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# Does "Fortress Europe" have an alternative? EU member states between solidarity and national interests

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#### Abstract

This paper examines the repercussions of the 2015 European migrant/refugee crisis, which culminated with the 2018 dispute between Italy and France. It is concerned with the Dublin Regulation and the New Pact on Asylum and Migration, which are critical to the division and consequent polarizations across the EU. The Member States' failure to show solidarity and agree to share the burden in relation to the distribution of immigrants and asylum seekers has brought the European integrationist project into question. In addition to considering the general theoretical explanations, the paper also looks into the African-origin migration/displacement as a proper trigger of widespread disagreements among European governments. The deliberate and systematic impoverishment of the local inhabitants – largely through the use of the French Treasury-tied Communauté Financière Africaine (CFA) franc – exposes the neo-colonial nature of the current practices and thus jeopardizes all those discourses and policy initiatives focused on the provision of peace and stability.

**Keywords**: EU, immigration, Fortress Europe, Dublin Regulation, New Pact on Asylum and Migration

#### Introduction

In October 2018, Matteo Salvini, then Italian Minister of the Interior, used his social media to scrutinize the institutional dimension of the European Union's handling of the migrant/refugee crisis. In order to do so, he referred to the crisis between Italy and France as filled with disputes over the acceptance of migrants/refugees: "Italy will no longer be helpless and cowardly. We will no longer accept being Europe's refugee camp" (Béranger, 2018). The shared video, recorded in the Italian village of Claviere (Piedmont), located next to the French south-eastern border, showed a vehicle of the French border police having crossed on to the other side. As reported, the vehicle drove

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into the forest and dumped two people on Italian territory, with the officer clearly advising them which direction to take, to find their way out of the forest.

According to the French authorities, the incident represented "an error" since "[t]he police had no right to enter Italian territory" (Radio France Internationale [RFI], 2018). For Minister Salvini, the images were simply incredible, and he invited French President Emmanuel Macron to elaborate on the matter: "What happened in Claviere is an unprecedented offence towards our country. Does Paris, which claims to be civil, find it normal to throw people into the woods? [...] We're dealing with an international shame. We won't accept any excuses" (RFI, 2018; also SBS News, 2018; Deutsche Welle [DW], 2018b). As commented elsewhere, apart from turning into a major political crisis between Rome and Paris, with strains "unlikely to dissipate" (Scazzieri, 2019), the dispute also exposed the covert nature of the European migrant/refugee crisis and the position of individual states towards immigration (DW, 2018a).

Human rights watchdogs showed appreciation for Salvini's standpoint at that moment (somewhat paradoxically given his populist, anti-immigration standpoint). For example, Amnesty International, among others, concluded that the French authorities displayed "inhuman and hypocritical behaviour" with "violations [that] include obstruction of asylum requests, neglect of unaccompanied minors, mistreatment, harassment, and denial of emergency healthcare and humanitarian assistance" (Bibbo, 2018). The issue also largely concerned the Dublin Regulation (2013), a EU law clarifying the steps in relation to asylum applications, but then heavily criticized as unfair and prone to manipulation by some Member States at the cost of others (Elzas, 2018).

Broadly speaking, influxes of migrants/refugees from Africa and the Middle East, on the one hand, and the position of Greece and Italy as receiving countries because of their geography, on the other, are sufficient to shed light on the complexity of the current system. The Italy–France friction and the successive talks between the two countries' representatives (with Germany as a mediator) resurrected the concept of "Fortress Europe", used to depict the Brussels administration's approach towards the migrant/refugee question (Carr, 2015; Holman, 2021; Jünemann et al., 2017; Koff, 2008). Still, aware of individual states' burdens and the need for a common solution, Luigi Di Maio, the Italian Deputy Prime Minister, went on to state that France was directly responsible for the waves from Africa. Its policies impoverished the country's former colonies, and therefore, the EU was supposed to impose sanctions on France; as insisted, Italy, as well as the rest of Europe, suffered direct consequences of French interventionism (Scazzieri, 2019).

This article looks at the EU's mechanisms in the context of migration and consequent disagreements, including the lack of solidarity as a fundamental value among the Member States. More precisely, it examines the European approach ("Fortress Europe") in light of the deficiencies surrounding the Dublin system and the Italian–French dispute over the migrant/refugee crisis. To complement the

debate, it brings in the causal factors behind the migration out of Africa and subsequent waves of refugees moving towards the Italian coast. It further emphasizes the influence of the French neo-colonial practices, executed through the utilization of the CFA franc as the primary agent of impoverishment, which ultimately leads to forced displacement. As revealed, the abuse of the concept of solidarity in policy discourses paints a bleak picture of the future of Europeanness and of the European integrationist project. Moreover, as also conceded, despite the persistent failure of policies, such as the Dublin Regulation and the New Pact on Asylum and Migration, to meet their basic objectives, they are still maintained due to underlying objectives lying elsewhere – competing national interests. Accordingly, and in the context of mainstream approaches, which are obsolescent and fall short of adequate explanations, the ongoing forced displacement suggests the need for a paradigm shift including a more relational approach towards the underlying motives behind international migration.

