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## The Relocation of the Iron Curtain to the Middle East: the Polish and Slovak Position Towards the EU Migration and Asylum Policy

**Abstract:** The current EU migration and asylum policy crisis has been perceived to constitute one of the most serious challenges for European security. The attitude of fear and reluctance towards admission of cultural others (including: refugees, asylum seekers and the immigrants) has been particularly visible in the V4 countries. The aim of this paper is therefore to examine the grounds of such a position with reference to general European tendencies as well as specific features of attitudes of Poland and Slovakia as the representatives of V4 countries in the light of their particular economic and social situation. Due to volume limitations the author will focus mainly on the two presented States. The decision regarding choice of Poland arises from the fact that as the only V4 State it has voted in favour of the mandatory quota of relocation of 120.000 refugees. Instead Slovakia constitutes the most vivid example pro-European parties changing rhetoric for more national which is quite transparent for the V4 countries. The whole analysis has been conducted in the specific context of relocation of the symbolic division of Europe an replacement of ideological Iron Curtain with cultural Velvet Curtain which leads to the phenomenon of culturalisation.

**Keywords:** *migration policy; refugees; V4; Slovakia; Poland; culturalisation; the Iron Curtain; Islam*

### Initial Remarks

The aim of the article hereto is to analyse the approach of the Poland and Slovakia (as the representatives of V4) upon the subject of the chosen aspect of the EU migration and asylum policy such as for instance: mandatory quota system. Such analysis will

be undertaken in a specific cultural context resulting from the special historic situation of Visegrad Group countries which used to be defined as the countries from “behind the Iron Curtain”. Such connotation implies the question of how the experience of the Cold War influences the assumptions of the selective aspects of migration and asylum policy. For the initial part of the article, adapted methodology has been based upon the legal-dogmatic method which relies upon the analysis of the literal resonance of an accurate provisions of the European law. The further parts of the article will implement the comparative analysis of the political discourse (especially electoral campaigns) referring the attitude to the refugees. In this context the author will refer to the particular geopolitical situation of the analysed States as well as their cultural background.

Initially it is essential to present the legal basis for the common EU refugee and migration policy in particular the Title V Area of the freedom security and Justice, Chapter 1 and 2 of the Treaty on the Functioning of European Union. In accordance with the article 67 (1) TFEU, the Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions for Member States. Simultaneously, by the virtue of the article 67 (2) TFEU the common policy shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nations. Such provision has been complemented by the regulation of the article 78 (1) TFEU under which, the Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. Simultaneously, it shall be noted that the article 78(1) confirms the requirement of the compliance of EU policy with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

In this context one shall differentiate between the terms of refugees and migrants. Firstly, it must be stipulated that the term refugee is expressly stipulated in article 1(A) (2) of the UN Convention relating to the status of refugees – Geneva Convention from 1951. According to the presented provision, refugee is a person who owing to well-founded fear of being prosecuted for a reason 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. As a result, such a composite definition aims at highlighting the two essential specificities of international refugee law. Firstly, it reveals a primary function of refugee law as a protection of substitution, when the

state of origin fails to fulfill its duty of protection towards its own citizens. Secondly, the principle of surrogacy was not conceived to obviate any failure of protection from the state of origin. The cumulative effect of the various conditions required by the article 1(A)(2) underlines the selective nature of the refugee definition, which is not bound to all the cases of forced migration as analyzed definition does not include every refugee (Rubio-Marin, 2014, p. 25–26).

Such understood concept of refugee shall be differentiated from the definition of immigrant. In this context one shall refer to the article 2(1)(f) of the Regulation EC No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration. By the virtue of presented provision, immigrant means a person undertaking an immigration, while the immigration is understood as the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country. Moreover some representatives of the doctrine take into consideration the lack of immigrants' special motivation which is lack of well-founded fear (Brzeziński, 1993, p. 26).

