which is not an EU member state, becomes a member of the Schengen Area to illustrate that the membership is not limited to the EU only.

#### *2010s: Challenges and Reforms*

*2015:* European migrant crisis becomes a stress for the Schengen area since the big number of refugees and migrants enter Europe and many countries of this area recollect frontier control for some time due to the security reasons.

2016: Terrorism in Paris and Brussels pushes some of the Schengen member states to seek improvement of the border control and the reintroduction of the checks at the internal borders.

2016–2020: Brexit negotiations cause speculations over the future status of the relations between the United Kingdom and the Schengen Area, which the United Kingdom was not a member of.

### 2020s: Schengen Today

2020: The COVID-19 pandemic results in some of the internal Schengen borders being closed temporarily as countries try to contain the virus thus limiting free movement.

2021: The European Commission engages in dialogue over changes in the Schengen Area and which includes changes to migration policy, security and management of crisis, and eventually the restoration of movement in the Schengen Area after the pandemic.

### Current Status

Schengen area is defined as, making up of 27 countries by 2024, most of the EU country members, with few exclusions like Ireland and few non EU nations like Norway, Iceland and lastly Switzerland. The Schengen Agreement remains a vital component of cooperation in Europe, on the basis of which more than 400 million people are allowed to freely move, and it still has serious problems in the sphere of security, migration, and the organization of borders.

## **2.3. Key Points and Purposes**

### Key Points:

#### *Abolition of Internal Borders:*

Schengen agreement does away with border controls within member states hence people do not require to be checked on the passport while crossing internal boundaries.

#### *Creation of a Single External Border:*

Yet one common system of external borders is created while internal borders are erased. The Schengen states therefore have to harmonize policy and practice on how to deal with entry from non-Schengen countries.

### *Cooperation in Law Enforcement:*

Schengen also enables cooperation between police and other judicial organs of the participating member states in operations such as surveillance on the borders across the member state, and in the chase and apprehension of criminals, as well as in sharing of data on security.

### *Common Visa Policy:*

Schengen visa policy is integrated which applies to short term stay, including the authority to visit any member country from any non-member state for up to 90 days without having to obtain multiple visas.

### *Temporary Reintroduction of Border Controls:*

In the event of serious threats to internal security or any other extraordinary circumstances (i.e., terrorism, migration crises, epidemics), the Schengen area, therefore, member states may temporarily reinstate the internal border control for some time only.

### Purposes:

#### *Facilitation of Free Movement:*

The principal objective of the Schengen Agreement is to allow the citizens of the states that are signatory to the treaty to traverse through the boundaries of the participating countries without having to go through immigration formalities and visa requirements for traveling within the participating countries.

#### *Economic Integration:*

Schengen has the advantage of improving on the economic integration by removing barriers and restrictions hence enabling the free flow of goods and services. Their integration increases the flow of trade within Europe and therefore enhances the internal market.

#### *Strengthening Security Cooperation:*

The main idea to expand security is based on the use of the Schengen Information System (SIS) and joint efforts in law enforcement. This makes it easier to follow up on wrongdoers or terrorists, violent criminals across national borders.

#### *Enhancing Border Management:*

The external border control of Schengen means that all the member countries implement harmonized measures to prevent all forms of cross-border insecurities including immigration, human trafficking and other vices while allowing free movement of people and goods.

#### *Fostering European Unity:*

Schengen is a generic representation to other processes of European integration concretized through the idea of an union and progressively integrated Europe. The membership helps in enhancing the European sense of unity and cooperation to member states.

#### *Simplifying Travel for Non-EU Citizens:*

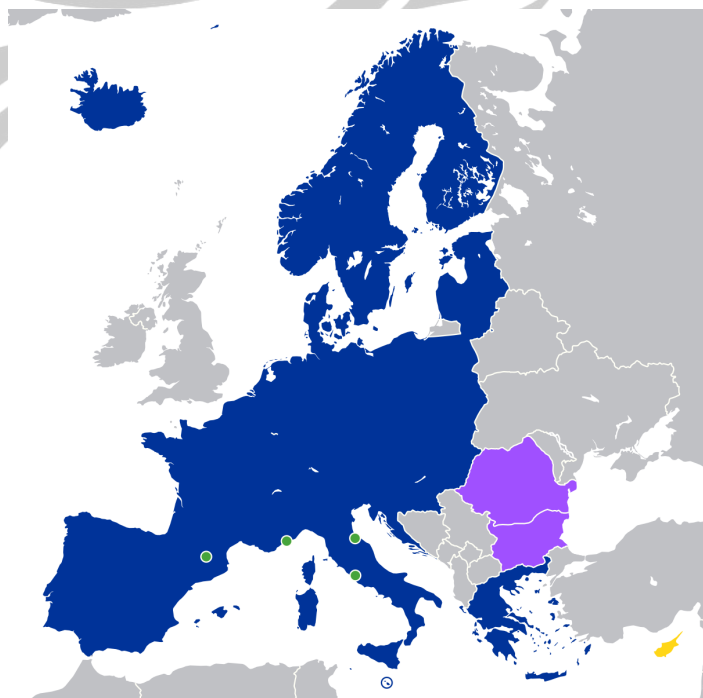
The Schengen visa system just eases traveling for non-EU nationals since they will be able to move from one Schengen country to another without the need to obtain several visas to go through various countries hence making Europe more open to visitors and business people.

### **3. Relevant Countries**

The Schengen Treaty involves countries that are part of the Schengen Area, which allows for passport-free travel across internal borders. The Schengen Area includes most European Union (EU) countries and a few non-EU countries.

