

BÖLL LUNCH DEBATE**Reconnecting Europe II****The Refugee Crisis and its Impact on the European Union – More Disunity, Ultimate Failure or Pragmatic Emergency Solution?¹**

More than 1 million asylum seekers arrived in Europe last year. The situation overwhelmed national governments and EU Institutions alike and further disrupted the relations between Member States. The Dublin Agreement, finally accepted as unfair and unsustainable, was blown to pieces along with the rest of the common asylum system; the Schengen agreement is on the brink of collapse. Every Member State seems to follow and defend its own agenda. Some erected fences along their borders even at borders with other Member States. Deep divisions (between east – Visegrad – and west, north and south, periphery and centre, and lately even between core members of the Union) are visible. Will the migration crisis drive the Union even further apart? Seven Migration Summits have not brought about a sustainable solution. Agreements are not being implemented. The communication channels between the various (groups of) countries seem to be blocked. The mood among EU citizens, helpful and positive in many countries at the outburst of the crisis, is changing. Populists have rushed in where main stream parties feared to tread and have taken over the political discourse. In the meantime, the refugees keep coming. What can be done to unblock the communication channels, unify the Member States on a pragmatic and responsible solution acceptable for all, which is also fair to the neighbouring non-EU countries, and give the refugees a humane perspective? And how can the political discourse be taken back from the populists?¹

Europe seems to be built on crises. Since its beginnings the Member States often had to overcome serious tensions among themselves. In the case of the eurozone crisis, major problems arose from the fact that the common currency in the monetary union was not flanked with measures regarding common fiscal and economic policy. Today's crisis can be seen as a result of a similarly failed approach to establish a concerted migration and asylum policy. Regardless the ample possibilities provided by the Lisbon Treaty in this area, the Member States did not manage to adopt a common strategy to combat illegal migration, to respect the rights of refugees and promote legal migration channels. As a result, Europe was completely unprepared for the sudden and unexpected tide of refugees in spite of the fact that the war in Syria already started in 2011 and cast its shadow ahead.

¹ The event took place on 16 March 2016. Guest speakers were: **Peter Bosch**, Senior Expert Unit on Inter-institutional relations and Citizenship, DG Migration and Home Affairs, European Commission; **Jelena von Helldorff**, Senior Policy Advisor, Centre for European and International Policy Action; **Julija Kranjec**, Programme Director, Centre for Peace Studies, Croatia and **Bodil Valero**, Member of European Parliament (Greens/EFA, Sweden). The debate was moderated by the director of the Heinrich-Böll-Stiftung European Union, Klaus Linsenmeier. The opinions expressed do not necessarily represent the opinions of the Heinrich-Böll-Stiftung.

For many years approximately 200,000 to 300,000 asylum seekers crossed the EU's external borders per year in search of a safe place to stay. Already this relatively low number was perceived to be challenging at the time. In 2015, at least 1.2 million people requested asylum in the EU, while there is no even distribution among Member States. In view of the fact that the number of incoming persons is not expected to drop within the next few years, the question is whether the Union is indeed too big to fail as we thought till now or whether this new test will prove to be too much for its further existence.

The principle of solidarity and sharing of responsibility: a forgotten obligation

According to Article 80 of the Lisbon Treaty (TFEU) the EU's asylum policy should be 'governed by the principle of solidarity and sharing of responsibility, including its financial implications, between the Member States.' The EU member countries thus have a legal obligation of mutual assistance. If they had shown the responsibility and solidarity they should demonstrate according to the Treaty, the EU would find itself in a very different situation today.

However, the debate about the refugee crisis is not only about legal frameworks, it is about European values. The essence of the question is how to respond to hundreds of thousands of people asking for international protection. Still, solidarity and the sharing of responsibility are hard to find in the current situation. That the crisis has reached such levels is due to the fact that the common migration and asylum policy whose fundamentals were laid on the Council Meeting in Tampere in October 1999 was never implemented.

As an answer to the crisis, some EU Member States have been calling for a reintroduction of internal border controls, which would not only mean an erosion of the principle of free movement in the Schengen zone, but also ruin the European identity as well as the European economy. The financial effects would be devastating: it is estimated that in this scenario the EU's economy would suffer a damage of between 20 and 40 billion euro on a yearly basis.

Solidarity is not only a burden sharing but also a benefit sharing and has been, from the beginning, a driving force behind European integration and also European development: the agricultural, social, structural and cohesion funds are all reflecting this principle of European solidarity. Migration as well as other issues brought about by globalisation, such as climate change, terrorism and energy supply impose solidarity as a necessity: no country can meet these challenges alone.