Despite the importance of the presented distinction, the refugee crisis as well as migration crisis are often subjected to the same mechanisms, in particular the phenomenon of culturalisation. The rationale for such statement is the fact that both: refugees and migrants are perceived as cultural other of Europe and therefore the special motivation of refugees resulting from well-founded fear of prosecution is not taken into consideration as the circumstance which legitimate their admission. The argument of culturalisation will be developed in the further part of the article hereto.

## **Mechanisms of culturalisation**

Prior to the indicated analyse, it is essential to present some initial remarks regarding the link between the approach of the V4 countries, mainly Polish and Slovak geopolitical situation and the relocation of the Iron Curtain. Firstly, it must be stipulated that in accordance with the opinion of Samuel Huntington “the fault lines between civilizations are replacing the political and ideological boundaries of the Cold War as the flash points for crisis and bloodshed. The Cold War began when the Iron Curtain divided Europe politically and ideologically. The Cold War ended with the end of the Iron Curtain. As the ideological division of Europe has disappeared, the cultural division of Europe between Western Christianity, on the one hand, and Orthodox Christianity and Islam, on the other, has re-emerged” (Huntington, 1996, p. 43).

Secondly, it is worth to refer to Gil Anidjar who stated that European identity shall be understood in two different dimensions. Firstly, Europe rests on the feeling that it is younger than ever since a certain Europe does not yet exist. Secondly, it retains from the logic of separation and distance – it is the feeling that Europe remains at bay, separated from the Europe towards which it is heading. Simultaneously one shall be aware of a specific role which is played by Islam in the context of European identity which is confirmed by the assumption that “Europe is facing itself facing Islam” (Anidjar 2003, p. 22).

Such tendencies have re-emerged in the 1990s. In this context a question of how the migrants have become Muslims shall be posed. Such question is a paraphrase of the title of famous book by Ferruh Yilmaz “How the workers became Muslims?” In the aforesaid article the author describes an interesting phenomenon that the first immigrants in Europe were not identified through the religious criterion (as Muslims) but through their national affiliation (Yilmaz, 2016, p. 12). Such observation has been confirmed by the stipulation of Doug Saunders who stated that “Islam may have been the religion of these 20<sup>th</sup> century arrivals, but in general their faith was just a part of the background of their lives. It was not the way they thought of themselves, it was not something they sought out in others. Despite their religion’s claim to universality, they felt more affinity with non-Muslims immigrants from their birthplace than they did with Muslims from another countries (Saunders, 2012, p. 56). It was the second generation which joined the antiracist movements of the host countries. In the response, the political parties and mass media started to call them ‘Muslims’ and as a consequence young people began to embrace Islam as a way to “hold their heads up in the country that had belittled them and humiliated them” (Yilmaz, 2016, p. 14).

In this context one shall elaborate on deeper grounds for the change in the awareness and self-identification process of both: hosting European countries and “Muslim” immigrants. An aforesaid phenomenon shall be illustrated with two vivid and truly occurred examples. In accordance with the first one, in 1986 one of the Iranian refugees in Denmark tried to kill his wife. The incident was not broadly reported as it was only mentioned on the inner page of local newspapers among other local crime stories. Moreover, the crime was attributed only to husband jealousy, without any mention of cultural background. Simultaneously when in the early 1990s an older Turkish man had killed his grandchild and injured his daughter-in-law with a cooking pan, the crime has been widely commented and broadcast and grounds were sought in Turkish culture. (Yilmaz, 2016, p. 18).

Such phenomenon shall be perceived as a direct derivative of the process of culturalisation. It is clear that this method of the perception of term “culture” conflicts

with the notion of social as a heterogenetic space. The phenomenon of the similar nature may be easily observed in the context of the identity. Such term is usually applied as some form of academic abstraction referring to one's attachment to a certain collectivity. But if identity triggers some references to cultural (ethnic or national) categories of belongingness, it is because the social and political ontologies are often interpellated through cultural indicators and cultural resources (norms and values) are articulated in relation (or attached) to these ontologies. It directly leads to the culturalisation of politics in which political values are talked about as culture either in the sense of being linked to nationally specific historic traditions or ways of life. Generally through the media reports the immigrants culture is created a category through single acts of deviance woven into parts of the same overall category.

