



LXIV
SIXTY-FOURTH SESSION



European Union

Berkeley Model United Nations



Hello Delegates!

My name is Pranay Patil and as your head chair, it is with great enthusiasm that I welcome you to the European Union for the 64th session of Berkeley Model United Nations! With that said, it is time for you to meet the European Union dias for this year.

My name is Pranay and I am currently a third-year student here at UC Berkeley majoring in Electrical Engineering and Computer Science and minoring in Industrial Engineering and Operations Research. My major interests lie in theoretical computer science, specifically deep learning. I am from Saratoga, California and this will be my fifth year of participating in MUN. I attended BMUN as a delegate during my last two years of high school and I have been part of BMUN since my freshmen year of college. In my free time, I enjoy playing and watching any type of sport you can imagine, taking photographs and hiking. I especially love traveling and after backpacking around South East Asia a year ago, I spent the past semester studying abroad at the University of Edinburgh in Scotland, after which I backpacked around Europe for a month. It is now my pleasure to introduce to you our three amazing vice chairs.

Sarah Bauer is a third year transfer student studying sociology and human rights at Berkeley. After high school, she spent one year at community college and eight months in Germany, where she had the opportunity to participate in a model EU while learning about the issues from experts all over Europe. When she's not writing a paper on Marx or scouring the internet on the European refugee crisis, she enjoys trying out complicated cake decorating tutorials and re-watching the Lord of the Rings trilogy. She hopes that all delegates enjoy their time preparing for and participating in this conference and that they take advantage of the opportunities to learn from one another!

Danny Tuthill is currently a third year student here at Cal. Growing up as a small boy, Danny would dream of the starry nights above the distant land of Iceland, hoping one day to decipher the mystery behind them. Today at Cal, he is finally able to pursue his dream as he is a double major in Physics and Applied Mathematics as well as pursuing a minor in Scandinavian. Outside of solving these pressing mysteries of the world, Danny also snowboards competitively for Berkeley as a member of the Cal Ski and Snowboard Team where he has defeated Russia in the world championships for the past eight years. This summer, Danny took a break from winning the cold war and peering into space, to work at the Smithsonian Institution where he helped reform K-12 science education curriculum and coordinate professional development of science teachers across the nation. Feel free to email Danny at special@bmun.org anytime with any questions about Physics, Math, Scandinavian, BMUN, or anything at all. He loves getting to know all of you and cannot wait to meet everyone over conference weekend!

Brandon is currently a senior studying Human Physiology and Peace and Conflicts Studies. He has been involved with MUN for nine years now and the main reason he has kept up with it is for the way it helps students step out of their comfort zone and gain confidence with their speaking and approachability - arguable some of the most important life skills to develop. There is also a lot to be said about how the research can enhance or challenge a person's perspective the more he, she, or they learn about unexpected world issues, and that's definitely an environment BMUN tries to foster at Berkeley. That being said, Brandon's main passion lies in the health field and he is currently pursuing a future in pediatric surgery and possibly international medicine. He



has had the chance to work mobile clinics for Haitian refugees after the earthquake and also advocated human rights for youth in India. Closer to campus, Brandon volunteers as a cancer, HIV, and Hepatitis counsellor and is also heavily involved with social work in the Bay Area. Outside of school, Brandon loves exploring local music and art, meeting new people, and of course chilling with his fraternity's new house dog. He is SO excited for conference weekend - to work with you and some of his favorite people on the EU dais. Brandon hopes to see all your hard work and preparation pay off! He will be looking for creativity, teamwork, individual growth, and most importantly, respect. Best of luck and send him any questions or concerns you may have at bdoan@bmun.org.

Sarah, Danny, Brandon and I have worked together to write the following topic synopsis and hope it helps all of you in your research. We look forward to hearing your solutions to the problems at hand and ask you to direct any questions to ppatil@bmun.org. Good luck!

