

Arkadiusz NYZIO

Jagiellonian University in Kraków

arkadiusz.nyzio@gmail.com

THE SECOND REVIVAL?

THE VISEGRÁD GROUP AND THE EUROPEAN MIGRANT CRISIS IN 2015-2017

ABSTRACT The aim of this article is to present the Visegrád Group's position towards the contemporary European migrant crisis. The author seeks to answer two main questions: what is the degree of coherence of the Group's position and what are the internal factors of the V4's stance towards the crisis? The article analyses the political situation in the Group's member states, the V4's stance towards the earliest propositions concerning the migrant crisis, its fight against the implementation of the mandatory quotas, its stance towards the implementation of the EU's decisions and internal factors of the V4's policies. The author argues that although the members of the Group differ in their approach to many international issues, their attitude towards the crisis is very similar.

Key words: Visegrád Group, European migrant crisis, European Union, internal security, external security

INTRODUCTION

In February 2016, Visegrád Group (V4) celebrated the 25th anniversary of its formation. This informal collaboration between the Czech Republic, Hungary, Poland and Slovakia has had its ups and downs. In the first years after 1989, cooperation in the region was greeted with enthusiasm, which began to run out a decade later. In 2000, Polish Minister of Foreign Affairs stated that the V4 *is not in bloom, but is not eligible for liquidation either*.¹ After 2004, when all four states had become members of the North

¹ Bulletin of the Foreign Affairs Committee, no. 136, 3613/III, 19 December 2000, at <<http://orka>.

Atlantic Treaty Organization (NATO) and the European Union (EU), the importance of cooperation started to be questioned, as *the key objectives of the 1991 Visegrád Declaration were reached*.² However, the Group has retained its potential as a platform for cooperation within the EU.³

After a few years of stagnation, around 2010 the group *unexpectedly came to life*, as one Polish scholar put it.⁴ This was supported by the increasingly active International Visegrád Fund, established in 2000 and contributing to the development of cultural and scientific cooperation between the states.⁵ Most importantly, however, the V4 began to gain recognition as a forum for cooperation in the field of internal and external security.⁶ The V4 was noticed because of its contribution to the development of the new European Security Strategy,⁷ to the building of the EU Battlegroups (for example the establishment of the Visegrád Battlegroup⁸) and the contribution to the Pooling & Sharing and NATO Smart Defence initiatives.⁹ In 2012 Polish Minister of Foreign Affairs talked about *building a brand* of the V4.¹⁰ The topic of the V4 became popular. However, the Group members significantly differ in their approach to many crucial is-

sejm.gov.pl/Biuletyn.nsf/0/8B8B96F2F69912ABC1256B73003D2173?OpenDocument>, 10 May 2017.

² Biuro Spraw Międzynarodowych i Unii Europejskiej, *Informacja na temat Grupy Wyszehradzkiej*, Warszawa 2012, p. 8.

³ See M. Dangerfield, "The Visegrád Group in the Expanded European Union: From Preaccession to Postaccession Cooperation", *East European Politics and Societies*, vol. 22, no. 3 (2008), pp. 661-663, at <<http://dx.doi.org/10.1177/0888325408315840>>.

⁴ R. Kuźniar, *Polityka zagraniczna III Rzeczypospolitej*, Warszawa 2012, p. 359.

⁵ See T. Nováková, M. Pavlík, J. Sýkora (eds.), *Visegrád Fund = 15!*, Bratislava 2015.

⁶ *Long Term Vision of the Visegrád Countries on Deepening their Defence Cooperation (Visegrád, 14 III 2014)*, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2014-03-14-ltv>>, 10 May 2017. See also for example I.M. Szilágyi, "Problems and Future Possibilities of Visegrád Cooperation", *Academic and Applied Research in Military and Public Management Science*, vol. 13, no. 2 (2014), pp. 299-300.

⁷ *Kraje V4 pracują nad propozycją strategii bezpieczeństwa UE – spotkanie w Juracie*, Biuro Bezpieczeństwo Narodowe, 27 May 2013, at <<https://www.bbn.gov.pl/pl/wydarzenia/4647,Kraje-V4-pracuja-nad-propozycja-strategii-bezpieczenstwa-UE-spotkanie-wJuracie.html>>, 10 May 2017.

⁸ Ł. Zalesiński, "Grupa Bojowa V4 coraz bliżej powstania", *Polska Zbrojna*, 14 March 2014, at <<http://www.polska-zbrojna.pl/home/articleshow/11853?t=Grupa-Bojowa-V4-coraz-blizej-powstania>>, 10 May 2017. See T. Weiss, "Visegrád Battlegroup: A Flagship that Should Not Substitute for Real Defence Cooperation", *Visegrád Revue*, 4 June 2012, at <<http://visegradrevue.eu/visegrad-battlegroup-a-flagship-that-should-not-substitute-for-real-defence-cooperation>>, 10 May 2017.

⁹ *Joint Statement of the V4 ministers of defence*, The Visegrád Group, 4 June 2013, at <<http://www.visegradgroup.eu/documents/official-statements/joint-statement-of-the>>, 1 March 2017; *Long Term Vision of the Visegrád Countries...; Joint Communiqué of the Visegrád Group Ministers of Defence, 23 April, 2015, Tomášov*, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2015/v4-defence-ministers>>, 10 May 2017.

¹⁰ R. Sikorski, *Grupa Wyszehradzka – budowanie marki*, Ministry of Foreign Affairs, July 2012, at <<http://www.msz.gov.pl/resource/3fb3fce6-1a26-4473-a242-a2213e93adca:JCR>>, 10 May 2017.

sues such as energy security and relations with Russia.¹¹ As for the current migration crisis, the literature suggests that the voice of the V4 is *relatively consistent*.¹² The issue of migration even began to be perceived as the key binder of the Group.¹³

The aim of this article is to present the V4's position towards the contemporary European migrant crisis and to test these statements. The author seeks to answer two questions: (i) what is the degree of coherence of the Group's position? and (ii) what are the internal factors of the V4's stance towards the migrant crisis? It is worth noting that this topic has not been thoroughly elaborated on so far¹⁴ even though the V4 is a popular subject of scientific inquiries.¹⁵ This article was created using a historical method. It covers the period from 2015, when the current European migrant crisis started,¹⁶ up to 26 September 2017, when the EU's relocation scheme ended.¹⁷ The final version of the article was submitted in October 2017, shortly before Czech legislative election.

The most important part of the article's literature is the official Group materials and documents of the EU institutions: the European Council, the European Parliament (the EP), the Council of the European Union (the Council), the European Commission (the EC) and the Court of Justice of the European Union (the CJEU). All the translations in this paper are the author's unless otherwise indicated.

The article is divided into five parts. It analyses the political situation in the Group's member states (part 1), the V4's stance towards the earliest propositions concerning the migrant crisis (part 2), its fight against the implementation of the quotas (part 3), its stance towards the implementation of the two Council's decisions, 1523 and 1601 (part 4), and internal factors of the V4's stance towards the migrant crisis (part 5).

¹¹ P. Pieńkowski, "Europejskie społeczeństwo ryzyka wobec kryzysu na Ukrainie", *Władza Sądzenia*, vol. 5 (2015), p. 57.

¹² A. Chojan, "Grupa Wyszehradzka w polityce zagranicznej Polski – między współpracą a rywalizacją", *Biuletyn Analiz i Opinii Zakładu Europeistyki*, vol. 25, no. 4 (2016), p. 9.

¹³ In April 2016 Slovakian Institute for Public Affairs presented the results of a study on 25 years of the V4, as seen from the perspective of the public. One of the questions was: *In your opinion, what are the most important areas of the Visegrád cooperation? Choose three that you find most important?* Surveys were conducted between May and July 2015, when the migration crisis has not been widely commented on. The authors concluded: *At the time of data collection (spring of 2015), the migration crisis has not been the top priority yet, but one can assume that this topic would have had the influence on the prioritisation of cooperation areas* – O. Gyárfášová, G. Mesežnikov, *25 Years of the V4 as Seen by the Public*, Bratislava 2016, p. 13.

¹⁴ See one of the few articles elaborating on the issue: A. Potyrała, "Środkowoeuropejska koalicja niechętnych wobec kryzysu migracyjnego 2015-2016", *Środkowoeuropejskie Studia Polityczne*, vol. 1 (2016), at <<http://dx.doi.org/10.14746/ssp.2016.1.2>>.

¹⁵ See B. Dančák et al. (eds.), *Two Decades of Visegrád Cooperation. Selected V4 Bibliography*, Bratislava 2011.

¹⁶ An increasing flow of migration from the Middle East and North Africa to Europe has been visible since 2011-2012.

¹⁷ European Commission, *Relocation – Sharing Responsibility*, 27 September 2017, at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_factsheet_relocation_sharing_responsibility_en.pdf>, 25 November 2017.

1. THE POLITICAL SITUATION IN THE V4 COUNTRIES

In three out of the four V4 member states, there has been no change of government during the period in question. In Hungary, the position of the Prime Minister has been occupied since 2010 by Viktor Orbán, the leader of Fidesz, which ruled alongside a small satellite party, the Christian Democratic People's Party (KDNP).¹⁸ In 2012, János Áder representing Fidesz became the president of Hungary. In the Czech Republic, the coalition of three parties – the Czech Social Democratic Party (ČSSD), Czechoslovak People's Party (Česká strana sociálně demokratická, ČDD) and the ANO 2011 (the acronym stands for Akce nespokojených občanů – the Action of Dissatisfied Citizens) – has been in power since 2014. The cabinet has been led by Bohuslav Sobotka (ČSSD). In the same year, Miloš Zeman, a former PM from ČSSD and at the time of the election representing the left-wing Left Party of Civic Rights (SPO), became president. Since 2012, the Slovak government has been led by Robert Fico from Direction – Social Democracy (Smer-sociálna demokracia, Smer-SD). It was the first one-party cabinet of the independent Slovakia. In 2014, the presidential election was won by a non-party candidate Andrej Kiska. After the 2016 parliamentary election, Fico remained in power, but the creation of the government required the establishment of a coalition (see section 4.1).

Conversely, a change of power took place in Poland. The beginning of the European migrant crisis coincided with the double elections in Poland: presidential in May and parliamentary in October 2015. While the EU struggled with heated disagreements concerning relocations of migrants, the eight-year rule of the coalition of Civic Platform (Platforma Obywatelska, PO) and Polish People's Party (Polskie Stronnictwo Ludowe, PSL) was coming to a close. In the years 2007–2014, the coalition was led by Donald Tusk (PO). Then, after he assumed the office of the President of the European Council on December 1st 2014, he was replaced by Ewa Kopacz (PO). Law and Justice (Prawo i Sprawiedliwość, PiS), the main opposition party, was preparing to take power. The question of the scale of its victory remained open, as did the question as to whether it would succeed (along with two small ally parties) in gaining a majority of seats; still, the defeat of the PO-PSL coalition was considered to be a foregone conclusion. The May presidential election was won by Andrzej Duda (PiS), who defeated the incumbent Bronisław Komorowski (PO).

¹⁸ D. Kovarek, G. Soós, "Cut from the Same Cloth? A Comparative Analysis of Party Organizations in Hungary", in K. Sobolewska-Myślik, B. Kosowska-Gąstoł, P. Borowiec (eds.), *Organizational Structures of Political Parties in Central and Eastern Countries*, Kraków 2016, p. 185.

2. THE VISEGRÁD GROUP'S STANCE ON THE FIRST PROPOSALS CONCERNING THE MIGRANT CRISIS

2.1. The V4 and *the European Agenda on Migration*

Although since 2014 a *significantly greater inflow of foreigners* has been visible,¹⁹ it was in 2015 when the issue of migration to Europe has become prominent. As the number of migrants and refugees crossing the Mediterranean Sea kept getting bigger, the word *crisis* became widely used. A few days after the Charlie Hebdo shooting of January 7th 2015, Orbán firmly stated that as long as he is PM, Hungary would not accept any migrants.²⁰ Shortly thereafter, Fico and Péter Szijjártó, Minister of Foreign Affairs and Trade, stated that the multiculturalism project had failed and that Slovakia was reluctant to see the arrival of large numbers of Muslims, the rise of mosques and changes in the culture of the country.²¹ Meanwhile, the Czech government decided to accept 15 Syrian families. At the same time, Milan Chovanec, Minister of Interior, insisted that the government was not interested in hosting large groups of migrants. President Zeman said that even though he supported humanitarian aid, it should be conducted in the affected countries. *Resettlement is not a happy solution, even for the refugees themselves* – he argued.²² In Poland, the discussion about migrants pertained rather to its eastern neighbours. At that time the media and the political elites did not pay much attention to the issue of the Mediterranean migration.

In February 2015, the V4 parliamentary foreign affairs committees issued a joint statement arguing that the efforts *to deal with this humanitarian crisis have so far proven insufficient and inadequate*. The governments were call to *increase the support to sustain the needs of the refugees, internally displaced persons, as well as protect religious minorities, including Christians*.²³ Foreign ministers of the Visegrád, Nordic and Baltic States who met in March stated that the *threat represented by ISIL/Daesh requires a systematic and comprehensive approach as well as long-term commitment covering various areas such as military means, fight against terrorism and radicalization, migration, stabilisation efforts as well as humanitarian assistance*.²⁴

¹⁹ Urząd do Spraw Cudzoziemców, *Raport na temat obywateli Ukrainy*, Warszawa, 26 February 2017, p. 8.

²⁰ “Orbán villás nyelven beszél a bevándorlókról”, *Népszava*, 24 January 2015, at <<http://nepszava.hu/cikk/1046237-orban-villas-nyelven-besz-el-a-bevandorlokrol>>, 10 May 2017.

²¹ “Premiér Fico: Nemôžeme tolerovať príchod moslimov a stávanie mešit!”, *Pluska.sk*, 24 January 2015, at <<http://www.pluska.sk/spravy/z-domova/premier-fico-nemozeme-tolerovat-prichod-moslimov-stavanie-mesit.html>>, 10 May 2017.

²² V. Lang, “Česko přijme syrské uprchlíky. Vláda souhlasila jednomyslně”, *Novinky.cz*, 14 January 2015, at <<https://www.novinky.cz/domaci/358734-cesko-prijme-syrske-uprchliky-vlada-souhlasila-jednomyslnne.html>>, 10 May 2017.

²³ *Conclusion from the Meeting of Foreign Affairs Committees of V4 Parliaments, Bratislava, February 25, 2015*, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2015/conclusion-from-the>>, 10 May 2017.

²⁴ *Co-Chairs' Statement Slovakia and Denmark. 3rd Meeting of Foreign Ministers of the Visegrád, Nordic*

In spring 2015, information on the thousands of migrants entering Europe through the Mediterranean Sea and related tragedies became more apparent in the media.²⁵ On March 4th, the EC started to *work on a comprehensive European Agenda on Migration*,²⁶ as declared by its president, Jean-Claude Juncker. As a candidate for this office, he had argued in 2014 that the EU's new policy on the issue was needed.²⁷ The issue of migration was said to be one of the political priorities of Juncker's Commission.

