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IN THE FACE OF THE CHALLENGES
OF OUR TIME**

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This paper presents the findings of a series of studies designed and conducted by a research team led by Professor Ivan Krivushin at the School of International Affairs, Higher School of Economics in 2017–2018. Its participants have focused primarily on the issues of separatism and transnational migration, their role in the contemporary world, the means and methods by which society and the state are trying to handle these problems, as well as the effectiveness of their efforts.

Key words: individual; society; challenges; separatism; transnational migration

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Contents

<i>Arseny Avchinnikov</i> Self-Determination in the international law and its practical application.....	4
<i>Maria Fedotova</i> Regional separatism in Italy: causes and varieties.....	9
<i>Arina Goldina</i> The EU and the Catalan crisis in 2017–2018.....	14
<i>Zhanar Meiramgalikyzy Kadyrbek</i> Illegal immigration in Contemporary Spain: the case of North African migrants	20
<i>Dmitry Logvinenko</i> Contemporary Muslim immigration to Spain	24
<i>Xenia Lukerina</i> Relations between Muslim migrants and their host societies: the case of Germany	28
<i>Nadezhda Morozova</i> The impact of the migration crisis on the relationship between Arab Mashreq countries (2013–2016)	32
<i>Elizaveta Rusakova</i> Providing Access to Universal Primary Education in Guatemala	36
<i>Ivan Talmach</i> The impact of separatism on emergence of illiberal democracy in the post-Soviet space: the cases of Russia and Moldova.....	41
<i>Alena Zhogol</i> Germany’s Stance on the EU’s Migration Policy: Implications of the 2015 European Migrant Crisis.....	45
References.....	50

Self-Determination in the international law and its practical application

Both adherents of the liberal theory of international relations, realists and politicians with a poor understanding of the theoretical basis of international affairs rarely disagree that international law is a useful aspect of the international political structure, and the actions of its actors should not contradict and violate it. At the same time, many scholars studying international law say that unlike national legislation, where the rules are established by a single state legislator and with a developed system of responsibility and punishment (using legitimate coercion) for violating the law, international law, due to the large number of equal actors and features of the system that declares independence of sovereign states, many norms exist with a broad interpretation allowing individual situations to be considered and individual decisions to be made on them. In addition, there are disputable and contradictory provisions in international law, the various interpretations of which, like the hierarchies between them, become the basis for justifying the actions of states. This paper examines the principle of self-determination, a brief history of its emergence and evolution with respect to nationalism, decolonization and successful cases of secession.

The emergence of self-determination

The concept of self-determination and the associated with-it idea of 'people' as a community can determine its political state, has emerged due to two previously arisen concepts: sovereignty and nationalism.

The appearance of the Westphalian system of international affairs after the Thirty Years' War of 1618–1648 led to the establishment of sovereignty and balance of power as the new foundations of the international system. The emergence of such sovereignty in turn means the transition of the monopoly to legitimacy from individual rulers and dynasties to state entities that now possess all the full power in their territory. The development of bourgeois society, the philosophical concepts of state and social order, the ongoing process of nation-building in states with stable borders and integrated economic, cultural and political systems led to the emergence of the concept of nationalism and the nation-state at the end of the XVIII century.

The concept of nationalism is closely linked to self-determination, it is even permissible to call the latter the continuation of the first, since nationalism has two basic principles that are consistent with the spirit of self-determination: the world is divided into nations and the nation is the basis of the state. These two principles were also considered in Vladimir Lenin's article *On the Right of Nations to Self-Determination*, and in the program *14 points* of Woodrow Wilson (§ 5) – the first self-determination manifestations in which, in fact, this concept is formed. In addition, these two principles are essentially fixed in Article 1 of the UN Charter: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples <...> To be a center for harmonizing the actions of nations in the attainment of these common ends” [Charter, 1945], as in the name of the organization itself – it was the nation that was considered after the World War II as the main actor and the source of the legitimacy of international relations. Thus, nationalism and the concept of self-determination are the logical continuation of the most important concepts of Westphalian sovereignty and nationalism, and in turn have become a structure-forming factor of the modern international system.

The legitimacy of self-determination

The first cases of applying the principle of self-determination were the formation of national states on the fragments of empires that disintegrated after the World War I and the first such controversial moment in the practice of the international community was the question of the Åland Islands. As the resolution of this question showed (the Swedish population of the Finnish islands raised the issue of joining Sweden, the international community adopted Finland's side in a territorial dispute, subject to the establishment of a special regime on the islands and national autonomy), self-determination is a controversial principle, outside the relationship with other provisions of international law. For example, the realization of the right to self-determination of one part of the population of the territory (majority) undermines the rights to self-determination of another part (minority). Nevertheless, during the interwar period, widely known as the period of dominance of the liberal approach to understanding international relations, the principle of self-determination was used to justify the emergence of new states and the formation of a mandate system in which the great nations “helped” the nations, “not yet ready for independence,” to create their own state institutions and manage the

territory [Klabbers, 2006, p. 196]. Approximately the same situation could be observed after the World War II (mandated territories in the Middle East), redistribution of borders in Eastern Europe, etc.).

The reason for the discussion on the legitimacy of the principle of self-determination was largely given by the *Declaration on the Granting of Independence to Colonial Countries and Peoples* of 1960, which simultaneously uses the principle of self-determination for the good purpose of decolonization, but it contains the contradictory provision that “any attempt, to partially or completely destroy the national unity and territorial integrity of the country, is incompatible with the purposes and principles of the Charter of the United Nations” [United Nations, 1960]. Although the declaration itself was clearly anti-colonial, the same paragraph protected some possessions of the metropolitan states from decolonization.

Further discussion was conducted within the framework of the powers of the International Court of Justice: questions on Namibia, Western Sahara, East Timor, Kosovo. In the case of Namibia (1971), the Court *de jure* confirmed the existence of the principle of self-determination and its influence on the decision on the situation (albeit indirectly). In his decision on this issue, it was stated that “the ultimate objective... was the self-determination and independence of peoples” [International Court of Justice, 1971, p. 19]. In the case of Western Sahara, the Court chose to distance itself from the problem and not decide on its own, based on the principle of self-determination; the matter was referred to the General Assembly, which in turn asked the Court for clarification in a form where the Court did not have to determine the status of the disputed territory on basis of this principle. The further development of the issue of self-determination led to a significant change in the Court’s position on the concept of self-determination. Already in 1986, self-determination was undoubtedly an important right of peoples, but most often in Africa it would be wiser to give priority to territorial integrity in order to prevent conflicts, bloodshed and a new redistribution of territories. Thus, the international community has come to a significant change in the understanding of the concept of self-determination.

Self-determination at the present stage

After 1986, the emphasis in understanding self-determination shifts from “the right to self-determination” to “principle,” which does not involve secession as a logical continuation of the recognition of a nation. In the new

format, self-determination is seen as an opportunity for individuals and communities “to be heard and taken seriously” as a guarantee of respect for human rights [Klabbers, 2006, p. 205]. This view was supported by the UN Human Rights Committee, which stated that the principle of self-determination should serve the protection of the rights of an individual. Further development of this concept is expressed in the opinion of Jean Clabbers in the formation of the so-called “culture of formalism,” which presupposes responsibility, transparency and accountability of the authority of the strongest party (titular nation) towards the weakest party (national minority), which must be heard and protected [Klabbers, 2006, p. 201]. In other words, human rights, the guarantee of fulfillment of which is self-determination, are not a question of realization.

In other words, human rights, the guarantee of fulfillment of which is self-determination, are not becoming a matter of realizing the rights of individuals and peoples, but a strengthening factor of the international and national political process, in which, once again, everyone is given the right and the opportunity to “be heard.”

The crisis of consensus on self-determination

Even though the international community as a whole reached a consensus on this issue during the Cold War, after the collapse of the Soviet Union, the Western countries themselves contributed to the crisis of this consensus. Its prerequisites were laid by the civil war in Yugoslavia, NATO intervention and the transformation of Kosovo into a UN protectorate, and subsequently unilateral adoption of Kosovo’s declaration of independence. Serbia protested this move, referring to resolution 1224 (1999), in which the UN and NATO declared respect for the territorial integrity of Serbia. A request was made to the International Court of Justice to consider the legitimacy of such actions. The court considered this issue and concluded that since States declared the respect for the territorial integrity of Serbia, and the declaration was adopted inside the state by people who were not subjected to foreign pressure, and therefore outside the framework of international law, these actions were deemed lawful. Thus, the international community itself violated the established consensus on the understanding of self-determination and again led to its revision. It can be assumed that it was the destruction of this consensus and the emergence of a modern precedent that influenced the development of the

Ukrainian crisis and the accession of the Crimea to Russia, as the Russian leadership has repeatedly stated.

The natural development of the international system and the relations between its actors led to the emergence of an important but controversial fundamental element of it – the principle of self-determination. During almost a century of evolution of this principle and its understanding in international law, the international community has gradually changed its attitude towards self-determination and its practical application and has reached a consensus limiting its destructive influence on international stability. However, at the end of the XX and beginning of the XXI century, Western countries violated this consensus, thus contributing to the development of international conflicts and the crisis of international relations as such.

Regional separatism in Italy: causes and varieties

Nowadays the world is undergoing considerable permutations due to various social, economic, ethnic etc. factors. Thus, as a result of intensive migration inflows from Africa and Middle East and assimilation of the newcomers into local societies the national composition of European states is becoming more diverse. In the aftermath of increasing terrorist attacks the “war on terror” is receiving heightened attention which could be illustrated by appealing to the government security policies. Another significant factor contributing to the global changes is separatism. While the aforementioned factors produce only partial changes, separatism, especially in its radical form, leads to the modification of the international system as a whole since instead of long-established states new smaller ones and usually mono-ethnic political entities strive to appear on the political world map. Cases in point are the referenda taken place in Catalonia 2017 where the majority of citizens voted in favor of separation or the one in Scotland, although less successful, but still of a demonstrative and thought-provoking nature. Generally, numerous examples could be found in almost each European country (e.g. the *Vlaams Belang* in Belgium, Democratic Breton Union in France etc.). In this article the process of separatism will be considered with regard to Italy. In particular, the author will endeavor to outline its main peculiarities and describe the possible reasons for the phenomenon.

Despite the fact that Italy is often associated with a substantial extent of integrity due to its representation in the world as a country of unique cultural background, in reality the country turns out to be considerably diverse from many perspectives. To start with, the historical scope of this political disparity is worth being mentioned. It is common knowledge that for centuries the Northern part of Italian state consisted of cities-states or states-republics which were characterized by independent political and economic functioning. Thus, Genova, Venice, Florence, Milan and others used to implement self-reliant commercial politics and instead of integrating with each other in order to establish common policies in relation to other European states each of them was striving to become more powerful and obtain more dominance in the region which reinforced the differences between the cities-states. With time passed, particularly in XIV–XV centuries, Milan, Venice and Florence were trying to strengthen their political and economic positions by conquering other

states and setting up so-called regional states. Such separation from each other led to the multicultural picture of territories with different traditions, languages and economic basis despite close location. The tendency was reinforced when Italian states were subdued by other countries which led to the formation of 8 states within the territory of modern Italy. Thus, while Northern part was under supervision of the Savoy House, Southern regions (Kingdom of Naples and Kingdom of the two Sicilies) were ruled by Spanish Bourbons. Later, during the *Risorgimento* process Northern territories (first and foremost Piedmont) managed to establish their control over the whole country and since 1870 (when Rome was joined) the Italian state has existed in its contemporary form. The fact of such belated unification process is also considered by several scientists as a factor intensifying separation tendencies [Baranov et al., 2016].