#### **3.1. EU Member States in the Schengen Area (Blue):**

1. Austria
2. Belgium
3. Czech Republic
4. Denmark
5. Estonia
6. Finland
7. France
8. Germany
9. Greece
10. Hungary
11. Italy
12. Latvia
13. Lithuania
14. Luxembourg
15. Malta
16. Netherlands



17. Poland
18. Portugal
19. Slovakia
20. Slovenia
21. Spain
22. Sweden

### **3.2. Non-EU Member States in the Schengen Area (Blue):**

1. Iceland
2. Liechtenstein
3. Norway
4. Switzerland

### **3.3. EU Member States Not in the Schengen Area (Yellow):**

1. Bulgaria
2. Croatia
3. Cyprus
4. Ireland
5. Romania

Ireland has its own border control policies thus not in the Schengen zone while Bulgaria, Croatia, Cyprus, and Romania are expected to join the Schengen zone in future.

### **3.4. Special Territories (Purple):**

Some of the territories of the Schengen members (for instance the Canary Islands and Madeira and the French overseas Departments) are included in the Schengen territories while some other territories of some of the Schengen members (like Greenland and the Faroe Islands) are excluded.

## **4. Evaluating the Schengen Treaty**

It is essential to evaluate the Schengen Treaty through different agreements, organizations and perspectives. Here are the crucial contents to emphasize on:

### **4.1. The Schengen Convention of 1990**

The legal regulation that played the most important role in actualizing the provisions of the 1985 Schengen Agreement is the Schengen Convention of

1990 which is formally called the “Convention implementing the Schengen Agreement”. The Schengen Convention, which was signed on June 19, 1990 underpins the removal of internal border and control between signatory states as well as introduced some of the important elements for the control of the external borders of the Schengen Area.

#### Key Provisions of the Schengen Convention

##### *Abolition of Internal Borders:*

It legalized the abolition of control at the internal borders between the countries of the Schengen Area, people’s mobility within the area.

##### *Strengthening of External Borders:*

It placed more rigid measures at the external perimeter of the Schengen countries, demanding common visa regimes and cooperation in the process of fixing these perimeters.

##### *Common Visa Policy:*

There was a creation of one visa type as Schengen visa that enables the holder to circulate within the Schengen region for up to three months’ stay.

##### *Police Cooperation:*

It facilitated cooperation between the police forces of member countries both in terms of surveillance, or pursuit across borders or exchange of information.

##### *Judicial Cooperation:*

It rationalized procedures of extradition and mutual cooperation in legal affairs between the Schengen associated countries.

## **4.2. The Schengen Borders Code**

The Schengen Borders Code may be defined as a number of regulations that prescribe the measures concerning the control of the external and internal borders of The Schengen Area. It was initially proposed by the European Union in 2006 to control border control, surveillance mechanisms and the readmission of internal border control under certain circumstances. There are two major objectives: to facilitate the people’s mobility in the Schengen States and to guarantee the external borders’ security.

### Key Elements of the Schengen Borders Code:

#### *Free Movement within the Schengen Area:*

Schengen borders between countries are generally open with restrictions of crossing normally implemented and this makes it easier for both citizens and visitors who are within the member states to fully access the other states without compromise.

#### *External Border Controls:*

There are precise controls to be applied at the external frontier to increase security of the Schengen area. The above controls pertain to those who are to enter or exit the said zone which in turn keeps out only those with the relevant documentation and legal right.

It involves all types of borders – the land, the air and the sea borders, and comprises general provisions relating to visas, passports and other devices.

#### *Reintroduction of Internal Border Controls:*

It is important to note that the principle of territoriality can be reactivated at any time in the case of a threat to internal security for example due to a threat posed by a neighboring country or sudden influx of migrants. Such controls must also be tightly contained as well as temporary in nature.

#### *Surveillance and Cooperation:*

The member states must have systematic surveillance and efficient control along the external borders. The principle of subsidiarity refers to the actual driving force of integration in relation to state boundaries; only strong cooperation is desirable especially, in terms of information exchange and, for example, combating such issues as Illegal immigration or transnational crime.

#### *Third-Country Nationals:*

The code also prescribes measures governing provisions of third-country nationals intending to enter or leave the Schengen Area. This involves check of documents and possible border bans based on the data shared among them.

### **4.3. Schengen Information System (SIS)**

Schengen Information System (SIS) is an extensive integrated database that is created and is used by Schengen member countries to provide

security, control the external borders, and increase cooperation in police work. Functioning from 1995, Schengen Information System or SIS is used these days in border control, police and judicial cooperation between member states of Schengen agreement.

### *Key Features of the Schengen Information System (SIS):*

#### *Shared Alerts:*

SIS enables Schengen states to exchange information on various subjects, whether people or objects as a way of improving security and collaboration.

#### *Categories of Alerts:*

**Wanted or Missing Persons:** Bulletins are raised for persons of interest, arrest warrants or extradition persons, and lost or kidnapped persons, including children.

**Entry Bans:** Data on third-country nationals that are refused entry or stay in the Schengen area.

**Stolen or Lost Items:** Services that involve notification when your car has been stolen, documents such as passports, your firearms, and other assets.

#### *Law Enforcement Cooperation:*

It is used by police as well as different law enforcement agencies for the cross border surveillance, for coordinated operation of pursuits, and for sharing of intelligence data about the suspects, criminals, or any individual who is wanted.

#### *Border Management:*

Border control authorities rely on SIS in identification and verification of a person and his documents for entry or exit in the Schengen Area. This way, one is certain that only people with genuine visas and permits shall be allowed in and those who have an alert on their records are such.

#### *Judicial and Immigration Cooperation:*

Judicial authorities employ the system for extradition purposes or judicial process, while immigration authorities for enforcing the entry ban or to locate persons who have overstayed or violated immigration laws.

#### *Data Security and Protection:*

SIS also adheres with data protection laws because it maintains individual's data safely and only for legitimate reasons. It could only be accessed by authorized personnel of the national executive branch such as the police, border guards and immigration officers.

#### *Interconnected Systems:*

SIS is linked with other EU systems like Visa Information System (VIS) and Eurodac which was mainly used for fingerprinting of asylum seekers to improve the general coordination of management of migration and security.

#### **4.4. Drawbacks**

Schengen is not without its problems and pitfalls and this is the case when looking at the security, immigration and the freedom of movement in relation to the constraints of the nation state. Here are some of the key drawbacks:

##### Security Risks:

##### *Ease of Movement for Criminals:*

Openness of the internal borders creates a loophole through which criminals as well as terrorists can freely transverse the Schengen member countries unnamed. This has led to issues of cross-border crime, traffic and terrorism.