In April, after a shipwreck claiming the lives of several hundred people, the prime ministers of Malta and Italy called for an extraordinary summit of the European Council.²⁸ On the next day, the EC presented a *ten point action plan on migration* prepared by Dimitris Avramopoulos, the European Commissioner for Migration, Home Affairs and Citizenship, at a joint meeting of Foreign Affairs Council (FAC) and Justice and Home Affairs Council (JHA). The sixth point of the document stated that it was necessary to consider *options for an emergency relocation mechanism*, and the seventh mentioned an EU-wide *voluntary pilot project on resettlement*.²⁹ A special meeting of the European Council that took place on April 23rd 2015 confirmed these proposals. The EU member states committed themselves to action in *four priority areas for action: fighting traffickers*, strengthening the EU's *presence at sea*,³⁰ *preventing illegal migration flows*, and *reinforcing internal solidarity and responsibility*. In the last area, the states declared considering *options for organising emergency relocation between all Member States on a voluntary basis* and setting up the *first voluntary pilot project on resettlement across*

and Baltic States. March 12-13, 2015, High Tatras, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2015/co-chairs-statement>>, 10 May 2017.

²⁵ See for example P. Sasnal (ed.), *Niekontrolowane migracje do Unii Europejskiej – implikacje dla Polski*, Warszawa 2015, pp. 11-13.

²⁶ *European Commission – Press release. Commission makes progress on a European Agenda on Migration*, European Union website, 4 March 2015, at <http://europa.eu/rapid/press-release_IP-15-4545_en.htm>, 10 May 2017.

²⁷ Juncker's document stated: *The recent terrible events in the Mediterranean have shown us that Europe needs to manage migration better, in all aspects. This is first of all a humanitarian imperative. I am convinced that we must work closely together in a spirit of solidarity [...]. On the basis of our shared values, we need to protect those in need through a strong common asylum policy. [...] I also intend to explore the possibility of using the European Asylum Support Office to assist third countries and Member States authorities in dealing with refugees and asylum requests in emergency situations, where appropriate on the ground in a third country that is particularly concerned* – J.-C. Juncker, *A New Start for Europe. My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the next European Commission. Opening Statement in the European Parliament Plenary Session*, Strasbourg 2014, pp. 9-10. See also idem, *My Five Point-Plan on Immigration*, Jean-Claude Juncker's website, 23 April 2014, at <http://juncker.epp.eu/sites/default/files/attachments/nodes/en_02_immigration.pdf>, 10 May 2017.

²⁸ "650 Dead in Migrant Shipwreck, Muscat and Renzi Demand EU Summit", *Malta Today*, 19 April 2015, at <http://www.maltatoday.com.mt/news/national/51977/boat_with_an_estimated_650_migrants_on_board_capsizes#.WP9rWvnyhhE>, 10 May 2015.

²⁹ *European Commission – Press release. Joint Foreign and Home Affairs Council: Ten point action plan on migration*, European Union website, 20 April 2015, at <http://europa.eu/rapid/press-release_IP-15-4813_en.htm>, 10 May 2017.

³⁰ It meant tripling the resources available to Joint Operation Triton which began on November 1st 2014.

*the EU, offering places to persons qualifying for protection.*³¹ The details were to be announced during the next meeting of the European Council, scheduled for May 13th.

2.2. The European People's Party and the European Parliament resolution of April 29th 2015

The discussions on a solidary effort to relieve Italy and Greece from the migratory pressure had begun. Although some member states and, at the time, the European Council advocated voluntary approach to the issue, the mechanism of top-down imposed binding quotas had its prominent supporters. Apart from the prime minister of Italy, the country greatly affected by the migration crisis, it was backed by Angela Merkel, the chancellor of Germany, a country which was a very popular migration destination. That was also the position of Juncker, who perceived the outcome of the April special meeting of the European Council as a failure. The member states disagreed with the proposal of an experiment in *burden-sharing*, based on distributing five to ten thousand migrants; they also did not agree with the proposals of Merkel and Juncker to make the distribution compulsory. Merkel's proposal was aimed at adopting an algorithm of relocation based on the *country's size and its relative wealth, as well as possibly factoring in unemployment rates and the size of ethnic minority communities.*³² The idea was supported by the European People's Party (EPP), the party of Merkel, Juncker, Avramopoulos and Tusk. EPP's Group Bureau favoured *binding solidarity mechanism, i.e. a quota for the distribution of asylum seekers once a clear threshold is surpassed. It should take into account the size and population of a country, its economic situation and the number of persons already enjoying protection in the Member State.*³³

It should be noted that at the time most of the V4 ruling parties belonged to the EPP: Hungarian Fidesz, both parties ruling in Poland (PO and PSL) and one of the three ruling parties in the Czech Republic (KDU-ČSL). The V4 countries, however, were determined, consistently advocating voluntary participation in the emergency relocation mechanism.³⁴ Rafał Trzaskowski (PO), Polish Deputy Foreign Minister re-

³¹ *Special meeting of the European Council, 23 April 2015 – statement*, European Council and the Council of the European Union, 23 April 2015, at <<http://www.consilium.europa.eu/en/press/press-releases/2015/04/23/special-euco-statement/>>, 10 May 2017; *Special meeting of the European Council, 23/04/2015*, European Council and the Council of the European Union, 23 April 2015, at <<http://www.consilium.europa.eu/en/meetings/european-council/2015/04/23/>>, 10 May 2017.

³² I. Traynor, "Germany Presses for Quota System for EU Migrant Distribution", *The Guardian*, 29 April 2015, at <<https://www.theguardian.com/world/2015/apr/29/germany-quota-system-eu-migrant-distribution>>, 10 May 2017.

³³ "Asylum Seekers: EPP Group Calls for a Binding Quota for Distribution in EU Countries", European People's Party Group, 24 April 2015, at <<http://www.eppgroup.eu/press-release/Asylum-Seekers%3A-EPP-Group-calls-for-a-binding-quota>>, 10 May 2015.

³⁴ V. Votápek, "KOMENTÁŘ: Gesta nestačí. Česko se tváří, že se ho uprchlíci netýkají", iDNES.cz, 24 April 2015, at <http://zpravy.idnes.cz/cesko-by-se-nemelo-tvarit-ze-se-ho-uprchlici-netykaji-pcl-/domaci.aspx?c=A150424_093405_domaci_san>, 10 May 2017; P. Novotný, "Fico v Bruseli: Cieľom je zlikvidovať plavidlá ešte predtým, než sa na ne nalodia migranti", *Hospodárske noviny*, 23 April 2015, at <<http://dennik.hnonline.sk/svet/529183-fico-v-bruseli-cielom-je-zlikvidovat-plavidla-este>>

sponsible for European affairs, stated that *Warsaw is of the opinion that the division of responsibility must be on a voluntary basis*. Poland was in favour of *solidarity*, but not of *decreed solidarity*. He went on explaining: *It is difficult to imagine any quotas and imposing such obligations on member states, whether on poorer-richer or smaller-larger basis. This issue must be left to the member states.*³⁵

On April 29th, the EP adopted a resolution *on the latest tragedies in the Mediterranean and EU migration and asylum policies*. Its content was a clear indication of the EP intentions. The authors of the document argued that a *response to the latest tragedies in the Mediterranean* was to be based on *solidarity and fair sharing of responsibility*. It was highlighted that the *need for the EU to step up fair sharing of responsibility and solidarity towards Member States which receive the highest numbers of refugees and asylum seekers in either absolute or proportional terms*. At the same time, the EP expressed regret over the *lack of commitment from the European Council to setting up a credible EU-wide binding mechanism for solidarity*.³⁶ Although 66.8% of the MEPs supported the resolution, it did not raise enthusiasm among the politicians representing the V4 states.

It was viewed most enthusiastically by Slovaks – 10 out of 13 Slovakian MEPs (77%) supported it, including all four MEPs of the ruling SMER-SD. 10 out of 21 Czechs (48%) supported the resolution, including all three representatives of KDU-ČSL and all four representatives of ČSSD. All four MEPs of ANO 2011, the third coalition partner, voted against the resolution. Hungarian and Polish MEPs treated the resolution less favourably. Only 7 out of 21 Hungarian representatives voted for it (33%). MEPs of ruling Fidesz were divided: 9 abstained, one voted in favour, the other two were absent. The resolution found favour with only five out of 51 Polish MEPs (10%). Out of 23 MEPs of PO and PSL, who were members of EPP, 20 abstained, one voted for, one against, and one was absent. Only the MEPs of Great Britain were more reluctant to the resolution than the Poles.³⁷

It is worth noting that the vote on the previous resolution devoted to this issue (*resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration*), which took place on December 17th 2014, just before the onset of the crisis, did not arouse similar controversy, even though the document contained a call *for the EU to step up fair sharing of responsibility and solidarity towards Member States which receive the highest numbers of refugees and asylum seekers in either absolute or proportion-*

predtym-nez-sa-na-ne-nalodia-migranti>, 1 March 2017; “Orbán: Európának nincs szüksége bevándorlókra”, *Népszabadság*, 24 April 2015, at <<http://nol.hu/kulfold/orban-europanak-nincs-szuksege-bevandorlokra-1530027>>, 10 May 2017.

³⁵ Informacyjna Agencja Radiowa, Polska Agencja Prasowa, “Unia Europejska szuka rozwiązania problemu imigrantów. Chce niszczyć łodzie i zwiększyć patrole”, *PolskieRadio.pl*, 22 April 2015, at <<http://www.polskieradio.pl/69/3/Artykul/1427091%2CUnia-Europejska-szuka-rozwiazania-problemu-imigrantow-Chce-niszczyc-lodzie-i-zwiekszy-patrole>>, 10 May 2017.

³⁶ *European Parliament resolution of 29 April 2015 on the latest tragedies in the Mediterranean and EU migration and asylum policies*, 2015/2660(RSP).

³⁷ MEPVote, at <<http://www.mepvote.eu>>, 10 May 2017.

al terms.³⁸ The resolution was then supported by 92% MEPs, including almost all V4 representatives: Slovaks (only one was not present, the rest voted for), Hungarians (one was not present, one did not vote), Czechs (two abstained, one voted against, one did not vote, one was not present) and Poles (5 MEPs representing far-right voted against, one did not vote, one was not present).³⁹

2.3. The introduction of the *European Agenda on Migration*

In May 2015, it was certain that the EU would attempt to introduce a quota mechanism concerning both *relocation* of migrants staying in Italy and Greece and *resettlement* of migrants outside of the EU (mainly Syrians staying in neighbouring countries, such as Jordan and Lebanon). As expected, *A European Agenda on Migration* prepared by the EC introduced the obligatory *distribution key*. It was based on four criteria: 1) *the size of the population* (40%), 2) *total GDP* (40%), 3) *the average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants* over the last years (10%), and 4) *unemployment rate* (10%). In 2016, the member states were to distribute among themselves 20,000 migrants in the *resettlement* procedure and an undetermined number in *relocation*.⁴⁰

According to the EC, the V4 states would be responsible for 10.5% of that number in *resettlement* and 11.6% in *relocation* procedures. In both cases, most of the migrants would be received by Poland and Czech Republic. The EC was to present detailed solutions by the end of May.⁴¹ On May 27th, the EC has adopted the first package of proposals following the *Agenda*. It upheld the number of 20,000 migrants in the *resettlement* procedure and established the number of 40,000 migrants in the *relocation* procedure (24,000 from Italy and 16,000 from Greece). The procedure would be conducted over two years.⁴² The division of migrants among the V4 states as proposed by the EC in May 2015 is shown in the table below.⁴³

³⁸ *European Parliament resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration*, 2014/2907(RSP).

³⁹ MEPVote, at <<http://www.mepvote.eu>>, 10 May 2017.

⁴⁰ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Agenda on Migration"*, Brussels, 13 May 2015, COM(2015) 240 final, pp. 4-5.

⁴¹ *Ibid.*, pp. 19-22.

⁴² *European Commission – Press release. European Commission makes progress on Agenda on Migration*, European Union website, 27 May 2015, at <http://europa.eu/rapid/press-release_IP-15-5039_en.htm>, 10 May 2017.

⁴³ For detailed study on the distribution of migrants in years 2015-2016 see A. Adamczyk, "Kryzys imigracyjny w UE i sposoby jego rozwiązania", *Przegląd Politologiczny*, no. 3 (2016), at <<http://dx.doi.org/10.14746/pp.2016.21.3.3>>.

Tab.1. The division of migrants among the V4 states as proposed by the EC on May 13th and May 27th 2015

	Relocation (number)	Relocation (% out of 40,000)	Resettlement (number)	Resettlement (% out of 20,000)	Relocation + Resettlement (number)	Relocation + Resettlement (% out of 60,000)
Poland	2659	6.6	962	4.8	3621	6
Czech Republic	1328	3.3	525	2.6	1853	3.1
Hungary	827	2.1	307	1.5	1134	1.9
Slovakia	785	2	319	1.6	1104	1.8
V4	5599	14	2113	10.5	7712	13

The author's calculations are based on the following sources: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Agenda on Migration"*, Brussels, 13 May 2015, COM(2015) 240 final, pp. 19-22; *European Commission – Press release. European Commission makes progress on Agenda on Migration*, European Union website, 27 May 2015, at <http://europa.eu/rapid/press-release_IP-15-5039_en.htm>.

Although most of the EC propositions included in the *Agenda* and in the first implementation package such as the *action plan* concerning *migrant smuggling*, the *obligation to take fingerprints*, a *public consultation on the future of the Blue Card Directive* and the *New Operational Plan for Operation Triton* were supported by the V4 member states, the Group referred to the EC's proposals negatively⁴⁴ and held a common position until September: *yes* to help migrants outside the EU, *no* to *distribution key* and imposing top-down quotas.⁴⁵ The Group consequently demanded that *refugees* and *eco-*

⁴⁴ "Orbán ismét nemzetállami hatáskörbe adná a halálbüntetés kérdését", *Híradó*, 8 May 2015, at <<http://www.hirado.hu/2015/05/08/interju-orban-viktor-miniszterelnokkal-a-kossuthon-eloben-meghallgathatja-itt>>, 10 May 2017.

⁴⁵ A. Potyrała, S. Wojciechowski, "'Za' i 'przeciw'. Unijny dwugłos w sprawie systemu relokacji", *Biuletyn Instytutu Zachodniego. Seria Specjalna: Uchodźcy w Europie*, no. 197, 23 October 2015, pp. 2-4; E. Stasiak, "Strach zamiast solidarności. Polityka wobec uchodźców w Czechach i Słowacji", *Deutsche Welle*, 25 June 2015, at <<http://www.dw.com/pl/strach-zamiast-solidarnosci-polityka-wobec-uchodzcow-w-czechach-i-slowacji/a-18540489>>, 10 May 2017; *Hungary Will Protect Its Own, and Thereby Europe's External Borders from Illegal Migrants*, Website of the Hungarian Government, 20 June 2015, at <<http://www.kormany.hu/en/the-prime-minister/news/hungary-will-protect-its-own-and-thereby-europe-s-external-borders-from-illegal-migrants>>, 10 May 2017.

nomic migrants would be distinguished and treated separately. Receiving the later was out of question.⁴⁶ This stance of the V4 met with a cold reception from the EU leaders.