Sincerely,

Pranay Patil

Head Chair of the European Union
Berkeley Model United Nations, 64th session



Table of Contents

The European Migrant Crisis.....	4
Topic Background	4
Past European Union Action.....	8
Questions to Consider	11
References.....	12
Cyber Warfare in Europe	14
Topic Background	14
Past European Union Actions	16
Case Study: 2007 Cyber Attacks on Estonia	19
Questions to Consider	20
References.....	21



The European Migrant Crisis

Topic Background

The European Union (EU) has had a mixed history when it comes to immigration. Following the destruction left behind by World War II, European countries, specifically Greece, Ireland, Italy, Portugal, Spain and the United Kingdom, were primarily sources of emigration, sending huge amounts of people to the United States and Australia up until the late 1970s. With this mass exodus of people beginning in the 1940s, Europe reached a point in the mid 1950s where it could no longer satisfy its labour demands domestically. With domestic emigration showing no signs of slowing down, Europe had no choice but to turn to guest worker schemes, first introduced by Germany in the late 1950s. The idea behind guest worker schemes was simple: foreign workers would be allowed to enter countries with guest worker policies in place and work as long as there were jobs available. However, if the economy fell, these migrants would be required to return home. For the first decade, this policy worked extremely well. Migrants were willing to return home, aware that they could always return at the end of a recession (Hansen 2014). This would not last. Around 1973, in the face of increasing migration and slowing economies, most European countries issued migration stops in the hopes of opening up jobs for their own citizens. This policy, however, had the unintended effect of locking in immigrants to their country of residence. With the option to return no longer available, most migrants decided against repatriation and were able to secure the legal rulings necessary to protect their decision. Now having decided to settle permanently in Europe, migrants had no choice but to invite their families as well, leading to a second wave of mass migration to Europe and, consequently, rising uneasiness amongst European citizens unaccustomed to both the sharp increases in population and influx of foreigners.

Following a third period of massive migration to western Europe during the 1980s, which can mostly be credited to asylum seekers from the Soviet Union and eastern Europe, immigration from non European countries largely ebbed down by the start of the 1990s. Indeed, most of the migration in Europe from the late 1990s to the early 2000s,



was internal as people moved from one EU member state to another. Faced with a sharp decline in migrants from non European countries for almost thirty years, EU member states failed to implement systems to process large numbers of migrants and asylum seekers quickly and efficiently. This lack of a well developed immigration system was not solely due to an absence of mass migration; the perceived threat of migrants overtaking European jobs and lands heavily politicized immigration at the end of the twentieth century to the point at which more progress was taken to hamper immigration to Europe rather than assist it. While policies passed by these efforts were satisfactory up until the early 2000s, they left the EU greatly unprepared at the outbreak of the current migrant crisis (Hansen 2014).

This ongoing crisis refers to the dramatic increase of migrants and refugees from countries in the Middle East and Northern Africa attempting to enter and begin lives in EU member states. The first signs of the current wave of immigration were actually seen from 2008 to 2012 as large numbers of people began to cross into Europe through Greece and Turkey. And although fences built by Greece in response to the situation helped to immediately decrease immigration by almost 95%, the relief was short lived (BBC 2014). Illegal border crossings into the EU rose from under 75,000 in 2012 to 107,000 in 2013 and exploded to over 280,000 in 2014 (Frontex 2014). According to estimates provided by the International Organization for Migration (IOM), more than 500,000 asylum applications were received by the EU from January to September 2015, underscoring the exponential rise in immigration to Europe since the end of the last decade. To understand the reasons behind this rise, a closer look is required at the origins of migrants.

As mentioned earlier, the majority of migrants and asylum seekers crossing EU borders are coming from the Middle East and Northern Africa due to a multitude of reasons specific to each region. In the Middle East, Syria, a nation trapped in a devastating civil war since 2011, is unsurprisingly the biggest contributor to the current crisis. With the Islamic State, one of the key players in the war, making recent territorial gains, the struggle does not seem close to coming to an end (BBC 2015). Further exacerbating the situation are disputes between the United States and Russia over the best course of action to take. While the United States wishes to remove Syrian president Bashar al-Assad from power, Russia has been launching airstrikes against al-Assad's



enemies to keep him in power (BBC 2015). With the EU itself unsure of how to proceed in Syria, limiting itself to economic sanctions on the government, the rate of people immigrating from Syria is expected to stay the same, if not increase. With tens of thousands of additional refugees leaving other surrounding countries such as Iraq, Afghanistan and Pakistan, the Middle East is perhaps the biggest source of migrants currently attempting to cross EU borders.

