Refugee Crisis and the European Union: Do the Failed Migration and Asylum Policies Indicate a Political and Structural Crisis of European Integration?

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Abstract

This paper deals with the refugee crisis and its impact on the European Union. The absence of a common immigration policy, even the existence of diametrically opposed attitudes and different practices of individual member states in the regulation of the refugee wave, caused a complete failure of European Union migration and asylum policies. It has, on the one hand, deepened the refugee crisis and, on the other hand, pointed to the structural and political crisis of the European Union, since they have brought into question the fundamental values of European integration, in particular human rights, unity, cooperation, solidarity, freedom and democracy. Similarly, the conflict of supranational and national interests and policies very pronouncedly came to light. The refugee crisis has also become a serious test for not only migration and asylum policies, which have proved unsuccessful, but has brought to the fore the structural and political weaknesses of European integration. Consequently, they have raised the issue of redefining the modalities of cooperation and institutional structure, especially relations of the European Commission and nation states, as well as relations among member states, particularly big and small ones.

Keywords: refugee crisis, European Union, EU migration and asylum policies, EU political and structural crisis, European integration

1. Introduction

The wave of migrants that has hit Europe has taken the European Union aback, which was ill-prepared for such a challenge. Furthermore, the mass wave of migrants and the incompetence of the EU to face the problem have caused, on the one hand, a humanitarian crisis, and on the other hand, a political crisis within the EU. It has been demonstrated that European public policies, primarily migration and asylum policies, are completely dysfunctional, not only in terms of implementation of possibilities in concrete situations, but also in relation to the fundamental values of the European Union, first of all, respecting human and civil rights, freedom, equality, cooperation and safety. Apart from being poorly designed and not anticipated for a massive wave of immigration, the centralist manner of implementation of these policies and their contradiction to the interests of many member countries has brought into question their legitimacy, as well as the authority of EU institutions. Namely, the refugee crisis has increased the, up to that time, latent differences among member countries, but it has also brought about new conflicts and disrupted mutual relations. At the same time, it has encouraged radical nationalist political options, xenophobia and intolerance towards immigrants and minorities in general. Finally, this situation has prompted a re-examination of the validity of the existing structures and functioning of EU institutions, therefore, it is evident that the refugee crisis is reflected as a value and structural crisis of the EU.

This paper deals precisely with this aspect of the refugee crisis, which has, from a initially minor security question for the peripheral EU members, outgrown into a serious political crisis that demands reconsideration, and in all probability the redefinition of the functioning of central EU institutions of authority and their relationship towards member countries, as well as their mutual relationships. Therefore, in the paper, on the example of the refugee crisis and the respective public policies of the EU, an attempt is made to analyse the functionality and democratic legitimation of EU institutions, as well as to indicate their aberration in relation to the democratic standards and fundamental values on which European integration is based.

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

55

2. Causes of Wave of Refugees

Without entering into a detailed analysis of the causes of the huge wave of refugees, due to the contextualization, it is necessary to state only the most important ones. Firstly, the American invasion of Iraq and the collapse of the regime and the long-term conflict among politicians and military fractions caused a wave of refugees, who sought refuge in neighbouring countries that are poor and incapable of caring for them, causing a humanitarian crisis. This situation largely prompted the strengthening of Islamic fundamentalism and terrorism directed toward the West. The rigidity of Assad's regime and the armed rebellion of numerous fractions in Syria caused a civil war that escalated out of control and enabled the strengthening and spread of ISIS, and brought about war destruction and civilian casualties. This conflict affected the most massive wave of refugees not only towards neighbouring countries, but towards the EU as well. Finally, the collapse of Gaddafi's regime, civil war and the disintegration of Libya opened the way for numerous refugees from Western and Sub-Saharan Africa to head over the Mediterranean towards the EU. Added to this must be the instability in the countries of Northern Africa after the so-called Arab Spring, as well as the permanent crisis in Afghanistan, which was the reason for the wave of refugees from those areas towards the EU. It should be also mentioned that the involvement of the West, especially the US, in these conflicts was significant, given that in question are their direct geopolitical and economic interests in this area. Beside the aim of maintaining and strengthening political, economic and military domination, numerous indicators point to the fact that US policies in this area, with their consequences – first of all, by generating the wave of refugees – are attempting to put pressure on, disunite and weaken the EU in order to restrict its geo-economic and political interests.[1]

