

## **HAS THE EUROPEAN UNION DONE ENOUGH? MIXED REACTIONS FROM THE DYNAMICS OF THE MOST RECENT MIGRATION CRISIS**

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### **ABSTRACT:**

*THIS CONTRIBUTION AIMS AT DEPICTING THE DYNAMICS OF CURRENT MIGRATION CRISIS, INSISTING ON THE EU'S RESPONSE TO AN EVER CHANGING CLIMATE OF INSTABILITY IN THE MEDITERRANEAN AND THE AEGEAN SEA. BESIDES DESCRIBING THE ACTIONS TAKEN BY THE EU TO CONTAIN THE MASSIVE WAVES OF REFUGEES AND ASYLUM SEEKERS, THE ARTICLE ALSO IDENTIFIES THE GAPS WITHIN THE COLLABORATION AMONG EU MEMBER STATES AND OTHER REGIONAL PARTNERS.*

*THE SCHENGEN AREA, AS WELL AS THE AREA FOR LIBERTY, SECURITY AND JUSTICE HAD TO FORGE SOLUTIONS IN ORDER TO LIMIT THE CONSEQUENCES OF IRREGULAR MIGRATION CAUSING A GREAT DEAL OF PRESSURE UPON THE POLITICAL LEADERS OF THE STATES DIRECTLY ON THE PATH OF THE TWO MAJOR ROUTES OF ACCESS TO EUROPE. THE EUROPEAN INTEGRATION PROCESS IS EXPENDING ITS AREAS OF CONTROL IN AN ATTEMPT TO BUILD A COMMON IDENTITY, THIS BEING A TEST TO THE COMMON FOREIGN AND SECURITY POLICY. IN ORDER TO HAVE A BETTER APPROACH TO BORDER CONTROL THE EU INSTITUTIONS AND MEMBER STATES MUST REACH A COMMON GROUND IN TERMS OF TACKLING THE ROOT CAUSE FOR THESE CONFLICTS, AS WELL AS GAINING A LONG TERM AUTHONOMOUS STRATEGIC AND OPERATIONAL IDENTITY, THAT ALLOWS THEM TO IMPOSE THE CORE VALUES ALL DEMOCRATIC COUNTRIES SHARE AND PROTECT.*

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**KEY WORDS:** CSDP, MIGRATION CRISIS, SCHENGEN ACQUIS, BORDER MANAGEMENT.

### **INTRODUCTION:**

Migration all over the globe has always been perceived as a security problem. Every major actor of the international scene has designed plans and methods to make this transition far less difficult to both the migrant, as well as for the adopting neighborhood.

Although blamed for doing too little, too late, the Common Foreign and Security Policy of the European Union has managed to alleviate the desperate status for millions of refugees and asylum seekers. It is hard to tell if the EU serves its civilian power doctrine to its fullest potential but there are strong arguments to demonstrate such propensity. Still,

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following the trends of migration, European countries should have predicted<sup>2</sup> its outburst taking into consideration that the Arab Spring took place just a few years ago.

The migration crisis affected not only the perception on conflicts taking place in different geographical areas but also the core of European democratic values and their accountability within highly developed societies.

Despite an intensive border control conducted by Frontex, EU's external border control agency, a real containment for the intensive migratory fluxes hasn't been achieved yet. And that is a clear consequence of the fact that no international organism has been able to tackle the roots of this phenomenon, which is far from being stabilized.

### **EUROPE FACING THE SPILLOVER EFFECT OF A POORLY MANAGED REGIONAL CRISIS. IS CONFLICT MANAGEMENT WISDOM STILL IN HIGH DEMAND?**

The migration phenomenon has proved to be a difficult issue to deal with especially because we live in a highly globalized world where the spillover effect amplifies the very nature of all destabilized regional complexes.

Many international organizations like the United Nations, Organization for Security and Cooperation in Europe (OSCE), the European Union and the states themselves have increased their awareness and defined their strategies in order to cope with the demands of such vulnerable groups.

The migration crisis which unfolded between 2014-2016, being still a pressing issue on the international agenda, has shifted also the distinction between domestic policies and external ways of action.