Rivaling the Middle East in terms of its emigration is Africa, where the highest number of migrants come from Eritrea, a small nation on the eastern coast. Unlike Syria and other Middle Eastern countries, Eritrea is said to have been at peace for the past fifteen years. Despite this, almost 30,000 people have applied for asylum in the EU this year alone (BBC 2015). The main reason for this mass flight is a growing feeling among Eritreans that they live in a prison camp rivaling that of North Korea. All males up to the age of fifty are required to serve a corrupt national army while being paid “starvation wages”. Males over the age of fifty are forced to continue to serve for periods every year in a secondary army, usually up until their death as the national life expectancy is around sixty-one. With freedom of speech, movement, religion and assembly severely limited by Isaias Afewerki, who has acted as head of state, commander-in-chief of the armed forces and chairman of the ruling party for the past two decades, more and more Eritreans are looking to escape before the situation deteriorates even further (Economist 2013). Rivaling Eritrea in the African region in terms of loss of people is Nigeria, which has, thus far in 2015, sent close to 20,000 people to the EU looking for asylum (BBC 2015). As Africa’s biggest producer of oil and its most populous country, Nigeria should be one of its most successful as well. Unfortunately for the country, years of misguided governance have pushed over 90% of its people into poverty. And with severe ethnic, religious and political divisions often resulting in outbreaks of violence, Nigerians have begun to move north towards the EU in search of better economic opportunities.

The third greatest source of migrants crossing EU borders is eastern Europe, somewhat surprising as the violence in the region has been steadily declining, especially when compared to both the Middle East and northern Africa. In fact, Kosovo, a nation that has sent more than 60,000 migrants to the EU from January to August 2015, has been declared “safe” by EU member states, indicating that “it ensures respect for the principles



of freedom, democracy and the rule of law, as well as human rights and fundamental freedoms” (Asylum Information Database 2015). Rather than being pushed out by violence and human rights violations, Kosovans are instead leaving due to their frustrations with the government and its inability to create a stable economy. 40% of the Kosovan population lives below the poverty line while four out of every ten people are unemployed. Moreover, almost six in ten of Kosovo’s youths are unemployed, disastrous for a country home to Europe’s youngest population. Lacking viable career options in Kosovo after completing school, these young people ultimately turn to the EU (BBC 2015). With Albania and Serbia having sent almost 45,000 and 20,000 people, respectively, to the EU in search of economic asylum, it is evident that eastern European economic ineptitude, manifested in high unemployment rates and low standards of living, is as responsible for the ongoing crisis as is the widespread violence throughout the Middle East and Africa (BBC 2015).

Once people in the Middle East, Africa and Eastern Europe decide to migrate to EU member states, they must decide which route to take to reach their country of choice. The eastern Mediterranean route is by far the most popular route, having been used by upwards of 400,000 people so far this year (BBC 2015). It has multiple starting points based in Iraq, Iran and Syria which ultimately converge in Istanbul, Turkey until ultimately crossing the Mediterranean Sea to reach the Greek islands. The most dangerous part of this route is the crossing from Turkey into Greece which has been overtaken in recent years by smugglers preying on refugees desperate to enter the EU by any means possible.



Past European Union Action

The member states of the EU have long served as popular destinations for immigrants due to the relatively higher quality of life and safety in Europe. This is especially true in the case of refugees, people who have been forced to flee their country of origin due to systematic persecution and/or violence and therefore are in need of international protection. The 1951 Geneva Convention on the Protection of Refugees dealt with this issue by recognizing asylum, the international protection of refugees, as a fundamental right, making the granting of asylum an international obligation. In accordance with the Geneva Convention, the EU has long been committed to “guaranteeing high standards of protection for refugees” and maintaining procedures that remain fair, effective and safe from any form of abuse. These ideals led to the creation of the Common European Asylum System (CEAS), most recently updated in 2013, which consists of the following five components that provide precise rules governing every step of the journey of a refugee looking for asylum.

