

Revisiting European Security

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Challenges and Regions in Transition

Edited by

Hatice Yazgan and Sühal Şemşit

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CONTENTS

Synopsis.....	vii
Acknowledgements	xi
Contributors.....	xii
Introduction	1
<i>Hatice Yazgan & Sühal Şemşit</i>	
Chapter 1	4
Another Crisis Area in the European Union: EU Asylum Policy <i>Sühal ŞEMŞİT</i>	
Chapter 2	23
In Search of the Parameters for a New Refugee Deal to Enhance EU-Turkey Cooperation in Border Management and Security <i>Giray SADIK & Ceren KAYA</i>	
Chapter 3	41
Revisiting Debates on the EU’s Normative Power: The Case of the European Neighbourhood Policy <i>Sedef EYLEMER</i>	
Chapter 4	66
The European Union and Russia in the Ukraine Crisis: Partners or Adversaries? <i>Hatice YAZGAN</i>	
Chapter 5	86
The Black Sea Synergy as a European Union Attempt at Creating a Secure Neighbouring Region <i>Seven ERDOĞAN</i>	

Chapter 6	108
Conceptualising the EU's Role in the MENA Region: A Case of a Pragmatic Power EU <i>Taylan Özgür KAYA</i>	
Chapter 7	129
EU-Africa Relations: Reconciling Interests with Norms? <i>Ashgül SARIKAMIŞ KAYA</i>	
Chapter 8	146
European Union and China Relations: Political Economy of Energy Relations and India's Balancer Position In Between <i>Fatih KILIÇ & Murat ÇEMREK</i>	

SYNOPSIS

Chapter 1. Another Crisis Area in the European Union: EU Asylum Policy

This chapter investigates how the EU asylum system has evolved from an intergovernmental to a supranational policy area and draws attention to the changing dynamics of EU asylum policy after the Syrian refugee crisis due to the conflicts and deadlocks among member states and the search for solidarity during this crisis. The Syrian refugee crisis revealed inherent shortcomings in the EU asylum system's legislation and practice. Because of the heavily felt strains on the asylum systems of individual member states and the common asylum system, it became apparent that, despite supranationalization efforts and reforms, the common asylum system in the EU needs further revision according to the needs and requests of member states. Achieving an efficient and credible modernization of EU asylum policy based on principles of solidarity and human rights is essential for continuing European integration in this area and strengthening the EU's regional and global actorness.

Chapter 2. In Search of the Parameters for a New Refugee Deal to Enhance EU-Turkey Cooperation in Border Management and Security

Ongoing transnational challenges emanating from the Syrian war have demonstrated how interdependent is the security of the EU with the one of Turkey. Mass refugee influx to both has further highlighted the ever more-timely need for EU-Turkey cooperation in border management and security. This chapter aims to identify the major obstacles in the previous cooperative attempts of Turkey and the EU in governing return and readmission processes and to shed light on the potential venues for the EU-Turkey cooperation in border management and governance of the refugee problem. The findings of this chapter suggest that the way the EU externalises and securitises its migration policies stands as the major obstacle in obtaining genuine EU-Turkey partnership and balanced burden-sharing which are of key importance for an effective and sustainable accord to the benefit of both parties. Taken together, these findings also strengthen the idea that the EU loses its credibility as of being normative power.

Chapter 3. Revisiting Debates on the EU's Normative Power: The Case of the European Neighbourhood Policy

This chapter aims to elaborate on the dilemmas of EU's normative power in the case of European Neighbourhood Policy (ENP) by analysing the EU's approach to its neighbours particularly in the face of conflicts and crucial developments and problems in its eastern and southern neighbourhood. It is mainly argued that besides the legitimacy problem due to the lack of an accession perspective in the ENP, the frequent contradiction between the EU's two main goals- (a) ensuring stability and security in its neighbourhood and (b) transforming the neighbours- has been the fundamental dilemma of the EU's normative power in the ENP. This contradiction which causes an inconsistency in the EU's actions restrains the EU's normative impact in its neighbourhood. The main paradox stems here from the fact that whereas the first goal of ensuring stability and security requires the preservation of the status quo, the other goal of transforming the neighbours requires the change of the status quo in accordance with normative aims and is likely to cause instability at least in the short run.

Chapter 4. The European Union and Russia in the Ukraine Crisis: Partners or Adversaries?

