

THE EUROPEAN MIGRATION CRISIS. WHICH CONSEQUENCES AFFECTING THE STABILITY OF THE EUROPEAN UNION?

Alexandru C. Apetroe*

Abstract:

The European Union was heralded as one of the most astounding successes of the post-war reconstruction (from both political and economic perspectives), an evolutive process which began after the Franco-German reconciliation and was deeply influenced by the fall of the Soviet Union and the Former Eastern Bloc accession in 2004 and 2007 respectively. However, the EU Construction Process was deemed as flawed by its celerity, the differences between the East and West being as evident as they come after almost half a decade of totalitarian rule in the former. The question posed then, "has the EU enlarged too fast?" seems now, in retrospect, as not only justifiable but obtusely legitimate. Leaving aside the economic perspective, the European construction process has left the EU Social-Democrats at a severe disadvantage, which in turn has only strengthened the Right and shifted the electorate's sympathy towards everything considered non-mainstream. The withering of the EU Social-Democracy, which relinquished its classic ideology in favour of that of the Construction Project, losing the trust of the people in the process, can be perceived as one of the Union's biggest political weakness. Yet the issue at hand is best explained not by trying to frame the consequences, but to understand the underlying causes: the recent Brexit and the promise of a Frexit, the rise of right-wing parties, the increase in racist and bigoted political rhetoric and the spreading of populism, are all of these separate incidents

*Alexandru C. Apetroe has a B.A. in Law ("Al. I. Cuza" University of Iași) and a B.A. in European Studies (Babeș-Bolyai University of Cluj) and is currently enrolled in the Double-Diploma M.A. programme in Compared Political Sciences at Babeș-Bolyai University of Cluj and Université Paris XII – Créteil.

Contact: alex_apetroe@yahoo.com .

or are they interconnected? Simplistically yes, but it is also associated with how the citizens of the member States identify themselves: economically as European, yet identity as National. This poses some serious questions on the capacity of a weakened EU to overcome the multiple crises which affect it.

Keywords: European Union, Migration Crisis, Asylum, European Identity, Political Ideology, Brexit

Introduction

The 2015 *Migration Crisis* represents one of the most complex issues in the recent history of the European Union, literally dividing Europe into those which will accept the refugees and those which reject them. Taking a short look on the recent statistics courtesy of Médecins Sans Frontières which were published in June 2016, the background remains disturbing:

“Since 1 January 2016, 200,000 people have arrived on European shores by sea. The great part of them arrived through the Aegean Sea before the closure of the so called Balkan road and around 50,000 arrived in Italy through the dangerous Central Mediterranean route. At least 50,000 are stuck in Greece after the closure of the Balkan route, with the extremely dangerous Central Mediterranean becoming one of the few remaining opportunities to reach Europe for thousands of people. More than 2,800 people died this year at sea, 1,000 more than in the same period last year.”¹

However, the simple repartition of the number of asylum-seekers does not represent the principal issue at hand, the incapacity of the EU to provide a unitary approach, to show the world that it can transcend the differences of the member States and that it can overcome the string of crises which plagued Europe. In this respect the Migration Crisis is one of the biggest humanitarian disasters since the Second World War, in the sense that it affected not only the targeted member States, mostly Western, but the EU as a whole by showing the weakness and the feebleness of the European Project itself.

¹ Médecins Sans Frontières, “EU Migration Crisis Update - June 2016”, [<http://www.msf.org/en/article/eu-migration-crisis-update-june-2016>], 10 September 2016.

The *principal division*, between the original and the older member States on one hand, and the newest arrived Central and Eastern member States on the other was obvious, with the evident “East-west fracture”² making the foreign actors and non-EU states to perceive it as a superficial and immature construct. A *subsequent division* is also observed, between the so-called “arrival states” (Greece, Italy), the “transit states” (Hungary, Austria, Denmark and, in some aspects, France) and finally the “destination states” (Germany, Sweden, Holland). The frictions between the destination states and the transit states were particularly high with respect to the nearly-imposed *quotas*³ by the European Commission, with some member States, such as the UK, completely rejecting any decision taken at the supra-national level.

Yet the Migration Crisis is but only the latest of a series of problems affecting Europe. From the 2005 Constitutional Crisis, the 2010 Financial Crisis and the Greek Debt Crisis up until the Brexit and the Schengen Crisis (2015-2016), the EU member States have shown to be incapable to offer the world the image of a united Europe, let alone decide on long-term feasible solutions. We believe that this is caused by a *compound set of ingredients*: the poor results of the European Project, the deepening differences between the member States, the withering of the EU Social-Democracy⁴, the rise of the populist and far-right movements throughout Western and Northern Europe, the inability of Brussels to perfect the co-decision process and the differences in adopting common solutions to the problems which threatened the stability of the EU.

² Ferruccio Pastore, “The next big European project? The migration and asylum crisis: a vital challenge for the EU”, in Norwegian Institute of International Affairs, *NUPI Policy Brief*, 25/20115, p. 2.