To offer a robust analysis of what went wrong, and to provide valuable insights underpinning a normative prescription for tackling the shortfalls of the EU's current solidarity mechanisms, the article draws on academic literature, official statements, and policy documents, as well as think tank opinions and media reporting. Such a diversity of sources is expected to shed light on the state of affairs, both with regard to EU-led initiatives (with the EU as a single foreign policy actor) and to the individual Member States' concerns (including their preference for bilateralism and intergovernmentalism). In terms of structure, once it has reviewed the dominant scholarly considerations, the article proceeds to elaborate on its conceptual framework, as to why it is useful for a better understanding of the present dilemmas, but also the possibility for improvements. Going forward, while bearing in mind the highly controversial notion of "Fortress Europe", the analysis will focus on the capacity and suitability of the existing mechanisms to deal with the current and future influxes of migrants and refugees, but also with how the essence of such mechanisms affects the credibility of the EU itself, at home and externally. The article concludes with a reflection on the relevance of the ongoing challenges and possible solutions in front of prospective, post-COVID-19, uncertainties.

# 1. Support, opposition, and possible alternatives

The literature about EU migration and asylum policies and application of regulations and mechanisms is truly voluminous. In addition to the conceptual studies of international migration, some attention has also been paid to the notion of forced migration and displacement. For example, Triandafyllidou and Gropas (2014) offer one of the most comprehensive accounts by addressing both the EU's common approach and the individual trends of its Member States (also De Genova, 2017; Lazaridis, 2016; Lucarelli et al., 2020; Neal, 2009; Samers, 2004). As rightly summarized:

[e]fforts have concentrated on securing borders against irregular migration inflows, encouraging return migration or temporary migration schemes, and tightening up asylum and refugee policies. At the same time, efforts have also concentrated on regularizing undocumented migrants, structuring legal migration pathways which facilitate the entry of specific groups of migrants (for instance family reunification schemes, or high-skilled migration), and facilitating intra-EU mobility (with notable exceptions) (Triandafyllidou et al., 2014, p. 1).

The above overview is key when trying to determine what is actually prioritized - common interests and EU integration or intergovernmentalism and national interests - while each of them can severely affect the position of migrants and refugees in its own way (Ceccorulli & Labanca, 2014; Roos, 2013; Stepka, 2022). Geddes and Scholten (2016) have gone a step further and examined the changing nature of migration dynamics in Central and Eastern Europe, including the impact of the Schengen area on non-Schengen territories and passengers (see also Black et al., 2010; Grabbe, 2000; Wang, 2016). Some earlier analyses did tackle the question of Europe's control mechanisms, including early warnings, prevention systems, and the right to free movement (Brochmann & Hammar, 1999; Convey & Kupiszewski, 1995). As warned by Huysmans (2000), the mainly economic European integrationist project had steadily come to delineate a security project where the removal of internal borders implied a stronger emphasis on immigration (also Blinder & Markaki, 2019; Desmond, 2023; Radeljić, 2014). Understandably, given the perception of migrants and refugees "as a destabilizing or dangerous challenge to west European societies", the EU ended up with a clear Us vs. Them mentality:

The explicit privileging of nationals of Member States in contrast to thirdcountry nationals and the generally restrictive regulation of migration sustains a wider process of delegitimating the presence of immigrants, asylum seekers, and refugees. EU policies support, often indirectly, expressions of welfare chauvinism and the idea of cultural homogeneity as a stabilizing factor (Huysmans, 2000, p. 753).

Most recently, the role of EU institutions has become of utmost importance either in terms of their preparedness to deal with the in-house immigrants and refugees, or their capacity to engage with the neighbourhood and, while supporting its development, to prevent another migrant and refugee crisis at home (Ferreira, 2019; Pollak & Slominski, 2021; Walton-Roberts & Hennebry, 2014). While trying to define the EU vision, often fluctuating "between fragmentation and integration", Estevens (2018, p. 15) clarifies that the absence of robust EU-led procedures has made policy choices extremely burdensome "for both European institutions and Member States, stressing the democratic deficit of EU institutions and establishing the need for interstate cooperation to construct common migration policies".

With the above uncertainties in place, it comes as no surprise that African-origin migration and displacement - mostly seen as the consequence of geopolitical, humanitarian, and socio-economic catastrophes (De Haas, 2008; Rinelli, 2015; Schmidt et al., 2019) – has provoked so much hostility and ill-treatment at the EU level as well as among individual Member States. According to Giménez-Gómez et al. (2019, p. 27), apart from income disparities between African and European countries, the south-north flows are driven by other factors, as well, including "a combination of several push and pull factors [such as] political conditions (ongoing violence and instability, low institutional quality) and pre-existing sociocultural structures". Moreover, as noted by Massey (2012, p. 17, 28), "[a]fter the first migrants have left, however, the costs of migration are substantially lower for their friends and relatives;" this also means that "a strong predictor of the rate of entry from a particular country is the relative number of migrants from that source who were present in the destination country". As suggested, in addition to their commitment in the field of economic development, when acting independently, the EU and its members should also invest in initiatives that could bolster political stability, including the promotion of democracy, human rights, and social stability.

