

The refugee crisis in Europe: a drama in three acts. And now Turkey...

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The agreements reached between the EU heads of State and Turkey on the refugee crisis are still on the table and a number of critical voices have already stood up against them. It is interesting to take a look at what has happened until now in order to evaluate it correctly. The measures agreed upon on 8 March 2016 to implement the EU-Turkey Joint Action Plan (which develops the agreement reached in October 2015) involves a new approach for the effective control of the influx of refugees, mostly coming from Syria. All events until now can be summed up in a three-act drama of which this last agreement is the epilog.

First act. Back in 2014, the model of the Common European Asylum System (CEAS) revolved around five or six EU Directives and Regulations based on the Dublin mechanism. According to this mechanism, except in very few cases, the EU Member State through which the asylum seeker first entered the EU territory was responsible for the examination of the asylum application. The CEAS has been strongly opposed by experts, but in fact the system worked as long as the number of refugees coming to the EU was limited, the access routes diverse and refugees did not remain in a few border countries.

Second act. The 2015 crisis blew up the Dublin mechanism because it directly affected these two weak spots. Firstly, hundreds of thousands of Syrian, Eritrean and Iraqi refugees arrived in the EU, and it was obvious that they were not fleeing from their countries for economic reasons. Secondly, at the beginning these refugees stayed in Greece, Italy, Hungary and Bulgaria, countries whose asylum systems were very limited, or even failed (see the Judgment of the European Court of Human Rights *M.S.S. v Belgium and Greece*). Against this background, the German Chancellor Angela Merkel took a leadership role and encouraged the other Member States to accept Syrian refugees so as to reduce the pressure on the periphery countries. Border States let refugees through despite serious doubts: what system is being applied if Dublin has been ignored? Can refugees just walk around Europe until they find a suitable place to settle down?

Some Member States did not share the opinion of the German Chancellor: it was the same States that showed little enthusiasm when the European Commission proposed the creation of a temporary mechanism for the relocation of refugees mainly from the most overloaded States (especially Greece, Italy and Hungary) to less overloaded ones. The mechanism was agreed upon in June 2015 and extended in September. While it casts doubt on its viability and functioning (in 2015 it barely mobilized one thousand refugees), the temporary mechanism could become permanent if some corrections were made.

Third act. After the arrival in Germany of almost a million refugees in few months, and the opening of the Western Balkans route in autumn 2015, some aspects have been made clear. Firstly, the policy of open external borders is unsustainable. Secondly, if refugees are not first identified in the different hotspots, no intervention is possible. In the third place, it is imperative to include the neighbor countries in the management of the refugee and migrant flows, especially North African countries (Valletta Summit), and Turkey (agreement of October 2015). As a paradox, all of this has taken place while a new asylum regulation is being sought with the aim to introduce relevant changes into the Dublin mechanism, create a new mechanism for the distribution of refugees within the EU or find a halfway solution. In addition, new channels need to be established that allow migrants to enter the EU in a legal and secure manner and put an end to the growing number of deaths in the Mediterranean. If no clear model for the relocation of refugees amongst the EU Member States is created and responsibilities are not accepted, it will be very hard to draw an external strategy that is coherent with an internal policy which is now almost inexistent. For this reason, the proposal concerning the EU-Turkey Joint Action Plan is marked by short-termism. We will see.

The EU-Turkey Joint Action Plan. The agreement with Turkey plans the disbursement of some 3000 million euros to reinforce the Turkish capacity to assist refugees and accelerate the implementation of the visa liberalization for Turkish citizens. At the same time, Turkey commits itself to respecting the agreement with Greece on the readmission of migrants (not refugees), cooperating in the fight against smugglers and resettling, for at least every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the EU Member States. Who is the winner in this agreement?

It is clear that Turkey, although it is going through a delicate moment in the international arena, is a strategic partner for the EU. Furthermore, through this agreement Turkey improves its position with respect to the still distant pre-accession stage. At the same time, the EU has now more room for manoeuvre to reduce the pressure on Greece. Nevertheless, this formula is highly alarming as for the first time it accepts the return to Turkey of refugees coming from Europe and, in particular, from Greece, country which most of the Syrian refugees have gone through. Secondly, the mechanism does not ensure individual resolutions or provides all the requisite guarantees. For all these reasons and the widespread criticism the summit has set off, the final formula of the agreement will most probably be adjusted. However, worst of all, many other alarming measures have gone unnoticed by the public, such as the proposal of the European Commission to consider Turkey and the Balkan countries safe third countries, which is very, very arguable from a legal perspective. While the combination of all these measures can be identified as a real European refugee policy, it might not be as expected. Now, our Eastern neighbors (countries with a debatable respect for human rights and refugee protection) become the new states responsible for the protection of refugees following the delegation of powers by the European Union. Or should we say carelessness?