

III INTERNATIONAL RELATIONSHIPS

UDC 327.7

¹Makasheva K.N., ²Karimsakov A.O.

¹Faculty of International Relations, Al-Farabi Kazakh National University, Almaty, Kazakhstan

²Faculty of International Relations, Al-Farabi Kazakh National University, Almaty, Kazakhstan

E-mail: asy123@mail.ru

The «Arab Spring» Challenge to EU Immigration Policy

Abstract. The events in the Arab World in 2010-2011 led to a resurgence of forced migration flows, representing a serious challenge for the Arab world, and for the European neighbors. Special depth to this surge in migration gave the revolutions in Tunisia, Egypt and Libya. This paper looks at the responses of the European Union to the challenge of European security in the context of illegal immigration and refugee flows. The method of research article is to review the events and analysis of decisions of the EU institutions against the mass flow of refugees surging into the effects of the «Arab Spring». Analysis of the responses taken by the EU reveals the fullness of the impact of the «Arab Spring» not only on external but also internal security. The focus of the paper lies on the EU search for tactical decisions and their effectiveness during the migration crisis. Summarizing the article, we came to the following conclusion: adopted short-term measures aimed at resolving problems connected with the influx of refugees have not been successful, because the situation got out of control of the EU authorities. Furthermore, the proposal to resolve the migration crisis through the «soft» tool has undermined the unity of the member states.

Key words: The «Arab Spring», revolution, illegal immigration, refugee flows, immigration policy.

Introduction

Analyses of the European Union about that protest-revolutionary wave at the borders of Tunisia, Egypt, then in Libya becomes a large-scale movement in nature, meant the need for the EU to develop a new regional strategy and appropriate approaches and tools, and the EU had to act urgently and decisively.

The new Mediterranean strategy to some extent might be considered in the context of the challenge for European Security, which has intensively multiplied with the advent of the «Arab Spring» - illegal immigration and refugee flows. After the revolution in Tunisia, this problem became more acute, forcing the Europeans to speak about hundreds of thousands of potential refugees and migrants from North Africa, who expect to move from Libya to Europe. The statement of the head of the Italian Ministry of Internal Affairs R. Maroni characterized this situation, that his country was «on the verge of a humanitarian emergency,» and that the EU should take all necessary measures to prevent it [1]. The flow of refugees reaching the small Italian island of Lampedusa, and causing an explosive social situation there, confirmed the seriousness of the concerns expressed [2]. At the February Council of Ministers of Inter-

nal Affairs of the six Mediterranean EU countries raised the issue of need for a common mechanism for the reception of refugees, allowing them to settle across the EU. Subsequently issues of Europeanization of efforts in this area were constantly in the focus of European policy, provoking serious internal disputes and strengthening national protectionism.

Methods

Examination of illegal immigration and refugee flows based not only on statistics but also on results of sociological studies opens the way for more broad generalizations. The political dimension of migration processes, specific character of this dimension, targets, and tasks of migration policy are analyzed using primary and secondary data, selection of research subject and difficulties that may arise in connection with that.

Main body

1. The EU reaction to the challenge of the «Arab Spring»

At the beginning of February 2011 the European Council initiated the development of a new regional policy of the EU [3]. The summit identified priority areas for assistance from the European Union:

strengthening democratic institutions; democratic governance and social justice; preparation of free and fair elections. The EU leaders officially recognized the need to adapt in accordance with these objectives, the European Neighborhood Policy (ENP), as well as tools of the EU for humanitarian assistance. On 8th of March, 2011 the first official EU document was published, which sets out the modernized concept of cooperation with the Arab states, prepared by the European Commission and the Office of the High Representative of the Union for Foreign Affairs and Security Policy, «The partnership with the southern Mediterranean for democracy and shared prosperity» [4]. The new document includes a section on emergency actions of the EU - Humanitarian aid and solving various problems arising from the influx of refugees from North Africa, particularly from Tunisia and Libya. A significant increase in funds allocated for the development of partnership with the countries of the Southern Mediterranean was provided – grants from the EU budget, loans of the European Investment Bank (EIB) and other financial institutions.

These aspects of European policy relate primarily to the sphere of internal affairs and justice, and it is a subject of a separate analysis, but in the context of EU foreign policy, it is important to note two things.

The first – emergency response in response to the massive influx of refugees were necessary, but not sufficient: this multidimensional challenge demanded the search for new answers and complex solutions, including in the framework of relations with the South Mediterranean partners. One of the obvious answers, which were supposed to give European governments, is to create conditions that cardinaly reduce the motivation of people to flee their countries. Priorities and mechanisms provided in the new EU Mediterranean strategy are largely in line with this objective. And not only its focus on sustainable economic development and the transformation of social and political systems of the Arab countries, but also such emphases, such as targeted support for youth and women, the education system and local labor markets, improving the legal mobility, and so on.