³ *The Guardian*, “EU governments push through divisive deal to share 120,000 refugees”, [<https://www.theguardian.com/world/2015/sep/22/eu-governments-divisive-quotas-deal-share-120000-refugees>], 10 September 2016.

⁴ David James Bailey, *The End of the European Left? Social Democracy, Hope, Disillusion, and Europe*, [<http://nearfuturesonline.org/the-end-of-the-european-left-social-democracy-hope-disillusion-and-europe/>], 10 September 2016.

The poor results of the EU are viewed, in a subjective and pessimistic point of view of some authors, as either an “economic failure”⁵, or as a “failed experiment”⁶ which has tried, unsuccessfully, to eliminate the lingering importance of the nation-state, particularly from the cultural and identity perspectives. In another of these Eurosceptic opinions⁷ other authors consider that one of the first major signs of the failure of the European Project happened in 2005 when “it appeared to have been confronted by a mass of contradictions which might ultimately threaten its very survival”. Still, even the roots of the European Project via the EU’s Founding Fathers (Monnet, Spinelli and Spaak) are viewed as “deceptive” and “the most spectacular coup d’état in history”⁸. However, regardless of the strenuousness of providing a common solution to the migration problem, it is clear that the EU has taken certain measures towards solving at least the most evident symptoms of the recent crisis, even if the proposed measures are short-term tailored and reactionary. However, we do not believe that the EU is doomed to fail, because simplistically put, *it cannot fail*, lest we desire a return to pre-World War II situation. Yes, the EU has its share of shortcomings, but the truth of the matter is that we have no other way, we must try and try again until we manage to build a workable system.

In this article we will discuss the *complex of elements* which are widely used by the *euro-sceptic rhetoric* (failure of Europe’s progress – particularly economic prosperity, the democratic deficit and rising distaste for Brussels’ *technocrats*⁹) and their impact on the future of the European project, the shift in political ideology at the European level, the rise in the support for the populist and/or extremist tendencies and the shift towards the nation-state as opposed to the broader so called “mainstream” approach linked to

⁵ Bill Lee, *The European Union: A Failed Experiment*, [<https://hbr.org/2013/06/the-european-union-a-failed-ex>], 10 September 2016.

⁶ Bruce Thornton, *The E.U. Experiment Has Failed*, [<http://www.hoover.org/research/eu-experiment-has-failed>], 10 September 2016.

⁷ Christopher Booker, Richard North, *The Great Deception. Can the European Union Survive?*, Third Edition, Bloomsbury, London–New York, 2016, pp. vii–viii.

⁸ *Ibidem*, pp. 3–4.

⁹ *The Guardian*, “Europe: the rise of the technocracy”, [<https://www.theguardian.com/commentisfree/2011/nov/13/europe-rise-technocracyeditorial>], *The American Interest*, “The Failure of the EU’s Technocrats”, [<http://www.the-american-interest.com/2015/09/02/the-failure-of-the-eus-technocrats/>], 10 September 2016.

a slow progress in the direction of a supra-national, federalist, “United States of Europe” which represented the original European project as it was envisaged by its Founding Fathers.

The “Migration Crisis” – from “refugee” and “migrant” to “migratory flux” and “mixed-migration”

The “migrant-refugee” dichotomy is interesting to analyse for a multitude of reasons. *First*, we have the term of “refugee” which is used to refer to the individuals which are trying to escape civil war, rape, torture and modern slavery in their homelands. *Second*, employed by the more reticent Europeans, the term “migrant” is used for those which are viewed as “invaders” or as individuals which choose to abandon their home in search of a better life, reaping the benefits of the welfare-state, being labelled as “migrants” or more precisely “economic migrants”. In this case, the perception is that the whole situation might not be as grave and dire as it is portrayed and that the humanitarian aspect is overshadowed by those which take advantage of the sensibility and concern for the plight of others. *Third*, as a follow-up to the previous idea, the terminology of “migratory flux/flow” seems even more unorthodox by *dehumanizing the tragedy of the refugees*, since they are labelled as a wave or forward motion and not as rational sentient beings, alluding to a form of natural phenomena or simply by making them indistinguishable one from the other.¹⁰ Hence, a new terminology has started to be used, that of a “mixed migration”¹¹, however there is no consensus in defining it, with some definitions such as: “complex population movements including refugees, asylum-seekers, economic migrants and other migrants; unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow”¹². In one opinion¹³, we find two terminologies: “mixed

¹⁰ Lena Kainz, *People Can't Flood, Flow or Stream: Diverting Dominant Media Discourses on Migration*, [<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/people-can%E2%80%99t>], 10 September 2016.

¹¹ *Mixed Migration Hub*, [<http://www.mixedmigrationhub.org/about/what-mixed-migration-is/>], 10 September 2016.

