EUROPE 12.03.2020 | Petra Bendel

Walking headlong into disaster

The EU failed to learn from the crisis of 2015 – and is now paying the price. Its refugee policy is even worse than back then

Read this article in German.

For the second time in quick succession, the European Union has ignored the warning signs and finds its asylum and refugee policy mired in crisis. It has failed to learn from the experience of 2015, when it had been clear for some time that the wars in Syria, Afghanistan and Iraq would drive large numbers of refugees to Europe. However, the first host countries received no support, thus compounding the situation. It had long been clear that the inadequate solidarity and sharing of responsibility with those EU border states overburdened under the Dublin system would create a human-rights emergency in the reception centres of Italy and Greece.

After refugees arrived in droves, the EU member states ultimately sealed off the Balkan routes, built new border fences, ramped up the resources of the European Border and Coast Guard Agency FRONTEX and, alongside other partnerships with third countries, concluded the EU-Turkey deal.

This deal was riddled with structural flaws: as a non-legally binding political declaration of intent, it left the EU at the mercy of its authoritarian partner, Turkey. First, there are question marks over Turkey's quality as a safe third country. Second, Turkey itself is generating refugees on an increasingly large scale. Third, the declaration included a possibility of return from Greece to Turkey that only applied to Syrian refugees. However, a large proportion of Greece's asylum-seekers come from Afghanistan and Iraq. Fourth, the low number of resettlement places paled in comparison with the large volume of refugees in Turkey.

A crisis a long time in the making

Although the number of refugees has fallen sharply in previous years, these figures belied the fact that Turkey had nowhere near enough capacity to host the approx. 3.6 million refugees in the country, while EU payments were insufficient in the long term. The figures also obscured the fact that some escape routes were shifting, deaths at sea were on the rise and the number of (mostly Afghan) migrants and refugees arriving on the Greek islands was constantly increasing. While other member states were slow to accept asylum-seekers from the hot spots in Italy and Greece as agreed in the EU, Greece was partly unable and partly unwilling to stop the humanitarian catastrophe on Lesbos, Samos, Kos and Chios. As a result, reception and asylum systems were heavily overburdened, and there were extensive breaches of human rights.

In the current situation at the Turkish-Greek border, the most pressing need is to urge Greece to end the violence and restore the right to asylum.

These have been wasted years for the reform of the Common European Asylum System (CEAS) instigated in 2016. That's where the second major design flaw of EU refugee and asylum policy lies, in the rightly much-criticised Dublin system: with all their disputes, the EU member states spent years missing the opportunity to establish an allocation mechanism that would guarantee greater solidarity among member states and ensure that standards of human rights and refugee rights were maintained – they missed the opportunity for a more proactive refugee regime.

In 2020, this shaky structure now faces a crisis that was caused by Turkey's invasion of northern Syria, is exacerbated by the US withdrawal and has mutated into a proxy war. A partner that could be barely trusted from the outset is playing the refugee card to put pressure on the EU and NATO while people are fleeing from Idlib in growing desperation – a second foreseeable crisis. President Erdoğan's announcement that the borders were open prompted many of those stranded in Turkey to head for Europe. How many of them will ultimately get anywhere is doubtful. By turning them back so violently at the Greek-Turkish border and suspending the asylum system with the aim of stopping migration, the Greek government is deliberately defying EU and international law.

This is pushing developments in Europe to a long-threatened precipice. After all, the omens for a better response from Europe are far worse than they were five years ago. Even though surveys show that citizens in most EU member states support the principle of receiving asylum seekers, most

of them believe that the number of incoming refugees must be limited. There is definitely a rise in racism and right-wing populism in most member states, as well as violent attacks on migrants and refugees of the kind recently seen on Lesbos.

A small 'coalition of the willing' is not enough

In this context, many member states are showing virtually no political desire to receive people and allocate them more effectively; only a few have expressed an interest in leading a 'coalition of the willing'. At the same time, established standards of human and refugee rights are being swept aside in the interest of restricting migration as much as possible. The result is policy of a 'race to the bottom' that is jeopardising the rights of migrants and refugees not to be turned back at the borders, their right to freedom of movement due to detention, the issues of status recognition internally and their economic, social and cultural rights as well as their rights in the asylum process.

The complexity of the issue, the diverse causes of migration and the problems in the first host and transit countries demand joined-up short-term, medium-term and long-term solutions at several levels. There is no simple remedy to the causes of migration or a simple foreign policy on migration that can quickly reduce the number of asylum-seekers.

In the current situation at the Turkish-Greek border, the most pressing need is to urge Greece to end the violence and restore the right to asylum. The UNHCR and European agencies must protect and, if necessary, evacuate the people stuck at the border. As an emergency measure, the 'coalition of the willing' – which also includes Germany – must consider reallocation from Greece. Receptive local authorities can also be involved here.

The EU intends to put forward an ambitious new 'pact for migration' in March. Again.

As long as there is no reliable allocation system among the member states, this coalition must set a good example and show flexibility in receiving asylum-seekers – and this also applies to disembarkation and reception of people rescued at sea. However, pragmatic solutions of this kind are not sustainable: rather, the EU must rectify the structural flaws of 'Dublin' as soon as possible and – maybe in several steps via a Europe of two or more speeds – establish a better mechanism for sharing responsibility.

Not enough cause for optimism

Both Greece and Turkey need ongoing help with receiving and integrating refugees, through international organisations and non-governmental organisations and not simply through cash transfers. This requires swift negotiations with Turkey, avoiding the structural flaws of the past if at all possible. Better monitoring of human and refugee rights is absolutely essential here. This also applies to other partnerships with third countries.

As well as stepping up humanitarian aid near crisis regions, it is also necessary to expand protection capacity and strengthen development-oriented and participative approaches for asylum-seekers and local host communities alike. Legal humanitarian channels – via resettlement – must be expanded and alternative regular channels must also be opened up for people with no grounds for asylum.

The EU intends to put forward an ambitious new 'pact for migration' in March. Again. All eyes are now focused on the European Commission and the German presidency of the European Council, which starts in July. They will be expected to ease this second refugee-policy crisis and propose structural measures for a more reliable, robust framework for an EU refugee regime. Ultimately, this must put an end to the ad-hoc solutions, put the protection of refugees first and incorporate foreign and development-policy pillars in a far-sighted manner. There are plenty of suggestions. But not enough cause for optimism.



Petra Bendel
Erlangen

Petra Bendel is Professor of Political Science at the University of Erlangen-Nuremberg.