This chapter aims to provide an analysis of the debates over how the EU responded to the Ukraine crisis and escalating hybrid war threats emanating from Russia during and after the crisis and what is the contribution of this debate over the EU as a security actor? Ultimately, Russian intervention in Ukraine forced the EU to strengthen its capabilities in terms of formulating further policies and establishing institutions to combat hybrid threats in cooperation with NATO. Although these measures have apparently provided an opportunity for improving the capacity of the EU as a security actor to an extent, current structural deficiencies remain. Are the EU and Russia partners or adversaries? This is still a relevant question, in the sense that they confront each other due to common neighbours; however, they still have political and economic links through their economy and energy.

Chapter 5. The Black Sea Synergy as a European Union Attempt at Creating a Secure Neighbouring Region

The chapter is concerned with the presence of the EU in the Black Sea by focusing on one of the region-specific policy mechanisms developed by the Union, namely the Black Sea Synergy. The importance of the Black Sea in terms of security, energy supplies, trade routes and economic exchange has directed the attention of the EU to the region after the Cold War.

Ultimately, the EU launched several policy tools to develop its relations with the region on a multilateral and bilateral basis and it has transformed into a regional actor after the EU membership of Romania and Bulgaria in 2007. Black Sea Synergy was also mobilised by the EU in this period as a policy mechanism serving to the transformation of the region in a way to ensure the dominance of security and prosperity through a multilateral approach basing upon a regionalization perspective. The chapter emphasises that despite the achievements in some cooperation sectors, Black Sea Synergy has so far shown poor performance in fulfilling its own *raison d'être*.

Chapter 6. Conceptualising the EU's Role in the MENA Region: A Case of a Pragmatic Power EU

This chapter aims to conceptualise the role the EU has played in engaging with the Middle East and North Africa (MENA) region in the post-Arab Spring era. It argues that since the resilience of states and societies in the MENA region is a strategic priority for the EU, it has pursued a stability/resilience-oriented strategy, which has security and normative dimensions. This strategy pushes the EU to act as a pragmatic power, which opts for building tailored and differentiated partnerships with MENA countries. Depending on the favourability of the domestic situation in the targeted MENA countries, whether domestic elites are pro-democracy or pro-security oriented or whether the country is socially and politically stable and resilient or not, the EU pursues a security-oriented stabilization strategy together with a norm-oriented one or prioritises former over the latter in trying to guarantee its own stability and security.

Chapter 7. EU-Africa Relations: Reconciling Interests with Norms?

This chapter examines the evolution and challenges of EU-Africa relations by looking at the interaction of EU's interests with norms in three different phases. In the early decades of the European integration process, EU-Africa relations were evolved around trade and development issues. With a series of cooperation agreements, the Union became the main trading partner and the largest donor of African countries. In the 1990s, the EU started to promote norms and values as constitutive elements of its identity and normative aspect of EU-Africa relations gained importance. In the 2000s, conditionality was added to the EU-ACP cooperation. With the adoption of the Joint Africa-EU Strategy in 2007, the scope of cooperation between the EU and Africa expanded to include a wide range of issues such as security, migration, energy and climate change. Following the Arab uprisings, the EU focused on the deteriorating security situation in Africa,

notably the risk of spill-over effects of terrorism and illegal migration. Consequently, the balance between interest-based and norm-based policies has changed in recent years and the EU's Africa policy showed a clear inclination towards interest-based pragmatic approaches.

Chapter 8. European Union and China Relations: Political Economy of Energy Relations and India's Balancer Position in Between

Today, most of the developed and developing countries need a large amount of energy to sustain their economic growth. Uninterrupted energy supply has never been more important for energy-dependent countries throughout history. This situation, on the one hand, requires the establishment of close partnerships between countries in terms of the security of energy transit routes, on the other hand, it causes a fierce competition between them. One of the best examples of this is the EU-China energy relations. This chapter aims to analyse the partnership and competition areas in the political economy of EU-China energy relations and India's strong balancing position in-between.

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INTRODUCTION

HATICE YAZGAN & SÜHAL ŞEMŞİT

The European Union's (EU) role as an international actor has been subject to academic debate for a long time. This debate went back to the "civilian power Europe" definition of François Duchéne and continued with the "normative power" concept of Ian Manners with his extensively cited article in which he examined the EU's role to promote norms in the case of abolishing the death penalty. Although both the civilian power Europe and normative power Europe concepts have been subjected to criticism, mostly from the realist perspective, the debate on the status of the EU as a normative power is still central to the discussion on its actorness.