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1 The crisis in the Middle East and its consequences, first of all, the arrival of a large number of refugees, are much more the result of the impact of international factors than inherent political crises of the emitting countries. The primary objective of the planned movement of the Arab population from the area of the Middle East and Northern Africa was to cause chaos in order to control and exploit the Middle East's energy resources and strategic routes connecting Europe and Asia. The secondary aim was to weaken and marginalise the EU. Namely, the EU must now direct its efforts to the newly emerged migrant problem, exhausting itself resolving the consequences of the migrant crisis. The wave of migrants destabilised Europe and it no longer represents a significant power on the global geopolitical scene. It can be stated that the real reasons for the migrant/refugee wave in Europe in 2015/16 can be found in USA's efforts to control territories in the Middle East and Africa abundant in oil, to suppress potential adversaries – Russia, China, Iran or other, as well as stifle the economic and geopolitical ambitions of the EU, led by Germany (Jakić, 2017, p. 44; Tadić, Dragović, Tadić, 2016, p. 15).

3. EU Values

Although the European Union has representative and executive authority bodies that make politically binding decisions for all of its members, it is not a state (it does not have its political nation, and its government do not possess classical democratic legitimacy), nor a (con)federation. It is rather an alliance of sovereign national states, to which the members have transferred a part of their sovereignty. Precisely thence derives the legitimacy of EU institutions and the consent of members for the execution of European public policies. At the same time, it is also the source of numerous democratic deficits, specifically due to the absence of traditional democratic legitimacy and European identity, which is, in relation to the national – secondary. Therefore, in order for the EU policies to be justified and acceptable to members, they must be founded in the original values that the EU has established and that have been consensually accepted as good, desirable and acceptable to all.

Therefore, the EU is founded on the values of respecting human dignity, freedom, democracy, equality, the rule of law and respecting human rights, including the rights of minorities. These values are common to all member states, in a society in which predominant are pluralism, non-discrimination, tolerance, justice, solidarity and equality of men and women (ADRIAS, 2009, p. 35). The fundamental principles of the EU are reflected in respecting civil and human rights, maintaining a healthy living environment, creating a new order of freedom, protection and security, respecting cultural diversity, cooperation in all areas among equal nations – member states of the European Union, free expression of ideas and creating all of the essential preconditions for abolishing all forms of discrimination (based on gender, nationality, religious, social and other grounds). In the manner of European transparency, all of the constitutionally set European ideals are summarised in the motto of the European Union – united in diversity (Altaras Penda, 2005, p. 157, pp. 159-160).

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

57

4. Migration and Asylum Policies and the Refugee Crisis

It is precisely on these principles that the public policies of the EU are founded, including the migration and asylum policies. The purpose of the migration policy – which should be mostly founded on solidarity – is the establishment of a balanced approach to resolving the question of legal and illegal migration, while the aim of the asylum policy is to align asylum procedures in member states by introducing a common asylum system with the intention that each third-country citizen in need of international protection is provided a suitable status, guaranteeing the abiding of the principle of forbidding expulsion and deportation (cf. European Parliament, 2017). Such joint migration and asylum policies should, at the same time, be aligned with effective mechanisms of sharing the burden with member countries that are located at the outer borders of the Union or are exposed to a larger number of migrants, refugees and asylum seekers.

The right to asylum is a basic human right. It is a form of international protection granted to individuals forced to flee from their home countries due to founded fear of persecution or individuals whose lives would be seriously endangered should they be returned to their home country. Migrants are differentiated from refugees and, therefore, in accordance with international law, they are treated differently. Migrants choose to go to Europe in order to improve their lives and often do not want to return to their countries. As opposed to them, refugees are forced to flee in order to save their own lives and maintain their freedom, and most often, they cannot return to their own country. Migrants and refugees often use the same travel routes in order to reach a certain destination. If they cannot enter a certain country legally, they use human traffickers and embark on dangerous journeys, which many do not survive. For this reason, as well as due to their unprecedented numbers – when talking about the recent wave of refugees – increasingly refugees and migrants in Europe are being treated with mistrust and even outright rejection. Frequently, they are prevented from accessing public services and become the target of racially motivated behaviour. What often begins as a subtle expression of dislike and intolerance is dangerous because it can develop into institutionalised discrimination, inciting hatred, physical and verbal abuse, all the way to hate crimes (Pike, 2014, p. 7). Overall, the initial solidarity of Europeans

towards migrants has been replaced by concerns due to the arrival of an exceptionally large number of people.