After the brief overview of historical background of Italian state formation process, several peculiarities of Italian community are worth being outlined. To start with, Italians, although are expected to, still are not all able to speak 'Italian standard' which is established as the official language of the state. As a result of the long disunity of the state different regions obtained their distinct dialects. Not only do they differ from region to region. It is a quite common situation when cities of single region speak various dialects. Thus, the more fragmented the territory once used to be, the more language variation there may be found. To prove that assumption Sicilian dialect with three different language groups inside could be mentioned. Cultural specific features have led to a phenomenon of *campanilismo* peculiar to Italy which describes a high degree of people's attachment to their region rather than a country as a whole. A wide-spread joke about a citizen of Rome calling oneself 'Roman' instead of 'Italian' is a good example of Italian "identity."

Such reference to the historical roots of Italian formation is crucial in order to explain the reasons for the separatist moods of modern time. To illustrate that referendum in Veneto in 2014 could be taken in mind where 80% of electors voted in favor of its separation from Italy or at least its autonomic status. As was mentioned by the Venetian authorities, the Veneto joining Italian state in the aftermath of the 1866 plebiscite was an error and the results were counterfeited. To fortify the argument they referred to 1100-year-long history of Venetian republic [Baranov et al., 2016, pp. 4–5].

Another example of Italian separatism attributed to historical and cultural specificity is South Tirol. Having been separated from Austria and passed to Italy after the World War II the region suffered a long period of ethnic discrimination. Despite being the dominant ethnic group its rights used to be

underestimated until 1992 when Italian government provided the German minority with the possibility to obtain education in German and receive wider representation in municipal authorities.

In addition to the cases listed, Sardinian nationalism merits special consideration as the causes of the conflict are also deeply rooted in history. According to the survey taken place in Sardinia in 2012, approximately 41% would support the idea of independence and 46% – wider autonomy within Italian borders [Hepburn, 2015, p. 25]. Similar to Venetian ones, while pleading for more independence Sardinian nationalist parties appealed to its historical uniqueness and desire to preserve its indigenous cultural heritage. At the same time, it should be mentioned that Sardinian separatism is characterized by less dependence on historical past in comparison to Veneto. In contrast to Veneto or South Tirol, in Sardinia separatist moods are mostly conditioned by pragmatic considerations. Particularly, a *Maritime canton* group established in Facebook and representing the perspective of Action Party has come up with the idea of joining Sardinia to Switzerland as compensation of public debt. From the party's leaders' point of view, such transformation could contribute to the development of the region where the unemployment rate amounts to 18.1% [Baranov et al., 2016, p. 5].

Apart from discrepancies in terms of cultural and linguistic backgrounds as factors exacerbating separatist moods, another considerable reason for the aspiration to sequester certain regions should be ascribed to huge economic disparity within the borders of the country. To be more specific, Italian state is traditionally divided into developed North and lagging South (Central part is sometimes also outlined as a transitional territory). The economic disparities are in effect quite huge. While between 2007 and 2014 GDP in southern regions fell by 1.9% on average per year, the decrease in the Centre-North was 1.1% [European Commission, 2017, p. 6]. Regarding the levels of unemployment, in the South it stood at around 19% in Q3 2016 as against just above 7.5% and 10.5% in northern and central regions respectively [European Commission, 2017, p. 9]. Such dramatic inequality could also be imputed to history of the country. After the unification of Italy Northern authorities began to impose their political and economic system on Southern regions or *Mezzogiorno* with disregard to the local peculiarities different from the North which led to insurgencies resulting in aggravation of Southern economic crisis. Other features which a significantly detrimental effect on Southern territories consisted in the oppressive attitude of Piedmontese government towards South. Although considerable investments used to be directed from the North to the

South the former reaped almost all benefits leaving the latter in decadent state. Still the fact that South once served as a sort of feeder to the North is largely neglected nowadays since the Northern parties tend to accuse its bottom neighbors of producing the retarded effect on the overall economic development of the state. This exacerbates social disconnectedness since citizens of North perceive those down as *marroni*, or plebes. From the Northerners' point of view those from Southern regions are underdeveloped, uneducated, narrow-minded communities who are lazy and unwilling to study and work. While Northerners regard themselves as progressive both economically and intellectually, Southerners are contemptuously considered to be at a significantly lower stage of their development, idlers living on the dole at the expense of the subsidies and investments provided by the North. Such kinds of allegations consequently lead to the growing discontent towards South from the upper part of Italy causing the appearance of right-wing political parties which suggest radical ideas of complete separation. That could be illustrated by *Lega Nord* – a party established in Lombardy in 1991 by Umberto Bossi (now under direction of Matteo Salvini). Pointing at the advanced development of North which is characterized by significantly stronger proximity to EU-members in terms of economic development in contrast to the Middle and Southern parts of the country, the representatives of *Lega Nord* used to advocate for complete secession of the North under the name of *Padania* with capital in Milan as the regions expected to form the new state are situated within the Po valley. Although some experts tend to point out 3 subregions (North, Middle Italy and South), Northern inhabitants usually perceive everything lower than Emilia Romagna region as South. In effect, among the issues raised by *Lega Nord* is the injustice lying in the necessity of sponsoring Southerners by resources produced by hard-working residents of the North. According to Alberto Mingardi, “between 2005 and 2007 the central government yearly has taxed some €76 billion more than it spent in the North and spent some €37 billion more than it taxed in the South” [Mingardi, 2017]. Based on such assumption it is inferred that Northerners could gain much more in case of separation as so they would manage to preserve their financial resources within their borders. In addition to that, since many accusations pertain to the ineffective politics implemented by Roman government which is unable to found an efficient system of money redistribution the idea of separation potentially could allow to improve it. Still, nowadays *Lega Nord* (or simply *Lega*) has decreased the extent of its radicalism and just supports the idea of federalization providing Northern regions with wider autonomy.

Having mentioned the disdainful attitude of “diligent” North towards “idle” South it is worth outlining that the political philosophy of Southerners is reverse. Thus, a common view lies in the idea that South used to be oppressed historically by the Northern authorities which provoked its economic backwardness and ruined its cultural heritage. Another common argument circulating among political movements is the corrupted redistribution system of central government which prevents Southern regions from benefiting from financial allocation in their favor. In fact, referring to the past, we could remember that the regional politics conducted between 1950 and 1992 was characterized by significant corruption which hindered severely the development of the South. Money allocated through *Cassa per il Mezzogiorno* could not reach its destination due to corrupted governmental circles closely linked to mafia. The latter is another societal problem having played a huge negative role in the elimination of economic disparities in Italy for decades.

Taking everything mentioned into account, we could infer several conclusions regarding separatist movements in Italy. To start with, Italian separatism is largely concentrated in the framework of separate regions as a result of which its nature and significance differ considerably contingent on the region. Thus, while Venetian and South Tirol separatism is largely imputed to historical background, the one in Sardinia is mostly fused with practical intentions. Secondly, special significance should be given to the historical context of Northern regions’ development as they believe to have the inherent right to vote for independence which they used to enjoy for centuries. Finally, considering the economic inequality between Southern and Northern regions is also crucial due to the fact that the backwardness of the latter makes negative impact on successful development of the country as a whole which provokes ideas of new Italy within the borders of progressive North.

The EU and the Catalan crisis in 2017–2018

Catalan crisis

The Catalan crisis began with attempts of the Government of Catalonia to hold the Catalan independence referendum. The legal framework for this political action was formulated in the Law 19/2017 on the Referendum on Self-determination that was approved by the Catalan parliament on 6 September 2017 with 72 votes in favor (the pro-independence coalition *Junts pel Sí* and *Candidatura d'Unitat Popular*), 11 abstentions (the opposition party *Catalunya Sí que es Pot*) and 52 opposition parliamentarians (*Ciudadanos*, *Partido Socialista Obrero Español* and *Partido Popular*) having left the chamber before the voting process.

The Law 19/2017 was aimed at holding a referendum on 1 October, 2017, by appealing to the International Covenants on Human Rights approved by the General Assembly of the United Nations on 19 December 1966, Resolution 1999/57, on the Promotion of the right to democracy of the UN and various resolutions that expressed Catalonia's right to self-determination, adopted by the Catalan Parliament (Resolution 98/III, Resolution 631/VIII etc.). The Law stated that “the outcome of the Catalan self-determination referendum is binding” and “if the counting of votes validly made gives a result of more affirmative than negative votes, it shall mean the independence of Catalonia.” In other words, it applied the principle of relative majority.

However, the Law was suspended by the Constitutional Court of Spain the following day due to its illegal character. Firstly, it violated the Statute of Autonomy of Catalonia of 2006, which requires a two-thirds of the seats (90 of 135) in the Catalan Parliament for any change of the region's status (Article 56). In addition, this Law was considered as a breach of the Spanish Constitution of 1978. The Constitutional Court warned about the obligation to “prevent any initiative that ignores the agreed suspension” and called for refraining from “initiating any agreement in order to implement the conditions contained in the referendum act.”

Nevertheless, the Catalan authorities ignored the suspension and finally held a referendum on 1 October, 2017. The referendum question, supposed to be answered with “Yes” or “No” was the following: “Do you want Catalonia to become an independent state in the form of a republic”? The results were

announced on 6 October, 2017 by the Government of Catalonia. With a turnout of 43.03%, the majority of the votes was in favor of the region's independence (90.18%, 2 020 144 votes); 176,565 people (7.83%) did not support the secession of Catalonia. Still, there are various doubts considering the results of the referendum.

Firstly, the Catalan Government did not follow the requirements of the Law 19/2017. Thus, in its Article 4, the Law implies that the proclamation of the results corresponds to the Electoral Commission, not to the Government of Catalonia. The key reason for establishing of such a mechanism was to guarantee the transparency of the electoral process. In order to avoid the fines assigned by the Constitutional Court of Spain, the Commission dissolved itself on 22 September, 2017. Besides, according to the Article 8 of the Law, the ballots could be provided only in official format and in the envelope. However, the Government allowed the voters to bring the ballots printed at home and hand them over without an envelope that would otherwise serve a guarantee of the confidentiality. In other words, the results of the referendum are questionable and did not provide a substantial groundwork for any claims of independence.

The reaction of the Spanish government should also be considered. Under the original plan, Spanish National Police and Civil Guard riot officers were supposed to enter the polling stations when voting closed in order to confiscate illegal voting ballots. However, the plan was modified and the Interior Ministry ordered to deploy the police in order to prevent people from voting. Subsequently, such measures caused massive clashes and resulted in police using fired rubber bullets. According to the regional health authorities report, there were 893 injured people. Such actions had an extremely negative effect on the reputation of the Spanish authorities, by provoking a vigorous debate and negative reaction of the international community. Moreover, the measures are believed to even contribute to the strengthening of the secessionist movement due to undermining the main principles of democracy.

Following the referendum, the former President of Catalan government, Carles Puigdemont declared and then suspended the independence of the region on 10 October, justifying this situation by the desire to enter talks with Madrid. On 21 October, the Prime Minister of Spain Mariano Rajoy announced the possibility of applying the Article 155 of the Spanish Constitution that implies the dissolution of the Catalan Government and direct rule over the region. Nevertheless, on 27 October the Catalan authorities declared the independence of the region, hinting at the subsequent secession. Madrid reacted with

implementing the takeover of the Catalan government and appointing new parliamentary elections in this region. All in all, these events demonstrated the inability of the central government to offer an optimal solution to Catalan demands for independence or wider autonomous rights.