It is usually depicted that the EU is a power with various deficiencies such as lack of leadership, resources, capabilities and unity between the member states. Lack of a common voice led to the "old Europe", "new Europe" dichotomy during the Iraq war of 2003 and has continued until today. Consequently, the EU has established an institutional structure to an extent with the Lisbon Treaty of 2009, and the declaration of the European Commission 2019-2024 itself as a "geopolitical" commission refers to the need for a strategic approach to the current challenges ranging from terrorism to climate change. The priorities of the Commission, such as the "Green Deal" declared by Ursula von der Leyen, the new President of the European Commission with an aim of creating a climate-neutral continent by 2050, reflect one part of the responses to the challenges.

Currently, the EU confronts several challenges emanating both from its internal politics and external relations. Brexit seems to be the foremost crisis that the EU has faced internally and it will have unprecedented repercussions both for the EU and the UK itself. The EU also suffers from terrorism, the migration crisis and the rise of populist parties in politics. Moreover, EU values have been abandoned by its members, namely Hungary and Poland and this issue raises questions about the concept of "transformative power" Europe.

The normative basis of the foreign and security policy of the EU is highly relevant in the enlargement and neighbourhood policies of the EU. The EU has gained considerable experience in those regions and

consequently, various lessons have been drawn especially from the enlargement process.

The European Neighbourhood Policy also includes countries that pose a challenge to the EU with some distinctive features. Neighbours in the East (Eastern Partnership countries) and the South have their specific peculiarities and gave rise to the revision of the policy several times. Southern neighbours have witnessed the so-called “Arab Spring” and the EU’s struggle for democracy promotion has been challenged by the peculiar circumstances of the region.

Eastern Partnership countries’ (namely Ukraine, Moldova, Belarus, Georgia, Azerbaijan and Armenia) relations with the EU gave rise to contentious relations with Russia. In the EU Global Strategy of 2016, handling the relations with Russia is defined as a “key strategic challenge” and the EU’s concern for Russia’s role in the destabilization of Ukraine and its violation of international law has been voiced. Currently, the shared neighbourhood and the conflicting interests of the parties in the region are the main challenges between the EU and Russia. The energy dependency of Europe on Russia and conflicting views of the EU members towards Russia complicate the relationship.

The EU’s relations with China and India have repercussions in its power perceptions as well. The growing influence of these powers in international politics led the Western powers, including the EU to reconsider their international stances. On the other hand, the rift between western institutions seems to be accurate. Debate on NATO spending and/or burden-sharing, the rift in the relations during the US presidency of Donald Trump and a lack of common perceptions on international policy issues seem to widen the gap between the Western powers.

Consequently, the so-called “rules-based order” of the EU is challenged by these internal and international circumstances. The EU is an evolving international actor and despite the shortfalls, it has provoked the hopes of a normative international actor which defends multilateralism and rules-based order. Besides, the EU has some undeniable strengths in terms of its economic capacity and trade relations. With the single market, the EU has an extensive network of trade relations and comprehensive free trade agreements throughout the world. The EU is the top donor of development aid and has an extensive diplomatic network which increases its visibility. Moreover, European strategic autonomy is on the agenda taking into account the recent initiatives.

Against this background, this edited volume aims to re-examine the EU as an international actor and/or power concerning issue area(s) (specifically asylum and migration) and in various regions in the context of recent

challenges both in the EU and in international politics. This research seeks to address the following and other related questions: Does the EU make a difference in various regions and issue areas? Is it influential and visible? What kind of power is the EU regarding these issues and regions? How is the EU perceived by other powers? What are the main threats perceived by the EU and how will the EU address these threats? How will the EU defend its values under current circumstances?

Since migration and asylum issues have increased in significance on the agenda of the EU as perceived security threats both in internal and external affairs, thus affecting the EU's position as an international actor, the first two chapters are devoted to examining this issue. The first chapter analyses the evolution and effectiveness of the EU asylum policy which has turned into one of the crisis areas after the mass inflow of asylum seekers from Syria to Europe. The second chapter further examines EU-Turkey cooperation in border management and security and questions the normative aspect of EU policy.

The third and following chapters focus on regions in order to analyse the EU's policies. Four chapters are specifically devoted to the neighbourhood region to examine the EU's role from different aspects. The third chapter revisits the debates on normative power Europe in the case of the European Neighbourhood Policy and provides a theoretical background to elaborate on the contradictions of the policy. Chapter 4 focuses on the Eastern neighbourhood region, examines EU-Russia relations in the Ukraine crisis and tries to situate the EU's position in the crisis, taking into account its response to hybrid threats. Chapter 5 is concerned with the presence of the EU in the Black Sea region by focusing on one of the region-specific policy mechanisms developed by the Union, namely the Black Sea Synergy. Chapter 6 is devoted to the Southern neighbourhood region and examines the EU's role as an international actor through taking into account the normative and security dimensions of its policy and the domestic circumstances of the countries in the region.

