EUROPEAN CROSSROADS AND CONTRADICTIONS

Alexei Avtonomov



ALEXEI AVTONOMOV – a member of the UN Committee for the eradication of racial discrimination. He is the Editor-in-chief of the 'Gosudarstvo i Pravo' (State and Law) magazine and Senior Research Fellow at the Institute of State and Law, Russian Academy of Sciences. He is also the Director of the Centre for Comparative Law at National Research University – Higher School of Economics (NRU-VSE)

Migration is a general problem that has a long history. For instance, the fall of the Roman Empire, for instance, was indirectly caused by migration. Today we are witnessing a new redistribution of the world population on the planet. Waves of migration have also not spared Europe, where people typically enjoy a better life than the population in the originating countries of Africa.

The first problem is not related to migration in as much as it is related to the specifics of the structure of the European Union. On the one hand, the EU is increasingly taking the appearance of a regular federative state. However, on the other hand, it presently lacks a central government. The problem of Europe today is not that of values, but of an underdeveloped government mechanism for its unified space, within which there are no closed borders. At the same time, the idea of the Schengen agreement was initially aimed not at providing free movement within the EU but as means of improving control of migration, combating crime, etc. The countries that constituted the European Economic Community at the time experienced a need to coordinate their migration polities. But now the question arises as to whether there is actually a centralised migration policy within the Schengen zone. In practice, it appears to be virtually absent. You can see that, for example, in the situation with the issuance of visas for Russian nationals, as well as citizens of other countries. Russians are free to move within the EU with their visas; however, the practice of issuing visas for Russians by the various countries of Europe is very different – some of them have easier procedures than others

As a result, what we have is a unified space, which, in practice, is not regulated from one centre - from Brussels, for example, or some other European quasi-capital – but where each country has its own regulations. In their relations, the countries of Europe are presently living through a crisis, which came about precisely because of the lack of a clear system for managing migration. Take Italy, for example, this country has been flooded with migrants and, for the lack of a better solution, it granted all of them resident permits, which give them the right to move freely across the European Union. Since the majority of these migrants are originally from part of the Francophone world, they eventually moved to France, which bears a natural linguistic attraction for them. At the same time, the whole situation is not solely Italy's fault, because neither the European Union as an institution, nor its various representatives managed to come up with any adequate measures in the face of the growing number of immigrants flowing into the EU.

The second problem has to do with the fact that, with regard to assistance for refugees (or those migrants who enjoy a valid right for assistance from the host country), we should clearly understand who qualifies to be considered a refuge. Refugees are formally those people whose physical existence is threatened in their home countries. Such an approach doesn't contradict the principles of democracy - any democratic state is founded upon an understanding of the need for the protection and well-being of its own citizens before anyone else. This inevitably means that, in the case of emergency situations, the state holds no obligation to provide for 'foreign nationals' before it provides for its own citizens. It can definitely lend assistance to refugees, but certainly not all of those who are coming from troubled countries should be treated as refugees.

It should be noted that Europe had found itself in a strange situation: in spite of the fact that, for quite a long time, it cited Tunisia as a country treading on a slow path of democratisation, it still welcomed the overthrow of president Ben Ali and even refused to grant him political asylum. This gives rise to the question: if it is actually true that Ben Ali was a dictator, whose overthrow was welcomed in Europe, why was Europe flooded with migrants in the wake of his downfall, where no similar mass exodus from Tunisia occurred in the days of his dictatorship? There are certain regimes whose downfall would be welcomed by the entire democratic world; however, in Tunisia, where Ben Ali remained in power for quite a

long time and corruption was widespread, there was no situation that could distantly resemble that of Pinochet's Chile. This poses the question as to whether Europe's stance with regard to Tunisia is related to a crisis of democracy or perhaps the way the word 'democracy' is being manipulated.

As for following democratic values, it is hard to ignore the fact that present day Europe is basically exercising double standards with regard to nations that are struggling for their independence. Europe often supports the 'independence struggle', figuratively speaking, but eventually finds itself in a blind alley due, among other things, to its attitude with regard to the further fate of migrants from countries that are struggling for their independence. What we are presently observing in Europe with regard to migrants from Northern Africa is a reprisal of the situation in Kosovo. At a certain time, Switzerland supported Kosovo's struggle for independence and recently, the situation was revealed that, in spite of their country gaining independence, Kosovar refugees are refusing to go back home, instead preferring to stay in Switzerland.

It is the same situation with Chechens, who were warmly welcomed in Europe a while back. But now Europe is hosting many individuals who have been implicated in serious crimes, and it is facing a situation of Chechen immigrants refusing to obey the norms of the law, not to mention assimilation into the new society.

The third problem is that of multiculturalism. Europe should finally make up its mind and clearly define this term. Is it some sort of 'patchwork' or a unified space, hosting people of different cultural traditions who nevertheless create a certain homogeneity? France has taken this path, declaring all of its citizens to be French regardless of their national identity. But recent disturbances in France and the problem of Paris suburbs are due to the fact that, in spite of being French, not all citizens are 'equally French' – many of them have poor knowledge of French history and language, and the homogeneity project seems to have failed there.

What is happening in Europe is not a problem of democracy *per se*, but a problem of occasional interpretations of this term. We should also realise that democracy in Europe was established on a relatively mono-ethnic platform and only recently did it face any challenges in terms of multi-ethnicity. It is true that there is one multi-ethnic democracy in Europe, namely, Switzerland. This country has managed to preserve its democracy against the backdrop of a multi-ethnic and multi-national composition. Switzerland has always been a republic and never a monarchy – a fact that speaks for its high degree of democratic values. Recently, it joined the Schengen zone and is now probing its way in its interaction with the unified European space.

Another not so successful example of creating a 'patchwork' on the basis of democracy was Austria-Hungary. However, this process proved to be a failure there, in contrast to the success that has been seen with the building of a multi-compositional society in Switzerland. \blacksquare

Exclusively for the Yaroslavl Forum

Policies Against Social Exclusion



MARTINA CVAJNER – an Italian sociologist and a Research Fellow in the Faculty of Sociology at Trento University (Italy).

Exclusively for the Yaroslavl Forum

ulticulturalism has **W** a bad name nowadays. In analysing recent statements made by several European politicians, it is worth remembering that most of them refer to countries (such as France or Germany) that have never endorsed or promoted multiculturalism in the technical sense of the word. 'Multiculturalism' is consequently a catchword used to talk about something else: the widespread perception of immigrant communities as culturally and socially separated from the main fabric of the host society.

The widespread difficulties in educational and occupational mobility are believed to be caused by the cultural heritage of these immigrants. Here, however, empirical research provides quite a different picture. There are, of course, pockets of cultural segregation and even of reactive ethnicity. There are, of course, small groups of religious fundamentalists and some cliques who are hostile to certain eleof European ments social life. Nevertheless, a large majority of immigrants in Western Europe are not remarkably different in their cultural orientations from the natives. A large segment of the immigrant population, as well as many children of immigrants, may be defined as largely culturally assimilated. The main problems with integration are rather structural, having to do with education, jobs and opportunities.

Each country has to find its own way, linked to its history, administrative infrastructure and legal tradition. A couple of starting points may, however, be provided. First, what immigrants need is, above all, a dynamic economy, a flexible labour market, and an increase in the channels of social mobility that are open to them. A stable legal framework with a set of clear, reasonable rules would be also an important precondition. Second, policies directed only at immigrants often trigger populist resentment and social conflict. And very often, they are resented by the immigrants themselves, who feel that they are being treated as 'seccitizens. ond class' Generalised social policies against social exclusion could help in fostering a more solidary strategy. 🔳