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V4 OBJECTION TO THE MANDATORY RELOCATION QUOTAS

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Declaration of the authorship

I declare that I have worked on this thesis independently using only the sources listed in the bibliography. All resources, sources, and literature, which I used in preparing or I drew on them, I quote in the thesis properly with stating the full reference to the source.

Utrecht / Brno, July 7, 2016   Signature:

Abstract:

The European Union, in attempt to deal with the mass migration influx, decided on a mandatory quota for relocation of asylum seekers, for all Member States. The Countries of the V4 group, Poland, Slovakia, Hungary and the Czech Republic, have been demonstrating a position of non-compliance with the quotas, for varying reasons. This paper follows the reasons for the objections posed by these countries both individually and as a unified group, while examining the political and legal instruments applied in the procedure. Through theories of European integration, this paper puts up hypotheses about the intergovernmental approach of the V4 states, as well as identifies unique cultural and historical common perception shaping the perspective of the group to the crisis.

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1. Introduction

Refugees are not a novelty; on contrary, they existed for centuries. Whenever certain conflicts occurred, particular groups of people were forced to flee their homes. According to the UNHCR, the UN Refugee Agency, the number of forcibly displaced persons, including refugees, asylum seekers and internally displaced persons, will surpass 60 million in near future. In 2015, the total of refugee exceeded the threshold of 20 million for the first time since 1992 (UNHCR, 2016a). Currently, the civil war in Syria has been the main cause of the largest refugee waves in the world – more than 4 million Syrians have been forced to flee the country and many more are being displaced internally. It is important to note that refugees coming to Europe are not only of Syrian origin; many come from Iraq, Afghanistan, and Northern Africa.

Usually, the hosting country accommodates refugees in refugee camps or shelters where they wait until the conflict in their country ends and it is safe for them to return. Syrians, in first stage, targeted the neighboring countries such as Lebanon, Jordan or Turkey as safe havens. However, as the conflict prolonged, hosting countries found it financially difficult to provide any kind of support to the refugees within their borders. In the current crisis, the spill-over to Europe was not simply a matter of an option to better their lives but in practice – the last resort under the conditions in the countries they arrived in first.

For this reason, the mass influx of refugees to Europe started in 2015. Europe has not seen higher influx of refugees since the Second World War, than it did during 2015. The immediate result of the massive influx of refugees was a regional crisis, which demanded an urgent response and a direct intervention of the European Union (EU) as a whole. Some claim that the Common European Asylum System (CEAS) is not perfect, and the contemporary crisis has been an evidence to support such claims. It was created to nurture a common approach to deal with asylum seeking within the EU, but is has proven unable to provide answer to the influx, and created controversy around it.

The EU response to the crisis appeared in a form of a relocation quota system, which is coercing Member States to accept and host certain percentage of refuges from Syria, Iraq, and Eritrea. The result of this decision was a rupture in the fragile fabric of the EU. Different Member States have been demonstrating various responses to the influx

and to the offered quota system. Germany officials, for instance, responded with their approach, bearing in mind the values of solidarity and liberalism. Other Member States' reaction included rejection and prioritization of their own national interests over said proposals. Such interest can be national security, cultural identity or sovereign integrity. It led to the rise of a resistance wave to the quota system spearheaded by the Visegrad countries (V4) – the Czech Republic, Slovakia, Hungary, and later Poland. Romania was among the first nations to reject the quotas as a solution to the crisis, while Poland supported it at first, and later changed positions on the matter. The main newly formed cleavage is between the EU institutions, which unconditionally supported the value of solidarity and the quota system, and the Member States who opposed the enforced quotas and perceive this act as devastative, destructive and as the point of no return (Orbán, 2015a).

Within the theoretical framework of this paper the field of European integration will be examined mainly from two contradicting theoretical paradigms, namely, intergovernmentalism and supranationalism. The theory will serve as bases to examine policies and decision-making between the states of the V4 group and the EU institutions on the topic dealt with in this paper. The methodological instruments this research leveraged in service of the purpose of answering the research questions and conducting the research. They are both descriptive analyses and positivist qualitative content analysis.

1.1 Research Question

This paper will examine the said rejections to the quota system from the theoretical and practical points of views. The field of research raises several important questions, which are to be dealt with in this paper. The main question is as follows:

What are the reasons, historical, cultural, and theoretical, for the objections of the V4 countries to the quotas system and what is the repertoire of political and legal actions in service of said objections?

1.2 Decomposition

The next chapter will deal with the theoretical background and the theories that are being applied and will come into use in this research. It will distinguish mainly two opposing paradigms of European integration – intergovernmentalism and supranationalism. The third chapter provides an overview of the historical background with the steps of escalation of the contemporary crisis and the formation of the refugee quotas. The fourth chapter focuses on the methodology applied in this research and includes the elaboration of the way in which it is done. The main methods are small-N comparison, descriptive analysis and qualitative positivist content analysis. It will be applied on a cases of the V4 members and rely on interview with a V4 diplomat.

Fifth chapter singles out the V4 states, demonstrates construct in historical context of the organization and serves as a background to the creation of an objecting approach to the EU decision by the V4. The analytical stage will examine the study cases using the selective methodology with the theoretical debate in mind and it will try to answer the research question and confirm or disprove the working hypotheses. The results of the research will be summarized and presented in the concluding section of the paper.

1.3 Academic and societal relevance

Addressing the topic of relocation of refugees and asylum seekers within the EU from the perspective of the rejecting countries is important for the field of European Governance for several reasons. First, the subject of the function of the European Union is crucial for policy-makers both as a union and on the national level. Should the organization claim competence over growing number of fields, national interests could be endangered, under the qualified majority voting procedures, for instance. Second, there is a need in understanding of the construct of cooperation within the EU as a body, such as the V4 group countries, in order to build beneficial approach to maintain stability of the European Union, as a community. The fabric of Europe as a society is built from varying historical and cultural consciousness. Rips and cleavages deriving from variation in the texture of the countries may hold their effect on the Union as a whole. Third, an examination of the EU as it stands in relation to the crisis may be an

opportunity to define purposes it is meant to fill, on the scale between an economic cooperation and federal regional government. Should the opposition bear fruits, the EU will prove to serve as a supranational organization only in certain fields such as economic integration while justice and home affairs and other political aspects do not fit, perhaps yet, to this mold. Fourth, the legal aspects and tools used in enforcements of decisions, regulations and directives must be observed. The legality of some decisions has been questioned, as well as whether or not Member States whose national interests have been endangered are legally able to oppose a decision of the Union. The ramifications of understanding the legal instruments can create a basis for future cases, as the topic approached is unprecedented and incomplete, additional developments in the field are expected. An example of that might be the standing legal lawsuit of Slovakia against the European Council on matters of division of competences, non-legislative acts, breach of representative democracy principles, and proportionality. Last, the topic can serve as a ground to observe future similar situations. If the EU has the knowledge of the reason behind an opposition, it can form new action plan, one that is agreed on by all Member States. Such action is expected to contribute to the Union's stability and ensure success of future cooperation.

1.4 Definitions

1.4.1 A 'Refugee'

In order to choose a unified definition of a refugee in the case of the European Union, one must observe the international recognition definition adopted by the EU. The Refugee convention of 1951 provides a definition in relation to the status of refugees, so that it is consistent worldwide. Originally, the convention was aiming at protecting the needs of the refugees of internal and regional displacement within Europe during and as an aftermath of the Second World War. Article I states that a refugee is *any person who... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside 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. (Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention) art 1. 145 signed the convention and all signatories and parties are expected to respect it and implement it in national legislation. In the EU, said legislation is imbedded and enforced through the 'Common European Asylum System'. An asylum- seeker, in this paper will refer to an individual who either applied or will apply for the granting of the asylum by a EU Member State, seeks to be recognized as a refugee by the EU law definitions and hope to gain the benefits relating to the status. It is to be distinguished from an economic migrant.

1.4.1.1 Refugee or Economic Migrant?

With varying political developments since 1951, the definition of refugee given by the convention has been challenged. The convention does not protect individuals fleeing persecution due to sexual orientation, or those escaping climate change and natural disasters. When speaking about economic migrant, one must bear in mind that often people can be escaping life-risking poverty and starvation, but the convention does not cover them, nor considers them refugees.

To many of the V4 leaders, the migrants coming in the recent immigration influx are labeled as economic migrants, and therefore should not be considered as refugees. (Fico, 2015). The labeling eventually is a decisive factor in the legal status, benefits, and eligibility of protection, and it can be the cause of acceptance or of non-acceptance of an asylum seeker. The debate about said labeling is raging between European politicians, statesmen and decision-makers. Those who are labeled as Economic migrants, despite them enduring the same perilous journey to Europe as refugees, are not currently protected as refugees.

1.4.2 Principle of Non-refoulement

The 1951 convention also set forth the guidelines to policies and behavior expected when assisting a refugee. Above others, it introduces the concept of *non- refoulement*, which prohibits parties of the contract from pushing refugees back into territory where they faced persecution. According to article 33*: No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion,*

nationality, membership of a particular social group or political opinion." (Article 33, 1951 Refugee Convention).

This challenging concept puts in question the treatment of the economic migrants, and all the migrants who are refused a refugee status. Some might feel that sending them back is a violation of the non-refoulement concept, which in reality allows migrants to apply several times over to be accepted as a refugee. The acceptance is depended on originating from the countries from which over 75% of applications are accepted. Those are the ones included in the EU relocation program.

1.4.3 Relocation

According to the 'European Solidarity: a Refugee Relocation System', "relocation is the transfer of persons who are in need of international protection from one EU Member State to another EU Member State". The three Member States most affected are Italy, Greece and Hungary. Relocation can only apply to applicants for which the average recognition rate of international protection at the EU level is above 75%. Currently three nationalities have such high recognition rates: Syrians, Eritreans and Iraqis. Statistically, According to the UN report on refugees in the contemporary influx, 53% of arrivals are from Syria, 18% are Afghans, 6% are Iraqis and 5% are Eritreans. The remaining 18% are from different countries, and are very small groups (UNHCR 2015). Nationals from three out of four of these countries, due to war and life-endangering reality, usually qualify for refugee status after making an official application. Immigrants from Afghanistan are currently not qualifying for a refugee status, as less than 75% of the applications from Afghanistan are responded positively (ibid).

2. Historical overview

The chapter will first map the emergence of the mass influx of refugees to Europe in order to understand the measures the EU decided to take. It will then elaborate on the measures, through examination of both decisions on quota systems, while considering the EU guidelines of the Dublin treaty, these decisions are ignoring. The European legislation on the matter, as well as the organizations and structures involved, such as Eurodac and CEAS, had to create a unique plan of action in order to deal with a new reality. This chapter will demonstrate the steps in the coming together of such action, and the decisions to which the V4 is objecting.

2.1 Emergence of the crisis

The roots of the refugee influx can be traced back to the uprising in the Arab and Muslim countries against dictatorship regimes, which is known as Arab Spring. The riots and demonstration in some of the countries ceased after short time. In several countries, however, such as Syria or Libya, the demonstrations developed to fully-fledged civil wars, which lasted longer and the one in Syria is ongoing today still.

In Syria, the civil war begun as a secular war but it soon turned into a religious one. The Shiite government received support from the Shiite countries such as Iran and Sunni countries such as Qatar and Saudi Arabia aided the Sunni rebels. President Bashar Al-Assad through his merciless dictatorship ordered the killing of citizens who demonstrated against him. A Sunni group, led by Abu Bakr al-Baghdadi, formally close assistant of Osama bin Laden, established itself as a newly formed terrorist organization under the name the 'Islamist State of Iraq and Syria' (ISIS). ISIS follows the Hanbali school of Sunni Islamic guidance, which is the most extreme of all four Sunni Islamic schools and encourages the executions of non-followers. The radical organization targets both groups of Muslims and of non-Muslims, which increases the number of people fleeing the country. Simultaneously, other groups are getting involved in the situation in Syria, involvement that claimed the lives of the citizens caught in the midst of the conflict. Those groups include Kurdish militant organizations, Russian, Jordanian, American and other countries' military forces as well as other chambers of other terrorist organizations such as Al-Qaida, Hezbollah, Islamic Jihad and vigilant citizen groups, who took up arms. The death toll in Syria passes the 470.000 people and

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the numbers keep rising through 2016. In 2014, the armed groups in Iraq developed into a civil war when ISIS captured the Anbar province in June. The war similarly to the one in Syria is accompanied by airstrikes by the United States, Iran, Syria and other countries as well as involvement of Iranian soldiers. The situation in Eritrea, though not a civil war, produces the second highest amount of refugees trying to cross the Mediterranean. The government, led by President Isaias Afewerki, since the country's independence in 1993, is described as government of ruthless repression. It deprives the citizens of freedoms such as speech, expression, religion and movement, and any criticism of the government results in imprisonment, labor work, and deprivation of basic needs. These reasons brought about the largest influx of refugees into neighboring countries, and later into Europe, since 1992 (Haddad, 2015).

As mentioned before, the majority of the Syrian refugees were hosted by the neighboring countries, which accept refugees – Turkey, Lebanon, Jordan. The number of Syrian refugees in Turkey and Lebanon creates demographic change with over two million refugees in Turkey and over one million in Lebanon. According to the UNHCR, the standards of refugees in Lebanon and Jordan are unacceptable – the majority lives below the poverty line. Difficult financial conditions have become the life of the majority of the refugees from Syria. Poverty, hunger, and inability to provide for oneself, led alone for one's family, have served as a catalyzer and a trigger to illegal immigration into the borders of the EU. The refugees, coming to Europe, do not consist of only Syrians but also of people from Iraq, who are forced to escape through Turkey to Europe with the lack of alternatives in the neighboring countries, Afghanistan, North Africa and other countries (UNHCR, 2015).

In the refugees' journey from North Africa, through Libya to Italy – the Central Mediterranean route and the journey from Syria through Turkey and Greece – the Eastern Mediterranean route, many lives were claimed. The journeys were conducted in improvised vessels and rescue inflatable boats, which were unfit for the journey. Both routes claimed the lives of thousands of refugees. In 2015 alone, the death toll at sea stood on 3.771. In 2014, the death toll by these routes reached 3.279. The rise of the influx and the number of people trying to make the dangerous route into Europe was followed by a rise in the number of deaths. The refugees escaped the bloody civil war, which they perceived as certain death, and took their changes risking their lives at sea for the chance of surviving in Europe (UNHCR, 2016a).

In 2014, Libya became the preferred passage for North African refugees as the governmental situation allowed easier transit and short distance, through Italy, into the border of the EU. Italy in 2013 started an operation 'Mare Nostrum', which aimed at searching and rescuing refugees at sea. The operation was seen as successful, however, Italy could not afford its maintenance. Additional effort was created by the EU, which bore less fruit as it lacked sufficient funds. In 2015, the Eastern Mediterranean route became more popular. The reason for that were the establishment and the expansion of a smuggling system of Turkish companies selling tickets and gear for the journey at sea. A ticket per person on a boat from Turkey to Greece ranged between 250 and 400 dollars and the refugees were asked to pay additional sums for life vests, waterproof bags, and other pieces of equipment. When a refugee boat arrived at the coasts of Greece, the refugees were helped to shore and shelter. However, when the Turkish coast guard captured a refugee boat, the passengers were sent back to Turkey often treated violently and brutally (Dearden, 2015).

This is not the only obstacle the refugees are facing along their journey. Once crossing into Greece, in light of the struggling economy of the country, the refugees aimed to reach a more prosperous environment, which will enable them to sustain themselves. The target countries such as Germany, Sweden and the Netherlands are inside the Schengen area of free movement of people and goods. Crossing into the Schengen area was done, at first, through Hungary. This route became unavailable once Hungary set up a razor-wire fence around its border with Serbia forcing many refugees to come a halt in Serbia until an alternative route was created through Croatia and eventually Austria (ibid).

European leaders have been discussing the alarming situation since the beginning of the year 2015. During the European Council meeting on June 25-26 2015, heads of states and governments agreed on the necessity to not only help the Greece and Italy as they were over-burdened but mainly to help the refugees trapped in those two Member States.

2.2 Formation of quota system

Observing the three formats of competences after the signing of the Lisbon Treaty, namely - exclusive, shared and supported, the 'Area of Freedom, Security and Justice'

falls under the category of shared competences. Shared competences are divided to two approaches. One, under which Member States may not exercise their competence if the EU has done so, and the second – according to which the Member State is not prevented from doing so. The Area of Freedom, Security and Justice falls under the first category, which results in the complete shift of competence through handing Justice and Home Affairs issues to the supranational level. The migration policy, which was born from the Lisbon Treaty, states that the EU takes competences on legal migration, on integration, on fight against illegal migration, and on readmission agreements. It leaves the Member States the competences of determining admission rates for immigrants from outside the EU seeking for work.

In the EU legislation, the field of treating refugees is anchored as a principal in the Lisbon treaty, based on the 1951 Geneva Refugee Convention. The Chapter 2 Articles 62 and 63 of the Lisbon Treaty (78 and 79 of the TFEU) recalled both the Geneva Convention of 1951 and its protocol of 1967, in relation to the status of refugees. They set the Common European Asylum System (CEAS), border-check, immigration, and characterize the systems. According to Cecilia Malmström, the CEAS is meant to provide better access to protection seekers, improve the asylum decisions, protect those who are persecuted (principle of non-refoulement), and provide decent conditions to all (EU, 2007).

