NEAR EAST UNIVERSITY

INSTITUTE OF GRADUATE STUDIES

DEPARTMENT OF INTERNATIONAL RELATIONS

2015-16 EUROPEAN REFUGEE CRISIS AND EUROSCEPTIC POPULISM IN HUNGARY, POLAND, AND THE CZECH REPUBLIC

M.A.THESIS

Oluwafemi Desmond, BOLAJI

Nicosia

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Approval

We certify that we have read the thesis submitted by Oluwafemi Desmond Bolaji titled **"2015-16 European Refugee Crisis and Eurosceptic Populism in Hungary, Poland, and the Czech Republic"** and that in our combined opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of International Relations.

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Declaration

I hereby declare that all information, documents, analysis, and results in this thesis have been collected and presented according to the academic rules and ethical guidelines of the Institute of Graduate Studies, Near East University. I also declare that as required by these rules and conduct, I have fully cited and referenced information and data that are not original to this study.

Oluwafemi Desmond Bolaji

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Acknowledgments

First of all, I give thanks to God Almighty who gave me life, strength, and wisdom to make my dream a reality, to Him alone be all the glory, honour, and adoration.

I would like to express my sincere gratitude to my supportive supervisor, Assoc. Prof. Dr. Mustafa Çıraklı found time to supervise this project despite his tight schedule. I appreciate all the instructions, insightful comments, and suggestions for the improvement of the work.

I am ever grateful to my Assoc. Prof. Dr.SaitAksit for his interest and support during the academic year. I appreciate my friends AdedamolaAdegboye, AdefemiAdetayo, Akodu Taiwo, Beatrice Ajijo for their encouragement, motivation, and support through my studies.

Oluwafemi Desmond Bolaji

Abstract

2015-16 European Refugee Crisis and Eurosceptic Populism in Hungary, Poland, and the Czech Republic

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M.A., Department of International Relations

January 2022, 109 pages

The 2015-16 influx of refugees into European states from war-ravaged sites such as Syria culminated in a crisis that appeared to threaten the European integration project. The inability of existing policy and institutional frameworks to effectively manage the refugee influx led to conditions for it to degenerate into a major challenge for the Union. The crisis also fuelled the rise of right-wing political groups and populism, which mainly shaped the responses of EU countries, particularly those of the CEE region, with an emphasis on Hungary, Poland, and the Czech Republic. This response has largely been to oppose EU sanctioned measures to contain the crisis in preference for nationalist measures such as the reinstitution of internal border controls in contravention of existing free movement protocols of the Schengen Agreement. While the strong opposition from the CEEs to EU refugee policy initially appeared as evidence for the European integration in reversal, this study corroborates other arguments found in the wider European integration literature that epochs of crisis where national interests collide have always seen European integration stall but not necessarily unravel, to again be re-ignited when national interests realign in favour of the ever-closer Union.

Keywords: populism, refugee crisis, European integration, Central and Eastern Europe, European Union

Öz

Macaristan, Polonya,veÇekCumhuriyeti'nde 2015-16 AvrupaMülteciKriziveEuroskeptik (AvrupaKu kucu) Popülizm

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AnahtarKelimeler: popülizm, mültecikrizi, Avrupaentegrasyonu, OrtaveDo uAvrupa, AvrupaBirli i

Table of Contents

CHAPTER I

Introduction

CHAPTER II

EU Integration: A Review of the Literature

CHAPTER III

Historical Background: European Union (EU) and the 2015-16 Refugee Crisis

CHAPTER IV

The European Union Common Asylum Policy

CHAPTER V

The Rise of Anti-Refugee Sentiment in Eastern Europe: Hungary, Poland, and the
Czech Republic

CHAPTER VI

Conclusion and Recommendations

List of Tables

List of Figures

List of Abbreviations

AFSJ:	Area of Freedom, Security and Justice
APEC:	the Organisation of Asia-Pacific Economic Cooperation
BBC:	British Broadcasting Corporation
CEAS:	Common European Asylum System
CEE:	Central and Eastern Europe
CU:	Custom Union
EC:	Economic Community
ECB:	European Central Bank
EEC:	European Economic Community
ECSC:	European Coal and Steel Community
EDC:	European Defense Community
EU:	European Union
EURODAC:	the European Dactyloscopy
FTA:	a Free Trade Area
GATT:	The General Agreement on Tariffs and Trade
IOM:	International Organisation Migration
ISIS:	Islamic State of Iraq and Syria
JAP:	Joint Action Plan
NAFTA:	the North American Free Trade Agreement
NATO:	The North Atlantic Treaty Organisation
NGO:	Non-Governmental Organisation
OECD:	Organisation for Economic Cooperation and Development
PTA:	Preferential Trade Agreement
SEA:	Single European Act
SOHR:	The Syrian Observatory for Human Rights
UN:	United Nations

UNESCO: The United Nations Educational, Scientific and Cultural Organization

UNHCR: The United Nations High Commission for Refugee

UNICEF: United Nations Children's Fund

U.S: United States of America

CHAPTER I

Introduction

Background to the study

The European integration project has encountered numerous challenges but none in contemporary time with more ramifications than the 2015-16 'Refugee Crisis' which in itself represented the largest mass-scale migration event into European countries since World War II (Prooijen, Krouwel, & Emmer, 2018). This influx of refugees is rooted in waves of persons fleeing sites of violent conflicts for a humanitarian purpose (Garcia-Zamor, 2017). The bulk of their numbers originates from war-torn countries in the world's most developmentally challenged regions including Syria, Afghanistan, Eritrea, Somalia, Yemen, Iraq, and Libya, spread across North Africa, the Middle East and Asia. This has created a particularly unique internal crisis with a humanitarian and political dimension both exerting far-reaching consequences for European politics and the process of European integration in particular.

By the time the refugee crisis was declared over in 2016, more than 1.3 million refugees had reached the borders of European states, over six times the 200,000 figure that had arrived in 2014 (Reynolds, 2017). A political fallout, dovetailing an upsurge in populism and nationalist politics, was also evident among EU member states, and their citizens along the ideological left and right lines. Within the context of the crisis, the left emphasized the moral duty of Europe to assist and provide asylum for refugees seeking international protection from war. The right on the other hand championed the protection of EU citizens through stricter border controls to prevent the destabilization the influx may bring to their society with particular emphasis on the possibility of it serving as a "Trojan horse" for the entry of terrorists into their country (Prooijen, Krouwel, & Emmer, 2018).

The inability of EU countries to reach a consensus on how to handle the refugee crisis stems from the fact that existing protocols like the Dublin Regulations (see Chapter4) while upholding the dissolution of internal borders leaves such matters as border checks, immigration, asylum procedures and refugee protection entirely in the hands of the independent EU states (Grenschel&Jachtenfuchs, 2017). And countries, especially from Central and Eastern Europe (CEE) like Poland,

Hungary, and the Czech Republic, have invoked its provisions to reject refugee quotas (BBC News, 2017), allocated to them per burden-sharing solution championed by Germany's former Chancellor, Angela Merkel.

The inability of the Union to agree on a burden-sharing solution to mitigate the shocks emanating from the crisis also fuelled Euroscepticism and strained relations among the EU members, and between the Northern and the CEE nations some of whom resorted to building fences to check the influx of the human tide (Garcia-Zamor, 2017), a move which jeopardized the Schengen Agreement, the European Common Asylum System (CEAS, see 4.2) but also the 1951 Geneva Convention under which signatories are bound to protect refugees, granting them entrance and temporary or permanent residency status in their countries.

In this regard, the refugee crisis and the EU's haphazard response also revealed that subsisting protocols are inimical and at variance with its integration agenda and the core values including respect for human and civil rights on which it was founded (Bordignon&Moriconi, 2017).

Statement of purpose

The 2015 refugee crisis posed a range of challenges for the Union including the rise of populism, Euroscepticism, the risk to the Schengen Agreement in the re-introduction of border control and deepening division among EU nations. To this end, it becomes crucial to interrogate in-depth these fallouts and their implication for the European integration project to suggest practical solutions going forward. The main question will be: **What has been the impact of the refugee crisis on European Integration?**

The 2015/2016 refugee influx was transformed from an emergency into a crisis. The factors that aided this degeneration were both external and internal. External factors including economic decline and political instability manifest as civil wars in surrounding countries particularly Syria served to uproot civilians and direct them towards the EU. From within the EU, dysfunctionality and ineffectiveness of immigration management frameworks interacting with heavily contrasting ideologies and histories between West and East Europe constitute forces aiming to transfer the

burden of influx on the one hand and rejection of such burdens on the other to generate an impasse which helped transform the influx into a crisis.

This impasse, particularly reinforced by a strong current of populism deployed by the right-wing agents in CEE countries, and in Hungary, Poland, and the Czech Republic in particular — chosen here as the case studies — appeared to threaten the long-running project of European integration. While the EU has experienced periods of crisis, the 2015-16 refugee crisis was perhaps the most destabilizing in the Union's recent history, touching at core foundational issues. As such while it served to expose the limitations of specific EU institutions, it also accentuated underlying pressures which impact the very structure and nature of the Union as well as exerted pressures on shaping

Methodology

The study to achieve its research objectives engages its subject matter using a qualitative research design. It pools data from a wide range of sources which include both primary and secondary sources. Primary data used in this study are statements of government officials, while secondary sources like textbooks, published works, journals, libraries, archival materials, the internet, and other relevant sources are also used for the study.

Qualitative research obtains answers to research questions by examining social environments and the individuals or groups endemic to these settings. They are therefore focused on understanding how people organise themselves and the institutions they create to facilitate this organisation as well as how they construct meaning and make sense of their surroundings through symbols, social structures, social roles, and social identities (Lune & Berg, 2017).

As such and because its core aim is not to predict or measure relationships between variables but rather to explore and explain the behaviour of actors because of an identified event within a given social setting, the qualitative method becomes the most appropriate for the study as opposed to, for example, the quantitative method which seeks to interpret phenomena in precise figures thereby, precluding subjective factors and nuances in human behaviour which provide greater insight into understanding such behaviour. Qualitative methods are highly adaptable to

aiding researchers to comprehend whole social realities, providing useful descriptions of individuals or groups and relationships which exist in specific social settings (Morgan &Smircich, 1980).

Qualitative research in this sense helps researchers to identify and understand whatever relationship may exist among important social variables within a given context, this makes the qualitative method more suitable to engage with the primary research statement of this study which is to examine how specific factors including the 2015 refugee crisis and right-wing populism affected the process of European integration.

Limitations and Scope of study

This study examines the impact of the 2015-2016 refugee crisis on the EU. While making significant findings, its scope is constrained to a large extent by the timeframe allotted to complete the study. To this end, its focus was restricted to a qualitative reading of how the rise of populist positions among state officials and public opinion in the three case studies impacted European integration and the specific implications for the developments at the EU level within the specified period.

Another caveat that is ought to be mentioned here is that the choice of Hungary, Poland and the Czech Republic as case studies is not necessarily because they are unique actors within the context of EU integration and the 2015-16 refugee situation that bore important implications for the integration agenda. Indeed, a cursory scan of the present European political landscape reveals a lengthy list of other EU member states fielding both political and ideological positions very similar to those championed by our case studies picked from Europe's "Eastern flank". These countries have in recent years seen nationalist leaders and right-wing political parties ride to power on the high tides of populism or become increasingly popular fuelled in large part by the emergence of "Trumpism" in the United States.

Examples of this effect include Prime Minister JanezJansa and the Slovenia Democratic Party (SDS) in Slovenia, United Patriots in Bulgaria, and other places like Slovakia. The rising wave of populism is not contained to eastern Europe but cuts across Europe and is also manifest in the more progressive west. This is

emphasized by the enduring appeal of right-wing opposition leaders like Marine Le Pen to a section of the electorate in France; the feat of the Freedom Party in Austria as the only right-wing incumbent party in western Europe; the emergence of pro-Nazi parties like the Alternative for Germany (AfD) as the biggest opposition in Germany's Bundestag and the efficacy of populist criticisms which severely constrained the leeway for former Vice-Chancellor Angela Merkel to act in support in some of her more controversial policies like the 'open door' policy in response to the refugee crisis; Vox Party in Spain; the neo-Nazi Sweden Democrats in Sweden; Finns Party in Finland; Conservative People's Party of Estonia (EKRE) in Estonia; the Northern League and the 5-Star in Italy; and the likes of Golden Dawn in Greece.

Whether in Europe's more progressive and liberal west or its former communist eastern flank, the one thing these parties, their leaders and support base have in common is their exclusionist tendencies, nationalist ideologies and political strategies underpinned by criticism of the political establishment and support for anti-euro and anti-immigration policies (British Broadcasting Corporation, 2019). All of whom have more or less, taken advantage of the 2015-16 refugee influx and subsequent crisis to bolster their positions in their respective states.

Nonetheless, the choice of Hungary, Poland and The Czech Republic as case studies allows the showcasing of the extremely vocal and often antagonistic positions of their public officials at the EU level to policies supporting increasing EU supranationalisation and immigration. Representative of this position are Viktor Orban, Jaroslaw Kaczynski and Bohuslav Sobotka respectively. Crucial to their selection is also the consequences of their opposition to common European policies on immigration and emergency control strategies for the 2015-16 refugee influx and its escalation into a crisis. In this regard, their calls and support for nationalist responses to the crisis like re-institution of border control, rejection of mandatory quotas and push for more national autonomy and power to decide European future within a more decentralized EU framework.

Their position therefore provided an opportunity to reassess and re-examine theories of European integration (disintegration), within the context of the 2015-16 refugee crisis. A trade-off, however, is the exclusion of other possible case studies which no doubt would also offer important insight into European integration in

relation to the refugee crisis. Nonetheless, this did not prevent the study from engaging with its objectives. And in any case, these identified limitations may constitute essential gaps in knowledge for future research which is elaborated further in the concluding chapter.

Organisation of study

The entire body of work is organised into six chapters. The general content of each chapter is presented in the summary below.

Chapter One provides a general background to the study. It outlines the central idea of the thesis stating the role of the 2015-16 crisis in laying the foundation for the emergence of situations that have challenged European integration. It also furnishes the study with its statement of purpose and the methodology applied in the investigation of its main objective.

Chapter Two of the study focuses on the conceptualisation of regional integration as well as a detailed recount of the trajectory of European integration and the several theories advanced over the years to explain this process. It closes with an analysis of some contemporary challenges to European integration and the presentation of the conceptual framework the study draws on.

Chapter Three of the study brings into focus the origin of the 2015-16 refugee crisis. It also spotlights efforts such as the EU-Turkey deal designed to address the crisis.

Chapter Four examines specific instruments such as the Common European Asylum System (CEAS) and the Dublin Regulations/system and how their weaknesses created the conditions which allowed the 2015-16 influx of refugees to degenerate into a European-level political crisis.

Chapter Five of the study examines the rise of populism and nationalist politics in Central and Eastern Europe (CEE), specifically in Hungary, Poland, and the Czech Republic. It brings to the centre, how the entrenchment of right-wing politics dictated the response of these countries to the crises as well as the EU response to these countries' position

Chapter Six of the study deliberates on the main findings of the study and the conceptual framework of the study and reflects on their implication for future research and the future of the EU integration process.

CHAPTER II

EU Integration: A Review of the Literature

Introduction

Literature review constitutes a critical aspect of any research. The essence of its inclusion is to provide an overview of the existing state of knowledge in the area on which the study focuses to situate the study itself within that body of knowledge. This helps to identify the study's focus, the aspects of the general field it intends to engage and how it intends to contribute to the body of knowledge. This chapter fulfils this crucial purpose. While outlining the empirical and conceptual basis of the study, it provides a general entry point into the issues with which it contends. It also presents arguments on theories of European integration as well as some of the issues merging out of the 2015-16 refugee crisis.

Regional Integration in theoretical perspective

The idea of regional integration has become increasingly popular and logical in the wake of the Cold War as states experienced a dynamic shift in their security concerns coupled with new economic challenges in the face of increasing interdependence brought about by the forces of globalization. This has generated a consensus that regional integration is an effective mechanism for addressing these security and economic challenges as well as for promoting peace, progress and creating wealth (Dosenrode, 2016). Yet regardless of its general acceptance and the proliferation of regional integration projects across the world, defining the concept remains an ongoing problem (Biswaro, 2011), even as the identification of the most effective guidelines and methodology for achieving it because it is not a self-initiating process continues to generate dissensus (Mansfield & Milner, 1999).

This lack of consensus is tied to the incredible nuance associated with regional integration as a concept, process, and condition (Chingono&Nakana, 2009). This injects a significant dose of complexity into arriving at a definition. Perhaps the first effort at this focuses on differentiating between integration and other terms that are often used interchangeably due to their referral to forms of international interaction between autonomous states that are essentially different in their nature, processes, and operations. Consequently, defining regional integration benefits from

distinguishing it from other coterminous concepts, such as regional cooperation (Sesay &Omotosho, 2011:12).

Regional integration, in this sense, entails more demanding processes and the creation of more permanent supranational legal, economic, and political institutions and structures to administer and organize the interactions between participating states. The end goal of regional integration is the complete unification of both political and economic policies. Dedman (2010), identifies three core features that distinguish an integration project from regional cooperation to be (i) irreversibility (or relative difficult for reversal) (ii) exclusiveness and (iii) law-abiding. The presence of supranational institutions to which participating states have conceded a degree of sovereignty, imbuing the arrangement with the powers to regulate state affairs at the national level as well as the imposition of sanctions. This makes it comparatively difficult for members to exit the framework on a whim thus guaranteeing a greater degree of compliance within the context of integration demands. The second advantage of integration is that while it focuses on liberalizing trade, commerce, and investment among members it also discriminates against non-members (Mansfield & Milner, 1999). This discriminatory quality can compel prospective members to accept all its terms and conditions thus allowing the union to operate as 'a strong cohesive' union with greater leverage in its bargaining and engagement with outsiders (Dedman, 2010). All the above combine to make the members more law-abiding and willing to comply with the legal framework that regulates the institutions' processes and determines the powers, rights, and obligations of members (Dedman, 2010: 8).