- The **Asylum Procedures Directive** establishes specific rules outlining the entire process of claiming asylum with the goal of unifying the process throughout Europe.
- The **Reception Conditions Directive** aims to ensure that asylum applicants have access to housing, food, healthcare and employment while they wait for the decision on their claim.
- The **Qualification Directive** specifies the grounds on which an individual can be recognized as a refugee, file an application for asylum and receive international protection. The main motivation is to prevent fraud.
- The **Dublin Regulation** is based on the ideal that the “responsibility for examining claim lies primarily with the Member State which played the greatest part in the applicant’s entry or residence in the EU”. The primary aim of the Dublin Regulation is to prevent asylum seekers from submitting applications in multiple member states, thus clogging the system. The regulation also aims to prevent refugees from being shuffled from state to state while their claim is being processed.



- The **Eurodac Regulation** establishes an EU asylum fingerprint database. Under the regulation, an asylum seeker's fingerprints are transmitted to a Eurodac central system upon submission of an asylum application (European Commission 2015).

Whilst it is great that the EU has such a comprehensive set of guidelines detailing every step of the process of granting asylum to a refugee, with such a large influx of migrants and refugees, the rules set forward in the CEAS are not being followed. The biggest issue is that the Dublin regulation mandates that migrants submit their applications for asylum in the first EU nation that they enter. Looking at migrant routes, the majority of people fleeing the Middle East first enter Greece. Here lies the core problem. Under the Dublin Regulation, the hundreds of thousands of migrants entering through Greece must have their asylum application processed in Greece. However, neither do the migrants want to stay in Greece, scared off by the collapsing Greek economy, nor does Greece want them to stay, overwhelmed by the sheer number of migrants crossing their borders. Thus, ignoring the Dublin Regulation and failing to register the migrants as demanded by the Eurodac Regulation, Greece allows these migrants to pass through into Hungary. Other migrants get on overcrowded boats operated by smugglers to gain entry into Europe through other member states, resulting in incidents similar to the Mediterranean boat disaster from April of this year that led to the loss of more than 800 lives (NY Times 2015).

The failures of the CEAS are not limited to Greece. Simply put, the CEAS has been unable to unify the European asylum system due to the ideological and political differences between countries. While Germany is gladly accepting migrants, the majority of its partners in the EU are beginning to close their borders and vary their intake of people, with countries like Hungary going as far as building fences around its borders. The Asylum Procedures Directive has proved to be useless as almost every member state has a different application process, often in languages foreign to the migrants, a situation that is theoretically supposed to be avoided under the CEAS.

To exacerbate things, upon submitting applications many refugees are faced with waiting times anywhere from three months to five years. Unable to sustain themselves



and their families for so long without work, they have no choice to risk their lives by entering EU member states through smuggler boats. The CEAS is clearly not working.

In April of this year, the European Commission laid out a new ten point plan to help ease the situation. This plan primarily consisted of calls to strengthen Triton, a Mediterranean rescue service run by Frontex, in order to help end the influence of smuggler boats in area. Other points demanded response to asylum applications within two months and the recording and fingerprinting of every migrant. Unfortunately, over the course of the summer this ten point proved to be futile as it failed to stop the travel of smuggler ships in the Mediterranean. Additionally, other points in the plan were either poorly implemented or not implemented altogether by most of the EU member states, resulting in limited progress in resolving the situation.