The Article 63(2) sets seven measures for a CEAS. First, unified status of asylum for the entire union; second, unified status of subsidiary protection for those who did not receive asylum; third, system of temporary protection for displaced individuals in the event of a massive inflow; fourth, procedures for granting and revoking asylum and subsidiary protection; fifth, criteria and mechanism to determine the Member State, which will process application for asylum or subsidiary protection; sixth, standards of conditions for reception of the applicants; last, partnership with third-countries to manage inflow of immigrants. Five Directives and Regulations guide the CEAS. First, the revised 'Asylum Procedures Directive' is guaranteeing high quality asylum decisions and protection of minors and victims of torture. Second, the revised 'Reception Conditions Directive', is providing food and housing and fundamental rights and preventing detention. Third, the revised 'Qualification Directive', which lists the grounds for international protection. Fourth - the revised 'Dublin Regulation', reassures the treatment of the cases in the countries of refugees' initial entry. Last, the

revised 'Eurodac Regulation' is institutionalizing law enforcement database of fingerprints of asylum seekers to prevent crimes such as murder or terror (ibid).

Article 63(3) says that in case of sudden influx, which causes emergency in one or more Member States, the Council may adopt special measures based on the proposal of the Commission and the consultation with the Parliament. The implementation of the Chapter, according to the article 63b of the Lisbon Treaty, is in the hands of the Member States. The Union only takes steps to give effect to the principle of solidarity – "*The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle*" (C 306/62 Official Journal of the European Union 17.12.2007) (ibid). The Qualification directive was introduced by the European Parliament and Council on the 13 of December 2011 and it directs who qualifies for the asylum and refuge in the EU. The Dublin regulation from 2013 was the next step in the development of the legal procedure. In those articles, definition of solidarity is not provided, despite the elaboration on situation of emergency. It could be seen as a loophole to determine that incapacity to cope with the principle does not equal lack of European solidarity.

2.2.1 Dublin Regulation

The goal of the regulation is to provide the mechanism, legal criteria and basis to determine which Member State is responsible for examining an asylum application for international protection lodged in one of the Member States by a third-country national or a stateless person (Article 1) (EU, 2013). The Dublin regulation offers definitions of applicants and application procedures and it demands the processing of every application and to be done so by a single Member State. Article 3 further specifies that Member State that is in charge of processing the application is the one through which the applicant entered the EU through. Therefore it was created to assure that the country, in which an asylum seeker entered the EU, is the one in charge of the application and approval or rejection procedure. In case of the rejection, the principle of non-refoulement must be applied. Another characteristic of the Regulation is the right to information, according to which, applicants will be entitled to be informed in

regards to their application process. Articles 9 and 10 guarantee that applicants can have their application processed in a Dublin country which processed and is processing application of close family members. According to Article 13, all applications of illegal immigrants must be processed in the country the immigrant entered through; on the other hand, the country, which issued the visa or residency, shall process legal migrants' applications.

Cases, according to the Dublin regulation, may be moved from treatment of one Dublin country to another, only when one of two regulatory instruments is applied: *'Take Charge'* or *'Take back'*. *Take charge* allows the country an asylum seeker has entered through to assume authority on the application of the candidate. For instance, if an asylum-seeker entered through Greece and started the asylum application in Germany, Greece has the right to take charge on the application and process it. *Take back* is if a procedure started in one country, the applicant went to another country and started procedure there as well, and the latter learned that a procedure already exist in another member state – the earlier can take back the application to their authority within two months from the EURODAC hit or within three months from the time 'country B' learned that a process exist in 'country A'. The responsibility of adherence and compliance with these procedures lies on the shoulders of the Member States as well as the responsibility to share information with the receiving Member State (ibid).

In case of the rising emergency, the Dublin regulation request Member States to inform the European Institutions of any preventive action plan to deal with the crisis. It prevents the Member State from applying any preventive action without the approval of the Union agencies. Dublin regulation also permits appeals to be taken to the Refugee Appeals Tribunal, within 10 days of the termination or refusal of the application. One of the sections of the Dublin regulation relates to applications of minors, with prioritization of processing the application where their family members stay. In case of an unaccompanied minor, with the absence of any family member or legal guardian, the minor is allowed to choose the state in which he or she would like the application to be processed. The only member state that opts out and does not participate is Denmark (ibid).

The Dublin Regulation brought controversy and criticism. The ECRE (European Council on Refugee and Exiles) and the UNHCR mentioned the Dublin system to be

ineffective. The Regulation works well in theory, nerveless, it fails in practice. In regards to the ongoing refugee influx to the Europe, the Regulation was suspended partially in the beginning of the contemporary influx (ECRE, 2014).

Due to the fact that the majority of refugees and asylum seekers first entered the EU in only southern states – Greece and Italy, these states became overburdened. The Dublin Regulation places disproportionate responsibilities on said states. Moreover, in light of the economic crisis, especially Greece does not have resources to deal with the massive influx of refugees on its own (ibid). Germany, in August 2015, used the "Sovereignty Clause" and accept application of asylum seekers from Syria, not being treated by Hungary due to the overwhelming number of applications. The following legal steps were those of the relocation and quota systems, introduced by the EU.

2.2.2 Relocation decisions

In September 2015, the European Commission reacted to the migration influx problem and proposed changing of the Dublin Regulation, which was seen as flawed, and consequently introduced the quota system (European Commission, 2015). The quota system's goal is to distribute limited amount of refugees and asylum seekers throughout the Union (except of the UK, Ireland and Denmark) over a period of two years. The number of relocated refugees to a state was allocated by the country's GDP, population size, the unemployment rate and the number of already processed asylum applications (ibid). It is important to note that the system counts only on the relocation of 160.000 refugees, which is less than 10% of the total of expected refugees by the end of 2016.

According to the Council Decision 2015/1523, the quotas system is applicable for individuals from countries whose applicants receive a recognition rate of over 70 per cent. That means if 80% of the refugees of 'country A' applications are approved, then quotas will apply to them. On contrary, if 65% of applications from 'country B' are approved and the rest is rejected, refugees from that country will not be included in the quota system. Currently, only three countries – Syria, Iraq and Eritrea answer the requirements. This does not prevent other countries' citizens from applying for asylum; however, it excludes them from the relocation quota system.

2.2.2.1 First decision

The first stage of the mass migration influx was followed by the (first) decision providing relocation of the asylum-seekers from two states – Italy and Greece. The relocation plan was decided upon, on September 14, 2015, it was applicable only for those who applied for the asylum in either of those two countries and only those who were fingerprinted according to the Eurodac Regulation. The only exception to the plan, according to the Dublin rules, is if an asylum-seeker had a close family relative in another Member State, in which case that state would be responsible instead of the relocation system. The initial decision was to divide 24.000 asylum-seekers from Italy and 16.000 asylum-seekers from Greece among other Member States who are willing to accept them on voluntary bases. The decision says that Italy and Greece must prioritize vulnerable asylum-seekers during the selection process. Simultaneously, it says that national officials can express their preferences for asylum-seekers. "*Specific account should be given to the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation*" – however, this was not obligatorily binding. What is more important is the fact that Member States must accept those asylum-seekers who have been selected by Italy and Greece and they can refuse only when there are reasonable grounds to assume the asylum-seeker might be a threat to public order or to national security. The whole process should take no longer than two months after a Member States agrees to a certain number of asylum-seekers that it is willing to accept. The Member Sates that agree to take in asylum-seekers will be responsible for them as according to the Dublin rules. Asylum-seekers themselves have no power to apply for relocation or against it – they can appeal against the relocation only if there are human rights violations in the targeted country. Other Member States are expected to provide assistance within their reach to the countries chosen as relocation from, namely Greece and Italy, and the latter are required to create and apply an asylum action plan. The commission kept itself the right to revoke the relocation decision in light of absence of such plan. The states participating in the program were to receive €6000 per individual relocated to their territory, out of the EU budget (Council of the EU, 2015a).

The EU institutions observed that the relocation of 40.000 asylum-seekers would not be a relief for the crisis. Consequently, the second decision was proposed and agreed upon on September 22, 2015. In simple terms, it follows the same design as the first one, but it holds few new characteristics. On top of the 40.000, the second decision relates to the relocation of additional 120.000 asylum-seekers. The main difference between the first and second decision is that the initial one was on the voluntary bases. The second decision sets a specific number of asylum-seekers each Member State is expected to take. The decision was agreed upon by a qualified majority – with Czech Republic, Slovakia, Hungary, and Romania opposing. It meant the decision was binding and Member States (with the exception of the UK and Denmark) have a legal obligation to accept assigned asylum-seekers. In numerical terms, the decision included 50,400 refugees from Greece and additional 15,600 from Italy. The decision was intended to include 54,000 refugees from Hungary, but this was put on hold as Hungary refused to be perceived as a 'frontline state'. The relocation of said refugees from Hungary has been postponed, and awaited Council's decision.

The novelty of this decision is that Member States may ask the Commission for a temporary delay of 30% of the total intake of asylum-seekers but only in exceptional circumstances in line with EU values. The decision portrays limitations on second movement – a movement of a refugee after an asylum application has been submitted, into another Member State, and with the absence of alternative solution to prevent secondary movement. It recommends appliance of mechanisms of detention, in accordance with the Returns Directive. The Member States will still receive the same sum of €6000 and Italy and Greece will be provided with €500 per asylum-seeker to assist with the costs of the mobility (Council of the EU, 2015b).

3. Theoretical background

This chapter will cover the theoretical debate and the literature review of the existing information relevant to the topic this paper is dealing with.

The first purpose of this section is to serve as a background to the existing knowledge in the studied field and to try and paint a picture of the contemporary scholarly state of the Visegrad countries' value base, and indicate the missing information this research will try to answer and complete. In the background of the actions and decisions several legal questions arise. Part of this section will review the legal analysis of the relocation system, as it is inseparable from the development of the existing stances. This background will not only indicate the common views of the V4 members on the discussed issue, but will also reveal the missing analyze of the group from the opposition to the EU migration policies perspective, which this paper will tackle.

The second aim of this section is to outline the development of theories of European integration and to consider the use of theories in order to explain the contemporary disagreement between the EU and the V4 states towards the relocation system.

The third part of this section will conduct an academic debate between the leading two major approaches to European integration: Supranationalism and Intergovernmentalism, while focusing the views on the migration policies and quota system. The debate can help one understand the reasoning behind supporting one approach over the other.

Brought together, these three sections will lead to the working hypotheses regarding the answers to the research question and lead the analysis to either confirm or disprove said hypotheses. This research will raise two possible assumptions, which can together answer the research question. These will be embodied in the hypotheses this research will test and deal with during the analytical section.

3.1 Literature review

3.1.1 Historical and cultural context of objection

One of the few scholars who deal with the legality of the EU decision is Steve Peers. Among his works, he touches the legality of the decisions leading to the relocation system currently in place. Peers emphasizes the unprecedented character of the matter. "…*The 'emergency power' relating to immigration issues has been in the treaties since 1993 – but was never used until this month*" (Peers, 2015). Peers relates to Article 78(3) of the Maastricht treaty, as it is mentioned in the base of both decisions, however, the base of the decisions was supposed to be Article 72(2). Consequently, questions are

raised about the semantics in the legality of the decisions. Article 78(3) presents several elements: Commission proposal, Council votes through QMV, and consultation with the Parliament. Peers mentions all elements were in existence. The invalidity of the decisions, he says, is a procedural one. There is an obligation to re-consult with the Parliament after essential elements of the measure are changed after the first consultation. Removal of Hungary from the frontline States list can be seen as such change. The flaw of the procedure is not only that such re-consultation did not happen, perhaps due to the fact that in case of emergency there is no such obligation, but also that the ECJ could keep the decision in force while such consultation takes place. Whether or not it is what supposed to happen is another question, as the emergency procedure has been used only once (ibid).

Peers supports the fact that the common policy stood in compliance with both the non-refoulement and the Geneva Convention, and the fact that the terms in Article 78(3) were met, discussing 'emergency situation', 'sudden inflow', 'provisional measure' and the 'benefit' of Member States. The escalation, he says, qualifies as a 'sudden' inflow. Peers supports the claim that the decisions were legal, and therefore this paper will analyze the Slovakian case in court against the Council, to assist in determining whether rejection of decision through means of law is achievable. With Peer's analysis in mind, this research will analyze the repertoire of legal instruments in disposal of the V4 and their objection. It can provide an answer to one of the questions this paper poses (ibid).

The majority of the existing literature dealing with the migration influx is observing the matter through the glass of economic approaches such as burden sharing. These scholars mostly look at migration influx in general; they do not deal with the recent happenings. Scholars, such as Thielemann, claim that the distribution of asylum-seekers "*should be based on solidarity and fair sharing of responsibility including its financial implications and closer practical co-operation between member states*" (Thielemann, 2006). He explains burden sharing to reflect the way the debate regarding inequalities, both real and imagined ones, in the distribution of asylum-seekers has been conducted. He concludes that burden sharing based on the willingness of Member States alone does not bring satisfactory results and, consequently, states need incentives to comply properly. He presents said incentives through market-based benefits – according to Thielemann – the incentives will reduce or rather prevent opposition to migration policies. Applying his theory on the current crisis, one can observe that the

EU indeed started offering financial benefits, and yet the success of willingness to participate in burden sharing is limited (ibid).

One of the reasons he claims were disproved might be the difference in the migration waves. The migration influx Thielemann dealt with focuses on migration from Eastern European countries, which were culturally closer to the V4. The contemporary influx of migration originates in a territory further from the V4 culture, which can cause clashes and threats. Thielemann failed to acknowledge the importance of value-base cultural distance and the cleavages that can be created under these dimensions (ibid).

The following authors did deal with the V4 common history, culture, and values. Though their researchers deal with different field, their results could be applied on the opposition of the V4 to the relocation system.

Jandura, in his thesis, titled 'Theory of European integration on the case of the Central and Eastern Europe', defines several notable characteristics of the V4 group as an intergovernmental cooperation. Among those is the closeness of the languages, with the exception of Hungary; members are, to a certain extent, able to communicate with each other as their languages belong to the same 'family' of tongues. Another element, which connects the V4 states, is the common Christian religion. For instance, Poland's population is composed of approximately 90% of religious people, of the Roman Catholic denomination. The ethnical composition of the V4 countries is also rather unified – there are minorities of Ukrainians, Russians, Belarusians, Croats, Serbians, and Vietnamese. Jandura points out another ethnical minority; the Roma population, for whom assimilation into those countries is seen as challenging and tend to cause problems. It is understood as a reason for many disputes between the members of this minority and local population (Jandura, 2013). Lukáš Rieger adds that the states faced similar history in which the communism was implemented from outside of the countries. The unwelcomed ideology was forced on these countries by external powers (Rieger, 2014).

Dustmann and Frattini in their research deal with the different experiences for European countries regarding the immigration. Though they focus on occupational opportunities of immigrants across Europe, they provide a brief historical overview of the immigration to Europe. Through the historical overview, they show that different historical circumstances of European countries, such as their colonial past or the pace

of their economic developments, led to different immigration intensities from different origin countries. Consequently, different parts of Europe are home to different groups of immigrants. Regarding the Central European states, authors identify that the countries were not the target country of immigrants, on contrary, many of their citizens left since the end of the World War Second (Dustmann & Frattini, 2012).

The authors mentioned above have dealt with the shared history and experiences of the Visegrad group countries, in relation to migration and externally forced ideology. An application of the value-based approach must be made in relation to the contemporary migration policies; the common fear of the unwelcomed changes will assist in the creation of one of the hypotheses on the reasoning behind the objection of the V4 countries to the asylum-seekers quotas of the EU.

The first working hypothesis of this paper assumes that because of the common historical experience and challenges, the value base of the V4 remain similar in relation to reading the possible immigration as threatening on several levels. It could also derive from common inexperience in dealing with migration and the low number of migrants these counties encounter. That approach could pose rejection on account of fear from the loss of sovereignty.

3.1.2 Theoretical context of objection

An essential element required in understanding a unified approach of the V4 countries to the EU migration policy is that of the relations between the V4 and the concept of integration – both in the sense of Central Europe, and in the sense of the European Union.

Jandura compares the development of the V4 group and of the Baltic States' cooperation. He concludes that while economic integration worked on similar principles between the two cases, the political integration differs. The political integration of Baltic States is characterized by institutionalization, which is in contrast to the characters of the integration of the V4. The integration of the V4 remained on the intergovernmental level while the Baltic States exceeded this approach and formed multi-level governance cooperation at the regional level. It can be concluded that the same approach the V4 group applied in the understanding of the optimal functioning of international regional integration regarding to Central Europe, was applied in the

common cognition on the European political integration. Such development can explain the reading of certain EU policies by the V4 through intergovernmental glasses, rather than other approach to integration (Jandura, 2013).