Only in 2015, more than 1 million people arrived by sea in Europe, according to, out of which 50% were men, 19% were women and 31% were children. The largest wave came in April, and since then the numbers have increased rapidly from almost 30.000 people to 118.687 in December, the peak was registered in October when 221,374 migrated to Europe.

At the beginning of 2016 the number of arrivals in Europe started to decrease from 73,135 persons in January, to 36,923 in March and 25,244 in July, the statistics showing an obvious trend of stabilization.<sup>3</sup> In 2016, until the August 10th there were 275,857 arrivals to Europe, out of which 264,513 were made by sea.<sup>4</sup>

The IOM statistics also show that the migrant crisis has also taken the lives of 4,216 people this year alone, the death toll reaching almost 10,000 from 2014-2016 just within the Mediterranean Area.<sup>5</sup>

There are lots of factors determining individuals to migrate, some related to the economic status, others related to the importance of social groups or networks. The paths to migration have become much more fragmented, thus determining an ever going process to adapt the means of controlling the migrant routes in an effort to reduce or eliminate irregular movement.<sup>6</sup>

<sup>2</sup> Thomas Spijkerboer, *Europe's Refugee Crisis: A perfect Storm*, 2016, available at <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/europe%E2%80%99s-refugee>, accessed August 9, 2016.

<sup>3</sup> Report of UNHCR- *Refugees/Migrants Emergency Response-Mediterranean*, available at <http://data.unhcr.org/mediterranean/regional.php>, accessed August 13, 2016.

<sup>4</sup> <http://migration.iom.int/docs/WEEKLY%20Flows%20Compilation%20No22%2011%20August%202016.pdf>, accessed August 13, 2016.

<sup>5</sup> [https://missingmigrants.iom.int/sites/default/files/Mediterranean\\_Update\\_9\\_August\\_2016.pdf](https://missingmigrants.iom.int/sites/default/files/Mediterranean_Update_9_August_2016.pdf), accessed August 11, 2016.

<sup>6</sup> M. Collyer, Hein de Haas, "Developing economic categorisations of transit migration", *Population, Space and Place*, Vol 18(4), 2015, 471.

On behalf of the migrants decision making about following a certain migratory path there are a few variables that should be taken into account: the economic growth of the welcoming country, its labor market structure, levels of education, inequality and even conflict.<sup>7</sup> The process of migration is deeply embedded in the social moves that take place all over the globe, these movements being pushed forward by the patters of inequality visible worldwide.

When dealing with root causes these can range from poverty, to ethnic conflict, discrimination or unlawful practices, due to the state`s incapacity to maintain order and its normal governing abilities.

The EU, through its High Representative, has close ties to the UN High Commissioner for Refugees, and also with the Organization for Migration (IOM). Its role is strengthened also by its collaboration with Europol and Frontex.

In terms of strategic endeavors of the EU towards its close neighborhood there are clear signs that EU`s partnerships and initiatives are already redefining the rules of commitment.

EU`s external strategic role is visible through its regional partnerships with African Union, the G5 of Sahel<sup>8</sup> and also with states from Middle East or with Turkey, although lately there have been a few tensions regarding this state.

The refugees had two major routes to arrive in Europe, one located in the South-Central Mediterranean Area and the other circumscribed to the Aegean Sea. EU`s role in containing the migration crisis started in 2014 dates back with one year and a half before. At the end of 2013 an Italian initiative was meant to determine the High Representative for Common Security and Defence Policy to establish a naval rescue operation combined with a border police cooperation to stop trafficking.

Greece joined Italy in this initiative but with little success just because other countries in the EU weren`t interested in participating to such operations; that caused also the failure of Mare Nostrum rescue operation.

This lack of solidarity between European nations on the migration crisis deepened especially during the official meetings within the EU institutions. Placing the migration crisis and the refugee crisis on the European agenda was rather a difficult objective.

The Foreign Affairs Council of March 2015 decided to organize some meetings to reach a common position towards the migration crisis which before it was neglected for more than a decade, although previously there have been a few head of states meetings within the European Council in order to strengthen a Frontex Operation, called Triton, organized in the South Central Mediterrane.

