THE SYRIAN REFUGEE CRISIS AND THE EUROPEAN UNION CONDITIONALITY

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Abstract

The aim of this study is to advocate the idea that the European Union (EU) should develop a new refugee policy which is appropriate to human security and impose this policy under the conditionality principle to the countries which are engaged to the EU by negotiating, candidacy or Stability and Association Agreements (SAAs). Especially with the start of the civil war in Syria, the situation that EU could not manage the refugee crisis that firstly Turkey and then the Western Balkan countries faced, caused serious political crises. In particular, Turkey and Macedonia were the most affected countries within all the candidates. Moreover the refugee crisis has created a serious discussion within EU members, besides the existing fault lines, the impact of the crisis was influentially connected to the Brexit demand in UK, and then the future expectations of the EU. The basic claim of the paper is, the discussion about the refugee issues will create a need for a transformation in the EU's security strategy. One may suggest that the EU firstly should determine a wider common policy on refugees, secondly under the conditionality principle, the EU should develop her acquis towards candidate countries compatible with the new Common European Asylum System..

Keywords: *Eurosteoporosis, Western Balkans, Syrian Refugees, Conditionality, European Security Strategy.*

SURİYELİ MÜLTECİ KRİZİ VE AVRUPA BİRLİĞİ KOŞULLULUĞU

Özet

Bu çalışmanın amacı Avrupa Birliği'nin sığınmacı politikasını, insan güvenliği yaklaşımı çerçevesinde yeniden düzenlemesinin gerekliliğini ortaya koymaktır. Ayrıca bu politikaya uyumun bir koşulluluk ilkesi olarak müzakere eden, aday veya potansiyel aday devletlerden de beklenmesi gereği bu çalışmanın ortaya çıkardığı bir diğer sonuçtur. Suriye'deki iç savaşın başlamasından sonra Avrupa Birliği'nin göç dalgasını yönetmekte gösterdiği zaafiyet başta Türkiye olmak üzere göç rotası üzerindeki Batı Balkan devletlerinde de siyasal krizlere neden olmuştur. Özellikle Makedonya ve Türkiye bu krizden en fazla etkilenen aday ülkelerdir. Kriz üye ülkeler arasında da önemli bir tartışma yaratmış, Brexit yanlıları tarafından bir ayrılma gerekçesi olarak sunulmuş ve Avrupa Birliği'nin geleceğine yönelik olusuz bir algının ortaya çıkmasına da neden olmuştur.

Bu çalışmanın temel amacı mülteci krizinin Avrupa Birliği Güvenlik Stratejisi'nin dönüşümüne ilişkin bir tartışma başlatmaktır. Böylece öncelikle Avrupa Birliği'nin önce ortak sığınmacı politikasını revize etmesi ardından da koşulluluk politikasını buna göre yeniden düzenlemesi beklenebilir. Bu durum Avrupa Birliği hukukunda da mültecilere ilişkin yeni düzenlemelerin yapılması sonucunu yaratacaktır.

Anahtar Sözcükler: *Eurosteoporosis, Batı Balkanlar, Suriyeli Mülteciler, Koşulluluk, Avrupa Güvenlik Stratejisi.*

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Introduction: The Current Security Approach of the European Union

In this paper I shall investigate the need of developing a new migration policy and adopting it to the conditionality principle for the EU. **This research addresses the need of extending the conditionality principle including the migration issues by developing a series of hypotheses indicating how migration issues affect the EU security.**

To begin with, it should be noted that, the 1990s were the period when the most courageous steps have been taken to establish for a common foreign and security policy in the EU. The evidence of the perception that, the EU was successful to maintain the European security in this period was the first sentence of the document named European Security Strategy: "*Europe has never been so prosperous, so secure nor so free.*" (A Secure Europe in a Better World, 2003) In this document global security risks were listed by five key threats: "*terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime by making several references to human security conception*" (A Secure Europe in a Better World, 2003).

Besides, Human Security Study Group's report named as "A Human Security Doctrine for Europe" (Barcelona Report) presented to High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana on 15 September 2004. (Ağır, Gürsoy and Arman, 2016). That Report announced that the most appropriate approach for Europe in the 21st Century would be to promote human security. From this date, the human security principles began to enter into of EU's formal security concept. Indeed, in Madrid Report six principles were identified in order to ensure human security at 2007: The Primacy of Human Rights, legitimate political authority, a bottom-up approach, effective multilateralism, an integrated regional approach and clear and transparent strategic direction (A European Way of Security, 2007).

