Abstract

The European refugee problem has grown dramatically in the last few months, putting a considerable amount of pressure on the European countries. Not only are they facing migrants from North Africa, but from the Middle East as well. In March 2011 the Arab Spring has reached Syria, causing a huge number of Syrians to flee their country and seek asylum in Turkey, and possibly going further to the EU. The refugees who fled Syria as well as those who are leaving North Africa (mostly the failed state of Libya) are aiming to reach European soil, but Italy, Greece or Turkey is not ready to handle the amount of refugees. The cooperation of the Mediterranean countries and Europe has not been able to slow down the flow of refugees, and the Mediterranean and Aegean seas have become dangerous routes for the desperate migrants who attempt the sea-crossing. In my analysis I would like to highlight the role of the so-called elements of ‘soft power’ in the way of dealing with the refugee problem. According to my hypothesis, the issue can’t be successfully addressed using only the means of the ‘soft power’. No real solution for the crisis has been offered yet, and I would like to give case studies of the different ways of dealing with the problem – inside (Greece, Italy) and outside (Turkey) of the European Union.

Keywords: European Union, Turkey, Refugees, Crisis

1. Introduction

Regulation of the right of the refugees and asylum seekers was introduced by the 1951 Geneva Convention (amended by the 1967 New York Protocol). Most of the countries in my analysis are part of the Geneva Convention (countries of the EU and Turkey), however, the rest of them have not joined the Convention. The Convention has been signed by hundred and forty seven countries (European Council of Refugees and Exiles, 2015). Therefore legislative background of the countries in the analysis is different.

According to the Geneva Convention (1951), the definition of a refugee is as follows: someone “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is out-side 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 habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. While asylum seekers as defined as someone who claims being a refugee but his/her claim hasn’t been accepted yet. They are not granted refugee status and thus protection by the Convention until the state decides whether they qualify. Those countries which are not part of the Geneva Convention, may recognize the asylum seekers as refugees, but they are not obliged to apply the rules of the Convention in order to protect them.
2. The Regulation of the European Union

A common approach has been laid down by the Convention and the EU has designed its common asylum policy in accordance with the Convention. The EU has begun introducing common European regulations toward refugees and asylum seekers in 1999, creating four directives regarding refugees:

- "the Qualification Directive 2011/95/EU on standards for the qualification of non-EU nationals and stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection;
- the Procedures Directive 2013/32/EU on common procedures for granting and withdrawing international protection;
- the Conditions Directive 2013/33/EU laying down standards for the reception of applicants for international protection;
- the Dublin Regulation (EU) 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national (national of a non-member country) or stateless person (Eurostat, 2015).

The common European framework was established when the European Asylum System (CEAS) was introduced in 2004, focusing on three main pillars which are (i) harmonizing standards of protection, (ii) effective practical cooperation, and (iii) increased responsibility amongst EU members.

In order to strengthen the cooperation and the increase the financial responsibility, the European Refugee Fund was established. To further the European regulation, in 2011 the former directives were revised, introducing 6 new directives:

- The revised Asylum Procedures Directive aims at fairer, quicker and better quality asylum decisions;
- The revised Reception Conditions Directive ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU;
- The revised Qualification Directive clarifies the grounds for granting international protection and therefore will make asylum decisions more robust;
- The revised Dublin Regulation enhances the protection of asylum seekers during the process of establishing the State responsible for examining the application;
- The revised EURODAC Regulation will allow law enforcement access to the EU database of the fingerprints of asylum seekers (European Commission, 2015).

The revised directives are to ensure that the refugees are treated within the European Union equally and fairly in an open system. However, experience shows that certain member states (mainly in Eastern and South-Eastern Europe) might be lacking the necessary means to implement these regulations, and they tend to resort to complementary means of border protection instead of applying the rules of the Convention. This results in a less than effective asylum system, which is below international standard. While the EU legislation applies to every member country the way to implement the regulations is decided by each country, thus resulting in different handling of the asylum seekers. The different internal migration policies of the countries as well as the nationality of the applicant may also contribute to the different treatment they may experience.