The last two chapters draw attention away from the neighbouring regions. Chapter 7 discusses the evolution and challenges of EU-Africa relations by looking at the interaction of the EU's interests with norms. Lastly, Chapter 8 analyses the partnership and competition areas in the political economy of EU-China energy relations and India's strong balancing position both regionally and globally.

CHAPTER 1

ANOTHER CRISIS AREA IN THE EUROPEAN UNION: EU ASYLUM POLICY

SÜHAL ŞEMŞİT

Introduction

International migration has been a complex phenomenon which exposes and affects countries' links and relations with their neighbours and other countries in the world. In this regard, various types of migration such as legal migration, irregular migration and asylum movements affect, in a complex way, European countries' relations among themselves and the EU's relations with their southern and eastern neighbours and other countries in the world. Migration movements have various policy dimensions such as the protection of fundamental human rights and international security. The sharp increase in the number of Syrian asylum movements to the EU since 2015 has once more highlighted the security dimension of migration movements in the EU. In this regard, the EU has strengthened surveillance activities on its external borders and experienced another crisis in its internal affairs concerning the management of internal borders and the allocation of asylum seekers because of the positions and reactions of different EU members (Hirsch Ballin et al., 2020: 123-124).

Although various types of migration such as legal migration and irregular migration were on the EU agenda until the Syrian crisis, asylum issues and the common asylum policy have gained more significance since the war in Syria. Asylum policies in the EU have been managed with restrictive and liberal approaches in different periods in the EU integration process. In recent years of EU integration crises and the growing wave of far-right parties and populism in Europe, we have been witnessing an increasingly restrictive approach in asylum matters. The Syrian war and the interactions of different internal and external dynamics of the EU in this

process have turned the asylum issue into another crisis in the EU, which has been widely called the Syrian refugee crisis.

This chapter aims to analyse the EU asylum policy that turned out to be one of the main challenges for the EU in the post-2015 period. It should be noted that this chapter will handle the internal dynamics of EU asylum policy since the external dynamics, in particular, the search for a new refugee deal with Turkey, will be handled by Sadık and Kaya in the second chapter of this book. In this regard, in this chapter, firstly the conceptual framework of EU asylum policy will be handled. Secondly, the evolution of EU asylum policy from intergovernmental to supranational cooperation will be examined. Lastly, the changing dynamics of EU asylum policy after the Syrian refugee crisis will be analysed in the context of the tensions between EU members and a search for solidarity within the EU.

Conceptual Framework

The number of asylum movements in the world has fluctuated through history. The number of asylum seekers increased in the early 20th century, decreased in the mid-1990s, and upsurged again in the past decade. It could thus be stated that the asylum issue keeps its position as a politicised issue in many countries, especially in developed and developing countries. Politicization also leads to the securitization of these movements. In the media and the speeches of right-wing and populist politicians, we have been witnessing rhetoric arguing that asylum seekers increase crime rates and terrorist activities and create a burden on welfare systems. This rhetoric leads to a further tightening of border controls and the inhuman detention and deportation of asylum seekers (Castles, Haas and Miller, 2014: 221-222).

In line with this rhetoric, measures to limit the increasing number of asylum seekers also included the adoption of visa requirements on refugee-producing countries, carrier sanctions, safe country implementations, and an increasing role for Frontex – the European Border and Coast Guard Agency. Although Frontex aims to coordinate the border security operations of the EU, human rights organizations have stated their concerns regarding the refoulement of asylum seekers. Owing to their geographical location on the external borders of the EU, Italy, Spain, France, and Greece have been intensively engaged in controlling asylum movements. For instance, Italy returned thousands of people to Libya under a 2005 agreement with the Libyan authorities without taking into account the presence of asylum seekers amongst them. The main concern here is that Libya has no asylum procedure and is not party to the 1951 Geneva Convention. At this point,

Frontex coordinated some of these returns from Italy and was criticised by Human Rights Watch for implementing an inhuman treatment and refoulement action (El-Enany, 2015: 887).