As far as I am concerned, it can be argued that the concept of human security started to be included in the security concept, affected to the ongoing debate about "what kind of power the EU is". While different reference objects began to be involved into security concept, besides the traditional one, security perceptions started to be civilized, with the words of Smith. In fact Kaldor, Martin and Selchow denotes that the EU might be called as a civil power when she behaves under the human security principles in the manner of conflict prevention, crisis management and civil-military coordination issues (Kaldor, Martin and Selchow, 2007). Likewise, Manners avows the relation between the EU's power and her security as "*EU on human security, particularly within the context of meeting the UN's Millennium Development Goals, had been focused on the understanding of people-centred freedom from fear and want.*" (Manners, 2006).

To sum, the authors of more recent studies have proposed that the EU is an ethical, civil or normative power due to her capacity to implicate the human security principals into her security concept. For instance that argument was supported by Manners at his work named "Normative power Europe reconsidered: beyond the crossroads". The prerequisite for the EU as a civil power, to present herself as a security provider is to make the human rights as the key priority. **These explanations complement each other and help to illuminate the phenomenon of civil power.** It is worth bearing in mind that, in what extend the EU policy takes into account to the human rights principles towards the influx of Syrian refugees, will be a catalyst in terms of human security.

1. European Security Dilemma in the Third Millennium

Nevermore, at the end of the 2000s, one can point to a decline in the EU's alleged claim to be a civil power. But the most important turning point that EU began to be non-credible for the claim that she is a civil power is Big Bang (the enlargement process of the EU including central and eastern Europe countries), which occurred at 2004 and 2007. Against this

background, the central question that motivates this paper is that may the EU still be defined as a civil power?

Arman expressed that reducing effect of the EU by a concept named as "Eurosteoporosis", in the paper named as "Eurosteoporosis, A Novel Proposal for a Discussion on the Acting Level of the European Union in International Politics" at 2012 (Arman, 2012). He claimed in that study that, similarly the Eurepean Community experienced the Eurosclorosis situation following the 1973 oil crisis, he adduces that the EU is experiencing an ongoing new situation after the 2008 financial crisis. Eurosteoporosis connotes the foreign policy absence of the EU which is rooted from wrong political decisions and deepening economic problems after the global economic crisis (Arman, 2012). He sorted of following reasons in his study, which created this situation as:

a. The Common Security and Defence Policy (CSDP), which was formed in the 1990s and for which a great deal of efforts was made, became already absolutely inefficient with the Middle East policies of the USA after 9/11,

b. "The Notion of Civilian Power" became questionable with the split by Iraqi crisis,

c. Russia disabled the European Neighbourhood Policy (ENP) exerting a great influence on Armenia, Georgia and Ukraine after her powerful comeback,

d. 12 countries became new members of the EU with the enlargement processes in 2004 and 2007 and the crisis for deepening between those states and the EU could not be overcome.

e. The effects of the fiscal crisis of 2008 (Arman, 2012).

The first indicator of the Eurosteoporosis situation, due to all those reasons, was the passivity of the EU towards the invasion of Georgia by Russian Federation. Afterwards, the ineffectiveness of the EU at the Arab Spring process was a further evidence of the nature of this case. One may observe the symptoms of Eurosteoporosis situation in the enlargement process of the EU, while enlargement is accepted as the most successful foreign policy instrument of the EU. Indeed, only Croatia among the all candidate countries was able to be a full member at this process, however there was limited success in the accession processes of the other candidates. To give examples in this period, due to the naming dispute could not be solved, accession negotiations have not been started with Macedonia; the accession negotiations which started with Iceland was halted with the request of this state; a very limited success could be achieved in the negotiations with Turkey; SAAs with the Western Balkan states could not build a strong acceleration in the process of economic and democratic developments of these countries. Thus, following the reasoning set forth by us, we hypothesize that the EU cannot be understood as a civil power.

Although during the 2000s the EU tried to adopt human security principles into her security agenda in order to be a civil power in international politics, due to the reason that the widening process could not be transformed to a deepening, and the effectiveness in the Arab Spring process, this claim became expressionless. Finally, the EU policies towards the refugee crisis began after the civil war in Syria were the clear evidence that the EU cannot be described as a civil power.