3. Refugee Problem in the EU

In October 2013, Italy introduced the operation Mare Nostrum, aiming to help the migrants to reach the shores safely and to decrease the threat of the sea. The operation has saved over 100,000 lives (UNHCR, 2015a). It was supported by the EU with 1.8 million EUR, and Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established in 2004) has assisted Italy (the only host
of the refugees) with two other operations, Hermes and Aeneas. Hermes manly focuses on the shores of Italy, protecting EU’s external borders, while Aeneas (Frontex operation as well) turns the focus to the land, the migration flow to Italy through Turkey and Greece.

Until the end May, 2015, almost 90,000 (it is well over 100,000 by summer) migrants and refugees have crossed the Mediterranean Sea and most of them arrived in Italy and Greece (46,500 and 42,000), the rest of them aimed for Spain or Malta. Almost 2,000 refugees have lost their lives on the way to Europe (UN, 2015). Parallel to this, the number of those seeking refugee status raised to nearly 300,000. The top five countries in the EU to receive such applications are Germany, Sweden, the United Kingdom, France and Italy (UNHCR, 2015c). If we look at each member state carefully, we can find that not only these five countries, but many others experienced the increasing number of asylum application, but there are others, who received less than one year ago. The third quarter of the refugees is under the age of 35, mainly 18-30, but a significant percentage is those who are under 18.

On 9th July 2015, the informal meeting of the Ministers of Justice and Home Affairs of the EU in Luxemburg has brought an agreement. They discussed the issue of resettling 20,000 refugees inside the EU, each country has offered some contribution. Aid came from outside of the EU as well, non-EU member states (Switzerland, Norway and Lichtenstein) also offered their help. However, the relocation of the remaining 40,000 refugees (the initial decision has been about 60,000 resettlements) has not been solved and the Ministers decided to revisit the issue. The Minister of Luxemburg, Jean Asselborn emphasized the fact that the secondary migration is also a pressing issue and that the EU should discourage the migrants to move from a member country to another right after arrival (Informal JHA Council, 2015).

In April 2014 the Asylum, Migration and Integration Fund has been established, thus the EU adopted the commitment, and representing itself with 3 billion EUR (between 2014 and 2020) in order to provide help to the refugees.

The Southern EU members are not the only ones who are under pressure by the increasing flow of legal and illegal migrants: On the Eastern border Hungary as well as Croatia is facing a problem. The number of people apprehended crossing the Serbia-Hungary border alone has risen by more than 2,500% since 2010 (from 2,370 to 60,602) (Amnesty International, 2015a).

The reason behind the increasing numbers is the fact that the migrants may think that crossing the Mediterranean Sea by makeshift boats is more dangerous than crossing the borders over land. They set out from Turkey and through Greece and the Balkans try to reach the Eastern border of the EU. Unfortunately this is not entirely true because many of the refugees, who have chosen this path, have described extreme difficulties, being in the complete power of their smugglers and being at risk during the entire journey.

The Ukraine crisis has also increased the pressure on the EU.\textsuperscript{1} Since the beginning of the conflict more than 275,000 people were forced to leave their homes, and around 172,000 has applied for refugee status in one of the neighboring countries (many of them are EU members) as well as around 168,000 people who applied in the Russian Federation (Amnesty International, 2015b).

### 3.1. Events Resulting Migrants Flow to the European Union

Most of the refugees who are seeking refugee status in the European Union have come from Africa (mainly from Libya, Sudan, Eritrea, Somalia), or the Middle Eastern (Syria, Iraq, Afghanistan). In December 2013 violence erupted in South Sudan, resulting 1.3 million people who had to leave their homes and resettle internally. There are around 45,000 people who were forced to leave their country and seek refugee status in Ethiopia, Kenya, Uganda or South-Sudan. This only makes the refugee problem in the area worst, since there were already a large number of refugees coming from Sudan. While the refugees from Tunisia and Egypt leave from

\textsuperscript{1} Since the Ukraine crisis has not effect on the EU as much as the Syrian crisis, this paper will not discuss this issue in details.
their home countries, asylum-seekers from Somalia, Sudan and Eritrea depart to Europe from Libya. Their destinations are Italy and Spain (UNHCR, 2015d).