Until recently, in Europe, the most frequent type of foreigner was a migrant worker, a citizen of some third country. With the mass influx of refugees, this perception has changed, and, instead of the migrant worker, the typical foreigner in Europe has become the refugee and/or forced migrant. Due to increased migration, especially refugee arrivals in 2015, the question of their integration was imposed as important in all European countries, especially in those receiving the most immigrants (cf. Institute for Migration and Ethnic Studies, 2016).

The different conditions of integration and diverse quality of life in individual countries affected the selection of destination among asylum seekers and recognised refugees. Rich countries, with favourable economic and socials conditions, attracted a larger number of asylum seekers and refugees, while those with unfavourable conditions were, for the most part, transit countries or countries with a high rate of secondary movement for asylum seekers. The strengthening of irregular immigration movements abetted European countries to adopt common migration control and asylum measures. European countries wanted, primarily, to protect their outer borders from immigration, that is, to regulate responsibility for the movement of immigrants and refugees within the Union. With the objective of preventing immigration, from the 1990s to the present, the EU established an extensive network of laws and instruments directed at controlling the Union's borders, i.e. migration routes in transit countries – closer and further from the Union, as well as measures for the return of migrants, including asylum seekers, to other countries (Boswell, 2000, pp. 542-547; Baričević, 2013, p. 102). In this manner, migration and asylum policies were, for the most part, reduced to control and security measures, while the aspects of solidarity and protection of rights were neglected.

At the international community level, the EU considers itself a single entity in the socio-political sense, i.e. a supranational community unified on a legislative-regulatory basis. For this reason, since 1999, the EU has been working on forming a Common European Asylum System (CEAS), as well as on advancing the existing legislative framework. The most contested instrument, at the same time both an aid and a burden in the European legislation when forming the Common European Asylum System, is the Dublin Regulation, which defines

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

59

that only one member country is required to consider the application for asylum, submitted by citizens of third countries seeking protection. The Dublin Regulation introduced, in the asylum legal system of the EU, the rule that the member state over whose borders the asylum seeker first stepped foot in EU territory (the principle of "first entry") is primarily responsible for the consideration of submitted asylum applications (Bačić, 2013, p. 57). The Dublin Regulation was adopted back in 1990 in order to redistribute asylum migrations, and it came into force in 1997. It geographically defined the modality of distribution of responsibility for the movement and care of refugees and asylum seekers. Therefore, the member country in which the asylum seeker first entered became responsible for resolving their requests, i.e. for care in the case of a positive decision. According to this principle, members could return a person to the area of another member in which the person had previously sought asylum or used its territory for transit. Given that, in practice, it was shown that the Dublin Regulation brought limited results for the return of asylum seekers (Baričević, 2013, p. 102). The European Council adopted in 2003 the Dublin II Regulation, as a continuation of the Dublin Convention.

The Dublin II Resolution defines the criteria that enable the determination of the member state competent for considering the asylum request submitted in the EU and for which, in principle, only one country is responsible. When asylum seekers requests their status in a member state that the Regulation does not define as responsible, the Resolution sets out the procedure for transferring the asylum seeker to the responsible member state. In such situations, the member state in which the request was submitted can, if it wants, decide not to transfer the seeker to another member state, taking into consideration the applications itself (Court of Justice of the European Union, 2013). The Dublin II Resolution was replaced in 2013 with the Dublin III Resolution, which was adopted by the EU and which defines in even more detail the criteria and mechanisms for determining the member state responsible for considering asylum applications. Its adoption had the objective of motivating peripheral EU members to protect the outer borders of the Union from illegal entry of migrants (EUR-Lex, 2013) as effectively as possible. The intention of the Dublin System was to determine the common standards and to establish cooperation among EU members in order to ensure equal treatment of asylum seekers in an open and just system about where they apply.

With the action plan for the integration of third-country citizens from June 2016, the European Commission strived to provide support to member countries in the integration of third-country citizens so that they could contribute to the EU in economic and social aspects. However, it was determined that, based on the existing framework, treatment was not equal and the rate of recognition differed, which could spur secondary movements and the submitting of multiple asylum requests. Actually, the migration crisis highlighted the need for reform to the Common European Asylum System (CEAS) so in May and June 2016, the Commission presented two proposal packages for the further alignment of procedures and standards related to asylum. The Council is still debating on the legislative proposals (cf. European Council and Council of the European Union, 2017).

