

EUROPEAN IDENTITY AND THE PLIGHT OF SYRIAN REFUGEES

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Please let me begin this essay by confessing that I find it difficult to talk about European identity and European Union citizenship as the massive exodus from Syria continues, the decomposing bodies of human beings are found in lorries, the bodies of toddlers are washed up on Turkish shores and as many more ramshackle boats are attempting to cross the Aegean sea.

I also find it difficult to talk about a refugee crisis, or the economic crisis in Europe or the implications of austerity politics. For despite all these pressing and immensely important issues we do not face an historical crisis. Following Ortega y Gasset's definition of the latter, no system of convictions has been broken, leaving people confused 'as in a state of not knowing what to do'.¹

I also find it difficult to discuss with colleagues the shortcomings of the Dublin System and the effectiveness of Re-admission Agreements. Even the most well-thought out legal instrument and carefully designed asylum policy would be put under strain by a sudden and generalised population movement owing to a continuing war and seemingly endless conflict. The drafting of a European Code on Migration and Asylum, which was on the

¹Jose Ortega y Gasset, *Man and Crisis* (London, George Allen and Unwin, 1958), pp. 85-6.

Commission's Action Plan Implementing the Stockholm Programme,² will be done in the future.

It would also be sad if countries decided to 'turn inwards' and if their political elites talked about Europe being 'swamped' by asylum seekers or the 'swarm' of refugees, pregnant women and children seeking protection. Such discourses do not reflect the European Identity. Nor do they reflect the values of the European Union. Now is the moment for politicians in all countries and the EU to display leadership and to affirm the values animating the European Union (Article 2 TEU) and their constitutional democracies.³ In other words, they have to create the institutional conditions which enable human living and social fellowship. They need to realise the only real values there are – the values of the human spirit. Their policies and responses must be principled and humane, that is, guided by the anthropic principle.

Matthew Arnold, who wrote his poetry in the 19th century, defined 'civilisation' as 'the humanisation of man in society', and believed, following Coleridge, that states have the positive duty of humanising and civilising their members, in addition to responding to the plight of others in need.⁴ Both **humane** responses and **humanising** policies and discourses are required in Europe now. In other words, we need responses and policies which reflect Europe's identity.

² European Commission (2009) *An Area of Freedom, Security and Justice serving the citizen: wider freedom in a safer environment*, Brussels, 10 June 2009, COM (2009) 262/4; European Commission (2010) *Delivering an area of freedom, security and justice for Europe's citizens – Action Plan Implementing the Stockholm Programme*, April 2010, COM (2010) 171.

³ Compare the European Agenda on Migration. On 13 May 2015, the European Commission presented the European Agenda containing a comprehensive approach for improving the management of migration.

⁴ For an excellent discussion, see J. D. Jump, *Matthew Arnold* (London: Longmans, Green and Co, 1955).

It is true that collective identity is a nebulous notion. The term did not exist in the 18th and 19th centuries. The 1930s encyclopaedia of Social Sciences published by Macmillan had no entry for the term identity. Collective identity is the product of the second half of the twentieth century. The 1968 International Encyclopaedia of the Social Sciences, edited by Macmillan, did have an entry on 'identity, psychosocial' written by E. Erikson.⁵ Indeed, Erik Erikson's work on individual personality and 'personal identity' crisis contributed to the popularisation of the term in social sciences and in policy circles.⁶

As the European Community was searching for a new vision in the 1970s, a narrative on European identity seemed to be the missing ingredient that could reinvigorate European integration by eliciting peoples' interest in and support for European affairs. The Werner Report on European Monetary Union in 1970 and the launch of European Political Cooperation in the same year had provided impetus for the political development of the Community, but the latter process, unavoidably, needed 'Europeans', too. Accordingly, the Copenhagen summit in 1973 furnished a 'Declaration on European Identity' which was to be built by coordinated action internally and externally.⁷ The internal face of the European identity required a predominantly political public narrative which would champion critical legal and political principles, such as respect for the rule of law, social justice, human rights and democracy, as well as the grant of special rights to Community citizens while the external one would highlight the role and responsibilities of the nine Member States vis-à-vis the rest of the World. In December 1974, the Paris Summit Conference endorsed the declaration and laid down the foundations for direct elections to the European Parliament

⁵ See Philip Gleason, 'Identifying Identity: A Semantic History', *Journal of American History*, 69/4 (March 1983), 910-931.

⁶ For a wonderful explication of the origins of 'identity', see W.J.M. Mackenzie, *Political Identity* (Harmondsworth: Penguin Books, 1978).

⁷ European Commission, Annex 2 to Chapter II, 7th General Report (1973).

and the incremental development of a Citizens' Europe. Leo Tindemans, the Belgian Prime Minister who was instructed by the Paris conference to articulate concrete proposals for strengthening citizens' rights, produced a report which advocated the protection of fundamental rights in the EU, consumer rights for European citizens and the protection of the environment.⁸ The establishment of common European rights would bring 'European close to its citizens', create a feeling of identification with the Union as a whole and make a 'people's Europe' a reality.