The refugees from Sudan and many Syrians try to find refugee status in Egypt. Unfortunately instability in Egypt affects also the asylum policies as well as the means how well they can implement them. After the eruption of the rivalry of the different militia and the fighting in Libya in 2014, many refugees thought to risk crossing the Mediterranean Sea in order to reach the shores of the EU. In many cases that includes the services of smugglers as well. Since law and order has completely collapsed in the country, new smuggling routes have been established, the provide services to refugees from the Sub-Saharan as well as Middle-Eastern region as well. Since Libya refused to cooperate with UNHCR or any other international actors in accordance with the refugees, the crisis deepened. Since no cooperation is shown on the Libyan side, internationally there is nothing to be done about the smuggling network. This results in ironical events, since even the authorities of Europe know the identity of the smugglers, the leaders of the network, without the help of the Libyan authorities no legal step or arrests could be done.

Since many Greek islands (e.g. Lesbos, Chios, Kalymnos and Kos) are located just a few kilometers away from the Turkish coasts, some migrant take this road and enter one of the Greek islands instead of risking the longer sea travel. This road is not risk-free however, many refugees had to be rescued from the sea to prevent them dying, and almost 1,900 died on their way to Europe.

4. Refugee Policy in Lebanon

With a population of 4.5 million, Lebanon is facing a huge challenge with the refugee flow. The number of expected refugees reached 1.3 million by the beginning of early 2015 that is 26% of the population of the country. However, Lebanon did not adopt any official refugee policy nor did establish refugee camps. Instead, it announced a visa requirement and refused to register any more refugees. The country is not part of the Geneva Convention. Since the savings the refugees bring with themselves are limited, it depletes fast, causing economic and social vulnerability both to the migrants themselves and to the society as well. Adding to the refugees from Syria, a migration flow started from Iraq towards Lebanon with increasing number of refugees (Pierini and Hackerbroich, 2015). The question of the nationality of the new born babies is a question the international law has yet to solve. Since they were born as Syrians (more than 5,700 Syrian infants were born since 2011 in Lebanon) but 72% of them don’t possess birth certificate. Therefore they can’t be recognized as Syrian citizens, nor can they act as Lebanese. The solution of the matter can’t be expected until the civil war in ended in Syria.2

5. Refugee Policy in Turkey

Turkey has received refugees from Syria, Iraq, Afghanistan and Iran, nearly 2 million in total. 1.7 million of these refugees come from Syria and over 100,000 from Iraq. This is not the first refugee wave Turkey had to face: the country receives more than 1.5 million refugees as the time of the revolution of Iran, later, during the conflict in Iraq, a new wave arrived to seek shelter in the country (Ihlamur-Oner, 2013). Turkey has established 22 camps and 2 more are under construction to help dealing with the refugee flow. The migrant impose a high pressure on Turkey, since the nearly 80 million population of the country is not ready to receive this number of refugees (Baird, 2012).

Turkey is part of the Geneva Convention; however, the country still maintains the geographical limitation of the convention.3 In April 2014, the Law on Foreigners and

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2 Recognising the issue, UNHCR is urging to prevent and reduce statelessness and support relevant national legislation and procedures.

3 The geographic limitation added to the Geneva Convention states that Turkey accepts application for refugee status from either European citizens or those of Turkish origin. In other cases the country doesn’t recognise it’s authority in connection with such applications.
International Protection has been passed and entered into force. It established the Directorate General of Migration Management which has become the sole institution responsible for asylum matters, thus granting the equal treatment of the refugees within Turkey.

Turkey is also supporting the refugees with certain grants like temporary protection status, identity document, and work permit, making it easier for the refugees to integrate into the host society and helping them to individually finance themselves.

6. Refugee Policy in Jordan

With a population of 6 million, Jordan also faces a large number of refugees, nearly 700,000 from Syria as well as 30,000 from Iraq. Jordan has two refugee camps (at Azraq and Zaatari), however most of the migrants (approximately 80% of them) live outside of the camps, mainly in larger cities. Jordan is not part of the Geneva Convention either, but has shown hospitality towards the migrants and recognized their refugee statuses (UNHCR, 2015a).

In 2014, the Jordan Government published the National Resilience Plan 2014-2016, presenting "proposed priority responses to mitigate the impact of the Syrian crisis on Jordan and Jordanian host community" (UN, 2014). Since Jordan has limited resources, the increasing number of refugees may cause solving the refugee crisis is more a pressing issue for the country.