Bearing in mind the scope of this article – a better understanding of disagreements between EU Member States with regard to asylum seekers' admission - the Dublin Regulation as such has remained an unavoidable point of reference. Brekke and Brochmann (2015, p. 160) have assessed the so-called Dublin practices by looking into asylum seekers' journey from their home to the recipient country, and concluded that "the DR [Dublin Regulation] contributed indirectly to creating the limbo that many of [their] informants experienced;" in the case of Italy, "[a]lthough the economic crisis in Italy increased their incentives to leave – for some, everyday life in Italy was close to unbearable – the chance of being returned was an important factor in their decision to stay or move on", which was also coupled with the fact that "[a] second try in another country would involve new stresses and new uncertainties, extending a complicated life in transition". With the 2015 European migrant and refugee crisis, scholarly discussions about the Dublin Regulation peaked; in the view of Mascareñas (2015), they are neither fair, nor effective and as such, they jeopardize the rights of asylum seekers. From a different perspective, Tazzioli (2020) has focused on the dyadic relationship between migrant mobility and forms of governance, and observed that mobility has also served as a technique for migration management, especially in the context of the Dublin Regulation's dealings with illegal immigrants. While interested in the position of both EU and national authorities, Tazzioli's ethnographic data, collected between 2015 and 2017 on the France-Italy border (Ventimiglia), paint a sound picture of how migrant mobility works - how it is controlled, both channelled and interrupted, including the means of detention, inactivity, and other containment mechanisms. This examination goes hand in hand with Castelli Gattinara's (2018) analysis of how far-right politics in France and Italy seeks to affect each country's immigration policies.

The above contributions are complemented with works interested in solidarity across the EU. As argued by Wallaschek (2019), Member States are not willing to share responsibility in the face of the European migrant and refugee challenges and. with this in mind, the Dublin Regulation is not a common ground of solidarity (also Gruber, 2017; Mainwaring, 2019; Trimikliniotis, 2019). This is alarming if we consider that, as of 2017, one out of every 110 people in the world has been displaced in response to forced migration; therefore, situations involving conflict, violence, and political instability that make people leave their homes occur (Braithwaite et al., 2019). However, in the EU, it is primarily the national governments who are in charge of shaping their citizens' perception of the European integrationist project, either in a positive or negative way, which largely depends on the ruling elites' own reputation among the Brussels bureaucrats and their capacity (or even willingness) to agree and respond to the EU's supranational or other Member States' demands (Radeljić, 2021, p. 12). At the same time, politicians try to be mindful of the possible implications of their policy agendas and thus, they often refrain from pursuing narratives about greater solidarity at the EU level, given that such a move could be widely interpreted by their national publics as a threat to state sovereignty, which can eventually cost the respective politician or political party their career or dominance (Habermas, 2012). In a reverse manner, if national governments experience obstacles in terms of integration and overall accommodation (including acculturation and assimilation) of the Other, then any Brussels authorities' demands (or even recommendations) to modify policies and sense of direction run the risk of angering the local public and resulting in a rise of anti-EU attitude. This is far from difficult given the power of "popular politicization", facilitated by "the manner in which news is reported in national media" and the impression that "[a] national identity persists within Member States, which views that boundaries should rest on the state level" (Clement, 2015, p. 123).

To complement the existing body of literature, this paper seeks to examine the institutional transformation in the context of EU migration and asylum policies by looking at the France–Italy dispute (in relation to the acceptance of migrants and refugees) and the Dublin Regulation (in relation to its capacity to provide for greater solidarity at the EU level). It examines initiatives aimed at the revision of the asylum system in the period from 2015, when the crisis peaked, to the New Pact on Asylum and Migration, proposed in 2020. However, as we deem it crucial, over the last twenty years, global migration trends have changed, with the socio-economic factor standing out as the key cause behind the African-origin waves, which eventually contributed to the European migrant and refugee crisis and some endless complaints or accusations as to who was to be blamed for it – the EU as a whole, or specific Member States. With all this in mind, the present paper seeks to provide a perspective that will facilitate the understanding of countries' preferences in terms of their approaches to migration,

especially when the question of migrants and refugees is closely related to possible economic destabilization.

# 2. What went wrong

In an ever-globalized world people migrate for many different reasons, including those of a political, socio-economic, or environmental nature. The main distinction is made between those who move voluntarily, usually in search of better livelihoods and higher standards of living, and those who are forced to move (thus against their will) mainly because of safety and security conditions at home (Keely, 2000, pp. 50– 51). According to the United Nations High Commissioner for Refugees, displacement occurs as a result of persecution, widespread violence, and violations of human rights (United Nations High Commissioner for Refugees [UNHCR], 2014). Looking at the recent developments, the UNHCR (2021) has revealed that 82.4 million people have been forcibly displaced because of war, conflict, and human rights violations, all events that seriously disrupt public and social order.

