

EUROPEAN UNION: THE CHALLENGE TO AGREE ON REFUGEES

Petko Choevski¹

Abstract

In the last decade, the European Union (EU) faces a number of important challenges related to economic, political and social issues. The current refugee crisis, triggered by the breaking out of the Syrian civil war in 2011 illustrates that in the EU might exist considerably different opinions about the resolutions to take and the solutions to bring to these problems. Today's massive population flows from Syria, but also from Afghanistan, Iraq and other countries from the Middle East and North Africa to the EU give the perception that the unity of the Member States is fragile. Today we witness collective action problems at the EU level, which suggest that the Member States put national interests before the collective ones. The purpose of this paper is to answer the question "What explains the change in EU's behaviour during the Syrian refugee crisis between 2011 and 2015 compared to the Yugoslav crisis in the 1990s?". It will establish a comparison between two cases – on the one hand, the refugee crisis that Europe is facing since 2011, and on the other hand, the refugee crisis in the EU that resulted from the ethnic cleansing and the subsequent wars in former Yugoslavia between 1992 and 1995. During the 1990s EU's reaction has been slower but more efficient compared to its behaviour since 2011. In this paper will be analysed the context and background of the two phenomena, the decisions and actions of the EU, and their results.

Key words: refugees, refugee crisis, EU policies on migrants and refugees

Introduction

The civil war in Syria that began in May 2011 and the subsequent population displacements turned into the most dramatic humanitarian event after the end of World War II. The instability in Iraq, Afghanistan and North Africa also contributes to the increase of the number of people fleeing their countries to avoid bombings and human rights violations. While many refugees from Syria have fled to Jordan and Lebanon, these countries cannot accommodate more people. In consequence, the population flows to Europe increased dramatically since the beginning of 2013. Most of them cross Turkey and then undertake dangerous trips across the Mediterranean Sea and arrive in Greece or Italy while others decide to reach the European Union (EU) and more precisely Western Europe by passing through Greece or Bulgaria. In 2014 and 2015 thousands of people arrived in the EU and asked for refuge (MercyCorps, 2015). During the Syrian crisis, the distribution of the refugees takes longer than it should and the so called 'hot spots' in Greece and Italy, where thousands of refugees and asylum seekers arrive every day, are overflowing (Riebert, 2015). The Syrian refugee population displacement is comparable to the population flows from former Yugoslavia in the mid-1990s. During the Bosnian war (1992 – 1995) the Serb population undertook an ethnic cleansing undertaken in the country which resulted in more than two million displaced people – of which more than 1.2 million went to Western and Northern EU

¹ Petko Choevski is a Bulgarian scientist, Sofia University.

Member States. During the 1990s the major population displacements were mainly identified with the forced migration that resulted from the Bosnian conflict (Bonifazi, Conti, Mamolo, 2006).

The refugee crisis faced by the EU since 2011, along with the economic recession and the Greek debt crisis, is a pressuring issue for Member States and institutions. The way the EU deals with these situations demonstrates its ability to react in emergency circumstances. It is, consequently, important to study in depth the refugee crisis and analyse the EU reaction to such challenges. To cope with these circumstances, the European Commission proposed in 2015 the relocation of 160,000 refugees in total from Greece and Italy to other Member States (European Commission, 2015a). Moreover, the refugee crisis involves concerns such as the security of Member States. The two terrorist attacks in France in 2015, in the public opinion's perception, but also in many politicians' views, are closely related to the refugee movements and the infiltrations of terrorists in Europe using these flows to penetrate the continent. In addition, the economic costs to register and house asylum seekers are significant. Countries such as Greece and Hungary face difficulties to manage the situation by themselves and are in an urgent need for economic support from the EU. Taking into account the slow economic growth in the EU since the financial crisis, this is a supplementary burden that Member States have to support. Last, but not least, the cleavages among countries in the EU demonstrate that unity between them is fragile and a solution which will benefit to the EU as a whole, but also to Member States individually and to the asylum seekers, needs to be found.

The unprecedented refugee flows that the EU is facing have created tensions within and between Member States, but also between Member States and European institutions. Moreover, when the EU realised the gravity of the situation, most Member States decided to act following their own interest without acting as a union which solves its problems collectively (Riegert, 2015). The latter is visible with the construction of walls in Hungary or the decision of Croatia to close its borders and not allow more migrants to cross the country, as well as with the decisions of some Eastern Member States to refuse more refugees on their soil. This paper seeks to answer the question: "What explains the change in EU's behaviour during the Syrian refugee crisis between 2011 and 2015 compared to the Yugoslav crisis in the 1990s?". For this purpose, it will establish a comparison between the current case and the above-mentioned population displacements during the conflicts in former Yugoslavia. In both cases, the EU did not manage to find a common approach regarding conflict prevention. However, when obliged to deal with the long-term problem related to the population displacements following the failure to prevent the conflicts, in the 1990s, the EU managed to be more efficient than in 2015 even though its reaction was slower and not necessarily coordinated.