2. The Syrian Refugee Crisis Policy of the European Union

The most important document of the EU about refugee policy is A European Agenda on Migration. According to this document the EU pledged to take immediate action to prevent further losses of life and to improve conditions for those seeking protection in Europe. (A European Agenda on Migration, 2015). Likewise, the Common European Asylum System (CEAS) is one of the most important policies of the EU. According to Dublin System: "*Where an asylum seeker travels through several EU countries, the CEAS allows one EU country to*

send that person to the first EU country reached by the asylum seeker, so long as that country upholds the rights of asylum seekers." (Understanding Migration and Asylum in the European Union). But there are some problems in the implementation of this system. For example, Greece, Italy and Hungary have opened several lawsuits to block these transfers. Besides, asylum seekers do not have the right of free movement unlike the residents and the tourists have.

Sunderland states that in 2015 over 1 million asylum-seekers and migrants reached the EU via the Mediterranean which became the deadliest migration route in the world. In the same year 3700 men, women and children died or were reported as missing in the Mediterranean. According to the United Nations High Commissioner on Refugees (UNHCR) 84% of those were called as refugees because of war or other circumstances in the countries like Syria, Afghanistan and Iraq. Hence, half of that 84% were Syrians, while the 20% were the Afghans. Besides Syrians and Afghans, 13% of them were composed of Iraqis, Eritreans and Somalis. (Sunderland, 2016)

In addition, due to the civil war in Syria began in March 2011; about 9 million Syrians forfeited their homeland. Six million of them have been displaced within Syria, the others have been displaced to neighbouring countries before then were forced to migrate to various parts of the world, especially in Europe. 150,000 people have already achieved official refugee status in the EU counties. Besides, 33,000 Syrian refugees are living without an official status in several the EU countries. 85% of the current migrants living in the EU countries, mostly located in Germany (http://syrianrefugees.eu/). It is also stated in the European Agenda on Migration that the biggest load on this subject is on Turkey's shoulders: Approximately 2.5 million of these refugees are living in Turkey. "*A good example of where there is much to be gained from stepping up cooperation is Turkey. Since the beginning of 2014, Turkey has received EUR 79 million to contribute to its efforts to deal with the pressure on its refugee management system and to help prevent hazardous journeys in the Eastern Mediterranean. Deploying a dedicated Frontex liaison officer in Turkey will take cooperation one step further.*" (A European Agenda on Migration, 2015). To add Turkish authorities expressed that Turkey had spent 25 billion USD (AFAD) for the refugees from the beginning of this crisis to July 2017. Not only Turkey, Western Balkan countries are also under a migration pressure. In particular, a dramatic increase in the number of immigrants was occurred by 2015. There is the figure of illegal border crossings on the Western Balkans route in numbers at the table below. The situation that the number of illegal border crossing dramatically increased by 2015 may only be explained by the Syrian migrants, and a downside potential was observed at 2016 which can be expressed by the decreasing tension in Syria civil war.

Table 1. Illegal border crossings on the Western Balkans route in numbers:
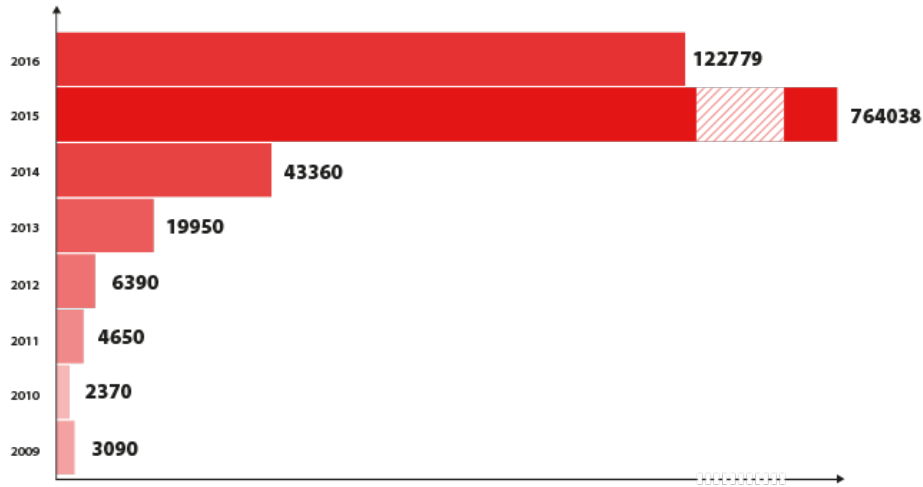
The table indicates the illegal border crossing of migrants in order to reach the EU borders via Western Balkan route. When the FRONTEX reports are examined, one can discern that not only the Syrians are trying to cross to Europe via the Western Balkans, it is understood that an intense wave of immigration from the Middle East and North Africa is being occurred especially from Afghanistan and the Iraq (FRONTEX Western Balkans Annual Risk Analysis, 2016). Of course the situation that determined in FRONTEX reports indicates that the immigration wave is related with the Syrian civil war. However, the fact that the neighbouring countries of Syria opened their borders in order to rescue the war victims, thousands of people who wants to leave their countries in Middle East and North Africa found an opportunity to escape from civil wars or anti-democratic practices. Moreover the migration flow has created an opportunity for Kosovo nationals to cross the Serbia border illegally. Due to Serbia adopted a visa liberation agreement with the EU, the Kosovo citizens prefer to cross Serbia-Kosovo border to reach the core European countries. As a result, to end the civil war in Syria will not be enough to solve the migration problem in the region. Even though when the war ends, those people should seek new ways to leave their countries, and arrive the Western countries. In short, the refugee crisis is a systemic rather than a cyclical problem (Güler, 2016).