Migration represents a multidimensional action that affects both the societies that receive and those that produce migrants and refugees (Castles & Miller, 1998; De Haas, 2021). Thinking of the main criteria to bear in mind when discussing migration, Faist (2003) suggests considering its purpose (economic/non-economic), magnitude (local/international), underpinning factors (voluntary/compulsory), expected time frame (permanent/temporary), and the overall dimension (individual/mass). To understand the multidimensional aspect of global migration trends, which arguably differ from one region to another, it is necessary to unpack the factors that trigger migration. While in the post-industrial revolution period – especially between the mid-eighteenth century and the late 1990s – the aim was to achieve a more prosperous life, since the 2000s, the character of international migration has changed dramatically with wars, crises, and political instability driving people away from their homes and countries (Castelli, 2018; Koyuncu, 2018).

However, the dominant theoretical approaches are insufficient to explain the size and basic dynamics of transnational migrations in the present context. Within the scope of our study, and in line with the quantitative data of the International Organization for Migration, the causes of the 2015 European migrant and refuges crisis fall within the category of forced migration and displacement; this category implies:

[...] an element of coercion, including threats to life and livelihood, whether arising from natural or man-made causes (for example, movements of refugees and internally displaced people, as well as people displaced by natural or environmental disasters, chemical and nuclear disasters, famine, or development projects) (International Organization for Migration, 2020).

Moreover, while the existing frameworks are useful to provide an explanation of the historical processes of migration, it is the theory of migration systems that provides us with a valid perspective, albeit relative, to explain the asylum seekers' efforts to reach France despite the fact that Italy and other coastal countries represent the main port of entry for the arrivals from Africa.

Half a century ago, Mabogunje (1970, p. 4), although primarily focused on rural-urban movements, suggested viewing a system as "a complex of interacting elements, together with their attributes and relationships", which functions "not in a void but in a special environment". Once there has been positive feedback about the migrants' overall experience in the new setting, further flows are likely to take place; as clarified, "formal and informal subsystems [various institutions] operate to perpetuate and reinforce the systematic nature of international flows by encouraging migration along certain pathways, and discouraging it along others" (Mabogunje, 1970, p. 12; also Ambrosetti & Strangio, 2016; Bakewell et al., 2011). Thus, as per the theory of migration systems, there is a historical network of relations between the countries in question, which then remains relevant in times of any migratory movement; this may be related to the colonial period, as well as any subsequent political, economic, or cultural interactions (Castles & Miller, 1998). Moreover, migrants and refugees tend to choose a destination where they can take advantage of their language competency, acquired on the basis of the former bilateral relations. However, such a scenario does not alter the fact that the local population experiences forced migration because of life-threatening conditions, as clearly documented by different African-origin migration flows.

Europe consciously and systematically displaced or forced out African indigenous peoples. When examining the reasons behind the European migrant and refugee crisis, it is of utmost importance to reflect on the ways in which domestic inhabitants have been gradually impoverished and then forced to go elsewhere. As clarified elsewhere, in the case of Africa, "migration is a reflection of its socio-economic dynamics since the times of the slave trade", including the contested policies in the region, such as the EU's "selfish foreign trade policy [which] counteracted its own pro-poor development cooperation" and long-lasting support for "corrupt and autocratic regimes ..., with dire disregard of principles of 'good governance'" (Kohnert, 2007, pp. 18–19; also Burgis, 2015; Odijie, 2022; Rodney, 2018). Given the data and trends, we live in an era where international migration takes place because of necessity rather than voluntarism. The erosion of the CFA franc, which is directly tied to the French Treasury and euro-fixed exchange rate (so that Paris can continue to control its former territories), provides a helpful perspective in the attempt to clarify the large-scale movements towards Europe.

More precisely, the devastating nature of the colonial system in Africa also continued to characterize the practices of the post- or neo-colonial context. For example, when withdrawing from the continent, France insisted that the French language remain the official language and the language of education. However, a

closer look reveals that the arrangement left behind has not been limited to sociocultural fields; instead, it was aimed at keeping the economic systems, including exploitation of resources, under strict control (Tchundiang Pouemi, 1980). The CFA franc, introduced in 1945 and used as a currency of France's African colonies (Colonies Francaises d'Afrique) until 1958, is still used by eight western African countries (Benin, Burkina Faso, Guinea, Ivory Coast, Mali, Niger, Senegal and Togo) and six central African countries (Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea, and Gabon). In a lengthy report published in 2018, economist Dominique Strauss-Kahn pointed out that, while the CFA franc does provide guarantees at the macroeconomic level, it also possesses disadvantages that weaken regional economies (Ballong, 2019). While acknowledging the strong presence of the former colonial mindset in the context of monetary questions, which has fed the suspicion of neo-colonialism among those genuinely interested in the prospect of African development, he proposed an in-depth reform of the CFA franc - not a symbolic one – which is more affordable but surely less impactful. According to Strauss-Kahn, there was a need "to replace France's seats within African central banks with seats occupied by independent international administrators", "to anchor the CFA franc to a basket of currencies rather than the euro alone", and "to ensure a better regional cooperation (including the enlargement of the West African Monetary and Economic Union)" (Bérenger, 2018).