Thus, this paper will examine what led the EU to shift from more liberal policies in the 1990s to less accommodating approaches since 2011. In the 1990s, on average in the EU, around 15% of the asylum seekers were granted a refugee status but, most importantly, more than 75% obtained a Temporary Protection (Barutciski, 1994, p. 4). In 2015, Germany has the highest recognition rate where 71% of asylum seekers were granted refuge. However, other Member States such as Sweden (23%), France (22%) and Italy (4%) have significantly lower recognition rates (Eurostat, 2016, p.11). Moreover, in both cases security issues were raised as a concern, but they were of different kind – during the 1990s the public opinion was mainly preoccupied with the protection of the labour market while during the Syrian conflict there is a *perceived* threat of terrorism related to the refugee crisis. Finally, between the two cases the EU undertook massive successive enlargements with the accession of countries from Central and Eastern Europe which created a cultural, economic and social gap between Western and

Eastern Europe. All these reasons make the comparison of the two cases an interesting opportunity to explain the different outcomes of EU's reaction. Therefore, this paper will use primary sources from the European Commission, European Parliament or the Council, and secondary sources – mainly academic articles. For this comparative analysis will also be used some selected news articles.

Literature review

During the 1990s, the major population moves in Europe were associated with the forced migrations which resulted after the conflicts in former Yugoslavia when more than a million people had to seek refuge in other countries.. In the beginning expectations showed that the EU had to deal with a short-term problem but the population flows were continuous and western and northern countries were obliged to adopt new migration policies (Bonifazi, Conti, Mamolo, 2006). An important part of the Bosnian people decided to build temporary or permanent new home and life and, as a result, many European governments decided to provide 'Temporary Protection' to refugees from Bosnia-Herzegovina (Munro, 2015). Temporary protection was developed in Europe for dealing with a specific situation, at a specific time. It was an acceptable option because of the specificity of the circumstances. It was a compromise for Member States between their willingness to reduce the refugee numbers and the pressure to protect Yugoslav people (Joly, 1998; Koser & Black 1999). The Bosnian experience illustrates that managing such situations is possible and the integration of refugees could be successful (Blitz, 2015). With the Syrian refugee crisis becoming more severe, politicians talk about 'temporary refuge' until the end of the civil war in Syria, but there is still no consensus on how to ensure the return to these people when the conflict ends.

Caelin Briggs, in *Mass evacuations: learning from the past* (2015), raises another important question which is the failure of the politicians in the EU act in the zone of the conflict. The United Nations (UN) and the EU proved to be incapable of intervening and helping for the resolution of the crisis in former Yugoslavia. They were obliged to deal with the subsequent population displacement which, according to Briggs, is not a solution to the problem but a temporary answer to the situation. Therefore, it is possible to establish a parallel with the refugee flow from Syria and the incapacity of the EU to intervene in the resolution of the conflict. Other authors have also focused on the failure of the EU and the other international players to solve the conflict (Jones, 2016). Some scholars suggest that the EU did not manage to export part of its responsibility to candidate Member States such as Serbia and Macedonia. In fact, the latter two countries are part of the so-called 'Balkan Route' but did not receive enough support by the EU and, thus, did not manage to cut off the refugee and migrant flows. It is suggested that the EU could make better use of its position vis-à-vis candidate countries and support them in order to keep part of the asylum seekers on their territory (Maric, 2015).

Tensions among EU countries seem to grow because the issue in every country is different. The Dublin Convention, which established that an asylum seeker should be registered in the country of first entry and should remain there in order to avoid multiple asylum requests, does not distribute the weight equally between Member States and frontier countries cannot manage the situation by themselves. States such as Greece and Hungary do not have the means to register and accommodate hundreds of thousands of incoming persons. The situation is further complicated because many arrivals are economic migrants and not refugees, who are not eligible for protection (Gros, 2015). On paper, all the developments in the EU's asylum and migration policies since the late 1980s, should lead to a more

comfortable management of such crises. The recent developments in the EU asylum system fail to share the responsibility and the burden between Member States (Tsourdi & De Bruycker, 2015). Some authors paid attention to this failure of the Dublin Regulation and call for new measures and policies at the EU level because the Member States at the frontline such as Greece are unable to cope with the crisis (Hercigonja, 2015). One of the key questions is how to efficiently register and accommodate refugees, and deal with burden-sharing, while respecting the existing regulations.

Before the eruption of the Yugoslav wars in the 1990s, the EU had already made advancements in terms of immigration policy. In the 1960s and 1970s, migration in the EU became increasingly controlled since the *laissez-faire* was becoming more and more a public concern (Fielding, 1993; Hollifield, 1992). This control resulted mainly from a security point of view since domestic workers felt threatened and had to compete with economic migrants on the labour market (Blotevogel, Muller-ter Jung & Wood, 1993). In addition to the public opinion's concerns, politicians contributed to the fears, often emphasising that migrants could destabilise internal economic, political and societal order (Doty, 1996; Ugur, 1995). However, in the 1980s, the focus of migration policy changed somewhat. The distinction between asylum seekers and migrants was increasingly blurred because of the politicisation of the topic. Often, no difference was made between asylum seekers and illegal migrants (den Boer, 1995). Moreover, in the 1980s, efforts towards the Europeanisation of the migration policy began. Migration was increasingly seen as an intergovernmental issue (Bigo, 1994; Collinson, 1993).

