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**REFUGEES' CRISIS AND EUROPEAN UNION:
A MECHANICAL INTEGRATIVE BARGAIN**

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Abstrak

Tulisan ini menjelaskan keterkaitan antara krisis pengungsi dan serangan kelompok teroris di Paris dalam bingkai integrasi Eropa. Dengan menggunakan teori yang dikemukakan oleh Batolini, Tulisan ini mencoba untuk mengaburkan batas sistem internasional dan internal guna menjelaskan mekanisme manajemen krisis dalam proses integrasi Eropa, tanpa harus secara detail menguraikan kualifikasi arsitektur regionalisme Eropa. Tulisan ini memberi perhatian khusus pada faktor penekan eksternal yang mempengaruhi sistem politik Uni Eropa dan konsekuensinya terhadap proses integrasi bagi elit politik dan masyarakat Eropa secara umum. Dengan merujuk kepada masalah pengungsi di Eropa kontemporer, tulisan ini menggarisbawahi bahwa proses integrasi Eropa secara otomatis tanpa memperhatikan derajat loyalitas masyarakat yang rendah kepada elit politik Eropa.

Kata kunci:

Uni Eropa, Hubungan Internasional, Proses Integrasi, Pengungsi, Area Schengen, Krisis Suriah

Introduction

The headlines of the newspapers in Europe¹ and urges of world leaders concerning the refugees' crisis, such as Barack Obama's proposition to welcome Syrian refugees on United States' mainland,² highlighted the importance of this international crisis. The crises challenges the relations between states them within the framework of the European Union – both within between the member states and the rest of Europe – and stretches their neighbors such as Turkey.³

In 2015, Frontex report showed that there were significant escalation of immigrants crossing to Schengen Borders compared to the previous years.⁴ According to United Nation High Commissioner for Refugees (UNHCR), around 400 000 people had tried to seek refugees to Europe though the sea during the first months of this ongoing crises.⁵ Compared to the Balkan crisis during the 1990's, this numbers went through the ceiling of refugee record.⁶ This enormous migration was rooted from conflict in Syria and Iraq between ISIS – a radical terrorist organization aiming to establish an Islamic state in the Middle-East – and its host country. As of today, 38 percent of the total refugees crossing Schengen border in Balkan are Syrians.

Despite the massive numbers of refugees, safe passages to enter Europe have not really changed. Greece and Turkey remain the two most important transit countries for the migrants and refugees from the Mediterranean. With the conflict in the Middle-East, the tension have been arising to the usual cross-border hotspots. In 2002, Greece has built a wall at its border with Turkey forcing people to pass through the sea.⁷ There is also a stronger control at some borders, in Hungary for example, President Viktor Orbán has increased the number of patrols and built a new wall among the border with Serbia and Slovenia.⁸⁹ Romania and Bulgaria threat to apply similar policies.¹⁰ On the other hand, there are also group of European countries which are more favorable in handling these refugee issues such as Germany.¹¹

This refugee crisis needs a joint comprehensive solution, not only from the European states, but also from the European Union as their regional institutions because it shares borders with the states in Balkan region: Greece, Croatia and Bulgaria. Moreover, the European institution seems to be competent to enforce the freedom of movement policy in Europe within the Asylum Pact since the Amsterdam's Treaty in 1997.¹² The Dublin Agreements binds the Schengen area which composed of European Union member states with the exception of the United Kingdom, Romania, Bulgaria, Cyprus and Ireland, yet also includes the AELE countries, such as Norway and Switzerland.¹³ However, any solution produced by European Union might be faced by its own member states as they are the ones which closing up their borders. Any measure based on the Dublin Agreement supposed to be an exceptional option when the European leaders perceive that they are in a critical situation, such a crisis is running on the issue of refugee migrations.