Thanks to its control over fourteen countries in Africa, France makes \$500 billion annually from the continent (Efe, 2020). The French policy has prompted scholars to challenge the CFA-led modus operandi since they have viewed it as a sort of French imperialism. For example, Pigeaud and Sylla (2020) argue that while "on the one hand, the benefits that the franc zone brings to France tend to be underestimated; on the other hand, the benefits for African countries are often exaggerated" (p. 103), but the reality has suggested that "the claim that the CFA franc has "promoted" growth and development in the area is patently false" (p. 105). In light of the 2018 crisis between France and Italy as to how to handle the migrant and refugee question, Deputy Prime Minister Di Maio repeatedly pointed out that the CFA franc ruined the locals (Boisbouvier, 2019). As insisted, France's old and new policies forced many African people to leave; they faced high unemployment and inflation rates, and were left without access to basic human needs. With this in mind, Di Maio urged the Brussels leadership to sanction Paris for its abuse and continuous colonization of Africa; as he defended his standpoint, "France is one of those countries that by printing money for 14 African states prevents their economic development and contributes to the fact that the refugees leave and then die in the sea or arrive on our [Italian] coasts" (BBC, 2019).

# **3.** "Fortress Europe" in the context of the EU's immigration and asylum matters

Immigration and asylum matters are addressed in the Treaty on the Functioning of the European Union (formerly known as the Treaty Establishing the European Community, 1957), Treaty of Maastricht (1993), Treaty of Amsterdam (1999), Treatv of Nice (2003).Treaty of Lisbon (2009).and the Dublin Convention/Regulation (1997, 2003, 2013). More recently, the European Commission presented the New Pact on Migration and Asylum (2020), which is still to be enacted. In addition to legal provisions, other instruments have been put in place under the EU's border management agenda, including the Common European Asylum System (1999), the Schengen Information System (2001), the European Dactyloscopy Database (2003), the European Agency for the Management of Operational Cooperation at the External Borders (2004), subsequently renamed as the European Border and Coast Guard Agency (2016) in response to the 2015 migrant and refugee crisis, the European Asylum Support Office (2010), and the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security, and Justice (2012).

The Amsterdam and Lisbon treaties were especially important in terms of legal framework and institutional infrastructure, but also in terms of political will and solidarity, as well as commitment and accountability across the EU. To facilitate the work in progress, the European Commission adopted the Global Approach to Migration and Mobility (GAMM) in 2011, hoping to address "the opportunities and challenges that the EU migration policy faces", while expecting "supporting partners [non-EU countries] to address their own migration and mobility priorities, within their appropriate regional context and framework" – a key aspect given the warning according to which, "[w]ithout well-functioning border controls, lower levels of irregular migration and an effective return policy, it will not be possible for the EU to offer more opportunities for legal migration and mobility" (European Commission, 2011). However, it did not take long to realize that the GAMM's progress and final success very much depended on Member States' willingness to engage in a supranational, EU-led, effort. Since some of the aspects remained unclear, such as "the added value of EU-based cooperation on labour migration instead of bilaterally agreed schemes" or "the question of resettlement [given] some Member States' wish to retain total sovereignty in deciding how many refugees should be resettled in their country, and where they come from" (Martin, 2013), it was obvious that the GAMM would never properly materialize.

The Dublin Regulation clarified responsibilities with regard to the processing of asylum applications, meaning which EU member was in charge of which cases and possible transfers to another state (EU Council, 2003; 2013). The regulation, initially accepted as the Dublin Convention and then expanded to cover all EU members (except Denmark), holds the first country – the one which filed the initial application

and registered fingerprints of the asylum seeker in the EU-wide system – responsible for the asylum claim. In practice, such an arrangement goes against the principle of EU solidarity; in theory, as also suggested in the 2013 version, solidarity was "a pivotal element", expected to accompany "the process for early warning, preparedness, and management of asylum crises". The fact that migrants and refugees enter the EU from its eastern (Greek) and southern (Italian) borders generates inequality between Member States, since these two represent the point of entry and initial registration (European Parliament, 2017; also Fratzke, 2015; Fullerton, 2016; Garrett & Barrett, 2021; Gotsova, 2019; Lenart, 2012). It is exactly this discrepancy that accompanied key debates about the 2015 migrant and refugee crisis, culminating in the 2018 highly unpleasant exchanges between Rome and Paris.

In light of the 2015 crisis, the European Commission produced the European Agenda on Migration, which announced speedy measures including a revision of the Common European Asylum System (CEAS), a provision for the better functioning of the European Border and Coast Guard Agency (FRONTEX), and the EU Agency for Law Enforcement Cooperation (EUROPOL). As explained, the agenda was necessary since "the collective European policy on the matter has fallen short" and there was a need for "a set of core measures and a consistent and clear common policy" (European Commission, 2015). In accordance with this initiative, and the ongoing tragedies in the Mediterranean, the European Parliament adopted a resolution in April 2016, followed by a legislative proposal of the European Commission in May 2016, both calling for a reform of the Dublin system. As agreed by the parliamentarians, "the current system does not take into sufficient consideration the particular migratory pressure faced by Member States situated at the EU's external borders" and "the EU should support the Member States receiving the most asylum claims with proportionate and adequate financial and technical support" (European Parliament, 2016). Accordingly, the commissioners' proposal called for "a new fairness mechanism [that] will ensure no Member State is left with a disproportionate pressure on its asylum system"; in the words of First Vice-President Frans Timmermans, "whenever a Member State is overwhelmed, there must be solidarity and a fair sharing of responsibility within the EU" (European Commission, 2016). However, the reform did not progress beyond its draft format.