7. Events Resulting Migrants Flow to the Lebanon, Turkey and Jordan

In 2011 the Arab Spring has reached Syria, and a revolt has broken out, which resulted in 4 million people forced to leave their home country as well as the death of hundreds of thousands. Besides of the external migrants, nearly 8 million Syrians had to leave their homes and became internal migrants. According to the 2015 statistics of UNHCR, approximately 4 million Syrians has left the country, their main destination is Turkey, Lebanon, Jordan, Egypt and Iraq (UNHCR, 2015b).

In 2015 the Regional Refugee and Resilience Plan (3RP) has been introduced as a response to the Syrian crisis. Its aim is to address the socio-economic as well as humanitarian needs of the neighboring countries which are facing the increasing number of refugees and therefore suffer from the impacts of the crisis the most. The plan has a USD 5.5 billion funding appeal.

On 15 December 2014, the European Commission and Italy signed the constitutive agreement known as the Madad Trust Fund in order to launch the first ever EU Regional Trust Fund as a new strategic financing tool to mobilize more aid in response to the Syrian Crisis. The Fund has a 5 years long time frame. There is also an inter-agency framework of the Syrian Humanitarian Assistance Response Plan (SHARP).

8. Failure of the “Soft Power” Elements in the Refugee Crisis

Based on the theory of Joseph Nye (first introduced in 1990), the soft power elements are connected to foreign affairs, economic means and culture. “The soft power of a country rests primarily on three resources: its culture (in places where it is attractive to others), its political values (when it lives up to them at home and abroad), and its foreign policies (when they are seen as legitimate and having moral authority)” (Nye, 2004, p.11). While hard power means using military, economic means (sanctions) to influence others. From the analysis of the methods of dealing with the refugee crisis we can say that the soft power elements are not sufficient to solve the problem on their own. Some of the elements of the hard power had to be used as well in order to address the issue efficiently. Just by the means of soft power, the huge refugee crisis can’t be addressed.

Since the root of origin is the revolt in Syria, which erupted in 2011 when the Arab Spring has reached the country, the resolution of the problem should be also found there. Due to the chaotic opposing powers and lack of governmental power, the situation may also require the usage of the elements of the hard power in order to restore stability to the area. At the
eruption of the conflict, only soft power was used, mainly from fear: the civil war could easily spiral into a regional conflict (Walker, 2012). Different sanctions, economic and diplomatic pressure (e.g. Turkey), negotiations were implied; however, they weren’t successful (Kouskouvelis, 2013). On 21 August 2013 in Ghouta chemical weapons were used by the government forces and the attack claimed the lives of 1,429 civilians.

9. Role of the ISIS

There is a new player in the international relations in the Middle East: the Islamic State. The ISIS has been founded in April, 2013 on the grounds of the former Al-Qaeda in Iraq. Although not a formal state, it has all the means to act like one. Also influencing a very large territory as well as escalating the already existing tension in the region between the Sunni and Shia Muslims. The ISIS aims to introduce Islam law and form Islamic emirates. They are applying particularly brutal means in their process, destroying historical monuments as well as introduction torture, executions, terror and slavery (BBC, 2013). The ISIS has achieved military success: it has captured the Syrian city of Raqqa in 2013, but the main territorial gain was the conquest of the second largest Iraqi city, Mosul in June 2015.

The financial background of ISIS are the donations from wealthy individuals/groups from mostly the Arab states of the Gulf region, but with the territorial expansion of the Islamic State, the group has also reached certain resources (e.g. oil) in the region, therefore they have the economic basis to support their military activism (BBC, 2014). The ISIS was originally an opposing force of the Assad regime, but they are gaining influence at the expense of other rebel groups (mainly the Free Syrian Army, which has Western allies). Therefore ISIS has gained the support of many Arab states who wished to act against Assad, but now it has recruited many supporters and even volunteers from all over the world (from the Western countries as well).

In order to expand its influence, ISIS has started an aggressive recruitment campaign in Libya as well, according to Aref Ali Nayed, Libya’s ambassador to the UAE (Engel, 2015). There is a belief that the ISIS is trying to gain more influence in Libya in order to gain more control over North-Africa as well as have a good access to the sea and the other neighboring countries in the region (e.g. Nigeria).

10. Problems to be Addressed

The refugee problem is a complex issue, it consist of several components. First the basic needs of the migrants have to be addressed (food, safety, shelter), then the financial means need to be provided for their lives (right to work or access to social aid). If the basic needs are satisfied, then the host country can focus on integration: education, social integration for the migrants. There are many challenges in the process, a list of the main issues and some details are as follows:

- **illegal border crossing:** we don’t know the exact number of migrants crossing borders illegally, but the illegal border crossing is also an increasing phenomena, particularly at the border countries of the Schengen area, mostly South and Eastern Europe. Most of the illegal migrant are from Syria, Eritrea and Afghanistan.