Strangely, this period seems favorable for the European integration. The proposed quota regarding refugees highlights the fact that the European Union changes

its behavior from a passive guardian of the treaties towards an active manager of the asylum policy, especially since Aylan Kurdi's death.¹⁴ Moreover, the terrorist attacks in Paris add a new dimension on this issue and changes the situation, with as a result the reinforcement of the pressures on the European political system.¹⁵ The European communities, and after the Union, has always grown up thanks to crisis. For example the *politique de la chaise vide* of the French government during the sixties or the failure of the Constitutional treaty are two crisis which increased the European integration in the end. Thus, could the migrants' crisis be a factor of integration despite the difference on each national views?

The author understands that there's a sense that scrutinizing an ongoing issues might hinder an unbiased analysis. As we might see that there were still changing behavior of the states and the EU. However, the current condition provides enough challenge to frame the situation and discuss on the working mechanisms. Furthermore, after introducing the methodological and theoretical framework, we are going to established the impact of the refugees' pressures on the *boundaries* and stress the consequences on the management by the European elites.

Socio-historical Approach of Integration Process

This article scrutinizes the impact of this crisis on the European relationship and its power to integrate more the States in the regional organization from a qualitative and explicative approaches. Mainly, this article elaborates secondary data from the International institutions or agencies and concerning the events from journalist articles. It is quite difficult to find robust scientific literature in this subject as the crises still goes on. Some article might begin to appear such as one concerning the more general impact of the Syrian crisis on the energy security issue written by Tia Mariatul Kibtiah.¹⁶

However, because of the goal of our article – the integration process – a huge literature could be quoted here concerning the mechanisms of integration process. The theory of Stefano Bartolini appears in our mind as one of the most precise explanation regarding the current situation. This theory is developed in the first chapter of *Restructuring Europe*. Based on a socio-historical approach of the integration, it allows an understanding along the timeline of the social pressures without considering the formal view as being important to qualify the organization. Bartolini considers that a process of integration begins by an event which creates pressures on the boundaries of different unities, forcing them to gather in one organization. This new political system is

composed by a *structure*, a *centre* and a *building*. The first one concerns the architecture of the society linked to this new entity and more precisely how it express itself. In few words its relation with the centre, its cleavages and the organization of its civil society. The second one is the elite who runs the new unity and try to reinforce the new political arena and lastly, while the third one is the arena in which the elite and the society interacts, create the loyalty of the society to the elite in exchange of the public goods from the elite management.¹⁷

On the contrary of the inter-governmentalism,¹⁸ He takes into account the civil society and its behaviours as the reactions face to the photo of the child's death illustrate this importance. Then, Bartolini overtakes the *regulatory system* of Majone,¹⁹ or the rationalist theories,²⁰ by considering the European Union as a whole actor and not only an agent of regulation. For instance, the European Commission tries to manage the situation in a proactive way today. Moreover, the neo-functional theory considers the integration process as endogenic as the *spill-over* mechanism but the refugees' crisis is an external pressure which could create after a spill-over effect. In few words and finally, the Bartolini's prism is far from qualify formally the political system creating a blur around the nature of the political arena. Is it internal state system or an international arena? This characteristic of this theory allows to leave on the side the unfruitful debate about the nature of the European - less a federal state and more than a simple international organization as the European judge said in its case – and being focus on the mechanisms.

The Refugees' Crisis as a Polymorphic Pressure

The migration of refugees to the European Union is a pressure on different boundaries. This is stressing the four boundaries that Bartolini has exposed in its book. Four boundaries have been identified as cultural, economic, coercive and politico-administrative.²¹

The first one, is tighten about the mutations of the demographic repartition and the cultural evolutions of the European area. Clearly, this can change the percentage of Muslims and migrants/refugees in the population who are settled in the 28 member states. For instance, this could create an evolution of the gap between the real number of Muslim in Europe and the feeling of the citizens, as the gap is already high today.²² Then, it asks the question of the membership and the place in the society of this new people, in particular concerning the possible access to rights, especially in the context of the terrorism. Moreover, this refugees have a culture which is different from Europe and

could create tensions with local population challenging the national culture and symbols. It is not necessary to look far to find an example of this point in another field. In Indonesia, the *transmigration* policy has sown some bloody events through Indonesia because of ethnical culture oppositions.²³