Looking at the Greek scenario, the country's authorities felt that while they had upgraded their system and the relevant procedures (including human rights protection), "other EU Member States, including those with high level of know-how, sufficient resources, and organized infrastructure, have failed to fully meet their obligations for the provision of assistance to Greece" (Council of Europe, 2017). In a similar manner, a special report, produced by the independent authority the Greek Ombudsman (2017), criticized the Brussels authorities for being "unable to stand up against major challenges" despite their apparent commitment to equality and solidarity at the EU level. Instead of developing "a cohesive plan to exit the crisis", they showed "inherent weaknesses" and allowed "the political inadequacy and the

short-sightedness shown by leaders of Member States" to dominate the process – with such an approach in place, "the effectiveness of the common EU institutions is directly called into question" (Greek Ombudsman, 2017). The same sort of criticism could be heard in Italy. While it admittedly failed to provide some basic forms of protection such as shelters to migrants and refugees, the Italian authorities have repeatedly blamed the Brussels administration for "the lack of common standards [that] has seriously undermined the EU-wide approach" (Fullerton, 2016, p. 60). Given its limited capacities, as in the case of reception centres in Lampedusa and Sicily, Italy found the behaviour of those EU members unwilling to share the burden unacceptable; as warned by its Foreign Minister Paolo Gentiloni, the migrant and refugee crisis threatened to rip the EU apart because of "selfishness, haphazard decision-making, and rows between Member States" (Raidió Teilifís Éireann [RTÉ], 2015). Given that different members' ruling elites have had different priorities, only a small number offered support whereas others refused to follow the relocation scheme regulating the distribution of asylum seekers in the EU.

Due to the volume of influxes and unequal distribution of asylum cases among EU Member States, the Dublin Regulation found itself in front of the European Court of Justice in the summer of 2017. However, the court ruled that the Dublin arrangement, which originally stipulated that asylum had to be requested in the first country of entry, continued to apply and therefore, the transfer of applications to that point of entry by other EU members was not illegal, regardless of the unprecedented influxes of migrants and refugees (Huggler, 2017). In reality, this meant that the Mediterranean states of the EU had to accept their somewhat unfortunate position, and migrants and refugees had to accept being entrapped in places, many of whom imagined as purely transiting. On the other hand, in response to growing influxes of migrants and refugees, some governments, such as that of Hungary, attempted to leave the Dublin system for practical reasons, announcing that it would not readmit asylum seekers who already crossed Hungary and entered another EU state (Than & Nasralla, 2015). For a different perspective, and in support of European solidarity, Germany suspended the Dublin agreement and halted deportations to other EU members – a move some described "as the first step towards the realization that the Dublin system has failed" (Dernbach, 2015). In any case, the arrival of more than one million migrants and refugees to Europe in a single year (2015) placed the question of their presence and any required steps to be taken at the top of the EU's political and security agenda (Barlai et al., 2017).

As it happened, the absence of meaningful solutions to the Dublin Regulation's deficiencies also paved the way to the Italy–France crisis. In October 2018, the Italian village of Claviere and the footage showing French police officers bringing back and dumping illegal migrants and refugees on the Italian soil triggered a major dispute, as well as media coverage mostly exposing the hypocrisy of individual EU members (Reuters, 2018). Even though it admitted the wrongdoing, the French leadership was not left alone; it was repeatedly reminded of its CFA france

policy, which had impoverished a number of African countries to the extent that it triggered migratory waves towards the European continent (Scazzieri, 2019). The relevance of the then debate was even more alarming given some previously announced positions, such as those by Germany and the Czech Republic, which rejected the admittance asylum seekers registered in other countries. In addition, Hungary, Poland, and Slovakia made it clear that they would not accept any modifications to the Dublin Regulation and they would not accept any quotas in the name of solidarity (BBC, 2015). All this suggested that the Dublin system had surely lost legitimacy at the EU level.

# 4. What kind of a solution?

In September 2020, after various interruptions and dead-end scenarios, the European Commission proudly presented the New Pact on Asylum and Migration. Apart from improved procedures, the document envisages that, for the sake of solidarity, EU Member States will split the burden in front of influxes of migrants and refugees, and consequent asylum applications. The notion of solidarity does come across quite vividly, with a new framework for responsibility sharing that includes "a new solidarity mechanism to embed fairness into the EU asylum system, reflecting the different challenges created by different geographical locations [...] The new solidarity mechanism will primarily focus on relocation or return sponsorship" (European Commission, 2020a). As admitted in the official press release, "[t]he current system no longer works. And for the past five years, the EU has not been able to fix it;" therefore, the new pact represented "a fresh start" and, as EU Commissioner for Home Affairs Ylva Johansson stated, sought to "*build a long-term migration policy that can translate European values into practical management*" (European Commission, 2020c).