Solidarity is one of the fundamental EU values and the leading principle of the EU's policies on asylum, migration and border control.[2] Although there is a common stance in place that solidarity is important for the policies in these areas, there is no complete conformity on the exact meaning and scope of this term. Actually, the Dublin Resolution with the criterion "first country of entry" – as a crucial for determining the member state that is responsible for the processing of asylum applications – leads to passing the burden, instead of sharing the burden. In this manner, the peripheral EU countries as countries of first entry (especially Greece and Italy) bear a disproportionately large burden, equally when caring for migrants and the obligation of providing asylum based on the fact that they are the receptive countries with the largest number of participants from the refugee wave.

According to the Dublin Resolution, asylum-seeking people must do so in the EU country in which they first entered. However, the Dublin Resolution, during the 2015/16 migrant crisis was suspended, collapsing under the pressure of the exceptionally large number of migrants. The Schengen System was practically non-existent (it was silently suspended in order to prevent a humanitarian catastrophe). At the same time, the EU Court of Justice provided the interpretation that the migrants entered European territory illegally, with

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2   Solidarity is encompassed by Article 80 of the Treaty on the Functioning of the European Union, which stipulates that European policies of border control, asylum and immigration, as well as their implementation, are regulated by the principle of solidarity and fair division of responsibility among EU member countries, including financial implications. The need for solidarity in questions of asylum and migration derives from the fact that some member countries have more asylum seekers than others, and some are coming to grips with this for numerous geographical, economic or other reasons. As support to the functioning of solidarity, diverse measures are applied, from financial assistance, practical cooperation, relocation and resettlement to joint processing in the area of asylum and migration (Goldner Lang, 2013, p. 33).

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

61

the countries that let them onto their territory being held responsible and, for this reason, they must provide them asylum or execute the return of illegal migrants. However, such an interpretation has placed in an unfavourable position not only the countries of entry, but also those countries that were located in the refugee corridors towards the EU. Namely, if migrants managed to "skip" Greece, Italy, Croatia or Bulgaria, then Germany and other countries could return them to their first country of entry in the territory of the EU, to seek asylum there. With this decision, Greece and Italy have been brought to the brink of collapse and the so-called transit countries into an unfavourable position, regardless of the treatment that they provided or denied migrants on the road towards Western EU members.[3]

If added to all of this are differences in the practices among member states and significant differences in the level of acceptance for the same asylum seeker profile, as well as inadequate approaches to legal remedies and advocating the rights of asylum seekers (Goldner Lang, 2013, pp. 40-41), then it is clear that the Dublin system and the decisions of the EU Court of Justice directly influenced the violation of rights of asylum seekers,[4] as well as associated inequalities among EU members. It was shown that the EU's migration and asylum policies

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3 The Court of Justice of the European Union brought a decision according to which, during the migrant crisis, Croatia also was not permitted to transfer the refugees that crossed its borders en masse to other EU countries, i.e. Slovenia and Austria, but rather was required to treat them as illegal, and they had to be returned to Serbia or consider their asylum applications. A dispute against Croatia was initiated by Slovenia and Austria in order to return to Croatia asylum seekers who entered the EU through Croatia. The Court decided that Croatia, not Greece, was the first country of entry into the Union, and that the migrants should have been registered and kept in Croatia. The stance that Greece is not the first country of entry dates back to 2011, when the EU Court of Justice brought two decisions according to which the Dublin transfers to Greece were suspended. Namely, the Court announced that Dublin transfers must not be conducted if, in the EU member state in which the asylum seeker is set to return, there are inadequacies in the asylum procedure that provide the possibility of inhumane and degrading behaviour towards asylum seekers, and Greece was assessed as such. As this decision of the Court of Human Rights, EU Court of Justice is obligatory for all EU judicial and administrative bodies, asylum seekers in certain members of the Union can still be returned to Croatia (Žabec, Turčin, Toma, 2017, pp. 4-5; Despot, 2017). The EU Court of Justice also brought a decision that the Balkan Route is illegal, although it was agreed upon and organised by the governments of EU members, from Greece to Germany (the so-called "Juncker plan" on the acceptance and transfer of refugees that were signed by all countries on the so-called Balkan Route). In accordance with this decision, Croatia treated refugees humanely and responsibly. In addition to completely monitoring movements, all were provided essential living conditions and medical care, and they were provided access to international protection, i.e. the possibility of seeking asylum. All of this points to the fact that the Court has not accepted the reality of the past few years on European asylum rules, i.e. that the Dublin Resolution is not functioning. It is true that the transfer of migrants was not "legal", however, it was not "illegal" either because members of the Union not only allowed mass crossings over its borders, they also actively assisted when they entered their territory and the transit of migrants over it. The decision of the Court is, therefore, unfair because the regular procedures cannot be applied in extraordinary circumstances (Žabec, Turčin, Toma, 2017, pp. 4-5).