The second pressure is economical. The cost of the crisis concerns all the fields of a political system: the running expenditures not only of the regalia competences but also of the welfare one. For example, the pressure highlights the management of the healthcare and the financial issue of the border security as highlights the far rights propositions.²⁴ The question concerns also the economic necessity of workers for the market. If Germany seems to be favorable, is not the case for other such as Spain or Portugal in which the unemployment rate is high according Eurostat.²⁵

The third pressure is more complex because of the actual political matter around this issue in Europe especially with the terrorist attack in Paris. The refugees' arrival questions the issue of the coercive forces and measures of the different authorities within the European Union - either at the national level than the supranational one - about the border security, police missions and judicial cases. The French government has not been able to avoid the issue of the migrants' crisis and their welcoming as illustrates its speech at the *Congrès* in Versailles on the 16th November 2015 in which the President has exposed a security package.²⁶

Linked with the previous one, the administrative and political area is challenging too. Which does political the administration have to run? The parties have to define their ideologies and the government manages the crisis by the asylum policy for instance without forgetting the necessity of the political participation challenge of the citizenry in particular within the framework of democratic systems.²⁷ The matter here focuses on the content of the political and social rights but also the regulatory system that is to say the education, labor market and welfare system.²⁸

European Architecture

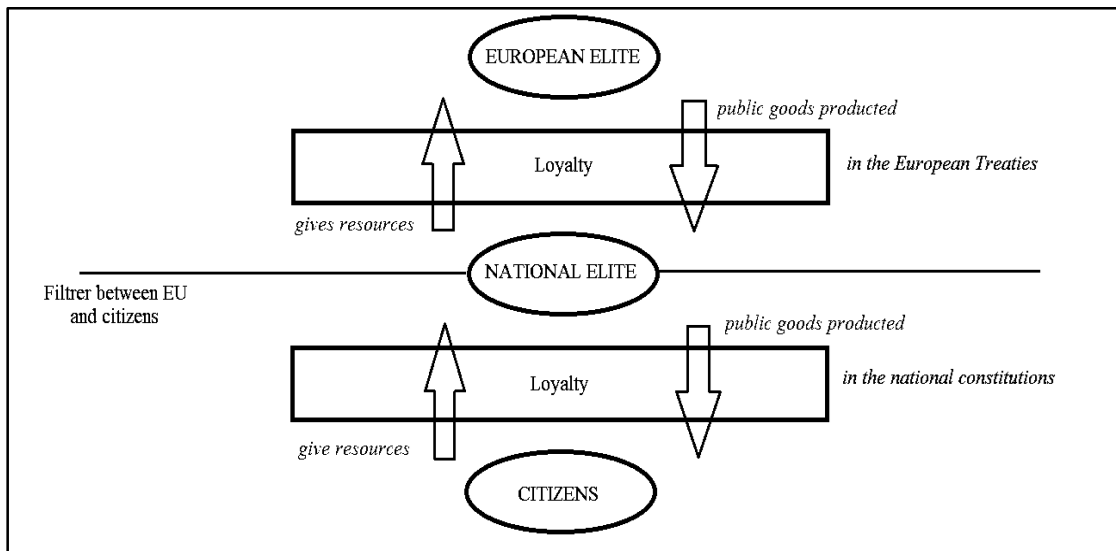
The pressures that we have previously highlighted stress a two-level-system. The European Union is based on the supranational level but also and mainly on the State. As developed in their article, P. Magnette and O. Costa point out the segmentation of the Union with 28 pillars, each of them are a State.²⁹ This architecture is named by these authors as an *interstate-consociation* but it is close to the Chryssolousos's theory of a *consociative confederation*³⁰. However, we prefer to use the concept of P. Magnette and

O. Costa for three reasons. Firstly, the name highlights the importance of the sociological approach instead of the formal aspect of the architecture. Secondly, using the term of Confederation links to the consociative system is repetitive because the confederation is automatically based on state-pillars. To finish, as Watts said, it is impossible to consider the European Union as a confederation.³¹ So using this notion for the European Union is not judicious.