Legal basis for self-determination in the EU

The European Union was put into controversial situation. On one hand, it can not support the use of force by the Spanish police aimed at preventing people from voting at referendum. From another perspective, the EU representatives have various European secessionist movements and possible “domino effect” as the hidden agenda. According to separatists, the opportunity of the newly formed state to retain EU membership is implied in the Article 2 of the Treaty on the European Union, which emphasizes the European Union’s key values of democracy, rule of law and respect for human rights, including the rights of minorities. Nevertheless, the EU treaties do not specify the joining procedure for the member’s independent regions. Firstly, Article 4.2 of the above mentioned Treaty contains the information about the need to ensure the territorial integrity of states, maintain law, order and national security. In this context, the proclamation of region’s independence is regarded as the violation of the Article, and may finally lead to the introduction of sanctions.

Moreover, the Treaty on the European Union supposes that new states may join the EU only under the consent of all of its member states. However, most countries are not interested in approving the EU membership of seceded regions due to the possibility of setting a precedent for their own separatist groups. For example, Spain refused to recognize Kosovo as a state in 2008. That is why, the potential independence of the region not only poses a threat to the political stability of the European Union, but also may have a negative influence on its economic prosperity. Thus, considering the Catalonia case, such collaboration as “Four Motors” that consists of Catalonia, Baden-Württemberg (Germany), Rhône-Alpes (France) and Lombardy (Italy), intended on promoting the regions’ development will be impossible due to the possible restrictions. The regions already represent a subject to EU laws and make part of the Eurozone economy, so newly created states are likely to be cut from the existing system.

Furthermore, throughout the history the idea of member’s region independence did not meet the support among the EU representatives. Thus, in September 2012, during his interview, the former European Commission

President José Manuel Barroso said that the new state, which stems from the EU member's secession, would be forced to apply for a membership under the standard procedure and would not have any privileges. In addition, Barroso and his colleagues denied to provide Catalonia with a financial assistance, indicating that cooperation with the regions in this area is impossible. Angela Merkel, during the press conference in Berlin in 2014 said that she does not accept the violation of the EU member states territorial integrity.

Besides, the situation is complicated by the fact that there are some contradictions with regards to the international law. In particular, the co-existence of such concepts as the right of a nation to self-determination and the principle of the state's territorial integrity. The reason is that none of this principle may be prioritized in the process of decision-making. Nowadays it is quite difficult to define the characteristics that distinguish the national liberation movement from secessionism. Under the UN Charter, this concept implies the right of every nation to define its own form of the state, determine its political status and implement its economic and cultural development. This principle seeks to develop relations among nations based on equal rights and the right to self-determination. The concept of territorial integrity states that the territory of a state cannot be changed without its approval. It is also thought that this principle is aimed at strictly protecting the state from external aggression. Thus, Article 2.4 proclaims that all UN members shall refrain in their international actions from the threat or use of force against the territorial integrity or political independence of any state or in any other measure that is contradictory with the purposes of the United Nations.

The contradiction of such concepts also made the Council of Europe in 2011 approve the resolution No. 1832, by stating that the right of ethnic minorities to self-determination does not provide them with an automatic right to secession and must be mainly exercised by the method of protecting the rights of minorities.

Reaction of European Union

In order to analyze the EU reaction on the Catalan crisis in 2017–2018, it is necessary to take into consideration the peculiarities of European or international legal basis for the secession and the importance of Catalonia as a region for Europe. The European Commission did not instantly formulate its position towards the Catalan independence referendum. It came with a statement that was non-committal and caused disappointment among Catalans.

Only two leading European politicians supported the referendum: Belgian Prime Minister Charles Michel who strongly criticized the police violence and the Slovenian Speaker of Parliament Milan Brglez who claimed that Catalonia has the right to self-determination.

However, the EU Commission's spokesperson Margaritis Schinas said that "Under the Spanish constitution, [the] vote in Catalonia was not legal." Moreover, he underlined that this vote could not be the reason for international intervention and should be regulated according to the constitutional order of Spain. In addition, there was a message with regards to the impossible EU membership of Catalonia in case of independence. Referring to Guardia Civil's violent actions, the European Union insisted on developing the dialogue and claiming that such measures should not be the instruments in politics.

Besides, Philippe Lamberts, the co-head of the influential European Greens in parliament, pointed out that the Catalonia crisis "threatened the spirit of European integration, even more than Brexit." Catalan separatists did not expect such a reaction and began to accuse the EU of not implementing its core functions and not protecting the respect for human rights, above all the rights of minorities. Furthermore, the Catalans try to underline the importance of the region for the European Union by appealing to its established economic base. Thus, they noted that the population of Catalonia that compounds only 18 percent of the Spain ones generates more than 20 percent of Spanish GDP. Catalonia's leaders attempted to implement the international mediation, but finally did not get the support.

Scenarios

One of the scenarios of the further development of Catalan crisis is the option in which the idea of a single Spanish nation and the principle of territorial integrity will prevail. In this case, the relationship between central and regional authorities will be formed depending on the parliament elections and the appointment of representatives by the Constitutional Court. However, this scenario does not meet the interests of separatist groups and therefore, does not guarantee the political stability.

In addition, we may consider a model that implies the preservation of the principle of a single Spanish nation, but enables the development of the federal component: implementation of necessary reforms of the Senate, increase of the representation of autonomous communities in the European Union, modification of the judicial and financial systems. Such measures may create

a considerable background for the regional conflicts prevention, but do not solve the dispute over the nationalities' recognition.

Moreover, there is an alternative that includes the recognition of the nations' pluralism by the central authorities, which implies the confederative agreements that take into account the separatists' interests. The attempt towards such a scenario was made by Catalonia in 2006, but did not eventually receive a support.

In addition, possible creation of associations or partnership involving the change of the Spanish Constitution may be considered that involves the self-government of regions with retaining defense and foreign representation by the Spanish government. In case of the region's secession, the question of the future EU membership arises as the prospect to be part of this organization as a newly independent state is unlikely.

In order to prevent the EU fragmentation, the organization can modify the procedure of new members joining the Union. One possible measure might include the partial membership of the secessionist states, by implying the implementing of their activities within the Eurozone and obedience of their population to the EU laws, but at the same time limiting certain advantages and their representation. Moreover, the main condition for the realization of such a mechanism should be the consent of the parent state.

Thus, after analyzing various scenarios of the Catalan crisis, it is believed that the further increase of tension between the separatist groups and the central government is most probable, which is caused by unwillingness of the ruling party to come to a compromise solution and the lack of special mechanisms for the regulation of such disputes in the EU.

Illegal immigration in Contemporary Spain: the case of North African migrants

Illegal immigration in the context of globalization of the whole world becomes one of the large-scale phenomena, exerting a significant impact primarily on the socio-economic and political processes of the recipient countries. The constant increase in the number of illegal immigrants often leads to impossibility in ensuring the national security of the country, which leads to the strengthening of measures aimed at combating and preventing illegal immigration not only at the national and regional levels, but also at the international levels [United Nations, 2005].

It should be emphasized that the resolution of the XXI session of the International Labour Organization noted that the number of those who do not have the legal status of the migrant is constantly growing, aided by the rise in informal forms of employment; the shortage of workers for menial, demeaning and dangerous jobs; lack of opportunities for legal labor migration. Moreover, the absence of an effective and deliberate national policy on the legislative regulation of migration processes has contributed to the steady growth of the illegal component of migration processes [International Labour Organization, 2004].

The problem of illegal immigration is clearly evident in Western European countries, where the living conditions and social security of people are much higher than in many countries of the third world. Spain is a striking example in the Western European region, where a large number of immigrants come from North Africa, moreover, Spain is the only European country, part of which territory is located on the African continent, which is one of the main reasons for the presence of illegal African immigrants in Spain.

It should be noted that the sharp increase in illegal immigration in Spain is also taking place against the backdrop of the fight against the penetration of migrants on the way Libya – Italy, which is the main route for those who want to get to the territory of European countries. As the routes of illegal immigrants are now changing, Spain may soon find itself at the center of the migration crisis, as it becomes the most convenient way for those who want to get to Europe [Ispanija, 2017].

Illegal immigration, which is closely linked to organized crime and illegal business, is one of Spain's pressing problems. Moreover, Spanish-Moroccan

criminal groups not only carried out the illegal movement of migrants, but also the illegal employment.

Most of the political parties of the Kingdom of Spain are seriously concerned that illegal migrants, especially those who are unemployed, are mostly from Africa and they are engaged in drug trafficking and cigarette smuggling, which greatly undermines the well-being of Europe.

In fact, illegal immigration to Spain in recent years has taken a truly menacing character. It should also be noted that with the growth of illegal immigration the number of deaths on the southern borders of Spain and the Canary Islands increases also: Spain holds first place among European countries in the number of deaths that occurred during the crossing of the southern border. It is also worth noting that Canary Islands in recent decades has become a transit point for many immigrants from North African countries such as Morocco, Algeria, Libya, etc. Many immigrants trying to move to Spain or to other countries of the European Union, perish at sea on their self-made rafts and boats before they reached land. Vice-Chairman for migration of the government of the Canary Islands, Froilán Rodríguez, noted that 6,000 African migrants from Morocco, Algeria and Senegal had been found dead in attempts to reach the Canary Islands in 2006, and he added that at the same year, the number of illegal immigrants who had reached the shores of the archipelago had increased by 6 times [Martín Martín, 2011, p. 33]. In general, from 2004 to 2006 on the southern borders of Spain and the Canary Islands were detained 74,558 thousand illegal immigrants, of which 7 thousand died [Rodríguez, 2007].

It is relevant to say here that the activities of FRONTEX, the Agency for the Security of External Borders, established at the beginning of the XXI century, in dealing with illegal immigration across the southern borders of Africa and the Canary Islands are becoming less effective. The number of boats with Moroccan, Senegalese and other African immigrants whose bodies are found by the Spanish border police on the shore increases every year. So, in 2006 on the shores of the Canary Islands and Africa were recovered about 600 bodies that became the main theme of the television media, which were full of headlines about the fact that African immigrants tried to cross the border of Spain at the expense of their lives [Martín Martín, 2011, p. 33].

It should be noted that since 2002, Spain has become a full member of the EU in the fight against illegal immigration, and since this year on the borders of Spain the system of SIVE (Sistema Integrado de Vigilancia Exterior), a device for monitoring the borders in order to arrest suspected criminals and

illegal immigrants, has established. With the installation of SIVE in Algeciras, the number of African immigrants crossing the border illegally through the Strait of Gibraltar had been reduced. Thus, in 2005, only 348 illegal immigrants were identified in the zone, which is 50% less than in 2000. However, the effectiveness of SIVE as a tool in the fight against illegal immigration remains in doubt, due to changes in the routes of illegal immigrants [Rodríguez Mesa, 2007, pp. 49–50]. While there has been a significant decline in the number of illegal immigrants in Algeciras, there is a deplorable situation in Almeria, with a sharp increase of 71.7% in the number of illegal immigrants. Such a resonance can be observed on the Canary Islands, where a decline of 71% in the number of illegal immigrants on the island of Fuerteventura, with functioning of SIVE since December 2003, led to an increase in the proportion of illegal immigrants by 37% in Gran Canaria and 11.7% in Tenerife [Rodríguez Mesa, 2007, p. 50]. Thus, establishment of fences, or computer programs such as SIVE does not solve the problem of illegal immigration from Africa, but rather aggravate it, as the immigrants find alternative ways of crossing the border, which often endanger their lives.