In the current political agenda of the EU immigration and foreigners' rights are among the priorities. The tendency is to harmonise the immigration policies of Member States and to achieve a regulated and controlled migration. Migration is not only analysed individually by each country, but also collectively. The only possible way to facilitate the freedom of travel and, in the meantime, control the migration is to have a united European policy. Member States should give up part of their sovereignty in order to achieve a common frame and deal with migration. The EU does not only need to integrate the refugees, but also to decide which of the asylum seekers will be qualified as refugees (Stamatova, 2013). In this sense, EU countries have opened their borders selectively for some economic migrants from outside the Union who will have an economic value and rejected other that were perceived as a threat to national security as well as to economic and cultural security (Huysmans, 2000). Even though migration was seen as a security issue, the economic situation, and more precisely, the lack of permanent and temporary workers in the Member States was one of the main incentives to accept some migrants and reject others (van Houton & Pijpers, 2007). To achieve this goal and in the meantime ensure the freedom of movement, EU Member States had to harmonise their policies for the external borders of the EU. Nevertheless, harmonisation in the immigration policy of Member States did not occur or, at least, is often blocked or restricted by Member States (Givens & Luedtke, 2004).

The existing literature on both cases is abundant and the situations have been analysed from many different points of view. Few authors have established a parallel between the two cases by comparing the entry routes and the countries of origin of the migrants and asylum seekers (Tissier-Rafin, 2015) that arrive in the EU, the scale of the population displacements (Poitevin, 2015) or by briefly comparing the policies adopted by the EU during the Yugoslav crisis and the Syrian crisis (Balibar, 2015). Other scholars have paid attention to the historical development in EU's policies and regulations on migration (Carlier, 2005) or to the differences in between states in asylum granting rates, even though there has been a harmonisation between EU countries (Barou, 2002). However, a direct link between the

Bosnian conflict and the Syrian civil war, and the resulting population flows, is missing. As the Syrian crisis is a recent event, scholars have not paid attention to the reasons why Europe faces such difficulties currently, neither have they analysed whether the successive enlargements to the east of the EU have an impact on the decisions and solutions in such circumstances. This paper will fill this gap in the existing literature. It will examine why the recent changes in the asylum policy in the EU are (or are not) effective during the refugee crisis that started in 2011. Another possible factor influencing the resolution of the crisis might be the difference in the security concerns of Member States during the periods studied. Some authors argue that the Syrian refugee crisis is not a security threat because terrorists can already access Europe without using the lengthy refugee flows (Bonsall, 2015). This paper builds on this argument because the refugees might not be a security threat, but far more important is the perception of the politicians and citizens that determines their actions.

The issue of migration, including asylum and refugees, has been studied through the prism of different theories of International Relations. The Securitisation theory, developed by the Copenhagen School, focuses on the importance of regions in security and defines various sectors which are subject to the study of security – military, political, societal, economic and environmental (Buzan, Waever, de Wilde, 1998). Securitisation takes places also in the field of migration and the strict border control is seen as a means to limit the terrorist infiltrations in a region (Buzan, Waever, de Wilde, 1998; Faist, 2006). The regional security, according to Securitisation theorists, examines how security is constructed in a region. They argue that security interdependence happens within a region and not between regions (Buzan & Waever, 2003). According to this theory, security is a result of one's rhetoric – threats are socially constructed – and the idea is to justify special measures against this threat. However, this theory narrows its focus on regions and omits the interdependence between different regions. Moreover, it neglects the importance of domestic factors in international relations. In addition, the securitisation theory is founded on the notions of power and capabilities. Even though it is a relatively wide theory, its limitations are related to 'who' can securitise, that is, create a socially constructed threat. In other words, securitisation is a political act (Rita, 2006) while recent events and the public opinion's perceptions in the EU illustrate that 'everyone' can construct a threat.

Other authors have resorted to venue-shopping framework to explain migration and asylum. This theoretical perspective focuses on the strategies of different actors and considers the context in which they are required to operate. They look for new venues when the context changes and they are obliged to adapt. To achieve this, "they must resort to framing process or policy images" (Guiraudon, 2000, p. 258). In other words, on the international stage, actors do not negotiate with their counterparts by taking into account domestic preferences. In fact, they omit the domestic interests and looking for international venues that fit their preferences. This, according to such theorists, would increase their bargaining power and credibility. At the national level, the asylum seekers and refugees could, thus, benefit from better protection. At the international level, domestic actors do not play a significant role and this is why the bargaining on the two levels is different in independent. However, security is taken into account on both levels. (Guiraudon, 2000). It follows that in the case of the EU, Member States seek to establish more restrictive migration and asylum policies at the EU level rather than implementing restrictive national policies (Kaunert & Leonard, 2010). Even though it is arguable whether migration and asylum policies in the EU have become more liberal or restrictive, the concept of policy venues could not explain the recent developments and the reaction of several EU Member States after the escalation of the refugee crisis since 2011. The events in Europe after the beginning of the Syrian conflict illustrate that the concept of

policy venue might not be able to explain the unilateral actions by Member States and that, as the second hypothesis states, security concerns might play a major role in this case.

Developments and legal bases of the EU's migration and asylum policies

In the late 1990s, the EU began the development of a Common European Asylum System (CEAS) in order to achieve a harmonisation in the asylum policies of Member States and improve cooperation. In 1999, the European Council meeting at Tampere arranged plans to build a CEAS. Moreover, in 2000, the European Refugee Fund was established to finance integration projects and provide support for emergency Temporary Protection measures in case of massive population displacements. Since 2004, the CEAS undertook its second stage of development to make the cooperation even deeper (Hatton, 2015).