Before examining the recent politicization and securitization of asylum and increasing measures to prevent and restrict these movements, it makes sense to define some relevant concepts on asylum. Asylum is granted to people escaping persecution or serious harm in their country of origin and hence needing international protection. Asylum is a fundamental right and granting this right is an international commitment, firstly recognised in the 1951 Geneva Convention Relating to the Status of Refugees and then the 1967 Protocol Relating to the Status of Refugees. The EU, which offers freedom of movement in its internal borders and respects fundamental values including protection for refugees, aimed to establish a Common European Asylum System. It should be noted that asylum movements are not constant and not distributed evenly across EU members. For instance, a high number of 425,000 applications for asylum emerged in the EU-27 states in 2001, while this number decreased below 200,000 in 2006 and increased to 335,895 in 2012 (European Commission, 2020a). These fluctuations due to wars and political instabilities in third countries hardened the swift implementation of a common asylum system in the EU.

The problem in many countries' asylum systems is that determination procedures for these people take a long time, sometimes years. Besides, when looked at the implementations in the world, destination countries for asylum offer different types of protection; full refugee status for the ones who fulfil the Geneva Convention criteria, temporary protection, and humanitarian protection for people who are not identified as refugees, but who might be in danger if they return to their countries of origin. People with rejected asylum applications cannot gain a clear legal status and this can lead to marginalization (Castles, Haas and Miller, 2014: 221-222).

Treating economic migrants and "true refugees" in the same way by adopting visa restrictions to countries which are considered as a potential source of asylum movements is widely criticised. At this point, the concept of carrier sanctions comes to the stage. Carrier sanctions imply fines for ferry companies, airlines, and other carriers of migrants without any legal documents of international transport. This concept was criticised due to the inadequate training of these actors for determining the irregularity of passports, visas, and other travel documents. Moreover, this concept is argued to be restrictive for the rights of asylum seekers since it prevents the right of people to seek asylum in another country by using these transportation facilities. Furthermore, these sanctions lead to the strengthening of the sector of migrant smuggling (Samers, 2010: 212).

For the proper protection of refugees, the Geneva Convention introduced the concept of nonrefoulement as the basis of asylum law. The Dublin Regulation (2003) on the criteria and mechanisms for determining the EU member state responsible for examining an asylum application lodged in one of the member states by a third-country national, reiterated the principle of nonrefoulement although this obligation is not always implemented in practice (Castles, Haas and Miller, 2014: 221-222). According to Article 33 of the Geneva Convention, the principle of nonrefoulement means, “The prohibition for States to extradite, deport, expel or otherwise return a person to a country where his or her life or freedom would be threatened, or where there are substantial grounds for believing that he or she would risk being subjected to torture or other cruel, inhuman and degrading treatment or punishment, or would be in danger of being subjected to enforced disappearance, or of suffering another irreparable harm” (International Organisation for Migration, 2019: 149).

Refoulement has two main dimensions in the EU: First, the claim of an asylum seeker must be handled in the first country of asylum, which aims to diminish “asylum shopping”. Secondly, if Ukraine, for instance, is accepted as a “safe country” by the EU, then an asylum seeker from that country cannot claim asylum in the EU. This is also valid for an asylum seeker from Uzbekistan using Ukraine as a transit country to the EU and this asylum seeker can be returned to Ukraine (Samers, 2010: 212). The “safe third country” rule is criticised as shifting the responsibility to the country of transit, which in fact might not be safe. However, creating common criteria for identifying safe third countries in the EU took around 15 years. In this process, procedures for the “offshoring and outsourcing of asylum and refugee protection” were established. EU agreements with developing countries offering development aid in response to emigration control have been implemented in this regard (for instance, between Italy and Libya, between Spain and Mauritania, Senegal and Cape Verde) (Mamadouh, 2015). Debates on which country should be responsible for deciding on an asylum application are still ongoing in Europe.

Evolution of the EU Asylum Policy: From Intergovernmental to Supranational Cooperation

The asylum policies in Europe were mainly affected by two milestones: World War II and the Cold War. Around 40 million displaced Europeans migrated to Australia, Canada and other countries in 1945. During the Cold War, people who acted against communism were offered asylum in Europe especially after events such as the 1956 Hungarian Revolution and the 1968

Prague Spring, despite the “non-departure regime” of these communist countries (Castles, Haas and Miller, 2014: 225-226).

Economic problems in the 1970s led to the restriction of migration in Europe and constituted one of the milestones of the European asylum policies. In this process, asylum-seeking became the only way of entry to western Europe which was the main destination target for asylum seekers. Due to this situation, pressure on national asylum regimes in Europe almost led to a paralysis of these systems at the beginning of the 1990s. This challenge forced the European states to cooperate among themselves and align their policies on asylum (El-Enany, 2015: 868-869). Thus, it could be noted that while labour migration was on the agenda of European countries in the 1945-73 period, other types of migration, such as asylum and family reunion gained significance in the following years (Castles, Haas and Miller, 2014: 123). The collapse of the Soviet Union was among the main determinants of this trend. The beginning of the 1990s could be called a period of politicization of asylum movements in Europe. Extreme-right activities, attacks on asylum-seeker hosting hotels and foreigners, were in line with this politicization. In this period, European states increased restrictions on migration, building “Fortress Europe” (Castles, Haas and Miller, 2014: 225-226).