José Luis Rodríguez Zapatero, the former head of government of the Spanish Socialist Workers' Party, acknowledging the dramatic nature of what was happening and the inability of the Spanish government to cope with the increasing illegal flow of immigrants in its own efforts, repeatedly appealed for financial and technical assistance to its European colleagues. He also, stressing that this problem is not exclusively Spanish, but European in general, called for joint efforts in the field of migration regulation, as well as for an open dialogue between all European and African countries.

We can say that the demands of Rodríguez Zapatero have been met, and the efforts of the Spanish government began to reap the benefits. Euro-African conference of Ministers of foreign Affairs in Rabat and meetings of heads of government of member countries of the EU in Lahti and Madrid are important in the regulation of migration: Spain and several other European Union countries were provided with financial assistance in the amount of €2.3 billion for 2007–2013 on strengthening the border services. The European Union also provides the necessary financial support to those States that constitute a 'starting point' for the entry of illegal immigrants into Europe. For example, the European Union has allocated Morocco around €40 million to strengthen its borders [Slizheva, 2004, p. 46].

It is worth noting that Morocco cooperates closely with Spain on the control of illegal immigration, more precisely, bilateral cooperation is aimed at avoiding

the crossing of the border by Moroccan immigrants to the South coast towards Spain. The intensive cooperation began in 2004, when it created the joint patrols of the Civil guard and the Royal Gendarmerie of Morocco, and joint police districts in Algeciras and Tangier [Fernández, 2015, p. 64].

Morocco had made considerable efforts to reduce the number of immigrants from other African countries who were forced to remain in Morocco because of their inability to cross the Spanish-Moroccan border. According to Moroccan sources, in Morocco, there are about 40,000 illegal immigrants from African countries. In response to this problem, the Moroccan government was asked to strengthen the borders with Algeria by building a fence on the Northern part of the border, as Algeria is the “front door” for Africans trying to reach Spain through Morocco. The government of Spain has also proposed cooperation on this issue, namely, to develop an immigration reform, which led the Moroccan government to carry out the procedure of legalization of immigrants during 2014, issuing about 18,000 residence permits for illegal immigrants [Fernández, 2015, p. 65].

To summarize, we can say that the bilateral cooperation of the Kingdom of Spain and the Kingdom of Morocco is of paramount importance in the first place for Spain, since, otherwise, the situation of illegal immigration would become uncontrollable and it would have been impossible to stop the flow of illegal immigrants from Africa.

Contemporary Muslim immigration to Spain

In the modern world international migration and the problem of adaptation of migrants are becoming a major points of concern of world community, as ignorance of this problem can have quite serious socio-economic and political consequences for host societies. Considering recent events in Europe, integration of Muslim immigrants and the fight against illegal border crossings are one of the crucial points of modern-day agenda of leading European countries. According to statistics, the total number of Muslim immigrants in the EU already exceeds 25 million people or 5% of the total population and despite several attempts to strengthen border control and implement new migration policy this figure continues to grow year by year. Moreover, an increase in the influx of Muslims, mainly from the countries of Africa and the Middle East, together with the increase in the number of terrorist attacks raise concerns of the entire world community and Spain is not an exception, although, it is worth noting that this problem in Spain has not such a long history as migration issues of other European states. One of the distinguishing features of Islam in Spain is that it is the “Islam of immigrants.” It means that Spain for a long time has been a purely Catholic state with few religious minorities, but since the number of Moroccans in Spain had increased dramatically over the years the number of Islam adherents had also grown. Today there are more than 2 million Muslims living in the country and 60% of them are migrants mainly from African states.

However, in order to better understand the overall situation, it is necessary to analyze the general trends of migration processes in Spain. To begin with, it is important to mention that Spain has not always been one of the most attractive countries of the European Union for immigrants. By the early 1990s, Spain was considered to be the country of emigration and the migration balance for the first time became positive only in 1993. Then just in a few years the number of migrants in Spain increased dramatically and totaled to more than 1 million people by the year 2000. For comparison, back in 1993, there were only 187,000 foreign citizens living in the country and almost a third of them were from Africa. In 2000 the structure of migration flows began to change. The beginning of the new century was marked by a major change in the religious as well as nationality of foreign citizens who cross the border of Spain. Migration to Spain from African countries and from Morocco in

particular has significantly increased over a short period of time. It is important to notice that most Moroccans (almost 99% of the population) are Sunni Muslims, and Islam is the predominant religion in the country. During the period between 1998 and 2003, the number of Moroccans in Spain increased from 111,000 to 378,000, which can be considered a record growth rates for a country that has not experienced such problems never before. Moreover, during the same short period of time, the influx of migrants not only from Morocco, but also from other countries of northern Africa, in which Islam is the predominant religion has increased substantially. For example, the number of migrants from Senegal and Algeria over the period between 1998 and 2007 increased by 32,000 and 40,000 respectively. For sure these figures are incomparable with a total volume of migration but still they show that the number of Muslims in Spain is growing over the years. In general, in just seven years, the total number of migrants in the country reached 5 million and Spain has become the leading country of EU in terms of the annual increase in the number of migrants. The migration boom was the result of economic growth that coincided with changes in migration legislation, which greatly simplified the process of obtaining work permits and employment. Even despite the growth of the terrorist threat over the world, the Spanish population is still one of the most tolerant to all foreign immigrants especially to Muslims. However, as in any other country a great deal of uncertainty and public concern about a growing number of Muslims leads to an emergence of conflicts between locals and migrants. The principal causes of such conflicts in general are religious or cultural differences. For example, many local citizens are dissatisfied with the government decision to build mosques and new places of worship for religious minorities in all the autonomous regions of Spain. This was especially noticeable during the economic crisis, when many Spaniards were arguing that budgetary money spent on building mosques could be used in other spheres to stabilize the economic situation. At the same time, recent surveys on migration issue show that despite the economic crisis, growth of unemployment among both the indigenous population and migrants (Moroccan unemployment rate in 2007 was 42%), as well as increased concern about the possible threat of terrorist attacks, the level of tolerance of the population to Muslims in Spain remains relatively unchanged, although the overall indicators are quite high. For example, in 2010 surveys conducted among general population showed that more than half of the respondents consider the wearing of a veil or participation in rallies in support of the construction of mosques as a weighty reason for expulsion from university or other educational

institution. Between 2010 and 2014, the percentage of intolerance noticeably declined, but 2015 was again marked by a slight increase, which could be justified by global trends of increasing mistrust towards Muslims. At the same time, there is a tendency for increase in a number of those who do not consider migrants as a threat for society. As for the construction of mosques, this issue is continuing to be one of the major stumbling stones at the present time. On the other hand, sociological surveys conducted among Muslims show significant successes of government policy on the integration of migrants into society. In recent years, the number of Muslims who are satisfied with general situation and “feel at home” in Spain is almost 80%.

At the same time, as Islam has become one of the main religions of Spain the need for the creation of institutions that would be dealing with the monitoring and protection of the rights of Muslims emerged. Currently, the leading organization that actively promotes Islam in Spain is the Islamic Commission, established in the early 1990s. In 1992 this organization signed a cooperation agreement with the government of Spain. In accordance with this agreement rights of Muslims are becoming equal to those that Catholics have, however most of the points of given agreement were not implemented. Today Muslim organizations exist in all autonomous regions of Spain and its number continues to grow. Moreover, one of the points of the agreement of 1992 was that mosques should become untouchable and acquire a special tax regime. This point makes possible the creation of radical Muslim organizations on the basis of separate mosques. Despite the fact that the level of radicalization of Muslims in Spain is quite low today, the number of immigrants who are involved in radical terrorist organizations is increasing year by year. Between 2013 and 2016, 178 people were detained in Spain for their involvement in jihadist radical organizations, furthermore, since the terrorist attack in Madrid 617 Muslims have been detained on suspicion of involvement in terrorist organizations. The main centers of Muslim radicalization in Spain are Barcelona, Madrid, Ceuta and Melilla, which is not surprising, taking into account the fact that in recent years these cities have been the main targets of terrorist attacks. Moreover, the latest terrorist acts in Barcelona, was the primary cause of rallies and demonstrations of right-wing radicals of Spain that was accompanied by attacks on mosques and demands for restrictions on the rights of Muslims in the territory of the state. Among the general reasons for the radicalization of Muslims we can distinguish dissatisfaction with the current state policy towards Muslims, a low standard of living and a lack of real opportunities in the labor market. But there are also specific reasons, such as the desire for historical

justice. Some radical Muslims consider the territory of Spain as their native land, and consider themselves as indigenous population. Several studies to date proved that more susceptible to radicalization are Muslim migrants in the 2nd and 3rd generations, which is typical for the countries of Europe, while Spain has become one of the leaders of Europe in terms of the number of citizens and immigrants professing Islam only in last 20 years. Only Ceuta and Melilla has large Muslim communities that were establishing over a long period of time. Thus, Muslims in these cities are more likely to radicalize.

All in all, despite the significant increase in the number of Muslims in Spain in line with some economic problems and social contradictions, the level of radicalization of Muslim migrants in Spain is much lower than in other European countries and it is the result of a fairly successful migration policy of the state.

Relations between Muslim migrants and their host societies: the case of Germany

Germany has for already a long time been an attractive target for migrants from anywhere in the world. Solid financial support for the people who are yet adapting to the new country, social security and a well-developed health care system are just one of a number of factors contributing to the impressive flow of immigrants to the FRG.

The results of the 2016 micro-census conducted by the Federal Statistical Office showed that about 17,118,000 German citizens have a so-called migration origin, that is, they are not ethnic Germans. As a percentage of the total population of Germany, which is estimated to 81,404,000 citizens, individuals with a migration background make up to 21%. In addition, the majority of migrants, roughly 2,850,000, come from Turkey, and only slightly more than 1,500,000 of them were born in Germany.

According to the latest data from the Federal Office for Migration and Refugees, in 2016 alone the number of people who migrated to Germany from the territory of other European Union countries was 685,485, which is 8.8% more than in the previous 12 months. As for the percentage of arrivals from non-European countries, it is 62.1% of the total number of migrants who entered Germany in 2016, and that makes a number of 1,125,419 people. At the same time, Turkey remains the leader in terms of migration flow to Germany, the share of those who arrived from this country is 15.6%. Turkey is followed by Syria, the country of origin of 112,872 people who arrived in Germany in the same year, that is actually 13.2% of the total number of the newcomers.

At the same time, 23.8% of citizens from non-European countries came to Germany for receiving asylum, 8.2% were there due to humanitarian reasons, 5.5% arrived in the country seeking for qualitative education (including both school and university education, and short-term training courses), and only 3.4% indicated finding a job as a reason for moving to Germany.

The impact of the crisis in the Middle Eastern countries on the composition of the migration flow to Germany should also be taken into account. Since 2010–2011, that is since the aggravation of the political situation in the region, the number of arrivals from a number of affected states has sharply increased. The most important country of origin for migrants in this context is Syria, since 30% of the more than 230,000 asylum applications from all refugees

arrived in 2015 alone were submitted by the citizens of this country, and about 6.7% of applications for asylum in Germany belonged to the descendants of Iraq.

