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Immigration as a Common European Challenge: The Crucial Role of the Greek and Turkish Case¹

Konstantinos Papadakis² & Vera Spyrakou³

Abstract

European immigration policy as a multilevel and polymorphic process, by definition, constitutes a complex phenomenon defined as a transcendent set of socio-economic and political processes that are considered to transform the present transnational treaty into a construct of multiple policies to be found between member states. Recently, it is accounted as a complex network of supranational interconnection in both economic and sociological terms to combat various refugee crises. This paper aims to address the inner dialogue regarding the Dublin contribution among others updated immigration policies, especially regarding the Greek and Turkish case, within the updated political turmoil to deal with. Therefore, it is crucial not to overlook the multicultural dimension as one of the most critical factors in understanding the political structure within developing the indicative path of socio-political relationship between member states, thus of variable factors to deal with, such as immigration, extremism etc. The consequences and extensions of this complex structure have already outlined a historical moment on a global or even humanistic scale. Member states are called to renegotiate their understanding of space, time, human rights either in an international or supranational environment; however, by confronting the vulnerability of modern democracies in a world of risks caused by democratic deficit; the lack of challenging with the dilemmas and responsibilities on a pan-European political perspective on immigration issues, indeed with respect on democratic terms. This paper will emphasize (on) which of existing policies and initiatives should be implemented to achieve common ground to overcome the multiple crises and will examine the particular role of Greece and Turkey on immigration and refugee issues, thus is of significance in developing an interdisciplinary dialogue that may contribute to the re-examination of the member states role within the contribution of the institutional and legal framework, in a new world of potential risks by rethinking the EU policies and why the “know how” should work.

Key Words: European immigration policy; European Commission; Dublin Regulation system; illegal immigration; Exclusive Economic Zone (EEZ); Contiguous Zone; Territorial waters; European Union (EU)

Introduction

The wave of refugees from Middle Eastern war zones, in particular from Syria and Iraq, and from the forgotten ones of Africa, as well as economic migrants fleeing endemic situations of poverty and

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violence, in the last five years has reached European territory to a substantial extent, crossing the dangerous Mediterranean or Balkan routes. The arrival of millions of refugees and migrants has had strong repercussions in various European Union (EU) countries in both the social, political and economic spheres, not only creating problems regarding the initial reception of migrants and their distribution -problem still not solved thus to be solved, but also putting in crisis a whole tested system of integration and coexistence between the native population and newcomers -mostly of Muslim religion, that had been laboriously developed in the decades following the end of the World War II. Nevertheless, European immigration is an ongoing procedure which raises a crucial question: what really does the EU lack, a common sense or a common immigration policy?

The particular role of the European Commission on immigration and the Dublin outcomes and its alternatives to be reconsidered

Since October 2019, the Commission published an update project report on the implementation of the European Agenda on Migration, which examines progress made and shortcomings in the implementation of the Agenda. This contribution raises fundamentally systematic approach regarding the policies to be taken under a common ground of necessity among the member states and nevertheless Europe's critical response. Moreover, September 2021, a year after adopting the New Pact on Migration and Asylum, the Commission adopted the first report on migration and asylum with respect to human rights and reconsidered the whole picture of aspects of immigrations developments, as well as asylum policy of the last year's outcomes.

All policy developments are closely monitored by the European Migration Network, established in 2008 as an EU network of migration and asylum experts from all the member States, who will work together in order to provide objective, comparable and policy-relevant information (European Parliament, 2021). Concerning the immigration crisis, the Commission indicates an overarching and specific plan focusing on overcoming the issue thus a key advanced role which meets institutional and legal impact among member states regarding the policies should be adopted in a manner of common reaction in order to ensure the highest of policies addressed to immigration policy.

The upcoming crisis created a political situation which appeared as a starting point of negotiations and norms to be ensured, such as the Dublin system and its outcomes. The Dublin Regulation is the main document adopted by the EU on the subject of asylum law. It has also been signed by non-member countries, such as Switzerland. Since 1990, when the Dublin Convention was signed, a series of changes have been introduced although in part limitedly implemented, but the basic criterion has always remained fixed: the first country of entry of a migrant has the task of examining his application

for asylum and take care of its reception and integration, precluding him from submitting the application in another state of the Union. Practically that means that pressed by the massive arrival of asylum seekers who weighed mainly on Greece, Italy, Spain among others, since 2015 the European Union has tried to harmonize asylum policies in EU member states in order to overcome - the principle underlying the Dublin system, but has not established a permanent balance between the different national legislations mainly because of their legal and institutional diversities (European Commission, n.d.).