3. The Need for a New Security Strategy and Conditionality

The possible consequences of Brexit referendum at the UK are being discussed globally. The discussion topics mainly focus on the EU might enter into a process of disintegration or Scotland and Ireland might demand to exit from the UK in future. Those arguments are predominantly the results of the conditions of the EU's Eurosteoporosis situation during the 2000s. While the EU could not surmount the deepening process of 12 new members, the economic recession that occurred in 2008 caused by the financial crisis, created a gap to develop a common and immediate reflex against the upcoming Arab Spring. The Syrian refugees shock due to the civil war was final stage of the disintegration of the European security strategy.

Moreover, Antonio Missiroli stated that there is a requirement to prepare a new 'global strategy on foreign and security policy' at 2016 in the document named "Towards an EU global strategy" (Towards an EU global strategy, 2015). As a result of that requirement European Parliamentary Research Service prepared a briefing and determined that priority areas of this new strategy as:

14

1. Strengthening global governance
2. Supporting regional architectures.
3. Strengthening state and societal resilience.
4. Rethinking the EU's approach to conflict and crises
5. Responding to the integration choice (EPRS - European Parliamentary Research Service, 2016).

From all reasons above, it is vital for the future of the EU that, strong and sustainable refugee policy tools should be developed in 'Shared Vision, Common Action: A Stronger Europe', which will replace to current EU security agenda. Indeed, in both the European Neighbourhood Policy (ENP) and the Euro-Mediterranean Partnership (MEDA), there were provisions to regulate the migration issues, but refugee issues remain as an unsolved problem for Europe.

It is worth bearing in mind that, the only realistic way to solve the migration issue in the region is to create a positive peace environment around Europe. A security perspective which gives priority to human security principles about refugees is both maintaining the conditions of a positive peace in the source countries of migration and maintaining favourable conditions to human rights for the refugees in Europe. Therefore, by the European security strategy, refugee issues should be digested in a comprehensive manner, in addition the compliance of the candidate to new policy should become a principle of conditionality.

Glüpker (2013) points out that "*the conditionality principle foresees support and progress towards accession only for candidates which conform to the EU demands*" . That includes the fulfilment of Copeanhagen Criteria and adoption of the acquis communautaire by the candidate country. The Syrian refugee crisis brings into sharp relief that the adoption of Western Balkan countries and Turkey to the developing strategy of the EU about migration will play a vital role in the success of the Common European Asylum System. The EU cannot be successful whatever she does about the refugee crisis if the candidate countries do not adopt the new strategy to their legal systems. When everything is taken into consideration in order to reach a applicable solution about the migration issues, the new strategy which is appropriate to human security should be a conditionality principle for each candidate country

Conclusion

Primarly, the Syrian refugee crisis shows us that redrafting of the European security strategy is a necessity for the EU. The parameters of the new strategy should contain the tools to prevent the influx of immigrants inside Europe and to respond to the basic needs of refugees. In addition, obviously a common policy regarding illegal migration may not meet individual interests of each member in the same extent. Hence, the new strategy should distribute the cost among the member as fair as possible. To reach a concensus about the new refugee policy may be difficult due to some reasons such as the rising unemployment since the economic crisis of 2008 and the recent terrorist attacks by ISIS in the European cities. The the logic of liberal intergovernmentalism dictates the core countries of the EU to compansate the burdens which the peripheric members have to shoulder, in order to soften their opposition to legal migration and refugees seeking shelter. Thus, reaching at a concensus about a new refugee policy seems requiring two vital conditions to be met; firstly, EU should play a more active role in the settlement of the Syrian civil war; secondly, it should deal with stagnation within its integrated economy.