Particular indignation was caused by the construction of a fence on the Hungarian-Serbian border, which meant shutting the main route for migrants heading for Western Europe, announced by the Orbán government on June 17th 2015.⁴⁷ Apart from that, a new law was introduced, making *illegal crossing of the border fence and damaging or hindering its construction* criminal offences.⁴⁸ Three months later, the construction of the wall on the Hungarian-Croatian border started as well.⁴⁹ On June 23rd, Budapest ordered an indefinite suspension of the acceptance of illegal migrants from the other EU member states under the Dublin Regulation. The government's spokesperson stated clearly: *We are full*.⁵⁰

In June, the prime ministers of the V4 countries held a summit with the president of France. The sides agreed that the problem of migration *can only be addressed comprehensively through the adoption of both short and long-term measures*. The leaders of the five countries jointly stressed that although they welcomed the actions undertaken by the EU, they opposed the obligatory quotas. *I do not think it is the right method*, said François Hollande. They declared European solidarity and expressed high hopes for the forthcoming summit of the European Council scheduled for 25-26 June.⁵¹ Just before the summit, Fico pondered if a referendum would be needed to stop the quotas.⁵²

During the summit, the other states, for example France, Spain, United Kingdom, and Lithuania, also expressed similar doubts about the obligatory quotas. Eventually, the voluntary basis was maintained despite the emotional opposition of Italy and Greece and Germany's mediation attempts. By the end of July, the states were to con-

⁴⁶ *Political Refugees Have Always Been Accepted by Hungary*, Website of the Hungarian Government, 24 June 2015, at <<http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/political-refugees-have-always-been-accepted-by-hungary>>, 10 May 2017. See also A. Juhász, B. Hunyadi, E. Zgut, *Focus on Hungary: Refugees, Asylum and Migration*, Prague 2015, p. 10.

⁴⁷ D. Bitá, "Négy méter magas vasfüggöny épül a déli határon", *Népszabadság*, 17 June 2015, at <<http://nol.hu/belfold/negy-meter-magas-vasfuggony-epul-a-deli-hataron-1540587>>, 10 May 2017.

⁴⁸ N. Thorpe, "Migrant Crisis: Hungary Convicts First 'Illegal Entrant'", BBC News, 16 September 2015, at <<http://www.bbc.com/news/world-europe-34271304>>, 10 May 2017.

⁴⁹ *Construction of Border Fence on Croatian Section Has Begun*, Website of the Hungarian Government, 18 September 2015, at <<http://www.kormany.hu/en/the-prime-minister/news/construction-of-border-fence-on-croatian-section-has-begun>>, 10 May 2017.

⁵⁰ *Hungary is Full*, Website of the Hungarian Government, 24 June 2015, at <<http://www.kormany.hu/en/prime-minister-s-office/news/hungary-is-full>>, 10 May 2017.

⁵¹ *Press Statement on the Occasion of the Summit of V4 Prime Ministers and the President of the French Republic*, The Visegrád Group, 9 June 2015, at <<http://www.visegradgroup.eu/calendar/2015/press-statement-on-the>>, 10 May 2017; J. Lopatka, T. Jancarikova, "France, Central European States Oppose Quotas in EU Migrant Debate", Reuters, 19 June 2015, at <<http://www.reuters.com/article/us-europe-migrants-centraleurope-idUSKBN0OZ11B20150619>>, 10 May 2017.

⁵² S. Harkotová, "Fico chce k utečencom referendum. Aj keď vie odpoveď vopred", *Aktuálně.cz*, 23 June 2015, at <<https://aktualne.atlas.sk/fico-pred-poslancami-ak-prejdu-povinne-kvoty-budeme-zvazovat-referendum/slovensko/politika/>>, 10 May 2017.

sensually decide on how to share the migrants.⁵³ Kopacz said that Poland had *reached its intended target*.⁵⁴ The Hungarian government spokesperson called the success of the Visegrád countries *an achievement in itself*.⁵⁵ The June summit took place in a tense atmosphere; the media reported the opposition of the Italian Prime Minister loudly demanding the adoption of the mandatory quotas and the dispute between Tusk and Juncker. The former supported the V4 postulates, whereas the latter strongly advocated the mandatory mechanism.⁵⁶

3. THE VISEGRÁD GROUP AND THE TWO EMERGENCY RELOCATION SCHEMES

3.1. The Visegrád Group's proposals concerning *reallocation* and *resettlement*. The first relocation scheme

On July 20th 2015, JHA *agreed by consensus* on the distribution of 32,256 migrants within the *relocation* procedure. As for the remaining 7,744 people, the member states were to reach an understanding by the end of the year (however, they still did not). Poland and the Czech Republic declared that they would accept 1,100 migrants each, Slovakia – 100, and Hungary – none, being the only state, apart from Austria, which decided not to participate in the procedure. Within the *resettlement* procedure, the member states agreed to accept 22,504 migrants. Poland was to receive 900 people, the Czech Republic – 400, Slovakia – 100, Hungary – none, being the only state which had made that decision. The whole relocation process was planned for two years.⁵⁷ The table below shows the V4 share of migrants.

⁵³ *European Council meeting (25 and 26 June 2015) – Conclusions*, Brussels, 26 June 2015, CO EUR 8, CONCL 3, p. 2; “Ilu imigrantów przyjmie Polska?”, *Newsweek*, 25 June 2015, at <<http://www.newsweek.pl/swiat/ilu-imigrantow-przyjma-panstwa-ue-polska-powinna-2600-osob-,artykuly,365667,1.html>>, 10 May 2017.

⁵⁴ *Premier Ewa Kopacz w Brukseli: pod koniec lipca Polska poinformuje, ilu przyjmie imigrantów*, Polish Government, 26 June 2015, at <<https://www.premier.gov.pl/wydarzenia/aktualnosci/kwestia-nielegalnej-imigracji-i-agenda-cyfrowa-wsrod-tematow-szczytu.html>>, 10 May 2017.

⁵⁵ *Visegrád Countries' Stance against Migrant Quotas Successful*, Website of the Hungarian Government, 26 June 2015, at <<http://www.kormany.hu/en/prime-minister-s-office/news/Visegrád-countries-stance-against-migrant-quotas-successful>>, 10 May 2017.

⁵⁶ “Přejímání uprchlíků v EU bude dobrovolné. Uspěli jsme, řekl Sobotka”, *Lidové Noviny*, 26 June 2015, at <http://www.lidovky.cz/prejimani-uprchliku-v-eu-bude-dobrovolne-uspeli-jsme-rekl-sobotka-1cl-/zpravy-svet.aspx?c=A150626_071705_in_zahranici_mct>, 10 May 2017.

⁵⁷ Council of the European Union, *Outcome of the Council Meeting. 3405th Council meeting. Justice and Home Affairs*, Brussels, 20 July 2015, 11097/15 (OR. en), Provisional Version, Presse 49 PR CO 41, pp. 3-8.

Tab.2. The first *relocation* and the *resettlement* of migrants among the V4 states as proposed by the Czech Republic, Hungary, Poland, and Slovakia on July 20th 2015

	Relocation (number)	Relocation (% out of 32,256)	Resettlement (number)	Resettlement (% out of 22,504)	Relocation + Resettlement (number)	Relocation + Resettlement (%)
Poland	1100	3.4	900	4	2000	3.6
Czech Republic	1100	3.4	400	1.8	1500	2.7
Hungary	0	0	0	0	0	0
Slovakia	100	0.3	100	0.4	200	0.4
V4	2400	7.1	1400	6.2	3700	6.7

The author's calculations are based on the following sources: Council of the European Union, *Outcome of the Council Meeting. 3405th Council meeting. Justice and Home Affairs*, Brussels, 20 July 2015, 11097/15 (OR. en), Provisional Version, Presse 49 PR CO 41, pp. 4-5, 7-8.

For the time being, it was only a draft – the final decision was to be made at the next Council meeting. Warsaw announced its readiness to accept migrants.⁵⁸ Out of the V4 countries, Poland was most open to do so, but still far from being enthusiastic. Although initially reluctant, Poland finally gave in to Germany's *thinly veiled blackmail* that Southern Europe will not be willing to maintain EU's sanctions against Russia if Poland *does not demonstrate solidarity with Italy and Greece*. Warsaw also counted on the other member states to distribute all migrants among themselves, but that did not happen.⁵⁹

In August 2015, the Slovak PM announced that Bratislava would only accept Syrian Christians, which caused great controversy. On the other hand, Slovakia agreed to temporarily house 500 asylum seekers from Austria. They were supposed to return to Austria later on or be deported from the EU.⁶⁰ Robert Kaliňák, Slovak minister of the interior

⁵⁸ See for example *Przygotowania do przyjęcia 2 tys. uchodźców*, Ministry of Interior and Administration, 30 July 2015, at <<https://mswia.gov.pl/pl/aktualnosci/13569,Przygotowania-do-przyjecia-2-tys-uchodzcow.html?search=28778>>, 10 May 2017.

⁵⁹ For more information on Poland's negotiating positions, see J. Bielecki, "Niemcy uczą solidarności", *Rzeczpospolita*, 21 July 2015, at <<http://www.rp.pl/Uchodzcy/307209766-Niemcy-ucza-solidarnosci.html?cid=44>>.

⁶⁰ "Foreign Media Are Reporting on Slovakia's Stance towards Muslim Immigrants", *The Slovak Spectator*, 20 August 2015, at <<https://spectator.sme.sk/c/20059674/foreign-media-are-reporting-on-slovakias-stance-towards-muslim-immigrants.html>>, 10 May 2015; J. Čokyna, I. Netík, "Hovorca, ktorý preslávil Slovensko: Bolo to vytrhnuté z kontextu", *Denník N*, 20 August 2015, at <<https://denikn.sk/218528/netik-rozhovor>>, 10 May 2015; "Kaliňák podpísal vo Viedni memorandum o prijatí

and deputy PM, explained that Bratislava wanted to *demonstrate solidarity* and repay its *debts* to Vienna, which had helped Slovakia before, for example in the case of the accession to the Schengen area.⁶¹ In a local referendum, the residents of Gabčíkovo, a small town near Hungarian and Austrian borders where migrants were to be relocated, almost unanimously opposed their reception. However, the referendum was non-binding.⁶² The Slovak authorities did not change their minds⁶³ and migrants came to Gabčíkovo.⁶⁴

However, it soon became clear that the number of 40,000 was insufficient and that the Commission and the countries concerned would strive to expand the relocation. On August 24th, Berlin suspended the Dublin Regulation for Syrian refugees, allowing migrants to apply for asylum even if Germany was not their first EU country of entry.⁶⁵ A week later, chancellor Merkel famously stated: *we can do it!*, stressing that Germany could handle arriving migrants. The same opinion was expressed earlier by Sigmar Gabriel, the vice-chancellor of Germany from Merkel's CDU coalition partner, Social Democratic Party Germany (Sozialdemokratische Partei Deutschlands, SPD).⁶⁶ Then, on September 4th, Germany opened its borders to migrants staying in Hungary.⁶⁷

utečencov", *SME*, 21 July 2015, at <<https://domov.sme.sk/c/7924000/kalinak-podpisal-vo-viedni-memorandum-o-prijati-utečencov.html>>, 10 May 2017.

⁶¹ "Fixiert: 500 Flüchtlinge kommen in die Slowakei", *Kurier*, 21 July 2015, at <<https://kurier.at/politik/inland/fixiert-500-fluechtlinge-kommen-in-die-slowakei/142.627.774>>, 10 May 2017.

⁶² See for example A. Nyzio, "Instrumenty demokracji bezpośredniej na przykładzie Republiki Słowackiej i Republiki Czeskiej", *Nauki Polityczne. Zeszyty Naukowe Koła Nauk Politycznych UJ*, no. 9 (2013), pp. 108-110.

⁶³ M. Dugovič, "Gabčíkovo odmietlo utečencov, starosta bude písať ministrovi", *Denník N*, 2 August 2015, at <<https://dennikn.sk/203098/gabcikovo-hlasuje-proti-prijatiu-utečencov-skolu-strazia-sbs-kari>>, 10 May 2017.

⁶⁴ "Syrian Refugees Complain about Gabčíkovo Camp", *The Slovak Spectator*, 4 November 2015, at <<https://spectator.sme.sk/c/20063030/syrian-refugees-complain-about-gabcikovo-camp.html>>, 10 May 2017.

⁶⁵ M. Holehouse, J. Huggler, A. Vogt, "Germany Drops EU Rules to Allow in Syrian Refugees", *The Daily Telegraph*, 24 August 2015, at <<http://www.telegraph.co.uk/news/worldnews/europe/germany/11821822/Germany-drops-EU-rules-to-allow-in-Syrian-refugees.html>>, 10 May 2017.

⁶⁶ This most famous quote about the migration crisis is often presented without its context. Precisely what Merkel said was: *Germany is a strong country. Our guiding motivation as we address these issues has to be: We achieved so much – we can do it! We can do it, and where we face an obstruction, we have to overcome it by working on it. [...] Then there is a European dimension, and here I believe that we may say: Europe as a whole must move together. [...] If Europe fails at the refugee problem, its tight connection to universal civil rights will break. It will be destroyed and that Europe will no longer be the one we imagine [...], the one that we must continue to develop even today as our founding myth our founding myth* (translation by Helga Druxes) – H. Druxes, P.A. Simpson, "Pegida as a European Far-Right Populist Movement", *German Politics and Society*, vol. 34, no. 4 (2016), p. 15, at <<http://dx.doi.org/10.3167/gps.2016.340401>>; "Merkel: 'Deutschland ist ein starkes Land'", *Stern*, 31 August 2015, at <<http://www.stern.de/politik/deutschland/angela-merkel-deutschland-ist-ein-starkes-land-6427648.html>>, 10 May 2017; "Wir schaffen das" war eigentlich Gabriels Idee", *Die Welt*, 1 September 2016, at <<https://www.welt.de/politik/deutschland/article157920725/Wir-schaffen-das-war-eigentlich-Gabriels-Idee.html>>, 10 May 2017.

⁶⁷ K. Than, I. Preisinger, "Austria and Germany Open Borders to Migrants Offloaded by Hungary", *Reu-*

At the end of summer 2015, the government of Kopacz, being pressured by the EU and threatened with an increasingly raised issue of sanctions for evading obligations concerning the migrant crisis, was becoming more accustomed to the thought of accepting more migrants. The upcoming parliamentary election did not favour coming up with a comprehensive plan. The Polish foreign minister suggested that a revision of the Polish position was possible,⁶⁸ but the principle of *solidarity* should apply to all of the EU policies. At the time, PiS, the main opposition party and the leader in the polls, presented a stance close to that of the ruling coalition of PO and PSL. The postulate of receiving 2,000 migrants did not cause a huge controversy among the Polish opposition. Just like the government and president Komorowski, PiS firmly advocated voluntary approach to the relocation and the separation of refugees and economic migrants. One of the members of the government led by Kopacz told a reporter: *Maybe in the same way we can agree that if the Minsk agreement is broken, then the Commission will decide that the Germans or the French send two brigades to Poland. They will probably not agree.*⁶⁹

Before the decision of July 20th could be adopted, the EP's opinion was required. On September 9th, the resolution was supported by 72% of MEPs including only 25 out of 106 of V4's representatives (though only nine of them represented ruling parties; six Poles from PO and three Slovaks from Smer-SD).⁷⁰ Having obtained the EP's approval, an extraordinary meeting of JHA held on September 14th decided by unanimous vote on *establishing provisional measures in the area of international protection for the benefit of Italy and of Greece*.⁷¹ The JHA decision 1523 of September 14th did not raise huge controversies as it was reached by consensus and participation in the scheme was – at least technically speaking – voluntary.⁷² The same cannot be said about the second relocation scheme, which shortly followed.

ters, 5 September 2015, at <https://www.reuters.com/article/us-europe-migrants-hungary/austria-and-germany-open-borders-to-migrants-offloaded-by-hungary-idUSKCN0R40FO20150905>, 10 May 2017.

