Eu Foreign Policy Decision-Making Process: the Case of Refugee Crisis in Europe

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Keywords: European union, Foreign policy, Refugee crisis

Abstract: The subject of the study is the main threats to the security of the European Union, due to the large-scale exodus of refugees from the regions of the southern neighborhood of the EU, the peak point of which was registered in 2015. Special attention is paid to organizational and institutional and legal measures taken by the EU to counter the new challenges and normalization of the situation, including partial suspension of the Schengen system, the contractual relations between the EU and Turkey, the transformation of the Frontex, reform of the Dublin system. The authors also analyze the reasons of low efficiency of the taken measures, and prospects of their development.

1. Introduction

In the past decade as a result of civil wars, environmental causes and globalization the number of migrants and refugees arriving in the European Union (EU) has increased dramatically. Since 2013 migration pressure has increased, reaching its peak point in 2015, it has evolved into a large-scale refugee crisis caused by conflicts and poverty in Syria, Iraq, Afghanistan, Africa and South Asia.

In 2015 an unprecedented influx of refugees amounted to more than 1.5 million of people crossing the borders of the EU, and the number of asylum applications exceeded 1.2 million [1]. Unfortunately, only from this moment the problems of the migration crisis were put at the top of the political agenda of the European Union.

Considering the global significance of the crisis and urgency of finding ways out of it, migration has become one of the main topics for the research centers, scientists and experts around the world. Over the past five years, a huge number of publications on the historical, political, economic, legal and socio-cultural aspects of this multifaceted problem have been published.

At the same time, the range of conclusions reached by the researchers is extremely wide - up to directly opposite ones. Most of the positions came to the point of view that the crisis can be settled if the fundamental causes that gave rise to it, namely poor living standards of the countries of the Southern Neighborhood, are get over [2–4]. But there are many scientists who consider this task to be unattainable and in advance call it utopian. They call for concentrating on more practical and pressing issues of the European agenda, in particular, on strengthening border control, law enforcement and, most importantly, on the planned return of refugees to their homeland [5].

Since the beginning of the crisis, Brussels has proposed various initiatives that were mainly unsuccessful. The main reason for the inability of the EU to function effectively was the lack of a coherent and consolidated policy in the field of migration and asylum, as a result of the prevalence of the national interests of the member states in their policy [6]. At least at this point all scientists, experts, politicians involved in this issue are united [7]. Without exaggeration it can be confirmed that since foundation of the EU the migration crisis has become the most serious challenge for

Europe which will lead either to irreversible devastating consequences, or become an opportunity to make it even stronger.

The main reason for disagreements within the European Union has become a mandatory relocation scheme. Due to continuous and hardly controlled migration flows, serious friction began to arise between member states.

At the beginning of the crisis, Greece and Italy were mostly affected with the flows of a large number of refugees. They did not receive the necessary support from other States of the EU.

To overcome this situation, the European Union introduced an obligatory refugee resettlement quota system. In September 2015, the Council of Europe decided to relocate 160,000 asylum-seekers from Greece and Italy to other member states within 24 months to September 2017. Germany and Sweden have played a significant role in supporting this plan, as they assumed obligations to receive the largest number of migrants. The opposite approach was demonstrated by the countries of Central and Eastern Europe. In particular, Hungary, the Czech Republic, Slovakia and Romania initially voted against the plan, regarding it as a threat to their state sovereignty and territorial integrity.

Moreover, in December 2015, Hungary and Slovakia challenged the resettlement scheme at the European Court in Luxembourg, which then recognized the validity of the scheme and rejected their protests. Since April 2016, the European Commission began to punish countries that refuse to accept refugees, setting a fine of 250,000 euros for each migrant.

The situation related to the adoption and implementation of the compulsory resettlement plan within the framework of the established quotas demonstrates how far from the consensus on key ways of solving the refugee problem are the Member States.

2. Methodology

The research methodology is consisted of historical, comparative legal, formal legal methods, and a systematic analysis of the reasons for the ineffectiveness of the EU's foreign policy in countering challenges caused by the Southern Neighborhood problems and the refugee crisis. In empirical studies, the methodology basically serves as a set of rules for a scientific procedure and, thus, allows to systematize and analyze the relevant primary data sources selected for the topic. The methodological approach has a specific set of tools and procedures for analyzing the research topic. Firstly, historical and descriptive, then inductive methods were adapted to the structure of this article and used for developing this topic.

3. Literature Review

The study includes analysis of primary and secondary literature. Primary literature includes treaties relevant to the topic of analysis, texts of laws, decrees, press releases and publications of both national governments and ministries, as well as various European-level decision-making bodies. In this connection, the commentary of the Vice-President of the Development Committee in the European Parliament Nirj Deva is of interest. Secondary literature mainly consists of scientific texts and articles that are taken from specialized journals and other periodicals. Among the key authors specialized in European foreign policy in tackling the refugee crisis are the head of the International Economic Relations and Global Issues Programme at the Polish Institute of International Affairs, Patrick Kughel, and European affairs specialist Kristin Archick, whose reports had an important influence on American policy towards the EU. In addition, the main part of secondary literature involves scientific publications in the form of books, which analyse this topic in detail.