Nevertheless, even hammering out a new strategy relating refugees and immigration may not prevent new cycles of shock for the EU in the future. The Western Balkan route, which starts from Turkey is the most preferable for the migrants to arrive at the EU borders. Hence, a robust strategy necessitates incorporation of the candidates and prospective members in the negotiations; otherwise, the common strategy is very likely to remain stillborn. In other words, the only way to reach an operable solution to illegal migration is to make the candidate countries the part of this strategy. Hence, the conditionality principle should be rethought such a way as to invoke the effective contributions of the non-member countries to the solution of migration problems.

Consequently, protecting the European borders against illegal migration is possible by enlarging the European security community such a way as to contain the neighboring countries. On the other side, of course, the new strategy desperately needs to be successful the settlement of the ongoing conflicts and establishment of positive peace in the neighboring zone. The logic of MEDA and ENP was to create a "ring of friends" out of the Europe, but those projects failed due to several reasons such as the Arap Spring and return of Russia Federation to the grand *chessboard. But the Syrian refugee crisis shows that the EU needs a new and more comprehensive strategy to contribute the positive peace in its periphery.*

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GENİŞLETİLMİŞ ÖZET

Bu çalışmada Avrupa Birliği'nin en güncel sorunlarından olan Suriyeli mülteci krizinin sadece Birlik üyesi devletlerin ortak politikalarıyla çözüme ulaştırılamayacağı, aday ve potansiyel aday devletlerin de bu sorunun çözümü için politikalar geliştirmesi gerektiği vurgulanmaktadır. Çalışma Suriyeli mülteci krizinin sadece göç politikaları içinde değerlendirilmesinin eksik bir yargı olacağı, Avrupa güvenlik stratejisinin de Suriye'deki mevcut durum ve özellikle Ortadoğu ve Kuzey Afrika ve Batı Balkanlar kaynaklı olası mülteci dalgalarını da göz önünde bulundurarak yeniden düşünülmesi gerektiği savunulmaktadır. Çalışmanın bir diğer amacı aday ve potansiyel aday devletlerin Avrupa Birliği'ne tam üyelik süreçlerinde kendilerinden beklenen koşulluluk ilkelerinin de bu yeni güvenlik stratejisine göre gözden geçirilmesi gereğidir. Çalışma nihayetinde bu değişikliğin Avrupa Birliği Dış İlişkiler ve Güvenlik Politikasının da tahkim edilmesi yolunda bir fırsat olabileceğini savunmaktadır.

Avrupa Birliği yeni milenyumda resmi güvenlik stratejisini iki defa yenileme gereği duymuştur. Bu iki yenilemede de Birliğin insan güvenliği yaklaşımını temel güvenlik paradigması olarak seçtiği hem resmi dokümanlarda hem de konu üzerine çalışan akademisyenlerin çalışmalarında ortaya çıkmaktadır. Ancak pratikte insan güvenliği yaklaşımı ile arzulanan sonuçlara ulaşılıp ulaşılmadığı temel bir sorun olarak orta yerde durmaktadır. Pek çok akademisyen bu hedeflerin kâğıt üzerinde kaldığı, oysa uygulamanın geleneksel güvenlik anlayışına uygun olduğunu tartışmaktadır. Nitekim 2011'den sonra aciliyet içeren bir insani trajediye dönüşen Suriyeli mülteci krizi bu tartışmanın en belirgin argümanı haline gelmiştir. Nitekim bu sorun Birlik içinde de bir krize dönüşmüş; Macaristan belirgin bir göçmen karşıtı politika izlemiş hatta konu Birleşik Krallık'ta Brexit tartışmalarının odağında yer almıştır. Birlik üyesi devletlerden Almanya büyük ölçüde göç hareketinin nihaî destinasyonu olurken, bu devletin mevcut göçmenleri tüm üye devletlere belirli bir kontenjan usulü ile dağıtma önerisi hem teoride hem de pratikte sonuç vermemiştir. Teoride başta Macaristan olmak üzere çeşitli devletler kontenjana yanaşmamışlar, pratikte ise mevcut göçmenler Almanya'ya ayak bastıktan sonra bu ülkeyi terk etmek konusunda isteksiz davranmışlardır. Bu konudaki diğer bir girişim Türkiye ile yapılan Vize Serbestisi anlaşmasına ek olarak Geri Kabul Antlaşması olmuşsa da, Türkiye'nin tüm iyi niyetine rağmen Antlaşma uygulanabilir olmanın çok uzağında kalmıştır. Sonuç itibariyle Türkiye üç buçuk milyonun üzerinde göçmenin yarattığı mali ve sosyal külfeti sırtlamak zorunda kalmıştır. Üye devletlerin bu sorun karşısındaki tutumları Avrupa Birliği'nin sürdürülebilir bir sığınmacı politikasına sahip olmadığını göstermektedir. Bu çalışmada sürdürülebilir bir sığınmacı politikasının ancak insan güvenliği yaklaşımı ile kaleme alınacak yeni bir güvenlik konseptini yaşama geçirilmesi ile mümkün olabileceğini savunmaktadır.