##### *Terrorist Threats:*

Paris and Brussels' terrorist attacks indicate that achieving the Schengen policy's goal of freedom of movement within the Schengen Area may pose certain security risks.

##### Pressure on External Borders:

##### *Inconsistent Border Control Standards:*

The Schengen Area relies on the robust external border control though the member countries may have different capabilities and efficiency in controlling the borders. Lack of external defense mechanisms in one state can be a threat to the whole region.

##### *Migration Crisis:*

The recently held example was the mass immigrant crisis of 2015 that showed that it was nearly impossible to regulate numerous refugees'

influx. Many peripheral states, including the Greek and Italian ones, are much under higher pressure for regulating migration trends.

*Uneven Burden on Member States:*

*External Border States Face High Costs:*

Schengen perimeter outer-member states, face relatively more of the challenge in security, immigration control and necessity of applying the protective provisions when it comes to bordering. Such disparities develop between Schengen member states that are inside the region and those located outside it.

*Asylum System Strain:*

The Dublin Regulation that determines that an applicant for asylum must apply in the first country of the Schengen area that they enter, puts a disproportionate burden on the external front line states thus causing tensions in the EU.

*Temporary Reintroduction of Internal Borders:*

*Undermining Free Movement:*

Whenever opening of borders is reversed due to security issues or increased influxes of immigrants at the borders within countries, it disconnects the fundamental aspect of freedom of movement and leaves many travelers and firms in the lurch.

*Coordination Issues:*

They can be acute, and in their turn cause organizational problems, like border delays which hinder tourism, commerce, and international relations.

## **5. Challenges Endangering the Existence of the Treaty of Schengen**

The Schengen Treaty which was aimed at liberalizing the movement of people and strengthening integration in Europe has several problems which endanger it in the future. These challenges stem mainly from security threats, movement of people, political tensions and physical differences in efficiencies of members in handling their borders. Here are some of the key challenges: Here are some of the key challenges:

### *Economic Disparities and Social Pressures:*

#### *Economic Migration:*

All Schengen countries are not similarly endowed thereby; economically developed nations such as Germany, France and Netherlands attract relatively larger numbers of migrants in their hunt for better fortunes. This can overload the social services, housing as well as job market in those countries, thereby provoking political as well as social instability.

#### *Strain on Welfare Systems:*

Migrants are believed to strain welfare states in richer Schengen countries hence raising concerns over resources allocation and possible social trouble. Such an effect is quite unequal on individual nations, which further fuels further tensions in the Schengen agreement.

### *Institutional and Administrative Challenges:*

#### *Coordinating Effective Law Enforcement:*

The problem of cooperation between the member states' law enforcement agencies and the general issues related to the databases such as the Schengen Information System (SIS) operates. The information sharing can be disappointing due to the lack of update of data or even a complete non-participation by some countries in the process, hence some security issues.

#### *Lack of a Unified Approach to Reform:*

Trust-building measures with regard to the Schengen regime including border security or migration policies have been undermined by the discordant national goals and political interests. This is due to the failure to agree on how to address the security and immigration issues so as to facilitate the necessary changes.

### *COVID-19 Pandemic:*

#### *Disruption of Free Movement:*

Almost all the Schengen countries have since refortified internal control measures and banned travel to other Schengen countries to contain covid -19 spread. The crisis revealed the vulnerability of the Schengen area and created doubts as to how the area would operate amid world crises.

#### *Long-Term Impact:*

While some of the measures were quite temporary, COVID has changed how countries approach border security and health standards and enhanced some countries' staying power of border control.

### Conclusion:

Crisis of Security and Migration, political rivalry, and sovereignty are some of the challenges that the Schengen Treaty encounters in its functionality and functioning. Solving these problems will be easier if there is increased collaboration, change and a new focus on Mobility/Free Movement, Security, and Immigration. Lack of such efforts might endanger the future of the Schengen Area with its member states.

## **6. "Recovery Plan of the EU"**

The EU Recovery Plan in relation to the Schengen Agreement would centrally entail the restart of enhancing the foundational principles of free movement, in response to the difficulties that have arisen recently, as regard to the Schengen Agreement, because of the COVID 19 outbreak, migration crisis and security threats. Here's an outline of what such a plan could include:

### 1. Strengthening Physical Peripheries

- Strengthening Frontex: The EU would reinforce the European Border and Coast Guard Agency (Frontex), also called agency, would receive more human and financial resources, as well as improved infrastructures and technological equipment for the surveillance of the EU external borders.
- Unified Border Management: Introducing a set of general and uniform procedures in the management of the borders in all countries of the European Union, the implementation of the measures in the member states with external borders of the EU to the highest standards of safety and identification.
- Modernization of Border Technology: Deploying applications in smart borders like incorporation of a biometric identification system, real-time database integration or surveillance technologies.

### 2. Continuity Oriented Border Control

- Crisis Protocols: Developing EU single approach for handling temporary restriction of integration and Specific temporary

restriction of free movement of persons within riding, with the schedule of reacting to pandemics, terrorist attacks or other threats.

- Coordination Mechanisms: Creation of the mechanism to coordinate the implementation of the measure which would make each of the member states inform the European Commission about their intention to introduce temporary border controls. This would guarantee that any reintroduction of border checks is balanced, temporary and most of all, public.

### 3. Revitalizing Free Movement

- Harmonization of Public Health Measures: In other words, provision of standard measures and guidelines for handling health issues in the region, particularly in a coordinated manner by all the regional members. This includes the certificates of vaccination that are mutually acceptable, digital health passes and common protocols on quarantine.
- Phased Lifting of Internal Border Controls: Proposing a staged strategy for removal of internal travel restrictions where high risk areas are initially prioritized with a schedule for the reopening of the free movement.