A more practical definition of regional integration casts it as conscious efforts by otherwise autonomous political units to enhance and accelerate development by designing policies that eliminate national borders to facilitate the free flow of goods, person, services, and investment to enhance trade and cooperation among the disparate political units. Regional integration presupposes that countries intent on integrating experience similar economic, political and security challenges which can be addressed by mutual inter-dependence or intent on creating larger markets and economies of scale thus increasing their combined capacity to compete at the global level and enhance speedier growth (Chingono and Nakana, 2009). It is as such

concerted efforts by independent countries to accelerate development through the creation of mutual structures and institutions aimed at promoting trade and investment with long term objectives of enhancing economic, political, and socio-cultural linkages (Lee, 2002). Similarly, it has also been defined as any arrangement where states within a given region enter into agreement geared towards promoting economic cooperation through mutually negotiated institutions with an emphasis on the dismantling of hindrances to the movement of people, free trade, and capital within the region (Rintaugu, 2016).

Apart from the definition challenge, another issue tending to complicate the meaning of regional integration is the choice of the best process to attain the condition of regionalism. To this end, while numerous states recognize the need and the advantages for regionalization, their varying political and economic situations generally lead to varying perceptions as to what is needed to attain and sustain political stability and economic growth and development. In essence, the crucial question is not so much whether to pursue regional integration but how to achieve integration in the context of prevailing political and economic realities. To this end, integration frameworks may manifest in varying forms all of which more or less involve some form of Preferential Trade Agreement (PTA) which internalizes the liberalization of trade among members and discriminates against non-members (Mansfield & Milner, 1999). The most common of the methods toward achieving integration generally begins as some form of regional cooperation which then transforms into market integration and culminates in full economic integration.

Regional cooperation as explained earlier is a loose framework of state interaction designed to address specific issues. In the sense of economic integration, it affords to participate states whose interests align to 'voluntarily and in varying degrees' grant access 'to each other's markets and establish mechanisms that minimize conflicts and maximize benefits' in a range of areas which may encompass political, economic and/or socio-cultural (Haarlov, 1997). Market integration on the other hand necessarily demands greater commitment in terms of the establishment of near-permanent institutions to operate. Critical to its functioning is the notion of shared sovereignty and the surrendering of a degree of autonomy to new institutions created to govern and administer the emerging framework of interaction (Bourenane,

1997). Inline economic theories of modernization, market integration is perceived as progressing in a linear sequence where the attainment and consolidation of one stage necessarily led to the commencement of the next and increasingly towards the integration of the movement of goods, labour, services, and capital with the final stage being the complete harmonization of fiscal policies (Hartzenberg, 2011). The integration sequence generally starts with a Free Trade Area (FTA) then progresses on to a Customs Union (CU), a common market, economic union and finally economic integration operating a common and fully integrated market with complete monetary and fiscal policies harmonization (Lee, 2002).

The post-World War II era has seen a proliferation of economic regionalism including prominent ones like the European Union (EU), the North American Free Trade Agreement (NAFTA), MERCOSUR, and the Organisation of Asia-Pacific Economic Cooperation (APEC). The most fully integrated of this rank is arguably the EU. While regionalism is not so much a European concept as it has drawn from the global space and manifested in different forms, a considerable proportion of earlier engagement European integration was pegged to the general theories of regionalism.

The European Union (EU) – History and Theories of EU Integration

The origin of the European Union dates back to 1951 with the formation of the European Coal and Steel Community (ECSC) and the 1957 European Economic Community (EEC). The ECSC, in particular, emerged out of two specific desires of Western Europe to (i) end the historic rivalry between France and Germany which caused a string of the most violent events in the continent's history, and (ii) to establish a common market in regard to the free movement of goods, capitals, persons and services (Dedman, 2010). In the immediate years following the end of World War II, France's foreign policy towards Germany was premised on keeping the country weak and sustaining its division into two autonomous units. However, within the context of increasingly strong Western Germany with a thriving economy combined with French need to gain access to Germany's burgeoning market and energy resources (particularly coal) signalled a reversal of France's security policy from one of suppression and "divide and conquer", to one of economic integration as a more sustainable approach to ending the belligerence of Germany and

incorporating it into Western Europe (History, 2010). To this end, the existence and sustenance of the alliance between France and Germany have been the driving force behind European economic integration, receiving significant sponsorship from the United States (U.S) as part of its post-WWII containment policy toward the Soviet Union (Dedman, 2010). The U.S sponsors and European politicians wanted to nurture a shift from the destructive events that culminated in the disaster of the last two world wars and create a new regime that would eliminate international strife, promote social justice, enhance social harmony, and institute socio-economic prosperity. Increasingly, these leaders saw European integration as a veritable means of achieving these aims (Dinan, 2014).

The European integration project began with six nations namely Germany, Belgium, France, Italy, Luxembourg, the Netherlands with the creation of a common market focused on coal and steel ECSC in 1951 which later morphed into the 12-member EEC cutting across Europe following the signing of the Treaty of Rome in 1957 to cover a common market for industrial goods. As it will be elaborated further below, earlier theorizing argues that European integration was self-sustaining propelled by a so-called "policy spill-over", where integration in one policy area necessitate another, on an incremental basis that once the process commenced (Haas, 1956). To this end, the European Economic Community (EEC), which emerged through the Treaty of Rome in 1957, was bound to experience further integration and an expansion of membership. Yet efforts at integration in areas besides the economy were opposed by France leading to the early collapse of other projects such as the European Defense Community (EDC) for fear of re-armament by Germany. Perceiving Britain as a rival and threat to its position within the EEC, France also opposed and blocked its accession to the EEC. However, Britain's accession occurred in the early 1970s where further integration was stalled by adverse economic conditions including halting growth, inflation, and rising levels of inflation.

The European Community came into another era of resurgence starting from the middle of the 1980s where the signing of the Single European Act (SEA) in 1986 introduced major reforms, committed members to the realization of a fully integrated common market by 1992, and elevated attaining cohesion to the status of critical EC

goal (Dinan, 2014). The SEA served as a springboard that led to the transformation of the EEC into the European Union (EU) in 1992 with the signing of the 1991 Maastricht Treaty. Exogenous events in greater Europe, including the waning influence of the Soviet Union in Central and Eastern Europe, the abrupt end of the Cold War, and the collapse of the Berlin wall which saw the unification of Western and Eastern Germany, brought the inevitable challenge of enlargement into the front burner of the EU's agenda as an unprecedented number of non-member states positioned and applied to become members.

From the above, it can be seen that the EU in its current form has a history approaching seven decades. During this period, theories have emerged to explain European integration. Two of the most popular in this regard is neofunctionalism and intergovernmentalism. Both macro-level theories of international politics specifically target European integration to explain, describe and predict the trajectory and possible future state of the EU (Hatton & Sonny, 2015; Moga, 2009).One of the original proponents of neofunctionalism theory was Ernst Haas in his seminal 1958 book 'The Uniting of Europe'. This theory places great emphasis on the direction rather than the outcome of integration. The theory has its roots in pluralism and traditional functionalism. At its core, neofunctionalism is based on the idea that the activities of government are determined by a multiplicity of groups, each interacting with the other to achieve their interests (Hooghe& Marks, 2019). Rather than focusing on the pursuit of interest(s) by states as the most crucial actors in international relations as realists had done, neofunctionalists tend to perceive international relations as the interaction between national-level stakeholders who pursue regional integration in specific sectors of their national economies because their interests align, and is more effectively served, via the pooling of resources in that specific area. As Haas (1958) argued, if these groups are convinced the formation of supranational organisations such as the European Coal and Steel Community serve their needs better than national-level organisations, then the emergence of such supranational organisations is inevitable. To this end, integration is brought about through the activities of agents of supranationalisation who recruit state-level policymakers to support the combination of sovereignties in areas where their interests align.

Central to neofunctionalism are questions on how cooperation in specific sectors of the European economy inevitably create conditions and circumstances that demand greater integration both in the economic and political space (Hatton & Sonny, 2015). In response, neofunctionalists pinpoint self-perpetuating processes beginning in one area and creating spill overs that compel further integration in other areas. These spill-overs manifest on two levels (i) at the level of policy known as functional spill-over which explains how integration in one policy area creates the necessity for integration in other areas and (ii) political spill overs which explains how subnational actors and supranational activism creates and sustains pressure for further integration in the pursuit of their interests. The greatest evidence for neofunctionalism is how the creation of the ECSC in 1951 culminated in the creation of EEC as a consequence of the demand for it by the integrating states (Dedman, 2010). European integration by this theory is path-dependent, i.e., projected to result in the demise of states and culminate in the emergence of an overarching political entity as the new repository of sovereignty like a "Federal State of Europe".

Neofunctionalism has proven to be a rather versatile theory in explaining the evolution of European integration over time, yet this very history also supplies events and instances that calls its utility into question especially about the centrality of spill-over to the process of integration. For one, the efforts of France in the 1960s that denied the UK membership of the Union run contrary to the self-sustaining quality of geographical spill-over. Similarly, the economic crisis which marked the 1970s — a decade of crisis that saw the increase of protectionist considerations among EC members, coupled with increasing levels of inflation and unemployment — casts doubt on sectoral spill overs (Moga, 2009). From this perspective, Dinan (2014) for example, argues that the transformation from Coal and Steel to EEC, and then to EC, and the EU, occurred not so much because of the functional spill-over predicted by Ernst Haas but essentially because of the conviction of European leaders at the time that, that was the best policy option.

Lastly, the limited degree of integration especially in the political sense has remained a good indication of the problematic capacity of neofunctionalism to account fully for the dynamics of European integration. Counteracting its excessive reliance on the role of actors and supranational agents is the fact that within the EU,

actual decision-making powers i.e., political power continue to reside, to a large extent, with individual countries and their national governments. To this end, supranational institutions of the EU (for example, the European Commission) may only present proposals and lack authority for decision-making. Similarly, the European Parliament remains unable to pass laws without the Council (Dedman, 2010). As such, contrary to predictions that integration will facilitate the disappearance of the nation-state, nation-states have remained powerful influences on the growth and development of the EU. This in itself has provided continued relevance for opposing theories of European integration like intergovernmentalism.

Intergovernmentalism as opposed to neofunctionalism views European integration as the product of intergovernmental negotiation (Schimmelfennig, 2018). To this end, state or national governments are the most crucial actors in the process of European integration. While the path dependence of neofunctionalism projects the national governments to become increasingly less relevant as sovereignty is transferred to diverse supranational institutions such as the organs and the other agencies of the EU, intergovernmentalism holds that states remain the primary actors behind European integration. Rather than their authority and position being diminished by further integration, the process has strengthened them (Milward, 1992).

Intergovernmetalists further argue that periods of deep European integration coincide with periods when the national governments accept that their national interests align and are best served by deeper integration (Hatton & Sonny, 2015), such as the period which saw the creation of the ECSC, the EEC and the signing of the SEA which radically transformed the EC and paved the way for the EU. By the same token, they explain periods of stalled integration as reactions to divergence in national interests and lack of common ground on the issues over which they disagree. The current impasse between the countries of Central and Eastern Europe and West Europe concerning the engineering of a solution to the refugee crisis (see Chapter1), which has led to the consolidation of Eurosceptic populism and the contravention of free movement protocols like Schengen, captures the essence of this argument. To this end, in situations when further integration threatens national interests as

perceived by state actors, integration tends to be cast aside in favour of policies that better secure its national interests.

Another area of EU policy that showcases the strength of intergovernmental accounts is enlargement and the accession bid of Turkey in particular. This process has been not so much led by national entrepreneurs or steered by supranational institutions but through negotiations between EU capitals and the Turkish government. Indeed, at the time the European migrant crisis erupted, only 16 of the total 35 chapters in Turkey's negotiation with the EU had been opened. But the strategic position of Turkey to stemming the flow of irregular migrations into the EU not only led to the re-energizing of moribund negotiations but also saw the EU accelerate the liberalization of its previously strict visa policy towards Turkey with particular regards to immigration into the Schengen free movement zone (Adam, 2017). While full Turkish membership may be a long way off, the dynamics of negotiations to that regard within the context of Ankara's usefulness to controlling and bringing order to migration into Europe supports the intergovernmentalist assumption that integration is largely the function of national interests of disparate national governments at any point in time.

Neofunctionalism and intergovernmentalism not minding their many differences largely conceive of European integration as an elite-driven process. The emphasizing the state level and supranational entrepreneurs and the other gives primacy to the role of national governments as the drivers of the process both completely side-lining the impact of public opinion and perceptions of national identity.In the face of the inadequacy of neofunctionalism and intergovernmentalism to make sense of new developments surrounding European integration, new theories such as postfunctionalism have emerged to occupy the explanatory gap. In this regard, postfunctionalism argues that the shift of the process into the realm of mass politics has led to the increasing politicization of the EU's integration (Hooghe and Marks, 2009). To this as the integration process increasingly starts impacting notions of national identity, the resultant politicisation of the process generates pressures from dissensus that inhibit the degree and depth of integration as well as constrain the space available to the elite to manoeuvre (Braun, 2019: 5). Consequently, it is possible to conceptualize the European refugee crisis within the context of the

Eurosceptic backlash from the EU's latest members Hungary, Poland, and the Czech Republic as a postfunctionalist moment that resulted in the stalling of the integration process. This is elaborated further below.

Challenges to European Integration: East-West Divide and The Rise of Eurosceptic Populism

While the theories aiming to explain European integration have proven their usefulness, events throughout the decades of integration have also exposed their numerous failings. These limitations have become increasingly glaring in the face of recent destabilizing episodes beginning from 2008 including the Euro crisis, and the refugee crisis which has accentuated existing ideological differentiation between East and West Europe and fuelled the rise of Eurosceptic populism (Hooghes& Marks, 2019).

Political Variance between Eastern and Western Europe

The signing of the Maastricht Treaty radically transformed the configuration of European integration transforming it into the European Union. This period coincided with the end of the Cold War, the unification of Germany, the decline of Soviet influence in Eastern Europe and the so-called universalisation of western liberal democracy. Particularly, the initiation of transition regimes in many Central and Eastern European (CEE) countries triggered the so-called "return to Europe" (Tulmet, 2014), which brought to the fore the issue of enlargement of the EU as an unprecedented number of these non-member states expressed interest to accede to the Union. By the 1993 Copenhagen Accords, the CEE the formally communist states embraced democracy and attendant human rights as well as economic liberalization to gain membership of the Council of Europe and to the EU in 2004 (Walsch, 2018). This accession represents the single largest in European integration history (European Central Bank (ECB), 2004), comprising the 'A10' countries of Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Of this number 7 were eastern bloc nations and three of these members were former Soviet states and four – Czech, Poland Hungary and Slovakia remain active members of the Visegrad alliance.

However, nearly seventeen years after the historic accession involving eight former communist countries, a glaring ideological east-west division has come to

characterize European integration and has seemingly stalled further integration and betrays EU pretensions to being one single cohesive unit while in actuality functioning as two distinct blocs (Valasek, 2019). The pointedly contrasting value systems and worldviews of the core/original EU members on one hand and the newly admitted CEE members has created a dichotomy that has become emphasized by new challenges faced by the EU. While the core EU states led by France and Germany support the range of policies provided including supranationalisation and the adoption of a common currency, the A10 especially the Visegrad group while not wholesomely averse to economic integration are more sceptical of policies that seek to erode each other's sovereignty (Walsch, 2018), and are in addition instinctively nationalist as a lasting legacy of decades of communist indoctrination (Valasek, 2019).

The East-West divide is further accentuated by the lack of incentives on the part of the CEE to cultivate deeper political and personal relations with the core states of the EU. This distance has created a kind of 'otherness' in the perception of Western Europeans towards them perpetuating certain myths such as their affinity for xenophobia, illiberalism and authoritarianism. This is all the more given democratic breaches in Hungary and Poland and deficits in the rule of law in many CEE countries (Lehne, 2019). The preconceived notions in the West are only matched by other myths in the East that the core states of the EU have become too liberal and lost contact with their cultural roots (Lehne, 2019). This misunderstanding particularly among Western European populations is driving perceptions that CEE countries especially the Visegrad group may not have fully internalized the fundamentals of democracy (Valasek, 2019). While one of the dominant reasons for allowing the A10 to accede to the EU despite their communist and by extension authoritarian inclination was the realization that a transfer of democratic norms and values from Western Europe to the CEE states could help to provide stability in the region. Nonetheless, prevailing opinions has been that the EU enlargement of 2004 was ill-conceived and essentially a 'mistake' (Valasek, 2019: 1). The response of the EU, determined mostly by its inability to adequately understand the nature of this dichotomy within its rank has fuelled prejudices that promote Euroscepticism and led to a rise in anti-EU nationalist parties and as well as swelling populist ranks across the EU (Valasek, 2018).

One of the fallouts of this ideological division has been advocacy for a "two-speed Europe" which distinguishes between and brings to the centre core Western EU states willing to pursue deeper integration by actively implementing all the provisions of EU treaties and relegating to the periphery other states unwilling to embrace supranationalisation (Sobotka, 2017). The states of the periphery generally encompass the states that accede to the Union since 2004. The concept at its core advocates for a selective implementation that allows states to choose the degree of their participation in the integration agenda by selecting specific programmes and policies from the range provided by the EC (Kundera, 2019). Arguments for and against this idea are in no short supply. For one while it presents a seemingly practical solution to the ideological divide allowing states to adopt EU policies as they deem fit, it has the potential to stall further integration further creating two categories of first-class and second-class groups of EU states thereby contravening the principles of inclusiveness and social equity on which the Union has pride itself since inception.