Bir diğer konu ise göç rotası üzerinde bulunan aday ve potansiyel aday devletlerin göçe ilişkin politikalarının ortaya çıkacak yeni güvenlik konseptine göre revize edilmesi gerekliliğidir. Daha önce belirtildiği üzere Suriye'den başlayan göç rotası Türkiye ile başlayarak ve çeşitli hatları izleyerek çekirdek Avrupa'ya ulaşmaktadır. Ancak burada en belirgin rota Batı Balkanlar üzerinden geçen hattır. Nitekim göçmenler ya Trakya üzerinden ya da Yunanistan adaları vasıtasıyla Makedonya'ya ulaşıp, oradan Sırbistan'a ulaşmayı denemektedir. Bu hat Kuzey Afrika'dan İtalya'ya ulaşan deniz hattı ile en çok tercih edilen rotadır. Bu noktada Makedonya göçmenler açısından ana uğraklardan biri haline gelmiştir. Ancak istikrarsız politik yapısı ve kırılgan ekonomisi ile Makedonya bu krizi aşmakta Almanya veya Türkiye kadar mahir bir politika izlemekten uzaktır. Bu rota üzerindeki Arnavutluk, Sırbistan ve Kosova da göçmen krizi politik ve sosyal istikrarı tehdit eder noktaya ulaşmıştır. Çalışma bu noktada iki noktayı vurgulamaktadır: birincisi bu kırılgan devletler çoğu zaman Avrupa Birliği tarafından yeterinde desteklenmemiştir; ikincisi bu konu rota üzerindeki her devlet açısından başka şekilde değerlendirildiği için soruna bütüncül yaklaşılamamıştır. Bu noktada çalışma ortaya çıkacak

yeni Avrupa Birliği güvenlik konseptinin aday devletler açısından bir koşulluluk ilkesi haline getirilmesi ve böylece gelecekte yaşanabilecek olası krizlerde aday yahut üye tüm devletlerin göç konusunu insan güvenliği yaklaşımı çerçevesinde değerlendirebilecek bir mevzuata sahip olmalarının sağlanması gerekliliğine vurgu yapmaktadır.

1980'lerde Soğuk Savaş'ın sona eriyor olmasını doğru okuyabilen akîl liderlerin Avrupa Siyasi İşbirliği sürecini Ortak Dış ve Güvenlik Politikasına dönüştürme mahareti 1990'larda Merkez ve Doğu Avrupa devletlerinin demokratik ve ekonomik dönüşümlerinin az sancılı biçimde yaşamalarını sağlamıştı. Nitekim bu devletler kısa sürede Avrupa Birliği ve NATO üyesi haline gelerek Batı ittifakına katkı sunar hale gelmişti. Arap Baharı sürecinde ise Lizbon sonrası Avrupa Birliği Dış İlişkiler ve Güvenlik Politikasının bu başarıyı elde ettiğini iddia etmek neredeyse imkânsızdır. Ancak insan güvenliği yaklaşımının sunduğu teorik imkânların doğru değerlendirilmesi ile Avrupa Birliği'nin süreci bir insanî trajedi olmaktan çıkarma ihtimali halen mevcuttur.