### 4. Higher Levels of Security and Fast Data Exchange

- Interoperability of Databases: Improving the connection between databases in the field of security, migration and visas existing in the EU. This includes system connections such as the Schengen Information System (SIS), Visa Information System (VIS), and the European Travel Information and Authorisation System (ETIAS).
- Combatting Cross-border Crime: Setting up of common operational activities such as the Joint Task Forces for prevention of cross border crime and terrorism. This includes enhancing co-ordination between Europol and the national police as well as the border control authorities.

### 5. Addressing of Migration Challenges

- Comprehensive Asylum and Migration Framework: Proposing a new EU-wide pact on migration and asylum; a solid quota system for the distribution of asylum seekers across member states of EU; and legal routes to migration. This would assist in decreasing a burden on

countries on the external border while at the same time promoting solidarity in the union.

- Safe Return Mechanisms: Improving reception conditions to the returns of the irregular migrants, for the purposes of guaranteeing that those who are not qualified to seek asylum elsewhere will be returned in the safest and quickest way possible, back to their home countries.

#### 6. Restoring Mutual Confidence Between Member Countries

- Solidarity and Support: Creating the mechanism of financial and supply security for the Member States which are experiencing the growth of migratory flows or threats on their borders.
- Transparent Communication: Strengthen the level of trust between Schengen members by making them report their plans for using border controls preventing the formation of a new wave of unilateral decisions that jeopardize the Schengen area's proper functioning.

#### 7. Boosting Economic Cooperation

- Facilitating Cross-Border Business: Supporting the growth of the global economy after the COVID-19 pandemic by streamlining customs formalities, opening borders to trade, and eradicating internal trade restrictions of goods, services, and persons.
- Support for Tourism and Transport Sectors: Offering specific grants for sectors that have a high reliance on physical mobility, including tourism and transport, which have been most affected by the closure of borders.

#### 8. Digitalization and Technology Development

- Digital Schengen Border: for travelers, it means digitalization of not only visa procedures in the form of some applications but also biometric identifications with real-time updates regarding the status at borders.
- Data Privacy Protections: Ensuring that all new technologies and data-sharing systems respect EU data privacy laws, in particular regarding personal information collected during cross-border movements.

#### 9. Monitoring and Evaluation

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- Regular Assessments: Establishment of the monitoring and evaluation agency responsible for periodic checks on compliance with and functioning of the Schengen Acquis, its direct reporting to the European Parliament and the Commission.
  - Post-Crisis Assessment: to undertake active measures regarding the analysis of the situation and its measures at Schengen: after significant crises-pandemics and terrorist acts, a detailed assessment of the outcomes is carried out, and the phenomena studied are introduced into practice; 10. statement of the priority themes for international cooperation
  - Cooperation with Neighboring Countries: Continue deepening cooperation with third countries that are members of the Schengen cooperation, such as Norway and Switzerland, but also other neighboring states, concerning border management and migration policy.
  - Global Health and Security Partnerships: Reinforcing co-operation with relevant international actors, such as the WHO or INTERPOL, on transnational threats that might affect the Schengen area.

### Conclusion:

The Schengen Agreement restoration plan: to regain confidence by rebuilding and reinforcement of cooperation, stability of EU external and internal borders. In this case, Schengen perceived opportunities for the strengthening of the Schengen area in respect to increased integration at its core by having free movement through the area and being in a position to address the call for collective participation, modern technology management of the borders, and also a way to prevent crises.

## **7. Points to Cover**

- What can Schengen member states do to ensure both free movement and security whilst in the context of terrorism and other forms of organized criminality?
- What needs to be done in order to properly manage the External Schengen Borders and protect the core of Schengen Systems?
- How can member states avoid abuse of the temporary internal border controls for use as a protection measure in earnest crises?

- How and in what manner can the functionalities of Schengen Information System (SIS) and other databases be developed in order to strengthen the cooperation across the borders in question of security and migration?
- How can the Schengen Agreement allow handling big immigration waves without compromising the EU's freedom of travel?
- What strategies can member states use towards other Schengen countries outside the EU such as Norway and Switzerland in order to have a better collaboration especially on border security?
- Identify measures that can be taken to resume internal border controls, which have been significantly affected by COVID-19.
- How does the EU guarantee that new members, for instance Bulgaria, Romania and Croatia are able to qualify for membership of the Schengen Area, as the standards being set are extremely high, yet cooperation in the region is encouraged?
- To what extent can and should Frontex and other EU agencies police the EU's external borders: in light of human rights and international obligations?

## 8. Further Reading

- [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/737109/IPOL\\_STU\(2023\)737109\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/737109/IPOL_STU(2023)737109_EN.pdf)
- [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area\\_en](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area_en)
- <https://www.consilium.europa.eu/en/policies/schengen-area/>
- <https://www.cpb.nl/sites/default/files/omnidownload/CPB-Communication-Trade-benefits-of-the-EU-and-the-Internal-Market.pdf>
- <https://eur-lex.europa.eu/EN/legal-content/glossary/schengen-agreement-and-convention.html#:~:text=By%20signing%20the%20Schengen%20Agreement,and%20some%20non%2DEU%20countries.>

**AGENDA ITEM 2:  
SCOTLAND'S INDEPENDENCE & EUROPEAN  
UNION MEMBERSHIP**



## 1. Introduction to the Agenda Item

That Scotland will be part of England, or that Scotland decides to leave and become part of the European Union is a topic which in the past few years has warranted consideration in light of the recent Brexit across all the countries in the United Kingdom.

Scotland's desire for independence can be predicated on the interconnections of identity, politics and economics and many people in Scotland have long felt distanced from the political center at Westminster.

When Scotland is on the way to gaining its independence major

questions concerning Scotland and its possible structure in the EU to be trading, to migrant, and to regulate the market of the EU arise.

This agenda item seeks to explore these implications and how it is that Scotland's internal and external environment are both shaped and defined; how Scotland might sit in the EU; and what the intersectionality of being a nation seeking independence but desiring integration in a fully-fledged economic and political union means in the Brexit age.