So contrary to the depiction of a common European identity as an end or the destination of the process of creating an ever closer Union, I would argue that the question of a European identity has already been settled. The answer lies where we started from. Otherwise put, what we believe and call the end is, in reality, the very beginning. Peace, freedom, democracy, the rule of law, social justice, strengthening citizens' rights and protecting fundamental rights are the premises of a European identity. These are also the preconditions that make discussions about European identity possible.

In the 'Declaration on European identity' adopted by the Member States at the Copenhagen Summit in 1973, the nine Member States at that time expressed their determination to build a Community of law and democracy which 'measures up to the needs of the individual and preserves the rich variety of national cultures'.⁹ Many things have changed enormously since 1973, but, I would argue, the building blocks for a political as well constructive notion of European identity remain the same.

⁸ For an analysis, see D. Kostakopoulou, *Citizenship, Identity and Immigration in the European Union: Between Past and Future* (Manchester: Manchester University Press, 2001).

⁹ Annex 2 to Chapter II, 7th General Report (1973).

Yet, the actions of the Member States during the last twelve months with respect to the so called 'refugee crisis' reveal their betrayal of those commitments undertaken in 1973 and in the subsequent decades. Certain national executives refused to 'accept' the suffering of many innocent Syrian nationals and they did so without incurring guilt. In so doing, and by undermining the European Commission's efforts in providing a political response,¹⁰ they forgot that civilisations differ from one another as much in what they give up as in what they create and preserve. By closing borders thus leading people to cross the Aegean sea in unsafe boats, 'walling' borders costing millions of Euro instead of responding to the plight of families seeking protection and compromising the protection of fundamental rights, including the right to seek asylum, on the altar of achieving the illusory ideal of security, Europe's leaders made a counter choice; the choice to degrade European identity. All the noble and rich expressions of it postulated since 1973 proved difficult to maintain in the encounter with generalised human misery and vulnerability. The best qualities of the EU's affirmation of principles and values were compromised at the sight of human beings whose only desire was that they should be viewed, and treated, as human beings. And instead of being united by what they uphold and refuse to compromise, Europe's national and supranational executives became disunited and debilitated. This is known as classic tragic realism. Yet, the impotence of Europe's leaders led to more deaths in the Aegean sea. More human tragedy.

We must not misunderstand the nature of European identity's tragic fate. National executives displayed progressivism in 1973 and their successors display clear signs of indifference to it. They are aware of the contradictions and consequences of their

¹⁰ The Commission has pledged €10.1 billion from the EU budget in 2015-2016 in response to the refugee crisis.

responses,¹¹ but, because they are caught in such an opposition of motives, they cannot choose between them and provide effective humanitarian assistance. And every time, Europe's leaders meet, they face the same troubled reality. They are free to choose to accept the reality of human vulnerability or resist it. They are free to invoke 'security concerns', intergovernmental unease about the Commission's relocation proposals and quotas and 'cultural anxieties' or to affirm that the destiny of the project of 'creating an ever closer Union among the peoples of Europe' is to create an open socio-political space conducive to human living. There exists an undeniable particularity about the situation in the European Union which requires that a humanist approach is given priority and that respect for human beings and their life worlds is placed at the core of institutional designs and policy efforts.

Although dismantling smuggling operations has been a central issue on the agenda of Commissioner Avramopoulos, if the European Union wishes to project itself as a philanthropic community and to prevent senseless suffering and deaths, it must be prepared to issue 'Sanctuary Europe Visas'. As my students, Ms Ilaria Iovieno and Ms Giulia Fantozzi have argued in their dissertations, 'a "refugee visa" has the potential to reduce clandestine travelling and entry and could be requested from embassies of Member States, in line with the Australian 1958 precedent and 2003 EU Protected Entry Procedure (PEP).¹² They would permit refugees to work, study, access health care and to enjoy security of residence and family reunification.

¹¹ Compare the EU-Turkey Action Plan which was activated on 29 November 2015. In it, the EU identified a number of measures to be adopted by Turkey, including the prevention of irregular departures of migrants and refugees from its territory to the EU, in exchange for the provision of financial assistance, progress in the visa liberalisation roadmap and the re-activation of the accession discussions with Turkey.

¹² LLM Dissertations on 'The Smuggling of Syrian Asylum Seekers to Europe' by Ms Ilaria Iovieno and 'EU Asylum Law and Policy' by Ms Giulia Fantozzi. The dissertations were submitted to University of Warwick Law School in August 2015.

Destiny directs and, in its complex orchestrations, leaves room for reflection, freedom to choose among options and for decision-making. Europe's leaders can decide to 'do nothing', 'do something' or to affirm 'humanness' all the way. But if they choose the former, they would effectively choose to downgrade the ideals they espoused in 1973 and in the subsequent years into ideas or mere details. And the cherished goal of a European identity will be simply destroyed in this process.

Dora Kostakopoulou

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