Král examines the political union in the relations between the V4 and the EU. From his research one can observe that the Visegrad group lacks the future planning of the European integration and rather focus on solving problems relating to the single market and its cohesion policy. The V4 are in favor of strong integration in the economic sense, but hesitant in relation to integration of political union. According to Král, political union and harmonization of ideas the V4 do not share is translated by the V4 as a threat to their sovereignty. He explains that it is seen by the V4 as weakening of the national institutions and the national policy-making, while that of Brussels is strengthening. An example to the hesitancy of the V4 members to surrender competences to Brussels can be seen in the exceptions requests and postponing of the signing of the Lisbon Treaty by the last two members to sign – the Czech Republic and Poland, two of the four V4 members. Following these observations, it is not unlikely that the relocation system decision is perceived from an intergovernmental approach (Král, 2013). The following sub-chapter will briefly introduce the theories of European integration and it will pay attention to the intergovernmental theory and its opposing paradigm – supranationalism.

3.2 Theories of European Integration

In order to understand the varying approaches between the EU and the V4 on the matter, first one must observe the theories of European integration. The term European integration, as a process, relates to the integration and coordination of policies and cooperation in various fields, between the members of the European community. Among these dimensions are political, legal, economic, industrial, cultural and social areas. The integration and changes are considered both these that are done to the full extent, or that to a partial extent. The goal of the integration is to mutually support each other to achieve wealth, regional stability and peace. The process sparked several theories in regards to the stabilization or containment of the nation-state system. They serve as tools in understanding the development and challenges of the integration process. The topic of policymaking and the level in which policies are dictated on have

become central focal points in the study of the integration process. The theories of European integration can be divided to several periods. The first period, the first half of 20th century, popularized theories, which claim that the state does not possess enough capacity to ensure political and economic security of its population. An example can be *federalism*. In this stage, theories did not concerned questions regarding whether integration is taking place, but rather, how the integration should look like. In 1950s, two general paradigms emerged, namely *intergovernmentalism* and *supranationalism*. Intergovernmentalism supports the belief that the integration is in the hands of the states and thus they determine its extent. The integration is led by the national interests of the members and is conducted in service of the common interests. On contrary, supranationalism stipulates that supranational institutions are not controlled by the states; moreover, the institutions can transform the states. An example of supranationalist theory is *neofunctionalism*. The most recent era of theories revolves around the concept of interdependence. An example can be the *multi-level governance* or the *institutionalism*. These theories do not believe in state-centrism, though still consider states to be important actors, but not the only ones. These theorists argue that the fact that states and other actors are dependent on each other, supports cooperation between them (Rosamond, 2000; Chryssochoou, 2001).

The two approaches that best fit to the research and the description of the two sides are the supranationalism and the intergovernmentalism. From the European migration policy decision-making point of view, the organization is responsible for the greater good. This supranational approach allowed the decision-makers to assume state of emergency in Brussels and declare on decisions and solutions, which can affect the EU Member States. Such decision, as this chapter will explain, is supranationalist by its essence, as the organizations makes decisions for the Member State, which affects them. The supranationalist approach lead one extreme element of the European integration, by which competences are at the hands of the organization and not the state. Such competences, in the debated case, relate to the relocation of refugees and asylum seekers, an element of justice and national home affairs. From the opposite perspective, intergovernmentalist approach was chosen to describe the preferences of integration in the service of national interest. Such preference is opposite to the supranationalist approach. It emphasizes the national interest, fears, and prioritization of the Member State wills, which can be seen as typical for the V4 approach to the migration policies.

The two opposing theories will be explained to create the ground for the theoretical debate regarding the handling of migration issues.

3.2.1 Supranationalism

Supranationalism is the first theory aimed at explaining European regional cooperation in the post-World War II era. It was conceived in the US in 20th century as a part of the liberal school of international relations. In this theory, converging economic interests is crucial for integration. The supporters of this theory of European integration claim that economic and political integration and the establishment of supranational institutions will contribute to stabilization and peace. The idea behind supranationalism is that the multi-national organization is gaining competence from the governments of its members to take decisions, which will affect its members. Nugent said "supranationalism takes inter-state relations beyond cooperation into integration, and involves some loss of national sovereignty" (Nugent, 2003: 475).

There are three main basics for the theory. *Common needs and interests* are the first basis to the theory, through the functioning of a regional cooperation in support of the common interests, and emphasizing them, the theory claims that these hold greater importance in the modern era over the national ones. The second basis relates to the rise of *importance of non-state actors*. Supranational organizations, the UN, NGOs, interest groups, movements and others, serve as a ground to undermine the method by which realist political scientists held the state above other actors in its importance in the international relations. The third basis is the *effect of globalization on territories*. As globalization progressed, boarders are a matter of lesser importance and effect, movement of people and goods has become easier and the state cannot always answer questions and challenges that are to be dealt with on a larger scale. The regional cooperation in the form of supranationalism comes to answer these needs. States unnaturally surrender sovereignty; under the promise for the benefits of being a member of such integration, namely – efficiency, increased capacity to act, etc. Another reason to support the supranationalism, according to the followers of the paradigm is that it pays financially to participate, and would cost more not to. Deriving from the Maastricht Treaty, the principle of subsidiarity was introduced in Europe, which determines that upon new regulation discussion, the EU must prove that the decision

will be more effective if taken at the EU level rather than the national one. In the discussed case, the principle is abandoned (Heywood, 2000).

3.2.2 Intergovernmentalism

The intergovernmentalism paradigm of European integration represents the belief that sovereign states are the primary actors of the integration. Therefore, the integration is limited to an extent, by the fact that through interests of states – the process of integration is controlled by states. In other words, the integration serves as a framework for cooperation, but decisions are taken at either the national government level, or in the level of the cooperation, not without national interests being represented. Mutual helpfulness does not come at the price of some greater good, bigger than the state. The theory itself derived from the realist school of international relations and its representatives are mainly the critics of neofunctionalism. According to Stanley Hoffman, the state still plays the main part in decision-making in relation to the integration process, and it is still the primary actor. (Hoffman & Keohane, 1991). The supporters of intergovernmentalism believe that states strive for certainty and stability. Based on this assumption, they claim that integration can occur only in the fields of low politics – whereas the issues of high politics must be in states' competences. This claim is directly in clash with neofunctionalism because intergovernmentalists reject the assumption that economic integration will lead to the political one. Unlike realism, the process of institutionalization is significant to the intergovernmentalism, and it recognizes the domestic politics influence over governmental decision-making (ibid). The intergovernmentalist approach sees the integration as a process, which requires autonomous and rational actors, who have interests in the process; the governments during the supranational negotiations represent sub-groups of domestic level whose interests influence the interests of states internationally. The behavior of states during both conflict and cooperation reflects the nature of states' interest.

The most famously supported form of intergovernmentalism is the liberal intergovernmentalism. The theory, which was developed by Andrew Moravcsik, is based on "two level games", in which the actors' stances are created on national level and then further delegated to supranational level. Moravcsik claims that the positions of a state are created from dynamic intergovernmental political processes, which reflect

the interests of actors. These positions, he says, do not result from previously fixed preferences. Liberal intergovernmentalism sees European integration as a series of rational choices of state leaders, who take up opportunities and act by limitations deriving from economic interests (Moravcsik, 1998).

3.3 Intergovernmentalism vs. Supranationalism debate

The shift in power of the decision-making level from national to intergovernmental to supranational can create severe challenges for the state. The right to decide on who will reside in the sovereign territory of the state is closely linked to the ability to control its territory. The demand to hand over such powers away from the national level often conflicts with the will of the government and citizens it represents. The following debate will introduce the perceptions on the matter and the pros and cons of the competence shift under the Europeanization process. The previous chapters were based on the assumption that intergovernmentalism and supranationalism as concepts are theories of European integration on the spectrum between neofunctionalism and state sovereignty supporters. In this chapter, the debate between the two concepts will observe them as modes of governance, and try to create a comparative examination of both. This chapter is bringing the debate between the two approaches in relation to the specific matters of the EU migration policies and the relocation and quota systems. It is possible that in other fields, governments will hold different approaches.

The development or the communitarization of migration policy confirms the opinion of Messina who argues that migration policy has shifted from the 'low politics' to the 'high politics' (Messina, 2007: 138). This transfer of power was not unproblematic – especially in the field of legal migration policy, which is crucial to states' sovereignty. There is an ongoing debate regarding the correct formula of competencies division between the supranationalism and the intergovernmentalism. The debate has been in existence for the past several decades since the integration in Europe has been shifting weight and competences from intergovernmental to supranational direction thus exceed the border of the current immigration influx. The two contradicting approaches in regards to the integration and the dichotomy between them started around the 1980's (ibid).

3.3.1 Intergovernmentalism

The intergovernmental paradigm, inspired by the realist school of international relations, assumes that sovereign states are relevant actors with undeniable influence and ability to fulfill set goals. According to O'Neil and Rosamond, intergovernmentalism supporters believe that states have varying internal issues and challenges and thus - different needs and interests. Those challenges cannot be unified as each member state has not only their own, but their own way of handing them. (O'Neil, 1996: 54; Rosamond, 2000: 130-156). The same argument gains validity through another researcher. Messina brings arguments against the desirability of the outcomes of the shift from intergovernmentalism to supranationalism. The intergovernmental approach sees the supranationalism as a threat to the essence of a nation state's sense of uniqueness by forcing the organizational perception of greater good in a continent-wide spread, of symbols rules and policies (Gould & Messina, 2014: 51).

Some researchers support the intergovernmentalism approach based on the neorealist assumption that in certain fields, immigration policies among them, the state and its institutions may be able to function better than the supranational management. Henson and Malhan argue the issue is "too important to be left to the European Commission" (Henson and Malhan, 1995: 137). Another claim in favor of the intergovernmental approach is that of Hoffmann, who argues that states can ensure the economic and political development better when dealt individually (Hoffmann, 1966: 60-61).

Third type of argument for intergovernmentalism supports decision-making in the Member State level as an important characteristic of the cooperation organization. As a democratic organization, the voices of its members must count and should not be overlooked. According to Douglas Scott Sionaidh, the intergovernmental approach or model, revolves around the concept that "without taking consent of its Member States, the EU will not be a democratic polity" (Sionaidh in: Longman, 2002: 20). It comes to show that the very democracy, as a characteristic of the EU, depends on the consideration of the Member State approaches, and disregarding those is to undermine the democratic values of it.

3.3.2 Supranationalism

The supranationalist approach to governance supports shift of decision-making powers to the level of the Union. States do give up certain competences but might gain in the area of balance, solidarity, and harmonization. Some scholars view the supranational mode of governance as the future of decision-making in Europe. Joppke supports supranationalist approach to governance, by claiming that migration could represent a challenge that cannot be addressed adequately by individual Member States (Joppke, 1998: 38).

In the field of migration policy, the supranationalism may offer fair balance to Member States, residents, and migrants. Some argue that communitarization of policies is expected to lead to a more balanced approach towards the coordination of migration influx (Lavenex, 2007: 313; Thielemann & El-Enany, 2009:24). Several legislations and jurisdiction actions were driven by the desire to extend competences of the Community, as to make up for "set-backs the Community has suffered by the decision-making process at the hands of the Member State level", according to Weiler (Weiler, 1985).

The second type of arguments relates to the advantages Member States enjoy by having a strong independent Union to coordinate their actions and bear mutual positive outcomes. It was Messina and Gould who said that many European states are better off as members of the supranational Union. Looking at the Czech Republic and Slovakia, Messina points out that the separated countries have developed and improved economically and politically by delegating decision-making authority to the EU level (Gould & Messina, 2014: 51).

In addition to the aforementioned above, another type of arguments focuses on the asylum seekers themselves and the asylum provision as a concept with common values among the Member States of the EU. The emphasis will be on the individuals in the center. There are several authors debating in favor of the supranational approach, as a mode of governance deriving from the function of cooperation spillovers, neofunctionalism, and prioritization of continent-wide rights protection. Under the

asylum policies glasses, Thielemann and El-Enany wrote: "We expect that the ongoing communitarization of asylum policy will help to improve Member States' implementation records of EU asylum law and further strengthen refugee protection outcomes in Europe" (Thielemann & El-Enany, 2009, 24). Lavenex, examining the literature supporting the supranational approach, argues "a common assumption in this literature is that a greater empowerment of the Commission and the European Parliament would be preconditions for a comprehensive and balanced European approach to asylum" (Lavenex, 2007, 313). In other words, the shift towards supranationalism creates safer environment for refugees and guarantees protection of refugees better than intergovernmental mode of governance in Europe. Geddes studied the "fortress Europe" aspect of interior borders removal and protection of exterior ones, and stipulated that the process should be encouraged on the regional level. "The solution to fortress Europe, from this perspective, is more, not less- Europe, in response to 'fortress' like tendencies" (Geddes, 2003: 7).

This debate demonstrates opposing approaches and the question in regards the most productive course of action in relations to the migration. This pebble is not one that can be answered simply. The decision, on who will dictate the greater good, rises as relevant under the changes of the Lisbon Treaty, as in 2009 the shift of competences held unifying elements of common policies and regulations. It also held dividing element on the basis of disagreements. In the academic debate, the first approach sees the intervention of the supranational organization in justice and home affairs, and specifically - the migration policies in the decisions of the state as an overstepping on the boundaries of sovereignty. The supporters of the approach fear that the power to decide who will reside in a sovereign territory is crucial to the maintenance of sovereignty and security. The supporters of the supranational approach facilitate their stance on the notion that the Member States in Europe cannot overcome the challenges the migration poses. In this light, with the lack of internal borders - the issue is rightfully left to the decision of the supranational organization – the EU. The question of whether or not this is a violation of sovereignty remains open. In practice, the qualified majority voting (QMV) as a method poses another challenge to those who prefer intergovernmental integration in Europe; as long as the competences of the supranational institution and the fields in which QMV exists increases, the supranationalism character of the union gains power.

The cooperating governments of the V4 countries are demonstrating certain degree of rejection of the decisions made in the EU level. This attitude towards the supranationalist might be explained by the assumption that the leaders of the V4 countries perceive the EU as an intergovernmentalist body, in certain fields. Both as a theory and as a method of governance, the approach demonstrate the contradiction between expectation and reality, in the case of the relations between the EU and the V4 governments, which might provide explanation to the rejection. The intergovernmentalist approach supports prioritization of the national interests. In the emergency procedure brought forth by the EU to find a solution to the emerging crisis, a vote on possible solutions took place. In that vote, the V4 countries representatives (with the exception of Poland, who joined the opposition at a later date) expressed their national interest by voting against the offered relocation solution and quota system. It was an expression of disagreement with the development of solution other EU members supported. Standing in a minority in that vote, the national interests of the V4 governments were trampled and over-voted. The development of the solution in the EU level, regardless of the opinions and views of the V4 governments and their perception of how would they be internally influenced by it, was a supranational act disregarding national interests. It is possible to assume that the behavior of the V4 governments was used both as an expression of the desire to make decisions in consensus with national interests and as a message of belief in how the EU should address decision-making levels in certain fields, such as justice and home affairs.

The work that has been done in the field of migration policies, decisions of quotas and relocation, and the contemporary crisis are mostly approaching the topic from supranational point of view, while missing several important indications as for the reason why gaps between some Member States and the EU exist. This paper is in pursuit of the reasoning behind the opposition of the V4 governments to the quotas systems, from national interests, based on theoretical insights. Such studies in this field, which were not conducted in the past, can improve future understanding of similar patterns and assist in providing strong foundation to the future researches in the field. The understandings of the reasoning behind said rejection can provide assistance in bridging over cleavages between the EU and its Member States both in the present and the future.

The second working hypothesis of this paper is dealing with the theoretical explanation of the opposition to the quotas system. Due to the experience of the Visegrad group members with regional integration functioning on an intergovernmental structure and the nature of their stances, one might assume they could perceive intergovernmentalism as an optimal mode of governance to deal with the justice and home affairs field for the EU decision-making.

4. Methodology

The terms methodology, epistemology, and ontology are related to fundamental issues regarding the research practice and knowledge. Methodology is concerned with how one obtains knowledge. In other words, it says which methods are used to collect the data. For the data collection, this research will use an interview with a Polish diplomat. The research will employ small-N comparison and content analysis as methods of analyzing official documents, speeches, interviews and public appearances. Epistemology, known as 'the theory of knowing', deals with what is knowledgeable – what type or form of knowledge one should pursue and treat as legitimate knowledge. Ontology, the 'theory of being', is concerned with assumptions about the nature of the social world (Halperin & Heath, 2012: 26). The research will be conducted in empirically qualitative manner with positivist epistemological and ontological premises. It is positivist because the answer to this question is limited to what is observable in the social world.

4.1 Small-N Comparison

The research examines four states – the Czech Republic, Poland, Slovakia, and Hungary, these countries will be observed both individually and as a unit – the V4

group. Following the small-N comparison looking at the V4 members separately, the research will create a synthesis between them. It will neglect the differences between members of the V4 group and examine them as a single actor. This second method is called *'methodological holism'*. Methodological holism assumes that organizations and institutions are prior to, and independent of, individuals and thus can be considered as "primitives" in social science assumptions. They can serve as the primary independent variables determining individual and collective behavior and outcomes. (Halperin & Heath, 2012: 82).

In this case, the V4 group is chosen as a deviant case – it is the only group that publicly opposes the relocation quota. The objection other actors oppose – abstaining from vote or rejecting it without commenting publically on it – such as Romania or the abstaining Finland, leaves V4 in the spotlight. V4 demonstrated publically the objection and repeatedly addressed the subject, which makes the group a beneficial targeted study-case.