- **smuggling:** there is a large web of smuggling network that provides help to migrants to reach Europe or any of their desired destination. However, their service is very expensive as well as very risky: many of the migrants don’t live to see their destination. The most recent examples are the shipwrecks on the Mediterranean or the Aegean Sea and the truck left on the highway in Austria. It is not uncommon for the smugglers to show the refugees the way, escort them to the ship/boat/truck and leave them. Many of the survivors mentioned that they had to navigate the boat on the sea towards Europe.

- **xenophobia:** the host society is no longer tolerant towards the increasing number of refugees. They fear for their work (since new and cheap labor force is flowing in in huge masses), their property. Even if the society is accepting, they have limited resources to spend on social issues like refugees.
• **long-term problem**: the refugees are not planning to return home, since they don’t see the issue to be solved in a few weeks/months/even years. They try to adjust to the current situation and build their lives in their host country, just like Palestinians do. It also raises the issue of integration: if the large number of migrants is planning to stay, would their first/second/third generation be able and willing to integrate into their host society? Or would they create an isolated island of Muslims in e.g. European societies?

• **financial**: although the host countries receive annual support from different international funds, the percentage of funds raised to match the calculated requirements for the year is not sufficient in many host countries. This leaves them alone in this situation, forcing them to apply harsher means or less than standard treatment with the refugees. Turkey itself has spent approximately 6 billion dollars to aid the refugees (Council of Europe, 2015). Since most of the refugees face difficulties finding a work place, their financial resources are depleting fast, they are not able to support themselves on a longer term.

• **food**: 75 percent of refugees experiencing problems with the food supply (Pierini and Hackerbroich, 2015). According to various reasons (inability to work, not enough education, and depleting financial resources) the refugees experience crucial difficulties. Even those living in refugee camps mention lack of food.

• **work**: according to the Geneva Convention (1951), the right to work should be provided to those who have gained refugee status. However, most of the refugees are still seeking asylum, therefore don’t have any status yet. They could find work only on the black market, mostly seasonal work in the agricultural sector.

• **education**: 50% of the Syrian refugees are under 18 years old, they should attend school. However – depending on the state they currently live in – 50, 70, 80% of them don’t go to any school (Pierini and Hackerbroich, 2015). Since most of the refugees don’t live in refugee camps, the young refugees are not forced by the government to further their education. Most of them are not able to read and write properly. Analphabetism will cause inability to integrate into the host society, inability to find work will result in poverty, hunger. Therefore education in host countries should focus on educating the refugees as well, and try to reach as many migrants as possible.

• **local integration**: in connection with xenophobia, education and work problem, local integration is also an issue for the refugees, especially if they are not living in refugee camps. Integration is even harder for those who don’t speak languages other than their mother tongues.

• **international solution**: since the migration is an international issue (worsened by cross-border migration and illegal migration), the solution should also be international.

11. Conclusion

• Refugee problem is no longer a short-term regional issue; a few countries can’t deal with the increasing problem. Since a large number of migrants (legal and illegal) are flowing towards the region, an organized, international cooperation has to be introduced in order to deal with the issue. New ways had to be found in order to help re-settlement as well as encouraging return once the stability of the area has been reached.

• Many countries implement tighter border control in order to prevent migration, but this could only be a temporary solution, especially with the new phenomena: cross-border migration rising. This problem requires closer partnership between neighboring countries.

• The regional conflicts are escalating since a new force; the ISIS became more aggressive and continues to attack. There should be a common answer to the threat of the ISIS in order to achieve regional stability.

• Refugees are considerable security risks as well: they may cause instability in their host country as well as shortage of resources and specialized staff who could handle their case.
• Closer cooperation between international organizations (e.g. UNHCR) and other humanitarian organizations as well as stakeholders and governments is required in order to achieve an effective way to deal with the issue of the refugee flow.
• Based on the struggling of the host countries shown in the analysis, it can be stated that the elements of ‘soft power’ are not enough to deal with the refugee problems, means of hard power should be used as well to address the issue.

References


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