By the year 2017, there are about 4,531,900 Muslims living in Germany, more than 2 million of which are of Turkish origin, 774,975 are from Middle Eastern countries (the most numerous here are citizens of Syria, Iraq and Libya), and the number of Muslims from South and Southeast Asia is about 372 thousand people.

Based on the statistics provided, it can be noted that the ethnic and religious composition of the population located on the territory of Germany is extremely heterogeneous. A significant proportion of citizens who are not ethnic Germans consists of immigrants from Muslim countries.

Thus, one of the key problems that are a cause for concern for the population, as well as for the German government, is the difficult integration of Muslim migrants into the German society. While the majority of migrants from the European part of the world, particularly from Poland, socialize with a high degree of efficiency in a new German cultural environment and declare that «ethnicity is not the factor by which they would like to characterize themselves and be characterized by others», people from the Middle East prefer an isolated way of life.

Only a small percentage of migrants are fluent in the German language, which impedes integration both in the social and economic environment. At the same time, it should be noted that the number of refugees who declare their desire to learn the German language and other cultural features of Germany remains insignificant. According to surveys, only 12% of Muslim migrants speak German freely, and 63% rate their knowledge as satisfactory. The situation is also aggravated by the fact that about 61% of migrant parents talk with their children of preschool age not in German, which then therefore negatively affects the process of integration of schoolchildren of migrant origin in the educational institutions, as well as the level of education received, since for those children who are not proficient in the German language it is difficult to adequately perceive the material taught to them.

Ignorance of the language, as well as a generally low level of professional skills, are also the root cause of one another important problem – the costs of both training and unemployment benefits fall on the shoulders of German taxpayers. In the environment of the indigenous population of Germany, in connection with the current situation, there is an opinion that refugees are the dependents of the German economy. About 84% and 78% of the population

of the Western and Eastern lands respectively believe that migrants exploit the social system of Germany.

Returning back to the issue of the isolation of the Muslim community of migrants, it is worth noting that the adherence to specific cultural traditions is also expressed in the appearance of immigrants. The wearing of specific headgears by the female part of representatives of the Muslim diaspora emphasizes their religious affiliation and also becomes a serious obstacle to entering the German society. According to the German Chancellor Angela Merkel, “a woman whose face is completely covered, hardly has a chance to integrate into Germany.” A survey conducted among Germans showed that 51% of respondents believe that such clothes should be banned on the territory of the country, while 30% are convinced of the need to limit wearing of the burqa at least in state and educational institutions.

Cultural isolation of the Muslim community is also facilitated by an unspoken ban on marriage with the representatives of other faiths. So, for example, in 1996 about 61% of registered marriages in Germany, one of the spouses in which was a representative of the Turkish community, were also contracted with persons professing Islam.

The underlined distance of the Muslims from the German society and the fact that they tend to position themselves separately and oppositely to the rest of the cultures, as well as the massive receipt of unemployment benefits, inevitably cause a negative reaction among the rest of the population. So, the current problem, aggravated in Germany in connection with the influx of migrants from Muslim countries today is the strengthening of nationalistic sentiments. In 2016, about 918 crimes in Germany were committed due to this reason, most of them related to bodily injury (756 offenses) and arsons (83 cases). There were also about 12,154 cases of political propaganda in the country, most of which were related to the nationalist rhetoric.

The far-right moods are especially strong in the East of the country, where the prejudice against the different cultures, inherited from the GDR, has not yet completely disappeared. This territory is the leader in terms of the number of perpetrators of such violations per head of populations. For example, in Brandenburg this indicator reaches 2.6 crimes per 100,000 inhabitants, in Saxony 2.3, Thuringia 1.9, in the federal state Mecklenburg-Vorpommern 1.7; in Saxony-Anhalt, which is the leader in terms of right-wing extremist activities, about 67 crimes are committed here annually, that is 2.8 for 100,000 people.

However, the level of crime among the Muslim migrants themselves also remains high. The number of suspected of committing crimes among migrants,

refugees and people applying for refugee status reached 17,438 in 2016, which is almost 53% more than a year earlier.

Considerable fears are also caused by the increased frequency of terrorist attacks taking place both in Germany and in Europe. Since 2015, Germany has become the target of terrorists 7 times, with the vast majority of terrorist acts committed by refugees or persons waiting for refugee status in Germany.

Thus, to date, Germany faces the problem of the existence of the so-called “parallel” and disproportionately developing societies that interact poorly with each other. This situation has a negative impact on the level of social tension – ignorance of the cultural norms of Germans by the groups of migrants and increased interest in social benefits generate nationalistic sentiments among the native citizens of Germany. In such circumstances, the process of establishing relations between these two groups of the country’s population is considerably hampered.

The impact of the migration crisis on the relationship between Arab Mashreq countries (2013–2016)

Since 2011 Syria is in a state of civil war. For this reason, about 7.6 million people have left the country. Such a significant outcome has many implications for countries around the world, and the term 'migration crisis' has emerged.

Firstly, it describes the situation in Western Europe, which was not ready for large-scale migration of people who alien to Europeans ethnicity. The crisis manifests itself in all spheres: economic, political, social, cultural. This is a serious challenge for the modern West. But this is one side of the issue that is receiving considerable attention, forgetting the more serious manifestation of the crisis. Although according to figures, migrants in the EU make up 0.2% of the population, when in Lebanon it is 25%, in Jordan about 15%. This creates serious pressure on the Mashreq States. There, the consequences of the crisis are much more serious because of the total shortage of resources in the Middle East states.

According to the data collected by the interim government of Syria, Lebanon housed 1,070,000 refugees,¹ in Jordan 466,120,² in Iraq 244,527.³ These indicators are subjective, each international Agency and representatives of Mashreq States publish different data.

This happens for several reasons. Firstly, the registration of refugees is complicated by the fact that many people do not receive official status, which means that they are registered as foreign migrants. Secondly, Arab governments often inflate figures to obtain financial assistance. Thirdly, migrants are highly mobile until they reach their final destination (for many this is Europe). In connection with the third reason, it is common to single out three streams of migration: the primary stream includes migrants who went directly to Europe and received the relevant documents, the secondary migrants who left one country due to difficult conditions, the tertiary migrants who registered in more than two countries. It is obvious that it is easier to keep records of migrants of the first category, and the data of the third category are most blurred. But this classification applies only to EU countries, migrants living,

¹ 100,000 in refugee camps, 970,000 outside.

² 120,000 in refugee camps, 509,000 outside.

³ 94,000 in refugee camps, 150,000 outside.

for example, initially in Jordan do not belong to the migrants of the primary flow. Moreover, in Europe, the life of an unregistered migrant is impossible, and in Mashreq countries it helps to survive. This situation is due to the radical differences between the migration policies of the West and the Arab Mashreq. There are four major differences.

The first is the level of security. European States ensure the security of migrants, Arab countries do not. In Mashreq there is no concept of “social state,” structures do not always provide decent conditions for their citizens, refugees are outside society. Moreover, the security situation is extremely unstable: Iraq is going through a bloody war against ISIS (an organization banned in Russia), in Lebanon there is a confrontation between the March 8 Alliance and the March 8 Alliance.⁴ Jordan has a stable political system, but the population is strongly opposed to refugees.⁵

The second is the material factor. In Europe, a refugee receives €300 when applying for registration, €600 after the approval of his candidacy. In Mashreq countries, the allowance is \$40–50 per month, which is not enough for a month because of the high level of prices.

The third is the social factor. In Europe, refugees have the right to free education, health care, assistance in employment and provide a number of benefits to pay for housing and so on. In the Mashreq countries they do not have such opportunities. Refugees do not have any access to education (not in all countries), public health care (refugees are provided by the Red Cross and the Red Crescent Agency). With regard to access to the labor market, in some countries refugees were not allowed to enter the labor market, while the rest were highly competitive, so low-skilled refugees did not find formal employment. Housing assistance is also not provided by the state.

The fourth factor concerns the return to the Homeland. With EU countries if the refugee receives a special document, he may move to other European countries, which extends its stay. In Mashreq countries, permits are issued for a certain period (1–3 years), after the end of this period, the refugee must leave the host country to reissue the documents.

The fifth factor highlights the issue of family reunification. In Europe, this is a matter of principle, if one of the members of the nuclear (mother, father,

⁴ Now many refugees are afraid to come to Lebanon because of the precedents of Hezbollah’s aggressive behavior at Rafik Hariri airport.

⁵ For a group of Palestinian refugees living in the territory of the state for approximately 60 years, there is a definition of “Others” indicating a low level of integration into Jordanian society.

children) family received refugee status, within six months he has the right to bring his wife/husband and children. In the Mashreq countries, there are not only these benefits, but there are some limitations in such matters.

These factors make Europe attractive for Arab refugees, but nevertheless there are about 1 million refugees in Europe, and about 4.5 million in Mashreq. There are several explanations for this. Firstly, a large portion of internally displaced persons is planning a homecoming, it is possible to do only from neighboring states. Secondly, highly qualified people migrate to Europe, while farmers and workers stay closer. Thirdly, in neighboring countries, Syrians often have relatives who provide assistance, while the EU is an alien state. Fourthly, different culture and ethnicity, which determines the life of Arabs.

The 'migration crisis' undoubtedly poses a serious threat to both the stability of the world community and the national stability of individual host countries. This is a challenge of our time, which points to the imperfections of modern migration policies. The set of measures is primarily aimed at migrants crossing the border, having taken a decision on the basis of a number of factors. Refugees, on the other hand, decide on displacement indirectly, that is, the only primary reason why they leave their country is a military conflict. Refugees sometimes decide which country to go to, but often they do not reach the end because of migration policy barriers. The legal status of refugees provides them with a range of rights and obligations that are not always enforceable.

First of all, this is relevant for the countries of the Arab Mashreq, as they are in a state of political and economic instability. This instability was a consequence of the "migration crisis," although the countries had experienced some problems before, but the "crisis" creates the new problems.

The shortage of economic resources makes the policy ineffective. In Lebanon, where refugees make up 25% of the population, \$13 billion has been allocated, since 2011, Jordan has allocated about \$15 billion for 2.5 million people. These facilities do not provide adequate living conditions for refugees, as the infrastructure of countries is not designed for such a number of users. Refugees have problems with finances, housing, lack of access to quality health care and education. Mashreq countries do not solve these problems at the national level, which means that cooperation is necessary.

However, countries did not seek integration, despite the obvious need. There are several reasons: firstly, bilateral agreements are the usual form of interaction, not multilateral ones, so countries do not find reasons to trust each other and rely on support; secondly, countries can not recognize the existence of a crisis because of the possibility of destroying the authority that has been

achieved by significant efforts. This is the main problem. The economies of Lebanon and Jordan depend significantly on foreign investment. Investors invest in growing economies that are guaranteed political stability. If Mashreq states recognize the inability to resolve the “migration crisis,” the flow of investment will decrease significantly, and thus cause significant damage to national economies. This will complicate the lives of citizens and worsen the situation in the country. This is a vicious circle: investments help to overcome the “crisis,” but the deepening of the “crisis” will reduce the flow of investments, and thus reduce the likelihood of overcoming it; On the other hand, the problem of the “migration crisis” is solved by international organizations, directing material and physical resources to the Mashreq countries. But they act unilaterally, that is, they do not receive sufficient assistance from national governments. Countries are also receiving little financial assistance because of the understatement of the number of refugees and the magnitude of the “crisis,” but governments are aware that if the impact is exaggerated and aid increases, it will not cope with the new “crisis” that will be caused by the recognition of the situation.