The greatest advantage of this method is that it is focused on only limited number of cases and thus it allows for a detailed in-depth analysis of the study case, while providing greater scope of contextualization. In other words, it will enable this research to view the V4 members individually and collectively. This research will focus on the V4 group as a critical case –used for theory testing. Meaning, the V4 case is used as a theory-confirming or theory-infirming case. The disadvantage of the method is that as the cases can be too specific and the results hardly ever lead to generalizations or induction.

4.1.3 Interviews

A prominent method of data collection in political research is an interview. Due to this research being focused on four different countries, namely the Czech Republic, Poland, Slovakia, and Hungary, the face-to-face interview seems to be less feasible than for instance telephone or online interview. Since the participants in interviews are diplomats with busy schedules, the data collection takes form of email interview. There are both advantages and disadvantages of this particular method. Email interviews avoid all the practical difficulties of recording equipment and transcribing methods, they present an opportunity to interview individuals based anywhere in the world

(Halperin & Heath, 2012: 270-271). They also provide the participant with time to think about the questions and give response with deeper reflections. On the other hand, there is less opportunity for the interviewer to probe or clarify their questions due to the delayed interaction and the inability to spontaneously direct the flow of conversation. It may lead to a paucity of data compared to synchronous interviews (ibid). Obtrusive methods such as interviews are also prone to the "Heisenberg Effect", meaning people tend to change their behavior when they know they are under observation.

As there is no space for a debate in email interviews, the approach used is structured, meaning there are no open questions, which lead to other questions spontaneously. This research addressed a diplomat of one of the V4 countries. The questions this research posed were revolving around the interest of the country the interviewee represents, and dealt with the migration influx to Europe. The goal was to collect primary data for answering the hypothesis that the opposition of the V4 countries could be explained by the intergovernmental theory.

4.1.1 Content Analysis

Content analysis involves the systematic analysis of textual information; in simple terms, a researcher retrieves data from the documents. There are varieties of texts a researcher can use; this thesis will make use mainly of official statements by leaders in the V4 states, official publications and interview in national media, public speeches and appearances, transcripts of speeches addressing governments, parliaments and cabinets, and official documents such as the joint statements of the V4 group. The biggest advantage of this method is that it reduces bias, which might occur during an interview. Using content analysis, researches can get material on decision-making without interviewing the decision-makers. As it can be challenging for the academic researcher to interview directly heads of states and government representatives, the analysis of the official statements is the preferred alternative to collecting data on the official stances and opinion of such elites. However, it has been said that Content analysis becomes a more powerful tool when combined with other method such as interviews. The limitation of this method is the limited availability of material and the fact it does not provide a researcher with primary data. Since this research does not concern with the coding of a particular term, the content analysis in this research will be qualitative. This

paper will conduct an analysis of a legal instrument that is being used as part of the objection to the quota system. The analysis is based on existing research in the field while a descriptive method is being applied. The result of the analysis can be demonstrated by the following table, may introduce the similarities and differences between the varying reasons for V4 objections to the quotas. The table will revolve around several themes; those that are common to all countries will be presented as a common position leading to the hypothesis confirmation or disproof.

	Loss of Sovereignty	Security threat	Culture difference	Health risk	Interests conflict	Ineffectiveness of policy	Inexperience with immigrants
CZ							
PL							
SK							
HU							
All							

Table 1: possible reasoning for objection model, rising from the political tools used by the V4 countries. Created by the author.

4.2 Delimitations

The research leaves out several factors, notable while examining the methodological approach it selects. In this research, dealing with the V4 group, individuals are not taken into account as an influencing actor. Despite the rise of several political parties, mentioned in relations to the political shift in the Polish government's approach to the EU, the individuals in the party are seen as the party itself collectively, where "*the whole is larger than the sum of its parts*", as Aristotle said. Under that limitation, the research tries to avoid selective separation of countries but rather analyze the behavior of the V4 group as one unit. Another challenge this research does not aim to tackle is whether or not the stances of the V4 countries are justified and whether or not it consists violation of law. This research approaches the V4 stances in relation to the relocation systems and refugee quotas enforced by the EU and by choice it leaves out possible

implications of the EU/Turkey deal. The aforementioned development neither produced any change in the stance of the V4 members on the matter nor did it offer a sufficient solution to the problem at hand. An important distinguish should be made between the objection of the V4 to the migration policies as a specific case and the approach towards any other EU policy, regulation, legislation, directive, or guidelines.

5. V4 Group

"Central Europe is not a state: it is a culture or a fate. Its borders are imaginary and must be drawn and redrawn with each new historical situation" – Kundera (1984)

The idea behind the establishment of the Visegrad group (V4 or the Group) emerged from the shared historical, intellectual and geographic organization of the Central European states. The V4 countries are the Czech Republic, Poland, Slovakia, and Hungary. Its extended image, it includes V4 neighboring states as well. This chapter serves as a tool to understand the V4 cooperation through its historical formation, its basis of foundation, the values and approaches of shared experiences and the structure of the organization. Through the understanding of its foundation, it will be possible to analyze the common V4 approach to various matters, among which – the EU migration policies. Such understanding may contribute in the effort to study the behavior, decisions, and policy-making process of the V4 country in relation to the aforementioned subjects. The chapter will further analyze the practical decisions of the V4 members, throughout the official meetings, the concluding joint statements, and other measures.

5.1 Historical development

The cooperation of Central European states has a long tradition. Already in 1335, King

of Bohemia, King of Hungary, and King of Poland met in the Visegrad congress to intensify mutual cooperation and friendship among the three Central European states. Different level of cooperation existed since. After the WWII, all the attempts to restore the autonomy of the nations' politics in the Central Europe, and thus restore cooperation among these states, were halted by the Communist coup in 1948. Only after the fall of Communism in Central Europe, the process of re-establishing the cooperation and democratization could start (Lukášek, 2012).

The Visegrad group was formed as a reaction to the fall of totalitarian regime in Central Europe, namely in the Czechoslovakia, Poland, and Hungary, after 1989. There were several factors leading to the establishment of the Group. The cooperation, when created, revolved around four common goals decided upon by its members. The first relates to the abolishment of Communist characteristics from Central Europe. The second was the will to bridge over disagreements and cleavages between Central European countries. The third was the faith that in order to commit the social change required for the participation in the European integration – there is a necessity to cooperate and work together helping each other in achieving this goal. Last, the proximity of ideas of the then ruling political elites was a deciding factor as well (Jagodziński, 2006).

The initial uplifting atmosphere, which followed the transition to liberal democratic approach and acceptance of western system of governance, has proven to be too optimistic. In reality, the realization that such transition happening over-night can be challenging, triggered the need in building cooperation with neighbors who went through similar process. The governments also understood that growth out of the reign of communism could often demand varying degree of support. The formation of the V4 was, among the aforementioned reasons, resulting from a need in cooperation in fields that the countries hold similar interests in. Namely, these were the fields of economy, security, and the desire to become members of the EU and NATO. Poland, Hungary, and Czechoslovakia historically shared common culture, intellectual values, and the roots of similar religious traditions. These characteristics were seen as important to be maintained and supported - which together seemed easier than separately. The unique attributes of these countries led to the rejection of countries with non-similar culture, such as Romania, from the group. The governments of the V4 understood that going

through the process together would benefit all sides involved. The cooperation was perceived to be the next logical step to reach these goals (ibid).

In March 1990, Václav Havel, former president of Czechoslovakia, invited his counterparts from Poland and Hungary to come together in Bratislava and start discussing the idea of prospect cooperation. The Visegrad Group was formed on February 15, 1991, by signing of the Declaration on cooperation among these states in Visegrad, Hungary. The meeting was concluded with the signature of the President of the Czechoslovak Republic, the President of Poland, and the Prime Minister of the Republic of Hungary. The Visegrad group was also known as V3 and, after the split of Czechoslovakia, as V4 (Lukášek, 2012).

This regional cooperation of Czechoslovakia, Poland, and Hungary was perceived positively from the Western European perspective. The representatives of the European Community and NATO respected the V4 and considered it as the first serious step towards closer cooperation between former communist countries and Western Europe. In December 1991, Czechoslovakia, Poland, and Hungary signed association agreements with the EC. Until today, the Visegrad group symbolizes stability of the region and represents successful association of states that managed to fully transform to democracy and become members of supranational organizations. Even though the goals for which the organization was established were reached, the cooperation lasts today still. One can learn about the importance of the cooperation between states with similar background from the processes that occur since the initial goals have been achieved (ibid).

In 2004, the Declaration on Cooperation of V4 countries, which defined new goals and purposes, was signed. One of the main aims of the Group is to consult stances of the V4 towards the EU issues. The newly signed agreement further emphasizes strengthening of the stability of Central Europe, information exchange, and promotion of cultural community. It also aims at cooperation in the field of culture, science, education and youth exchange. The priority mentioned is the development of transport infrastructure, as well as the reinforcement of energy security in the region. As a common foreign policy, the V4 enables unique association to the group in a format referred to as "V4+" (ibid).

5.2 V4 Structure

The V4 structure is one of a kind, and holds several unique characteristics. Unlike the EU, NATO, or WTO, it is only a platform exchanging experiences and working out common positions on issues, which are essential to the future of the region and the EU. It is a platform for intergovernmental meetings and ad-hoc business meetings. Though the Group has neither permanent Secretariat nor an official building or employees, in 90s, the V4 was considered an example of international cooperation *par excellence*. Another characteristic is that Visegrad group's cooperation is based on consultations and meetings on different levels – presidential, ministerial, and meetings of experts or NGOs. The presidential summit takes place annually and each state has a term of presidency. The Visegrad Groups' rotating presidency is held for a period of one year and the Prime Ministers of the Visegrad Group countries approve the agenda. The ministers meet according to the necessity – usually twice a year. The cooperation is coordinated by the Ministries of Foreign Affairs (Šabič & Drulák, 2012; Lukášek, 2012).

 The only fully institutionalized form of cooperation among the V4 countries is the International Visegrad Fund (IVF). It was established in 2000 and has its headquarters in Bratislava. The aim of the IVF is closer cooperation among citizens and institution in the region as well as between the Czech Republic, Slovakia, Poland, Hungary, and other states. The Fund financially supports developing cultural cooperation, scientific exchange and research, youth exchange, and education. The IVF is financed by V4 countries' state budgets (8 million euro per member state) and operates several grant programs and scholarships. The governing bodies of the IVF are the Council of Ambassadors and the Council of Ministers of Foreign Affairs. The executive body of the fund is composed of the Executive Director and the administrative body is the secretariat. The official language is English (ibid).

5.3 V4 and the migration influx

September 2015

In response to the growing migration influx, one of the proposals to deal with the topic, coming from Germany in September 2015, was to enforce a mandatory quota system on all EU Member States. The Visegrad group take on the migration crisis brought about the need to form a unified front of an approach, and compose a unanimous stance to deal with the topic. Following the proposal of the refugee quotas system, the V4 members orchestrated a joint declaration referring to the move. It represented similar and high proximity of perception of the act by the governments of the V4 countries. The response was published on September 4, 2015, and it dealt with V4 policies on the matter. "Preserving the voluntary nature of EU solidarity measures – so that each Member State may build on its experience, best practices and available resources; principles agreed at the highest political level, including in European Council conclusions must be respected; any proposal leading to introduction of mandatory and permanent quota for solidarity measures would be unacceptable" (V4, 2015). According to Miroslav Lajcak, quota system will serve as an invite and trigger encouragement for asylum seekers to come to Europe. 5 days later, on September 9, the Commission went forward with the quotas relocation procedure suggestion, and on September 22 the European Parliament approved the proposal, under the 'Emergency Procedure' frame (V4, 2015a).

December 3, 2015

Following the terror attacks in Paris, the V4 expressed sympathy with the victims of the attack and solidarity with the EU. In the same joint statement, the leaders of the V4 expressed their concerns with the migration influx, and with the European policies chosen to address the topic. The concepts of the Western Balkans serving as a break of immigration and border protection instrument, as well as the Turkish proposal were both welcomed by the V4 (V4, 2015b).

December 17, 2015

Following the December European Council meeting, the V4 released another statement. "Migration remains the Center of attention". The V4 agreed with the Council on the need to identify the root causes of the influx, while emphasizing the importance of external borders-protection. They also called for cooperation on discussion about

dealing with the topic and with the parliament decisions on the matter. The V4 expressed their support to the UK claim that national parliament role strengthening (V4, 2015c).

January 2016

One of the suggestions of the ministries of interior was to conduct proper registration of refugees upon arrivals in Greece and Italy, in order for the EU to have a tractable system to deal with the migrants. They also called for revisions of the Dublin Regulation, suggested by the EU to be postponed until after the EU deals with the urgent crisis symptoms. "In this regard, the V4 Ministers of the Interior reiterated that any further measures—including possible revision of the Dublin Regulation—can be discussed only after the European Union regains its control over its external border, reduces the inflow of illegal migrants and evaluates thoroughly the measures implemented up until now" (V4, 2015d). Rejection of proposals for automatic relocation mechanisms of migrants was emphasized as well (ibid).

February 2016

On February 15, 2016, the leaders of the Visegrad group met in Prague, for the annual meeting. It was the 25th anniversary of the establishment of the group. In said meeting, they called to find alternative solutions to deal with the relocation proposals. The concept was to find a way for stopping the refugees from crossing from Greece to Bulgaria, and to Macedonia (FYROM). The V4 offered their cooperation in Bulgarian and FYROM border-control. "… It is essential to seek common solutions, to focus on tackling the root causes of the current migratory pressure, including ending of war in Syria" (REF). The EU-Turkey action plan was supported in the statement, as well as the Greek efforts to maintain border-control. In said convention, the V4 presented an approach according to which the Dublin regulation is failing to be effective in the contemporary influx. One of the additional suggestions dealt with the creation of a refugee EU-wide resident permit, allowing the refugees mobility to the country of destination they wish to go to, and ease the burden on countries which are trying to process the asylum requests unsuccessfully. The V4 suggested to create an ad-hoc "*asylum agency that would carry out a fast and simple asylum procedure based on a single set of rules*" to simplify and hasten the process (V4, 2016e)

Partially, the V4 objections to the refugees' quota system are explained by the V4 countries leaders as related to the threat of terror. After the terrorist attacks in Brussels on March 17, 2016, Polish Prime Minister Szydło said "Poland would not be able to take in asylum seekers from the EU for now". Hungarian official were blaming other European countries as being responsible for the refugee crisis and for the increased terrorist threat (Cienski, 2016).

5.3.1 International responses to the V4 approach
The international response to the V4 perspective on the refugee crisis ranges from support to utter disagreement. Didier Reynders, Belgium's Minister of Foreign Affairs blamed V4 for not demonstrating solidarity with the EU. Milan Nic of the Central European Policy Institute said that the Visegrad group was treated with respect; however, nowadays "*Visegrad is like a bad word*" (The Economist, 2016). The UNHCR called for the V4 solidarity – it stipulated "*several times during their rich history, these very same countries have provided safe refuge for hundreds of thousands of refugees and could do so again*" (UNHCR, 2016b). On the other hand, there are states, which tent to agree with V4 stances – both France and Austria became critical of the situation and the system of permanent quota.

6. Analysis

This chapter serves as the empirical analysis of the actions and instruments in the hands of V4 states, which leads to the understanding of the reasoning behind their policies on the matter. Relating to the research question *what are the reasons, historical, cultural, and theoretical, for the objections of the V4 countries to the quotas system and what is the repertoire of political and legal actions in service of said objections,* such analysis can assist in better understanding of the ongoing processes and teach about possible outcomes, implications and ramifications of the perceptions and actions deriving from them. This chapter will examine both the political and legal instruments at the hands of the V4 states and suggest reasoning behind these. The purpose of this analysis is to try and find whether the intergovernmental approach is leading decision-making on this matter within the V4 group and either confirm or disprove the research hypothesis.

6.1 Political tools used by V4

6.1.1 Poland

During the vote on the relocations and quota systems in September 2015, Finland abstained, the Czech Republic, Slovakia, Hungary and Romania voted against, and Poland, just like all other 22 Member States, voted in favor. It is a unique case of Poland deviating from its usual voting pattern with the V4 group. For the group, however, collective agreements with other partners have not been always unified - disagreements did rise. From the V4, only Poland found the Nice Treaty beneficial. On the other hand, the V4 usually vote unanimously in the UN General Assembly, as well as in the EU. The voting both in EU and in UN as a bloc did not change despite of the changing of governments inside the V4 Members (Dowd, 2015: 2-5).

Post and George, 2004, suggest that one of the reasons for deviation from a pattern of international relations and foreign policy from a national point of view includes leaders' desire for leaving a political legacy (Post & George, 2004). Rebekah Dowd, 2015, claims that the Polish deviation from alignment with the V4 vote is a result of several factors brought together. She says that several factors must be taken into account, namely social, cultural, economic, and political ones. According to her, the specific decision faced by the Council and national human rights context inside Poland are not to be ignored. Part of the decision was that states, which would not cooperate, would need to pay 0.002% of their GDP to the EU to help other states (Dowd, 2015: 2-5).