Furthermore, before going on with the analysis we need to make the difference between the nation and state which was made possible with the theory of Bartolini. The segmentation is based on the state, which is to say on a political-administrative organization and not on cultural groups as the nation. However, because of the golden period of the nation-states, our constitutions manage the cultural aspect of the nation and the political-administrative issue of the state. But here the question concerns the administrative organization and not the cultural aspect of the system. In a nutshell the architecture of the European Union's political system is at the first level divided in state-pillar and at the supranational level, the elite become one body to manage the Union. The national constitutions is a picture of the management of the loyalty between the elite and the citizens as the European treaties describe the loyalty between European elites and national elites.

This aspect is important, as this allows us to understand how the structure of the political system works. By the segmentation the structure remains divide at the *demos*' level between the states that is to say that the cleavages, the relation centre-periphery and the civil society are shaped within the national pillar and set in the national constitutions. European Union's political system is composed of 28 full political systems. Then at the European level, it is the national elites which are structured around cleavages, lobbying and relation with the European institutions and the treaties reflect the loyalty between them. Thus, the structure is split in two floors. In this architecture the national elites form a filter between the peoples and the European level (Scheme 1). For the refugees issues or the security one, the bargaining is not between populations in a transnational way but between the different national leaders. The Belgian government wants a European CIA³², a Dutch minister call for a mini-Schengen³³ arena without forgetting the debate around the quotas.

Figure 1. European Union's architecture.



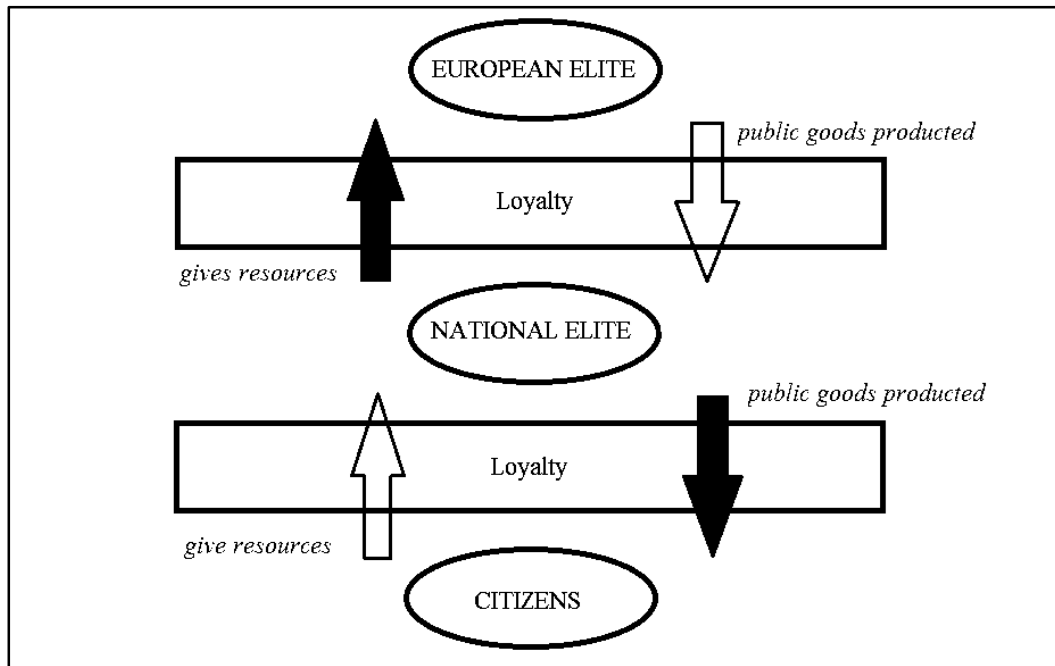
Thus, there is so a problem of compatibility between the wills of the structure which is expressed to the elite through the different ways of expression - votes, interest groups and so on – and the actions of the elite which produce public goods. The choice between to exit or remain in the political system changes in function of the degree of loyalty. If the cost of the exit is too expensive, the unity remains but without loyalty, it is easier to move away³⁴ and this is the key of the European issue within the refugees' crisis.