Regardless, the onset of the 2015 refugee crisis has brought these differences into greater focus creating perhaps the most politically divisive EU crisis in the wake of the 2008 Eurozone crisis. The influx of over 1.3 million refugees into the EU states (see Chapter1), and the inability of the Union to arrive at a consensus in its management has signalled the upsurge of populism with those in support of asylum emphasizing the EU's moral duty to provide aid while those on the right advocating the protection of EU citizens from the destabilization the flood of refugees may bring into the EU (see Chapter 1). This is especially in fears that the free movement captured in the Schengen protocol which states to whom it applies fear may be abused by refugees to gain access into their territories without documentation (Kundera, 2019). Consequently, CEE countries working around the Dublin protocols protect the sovereignty of states in matters about immigration, asylum, and refugee protection (see Chapter 1), to prevent the influx of refugees by contravening Schengen and building or planning to build walls thereby restricting free movement.

The uncoordinated response to the crisis of refugees has exposed the inadequacy of critical EU institutions (Bordignon&Moriconi, 2017), and brought to the fore polarizing agendas including nationalist tendencies, xenophobia and

populism which represent an agenda pushed by the right and far right of the political-ideological spectrum calling for the protection of the people against exogenous forces like the influx of refugees.

The Rise of Eurosceptic Populism

Populism is an increasingly invoked concept in political discourse used in the present century to describe a wide range of political actors, movements, and actions yet its meaning and what it is (or is not) are no clearer and so currently lie at the heart of a polarizing debate (Mudde&Kalwasser, 2017). Brubaker (2019), captures the breadth of this debate when he opines that some define the term broadly and integral to the very idea of democracy and others define it narrowly and invoke in defence of the people against internal and external threats; by the same breadth others cast it as illiberal and others as fundamentally democratic; further, still, some situate it on the right of the political-ideological spectrum and others on the left and yet others perceive it as more or less a fusion of political ideologies and yet others dismissing it altogether as nothing more than a *Kampfbegriff*or instrument of political struggle. Adding to this is its conflation with different concepts and associations with varying phenomena in different regions across the world (Gagnon, et al, 2018).

Populism as a political concept is generally employed to describe political action which aims to mobilize a significant portion of the 'common people of any national population in opposition to another much smaller section of the same population usually 'the elite' or 'the establishment' in response to perceived injustices and neglect arising from a disregard of the general will. It is in this light that Mudde and Kalwasser (2017), defined the concept as "a thin-centred ideology that considers society to be ultimately separated into two homogenous and antagonistic camps, one of *the pure people* and the other of *the corrupt elite* and which argues that politics should be an expression of the general will of the people" (:6).

The populist idea creates an exclusionary dichotomy and at once aims to integrate the people as one core group with demarcations excluding the elites whose actions are eroding the boundaries and homogeneity of the core group. In their

perception, the position of European elites elevates the interests of aliens – mainly immigrants, refugees, and other minorities, above those of actual native Europeans. This brings to the fore the tendency of populist sentiments to ultimately result in illiberal attacks on perceived threats to the oneness of the people. European populism thus attaches to thick-centred ideologies such as authoritarianism and nativism; the one of which argues for an ordered society and the other pressing claims for the exclusive inhabitation of a state by members of the native group and that non-natives threaten the homogenous nation-state (Mudde&Kalwasser, 2017). This to a significant extent reveals the basic thought process behind Europe's current xenophobic populism. While populist motivations exist both in the political left and right, the coincidence of the emergence of Trumpism in the United States of America and the increasing tide of anti-immigrant sentiments in Europe has seemingly imbued the term with and solidified its usage in the negative sense as the illiberal, xenophobic, nationalist, and racist response to the political crisis (Mouffe, 2016), real or perceived often in large democracies with a diverse population (Gagnon, et al. 2018).

Though populism in European history has had a marginal history, the current wave of populism is rooted in the frustrations emanating from the transformation of European politics and society promoted via European integration and immigration policies. According to Blokker (2005), two separate but explanatory positions can be identified here. The first links to the enlargement of the EU where states with traditions and ideologies steeped in semi-/authoritarianism and communism abruptly transitioned into ones with liberal political and economic structures unleashing social pressures due to rapid modernization that rendered a significant number of common people impacted negatively by the political and economic transformation to become susceptible to populist mobilization. The main source of discord here is the accusation of the elite by the 'the native people' of destroying the welfare state for the experience of integration and to accommodate immigrants. The rise of populism in this sense is construed as a radical form of protest against diminishing quality of life, social disruption, and unemployment. The second explanation links to the East-West dichotomy, where populism has cast the resurgence of deep-seated cultural instincts of Eastern Europe being fundamentally different to that of Western Europe. The emergent structural difference thus breeds populist sentiment as Western

European culture is perceived as aiming to erode and replace that of the East. From this view, the structural difference may only be removed if the East adopts the cultural orientations of the West.

Given the above, it is possible to conceptualize the European refugee crisis within the context of the Eurosceptic backlash from the EU's latest members Hungary, Poland, and the Czech Republic, and as a postfunctionalist moment that resulted in the stalling of the integration process. This isexpressed in the figure below. The diagram presents two extremes ranging from integration to disintegration. It demonstrates the basic idea of how the challenges of Dublin III as the European Union's (EU) main asylum legislation (see Chapter 4), to effectively manage the wave of refugees from centres of conflicts such as Syria created the 2015/2016 European refugee crisis which then morphed into significant pressures including anti-refugee sentiment and Eurosceptic populism, that appeared to threaten the EU system with disintegration as member states retreated from supranationalism into nationalist practices in a scramble to deal with the increasing waves of migrants and asylum seekers.

Figure 1

Conceptual Organisation of the study
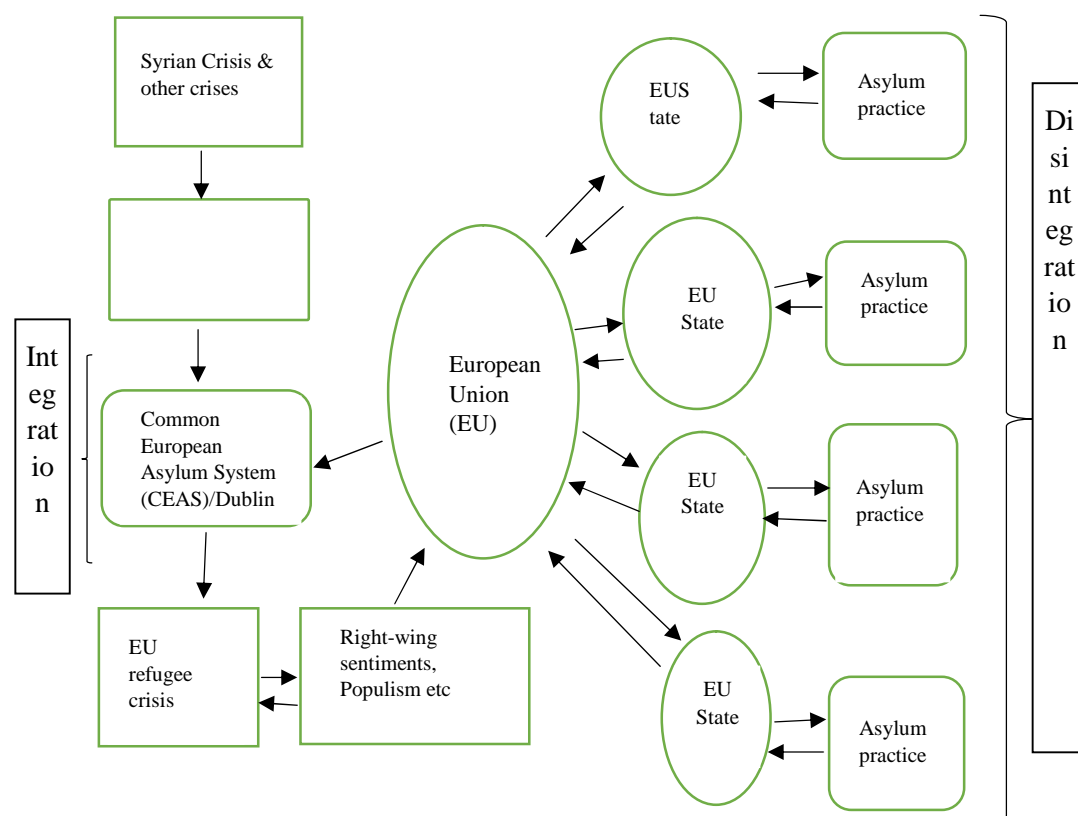
In the following chapter, the study focuses on the origin of the 2015-16 refugee crisis before examining how anti-refugee sentiment and Eurosceptic populism factored in turning it into a European crisis. The Chapter also highlights key efforts such as the EU-Turkey deal to address the crisis.

CHAPTER III

Historical Background: European Union (EU) and the 2015-16 Refugee Crisis

Introduction

The EU represents the most advanced, regional integration project bringing together previous disparate and autonomous political units in an ever-tightening economic co-dependence with further prospects for further deepening into a true political union. While the EU has to a significant extent successfully navigated epochs of crisis including the post-Cold War expansion and the Eurozone crises which to significant extents have determined and influenced the patterns of its evolution, the refugee crisis of 2015-6 unleashed pressures that culminated in the increasing domination of political space by populist agendas, widening of the ideological rift between the political left and the political right, and greater emphasis on national interests that stand in stark contrast to the core values and ambitions of the Union. The refugee crisis also exposed both structural and institutional as well as policy deficiencies in the organisation of the EU all of which enhanced threats of disintegration that confront the Union. Before engaging with these issues in-depth, this chapter provides a brief overview of the 2015-16 refugee crisis and how it interacted with specific factors to create the very conditions of the political fallout.

Origin of the 2015-16 Refugee Crisis

The current crisis which the EU faces was triggered by challenges associated with the cross-border movement of large numbers of persons, notable refugees into European countries in an unprecedented wave of migration beginning from the year 2015. The term migration is broadly used to describe the movement of a wide range of people including displaced people, economic migrants, and refugees, across international borders into another country other than their own country of origin (Bates, 2002). Within the literature, however, there are distinct efforts to highlight the nuances and distinguish between the range of persons encapsulated in the term especially between economic migrants and refugees.

The rationale behind such efforts on different fronts – scholars, international organisations, and countries, to distinguish between the categories of people crossing

international borders stems from the fact that not all of these trans-border movements are desired by the destination countries. As such, most countries have devoted considerable efforts to categorizing these people to prevent some such as those associated with organized crime and trans-border criminality into their country while granting others like economic migrants and refugees, access into their country (see Chapter 1).

Migrant, according to the United Nations (UN), refers to any person living whether temporarily or permanently in a country not their country of birth and have developed some form of social connection to the country of residence (UNESCO, 2015). In recent years, mostly thanks to efforts to reflect the realities of individuals who may be categorized as migrants by certain countries regardless of their being born there, this definition has been expanded. Consequently, the UN Convention on the Rights of Migrants defines a migrant as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" (UNESCO 2015). A further expansion of the term may be found in the same document stating explicitly in Article 1.1 that the term 'migrant' pertains to the description of all persons who have made the conscious decision to relocate to a new country freely because of "personal convenience" and without the intervention of an external compelling factor (UNESCO, 2015: 1).

By contrast, a refugee is classified as a person who has been forced to flee their home country due to war or other circumstances including oppression, persecution, or violence in line with the definition of the 1951 Geneva Convention. The 1951 Geneva Convention emphasizes that a refugee must be outside their home country and unable to or, unwilling to take advantage of the protection provided by their country of origin for fear of violence to their person for whatever reason including their race, nationality, political opinion, religion, ideology, or membership of any specific social group (UNESCO, 2015). Specifically, Article 1A and 1B define a refugee as any person:

> owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to

> such fear, is unwilling to avail himself of the protection
> of that country; or who, not having a nationality and
> being outside the country of his former 4 habitual
> residence as a result of such events, is unable or, owing
> to such fear, is unwilling to return to it.

Further expansions particularly, the 1967 Protocol relating to the Status of Refugees extended the provisions to include persons from outside of Europe. All countries which signed the 1951 Geneva Convention and ratified all its subsequent protocols, pledged to protect refugees, grant them access and temporary or permanent residency in their countries. It is pertinent to note here that while the Geneva Convention offers protection to refugees, it does not legally bind any country to offer them resettlement (Ostrand, 2015), and the total number of the world's refugee population that have been resettled in a third country is less than 1 percent (UNHCR, 2015a).

While the above aims to draw distinguishing lines between migrants and refugees, the lines are easily blurred since often the circumstances or "push and pull factors" concerning the definition of migrants and refugees may overlap. For one, while migrants may have consciously and voluntarily chosen to emigrate, the choice may be motivated by compelling factors such as natural disasters or limited economic opportunities. On the other hand, though refugees are generally considered as persons uprooted by violence or fear of it, it is established that sometimes the forces which compel them to migrate may not be connected to any pressing need and may quite be borne out of a desire to reach greener pastures (Richmond, 1993).

With particular reference to the refugee crisis that faced the EU, the push and pull factors intensifying the influx of refugees cover a range of issues. Perhaps the most prominent of the push factors dislodging persons from their home countries in destination for European countries is sustained violence in these countries and deteriorating physical conditions of refugees in countries of the first asylum such as Jordan and Lebanon which viewed within Richmond's categorization suggest precipitating pressures which have dovetailed into reactive migration. Also at play are pull factors such as favourable feedback effects from countries such as Germany and Sweden who are more open to accommodating refugees but generally create a

problem for countries such as Hungary who are less open but are transit stops for refugees (see Figure 2).

Given the aforementioned, the ongoing EU refugee crisis may therefore be traced, beginning from 2015 to the unprecedented waves of people - immigrants and refugees, in transit or arriving in European nations from theatres of violent conflict or less developed countries limited opportunities for economic advancement such as Eritrea, Somalia, Afghanistan, Iraq, Libya, and above all Syria following the civil war between the regime of the long-ruling Assad and armed rebels on account of the dictatorial stand of the regime.

The Syrian conflict currently entering its second decade helped to incubate conditions that aided and strengthened the terror group, Islamic State (ISIS). The third of these conflicts was the collapse of Muammar Ghaddafi's regime in Libya following military intervention spearheaded by France and NATO which culminated in the fracturing of the country into factions soon engaged in a civil war. The Libyan crisis also contributed to the further destabilization of the already precarious Sub-Saharan region of Africa (see Chapter 2)

Moreover, the humanitarian crisis which came in the wake of these violent conflicts and political destabilization strengthened Islamic fundamentalism and the emergence of regimes of terror across the Middle East (ISIS) and SSA (Al-Shabab, AQIM etc) creating pressures acting to displace more people creating new waves of refugees headed, through Turkey, and over the Mediterranean, to their final destination, Europe (see Figure 2) (Fargue&Fandrich, 2012). Among these mostly violent contexts, the civil war in Syria represents the largest source of the humanitarian and refugee crisis in recent history (Adam, 2017) and is responsible for by far the largest wave of dislocated persons constituting the refugee crisis that confronted the EU.

The Syrian Crisis

The political history of Syria like many formerly colonized and developing countries post-independence has been characterised by epochs of instability dating back to 1946. These instabilities have generally caused waves of migration. Political unrest emanating from a culture of incessant military coups in the first half of the

1950s caused the mass exodus of the country's more affluent citizenry to neighbouring countries like Lebanon. Following this, in 1962 the Syrian government adopted discriminatory ethnic policies which deprived at least 100,000 Kurds of their Syrian nationality which forced the stateless Kurds to seek Asylum in neighbouring countries and Europe. In 1982, the Hama Islamist insurrection, crushed by the disproportionate use of force by the Syrian regime and the killing of thousands of civilians triggered another wave of emigration into Lebanon (Fargues&Fandrich, 2012). This meant that at the start of Syria's latest round of political violence, there was already a significant community of Syrians numbering up to 400,000 settled and living abroad in neighbouring countries and Europe. Of the 112,000 in the EU, 18,452 and 9,764 were designated refugees and asylum seekers respectively by the United Nations (UNHCR, 2010). This community of Syrians in the diaspora also constituted a pull factor for many Syrians' fleeing the country beginning from 2015, facilitating their journey and resettlement abroad (Fargues&Fandrich, 2012).

Ironically, Syria while being a major refugee-producing country, has also over the years served as a destination site for refugees. Evidence of this is the 1948 Palestinian crisis which brought an influx of Palestinian refugees into the country whose descendants are estimated to number up to 495,970 in Syria as of 2010 (Fargues&Fandrich, 2012). Also, the 2003 U.S. occupation of Iraq sent a stream of refugees into Syria. The country's value as a refugee destination increased when Jordan began implementing a non-entrée policy following bombings carried out by Iraqis in Amman in November of 2005. The UNHCR records that when the Syrian crisis broke out in 2011, there were including Syrian IDPs, an estimated 1,307,918 persons of concern according to the UNHCR living in Syria. However, Fargues&Fandrich, (2012) argue that while these numbers may have been overestimated due to the absence of reliable records, they underline the fact that a humanitarian situation was already in place when the Syrian crisis began deteriorating and transformed into full-scale civil war.

The ongoing Syrian crisis has metamorphosized from a situation of contained, largely peaceful public protests to a full-fledged, zero-sum civil war. The origins of the war can be traced to public dissatisfaction with perennially poor economic conditions made worse by state liberalization policies causing increasing

levels of unemployment and lower standards of living coupled with state corruption, and a systematic constriction of the political space marked by restriction of political freedom, state abuse of human rights and gross abuse of political power by the President Bashar al-Assad regime whose family has presided over the despotic machinery of state since 1970 (Yassin-Kassab& Al-Shami, 2016). Following the self-immolation of Mohammed Bouazizi and animated by the Arab Spring in neighbouring Algeria and Egypt, pro-Democracy demonstrations broke out in March 2011 in the southern city of Daraa. The violent suppression of these protests by the Assad regime directly caused the deaths of several hundred protesters, the arrest of many and the torture of others. These culminated in the spread of social disobedience nationwide in protests calling for the President's resignation and the institution of a democratic transition programme. The state response was the intensification of suppressive violence which further inflamed the protests. Opposing forces then began to militarise and resorted to armed resistance with their core goals shifting quickly from self-defence to eviction of government forces from their territories to regime change. The consequent civil war pitted state forces against a proliferation of rebel groups often formed along ethnic and sectarian lines.