Dowd explains the Polish initial approval by the fact that avoiding criticism for policy decisions assists the national legitimization for new members of the EU. The path to achieve such legitimization may be paved by align national policies to the EU human rights standards (Finnemore and Sikknik, 1998, in: Dowd, 2015). This approach supports the claim that new EU Member States should be more inclined to support EU policies. According to Gwiazda, leaders applied the EU reforms to the rural regions for the latter to produce economic improvements in these areas (Gwiazda 2012 in: Dowd, 2015). Thus, the economic factor takes part. Social and other means tend to translate from the national concerns level to the representative of the Member State in the EU institutions, and get expressed in the voting in those institutions.

Dowd claims that V4 states with history of participation in UN and EU human rights treaties are more likely to support the EU refugee quotas, and that states that has higher asylum granting rates and have higher integration success are also demonstrating the same tendencies. She further claims that the Polish approach derived from more liberalized economy and economic stability than the other V4 countries, and that the other V4 members had predominant right-wing parties in government. That latter contributes to a Eurosceptic attitude and lower likelihood to accept the quotas. (Dowd, 2015: 12).

In his speech of September 16, 2015, Grzegorz Schetyna, the Polish foreign minister, addressed the Sejm and presented the Polish point of view supporting the quotas and relocations as an inseparable part of the Polish responsibility to the EU. *"...Poland is fulfilling all of its obligations in an exemplary manner when it comes to securing the EU's eastern border, at a time when a Ukrainian migration crisis could hit us at any moment, should the situation in the Donbas region take a turn for the worse… ...Poland is ready to demonstrate solidarity with respect to the refugee issue... ...the fact that we are not, compared to other European countries in the region, under as intense pressure in terms of migration flows means that we are well placed to help chisel out a compromise… ...Turning our backs on our partners at this time of need not only runs contrary to the spirit of solidarity, it could also cost us solidarity on other issues when we most need it……Standing at the side or turning our backs on the current crisis does not live up to the role that we see for ourselves within the European Union..."* (Schetyna, 2015).

6.1.1.1. Poland changing its position

In June 2015 Poland offered to welcome 4.000 refugees into its borders. Following the EU decision in September 22, 2015, Poland declared they would take 7.500 rather than 4.000, in line with the Council's decision on relocations (Radio Poland, 2015).

On October 25, 2015, Poland held their elections and a new government rose led by a one-party cabinet – the Law and Justice (PiS). Though it was seen as one of the main causes of the shift of attitude towards the quotas, there are few circumstances involved in the change.

Dowd says the changing of the Polish position on the matter derived from several factors. First, the competition by agricultural interests within the V4 made negotiations

on agreements difficult. Second, the Polish leaders demonstrated concerns about needs of Ukrainian refugees pushed aside for these of non-Eurozone citizens. Resources situation and unemployment in the country played a factor, as well as movement of Polish youth in search of labor outside the country (Dowd, 2015:18-19).

When it comes to the newly elected government, the new government said they would abide the decisions of the previous government, however, on the EU level the Polish rhetoric focused on utter rejection of the quotas systems. For the purpose of clarification on the Polish stance on the matter, and interview has been conducted with a Polish diplomat, Michal Gierwatowski. In relation to the EU representing the Polish interests, he said that though membership in the EU is a source of pride and the basis for economic and political ties, in the field of migration policies the EU voted for a path that is not fully fitting to the ideals of the Polish government (Gierwatowski, 2016). He further elaborate on the changing of the decision by saying "*the main reasons for opposing are the security threats, the rise in number of terrorism and violent acts and the importance of protecting the citizens of Poland, and Europe, from these threats*" (ibid).

In relation to the migration policy serving the interests of Poland, Gierwatowski claims that the benefits of solidarity in the discussed case are outnumbered by the existence of a security threat and therefore the risk outweighs the positive outcome. In that sense, the interest of Poland would not be the acceptance of Refugees (ibid).

The security and safety element was in presence of the Polish stance from the beginning, but gained weight and importance after several developments in the violent attacks throughout Europe. According to Cienski, on the 16 of March 2016, the Polish Government held a press conference and the developments, in which both the PM and other members of the government expressed their positions. According to Prime Minister Beata Szydlo "*After what happened in Brussels yesterday, it's not possible right now to say that we're OK with accepting any number of migrants at all*" (Cienski, 2016). The government expressed a position opposite to the initial statements, by rejecting the decision of the previous government to take in 7.500 refugees, and set a precedent to reject the EU decisions that were already agreed upon by a Member State government. Szydlo continued and criticized Merkel for "*inviting migrants into Europe*", and mentioned "*This carefree attitude led to the problems that we have today*"

(ibid). She expressed the cultural difference between the arriving refugees and the existing population. Relating to the topic, according to EurasiaDiary, President Andrzej Duda's security advisor Pawel Soloch mentioned in a TVN24 interview on March 16, 2016 that the rising numbers of refugees could pose a threat. *"Let's be careful that 10,000 doesn't turn into 100,000"* (EurasiaDiary, 2016).

One of the reasoning claims of the Polish Government deals with the intake of refugees from neighboring Ukraine, also fleeing an armed conflict in the east. In the same conference, Szydlo related to the topic, saying *"We're forced above all to ensure the security of our fellow citizens... ...We urge Europe to avoid accepting thousands of migrants who come here only to improve their living conditions... ...Among these migrants there are also terrorists"* (Strzelecki, 2016). After the conference, Rafal Bochenek, Szydlo's spokesman, stated to the Polish media that the government *"can't allow for events in western Europe to happen in Poland"* (ibid).

According to Limbourg, for the Deutsche Welle news agency, In relation to the security threats, the Polish Prime Minister expressed her concerns in the aftermath of the attack in Paris on November 13, 2015, she expressed refusal to the acceptance of the initially agreed 4.000 refugees stating that "*the massacres in the French capital had 'changed the situation*". In the aftermath of the terror attack in Brussels on March 22, 2016 she added: *"I regret to have to say that the EU is not drawing lessons from what is happening"* (Limbourg, 2016).

The leader of PiS, Jaroslaw Kaczynski was interviewed on Polish TV on May 7, 2016, where he answered questions posed by Polish citizens online. He said *" After recent events connected with acts of terror we will not accept refugees because there is no mechanism that would ensure security... ...This is the position of the Prime Minister and the whole of PiS... ...from the beginning we felt that this issue should be resolved, assisting refugees outside the EU. Politicians from the current opposition not so long ago claimed that Poland is able to accept any number of refugees. Those who are marching today - supposedly in defence of democracy - wanted to impose on us the forced acceptance of immigrants".* In relation to the suggested fines Poland might face in light of the refusal to accept asylum seekers, Kaczynski added *"Such a decision would abolish the sovereignty of EU member states - of course, the weaker ones... ...We*

don't agree to that, we have to oppose that, because we are and we will be in charge in our own country" (Broomfield, 2016).

In relations to decision-making level on issues of security and home – affairs, Polish diplomat Gierwatowski said that the government should make decisions when life-risk is on the scale. If a European institution, he explains, is blind to an eminent threat, government must act upon their national interest to minimize said threat (Gierwatowski, 2016).

However, the threat of terror is not the only concern the Polish party raised in relation to the refugees. Back in 2015, members of the party already expressed concern of health issues in acceptance of refugees. According to Osman Dar, Kaczynski mentioned "*there is cholera in the Greek islands and dysentery in Vienna. Refugees are bringing in all kinds of parasites, which are not dangerous in their own countries, but which could prove dangerous for the local populations in Europe*" (Dar, 2015). In response, in November 2015, according to Vcelka, Duda, the Polish President mentioned, "*the government should take steps to protect its citizens from refugees bringing in possible epidemics*" (Vcelka, 2015).

The new Polish governments raised their own solution to the situation, identifying the fighting potential of the immigrants arriving in Europe. Konrad Szymanski, Poland's minister for European affairs, said on an interview on March 19, 2016, in relation to the Syrian refugees arriving in Europe; *"They can go to fight to liberate their country with our help. Poland must maintain full control over its borders, over its asylum and immigration policies"* (Araujo, 2016). The Polish Foreign Minister, Waszczykowski, said in the beginning of March2016 to the French press agency "*tens of thousands of young men disembark from their rubber dinghies with iPad in hand and instead of asking for drink or food, they ask where they can charge their cellphones… …hundreds of thousands of Syrians have come to Europe recently. We can help them form an army*" (Stone, 2016). The perspective of the government changed 180 degrees to the point where refugees are not only unwelcome in Poland, but the official political stance is that they should be armed and sent back to Syria to liberate it.

Prioritization of Polish identity over European one became part of the public discourse, and the right-wing political parties such as Law and Justice (PiS) brought the Eurosceptic approach to the spotlight. These elements played the main role in the

alignment of the Polish position to that of the rest of the V4, and oppose the quotas eventually.

On the mandatory status of the quotas application, Gierwatowski said that the Visegrad group shares the belief that the quotas do not serve as a solution for the problem. The decision is deemed irresponsible and therefore should not be applied. (Gierwatowski, 2016).

6.1.2 The Czech Republic

The case of the Czech Republic is peculiar because the Czech Prime Minister, Sobotka, condemns the stances of Zeman, the President of the Czech Republic. Prior to the decision leading to the relocation system, Sobotka held a speech in the parliament to inform his colleagues about the migration situation. He said the migration situation is critical, it is getting worse every day, and requires European solution. Sobotka explained the system the Commission suggested – to relocate 40.000 asylum-seekers, and claimed that the decision to relocate additional 120.000 asylum-seekers did not pass as several countries, including the Czech Republic, demanded such measures to remain on voluntary bases (Sobotka, 2015a).

Sobotka explained the reasons for his approach in regard to the relocation system. He mentioned that it is important it stays voluntary-based for several reasons. First, the Czech Republic is not a target location for refugees – he showed the statistic saying that the applications for asylum increased only slightly, by numbers lower than expected. Those who are granted asylum are mostly Ukrainians, Cubans and only then Syrian. Approximately 80 Syrians applied for the asylum in the Czech Republic prior to the relocation system, throughout the year 2015 (ibid). Migrants do not want to stay in the V4 countries, explained Deputy Prime Minister, Bělobrádek, "*...after they are being granted with asylum, they decide to leave the country mostly to Germany*" (EuroZprávy, 2016). The country, which granted the asylum, however, remains responsible for the specific individual. This problem might remind one of the challenges raised by the economic crisis the EU is still trying to overcome. The problem is that the EU is responsible for monetary issues while fiscal ones are in hands of Member States. Same it is with the CEAS. The decisions regarding asylum procedures, the different criteria, and the reception conditions are now at the hands of the EU level. The application of

those procedures, however, is still in the hands of the Member States, which results in an ever-changing system for asylum, and not a unified one. Second, Sobotka argues that the crisis cannot be solved with only one measure – he stipulates that the relocation system is treating only the results of the conflict while ignoring the important task of solving of the roots of the Syrian conflict. He claimed that it is for that reason he considers the mandatory quotas non-functioning. Last, Sobotka confirmed that any proposal to establish mandatory quotas would be rejected by the Czech government. He elaborated by saying "*We reject any such system. A state, according to our opinion, should be able to decide and control matters of its security, social and economic aspects of migration. We want to help, and we will, but on the voluntary basis and as a result of our own decisions*" (Sobotka, 2015a).

Following the Decision on September 22, 2015, Sobotka once again addressed the parliament reflecting the outcomes of the Council's vote. He said that the permanent mechanism for the relocation was not agreed upon; however, the principle of voluntarism when it comes to temporary quotas passed the vote. He said "*it was a poorly made decision, quotas will not work and will not solve the crisis, and that the Czech Republic did everything to stop it*". Sobotka stated that at the same time, forcing quotas in such sensitive matters might lead to negative perceptions of the EU among the population and thus might contribute to the rise of extremism and hate. Nevertheless, the Czech Republic will respect the Decision; Sobotka said the Czech Republic cannot afford to be left out during future discussions – "*it would be truly against the interests of the Czech Republic… …We do not want to take steps, which would weaken our negotiating position within the EU*" (Sobotka, 2015b).

When commenting on the Slovakian and Hungarian attempt to annul the Decision through legal measure, Sobotka said he does not want to escalate the tensions – "*there is only so much tension that can be created before the situation at hand snaps. In a near future, there will be more decision-making on the matter and we need the EU to take our opinion seriously*". Sobotka confirmed Fico's statement, saying "*the Decision does not respect the agreement reached during the June's European Council meeting on the matter*"(ibid).

Sobotka also mentioned that the best solution to stop the influx is to provide a safe Syria for the refugees to return to. He pointed out that the Czech Republic is an active member

of the coalition, which is fighting ISIS. Sobotka said that the security treats come from terrorists and not from the refugees, and states are required to help refugees. Sobotka argues that we cannot consider refugees as terrorists. He also said that great number of asylum-seekers is not eligible for the international protection and thus there must be sufficient checks at the borders (Sobotka, 2015c).

When addressing the claim that the Czech Republic violates the values of the EU, namely solidarity, Sobotka said "*our republic always acted solidarily regarding the refugee crisis*". The Czech Republic accepted 153 Christian refugees from Iraq and Lebanon and agreed to accept 2.691 asylum-seekers from Greece and Italy as a result of the agreed relocation of 40.000 people. Moreover, the Czech Republic decided to provide 6 million euros for helping Syria and neighboring states (Sobotka, 2015d). Deputy Prime Minister, Bělobrádek, refused the claims about the lack of solidarity and said "*We refused mandatory quota but voluntarily we offered to accept the refugees. We are looking for a common European solution that will work. We have to deal with the roots of the problem that is the reason behind the fact that we are sending financial resources to Syria and Jordan, and we were among the first states to send money to Turkey*" (EuroZprávy, 2016).

Sobotka said he refuses to accept refugees under mandatory quotas as well as sanctions for their non-fulfillment. He further stated that there are more serious matters in the EU than the mandatory quotas, such as the tendency for populism in hands of nationalism from which the distrust in the EU raises and consequently divides Europe (Sobotka, 2015e).

The Czech Minister of Foreign Affairs, Zaorálek, officially stated that the Czech Republic is ready to share responsibility based on voluntary decisions. To the Deník newspaper he praised the necessity of so-called '*hotspots*' and claimed that without those – the security of the Czech Republic might be threatened. He raised an interesting point – "*many western European states, which are used to dealing with migration, are finding themselves in a dangerous situation*". He referred to the emergence of the so-called '*no-go zones*'. "*How can I explain to the Czech population that we are able to manage the migration better than those more experiences states?*" (Deník, 2016). According to him, any permanent automatic mechanism, which would relocate asylum-seekers, is unacceptable. Zaorálek said that states must remain sovereign in any asylum

policy. Bělobrádek shared the same view and said "*each state has a right to decide who and what amount will be accepted. The forced decision reminds us of the Munich agreement in which other states decided on the future of the Czech Republic without our approval*" (EuroZprávy, 2016).

President Zeman argued that he expects an influx of Ukrainian immigrants, who can be, according to him, compared to Muslim immigrants, easily assimilated into the Czech society. In the speech Zeman said that the influx of migrants is an organized invasion. He is known to take part in anti-Islam gathering (an act which was later condemned by Sobotka) (Lidovky, 2015).

The Czech position can be summarized by repeating emphasis on diverting the attention from focusing on the existing migrants to the ineffectiveness of the system, torn between EU level decision-making and State level. Several leaders of the Czech cabinet are emphasizing the insufficiency of the relocation decisions, which in turn, embodies the views of the Czech voters on the matter. Having mandatory quotas is seen by the Czech Republic national consciousness as a loss of sovereignty and the end of the times of nation-states having power to make decisions in regards to their territory. It is perceived as an attack on the integrity of the state, penetrating its ability to defend its social, security, and economy.

As far as political instruments being used goes, the Czech government is moderate comparing to other members of the V4, as the cooperation with the organization is perceived crucial and indispensable. The official statements do not reject solidarity, on contrary – they welcome voluntarily asylum seekers. What they rule out is the mandatory quotas, for the sake of the aforementioned sovereign integrity.

6.1.3 Hungary

The Hungarian response to the quotas systems escalated in various periods to various levels since September of 2015. The first step was the objection to the relocations, together with the Czech Republic, Slovakia, and Romania. The second step was the legal approach that used during December of 2015 to address the ECJ against the quotas systems. The third step related to the March 2016 decisions on permanent quotas and the Turkish deal, as well as penalty system for incompliance with the decisions. The

fourth and last stage of escalation relates to the offered Hungarian referendum revolving the quotas systems.

On September 4, 2015, the Hungarian Foreign (and Trade) Minister, Péter Szijjártó, and the other Foreign Ministers of the other V4 countries met with the German Foreign Minister, Frank-Walter Steinmeier, to discuss the refugees' quotas. "*The V4 ministers of foreign affairs welcome that the Commission in the new proposal will no longer focus solely on enforced mandatory relocation and gives more priority to the long-term solution of unregulated migration. We continue to see relocation as a temporary emergency measure that doesn't address the real causes of the crises*" (Szijjártó, 2015). The relocations were explained as ineffective and the first rejection was mean to emphasize this point.

Hungary was offered to be one of the "border countries" of the EU to which refugees and asylum seekers arrived in first, and from which the relocation was meant to mobilize asylum seekers out of, should they participate and support the decision. This, however, would have required the Hungarian government to agree with acceptance of certain number of refugees eventually, which was unaccepted on the Hungarian electives. The result was a complete rejection and the formation of the opposing position to any relocation decision that included Hungary as a target country for asylum seekers.