So, there is a large-scale crisis that needs to be addressed. Its solution is possible only through integration. Mashreq countries should develop a joint policy to overcome the “crisis.” If those steps were not taken, the situation would turn into a catastrophe and the existence of those states would be threatened.

Such cooperation is possible within the framework of international and regional organizations, as well as on a bilateral basis. It may seem that states are confident in the effectiveness of their national policies, but statements suggest otherwise. The war in Syria will end sometime, but the refugees are already creating social tensions in the host countries, and therefore it is necessary to solve this problem. The Arab States are unanimous in the opinion that if stability is violated, then there will be no escape. So, it is necessary to increase the volume of cooperation, that is, to start cooperation, not to ignore the problem that is happening now.

Providing Access to Universal Primary Education in Guatemala

Even though the problem of providing access to primary education in every country has been drawing attention for a long time, it was only the XXI century when the whole international community officially declared it one of the main priorities. It was declared as one of the Millennium Development Goals in 2000. Need to provide universal access to primary education became a part of the concept of education “for every citizen in every society” at the World Education Forum or Dakar Framework of Actions in 2000. As it was not reached by the end of 2015, it became one of goals at the 2030 Agenda for Sustainable Development. From the point of view of access to primary education, one of the Central American countries, Guatemala is unique. It is the only country of this region where net enrollment rate⁶ first increased from 2000 to 2009 and then began to fall rapidly. In 2016 it was as low as in 2002. This article examines the situation with primary education in Guatemala between 2000 and 2017 and the main challenges this country faced trying to provide every citizen with access to primary education.

Guatemala at the end of the XX century

The prolonged civil war of 1960–1996 negatively affected the economic and social life of population, and the education system as well. The most difficult years of 1979–1984, when about 90% of all human rights violations during the war period occurred, had a negative impact on the accumulation of human capital. During this time, about 27,000 people were killed or were reported missing (during the entire period of the war this figure was 35,000). State investments in social development decreased due to the growth of state military expenditures. In 1985, investments to the social sphere (education and welfare) reached the lowest rate in the past 40 years, 2% of GDP. Infrastructure such as bridges, power factories also suffered. These losses by 1990 could be amounted to 6% of GDP. Private property was also destroyed, from which the western and north-western regions inhabited by the Maya tribes, suffered most. For example, in the Quiché area, where almost 100% of

⁶ Enrolment of the official age-group at a particular education level introduced in the percentage of the corresponding population.

the population is Maya people, by 1973 almost 95% of the population had lost access to social benefits (water, sanitation). The growing number of homeless children and orphans, the destruction of schools and infrastructure and the parents' fear of a child being seduced or killed on the way to school were factors at play in reducing the level of school attendance during the conflict.

The end of the civil war was marked by changes for many spheres of social life, including education. The 1996 Peace Agreement included paragraph on the need to improve the education system as one of the main conditions for ensuring sustainable development in Guatemala. For the implementation of this clause of treaty, the National Program for Self-Managed Schools for Educational Development (PRONADE) was realized. This was reform of the preschool and elementary school management that allowed school make certain decisions regarding the formed policy at the level of school so it gave some degree of autonomy to schools. The purpose of this program was to provide access to education for indigenous pupils living in rural areas. Schools PRONADE by 2000 attended 16% of the population aged 7 to 16 years [McEwan, Trowbridge, 2007, p. 65].

Inequalities

Military operations had a particularly negative impact on the female part of the population. Let's compare regions of high and low conflict intensity in the period of 1979–1984. During this period in high-intensity zones girls on average studied 2.31 years, and in low regions 5.46 years [Chamarbagwala, Morán, 2011, p. 45]. This may be due to the fact that girls were taken out of school by their parents to help with housework or because of the risk of children rape or sexual harassment. Among boys of the primary school age, this trend was not observed, although there is a certain decrease in attendance at the age of 7–12 grades. On average, boys in conflict-prone regions studied 3.7 years, in regions of low intensity 6.5 years [Chamarbagwala, Morán, 2011, p. 53]. This is because boys in the 7th and 12th grades often become direct participants of the conflict, that is, they fight on the front line.

At the beginning of the century there was also a gap in access to education among the indigenous and non-indigenous population. In 2000, 75% of the indigenous children of the first till sixth grades (primary education) had access to primary education, among non-indigenous population this rate was 89% [Musen, 2008, p. 2].

Access to primary education

We will analyze the progress in achieving access to primary education according to the data provided by UNESCO Institute for Statistics. In order to see the dynamics of change, we will look at the different indicators of 2000, 2009 which is marked as a watershed year, and 2016, the year of the latest available data.

– Net enrollment rate in 2000 amounted to 82%, in 2009 it reached its highest point of 96%, since that time it started to fall and in 2016 it reached 85%.

– Along with the percentages, net enrollment ratio expressed in the number of people follow the same pattern of change. There were 1,909,389 children who had access to primary education in 2000, 2,659,776 children in 2009 which is the highest number in the history of Guatemala. Since that year there was a downward trend and in 2016 the number of children with primary education was 2,350,849;

– Gender equality. If we look at the level of gender equality in access to education, in 2000, 81% of girls and 87% of boys were enrolled in primary school. In 2009, 96% of girls and 97% of boys, and in 2016 already 85% of both girls and boys.

Thus, in general, the level of access to primary education in Guatemala varied in percentage terms and in numerical terms according to the same scheme. From 2000 to 2009, the net enrollment ratio in primary education increased, but from 2009 to 2016 it began to fall sharply. As for gender inequality, by 2009 it was almost completely overcome, and then it was not observed.

Challenges for Primary Education in Guatemala

Now we will try to identify certain problems that could have impact on this state of affairs in the sphere of primary education. Among the socio-economic problems can be identified:

– Insignificant percentage of state budget expenditures on education. Guatemala has one of the lowest rates in this area among the countries of Central and Latin America. By the late 1990s, Guatemala spent only 1.7% of GDP on education, and the average for Latin America was 3.6%. In 2008, the percentage of education expenditures was 2.83%, but then it declined to 3.18 in 2016;

– Despite the fact that education is free, there are many costs that families cannot carry in developing country like Guatemala. Direct costs are the purchase of textbooks, school uniforms, and transportation. There are also indirect costs of schooling: many parents prefer to send a child to work, rather than send him or her to school. According to the undertaken study, the average family in Guatemala spends about 10% of the family budget on education. This money can be particularly important for the poorest people, for whom this is crucial to survival;

– There is a problem of insufficient infrastructure. In 2007 only 15% of the schools in Guatemala were fully provided with the infrastructure necessary for a full-fledged education (electricity, drinking water, adequate sanitation, and sufficient space) [Porta, Laguna, 2007, p. 16]. In 2011, only 1 in 3 schools in Guatemala did not have electricity.

Among the political problems, there are high-profile corruption scandals and a frequent change of power. The scandals of 2012–2015 had such serious consequences as the arrests of former President Alfonso Portillo and the resignation of President Otto Perez Molina and Vice-President Roxana Baldetti.

Other problems that had an impact on the decline of indicators are:

– Lack of interest in obtaining an education. Many parents are simply not motivated in sending their children to school as they do not need a child to be educated. They need the child to work and to earn money for the existence of the family;

– Insufficiently qualified teachers. There is no additional reward to the teachers in Guatemala for excellence in work or extra efforts. Teachers' pay rises up simply with the passage of time and does not reward any extra work or initiative. Teachers prefer to retire early as they have no incentives to stay and teach after they reached the highest possible salary. Another crucial factor is high pupil-teacher ratio in state schools in Guatemala during the majority of the examined period. There were 31 pupils per teacher in 2005 while international standard was 20.3 [Porta, Laguna, 2007, p. 25]. In 2015 it finally reached the necessary amount of 20.4.

– High level of violence in the country. In 2006 and in 2016, the index of violent death was 101 for every 100,000 people. Many parents are just afraid to send their children to school;

– Destruction of infrastructure due to natural disasters. For example, in 2012 there was an earthquake, which affected more than 1 million people (injuries, loss of housing and the destruction of about 100 schools). Natural

disasters are frequent in Guatemala: in 2015 a landslide took the lives of hundreds of people and destroyed hundreds of houses.

Thus, access to education is complicated by a number of problems existing in the country. In general, this is a problem of low level of the country's development: high level of poverty, crime and violence, low level of investment in education, natural disasters that destroy infrastructure.

The impact of separatism on emergence of illiberal democracy in the post-Soviet space: the cases of Russia and Moldova

Sovereign states that emerged in the wake of the Soviet Union collapse faced the radical challenge in the way of political development. The issue of legitimacy of the state power took on critical nature in the perception of ethnic and religious minorities across the post-Soviet space. Upsurge of separatist sentiment along with the problem of territorial integrity induced national governments to enact policies in an attempt to curb emerging perils. Political-administrative actions aiming to avert dissolution entailed largely the advent of the phenomenon that American political scientist Fareed Zakaria entitled “illiberal democracy.” Circumscription of civil liberties intrinsic to illiberal policy-making goes hand in hand with a smokescreen of formal democratic procedures [Zakaria, 1997].

Separatism and illiberal democracy in Russia

Boris Yeltsin’s confrontation with legislative and judiciary powers, ubiquitous control over political elites in Russian regions, and military operation against Chechen separatists foreshadowed ascendancy of presidential status over separation of powers. It is noteworthy that media coverage of the military campaign provided by Russian mass media on a par with journalists’ harsh criticism of government set a clear precedent of the state meddling in the media [Skillen, 2017, p. 225]. Analytical paper *Freedom of the Press Historical Data* published by Freedom House displays negative trend in freedom of Russian media outlets in the mid-1990s [Freedom of the Press]. Amnesty International’s report on Russia likewise places emphasis on the interconnection between NTV’s coverage (that took on a human-rights advocacy hue) of atrocities of Chechen war and subsequent tighter grip of the state on mass media [Suslov, 2017, p. 66]. By the late 1990s, subservient Russian TV channels were involved in a propagandist campaign sought to create a positive image of the Federal Government, which carried out intense struggle with Chechen separatists.

Yet, later on separatists started terrorist activity outside North Caucasus. The apartment bombings in the Russian cities of Buynaksk, Moscow and Volgodonsk in September 1999 spread fear and terror among civilians. Setbacks

of liberal reforms aggravated by high unemployment rates and poverty amplified collective discord and public dissatisfaction with policy failures. The debacle spurred a general demand for a 'strong hand' and portended the advent of a decisive leader who could have reined in separatist sentiment and preserve territorial integrity of the country.

As federal troops were sent to Chechnya during the Second Chechen War, Prime Minister Vladimir Putin gained considerable electoral support [Treisman, 2011, p. 129]. In March 2000, he took office after winning Russian presidential election.

The Beslan school siege undertaken by a group of armed Islamic militants who demanded withdrawal of military troops from Chechnya and recognition of independence of self-proclaimed Chechen Republic of Ichkeria ended up with profound transformation of Russian political system [Monaghan, 2011, p. 5]. In order to combat terrorism President Putin imposed so-called Power Vertical, which implied centralization of political power, abolition of regional elections, and replacement of mixed electoral system with the proportional one [Monaghan, 2011, p. 7]. Transformation of the electoral system impedes severely attempts of Kremlin opponents to gain representation in the Russian Parliament. Abolishment of governmental elections raised the question whether concentration of power at the federal level is compatible with underlying principles of federalism enshrined in the Constitution.