Understanding the gravity of the situation, EU leaders called an emergency meeting at the end of this past September where they agreed upon an additional \$1.1 billion in funding for the UN refugee agency and World Food program, more help for Lebanon, Jordan, Turkey and other countries that migrants cross before entering the EU, assistance for the Balkan states that serve as the route to Germany and other northern member states and better border control throughout Europe. European leaders further agreed that they need to work with Turkey, Syria's northern neighbor. Staying true to their words, EU leaders finalized an action plan with Turkey in October containing the following proposals for the EU to:

- provide \$1.1 billion in aid for 2015 and 2016 to help Turkey deal with camps overflowing with refugees from Syria and Iraq
- assist in the resettlement of many of the refugees already in Turkey
- reinforce the Turkish coast guard in getting rid of smugglers
- begin plans on lifting visa requirements for Turkish citizens looking to travel in the EU (BBC 2015)

In return, Turkey will begin to implement asylum procedures of their own as well as opening as many as six refugee reception centers with funding from the EU.



Questions to Consider

1. What is the EU's role in helping to solve the migrant crisis? Does it have the authority to mandate that member states take in a certain amount of migrants or is this solely the decision of the individual members.
2. What are individual member states' roles in taking in the migrants coming from the war torn areas of the Middle East? Do they have a moral responsibility to provide for these incoming migrants or is there first and foremost obligation to their citizens in securing their borders? Is it possible to take in incoming migrants while still upholding these obligations to their citizens?



References

- "A Common European Asylum System." *A Common European Asylum System*. European Commission, 20 Apr. 2015. Web. 26 Jan. 2016. <http://ec.europa.eu/dgs/home-affairs/e-library/docs/ceas-fact-sheets/ceas_factsheet_en.pdf>.
- Adler, Katya. "Migrant Crisis: EU leaders avoid punch-up but fail refugee test." *Migrant Crisis: EU leaders avoid punch-up but fail refugee test*. BBC, 24 Sept. 2015. Web. 26 Jan. 2016. <<http://www.bbc.com/news/world-europe-34348391>>.
- Bonomolo, Alessandra. "UN says 800 migrants dead in boat disaster as Italy launches rescue of two more vessels." *UN says 800 migrants dead in boat disaster as Italy launches rescue of two more vessels*. The Guardian, 20 Apr. 2015. Web. 26 Jan. 2016. <<http://www.theguardian.com/world/2015/apr/20/italy-pm-matteo-renzi-migrant-shipwreck-crisis-srebrenica-massacre>>.
- "Common European Asylum System." *Common European Asylum System*. European Commission, 20 Apr. 2015. Web. 26 Jan. 2016. <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm>.
- De Launey, Guy. "Leaving Kosovo: Exodus of young people as frustration soars." *Leaving Kosovo: Exodus of young people as frustration soars*. BBC, 22 Mar. 2015. Web. 26 Jan. 2016.
- Hajdari, Ismet. "EU shuts the door on Kosovans dreaming of a new life." *EU shuts the door on Kosovans dreaming of a new life*. Yahoo! News, 26 Sept. 2015. Web. 26 Jan. 2016. <<http://news.yahoo.com/eu-shuts-door-kosovans-dreaming-life-151046619.html>>.
- Hansen, Randall. "Migration to Europe 1945: Its History and Lessons." *The Political Quarterly*, Mar. 2014. Web. 12 Oct. 2015. <<http://onlinelibrary.wiley.com/store/10.1111/j.1467-923X.2003.00579.x/asset/j.1467-923X.2003.00579.x.pdf;jsessionid=0E09214C8602D7DD2291E362C2BFADC2.f02t01?v=1&t=ifo6qioj&s=63902dd6e4842b3306134537fd8>>.



- "Joint Foreign and Home Affairs Council: Ten point action plan on migration." *Joint Foreign and Home Affairs Council: Ten point action plan on migration*. European Commission, 20 Apr. 2015. Web. 26 Jan. 2016. <http://europa.eu/rapid/press-release_IP-15-4813_en.htm>.
- "Migrant crisis: Migration to Europe explained in graphics." *Migrant crisis: Migration to Europe explained in graphics*. BBC, 22 Dec. 2015. Web. 26 Jan. 2016. <<http://www.bbc.com/news/world-europe-34131911>>.
- "What's Behind the Surge in Refugees Crossing the Mediterranean Sea." *What's Behind the Surge in Refugees Crossing the Mediterranean Sea*. New York Times, 21 May 2015. Web. 26 Jan. 2016. <http://www.nytimes.com/interactive/2015/04/20/world/europe/surge-in-refugees-crossing-the-mediterranean-sea-maps.html?_r=0>.



