

Heading 3a - Justice, Freedom and Security

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Political priorities

According to the Treaties, building a common space of Freedom, Security and Justice (JLS) is one of the main objective of the European Union. Furthermore, Budget Commissioner Dalia Grybauskaitė recently stated that the budget reforms are about Europe and its policies, aiming at giving “value-added in EU spending to tackle challenges”. Citizens are invited to reflect firstly on EU priorities, identified by the Commissioner herself such as, among others, energy, environment, *immigration and terrorism*⁸⁰.

It could seem an obvious expectation that the EU budget reflects both the outmost relevance of the JLS issues and, within them, the priority rank assigned to the “management” of immigration and the fight against terrorism.

A high priority rank even more obvious, as regards immigration, if one looks at the two “changes” which can be expected to affect all the policies, both at global level and in any geopolitical area, and particularly in Europe: climate change and demographic trends. As a matter of fact, both these changes directly affect the development and paths of international migration, strengthening both push factors (in sending countries) and pull factors (in receiving countries). Although a number of other factors are involved, it can be argued, for the purpose of this paper, that while climate change increases the need for emigration, EU demography increases the need for immigration.

On the other hand, increasing perceptions of insecurity among EU citizens give other JLS issues - such as fighting transnational organised crime and terrorism, protecting fundamental rights, strengthening the judicial system - a crucial role in building social cohesion in the EU. The same can be argued in relation with the need, on which all actors and stakeholders seem to agree, for a fair and just accommodation of the increasing cultural, ethnic and religious diversity of the European society.

We can therefore assume that 1) JLS has a high rank in the EU political agenda; and that 2) immigration and equality have a high rank in the JLS agenda. As a first step we'll look at how these assumptions are - or are not - reflected in the EU budget.

Allocations structure

The financial framework 2007-2013 allocates about 43% of the budget to agriculture

⁸⁰ Intervention at the EPC Breakfast policy briefing of 16/10/2007.

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and 36% to “Cohesion for growth and employment”. Another 9% is earmarked for competitiveness, while administration and external relations are given slightly less than 6% each.

Freedom, security and justice commitments account for about the 0,8%.

It is clear that different policies have different costs structure. It would be meaningless to compare figures that don't allow any evaluation of the quality of spending. Nevertheless, the gap is so wide - a rate ranging from 1:50 to 1:7 - to be significant. As for other priorities (innovation, research, environment to name some of the most repeated and highlighted in the public discourse), the centrality of the JLS challenges for the future of Europe is not an issue in the EU budget.

Before such a small allocation, and consequently such a low priority actually assigned to the sector, it can seem useless to enter into further details. JLS, however, is not to be considered homogeneous; it includes very different policies and, most important, the budget share is an indicator of political orientations, not only of political priorities.

Considering neither the administrative expenditures nor the issues which no or small spending programme is provided for (Drug prevention, for instance) the main subheadings are “Solidarity” (around 38% of JLS budget), “Migration flows” (32%) and “Security” (16%). “Justice” (6%) and Fundamental rights (less than 5%) follow at distance, and are hardly comparable as regards the spending structure. At a first glance the JLS budget seems, although undersized, balanced. But one has to look at the real meaning of titles as “solidarity”, “migration flows” or “security”. The programmes which are funded under these subheadings can help to understand.

Grossly, five main programmes share the 64% of the overall JLS budget: Integration of third countries nationals (FPT, 11,5%), Crime (CRI, 8,4%), European Refugee Fund (ERF⁸¹, 9,8%), European Return Fund (FER 9,4%) and External Borders Fund (FFE, 25,3%)⁸².

Political priorities (revisited)

One must be cautious in assessing political priorities through budgetary choices. Not only because of the different patterns of spending and value-added creation instruments (multiplying factors, resources mobilisation, private investments, etc.) but also because of the differences in structural needs and in the balance of competences between the EU and its Member States. Nevertheless, it can't go unnoticed that ERF, FER and FFE sum up to a 44,5% of the JLS budget; while the FPT only receives an 11,5%.