While kicking off as a faceoff between state and rebel forces, the conflict has since evolved into one with numerous sides displaying incredible nuance. For one, the rebels fight the government but also fight against themselves forming loose and often shifting alliances introducing an ethno-sectarian element into the conflict. In addition, Syrian Kurds desiring self-government in a homeland of their own, have infused the conflict with an element of irredentism. This is further complicated by an international dimension where world powers including the U.S, Russia and NATO have taken sides invigorating the crisis through assistance including finance, weaponry, and support fighters. The resultant emergence of swathes of ungoverned spaces created opportunities for Islamic fundamentalist and extremist groups like the Islamic State (IS) and al-Qaeda to insert themselves into the conflict further worsening the crisis.

The Syrian Observatory for Human Rights (SOHR), a non-governmental organisation (NGO) estimates for the crisis the death of at least 387,118 persons including 116,911 civilians as of December 2020 with another 205,300 missing and

presumed dead (SOHR, 2020). Another NGO, Violations Documentation Centre (VDC) refers to at least 236,374 battle-related deaths of which 135,634 are civilians as of December 2020 (Violations Documentation Centre, 2020). While numbers vary according to the source, what is not in doubt is that the combined death toll from the Syrian crisis is more than 500,000 out of which at least 12,000 are children (UNICEF, 2020). Records also show that 2.1 million Syrians have been injured or permanently disabled (UNHCR, 2020).

Table 1

Groups Responsible for Deaths in Syria war

Group	Number of Attributed Deaths
Syrian Government	156,329
Opposition groups	34,606
Islamic State group	13,996
Russian forces	7,290
Others	7,271
U.S.-led coalition	3,330
Turkish Army	1,662
Syrian Democratic forces	1,364
Other Islamist groups	528

Source: Violations Documentation Centre (December 2020)

In this regard, the Syrian civil war has also initiated a humanitarian crisis that has dislocated over 55% of its 22 million pre-war population. (SOHR, 2020). Of this number, up to 6.7 million are internally displaced and 5.5 million have sought refuge outside Syria (UNHCR, 2020). A large number of refugees from Syria are presently accommodated in neighbouring states except for Israel. This is consistent with the movement patterns of persons fleeing violence in their homeland generally stopping at the first safe place they arrive at outside their own country (Fargues&Fandrich, 2012). As such the largest number of these refugees are sheltered in Turkey, Lebanon, Jordan, Iraq, and Egypt., Up to 93% of refugees from Syria numbering up to 5.5 million have stopped, or are in transit through these countries (UNHCR, 2020;

UN refugees, 2020). A detailed breakdown of the numbers above show that a total of 3,655,067 are camped in Turkey, 664,604 in Jordan, 243,121 in Iraq, 130,577 in Egypt and 31,657 spread across the countries on the fringes of North Africa (UNHCR, 2020).

Without a doubt, the sheer volume of Syrian refugees in these countries has imposed a severe strain on them. For instance, Lebanon a relatively small country with an approximate population of 4.8 million before the start of Syria's civil war has accommodated 1,146,405 displaced Syrians translating to mean that for every 5 persons living in Lebanon, 1 is a Syrian refugee (UNHCR 2015b).

Table 2

Refugee distribution among Syria's Neighbours

Country	Refugee In-take
Turkey	3,655,067
Jordan	664,604
Iraq	243,121
Egypt	130,577
North Africa	31,657

Source: Eurostat

By 2013, Syria set the novel record as the country of origin for first-time asylum seekers in 44 industrialised countries across Europe, North America, and the Asia Pacific. In 2011, the number had been 8,500 and 25,200 by end of 2012. In 2014 it reached 149,600, the highest recorded number ever by a single group since 1992. Between 2011 and 2014, an estimate of 239,700 displaced Syrians sought refuge in these 44 industrialised nations. The greater part of this number, around 222,225, sought protection in 37 European nations (Ostrand, 2015). Fargues and Fandrich (2012), state that the number of Syrians applying for asylum in EU countries in the earliest years of the crisis were negligible – 8,920 in 2011 and 11,573 in the first three quarters of 2012. Of this number 1,490 and 2,739 were recorded as irregular entries in 2011 and the first two quarters of 2012 respectively. However, the steady increase in the numbers has snowballed into a crisis in the EU.
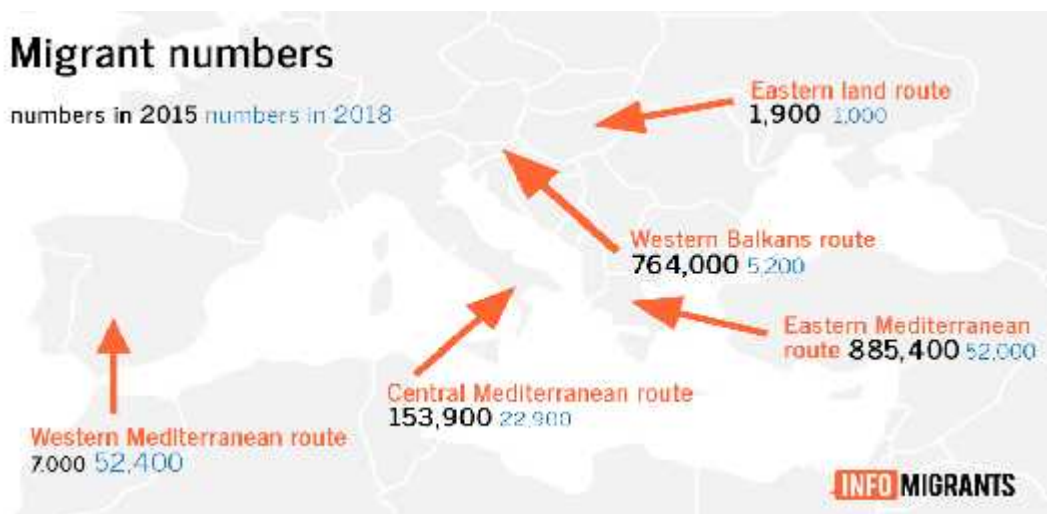
The First Wave

As mentioned in the preceding section, the number of displaced persons entering the EU from Syria increased significantly between 2011 and 2015. From a few hundred thousand in 2012, the number burgeoned to over a million in 2015 (see Chapter2). The waves of displaced persons attempt to enter European countries via different routes. These routes are mainly over the Mediterranean Sea and across land through Southeast Europe (UNHCR, 2020). The chosen route usually depends on the refugee-producing country and route availability.

Displaced persons from North and Sub-Saharan Africa, generally try to reach Italy or Malta through the Central Mediterranean route (see Figure 2). In 2015 at the peak of the EU refugee crisis, 153,900 displaced persons were coming through this route. Another sea route was taken by displaced persons in the Eastern Mediterranean route, which lies between Turkey and Greece. Refugees originating from Syria, Afghanistan and Somalia tend to use this route. Between 2017 and 2018, Syrians and Iraqis constituted the bulk of irregular migrations transiting through this route. In 2015 before the signing of the EU-Turkey Deal, 885,400 persons seeking asylum transited through this route using Turkey as a transit point in hopes of reaching Greece.

Figure 2: Source Infomigrant

Main migration route to the European Union through the Mediterranean Sea

The Western Mediterranean route connects Morocco to Spain. At the peak of the First wave in 2015, crossings here were negligible at around seven thousand. However, the EU-Turkey deal which aimed to keep refugees in Turkey from reaching Greece (see Chapter 3) diverted more traffic to this route such that by 2018 refugees in transit through here had risen to over 52,400. In addition, the Western Balkan route runs from Macedonia and Serbia to Croatia, Slovenia, and Hungary (see Figure 2). Refugees opting for this route often regard these countries as transit points through to more hospitable destinations like Austria and Germany. A majority of refugees from the Middle East use this route after crossing the Eastern Mediterranean route from Turkey and Greece in hopes of reaching Austria and Germany. At the peak of the first wave, 764,000 refugees passed through this route to Europe. When European countries responded to these waves by restricting movement into their countries mainly through the EU-Turkey deal and the closure of the Western Balkan route, a small percentage of refugees re-routed their journeys to Albania through Montenegro or Serbia to reach Bosnia and Herzegovina. Yet others chose to go through Bulgaria and Romania (Infomigrants, 2020).

The final major route used by irregular migrants to reach Europe in the Eastern land route which is a 6000km stretch of land between Belarus, Moldova, Ukraine and Russia and countries in the Eastern regions of the EU (see Figure 2). Irregular crossings through this route are relatively small reaching only 1,900 at the peak of the First Wave from 2015 to 2016. The numbers here trickled down to around 1,000 when the European Commission in March 2019 declared the worst of the EU Refugee crisis over even though displaced people continue to trickle into Europe (UNHCR, 2020).

These numbers are unevenly distributed across various EU countries as displayed in Table 3 below.

Table 3*Refugee distribution among major EU countries*

EU Country	Number of Refugee In-take
Denmark	21,980
Bulgaria	22,960
France	27,505

Belgium	28,450
Netherlands	47,505
Austria	58,285
Hungary	78,285
Greece	80,395
Sweden	127,935
Germany	674, 655

Source: Eurostat

These waves of refugees and asylum seekers have entrenched fears among EU countries. Such fears covered a range of social, cultural, health, demographic, political and economic concerns. Siegel and Nagy (2018: 2), outlined them to include fears:

i.   That border control and existing security measures instituted to regulate migration may be inadequate to manage the influx.

ii. That the influx may serve as a "Trojan horse" for negative and violent elements including jihadists, terrorists, and war criminals whose activities may destabilize the EU.

iii. That the influx may create cover transnational organized crime particularly human smuggling and increase criminality across Europe

iv. That the increase in criminality may resort to hate crimes as local European populations may be instigated to respond to rising criminality with violence

v.   That the sectarian nature of Syria's war fuelled by political, social, and ethnic schisms may re-ignite enmities among refugees causing the war to spill over into Europe.

vi. That the increasing numbers of refugees and immigrants may take away jobs from local Europeans or increase competition for available jobs, driving down wages.

vii. That conflicting ideologies as refugees from countries with authoritarian cultures may clash with the western liberal democratic culture of many EU countries.

viii. That refugees may introduce new epidemics or re-introduce already eradicated diseases into European communities thus straining their public healthcare system.

ix.   That a large number of children in refugees' migrant families may lead to an unanticipated spike in the population.

Due to the nature of EU policies regarding granting asylum, social responses to the influx of refugees have varied among EU nations. Ranging from the rising of anti-refugee and anti-immigrant sentiments to policy responses aimed at tightening migration laws and restricting access into Europe. This through three major ways:

i.   By closing the Balkan route at the border between Macedonia and Greece
ii.   By erecting physical barriers like the so-called 'line of defence' fencing off the borders of Hungary (with Serbia and Croatia) and Slovenia. Hungary, in particular, has amended its penal laws to include stiff penalties for violations of its immigration laws

iii.   By entering into an agreement with Turkey in the EU-Turkey deal/agreement
These measures helped to stem the in-flow. In 2016, the stream of refugees slowed to around 363,000, a significant reduction from the 1.5 million in 2015 (Siegel & Nagy, 2018). However, they also came with trade-offs. For one, the continued intensification of border control by Germany, Austria, Sweden, France, Denmark, and Norway, inhibited free movement in the Schengen area. In addition, the agreement made with Turkey has stirred up controversy, regarding its status in international law and undermined the values on which the EU was founded including equality and respect for human dignity and fundamental rights (see Chapter 1).

The EU-Turkey Deal

The EU-Turkey deal emerged as a product of a Joint Action Plan (JAP), declared in October 2015 was designed to externalize the management of Europe's refugee challenge and by extension control the flow of irregular migration into the EU (Lehner, 2018). The core of the deal rests on the commitment of Turkey on the one hand from keeping refugees that enter its territory through the Mediterranean from proceeding further into Europe as well as unconditional take-back of all irregular migrants not in need of international protection crossing from Turkey into Greece intercepted in Turkish waters from March 20, 2016. On the other hand, the EU in addition to making available to Turkey an initial sum of €3 billion to improve the conditions of Syrian refugees in the country, would re-open and accelerate

Turkey's accession bid to the EU as well as fast track the liberalization of visa regimes granting Turkish citizens easier access in and out of the Schengen Zone by October 2016. This in addition to a 1:1 arrangement where each one Syrian returned to Turkey from Greece, would be matched by one Syrian from Turkey resettled in the EU (Adam, 2017).

Following its implementation, the number of irregular migrations into the EU has seen a drastic decline in numbers. Before the deal, irregular migrations from Turkey to the Greek Islands stood at a daily average of 1,700. In its aftermath, the figure plummeted to an average of ninety-three persons. Specifically, the number of irregular migrations in 2018 crossing the Eastern Mediterranean route dropped to 52,000; the Central Mediterranean route to 22,900; the Western Balkan route to 5,200; and the Eastern land route to 1,000 (MacGregor, 2019).

For all intent and purposes, it may be argued that the EU-Turkey Deal has achieved its primary aim. However, Adam (2017), contends that elevating the Agreement as the sole factor the decline in irregular migrations into the EU amounts to an oversimplification of the issue and precluding other possible explanatory factors.

For one, the interaction of factors that served to fuel the First Wave in 2015 has over time gone through significant changes. Crucial here to the declining numbers is the dismantling of the lucrative smuggling enterprise that ran through Turkey severely compromising its effectiveness (Kingsley, 2017). Also is the introduction of visa restrictions for refugees entering Turkey from Syria making entry all that more difficult in comparison to 2015 when it was not required, they had a visa to enter and the absence of the 700km land wall Turkey is currently building along its border with Syria to prevent the entry of terrorists (and restrict refugee movement) into its territory, made the land crossing a lot easier back in 2015. Finally, the blocking of the Balkan route by Hungary has cut drastically to near zero the probability of refugees/asylum seekers risking the journey to Greece, transiting to more hospitable EU member states like Germany and Austria. Often, they end up stranded in Greece in deplorable conditions (Adam, 2017).

In addition, the EU-Turkey Deal is confronted by other challenges regarding its legal status because of the unwillingness of key EU actors and institutions to claim ownership of the deal (Smeet& Beach, 2020). The dis-ownership of the deal is evident in the unwillingness of the European Court of Justice (ECJ) to claim jurisdiction in a suit brought before it by three asylum seekers in February of 2017 because the deal was concluded by member EU countries and not the EU per se, removing legal cases on the deal from within its purview (Adam, 2017). The Deal also represents an uneasy arrangement between the EU and Turkey and is constantly threatened by a history of tensions between the two parties. A major source of tension here pertains to the condition of granting visa-free access for Turkish citizens into the EU. While this constitutes a core component of the deal, negotiations on visa liberalisation have stalled even as Turkish representatives have been vocal about backing out on the deal if Brussels fails to deliver (Adam, 2017).

Other challenges to the deal are emerging voices that contend whether there is a refugee crisis in Europe at all, thus calling into question the usefulness of the deal (Eijken, Safradin&Senden, 2018). Since the start of the Syrian crisis, of the about 5.5 million Syrians who have sought refuge in foreign countries, more than half of this number is hosted in Turkey. In February 2018, the number of registered refugees in the country stood at 3.5 million establishing it as the largest refugee host in the world (UNHCR, 2018). By comparison, between 2011 and 2017, even at the height of the crisis in 2015, the number of refugees that made it into the EU in total never exceeded more than a million peaking at around 952,511. This represents a comparatively smaller number not only to the overall number generated by Syria during the civil war but also the number currently sheltered in Turkey.

Consequently, questions contesting the existence of an EU refugee crisis ask whether the crisis is playing out in Europe or Turkey (Lehner, 2018). Accordingly, this line of thought opens the EU-Turkey deal and the general idea of externalizing refugee management to criticism. For while Turkey has largely approached the challenge with a rather comprehensive strategy, the EU has floundered and failed to present a collective, coherent, and cohesive strategy to mitigate the crisis. The EU's lack of a collective strategy to a significant extent lies with the dysfunctionality of some of its policies such as its asylum policies which within a general framework –

Common European Asylum System (CEAS), allows individual EU members to reserve the right on how to deal with refugees and asylum seekers. This is elaborated further below.

CHAPTER IV
The European Union Common Asylum Policy

Introduction

The EU immigration crisis while accentuating previously low-key political and ideological differences, also facilitated conflicts that have disrupted mutual inter-state relations within the EU as well as created fertile grounds for the breeding of right-wing sentiments including populist political parties and political agendas fuelling xenophobic attitudes and political intolerance aimed not only at refugees and asylum seekers but all migrants in the EU. Yet it emerged out of the inability of existing EU structures especially the absence of a common European asylum policy to effectively manage the influx of refugees but particularly, the inability of EU states to reach consensus and implement strategies to mitigate the crisis from countries suffering political instability as a result of war and dwindling economic fortunes. Before taking a closer look at the outcome of the crisis in how it consolidated Euroscepticism in the three case studies chosen for this study, the following section looks at the key features of the existing legal frameworks for asylum control especially as manifest in the 'Dublin System', and how its lapses contributed to transforming the 2015-16 refugee influx into a crisis for the EU.

EU Common Asylum Policy

Throughout most of its history from the 1980s through to the late 1990s, policies of immigration and asylum regulation were largely kept outside the purview of the EU's supranational institutions and fell essentially to individual member states (Hatton, 2014). In the following years, however, designing common immigration and asylum policy for the integrated economic space came to be perceived as an essential next step for the completion of the Schengen borderless area in performing crucial public functions such as border control, security and control of third-country nationals arriving in the EU from the rest of the world including politically destabilised and economically challenged regions.

Other motivating factors for the drive towards creating a common asylum system for the EU lay in the historical context, particularly the dismantling of the Soviet Union, the transformation in the post-Cold War period, of modes of war from

interwar to intra-war and the subsequent developments in the EU's near abroad, including the disintegration of Yugoslavia. These all led to the proliferation of civil wars, political instabilities and diminishing economic prospects in regions around the EU transforming them into consistent sources of both voluntary and forced immigrants including asylum seekers and refugees headed for the EU (Kale, 2018). This is emphasised by the fact that around 80% or two-thirds of all refugees from such places heading for the industrialised/developed centres of the world have the EU, more precisely, the core pre-enlargement EU states as their intended final destination (Hatton, 2014; Hatton, 2005).