⁶⁸ Informacyjna Agencja Radiowa, Polska Agencja Prasowa, "Unijne sankcje wobec krajów, które nie przyjmą wystarczającej liczby imigrantów?", PolskieRadio.pl, 31 August 2015, at <http://www.polskieradio.pl/5/3/Artykul/1497419,Unijne-sankcje-wobec-krajow-ktore-nie-przyjma-wystarczajacej-liczby-imigrantow>, 10 May 2017.

⁶⁹ G. Osiecki, "PO i PIS jednym głosem w sprawie imigrantów. Decyzje dopiero po wyborach", *Dziennik Gazeta Prawna*, 1 September 2015, at <http://www.gazetaprawna.pl/artykuly/891340,po-i-pis-jednym-glosem-w-sprawie-imigrantow-decyzje-dopiero-po-wyborach.html>, 10 May 2017.

⁷⁰ *Provisional measures in the area of international protection for the benefit of Italy and Greece*, VoteWatch Europe, 9 September 2015, at <http://www.votewatch.eu/en/term8-provisional-measures-in-the-area-of-international-protection-for-the-benefit-of-italy-and-greece-dra-17.html>, 10 May 2017.

⁷¹ *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, 15 September 2015; Council of the European Union, *Conclusions*, Brussels, 14 September 2015 (OR. en), 12002/1/15, REV 1, JAI 659, ASIM 86, FRONT 187, RELEX 711.

⁷² A. Potyrała, "W poszukiwaniu solidarności. Unia Europejska wobec kryzysu migracyjnego 2015", *Przegląd Politologiczny*, vol. 4 (2015), p. 46, at <http://dx.doi.org/10.14746/pp.2015.20.4.3>.

3.2. The widening of the *relocation* and the reintroduction of the EC's binding quotas – the second relocation scheme

On September 9th, the EC presented the second implementation package following the *European Agenda on Migration*. It consisted of the following proposals: 1) *An emergency relocation proposal for 120,000 refugees from Greece, Hungary and Italy*; 2) *A Permanent Relocation Mechanism for all Member States*; 3) *A common European list of Safe Countries of Origin*, 4) *Making return policy more effective*; 5) *Communication on Public Procurement rules for Refugee Support Measures*; 6) *Addressing the external dimension of the refugee crisis*; and 7) *A Trust Fund for Africa*.⁷³

The first proposal reintroduced the obligatory *distribution key* based on the indicators included in the *Agenda* (see 1.4). To the quota of 40,000 migrants who were to be *relocated* from Italy and Greece as established in the first relocation scheme, the EC sought to add another 120,000 who were to be *relocated* from Italy (15,600), Greece (50,400) and Hungary (54,000). The relocation would be *accompanied by €780 million EU budget support for participating Member States, including a 50% pre-financing rate to ensure that governments on national, regional and local level have the means to act very swiftly*. Also a *temporary solidarity clause*, a gate which would make the process more elastic and reduce the resistance of reluctant states, was to be established. The document stated that if, *for justified and objective reasons such as a natural disaster*, the EU's member would not *temporarily participate totally or in part in a relocation decision, it will have to make a financial contribution to the EU budget of an amount of 0.002% of its GDP*. Then the EC would *analyse the reasons notified by the country and take a decision on whether or not they justify the non-participation of a country in the scheme for a maximum of up to 12 months*. In case of partial participation in the relocation, the amount will be reduced in proportion. The second proposal applied the same objective and verifiable *distribution criteria* as in 1); likewise it included a *temporary solidarity clause*.⁷⁴

The V4 leaders met a few days before the EC's new proposals were published and stressed the need for *preserving the voluntary nature of EU solidarity measures*. Also, they appealed: *the EU must focus on a constructive dialogue leading to effective common action and avoid any mutual accusations*.⁷⁵ Yet in the next couple of days, Prime Minister Kopacz said that Poland would consider increasing its involvement. The reaction of the Czech Republic and Slovakia to the imposed quotas remained categorically negative. In the Czech Republic, the PM, the president and the leader of the largest opposition

⁷³ European Commission – Press release. *Refugee Crisis: European Commission takes decisive action*, European Union website, 9 September 2015, at <http://europa.eu/rapid/press-release_IP-15-5596_en.htm>, 10 May 2017.

⁷⁴ European Commission, *Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary*, Brussels, 9 September 2015, COM(2015), 451 final, 2015/0209(NLE), p. 15; European Commission – Press release. *Refugee Crisis...*

⁷⁵ *Joint Statement of the Heads of Governments of the Visegrád Group Countries*, Prague, 4 September 2015, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/20150904-v4-joint>>, 10 May 2017.

party, Civic Democratic Party (Občanská demokratická strana, ODS), were speaking with one voice. This common position of the ruling social democrats and Christian democratic opposition was a rare case. The situation was similar in Slovakia where the ruling coalition and the main opposition parties found a common ground. President Kiska, however, had a different, more favourable view on accepting the migrants. The Czechs and Slovaks did not reject the EC proposals *en bloc*; for example, the Slovak foreign minister acknowledged the *need for solidarity and assistance and strengthening of the return policy*. He sought to address the causes of the crisis, i.e. to undertake actions in third countries. However, the mandatory quota system was unacceptable.⁷⁶

Orbán, on the other hand, did not only reject the possibility of accepting imposed quotas, but also stressed that Hungary would not agree to the relocation of 54,000 migrants from their soil. Before the publication of the EC's document, when the proposal was referred to in *Die Welt*, a Hungarian PM called it *a bluff*.⁷⁷ When it turned out to be official, he dismissed it altogether. An anonymous source claimed that the Hungarian government thought that the EC's plan *is only of superficial help. They argue that the result of the first relocation scheme in May only served as an invitation for more asylum seekers to come, so they disagree with the whole scheme*.⁷⁸ The table below presents the quotas proposed by the EC in September.

⁷⁶ M. Terenzani, "V4 United against Quotas", *The Slovak Spectator*, 8 September 2015, at <<https://spectator.sme.sk/c/20060186/v4-united-against-quotas.html>>, 10 May 2017; K. Lezova, "Why Slovakia Has Become the Focal Point for Opposition against EU Refugee Quotas", *Euopp – London School of Economics and Political Science Blogs*, 8 October 2015, at <<http://blogs.lse.ac.uk/euoppblog/2015/10/08/why-slovakia-has-become-the-focal-point-for-opposition-against-eu-refugee-quotas/>>, 10 May 2017; Informacyjna Agencja Radiowa, Polska Agencja Prasowa, "Podział uchodźców w UE. Jedna z największych grup trafi do Polski?", *PolskieRadio.pl*, 9 September 2015, at <<http://www.polskieradio.pl/5/3/Artykul/1501949,Podzial-uchodzcow-w-UE-Jedna-z-najwiekszych-grup-trafi-do-Polski>>, 1 May 2017; M. Klang, "Sobotka: Kvóty nepodpoříme. Evropa se musí od plánů posunout k činům", *Aktuálně.cz*, 9 September 2015, at <<https://zpravy.aktualne.cz/domaci/politika/sobotka-evropa-se-musi-od-planu-posunout-k-cinum/r~2bace45e56d911e5b6b20025900fea04/>>, 10 May 2017.

⁷⁷ *We Are Not Facing a Refugee Issue in Europe*, Website of the Hungarian Government, 3 September 2015, at <<http://www.kormany.hu/en/the-prime-minister/news/we-are-not-facing-a-refugee-issue-in-europe>>, 10 May 2017.

⁷⁸ E. Zalan, "Rejects EU Offer to Take Refugees", *EUobserver*, 11 September 2015, at <<https://euobserver.com/migration/130217>>, 10 May 2015.

Tab.3. The *relocation* of migrants among the V4 states as proposed by the EC on September 9th 2015

	Relocation – EC's September proposal (number)	Relocation – EC's September proposal (% out of 120,000)
Poland	9287	7.7
Czech Republic	2978	2.5
Hungary	0	0
Slovakia	1502	1.2
V4	13767	11.5

The author's calculations are based on the following source: *European Commission – Press release. Refugee Crisis: European Commission takes decisive action*, European Union website, 9 September 2015, at <http://europa.eu/rapid/press-release_IP-15-5596_en.htm>.

On September 17th, the EC's proposal was approved by the EP. Although the Council decision gained support of the two thirds of the Parliament, it received little applause among the V4's MEPs. Only 11 out of 106 representatives of the Group voted *for* (four Czechs, four Poles, and three Hungarians) and among them there were only four MEPs representing the ruling parties (three Poles from PO and one Czech from KDU-ČSL).⁷⁹

3.3. The final decision on the second relocation scheme

The Commission's proposals were the subject of a debate during the extraordinary JHA Council, which took place on September 22nd 2015. Unlike the first relocation, which was voluntary and consensual, the second one, mandatory and based on imposed quotas, was a subject of controversy. Despite the objections of some member states, the proposals of the EC were accepted, and the JHA decision 1601 of September 22nd was adopted. The scheme would last till September 26th 2017. The ministers of the Czech Republic, Hungary, Romania and Slovakia voted against the decision, and the Finnish minister abstained. The vote split the Group, with Poland unexpectedly backing the decision on the second relocation scheme.⁸⁰ Due to Budapest's refusal to take part in the scheme, it was limited to migrants staying in Greece and Italy. Thus the number of migrants who were to be relocated was significantly smaller (see below). Unlike

⁷⁹ *Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy, Greece and Hungary*, VoteWatch Europe, 17 September 2015, at <<http://www.votewatch.eu/en/term8-council-decision-establishing-provisional-measures-in-the-area-of-international-protection-for-the-b-9.html>>, 10 May 2017.

⁸⁰ *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, 24 September 2015.

the previous proposal, the decision 1601 obligated the Hungarians to host more than thousand migrants from Greece and Italy. The Council's decision did not mention the algorithm – in accordance with the V4 postulates, automatism was rejected and any subsequent emergency relocation would require member states' decision. However, the fact that the resolution was adopted by a qualified majority vote made it look as imposed rather than the result of compromise. Minister Chovanec stated that the decision *is a hasty move*. In his opinion, *major policy decisions* such as this should be *adopted by consensus*.⁸¹ Later, Warsaw announced its satisfaction noting that its postulates such as the separate treatment of refugees and economic migrants, the protection of the EU's external borders and the preservation of the freedom of distribution of migrants were agreed upon.⁸² The Polish deputy foreign minister Trzaskowski explained that the V4 states had adopted different tactics. Due to the lack of a blocking minority and thus having no way of obstructing the decision, Poland decided that it was better to negotiate its terms. On the other hand, Hungary, Slovakia and the Czech Republic sought to demonstrate their dissatisfaction with the fact that the JHA decision took the solution to the migrant crisis out of the member states' hands. Nonetheless, when it came to the merits of the issue, Trzaskowski ensured that the Group was in *absolute* agreement.⁸³

It is true that the stance of Poland did not cause any substantial changes – the decision 1601 would have been adopted despite the opposition from Warsaw.⁸⁴ All the same, it held symbolic significance as for the first time the V4's position on the fundamental issue of migration was not consistent. Minister Chovanec expressed his disappointment and wondered if that meant that the V4 would become V3.⁸⁵ Poles were criticised by president Zeman and Czech first deputy PM Andrej Babiš wondered if

⁸¹ *Proposal for a Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy, Greece and Hungary – First Reading, Adoption of the Legislative Act*, VoteWatch Europe, 22 September 2015, at <<http://www.votewatch.eu/en/term8-proposal-for-a-council-decision-establishing-provisional-measures-in-the-area-of-international-prote.html>>, 10 May 2017.

⁸² Informacyjna Agencja Radiowa, Polska Agencja Prasowa, "UE przegłosowała decyzję o podziale imigrantów. Polska cofnęła swój sprzeciw", PolskieRadio.pl, 22 September 2015, at <<http://www.polskie-radio.pl/5/3/Artykul/1509225,UE-przeglosowala-decyzje-o-podziale-imigrantow-Polska-cofnela-swoj-sprzeciw>>, 10 May 2017.

⁸³ M. Mikulski, "Trzaskowski: Grupa Wyszehradzka będzie współpracować", *Rzeczpospolita*, 23 September 2015, at <<http://www.rp.pl/Dyplomacja/309239751-Trzaskowski-Grupa-Wyszehradzka-bedzie-wspolpracowac.html#ap-1>>, 10 May 2017; "Rafał Trzaskowski: Polska przyjmie 4,5 tysiąca uchodźców", *Interia.pl*, 22 September 2015, at <<http://fakty.interia.pl/raporty/raport-imigranci-z-afryki/informacje/news-rafal-trzaskowski-polska-przyjmie-4-5-tysiac-uchodzcow,nId,1890520>>, 10 May 2017.

⁸⁴ *Proposal for a Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy, Greece and Hungary – First Reading, Adoption...*

⁸⁵ N. Nielsen, E. Zalan, "EU Forces 'Voluntary' Migrant Relocation on Eastern States", *EUobserver*, 22 August 2015, at <<https://euobserver.com/migration/130374>>, 10 May 2017. See also "EU pošle na Blízky východ miliardu eur, 'polská zrada' Visegrádu byla zapomenuta", *Lidové Noviny*, 23 August 2015, at <http://www.lidovky.cz/polska-zrada-byla-zapomenuta-Visegrad-predvedl-pred-klicovym-summitem-jednotu-gcu-zpravy-svet.aspx?c=A150923_215448_ln_zahranici_ELE>, 10 May 2017.

the Group still existed.⁸⁶ The Group met the next day during an extraordinary informal meeting of the heads of state or government convened by Tusk. In the published joint statement, the V4 presented its priorities (among others strengthening of the EU's external borders and adopting the list of safe countries of origin) while encouraging the EC to *present a detailed and realistic implementation roadmap*.⁸⁷

Media all over the world commented on the remarks of the irritated Slovak PM. He called the outcome of JHA a *dictate of the majority* and stated: *We have been refusing this nonsense from the beginning, and as a sovereign country we have the right to sue*.⁸⁸ Both the Czech Republic and Slovakia considered taking legal action, challenging the Council's decision in the CJEU.⁸⁹ The Czechs eventually withdrew but the Slovak lawsuit was filed on December 2nd 2015 (case C-643/15).⁹⁰ The next day, the Hungarians joined in, challenging the decision (case C-647/15).⁹¹ The hearing took place on May 10th 2017.⁹² Poland took part in it as an intervener in support of the applicants. A non-binding opinion of the Advocate General, which was delivered on 26 July 2017, proposed that the Court should dismiss both actions.⁹³ Expectedly, on 6 September 2017 the Grand Chamber of the CJEU agreed with that opinion, arguing that the Council could adopt the decision by a qualified majority.⁹⁴

The table below illustrates the number of migrants to be relocated to the V4 countries on the basis of the JHA's decision of September 22nd.

⁸⁶ "Česko závazky ohledně migrantů přijme, soudní spor by nikam nevedl", Česká televize, 23 September 2015, at <<http://www.ceskatelevize.cz/ct24/domaci/1589524-cesko-zavazky-ohledne-migrantu-prijme-soudni-spor-nikam-nevedl>>, 10 May 2017.

⁸⁷ *Joint Statement of the Visegrád Group countries on the current migration situation*, Brussels, 23 September 2015, Embassy of the Republic of Poland in Bratislava, at <<http://www.bratyslava.msz.gov.pl/resource/412d73ca-4f3c-4e58-9ac2-63f17f6815e1:JCR>>, 10 May 2017.