Moreover, the reform attempts made by the European Commission and the European Parliament in November 2017, which wanted to introduce the parameter of by default solidarity among the EU countries in the distribution of quotas for asylum seekers, the member states were not able to find a common agreement during the ongoing immigration crisis (Crespy *et al.*, 2018). Furthermore, the fact that five years later of the crucial refugee crisis, European countries have not yet found an agreement to prevent Greece, Spain among other member states, from being left alone to deal with the reception of migrants, brings in the fore that that lacking of a common legislation policy (Lavenex, 2006) nevertheless is a drawback to be solved yet a crisis to overcome as an opportunity⁴ to act in a common ground of policies in need or to find out alternatives⁵. For example: the acknowledge that the Dublin system lacking of a new approach in order to be approved from the whole of the EU member states and consequently, ensure that the member states first obligations are fulfilled in order refugees are not forced to move to a second-third member state in order to be taken under consideration in a fair within respect approach, thus by adopting a common distribution policy regarding their hosting and safety rights.

Immigration: The crucial role of Greece and Turkey

Recently, it has become clear that Turkey is trying to force illegal immigration towards Europe. The provocative statements of the Turkish president towards Greece and the European Union have

⁴ The so-called opportunity examines the possibility of further integration policies among the member states within the case of such a crisis to be seen as a positive or negative impact for the EU interrelationship and co-existence enhanced by the legal and institutional framework. For an introductive example, among others, see Vink, M. P. (2002). Negative and Positive Integration in European Immigration Policies. *European Integration online Papers (EIoP)*, 6(13): 1-19.

⁵ For an indicative analysis regarding the alternatives should be taken into consideration, is highly recommended generic initiatives among member states such as Anghel, S. E. (2019). *Western Balkans: State of play in the European Council. Overview of discussions since the Lisbon Treaty*. EPRS | European Parliamentary Research Service, PE 631.770. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631770/EPRS_BRI\(2019\)631770_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631770/EPRS_BRI(2019)631770_EN.pdf) (Accessed: 12/11/2021). For further dynamics see also Bauer S. (2020). *Citizens' Support for the European Union During the Euro Crisis: Between Scylla and Charybdis* (pp. 275-287). In: *Citizens' Support for the European Union*. Contributions to Political Science. Cham: Springer.

become a daily fact. In other words, Turkey is using the human pain of immigrants and refugees as a weapon of an ‘asymmetric war’ against Greece and as a blackmailing means against the European Union in order to access financial support. Unfortunately, this behavior leads hundreds of people to death, among them many children, during their attempts to pass the Mediterranean and enter Europe. Furthermore, Greece aims to preserve human lives, guarding jointly by Frontex both sea and land borders, as any modern European state should do, with determination and disposal of great numbers of personnel and resources. However, it would be crucial for Greece to establish a Contiguous Zone to deal with illegal (and Turkish-led) immigration. Greece, once a ship with illegal immigrants enters the coastal zone, and after conducting a boarding, if it finds out that there are immigrants on the ship, is obliged to examine whether their repatriation entails its responsibility otherwise it would be a violation of Article 3 of the European Convention on Human Rights. In the face of such a possibility, Greece is usually led to the decision to finally accept them and lead them to an Aegean island, which most of the islands are now overcrowded with immigrants and refugees. The adoption of the Contiguous Zone could offer Greece the opportunity to control the illegal (and frequently Turkish-led) immigration and the opportunity to consider alternatives, without being under the pressure that would be caused by the fact that illegal immigrants are in the coastal zone.