At the end of September 2015, the Hungarian President, János Áder, met up with Ban Ki Moon, and raised several suggestions in regarding of dealing with the refugees quotas. The president was later interviewed to the newspaper Hungary Today, in which he reported on the meeting in New York. Three main points were raised; first, "*I requested the Secretary-General of the United Nations to increase the budget the UN devotes to supporting and caring for Syrian refugees, because this sum has unfortunately dropped to the half of previous levels*". Second, *"Last week, a decision was made to provide refugees with 1bn euros in support, the Hungarian proposal was far more ambitious; we intended to grant six times more funding*". Third, "*I requested the Secretary-General of the United Nations to support our initiative of going beyond EU quotas when intending to help refugees from Syria. Instead, we propose a world quota, meaning that the humanitarian obligation of helping Syrian refugees should*

extend not only to Europe but also to the United States, Canada, Australia and China"
(Hungary Today, 2015).

The presidential approach differs, as his position is, from that of the Hungarian Prime Minister. Viktor Orbán, Hungary's PM has been extremely vocal on the refugees' quotas, emphasizing the relation between the asylum seekers and the threat to the security and safety in Hungary. In late July 2015, Orbán was addressing the public in a speech. "*There is a clear link between illegal migrants coming to Europe and the spread of terrorism. It is obvious in the Anglo-Saxon countries, but others deny it. US security officials recently confirmed that. It is obvious we cannot filter out hostile terrorists from this enormous crowd. Our answer is clear; we would like to preserve Europe for Europeans. This also requires effort from other countries. It depends on us to preserve Hungary for Hungarians*" (Orbán, 2015a).

In early September 2015, Orbán addressed the European Council, regarding the mobility of asylum seekers that are under Hungarian responsibility to other countries, namely – Germany and Austria. Those who started the registration or application process in Hungary were required by Germany to stay in the processing state, which could not be enforced. Dealing with the issue, Orbán said "*the problem is not a European problem, but a German one. We do not have difficulty with those who wish to stay in Hungary. Nobody would like to stay in Hungary. Neither do they want to stay in Poland, Slovakia or Estonia. All of them would like to go to Germany. Our job is to register them. If the German Chancellor insist that nobody can leave Hungary without us registering them – we will*" (Orbán, 2015b).

Orbán wrote to the German Frankfurter Allgemeine Zeitung "*Everything which is now taking place before our eyes threatens to have explosive consequences for the whole of Europe, Europe's response is madness. We must acknowledge that the European Union's misguided immigration policy is responsible for this situation… … Those arriving have been raised in another religion, and represent a radically different culture. Most of them are not Christians, but Muslims. This is an important question, because Europe and European identity is rooted in Christianity*" (Traynor, 2015). Orbán saw the immigrants as a threat to the integrity of the European fabric, not only a terror threat, but social, cultural and religious as well. The position of the Hungarian government can be reflected in his conclusion to the paper – "*Quotas is an invitation*

for those who want to come. The moral human thing is to make clear, please don't come" (ibid).

The Hungarian government led by Orbán seems to be using the political tool of pointing fingers and blaming both decision-makers and Member States for inability to deal with the situation at hand and the escalation of the crisis to its growing dimensions. On September 10, 2015, he addressed the Hungarian Parliament saying "*Just because Greece is not keeping to the common Schengen agreement does not authorize Hungary to give up on the Schengen rules as well*". Orbán called for actions beyond the rejection of the quotas and gained consensus-based support from the Hungarian voters, throughout the end of 2015 (Aljazeera International, 2015).

In February 28, 2016, Orbán made his state-of-the-nation speech in Budapest, where he said "*We cannot let it force upon us the sour fruits of their misguided immigration policy. We want to import no crime, terrorism, homophobia or anti-Semitism to Hungary. The quota system could cause the EU's disintegration*" (Orbán, 2016). The speech symbolizes prioritization of the elected government, and as a political tool, the mentioning of the refugees quotas reflect the stances of the government on the matter. Orbán has been vocal on the matter, but if one is to deduct from the representative of the government on the less-vocal members, one can assume that there is a consensus on the matter. Orbán speeches have become over the last few years a cornerstone to the presentation of the Hungarian government's position. Thus, it serves as a political tool representing the government as well as the citizens.

Orbán summarizes the optimistic approach in future views, by stating in the same speech "*The migration wave can be stopped," he said. "Europe is a community of half a billion people, more than Russia and the United States combined. Europe has the technology, the strategic and economic might to defend itself*" (ibid).

Hungary decided to throw a referendum in the country in order to relay on the direct vote of the citizens in relation to the refugees' quotas. It is the only V4 state to decide a position should be formed in this manner, and the referendum is scheduled to take place in October 2016. The referendum question will be "Do you want the EU, even without the approval of Hungarian parliament, to be able to prescribe the mandatory resettlement of non-Hungarian citizens in Hungary?" The question itself serves as a political tool – a directing instrument to guide the answering citizens to the desired

response. The Hungarian Secretary of State for Public Diplomacy and Relations, Zoltán Kovács, said in June 27, 2016 in relation to the questions whether or not the referendum will be held, that "*It has never been more relevant to ask what people think*" (Than & Szakacs, 2016a). The Hungarian Minister of the Prime Minister's Cabinet, Antal Rogán, said that the referendum is more than a question, but rather "*An issue of national sovereignty*" (Than & Szakacs, 2016b). These expressions demonstrate the importance of the referendum to the executive members of the Hungarian parliament, and therefore the weight of the matter in Hungarian politics in general.

According to the Daily News Hungary, Kovács made a public announcement on May 13, 2016 regarding the referendum, assuring the EU that the referendum represents disagreement with a policy and not rejection of the Union. It is possible that his sayings are made in context with the UK vote on leaving the EU. "*A difference in opinion, however, does not mean that we are against something. Any rejection of the European Union's planned mandatory migrant quotas in a forthcoming Hungarian referendum would not be a vote against the European Union*" (Daily News Hungary, 2016). The head of the PM office, János Lázár, said four days later to a Hungarian reporter that "*The referendum is about the fact that Brussels cannot decide instead of us who should live in the country*" (Kegl, 2016).

Hungary's government has been emphasizing the attitude supporting the claim that "*The approach according to which those who do not agree are not showing solidarity is unacceptable*" (ibid). The government does not dismiss the EU as a body altogether, but strongly demonstrates the perception of it from an intergovernmental approach, by which the interests of the Member States are not infringed. The main train of thought guiding Hungary's attitude is that the rejection of the quotas system does not equal failure to demonstrate solidarity or partake in the European Union.

6.1.4 Slovakia

Slovakia's opinions are more divided than any other V4 country. While the Prime Minister Fico is rather critical of the handling of the migration issue on the EU level and publicly opposes any kind of refugee quotas, the Slovak President Kiska urges his government to show more solidarity by agreeing to accept assigned asylum-seekers. The function of the president in Slovakia is rather representative. The President is the

head of state and has rather symbolic meaning; he is the official representative of the state. The real decision-making power is in hands of the Prime Minister who decides the direction the national politics will follow.

In April 2015, the Slovak Foreign Affairs Minister, Lajčák, said "*we have solidarity concerning all EU problems… just because this migration doesn't affect us as it does the southern countries, it doesn't change anything*" (Cunningham, 2015). On September 7, before the relocation system passed by the QMV, President Kiska gave a public speech regarding the mass influx of refugees to Europe. He argues that Slovakia does have problems such as regions struggling with poverty and the unemployment; however, he said, "*there will always be problems and challenges that we will have to face but it must not be a reason for us to isolate our country and become reluctant to help others*" (Kiska, 2015). He continued and called for more solidarity from the government towards refugees. He acknowledged the fact that relocation of small number of refugees will not solve the situation; however, it will provide Slovakia with the opportunity to define itself. "*We will lose the battle for the heart and soul of our country if we, both as citizens and as politicians, will not be able to make a distinction between fearing the unknown and unconcealed hatred, contempt for human life, extremism, xenophobia and fascism and fail to clearly and categorically refuse such expressions of intolerance*" (ibid).

The Prime Minister's opinions could not be further apart from those of the president. Fico believes that the preferred method of showing solidarity is through investing into a food program for refugees and to FRONTEX. At the same time, Fico claimed Slovakia shows its solidarity by accepting Christian asylum-seekers. Before the Decision of September 22, 2015, Fico's stances were already critical towards the acceptance of asylum-seekers. After the Decision, Fico became reluctant regarding the quotas. When addressing the Senate, Fico said that such a serious decision should have been decided by the consent of the Prime Ministers and not by the QMV of ministers. Fico said with determination that Slovakia will not accept any quotas as long as he is the Prime Minister. For that he had several reasons. First, he claimed that the majority of the refugees are economic migrants, who want to enjoy better lifestyle – they do not run away from war. He said "*the majority of refugees are not even Syrians*" (Fico, 2015). Second, he used the same reason as the Czech Prime Minister and claimed that they cannot ensure that asylum-seekers will stay in V4 countries – he said Slovakia is

not a preferable destination for them. Third, he mentioned he had a responsibility to ensure the security and safety of the Slovak citizens – "*the security is our priority, humanitarian help comes second*" (ibid). To support his claim, he states that as much as one third of all refugees possess fake identification documents and as long as hotspots and the border security do not work properly, the security cannot be guaranteed. Furthermore, he said that there is an economic character of the crisis. Slovakia is facing high unemployment rates and accepting of refugees would trigger deterioration. Finally, Fico mentioned cultural differences as a reason for not accepting refugees. He went as far as saying that Slovakia will fight against immigration from Muslim regions to prevent attacks such as the Paris shooting and Cologne sexual assaults. In an interview for 'Independent', Fico said "*Not only are we refusing mandatory quotas, we will never make a voluntary decision that would lead to formation of a united Muslim community in Slovakia*" (Fenton, 2016).

Kiska reacted to the claims that the refugees can be associated with terrorism and said "*Of course, it is well possible that such a huge migration wave as Europe is currently struggling with also contains high-risk individuals. But no one is taking away our right and obligation to vet asylum-seekers. Please let's put an end to scaremongering*". Regarding the stances that refugees who are coming from a different culture would pose a threat to Slovakian values and lifestyle, The Slovak President added "*I am firmly convinced that providing shelter to people whose total number accounts for a fraction of our overall population cannot put our country in jeopardy. Slovakia is already home to several thousands people from different cultures who have arrived here not so long ago and we live well side by side*" (Kiska, 2015).

Following the mandatory quotas, Lajčák perceived the quotas as an insufficient treatment to a larger scale problem, which requires an extensive and inclusive solution (Lajčák, 2015). He stipulated that the problem must be treated where it started – he supported providing material, financial, medical, and humanitarian help to the struck regions. In a similar tone, the President proclaimed "*I am confident that the European leaders understand that accepting several thousands of refugees by central European countries, including Slovakia, does not constitute any decisive or ground-breaking contribution to alleviating the current situation in the southern countries. Like us, they must indeed realize that such solidarity-based distribution would entail certain unclear*

issues which have yet to be tackled, including the ways to encourage asylum-seekers to stay in designated countries" (Kiska, 2015).

According to the Ministry of Interior, 14 refugee statuses in 2014 and 15 in 2013 were granted. Slovakia does not have a historical experience with refugees. This fact has been addressed by the president who argued "*We will not be able to distinguish extremism and xenophobia from natural human fear of the unknown if we accept the key slogans of their disseminators: about refugees as potential terrorists or as economic migrants, or about every man of a different color of the skin and different culture, or about every Muslim-refugee as an intolerant individual. This is not fearing the unknown, these slogans are characteristic of xenophobia and extremism. If the rest of us adapt to this, remain silent or turn away, then we are silently tolerating the slogans about a "white" Slovakia*" (ibid). The President elaborated on the importance of participation by stating "*As regards the large numbers of people fleeing to Europe, their acceptance is a matter of life and death. As regards ourselves, it is about Slovakia's heart. It is a matter of our soul. It is a matter of what kind of country we want to be and what we are willing to do for it*" (ibid). It is possible to understand the position of the Slovakian president in this research, as he demonstrate an opinion that not only goes against the opposition to the quotas, but also reflect supranational approach towards the EU in the same breath. It strengthens the hypothesis regarding the intergovernmental approach leading to anti-quotas preferences. Kiska, in his speech from mid-2015 said "*Neither Europe as a whole, nor Central Europe taken separately, including Slovakia, would benefit from making a distinction between the old and new Member States again. Consensus is in everyone's interest. And, of course, it is also in the interest of Slovakia and of our long-term strategic position to be part of the core of the European Union. This cannot apply only to selected issues, this must especially hold true in the times of a crisis*" (ibid).

Slovakia spearheaded the legal objection in the form of the act against the quota system and relocations decisions. Inspiring a Hungarian pursuit of similar results, Slovakia filed an address to the ECJ to tackle the issues rising from the Council decisions. The lawsuit six main issues Slovakia has raised will be analyzed separately, as the act is used as a legal tool less than as a political tool. Both texts are unavailable to the public, but the Slovakian statement allows a scholarly debate on the matter.

Observing the Slovakian evolution of quota-rejection in political instruments as well as serving as the leader of the legal action for opposing Member States, one can conclude that the government is indeed divided in its position, into two extremes. Slovakia's position reflected by the public opinion of the people strongly disapproves the quota system, and the repeating suggestions of the Slovakian Prime Minister and other members of the cabinet demonstrate a strong link to the perception of the EU from an intergovernmentalist approach, thus strengthening the claim this paper is raising.

	Loss of Sovereignty	Security threat	Culture difference	Health risk	Interests conflict	Ineffectiveness of policy	Inexperience with immigrants
CZ	✓		✓		✓	✓	✓
PL	✓	✓	✓	✓	✓	✓	
SK	✓	✓	✓		✓	✓	✓
HU	✓	✓	✓		✓	✓	
All	✓		✓		✓	✓	

Table 2: Analyze of Objection Reasons by Country. Created by the author.

6.1.5 Political tools analyzed and concluded

In order to distinguish between the aforementioned political instruments that are used by the electives of the V4 countries, one must seek the influence and intention behind them. Official statements issues by the V4 representatives when joined together are often directed outwards. They hold the intention to send a message in relation to a unified position of all V4 member states. In the case dealt with above, the message is directed to the other members of the EU and to the leadership of the organization in particular.

Speeches that are given within the construct of the National Assembly within V4 countries are used as a tool to dictate policy, polity, and political direction and strengthen the national stands on the selected issues. The targets of such tools are the members of the governments, parliaments, and cabinets of the individual V4 state.

Media publications, interviews, public appearances, and open-to-the-public speeches are a political tool in forming opinion of the general public, in accumulating support from the voters in dealing with such topics, and in ensuring the endorsement of the steps and policies of the government by the general public.

The political tools mentioned above consist the main parts of the repertoire and arsenal in the hands of decision-makers within the V4 members. However, they are applicable on a larger scale of influence than just within the borders of V4 states. On the regional level, statements that are made within one Member State of the EU echoes in the consciousness and public discourse within other Member States. Officials in other Member States such as France have also related to the relocation quotas conditioning their consent by the non-permanent character of said quotas. It is hard to determine whether or not the rejection itself will be used as a precedent for other EU Member States to follow the example of the V4. It is not impossible that these developments will be reoccurring through other part of the region in the future.

The last important element to mention for the base of the objection of the V4 member states relies on the romantic emotions and values constructing the culture and historical perspective of the societies within the V4 states. Interestingly, it is one of the threads connecting between the V4 states entwined within the very foundations on which the Visegrad cooperation is built. The value base and common perspectives deriving from the cultural emotions within the V4 is common to all V4 states. It can serve as an explanation to the similarities between the approaches in relation to the refugee quotas decision.

In order to explain said value base, one must observe the historical context of the V4 countries. After being occupied for substantive part of the recent history by empires, superpowers and conquering nations, the national self-determination of the V4 nations is inseparable from the sovereignty and integrity of each nation state as an individual. Mentioned identity is linked to the culture, the religion, and the society fabric in existence today. The format by which the V4 countries experienced the forcing of communist ideology on them regardless of their approval echoes in their fear from forced ideology they disagree with, such as Islam. Acceptance of the mandatory quotas for the V4 group is perceived as a direct threat to these values, to these cultures, and to these societies. The opposition may be justified through the threat of possible security infringements and terror activity but the roots of it can be found within the strive to maintain the societies cultural status quo as the fear of changes is by consciousness linked to the loss of sovereignty.

6.2 Legal Tools used by V4

In addition to the political repertoire brought up by the V4 countries, two members, namely Slovakia and Hungary, decided to challenge the legality of the relocation quota before the European Court of Justice (ECJ) under the Article 263 TFEU (Rettman, 2015). This article enables Member States to question decisions *on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.* In fact, Slovakia, on December 2, filed an action for the annulment of this decision (pending case C-643/15). Slovakian Prime Minister Fico said he expects the ECJ to declare the mandatory relocation quota invalid. Denovova, the justice ministry spokeswoman, said that Bratislava is "convinced the legislation violates its rights" (ibid). In light of this position, Hungary followed Slovakia's example and initiated a legal action two days later (pending case C-647/15). At the same time, the Czech Republic and Romania distanced themselves from the option of taking legal measures. Sobotka, the Czech Prime Minister, said he does not want to cause an escalation of the tensions with the EU partners (ibid). Though both the Slovak and the Hungarian texts of action are not available, the Slovak Ministry of Justice published a summarized six points proposal, describing how they wish to challenge the relocation decisions. Zuzana Vikarska and Steve Peers offered a legal analysis of said case and this section aims to summarize it and examine whether this legal action holds realistic immediate ramifications or only discourse notion and echoes.