### 1.1. Glossary

*Nationalism*: a nation's advocacy and attempt to be politically independent, support for your nation's interests.

*Referendum*: a voting in which all the citizens in a country or an area are asked to either accept or reject and decide upon a political or social proposal.

*Legislation*: a law or set of laws suggested by a government and made official by a parliament. The legislative process includes evaluating, amending, and voting on proposed laws.

*Sovereign*: being completely independent, self-governing, autonomous.

*Independence*: a condition of a nation, country or state to perform self-government and usually sovereign over its territory. The opposite of independence is the status of a dependent territory or colony.

## **2. Brexit**

The term Brexit which stands for Britainexit from the European Union may be explained from historical, economical and political factors. British people voted on 23 June 2016 by about 52% in a referendum to leave the EU because if Britain wanted something, it should do it willingly, not under pressure, there are complaints of immigration, Britain should be in control of its economy. The key voice in the debate contended that exit would enable the UK to achieve legislative autonomy and pursue its own trade agenda, on the other hand the main point of Brexit opponents discussed risk of economic volatility and diminished international standing.

After the referendum, the UK officially notified the EU about their intention to leave by invoking article 50 of the Lisbon treaty on 29th March 2017, starting a two year clock for Brexit. The negotiations between UK and EU were highly sensitive majorly on the; citizens' rights, financial settlement and never before addressed the Northern Ireland border which became highly sensitive due to Ireland's past and the Good Friday agreement on Ireland.

Brexit, which was meant to deliver Brexit more control, also came with great opportunities which were coupled with risks such as economic instability, forming barriers to trade, political instability and even within the United Kingdom itself. Brexit not only has deep-seated impacts on the country that started it and the eurozone, but the whole international relations and worldwide economy as well.

### **2.1. Impact of Brexit on Scotland's Political Landscape**

Brexit has deeply changed Scotland's political context, strongly increasing the debate on independence and shifting parties' relationship in the area. After the Brexit vote in June 2016 when 62 percent of the Scots wanted to stay in the EU, stories of feeling excluded began to emerge from pro-EU speakers. This difference in the general UK vote has seen an uptick in support for the Scottish National Party (SNP) which is the primary supporting party to Scottish independence and the EU.

With this, the Scottish parliament has become more involved in the talking head concerning devolved powers especially on matters that touch on post Brexit trade deals and policies. Now contentious problems like fishing, agriculture or immigration became the core topics for political discussion, which demonstrate the divergence of the interests of the Scottish government and those of Westminster.

In addition, the idea of a second independence referendum has emerged as potent, especially with the SNP using Brexit as a reason to provoke the move. The main goal is to receive Scotland back their independent kingdom and guarantee their future in the European union. This dynamic political story is not only useful for understanding the more recent conflict between Scotland and the UK government but also contributes to debates about Scotland's national character and politics. In the end, Brexit has had a positive effect of causing Scotland to look to its own destiny with prospective consequences that go beyond its neighbor.

### **3. The 2014 Scottish Independence Referendum**

#### **3.1. Political Drivers**

They were such things as the desire for independence. One of them was a historical conflict between a political nation and a state nation, that is, the Scottish political nation and the United Kingdom. Scotland has its legal jurisdiction, education system, and a different gene pretty much like most other countries; the demand for more political independence rose since the centralization of power from the UK government was moving virtually everything to Westminster. When the autonomy of the Scottish Parliament was devolved in 1999 it moved Scotland to a position of having far more power over its domestic affairs than this seemed sufficient for many Scots in dealing with Scotland's requirements where welfare, defense, and International relations were concerned. There was also increasing disappointment of the policies on the austerity, social justice and governance in the UK that made them feel that it will be better to be independent so that they can have different policies.

#### **3.2. Public Opinion for Independence**

This is true and the public was walked through a one year campaign of the 'Yes' and the 'No' campaign on the 2014 Referendum. Later, the "Yes" campaign spearheaded by the SNP and other civil organizations reiterated that Scotland can manage its own affairs the way it wants in such areas as economy, social policies and foreign relations to include readmission to the EU as Scotland independent nation.

Nevertheless, an anti-Scottish independence campaign, entitled "Better Together", criticized the unpredictable economical situation, a problem with the currency, and strength of Scotland's arms without the UK. In the course of the campaign the positions of the population changed and it is rather probable these changes derived from the national identification,

economic status, and doubts whether Scotland can get a better income without the United Kingdom. Thus, people's decision on September 18, 2014 was as follows: 55.3% of the voters made a decision to stay in the United Kingdom, 44.7% voted for independence

### **3.3 Scottish National Party (SNP)**

The SNP has been very instrumental in the campaign for the 2014 referendum to be held. The SNP was established in 1934 and for decades it called for Scottish independence as its main raster. In 2007 Alex Salmond became the First Minister of Scotland and the party was able to gain a majority of seats in the 2011 Scottish Parliamentary election, by which the party's call for an independence referendum had legitimacy. The SNP used the arguments that the referendum would be the once in a generation chance for the Scots to be fully sovereign and choose their own path, for the better economical and political future. They contended that an independent Scotland would have a foreign policy more unique, would increase the social well being of the people, and control other natural assets such as North Sea oil. Consequently, although the SNP lost the 2014 independence referendum it remained the leading political actor in Scottish politics, which claimed to represent Scots who still wanted independence.

### **3.4. Challenges and Opportunities for a Sovereign Scotland**

The idea of having a sovereign Scotland was a question mark categorized in terms of challenges and opportunities. On the one hand the advantages of independence can be seen in the form of the empowering of Scotland on political and economic levels; Scotland would be able to have its own an independent control over its own political and Economic immigration policies, its own taxation system and welfare policies, and its foreign policy without having to do it under the veto of the Westminster. Supporters of Scotland's independence also anticipated the membership of Scotland in the European Union after Scotland left the organization as a part of the United Kingdom. Scotland could have earned the ability to have a good relationship with Europe or even start new diplomacy and trading partnerships, because of independence.