⁸⁸ R. Muller, J. Lopatka, "Slovakia Will Challenge EU Migrant Quotas in Court – PM", Reuters, 23 September 2015, at <<http://uk.reuters.com/article/uk-europe-migrants-slovakia-idUKKCN0RN13M20150923>>, 10 May 2017.

⁸⁹ N. Nielsen, E. Zalan, "EU Forces..."; D. Ivanov, "Legislation on Emergency Relocation of Asylum-seekers in the EU", European Parliament Think Tank, 14 October 2015, at <http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI%282015%29569018>, 10 May 2017.

⁹⁰ *Action brought on 2 December 2015 – Slovak Republic v Council of the European Union* (Case C-643/15). See also "Slovakia Files Lawsuit against EU Quotas to Redistribute Migrants", Reuters, 2 December 2015, at <<http://www.reuters.com/article/us-europe-migrants-slovakia-idUSKBN0TL11K20151202>>, 10 May 2017.

⁹¹ *Action brought on 3 December 2015 – Hungary v Council of the European Union* (Case C-647/15).

⁹² InfoCuria – Case-law of the Court of Justice, at <<http://curia.europa.eu>>, 10 May 2017.

⁹³ *Opinion of Advocate General Bot delivered on 26 July 2017 (I). Cases C-643/15 and C-647/15. Slovak Republic, Hungary v Council of the European Union*, ECLI:EU:C:2017:618.

⁹⁴ *Judgment of the Court (Grand Chamber). 6 September 2017*, ECLI:EU:C:2017:631.

Tab.4. The second *relocation* among the V4 states as decided by the JHA on 22 September 2015

	Relocation – JHA's September decision (number)	Relocation – JHA's September decision (% out of total 65,999)
Poland	5082	7.7
Czech Republic	1591	2.4
Hungary	1294	2
Slovakia	802	1.2
V4	8769	13.3

The author's calculations are based on the following sources: *European Commission – Press release. European Commission makes progress on Agenda on Migration*, European Union website, 27 May 2015, at <http://europa.eu/rapid/press-release_IP-15-5039_en.htm>; *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, 24 September 2015, pp. 14-15.

In total, the JHA agreed on the relocation of 160,000 migrants; 40,000 within the first relocation scheme (the Council's decision 1523 of September 14th) and additional 120,000 within the second (the Council's decision 1601 of September 22nd). However, at that point the states were willing to distribute among themselves only 60% of that number.

As already mentioned, member states did not agree on 7,745 places within the first relocation scheme, and they remained unallocated. Within the second scheme only 65,599 out of 120,000 migrants were to be relocated. The remaining 54,000 places, previously dedicated to relocation from Hungary, were to be divided at a later time, following the next decision of the Council. However, in September 2016, as a follow-up to the EU-Turkey deal on migrant crisis (which the V4 supported and wanted to use as a template of *cooperation with third countries*⁹⁵), it was determined that those places *will be used for resettlement from Turkey rather than relocation within the EU*.⁹⁶ The de-

⁹⁵ A. Zachová et al., "Visegrád and Migration: Few Prospects for a Change in Position", EurActiv, 16 January 2017, at <<https://www.euractiv.com/section/global-europe/news/Visegrád-and-migration-few-prospects-for-a-change-in-position>>, 10 May 2017; *Joint Declaration of the Visegrád Group Prime Ministers*, The Visegrád Group, 8 June 2016, at <<http://www.visegradgroup.eu/documents/official-statements/joint-declaration-of-the-160609>>, 10 May 2017.

⁹⁶ *European Commission – Fact Sheet. Questions and Answers: Commission calls for renewed efforts in implementing solidarity measures under the European Agenda on Migration*, European Union website, 2 March 2017, at <http://europa.eu/rapid/press-release_MEMO-17-349_en.htm>, 10 May 2017. See also: *European Commission – Press release. Commission makes immediate proposal to implement EU-Turkey agreement: 54,000 places allocated for resettlement of Syrians from Turkey*, European Union website, 21 March 2016, at <http://europa.eu/rapid/press-release_IP-16-981_en.htm>, 10 May 2017; *European Commission – Fact Sheet. Implementing the EU-Turkey Statement – Questions and Answers*,

cision to use those places for additional resettlements was adopted by the Council on 29 September 2016.⁹⁷ Thus, in total, 98,255 migrants were to be relocated: 32,256 according to the decision 1523 and 65,999 according to the decision 1601.⁹⁸ Therefore, the proposals concerning the relocation shown in tables 1 and 3 are not binding. Only the numbers on which the member states agreed upon in July (table 2) and September (table 4) 2015 are considered as such. As far as resettlement is concerned, the quotas of July 20th 2015 still apply (table 2).

4. THE VISEGRÁD GROUP'S STANCE TOWARDS IMPLEMENTATION OF THE COUNCIL'S DECISIONS

4.1. Parliamentary elections in Poland (2015) and Slovakia (2016)

The topic of the migration crisis played an important role in Polish and Slovakian campaigns of 2015 and 2016. As widely predicted, the Polish parliamentary election of October 2015 was won by PiS and its satellites, the United Poland (Solidarna Polska, SP) and Poland Together – United Right (Polska Razem – Zjednoczona Prawica, PR). On November 6th, Beata Szydło from PiS became the new PM. As a candidate for this position, Szydło had called the decision of September 22nd a *scandal which threatened the security of Poland*. In her opinion, the government of Kopacz *deceived the Visegrád countries*. Furthermore, she acknowledged that the decision could serve as a precedent in subsequent years, which would allow the EU to impose additional numbers of migrants on Poland and other countries.⁹⁹ Despite these harsh words, Szydło's government initially decided to uphold its predecessors' commitment to receive migrants. According to the prepared but finally abandoned regulation, in 2016 no more than 400 people were to come to Poland.¹⁰⁰ However, Szydło stressed that this applied strictly to refugees fleeing from war-torn countries and not economic migrants.¹⁰¹

European Union website, 28 September 2017, at <http://europa.eu/rapid/press-release_MEMO-16-3204_en.htm>, 10 May 2017; Polska Agencja Prasowa, "KE: Projekt decyzji w sprawie przejścia z Turcji 54 tys. Uchodźców", *Puls Biznesu*, 21 March 2016, at <<https://www.pb.pl/ke-projekt-decyzji-w-sprawie-przejecia-z-turcji-54-tys-uchodzcow-825457>>, 10 May 2017.

⁹⁷ *Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece*, Official Journal of the European Union, L 268/82, 1 October 2016.

⁹⁸ A. Adamczyk, "Kryzys migracyjny w UE...", p. 53.

⁹⁹ *Szydło: polski rząd oszukał kraje Grupy Wyszehradzkiej*, YouTube, 23 September 2015, at <<https://www.youtube.com/watch?v=8QvILNO9ZOk&t=4s>>, 10 May 2017.

¹⁰⁰ Projekt rozporządzenia Rady Ministrów w sprawie relokacji cudzoziemców w roku 2016, 12 January 2016.

¹⁰¹ See for example "Premier Beata Szydło dla Polsatu, Polsat News i Polsat News 2, cz. 1", Polsat News, 16 November 2015, at <http://www.polsatnews.pl/wideo/premier-beata-szydlo-dla-polsatu-polsat-news-i-polsat-news-2-cz-1_6336884>, 10 May 2017. See also A. Walecka-Rynduch, "Łęk i niepokój

In February 2016, MPs of the ruling PiS presented a draft of a resolution *on Poland's immigration policy*. Not only did it *negatively* evaluate the decisions of the JHA of September 22nd, but it also criticised the government of Kopacz for supporting it contrary to the other Visegrád countries and Romania.¹⁰² PO and PSL, opposition parties at the time, contested the draft but PiS had the majority. It was passed on April 1st.¹⁰³ It was expected that the PiS victory in the elections of 2015 would *contribute to tightening of Poland's cooperation within V4*.¹⁰⁴ That was also the position of president Duda. During the debate with the incumbent president Komorowski supported by PO, he stated: *We should return to work within the Visegrád Group, which needs to be renewed. I think that Poland could take the initiative here*.¹⁰⁵ Poland's support of the complaints brought to CJEU by Slovakia and Hungary sent an important political signal.¹⁰⁶

As it has already been mentioned, Smer-SD won the election once again in March 2016 and Fico remained prime minister, this time leading the coalition government. The campaign slogan of Smer-SD, *We Protect Slovakia* (*Chráňme Slovensko*), obviously referred to the migration crisis and the adamant position of the Slovakian government.¹⁰⁷ The PM explained that the migrants pose a threat to his country and clearly stated in January 2016: *Not only are we refusing mandatory quotas, we will never make a voluntary decision that would lead to formation of a unified Muslim community in Slovakia*.¹⁰⁸ Furthermore, the decision on challenging the relocation mechanism should be read in the context of the pre-election campaign. It is also worth pointing out that People's Party – Our Slovakia (Ludová strana – Naše Slovensko, ĽSNS), a far-right,

jako elementy politycznych strategii komunikacyjnych. Analiza kampanii prezydenckiej i parlamentarnej 2015 roku”, in M. Kułakowska, P. Borowiec, P. Ścigaj (eds.), *Oblicza kampanii wyborczych 2015*, Kraków 2016, pp. 341-343. See also *Rozporządzenie Rady Ministrów w sprawie relokacji cudzoziemców w roku 2016 (draft)*, 12 January 2016.

¹⁰² *Poselski projekt uchwały w sprawie polityki migracyjnej Polski*, parliamentary print no. 230, 8 February 2016.

¹⁰³ *Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 1 kwietnia 2016 r. w sprawie polityki migracyjnej Polski*, M.P. 2016, poz. 370.

¹⁰⁴ A. Adamczyk, “Współpraca państw Grupy Wyszehradzkiej na forum Unii Europejskiej – doświadczenia i wyzwania”, *Studia Europejskie*, no. 4 (2015), p. 85.

¹⁰⁵ “Komorowski-Duda. Debata w TVP”, TVP Info, 17 May 2015, at <<http://www.tvp.info/20097161/zobacz-cala-debate-komorowskiduda>>, 10 May 2015.

¹⁰⁶ Polska Agencja Prasowa, “Do września kraje UE powinny relokować 26 tys. Uchodźców”, *PolskieRadio.pl*, 27 March 2017, at <<http://www.polskieradio.pl/5/3/Artykul/1744974,Do-wrzesnia-kraje-UE-powinny-relokowac-26-tys-uchodzcow>>, 1 April 2017; B. Cunningham, “5 Takeaways from Slovakia's Election”, *Politico*, 6 March 2016, at <<http://www.politico.eu/article/slovakia-fico-asylum-migrants-elections-nazi-nationalists/>>, 10 May 2017; M. Kern, “Smer mení kampan, ide chrániť Slovensko”, *Denník N*, 18 October 2015, at <<https://dennikn.sk/271525/smer-meni-kampan-ide-chranit-slovensko>>, 10 May 2017.

¹⁰⁷ G. Mesežnikov, “Slovenský politický rok 2016 sa zrejme ešte nekončí”, *SME*, 29 December 2016, at <<https://komentare.sme.sk/c/20419964/slovensky-politicky-rok-2016-sa-zrejme-este-nekonci.html#axzz4gWwDUkpw>>, 10 May 2017.

¹⁰⁸ “Slovak PM Says Will Fight to Keep Immigration to a Minimum”, *Reuters*, 7 January 2016, at <<http://af.reuters.com/article/worldNews/idAFKBN0UL1ZK20160107>>, 10 May 2017.

anti-immigration party led by radical Marian Kotleba, came fifth in the election (8%), for the first time gaining parliamentary seats.

4.2. The migrant quota referendum in Hungary and the attempt to change the Hungarian constitution (2016)

In September 2016, Orbán undertook two initiatives. Firstly, he called for the *quota referendum*, which took place on October 2nd. The Hungarians were asked one straightforward question: *Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of the National Assembly?* The results were easy to predict: 98% of the Hungarians (3.36 million voters) answered negatively. Only 1.64% (56,163 voters) voted *yes*. The turnout, however, was only 44%¹⁰⁹ and according to *The Fundamental Law of Hungary*, only decisions *taken on a valid and conclusive referendum shall be binding on the National Assembly*. A referendum is to be regarded as conclusive *if more than half of those voting validly have given the same answer to a question*, and as valid *if more than half of all voters have cast valid votes*.¹¹⁰ Therefore, the first condition was met, but the second was not.

A few days after the announcement of the results of the referendum, Orbán launched the second initiative putting forward a proposal to amend the constitution. Among a couple of changes, there was the crucial one introducing the law that would prohibit non-Hungarians (with the exception of the *citizens of the countries of the European Economic Area*) from living in Hungary. They would only be able to settle down in Hungary on the basis of *individual requests* which would be processed by the authorities according to a specific procedure. The introduction of this law would block the possibility of receiving groups of migrants as each case would have to be dealt with separately. In the justification of the project, its authors expressly referred to the will of more than 3 million Hungarians who voted *no* in the referendum.¹¹¹ A couple of weeks later, the Hungarian PM threatened to sue the EC if the mandatory quotas were to be introduced once again.¹¹² Amending the Hungarian constitution requires support of the two-thirds of the votes (133) in the National Assembly. In November 2016, the

¹⁰⁹ *National referendum. October 2, 2016*, Website of the National Election Office, 11 October 2016, at <http://www.valasztas.hu/en/ref2016/481/481_0_index.html>, 1 March 2017; *Prime Minister Viktor Orbán Informs EC President of Referendum Result via Letter*, Website of the Hungarian Government, 6 October 2016, at <<http://www.kormany.hu/en/the-prime-minister/news/prime-minister-viktor-orban-informs-ec-president-of-referendum-result-via-letter>>, 10 May 2017.

¹¹⁰ *The Fundamental Law of Hungary (25 April 2011). Translation of the Consolidated Version of the Fundamental Law as on 1 October 2013*, Website of the Hungarian Government, at <<http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>>, 10 May 2017.

¹¹¹ *Magyarország Alaptörvényének hetedik módosítása*, Website of the Hungarian National Assembly, 10 October 2017, at <<http://www.parlament.hu/irom40/12458/12458.pdf>>, 10 May 2017; *The Prime Minister Has Submitted to Parliament a Bill for a Constitutional Amendment*, Website of the Hungarian Government, 10 October 2016, at <<http://www.kormany.hu/en/the-prime-minister/news/the-prime-minister-has-submitted-to-parliament-a-bill-for-a-constitutional-amendment>>, 10 May 2017.

¹¹² "Orbán beszélt az állami rádióban, és mintha kissé ingerült lenne", *Népszava*, 28 October 2016, at

amendment was supported by only 131 parliamentarians and the fundamental law remained unchanged.¹¹³

4.3. *The Dublin plus and the Concept of Flexible (Effective) Solidarity*

Facing massive resistance to the mandatory quotas while observing little progress on the relocation and resettlement, in May 2016 the EC presented its proposal of a complex reform of the Common European Asylum System, which included amending the Dublin Regulation (the so called *Dublin plus*). It introduced *the corrective allocation mechanism*. It would be *triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key*. The key would be *based on two criteria with equal 50% weighting, the size of the population and the total GDP of a Member State*. States not willing or able to participate in the corrective allocation would be required to *make a solidarity contribution of EUR 250,000 per applicant to the Member States that were determined as responsible for examining those applications*.¹¹⁴ Although the document did not present it this way, this amount was commonly commented as a ‘penalty’. Not surprisingly, the reaction of the V4 was unequivocally negative.¹¹⁵ Both the ruling parties and the opposition expressed their objection.¹¹⁶

In September 2016, the V4 responded putting forward a concept called *flexible solidarity* which would *enable Member States to decide on specific forms of contribution taking into account their experience and potential. Furthermore any distribution mechanism should be voluntary*.¹¹⁷ Shortly after that Fico announced that the quotas which *divide the EU* are, in his opinion, *politically finished*.¹¹⁸ Although initially greeted with en-

<<http://nepszava.hu/cikk/1110191-orban-beszelt-az-allami-radioban-es-mintha-kisse-ingerult-lenne>>, 10 May 2017.