The first plea in the legal action deals with the breaching of institutional balance. Article 68 TFEU states that *the European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice*; Article 13(2) TEU claims that *each institution shall act within the limits of the conferred on its Treaties, and in conformity with the procedures, conditions and objectives set out in them*. Observing the alleged breach of Article 68 TFEU, Vikarska and Peers assume that Slovakia challenges the EU institutions for acting outside of their scope while deciding on the relocation system. They stress two bases for this point – first, the European Council adopted a conclusion in which they call for a decision being agreed upon by consensus – unanimously. Second, in the Slovak media, Fico argued that the European Council claimed that mandatory quotas would not be adopted, reflecting the

Slovak perspective saying that the Council of Ministers acted outside of its scope of power (Peers & Vikarska, 2015).

Vikarska and Peers examine the procedure under which decision should have been reached. This procedure is described in the Article 78(3) TFEU – *In the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of national of third countries, the Council, and a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.* As Justice and Home Affairs fall under the scope of shared competences, the Council is allowed to vote on the issue through qualified majority voting (QMV). On the other hand, the European Council was wishing for the decision to be reached by consensus. In the European law, Treaties do not provide the solution for changing the QMV to unanimous vote and thus there can be no legal claim coming from the European Council to change the Council's voting procedure. Moreover, Slovakia's action for annulment concerns only the second Decision to relocate 120.000 asylum-seekers – not the first decision regarding 40.000 asylum-seekers. As there was no second European Council's conclusion, regarding the relocation of 120.000 asylum-seekers, the claim Slovakia raises cannot be taken into consideration (ibid).

Secondly, in case the European Council would adopt a conclusion saying that the heads of states or parliaments are against the relocation and despite such decision the Commission would still propose the relocation and the Parliament and the Council would approve, there would clearly be a violation of institutional balance. Though European Council's conclusions are not legally binding, the role of the European Council is to set strategic guidelines (Article 68 TFEU). If the Commission would act against the conclusion, it would deny the European Council of its powers (ibid).

In order to analyze Fico's claims, one should look at the European Council conclusions from June 25-26, 2015 when the summit took place. The European Council agreed on the fact that *Europe needs a balanced and geographically comprehensive approach to migration, based on solidarity and responsibility.* The conclusion states that in order to help those in clear need of international protection, European Council agreed on several measures. First, the temporary and exceptional relocation of 40.000 asylum-seekers, who entered the EU through Greece and Italy, must take place with the participation of

all Member States (with the exception of the UK). Second, the Council must rapidly adopt this decision – to that end, all Member States will *agree by consensus by the end of July on the distribution of such persons, reflecting the specific situations of Member States*. Third measure revolved around setting up so-called hotspots, which should ensure faster identification, registration, and fingerprinting of migrants. Fourth, financial assistance to the frontline Member States must be provided. Last measure was the agreement that all Member States will participate in relocation of 20.000 displaced persons in clear need of international protection. No other conclusions on strategic guidelines have been approved since. Observing the European Council's conclusion, one can notice that there was no mentioning of non-application of mandatory quotas, thus Fico's claims seem to be incorrect (ibid).

Second plea in law deals with the distinction whether or not the decision leading to the relocation system is a legislative act. This distinction is mostly crucial for the third plea, which concerns procedural obligations deriving from legal acts. Slovakia claims the Decision is in fact of a legislative character and thus should have been adopted by legislative procedure – which is not foreseen in Article 78(3) TFEU. According to Slovakia, by adopting the Decision on the basis of Article 78(3) TFEU, the Council breached both the said Article and the right of national parliaments to participate in the legislative procedure. Vikarska claims EU law does not have requirements for a measure to be considered as of legislative character. However, she offers two interpretations based on previous case law (ibid).

Following the narrow textual interpretation the legislative and non-legislative characteristics of act are depended on the understanding of whether or not its legal basis mentions by words a "legislative procedure". According to that interpretation, the asylum measures that were applied under Article 78(3) of the TFEU serves a non-legislative act. That goes unlike the measures on diplomatic protection, under Article 23(2) of the TFEU, which are legislative. The process of acceptance of both measures occurred similarly; the commission raises a proposal and the council consult the Parliament and then votes by QMV. It is notable that this separation and interpretation gains additional weight in light of Article 289(2) of the TFEU, which mentions that legislative procedures are used "*in the specific case provided for by the Treaties*". The asylum measures adopted under Article 78(3) of the TFEU do not meet these criteria and therefore cannot be accepted as such (ibid).

Second point of view on the textual interpretation, from a practical textual interpretation, observes the aspect of the institutions of the EU. Eur-Lex labels the decision under Article 78(3) of the TFEU as Non-Legislative Procedure (NLE) by nature (ibid).

An alternative interpretation might be the procedural one. Procedural interpretation categorizes an act as "legislative" in case the Parliament and the Council were both involved. It appears so even if the "legislative procedure" was mentioned in these words in the legal basis for it or not. Peers and Vikarska mention several arguments in support of the procedural broad interpretation. The claim that Article 289(2) of the TFEU does not specify in words the case of acts and measures which were adopted without the legislative procedures. It serves, according to them, as an implication, but it does not necessarily mean automatically, by legal logic, that if acts were adopted outside the legislative procedures are 'non-legislative' by nature. Another argument in favor of the broader interpretation, according to the Peers and Vikarska, relates to the fact that if the textual interpretation will be used, major parts of the EU law will be redeemed as containing non-legislative measures. The example they offer is that of the competition law. The third argument they suggest deals with the implication an approach based on the procedural interpretation and not the textual one can have on the procedural standing of non-privileged applicants. Under Article 263(4) of the TFEU, those could challenge more acts without observing individual concerns. Fourthly, they bring up democratic legitimization of the measures. Procedural interpretation, they claim, would be more adequate to approach the measures in order to determine the legislative nature of the acts from the democratic legitimacy point of view. Peers and Vikarska conclude that the narrower interpretation of textual one has eventually prevailed, and not the procedural one. *"It makes no sense to claim that the measure at stake is "of a legislative character" and that Article 78(3) TFEU is therefore not a correct legal basis for such measure, if it cannot lead to the adoption of a legislative act"* (ibid). According to them, the Slovak challenge of conditions in the second plea failed as the conditions were met materially and procedurally (ibid).

The third plea in the legal action concerns with legislative act in terms of procedural conditions. Slovakia claims that legislative acts have their own procedures, including a right to send a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity and a special vote where national parliaments express their

opinion on the principle of subsidiarity (Article 3 of Protocol No.1 and Article 6 and 7 of Protocol No.2). Analysts believe that the ECJ will prioritize the textual reading of the legislative act and consequently will consider the Decision as a non-legislative act. It means that procedural guarantees are not applicable to this Decision. On the other hand, in case the ECJ perceives the Decision as a legislative act, the annulment might be an option (ibid).

Fourth plea in law raises a question whether or not the proposal should have been re-consulted by the Parliament after Hungary decided not to be portrayed as a frontline state. Both Peers and Vikarska conclude that this crucial change should have been a subject to a repeated consultation by the Parliament. Nevertheless, Peers argues that this would not lead to an annulment only to procedural redress – the consequences would have been the same even if the Parliament were asked its opinion again (ibid).

The fifth plea in the legal action concerns the provisional character of the measures adopted and emergency situation. Slovakia argues that they were not fulfilled. As the Decision is valid for two years, it cannot be, according to Slovakia, provisional. At the same time, Slovakia questions whether the frontline states are really facing an emergency situation. Regarding the provisional character, Vikarska claims that to assess whether or not the relocation system is provisional, one should look at the duration of the Decision. The measure is applicable until September 26, 2017 and thus there is a time limit. Before the Lisbon Treaty entered into force, the condition for a provision was that the measure lasts maximum of six months. Contemporary EU law, however, does not specify any time limit. According to Peers, it could lead to an interesting debate. What remains difficult to predict is the assessment of the emergency situation – what approach the ECJ will take to interpret current mass influx of migrants (ibid).

The last plea Slovakia brought up was the claim the Decision breaches the principle of proportionality, as it is neither suitable nor necessary to achieve the desired end. Vikarska argues that the test of proportionality could reveal the core of the measure. She believes there is a chance the ECJ would conclude that the relocation of 120.000 asylum-seekers does not reach the desired aim, as relocation of individuals is rather challenging and unpredictable. Steve Peers suggests that the proportionality test could find out that other less restrictive measures could have been applied. Both Vikarska and

Peers agree that the formulation of sixth plea is poor and does not provide bases the ECJ could build on (ibid).

6.2.1 Legal tools analyzed and concluded

Based on the analysis of the pending case, from a legal perspective it is possible to assume that the case does not have strong basis for winning against the decisions, and the chance for annulment is rather low. Nevertheless, it is still used as a tool for the Slovakian officials to try and postpone the relocation Decision. According to Fico, he would not apply quotas as long as he does not have ECJ's ruling on the matter. Although such action stands in clash with the EU law, Fico declared he would take such measures nonetheless. Due to the ECJ being overwhelmed with other cases, the ruling could be expected to take months or years; however, the quotas are applicable only until June 2017. It can be concluded that Fico uses the case as an instrument to postpone the acceptance of the assigned asylum-seekers. The case of a Member State rejecting decision taken under emergency procedure is as unprecedented as the case Fico is bringing to the court. The possible outcomes of such case may serve as a precedent for future developments in this field and others. It can also serve as a double-edged sword; The Commission offered in May 2016 that the Member States who refuse participation could be expected to pay the sum of 250.000 Euro for each assigned asylum-seeker they refuse. If the Commission makes such decision in correlation with the Parliament and the Council – it will be binding, and therefore can be claimed in a counter lawsuit against Slovakia in the future.

6.3 Hypotheses confirmation

The repertoire of actions described above can demonstrate the perception within the V4 in regards not only to how the relocation systems are perceived e.g. as an intergovernmentalist decision, but also how it should be applied. The V4 position on the matter of refugee quotas and mandatory relocation system derives from the national conscience, common values and common strategically culture among the V4 states. It

is through those means the hypotheses of this paper are proved and resolved. The approach towards the migration policies from an intergovernmental perspective can indeed serve as an explanation to the rejection of said quotas to the policies of the V4 states and to the repertoire of actions of the leaders. Future implications whether in the Court or outside it could be expected to be linked to the perspective of the V4 and might echo to either future decisions in respect to the Central European region or to the same decisions in respect to other sub-regions within the EU.

7. Conclusions

This paper set to find an explanation to the reasoning behind the objection of the V4 states to the relocation systems and mandatory refugee quotas. The hypothesis speculated that the reason behind the objection relates to a theoretical perception of the EU from an intergovernmental point of view. The mentality deriving from such perspective could explain both the disappointment with the decision-making process under which the relocation systems were decided upon and the following actions taken by the V4 states in dealing with said decisions.

The Organization of the V4 group has been proven to contribute both to its members, opposing to the quota system together, and make a difference from the European Union perspective. From the V4 side, objecting as a group holds several key influences. Their voices are heard loudly when they speak with one voice in the face of the EU, their common interests are known to be fulfilled better when striving for the same goals as a unit, their matching values serve as a basis for strong cooperation, and their power in numbers assists in forming the group and its influenced countries into a voting block to be reckoned with, in the UN as well as in the EU. From the European perspective it is a threat to the decisions and supranationalist approach for numerous reasons as well. Both France and Austria have been heard to be inspired by the V4 in posing an objection to the upcoming suggested permanent mandatory quotas that are planned to be added soon. The V4 Plus model is weighing in favor of the group – it is a format of an extended V4, by which the group may cooperate with other countries. In said format, additional European countries can be affected from the Visegrad stance, and possibly participate on the same side of their votes within the EU.

Observing the repertoire of political and legal actions taken by the leaders by the V4 states and analyzing the steps that were undertaken can allow one to find the cultural and historical reasoning as well as the theoretical train of thought that guided the objection to the decisions. The hypothesis is confirmed as the elements characterizing intergovernmentalist approach are not only entwined in the actions of the V4 but also deeply rooted in the collective consciousness of the group members. It is important to note that the political approach relates specifically to the decision on mandatory refugee quotas and does not entail rejection of the EU organization of its policies in a sweeping manner. To repeat the words of Kovács *"any rejection of the European Union's planned mandatory migrant quotas ...would not be a vote against the European Union"* (Daily News Hungary, 2016).

8. Bibliography

Aljazeera International. (2015). Eastern Europe rejects refugee quotas as Hungary vows to arrest migrants. Retrieved July 07, 2016, from http://america.aljazeera.com/articles/2015/9/11/eastern-european-countries-reject-migrant-quotas.html

Araujo, F. (2015, November 19). Syrian refugees to be turned into soldiers so they can return and 'liberate their country' Retrieved July 07, 2016, from http://www.express.co.uk/news/world/620305/migrants-Syria-refugees-terror-paris

Broomfield, M. (2016, May 09). Poland refuses to take a single refugee because of 'security' fears. Retrieved July 07, 2016, from http://www.independent.co.uk/news/world/europe/poland-refuses-to-take-a-

single-refugee-because-of-security-fears-a7020076.html

Chryssochoou, D. N. (2001). *Theorizing European integration*. London: SAGE.

Cienski, J. (2016, June 23). Poland slams door on refugees. Retrieved July 07, 2016, from http://www.politico.eu/article/poland-slams-door-on-refugees-beata-szydlo/

Council of the EU. (2015a). COUNCIL DECISION (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece. *Official Journal of the European Union, L 239/146*. Retrieved from http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1523&from=EN

Council of the EU. (2015b). COUNCIL DECISION (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece. *Official Journal of the European Union, L 248/80*. Retrieved from http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&from=EN

Cunningham, B. (2015). Slovakia, EU balk at migrant aid. Retrieved July 07, 2016, from http://spectator.sme.sk/c/20057095/slovakia-eu-balk-at-migrant-aid.html

Daily News Hungary. (2016). Hungarian government: Rejecting quotas doesn't mean 'no' to EU. Retrieved July 07, 2016, from http://dailynewshungary.com/hungarian-government-rejecting-quotas-doesnt-mean-no-to-eu/

Dar, O. (2015, November 2). Cholera in Syria: Is Europe at risk? Retrieved July 07, 2016, from http://www.independent.co.uk/life-style/health-and-families/features/cholera-in-syria-is-europe-at-risk-a6717516.html

Dearden, L. (2015). 6 charts and a map that show where Europe's refugees are coming from - and the perilous journeys they are taking. Retrieved July 07, 2016, from http://www.independent.co.uk/news/world/europe/refugee-crisis-six-charts-that-show-where-refugees-are-coming-from-where-they-are-going-and-how-they-10482415.html

Deník. (2016). Zaorálek: ČR odmítá kvóty na migranty proto, že nefungují. Retrieved July 07, 2016, from http://www.denik.cz/z_domova/zaoralek-cr-odmita-kvoty-na-migranty-proto-ze-nefunguji-20160416.html

Douglas-Scott, S. (2002). *Constitutional law of the European Union*. Harlow, England: Longman.

Dowd, R. (2015, December). *The Compounding Case of Poland* [Scholarly project]. Retrieved July 7, 2016, from https://goo.gl/DdxPTE

Dustmann, C., & Frattini, T. (2012). Immigration: The European Experience. *SSRN Electronic Journal*. doi:10.2139/ssrn.2023575

ECRE. (2014). ECRE joins UNHCR in calling on EU Member States to stop sending asylum seekers to Bulgaria under the Dublin Regulation. Retrieved July 07, 2016, from http://www.ecre.org/ecre-joins-unhcr-in-calling-on-eu-member-states-to-stop-sending-asylum-seekers-to-bulgaria-under-the-dublin-regulation/

EurasiaDiary. (2016, March 24). Poland abandons promise to take in refugees after

Brussels attacks | Eurasia Diary. Retrieved July 07, 2016, from http://eurasiadiary.com/news/geopolitics/14293-poland-abandons-promise-to-take-in-refugees-after-brussels-attacks

European Commission. (2015). Managing the refugee crisis: Immediate operational, budgetary and legal measures under the European Agenda on Migration. Retrieved July 07, 2016, from http://europa.eu/rapid/press-release_IP-15-5700_en.htm

European Union. (2007). Treaty on the Functioning of the European Union. *Lisbon*. Retrieved June 7, 2016, from http://www.eudemocrats.org/fileadmin/user_upload/Documents/D-Reader_friendly_latest version.pdf

European Union. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 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 or a stateless person. *Dublin Regulation*. Retrieved June 7, 2016, from http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex:32013R0604

EuroZprávy. (2016, May 6). Proč Česko nechce uprchlíky, ptá se Německo. A co Zeman? Odejdete z EU? Dostalo ráznou odpověď | EuroZprávy.cz - Aktuální události z domova i ze světa. Retrieved July 07, 2016, from http://m.zahranicni.eurozpravy.cz/eu/154366-proc-cesko-nechce-uprchliky-pta-se-nemecko-a-co-zeman-odejdete-z-eu-dostalo-raznou-odpoved/

Fenton, S. (2016). Retrieved July 07, 2016, from http://www.independent.co.uk/news/world/europe/slovakia-wants-to-stop-muslim-migrants-from-entering-a6803811.html

Fico, R. (2015). Vystúpenie predsedu vlády SR Roberta Fica pred Výborom NR SR pre európske záležitosti. Retrieved July 07, 2016, from http://www.vlada.gov.sk/19044/vystupenie-predsedu-vlady-sr-roberta-fica-pred-vyborom-nr-sr-pre-europske-zalezitosti/

Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization, 52*(4), 887-917. doi:10.1162/002081898550789

Geddes, A. (2003). *The politics of migration and immigration in Europe*. London: SAGE Publications.