The asylum and migration policies in the EU have been created on the basis of the 1951 Geneva Convention Relating to the Status of Refugees. The latter defines the criteria to recognise someone as a refugee, but also establishes the rights and duties of asylum seekers recognised as persons in need for protection (Convention Relating to the Status of Refugees, 1951). Migration policy at the EU level was first introduced with the entry into force of the Treaty of Maastricht in 1993. This was a first step towards the harmonisation of migration policies in the Union. The Treaty of Maastricht contained an article on visa legislation and covered the questions of which third nationals must acquire a visa to enter the EU and the format of visas (Official Journal of the European Communities, 1999). Other questions regarding migration policy were incorporated into the third pillar of the EU. Member States were responsible to act in accordance with the Community's interests and control the external borders of the Union. (Groeben, Thiesing & Ehlermann, 1997). Nevertheless, migration policy remained intergovernmental and, under the third pillar, little advancement was made (Azoulai & De Vries, 2014).

Another major development corresponds with the signing in June 1985 of the Schengen Agreement which envisaged the removal of controls at the internal borders of Member States participating in the Schengen Agreement. The free trade area became operational in March 1995 with the Schengen Convention signed in June 1990. The harmonisation of migration policies was of primary importance as well as the securitisation of the external borders of the Schengen area and the fight against illegal migration. Even though the Schengen Agreement made attempts to address the visa policies in the EU, it made little progress on the question of long-term migration (Azoulai & De Vries, 2014).

The Schengen cooperation was an intergovernmental one and, thus, did not transfer more power to the Community level. In order to transfer more powers to the Union, was signed the Schengen protocol which integrated the Schengen Agreement into the EU. This 'communitarisation' of the Schengen *acquis* could have as an impact that Member States transfer some of their competences to the Union level. As a result, the Member States signed a Protocol annexed to the Treaty of Amsterdam which entered into force in the 1999, stating that the regulations of external borders control should remain a national matter (European Communities, 1997). The 1999 Treaty became the legal basis for border controls and visas.

The main advancements until the end of the 1990s in the harmonisation of migration policies between EU Member States were related to the visa criteria and formats. However, the more sensitive topics such as border controls remained an intergovernmental issue. Member States clearly illustrated their reluctance, mainly with the Protocol annexed to the Amsterdam Treaty, to transfer more power to the Community level (Azoulai & De Vries, 2014). The massive population displacements from the Middle East since 2011 also illustrate

the difficulty to adopt global measures regarding the fight against (illegal) migration and the securitisation of the external borders.

In 2004, the EU created the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), an agency whose main responsibility is to ensure the securitisation of the external borders of the EU. It has to ensure the more efficient cooperation between national border agencies and fight illegal migration, human trafficking and terrorist infiltrations. The control of countries' border remains a national task, but Frontex has to ensure the quality of control and assist Member States in their tasks (Council of the European Union, 2004). However, Frontex was not able to limit the number of incoming asylum seekers and migrants because of the intensity of the flows and insufficient financial support from the EU, the latter resulting from disagreements between Member States on the budget to be granted to Frontex.

In 2007, the Treaty of Lisbon was signed and the Treaty on the Functioning of the European Union (TFEU) brought the legal bases for the fight against illegal migration. The new treaty includes combating trafficking of persons which was a new development. The Syrian refugee crisis illustrates that trafficking is indeed a major issue that must be addressed in order to prevent illegal migration. Another novelty of the TFEU is the possibility for the Union to sign readmission agreements with third countries. Prior to 2007 the EU had already signed such agreements and, thus, the new treaty does not bring any significant change. The Treaty of Lisbon contains measures facilitating the return of illegal migrants to their country of origin (Azoulai & De Vries, 2014).

Despite numerous attempts to harmonise Member States' policies vis-à-vis migration and asylum, the homogeneity of different policies is considerably higher in asylum. This could be explained mainly by the legal EU requirements (European Migration Network, 2010). However, important differences persist regarding who could be granted the status of refugee; how much time can a person recognised as a refugee stay in the country; the possibility to work if someone is granted protection as a refugee. At the time of the creation of the European Migration Network report, the rates of recognition of refugees in different Member States vary considerably. Another major persisting divergence between EU countries is the return of refugees to their home countries. This aspect of the asylum policies remains a national decision (*ibid.*). Last but not least, the report argues that a relation between the historical migration traditions of each country and the current asylum and migration policies exists.

Although divergences between Member States still persist, the EU has made some advancements in the asylum policy. Firstly, with the Treaty of Amsterdam the EU institutions obtained new powers to create legislation in the asylum field. Then, in 2001, the Treaty of Nice stated that within five years, the Council should adopt measures on questions such as which Member State is responsible for the application of a third country national and on the creation of minimum standards related to the living conditions of asylum seekers and refugees, who can be granted the status of refugee and the procedures related to the examination of the applications. The decisions of the Council, in this case, are taken with unanimity, after consultations with the Parliament. The Treaty of Lisbon made an important step forward and finally transformed the measures on asylum into a common policy. Consequently, the objectives with the Treaty of Lisbon are higher – the creation of an EU system with harmonised status and procedures (European Parliament, 2016a).

Regarding migration, the EU aims at establishing a comprehensive policy based on solidarity. An important distinction is the one between legal and illegal migration. In relation with the former, the EU specifies the conditions of entry and stay for third country nationals

entering one of the Member States. Individual countries can still decide for the admission rates for third country workers. At the time of writing, the national laws are not harmonised regarding the integration and incentives provided. Regarding illegal migration, the EU and its Member States must reduce irregular migration, mainly through an operational return policy. With the entry into force of the Treaty of Lisbon, on legal migration, co-decision and qualified majority voting were introduced. The Parliament and the Council, consequently, have the same powers in the decision-making process. It is important to note that, in the case of a massive population influx in the EU, the Council alone, after consultations with the Parliament, adopts measures. As such a case could be examined the population displacements from the Middle East since 2011 (European Parliament, 2016b).