When looking at the emergence of EU asylum policy, we see the absence of supranational competences for asylum in the Treaty of Rome and partial mention in the provisions on the free movement of workers and workers’ social security. In the following years, the asylum issue was handled as part of the completion of the single market, since abolishing internal borders required the harmonization of foreign policy, including policy on asylum among the European Economic Community member states. This is because the single market and the creation of an external frontier necessitated the convergence of policies on the entry and residence of third-country nationals, which also included asylum movements. In this context, the publication of a White Paper on the completion of the internal market in 1985 by the European Commission, firstly created a direct link between the elimination of internal border controls for achieving a single market, and secondly, the harmonization of asylum policy (Cherubini, 2015: 129-132).

Until the Treaty of Amsterdam, intergovernmental cooperation rather than supranational policy-making was preferred for controlling common borders and thus for asylum policies. The first step of this intergovernmental cooperation was the signing of the Schengen Agreement on 14 June 1985 by five European states, an agreement to gradually eliminate controls at their common borders. The second important step of intergovernmental cooperation was the Dublin Convention. This entered into force on 1

September 1997, signed by Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, the UK and Spain, and later joined by Austria and Sweden (entering into force on 1 October 1997) and Finland (1 January 1998). The Convention was based on identifying the State responsible for examining applications for asylum which occurred in one of the Member States of the European Community (Cherubini, 2015: 133-137).

Parallel to the implementation of the Schengen system, in the Dublin Convention EU member states agreed that asylum applications should be handled by the member state of first entry. This principle aimed to discourage asylum seekers from heading to countries with better opportunities. Thus, the Convention reduced the workload of countries such as the Netherlands and Germany, although asylum seekers' destination aim was these countries. The Schengen and Dublin systems were thus initially handled in separate intergovernmental agreements. The Maastricht Treaty (1992), also known as the Treaty on European Union, convened police, judicial and migration cooperation under the third pillar of the European Union. As a significant step towards supranationalization, the Treaty of Amsterdam (1997), aiming to create an area of freedom, security and justice in the EU, shifted visa, migration, external border control and asylum issues to the first pillar of the EU. At first, the Schengen and Dublin systems included a socially and economically convergent group of EU members, but the full membership of 13 Central and Eastern European states in 2004, 2007 and 2013 introduced variances regarding rule of law and citizenship issues in these groups (Hirsch Ballin et al., 2020: 125).

As regards asylum policy, the Treaty of Amsterdam granted supranational powers to the EU to determine only "minimum standards". However, at the Tampere European Council Summit in 1999, EU leaders agreed to establish a "Common European Asylum System" (CEAS) and to launch a "common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union" in the long term (Peers, 2016: 525). Subsequently, in 2001, the Temporary Protection Directive on "minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between the Member States in receiving such persons and bearing the consequences thereof" was adopted (European Commission, 2001). This Directive paved the way for a common EU response to the mass immigration of displaced persons who are not able to go back to their own country. After the completion of the first phase, a Green Paper on the Future of a Common European Asylum System was published by the European Commission (2007), starting a large public consultation in this area. As a result of this

consultation mechanism, the European Commission published a Policy Plan on Asylum in June 2008 (European Commission, 2008). Three pillars were identified in the Policy Plan for the development of the CEAS: more harmonization for standards of protection by better aligning the national asylum legislation; effective practical cooperation between member states; increasing solidarity and sharing responsibility among member states, and between the EU and third countries (European Commission, 2020a).

Following these developments, the Lisbon Treaty, signed in 2007 and ratified in 2009, is also a milestone for the supranationalization of migration and asylum in the EU. Thus, migration and asylum have become fully part of the EU governance structure (Castles, Haas and Miller, 2014: 231). Another significant step in justice and home affairs, and thus asylum policy is the Hague Multi-annual Programme on Strengthening Freedom, Security and Justice in the EU. This Programme designed for the period 2004-2009, determined a deadline of 2010 for completing the second phase to establish the CEAS. Afterwards, a new deadline of 2012 was determined for this phase and two objectives were declared: increasing the level of protection and decreasing the vast variances between member states' recognition rates (for instance, the percentages of persons whose refugee or subsidiary protection status applications are accepted positively). With the entry into force of the Treaty of Lisbon, the objectives declared in the Tampere Summit are expressed in Article 78 TFEU as follows (Peers, 2016: 525-526):

The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of nonrefoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

The second phase for a common asylum policy included further harmonization of the national laws of EU member states and protection of human rights, which could be identified as a significant step towards establishing higher standards in this area and overcoming differences in member states' recognition rates. In this process towards the CEAS, through the Treaty of Lisbon, the Court of Justice gained a significant role in the field of asylum law (Peers, 2016: 526).