But there also were some problems and it was not possible to be good at work. The main concern was monetary as to which currency to use in independent Scotland because the UK government said they would not engage in a discussion regarding the option of Scottish people using the

British pound. Some people also had questions as to how Scotland's economy could support itself given that it depended so much on oil money and there was paternal disagreement as to how Scotland would deal with its proportion of the total national debt of the UK. Additionally, the defense question had also come as a big question and perception about the future of Scotland's defense especially after the current trident nuclear deterrent of the UK is situated in Scotland. Also tactful difficulties arose as to how to formally join Scotland to such formations as the EU and NATO and how would the changed relationships be managed.

Hence the referendum has initiated the probability for an even more improved model of decentralization for Scotland; but it has also brought many plus and minus of absolute sovereignty which resulted into negative vote on independence; but this has left room for debate on the future possible discourses.

#### **4. Scotland's Position in the EU**

##### **4.1. Scotland's Relationship with the EU While Part of the UK**

On the one hand, Scotland was a member of the EU when it was integrated with the United Kingdom as well as benefited from most of the policies of the EU during this period. During the period when the UK was an EU member, Scotland benefited from a number of policies as well as mechanisms of funding, which responded to the regional requirements of Scotland.

For many years Scottish delegates were able to influence legislation that was pertinent to their nation through Scotland's membership in the European Union, however, many Scots would still argue that more often than not their particular concerns were not always paramount, and forcefully put aside to accommodate for the benefit of the larger United Kingdom. For instance, policies relating to the fishing industry which were supposed to be made for the whole United Kingdom were sometimes made by a different level of government which barely took into account Scottish specifics of the sea resources and coastal communities. However, Scotland was given by devolution only limited rights and although this Parliament could affect some of the policies these are still more significant matters such as regulations of the European Union decided even today in Westminster Parliament.

This resulted in a number of Scots experiencing a sense of being alienated, and requesting a degree of direct responsibility for their particular EU status- some going so far as to want independence.

#### **4.2. EU Policies and Regulations Benefiting Scotland**

Positive impacts of Scotland associating its policies with the EU were recorded in economic, social, as well as ecological fields. More importantly, one of the main funds of financing, the Common Agricultural Policy (CAP), became especially important because it provided the necessary level of subsidies that can level farmers' income and contribute to the stabilization of rural territories. These funds were needed for the complexity of creating sustainable farming and management of the rural and landscape properties.

In the case of the fisheries sector, it planned to manage the fishing stocks and the sea; but the apprehended negative impact was the restriction it placed on the Scots fishermen. Besides, several sources of EU financial support like European Regional Development Fund and European Social Fund provided funds for structures and facilities, education and technology advancement useful in eliminating the regional disparities and steering up the economic development.

Scotland was also one of the most concerned countries in environmental activities concerning the EU regulations and undertook fair shares of work in fighting global climate change and working for sustainability. Policies and programmes illustrated that European Union membership afforded Scotland an opportunity to advance its objectives, though it also demonstrated how multifaceted a challenge was the task of accommodating regional concerns within a group on a greater scale.

#### **4.3. Impact of EU Membership on Scotland's Economy**

EU association impacted positively on Scotland's economy meaning the country seized more opportunities on growth and employment in several areas. The policy also helped Scotland to export the goods to the other EU countries hence the ability to participate in the single market enabled Scotland to improve the competitiveness that existed for the local Scottish firms. The budget provided a much needed boost to essential sectors of the economy including agriculture and food processing, exportable agricultural produce, renewable resources etc. For example, the Scotch whisky industry, one of the world's best-known exports of Scotland, was

the greatest beneficiary of the EU trade deal, in which it received preferential trade access and created its brand image around the world.

Besides, the EU regulation secured a high level of product quality and consumers' protection, which gave Scots' products credibility and reputation in the global market. The factor of mobility made it possible to freely introduce qualified personnel into the enterprises, which contributed to their development and the formation of competitive specialties, primarily in the field of information and communication, as well as in the health care sector. Indeed, it also contributed to positive changes in the labor market and to economic diversification.

But with Brexit uncertainty challenging the economy, there has been apprehension on the interruption of Scotland's economy. New safeguards to trade might hurt Scottish companies and employment depending on the affectation by the EU, alterations in immigration laws might also harm those who hire foreign workers and shifts in investment styles could also restrain those who invest within the EU. The crash continues to be significant because discussions regarding Scotland's independent status and its re-integration into the EU increase the importance of these economic relations with the remainder of Scotland's goals and vision for the future.

## **5. Pathways to EU Membership**

### **5.1. EU Accession Process: Criteria and Requirements**

Joining the European Union is a long and compelling process for candidate countries and it remains uncertain if the country will be able to have a seat in the Union until the very end of the procedure.

For a country to apply for membership to the EU, the country should be located in the borders of Europe (with the exceptions of: Cyprus, overseas territories of several countries) and it should meet a certain criteria referred to as the Copenhagen criteria.

#### **Copenhagen Criteria:**

The Copenhagen Criteria is a set of rules to decide the eligibility of the country wishing to become a EU member. The European Council established the conditions in June 1993 in Copenhagen, Denmark. It was later strengthened in 1995 by the Madrid European Council. The

Copenhagen Criteria can be split into three sections: economic criteria, political criteria, geographic criteria.

### **1- Economic Criteria:**

- a. The candidate country must hold a functioning market economy: A market economy is an economic system in which the production of goods and services is determined by supply and demand. It is important for the candidate to have a dynamic trade of goods.
- b. Candidate country's producers must be qualified to cope with the competitive structure of the market and market forces within the Union.

### **2- Political Criteria:**

- a. Democracy: Countries wishing to join the EU must ensure that they have a stable democratic government and institutions guaranteeing it. Government must provide to its citizens a right to vote upon political discussions through free elections with a secret ballot. Elections must be held on an equal basis. The right to establish political parties, equal access to a free press, freedom of personal opinion, free access to judges are some other requirements of a democratic governance.
- b. Rule of Law: The government must follow the previously established, documented law whilst taking actions
- c. Human Rights: Human rights are the rights inherent to us from birth to death for existing as a human regardless of race, sex, nationality, ethnicity, language, religion or any other status. Countries wishing to be a candidate must follow the rules of the European Convention on Human Rights. If countries are in conflict with the formulation, there must be changes in their legislation, and in the examples we have observed in history, these changes are generally related to the treatment of ethnic and religious minorities.
- d. Minority Rights: Minorities existing in the candidate country should be protected and respected. Minorities should be able to maintain their language and culture.