Cyber Warfare in Europe

Topic Background

With the rise of personal computing machines over the past few decades, more and more of our personal lives have become digitized. Our credit card information, messages to and from friends and families and search history are all stored on servers millions of miles away from our actual phones and computers. To gain access to some of our most sensitive information, a thief or hacker would simply need to gain access to one of these servers as opposed to physically stealing our phones or computers. And with the rise of the internet accompanying that of personal computers, a prospective thief wouldn't even need to leave his or her house to steal from us. In fact, we wouldn't even know we had been robbed until it popped up on our next credit card statement or we found private pictures on the internet for everyone to see.

Similar to me and you, national governments have also digitized all of their information so that some of the world's most closely guarded secrets are sitting on a server in some warehouse that can hypothetically be access from anywhere in the world. Digitizing information makes sense for the government; it makes it much simpler to keep track of and search through important documents as well as allow governments to take advantage of computers and the advances being made in the technology sector. Despite these advantages, however, our governments' reliance on technology, while justified, has allowed warfare to enter the fifth domain: cyberspace.

Cyberwarfare has been defined by Richard Clarke as "actions by a nation-state to penetrate another nation's computers or networks for the purposes of causing damage or disruption". In the modern day where computers and the necessary resources are available to the average individual, cyberware definitions can also include non-state actors such as terrorist groups, criminal organizations and political extremist groups. Cyber attacks commonly manifest themselves in the denial of service by shutting down servers, websites or other kinds of infrastructure and basic amenities that are heavily reliant on technology such as powerlines and water grids. Cyber attacks can additionally hack servers to misappropriate sensitive information. And although no cyber attack has



yet been known to bring direct physical harm to a human being, a cyber attack on a large scale has quickly become a government's worst fear due to the national security threat posed; a potential loss of countless national secrets in a matter of hours would certainly prove to be devastating. This fear has pushed nations to develop cybersecurity capabilities in the anticipation of attacks in the cyber domain, attacks that have already come and will continue to come as long as vulnerabilities exist.

Compared to more traditional methods of warfare, cyberware is in its infant stages; most governments have yet to invest a significant amount of money in their cyber capabilities. As a result, there is widespread confusion over the meaning of "cyberwar" and "cyber defense" as well as a lack of any formal rules set by the international community to govern cyber warfare such as those exist for more traditional forms of warfare. A lack of formal guidelines to follow has led to the spread of offensive cyber capabilities as countries look to gain advantages over adversaries whilst unsure of what is considered acceptable by international standards.

Perhaps the biggest motivation behind Europe's push for improved cyber defense capabilities and stricter privacy laws is the European Commission's hope for a Digital Single Market in Europe by the end of 2016. A Digital Single Market, in the eyes of the European Commission is a market in which "individuals and businesses can seamlessly access and exercise online activities under conditions of fair competition, and a high level of consumer and personal data protection, irrespective of their nationality or place of residence". Europe's Digital Single Market Strategy is built on three pillars: better access for consumers and businesses to goods and services throughout Europe, creating the right environment to spur innovation in the digital industry and maximizing the growth of the digital economy. According to EC estimates, the completion of a Digital Single Market would bring roughly 470 billion dollars per year to Europe's economy as well as creating numerous additional jobs. It is clear that this strategy is crucial to Europe's growth. However, the only way for such a strategy to succeed is for companies and consumers alike to be confident in the security of the Digital Single Market, which can only be achieved through strong cybersecurity in the EU.



Past European Union Actions

With cyber war now considered a fifth domain of warfare, there exists much confusion as to how current international law should address cyber war. The two major areas of concern are how *jus ad bellum*, guidelines governing international armed conflict, and *jus in bello*, the manner in which war is waged accounting for international humanitarian law. Questions exist over whether existing laws in these areas should apply to warfare in cyberspace. With no international conclusion on the subject, numerous countries have found it acceptable to go ahead and invest massive resources into their offensive cyber capabilities.

