

Political Divisions in Europe

The Refugee Crisis

Introduction

Since 2015, European countries have been dealing with a refugee crisis. However, like most crises, it did not suddenly appear overnight. It has been in the making for years, and because most warning signs have been ignored for too long, Europe now finds itself in the middle of a major crisis, threatening political, economic, and social stability across the continent. Many people in Europe feel threatened by the situation, because it seems to them that foreigners are everywhere, and while this is true in many cases, the overwhelming majority of refugees has no intentions of causing a disturbance of any kind. Several Syrian refugees live across the street from where I live, but other than introducing themselves once, they mind their own business and we hardly notice them. Still, people's fears are not completely unjustified, as it was sadly illustrated by the several terrorist attacks mainly committed by people who entered Europe as refugees. Only two weeks ago, the German federal police arrested three Syrians planning an attack in the center of my hometown similar to the one in Mumbai in 2008, and it is understandable that such news scare many people. However, violence and prejudice do not solve problems – trust and cooperation do, which is important to keep in mind in both social situations and political debates.

The numbers of refugees in Europe have more than quadrupled since the Arab Spring in 2011 (Eurostat, 2015), and already in 2013, several countries in southern Europe, especially Italy, Greece, and Malta reported being at capacity (Langford, 2013). However, the EU and its members have failed to adjust policies accordingly. The Common European

Asylum System (CEAS), established in 2003 to streamline asylum procedures across the EU, is deficient in many ways, but crucial negotiations have often failed due to discrepancies between national- and EU-level politics. Efforts are now focused on alleviating the immediate humanitarian crisis. However, since this crisis is merely a symptom of upstream policy failures, emphasis should instead be put on building a robust legal and political framework to deal with the situation. Otherwise, any implemented policies will lack the scope, coordination and efficiency to adequately tackle the crisis. Because the structure of the EU allows for, and encourages, constant conflict over jurisdiction, necessary policy changes come too slowly, and since individual countries are in conflict with each other instead of working together, the refugee crisis puts not only the current legislation into question, but the foundations of the EU itself.

The Problem with the CEAS: Dublin

The major problem with the CEAS is the Dublin Regulation, in its current version Dublin III, which has been subject to much intense debate both among politicians and in the media. Essentially, the regulation says that refugees must apply for asylum in the country where they first enter the EU. This obviously leads to an extremely uneven distribution, especially overburdening countries in southern Europe. Related to this is the fact that the CEAS does not include common standards for how refugees are to be registered and processed, and because many first-entry countries, in absence of appropriate aid from the EU, have to find loopholes in the system to deal with the situation, mistrust and resentment between individual countries is on the rise (Langford, 2013; Selanec, 2015; Trauner, 2016). Furthermore, the absence of universal standards significantly reduces the efficiency of Frontex, the EU border control agency, which constantly finds itself subject to a double

standard when trying to patrol national and EU borders at the same time. Due to these major shortcomings, Selanec suggests that while the CEAS is working reasonably well under normal circumstances, it fails utterly in crisis situations (2015). However, instead of developing a new system suitable for the current situation, EU policies continue to use the Dublin Regulations as the default rule, impeding the implementation of more effective measures to address the crisis (Langford, 2013; Selanec, 2015).

Events and Outcomes of 2015/16

In 2015, more than 1.3 million first-time asylum applicants were registered in the EU (Eurostat, 2015). Because countries in southeast Europe were completely overrun by people, the EU voted to temporarily suspend the Dublin Regulation and let all other members accept refugees from overburdened frontline countries after Article 78(3) Treaty of the Functioning of the European Union (TFEU). Several EU members, most notably Hungary and Slovakia, as well as several Balkan countries, objected to the decision but were outvoted. While this measure provided relief to Greece, Italy, and Malta along the southeast border of the EU, it significantly increased the tensions between them and many other members that had to deal with an increase in numbers of asylum seekers as a consequence of this measure (Bremmer, 2015; Selanec, 2015; Trauner, 2016). Also, these countries soon reached their capacities as well, and the fears and concerns of large parts of the general population regarding the ever-increasing numbers of people from different ethnicities and origins soon caused a massive backlash against the so-called “open door policies” of their political leaders. Several countries experienced, and continue to experience, a significant right shift in their political climate (Langford, 2013; Wells, 2016). As popular resentment of refugees grew, so did crime rates linked to racism or bias, creating increasingly volatile environments in many

communities (Bremmer, 2015). Furthermore, many terrorist attacks committed in Europe since 2015, the most notable ones being Paris and Brussels, have been linked to people who entered Europe along the refugee routes. As a consequence of these events, many people have called for stricter border controls, an end to immigration, and other similarly impracticable measures (Newman, 2016; Wells, 2016).

As politicians began to lose popular support, several countries, particularly in southeastern Europe, reintroduced border controls within the Schengen area in an effort to control the massive influx of people (n-tv, 2016). As a consequence, the Balkan route, the main migration route for refugees from the Middle East, was effectively closed in March 2016, giving the countries along that route some room to breathe (Tomkiw, 2016). However, this measure by no means solves the problem because even though it temporarily decreased the number of incoming people, the refugees do not disappear just because the borders were closed. The closure of the Balkan route forces more people along the alternative, and far more dangerous, routes via the Mediterranean to Greece and Italy (Geinitz, 2016). A joint operation of Frontex and the Italian Navy has since stepped up its efforts to alleviate the major humanitarian crisis associated with the dangerous trip, but nevertheless, thousands have drowned trying to reach Europe (Selanec, 2015; Trauner, 2016). Furthermore, the major increase in people arriving at the already overcrowded facilities in Greece and Italy calls for urgent action.