This example allows to develop the second step of our idea. The national elite is a filter between the citizenry and the European institutions. It collects the whole loyalty concerning the political-administrative issue because the public area of debate remains at the national level. Thus, few loyalty can appear at the European level but it remains always negligible. (The European elections of the Parliament illustrates this point. The debate concerning these elections took place at the national public area not at the supranational level despite the wills of the European political federation which has organized political debates between European leaders at the last elections at the last elections³⁵).

Refugee Crisis as a Revelator of EU Crisis Management

If we turn to the question of the refugees' crisis, the pressure impacts the two floors and creates a stimulation of the national elites to centralize again their political system and a stimulation of the European elite to avoid the disintegration of the European Union or to increase its powers.

Figure 2. Pressures on national elites.



The member states' governments confirm their wills to protect and reinforce the cultural, market, politico-administrative and coercive boundaries of the national systems but the European Union follows the same trend for its own political system. As Bartolini said, the both want to fulfil a full *governmental arena*. Clearly these two wills cannot be achieved at the same time and in the same field. They are in opposition. Thus the national elite are ill because of schizophrenia (Scheme 2). They are stress by two opposite trends. The first one (red) is the loyalty of the national unities to the European Union which urge them to develop the European integration movement. However, the second one (green) highlights the role of the national elites as runners of sub-political systems in the European architecture which is a threat for the integration because the national loyalty system force them to reinforce the national state.

The refugees' crisis points out this phenomenon and the priority given to the loyalty. The resources come from the peoples who give it to the national elites and the elites challenge the situation at the European level. Culturally by fighting the mass migration or asylum. For instance, the polish government refuses to welcome asylum seekers on behalf of the Christian culture of the Poland³⁶. At the opposite some country such as Germany or France agree for welcoming but refuse to be the only one³⁷. The first step of the stimulation by this pressure on the political system create a bargaining between the national elites which expose the national situations, that is to say the wills through their structure. It concern the economic issue such as the fear to have more

unemployment, the security issue, especially since the terrorist attack and so on. Clearly the terrorist attack in Paris has stressed the question of security and coercive issue for Europe. The possibility one terrorist has crossed the boundaries of the Schengen area through Greece³⁸ challenge the European policy but also the role of the state to ensure the security for its own citizens. In the speech of the French President, François Hollande, the security issue passes over the austerity pact concerning the spending of the state but with the agreement of the European Union.

Then, the question of the horse trading. The national elites try to have a common position. At that time, the issue moves to the national elites' level and creates a debate in the elitist public area at the supranational level. The Franco-German couple is the usual example. The common position given by the two governments creates a starting point for the negotiations between the member states. At the same time, some state from the East threat to build walls at their borders or close these one to ensure the control of the Syrian migrations³⁹.

Thirdly, Commission synthesises the different points of views and try to reach an agreement between the States within the framework of the politic game to avoid the disintegration of the European Union. For the refugees' crisis, Juncker has proposed a plan for the crisis with quotas as Germany and France want. However, with the aim to obtain the agreement of the countries such as Poland, the number of refugees by country is defined in functions of social and economic criteria⁴⁰. The Commission is the guardian of the treaties⁴¹ and for this reason it wants to reinforce the treaties and the policies which come from it such as the Schengen one.