¹² *IOM*, [<https://www.iom.int/files/live/sites/iom/files/Country/docs/Mixed-Migration-HOA.pdf>], 10 September 2016.

¹³ Sarah Wolff, “Migration and Refugee Governance in the Mediterranean: Europe and International Organisations at a Crossroads”, in *IAI Working Papers*, No. 15, Issue 42, October 2015, pp. 13-14.

migration flows” and “stranded migrants”. The former (*mixed migration* or “mixed migration flows”) refers to both *forced migration* and *economic migration* which follow similar migratory routes, whilst the latter (“stranded migrants”) refers to “vulnerable migrants” who are either in transit or at destination, but who do not have support from their government. A very important aspect, cited by the IOM recognizes that the crisis is amplified not only by the politically incapacitated EU, but also by the fact that “more and more migrants fall outside the provisions of the available instruments.”¹⁴

The UNHCR discusses *mixed migration from a legal perspective*: “migrants are fundamentally different from refugees and, thus, are treated very differently under international law [...] migrants, especially economic migrants, choose to move in order to improve their lives [...] refugees are forced to flee to save their lives or preserve their freedom”¹⁵. We believe that this distinction is important not because of the conflict of laws (with respect to the asylum procedure), but owing to the fact that the public perception of the phenomena and the political importance of the term are far more evident than any legal dispute, leading many to question the objectivity and ethics of media coverage which employ the abovementioned terminology¹⁶. For example, the media has used the two terms (“refugee” and “migrant”) interchangeably, contributing to the increase in the percentage of those who employ the term “migrant” in the sense of “economic migrant” and not by the common sense it has, that as opposed to “indigenous” when clearly referring to war refugees. The UNHCR issued a report on the press coverage on five European countries¹⁷ (Spain, Italy, Germany, the UK and Sweden), finding that “overall, the Swedish press was the most positive towards refugees and migrants, while coverage in the United Kingdom was the most negative, and the most polarised” and that “amongst those countries surveyed, Britain’s right-wing media was uniquely aggressively in its campaigns against refugees and migrants”.

¹⁴ *Ibidem*, p. 14.

¹⁵ UNHCR, [<http://www.unhcr.org/pages/4a16aac66.html>], 10 September 2016.

¹⁶ *The Guardian*, “Where media fails on the reporting of migrants and refugees”, [<https://www.theguardian.com/media/greenslade/2015/dec/17/where-media-fails-on-the-reporting-of-migrants-and-refugees>], 10 September 2016.

¹⁷ UNHCR, “Mixed Migration”, [<http://www.unhcr.org/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html>], 10 September 2016.

We consider that this is not a direct reaction to the Migratory Crisis *per se*, but a symptom of the effect of the increase in *poverty*¹⁸ from more a decade of crises (2005-present) by which the trust in the EU has reached the lowest levels in history in 2013, with “60 percent of Europeans [which] ‘tend not to trust’ EU”¹⁹. Still we cannot ignore the social and psychological degrees of the issue. In this respect, we believe that the correct terminology should be that of “asylum-seeker(s)”: (1) the terms previously used are clearly aiding the confusion (willing or not) and do not emphasise the finality of both “refugees” and “migrants” alike – requesting aid to alleviate their dire circumstances, irrespective of their place of provenance; (2) while we do acquiesce to the importance of the legal distinction, we also consider that the humanitarian priority far exceeds the legal priority of the situation; (3) the negative effects caused by the intentional or unintentional mix between the two terms will be reduced and at the same time it will educate the public into understanding the difficult situation that the asylum-seekers are trying to escape; (4) in addition, this will be very useful by creating a specific set of rules, codified or not, which will help with the mitigation of future situations and avoid any deliberate or unintentional confusions.

Yet with all its underlining problems in offering clear reactions, the EU’s political leaders have issued *some solutions*²⁰. Launched in 2015, in the early

¹⁸ *The Conversation*, “How poverty has radically shifted across Europe in the last decade”, [<https://theconversation.com/how-poverty-has-radically-shifted-across-europe-in-the-last-decade-61047>], 10 September 2016.

¹⁹ *EurActiv*, “Record 60% of Europeans ‘tend not to trust’ EU”, [<https://www.euractiv.com/section/elections/news/record-60-of-europeans-tend-not-to-trust-eu/>], 10 September 2016.