With the escalation of the refugee crisis in the beginning of the 2015, the European Commission proposed a ten-point action plan on 23 April 2015 which was adopted on 29 April. On 13 May, the European Commission presented the European Agenda on Migration aiming at positioning migration at the top of the agenda in the EU. The Agenda proposed actions to be taken in order to deal more efficiently with the refugee crisis as well as a five-year vision on how to deal with migration. The Commission's proposal touched upon four topics: reduction of the incentive for illegal migration, border management, development of a common asylum policy and revision of the Dublin Regulation, and the establishment of a new policy in the area of legal migration (European Parliament, 2016b).

Another achievement of the EU with regards to migration is the 'Global Approach to Migration and Mobility' adopted in 2011. It governs the EU's relations with third countries in the area of migration and is based on four pillars: legal immigration and mobility, illegal immigration and trafficking, asylum policy, and fight against illegal migration. The Global Approach supports dialogue with third countries and facilitates the conclusion of 'mobility partnerships' that include provisions on fights against illegal migration and temporary visa facilitations. Moreover, in 2014, the Stockholm Programme adopted in 2009 – which was the successor of the Tampere and The Hague multiannual programmes adopted in 1999 and 2004 respectively – expired and was replaced by the 'strategic guidelines' of June 2014. The latter focus on strengthening the existing measures and instruments, and highlight the need to create a EU-wide approach to migration (European Parliament, 2016b). It is worth mentioning that in the academic debate, the effectiveness of these developments and achievements is challenged and disagreements among scholars exist on whether the EU is moving in the right direction regarding migration and asylum.

Security concerns in the EU

The Syrian conflict is highly complex and involves many regional and international, but also domestic players. In this section will be analysed the impact of domestic Syrian actors on the EU's reaction towards the asylum seekers influx. The Syrian conflict is not only between the government of Bashar Assad and its supporters, and the opposition. It also involves the terrorist organisation Daesh, also known as the Islamic State of Iraq and the Levant (ISIL) or Islamic State of Iraq and Syria (ISIS). Daesh controls large parts of Iraq, Syria, but also of Afghanistan and Libya since it rapidly became powerful in 2013 and 2014. Apart from the war between Assad and the opposition, the atrocities committed by Daesh are among the main sources of emigration from the Middle East (Adams, 2015). Moreover, in 2015 Daesh was responsible for several terrorist attacks, including those in Paris in November (Almasy, Castillo, Haddad & Martinez, 2015). This resulted as a turning point for people's and politicians' perceptions in several Member States – they began associating the asylum seekers massive flows with the possibility of infiltration of terrorists in the EU.

During the Yugoslav wars, Member States were not confronted to a direct threat of terrorism. Actors involved in the conflicts were mainly different ethnic groups that were not qualified as terrorists by the Western world. In the EU, migrants and asylum seekers were mainly associated as a threat since they could compete with local workers on the labour market (Blotevogel, Muller-ter Jung & Wood, 1993). However, this is not a threat to national security and it is not expected to have the same impact on the decisions of Member States. In this section, the paper will test the second hypothesis, that is, whether security concerns hinder the implementation of common policies in the EU.

Yugoslav migrants and asylum seekers – a security issue?

In the 1990s the international fear of terrorism, at least in Europe, was not at the levels it is in 2015. Although the majority of the refugees from former Yugoslavia were Muslims from Kosovo and Bosnia, fleeing the ethnic cleansing in their country, the broad society did not fear terrorist infiltrations in the EU (Salmon, 1992). In this case, the geographic proximity of the conflict and the country of origin of the migrants certainly are important factors. Politicians, like the broad public opinion, did not perceive any visible threat to the EU's security (Bonifazi & Mamolo, 2004; Salmon, 1992). The reluctance to accept refugees in the EU from former Yugoslavia was more related to their impact on the labour market such as lowering the wages and occupying jobs at the expense of EU workers (Blotevogel, Muller-ter Jung & Wood, 1993), rather than to security concerns.

Many of the Yugoslav displaced people had expressed the will to return to their countries after the end of the conflicts (Koser & Black, 1999). Moreover, an important part of the asylum seekers was not considered as refugees, but was granted a 'Temporary Protection' in the EU. After the end of the wars, around 40% of Bosnian asylum seekers returned to their countries (Kacapor-Dzihic & Oruc, 2012). Accordingly, they were not potential participants in the EU labour market and it was not justified to perceive them as competitors of EU workers. However, those who were granted a refugee status and were allowed to stay in the host country progressively started searching for jobs and wanted to build their lives there. Nevertheless, a Danish study on the population influxes in the 1990s from former Yugoslavia and their impact on the labour market in the EU actually shows a positive effect. Most of the asylum-seekers were not highly qualified. Consequently, the most vulnerable people in the EU Member States were the low-skilled workers. With the arrivals of refugees and asylum-seekers, local workers increased their mobility across different sectors of the economy as well as their specialisation into complex jobs (Foged & Perri, 2015).