Croatia and Swedish: two examples

The cases of Sweden and Croatia, even if their situations are very different, clearly demonstrate that it is impossible for Member States to handle the refugee crises on an individual basis.

In the Balkan area, which has been in the limelight, many countries have been trying to find their own their own response to the refugee crisis by closing their borders or even erecting fences. In Croatia, which is not part of the Schengen zone, the reactions to the influx of migrants have recently changed due to the unexpected high number of incoming persons. Geography matters in

situations like these: the southern and south eastern EU Member States are more exposed to irregular migration because of their geographical proximity to the areas of conflict than the northern countries are. After joining the EU, the average annual number of illegal border crossings in Croatia was about 3,000 to 4,000. In September 2015, each day 10,000 to 15,000 people arrived at the Croatian border. Over the last ten years, 5,000 people applied for asylum in Croatia; 180 got international protection. Usually, Croatia was perceived to be only a transit country for those desiring other destinations, especially due to the lack of well-functioning integration measures.

At the outbreak of the crisis, public opinion and media coverage were generally in favour of the refugees, partly as a result of Croatia's own war and exile experiences in the past. This changed gradually when even more people arrived and especially after the Paris attacks. Today the crisis is entirely framed as 'migrant crisis' and people as '(economic) migrants', including unaccompanied children from Syria. This assessment was fuelled by the results of the parliamentary election in December last year. With the new right-wing government, the anti-refugee rhetoric even sharpened. Today, Croatia is trying to extend the presence of its army at the borders; one could speak of a militarisation of the refugee crisis which seems to be a trend on the whole Western Balkans route (and not only there).

Even in Sweden the situation has changed. Sweden has always been a country open to immigration. Migrants and refugees usually got their residence permit once they were in the country; today it is much more difficult to stay. Sweden, which had a better regulation on migration and asylum than the other European countries, has now reduced its regulation to a minimum standard. Now, for example, people need to have an ID to enter Sweden, which forces refugees without valid passports to find other ways to cross the Swedish border. With measures like this, the Swedish government wants to signalise to other Member States that they have to share the burden.

All this demonstrates the necessity of a common EU migration and asylum policy. It also shows the lack of European leadership in general, since the Franco-German engine that used to push forward European integration has come to a halt. On the migration issue, the French, certainly since the Paris attacks, see it primarily as a security issue, whereas in Germany (till now) the humanitarian perspective dominated, but also the idea of migration as a panacea for Germany's demographic decline.

What to do?

The EU must be aware that even with the Balkans route closed, smugglers, refugees and migrants will find other, probably more risky and more costly ways to get to Europe, for example over the central and western Mediterranean routes as soon as the weather will be improving. Therefore, the EU should offer a massive aid to those countries that are already hosting refugees, especially Turkey, Jordan and Lebanon, since the EU cut the aid for humanitarian organisations in these countries in the last year.



In view of the planned refugee deal with Turkey, the EU has to be aware that the country applies a 'limited' version of the convention since 1968. The Geneva Convention defined the status of refugees on conditions of 'the incidents that happened in Europe before 1951'. In 1967 this limitation was lifted in 1967 with the Protocol on the Legal Status of Refugees. Turkey approved this amendment in 1968 but under the condition of 'geographical boundaries'. Turkey is currently the only country that implements a difference between European and non-European refugees, which means that it cannot be considered a safe country for the refugees we are currently talking about. To people from countries which are not member of the Council of Europe, Turkey cannot provide refugee status, it can only recognise 'temporary asylum'.

Finally, humanitarian aid should be given to Greece which already hosts about 30,000 people and the question needs to be addressed whether these people should be resettled and how. The EU also has to start thinking hard about the integration of the large number of refugees in order to prevent incidents like those that occurred in German cities during the New Year celebration, but also in Sweden, the Netherlands and other countries. The debate on (the lack) of integration of migrants and refugees should not be left to the populist right.

If Schengen is to be preserved, the EU must protect its external borders. Until now there is no common strategy to ensure this, since organisations like Frontex are underfinanced and understaffed. The removal of internal borders implies mutual trust among the Member States, which also means policy harmonisation and controls of the external borders (this has been a legal condition for the creation of the Schengen zone). But the EU agencies set up to protect the borders never got enough support from the Member States, because the wish for sovereignty prevailed over the need for cooperation and unity – a circumstance which again demonstrates the lack of solidarity among the EU Member States.
