

Policy Proposal Review: Greece and Italy

By: **Arevik Zadoyan, Ecem Ozyigit, Marta Ribeiro**

- The first alternative offered by Italy and Greece is conditionality. Indeed, it is a valid offer since several states (e.g., Sweden, Finland, Germany, and France) would not mind or would advocate it as a means to overcome the challenging situation that the aftermath of the refugee crisis brought upon the EU. However, from the way the argument is presented, it seems that it is specifically directed to Poland and Hungary. That has always been the downside of conditionality because stronger states usually enforce conditions on weaker states, and in this case, Greece and Italy aim to enforce it on Poland and Hungary. Naturally, since both Poland and Hungary failed to accept adequate amount of refugees and assist the Union during the crisis, the principle of conditionality would heavily affect them. Nevertheless, proposing a policy that targets specific member state(s) erodes the integrity of the union. When discussing the advantages of implementing the conditionality principle it is worth noting that in theory it would present a level field for all MSs with the EU as a supranational entity controlling it.
- Another alternative offered by Italy and Greece is implementation of sanctions. In a way, it is a form of negative conditionality – it threatens a penalty for not obeying a law (in this case the quotas). However, when discussing sanctions against disobedient member states, Italy and Greece failed to illustrate the overwhelming disadvantages of this system. Be it EU sanctions against Russia, or that of the US on Iran, it has been repeatedly proven that, sanctions do not work. Practice has shown that when member states do not agree with a decision (such as quotas, penalties, and conditions), there is a very slight chance of them complying despite the predetermined consequences. When the EU accepted the refugee quotas, Hungary challenged the decision before the EU Court of Justice, claiming that “the action based on the principle of subsidiarity will break new ground in the defense of Member State sovereignty and interests”.¹ It is vital to keep in

¹ <https://verfassungsblog.de/hitting-where-it-hurts-the-most-hungarys-legal-challenge-against-the-eus-refugee-quota-system/>

mind that even after so many years of European integration and constitutionalism, national governments “hold, and can wield, the sovereign power” within their territories and borders, regardless of the fact that it will create circumstances that contradict and damage the interests of the Union.²

- Next alternative concerns the Dublin regulation where Italy and Greece propose reforms in order to balance the refugee distribution and lift the weight off the shoulders of first entry states. The proposal provides sufficient and reasonable arguments as well as background information to how the issue arose.
- The final alternative proposed is the implementation of “standardized criteria for the processing of claims and an allocation formula that ensures the proportionality of refugee distribution”.³ Indeed, a common policy and a standardized system would help the EU member states not only in terms of future incomers but also when dealing with the refugees and migrants already in the Union. It is also important to make a clear distinction between refugees and economic migrants and advocate fair distribution by taking into consideration the states’ economic performance and abilities. While it is true that implementing this system would be time consuming and costly, the benefits outweigh the costs.
- Unfortunately, the proposal itself is eminently brief and does not elaborate on the selection of those specific alternatives. Later in the supporting arguments, it is mentioned that the goal is a lasting and unanimously accepted solution that is possible thanks to today’s calmer migration situation, which is in everyone’s interest. The paper proposes a legal framework as well as a standardized system, where the former would establish differentiation criteria between refugees and economic migrants. However, claiming that this has “led to discussion within the EU in the past” is misleading because the discussion is not so much about differentiating economic migrants and refugees but whether or not the policies should apply to economic migrants as well.

² Ibid.

³ Derived from the Policy Proposal of Italy and Greece