Another threat, mostly perceived by the political elites in the EU, was related to the geographic proximity of the conflict (Kirk, 1999). The conflicts in former Yugoslavia were the most important ones since the end of the Second World War. They took place on European soil which created a sense of insecurity among politicians. However, this concern was not the cause for the reluctance to accept asylum seekers – on the contrary, it was one of the reasons leading to the acceptance of asylum seekers since Member States felt responsible to protect other European citizens, victims of the wars (Legge, 2003). The geographic proximity, additionally, created an imperative to intervene in the conflict, but the EU proved to be unable to prevent the mass killings and atrocities.

Finally, the third concern related somewhat to security in the EU was with regards to the establishment of the Schengen Area. The Schengen Agreement signed in 1985 and the Schengen Convention of 1990 led to the creation of the Schengen Area in 1995 (Baltic Legal, n.d.; European Commission, 2008). With the abolition of internal border controls, one of the main provisions of the Schengen was the free movement of people in the Area. Even though

the Schengen Agreement was established outside the EU structures, a concern for EU Member States was the securitisation of the external borders of the Area and the fact that asylum seekers could freely travel between different countries (Huysmans, 2000).

To sum up, in this sub-section the paper combines three different dimensions of security – the *perceived* risk with regards to the labour market competition, the geographic proximity of the conflict and the securitisation of the Schengen Area – that led the political elites in the EU to the decision to establish the temporary protection. These three dimensions are distinct but also importantly interconnected and, combined together, explain EU Member States' concerns related to the population displacement from former Yugoslavia. The labour market competition and the Schengen Area have been the factors pushing to be vigilant with the reception of foreigners in the EU, while the geographic proximity of the conflict had a double effect – on the one hand, it created a sense of insecurity and, on the other hand, it raised responsibility concerns to protect the victims from the war.

Population displacements from the Middle East – the fear of terrorism

Until the end of 2014, the asylum seekers reaching the EU from Syria and the Middle East were associated mainly with people suffering violence and human rights violations in their countries, who need assistance in order to preserve their lives and freedom. In January 2015, Paris was attacked by Daesh activists, also known as the Charlie Hebdo shooting, and this was a beginning of the change in perceptions (BBC, 2015). However, people and politicians kept on avoiding the topic of terrorism until November 2015 when Paris was again hit by terrorist attacks and more than 130 people were killed. Few days after the November attacks, in the media appeared the information that one of the terrorists had penetrated the EU through Greece, using the asylum seekers flows. This information was renounced by some and confirmed by others but, most importantly, it created a sense of insecurity among EU citizens (Bednarova et al., 2015). Thus, the broad societal opinion progressively began to express security concerns that the political elites could not ignore. Additionally, in the scholarly debates migration is also seen as a security concern since the Arab Spring events and the massive population displacements (Seeberg, 2013).

Related to this, a paper by the European Union Institute for Security Studies (EUISS) published in January 2016, acknowledges the possibility of terrorist penetrations using the refugee groups. The paper confirms that two of the attackers in November 2015 in Paris have been registered in Greece in October. Moreover, one of the passports found in the terrorists was falsified and, at a reception centre in Serbia, one refugee has been identified with the same falsified passport (Funk & Parkes, 2016). In Germany, Hans-Georg Maasen, the President of the Federal Office for Protection of the Constitution also recognised the risk of terrorist using the refugee flows. This led to a mounting pressure on Angela Merkel from the broad society, but also from the opposition parties (Bednarova et al., 2015). As the EUISS paper put it, “the refugee flows present foreign terrorists with a potential new mode of entry to the European Union from ISIL-controlled areas in the Middle East” (Funk & Parkes, 2016, p.1).

Even though it is against EU values to associate massive Muslim population displacements with terrorism, the sense of insecurity among some Member States created additional tensions between them. German ruling elites, except the opposition, continued to refuse to establish any link between asylum seekers and the risk of terrorism. However, politicians in other Member States had to find a solution to act in accordance with EU values and simultaneously satisfy the domestic pressure to increase national security. The public opinion's perception changed dramatically after several sexual assaults against women,

committed by men of 'Arab or North African' look in Cologne, Germany on the 31 December 2015 (BBC, 2016b). Consequently, debates on the asylum policies in Germany, and the EU as a whole, emerged (BBC, 2016c). German chancellor Angela Merkel has to deal with mounting internal pressure after these events, both from the public opinion and from political parties in opposition, and external pressure from other Member States. For instance, after the terrorist attacks in Paris, Poland affirmed that its borders were closed for refugees (EurActiv, 2015c).

One could argue that some politicians might use the rhetoric linking refugees and terrorists to gain political dividends and it is not obvious that they actually believe in this link. However, in some countries' public opinions concerns are also present. For instance, in Bulgaria, 60% of the population argues that the asylum seekers (and refugees) represent a threat to the national security of the country. Additionally, 34% of people perceive the refugees as a direct threat to themselves (Kyuchukov, 2016, p.1). Moreover, after immigration, terrorism has been identified in the EU as the second most important threat with 25% of questioned people responding that this fear increased since 2013 (Eurobarometer, 2015, p. 13). In 15 Member States this issue occupied the second place on the list of threats, but in countries such as Romania, Slovakia and Latvia it is the main concern, according to the public opinion polls, with 43%, 39% and 39% of people respectively in these countries stating that terrorism is the main issue (Eurobarometer, 2015, p.14).