In accordance with the figures provided by the World Bank, 2003–2005 shifts in Russian domestic policy curtailed civil liberties: ranging from 1 to 7, the indicator 'Electoral Process' increased from 4.75 to 6 points, "Civil Society" increased from 4.25 to 4.75, and 'Independent Media' rose from 5.5 to 6 (1 = Most Free, 7 = Least Free) (Table 1).

Table 1. Nations in Transit Ratings and Averaged Scores: Russia

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral process	4.75	5.50	6.00	6.25	6.50	6.75	6.75	6.75	6.75	6.75
Civil Society	4.25	4.50	4.75	5.00	5.25	5.50	5.75	5.75	5.50	5.25
Independent media	5.50	5.75	6.00	6.00	6.25	6.25	6.25	6.25	6.25	6.25
Governance	5.00	5.25	n/a							
National Democratic Governance	n/a	n/a	5.75	6.00	6.00	6.25	6.50	6.50	6.50	6.50

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Local Democratic Governance	n/a	n/a	5.75	5.75	5.75	5.75	5.75	5.75	6.00	6.00
Judicial Framework and Independence	4.50	4.75	5.25	5.25	5.25	5.25	5.50	5.50	5.75	6.00
Corruption	5.75	5.75	5.75	6.00	6.00	6.00	6.00	6.50	6.50	6.50
Democracy score	4.96	5.25	5.61	5.75	5.86	5.96	6.11	6.14	6.14	6.18

Source: The data were provided by *The World Bank*. World Development Indicators 2012. Available at: <https://freedomhouse.org/report/nations-transit/2012/russia> (accessed 15.10.2017).

Emergence of illiberal democracy in Russia during Putin’s tenure as President acquired ideological rationale in 2006, when Vladislav Surkov, former Deputy Chief of Staff of the Presidential Administration, who was also in charge of domestic policy, introduced the concept of “Sovereign Democracy.” Surge of ideology of *Osoby put’* (The Special Path) marked the break of the regime with the conventional model of Western liberal democracy.

Separatism and illiberal democracy in Moldova

Separatist tendencies in Moldova have been gathering momentum since the republic declared its independence. National government was struck by the crisis of legitimacy due to defiance of ethnic minorities that inhabit the South of the country and the left bank of Dniester. Moreover, nationalists called resolutely for joining Romania. Thus, Moldavian separatism has peculiar traits. First, two conflicts that were tearing the country apart had separate roots. Second, confrontation between self-proclaimed Russian-backed Transnistria and the Republic of Moldova cannot be considered as an ethnic conflict. Consolidation of Transnistrian population was sparked by the upsurge of Moldavian nationalism and unionism on the right bank [Andrushak et al., 2002, p. 333].

Freedom House report stated that the unsettled Transnistrian conflict hampered democratization of Moldova [Freedom House, 2005]. After winning elections in 2001, the Communist Party and President Vladimir Voronin himself accused Gagauz authorities of alleged separatism (in 1994, self-proclaimed Republic of Gagauzia joined Moldova and acquired status of Autonomous

Territorial Unit [Andrushak et al., 2002, p. 342]. President aspired to push Dmitry Kroytor, oppositional leader (*Bashkan*) of Gagauzia, to resign and impose “vertical power” on the entire territory of Moldova. The goal was achieved after the upheaval in 2002 when Kroytor had to resign [Khantsevich, Khantsevich, 2002].

According to the World Bank open data, the rule of the Communist Party of Moldova from 2001 to 2009 was marked by restriction of civil rights and freedom of the press: on a scale of 1 to 7, the indicator “Electoral Process” increased from 3.25 to 3.75, “Independent Media” indicator rose from 4.25 to 5.5 [Freedom House, 2009]. To certain extent, that shift catalyzed the so-called ‘Twitter – revolution’ of 2009 that benefited to pro-European liberal-democratic parties.

Moldavian authorities intensified control over territories with pro-Russian population when Crimea joined Russia in 2014. Anxiety over territorial integrity and possible rise of separatism in the North and the South reinforced non-democratic practices of the government. The Gagauz referendum on external action and deferred status that was held in 2014 alarmed national authorities. Arrests and criminal prosecution of political activists and Gagauz executives displayed reluctance of the state to take regional contentious politics for granted [Stratfor Worldview, 2014]. Subservient media spread anti-Russian message in order to discredit political parties that promoted rapprochement between Moldova and Russia. After a vote counting, The Economist emphasized “the election in Moldova on November 30th was as dirty as could be” [Slouching towards Europe, 2014]. In summer 2015, Thorbjørn Jagland, Secretary General of the Council of Europe, characterized Moldova as a corrupt “captured state” with subservient judiciary system [Jagland, 2015].

Reinforcement of illiberal democracy in Moldova – supported by groups of tycoons – was accompanied by various manifestations intrinsic to “captured states” where the media, civil society and public institutions are subject to omnipresent control.

To sum up, it is worth noting that the factor of separatism exerted influence on reinforcement of illiberal democracy in both Moldova and Russia. Nonetheless, the magnitude of the shifts varies owing to competitive politics and the deterrent effect of civil society in Moldova.

Germany's Stance on the EU's Migration Policy: Implications of the 2015 European Migrant Crisis

The post-war development in Germany was marked by a significant shift in its political discourse. Previous mistakes were never to be repeated: Germany declared loyalty to international law and human rights and got actively engaged in the European integration project. Being its most loyal proponent, it insisted among other things on the development of a common European migration policy, which became especially relevant after the Schengen Agreement came into force. Today's German migration legislation is largely based on the EU law and its migration policy should therefore be examined in relation to that of the EU.

The 2015 migrant crisis has become an important milestone in the history of the EU and changed the European migration policy significantly. Its implications for Germany and its position vis-à-vis the EU's migration policy are to be examined in this article. The II part will look at the development of the EU's migration policy. The III part will explain the peculiarities of German migration policy in relation to that of the EU. Finally, the IV part will discuss how the German stance on the EU's migration policy changed as a result of the 2015 European migrant crisis.

The EU's Migration Policy

The EU's migration policy is organized around the concept of the "area of freedom, security and justice" outlined in the article 3(2) of the Treaty on European Union. According to this concept, the EU is considered an area with free movement of persons where fundamental rights are guaranteed to everyone who happens to be within its territory. Among all things, it guarantees the right for protection for refugees and the principle of non-refoulement (refugees cannot be sent back to their home countries if there is evidence that their lives there might be threatened). These principles are consistent with the norms of international law, namely the Geneva and New York conventions on refugee status.

After the Schengen Agreement had come to force, the internal border checks have gradually been abolished, thus calling for a common European migration policy. However, the development of this policy progressed at

a slow pace due to a number of reasons, among which the unwillingness of the EU members to delegate the right to determine migration policy, commonly associated with security matters, to the supranational bodies, the contradiction between the proclaimed principles and the fear of a possible negative influence of migration on local economy, the risk of social instability in case of large influx of migrants and differences in interests of different states.

Despite the adoption of several EU programs and directives, the control mechanisms remained in the sphere of competency of individual member-states and a common EU's migration policy had not been developed by 2015, when the number of immigrants rocketed up. Furthermore, the Dublin Regulation that first came into force in 1997 prescribing that the state responsible for processing the asylum application is the state of migrant's first entry placed disproportionate burden on border states, such as Italy and Greece, and contributed to conflicts between EU members. These contradictions deepened as the number of asylum applications rose from 800 thousand at the beginning of 2015 to over 1.3 million by the middle of the year (by contrast, during the whole 2014 their number did not exceed 600,000, according to Eurostat data), leading to a solidarity crisis in the EU.

German Stance on the EU's Common Migration Policy

Since the World War II Germany has always been a pro-European and pro-migrant country. It gradually implemented the EU legal norms concerning migration into its own legislation and insisted on the development of a common European migration policy. There were several reasons for it. Firstly, immediately after the war the deficit of labor force encouraged Germany to welcome migrants from Turkey and Eastern Europe, which coincided with the period of rapid economic growth, and migration, as a result, has traditionally been associated with economic progress. Secondly, the demographic factor also contributed to positive attitudes towards migration as young migrants helped restore the demographic balance in the aging Germany, thus relieving the burden on the social insurance system. Pro-migrant policies are also politically important for Germany: the "open-door" political rhetoric is a source of "soft power," as it allows to strengthen the positive image of Germany as a country that respects human rights and international law.

As a result of both its migrant welcoming policy and its attractiveness as a highly prosperous and politically stable country, Germany today ranks second in the world by the number of migrant population (12 million migrants account

for 14.9% population share). Yet, while in the previous decades migration was mainly of economic origin, allowing Germany to focus on high-skilled labor force, with the outbreak of the war in the Middle East in 2015 an unprecedented number of refugees flowed into Europe, and Germany became the most popular country of destination. In 2015 the number of asylum applications constituted 476,600 compared to only 53,300 in 2011 (the year of the Libyan conflict) and reached a peak in 2016 with 745,500 applications. However, the difficulties connected to the integration of newcomers and complemented by the discrepancies between the value-based pro-migrant German approach and the new wave of anti-migrant attitudes in Europe gradually forced Germany to change its position.

Germany's response to the 2015 European migrant crisis and to the EU's migration policy changes

The 2015–2016 migrant influx led to solidarity crisis and revealed the existing contradictions concerning migration policy in the EU. Its inability to provide a coordinated response resulted in chaos and social instability, which manifested in the rise of the right-wing nationalist political parties and anti-immigrant civil movements with thousands of adherents everywhere including Germany. The criticism of the EU's unlawful treatment of refugees and its inability to provide safety for those suffering in numerous accidents in the Mediterranean showed the extent to which the EU's reputation as an "area of freedom, security and justice" suffered. Internal conflicts over migration crisis arguably undermined the EU's integrity. The core EU agreements, such as the Schengen Agreement and the Dublin Regulation, stopped functioning, as several member states started to introduce temporary border checks or even to construct wire fences around their territory, as it was the case with Hungary, for example.

When the migrant crisis began, Germany as one of the most pro-EU oriented countries was always the first to call for the solidarity approach and insisted that refugees be proportionately distributed among the EU members. Despite significant change in migration flow characteristics, Germany tried to stay loyal to its open-door policy. When other EU member states started to close borders, Germany declared the suspension of the Dublin Regulation and claimed it would accept all Syrian asylum seekers stationed within its territory instead of passing the responsibility for processing asylum applications on to the border states according to the Dublin provisions. Angela Merkel's words "Wir schaffen das" ("We will manage") at the summer 2015 press-conference

reflected Germany's stance on the migrant crisis – the state was ready to accept the unlimited number of refugees and expressed its willingness to respect international law.

This approach, however, was severely criticized not only by the EU, but also within Germany itself, leading to a destruction of social and political consensus on migration, which manifested in the rapidly growing popularity of the nationalist right-wing party Alternative for Germany, which, for the first time in its history, received seats in the parliaments in several German states, such as Sachsen-Anhalt, Baden-Württemberg and Mecklenburg-Vorpommern. By 2017 it managed to enter the Bundestag and became the third largest party in Germany. The rankings of the CDU, by contrast, dropped, and Merkel's policy was criticized even by the leader of the CSU, the CDU's sister party: Horst Seehofer insisted on the introduction of the upper limit for the number of refugees. The 2015 PEGIDA (Patriotic Europeans Against the Islamization of the West) demonstrations with 25 thousand participants and just under a thousand cases of attacks against migrants also reflected a change in the society's attitude towards migration.