4 The Dublin System, with all of its upgrades, did not manage to ensure equal refugee protection conditions in receiving countries. Furthermore, from the perspective of international refugee rights and basic human rights principles, in many countries, refugee rights were disrupted. At the same time, due to difficulties in identifying the country responsible for the asylum application, it was shown that refugees were often returned from one country to another, whereby each of the countries consider the other responsible for resolving the application. According to report findings, over 80% of asylum seekers do not manage to return to the country of their first application or transit within the EU, therefore, the purpose of its existence is open to discussion (UNHCR, 2006). An attempt to resolve this issue with reforms to the Dublin System was unsuccessful, and the stated system of redistribution of responsibility also brought new problems with accommodating a large number of migrants and refugees in the territory of peripheral zones (Greece, Italy), which do not have adequate asylum systems, i.e. in which the dynamic of the Dublin System further potentiated the erosion of the overly burdened protection system (Carrera et al., 2015, pp. 13-14; Höfner, 2015, pp. 3-6; Baričević, 2015, p. 7).

were completely dysfunctional and that they – totally contrary to their purpose – further deepened the crisis and seriously brought into question the fundamental values of the EU, especially equality, freedom and solidarity.

Given that the EU asylum system failed completely, an attempt was made to resolve the crisis outside of the Union, first in Turkey, which the EU pays for the retention of migrants, followed by Libya, where engagement has been strengthened for developmental support, preventing the activities of traffickers and the humanitarian accommodation of refugees (Baričević, 2015, pp. 4-5). However, such attempts can only alleviate the problem temporarily; they do not provide a solution, especially not long term. Pushing the problem outside of European borders – regardless of the conditions of refugee protection and the state of democracy and human rights in those countries – has showed the extent to which the EU was powerless in managing the crisis. Based of those experiences, the Council of the EU is attempting to reform the entire asylum system.[5] However, it is more a matter of dealing with the consequences than a true reform, even more so since the relations among members have been strained. Therefore, that segment will not be able to be resolved completely without serious restructuring of the institutions and decision-making processes in the EU.

In this context, also important is the problem of acceptance of the allotted refugee quotas with the objective of alleviating the burden of peripheral EU countries, especially Italy and Greece. Namely, three countries (Poland, Hungary and the Czech Republic) opposed the binding decision of the distribution of migrants according to quotas, justifying such a stance with economic and cultural differences, as well as for safety. They have resolutely rejected the EU's proposal for the relocation of refugees that are located in Italy and Greece. With such steps, the ideas of unity and solidarity in the EU have been disrupted, and the European Commission has undertaken legal proceedings against those countries. Poland reacted sharply to this move and threated that it would take the matter up with the EU Court of Justice if the European Commission does not terminate the proceedings taken

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5 In July 2017, the Council of the EU present a draft of the Reform to the Common European Asylum System and announced negotiations with the European Parliament for adoption of this regulation, which should ensure equal rights and obligations for asylum seekers and beneficiaries of international protection throughout all of Europe. This reform should reduce secondary movements and help those for whom protection is essential (cf. Council of the EU, 2017). However, still in place is the fundamental principle according to which refugees must seek asylum in the first EU member country of entry (unless their family is elsewhere). If a member country is overburdened, there must be solidarity and fair distribution of responsibilities within the EU. Given practices thus far and the disrupted relations among members, more significant efficiency of this reform is not anticipated.

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

63

up against them. However, Hungary and Slovakia have addressed the EU Court of Justice after the Council of the European Union did not prevent the adoption of the decision on obligatory quotas. The Court of Justice of the European Union, in September 2017, rejected their claim, giving the right to the Council of the European Union to adopt the decision on obligatory quotas. While Slovakia, although reluctantly, accepted the decision of the highest court in the EU, Hungary and Poland have not changed their stance, claiming that such a decision threatens the security and future of all of Europe.

This situation further emphasised all of the weaknesses of the late, divided, and particular policies of EU member states, which actually abandoned what were supposed to be common refugee protection standards within the Common European Asylum System (Marjanić, 2016). Given that in question are countries in which the majority of those seeking asylum do not even want to go – not only because these countries refuse to accept them, but because their goal is primarily Germany, Sweden or some other developed and wealthier country – rejecting the EU decision on refugee acceptance quotas speaks more about the crisis in the mutual relationships of members and the crisis in the functioning and decision making in the EU than about the concrete problem.