In more concrete terms, the European commitment towards creating a common asylum policy is traceable to the 1999 Tampere Declaration. Via this declaration, the EU Council expressed its commitment to establishing a pan-European immigration and asylum management system that has become popularly known as the Common European Asylum System (CEAS) (Toshkov& de Haan, 2013). The intent was for the CEAS to align with the core principles of a range of international and regional pacts about human rights and dignified treatment of persons seeking international protection (Fratzke, 2015), to which the EU states are signatories. The most prominent of these pacts include the 1951 Geneva Convention and its 1967 Protocol, the United Nations Convention on the Rights of the Child, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and local legislation.

The Stockholm Programme which between 2010-2014 provided the framework for key EU objectives including the Area of Freedom, Security and Justice (AFSJ) (Leonard &Kaunert, 2016), defined the main goal of the CEAS as seeking "to establish high standards of protection and ensure that similar cases are treated alike and result in the same outcome, regardless of the Member State in which the asylum application is lodged" (Kale, 2018). In this regard, EU efforts towards improving the effectiveness of the CEAS have focused on improving the legal immigration frameworks of individual EU states and working towards meeting minimum asylum standards (European Commission, 2018). These priorities were selected to specifically counter certain tendencies among immigrants often described

as 'asylum shopping' and 'secondary movement' made easy by the elimination of internal borders within the Schengen Zone.

"Asylum shopping" while having no officially recognised definition is generally the practice where an immigrant submits multiple claims for asylum in different countries across the EU (Kaunert and Leonard, 2012). The possible motivation for this practice is captured by Crawley (2010), who conceptualised the phenomenon to be asylum seekers choosing one country over another on preconceived notions of higher standards of reception conditions or social security assistance provided by that country. Thus, the essence of asylum shopping resides in asylum seekers filing asylum claims in more than one EU country to accept the offer of the country with the most favourable and conducive protection programme (Mouzorurakis, 2014). Secondary movement, on the other hand, is closely associated with the concept of asylum shopping. It depicts the practice where immigrants including asylum seekers, enter the EU through a given country but do not remain there. Taking advantage of the dissolution of internal borders, they travel to other EU countries to lodge their asylum claim under the conviction that it offers better and more conducive protection than the country through which they entered the EU or transited to reach the EU country of their preference (Garcés-Mascareñas, 2015).

Both practices were cast as abuse of the extant disjointed asylum practices in the EU (Asylum Shopping, 2019) in the sense that they multiplied the burden and duplicate the cost of processing claims across the EU (Hatton, 2014). It is within the context of discouraging these intertwined practices that the idea of harmonizing asylum policy for the provision of similar standards became central to the CEAS. The logic is that where states offered similar standards of protection, asylum seekers would be discouraged from secondary movements and asylum shopping.

Regardless, achieving common ground and progress on the CEAS has been hindered by a range of issues encompassing, on the one hand, how the policy should be implemented and on the other, what degree of cooperation should result from it. The arguments here range from harmonization of national asylum policies throughout the EU to full-blown supranationalisation with asylum policies centrally defined and regulated by specially created EU level institutions (Hatton, 2014). Where the case could be made for supranationalism, intervening variables,

particularly in the face of the recent refugee crisis, have halted such a prospect in its tracks. Consequently, such counteracting factors as public opinions born out of cultural perceptions of the usefulness or otherwise of immigrants and the wariness of citizens towards their impact on the society both in demographic and economic terms have stirred up and sustained rising trends of populism, right-wing political ideologies, and anti-refugee sentiments, hindering the centralization or even harmonization of asylum policies in many EU countries.

The Central and Eastern European (CEE) states sustained resistance to supranationalisation in favour of the nationalisation of asylum policies buoyed by public opinion (Dagi, 2018). Closely connected here is the question of what benefits will accrue from closer integration as opposed to harmonized but disparate national policies. Some of the most commonly cited benefits include cost reduction in border control, reducing the uncertainty associated with the persistent waves of the refugee influx, promoting international security, and honouring international obligations such as the 1951 Refugee Convention (Hatton, 2014).

Resistance to the CEAS by the CEE may also be attributed to developmental imbalance evident between Europe's highly industrialised Northern states and those in its significantly less developed South. The following enlargement i.e., the accession of formerly communist European countries into the EU and the creation of the Schengen, the main actors behind a common asylum policy were member states from Europe's Centre and North-West including the Netherlands, Germany, France, Sweden, and the UK who were hosts to large contingents of asylum seekers and felt other EU states should take on greater responsibility for asylum seekers entering the expanded EU (Zaun, 2017).

In simpler terms, they desired a mechanism that could sanction the legal deflection of asylum seekers to other EU states. However, while the core states by historical antecedents already had robust asylum frameworks, the newly admitted states were generally sources of migrants rather than immigration destinations and as such had at best, comparably weaker or at worst non-existent asylum structures (Zaun&Servent, 2021). There was such the present possibility of them being overwhelmed in case of a migrant influx as they were in the 2015-16 refugee crisis. Indeed, Thielemann& Armstrong (2013), argue that the new members of the EU only

yielded to the CEAS in its configuration at the time only because their admittance into the EU was tied to its acceptance' This has served to create perceptions in the EU's developing regions of the core EU states being opportunistic and using their dominance to impose detrimental conditions on weaker EU states thus generating sentiments that resist the CEAS.

Consequently, the emergence of the 'Dublin Regulation' as the cornerstone of the CEAS and the main instrument for regulating immigration and asylum management throughout the EU came into force embodying critical lapses and discontent so much so it has recorded only marginal success. Currently, it represents a critically challenged framework which in practice seem to overburden certain states. Overall, it has proven to be inefficient and inadequate as demonstrated by the 2015-16 refugee crisis.

The Dublin Regulation

The Dublin Regulation as the core pillar of the CEAS is the main EU asylum legislation. Because of asylum shopping and secondary movements, its primary function is the rapid determination of which EU state has responsibility for processing specific asylum claims by asylum seekers who enter the EU (Basile &Olmastroni, 2019; Fratzke, 2015). It evolved from the Dublin Convention of 15 June 1990 which came into force on 1 September 1997 and was legally binding on 12 initial signatories which were Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the UK. Over the years signatories to the Dublin Convention have expanded to include other EU members – Austria and Sweden in 1997, Finland in 1998 and non-members or 'Associated States' such Norway, Iceland, Switzerland and Liechtenstein who have extant compacts with the EU to be bound by its terms.

The motivation for the Dublin Convention is linked to the unforeseen consequences which emerged from the implementation of the Schengen free movement zone that created certain unique problems for the EU. Firstly, the elimination of internal borders within the Schengen zone allowed for third-country nationals such as asylum seekers to move freely within the EU. They could enter through one country and then transit to others where they lodge asylum claims often in more than one country. This led to the phenomenon referred to as asylum

shopping through secondary movements facilitated by the dismantling of border control. Consequently, the removal of internal borders created the need for integration in other policy areas such as border control including asylum to determine which specific states should take responsibility (Fratzke, 2015).

The Dublin Convention aimed to address these dual problems via the swift determination of which EU state lied the responsibility for the examination of specific asylum claims. To achieve this, the Dublin Convention rests on three principles:

i. Asylum seekers may lodge an asylum claim in only one state within the EU which if denied is recognized by all states

ii. The member state deemed responsible for examining an asylum claim is determined by criteria outlined by the Dublin Convention rather than by the preference of the asylum seeker

iii. Regardless of what EU state asylum seekers are at any time, they may be returned to the state determined to be responsible for processing their application.

This created the need to harmonise asylum policies across the EU (Garcés-Mascareñas (2015). The Dublin Convention thus grew as expedience for the allocation of responsibility via a speedy process to the specific states where particular asylum claims may be filed and processed based on collectively agreed-upon principles.

Thecriteria for determining asylum responsibility are ordered according to a pre-determined hierarchy considering first, family unity, then legal residence or visa, illegal entry and lastly place of the lodging asylum application (Fratzke, 2015). The family criterion emphasizes that asylum seekers who have a family with refugee status or are in the process of filing asylum claims in any EU state will have their application examined by the state where their family are. Where asylum seekers have no families but possess valid or recently expired residence permits or visas, the state that issued the document is responsible. In the absence of family and valid documentation, the state through which the asylum seeker entered the EU shall be responsible. Barring all of the above, the state where the asylum seeker submits their application shall be responsible (Fratzke, 2015; Garcés-Mascareñas, 2015).

Another problem that necessitated the creation of the Dublin System is closely linked to that of secondary movement linked to the first in that, within the context of unhindered movement within the Schengen zone, it was difficult to determine the point at which an asylum seeker entered the EU and difficult to assign responsibility for processing their claim. This enabled EU states to dispute and reject claims for asylum applications. This created the 'orbiting' asylum seeker who is currently in the EU, but no state has taken responsibility for processing the claim because of the lack of an effective mechanism to determine where they first entered the EU (Garcés-Mascareñas, 2015).

In the year 2000, the European Commission produced a paper assessing the strengths and weaknesses of the Dublin Convention following its operation since 1997. The paper suggested that the Dublin framework was inefficient and ineffective because of the disparities in national asylum laws and practices and the absence of data to determine a point of first entry, causing the problem of orbiting asylum seekers to persist even as the number of irregular migrations increased and (European Commission, 2016).

The first major revision led to the repealing of the Dublin Convention in 2003 by the 'Dublin II Regulation' which was binding on all EU territories except Denmark. Dublin II did not make wide-ranging amendments to Dublin. The one major introduction of the Dublin II was the creation of the European Dactyloscopy (EURODAC). The EURODAC is a fingerprint and categorization database for identifying all asylum seekers and third-country nationals who have illegally entered the EU and are up to 14 years of age. The EURODAC is accessible by all EU states and has been instrumental in accessing evidence necessary to identifying countries of first entry to allocate asylum responsibility. Together, the Dublin II and the EURODAC constitute the Dublin System.

The Dublin II like its predecessor encountered both old and new challenges. For one, while the EURODAC became instrumental to identifying the point of entry and was effective at determining states with responsibility, it tended to deflect the bulk of asylum caseload to these frontline states, many of which had weak or non-existent asylum regulation frameworks (Zaun, 2017; Thielemann et al, 2013), without necessarily considering their capacity to deal with increasing asylum (Zaun and

Servent, 2021). The inefficiency which characterised the framework in these frontline states served to further disrupt the lives of internationally displaced persons. In addition, it did not take significant action towards deeper integration via harmonization of national asylum policies thus to an extent failed to curb secondary movement as a huge number of refugees continued to find their way into core countries like Germany, France, Sweden, and Austria (Fratzke, 2015). Furthermore, by insisting on the first country of entry being the site where asylum claims can be lodged, it precluded preference on the part of asylum seekers and to a significant extent impinged on their rights as contained in the 1951 Geneva Convention (Scherrer, 2020). Dublin II was thus criticized on many grounds including that it did not provide efficient and effective protection for asylum seekers, disregarded their rights as well as disproportionately distributed the burden of asylum processing to frontline states.

Assessments of Dublin II were unanimous that significant gaps existed between objectives and achievements (UNHCR, 2009). The European Parliament in 2008 acknowledged these most pressing challenges to the Dublin System stressing that the lack of harmonization of asylum policies across the EU guaranteed the unfairness of the system to asylum seekers on one hand and frontline states on the other by disproportionately placing the greater burden on them.

Further revisions saw the Dublin II replaced by the Dublin III Regulation (Dublin III) in June 2013 and coming into force on July 19, 2013. Noteworthy here is that this latest iteration is largely unaltered, maintaining the core of the Dublin II and Dublin Convention, mainly, clarifying the criteria for assigning responsibility under the Dublin System (Fratzke, 2015). Some of the revisions in Dublin III included the replacement of sovereignty and humanitarian clauses with a 'discretionary' clause in Article 17 aimed at giving member states more flexibility. It also introduced provisions emphasizing the rights of asylum seekers to information and the best interest of persons below 14 years of age (ECRE, 2015).

Nonetheless, the essence of the Dublin III is relatively the same as its predecessors the Dublin II and the Dublin Convention. It currently operates as the main EU level legislation about asylum, assigning responsibility for asylum applications through a system based on predetermined criteria. Dublin III places the

highest premium on these criteria according to how they are listed in Article 7 to Article 15, Chapter Three of the EU Charter of Fundamental Rights. The criteria in order of importance are:

i. Family Reunification: This criteria under Article 8 to 11 emphasizes the need to keep families together and considerations for the best interest of minors in allocating responsibility. It prescribes that if an asylum claimant already has family in any Dublin State, the state responsible for examining their application shall be the one where their family currently reside. If the applicant in question is a minor i.e., a person below 14 years of age, the Dublin state where they have a family will be responsible for processing the asylum claim but only when it is in the best interest of the child.

ii. Possession of Legal Documentation: Where the family criteria do not apply, Articles 12 and 14 provide that, if the asylum seekers possess a valid residence permit or visa (even if recently expired), the Dublin state responsible for examining their claim will be the one that issued the document.

iii. Illegal Entry: Article 13 provides that where the first two criteria do not apply and an asylum seeker has entered the EU via irregular means i.e., illegally and has transited to another Dublin state, the state through which the applicant entered the EU will be responsible for examining their claim

iv. Place of First Application: Where all the above do not apply, the Dublin state where the asylum seeker lodged their application shall be responsible.

In addition to the above, Dublin III also provides for a 'Discretionary Clause' under Article 17 which allows states to voluntarily assume responsibility for an application that ordinarily does not fall to them in line with any of the above criteria.

The above conditions may necessarily result in two kinds of actions; 'take charge' and 'take back' requests to any given state identified to be responsible for any specific application. Take charge requests generally involves one state upon determination of where responsibility lie, request the responsible state to take charge of an application for any number of humanitarian reasons including family unity or extenuating health concerns. Take back requests on the other hand applies in cases of multiple registrations where the applicant has applied to one state and again applies

in another state to which they have travelled. The state where the applicant files their second application upon confirmation of the responsible state may, whether based on first application or possession of residency documentation or waiver of such documentation, request the state to 'take back the applicant. The workings of the take-charge/take back requests are specified in Chapter V of Dublin III.

Of the criteria designated above, the one most frequently invoked is the one of illegal entry. This arises from the fact that the EU consulates in many wars torn countries such as Syria have halted operations. In addition to other stringent immigration measures blocking off opportunities for legal entry, the larger part of asylum seekers into the EU resort to illegal and dangerous means often resulting in numerous deaths. Since 2014 of the total number of people estimated, attempting to reach the EU mainly via the Mediterranean, about 33,631 have died (IOM, 2020).While Dublin III ensures that any member state through which asylum seekers entered the EU bears the responsibility for processing the application for asylum, the applicant is held, and the responsible state cannot take any action until the determination is completed. During the process, the Dublin III secures some rights for applicants which include:

i.   Right to Information: Article IV of the Regulation guarantees applicants access to information regarding the processing of their application through the various stages. This responsibility lies with competent authorities of the state where an application has been filed who in turn must notify the applicant of this right

ii.   Right to One-on-one Interviews: Article 5 guarantees the applicant a right to a personal interview with competent authorities in the process of determining who is responsible for their application

iii. Special Treatment of Minors: Article 6 provides that the safety and welfare of children be taken into consideration in the processing of their application. This right guarantees the protection of minors and other categories of persons including unaccompanied minors, family members and dependent persons

iv.   Right to Appeal: Article 27 provides that individuals may not be denied the right to appeal a determination to remove them to another Dublin state for processing. This article also guarantees their right to free legal support should they decide to appeal their transfer decision. The essence of this right is in

keeping with the principle of non-refoulment of Article 33 of the 1951 Geneva Convention.

Not minding the significant efforts taken to bring increased clarity to its modalities as well as accommodation of the rights and welfare of asylum seekers in a manner geared towards the timely resolution of their applications, the Dublin III as the main pillar of the CEAS, has in practice generated controversy and criticism particularly in the light 2015/2016 refugee crisis. The exacerbation of Syria's civil war, political disruptions in Afghanistan, Iraq and several Sub-Saharan countries including Libya, Somalia, and Eritrea, coupled with rising incidences of economic decline and poverty in developing regions across the world have directed and sustained a heavy flow of migrants mostly refugees and asylum seekers towards the EU. While many of these people die on the journey to reach Europe's shores, of those who make it, an even greater number are left stranded and stuck in a sort of processing limbo enabled by the Dublin III necessarily creating a humanitarian crisis out of the situation.

Dublin III Regulation and the 2015-16 Refugee Crisis

The massive influx of refugees into the EU exposed significant flaws in the workings of the Dublin III. These flaws in turn transformed the influx into a crisis with both humanitarian and political dimensions. The weaknesses of the Dublin III that compounded the crisis are both structural and institutional. Theoretically, the Regulation demands a range of institutional provisions to be efficient and effective. One of these is those asylum laws and practices within the EU pivot on the same common standards with the implication that asylum seekers enjoy equal rights, fair examination, and similar levels of protection across the EU regardless of the state where they first lodged asylum claim. In practice, however, asylum laws and practices across the EU vary from country to country. This is attributable to Dublin III which bestows on member states final say and wide-ranging discretion as to the specificities of asylum protocols at national levels (Scherrer, 2020). This characteristic variation tends to subject asylum seekers to different standards and treatment in different EU states (Henrekson, Oner&Sanandaji, 2019), many of which disregard their fundamental rights.

Recognition of this particular weakness informed the approval by the EU Council in 2013 of the European Asylum Procedures Directive and Reception Conditions Directive, both of which aimed to advance the harmonization of asylum procedures, standards, and reception conditions for refugees. Yet Garcés-Mascareñas (2015) pointed out that levels of uptake have varied across the EU ranging from an extremely low performance like 9% in Hungary, 11% in Croatia and 22% in France to average 44% in Spain, 42% in Germany and extremely high numbers in Bulgaria's 94% and the Netherlands 67%.