Culturalisation stems from the public discourse which takes for granted the unbridgeable cultural difference between immigrants and European citizens. Such notion is particularly difficult as it mashes the differences between the previously analysed terms of refugees and migrants. According to Yilmaz the shift in focus from refugees to immigrants meant a simultaneous shift from humanitarian considerations (for or against refugees) to cultural issues (positive or negative about immigrants) and therefore contributed immensely to the culturalization of public debate (Yilmaz 2016, p. 29). Such concept has been additionally strengthened by the culturalisation of citizenship' notion. In accordance with the opinion of P. Boccagni such idea relies upon the assumption that "immigrants have to prove their loyalty to the mainstream culture of the receiving country, prove that they feel at home in their country of settlement by subscribing to the dominant ideas, convictions, habits and emotions" (Boccagni, 2017, p. 94). Such phenomenon may undoubtedly lead to the marginalization of the immigrants culture and religion as presumably inferior in comparison with European tradition.

## **The V4 countries towards current European Union migration policy**

### ***General Notions***

The considerations regarding the EU migration and refugee policy must be commenced with the brief analysis of the common relocation mechanisms. At first, it is essential to refer to the Dublin Regulation No. 604/2013 which is deemed to be an important pillar of the Common European Asylum System. In accordance with the Dublin Regulation the biggest liability has been imposed upon the States' which borders constitute the external borders of the European Union. In accordance with the vast majority of the doctrine such solution shall be evaluated as highly inefficient and

moreover it intensifies the conflicts between the member States as well as reinstates border control within the Schengen territory (Szymańska 2017, p. 1). In response to presented shortcomings in September 2015 the Council has adopted two programmes of the relocation refugees from Greece and Italy to other member States. The first programme encompassed 40.000 refugees who might have been relocated upon the voluntary declarations of the certain States. At the same time, the second programme referred to 120.000 of people. During the first part of the programme 66.000 of the refugees were relocated upon the basis of quota system where the number of accepted people depends on: the population (40% of the weight), GDP (40% of the weight), unemployment (10% of the weight) and the number of previously analysed asylum petitions (10% of the weight) (Szymańska, 2017, p. 1).

The second programme (in particular its first part) will serve as an example to present the statement of the V4 countries (especially Poland and Slovakia) towards assumptions of the Common migration policy with special citation of its historic and cultural background. It is undoubted that after the end of Cold War and collapse of the Iron Curtain, the V4 countries have become the part of so called Western Europe and active participants of the European integration mechanisms and are affected by some commonly occurring European phenomena. Such statement implies the question how different is the position (including its theoretical and practical dimension) of the Visegrad Group towards measures of the European Union migration policy. Nevertheless the fact that an aforesaid decision has been passed with required qualified majority, the V4 countries had a vivid tendency to present objection towards the common European policy. Among countries which voted against, were:

- Hungary
- Czech Republic
- Slovakia
- Romania

Moreover Finland had abstained from voting in the aforesaid issue. Consequently Poland is the only V4 country to support EU relocation mechanism.

In this context one shall be aware of one very important notion. As emphasized by J. Szymańska, the V4 countries, mainly Slovakia, have elaborated on the proposal of “elastic solidarity” as a response for automatic relocation of asylum seekers which is the main point of the Dublin + Regulation proposed by the EU Commission in 2016. An aforesaid proposal does not change the basis of the Dublin system, however aims at its streamlining as the States are entitled to choose the measure of supporting the States mostly encumbered with the migration pressure, such as financial contributions, increase maintenance for the EU agencies or holding liability for the return of illegal immigrants (Szymańska, 2017, p. 1–2; Adam 2015, p. 245).

Such section shall be concluded with one very important notion: as the part and parcel of their accession to the EU, many countries formerly hidden by the Iron Curtain often adopt general European tendencies which were described in the first part of the article, mainly based on the phenomenon of culturalisation. At the same time the reasons for reluctance of such countries towards cultural others arise from their own historic and political background. In such case the different rationale for condemnation of the others are combined and complemented by each other which leads to particularly strong opposition towards EU common migration and asylum policy.