Gould, A., & Messina, A. M. (2014). *Europe's contending identities: Supranationalism, ethnoregionalism, religion, and new nationlism*. Cambridge University Press.

Lavenex, S. (2007). *Europeanization: New research agendas* (P. Graziano & M. P. Vink, Eds.). Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Gwiazda, A. (2012). The Europeanisation of regional policy in Poland: Did political parties make a difference? *East European Politics, 29*(2), 226-244. doi:10.1080/21599165.2013.782540

Haddad, B. (2015). Syria, the Arab Uprisings, and the Political Economy of

Authoritarian Resilience. *The Arab Spring*. doi:10.1057/9781137344045.0019

Halperin, S., & Heath, O. (2012). *Political research: Methods and practical skills*. Oxford: Oxford University Press.

Henson, P., & Malhan, N. (1995). Endeavours to export a migration crisis: Policy making and Europeanisation in the German migration dilemma. *German Politics, 4*(3), 128-144. doi:10.1080/09644009508404417

Heywood, A. (2000). *Key concepts in politics*. New York: St. Martin's Press.

Hoffmann, S. (1998). Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe. *The European Union,* 157-171. doi:10.1007/978-1-349-14817-2_17

Hungary Today. (2015). Hungary's Refugee Proposals On The Agenda Of President Áder's NYC Meeting With UN Secretary-General - Hungary Today. Retrieved July 07, 2016, from http://hungarytoday.hu/news/hungarys-refugees-agenda-president-aders-nyc-meeting-un-secretary-general-79413

Jagodziński, A. (2006). *The Visegrad Group: A Central European Constellation: Publication on the occasion of the 15th anniversary of the Visegrad Group*. Bratislava: International Visegrad Fund.

Jandura, J. (2013). *<i>Teorie evropské integrace na příkladu regionu střední a severovýchodní Evropy</i>* (Unpublished master's thesis, 2013). Plzen. Retrieved June 7, 2016, from https://goo.gl/QInPhg

Joppke, C. (1998). Immigration Challenges the Nation-State. *Challenge to the Nation-State,* 5-47. doi:10.1093/0198292295.003.0002

Kegl, A. (2016). This is Hungary's Brexit: Referendum on migrant quota crucial to save sovereignty from EU. Retrieved July 07, 2016, from http://www.express.co.uk/news/world/671068/Hungary-Brussels-EU-referendum-Brexit-fight-sovereignty-refugee-quota-European-Commission

Keohane, R. O., & Hoffman, S. (1991). *The new European Community: Decisionmaking and institutional change*. Boulder: Westview Press.

Kiska, A. (2015). Kiska: Attitude to refugees will define the heart and soul of Slovakia. Retrieved July 07, 2016, from https://www.prezident.sk/en/article/vyhlasenie-prezidenta-kisku-k-teme-utecencov/

Král, D. (2013). Are We There Yet? The Road to a Political Union through the Eyes of the V4 Members. *Institut Pro Evropskou Politiku EUROPEUM*. Retrieved from http://pasos.org/wp-content/uploads/2013/01/pb_v4position.pdf

Kundera, M. (1984). *The tragedy of central Europe* (7th ed., Vol. 31). New York: ProQuest Central.

Lidovky. (2015). Zeman k uprchl. Retrieved July 07, 2016, from http://www.lidovky.cz/pokud-se-vam-respektovani-pravidel-nelibi-bezte-pryc-vzkazal-zeman-uprchlikum-19o-/zpravy-domov.aspx?c=A150802_113650_ln_domov_sk

Limbourg, P. (2016, March 23). Poland abandons promise to take in refugees after Brussels attacks | News | DW.COM | 23.03.2016. Retrieved July 07, 2016,

from http://www.dw.com/en/poland-abandons-promise-to-take-in-refugees-after-brussels-attacks/a-19137258

Lukášek, L. (2012). *The Visegrad Group: Its development in the years 1991 - 2004*. Hamburg: Kovac.

Messina, A. M. (2007). *The logics and politics of post-WWII migration to Western Europe*. New York: Cambridge University Press.

Moravcsik, A. (1998). *Centralization or fragmentation?: Europe facing the challenges of deepening, diversity, and democracy*. New York: Council on Foreign Relations Press.

Nugent, N. (2003). *The government and politics of the European Union*. Durham: Duke University Press.

O'Neill, M. (1996). *The politics of European integration: A reader*. London: Routledge.

Orbán, V. (2015a). *Public speech*. Speech presented at Public performance, Budapest. Retrieved July 7, 2016, from https://www.theguardian.com/commentisfree/2015/jul/30/viktor-orban-fidesz-hungary-prime-minister-europe-neo-nazi

Orbán, V. (2015b). *Addressing the European Council*. Speech presented at European Council Summit in Belgium, Brussels. Retrieved from https://www.theguardian.com/world/2015/sep/03/migration-crisis-hungary-pm-victor-orban-europe-response-madness

Orbán, V. (2016). *Speech by Prime Minister Viktor Orbán on 15 March* (Hungary, Government, The Prime Minister). Retrieved June 7, 2016, from http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/speech-by-prime-minister-viktor-orban-on-15-march

Peers, S., & Vikarska, Z. (2015). EU Law Analysis. Retrieved July 07, 2016, from http://eulawanalysis.blogspot.cz/2015/12/the-slovak-challenge-to-asylum-seekers.html

Peers, S. (2015). EU Law Analysis. Retrieved July 07, 2016, from http://eulawanalysis.blogspot.cz/2015/09/relocation-of-asylum-seekers-in-eu-law.html

Post, J. M., & George, A. L. (2004). *Leaders and their followers in a dangerous world: The psychology of political behavior*. Ithaca: Cornell University Press.

Radio Poland. (2015, July 10). Poland ready to take 2,000 refugees. Retrieved July 07, 2016, from http://www.thenews.pl/1/10/Artykul/213231,Poland-ready-to-take-2000-refugees

Rettman, A. (2015). Slovakia filing case against EU migrant relocation. Retrieved July 07, 2016, from https://euobserver.com/justice/130499

Rieger, L. (2014). Komparace přechodů k demokracii ve vybraných státech střední a východní Evropy. *Čtrnácti Deník, 17*. Retrieved April 7, 2016, from http://www.cevro.cz/web_files/soubory//ctrnacni-deniky/2014/14denik_17_2014.pdf

Rosamond, B. (2000). *Theories of European integration*. New York: St. Martin's Press.

Schetyna, G. (2015, September 16). *Polish Foreign Minister on the Refugee Crisis.* Speech presented at Sejm Rzeczypospolitej Polskiej, Warsaw.

Sobotka, B. (2015a). Projev předsedy vlády v Poslanecké sněmovně 15. září 2015 k situaci v oblasti migrace. Retrieved July 07, 2016, from http://www.vlada.cz/cz/clenove-vlady/premier/projevy/projev-predsedy-vlady-v-poslanecke-snemovne-15--09--2015-k-situaci-v-oblasti-migrace-134692/

Sobotka, B. (2015b). Komentář premiéra Sobotky k rozhodnutí ministrů vnitra EU ve věci migrace. Retrieved July 07, 2016, from http://www.vlada.cz/cz/clenove-vlady/premier/projevy/komentar-premiera-sobotky-k-rozhodnuti-ministru-vnitra-eu-ve-veci-migrace-134985/

Sobotka, B. (2015c). Projev předsedy vlády v Poslanecké sněmovně 1. října 2015 k situaci v oblasti migrace. Retrieved July 07, 2016, from http://www.vlada.cz/cz/clenove-vlady/premier/projevy/projev-predsedy-vlady-v-poslanecke-snemovne-1--rijna-2015-k-situaci-v-oblasti-migrace-135392/

Sobotka, B. (2015d). Komentář předsedy vlády k přesídlení 153 uprchlíků z Iráku. Retrieved July 07, 2016, from http://www.vlada.cz/cz/media-centrum/aktualne/komentar-predsedy-vlady-k-presidleni-153-uprchliku-z-iraku-138122/

Sobotka, B. (2015e). Komentář předsedy vlády k připravované revizi dublinského systému. Retrieved July 07, 2016, from http://www.vlada.cz/cz/media-centrum/aktualne/komentar-predsedy-vlady-k-zavedeni-kvot-pro-uprchliky-143319/

Stone, J. (2015, November 16). Syrian refugees should be trained into an army to fight Isis, Poland's foreign minister says. Retrieved July 07, 2016, from http://www.independent.co.uk/news/uk/politics/syrian-refugees-should-be-trained-into-an-army-to-fight-isis-polands-foreign-minister-says-a6736776.html

Strzelecki, M. (2016, March 23). Poland Abandons Pledge to Shelter Refugees After Brussels Blasts. Retrieved July 07, 2016, from http://www.bloomberg.com/news/articles/2016-03-23/poland-abandons-pledge-to-shelter-refugees-after-brussels-blasts

Szijjártó. (2015). Meeting of the Ministers of Foreign Affairs of V4 countries, Luxembourg and Germany on September 11, 2015. Retrieved July 07, 2016, from http://www.mzv.cz/jnp/en/foreign_relations/visegrad_group/events/meeting_of_the_ministers_of_foreign.html

Šabič, Z., & Drulák, P. (2012). *Regional and international relations of central Europe.* Basingstoke: Palgrave Macmillan.

Than, K., & Szakacs, G. (2016a). Hungary committed to hold planned migrant quota referendum (C. Evans, Ed.). Retrieved July 07, 2016, from http://www.euronews.com/newswires/3212340-hungary-committed-to-hold-planned-migrant-quota-referendum/

Than, K., & Szakacs, G. (2016b). Hungary to hold EU migrant quota referendum by October (R. Pomeroy, Ed.). Retrieved July 07, 2016, from http://af.reuters.com/article/worldNews/idAFKCN0XU102

The Economist. (2016). Big, bad Visegrad. Retrieved July 07, 2016, from http://www.economist.com/news/europe/21689629-migration-crisis-has-given-unsettling-new-direction-old-alliance-big-bad-visegrad

Thielemann, E. R. (2006). *Burden sharing: The international politics of refugee protection*. La Jolla, CA: Center for Comparative Immigration Studies, University of California, San Diego.

Thielemann, E., & El-Enany, N. (2009). Login Beyond Fortress Europe? How European Cooperation Strengthens Refugee Protection. *General Conference of the European Consortium for Political Research*.

Traynor, I. (2015). Migration crisis: Hungary PM says Europe in grip of madness. Retrieved July 07, 2016, from https://www.theguardian.com/world/2015/sep/03/migration-crisis-hungary-pm-victor-orban-europe-response-madness

UNCHR. (1951). Geneva Convention on Refugees.

UNHCR. (2015). UNHCR Refugees/Migrants Emergency Response - Mediterranean. Retrieved July 07, 2016, from http://data.unhcr.org/mediterranean/regional.php

UNHCR. (2016a). Europe Emergency. Retrieved July 4, 2016, from http://www.unhcr.org/europe-emergency.html

UNHCR. (2016b). UNHCR: The UN Refugee Agency. Retrieved July 07, 2016, from http://www.unhcr.ie/news/irish-story/unhcr-urges-central-european-leaders-to-show-solidarity-with-refugees-ahead

Gierwatowski, M. (2016, May 25). Polish Stance on Migration Policies [E-mail interview].

V4. (2015a). Joint Statement of the Heads of Government of the Visegrad Group Countries. Retrieved July 07, 2016, from http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-150904

V4. (2015b). Joint Statement of the Visegrad Group Countries. Retrieved July 07, 2016, from http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-151204

V4. (2015c). Joint Statement of the Visegrad Group Countries. Retrieved July 07, 2016, from http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-151221-1

V4. (2015d). Joint Declaration of Ministers of the Interior. Retrieved July 07, 2016, from http://www.visegradgroup.eu/calendar/2016/joint-declaration-of

V4. (2015e). Joint Statement of the Prime Ministers of the Visegrad Group Countries on the 25th V4 Anniversary. Retrieved July 07, 2016, from http://www.visegradgroup.eu/calendar/2016/joint-statement-of-the

Vcelka, S. (2015, October 21). Polish President Warns Government About Refugees Bringing Diseases. Retrieved July 07, 2016, from http://impunitywatch.com/polish-president-warns-government-about-

refugees-bringing-diseases/

Weiler, J. H. (1985). *Il sistema comunitario europeo: Struttura giuridica e processo politico*. Bologna: Il mulino.

9. Appendix

Interview with Michal Gierwatowski, Poland's head of the administration and financial department of the Polish embassy in Prague.

1. <u>Do you believe the EU fully represents Polish interest?</u>

   A: The Republic of Poland is very proud to be a member of the European Union, the European Community and the derivative agreements. The relationship between the state and the organization is well founded and strongly based while the economic aspect is not the only dimension in which it is so. In relations to the refugee quotas, the Polish government stands beside the European spirit of

solidarity and believes in European responsibility to humanity, to neighboring regions, and in setting examples for the world to follow. Among the tools possessed by the European Union, the enforcement of migration quotas in the format they currently stand might not be the optimal solution in reflection of the Central European interests and those of the Republic of Poland. On many accounts the EU as an organization fully represents Polish prosperity as well as that of other Member States. The standing Polish administration, however, does not support European infiltration to sovereignty of its members in the field of migration decision-making.

2. <u>Do you think accepting allocated asylum-seekers serves the interest of Poland?</u>

A: Acceptance of asylum-seekers should always be conditioned in the improvement for both the state and the asylum-seekers. In the discussed case, unlike asylum-seekers from neighboring Ukraine, the waves of immigrants from Syria, Iraq, Afghanistan and North Africa spawn the element of security threats, terrorism supporting culture, disregard to the value of human life and dismissal of the Polish and the European way of life. That goes without saying that not all participants of the current immigration are posing a direct threat to human lives, however, without the proper screening mechanism, it is inevitable that the threat lingers.

3. <u>Do you think the EU should decide upon "security and home affairs" or rather Polish government?</u>

A: The Polish government reserves the right to take measures to keep the people of Poland safe. The European Union may strive to benefit the European Community as a whole but in a field of security and home affairs should there be clashes between the European Community's interests and that of the safety of the Polish people – it is the Polish government's responsibility to act to keep its people's safety. It is expected that every government in Europe will perform in a similar manner under any security threat against their citizens. In this aspect, the Polish government should not be singled out for operating to save lives.

4. <u>Do you think that asylum provision should be guided by combination of national interests or should it be guided by the greater good of the majority and the EU as a managing institution (the second option points out that if a decision is agreed upon by 80% and rejected by 20%, the EU must adopt it because it is good for the majority and ignore the 20% that are against).</u>

A: National interest and European interests are expected to resonate with one another. It is undoubtedly easy to support the Polish will to provide aid to its immediate neighbor, a concept that should be supported by the EU. The close proximity of the refugees from Ukraine, both geographically and culturally, should be translated by the EU as a Polish interest and priority. As time passes during the ongoing crisis, the European Community is witnessing a growing number of violent attacks, which leaves no doubt that the threat is eminent and tangible. With that in mind, national interests such as safety and security should rightfully guide the formation of policy with respect to human lives.

5. <u>Do you think that after the decision on relocation quotas, all Member States must apply them at any cost?</u>

A: Poland does not stand alone in respect to its approach to the currently standing migration quotas. The Visegrad group, as reflected in the official statements, shares the common belief that the mandatory quotas neither benefit the contemporary state of crisis not do they serve as an eligible solution to the problem at hand. It is the V4 stance that it is within the reach of the EU to provide substantial alternative solutions and resolutions to this challenge. The European Union must first protect the lives of the citizens of its Member States and therefore is responsible to demonstrate agreeable solution. Should the European policy give birth to a life threatening reality in any of its member States, it would be deemed irresponsible, imprudent and reckless to blindly apply it.

6. <u>What were the main reasons for the change of opinion regarding the quota system? In other words, what were the reasons for opposition?</u>

A: Poland initially agreed to welcome the assigned asylum-seekers and fully supports the Council's decision on the relocation system. It has been done so in the spirit of solidarity with both over-burdened states and people in need of international protection. The new government set a new priority – the focus shifted to the unemployment and the protection of refugees from Ukraine. The government agreed on abiding the quotas, however, it is rather skeptical towards the idea of further quotas discussions. Following the Paris and Brussels attacks, the Republic of Poland sided with the claim that the current wave of refugees possesses security threats and opposed the quotas. To answer your question, the main reasons for opposing are the security threats, the rise in number of terrorism and violent acts and the importance of protecting the citizens of Poland, and Europe, from these threats.