The Dublin Regulation functions as a selection mechanism to filter entry and prevent the free movement of undesirable migrants within the Schengen. Therefore, central to the Dublin Regulation is the externalization of the immigration and asylum claims along two paths - one internal and the other external (Mouzourakis, 2014; Boswell, 2003). The first path of externalisation emphasises the deflection or transfer of asylum responsibility from the states at the core of the EU to those at its borders. Within the context of entry points discussed in the preceding chapter, countries such as Greece, Italy and Spain being the point of landing for the overall bulk of illegal arrivals through the Eastern Mediterranean and Western Balkan Route as well as a significant share of both air and irregular land crossings (Kale, 2018), become responsible for a bulk of asylum seekers. The unspoken logic behind Dublin was thus that, while the free movement was allowed within the core Schengen area, outlying countries such as Greece and Italy would serve as a buffer preventing the access of irregular and unwanted migrants into the Schengen zone. That it was only possible for asylum seekers to file asylum claims in the country of first entry ensured to limit their freedom to move as well as settle freely in any country of their choosing within the Schengen area.

The second level of externalization functioned through the deflection of asylum responsibility to a third country. This has introduced into the EU's asylum vocabulary several concepts aimed at shifting responsibility for asylum seekers outside of the EU unto other countries considered safe. First among these is that of 'Safe third country' which empowers Dublin states to withhold responsibility for an asylum application if the applicant is established to have entered the EU through a country deemed safe and where if they chose, could have applied for asylum.

Another coterminous concept is the 'safe countries of origin' where the source of an applicant is presumed to provide no evidence of persecution or threat of serious harm. The third provided that applications rooted in 'manifestly unfounded' claims may be rejected without the right of appeal (Hatton, 2005).

The criteria for designating a country a 'safe' third varies from state to state within the EU. They nonetheless follow a general guideline that emphasizes adherence to the 1951 Geneva Convention principle of non-refoulment in which an asylum seeker may not be returned to a country from which they have fled where they harbour reasonable reasons to fear for their lives. In addition, there must also be other options of seeking asylum and receiving protection; clear absence of risk of harm, a threat to life and freedom and a significant link between applicant and country. Where EU states conclude an application meets any of these criteria, they may be transferred to a third country whether they are countries of origin or merely transit routes such as Turkey, deemed as safe to return immigrants. This second tier of externalization has particularly been criticised for promoting the idea that asylum protection should not be sought in Europe but elsewhere (Triandafyllidou&Dimitriadi, 2014). Indeed, the idea behind the safe third country concept is that no one has the right to choose the EU as an asylum prospect when there is already a safe place for them outside the EU. These concepts by their nature are aimed at shielding the CEAS from assigning responsibility and by extension the burden of protecting refugees (Lehner, 2018). In the face of the 2015/2016 crisis, the safe third concept was used largely within the context of the EU-Turkey Deal.

The Dublin III meant that countries of "first arrivals" on the EU's frontlines were, particularly impacted. Italy and Greece in particular, under the strain of fiscal austerity, struggled to cope with the large numbers of arrivals by sea on their shores. The consequences were, extended duration of application examination often running into months; build-up of asylum seekers in their reception centres and inadequate and undignified conditions which violate foundational EU values (see Chapter 1) as enshrined in Article 2 of the EU Treaty including respect for human rights, the dignity of the human person and the rule of law, as well as for the principles of pluralism, non-discrimination, tolerance, and justice (Carrera, 2015). This in part arises from the fact that the Dublin Regulation was not conceived to manage the

huge influx of refugees. In response, national governments have scrambled to institute measures to protect themselves from the influx. These measures have ranged from the increased restriction of access, including building walls, imposing more stringent asylum procedures, and marked decline in the quality of treatment given to asylum seekers necessarily compelling them to seek protection elsewhere (Hatton, 2005).

At the EU level, the Commission has proposed several actions to address the crisis. These actions have been underpinned by the principles of 'solidarity' and 'responsibility sharing' among EU member states (Saatcioglu, 2020). The central element in these proposals was the internal redistribution of asylum seekers from sites of large concentration to those with lower levels. On 20 April 2015, following the outcome of an extraordinary EU Foreign and Home Affairs Council sitting, presenting a ten-point action plan emphasizing urgent steps to stem migrant flows from across the Mediterranean and 'suggestions for migrant relocation and resettlement in Europe' (Saatcioglu, 2020: 4), the EC presented the "European Agenda on Migration" in May 2015, to implement reforms of the EU's Common Asylum System. Core components of the Agenda included (i) urgent steps that in part focus on the relocation of refugees within the EU and the resettlement of displaced persons in clear need of international protection (ii) stemming the flow of irregular migration into the EU by addressing the root causes of migration in refugee generating countries and combating smugglers and (iii) effective border management that will prioritize preventing loss of migrant life at sea (iv) the engineering of a strong CEAS emphasizing the EU's responsibility to protect and revising the Dublin System if necessary (European Commission, 2015). Also, included providing logistical and technical support through the 'hotspot approach' which promotes the deployment of technological support and experts to member states with high refugee and asylum seeker density (European Parliament, 2016).

Indeed, within the context of the 2015/2016 crisis, available data reveals that between 2008 and 2017, almost 90% of all asylum claims were lodged in only 10 EU states. During the same period, while some states like Estonia received as little as 350 asylum applications, others like Germany, France, and Sweden by the circumstance of secondary movement, and others like Greece, Italy, and Spain by

being frontline states received the bulk of claims. This is displayed in the table below.

Table 4

Top 10 EU countries with highest asylum applications (2013-2017)

	2013	2014	2015	2016	2017	Total
Germany	126,705	202,645	476,510	745,155	222,560	1,773,575
Italy	26,620	64.625	83,540	122,960	128,850	426,595
France	66,265	64,310	76,165	84,270	99,330	390,340
Sweden	54,270	81,180	162,450	28,790	26,325	353,015
Hungary	18,895	42,775	177,135	29,430	3,390	271,625
Austria	17,500	28,035	88,160	42,255	24,715	200,665
UK	30,585	32,785	40,160	39,735	34,780	178,045
Greece	8,225	9,430	13,205	51,110	58,650	140,620
Belgium	21,030	22,710	44,660	18,280	18,340	125,020
Netherlands	13,060	24,495	44,970	20,945	18,210	121,680
EU/Total	431,095	626,965	1,322,845	1,260,920	712,215	4,354,040

Source: Eurostat

However, the quota sharing system advance as a potential solution to the crisis incorporated the principles of solidarity and responsibility-sharing aimed in line with collectively agreed on distribution arrangement and a formula to transfer a percentage of refugees from states with large applications to ones with significantly fewer applications. To encourage uptake of these quotas, the EU has initiated a policy and financial support framework to channel resources especially finance into states that receive the highest numbers of asylum seekers like Italy and Greece (Thielemann, 2018). The proposed measures have become controversial and polarizing, receiving no support from the Visegrad group of Hungary, Poland, and the Czech Republic after rejecting the relocation of refugees from Greece and Italy based on the quota sharing system (see Table 5).

By December 2016, more than a year after the EU pledged to relocate over 160,000 from Greece and Italy to other EU countries, only 8,162 of the number had been relocated to permanent homes (Jennifer, 2016). As of September 27, 2017,

following the expiration of the program's timeframe, the total number of allocation and resettlement uptake per state is presented in Table 5 below

Table 5

2015 Refugee Relocation Quota and Compliance Level among EU states

States	Refugee Allocation	No. of Refugee Resettled	Quota Resettled (%)
Austria	1953	15	0.8%
Belgium	3812	997	26.2%
Bulgaria	1302	50	3.8
Croatia	968	78	8.1
Cyprus	320	143	44.7
Czech Republic	2691	12	0.4
Denmark	0	0	0
Estonia	329	141	42.9
Finland	2078	1975	95.0
France	19714	4468	22.7
Germany	27536	8479	30.8
Greece	0	0	0
Hungary	1294	0	0
Ireland	600	552	92.0
Italy	0	0	0
Latvia	481	321	66.7
Lithuania	671	382	56.9
Luxembourg	557	430	77.2
Malta	131	148	113.0
Netherland	5947	2442	41.1
Poland	6182	0	0
Portugal	2951	1496	50.7
Romania	4180	728	17.4
Slovakia	902	16	1.8
Slovenia	567	217	38.3
Spain	9323	1279	13.7
Sweden	3766	2276	60.4
United Kingdom	0	0	0

Norway	0	1509	0
Switzerland	0	1237	0
Lichtenstein	0	10	0
Total	98255	29401	29.9%

Source: SenadaSeloSabic (October2017)

The consequences of the first country of entry rule and secondary movements continued to guarantee the disproportionate distribution of refugees. Many EU states including Belgium, Denmark, Germany, Hungary, Austria, Slovenia, Sweden, and Norway, in response to the pressure, between September 2015 and March 2016 re-instituted (and continued after 2016), to enforce internal border checks and controls. While these national decisions seemed to comply with the Schengen Borders Code, they undermined the initial objective of Schengen which was unrestricted free movement (Tsourdi, 2020).

Germany suspended Dublin III for its management of refugees. On 31 August 2015, the country at the time, announced that it was cooperating with the European Court of Justice and the German Constitutional Court to prevent the return of refugees that reached its borders from across the EU to overburdened frontline states including Greece and Hungary (Garcés-Mascareñas, 2015), to mitigate pressures on them (Zaun&Servent, 2021). The Visegrad Group in response accused Germany of compounding and prolonging the crisis by encouraging more asylum seekers to head for Europe with its 'open doors' approach (EU Observer, 2015). In responding to the domestic backlash in public opinion, Germany became more restrictive in its asylum policy (Zaun&Servent, 2021). To this end, it reinstituted a regime of identity checks and control at its land borders with neighbouring Austria and Denmark. Applying the safe third country provision, entry may be denied asylum seekers at the borders if found to have passed through safe countries.

Hungary, sitting right on the Western Balkans route was the first point of entry for many refugees and recorded one of the highest asylum requests in 2015 (Connor, 2016). Following the declaration of a state of emergency, the country raised (temporary) barbed-wire fences on its border with Serbia and Croatia. In collaboration with Serbia, Hungary established transit zones where asylum seekers are held in reception centres and funnelled into the transit zones to lodge their

asylum claims. The system was reported to be notoriously slow. For instance, in 2018, the rate of entry into the transit zone was one person daily (ECRE, 2018). The Hungarian government also passed legislation criminalizing illegal entry through its wire fences with up to ten years imprisonment or expulsion. Hungary has largely tried to deflect and discourage asylum seekers by making access into its borders and asylum programme almost impossible. The country, nonetheless, continues to record the fourth-highest point of illegal entry into the EU (ECRE, 2018).

The challenges that many frontline EU like Greece and Hungary especially those in the south of Europe face is likely connected to the fact that they have limited experience with refugee management has generally been a source of refugee generation as opposed to refugee receiving. Necessarily, their asylum systems were weak and inadequate to cater to the huge influx. Thus, in the face of 205/2016 influx, they had to scramble to catch up to the core EU states or build new systems to specifically address the crisis and were subsequently overwhelmed (Zaun&Servent, 2021; Zaun, 2017).

In addition, recognizing the fact that secondary movements and indeed refugees saw them as transit routes informed their focus on reception rather than assimilation. However, the very essence of the Dublin III and their status as a point of first entry upset this logic imposing on their responsibility for third-country nationals, they were ill-equipped and ill-prepared to manage. In the case of Hungary at least, this to an extent account for its decision to build temporary walls on its borders to cut-off access into the country. If refugees do not have access to the country, then it could not be responsible for them. Such actions only served to divert refugee routes. This line of thought explains the institution of measures that have transformed the refugee situation into a humanitarian crisis. The crisis and the inadequate treatment of asylum seekers are also fuelled by restrictive socio-economic circumstances.

The Dublin framework as it is currently constituted giving significant discretion to states to act with broadly agreed guides is inadequate because it is not designed to manage a huge wave of refugees at a time. Another of its weakness is that in practice is it is dysfunctional which places a disproportionate asylum burden on frontline countries and diminishing the value of cooperation within the EU as well

as compromising foundational EU values of upholding dignity and respect for the rule of law, tolerance, and non-discrimination (see Chapter 1)

This chapter examined how the dysfunctionality of EU immigration structures transformed the refugee influx into a crisis. The next chapter will focus on how Anti-Refugee sentiment paved the way for the rise of populism among CEE states precisely Hungary, Poland, and the Czech Republic state, and it also explains the EU's response to their position.

CHAPTER V

The Rise of Anti-Refugee Sentiment in Eastern Europe: Hungary, Poland, and the Czech Republic

Introduction

The 2015 refugee crisis fuelled Eurosceptic agendas and heightened anti-refugee sentiment across Europe. In its manifestation, this not only served to exacerbate the humanitarian crisis but has generated far-reaching implications, mostly destabilizing ones for the EU project. As it will be demonstrated below, in Hungary, Poland and the Czech Republic, Eurosceptic and anti-refugee sentiments went beyond inward-looking considerations to fostering authoritarianism and illiberal political agendas.

Refugee Crisis and Eurosceptic Populism in Hungary, Poland, and the Czech Republic

Hungary, along with Poland and the Czech Republic were three of the A10 Central and Eastern European nations that acceded to the EU in 2004 via the instrument of the 1993 Copenhagen Accords. Their accession to the EU had scaled through on the acceptance of and expected commitment to liberal democratic values (Vachudova, 2019), and initiation of trade and economic liberalization to align both their political and socio-economic structures and institutions with the core values of the EU. These countries while presently members of the Council of Europe and the EU continue to nurture and sustain pre-EU accession ties rooted in their communist heritage especially as members of the Visegrad economic bloc.

The authoritarian streak necessarily inherent in this joint heritage coupled with other factors such as an internalised ideology significantly different to that which is pervasive among the core EU states presently generates divisive shocks to the EU system (see Chapter 2). This has given rise to perceptions of two distinct blocs within a single EU, generating suggestions of a two-speed Europe (see Chapter 2). While the original EU states with France and Germany at the vanguard generally support supranationalisation and deeper integration including the adoption of a common currency, the Visegrad group, particularly Hungary and Poland are more circumspect of policies seeking to erode national sovereignty in furtherance of supranationalisation(see Chapter 2). This is in line with their increasing profile as

Eurosceptics, an abiding legacy of decades of communist nationalist and authoritarian indoctrination (see Chapter 2).

This east-west ideological dichotomy has factored significantly into the management of the 2015\2016 European crisis. Particularly among the CEE nations it fuelled and reinforced a wave of intolerant nationalist attitudes, anti-refugee sentiments, and the rise of populist political parties, rhetoric, and agendas. The succession and the increasing domination of political spaces by populist politicians in these countries and many others across the EU have been linked to the "uncertainties felt by many people across different types of societies" (Segber, 2018: 4). These uncertainties border around fears fuelled by a range of social, cultural, and economic challenges as well as identity issues brought on as a consequence of an increasingly globalising world plagued by economic challenges where inequalities and political instabilities continue to drive immigration and refugee influx from certain regions to other equally challenged but comparatively more prosperous and stable regions.

This has fed into the wave of anti-refugee sentiments across Europe that marked the 2015 refugee crisis. Wodak (2019), citing de Vries and Hoffman's 2016 'fear not values' poll in eight EU states reveal that over 50% of citizens who vote for populist and far-right parties do so for fear of globalization with 53% of this number considering migration as a critical global challenge while another 54% exhibit anti-foreigner sentiments, with many EU citizens believing the traditional elites are helpless or less interested in addressing these issues as they are in attending to destitute foreigners in deference for EU provisions. In response, populist leaders, riding these waves of uncertainties have risen to power and expectedly positioned themselves in opposition to EU institutions and policies (Danaj, Lazányi, &Bilan, 2018). In particular, those directed at managing the 2015 refugee influx. These perceptions, the hyper-nationalism emerging from them, in addition to their exacerbating effect on the refugee crisis, transformed it into an event that appeared to threaten European integration and core liberal values through Euroscepticism and entrenchment of illiberal democracy.

The Rise of Eurosceptic Populism and anti-Refugee Sentiment in Hungary

Most representative of this trend, marked by the rise of hyper-nationalism and right-wing politics, has been Hungary under Prime Minister Viktor Orbán who since coming to power, demonstrated populist and increasingly authoritarian tendencies which snowballed onto Hungary's response to the 2015-16 refugee crisis. Necessarily, as a thin-centred ideology riding on established notions of nationalism and majoritarianism, right-wing populism institutionalises a limitation of civil rights, disrespect for minority rights and subordination of the general justice system and by extension represents to varying degrees across different political systems, an ideology of authoritarianism (Adam, 2019).

Orbán's populist position which supports the limitation of free speech, freedom of press and activities by nongovernmental organisations aimed at enhancing human rights is manifested in the general programme of his political party "Fidesz". Fidesz first came to power in 1998, was ousted via elections in 2002 and regained power in 2010 and secured re-election in 2018 on a political agenda built around anti-immigration (Wodak, 2019), and Euroscepticism. The party, however, was not originally right-wing. Beginning as a "quasi-liberal movement", the period spent in the opposition between 2002 and 2010 saw Orbán and the party's orientation shift to the right towards populist nationalism (Szabo, 2020: 31).

The relative ease with which populism whether as ideology or political strategy has spread and continues to enjoy widespread support in Hungary as evident in Fidesz' electoral victories post-2010 are consequences of socio-economic transformations emerging from the country's 1989-1990 transition which signalled the country's shift from communism to liberal democracy and capitalism as its economic corollary. Hungarians expected the transition to usher in an era of national prosperity and improved material conditions. In contrast, the consequences have been significant economic pressures as a result of increasing levels of unemployment associated with economic liberalization. With the labour market increasingly dominated by small and medium-scale private enterprises which with low labour absorption capacities, there was a sharp rise in levels of unemployment as national wealth was increasingly concentrated in the hands of a small fraction of the general population (Biro-Nagy, 2017: 31-32).

