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## Protecting Europe's Family Ties in Trying Times

by Anthony Silberfeld

In 1946, it was British Conservative Winston Churchill who famously called for the creation of a European family and the establishment of a United States of Europe. So perhaps it is fitting that another Tory may preside over the family's dissolution.

The upcoming British EU referendum is a step in the wrong direction for the European Union, but it certainly isn't the first. What began as a dream of an ever-closer union has devolved into a collection of states in which national interest trumps unity.

### One Foot In, One Foot Out

Bringing together 28 member states with diverse histories, cultures and languages naturally complicates a one-size-fits-all approach to policy. But the European Union has transformed the opt-out into an art form. From the Schengen zone to defense and justice, many countries have treated their EU obligations like an à-la-carte menu from which they can pick and choose at their leisure. But these member states are not entirely to blame; the EU has made a conscious decision to allow its members to adhere to the responsibilities that suit them and ignore those that do not. And while it was a deliberate decision to allow member states to strike a balance between its national and European commitments, the unpredictability it has engendered has weakened the ability of European institutions to act in concert when faced with crises that affect the entire continent. Member states have often fulfilled their EU obligations to the letter, but have selectively made choices that are out of step with the spirit of the EU.

### Staying Together for the Kids

This fraying of the European family has been exposed by the recent flow of asylum seekers from Syria (and elsewhere) to the EU. With a population of more than 500 million, the EU should be able to absorb the approximately one million refugees who arrived on European shores in 2015. Yet, this history of selective participation gave member states the political cover to ignore their obligations, not just to the 1951 Refugee Convention, but to the EU itself. This played out in September 2015 with an EU agreement to relocate 120,000 migrants over a two-year period. The vote was contentious, and Romania, the Czech Republic, Slovakia and Hungary voted against the proposal. The U.K., for its part, points to this migration crisis as yet another justification for a British exit from the EU. Nevertheless, the quota plan was adopted in principle, but has since been ignored in practice. According to the European Commission, the EU set a target to relocate 6,000 refugees by April 2016. But due to procedural challenges and resistance from some member states, only 208 people were relocated during that period.

The inability of the EU to equitably share the burden of accepting refugees led to its decision to seek alternatives to stem the flow. With that in mind, the EU (led by Germany) struck an agreement with Turkey in which "irregular migrants" crossing from Turkey to Greece would be returned to Turkey and the European Union would, in turn, resettle Syrian refugees on a one to one ratio. In exchange, Turkey is poised to receive an additional €3 billion in economic aid and a commitment to visa-free travel for Turks visiting the EU.

From a statistical perspective, this deal has been a success. Reports indicate that there has been a 90 percent decrease in the number of refugees entering the EU since this pact came into effect. But the numbers belie the

true impact of this decision. In addition to moral questions raised by returning refugees to a country with a troubling human rights record, the EU has cleared a path for member states to side-step their commitments to the union, thereby further undermining it.

### **Breaking Up is Hard to Do**

There is an adage that if you give someone an inch, they'll take a mile. If converted into the metric system, this would certainly apply to the current march toward a "Brexit". The U.K. has had a long history of getting special treatment from the EU. Prime ministers at 10 Downing Street have featured prominently in the opt-out demands mentioned earlier, including, most notably, the eurozone and Schengen deals. In a last ditch effort to make membership in the EU more enticing, European Council President Donald Tusk negotiated a series of sweeteners with British Prime Minister David Cameron to keep the U.K. in the EU. The tête-à-tête resulted in British exemptions from funding future euro bailouts and lower administrative burdens to improve the U.K.'s competitiveness in the EU, among other concessions.

Perhaps most disturbingly, Cameron requested an opt-out from the EU's founding ambition: an ever-closer union. The deal's final language made clear that any references to that end, "do not apply to the United Kingdom". The British vote for Brexit or Remain on June 23 will have significant economic repercussions, but the political and symbolic damage to the European family remains an open question. Will the British departure encourage other member states to seek their own exit, or will a chaotic unwinding from the EU discourage others from following a similar path? If the British people decide to leave the EU, there will be a process in place to make that divorce final. But if the U.K. decides to stay, what other opt-outs will it ask for down the line and when will it demand another referendum?

### **Blood is Thicker Than Water**

Despite the recent political, economic and social turmoil in Europe, the European Union has proven its resilience over time. Emerging from the 2008 economic crisis, coordinating and maintaining sanctions on Russia and rallying to the aid of neighbors targeted by terrorists are just the most recent examples.

Like most families, this European one has at times been petty, selfish and has failed to live up to expectations. And like most families, this one is also built on a foundation of strong historic bonds, decades of trust and shared values. With so many challenges on the horizon, Europe has reached an inflection point. In an effort to create a sustainable union, the EU has given its members too much latitude in its decision-making processes. Rather than a debate about more Europe or less Europe, there should be a serious debate about a smart Europe. The crises ahead will demand collective action and unity on the continent, so member states need to re-commit themselves to the Union, not just on paper but in spirit too.

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