¹¹³ About motives of Jobbik, Politics Can Be Different (Lehet Más a Politika, LMP) and Hungarian Socialist Party, which did not support the amendment, see for example S. Dull, “Leszavazták Orbán Viktor alkotmánymódosítását”, Index.hu, 8 November 2016, at <http://index.hu/belfold/2016/11/08/szavazas_az_alkotmanymodositasrol>, 10 May 2017.

¹¹⁴ European Commission, *Proposal for a Regulation of the European Parliament and of the Council 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 (recast)*, Brussels, 4 May 2016, COM(2016) 270 final, 2016/0133 (COD), pp. 18-19.

¹¹⁵ *Joint Declaration of the Visegrád Group Prime Ministers...*

¹¹⁶ G. Mesežnikov, “Problematika migrácie a utečencov na Slovensku v rokoch 2015-2016: spoločenská atmosféra, verejná mienka, politickí aktéri”, in M. Hlinčíková, G. Mesežnikov (eds.), *Otvorená krajina alebo nedobytná pevnosť? Slovensko, migranti a utečenci*, Bratislava 2016, p. 128, 131; “Kvóty na utečencov spôsobili v Európe hotovú pohromu: Naši poslanci sa poriadne oduševnili!”, Pluska.sk, 6 May 2016, at <<http://www.pluska.sk/spravy/z-domova/zjednoteni-hneve-kvoty-utečencov-sposobili-eur-ope-pohromu-nasi-poslanci-poriadne-odusevnili.html>>, 10 May 2017.

¹¹⁷ *Joint Statement of the Heads of Governments of the V4 Countries*, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2016/joint-statement-of-the-160919>>, 10 May 2017.

¹¹⁸ E. Zalan, “EU Migrant Quota Idea Is Finished, Fico Says”, EUobserver, 27 September 2016, at <<https://euobserver.com/migration/135245>>, 10 May 2017.

thusiasm by both Christian democrats and socialists,¹¹⁹ it quickly became criticized by some countries of Southern Europe which argued that the only plausible solution was an automatic relocation procedure triggered by the increased migration pressure.¹²⁰

Between July and December 2016, the presidency of the Council of the European Union was held by Slovakia. Bratislava wanted to seize the opportunity and push the idea of *flexible solidarity* at the EU summit scheduled on December 15th 2016. Thus, the concept was expanded, redesigned and renamed to *effective solidarity*. In mid-November, Slovakia presented a document entitled *Effective Solidarity: A Way Forward on Dublin Revision*. It introduced three different mechanisms dedicated to dealing with three stages of migration: *normal*, *deteriorating*, and *severe circumstances*. Under *normal circumstances*, the system would operate under the same rules. If *deteriorating circumstances* occurred, the member states would be required to relocate *a well-defined proportion of applicants* or to help the state affected by the problem in a different way, *from specific financial contributions to tailor-made wider contributions relevant for both the internal and external migration field* (for example *joint return operations, joint processing of applications, sharing reception facilities during the process of examining the applications and increased contributions to the European Border and Coast Guard and the European Asylum Support Office*). In *severe circumstances*, the EC (note: not the Council) should *decide on additional supportive measures, on a voluntary basis*.¹²¹ A couple of days later, the V4 also established the Migration Crisis Response Mechanism (MCRM), *aimed at creating new or enhancing existing links between the Participating States' governmental institutions responsible for migration*. It was to be *coordinated by Poland and open for all EU Member States willing to participate*.¹²²

While the Slovakian proposal gained the support of the rest of the V4,¹²³ most of the other EU member states remained unconvinced. As expected, it was opposed by several states, particularly Italy, Greece and Germany. The December summit ended without a conclusion in this regard. The debate on the *effective solidarity* was to be continued in the forthcoming months.¹²⁴ Zsuzsanna Végh accurately pointed out that

¹¹⁹ P. Malinowski, "Unia Europejska: Pomysł V4 ws. 'elastycznej solidarności' zyskuje poparcie", *Rzeczpospolita*, 25 September 2015, at <<http://www.rp.pl/Unia-Europejska/160929526-Unia-Europejska-Pomysl-V4-ws-elastycznej-solidarnosci-zyskuje-poparcie.html#ap-1>>, 10 May 2017.

¹²⁰ J. Szymańska, "Perspektywy kompromisu w sprawie reformy wspólnego europejskiego systemu azylowego", *Biuletyn Polskiego Instytutu Spraw Międzynarodowych*, no. 12 (1454), 2 February 2017, p. 1.

¹²¹ *Effective Solidarity: A Way Forward on Dublin Revision*, pp. 1-2, Statewatch, at <<http://statewatch.org/news/2016/nov/eu-council-slovak-pres-non-paper-dublin-effective-solidarity-11-16.pdf>>, 10 May 2017.

¹²² *Joint Statement of V4 Interior Ministers on the Establishment of the Migration Crisis Response Mechanism*, In Warsaw, November 21, 2016, The Visegrád Group, 21 November 2016, at <<http://www.visegradgroup.eu/calendar/2016/joint-statement-of-v4>>, 10 May 2017.

¹²³ *V4 to Set up a Common Crisis Management Centre*, Website of the Hungarian Government, 22 November 2016, at <<http://www.kormany.hu/en/ministry-of-interior/news/v4-to-set-up-a-common-crisis-management-centre>>, 10 May 2017.

¹²⁴ "Szczyt UE: Porozumienie ws. migracji w pierwszej połowie 2017 roku", RMF FM, 15 December 2016, at <<http://www.rmfm24.pl/fakty/swiat/news-szczyt-ue-porozumienie-ws-migracji-w-pierwszej>>.

*the approach of the V4 in replacing relocation with alternative measures is essentially not much different from the Commission's proposal, as the effective solidarity would require to put a 'price tag' on individuals not relocated for the system to be in any way manageable.*¹²⁵

If so, then what was the point of the proposal? Firstly, it could be seen as a tool of political marketing, *an attempt to respond to the weakening image of the V4 in the EU.*¹²⁶

Because the Group is often criticised for not articulating an alternative to the Commission's proposals, which it often opposes,¹²⁷ it may be perceived as just that. Secondly, the symbolic value of the Slovakian proposal should be taken into consideration. Bratislava and its supporters signalled that the solution to the migration problem should be formulated bottom-up rather than be orchestrated by the EC. Thirdly, the emphasis put on the role of the European Council and not the Council in *severe circumstances* signals confidence that the key decisions concerning the relocation should be carried unanimously and not voted by a qualified majority like on September 22nd 2015.

4.4. Relocating and resettling migrants among the V4 states – the state of play

The V4 countries are not willing to meet their obligations to receive relocated migrants. As of May 2017, they had accepted only 0.2% of the migrants within the *relocation* and 3.7% within the *resettlement*. The table below shows the number of migrants received by the V4 states under the *relocation* and *resettlement* programs.

polowie-2017-,nId,2322943>, 10 May 2017; M. Mikulska, "UE planuje na styczeń nowy szczyt z Turcją", *Rzeczpospolita*, 16 December 2016, at <<http://www.rp.pl/Unia-Europejska/161219397-UE-planuje-na-styczen-nowy-szczyt-z-Turcja.html#ap-1>>, 10 May 2017.

¹²⁵ Z. Vég, "Flexible Solidarity, Intergovernmentalism and Differentiated Integration", *Visegrád Insight*, no. 1 (2017), p. 30.

¹²⁶ Ł. Ogrodnik, "Grupa Wyszehradzka z perspektywy Słowacji", *Biuletyn Polskiego Instytutu Spraw Międzynarodowych*, no. 37 (1479), 11 April 2017, p. 2.

¹²⁷ For example Anne Applebaum stated that the V4 became an initiative of one *single case*, and that the Group does not have a *positive project for Europe*. S. András, A. Applebaum, "Ezért nem állók szóba magyarokkal – Anne Applebaum a Mandinernek", *Mandiner*, 18 April 2016, at <http://mandiner.hu/cikk/20160417_ezert_nem_allok_szoba_magyarokkal_anne_applebaum_interju_mandiner>, 10 May 2017.

Tab.5. The *relocation* and *resettlement* of migrants among the V4 states: the final numbers and the state of play as of September 6th 2017

	The first relocation scheme – the decision of September 14 th 2015	The second relocation scheme – the decision of September 22 nd 2015	Relocation – total (number)	Relocation – total (% from the 98,255)	Resettlement number agreed by the V4 on July 20 th 2015	Resettlement (% from the 22,504)	Relocation + Resettlement (number)	Relocation – state of play as of September 6 th 2017 (%)	Resettlement – state of play as of September 6 th 2017 (%)
Poland	1100	5082	6182	6.3	900	4	7082	0	0
Czech Republic	1100	1591	2691	2.7	400	1.8	3091	0.4	13
Hungary	0	1294	1294	1.3	0	0	1294	0	n/a
Slovakia	100	802	902	0.9	100	0.4	1002	1.8	0
V4	2300	8769	11069	11.3	1400	6.2	12469	0.2	3.7

The author's calculations are based on the following sources: *Member States' Support to Emergency Relocation Mechanism (As of 3 May 2017)*, pp. 1-2, European Commission website, 10 May 2017, at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf>, 10 May 2017; European Commission, *Annex to the Report from the Commission to the European Parliament, the European Council and the Council "Eleventh report on relocation and resettlement"*, Brussels, 12 April 2017, COM(2017) 212 final, Annex 4, p. 2-3; *Relocation and resettlement 6 September 2017*, European Commission website, 6 IX 2017, at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170904_factsheet_relocation_and_resettlement_en.pdf>.

The V4 states were failing to fulfil their obligations, stalling for time, testing the Commission's determination and waiting for both the CJEU's verdict and the end of relocation schemes. In March 2017, Avramopoulos issued a warning concerning the member states' obligations saying that there are *no more excuses for the Member States not to deliver* on resettling refugees.¹²⁸ In April 2017, *The Times* wrote that the countries should expect to receive an ultimatum *demanding that they accept their quota of migrants or get out of the EU*.¹²⁹ On May 16th, the 12th report on the relocation and

¹²⁸ *European Commission – Speech – [Check Against Delivery]. Remarks by Commissioner Avramopoulos on the migration package adopted by the College ahead of the March European Council*, European Union website, 2 March 2017, at <http://europa.eu/rapid/press-release_SPEECH-17-425_en.htm>, 10 May 2017.

¹²⁹ B. Waterfield, "Take in Migrants or Leave, EU Tells Hungary and Poland", *The Times*, 4 April 2017,

resettlement was published. The Commission urged the Member States that have not relocated anyone, or have not pledged for Italy and Greece for almost a year, to start doing so immediately and within a month. If no action is taken, the Commission will specify in its next report in June 2017 its position on making use of its powers under the Treaties and in particular on the opening of infringement procedures.¹³⁰ On the same day, Szydło clearly stated: *Currently there is no possibility for refugees to be received by Poland. We will not agree to imposing involuntary quotas concerning refugees in Poland or other member states.*¹³¹ In June 2017, the EC launched infringement procedures against the Czech Republic, Hungary and Poland for non-compliance with their obligations under the 2015 Council Decisions on relocation.¹³² A month later the EC decided to move to the second stage in infringement procedure, issuing *reasoned opinions*.¹³³ Due to the continuing lack of willingness to comply on the part of the three states, at the time of closing this article it seemed certain that by the end of 2017 the EC will move to the third stage, thus referring the matter to the CJEU.

5. INTERNAL FACTORS OF THE VISEGRÁD GROUP'S STANCE TOWARDS THE MIGRANT CRISIS

The Group's opposition to the migrant quotas results from their limited capabilities (wealth level, infrastructure, know-how) as well as historical and cultural conditions (*lack of historical contacts with Islamic culture and rather negative experiences with national minorities*). The Czech Republic, Hungary, Poland and Slovakia are not the migration target countries, which obviously affects their perspectives. Additionally, the location of Hungary on *the main transit route of migrants* has put this state in the most difficult situation.¹³⁴ But it is not just a matter of political will and political configuration, but also of strong social grounds for reluctance to the relocation and resettlement of migrants.

at <<https://www.thetimes.co.uk/article/take-in-migrants-or-leave-eu-tells-hungary-and-poland-rscwfgtwn>>, 10 May 2017.

¹³⁰ European Commission, *Report from the Commission to the European Parliament, the European Council and the Council "Twelfth report on relocation and resettlement"*, Strasbourg, 16 May 2017, COM(2017) 260 final, p. 11.

¹³¹ A. Bartkiewicz, "Beata Szydło: Polska nie przyjmie uchodźców", *Rzeczpospolita*, 16 May 2017, at <<http://www.rp.pl/Rzad-PiS/170519184-Beata-Szydlo-Polska-nie-przyjmie-uchodzcow.html#ap-1>>, 17 May 2017.

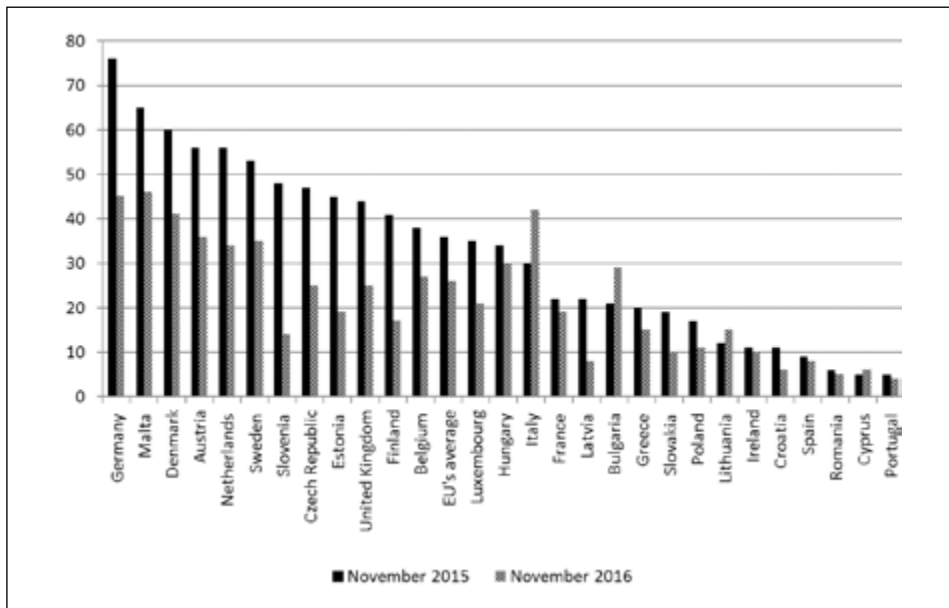
¹³² European Commission – Press release. *Relocation: Commission launches infringement procedures against the Czech Republic, Hungary and Poland*, European Union website, 14 June 2017, at <http://europa.eu/rapid/press-release_IP-17-1607_en.htm>, 15 June 2017.