Only in the summer of 2015 the EU launched a common military response called EUNAVFOR MED, that was very quickly implemented attracting lots of critics on behalf of the international community and especially from a few NGOs fighting for human rights.

In December 2015 the European Commission has started to take legal action against states like Greece, Croatia and Italy for failing to correctly register the migrants. All these countries have failed to follow Eurodac Regulation , which was recast, being applicable since 20 July 2015.

The Commission also launched an infringement case against Hungary over its asylum legislation. Before the infringement procedures were launched the Hungarian government

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<sup>7</sup> Mathias Czaika, Hein de Haas, "The efectiveness of immigration policies", *Population and Development Review*, Vol 39(3),2013 , 488-490.

<sup>8</sup> The G5 of Sahel is an institutional framework of coordination and surveillance for the regional cooperation in terms of development and security, created after the Summit of 15-17 February 2014 by the following states: Mauritania, Mali, Burkina Faso, Niger and Chad, who in December 19<sup>th</sup> 2014 adopted also a Convention.

sent a questionnaire to its citizens asking them how its cabinet should deal with the migratory crisis. The text of the survey had references to Charlie Hebdo and even had ISIS mentioned, so the answer on behalf of the population somehow empowered the government to adopt a very restrictive position towards this crisis.

Although EUNAVFOR MED started without a clear mandate, its first phase dealing with surveillance and assessment operations seemed to be a great success for the CSDP preparing the real capacities of the EU for the other stages of the mission which dealt with the identification, capture and disposal of vessels used in smuggling and trafficking activities.<sup>9</sup>

The legal mandate for EUNAVFOR MED came within UNSC Resolution 2240 issued in October 2015, which provided the participant states and other regional partners the ability to intercept, inspect, seize and dispense vessels on the high seas of the coast of Libya for a period of one year. The Resolution is also very strict about the circumstances, practices and course of action that should be followed in order to provide assistance to the migrants, mainly to protect their human rights. The Resolution doesn't authorize any actions within Libyan territory or internal water. Probably the biggest political impediment of EUNAVFOR MED was the fact that Libya had 2 centers of power fighting for supremacy (one in Tobruk, and the other one located in Tripoli). In December 2015 a Libyan political Agreement was reached supported by UNSC Resolution 2259.

In October, EUNAVFOR MED entered its second phase saving the lives of almost 15.000 people in its first year of existence. Given the positive outcome of the operation the Council for Foreign Affairs, has decided, in June 2016, to extend the mandate for one additional year. Two new tasks were added to the operational menu, one relates to the training of Libyan coastguards and the other one refers to providing assistance to the UN arms embargo on the high seas.

EUNAVFOR MED was one of the first missions developed within the EU framework that managed, independently of NATO to carry and sustain a wide variety of military and rescue missions.

The Aegean migration route also needs a close inspection due to the refusal of Greece and Turkey to work together. In this case NATO came as a link between the Turkish and Greek coastguards and Frontex. NATO and CSDP should have a complementary role within this geopolitical complex<sup>10</sup>, but their relationship has serious drawbacks due to different institutional cultures and of course the lines of control and command.

### **HOW IS THE SCHENGEN AREA HOLDING ON AFTER 3 YEARS OF MIGRATION CRISIS?**

Lunched in 1985, as an intergovernmental agreement, the Schengen Agreement became a symbol for the freedom of movement. The Schengen Agreement was then incorporated into the Treaty of Amsterdam, signed in 1997. Only 22 Member States are part of this Agreement, the UK and Ireland still enjoy the opt-out clause, while countries like Romania, Bulgaria, Croatia and Cyprus already apply Schengen acquis, but they are not de jure members. There is another group of 5 states (Denmark, Iceland, Norway, Switzerland, Liechtenstein) that also applies the Schengen acquis but they do not undertake controls to their internal borders.<sup>11</sup>

<sup>9</sup> Council Decision 2015/778/CFSP of 18 May 2015, OJ 2015 L 122/31, Art. 1(1).

<sup>10</sup> S. Blockmans, G. Faleg, "More Union in European Defence", report of the CEPS Task Force, chaired by Javier Solana, CEPS 2015.