The second important aspect is that the «Arab Spring» was not only an external challenge for the EU, but a direct threat to the internal security of the participating countries. This, in its turn has become a significant factor in enhancing differences and disagreements between them, especially between the Mediterranean and the rest of the EU, but not only. In connection with the individual member countries initiations of defense mechanisms such as border

and customs control, the European Commission has made a number of proposals to ban unilateral decisions on interim measures of border controls, which added to the differences between countries institutional confrontation within the EU. It is clear that such conflicts of interests in extremely sensitive areas of national sovereignty generates a range of problems in relations between the participating countries, being projected, including their perception and approaches to crisis management in the Mediterranean.

One of the results of the adoption of the EU Member States influx of people fleeing the fighting and poverty has become a political crisis at the highest level between Italy and France and a real threat of formal collapse of the Schengen area. France has established temporarily border controls with Italy, annulling the right to free movement between Member States enshrined in the Schengen Agreement and the EU treaty. Another complicated problem for Europe is that several political parties and politicians make immigration a central issue of political debate, fueling xenophobia, radicalizing the political arena and making security issues more acute for all others. The participation of these political parties and politicians in the government and their applications aimed at strengthening anti-migrant sentiment, leads to a «deficit» of security, which defines not only activities of the executive, but also the behavior of the local indigenous population, which refers to the migrants more negatively.

The EU policy on the integration of immigrants into the European cultural and political space in the conditions of intensification of globalization was not the trigger. The bet on principles of multiculturalism is not conducive to optimizing the relationship of immigrants and the indigenous population of Europe.

2. The surge of migrants and the EU tactical response

In the light of the last increasingly massive influx of migrants from Africa the EU intends to use both its «soft» and «hard» tools to find effective tactical decisions of this urgent problem.

As for «soft» tools, the EU supposed to solve this problem in two ways: through the construction of Refugee Reception Centre in Niger and the setting of quotas for migrants entering Europe. According to the plan of the European Commission, the task of the new center will be to provide advice to migrants before they enter the territory of Europe, in order to facilitate their integration. In addition, it does not cause any controversial opinions and positions of the members.

Contradictions appeared on the second path when the Commission presented on 13th of May an Action Plan on immigration and asylum. It offers to set the mandatory quotas to ensure uniform distribution of refugees between EU countries, and in the case of a strong influx of migrants – the opportunity to redirect asylum seekers from one EU country to another. The quotas for migrants, in its turn, will be provided to individual States in relation to such indicators as gross domestic product, population, unemployment rate, and the number of migrants who previously applied for asylum in those countries. Nevertheless, even before the publication of the relevant document and afterwards a number of the EU countries expressed negatively about the quota distribution throughout the Union. After Hungary and the United Kingdom, France, Spain and almost all eastern European countries stated that they are against the compulsory system of quotas for the resettlement of migrants. The majority of quotas fell on Germany, France, Spain and Italy. Statements and positions of each country do not give a signal to come to a common strategy in migration policy, but on the contrary, show a commitment to the sovereign actions in finding solutions of particular problem. The mere statement of the French prime minister against the setting of quotas confirmed this [5].

Besides that, EU countries tripled the budget of the project «Triton», which aims to carry life-saving operations in the Mediterranean and the protection of maritime borders of the European Union, where at least 1,826 migrants have perished so far this year [6]. Financing of the project «Triton» will be 120 million euros per year. Earlier, the European Union allocated to the rescue in the Mediterranean Sea and the protection of maritime borders approximately 36 million euro per year.

The current situation with the influx of immigrants and refugees is largely pushed the EU to recourse to use a «**hard**» tool. Preventing illegal crossing the borders of the EU is one of the four directions of the new plan to reform immigration system. In this direction the EU planned in June 2015 to launch a military operation in the Mediterranean to fight the smugglers who organize the transportation of illegal migrants. However, at the meeting of the European Council held in Brussels on 18th of May the question of how broad will be the mandate of the European military mission in the Mediterranean remained open. According to the opinion of the Director of the Regional Office of the International Organization for Migration, there was need for a structured approach, use a different

set of tools than just emergency response and border control. The effectiveness of military operations is questionable, because it is very difficult to make the difference between smugglers boats and fishing vessels. Secondly, smugglers in case of destruction of their boats they can find alternative methods [7]. IOM also had serious concerns about these proposals and saw inherent risk that military actions could further endanger migrant lives.