5. EU Structural and Functional Crisis: the Question of (De)Centralisation

The failure to manage the refugee crisis has brought to the surface numerous, up to that point, latent problems in the functioning of EU institutions, especially in relations among the central EU institutions and member countries, but also in relations among members. This opened the question of the efficiency and the level of democracy of EU institutions, as well as the further development of the EU. On the one hand, emphasised is the importance of further deepening and stronger integration of members, while on the other, increasing are the requests for decentralisation and greater rights of member countries. It is precisely these latter requirements that have strengthened with the refugee crisis and the failure of the migration and asylum policies, which have been, among some of the members, taken as pressure from some of the most developed (especially Germany) and a threat to their

national interests.[6] Recent stances and initiatives by major EU leaders – who advocate the additional deepening and tighter bonds within the Union[7], recommending it as a solution to numerous problems in the functioning of the EU – some of the members consider this as the imposing of the interests of the stronger on the weaker, i.e. the establishment of the EU with "two speeds". It would mean a certain institutionalisation of inequality and, consequently, a visible step away from fundamental EU values in favour of the interests of the more developed.

The refugee crisis precisely showed how the significant differences in the structure of the socioeconomic interests of individual members generate a relationship towards EU public policies – in this case towards the implementation of migration and asylum policies. In this manner, the most visible difference between Germany (a country whose economy – due to the depopulation of its own society – necessarily demands an external work force, which it sees precisely in refugees, even despite the widespread stance on their cultural incompatibility and more difficult integration) and most other countries (which have a problem with unemployment of their work power and see immigrants as an economic and cultural threat). The latter see the migration and asylum policies (especially the distribution of migrants according to quotas) as an instrument for the imposition of, primarily, German interests (and the interests of EU's most developed countries) to other EU members. Opposition to these policies they consider as a protection of their national interests, not as the lack of solidarity. However, by rejecting to adopt decisions from EU institutions of

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6 In this context, increasingly being emphasised is how the encouragement of the regionalisation and the regional identities of the EU have enabled a weakening of state borders and of national identities, with the objective of establishing a supranational European identity and centralised political system (Vukelić, 2005, p. 79). Furthermore, there is talk that the 2015/2016 immigration wave was violently and in an organised manner pushed towards Europe in order to weaken the European social fabric, labour legislation, social security, to destroy social communities and threaten the very concept of the national state, as well as to ease the centralisation of the EU and its transformation into a supranational para-state mechanism. The European financial and economic elite, with the immigration arriving from the devastated areas of the Middle East, was supposed to receive quality, suitable and cheap work force, as well as changes to the labour market – a reduction of the price of labour and application of new forms of work and employment (Stefanov, 2017). All of these steps lead to the subjugation of their own citizens, extortion of work-dependent citizens, breaking up of traditional European social communities, specific national traits, and finally, the families themselves, while their purpose is the implementation of the agenda of the denationalisation of European countries and taking away their national sovereignty, as well as fitting in to a single centralised federal European Union, which would economically and politically be firmly connected with the USA and, as such, could compete with Asia (Stefanov, 2016).

7 President of the EC J. C. Juncker, in this manner, in September 2017, underlined the importance of a united EU and made public recommendations leading to increasing the centralisation of the EU (single speed through single currency, judicial area, safety, defence, industrial policy, joint president for the European Council and the European Commission). At the same time, French President E. Macron advocates a joint agency that would deal with asylum applications and a centralised, interconnected database and biometric identification, as well as a single policy for the training and integration of migrants. With the realisation of this idea, avoided would be problems that arise concerning the requests for the relocation of migrants in member countries of the Višegrad Group, as well as a return of solidarity when resolving immigration and asylum problems. In their speeches on the EU's future, both Juncker and Macron highlighted that the Union lacks a joint strategy. Thence stems the question of whether both have in mind a German-French strategy, which the other members of the Union should accept (Palokaj, 2017, p. 4; Trkanjec, 2017, pp. 20-21).

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

65

authority, the entire system is brought into question, its functionality and legitimacy in equal manner. In this way, the refugee crisis has made visible the, up to that point, latent structural crisis of European integration and its functioning, and has opened it up to the process of reconsideration and reform.

