

# CHALLENGE

## Liberty & Security



Universiteit Utrecht

Round Table Conference

### **Shifts in Governance at the Physical and Legal Borders of Europe: In search of Accountability**

**17 April 2009, Utrecht University  
Raadszaal  
Achter Sint Pieter 200, 3512 HT UTRECHT**

The development of new measures dealing with the physical and legal borders of Europe result in various shifts of power. These shifts may lead to changes in traditional forms of accountability and responsibility of national Member States as concerns powers which are transferred to other levels: to EU institutions or other Member States, but even to third states or private entities. These shifts in governance are closely related to five major trends in the underlying field:

- *Europeanization*: the development of EU policy and law, limiting and extending powers of Member States with regard to migration and border control;
- *Extraterritorialization*: the transfer of immigration control beyond the external territorial borders of the EU;
- *Privatisation*: the transfer of powers of border control to private entities;
- *Transnationalism*: various legal instruments adopted at the EU level prescribing the mutual recognition of national decisions;
- *Securitization*: The transfer of migration control from administrative authorities to law enforcement authorities and internal security agencies

The shifts in governance following from these five trends raise the central question as to whether current forms of accountability, meaning both political and legal accountability, are sufficient to secure democratic decision making and to protect the rights and freedoms of the individual. The Round Table is meant as an opportunity to investigate whether existing concepts of accountability are still valid in this field, and if not, whether novel mechanisms of accountability should be developed. For this purpose, we will consider three "case studies" including a specific mechanism of border control: The recently adopted Returns Directive; contemporary mechanisms of external border control; and public order and security. These case studies have in common that they illustrate both shifts in governance at the physical and legal borders of Europe and the risk of "loss of accountability".

# Programme

11:00 – 11:30 Registration and coffee

11:30 – 11:45 Welcome by Professor Leonard Besselink

11:45 – 12:45 **SESSION I : The Returns Directive**  
*Chair:* Professor Leonard Besselink  
  
Professor Pieter Boeles (Leiden University)  
*Discussant:* Diego Acosta (King's College London)

12:45-13:45 Lunch

13:45 – 14:45 **SESSION II: Mechanisms of External Border Control**  
*Chair:* Professor Leonard Besselink  
  
Andrew Neal (University of Edinburgh)  
*Discussant:* Anais Faure Atger (CEPS Brussels)

14:45-15:00 Coffee Break

15:00 – 16:00 **SESSION III: Public Order and Security**  
*Chair:* Professor Leonard Besselink  
  
Professor Monica den Boer (VU University Amsterdam)  
*Discussant:* Evelien Brouwer (Utrecht University)

16.00 – 16.45 **CONCLUSIONS and Discussion**  
*Chair:* Professor Leonard Besselink  
  
Professor Elspeth Guild (Radboud University Nijmegen & CEPS Brussels)

16:45 Closing by Professor Leonard Besselink

17:00 Drinks