²⁰ From the legal perspective, both the EU migration system and the asylum law system are quite intricate. Notwithstanding the public order and national security matters of which are under the jurisdiction of the member States, the EU’s multi-layered legal system observes three principal forms: (1) *the Geneva Convention Relating to the Status of Refugees (1951) and the Additional Protocol (1967)*; (2) *the customary and positive International Humanitarian Law (among them the European Convention on Human Rights)*; (3) *the national competences of each respective Member State*. However, the sources and institutions of the EU migration and asylum law are further divided into: (1) *the Treaty of Lisbon, Articles 77-80*; (2) *the secondary EU legislation (the Reformed Dublin III Regulation)*; (3) *the case law of the European Court of Justice*; (4) *the EASO-FRONTEX*. This complex system of national laws, supra-national directives and international rules and rulings make it very difficult to actually know at a glance which system is competent or which entity has jurisdiction over a given situation. Furthermore, the EU asylum system operates with two legal presumptions: (1) *that all member States are party to the Geneva Convention and the ECHR (the so-called “safe states”)*; (2) *all of the member States are in compliance*

stages of the Migration Crisis, the *European Agenda on Migration* (EAoM)²¹ envisaged the implementation of article 78 para. 3 of the Lisbon Treaty²² citing the applicability of the so-called “provisional measures”. But the solutions decided by Brussels were not without heavy criticism from member States (the UK and some Central European countries) and international

with the EU and international obligations, provisions and principles. Previously, the so-called “Dublin format” (previously “Dublin II”) was in effect, however the applicability of the regime was quite cumbersome: when an asylum request is being made, only a single member State has the jurisdiction to analyse the request, which is the first member State in which the asylum request has been formulated, or the first member State in which the asylum-seeker has arrived illegally (*first arrival* criterion). In the case of an asylum-seeker/migrant/refugee which has left the Member State of first arrival, the person in question will be returned to the Member State in which it first arrived. The ECJ has amended the “Dublin format” (Dublin III or Reform of the Dublin System) in *three principal aspects*: (1) when “systemic deficiencies in the asylum procedure” are being observed, a member State cannot return the asylum-seeker to the first member State in which he has illegally arrived; (2) a member State which is under normal circumstances is not responsible for examining an application for asylum, pursuant “humanitarian circumstances”, can be obliged to examine said request; (3) notwithstanding the “Dublin format”, any member State who wishes to examine an asylum request can do so.

European Commission, “The Reform of the Dublin System”,

[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160504/the_reform_of_the_dublin_system_en.pdf],

European Parliament, “The Reform of the Dublin III Regulation”,

[[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU\(2016\)571360_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU(2016)571360_EN.pdf)], ECJ, “Judgment of the Court (Grand Chamber) of 6 November 2012 -

K v Bundesasylamt”,

[<http://curia.europa.eu/juris/document/document.jsf?text=&docid=131864&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=132020>], 10 September 2016.

²¹ *European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration”,* [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf], 10 September 2016.

²² “In the event of one or more Member States being confronted with an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the member State(s) concerned. It shall act after consulting the European Parliament.” Lisbon Treaty, [<http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-v-area-of-freedoms-security-and-justice/chapter-2-policies-on-border-checks-asylum-and-immigration/346-article-78.html>], 10 September 2016.

organisations and NGO's alike. On this issue, a CEPS researcher²³ considers that the Agenda is plagued by a *series of obstacles*: (1) the Agenda was not affirmed by all of the EU member States, for example France has opposed the EU Commission's proposal of *migrant quotas*; (2) the suggested *resettlement scheme*²⁴ was deeply unpopular, particularly within the Central and Eastern European member States; (3) the Agenda does not have clear-cut priorities, with placing too much attention towards thwarting the smuggling networks and ignoring the proteiform aspect of the migration process, with added criticism concerning the limited options available for legal immigration and legal pathways past the EU borders. In this respect, we consider that a viable option should be *the creation of specialized encampments in the areas of interest* (Greece, Italy, Spain) in which the prospective asylum-seekers (irrespective of their place of origin and reasons to apply) will be processed so as to determine the best way of improving their situation. This scheme will mitigate, we believe, both the *unprecedented humanitarian emergency* and the subsequent *security aspects* (in the wake of the terrorist attacks throughout 2015 and 2016) of the crisis, and at the same time, show the world that the EU, while somewhat weakened by the Brexit, is still capable of showing a modicum of initiative in dealing with the situation.

An interesting proposal²⁵, albeit more technical and more akin the applicability of the EAoM with regards to the sensitive aspect of the distribution of asylum-seekers within the EU, involves the concept of "tradable refugee-admission quotas (TRAQs) system with matching", which is used to calculate a quota of asylum-seekers by employing certain indicators used in population dispersion such as: the GDP of the receiving State, the pre-existent population size in the receiving state and various other elements. However, this differs from the EU's proposal in *two different*

²³ Sergio Carrera, *Whose European Agenda on Migration?*, CEPS, [<https://www.ceps.eu/content/whose-european-agenda-migration>], 10 September 2016.

²⁴ *European Commission*, "Annex, European schemes for relocation and resettlement", [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_annex_en.pdf], 10 September 2016.