Since the Treaty of Lisbon, the EU has been concentrating more on creating the CEAS and making progress in the legislative framework. New legislations have been adopted to determine common high standards and

develop more cooperation to guarantee that asylum seekers are treated equally in an open and fair system. These legislations are as follows:

- ***The revised Asylum Procedures Directive*** aims to achieve fairer and quicker asylum decisions. Asylum seekers having special needs will get essential support for their claim and better protection will be served for unaccompanied minors and victims of torture.
- ***The revised Reception Conditions Directive*** guarantees the delivery of humane reception conditions (such as housing) for asylum seekers across the EU and full respect for their fundamental rights. Accordingly, detention will only be practised as a last resort action.
- ***The revised Qualification Directive*** determines the conditions for providing international protection and thus aims to make better decisions on asylum. Access to rights and integration measures for people under international protection will also be improved.
- ***The revised Dublin Regulation*** improves the protection of asylum seekers during the process of determining the responsible state for handling the application and explains the rules in the relations between states on this matter. It establishes a system to discover initial problems in the national asylum or reception systems, and avert the reasons for the problems before they create bigger problems.
- ***The revised EURODAC Regulation*** will allow the access of law enforcement bodies to the EU database of the fingerprints of asylum seekers under firmly limited conditions in order to avert, identify or examine crimes such as terrorism (European Commission, 2020a).

In the post-2015 era, the Dublin regime has been widely debated in the EU. In fact, the Dublin regime was revised twice, firstly in 2003 with the Dublin II Regulation and secondly in 2013 with the Dublin III Regulation. The Dublin III Regulation (2013) identifies a common asylum area that covers EU member states and EFTA states – Iceland, Liechtenstein, Norway and Switzerland. In this area, the first country that an asylum seeker enters is responsible for examining asylum applications and granting asylum and protection in the case they are valid. If an asylum seeker applies for asylum in a second Dublin member, they may be sent back to the country of their first application (Knodt and Tews, 2017: 59). However, the Dublin system was not formulated to guarantee responsibility sharing among member states in the case of a mass flow of asylum seekers. Instead, the main aim was to give the responsibility to handle the asylum application to a member state. The Dublin III Regulation determines the responsible EU member,

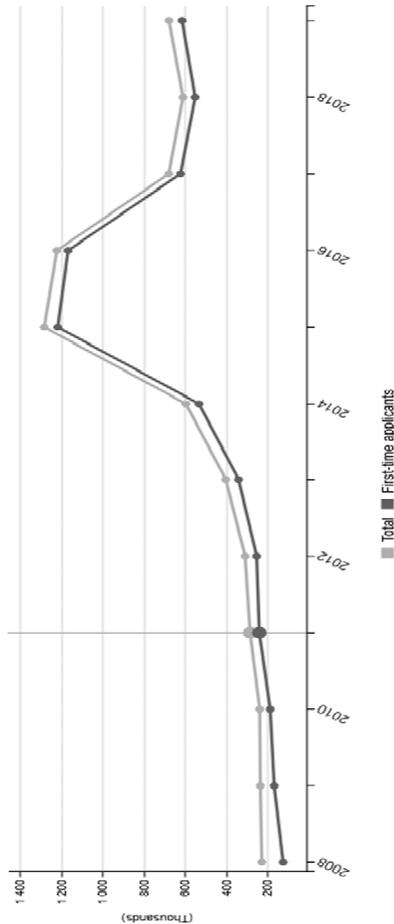
through various criteria of family unity, ownership of residence documents or visas, irregular entry or stay, and visa-waived entry. Indeed, the most used criterion is the irregular entry, which means that the first country they entered is made responsible for handling the asylum application. The post-2015 period exposed these inherent shortcomings in the Dublin system's legislation and practice. Due to the heavily felt strains on the asylum systems of individual member states – mainly southern and eastern European countries – and the CEAS as a whole, the European Commission (2016) also admitted these weaknesses and called for the reform of the system (Radjenovic, 2019). In this regard, the next section of the chapter will analyse the tensions and search for more solidarity in the EU after these strains.