The fallout from the transition was widespread disillusionment with regime change. Combined with Hungary's limited democratic experience and low levels of political tolerance, trust in political institutions, as well as genuine demands for national prosperity, saw an increasing preference for strong state intervention in public affairs. Consequently, while Hungarians still desire democracy (Danaj et al, 2018), they increasingly support strong leaders who can deliver on the dividends (Biro-Nagy, 2017). This has made them particularly supportive of Orban's illiberal democracy.

Orbán taking full advantage of widespread discontent with incumbent Prime Minister Ferenc Gyurcsany and his party MSzP liberal regime, (Vachudova, 2019), positioned himself and his party as the defender of the people (Lendvai, 2018). Amplifying this rhetoric and moving it to the centre of political discourse, Fidesz has found significant popularity and electoral success since the 2010 elections (Hegedus, 2018). Orbán's populist stance represents a shift away from the EU's liberal values to the more authoritarian leaning of emerging economic powers such as China, Singapore, and Turkey. This democratic backslide was proclaimed publicly, in a major speech given by Orbán on July 30, 2014, as he declared:

> the new state that we are constructing in Hungary is illiberal, a non-liberal state. It does not reject the fundamental principles of liberalism such as freedom, and I could list a few more, but it does not make this ideology the central element of state organization, but instead includes a different, special, national approach (Hungarian Times, 2014).

Captured in the speech are specific components of Orbán's agenda including (i) commitment to the nationalism which essentially elevates Hungarian interests above those of the EU and its member states (ii) majoritarianism which puts focus on ethnic Hungarians as opposed to foreigners and (iii) exceptionalism with the tendency to discard deference to EU values and institutions in pursuit of national interest (Wodak, 2019).

Orban's illiberal democracy argues that liberal democracy has perpetuated inequality and only illiberalism can liberate and commit to serving the interests of the masses. His vision in this regard aligns closely with what he calls the 'Asian model' marked by "high levels of social discipline and low levels of public dissent". To this end, he has so far succeeded in the elimination of democratic checks on executive powers and constraining avenues of political opposition and dissent (Biro-Nagy, 2017). This was achieved through processes including the enactment of a new constitution which in itself was achieved through the neutralization of the Constitutional Court which was the main institutional check on executive power. Coupled with the subordination of other democratic integrity assurance agencies such as the Office of Chief Prosecutor, the State Audit Office, the Fiscal council, the ombudsman, the judiciary, the media, and Civil Society Organisations (CSOs), Orbán was able to consolidate his position and his illiberal democracy (Halmai, 2018).

The new constitution beyond political centralisation laid the foundation for the assertion of identity politics rooted in a conservative Christian ideology (Biro-Nagy, 2017). Affirming this Orbán stated:

> We have replaced a shipwrecked liberal democracy with a 21st-century Christian democracy which guarantees people's freedoms, security…it supports the traditional family model of one man and one woman, keeps antisemitism at bay and gives a chance for growth (Janjevic, 2018).

This view of Hungarian identity has sprung intolerant attitudes and xenophobic hostility towards individuals, organisations and immigrants perceived as detrimental to the nationalist agenda. An interesting aspect of this response is hostility towards George Soros and his 'Open Society' organisation at whom much of the blame for the 2015 refugee crisis has been directed on account of their philanthropic funding of humanitarian aid causing refugees to perceive the country as a choice destination (Szabo, 2020; Biro-Nagy, 2017). Consequently, Hungary's nationalist posturing and the instrumentalization of identity politics rooted in Christian conservatism impacted the country's response to the 2015 refugee influx

which itself provided opportunities for Orban to re-enforce his position both at national and EU levels.

Exclusionist sentiments fuelled by populism buoyed by a range of uncertainties harboured by large sections of Hungarian society has reinforced opinions that the country and its people are under threat from the collaboration of two enemies – one from within and the other from without (Vachudova, 2019). The enemies from within include opposition political parties, individuals from the political-ideological left, independent media, and civil societies critical of the government. Those from without being mainly a range of supranational actors including the EU (Vachudova, 2019), as well as ethnic minorities, immigrants, and ethnic refugees (Jenne, 2018), especially those of Muslim extraction. This view is confirmed via the opinion of Hungary's Representative at the European Parliament (MEP), GyorgyScohpflin, who agreed that while there were only a few Muslims in Hungary, "what the great majority of Hungarians do not want […] is that there should be a lot of Muslims" (Brandlin, 2018).

The rhetoric portraying refugees as enemies of the Hungarian people is accentuated by Orban who described refugees and asylum seekers as "…those who want to take", Hungary from its people. Going further he described refugees from the 2015-16 influx as an invasion by Muslims (Brandlin, 2018). In an interview, Orban framed this opinion in succinct terms thus,

> We don't see these people as Muslim Refugees. We see them as Muslim invaders […] We believe that a large number of Muslims inevitably leads to parallel societies because Christian and Muslim societies will never unite […] Multiculturalism is only an illusion (Deutsche Welle, 2018).

The 2015 refugee wave was thus not so much regarded as a humanitarian event but an invasion by undesirable Muslim elements. In a strongly worded anti-immigration language, Orbán reiterated Hungary's stance on refugee intake. As he continued, "for us, migration […] is a problem […] a poison, we don't need it and won't allow it". Generalising such rhetoric beyond Hungary, Orbán also touched on

the disappearance of a "common European homeland" accusing EU leaders and the "Brussels fanatics of internationalism" of being responsible for the refugee influx.

Consequently, in response to the refugee crisis, the Hungarian government rejected EU crisis management policies such as mandated refugee intake quotas (see Table 5) for all member states in favour of national oriented measures including building a wall on its southern borders to keep out asylum seekers, re-instituting border control and building transit zones to hold refugees who make it into their borders. Orbán's justification for such measures hinged on the argument that "the EU's migration policies […] has failed". In his view, the mandatory quota policy amounted to foreign imposition (REUTER, 2016).

The Rise of Eurosceptic Populism and anti-Refugee Sentiment in Poland

Like Hungary, Poland under the nationalist and conservative government of the Law and Justice Party (PiS) and its leader Jaroslaw Kaczynski, has adopted a populist stance against perceived external threats to the Polish way of life. A major target in this regard are immigrants, particularly economic migrants, and Muslim refugees. However, unlike Hungary, the ascendancy of right-wing populism is not so much a response to socio-economic decline as the country has been recording some of the best economic benchmarks in the CEE since the early 2010s (Owczarek, 2017).

The rise of populism is rooted in historical antecedents of foreign domination by foreign powers including Russia, Prussia, and Austria as well as four decades of Communist authoritarianism. These extended periods of domination instilled in Polish people a strong sense of Polish national identity, preserved, and maintained over the years via a strong affinity for their culture, language, and orthodox Catholicism (Dudzinska&Kofnarowski, 2019).Polish people are as such keen on maintaining their cultural identity as well as ethnic purity being one of the most homogenous societies in Europe following historical events that purged it of its formerly multicultural composition (Cienski, 2017). Consequently, concerns over disruption to the character of traditional Polish society by the influx of predominantly Muslim/Arab migrants (Dudzinska&Kofnarowski, 2019), informs the negative leaning of Poland towards issues of immigration. In essence, Poland's

response to the 2015 refugee influx was determined by an interaction between historical experience and desire to maintain ethnic purity and assert their national identity.

Presently, Poland represents one of the most homogenous ethnic populations in Europe. This has not always been the case. Before the post-World War II era, Polish society was multicultural. Over 30% or one-third of its total population was comprised of Jews, Germans, Tatars, Belarusians, and Ukrainians (Cienski, 2017). However, the execution of Germany's Jewish extermination agenda i.e., the holocaust significantly depleted the Jewish population, while those who survived emigrated to other places including Israel and the U.S. This coupled with the Yalta Conference which altered Poland's borders and resettled many of its ethnic minorities outside its borders saw Poland emerge from the chaos of WWII, a nearly mono-ethnic nation. The communist authoritarian system that was imposed in this period was instrumental in solidifying the character of Polish society as a closed society. The Polish state that emerged following the collapse of communism and in post-transition, was not one with significant experience as a refugee receiving country. While it did receive around 100,000 Chechen refugees during the 1994 and 1999 Chechnya civil wars, most of the number returned to their home country at the end of the crisis. Poland has thus, been by its history of political domination and repression, been more of a refugee generating that have resettled across Western Europe and the West in general.

Poland's character as a closed society did not change much even in the transition era and subsequent accession to the EU in 2004. This is because in the period local officials were focused on addressing local issues and the Polish state was not focused on issues of immigration and integration of ethnic minorities. A situation which was supported by the restrictive policies of the EU in the 1990s which sought to curb the influx of people from the disintegrating USSR into Western Europe. Consequently, when the 2015 refugee, influx commenced following the escalation of the Syrian civil war, there were prevailing in Poland set circumstances that caused public opinion in Poland not to see the wave of refugees as destitute in need of help but as a threat to the ethnic purity and cultural integrity of Polish way of life.

At the start of the crisis, a majority of Polish people at 53% were opposed to granting asylum to refugees especially those from the Middle East and Africa. By June 2018, an overwhelming 72% of them were not in support of settling Syrian and African refugees in the country (Dudzinska&Kofnarowski, 2019). Specific, demographic shifts including an ageing population, low fertility rates and emigration of around 2.4 million Polish people to Western Europe, have also combined to adversely affect the country's response to the influx of refugees.

Polish people are quite willing to accept other migrant groups (Ukrainian immigrants for example) but not Muslims or Arabs refugees. This is because they are not framed as a threat to Polish identity due to their perceived willingness to acculturate. Muslims, on the other hand, are perceived as unwilling to accept Polish culture and they are being associated with terror. This brings to the fore the myths which have conditioned Polish attitudes towards Muslims and Islam in general. Like the rest of the post-communist CEE societies, the Polish idea of what Islam is shaped largely by sensationalised and often biased Western media reportage which frames the religion in terms of terrorism on account of the actions of a few Muslims across the West. As such in Poland perceptions of Islam and Muslims are built on stereotypes that equate them with fundamentalism and terrorism. As such, every Muslim is perceived as a radical Islamist/terrorist capable of endangering Polish society. The refugee wave originating from Syria, a bulk of whom are Muslims was thus construed as an invasion of terrorists.

Even though Poland does not constitute a front-line state and its current Muslim demographic adds up to only around 2% of the population, right-wing populist parties have seized on popular apprehension over a Muslim invasion to stir up intense sentiments of xenophobia and Islamophobia to gain and maintain their position in power. It is around such sentiments coupled with dissatisfaction over discrepancies between quality of living in Poland and Western Europe that nationalist parties particularly Law and Justice (PiS) under Chairman, Jaroslaw Kaczynski have built their "Poland in ruins" rhetoric appealing to 'negative perceptions of public life' to emerge and solidify their hold on power (Owczarek, 2017). Consequently, though Poland has the smallest Muslim population of the Visegrad countries, what Islam and Muslim mean for Polish society have

increasingly become central to national political argument. For instance, stoking fears, Kaczynski framed refugees as vectors carrying

> all sorts of parasites and protozoa which […] while not dangerous in the organisms of these people, could be dangerous here. (Cienski, 2017).

The two main right-wing nationalist parties in Poland are the 'Civic Platform (PO) and PiS. The general defining features of right-wing parties in Poland revolve around a strong idea of Polish identity and the Polish nation; Euroscepticism which is born from historical distrust of Germany and Germany's particular dominance in the EU and by extension domination of Poland again by Germany through EU structures; protection of Europe's Christian tradition; maintaining good relations with the Catholic church; and preservation and promotion of conservative family values (Dudzinska&Kofnarowski, 2019). Nonetheless, PO and PiS occupy different positions on the right-wing ideological spectrum. While PO is mostly liberal-conservative, PiS subscribes to a more hard-line traditional conservative ideology. Others like the National Movement support a full retreat from the EU into the nation-state with 'Polexit'.

At the height of the refugee crisis, the European Agenda on Migration of the European Commission followed the distribution of 120,000 refugees among EU member states. Among the Visegrad countries, only Poland's EU representative voted in favour of the mandatory refugee quota allocation system. While Prime Minister (PM) Ewa Kopacz from the Civic Platform at the time announced the country's willingness to accept up to 2,000 refugees, PiS strongly opposed any imposition of quotas by the EU. In the face of strong opposition, PO modified its position to state that Poland would only admit Christian Syrian refugee families (Dudzinska&Kofnarowski, 2019). PO argued that Poland would retain control over whom they accepted. Civic Platform's position was informed by a desire to strike a balance between its obligations to the EU and public opinion in Poland which was anti-refugee (Cienski, 2017).

While PO's perceived pro-refugee outlook cost it the 2015 elections, PiS hard-line anti-immigration agenda brought it to power. In an interview, Kaczynski warned Polish people that refugees "would have to completely change our culture

and radically lower the level of safety in our country" (Cienski, 2017). PiS maintained that Brussel's mandatory refugee quota allocation was aimed at forcing a "social catastrophe" on Poland which will make the country in a few years look like Brussels and upset the predominantly Polish and Catholic demography (Cienski, 2017). PiS reneged on Poland's previous commitments to the resettlement of asylum seekers.

On September 11, 2015, the Polish PM signed a declaration of the Visegrad group opposing any form of obligatory refugee distribution in the EU. In succinct terms, Kaczynski expressed this unwillingness and opposition to the EU saying:

> We have not exploited the countries from which these
> refugees are coming to Europe these days, we have not
> used their labour force and finally we have not invited
> them to Europe. We have a full moral right to say no.
> (Reuters, 2017)

During the height of the crisis between 2015 and 2016 opinion polls revealed that a majority of Polish citizens did not want Muslims to be citizens of the country yet only 12% of Poles have met a Muslim (Dudzinska&Kofnarowski, 2019). In essence, populism and xenophobic Islamophobia have intersected and fuelled each other to radicalise 'exclusionary views' within the domain of public discourse to directly dictate Poland's, under PiS, response to the 2015 refugee crisis.

Indeed by playing to fears and weaponization of Islamic stereotypes prevalent in Polish society, that construe refugees and asylum seekers as Islamist intruders consciously unleashed on Europe with the agenda and capability to significantly alter the composition of Christian Europe in general and Christian Poland in particular, essentially making the issue one about identity (Drozdzewski& Matusz, 2021), the PiS has been able to mobilise support for its opposition to the EU and legitimize Poland's refusal to accept any refugees in fulfilment of its legal obligations to the EU's mandatory refugee relocation programme (Krzyzanowska&Krzyzanowski, 2018).

The Rise of Eurosceptic Populism and anti-Refugee Sentiment in the Czech Republic

While the populist spread through the CEE has taken root in economically challenged territories such as Hungary, it has also been gaining ground in other of the region's stronger economic performers like the Czech Republic. Here, Eurosceptic, and anti-refugee populism has been wielded mainly by President Milos Zeman as a political strategy, instrumentalising concerns over refugees in a country that has traditionally never hosted refugees to secure re-election (Kreko&Enyedi, 2018). In the Czech Republic, right-wing populism in response to the 2015-16 refugee crisis is not the consequence of socio-economic grievances as in Hungary or concerns with national identity and ethnic purity as in Poland but in the entrenchment of the Islamic religion because of the country's largely non-religious demography considering its small population size (Sla álek&Svobodová, 2018).

The cause of Eurosceptic populism in the Czech Republic today is dated to as far back as the 4th century B.C, the current geographic space which constitutes the present-day Czech Republic has been under one form of foreign domination or the other. However, the defeat of the Austria-Hungary Alliance following World War 1 in 1918 enabled the emergence of an independent Czechoslovakian state on October 28, 1918. In 1939, the Munich conference saw European powers notably Great Britain, France, and Italy, without the consent of Czechoslovakia, reach an agreement that allowed Adolf Hitler's Germany to annex parts of the country signalling the end of Czechoslovakia. The period between 1918 and 1939 had been marked by intense nationalist unease between the Czech-speaking population at the core of the country and the German-speaking population occupying the outlying regions of the country. These outlying regions demonstrated great support from Nazi Germany. Following Hitler's defeat in World War II saw a significant section of the Czechoslovakian population deported to Germany post-1945. The following years under communism saw the nurturing of the "evil" persona generally associated with the foreigner especially the German (Culik, 2017: 2).

The deportation of Germans and relocation of other ethnicities from Czechoslovakia such as the majority of the Jewish population that survived the German holocaust to Germany transformed the country from a multicultural space to a largely homogenous ethnic and linguistic territory. Under communist rule, many

Czech people faced political persecution. While mass protests during the Prague Spring beginning from January of 1968, compelled numerous liberalization reforms to be embarked on by the Communist Party of Czechoslovakia under President Alexander Dubcek, the protests were repressed decisively, and reforms halted following the invasion of the country by the Soviet Union and other Warsaw pact nations in August of 1968. Communist rule under the Czechoslovakia communist party persisted until 1981 when massive protests during the largely non-violent 'Velvet Revolution' caused the transition from the one-party system of communism to a multiparty parliamentary democracy between November 17 and December 29, 1989. While Czechoslovakia mutually agreed to split into two distinct political states – the Czech Republic and Slovakia, the former joined the OECD in 1994, NATO in 1999 and the EU in 2004 signalling their integration into several supranational arrangements.

Contributing to anti-refugee sentiments and resistance of EU supranationalisation in the Czech Republic is the idea of defensive nationalism, emerging from historical domination and perceived exploitation and violation by larger and more powerful European countries particularly Germany, which has conditioned the country to view outsiders with suspicion (Culik, 2015). Indeed, following the many years of foreign domination emerged significant developments regarding the perception of Czech identity and nationality. One is the shift away from 'territorial nationality' as the main determinant and cornerstone of Czech identity to 'linguistic nationality' (Culik, 2017: 2). By implication, only those who speak fluent Czech are considered Czech.