In other words, programmes which mainly aim at reducing migrants inflow, either strengthening borders control or facilitating (un)wanted repatriations, receive the 79,5% of the very scarce resources available for the priority “immigration”, while the only programme aimed at enhancing social cohesion⁸³ and mutual respect receives a 20,5%.

⁸¹ Including the 2007 allocation of ERF2.

⁸² It's worth noting that the “Terrorism” programme (TER) has a share of only 1,9%. But again, the spending structure is not easily comparable to the other programmes.

⁸³ And therefore ensuring also the security of the EU citizens as well as contributing to innovation and competitiveness; but this cannot be argued here.

It seems possible then identify a couple of real priorities in the field of JLS: 1) Defending the frontiers and limiting migration inflows; 2) Lowering immigration stock. Preceding by far a second couple: 3) Inclusion of immigrants⁸⁴ and 4) Fighting against crime.

It can be therefore noticed a clear lack of coherence with the political discourse about the challenges the EU has to deal with: starting from the demographic change and ending with the Lisbon goals. Not to mention the continuous emphasis put, on one hand, on security issues and, on the other hand, on the celebration of diversity in relation with the need for innovation. A lack of coherence which adds on the lack of coherence among policies in the fields of external relations, social inclusion, immigration and social cohesion.

What can be done

It is all too clear that a different balance is needed. If the European Union is to guarantee its citizens a common space of real freedom, real security and real justice, investments are needed that reflect this goals.

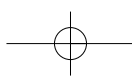
Freedom cannot be understood as a right of the few: it has to be the right of every person who lives in the territory of the EU. The priority cannot be limiting the entries and make them temporary. But exactly this is the effect of spending in the control of the borders rather than in creating the conditions, and in facilitating repatriations rather than integration.

Security cannot be understood as building higher and higher walls around Europe; Europe, more than any other region, should have learnt that walls are useless and damage first who builds them. In a way, security is a consequence of freedom and inclusion as well as a condition for them. Investments are needed to ensure a fair and smooth access to the territory and a just possibility of legal stay, rather than in restrictions whose only outcome is an increase of the number of persons forced to defend their rights against unjust barriers, with the (unwanted) consequence of undermining the residents' security.

Justice cannot be ensured other than on a strong basis of respect and protection of fundamental rights in practice. Again, this requests investments in both improvement and harmonization of the legal systems in the EU rather than in the generalised impositions of limits to civil rights under the umbrella of a fight against crime and terrorism which is, in the light of the budget allocations, more political rhetoric than effective action.

Finally, if JLS as a whole is to remain a priority in the European agenda, resources need to be invested in a less ridiculous percentage than they are today. The above remarks in no way mean that some allocations should be reduced in order to increase other ones. On the contrary, an increase is needed in the overall JLS budget. Transparency and coherence can help:

⁸⁴ We are fully aware that other resources are available, mainly under the Structural Funds and the ESF particularly. Nevertheless the basic assumptions would not change, bearing in mind the weakness, in those funds too, of the provisions in favour of immigrants' inclusion and the lack of political will in most Member States.



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Higher transparency.

The method of "clauses", included in non-specific programmes, for immigrants' inclusion as well as combating organised transnational crime, including terrorism, proved ineffective. Resources made available for these and other JLS aims should be clearly included in the JLS heading; in order to make impossible for the Member States to misuse them too.

Better coherence.

Even more important, resources could and should be recovered from other headings. A relevant part of the allocations to agriculture are nothing but a support to protectionism for the internal market. With a double perverse effect: i) fostering one of the root causes of international migration, by making it impossible, for the farmers of sending countries, to access the EU market; and ii) not allowing the EU itself to invest in attracting and including the inflows it needs (and contributes to create). Lowering the protectionist barriers would, on the contrary, create conditions for both diminishing migratory pressures in some sending countries and making just and effective policies possible in the receiving ones.