6. Political Implications of the Refugee Crisis

The refugee crisis had a significant effect on the rise in populism, especially of the right wing political options in many EU countries. Although the main cause of this is the reaction of western societies' citizens to the state of so-called post-democracy,[8] it is precisely in this political space that the populists have entered, growing for the most part on the protest votes of numerous citizens dissatisfied with the public policies of governments, as well as the ineffectiveness of the opposition. Given that they do not offer alternative political programmes – only a populistic rhetoric and the mobilisation of voters on identity-symbolic questions – the migration and integration of foreigners become the main topics of the majority of European elections and the backbone of political disputes. In this manner, right wing political parties that consider the arrival of foreigners as the cause of all problems in the country and in society, take advantage of the building social dissatisfaction and increasingly massive mood of protest in order to politically profile themselves and acquire broader political support.

On this basis, noticeable is a rise in support to these political parties, especially those accentuating isolationism and nationalism, as well as the threat of foreigners to the domicile culture, national identity and economy.[9] They can base their success, primarily, on citizen dissatisfaction, especially those struck by the socioeconomic consequences of the recent

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8 Post-democracy marks a crisis in contemporary democracy, which is manifested in the weakening of the influence of citizens on political decision and in the inability of the political elite to articulate the interests of the majority of citizens, as well as in the content emptiness of the political system, meaning that collectively binding decisions have decreasing legitimacy (cf. Crouch, 2004; Wolin, 2008; Ranciere, 2008; Maldini, 2013).

9 Moreover, right populism is taking on antidemocratic features given that it opposes freedom as it is understood in the liberal democratic tradition, opposes free market, freedom of association and freedom of migration. In such a manner, inter alia, significant election success was achieved by, until then, relatively uninfluential political parties, such as the National Front in France, the Freedom Party in the Netherlands, AfD (Alternative for Germany) and Pegida (Patriotic Europeans against the Islamisation of the West) in Germany, Party of Freedom and Direct Democracy (SPD) and the right populist movement Action of Dissatisfied Citizens (ANO) in the Czech Republic. Meanwhile, conventional parties of the centre-right (especially the parties/coalitions in power in Poland and Hungary) have veered more to the right, further opposing the central institutions of the EU, especially when it comes to implementation of migration and asylum policies, thereby strengthening their national political position.

economic crisis and the impact of globalisation on national economies. Counting on their feeling of neglect, disregard and vulnerability, they have especially encouraged fear of foreigners who are massively swamping their societies. The consequences of such activities are an increase in xenophobia, ethnocentrism and islamophobia, as well as a lack of solidarity and a disintegration of forms of multiculturalism built up till then. Furthermore, even some of the centre parties are inclined to these topics, in order to mitigate ever increasing voter support to the far right (for instance, in Austria, France and Germany, as well as in Central European EU members, especially in the so-called Višegrad Group[10]).

In addition to these political consequences, in EU member countries, noticeable is the trend of treating migrants, refugees and asylum seekers as threats to security. The many acts of terrorism that occurred over the course of the last two years and their connection to immigrants contributed significantly to this. Namely, visible is the so-called securitisation of migration, i.e. the process in which dominating in the migration and asylum policies are security discourses and accompanying security techniques. Therefore, liberal society, which calls upon the freedom of individuals and groups to act, maintain the control devices, because the ever-increasing requests for liberalisation of the market and services are accompanied by requests for ever stricter control of economic and social processes (Petrović, 2016, pp. 368, 372). Media reports contribute to creating a feeling of irrational fear in the public and cause damage to refugees, who are criminalised and labelled as a social, cultural, economic, security, territorial, health and demographic threat (Marjanić, 2016).

Along with unsuccessful migration and asylum policies, this instrumentalization of the refugee crisis for internal political purposes, made facing the situation and resolving the crisis more difficult. Moreover, it deepened existing and created new democratic deficits within the member countries themselves, and disrupted their mutual relations.

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10 Expressed rejection of showing solidarity and empathy towards refugees in CEE countries – which have relatively recently been accepted as members of the EU precisely on the basis of solidarity and empathy of the most developed members – demonstrates the accelerated, politically stimulated and formal process of democratic transition, which did not develop an appropriate democratic political culture because lacking was the democratic resocialisation of these societies (Lulle, 2016; Maldini, 2008, pp. 105-148; Sztompka, 1993).