In a nutshell, the relations between the different actors within the framework of the European Union begins by the exposition of the national wills around a bargaining highlighting the national loyalty. After the issue is put up at the European level within the elitist loyalty appears. Some Member States creates some groups to reinforce their position. Then, a second step appeared. The Commission synthesizes the position and proposes a management package which will be accepted in a consensual way.

However, in the case of the refugees' crisis, the terrorist attack has changed the environment and as well as challenging the issue once again. The pessimistic member state, such as Poland, have been pressing their position by the events. The president of the commission Juncker has been pressed to assert again the consensus concerning the refugees' plan⁴² and move the debate on the European security policy. By this way, Juncker opens up a new field for the European integration process and reinforce the

governmental arena of the European Union. The PNR proposal can illustrate this phenomenon. It is a European proposal for a security tool concerning the identity of the passengers in the European flights⁴³.

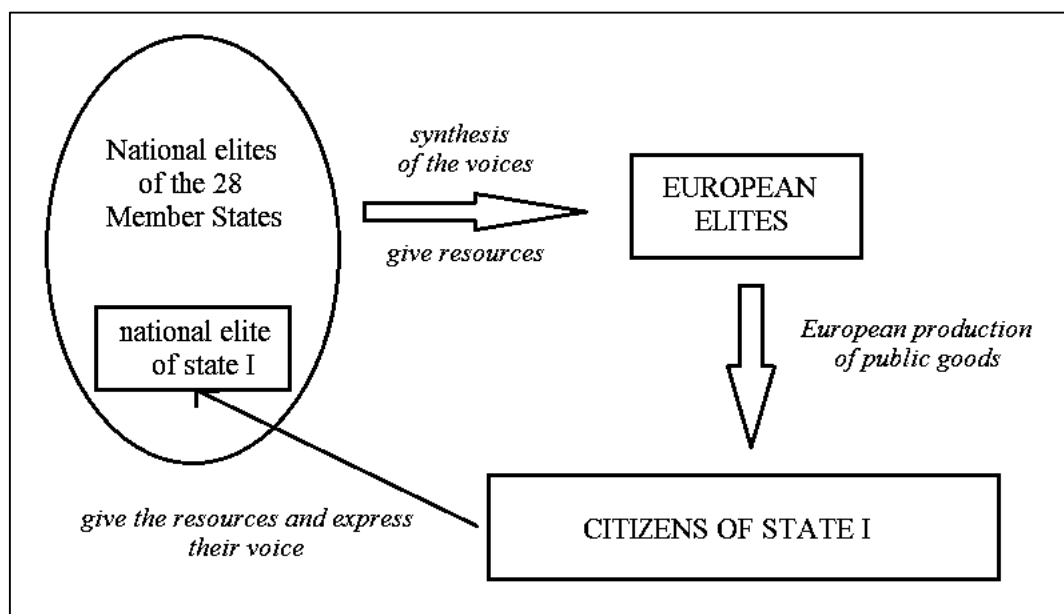
Moreover, some European deputies such as Verhofstadt, appeal for a European secret service and a real European security policy to ensure the Schengen borders⁴⁴. This policy has to be paralleled to the organisation of the borders. Today it is one policy but 28 management centres. The refugees' crisis especially links with the terrorist attacks can reform the Schengen arena, said Christophe Leclercq from EurActiv⁴⁵. This proposal is supported by the Prime minister of Belgium, with take the leadership of the national government on this issue contrary to the usual Franco-German motor⁴⁶. The last example of this solidarity has come from the speech of the French President and the answer of the High Representative of Foreign affair. François Holland has used the article 42-7 of the Treaty of European Union⁴⁷ which is based on the military solidarity in case of attack. Federica Mogherini has answered positively on the 17th November 2015 for the all members of the Union⁴⁸.

The Refugees' Crisis as Revelator of the European Crisis

However, the integration can be against a perfect legitimacy of the peoples because the elite filter amend it. For instance, the French president claims for more solidarity but at the same time reinforces and increase his security powers by the emergency state law⁴⁹. Some politicians such as the Polish, which is the most powerful on this questions are in opposition with their citizenry especially for the elections of the new government with a far rights majority while they have to respect the European deal because the cost of an exist is too high for him.