4. Discussion

4.1 Partial Suspension of the Schengen System

In 2015, in response to migration flows, eight countries (Austria, Germany, Slovenia, Hungary, Sweden, Norway, Denmark, Belgium) imposed temporary border controls based on article 25 of the Schengen Border Code. The most radical was Hungary, which completely closed its borders and introduced a number of legislative changes to its asylum policy, as a result of which illegal border crossing became a criminal offense punished by up to eight years in prison. Austria introduced measures known as the "Austrian U-turn", which means the establishment of daily quotas for the consideration of applications for asylum and for the transit of migrants through the country.

4.2 Agreement between the Eu and Turkey

In order to limit the growing influx of refugees, in March 2016, the EU and Turkey adopted an agreement on refugees. The main idea of the agreement was that Turkey will accept all new illegal migrants who were trying to get from Turkey to the Greek islands, and the EU in exchange accepts one Syrian refugee from Turkey for every Syrian who has returned. Among others, the EU also accelerated the transfer of previously allocated to Turkey aid in the amount of €3 billion and sent an additional 3 billion euros to support Syrian refugees in Turkey. The EU-Turkey Agreement was one of the few relatively successful foreign policy measures and led to a significant reduction of refugees arriving in Europe. However, there is no reason to speak of the full effectiveness of the transaction, since only a limited number of refugees returning to the Greek islands goes to Turkey. The main burden of the EU crisis policy continues to bear Greece. The deal with Turkey is considered controversial and potentially fragile and is only a temporary solution to the problem.

4.3 Transformation of the European External Border Security Agency (Frontex)

For the first time, a possible "reset" of Frontex became the subject of talks for the EU authorities at the end of 2015, when the migration crisis revealed policy flaws. As the associate professor at the department for integration studies in MGIMO A.I. The Tevdoi-Burmuli notes, Frontex reform was planned long ago, but was accelerated by the obvious and inevitable failures of its activities during the migration crisis. This agency did not have its own resources, its own operational staff on an ongoing basis, it could not conduct operations without a prior request from the relevant EU states [8].

The decision to create a new agency for the protection of external borders of the EU was finally made by the European Council in September 2016.

The principal innovation became the right to take actions to maintain the security of the Schengen zone even without the consent of a EU member state. In addition, the agency may conduct operations in neighboring non-European countries if they need assistance due to the high migration burden. The new agency has the right to initiate and ensure the expulsion of illegal immigrants, as well as to exchange information with Europol and Interpol (these powers were previously in the hands of national departments).

4.4 Reform of the Dublin System

The Dublin System establishes the criteria and mechanisms that determine which EU Member State is responsible for examining an application for asylum. It provides that the responsibility for the examination of the application lies on the shoulders of the Member State in which the applicant submitted the application. The purpose of this system is to provide quick access to asylum procedures and the processing of applications by one Member State. However, the Dublin system does not provide a proportional distribution of responsibilities for the consideration of petitions between all EU countries and therefore requires reforming [9]. In May 2016, the European Commission proposed the reform of the Dublin system. Under the new system, if an excessive

number of asylum requests is reached in only one Member State, applications will be distributed among other countries that do not face similar challenge.

To sum up, it should be noted that the European Union as a supranational entity, designed to solve common problems of its member countries, including external ones, was completely unprepared for the unprecedented scale of the migration crisis resulted from the conflicts in the regions of the Southern Neighborhood. The existing institutions and organizational forms of intra-European interaction did not become an effective means of developing and implementing agreed decisions. The urgent measures allowed to a certain extent to reduce the degree of crisis, streamline the influx and distribution of refugees, but in the long term it is necessary to shift the focus from the practice of "putting out fires" inside Europe to systematic work to settle the root causes of the crisis in the countries of origin of the refugees. This means the need for a more active and consistent policy in resolving conflicts, addressing economic, humanitarian, environmental problems in the regions of the Middle East and Africa. The solution of this task is impossible without close cooperation of the European Union with countries that initially stick to this approach and achieved significant results, primarily with the Russian Federation.

5. Conclusion

As a result of the study, the authors came to the following main conclusions. The European Union as a supranational entity, designed to solve common problems of its member countries, including external ones, was completely unprepared for the unprecedented scale of the migration crisis resulted from the conflicts in the regions of the Southern Neighborhood. The existing institutions and organizational forms of intra-European interaction did not become an effective means of developing and implementing agreed decisions. In the long term, it is necessary to shift the focus from the practice of "putting out fires" inside Europe to systematic work to address the root causes of the crisis in the countries of origin of refugees. This means the need for a more active policy to resolve conflicts and solve economic, humanitarian, environmental problems in the countries of the Middle East and Africa.

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