The 2015 migrant and refugee crisis revealed that the EU lacked legal and functioning ways to deal with matters concerning its own commonality and political solidarity. With this in mind, the fact that the New Pact on Asylum and Migration is based on the principle of solidarity also suggests that it is prone to failure. Somehow, such an option could be spotted during the press conference, when Commissioner Johansson shared her belief that "[n]o one will be satisfied" with the newly proposed road map, but then went on to share her impression that "Member States are ready and willing to compromise" (Zalan, 2020). The issue is that the pact does not deal with the so-called principle of common solidarity within a framework of clear rules and responsibility sharing. As assessed elsewhere, it was unfortunate that the pact provided for a preferential choice in terms of relocation and financial assistance, which meant that solidarity could not be properly conceptualized (De Bruycker, 2020); this is a voluntary solidarity rather than, as hoped for by Commissioner Johansson, a mandatory solidarity. Overall, the pact's guidelines are quite similar to the 2016 package, which was depicted as a continuation of the Dublin arrangement,

called Dublin IV, but not accepted by the Member States as a way of overcoming the migrant and refugee crisis. Reaching a unanimous decision has proved impossible and it is worth noting that the EU Council's decision-making procedure has also contributed to the complexity of the issue. Although qualified majority is the main voting method, unanimity is applied in the areas pertaining to the Common Foreign and Security Policy, which means that decisions on asylum and immigration policies necessitate the vote and approval of all EU members.

The pact's main feature - the Regulation on Asylum and Migration Management (RAMM) – invites all EU members to share the burden rather than be borne by certain states alone. The proposal, together with other related suggestions, stipulates that those governments who do not directly accept migrants and refugees should provide appropriate financial support (thus participate in a proportional manner) in cases where asylum seekers are transferred to another country or sent back (European Commission, 2020b). Still, as it is understood from the proposal, despite its aim to replace the Dublin Regulation and reform the CEAS by introducing a common framework (characterized by a robust strategy for migration management), that no new direction is given in relation to the responsibility of countries that register migrants and refugees and take fingerprints, as stipulated by the Dublin practices. More precisely, in terms of solidarity prospects, while Member States can assist each other in monetary terms, they can also act on behalf of another member and process returns of irregular entrants. In case of delays, if a return is not completed within the prescribed period of eight months, the returnee would be sent to the state that provided sponsorship, which would then take over, seeking to speed up the return process. Nevertheless, with all these points in mind, the proposal does not envisage a regulation that would address or eliminate the disadvantageous position of places such as Greece, Hungary, Italy, or Spain, known as the entry routes to Europe. As rightly observed by the European Council on Refugees and Exiles (2021), a pan-European alliance of nongovernmental organizations, "the RAMM tries to do too many things, while still leaving unchecked many of the underlying problems it inherits", or, possibly even more accurately, "[a]lthough the RAMM includes some positive elements, these are often outweighed by related negative changes - it gives with one hand and takes back with the other".

For some other observers, the fact that the New Pact on Asylum and Migration failed to acknowledge that the large majority of migrants and refugees come from developing countries (and, in accordance with this, the pact's failure to reference and embrace objectives of the United Nations' Global Compact on Refugees) invalidates the whole initiative, let alone prospects of success. As they put it, the pact's "inward-oriented" nature prevents it from understanding the risks and implications of the global state of affairs in terms of forced migration and displacement – a short-sightedness that becomes even more alarming in front of the pact's failure to fully consider the impact of the COVID-19 pandemic, which has "profoundly affected the capacity of host countries to manage the presence of refugees and ensure their

protection" (Kirişci et al., 2020). *One year on, the much spoken of New Pact on* Asylum and Migration looked deadlocked. As rightly predicted, "[t]he number of dangerous and illegal pushbacks reported across the EU's territory has risen sharply, while perpetrators are still not being properly held to account" (International Rescue Committee, 2021). The highly uncertain post-COVID-19 context and the accompanying health-related restrictions have exposed the presence of discrepancies across the EU (Bertoncini, 2020; Stevis-Gridneff, 2020), and therefore the continuation of intergovernmentalism and absence of solidarity in the field of migration do not really come as a surprise.

Aware of the circumstances and given that the migrant and refugee question re-emerged as the key political issue in Italy, following the arrival of more than 2,000 asylum seekers in Lampedusa in a single weekend, in May 2021, Prime Minister Mario Draghi stressed that "Italy cannot be left on its own", which served to push other EU members to reconsider their reluctance and thus actively engage with burden-sharing deals (EURACTIV, 2021). The constant need to repeat that solidarity represented a fundamental value suggests that EU Member States may not actually agree to it and therefore may not be willing to reconsider the problem of a structural solidarity deficit. As a study conducted on behalf of the European Parliament (2021) made clear, given that "[s]olidarity continues to be emergency-driven and has not been structurally embedded in the common asylum and external border control policies", it is then understandable that the New Pact on Asylum and Migration "does not seem capable of resolving current tensions and providing a satisfactory response to the fair sharing of responsibilities challenge". Thus, while being overstretched between those who see it as a fundamental value and those who see it as a threat to political and socio-economic stability (Gerhards et al., 2019; Grimmel & My Giang, 2017; Hobbach, 2021; Kaeding et al., 2022; Starke, 2021), the exploitation of the very notion of solidarity in policy discourses suggests that the future of European unity, as well as the European integrationist project, is grim.