### ***The Polish Paradox: Pliability and Aspirations***

Once analysing the disparities between Poland and the rest V4 countries, at first one shall consider the factors of economic nature. In compliance with the opinion of the vast majority of doctrine, one uniquely positive economic feature is that Poland was the only EU state to avoid sliding into contraction during the 2008 recession. As a result, Poland has been lauded by the economists for its aggressive attempts at liberalizing the economy and encouraging entrepreneurship while persuading the EU integration goals (Carey, 2016, p.127).

Another factors involved are of social and political nature. An interesting fact might be that 74% of Poles feel to be the EU citizens and 49% of them have confidence in the European Union (contrary to 26% confidence in national government). As a consequence, 70% of Polish citizens express the public desire for common the EU migration policy (Carey, 2016, p.128–129). In the light of the presented data one shall not automatically assess that Polish citizens are automatically in favour of admission of refugees or migrants as 67% of the interviewees wanted the application of the more restrictive politics on illegal immigration. The abovementioned analysis reveals the occurrence of the crisis of values – while on one hand Polish citizens would like to achieve compliance with the EU standards, on the other, the fear of massive immigrations is still present. Additionally it must be emphasized that despite existing reluctance and anxiety, one of Polish aspiration is to act as a leader of V4 countries and as an active participant of the EU decision-making process. Such notion has been confirmed by the opinion of Henry F. Carey who stipulated that perhaps feeling that Poland had more ability to influence the ongoing EU debate over the refugee crisis, Polish authorities voted against the Visegrad block to support the mandate quota (Carey, 2016, p. 128–130).

Having considered aforesaid remarks one may observe two important conclusions. The first one is that Poland has not elaborated on stable and constant position regard-

ing refugees crisis. The second refers to the fact that the Polish attitude over the current EU migration policy has been modified as a result of the change of government. Poland's recent political trajectory has followed analogous pathway to that of Hungary with more conservative parties winning recent elections. While analysing the electoral campaign of the Polish conservative party (*Prawo i Sprawiedliwość*, PiS) it is impossible to state that it was based upon the reluctance for the refugees and migrants' admission. Simultaneously there were some important accents as Jarosław Kaczyński's appearance in the Polish Parliament when he stated that under any circumstances government is not entitled to undergo the pressure from an international organization and admit foreigners in such number which threatens the public sphere of the state. Moreover PiS confronts an argument that Polish migrants had been accepted by other states during the history that Poles did not impose their values upon hosting countries like "Muslim" immigrants tend to behave. (Kaczyński, 2015). It is an example of a specific scape goat mechanism mixing a sense of special nationality status through combination of a historic belongingness to the category of European others, who were dependent from the more powerful States and the sense that Poland took a vital part in the fight for European freedom (Adam, 2015).

Moreover Poland presents itself as a defender of European values by the example of admitting large number of people from post-Soviet area in the 1990s and in recent years after the outbreak of Ukrainian crisis. However, it must be stated that Polish authorities grant asylum status to very few of these applications (Zajac, 2016, p. 7).

The biggest paradox of Polish rejection for the admission of migrants and refugees is recalling the sovereignty of Nation principle as the main argument. Meanwhile as presented through the gathered dataset, vast majority of Polish citizens express the demand of elaborating the common EU migration policy. Therefore the reluctance for migrants by the Polish government is undertaken with soft power measures and not disclosure all means to the general public in comparison with other V4 countries.