If we turn to the point of view of the European citizens, two problems appeared. The first one is the distortion between the result of the policies (*public goods* produced) by the authorities and the beginning will (*resources given*). The second is a difference between the authority which receive the resources (national elites) and this one which produces (European elite) creating an incomprehension in the mind of the citizens which remains divided in national public spheres. These two issues were even highlight: the lack of legitimacy of the European Union⁵⁰ and the crisis of the Nation State.

Figure 3. Description of the mechanism from the citizens' point of view.



On one hand, the lack of legitimacy, the Union appear as a technocratic organization which does not care about the the wills of the citizens. It is the critic of the producer through non-only Euroscepticism but also the increasment of the friend/foe's European cleavage within the national political life. Euroscepticism is the business of non-governmental parties, such as the Front National in France because these parties are not link by loyalty to the European sphere. On the other side, the impact of the crisis is to see some governmental parties becoming closer in their opinions to the extent to create alliances. One of the leaders of the French socialist party has proposed to create some coalition during the next elections with the adversarial party: *Les Republicains*⁵¹.

On the other hand, the crisis of the nation-state is more complex. The European Union is based on a non-national integration. The integration is against the nationalism that the European elite consider as the source of the Second World War. This point is illustrated in the treaty by the absence of European nation but only a European citizenship⁵². Because of the feeling of the incapacity of the national elite to answer correctly to their citizens, this crisis so create a retention of the resources that normally the national elite receive to manage the country. For instance, a proposition from a N-VA deputy at the *Chamber of Representatives* in Belgium (far-right) concerns the reduction of the financial aid to the refugees during four years⁵³. This is a retention of resources to cut off the production of public goods. Above all the existence of this

political party (separatist party) points out the problem of accountability of the federal government in Belgium for the Flemish side.

At the European level we have similar issue concerning the nationalism. The nation-state are the segments of the European Union. In spite of they are integrated they remains full political systems. Thus the crisis stresses their national boundaries too and especially the cultural one which will become stronger than before. So by its will to reinforce its migration policy, the European Union increase the pressure on the national elite and develop indirectly the Euroscepticism. If in that case we highlights the opposition between the two trend, the European wills and national one can be in the same way. But the national measure will be built with cultural element. The most flagrant is the religious condition that some mayors in France as settle concerning the welcome of refugees⁵⁴.

Conclusion

With the help of Stefano Bartolini's theory, It is possible to consider that the refugees' crisis can increase and develop the European relations in a deeper way by more institutionalisation of different policies especially concerning the asylum policy or the security one since the terrorist attacks in Paris. The pressure on the political systems need an answer at the European elite's level, not only at the national level but also at the European level. This process is split in two major steps. The first one the bargaining between the national wills which is the manifestation of the national loyalties. The second concerns the European level which allows a synthesis of the national wills forced by the high level of loyalty of the national elite towards the European system. Despite this automatic integration around these two policies, the process remains outside the citizenry's support which the result could appear in contradiction with their wills express to the elites in their own national segments. For the citizens, the absence of loyalty towards the European Union allows a possibility of exit of the European Union which cannot satisfy the whole wills of the national citizens because of it synthetic characteristic.

From this distortion between the wills and the production, the nation-state crisis and the feeling of a lack of legitimacy for the European Union increase. Two consequences appear, the first crisis brakes the resources on the hands of citizens - illustrated by the proposal of the N-VA deputy - and the legitimacy issue stops the

integration process or at least creates an unpopular movement such as Euroscepticism or in a larger trend the failure of the constitutional treaty⁵⁵.

Beyond the opportunity of the European political answer towards the refugees' crisis, the refugees' crisis challenge the matter of the accountability of the European mechanism for the production of public goods and its consequences on its structure. Could blurring the boundaries of the European segments be a solution to solve the both crisis?

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