The Humanitarian Crisis

Refugees arriving in Europe are usually in bad condition, and they immediately need food, shelter, and medical attention upon arrival (UNICEF, 2016). However, the sheer mass of people make any such a task almost impossible. Up to thirteen thousand people arrived in

Munich, Germany, each day in September 2015, and regardless of the efforts from the local population, dealing with a situation like this turned out to be an impossible undertaking (Connolly, 2015; Vick, 2015). Living facilities for asylum seekers, to the extent to which they exist, have been at capacity since early 2015. In an effort to accommodate incoming people, many have been taken into private households, but a far greater number live in tents in refugee camps all over Europe. Since train service across borders was largely discontinued in October 2015, most refugees have traveled on foot from the Middle East to Europe. In their desperation, some even tried to walk through the Channel Tunnel (a train-only tunnel connecting France to Britain), and, failing that, to swim across the British channel (The Week, 2016). Now that the Balkan Route is closed, many people are stuck in the various camps in eastern Europe, and hope that the borders will reopen, but as their situation becomes increasingly desperate, they have started to cross borders illegally, risking their lives in the process (Shuster, 2016). Currently, the focus of the local and national governments lies on alleviating the immediate crisis, that is, trying to prevent more deaths resulting from bad living conditions. Such measures, while necessary, concurrently eat away at the human and material resources that are urgently needed elsewhere.

The Political Crisis

The humanitarian crisis that has developed from the refugee problem is just a symptom of the political problems beneath it. If the European countries had taken measures to prepare for the crisis when it was still in the making, there would have been more resources available to efficiently tackle the problem (Selanec, 2015). However, since many countries are still recovering from the 2008 financial crisis, such resources were scarce to begin with. Therefore, from an economic perspective, there was little willingness to invest in

soon-to-be necessary infrastructure (Trauner, 2016).

From a political perspective, the modification of the existing structures has proven very difficult. While the CEAS applies to all EU members, there are countries outside of the EU that also adopted the Dublin Regulations, which means that negotiations have to go beyond the immediate scope of the EU. Thus, it is a seemingly impossible task to reach consensus across countries in Europe, especially considering that there are numerous conflicts over other issues between many of them. These political difficulties are themselves a symptom of a much more fundamental problem that lies in the EU itself: Countries that become EU members have to transfer parts of their sovereignty to the governing structures of the EU. However, the extent to which sovereignty is transferred is not defined clearly enough, and therefore, EU members are subject to two potentially conflicting sets of laws, namely national law and EU law, which bears additional conflict potential, and often causes public disapproval of EU legislation. Every policy proposed in the EU is resented by some of its members, and the adoption or change of EU policies is almost always connected to years-long negotiations and compromise. Many countries consider the proposed changes to the CEAS an invasion of their sovereignty, and work hard to block their implementation. Thus, all negotiations come down to the fundamental question if, and when, EU policies can, or should, trump national sovereignty. It is therefore hardly surprising that the political right-wing movements favoring a departure from the EU are gaining momentum. In the UK, citizens will vote on the “Brexit,” and also in France, Germany and Austria, the far-right parties have gained record percentages in state and federal elections (Connolly, 2015; Wells, 2016). This already volatile political situation is further aggravated by the fact that many countries feel let down by the EU, as it fails to provide the resources and guidance that its

members need to tackle the crisis. Therefore, it is clear that the refugee crisis is not just about people or politics, but about the EU itself and the foundations on which it is built.

The Real Crisis

The question remains why the EU continues to fail its members instead of committing all available resources to finding a viable solution to the crisis, especially considering that this is not a question of coming up with entirely new policies, but rather one of properly using existing ones. The CEAS contains a much better alternative to the failing Dublin Regulations, the Temporary Protection Directive (TPD), adopted in Title V TFEU, 2001, which defines procedures for coordinated action in the event of a refugee crisis, and is therefore apparently very well suited for the current situation. However, any discussion of the TPD, both in politics and in the media, has thus far been curiously absent, even though this obvious alternative has been suggested by several third parties (Akkaya, 2015; UNHCR, 2015). Selanec argues that a possible reason for why the EU continues to stick to the Dublin Regulations is that it is the politically safe route, as it allows the EU to sidestep its responsibilities and blame its members for policy failures (2015). As the EU has failed to act, several individual countries, most notably Germany, took matters into their own hands. Effectively ignoring EU legislation on immigration and asylum procedures, they came up with their own methods, also known as the open door policies. By temporarily absorbing the major spillovers from the frontline countries, these measures avoided complete chaos on Europe's shores, but at the same time deeply divided the union. Now, many countries have their own solutions in place, resulting in a fragmented legal framework and great inefficiency in the processing of refugees.

Without doubt, the current situation in Europe is both a humanitarian and a political

crisis, which requires a major joint effort to overcome. Yet, countries all over Europe struggle individually to cope with the situation because policies fail to address key issues, and additionally, the individual countries are too divided to reach consensus on the EU level. However, while this clearly threatens the stability of the union, the most important problem lies in a different area. If the EU decides to follow the politically convenient path of sticking to the Dublin Regulations instead of the more promising one of implementing the TPD, and if people suffer and die because of that, then this is the real crisis one has to be concerned about. The EU was founded in an effort to improve people's quality of life and stabilize Europe by building trust and cooperation between individual countries, a goal incompatible with the path the EU is currently taking, and this betrayal of its own values divides the union. The EU has kept the peace between its members since World War 2, and, considering Europe's long history of violent conflict, this era of peace may be over if it falls apart.

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