### ***The Slovak Populism***

Having examined the specific features of Polish position to migration crisis, the next part will focus on presenting the chosen aspects of refugees attitude in Slovak policy. Firstly, it must be said that despite receiving significantly less refugees than the neighboring countries, the country adamantly refused to take in any refugees (Robert, 2015). The author of the article decided to focus on Slovakia as vast majority of the doctrine rightly points to the fact that securitization of the refugee issue shall be deemed as instrumentalization aimed at general elections of 2016 (Mudde, 2016). The phenomenon of anti-Muslim rhetoric (as proved in the previous parts of the article)



is highly visible in Europe, the specification of Slovak situation relies on the fact that R. Fico is the social democrat, not the representative of right-wing movement. Nevertheless he constitutes an accurate example of winning election through culminating fear for refugees. Moreover, his outcome of an aforesaid elections has strengthened the anti-immigration lobby as the far-right Slovak National Party re-entered parliament and the neo-fascist of Our Slovakia are represented in Parliament for the first time. Such notions imply the question of the grounds for popularity of anti-Muslim rhetoric (Oktar & Yahra, 2016, p. 269).

One of the possible solutions has been provided by Eurobarometer data, according to which the immigration of people outside the European Union evokes a negative feelings in 77% of Slovaks. As visible through presented dataset Slovak citizens express a nationwide dislike for foreigners which may suggest fear of foreign cultures suppressing their national values and identity. It is worth to emphasize that Slovakia does not have a refugee problem on its own territory, however its proximity to Hungary provided a glimpse of what the migration crisis actually looks like. As the Slovaks are not oblivious of the crisis, this proved to constitute an opportunity during the electoral campaign to maintain the power and to distract attention from the domestic problems (Schweiger, 2017, p. 118).

The flagship outlook of Prime Minister Fico regarding current migration crisis is adequately presented through the statement: “the European Union is committing the ritual suicide with its migration policy”. In accordance with the opinion of Benjamin Cuningham such rhetoric stems from “protection of homogenous Christian population from compact Muslim community”. Such concept directly refers to the *societal security* which is linked with fear of presence of the cultural Other as well as spillover of their values. Consequently, the Slovak government bet on the citizens fear for unknown and presents the Muslim immigration as a threat to their daily life which has been implemented as the main tool in the previous electoral campaign (Cunningham, 2016).

Due to his ability of securitization, R. Fico managed to turn refugee crisis into a political consensus. As stated in the previous part of the article, such phenomenon is common for the right-wing movements, however Slovak case illustrates it as more common process of changing rhetoric from left-socialist to more nationalistic. As emphasized within the doctrine, such approach resulted from a rapid need for foreign which refugees proved to be as good as any (Kral, 2015). Moreover it ought to be stated that Slovak attitude towards migration policy can be characterized with double standards: internationally declared solidarity with the EU policies and its disobedience within internal policy. However the fact that Slovakia had issued a lawsuit against the EU regarding the invalidity of the Council decision Council Decision regarding

mandatory quota (Action of Slovak Republic v. the Council of the European Union, C-643/15) does not make it a reliable negotiation partner.

### Conclusions

To sum up, it shall be indicated that the reluctance for migrants and refugees of Poland and Slovakia as all V4 countries is justified with both general European tendencies and specific Central European historic, economic and social conditions. The crucial similarity between both states is its homogeneity of their populations and relatively low exposure for other cultures. In such case, playing with the citizens' fears (inter alia by the mechanism of securitization) has become an easy receipt for the political success which is implemented not only by right-wing parties, but also by traditionally European oriented politics. The victory of Robert Fico and his SMER-SD party during the election in 2016 is one of the proofs to purport such thesis. Within the Slovak internal policy the nevi of culturalisation are also particularly visible through implementation of religious terms – such as for instance ritual suicide to political discourse. To some extent Poland may be deemed as constituting certain exception – nevertheless of the fact that the sovereignty of the nation is often recalled as the basis for refusal of refugees' admission, the public opinion has quite a strong desire to establish common migration policy as vast majority feels EU citizen. Moreover, what is characteristic for the case of Poland is unfulfilled aspiration of leadership among V4 countries and therefore Polish authorities do not undertake such radical measures comparing to the Slovak officials.

Such article shall be terminated with the most important notion that in many cases it is not refugees, but blind and based upon prejudices- nationalism which creates the biggest threat to Central European security.

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