¹³³ European Commission – Press release. *Relocation: Commission moves to next stage in infringement procedures against the Czech Republic, Hungary and Poland*, European Union website, 26 July 2017, at <http://europa.eu/rapid/press-release_IP-17-2103_en.htm>.

¹³⁴ D. Kałan, "Kryzys migracyjny jednoczy Wyszehrad", *Biuletyn Polskiego Instytutu Spraw Międzynarodowych*, no. 769 (1316), 16 September 2015, pp. 1-2.

Basic intuition suggests that countries whose populations are (i) most concerned about migration, (ii) emphasise reluctance towards others and (iii) to the European integration, would be particularly prone to consistently resisting the development of compulsory *solidarity* mechanisms in the context of the migration crisis. The case of the V4 states shows that the issue is of a more complicated nature. It is easiest to exclude the last interpretation – the V4 countries have a positive attitude towards the Union. The percentage of positive stances of the four societies does not differ significantly or even exceeds (especially as regards the particularly enthusiastic Polish public) the percentage of positive stances of Western societies.¹³⁵ Also when it comes to the threat of migration, similar suspicions do not find empirical confirmation. This is shown in the table below based on Eurobarometer data.

Fig.1. The percentage of Europeans who stated that immigration is one of *the two most important issues* faced by their country



The table was developed by the author using the following sources: European Commission, *Standard Eurobarometer 84 – Autumn 2015. "Public opinion in the European Union, First results"*, p. 17; European Commission, *Standard Eurobarometer 86 – Autumn 2016. "Public opinion in the European Union, First results"*, p. 11. The research was conducted in November 2015 and November 2016.

Surprisingly, in the autumn of 2015 only Czechs were above the European average and were the only V4 nation which perceived migration as *the most important issue*. For

¹³⁵ See for example European Commission, *Standard Eurobarometer 84 – Autumn 2015. "Public opinion in the European Union, First results"*, p. 17; European Commission, *Standard Eurobarometer 86 – Autumn 2016. "Public opinion in the European Union, First results"*, p. 11.

the Hungarians, it was their second choice, for Slovaks – the third. Poles did not place it in the top three at all.¹³⁶ A year later, the Hungarians were slightly above the European average, and migration was their second *most important issue*, just as Czechs'. Slovaks and Poles did not place it in the top three.¹³⁷ Furthermore, it must be stressed that the V4 citizens did not recognise terrorism, a phenomenon which is often depicted as connected with the migration crisis, as a major challenge for their countries. In 2015, out of all the EU nations only the British and the French placed it in the top three (the second and the third place respectively). In 2016, the French did it again (the second place in the hierarchy); it was also the opinion of the Germans (the second place) and Belgians (the second place).¹³⁸

Thus, although it would be groundless to claim that the V4 nations are Eurosceptic, the fact is that their policies have strong social foundations, for example the widely discussed xenophobic attitudes.¹³⁹ Fear of migrants, while not being an all-encompassing phenomenon, is common among the V4 nations.¹⁴⁰ The table below shows the attitude of Czechs and Poles towards receiving migrants according to public opinion polls conducted in 2015-2017. Unfortunately, the comparative study covering all of the V4 nations has not yet been conducted. Only the studies done in the Czech Republic and Poland are characterised by adequate regularity and therefore suitable for comparison. Slovak and Hungarian polling organisations do not carry out this type of consequent research and only once in a while the results of singular polls are published by the media. Due to the different samplings, methods and questions, it is impossible to make a direct comparison.

¹³⁶ European Commission, *Standard Eurobarometer 84 – Autumn 2015...*, p. 17.

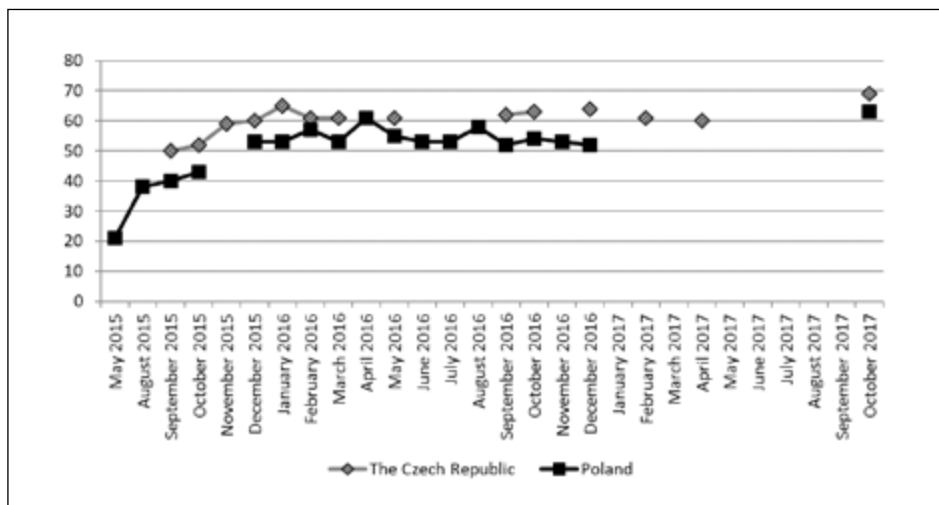
¹³⁷ European Commission, *Standard Eurobarometer 86 – Autumn 2016...*, p. 11.

¹³⁸ European Commission, *Standard Eurobarometer 84 – Autumn 2015...*, p. 17; European Commission, *Standard Eurobarometer 86 – Autumn 2016...*, p. 11.

¹³⁹ See for example A. Juhász, P. Krekó, *Desperate Search for the Lost Popularity. Governmental Campaign against Refugees and Migrants in Hungary*, Budapest, May 2015, p. 5.

¹⁴⁰ About four different levels of fear among V4 nations see B. Simonovits, "Migration-Related Fear and Scapegoating – Comparative Approach in the Visegrad Countries", in idem, A. Bernát (eds.), *The Social Aspects of the 2015 Migration Crisis in Hungary*, Budapest, March 2016, p. 34.

Fig.2. The stance towards accepting refugees – the percentage of negative answers in the Czech Republic and Poland (May 2015–October 2017)



The questions asked by the interviewers of both polling organisations were the same: should [the Czech Republic/Poland] accept refugees from countries affected by armed conflicts?

The data was taken from the following sources: Centrum pro výzkum veřejného mínění, *Tisková zpráva. Postoj české veřejnosti k přijímání uprchlíků – únor 2017*, Prague, 27 March 2017, p. 2; Centrum Badania Opinii Społecznej, “Stosunek Polaków do przyjmowania uchodźców”, *Komunikat z badań*, no. 1, January 2017, p. 2; Centrum pro výzkum veřejného mínění, *Postoj české veřejnosti k přijímání uprchlíků a kvótám na jejich přerozdělování – říjen 2017*, Prague, 17 December 2017, p. 2-3.

The presented results are telling. In general, the analysis of all the public opinion polls in the V4 countries proves that their governments' policies in the period covered by this article had a strong social foundation. When in June 2015 Slovaks were asked whether they were *for Slovakia to receive refugees from the Middle East and North Africa on the basis of quotas proposed by the European Union?*, 70% of the respondents answered negatively.¹⁴¹ At the beginning of 2016, Fico's policies were supported by 89% of Slovaks.¹⁴²

The reluctant attitude is also dominant in Hungary, as confirmed by the results of the *quota referendum* and the popularity of the largest parties. What draws attention is the *Orbán rebound* – after the construction of the border wall began, the downward trend of Fidesz was halted and since then the support for the party has clearly increased.¹⁴³ It is not surprising that when in 2015 a journalist of *Bild* asked Orbán

¹⁴¹ “Prieskum: Slovensko by nemalo prijať utečencov, myslia si Slováci”, *SME*, 17 June 2015, at <<https://domov.sme.sk/c/7864014/prieskum-slovensko-by-nemalo-prijat-utečencov-myslia-si-slovaci.html#ixzz4fkko6WJX>>, 10 May 2017.

¹⁴² G. Mesežnikov, “Problematika migrácie a utečencov...”, p. 116.

¹⁴³ Z. Simon, “Hungarian Refugee Vote May Boost Orbán's Power in Divided EU”, *Bloomberg*, 30 Sep-

whether his role of the European *main villain* was bothering him, he replied: *I can only say: I stand here and cannot act otherwise.*¹⁴⁴

The relocation procedure and the *forced quotas* became symbols of the EU's policy on the migrant crisis as a whole. The leaders of the V4 governments as well as the opposition in the four countries are aware of that.

In the Czech Republic, social opposition to fulfilling EU's obligations concerning the migrant crisis is very visible.¹⁴⁵ Currently, the biggest party opposing Sobotka's cabinet, the Communist Party of Bohemia and Moravia (Komunistická strana Čech a Moravy, KSČM), is against the reception of migrants.¹⁴⁶ In April 2017, ODS added a new postulate to its programme – *a refusal of mandatory quotas of refugees proposed by the EU*.¹⁴⁷ Earlier it appealed to the government to prepare for the possibility of closing the borders.¹⁴⁸ TOP 09 is also against the quotas although this party is not opposed to accepting migrants and its demands in many places coincide with the EU's proposals.¹⁴⁹ As Grigory Mesežnikov argued, all of the Slovak parties, except perhaps for Most-Híd, are negatively oriented as well. The opposition to the EU quotas is widespread.¹⁵⁰

tember 2016, at <<https://www.bloomberg.com/news/articles/2016-09-29/hungarian-refugee-vote-may-boost-orban-s-power-in-divided-europe>>, 10 May 2017.

¹⁴⁴ D. Varro, H.-J. Vehlwald, V. Orbán, "Darum baut Ungarn einen Zaun gegen Flüchtlinge", *Bild*, 19 September 2015, at <<http://www.bild.de/politik/ausland/viktor-orban/darum-baut-ungarn-einen-zaun-gegen-fluechtlinge-42544402.bild.html#fromWall>>, 10 May 2017.

¹⁴⁵ Ł. Ogrodnik, "Grupa Wyszehradzka w polityce Republiki Czeskiej", *Biuletyn Polskiego Instytutu Spraw Międzynarodowych*, no. 91 (1441), 19 December 2016, p. 2.

¹⁴⁶ See for example *Ne! byrokratickému diktátu EU*, Communist Party of Bohemia and Moravia, 15 January 2015, at <<http://old.kscm.cz/politika-kscm/stanoviska-kscm/98096/ne-byrokratickemu-diktatu-eu>>, 10 May 2017; "Nekl (KSČM): Sobotka chystá integraci uprchlíků, které přitom údajně ČR nebude přijímat", *Parlamentní listy*, 1 September 2016, at <<http://www.parlamentnilisty.cz/politika/politici-volicum/Nekl-KSCM-Sobotka-chysta-integraci-uprchliku-ktere-pritom-udajne-CR-nebude-prijimat-451509>>, 10 May 2017.

¹⁴⁷ *ODS 2017. Silný program pro silné Česko*, Civic Democratic Party, 22 April 2017, at <<http://www.ods.cz/volby2017/program/bezpecnost>>, 10 May 2017.

¹⁴⁸ "ODS chce, aby se vláda připravila na možné uzavření hranic", *Novinky.cz*, 28 April 2016, at <<https://www.novinky.cz/domaci/401869-ods-chce-aby-se-vlada-pripravila-na-mozne-uzavreni-hranic.html>>, 10 May 2017.

¹⁴⁹ "EP Is for Quotas on Refugees, Czech Politicians Can't Agree", *Romea.cz*, 7 May 2015, at <<http://www.romea.cz/en/news/world/ep-is-for-quotas-on-refugees-czech-politicians-can-t-agree>>, 10 May 2017. See "TOP 09 Rejects Zeman, Klaus's Anti-migration Rhetoric", *Prague Daily Monitor*, 10 September 2015, at <<http://praguemonitor.com/2015/09/10/top-09-rejects-zeman-klauss-anti-migration-rhetoric>>, 1 March 2017; *Klíčová opatření k řešení migrační krize podle TOP 09*, TOP 09, at <<http://www.top09.cz/proc-nas-volit/politika/migracni-politika>>, 10 May 2017.

¹⁵⁰ G. Mesežnikov, "Problematika migrácie a utečencov...", p. 146.

In Hungary, Orbán's Fidesz is competing with the far-right Jobbik.¹⁵¹ Although some scholars label it as a semi-opposition,¹⁵² the rivalry between those two parties has deep foundations. The coalition between them is unlikely as it would most likely end in Jobbik's split and marginalisation. Although the electorate of the Hungarian Socialist Party (Magyar Szocialista Párt, MSZP), the left-wing opposition, is clearly less reluctant to accept migrants than the Fidesz or Jobbik voters,¹⁵³ the party has little chance of gaining power in the next election. In fact, this note applies to the opposition as a whole. Nevertheless, it attempts to use the migrant crisis to promote its ideas.¹⁵⁴ There are many indications that in 2018 the radical Jobbik, a party even less willing to accept migrants than the ruling Fidesz, will be Orbán's most dangerous competitor.¹⁵⁵ Warsaw emphasises that attempts to impose migrant quotas are unfair since there are already many immigrants from Ukraine in Poland. The Hungarians are acting similarly stressing that gaps in the European labour market could be fulfilled *by training and integrating the six to eight million Roma already living in Europe*.¹⁵⁶

In Poland, PiS is the guarantor of consistent opposition to the compulsory quotas. The coalition of PO and PSL and the government of Kopacz were aware of social expectations and were trying to balance between them and the mainstream of European politics. In September 2015, at the last moment, the government changed its mind succumbing to the pressure of the largest EU states, especially Germany, while trying to distinguish itself from PiS before the forthcoming parliamentary elections. For a decade, Jarosław Kaczyński's party had been governed by the logic of 'guarding the right wall', i.e. blocking every potential rival on the right side of the political scene. That is

¹⁵¹ "Viktor Orbán's Answer to the Jobbik Campaign against Him and His Regime", Blog Hungarian Spectrum, 2 May 2017, at <<http://hungarianspectrum.org/2017/05/02/viktor-orbans-answer-to-the-jobbik-campaign-against-him-and-his-regime/>>, 10 May 2017; "Medián: Serious Loss for Fidesz, Gain for Jobbik", Blog Hungarian Spectrum, 3 May 2017, at <<http://hungarianspectrum.org/2017/05/03/median-serious-loss-for-fidesz-gain-for-jobbik/>>, 10 May 2017; K. Szombati, "Why Hungarian Voters Are Turning Away from Fidesz and towards Jobbik", Heinrich Böll Foundation, 2 June 2015, at <<https://www.boell.de/en/2015/06/02/why-hungarian-voters-are-turning-away-fidesz-and-towards-jobbik>>, 10 May 2017.

¹⁵² Z. Ádám, A. Bozóki, "State and Faith: Right-wing Populism and Nationalized Religion in Hungary", *Intersections. East European Journal of Society and Politics*, vol. 2, no. 1 (2016), p. 115, at <<http://dx.doi.org/10.17356/ieejsp.v2i1.143>>.

¹⁵³ A. Bernát et al., *Attitudes towards Refugees, Asylum Seekers and Migrants. First Results (October 2015)*, Budapest, November 2015, pp. 18-19.

¹⁵⁴ See for example T. Lengyel, "Menekülteket fogadott be Gyurcsány Ferenc", Origo.hu, 2 September 2015, at <<http://www.origo.hu/itthon/20150902-gyurcsany-ferenc-menekultek-szirek-afganok.html>>, 10 May 2017.