Conclusion

The developments in EU's asylum and migration policies progressively led the Member States towards the harmonisation of these policies at the supranational level, strongly influenced by major events such as the creation of the Schengen Area. On paper, the EU seems to be well equipped to deal with massive population influxes, especially after the entry into force of the Treaty of Lisbon. In most of the migration and asylum policies' fields the EU has achieved a higher level of harmonisation compared to the late 1990s, but since the Syrian refugee crisis escalated in 2014 and 2015 disagreements between Member States persist. Thus, the harmonisation achieved in the official documents is not being implemented in practice in the 2010s. In the 2000s, the EU undertook successive enlargements, mainly towards Eastern Europe and the Balkans. The new Member States comprise countries with less developed economies, but most importantly with different cultural perceptions and historical experiences compared to the old Member States. The analysis shows that during the 1990s EU Members were more homogeneous regarding these issues and the smaller number of countries facilitated the decision-making process. During the Yugoslav refugee crisis, even though not all countries acted in a coordinated manner, they all shared the perception that war refugees should be protected. Thus, Member States, led by Germany and Sweden, developed the initiative to provide a Temporary Protection to people in need. It could be qualified as a successful solution firstly because Yugoslav people had already expressed the will to return to their homes after the wars and, secondly, because in this way EU countries did not have to worry about the long-term integration of refugees from the Western Balkans.

During the Syrian refugee crisis, Eastern European countries are faced for the first time with such massive flows of refugees and migrants. Greece and, to a certain extent Italy, are overflowing and proved to be incapable to cope with the registration and accommodation of refugees alone. Consequently, the Dublin Convention which turned to be ineffective was suspended and the European Commission proposed in 2015 the relocation of 160,000 refugees in total. This initiative was strongly opposed by Member States that joined the EU in the 1990s. Different public opinion polls in the EU confirm this division between Eastern and

Western countries. People in Bulgaria, Slovakia and Hungary, for instance, have more negative attitudes towards the refugees and migrants and this, in turn, has repercussions on politicians' behaviour at the EU level.

Even though the population displacements from former Yugoslavia and from Syria share a similar background, they largely differ by the fact that the Yugoslav people had expressed the wish to return to their home country after the end of the conflict. Consequently, EU Member States had to find a temporary solution to the issue and these refugees were potential participants on EU's labour market. However, in the public opinion, there has been a perception that people coming from the Balkans could steal EU workers' jobs. The creation of the Schengen Area also played a major role in EU's reaction towards the migrants and asylum seekers from Yugoslavia. It was a major mission of the Member States to secure their external borders because the abolition of the internal border controls. To a certain extent, the geographic proximity of the conflict also created a sense of insecurity among politicians, but also a sense of need to provide support to people in need. Conversely, a series of events such as the terrorist attacks in Paris in 2015 created sense of fear in the broad public opinion. This led to massive anti-refugees and anti-asylum seekers movements in different Member States which, in turn, increased the pressure on politicians to end the Germany-led liberal policies. Consequently, there was, in 2015, a strong opposition between, on the one hand, those who defend EU's values and norms and wish to help all the people recognised as refugees and, on the other hand, those who associated them with a threat to the security in EU Members. In fact, public opinion polls show that the two biggest fears in the EU are immigration and terrorism, the latter rising exponentially in people's perception.

To conclude, the EU, even though not completely united and tensions among Member States existed, has managed to find a solution to the Yugoslav refugee crisis in the 1990s by adapting its policies to current situation. Conversely, the EU, in 2015, looks like an aggregation of countries fighting and competing with each other (Durankev, 2015) instead of acting like a Union and solve their problems by coordinating their policies and respecting EU regulations. The central question seeks to explain this shift in EU's behaviour and the theoretical framework used in this paper is the two-level bargaining model developed by Putnam and complemented by the importance of state preferences in international relations. The analysis confirms that the public opinion in EU Member States has played a major role in national political elites' decisions and, in turn, hindered EU's capacity to solve the crisis. This paper argues that both the EU's enlargements since 2004, especially the cultural gap created between the Eastern and Western Members, and the security concerns (and the perceptions of threats to national security) are the main reasons leading to different the behaviour of the Union in 2015 compared to the 1990s. However, there might exist other factors, not analysed in this paper, that influence the EU's reactions during the Syrian refugee crisis such as the involvement of other international and regional powers in the conflict. Another unexploited field for further studies is the issue of lessons-learning by the EU. One major difference between the two cases is that during the Syrian crisis the EU has already been faced with the Yugoslav one and there are lessons that it could have learned that could have helped it to be more efficient since 2011.