This revision has persisted to the present, and Czech identity and nationality are defined narrowly in terms of language. By extension, those who do not speak the language are labelled outsiders and accorded a status below the average Czech person (Culik, 2017). The other is a fierce suspicion and wariness of other countries, national powers and ethnic nationalities including close neighbours such as Germany and considered to have violated the honour and integrity of the Czech nation and its people in their recent history. This necessarily breeds and sustains strong Euroscepticism among the Czech people. Consequently, though a member of the EU,

the country continues to be wary of supranational policies it perceives as infringing on its sovereignty and granting the Union too much power over its national affairs.

This unique history has significantly impacted the country's approach to the 2015 refugee crisis. Under President Milos Zeman, anti-refugee sentiment has been transformed into xenophobia and particularly islamophobia against Muslim refugees. Zeman's victory in elections in 2013 was enabled by his ability to demonstrate that his main opponent was a representative of German interests (Culik, 2017). Zeman has successfully positioned himself as the defender of the people's interest from foreign powers, when the influx of refugees commenced in 2015, even though the Czech Republic received an insignificant number of this influx in comparison to other EU-member states, Zeman was able to weaponise the historically cultivated intolerance of the Czech Republic for foreign influences and people other than Czech into a potent brew of xenophobic anti-refugee and anti-immigration.

It is also important to note that presently, over 5% of the Czech Republic's population are immigrants mostly from neighbouring countries including Poland, Slovakia, Russia, and Ukraine as well as Vietnam and China (Wondreys, 2020). Muslims make up only 0.2% of the total national population and 4% of the total immigrant population (Hafez, 2018). The particular hostility which has accompanied the 2015 refugee influx, a preponderance of who are Muslims is linked to narratives which cast Muslims as supporting political agendas that threaten the general population and is essentially inimical to European traditional values and liberal democracy (Wondreys, 2020; Mudde 2007). Such assumptions that Islamic culture supports terrorism and the desire to export Sharia law which subordinates and lacks respect for women has indoctrinated the average Czech person to closely associate immigration with Islam and the Muslim immigrant with being Muslim and/ or terrorist (Naxera&Kr ál, 2018). In that vein, in a televised interview, Zeman asserted "let them have their culture in their countries and not take it to Europe, otherwise, it will end up like Cologne," invoking memories of the New Year's Eve assault on women in Germany (France-Presse, 2016). At the start of the influx, President Zeman also stated in clear terms: "I am profoundly convinced that we are facing an organised invasion and not a spontaneous movement of refugees" (Deutsche Welle, 2015).

The majority of Czech society is generally in support of such framing and are vehemently opposed to the idea of allowing Muslim refugees into their country (Sla álek&Svobodová, 2018). Echoing these sentiments, are prominent Czech citizens for example Pavel Skacel a retired Czech colonel and participant in UN missions to Kurdistan stated unequivocally, that refugees are 'intruders' and were as such unconcerned of their deaths in the Mediterranean in their quest to reach Europe (Culik, 2015).

This has put the nation at odds with the EU policies to regulate and manage the refugee crisis. While Czech Prime Minister Bohuslav Sobotka has warned that the 2015 wave of refugees was capable of causing the collapse of the EU, the country has stated clearly, it will not support the EU's mandatory refugee quota policy. Incumbent Prime Minister Andrej Babis has reiterated his country's anti-immigration policy stating there will be no exceptions even for children and orphans. He argued: "why should we take them in? We have orphans here that we need to help for them to have a better life" (Dambach, 2018).

This line of argument emerges from convictions that Muslims cannot be integrated into European society because of their vastly distinct cultures and worldview. He expressed this argument in an interview:

> The experience of Western European countries which have ghettos and excluded localities shows that the integration of the Muslim community is practically impossible […] Integration is possible with cultures that are similar and, the similarities may vary. (France-Presse, 2016)

The country has rejected the around 1,300 refugees allotted to it by the EU in the implementation of its resettlement programme (Culik, 2015). Citizens particularly directed much vitriol towards Angela Merkel and her "open-door refugee policy" (see Chapter 4). In addition, the Czech Republic threatened to erect a four-metre-high wall along its border with Serbia to prevent refugees from entering its borders. Throughout the refugee crisis, the country only accepted 12 asylum seekers out of its more than 2,000 assigned quota (Dambach, 2018).

EU Response to the CEE Position on the 2015-16 Refugee Crisis

Following the discussion of factors that contributed to the rise of populism in the CEE nations of Hungary, Poland, and the Czech Republic and how it impacted their response to the 2015 refuge crisis, the study will now turn to the EU's response to these countries. The position of the CEE particularly Hungary, Poland and the Czech Republic has placed them at odds with the EU not only in terms of policy implementation but also in the violation of its most fundamental values as well as its core institutions and structure. For one, efforts to politicise and exercise state control over fundamental democratic institutions including civil society, the media, and the judiciary particularly so in Hungary (Szilagyi&Bozoki, 2015) and Poland (Rydli ski, 2018) with intent to stifle political opposition, dissenting views and subordinate judicial institutions under the authority of politicians, has created a fundamental paradox within the EU. This is the emergence and thriving of authoritarian regimes within the EU which elevates liberal democracy built on the tenets of justice, access to liberty and a wide range of freedoms including those of expression and unrestrained access to information (see Chapter 1). Hungary and Poland conservative Christian ideology oppose many liberal EU values including gay marriage and anti-abortion rights fundamentally violating the rights of many of its citizens. Such authoritarian and repressive tendencies have resulted in the Freedom House Project downgrading Hungary's political system from a full democracy to a "partly free" one (Freedom House, 2020).

Furthermore, the populist parties in the three CEE countries examined here, have taken advantage of the recent upheavals of the 2008 Eurozone crisis and the more recent 2015 refugee crisis, to not only strengthen their positions at the national level but also advance the idea of Euroscepticism - arising partly from fears rooted in histories of domination and dissatisfaction with EU response to the refugee crisis, in calling for a greater role for national governments in determining the future of the EU (Bobadilla, n.d), curbing the supranational tendencies of the EU institutions but also the curbing of the integration project.

Also, while all three countries are signatories of the 1951 Geneva Convention, they have acted in violation of the convention. The convention mandates all member EU states to offer protection, including temporary or

permanent residency in their country, for all refugees regardless of their race, religion, nationality, ideology, membership of any specific social group or political opinion (see Chapter 3). The 1967 Protocol relating to the Status of Refugees extended these guarantees and privileges to refugees originating from outside of Europe (see Chapter 1). While the convention itself does not legally compel signatories to offer refugees the privilege of resettlement (see Chapter 3), it is implied that as one of the moral documents on which the EU is built stressing the dignity of all human beings, EU states are obliged to offer refugees resettlement. In contrast to other CEE countries like Austria and Slovakia which provided temporary protection for 1,200 refugees, Hungary and Poland did not relocate a single refugee while reports indicated that the Czech Republic only managed to resettle 12 of its total quotas of 50 refugees during the crisis (Library of Congress, 2020).

In response to the CEE's resistance, the European Commission after repeated calls to honour their commitment to the EU, on June 13, 2017, instituted legal proceedings against Hungary, Poland, and the Czech Republic in the European Court of Justice (ECJ), despite the validity of the relocation instrument which was billed to run for two years having already lapsed (Boornemann, 2020). The CJEU subsequently ruled that all three countries by refusing their refugee quotas and taking in asylum seekers had committed infractions on EU law (Zalan, 2020). In response, Hungary's Minister of Justice JuditVarga via tweet stated that "EU compulsory relocation system of migrants is dead and today's ECJ judgment won't change that. It must be lonesome in the saddle since the horse died" (Expats, 2020). In a similar response, the Czech Republic's Prime Minister Andrej Babis dismissed the importance of the verdict stating the important takeaway from the litigation process was that it has been made clear that they would "[…] not accept any migrants and that, meanwhile, the quota system was cancelled. And that is mainly thanks to us" (Stevis-Gridneff and Pronczuk, 2020).

The verdict of the ECJ generally exposes the three countries of the CEE to fines and sanctions however there are no supranational institutions capable of enforcing such decisions and a lack of political will on the part of the EU to take such actions against the offending countries. Besides, while the EU has openly denounced and even threatened Hungary, Poland and the Czech Republic for their

actions, there has been a general reticence and reluctance to exert stringent sanctions and punishment on the trio.

In addition while the founding EU charter particularly, Article 7 of the Lisbon Treaty empowers the European Commission to sanction member states that act in any manner constituting a clear risk to fundamental EU ideals and value particularly as it pertains to democracy, equality, freedom and rule of law, the Commission has been unable to enforce such sanctions against either of Hungary or Poland instead of their judicial reforms and the Czech Republic, within the context of their disavowal of the EU's refugee relocation programme. This is due to the institutional provisions that render Article 7 largely ineffective.

CHAPTER VI
Conclusion and Recommendations

Conclusion

In concluding this study, this chapter highlights the impact of the 2015 refugee crisis and the implication of the response of the CEE countries Hungary, Poland, and the Czech Republic for European integration.

From a theoretical standpoint, the conceptual framework of the study drew from regional integration theories which in the context of the European integration highlighted two directions which the project in the presence of certain factors would follow: (i) advancement towards an ever-closer union signifying supranationalisation; and (ii) the other in the opposite direction, towards disintegration. The framework was set against the background that violent conflicts in places such as the Middle East particularly Syria and North Africa have generated refugee waves of displaced people headed for the EU in search of security, protection, and better conditions of living. The study then opted for a postfunctionalist perspective to suggest that EUs integration brake was due to a shift from the elites to mass politics on legitimate decision making. As the study has demonstrated, the limitations and ineffectiveness of the EU's legal and policy instruments such as the Central European Asylum System (CEAS) incorporating the Dublin Regulations as the main EU structure for managing immigration, also led to the transformation of the inflow into a political crisis. The resultant crisis consolidated populist and right-wing sentiments as well as nationalist responses all of which constitute factors that have combined to stall and move the EU away from the direction of supranational integration. Moreover, some member EU states including both core EU and CEE countries began to pursue nationalist measures such as the reinstitution of border controls to stem the flow of refugees, thus compromising free movement structures contained in the Schengen protocols.

The central findings presented in this regard support arguments that while theories of European integration such as neofunctionalism have merit, the EU project has been impacted more by counter-positions such as intergovernmentalism and postfunctionalism particularly so in the context of the 2015 refugee crisis. Neofunctionalism maintains that European integration is a self-perpetuating and self-

sustaining phenomenon where integration in one area through spill-over effects compels integration in other areas in a process largely driven by national-level actors and policy entrepreneurs. The counter position of intergovernmentalism argues that negotiations between individual European states are the main drivers of European integration. When national interests are perceived to be threatened, negotiations break down and integration is stalled and possibly reversed. The final theory considered in this study was postfunctionalism which introduces the role public opinion plays in generating local pressures that constrain and define decision making by state actors thus determining the direction of integration.

As such a novel synthesis combination of intergovernmentalism and postfunctionalism provided greater insight into understanding how the 2015-16 refugee influx generated pressures that pushed the EU away from supranationalism towards nationalism. Intergovernmentalism on one hand explains how state dissatisfaction with EU handling of the refugee influx caused national governments to resort to national measures in addressing the crisis, while postfunctionalism on the other highlighted the role of public discourse informed the decision of national leaders to retreat from supranationalisation towards nationalism in the three case-studies as explained in Chapter 5 of the study. As was shown, the unwillingness of Hungary, Poland, and the Czech Republic to accept mandatory refugee quotas drew from popular perceptions on the negative impact of immigration and refugees on national ways of life, economy, and security. In response, the populist politicians in the three CEE countries agitated for greater state autonomy and more power for national governments to decide the future of the EU. The result of this position caused national leaders to backpedal or soft-pedal on policies that would have enhanced supranationalisation, and by extension deepened integration, thus stalling European integration going forward. In sum, during epochs of crisis where national interests collide and intergovernmental negotiations hit a dead end, European integration tends to stall.

The 2015-16 refugee crisis and the EU response to it, besides emphasising the ideological differences between Western and Eastern Europe, has also highlighted the institutional weaknesses and dysfunctionality of EU legal and policy instruments on migration.

The influx of asylum seekers from sites of political instability, most notably Syria was the foundation of the 2015-16 refugee crisis. However, the influx itself was not so much the problem as was the ineffectiveness of the legal and policy instruments deployed by the EU, such as the Dublin II Regulations, to manage the influx coupled with the inability of EU member states to arrive at a consensus on the inadequacy of its asylum management institutions including CEAS, and an emergency solution. One critical weakness of these frameworks was that they appeared to place a higher burden of the influx on frontline states such as Greece, Spain, and Italy. Another criticism, especially about Dublin II was that it was designed by core EU states like Germany and France to create a buffer between them and the frontline states.Populist sentiments have helped right-wing political parties become relevant and dominate national discourse.

The factors responsible for the rise of populism across core states of the CEE vary from state to state. However, across the three states that were chosen for this study, the refugee crisis was exploited by right-wing politicians and political parties to drive and sustain their rise and stay in office. The exclusionist narrative of populism also generated and shored up widespread anti-immigration, anti-Muslim and xenophobic sentiments which acted to resist emergency refugee protocols such as the mandatory refugee quotas that were designed to resettle asylum seekers across the EU states. This did not only exacerbate the crisis, but it also drummed up increasing support for the greater assertion of state standing against the EU policy as opposed to the increasing transfer of sovereignty to and, the emergence of overarching institutions responsible for making common decisions for all EU states.

The refugee influx following the breakdown of Europe's refugee management framework, cascaded into an event that put pressure on the European Union. State responses moved away from supranationalisation towards nationalism. Such responses as the reinstitution of state border control not only compromised free movement protocols such as Schengen but also created the perception that the European Union was shifting away from the overarching objective of ever closer union. Arguments generated from the CEE position taken together with recent events such as the 2015 refugee crisis and Brexit as evidence, seem to lean towards EU disintegration. Yet such events represent at best, extreme and a worst-case scenario. This assertion is rooted in the fact that in the CEE particularly Hungary and Poland

which represent two of the loudest voices against EU's refugee policy as well as the Czech Republic, public opinion and state actors do not necessarily want out of the EU. Public opinion in these countries essentially supports their country's continued membership in the Union albeit with greater power for national parliaments to gain greater control over decisions regarding the refugee crisis and in general play a much more central role in crafting the policies that will guide the EU into the future.

Consequently, unlike previous crises which have challenged the EU, the 2015-16 refugee crisis presented something of a unique challenge in the sense that the migration crisis came laden with implications and challenges encompassing virtually all spheres of individual European states and the Union itself.Given this, the study suggests a range of ideas that may be instrumental to improving the situation in the EU and redirecting the Union towards further integration.

Recommendations

i. Countries of the CEE particularly Hungary, Poland and the Czech Republic perceive core EU states especially Germany as being excessively domineering and acting to impose decisions citing the imposition of compulsory refugee quotas. There is as such the need for a "grand bargain" approach to decision-making in such sensitive policy domains as migration where the Union must prioritise consensus to generate policy outcomes perceived by all member states as fair and justifiable.

ii. There is some evidence that the social organising ideologies of West and Eastern Europe are rather different. While one tends towards liberalism, the other tends to be highly conservative. This reality must be accepted and factored into the policy engineering processes of the EU.

iii. An overhaul of the EU immigration and asylum system. Reforms in this regard should include the engineering of a more robust EU level framework, such that while states in the CEE continue to insist on having the final say on who enters their countries, they should provide more detailed parameters, guidelines, and standards for individual states in the design of their immigration policies. It must be emphasized that such national policies must not contradict free movement protocols.

Recommendations for Future Research

The findings of this study also open up several avenues for possible future research.

i. Though the 2015 Refugee crisis was officially declared over in 2016, it is essential to continue scrutinising the specific ways in which the ideas of right-wing populism and defensive nationalism continue to impact EU asylum policy and general European integration in the post-2015 refugee crisis era

ii. Works that will continue exploring the effects of the seemingly irreconcilable differences between the social ideologies of Eastern and Western Europe will also remain important for offering the possible means of accommodating both within the EU in a manner that does not re-enforce fears of domination by the CEE but also accommodates the perpetuation of the Union.

iii. Further scholarly inquiries into understanding the communication gap between EU citizens in Western and Eastern Europe will be needed to bridge this gap and to facilitate greater understanding, tolerance, and promotion of European integration.

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APPENDICES

Appendix A

Turnitin Similarity Report

2015-16 EUROPEAN REFUGEE CRISIS AND EUROSCEPTIC POPULISM IN HUNGARY, POLAND, AND THE CZECH REPUBLIC.

Yazar Oluwafemi Desmond, Bolaji

Gönderim Tarihi: 10-Şub-2022 11:05AM (UTC+0200)
Gönderim Numarası: 1759176894
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2015-16 EUROPEAN REFUGEE CRISIS AND EUROSCEPTIC POPULISM IN HUNGARY, POLAND, AND THE CZECH REPUBLIC.

ORİJNALLIK RAPORU

%**8**
BENZERLİK ENDEKSİ

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BİRİNCİL KAYNAKLAR

1 openaccess.hacettepe.edu.tr:8080
   Internet Kaynağı
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2 ethiopianreview.com
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3 www.cidob.org
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4 link.springer.com
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6 oxfordre.com
   Internet Kaynağı
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7 "The New Asylum and Transit Countries in Europe during and in the Aftermath of the 2015/2016 Crisis", Brill, 2019
   Yayın
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8 digitalcommons.fiu.edu
   Internet Kaynağı
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Appendix B

Ethics Committee Approval

YAKIN DOĞU ÜNİVERSİTESİ

B L MSEL ARA TIRMALAR ET K   KURULU

10.02.2022

Dear Oluwafemi Desmond Bolajı

Your project **"2015-16 European Refugee Crısıs And Eurosceptıc Populısm In Hungary, Poland, And The Czech Republic"** has been evaluated. Since only secondary data will be used the project it does not need to go through the ethics committee. You can start your research on the condition that you will use only secondary data.

Assoc. Prof. Dr. Direnç Kanol

Rapporteur of the Scientific Research Ethics Committee

Note: If you need to provide an official letter to an institution with the signature of the Head of NEU Scientific Research Ethics Committee, please apply to the secretariat of the ethics committee by showing this document.