This is not to say, however, that attempts have not been made to expand existing laws to the cyberspace domain. In 2013, the NATO Cooperative Cyber Defense Center of Excellence (CCDCOE) released a 300 page manual titled the “Tallinn Manual on the International Law Applicable to Cyber Warfare” which was written by a group of twenty international law scholars over a period of three years to address a multitude of topics including sovereignty, state responsibility, humanitarian law, the law of neutrality as well as many others. The manual consists of 95 rules which prohibit the use of force in cyber war and set certain conditions under which self defense is allowed. The manual further asserts that “cyber operations alone might have the potential to cross the threshold of international armed conflict” despite the fact that such an attack has yet to occur. Reactions to the Tallinn Manual have been mixed, largely due to the fact that some of the rules are fairly vague. Perhaps the biggest point of criticism is the lack of a distinction between cyber warfare and more traditional methods. For example, does an act of aggression in cyberspace justify a retaliatory strike on a more traditional battlefield? Some scholars argue that “what happens in cyberspace should stay in cyberspace” while others disagree, citing an inability to ensure proper justice through cyberspace alone. Clearly, while the Tallinn Manual makes a valiant effort at establishing international guidelines to govern cyber activity amongst nation-states, we are far from reaching an international standard.

Turning to the EU, almost every member state has completed a national cyber security strategy as of October 2015. Those who have failed to do so, Sweden and



Greece, have been on record recognizing the importance of cyber security and hope to complete their cyber security strategies within the next year. Thus, on paper it appears that Europe has a mature cyber security framework in place to prevent most serious cybercrimes. However, these national cyber security strategies actually serve to cover up the bigger issue of a lack of discussion and rhetoric between European countries over the cyberspace domain. Europe lags far behind in cyberspace when compared to its peers such as the United States and China. Most troubling is Europe's reliance on foreign technology companies, especially those based in the United States, including the big four - Google, Facebook, Amazon and Apple. The fact that nine out of every ten searches in Europe are conducted through Google underscores the amount of European data held by foreign companies subject to foreign surveillance. A naive approach has been made in recent years is to push these foreign companies to store European data in data centers physically located in the EU. Following the release of documents by Edward Snowden outlining the United States' surveillance program, this push has been fairly successful as companies such as Oracle, Salesforce and VMWare have followed the big four in opening data centers throughout Europe. The problem is that opening data centers in Europe is nothing but a publicity stunt for these American based companies; the Patriot Act gives the United States access to any data stored in European data centers. In fact, Microsoft openly confirmed this back in 2011 when Microsoft UK's managing director Gordon Frazer was unable to guarantee that EU-stored data held in EU based data centers would never leave the European Economic Area. Recognizing the reliance of the European economy on numerous foreign based cloud services, the European Commission has attempted to take back control of European data through the General Data Protection Regulation (GDPR) proposal which is designed to unify data protection throughout Europe. The GDPR is intended to replace the previous Data Protection Directive which has become dated by its lack of guidelines towards social networks and cloud services. The GDPR primarily hopes to introduce strict privacy laws, enforced by massive fines, that will establish a pan-European framework for handling European data, an improvement over the current status quo of a patchwork of individual national frameworks. Furthermore, as a regulation instead of a directive, EU member states will



be required to implement the policies set forward, ensuring a basic level of trust by European citizens in companies regardless of their area of operation.

Another key advance in EU cybersecurity is the Network and Information Security (NIS) directive. Proposed by the European Commission in 2013 and currently in final stages of negotiation, the directive is motivated by a need for “trust and security in the digital world” to serve as the foundations of a Digital Single Market. The directive essentially aims to establish a high level of cybersecurity throughout Europe by improving cooperation between member states as well as between the public and private sectors in addition to “requiring companies in important sectors - energy, transport, banking and health - as well as key Internet services to adopt risk management practices and report major incidents to the national authorities”. Furthermore, under the NIS directive, member states must develop computer emergency response teams (CERT) to respond quickly to reported incidents. The primary objective of the directive is to allow governments and businesses throughout Europe to rely on external digital networks and infrastructure to provide their services without issues and attacks, allowing the European economy to gain the benefits of reliable services and a culture of accountability.