BIBLIOGRAPHY

- Adams, S. (2015). Failure to Protect: Syria and the UN Security Council. Global Center for the Responsibility to Protect. *Globalr2p.org*, Retrieved 28 March 2016, from http://www.globalr2p.org/media/files/syriapaper_final.pdf
- Almasy, S., Castillo, M., Haddad, M., & Martinez, M. (2015). Paris suicide bomber identified; ISIS claims responsibility for 129 dead. *Edition.cnn.com*, Retrieved 15 January 2016, from <http://edition.cnn.com/2015/11/14/world/paris-attacks/>
- Azoulai, L., & De Vries, K. (Eds.). (2014). *EU migration law: legal complexities and political rationales*. OUP Oxford.
- Bailer, S., Hertz, R., & Leuffen, D. (2009). Oligarchization, formalization, adaptation? Linking sociological theory and EU enlargement research. *Journal of European Public Policy*, 16(1), 162-174.
- Balibar, É. (2015). L'Europe-frontière et le «défi migratoire». *Vacarme*, (4), 136-142.
- Baltic Legal. (n.d.). Schengen area. *Immigration-residency.eu*, Retrieved 8 April 2016, from <http://www.immigration-residency.eu/counsel/schengen-area/>
- Barou, J. (2002). Les avancées de la politique communautaire en matière d'immigration. *Ecarts d'identité*, (99), 38-41.
- Barutciski, M. (1994). EU States and the Refugee Crisis in the Former the Yugoslavia. *Refuge: Canada's Journal on Refugees*, 14(3).
- BBC. (2015). Charlie Hebdo attack: Three days of terror. *Bbc.com*, Retrieved 3 April 2016, from <http://www.bbc.com/news/world-europe-30708237>
- Blitz, B. (2015). Bosnia revisited: a retrospective on the legacy of the conflict. *Forced migration review*, 50, 49-51.
- Blockmans, S. (2014). How the EU's 'big bang' enlargement changed foreign policy. *euobserver.com*, retrieved 10 February 2016, from <https://euobserver.com/opinion/123983>
- Bigo, D. (1994). The European internal security field: stakes and rivalries in a newly developing area of police intervention. *Policing Across National Boundaries*, London: Pinter, 164.
- Blotevogel, H.H., Muller-ter Jung, U. and Wood, G. (1993). From Itinerant Worker to Immigrant? The Geography of Guestworkers in Germany. In King, R., 83-100.
- Bonifazi, C., Conti, C., & Mamolo, M. (2006). *Balkan International migration in the 1990s*. Réseau Démobalk Coordination, Université de Thessalie.
- Bonifazi, C., & Mamolo, M. (2004). Past and current trends of Balkan migrations. *Espace populations sociétés. Space populations societies*, (2004/3), 519-531.
- Bonsall, E. (2015). Are Syrian Refugees Really a Security Risk?. *harvardpolitics.com*, retrieved 20 April 2016, from <http://harvardpolitics.com/united-states/syrian-refugees-really-security-risk/>

- Briggs, C. (2015). Mass evacuations: learning from the past. *Forced migration review*, 50, 48-49.
- Buzan, B., & Wæver, O. (2003). *Regions and powers: the structure of international security* (Vol. 91). Cambridge University Press.
- Buzan, B., Wæver, O., & De Wilde, J. (1998). *Security: a new framework for analysis*. Lynne Rienner Publishers.
- Carlier, J. Y. (2005). Union européenne Quelle politique migratoire?. *Revue nouvelle*, (3), 84-89.
- Collinson, S. (1994). *Europe and international migration* (Vol. 1). Pinter Pub Limited.
- Dernbach, A. (2015). Germany suspends Dublin agreement for Syrian refugees. *Euractiv.com*, Retrieved 2 April 2016, from <http://www.euractiv.com/section/global-europe/news/germany-suspends-dublin-agreement-for-syrian-refugees/>
- Doty, R. L. (1996). Immigration and national identity: constructing the nation. *Review of International Studies*, 22(03), 235-255.
- Durankev, B., personal communication, 8 September 2015.
- Economist. (2016). Europe's migrant acceptance rates. *Economist.com*, retrieved 10 April 2016, from <http://www.economist.com/blogs/graphicdetail/2015/09/daily-chart>
- Enelow, J. M., & Hinich, M. J. (1984). *The spatial theory of voting: An introduction*. CUP Archive.
- Foged, M., & Peri, G. (2016). Immigrants' Effect on Native Workers: New Analysis on Longitudinal Data. *American Economic Journal: Applied Economics*, 8(2), 1-34.
- Funk, M., & Parkes, R. (2016). Refugees versus terrorists. *Issue Alert, European Union Institute for Security Studies*. January 2016. *Iss.europa.eu*, Retrieved 15 April 2016, from http://www.iss.europa.eu/uploads/media/Alert_6_Refugees_versus_terrorists.pdf
- Gros, D. (2015). Europe's Double Refugee Crisis. CEPS Commentary, 8 September 2015.
- Guiraudon, V. (2000). European integration and migration policy: Vertical policy-making as venue shopping. *JCMS: Journal of Common Market Studies*, 38(2), 251-271.
- Hatton, T. J. (2015). Asylum Policy in the EU: the case for deeper integration. *CESifo Economic Studies*, 61(3-4), 605-637.
- Hercigonja, S. (2015). Walls – new integral part of the European identity?. *Futurelab Europe. Europe must act!* 6-8.
- Kirk, A. (1999). Yugoslavia: Looking for Someone to Blame for the Refugee Crisis. *ipsnews.net*, Retrieved 17 April 2016, from <http://www.ipsnews.net/1999/03/yugoslavia-looking-for-someone-to-blame-for-the-refugee-crisis/>
- Klüver, H., & Sagarzazu, I. (2013). Ideological congruency and decision-making speed: The effect of partisanship across European Union institutions. *European Union Politics*, 14(3): 388-407
- Palmeri, T. (2015). Refugee crisis pits Europe's north vs south. *Politico.eu*, Retrieved 10 April 2016, from <http://www.politico.eu/article/national-issues-challenge-unity-at-migration-summit/>

Papadopoulos, F., & Tsakloglou, P. (2005). Social exclusion in the EU: a capability-based approach. *The Lodon School of Economics and Political Science*. EI Working Paper.

Poitevin, A. (2015). La forteresse Europe opte pour l'option sécuritaire au détriment des droits fondamentaux. Droit d'asile (Union européenne). *La Revue des droits de l'homme. Revue du Centre de recherches et d'études sur les droits fondamentaux*.