The main reason that Turkey promotes illegal immigration towards Greece is because of the long-term Aegean Dispute between the two countries. The Turkish Coast Guard (TCG) has published alleged official maps and documents claiming that half of the Aegean Sea belongs to Turkey. In this sense, Ankara claims to gain dozens of Greek islands, the entire eastern Aegean from the island of Samothraki in the North to Kastelorizo island in the South. The maps and claims have been uploaded on the website of the Turkish Coast Guard Sahil Güvenlik Komutanlığı in the context of a 60-page report about the activities of the TCG in 2016. On page 7 and 13 of the report, the maps allegedly show Turkey’s Search and Rescue responsibility area. The maps show half of the Aegean Sea and also a large part of the Black Sea, where Turkey’s SAR area coincides with the Turkish Exclusive Economic Zone (EEZ). It should be noted that Turkey has not signed the International Convention for the Law of the Sea of 1982, which delimits the boundaries of the EEZs. However, Turkey claims an EEZ of more than 200 nautical miles.

Chart 1: Turkish Claim in the Aegean

Source: Turkish coast guard, Available at: www.sahilguvenlik.gov.tr (Accessed: 09/10/2021).

Turkey is taking advantage of the fact that Greece has not yet a designated Contiguous Zone in order to control illegal immigration and to perform save and rescue operations in high seas. Therefore, Turkey is using the immigrants and refugees as a way to question Greece's sovereignty over several islands of the Aegean and its EEZ as well as also the right to extend its Territorial Waters width to 12 Nautical Miles (UN, 1982).

The vital necessity of the maritime delimitations between the two nations states: a particularity

The Contiguous Zone of a coastal state, in accordance with Article 33 of the 1982 Law of the Sea, is the zone bordering its territorial sea. The Contiguous Zone cannot extend beyond the 24 nautical miles of the baseline from which the width of the territorial sea is measured. Within the Contiguous Zone, the coastal state may exercise the control necessary to prevent the violation of customs, fiscal, immigration or health laws and regulations on its territory or in its territorial sea and additionally punishes violations of the above laws and regulations committed on its territory or in its territorial sea (Papadakis, 2018).

Moreover, Greece is obligated to prevent the illegal immigration according to the European Union Laws. In particular, the Regulation 2016/399 of the European Parliament of 9th of March 2016 states: *"The control of borders is not only in the interest of the Member States on whose external borders it*

is exercised but in the interest of all Member States that have abolished control at their internal borders. Control should help combat illegal immigration and human trafficking, as well as prevent any threat to internal security, public order, public health and international relations between Member States” (EUR-LEX, 2016). It turns out that for all the above-mentioned reasons, immigration has been used as a means for foreign policy pressures and thus, European coordination in foreign policy in order to ease these regional tensions and enhance constructive partnership and stability is more than crucial.

Conclusions

The refugee problem stresses the necessity for more coordination on the European level both in terms of immigration and foreign policy. It turns out that without a common policy for the allocation of refugees in European countries based on the population, needs assessment of refugees and the local labor markets as well as refugees’ skills and competences, are more than necessary in order to efficiently assist the European Mediterranean countries, such as the Greek case indicates.

It is also true that Greece has a crucial role regarding the illegal immigration among other institutional and legal issues hence there will be no permanent solution to regional tensions with Greece and Turkey unless there is not a common policy and a decisive stance by the EU. Undoubtedly, it should become clear that the European states of the Mediterranean (Greece, Italy, Spain and Malta) are not just protecting their own borders, but at the same time they are protecting the borders of the EU.

Therefore, the latter needs to strongly support those countries with personnel, resources and as well to provide political support especially in the case of Greece towards Turkey in order to ease tensions and to construct more fruitful partnerships, consequently to better solve the immigration and refugee problems that emerged in the Mediterranean countries -it is urgent for the EU to implement a common immigration and foreign policy. Thus, the allocation of refugees in all EU member states with the above-mentioned prerequisites is crucial both for assisting entrance countries and enhancing social and economic integration with respect to human condition and needs.

At the same time, the increase of a European coordinated action both for guarding sea borders in the Mediterranean as well as for creating camps for the asylum seekers in the Mediterranean African countries could be an upcoming policy as a result of the Dublin system and Lisbon Treaty. Finally, the EU needs to strongly enhance a more comprehensive foreign policy towards countries such as Turkey in order to build constructive partnerships and ease regional tensions.

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