²⁵ Jesús Fernández-Huertas Moraga, Hillel Rapoport, "Tradable Refugee-admission Quotas (TRAQs), the Syrian Crisis and the new European Agenda on Migration", in *IZA Journal of European Labor Studies*, 4:23, 2015, pp. 3-4.

aspects²⁶: (1) the preferences of the asylum-seekers need to be taken into account by giving them *the option to choose their preferred destination within the EU* and vice-versa, member States can indicate their own preferences; (2) the *possibility of the member States to 'trade' the assigned quotas*, thus insuring a more balanced distribution. Sadly we cannot accept this project, because it will only lead to political manoeuvrings by member States, the asylum-seekers will end up being used as pawns in a grotesque and byzantine fashion. Another opinion clearly states that is it adamant that the EU "[must] ensure [that the] member states' first reception obligations are fulfilled, so that refugees are not forced to move to a second or third member state [...]"²⁷ and that "the EU must establish an EU Migration, Asylum and Protection Agency (EMAPA)" which will address and process the influx of asylum-seekers²⁸.

Discussing about the issue of transits and arrivals, even before the EAoM proposal, the EU has made some changes with respect to the way in which the influx of asylum-seekers arrived on EU soil, decisions for which, again, the EU received a storm of disapprovals. One of the most condemned options was the replacement of the Italian-funded *Mare Nostrum Project* (recognized as a workable solution) with the EU-funded *Operation Triton* (a part of the FRONTEX Security Project) which was deemed by Amnesty International as a political and public image manoeuvre and not a humanitarian one²⁹. The two differ with respect to their purpose: *Mare Nostrum* was a *search-and-rescue effort*, whilst *Operation Triton* is a *border security operation*, revealing much about the real purpose of the latter.

Another decision was the launching of the military operation EUNAVFOR Med (better known as *Operation Sophia*), which targeted the smuggling and illegal routes which endangered the lives of asylum-seekers. However, the European Union Institute for Security Studies voiced its concerns on the feasibility of the Operation "on whether the operation will ever be able [...] to get to the core of its mandate, i.e. neutralising the

²⁶ *Ibidem*, p. 11.

²⁷ Elspeth Guild *et al.*, "The 2015 Refugee Crisis in the European Union", in *CEPS Policy Brief*, No. 332, September 2015, pp. 1-6.

²⁸ *Ibidem*.

²⁹ *Amnesty International*, "EU: New Frontex report underscores urgent need for safe and legal routes to Europe", [<https://www.amnesty.org/en/press-releases/2015/08/frontex-report-underscores-urgent-need-for-safe-and-legal-routes/>], 10 September 2016.

smuggling networks"³⁰. Citing sources from within the Libyan coastguard, EUobserver affirmed in June 2016 that "the EU's Operation Sophia [...] encourages people to risk their lives to seek a better life in Europe"³¹, confirming an earlier report of the House of Lords from May 2016, which affirmed that "however valuable as a search and rescue mission, Operation Sophia does not, and we argue, cannot, deliver its mandate. It responds to symptoms, not causes [...]"³².

Also on this issue, in February 2016, WikiLeaks released a *classified report* on the first six months of Operation Sophia's existence, citing difficulties in the "transition from Phase 2A (operating in High Seas) to Phase 2B (operating in Libyan Territorial Waters) due to the volatile government situation in Libya"³³. Another important aspect which is directly linked with Operation Sophia is represented by its *overtly military character* as opposed to what the public and some NGO's would have wanted to see. In our opinion, the EU took these measures simply to mitigate the increasingly unfavourable public opinion (both on the European and international levels) which severely criticised its slow reaction time and the fact that the proposed measures were not able to stem the influx of asylum-seekers, which at the time, was seen by some as a direct threat.

The consequences of the Migration Crisis on the already weakened EU

Discussing the deficiencies of the EU, the political aspect is always considered to be responsible for the decrease in both the public perception of the EU as a whole and is perceived as the cause of the difficulties in decision-making and policy implementation. With respect towards managing

³⁰ *European Union Institute for Security Studies*, [http://www.iss.europa.eu/uploads/media/Brief_30_Operation_Sophia.pdf], 10 September 2016.

³¹ *EUobserver*, "EU boosts migrant smuggling, says Libyan coastguard", [<https://euobserver.com/tickers/133849>], 10 September 2016.

³² *The Telegraph*, "Operation Sophia: EU's naval mission in the Mediterranean deemed an 'impossible challenge' in House of Lords report", [<http://www.telegraph.co.uk/news/2016/05/13/operation-sophia-eus-naval-mission-in-the-mediterranean-deemed-a/>], 10 September 2016.

³³ *WikiLeaks*, "EUNAVFOR MED - Operation SOPHIA" - Six Monthly Report: June, 22nd to December, 31st 2015", [<https://wikileaks.org/eu-military-refugees/EEAS/EEAS-2016-126.pdf>], 10 September 2016.

the Migrant Crisis, one author considers that the raised mismanagement issue is defined “not a crisis of capacity but one of political leadership”³⁴. Some critics of the EU have voiced that the Migrant Crisis was, in part, due to the “no-border policy” of the EU (Schengen system), however some authors argue that there is no credible evidence supporting the fact that “the Schengen system has been under threat during these last months or that there is a need for legislative reform”³⁵. Furthermore, the suspension of the Schengen system was temporary and legal, since it is in accordance with Article 25 para. 1 of the Schengen Borders Code³⁶; to consider that the Schengen system inexplicably failed is not supported by facts³⁷.