Case Study: 2007 Cyber Attacks on Estonia

The 2007 cyber attacks on Estonia were a series of massive cyber attacks that began in late April and lasted for three weeks. The attacks were successful in disabling the websites of Estonian government ministries, political parties, newspapers, banks and companies and occurred during a dispute between Estonia and Russia over the removal of the Bronze Soldier of Tallinn, a statue commemorating the Soviet liberation of Estonia from Nazi Germany, from Tallinn, the capital of Estonia (The Guardian, 2007). Although the Estonian government accused the Kremlin of being directly involved in the attacks, they were ultimately unable to substantiate these claims. In the end, only one twenty year old ethnic Russian man was fined although various Russian youth groups attempt to claim responsibility for the attacks (BBC, 2008). The severity of these attacks on Estonia, shutting down critical government and private sector services of an advanced country, highlighted the vulnerability of sovereign nation-states to attacks by autonomous transnational groups in today's information age. The 2007 attacks showed the world, along with the EU member states, that it could no longer simply fear and defend against military attacks from nation-states, attacks that are highly visible and often can take months and years to be fully effective. Rather, the attacks on Estonia indicated to the world that in an age of IT-driven globalization, even checks on military aggression such as NATO Article 5 and the United States nuclear arsenal cannot protect a nation state in cyberspace, opening it up attacks by both sovereign nation states and transnational groups that are much harder to persecute and bring to justice (JSS, 2011). The nations of the world, along with those of the EU, must decide how to find a balance between both freedom of the Internet and systems that monitor activity in cyberspace to provide adequate warnings for potential attacks. The 2007 attacks on Estonia truly showed the need for foreign and security policies of nation-states in the EU and around the world to adapt to the digital era.



Questions to Consider

1. Considering the fact that the EU doesn't really mandate the kind of military engagement or security its member countries have, what is the scope and responsibility of the EU in dictating the cyber security infrastructures of its member states, including but not limited to the organization of their internal businesses, banks and other entities.
2. In the past, the EU's responsibilities have primarily been economic or labor related. How can we justify an expansion in scope to cover cybersecurity?



References

- "Cyber defence in the EU. Preparing for cyber warfare?." *Cyber defence in the EU. Preparing for cyber warfare?*. European Parliament, 1 Oct. 2014. Web. 26 Jan. 2016. <<http://www.europarl.europa.eu/EPRS/EPRS-Briefing-542143-Cyber-defence-in-the-EU-FINAL.pdf>>.
- "Estonia fines man for 'cyber war'." *Estonia fines man for 'cyber war'*. BBC, 25 Jan. 2008. Web. 26 Jan. 2016. <<http://news.bbc.co.uk/2/hi/technology/7208511.stm>>.
- Hanff, Alexander. "EU Data Centers are not safe from US Surveillance." *EU Data Centers are not safe from US Surveillance*. ITsecurity, 10 Mar. 2015. Web. 26 Jan. 2016. <<http://itsecurity.co.uk/2015/03/eu-data-centers-are-not-safe-from-us-surveillance/>>.
- Herzog, Stephen. "Revisiting the Estonian Cyber Attacks: Digital Threats and Multinational Responses." *Revisiting the Estonian Cyber Attacks: Digital Threats and Multinational Responses*. Journal of Strategic Security, 1 June 2011. Web. 26 Jan. 2016. <<http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1105&context=jss>>.
- Traynor, Ian. "Russia accused of unleashing cyberwar to disable Estonia." *Russia accused of unleashing cyberwar to disable Estonia*. The Guardian, 16 May 2007. Web. 26 Jan. 2016. <<http://www.theguardian.com/world/2007/may/17/topstories3.russia>>.