# Conclusion

The EU's approach to immigration and any related policies has not developed in the context of supranationalism, with solidarity and common responsibility as the dominant determinants. The 2015 migrant and refugee crisis, including the 2018 crisis between Italy and France, is the most obvious example of this. More recently, in November 2022, the Italian authorities prevented a charity-run ship with more than two hundred migrants and refugees on board from disembarking, under the excuse that "Italy cannot be the only destination"; in the view of the French, the Italian approach was unacceptable, and therefore Rome was warned of "severe consequences" (Euronews, 2022). Altogether, these crises have exposed limitations of the current frameworks and, even more, the impossibility to establish a common policy on migration and asylum within the existing legal and institutional basis.

While the Dublin Regulation has sought to revise the practices, its negative reputation in the eyes of EU Member States – mostly because of the criticism due to the unfair distribution of responsibilities – created a rather hostile climate and prevented prospects for substantial improvements. Announcements by Germany and Hungary that they would not implement key provisions regulating transfers of asylum seekers, as well as those by other EU members that they would not join the efforts to transform the Dublin Regulation into a fairer system, represent some good examples of internal disagreements.

Even though presented as a desired set of guidelines and legislative measures, the 2020 New Pact on Asylum and Migration left EU Member States puzzled, if not disappointed, given the pact's obvious similarity with the Dublin provisions. While the country that initially registered asylum seekers remained responsible for their case, the pact's marginal contribution consisted of its invitation to EU members to seriously consider basic solidarity and partnership principles when returning asylum seekers, and the ones who did not respect such an arrangement would be expected to provide financial assistance. However, deportation is not a solution, but mainly a way to satisfy a certain section of the electorate. Moreover, reproduction of rightwing populism, through the means of ultranationalist and xenophobic ideologies, feeds dissensus and disharmony, and thus increases the pool of Eurosceptics.

With national interests placed at the forefront and the fact that decisionmaking processes in the field of asylum and immigration rest upon unanimity, it is obvious that the EU's attempt to develop and make its Member States agree to a common approach towards a highly sensitive matter is faced with a dead-end. However, a unified asylum policy would also entail a new solidarity mechanism, and a prominent step towards such an achievement would necessitate change in decisionmaking, which would make it easier for Member States to reach agreement on key issues. To this end, "passerelle clauses" - provisions in EU treaties that allow for a change in the decision-making process, typically from unanimity to qualified majority voting (QMV), yet without requiring a formal treaty amendment – would be an option (Kotanidis, 2020). By allowing QMV through passerelle clauses, decisions could be made more quickly and efficiently. Still, the use of passerelle clauses could also fail due to the possible unwillingness of EU Member States towards sharing and embracing the burden of first-entry route countries (Greece, Italy, and Spain). This, again, brings up the notion and question of solidarity, and it is not clear to what extent EU technocrats would succeed in persuading the majority of Member States to adopt a more solid, effective mechanism.

The above alarm is even more serious when we consider that people, as in the case of influxes originating from Africa, are forced to move because of the deliberate and systematic impoverishment. As some observers have rightly put it, "the Africa-EU relationship remains encumbered by historical dynamics and persistent asymmetry that act as retardants to change" and "with Africa being the location of problems and Europe as the source of solutions, rather than in a reciprocal fashion"

(Bourgeois et al., 2020, p. 10). Such a mindset – largely characterized by onesidedness as to what is normal and how to impose it upon the Other as the source of uncertainty – can hardly result in major improvements, let alone ensure lasting peace and stability. The French Treasury-tied CFA franc has made fourteen central and western African countries depend heavily on France, with detrimental consequences. During the 2018 Rome–Paris dispute, the Italian authorities insisted on the French factor – both colonial and neo-colonial activities – in the context of the migrant/refugee crisis. Still, France has not found it necessary to show greater solidarity with those EU members that have been particularly hit by the influxes of migrants and refugees; on the contrary, it has prioritized its national policies and continued to cultivate the status quo approach (if not tacitly embraced an even harsher standpoint given the pressure coming from various far-right groups).

The EU's desire to promote stability elsewhere while simultaneously supporting practices that are in contrast with its mission suggests that the Brussels administration is prone to inconsistencies, which can be self-destructive. Fear-driven approaches, coupled with individual Member States' decisions to stick with their own policy preferences (such as the French engagement in Africa) have exposed the fragile nature of internal solidarity and prospect for partnership arrangements with other, external players. On the other hand, the continuation of "coloniality of power" may welcome some other actors - China, Russia, and Turkey - to offer an alternative and thus reduce EU dominance. Accordingly, as warned elsewhere, "[i]f the rise of African agency is a challenge to the EU's ontological security, while the EU's ontological security vis-à-vis Africa reinforces coloniality of power, then the time is now for the EU to reimagine the boundaries of 'self'" (Haastrup et al., 2021, p. 552). The urgency for the Brussels authorities to revise their perception of human life and fundamental values is additionally emphasized by the recent developments in Eastern Europe, which have provided a textbook example of discrepancy in attitudes towards the migrants/refugees originating from Africa, on the one hand, and those fleeing the Ukraine/Russian invasion, on the other.

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