In our opinion, one of the most important consequences of the Migration Crisis is *bleeding effect* that it had on other, less stringent, problems which the EU had to cope, inflaming the already sensitive public opinion. We consider that three previous issues were transformed and increased in their gravity after the onset of the Migration Crisis: the political battle between within the EU People’s Party and the Social Democrats, the Brexit and the increase in the numbers of those which are disillusioned and feel betrayed by the EU.

The Migration crisis and the political changes inside the EU

(1.1) The consequences of the Social-Democratic support for the European project, in particular for the EU integration, was no big news on the European scene. Motivated by the need to expand their interest within the expanding neoliberal economic paradigm of the early 1980s, or simply trying to preserve their place at the table, starting in the mid-1980s and continuing through-out the 1990s, the social-democrats believed in the international nature of socio-economic processes “could be harnessed through

³⁴ François Crépeau, Anna Purkey, “Facilitating Mobility and Fostering Diversity Getting European Migration Governance to Respect the Human Rights of Migrants”, in *CEPS Paper in Liberty and Security in Europe*, No. 92, May 2016, p. 3.

³⁵ Sergio Carrera *et al.*, “The EU’s Response to the Refugee Crisis Taking Stock and Setting Policy Priorities”, in *CEPS Essay*, No. 20, December 2015, p. 15.

³⁶ “Where considerations of public policy or internal security in a Member State demand urgent action to be taken, the Member State concerned may exceptionally and immediately reintroduce border control at internal borders.” *EUR-Lex*, “Schengen Act”, [<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32006R0562>], 10 September 2016.

³⁷ Sergio Carrera *et al.*, *op. cit.*, p. 15.

coordinated activity with ideologically-similar parties and individuals operating collectively at the EU-level"³⁸. Indeed, at the time, the European social-democrats feared that the EU could become a 'capitalist club'³⁹ and wishing to counter this, they adopted a pro-European policy and considered the European institutions as perfect instruments for the implementation of their objectives.⁴⁰ One could say that the social-democrats "abandoned their ideology"⁴¹ so as to promote the European integration. However, their success was short-lived, as the EU began to feel the side-effects of accelerate successive enlarging processes, ultimately failing to achieve federalisation and gradually losing its traditional electorate⁴². David Bailey argues that the European social-democrats desired to create a "Social Europe", a term coined by the leftists to determine a series of reforms meant to transform the European Union into "an institution favouring equality, redistribution and social cohesion"⁴³.

Discussing the motivations for the social-democrat pivot towards the EU, David Bailey argues that there can be three possible explanations:

"Existing explanations for the social democratic turn to Europe can be placed into three broad groups: those that view the turn to Europe as an attempt to re-regulate what has come to be known as 'globalisation'; those that see it as a pragmatic adaptation to a new political environment;

³⁸ David James Bailey, *Legitimation through Integration: Explaining the 'New Social Democratic turn to Europe*, Thesis submitted for the degree of Ph.D., London School of Economics and Political Science, University of London, 2004, pp. 15-16.

³⁹ *Ibidem*, p. 16

⁴⁰ "European integration came to be viewed by left parties as a means to challenge the unfettered market, the EU (or EC, prior to 1993) was also responsible for the creation of a single European market that would further threaten a number of the achievements reached by the European labour movement in the more favourable pre-1980 period". *Idem*, *The End of the European Left? Social Democracy, Hope, Disillusion, and Europe*, [<http://nearfutureonline.org/the-end-of-the-european-left-social-democracy-hope-disillusion-and-europe/>], 10 September 2016.

⁴¹ Herbert Kitschelt, *The Transformation of European Social Democracy*, Cambridge University Press, 1994, pp. 280-284.

⁴² Tom Angier, *European social democracy is in danger of terminal decline unless it can reengage with its core values*, [<http://blogs.lse.ac.uk/europpblog/2015/01/30/european-social-democracy-is-in-danger-of-terminal-decline-unless-it-can-reengage-with-its-core-values/>], 10 September 2016.