¹⁵⁵ See for example M. Dunai, "Hungary's Jobbik Ditches Far-right Past to Challenge Orban in 2018", Reuters, 11 January 2017, at <<http://www.reuters.com/article/us-hungary-jobbik-idUSKB-N14V1PW>>, 10 May 2017.

¹⁵⁶ *Humanitarian Refugees Should Be Allowed into Europe, but Not Economic Refugees*, Website of the Hungarian Government, 5 July 2015, at <<http://www.kormany.hu/en/ministry-of-human-resources/news/humanitarian-refugees-should-be-allowed-into-europe-but-not-economic-refugees>>, 10 May 2017.

precisely why PiS utilises radical (often anti-European) emotions by absorbing competing groups or by not allowing them to be formed. As long as PiS is the ruling party, Poland will not make any concessions in this regard.

The PiS administration would probably be willing to accept a small number of refugees provided that the number would be negotiated, not imposed, and that the operation would be carried out without media hype. The problem is that the EU is not interested in such a scenario. Western Europeans expect not only compliance and collaboration, but above all loud and clear messages. *The symbol of quotas was a bigger matter than a real solution to the problem in Europe*, argued the Slovakian PM.¹⁵⁷ It should be noted that making concessions by the Szydło cabinet would probably result in an increased popularity of such radical groups as the National Movement (currently a non-parliamentarian party). The results of public opinion polls are unequivocal. The percentage of Poles who believe that Poland should not *accept refugees from countries suffering from armed conflict* increased from 21% in May 2015 to 52% in December 2016. For more than a year, the number of the Poles reluctant to receiving migrants has been considerably higher than the number of the supporters of the opposite view.¹⁵⁸ Among the V4 nations, Poles are less reluctant towards accepting migrants and they are characterised by a lower level of fear of them.¹⁵⁹ But even in Poland, the opposition to immigration dominates. It is primarily an attribute of the voters of PiS (79% express the negative stance), but the voters of PO, main opposition party, are not very far behind (50%).¹⁶⁰ In the spring of 2017, PO announced that it would not accept the migrants.¹⁶¹ Currently, Szydło's government is trying to combat the image of being reluctant towards helping refugees by strongly promoting *on-site help* policy.

CONCLUSION

It is not by mere coincidence that on 15 February 2016, on the 25th anniversary of the establishment of the V4, the Group published two separate joint statements: while the first concentrated on celebrating the anniversary, the second was devoted to the migration crisis. Although its unanimity was limited to the migration issue, the Visegrád Group has experienced the second revival in the years 2015-2017. It is true that it has *earned it more coverage than ever before in the 25 years of its existence*.¹⁶² However, this

¹⁵⁷ R. Muller, J. Lopatka, "Slovakia Will Challenge..."

¹⁵⁸ Centrum Badania Opinii Społecznej, "Stosunek Polaków do przyjmowania...", p. 2.

¹⁵⁹ B. Simonovits, B. Szeitl, "Menekültekkel és migrációs politikával kapcsolatos attitűdök Magyarországon és nemzetközi összehasonlításban", *Társadalmi Ríport* (2016), p. 438.

¹⁶⁰ Centrum Badania Opinii Społecznej, "Stosunek Polaków do przyjmowania...", p. 10.

¹⁶¹ "Schetyna potwierdza: Nie będziemy przyjmować nielegalnych migrantów", *Newsweek*, 10 May 2017, at <<http://www.newsweek.pl/polska/schetyna-nie-bedziemy-przyjmowac-migrantow-po-ochodzcach,artykuly,409922,1.html>>, 10 May 2017.

¹⁶² M. Nič, "The Visegrád Group in the EU: 2016 as a Turning-point?", *European View*, vol. 15, no. 2 (2016), p. 282, at <<http://dx.doi.org/10.1007/s12290-016-0422-6>>.

is certainly not *coverage* welcomed from the marketing point of view. Anna Potyrała has called the Group an *unwilling coalition*.¹⁶³ The differences in opinions among the EU states, with the prominent role of the V4, are even considered to be an *East-West fracture*¹⁶⁴ or a *new iron curtain*.¹⁶⁵ In 2015, Tusk argued: *I apologize for the simplification, but one can argue about the division between East and West of the EU*.¹⁶⁶ A young Slovak journalist of SME wrote: *Migration crisis was another chance to show constructive solutions from Visegrád. Instead, we brought up criticism, negativism and hatred*.¹⁶⁷ This is a representative example of a journalistic oversimplification concerning the V4 position towards the migrant crisis. Firstly, it should be noted that the fundamental differences between the V4 and the rest of the EU concentrate on the relocation procedure. In many areas of the EU migration policy, the Group supports the stance of the EC. Not only does the V4 not prevent the EU from acting, but it advocates more extensive reforms. Secondly, the moral values, so frequently raised by journalists, cannot be implemented in total isolation from two factors: internal conditions and the current shape of the EU.

The position of the Group concerning the migrant crisis in 2015-2017 remained transparent and consisted of the following stances:

- Collaborating with the United Nations, the League of Arab States and the African Union.
- Distinguishing between refugees and economic migrants.
- Ensuring *effective control and protection of the EU external borders in all aspects* is needed.¹⁶⁸

¹⁶³ A. Potyrała, “Środkowoeuropejska koalicja niechętnych...”, p. 26; eadem, “W poszukiwaniu solidarności...”, p. 41.

¹⁶⁴ F. Pastore, “The Next Big European Project? The Migration and Asylum Crisis: A Vital Challenge for the EU”, *Norwegian Institute of International Affairs Policy Brief*, no. 25 (2015), p. 2.

¹⁶⁵ Sylvie Kauffmann from *Le Monde* wrote in August 2015: *Twenty-six years ago Hungary opened the doors of the free world to thousands of East German refugees who sought to reach the West. Today, the country fortifies its border with Serbia to block the passage of refugees and migrants of the 21st century* – S. Kauffmann, “Le nouveau rideau de fer”, *Le Monde*, 29 August 2015, at <http://www.lemonde.fr/idees/article/2015/08/29/le-nouveau-rideau-de-fer_4740031_3232.html>, 10 May 2017. See also J. Kuisz, “The New Iron Curtain? The V4 and the Refugee Crisis as Seen from the Polish Perspective”, in P. Morillas (ed.), *Illiberal Democracies in the EU. The Visegrád Group and the Risk of Disintegration*, Barcelona 2017.

¹⁶⁶ A. Widzyk, “Donald Tusk: Kryzys migracyjny dzieli Unię na Wschód i Zachód”, *Interia.pl*, 3 September 2015, at <<http://fakty.interia.pl/swiat/news-donald-tusk-kryzys-migracyjny-dzieli-unie-na-wschod-i-zachod,nId,1879061>>, 10 May 2017.

¹⁶⁷ L. Onderčanin, “How Central Europe Can Reclaim its Good Image”, *Visegrád Plus*, 8 December 2016, at <<http://visegradplus.org/how-central-europe-can-reclaim-its-good-image/>>, 10 May 2017.

¹⁶⁸ The V4 agreed with Tusk who stressed that either the EU will have strong external borders, or it will be forced to bring back internal ones. See for example I. Traynor, “Europe Split over Refugee Deal as Germany Leads Breakaway Coalition”, *The Guardian*, 30 November 2015, at <<https://www.theguardian.com/world/2015/nov/29/germanys-plan-to-strike-eu-wide-refugee-sharing-deal-stalls>>, 10 May 2017; A. Gruszczak, “Ciemne chmury nad Schengen”, *Analizy Zakładu Bezpieczeństwa Narodowego*, no. 2, 28 January 2016, at <http://www.zbn.inp.uj.edu.pl/analizy?p_p_id=56_INSTANCE_s74udNM-

- Fighting *against traffickers and smugglers at the national level as well as further intensification of police and intelligence cooperation.*
- Fighting with the Islamic State.
- Intensification of diplomatic activities in regard to destabilized countries which contribute to the migrant crisis.
- Limitation of relocation directions – not all migrants should be relocated or resettled; a *list of safe countries of origin* is needed.
- Making the *return policy more effective.*
- Mobilizing Greece and Italy to build a hotspot system (*swift implementation of functional hotspots*).
- Pointing out the problem of migration from the east and south of Europe; calling for the development of *a more systemic and geographically comprehensive approach to migration* and criticizing the EU's focus on the Mediterranean region.
- Providing humanitarian aid in the crisis-stricken countries of Europe and the Middle East.
- Supporting the EU actions, but solely on the basis of voluntary consensus. Decisions should be made unanimously at the level of heads of government.
- Strengthening the European Asylum Support Office and the European Border and Coast Guard Agency
- Taking wider actions – the European Union attaches too much importance to the relocation and resettlement; the main focus is being put on treating the effects of disease and not its root causes.¹⁶⁹

It remains a question whether the Group's cohesion in the field of migration will last. Though every once in a while the media argue that the V4 has *died*, so far these opinions have proved to be greatly exaggerated. In 2012, the editor-in-chief of the *Visegrád Insight* wondered if the V4 was *dead or alive*.¹⁷⁰ In autumn of 2014 – just at the threshold of the Group's revival – one of the Polish publicists argued that *the Visegrád Group practically does not exist*. We should *accept its death*, he said, and think about *Visegrád 2.0* consisting of the V4 members alongside the Baltic States, Romania and the Balkan countries.¹⁷¹ Three years later these plans seem distant. The migration crisis breathed new life into the group and gave it a new outlook. Milan Nič argued that

3g0ln&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&groupId=92718966&articleId=113465806>, 10 May 2017.

¹⁶⁹ *Joint Statement of the Heads of Government of the Visegrád Group Countries*, Bratislava, 19 June 2015, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the->>, 10 May 2017; *Joint Statement of the Heads of Governments of the Visegrád Group Countries*, Prague...; *Joint Communiqué of the Visegrád Group Ministers of Foreign Affairs*, Prague, 11 September 2015, The Visegrád Group, at <<http://www.visegradgroup.eu/calendar/2015/joint-communique-of-the-150911>>, 10 May 2017; *Joint Statement of the Visegrád Group countries on the current migration situation...*; *Joint Statement on Migration*, Prague, 15 February 2016, The Visegrád Group, at <www.visegradgroup.eu/calendar/2016/joint-statement-on>, 10 May 2017.

¹⁷⁰ W. Przybylski, "V4 Dead or Alive", *Visegrád Insight*, vol. 1, no. 1 (2012), p. 3.

¹⁷¹ "Grupa Wyszehradzka to fikcja?", *Niezależna.pl*, 31 October 2014, at <<http://niezalezna.pl/60968-grupa-wyszehradzka-fikcja>>, 10 May 2017.

in *the history of the Group and its influence within the EU, the year 2016 will be seen as a turning point*.¹⁷² In order for the words of the Slovakian analyst to be true, the strengthening of the V4's consistency would have to turn out to be long-lasting, while exceeding the confines of the migrant crisis. The end of a closer cooperation in the field of migration could be caused by a significant easing of the migration problem¹⁷³ and/or by a drastic change of public views, but, as of October 2017, these are not the scenarios that are likely to occur in the near future. However, the cohesion of the Group will remain limited due to conflicting interests of its members in many vital areas.¹⁷⁴ Thus, the crucial query is whether the intensification of cooperation in this field will translate into its strengthening in other areas, and, if so, which ones?

The Group's position fits in with the 'step back' trend concerning European integration observable in recent years.¹⁷⁵ The V4 certainly will not become, as some right-wing publicists may imagine, an alternative to the EU or the root of the 21st century version of the intermarium. But the example of the European migrant crisis shows that the Group can be influential within the EU. The nearest challenge for its durability will be the parliamentary elections in the Czech Republic scheduled for October 2017.¹⁷⁶ ANO, the coalition partner and the main concurrent of Sobotka's ČSSD, has been leading the polls for months.¹⁷⁷ Overall, today's chances for Sobotka to retain office after 2017 seem slim. But even though it is possible that the next Slovakian government will be led by Babiš, it will probably not drastically change Prague's stance towards the immigration crisis as the views of ANO's leader, a populist and billionaire, are plain and simple: Czechs *must do everything to reject migrants*. The quotas are unacceptable and

¹⁷² M. Nič, "The Visegrád Group in the EU...", p. 282.

¹⁷³ See for example D. Cianciara, "Kryzys związany z uchodźcami nie jest chwilowy", *Hygeia Public Health*, vol. 50, no. 3 (2015), pp. 427-434.

¹⁷⁴ See for example H. Foy, A. Byrne, "Splits over EU Test Relations between Visegrád Four", *Financial Times*, 6 October 2016, at <<https://www.ft.com/content/f5d017f8-84b2-11e6-8897-2359a58ac7a5>>, 10 May 2017.

¹⁷⁵ Eszter Zalan stated at the end of 2016 that Visegrád, the *name of a quiet medieval town in Hungary has in recent times become synonymous with the word 'rebellion' in Brussels*. E. Zalan, "The Rise and Shine of Visegrád", p. 14, *EUobserver*, 30 December 2016, at <<https://euobserver.com/europe-in-review/136044>>.

¹⁷⁶ On May 2nd 2017, the PM unexpectedly announced that in connection with the long-running controversies concerning First Deputy PM and Minister of Finance Andrej Babiš, the founder and leader of ANO, ČSSD's coalition partner, and his unwillingness to leave office, he is going to hand in the government's resignation. The snap election was briefly considered as one of the possible solutions. A couple of days later, the PM changed his mind and so the election will come about normally. R. Muller, "Czech Parties Look To Avoid Snap Election after PM Quits", *Reuters*, 3 May 2017, at <<http://www.reuters.com/article/us-czech-government-idUSKBN17Z17N>>, 10 May 2017; P. Kosová, V. Dolejší, "Sobotka: Babiš by měl sám rezignovat. Babiš: Není důvod, na rozdíl od premiéra jsem úspěšný", *Seznam.cz*, 1 May 2017, at <<https://www.seznam.cz/zpravy/clanek/premier-sobotka-babis-by-se-mel-zachovat-jako-chlap-a-rezignovat-30812>>, 10 May 2017.

¹⁷⁷ Centrum pro výzkum veřejného mínění, *Tisková zpráva. Straničné preference a volební model v dubnu 2017*, Prague, 24 April 2017, pp. 2-3.

the government must oppose them even *at the cost of sanctions*.¹⁷⁸ Since it is expected that the Hungarian parliamentary election of spring 2018 will be won by Fidesz, one could argue that a serious test of the Group's consistency will not take place until the autumn of 2019 when the next parliamentary elections will be held in Poland. However, it must be remembered that in the meantime, in 2018, a discussion on the matter of the Common European Asylum System reform and a new Multiannual Financial Framework will take place. It is negotiations concerning those issues that will be a true test of the Group's cohesion, determining if it will continue to experience its (limited) *second revival*.

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¹⁷⁸ Facebook profile of Andrej Babiš, 1 August 2016, at <<https://pl-pl.facebook.com/AndrejBabis/posts/809293832540596>>, 10 May 2017.

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Arkadiusz NYZIO – graduated with honours from Jagiellonian University in Kraków (2012). Holds two bachelor's degrees (political science, national security) and two master's degrees (political science, European studies). In 2017 received his PhD cum laude from the Jagiellonian University. The editor-in-chief of a scientific journal *Poliarchia*. Assistant professor at the Department of National Security of the Jagiellonian University.