<sup>11</sup> Yves Pascouau, Foundation Robert Schuman, *European Issues*, No 392, May 18<sup>th</sup> 2016, available at: <http://www.robert-schuman.eu/fr/questions-d-europe/0392-l-espace-schengen-face-aux-crisis-la-tentation-des-frontieres>

During the migration crisis there have been a few moments when the Schengen area was under assault giving the Member states no choice but to limit the volumes of migrants that entered or transited their territories. Taking into consideration that the migration fluxes to Italy and Greece were very difficult to deal with, Germany guaranteed that it will take 800,000 asylum seekers on its territory, and furthermore it won't send back the Syrian refugees that applied for the humanitarian clause.

This decision has caused a reorientation of migrants to Germany, applying a great amount of pressure upon the states of transit, that culminated with Hungary's decision to build a fence at its border with Serbia.

The most difficult episode in the migration crisis took place in the fall of 2015 when Germany decided to temporarily close its border with Austria, which in return closed its borders with Italy, Slovenia and Hungary, causing a similar effect on the neighboring countries. Luxembourg Presidency for the Council of the European Union managed to save the Schengen Agreement, when the general views of the Member States were rather skeptical towards its current evolution.

The terrorist attacks in Paris and in Brussels determined many European nations to introduce emergency controls. The Schengen Code in article 26 includes the measure of reintroducing internal borders controls, but this procedure involves also the Council and the Commission. The idea of border control is not new, it dates back to the Laeken Declaration of 2001, when the possibility of establishing a European border police was advanced. Only at the end of 2015 the Commission laid down the main components of its initiative to establish a new European Border and Coast Guard.<sup>12</sup>

Most European countries have seen this migration crisis as a serious threat to their sovereignty and to the well-being of their own citizens, very few stakeholders being aware of the opportunity they had by absorbing these migration fluxes into their own societies. Although the costs of integrating refugees are high at the beginning, once integrated they can produce greater benefits to the adopting countries. It is also true that from this equation some countries bear more costs and responsibility and others might get the benefits<sup>13</sup>, that is why it is highly important to integrate migrants without a constant pressure on the figures and balance sheets.

Besides creating animosity among them, many European states have placed a great deal of pressure on their own national administrations in solving the issues. EU's philosophy of containing this migration crisis had much to do with changing priorities. If in the case of Turkey, the EU signed an agreement with the government from Ankara in order to provide 3 billion euros in return of its cooperation in limiting the migration process. In the case of Greece, at the end of January 2016, the EU threatened to expel this country from the Schengen Area, a similar scenario to that of the third bailout Greece reached in the summer of 2015.

Stopping the people from entering Europe cannot be a long term solution, making the EU fortress a current reality might discourage the very sense of sustainable growth on behalf of the European Nations. Recent studies have shown that the migrant and refugee crisis has

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<sup>12</sup> This initiative was made through a Communication of the Commission called "A European Border and Coast Guard and effective management of Europe's external borders" available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/fact-sheets/docs/a\\_european\\_border\\_and\\_coast\\_guard\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/fact-sheets/docs/a_european_border_and_coast_guard_en.pdf), accessed: August 8, 2016.

<sup>13</sup> Joakim Ruist, "Fiscal Cost of Refugees in Europe", 2016, available at: <http://voxeu.org/article/fiscal-cost-refugees-europe>, accessed August 10, 2016.

been fueled also by the industry that grew up around them<sup>14</sup>, because new routes are created, a new wave of smugglers emerges and the circuit creates shape again.

## CONCLUSIONS

The Schengen area should be preserved because in the past three decades it brought lots of advantages on behalf of the European nations, starting from an improved framework from the free movement of people and goods, an extensive security shield to counter security threats and why not a common strategy to transfer sensitive sovereign issues to European Institutions.

The integration of migrants is first of all a security problem. There are ways to improve security, starting with the European agencies which can become active without the demand of a member state. Another step in making this process smoother would involve a further delegation of staff from the national agencies, as well as sharing information at the early stages of an investigation. Engaging in fast operational interventions like it happened in the Mediterranean Area should become a rule.