Following the approval of the Foreign Ministers of the EU on 22nd of June the launch of a naval operation called «EU NAVFOR MED» against smugglers and migrants in the Mediterranean, the EU launched the first phase of the naval mission, which lasted 2 months. This phase aimed at monitoring and evaluation networks smuggling and trafficking in the southern and central parts of the Mediterranean. Now, the EU approach to the transition to the second phase of the operation, it remains only to wait for the definition of rules for the use of military force at sea against smuggling. The second stage of the operation includes search for and, if necessary, removal of suspect ships. Moreover, here begins the legal complexity, which increases many times in the third stage of EU NAVFOR MED, which assumes the destruction of a coastal infrastructure of smugglers, the freezing of assets and arrest smugglers.

For the second and third phases of the mission, it has required the consent of the UN Security Council or the country on the coast or in the territorial waters, where such operation is conducted. As a rule, in this case it is a question of Libya, from where carried out the majority of illegal traffic in the Mediterranean. Therefore, the EU is going to appeal a resolution to the UN Security Council with a request for permission to conduct a military operation against smugglers. European military wants to fight the smugglers in specific areas between the coasts of Italy and Libya [8]. But doubts about the legal validity of the mission take place to be. The second phase can be carried out without the consent of the Security Council, but in this case, the military have to detain illegal transporters only in international waters, which limit the ability of marine operations. Despite this, the EU Council approved on 14th of September to conduct the second phase of the naval operations in the Mediterranean, which could begin in October. Because of the decision of the EU Council it was stated that the transition to the second phase would allow on the high seas within international law search and arrest vessels suspected of being used for human smuggling [9]. And here the speech does not go about the possible

disposal of vessels. Therefore, the absence of a UN mandate significantly limits the ability of marine operations, especially in its later stages.

As for reaching agreement on Libya performing such operation, the question is more complicated. The country has many armed groups not controlled by official authorities. And the area of the sea coast where most of all ships with refugees go to Europe, is controlled basically by other groups in Tripoli who claim to power and with whom negotiations are still ongoing, but not internationally recognized office in Tobruk.

Participants of Libyan Political Dialogue, which recently took place in the Moroccan city of Skhirat, have not yet come to an agreement on the key issues of the negotiations - the creation of a government of national unity and security settings. The efforts of

the UN special representative for Libya, Bernardino Leon to create a unified government have not yet been successful. But he declared that the participants of the dialogue were closer to consensus [10]. Besides, if to create a unified government in Libya does not succeed, the EU will be forced to negotiate with the representatives of both offices.

Conclusions

Thus, the «Arab Spring» has made a serious discord not only in political and economic life of the Arab states, but also greatly exacerbated the problem of forced and illegal migration, which is required to enable the effective development of inter-European joint migration policy, which seems unlikely in short term, in view of the contradictions of positions EU countries and the unstable situation in the Arab East.

References

1. Matt Cole. Tunisia Migrants: Italy Puts Europe on Alert. – 2011. – February 15. Available at: <http://www.bbc.com/news/world-europe-12461866>
2. Dr. Santino Severoni. Increased Influx of Migrants in Lampedusa, Italy. Joint report from the Ministry of Health, Italy and the WHO Regional Office for Europe mission of 28-29 March 2011, 33
3. European Council. The Conclusions of the European Council (4 February 2011). Brussels, 2011, 8 March // Official Journal of the European Council, 14, (Nr: EUCO 2/1/11)
4. European Commission. A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean. Joint communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions // Official Journal of the European Communities, 2. Brussels, 8.3.2011 COM (2011) 200 final
5. Philippe Desmazes. Immigration: Manuel Vallss'opposeal'instauration de quotas au niveau europeen. – 2015. Available at: <http://www.rtl.fr/actu/politique/immigration-manuel-valls-s-oppose-a-l-instauration-de-quotas-au-niveau-europeen-7778385476>
6. Leonard Doyle. IOM Welcomes European Commission Proposals on Migration. – 2015. Available at: <http://www.iom.int/news/iom-welcomes-european-commission-proposals-migration>
7. Europe Weekly. EU Officials Unveil Migration Plan // Euronews. – 2015. – 15 May. Available at: <http://www.euronews.com/2015/05/15/europe-weekly-eu-officials-unveil-migration-plan/>
8. Somini Sengupta. Europeans Seek to Use Force Against Smugglers at Sea. – 2015. Available at: http://www.nytimes.com/2015/09/11/world/europe/un-security-council-human-smuggling-mediterranean.html?ref=world&_r=3
9. Council of the EU. EUNAVFOR Med: Council Adopts a Positive Assessment on the Conditions to Move to the First Step of Phase 2 on the High Seas. Press Release 643/15. – 2015. – 14 September. Available at: http://www.consilium.europa.eu/press-releases-pdf/2015/9/40802202325_en_635778322200000000.pdf
10. UNSMIL. Excerpts from SRSR for Libya Bernardino Leon's Press Conference. – Skhirat, Morocco, 2015. – 16 September. Available at: <https://unsmil.unmissions.org/Default.aspx?tabid=3559&ctl=Details&mid=6187&ItemID=2099243&language=en-US>