### **3- Geographic Criteria:**

The 1992 Treaty of Maastricht (Article 49):

The Treaty of Maastricht was signed in February 1992 and entered into force in November 1993. The goal of the treaty was to strengthen the relationship

between European countries and to establish common European citizenship for free movement of people (for the purposes of labor and accommodation), and achieve shared economic and security policies.

The treaty highlights that any European country that is willing to participate in the European Union may become a candidate, and then a member. But in the past, there were some exceptions to this statement. While in 1987 Malta was not accepted in the European Union since it's not located in Europe, Cyprus is a current member of the European Union as a West Asian country.

While the geographical criteria of the European Union keeps the candidate countries in the borders of Europe, some countries may enjoy integration within the EU. These contacts are supported by international agreements, such as the European Neighborhood Policy, Union for the Mediterranean, Eastern Partnership ect.

### **Legislative Alignment:**

Legislative alignment is a further requirement that explains that all countries wishing to be candidates' legislations must be aligned with the body of the European law built over the history of the Union known as the *acquis communautaire*. *Acquis communautaire* is the totality of all the legal acts and decisions the European Union law built on that took place since 1993. *Acquis* is currently divided into 35 separate chapters each of the chapters being responsible for different policies.

## **5.2. Potential Obstacles to Scotland's EU Membership**

After the United Kingdom has left the European Union, the topic of independent Scotland's re-joinment to the EU has opened to discussion. Scotland rejoining the European Union may appear simple at first since it was partly a member of the EU until Brexit but there are three main obstacles to independent Scotland's membership.

### **Trade Area**

Scotland shares a land border in the south with the UK and no other land borders with any of the European Union member states. Apart from Scotland being able to benefit from Schengen agreement, the process would be different from the other European states with more supervised trade of goods, services and people. Transition process would require border controls for compliance by EU regulations.

This might lead to trade disruptions, increased bureaucracy and need for physical instruction (such as checkpoints)

There would be immigration controls needed on the borders of the UK and Scotland since the United Kingdom is not a member of the European Union anymore. All of this process means expense and manpower needed to be provided from the EU.

Whether Scotland would be able to remain a part of the Common Travel Area is not certain Since it is a part of the United Kingdom, Scotland benefits from the agreements. But in both scenarios, the economical relationship between UK and Scotland would take a major hit.

### **Unanimity of all members:**

Under Article 49, for Scotland to join the EU, the unanimous approval of EU members and a majority in the European Parliament is essential as any application process. This may be an obstacle for Scotland due to Spain's view to independence. There is the ongoing Catalan independence movement in Spain that the government does not approve of, therefore any possible independence movements may cause nationalism within Spain is a danger to the spanish government and analyst possible for them to veto the accession attempt of Scotland.

### **Economic Stability**

Many argue that Scotland's economy is not stable enough to meet the EU's economic criteria.

The SNP has previously announced that Scotland won't ever be using the Euro as their currency. Usage of the Euro doesn't get support from 82% of citizens of Scotland and the SNP.

Due to that, Scotland might not be able to perform the necessary economic commitment to the European Union.

If Scotland becomes sovereign they won't automatically become a part of the World Trade Organization. The accession process to the World Trade Organization may take up to 20 years and this means economical isolation and vulnerability for Scotland until they become a part of the European Union. because of that independence of Scotland has its economical risks. Scotland may need to find a way to restructure their economy before applying to the European Union.

### 5.3. Legal and Constitutional Challenges

In the current situation, Scotland is not allowed to engage with foreign policy, including applying to international organizations like the EU, without the consent of the UK government. For Scotland to be a member of the European Union again, it should gain its independence and be apart from the United Kingdom.

In 2022, England Supreme Court ruled that an independence referendum can not be held without the approval of Westminster. The Scotland government must get the approval of Westminster and get the citizens to vote for independence for autonomy.

If Scotland becomes self-governing, it still needs to be recognized as a country by the international community to apply to be a candidate for the European Union since the EU only accepts legally recognized states. This also includes the United Kingdom to recognize Scotland as a sovereign state.

After leaving the United Kingdom Scotland will no longer follow the UK's legislation and needs to establish its own constitution that aligns with the European Union's legal standards, and Copenhagen criteria.

Scotland may seek opt-outs from certain EU policies or specific regulations during accession negotiations, for example retaining its own currency or gaining exemptions from the Common Fisheries Policy (CFP). However, negotiating such exemptions can be legally complex and politically sensitive, and may require the approval of all EU member states. Scotland also needs to align its laws with the *acquis communautaire*.

The EU might not be eager to accept a member that requires several special agreements, but the Union itself is to say the final word.

## 6. Future Prospects

### 6.1. Solutions to Scotland's European Union Membership

The future of Scotland's EU membership depends on several political, economic, and legal factors. Here are the key scenarios:

*Remain Part of the UK:* If Scotland is to remain as a part of the United Kingdom then it will always be in the UK's EU exit camp. Thus, this scenario implies that Scotland is out of the EU unless Great Britain itself rejoins, which - as told - is scarcely possible in the short perspective due to the political circumstances.

*Independent Scotland Rejoining the EU:* If Scotland gets its independence it will seek to rejoin the EU as an independent member state. This would involve bargaining the entry conditions, harmonizing its laws with those of the EU, and embodying policies especially in trade, immigration and the economy with those of the EU. But it can take years because of the accessions in the EU standards most of the time.

*Scotland Joining the European Economic Area (EEA):* However, if the UK and Scotland did not become full members of the EU, Scotland could join the EEA that provides access to the EU's Single market without being an EU member state. While this option might be less complicated than EU membership it would still demand compliance with a large number of regulations of the EU.