Dynamics of EU Asylum Policy after the Syrian Refugee Crisis: Tensions and the Search for Solidarity

Following the unprecedented movement of more than one million asylum seekers from Syria to Europe, the then President of the European Council, Donald Tusk, in his speech to the European Parliament regarding the European Council meeting on 15 October 2015, said that the refugee crisis had potential to “cause tectonic changes in the European political landscape” (Kaczorowska- Ireland, 2016: 1061). Indeed, the European Union has recently been facing a multi-crisis process: namely, ongoing financial problems, migration and refugee movements, the rise of xenophobia and far-right parties, separatist movements and terrorist threats and Brexit. In the Eurozone crisis, as Eylemer (2015: 13) points out, “aside from its profound economic, social and political implications, the crisis revealed the persistent divergences among the EU member states”, and we have observed the same situation in the other crises. However, all of these challenges, including the Syrian refugee crisis, necessitate common solutions and solidarity at the EU level. For most of these challenges, there is a need for creating solidarity networks with the third countries, especially the candidate countries and neighbouring countries.

In order to understand the extent of the Syrian refugee crisis in the EU, it is beneficial to analyse the statistics for asylum seekers in the EU in the recent decade. As revealed in Figure 1, asylum applications in the EU started to increase in 2013 and reached a peak in 2015, which created great tension in EU politics. Since 2013, Syria has been the main country of origin of asylum seekers in the EU. However, the country of destination for these asylum seekers concentrated in a few EU members. In 2019, 142,400 asylum applicants were registered in Germany and this constituted 23.3%

Figure 1: Asylum Applications (Non-EU) in the EU-27 Member States, 2008-2019



- *Total: 2008-2014: Croatia not available.*
- *First-time applicants: 2008: Bulgaria, Greece, Spain, France, Croatia, Lithuania, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2009: Bulgaria, Greece, Spain, Croatia, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2010: Bulgaria, Greece, Croatia, Luxembourg, Hungary, Austria, Romania and Finland not available. 2011: Croatia, Hungary, Austria and Finland not available. 2012: Croatia, Hungary and Austria not available. 2013: Austria not available.*

Source: European Commission (2020b). Asylum statistics,

https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

of all first-time applicants in the EU. The following EU members were France (119,900, or 19.6%), Spain (115,200, or 18.8%), Greece (74,900, or 12.2%) and Italy (35,000, or 5.7%). In this year, Syrians constituted the largest number of asylum applicants in seven EU members, while 39,300 of these applications were done in Germany (European Commission, 2020c).

Given this uneven distribution of asylum seekers among EU countries, the search for solidarity in this issue has been quite intense compared to previous crises in the EU. In order to analyse the search for solidarity in the Syrian refugee crisis, the concept of solidarity should be discussed. Solidarity is studied especially in the disciplines of sociology, economics, political science, and psychology for analysing the social foundations of societies. However, these studies have been focusing mainly on national solidarity and transnational dimensions of solidarity and European solidarity has not been studied widely. Thus, the concept of transnational solidarity was also not elaborated very well. The much referenced definition of solidarity by Stjerno (Stjerno, 2012: 2) is; “preparedness to share one’s own resources with others, be that directly by donating money or time in support of others or indirectly by supporting the state to reallocate and redistribute some of the funds gathered through taxes or contributions” (Lahusen and Grasso, 2018: 4).

The current multiple-crisis situation in the EU is a reflection of the fact that solidarity is not at the desired level in the EU and the concept of solidarity remains or frequently becomes an empty expression. When looking at the historical evolution of the EU, it is observed that solidarity has been among the fundamental norms of European integration since the Second World War. The preamble to the Treaty establishing the European Coal and Steel Community of 1951 began with the statement that the ECSC would “first of all create real solidarity”. The Preamble of the Maastricht Treaty of 1992 stated the willingness “to deepen solidarity between the peoples while respecting their history, their culture and traditions”. Lastly, the Lisbon Treaty of 2009 reinforced the principle of solidarity and served it for the consideration of EU citizens and social scientists. The Lisbon Treaty mentioned solidarity in the Preamble and also linked it to internal and external policy areas more than 20 times. The Charter of Fundamental Rights handles solidarity in a separate section including a variety of social rights. This is due to the fact that recent crises of the EU demand more attention for the principle of solidarity (Knodt and Tews, 2017: 47). Although the weight of solidarity increased in the Acquis over the years, as argued by Knodt and Tews (2017: 47), the term is not accurately and sufficiently defined in the Acquis Communautaire.