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The Migration and Asylum Crisis as a Transformative Shock for Europe. Brief Thoughts on the Eve of the Next Summit

by Ferruccio Pastore

ABSTRACT

Never before was the lack of a single European government, or at least of a strong and effective European governance, as acutely felt as in these days. With wars and failed states in the neighbourhood, and an unstoppable exodus crossing Europe, the continent appears at once more interdependent and more fragmented than ever. A coherent model of governance, competent and cohesive, but above all empowered by a full democratic investiture, would be needed everyday, to cope with daily emergencies while painstakingly devising and developing a long-term strategy where such emergency responses would be framed. Instead, in spite of the remarkable efforts of creative leadership made by the Commission, we are "governed" (but the term sounds like a gross overstatement) by subsequent extraordinary summits, each summoned to remedy the failures of the previous one. What can thus be expected and what should be asked, in such dire circumstances, to the next of these *ad hoc* European Council meeting, scheduled on Wednesday 23 September?

European Union | Migration | Refugees

keywords

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Introduction

Never before was the lack of a European government, or at least of a strong and effective European governance, as acutely felt as in these days. With wars and failed states in the neighbourhood, and an unstoppable exodus crossing Europe, the continent appears at once **more interdependent and more fragmented than ever**.

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What can thus be expected and what should be asked, in such dire circumstances, to the next of these *ad hoc* European Council meeting, scheduled on Wednesday 23 September?

1. Immediate priority: avoid Europe's re-walling

A telegraphic recap of the hectic developments of the last few weeks is first needed. Germany's shift from being a key defender of the Dublin regulation's status quo to

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an active promoter of its reform was **long due**, given the **growing ineffectiveness** of that **structurally unbalanced regime**.

The way in which that major policy shift was initially operated (i.e. by unilaterally suspending the Dublin regulation for Syrian asylum-seekers as from 21 August) **underestimated the strength of migratory dynamics** while it **overestimated Germany's reception capacity**.

The emergency counter-measures taken on 13 September¹ to cope with the extraordinary inflow recorded in southern Germany, consisting in the temporary reintroduction of border controls with Austria, while legitimate and understandable, has triggered a **potentially disruptive "chain reaction"**, with a number of other Member States suspending Schengen in often inappropriate forms.

This wave of closures needs to be **actively and energetically managed supranationally** in order to keep it temporary, to stop fundamental rights violations, and to prevent permanent damages to the Schengen regime of free movement. This should probably include **both sanctions for illegitimate re-bordering and a stronger role for cooperative tools** (such as Frontex's Rapid Border Intervention teams, possibly integrated by asylum experts).

2. Mandatory relocation is not *the* solution

While it is symbolically and politically important to insist on pushing for the adoption of some kind of mandatory relocation scheme at EU level, this is **clearly not a definitive solution** to the ongoing crisis of the European migration and asylum regime (and indeed also of the mobility regime, given what has become an evident interdependence between Dublin and Schengen).

Imposing solidarity from above (i.e. from Brussels and/or Berlin) as something more than an exceptional and partial measure **could even be counterproductive**. Central and Eastern European countries, in particular, have not yet accomplished or even fully entered a transition from sending to destination countries for economic immigration. They would most probably prove **unable to integrate** other than purely symbolic numbers of refugees in their domestic labour markets.

Furthermore, establishing the image of the EU as "refugee-dispatcher" could fatally undermine the Union's legitimacy and give a **major boost to radical nationalism, populism and euroscepticism in some of these countries**.

¹ German Ministry of the Interior, *Germany temporarily resumes border controls*, 13 September 2015, <http://www.bmi.bund.de/SharedDocs/Kurzmeldungen/EN/2015/09/border-controls-at-the-border-with-austria-reintroduced.html>.

3. A truly common asylum policy as a deeply political project

As declared by the German Chancellor in an important interview given in the middle of August to the TV chain ZDF, a truly European asylum policy needs to be “the next big European project”.² The fundamentals of such project have now to be articulated as quickly and clearly as possible.

Besides a much deeper harmonisation of procedures (eventually leading to a **common Asylum Authority**), this “big European project” should include a **single European refugee status**. In the interest of Europe’s demographic sustainability and economic dynamism, such single status should entail **substantial opportunities of free movement for working purposes**.

Such strategic direction is probably possible **only at the price of a “multiple speed approach”** within the EU where a core of countries (possibly centred around the three largest EC founding states) would operate a **major shift in the distribution of both responsibilities and power**.

A radical reshuffle of the EU’s migration governance should necessarily ensue if a **major democratic deficit** is to be avoided. In this respect, the negative lessons of the top-down reform of the Eurozone’s economic governance should be borne in mind.

4. Shifting EU’s centre of gravity to the outside

In the longer term, tackling forced migration **as close as possible to its source** remains essential to reconcile migration controls and asylum principles and, more concretely, to prevent the current crisis from disrupting the Schengen system and potentially the whole of the EU, for instance by pushing others to follow in the wake of a Brexit.

Tackling forced migration externally can be done in two fundamentally different ways: either, as we have been doing for long before 2011, through **externalisation**, i.e. by entrusting authoritarian regimes in the neighbourhood to carry out the “dirty job” on our behalf. But besides being legally and morally questionable, such approach exposes Europe to political blackmailing and sudden failures. In light of the implosion of much of the Middle East and North Africa, it is even questionable whether this is still a viable policy option.

The other way is a **major build-up in Europe’s capacity both at its external borders**. This would mean moving resolutely towards the establishment of a

² German Government, *Refugee policy: finding common answers*, 16 August 2015, http://www.bundesregierung.de/Content/EN/Artikel/2015/08_en/2015-08-16-merkel-interview-zdf_en.html.

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European Border Guard, entrusted also with Search and Rescue function. Alongside this, the EU would need to bolster **its external action**, starting from the Middle East and Africa.

To generate a European external projection capable to make a real difference in situations like the Syrian one, however, a major transformation of the EU is needed, with a **fundamental shift of its centre of gravity from the inside** (common market-building, with all its compensatory measures) **to the outside**.

This requires **greatly augmented resources** (to be moved from internal financial redistribution via structural funds, CAP, etc., to foreign aid and foreign policy, including peacekeeping and peace-enforcement capacities) but also a **major reinforcement of the EU's democratic legitimacy**. Otherwise, supranational authorities will never be able to operate a viable and credible synthesis between the potentially diverging geopolitical priorities (*Russia or Mediterranean first?*) of the different blocs emerging within the EU.

This is the magnitude of the issues that should be discussed by European leaders in their next *ad hoc* meeting in a few days. They will have to find words and ideas bold and strong enough to revert the divisive and inconclusive trend of the last months. Otherwise, they will just confirm the poignant caricature of them by a great Italian cartoonist, Ellekappa, a few days ago (*La Repubblica*, 18 September 2015): one of two characters cries out: "There's an immense river of refugees knocking at Europe's doors!" and the other sardonically replies: "Ssh! Silence, please! We are having a summit!"

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