*New Political Alliances:* Scotland could then seek to replicate a closer relationship with other EU bodies such as the EFTA or increase bilateral relations with the member states of the EU while the ultimate objective it would be to become a member of the EU.

## **6.2. Layout of a Strategic Plan: Scotland's Independence and Reintegration into the EU**

For Scotland to achieve independence and rejoin the EU, a clear and comprehensive strategy would be required, with the following key elements:

### **Legal and Constitutional Steps:**

- *Independence Referendum:* The holder of sovereignty would have to conduct a legally acceptable referendum on independence in Scotland. To make the vote official, the international recognition would be very important and the union would need to engage the UK government in order to negotiate the break away.
- *Constitutional Framework:* Scotland would require drafting a new constitution which dictates the basic legal framework of independence and powers of government.

### **Institutional and Economic Adjustments:**

- *Currency and Economy:* Scotland would have to set up its own stable currency and budgetary policy for the country for at least several years in the foreseeable future. It must be a major decision whether

to continue using the British pound or to switch to the euro or to another currency, especially in relation to the other EU directives.

- *Alignment with EU Policies:* Scotland would have to align its legal and economic systems with the EU law, the *acquis communautaire* if it were to join smoothly.

### **Public and Political Support:**

- *National Consensus:* For there to be a seamless transition, the public in Scotland had to support both the move towards independence and membership of the EU. This could embrace political mobilization and community opinion polls, and other ways of ascertaining and sustaining the political will of a nation.
- *International Recognition:* To legitimize its independence and its position in the EU, Scotland must achieve the support of all the EU countries and especially the key member states of the European Union.

This roadmap reveals some of the issues that characterize Scotland on its quest for independence and possible re-entry into the EU. The steps may take some time. In the Scottish case, however, effective planning and solid diplomatic work may help this constituent re-enter the European block in the future.

### **7. Points to Cover**

- How can Scotland align with Copenhagen Criteria post-independence?
- Does Scotland have the legal right to hold a second independence referendum, and under what conditions could this occur?
- How prepared is Scotland's economy for independence, and what adjustments would be needed to meet EU economic standards?
- What steps would Scotland need to take, both domestically and internationally, to secure a path to EU membership after independence?
- How could Scotland manage the transition period between gaining independence and formalizing EU membership, particularly in terms of trade, law, and diplomatic relations?

- What are the implications of Scottish independence for defense and security partnerships, especially regarding NATO and European security cooperation?

## 8. Further Reading

- <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/11/building-new-scotland-independent-scotland-eu/documents/independent-scotland-eu-paper-7/independent-scotland-eu-paper-7/govscot%3Adocument/independent-scotland-eu-paper-7.pdf>
- <https://www.herbertsmithfreehills.com/insights/2021-04/scottish-independence-and-eu-membership-process-and-implications>
- <https://www.centreonconstitutionalchange.ac.uk/publications/independent-scotland-eu-issues-accession>
- <https://www.investopedia.com/terms/b/brexit.asp#toc-scotlands-independence-referendum>

## Bibliography

Fletcher, M. (2009). Schengen, the European Court of Justice and Flexibility under the Lisbon Treaty: Balancing the United Kingdom's 'Ins' and 'Outs'. *European Constitutional Law Review*, 5(1), 71-98.

Kapteyn, P. (1991). 'Civilization under Negotiation National Civilizations and European Integration: The Treaty of Schengen. *European Journal of Sociology/Archives Européennes de Sociologie*, 32(2), 363-380.

Sandner, M., & Wassmann, P. (2018). The effect of changes in border regimes on border regions crime rates: Evidence from the Schengen treaty. *Kyklos*, 71(3), 482-506.

FERRARO, F. (2013). Schengen governance after the Lisbon Treaty.

De Capitani, E. (2014, June). The Schengen system after Lisbon: from cooperation to integration. In *ERA Forum* (Vol. 15, No. 1, pp. 101-118). Berlin/Heidelberg: Springer Berlin Heidelberg.

Piechowicz, M. (2017). Evolution of Schengen. *Polish Political Science Yearbook*, 46(1), 121-137.

Wagner, E. (1998). The integration of Schengen into the framework of the European Union. *Legal Issues of Economic Integration*, 25(2).

Kirisci, K. (2005). A friendlier Schengen visa system as a tool of soft power: The experience of Turkey. *Eur. J. Migration & L.*, 7, 343.

Wang, S. (2016). An Imperfect Integration: Has Schengen Alienated Europe?. *Chinese Political Science Review*, 1(4), 698-716.

Bigo, D., & Guild, E. (2017). Policing at a distance: Schengen visa policies. In *Controlling frontiers* (pp. 233-263). Routledge.

Monar, J. (2010). *The 'area of freedom, security and justice': 'Schengen' Europe, opt-outs, opt-ins and associates* (pp. 279-292). Palgrave Macmillan UK.

Thorp, A., & Thompson, G. (2011). *Scotland, independence and the EU*. House of Commons Library.

Douglas-Scott, S. (2014). How easily could an independent Scotland join the EU?.

Salamone, A. (2020). What would it take for Scotland to rejoin the EU as an independent state?. *LSE Brexit*, 1-3.

Dardanelli, P., & Mitchell, J. (2014). An Independent Scotland? The Scottish National Party's bid for independence and its prospects. *The International Spectator*, 49(3), 88-105.

Tierney, S. (2013). *Accession of an independent Scotland to the European Union: a view of the legal issues*. ESRC Scottish Centre on Constitutional Change.

McEwen, N. (2018). Brexit and Scotland: Between two unions. *British Politics*, 13, 65-78.

Vidmar, J. (2014). The Scottish independence referendum in an international context. *Canadian Yearbook of International Law/Annuaire canadien de droit international*, 51, 259-288.

Berbéri, C. (2016). The Impact of Scotland's Prospective Membership of the EU on the 2014 Referendum Debate: Concerns over Borders. *Études écossaises*, (18), 11-28.