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

67

7. Final Remarks

Respecting and protecting citizens' and human rights, freedom, equality, solidarity, security, cultural diversity, pluralism, cooperation and tolerance are fundamental values on which European integration is built upon, as is stated in the Treaty of Lisbon, which can be considered the constitution of the EU. They are the basis of relations among member countries; public policies are based on them, and their implementation is their common objective.

Migration and asylum policies, as a part of the public policies of the EU, were marginal until the appearance of the mass refugee wave that hit the EU in recent years, especially in 2015. The lack of consistency in conceiving these policies demonstrated their inapplicability in real conditions, which is why they were fully dysfunctional and unsuccessful in resolving the refugee crisis. Their implementation proved to be a serious aberration from the EU's fundamental values, which consequently had an effect on the de-legitimisation of EU government institutions and the process of political decision-making, as well as on the difficult functioning and weakening of cooperation with the EU.

Namely, it was proven that the migration and asylum policies and the Dublin System lead to an unequal position of the EU members themselves in the sense of distribution of obligations and responsibilities in resolving the crisis, especially transit and acceptance of aliquots of arriving refugees. Furthermore, those policies – and even more so opposition to them in some of the countries of reception and/or transit of refugees – have largely disrupted the fundamental human and citizens' rights of refugees and asylum seekers. This situation has revealed a series of weaknesses in the structure and functioning of EU institutions, in the mutual relations of member countries and has led to the question of legitimacy of EU authorities and their decisions.

One of the consequences of the unsuccessful migration and asylum policies and the most obvious indicator of the inability to face the crisis was the suspension of the Schengen System – objectively the most significant political and functional achievement of European integration and a guarantee for achieving basic freedoms (freedom of movement of people, goods, capital and services) and a precondition for the economic and social development of the EU. This is an indicator of the lack of solidarity and the unwillingness to find a joint solution to the crisis, where precedence is given to particular over common interests.

The structure of those interests is twofold. The first group represents the socioeconomically most developed members (especially those in Western Europe), which conduct immigration selectively and according to their needs, leaving the peripheral countries (both within and outside the EU) with the extra refugees, regardless of their capacities, possibilities, and the conditions to which the refugees are exposed. The unequal distribution of rights and obligations leads to a collapse to equality among EU members, as well as to the violation of the human and citizens' rights of migrants, especially asylum seekers. The other interests come from those countries (especially Central European) that, mostly for internal political reasons (populist mobilisation in order to gain political support in their own countries), promote xenophobic policies and national exclusivism, including resistance to the most important institutions of the EU, rejecting their decisions as imposed and unjust. Thereby, it is not only a question of rejecting the obligations imposed by the Dublin System, but also in adopting and implementing other laws and regulations that are not in accordance with EU values and standards. Thereby, directly undermined is the functioning of EU institutions and cooperation, and at the same time, migrant rights are violated, not allowing them transit to Western Europe and persecuting them from their territory.

All of this directly brings into question the functioning of the central government authorities of the EU, as well as the purpose and strength of the fundamental values of the EU. It seems that it is much easier to declaratively advocate them (especially when they are imposed to others as minimum democratic standards, especially candidates for accession to the EU), than to apply/implement them in their own house. This directly weakens the persuasiveness and international legitimacy of the EU and at the same time compromises those values. The EU's legitimacy is compromised dually – firstly, internally, given the inequality among members establishing the stated public policies, and on the direct opposition by some member countries and their failure to accept decisions from EU government authorities. Similarly, the EU's legitimacy is compromised externally as well, because immigrants, especially asylum seekers thwarted in their rights, which are – precisely contrary to the basic values of the EU – reduced, denied or completely violated. In this manner, the EU can hardly be a convincing promoter of democracy and its values in the international community.

The refugee crisis has undoubtedly demonstrated the full breadth and depth of the crisis in the functioning of the EU and the democratic process of political decision-making.

REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

69

With it, opened is the process of re-examining the existing institutional structures and of redefining the modality of cooperation, especially the relations between EU central authorities and national countries, as well as the mutual relations among member states, especially the largest and the smallest, those that are highly developed and those that are less developed. Without strengthening cooperation and a true reform of the system, the refugee crisis problem – as well as similar problems the EU is faced with – will represent a permanent threat to the basic principles of the European integration political project.

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REFUGEE CRISIS AND THE EUROPEAN UNION: DO THE FAILED MIGRATION AND ASYLUM
POLICIES INDICATE A POLITICAL AND STRUCTURAL CRISIS OF EUROPEAN INTEGRATION?
PERO MALDINI, MARTA TAKAHASHI

71

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