Internal pressures were complemented by external ones. In September Denmark temporarily cancelled rail and car communication with Germany in response to the latter's announcement that it will not introduce any quantitative limits for refugees. Emergency measures were taken by Hungary, Austria, Slovenia, Croatia and many other member-states, which included the construction of wire fences around the borders and meant a serious breach of the Schengen Agreement. By the end of 2015 even Sweden introduced border checks. Overwhelmed by the reaction of fellow states and the ever-increasing number of asylum seekers and unregistered refugees (local institutions could no longer effectively handle processing applications and integrating newcomers into the socio-economic system), Germany was forced to change its stance and to look for a new approach. In September, the border with Austria was closed, in November Germany announced the restoration of the Dublin Regulation towards Syrian refugees, who were now to be send back to the countries of their first entry.

After the Dublin system had proven to be ineffective, Germany suggested that a new mechanism be developed to make all EU member states responsible for accepting refugees. However, the actual policy designed in the European Agenda on Migration in May 2015, according to which 40 thousand asylum seekers from Italy and Greece were to be distributed among all member states based on the size of their population and economy, became subject to criticism

in Germany, as the proposition failed to take into account the efforts already made by the states. When the implementation of the quota policy began, it turned out to be even more ineffective as the distribution succeeded at an extremely slow pace.

In February 2016, the Bundestag started to adopt new legislation tightening the procedures for granting asylum and refugee status parallel to the adoption of new policies by the EU, which envisaged such measures as the closure of the western Balkan route, an increase in border control financing, special support program to Greece, and an agreement with Turkey. These measures proved effective in that they led to a decrease in the number of illegal border crossings on the most important migration routes, which dropped from over 1.8 million in 2015 to slightly under 494,000 in 2016 and to only around 173,000 in 2017. Whether these measures prove to be efficient in the long run remains to be seen.

The 2015 European migrant crisis revealed the contradictions between the EU members concerning migration policy and demonstrated the importance of employing a common approach to migration. Germany, being traditionally value-oriented and largely pro-European, continuously argued against the limitation of the immigrant numbers and insisted on the preservation of core EU's agreements at the beginning of the crisis. However, as it progressed, Germany was forced to adjust its migration policy to changes in the EU's migration regulation and to the transformation of the political climate, hence the changes in the migration legislation both in EU and in Germany, with the latter tightening its usually pro-migrant open-door policies.

References

Andrushak V.E. et al. (2002) *Istoriya Respubliki Moldova s drevnejshikh vremen do nashikh dnei* [History of Moldova from Ancient Times to Present Days]. Chisinau. (In Russian.)

Baranov A.I. et al. (2016) Separatist Movements in Italy (1991–2016): Main Factors and Development Tendencies. *Indian Journal of Science and Technology*, vol. 9 (14), pp. 1–7. Available at: <http://www.indjst.org/index.php/indjst/article/viewFile/91072/68565> (accessed 20.10.2017).

Chamarbagwala R., Morán H.E. (2011) The human capital consequences of civil war: Evidence from Guatemala. *Journal of Development Economics*, vol. 94, no 1, pp. 41–61.

Charter of the United Nations (1945) Ch. 1. June 26. Available at: www.un.org/en/sections/un-charter/chapter-i/index.html (accessed 20.10.2017).

European Commission (2017) Country Report: Italy 2017. Brussels. Available at: https://ec.europa.eu/info/sites/info/files/2017-european-semester-country-report-italy-en_0.pdf (accessed 20.10.2017).

Fernández H.A. (2015) Relaciones España – Marruecos (Real Instituto Elcano. Informe 19). Madrid. Available at: <http://www.realinstitutoelcano.org/wps/wcm/connect/88904c804aafc38788f08e207bacc4c/Informe-Elcano-19-Relaciones-Espana-Marruecos.pdf?MOD=AJPERES&CACHEID=88904c804aafc38788f08e207bacc4c/> (accessed 20.10.2017).

Freedom House (2005) Nation in Transit. Moldova. Available at: <https://freedomhouse.org/report/nations-transit/2005/moldova> (accessed 20.10.2017).

Freedom House (2009) Nation in Transit. Moldova. Available at: <https://freedomhouse.org/report/nations-transit/2009/moldova> (accessed 20.10.2017).

Freedom of the Press Historical Data. Available at: <https://web.archive.org/web/20070304044607/http://www.freedomhouse.org/template.cfm?page=274> (accessed 20.10.2017).

Hepburn E. (2015) The push for Independence in the Italian Regions: comparing Veneto and Sardinia. Paper presented at the workshop “Sovereignty Formulas between Autonomy and Independence: Towards a Reconfiguration of Europe?,” University of Liverpool, May 14–15. Available at: https://www.researchgate.net/publication/277265126_The_Push_for_Independence_in_the_Italian_Regions_comparing_Veneto_and_Sardinia (accessed 20.10.2017).

International Labour Organization (2004) Conference: Resolution concerning a fair deal for migrant workers in a global economy. Geneva.

Available at: http://www.un.org/en/development/desa/population/migration/events/coordination/3/docs/ILC_2004_Resolution.pdf (accessed 20.10.2017).

Ispanija okazalas' v tsentre krizisa migrantov (2017) [Spain at the center of the migrant crisis]. *Vesti. Ekonomika*. Available at: <http://www.vestifinance.ru/articles/89711> (accessed 17.08.2017). (In Russian.)

Jagland Th. (2015) Bring Moldova Back From the Brink. *The New York Times*. August 10. Available at: https://mobile.nytimes.com/2015/08/11/opinion/bring-moldova-back-from-the-brink.html?smid=fb-share&_r=0&referrer= (accessed 20.10.2017).

Khantsevich N., Khantsevich O. (2002) V Gagauzii plokho s glavoy [There is a leadership problem in Gagauzia]. *Коммерсантъ*, no 109, June 27, p. 10. Available at: <https://www.kommersant.ru/doc/329608> (accessed 20.10.2017). (In Russian.)

Klabbers J. (2006) The Right to Be Seriously: Self-determination in International Law. *Human Rights Quarterly*, vol. 28, no 1, pp. 186–206.

Martín Martín V.O. (2011) Factores de rechazo en los lugares de origen de los inmigrantes: ¿invasión de la Unión Europea o huida de África? *Inmigración, Sociedad, Economía: ¿Oportunidad o Problema?* / J.A. Segrelles Serrano (ed.). Alicante, pp. 31–72. Available at: <https://web.ua.es/es/giecryal/documentos/documentos839/inmigracion-sociedad-ii.pdf> (accessed 20.10.2017).

McEwan P.J., Trowbridge M. (2007) The achievement of indigenous students in Guatemalan primary schools. *International journal of educational development*, vol. 27, no 1, pp. 61–76. Available at: <http://academics.wellesley.edu/Economics/mcewan/PDF/guatemala.pdf> (accessed 20.10.2017).

Mingardi A. (2017) What Europe can learn from Italy. *Politico*, March 2. Available at: <https://www.politico.eu/article/what-europe-can-learn-from-italy-economics-budget-monetary-union/> (accessed 20.10.2017).

Monaghan A. (2011) The Russian Vertical: The Tandem, Power and the Elections (Chatham House. Russia and Eurasia Programme Paper 2011/01). June. Available at: https://www.chathamhouse.org/sites/files/chathamhouse/19412_0511ppmonaghan.pdf (accessed 20.10.2017).

Musen L. (2008) The State of Education for Indigenous Girls in Rural Guatemala (Horizontes sin Límites IXII. Informe). December. Available at: http://limitlesshorizonsixil.org/wp-content/uploads/2013/10/The-state-of-indigenous-girls-education-Guatemala_byLindseyM_2008.pdf (accessed 20.10.2017).

Porta E., Laguna J.R. (2007) *Country case study: Guatemala*. Available at: <http://unesdoc.unesco.org/images/0015/001555/155575e.pdf> (accessed 20.10.2017).

Rodríguez Mesa M.J. (2007) Inmigración Marruecos-España. Instrumentos jurídicos para la gestión y control de los flujos migratorios. *Relaciones Espana-Marruecos Nuevas perspectivas y enfoques* / J.J. Sánchez Sandoval y A. El Fathi (eds). Cadiz, pp. 47–82. Available at: http://www.uca.es/recursos/doc/AUE/Biblioteca/662022236_318201010224.pdf (accessed 20.10.2017).

Rodríguez M. (2007) Inmigracion clandestina. *Eroski Consumer*. 30 de enero. Available at: www.consumer.es/web/es/solidaridad/derechos_humanos/2007/01/30/159363.php (accessed 20.10.2017).

Skillen D. (2017) Freedom of Speech in Russia: Politics and Media from Gorbachev to Putin. Abingdon.

Slizheva O. (2004) Nelegal'naja immigracija v Ispanii i bor'ba s nej [Illegal Immigration into Spain and Combatting It]. *Belorusskij zhurnal mezhdunarodnogo prava i mezhdunarodnyh odnoszenij* [Belarusian Journal of International Law and International Relations], no 2, pp. 81–92. Available at: http://elib.bsu.by/bitstream/123456789/28811/1/2004_2_JILIR_slizheva_r.pdf (accessed 15.10.2017).

Slouching towards Europe: Moldova's election (2014). *The Economist*, December 6. Available at: <http://www.economist.com/news/europe/21635508-pro-russia-parties-lose-close-vote-corrupt-land-slouching-towards-europe?%20> (accessed 20.10.2017).

Stratfor Worldview (2014) In Moldova, Gagauzia's Referendum Illustrates the EU-Russian Struggle. February 4. Available at: <https://worldview.stratfor.com/article/moldova-gagauzias-referendum-illustrates-eu-russian-struggle> (accessed 20.10.2017).

Suslov M. (2017) Framing and foreign policy: Russian media control and human rights. *Russia: Shifting Power and Human Right Diplomacy* / D. Lettinga, L. van Troost (eds), pp. 65–74. Available at: <https://www.amnesty.nl/content/uploads/2017/03/Strategic-Studies-Russia-web.pdf?x59805> (accessed 20.10.2017).

Treisman D. (2011) *The Return: Russia's Journey from Gorbachev to Medvedev*. New York.

United Nations (1960) *Declaration on the Granting of Independence to Colonial Countries and Peoples*. December 14. Available at: www.un.org/en/decolonization/declaration.shtml (accessed 20.10.2017).

United Nations (2005) Resolution 60/277 adopted by the General Assembly on 23 December [on the report of the Second Committee (A/60/490/Add.3)]: International migration and development. Available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_227.pdf (accessed 20.10.2017).

Zakaria F. (1997) The Rise of Illiberal Democracy. *Foreign Affairs*. (November – December), pp. 22–43.

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В работе представлены результаты серии исследований, спроектированных и проведенных группой молодых исследователей под руководством И.В. Кривушина в Департаменте международных отношений Национального исследовательского университета «Высшая школа экономики» в 2017–2018 гг. Ее участники сосредоточили свое внимание в первую очередь на проблемах сепаратизма и транснациональной миграции, той роли, которую они играют в современном мире, средствах и методах, которыми общество и государство пытаются решать эти проблемы, а также эффективности их усилий.

Ключевые слова: человек, общество; вызовы; сепаратизм; транснациональная миграция

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(на английском языке)

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