Such initiatives need also larger budgets, so the Europol and Frontex resources should be enriched according to their needs. This migration crisis has even advanced the possibility of creating a common European border and coast guard that can intervene in emergency situations.<sup>15</sup>

There are still lots of pressing issues that need further attention. Some of them refer to the common mindset of most European nations, others assume that this anxiety associated to strangers makes them less responsible and un-engaged into pursuing the right paths for action. Instead of seeking a closed borders policy why not opening up legal routes for people in search of work or shelter? European democratic societies face an even greater danger, due to the rise of far right parties and organizations, so tackling racism and xenophobia should remain a priority.

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<sup>14</sup> R. Andersson, *Illegality, Inc: Clandestine Migration and the Business of Bordering Europe*, (Berkley University of California Press, 2014), 7.

<sup>15</sup> Giancarlo Corsetti, Lars Feld et al., *Reinforcing the Eurozone and Protecting an Open Society*, May 2016, p.45, available at: <http://voxeu.org/content/reinforcing-eurozone-and-protecting-open-society>, accessed August 9, 2016.

## REFERENCES

1. **Andersson, R.**, "Illegality, Inc: Clandestine Migration and the Business of Bordering Europe", Berkley University of California Press, 2014.
2. **Archick, Kristin**, "The European Union: Current Challenges and Future Prospects", *CRS Report*, June 2016.
3. **Balleix, Corinne**, "What type of Reform of the common European asylum regime are we heading toward?", *European Issues* No 400, July 2016.
4. **Blockmans, Steven**, New thrust for the CSDP from the refugee and migrant crisis, no 142, CEPS, Brussels, July 2016.
5. **Blockmans, S., Faleg, G.**, "More Union in European Defence", report of the CEPS Task Force, chaired by Javier Solana, CEPS 2015.
6. **Collyer, M., de Haas, Hein**, "Developing economic categorisations of transit migration", *Population, Space and Place*, Vol 18(4), 2015.
7. **Council Decision** 2015/778/CFSP of 18 May 2015, OJ 2015 L 122/31, Art. 1(1)
8. **Cuaresma, J.C., Huber, Peter et al.**, "Migration in an ageing Europe: What are the challenges?", *Working Paper* No 79, 2015.
9. **Czaika, Mathias, de Haas, Hein**, The effectiveness of immigration policies, *Population and Development Review*, Vol 39(3), 2013.
10. **Crawley, Heaven**, "Managing the Unmanageable? Understanding Europe's Response to the Migration Crisis", *Human Geography*, Vol. 9(2), 2016.
11. **de Lima, P., Barnabe, S., et al.**, "Migration and the EU. Challenges, opportunities, the role of EIB", European Investment Bank, March 2016.
12. **European Commission**, *An Economic Take on the Refugee Crisis. A Macroeconomic Assessment for the EU*, Institutional Paper 33, July 2016.
13. **Miner-Matheson, Graham**, "Migration transition theory. An investigation into mobility transition theory and the effects on the United Kingdom", *Working Papers*, July 2016.
14. **Pascouau, Yves**, Foundation Robert Schuman, *European Issues*, No 392, May 18th 2016, available at:
15. **Report of UNHCR**- Refugees/Migrants Emergency Response-Mediterranean, available at <http://data.unhcr.org/mediterranean/regional.php>
16. **Ruist, Joakim**, "Fiscal Cost of Refugees in Europe", 2016, available at: <http://voxeu.org/article/fiscal-cost-refugees-europe>
17. **Spijkerboer, Thomas**, Europe's Refugee Crisis: A perfect Storm, 2016, available at <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/europe%E2%80%99s-refugee>
18. **Taran, Patrick et al.**, Migrants & Refugees Have Rights. Impact of EU Policies on Accessing Protection, Caritas Europa, Brussels, 2016.
19. <http://migration.iom.int/docs/WEEKLY%20Flows%20Compilation%20No22%2011%20August%2016.pdf>
20. [https://missingmigrants.iom.int/sites/default/files/Mediterranean\\_Update\\_9\\_August\\_2016.pdf](https://missingmigrants.iom.int/sites/default/files/Mediterranean_Update_9_August_2016.pdf)
21. <http://www.robert-schuman.eu/fr/questions-d-europe/0392-l-espace-schengen-face-aux-crisis-lattentation-des-frontieres>