⁴³ David James Bailey, *The End of the European Left? Social Democracy, Hope, Disillusion, and Europe*, [<http://nearfutureonline.org/the-end-of-the-european-left-social-democracy-hope-disillusion-and-europe/>], 10 September 2016.

and, finally, those who claim the social democratic turn to Europe is part of a more general ideological moderation occurring within social democratic parties."⁴⁴

But more importantly, the third explanation is the one which we consider as the most valid, because the "ideological moderation"⁴⁵ of which Bailey argues was necessary to transform both the political parties, by abandoning their Eurosceptic traditional ideology, rejecting the traditional values which determined the anti-European sentiments and replacing it with a pro-European stance, and the European institutions themselves, shaping into ideologically compatible entities. Therefore, Bailey observes a transition from "traditional" towards "new" social democracy, characterised by both *elements of continuity* (some economic doctrines, fight against inequality, efficient public service) and *disruptive elements* (market interventionism, the promoting the interests of the working class, welfare state).⁴⁶ Fast-forwarding to the 2005 Constitutional crisis, Bailey considers that the rejection of the EU Constitutional Treaty by the French socialists was seen as a direct opposition towards the neoliberal tendencies which gripped the EU. However, the result was in fact contrary to what the French and Dutch socialists were trying to prevent – the disenfranchisement of the traditional leftist electorate and the corroboration between the failure of the social-democrats as a whole and the failed Constitutional project. Furthermore, the 2008 financial crisis perceived by the public as a direct consequence of the surplus of neoliberal policies which resulted in the de-regulation of financial markets and reduction of state interventionism in the financial and banking sectors gave the social-democrats a second chance. Yet the poor decision-making and austerity programmes, coupled with collapse of the speculative bubbles and the subsequent economic failures within the EU resulted in a catastrophic loss of confidence⁴⁷.

The conclusion was that at the 2009 European Parliament elections, the social-democrats lost, event which echoed at the national level. The same happened during the 2014 elections, with European People's Party obtaining the relative majority in the EU Parliament, seconded by the Social

⁴⁴ *Idem*, "Legitimation through Integration...", p. 36.

⁴⁵ *Ibidem*, pp. 36, 45-46.

⁴⁶ *Ibidem*, pp. 63-64.

⁴⁷ *Idem*, *The End of the European Left...*

Democrats. Interestingly, the European social-democrats' bid for supporting European integration and failing to do so twice in history, has produced other effects, in particular the "disruption of established patterns of democratic competition in the member states"⁴⁸ and has strengthened the identity-driven opponents of European integration, particularly the populist right"⁴⁹.

(1.2) The rise of populism and the increasing support for extremist and right-wing parties, as observed in the recent decades, has become a major issue in the EU member States with very deep democratic roots such as France, the UK and some Nordic countries. Europe is now under threat from the rise in the support for extremist and far-right political factions which are using a highly controversial political discourse to try to break the traditional hegemony within the EU Parliament. The populist tendencies in Europe were recorded since the 1980s with the contemporary success of political leaders such as Jean-Marie Le Pen in France, Jörg Haider in Austria and Umberto Bossi in Italy⁵⁰. This trend was exacerbated by the aftermath of the Eurozone crisis, when the austerity programmes imposed by the traditional political member States governments' trust plummeted in the polls, giving rise to the so-called "challenger parties"⁵¹ or anti-establishment (Podemos, Syriza) which rejected any ties with the EU, and which often mixed their populist discourse with nationalistic elements and even authoritarianist elements such as law, order and discipline⁵². The reasons for the success of challenger and anti-establishment parties are (1) *retrospective voting*, where the electorate punishes the political leaders for their poor economic performance; (2) based on the specificities of each party, they offer an alternative to the political *status quo* which attracts the disenfranchised and fringe elements of any given society⁵³.

⁴⁸ Liesbet Hooghe, Gary Marks, "European Integration and Democratic Competition", in *Internationale Politikanalyse, Europäische Politik*, 03/2004, p. 6.

⁴⁹ *Ibidem*.

⁵⁰ Annie Benveniste *et al.*, *The Rise of the Far Right in Europe: Populist Shifts and 'Othering'*, London: Palgrave Macmillan, 2016, pp. 3-4.

⁵¹ Sara B. Hobolt, James Tilley, "Fleeing the Centre: The Rise of Challenger Parties in the Aftermath of the Euro Crisis", in *EES 2014 Conference*, November 6-8, 2015, MZES, University of Mannheim, p. 3.

⁵² Erik R. Tillman, "Authoritarianism and Support for Populist Radical Right Parties", pp. 2-7, [http://eeshomepage.net/wp-content/uploads/2015/11/Tillman_auth_radright_ees.pdf], 10 September 2016.

⁵³ Sara B. Hobolt, James Tilley, *op.cit.*, pp. 4-5.

The pre-existing political sensibilities in the aftermath of the financial, Eurozone and Greek debt crises which ended forming a precarious balance, became impossible to manage when the Migration crisis started. The far-right and nationalist parties had a field day when the news outlets portrayed the refugees as “invaders” and by the end of 2016, the mainstream politically-oriented population started to reject the traditional political parties and adopt *new forms of political engagement*⁵⁴.

(1.3) The European Identity at the crossroads.

The Brexit laid a very damaging blow on the image of the EU. In the aftermath of the 2016 UK Referendum, it was confirmed that the increasing levels of dissatisfaction with the EU were present in other member States. Capitalising on the ‘success’ of the Brexit, others have decided to follow suit, with terms such as “Frexit”⁵⁵ or “Czexit”⁵⁶ and even a specific *migrant referendum* plans announced by Hungary’s PM⁵⁷, a clear indicator that Europe is facing difficult times. The public anger over the botched European project is cynically speculated by virtually all Eurosceptic politicians, using peoples’ fear over *cultural alienation, loss of identity, poor economic prospects* and *unemployment* as proxies to blame Europe for its perceived failures and impending mass immigration which would result in diminishing prosperity and low quality-of-life by overcrowding public services, rise in unemployment and even a cultural regression. The EU’s top leaders, defended by the UN, are not making things easier, insisting obstinately that building borders⁵⁸ cannot keep people safe from terrorism and other security menaces, yet they do so in a very short and unequivocal

⁵⁴ Heather Grabbe, Stefan Lehne, *Can the EU Survive Populism?*, [<http://carnegieeurope.eu/2016/06/14/can-eu-survive-populism/j1vb>], 10 September 2016.

⁵⁵ *The Guardian*, “Frexit, Nexit or Oexit? Who will be next to leave the EU”, [<http://www.theguardian.com/politics/2016/jun/27/frexit-nexit-or-oexit-who-will-be-next-to-leave-the-eu>], 10 September 2016.

⁵⁶ *Time*, “Is ‘Czexit’ Next? President of Czech Republic Calls for EU Referendum”, [<http://time.com/4391005/czexit-milos-zeman-referendum-nato-eu-czech/>], 10 September 2016.

⁵⁷ *Reuters*, “Hungary’s migrant referendum shows Europe’s post-Brexit challenge”, [<http://www.reuters.com/article/us-britain-eu-hungary-orban-idUSKCN0ZH54H>], 10 September 2016.

⁵⁸ *The Independent*, “Europe must not ‘cower behind borders’ in face of post-Brexit immigration crisis, UN warns”, [<http://www.independent.co.uk/news/uk/politics/brexit-eu-referendum-europe-immigration-refugee-crisis-un-borders-schengen-article-50-a7204776.html>], 10 September 2016.

fashion, not have enough patience in explaining to people in fear and on the verge of throwing their lots in with Marine Le Pen or Geert Wilders.

European Identity has been long thought as difficult to fully achieve because of many elements which come into play, of which the most important one being the attachment to one's national identity and/or linguistic, ethnic and cultural particularities, as well as the feeling of exerting sovereignty. As Anthony Pagden explains, "peoples [...] do not willingly surrender their cultural and normative allegiances to their nation or their political system in order to exchange it for one that is neither better nor worse. They do so only in the hope of a brighter future."⁵⁹ This means that if the EU cannot support the hopes and idealized version of itself, the people will soon start to become more and more hostile by considering that the European identity is somehow being forced upon them. Yet Eurosceptics claim that the European identity is artificial, though they do not realise that the national identity is artificially constructed as well, either *imagined*, *invented* or *naturalised*⁶⁰. However, the EU does not have the time and space to manoeuvre and dabble in nation-building, because the Migration crisis and terrorist threats have "undermined citizens' faith that a Europe with open internal borders makes them safer"⁶¹ whilst at the same time legitimising the populist and right-wing extremist political parties.

Conclusions

Putting aside the details, the real problem of the EU is its slow decision process exacerbated by the fact that *the EU is becoming more and more an economic union in the guise of a political one*, or that it has inadvertently regressed to the last days of the EEC. If the latter is true, and we have serious concerns that it might be so in the wake of the Brexit and the so-called Frexit (if the FN wins the 2017 Presidential Elections in France) then we fear for the unravelling of the very political fabric of the EU, event which would bring unforeseen consequences for Europe and the international system itself. To overcome these difficult times, Europe has to

⁵⁹ Anthony Pagden, ed., *The Idea of Europe From Antiquity to the European Union*, Cambridge University Press, 2002, p. 20.

⁶⁰ Annie Benveniste *et al.*, *op. cit.*, pp. 7-8.

⁶¹ *Reuters*, "Paradise Lost? - The decline of the European ideal", [<http://www.reuters.com/article/britain-eu-paradise-idUSL8N19X2A9j>], 10 September 2016.

find alternatives to regain the trust of the disenfranchised. The EU has first and foremost to be able to ensure political flexibility and at the same time stand by its core principles in dealing with both the migration crisis and the aftereffects of the Eurozone crisis. The EU integration process must be re-envisaged so as to cope with the demanding times, especially after the Brexit and the announced membership referendums.

The EU must also decide if it will continue to stand by its botched attempts to manage the Migration crisis, we consider that the EU must try new strategies by addressing the root cause of the influx of asylum-seekers and ensure a flexible asylum procedure. The aid for the member States which are directly affected by the growing number of refugees (Italy, Greece, Spain) must be increased and the EU must determine all of the member States to participate by negotiating and convincing the political leaders of the more reticent States to accept that being part of a community does not mean that you do not have responsibilities.

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