

Europe's dubious response to the refugee crisis



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Summary

The present paper

- Discusses the current refugee crisis from its outbreak to its evolution
- Attempts to set current EU responses in a contextual setting, from the early response to the Lampedusa tragedy of 2013 with Task Force Mediterranean to today's proposal for the redistribution of 160,000 refugees.
- Critically discusses European Member States' responses and the resurface of 'Fortress Europe'
- Proposes priorities and measures, stressing the need for a global response to the current refugee crisis.

The making of a refugee crisis

In early spring 2011, and amidst the throws of the Arab Spring sweeping the Middle East, nationwide protests broke out in Syria against President Bashar al-Assad's government, whose forces responded with violent crackdowns. The conflict gradually morphed from prominent protests to an armed rebellion, with various groups involved from the Free Syrian Army, to the Islamic Front since 2013, and Hezbollah in support of the Syrian Army. By July 2014, the Islamic State of Iraq and the Levant (ISIL) was also making gains in Syria and clashing with the rebels.

Along the military conflict, a refugee crisis was in the making. Though only 300 people were estimated by May 2011 to have crossed the Turkish border, Turkish President Abdullah Gul stated that Turkey had prepared "for a worst case scenario" in case of a possible influx of refugees from Syria. In contrast, EU Member States and particularly those at the external borders remained fairly impassive to the potential refugee crisis. This was largely a result of underestimating the conflict that evolved into a sectarian war.

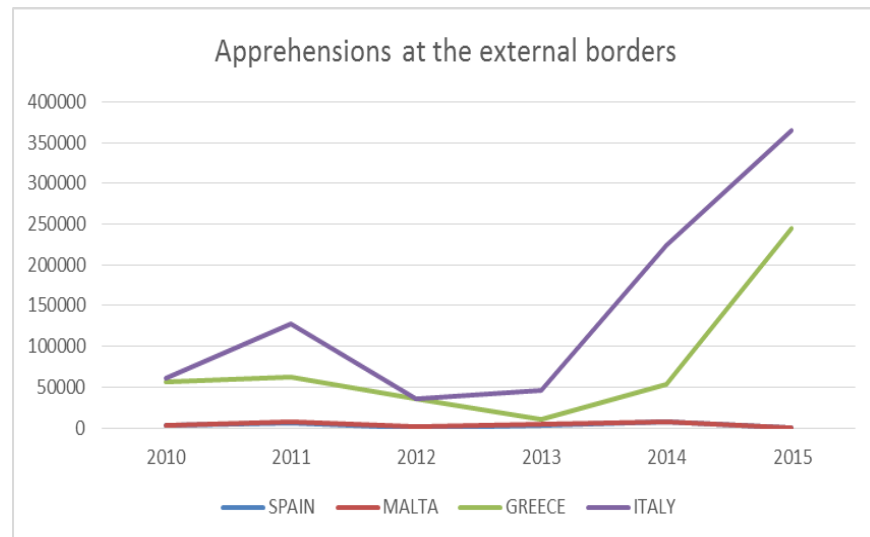
If one retraces in chronological order of today's refugee flows to Europe, the tipping point was the summer of 2012. The fighting had resulted in a fresh influx gradually spreading throughout the region, from the cities of Mafraq and Irbid in Jordan, to the Iraqi Kurdish region. Jordan's Za'atari refugee camp opened in July 2012, the first in neighboring countries. Approximately 81,500 Syrians live in Za'atari, making it the country's fourth largest city. On August 9th 2012, the first boat of the refugees carrying Syrians landed in Italy. Because it disembarked in the port of Crotona, it was assumed it had originated from Greece and the Southern Mediterranean passage and the small number of passengers (around 200 Syrians) failed to alert the external member states of the shift taking place in the migratory flows and in the nationalities on board the vessels that would now carry the Syrians to sea.

The timing was also unfortunate. Already since 2012 Italy was experiencing a tremendous pressure at its maritime borders following the outbreak of the Arab Spring with continuous arrivals mainly from Libya and as far as sub-Saharan Africa. The tragedy that occurred off the coast of the Italian island of Lampedusa on the 3rd of October 2013 was one of many incidents to follow, marking the Mediterranean as the deadliest frontier with 2,000 recorded deaths in 2014. Italy did attempt to respond to the tragedy unfolding at the maritime borders through the launch of *Operation Mare Nostrum*. The operation was unprecedented in scale and scope and saved thousands of lives. It was eventually replaced by EU *Operation Triton* under the vestiges of FRONTEX.

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Author's compilation, all borders based on data from Frontex, Hellenic Police and UNHCR.

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In early September 2015, the UN announced that 7 million had been displaced in Syria from a pre-war population of 22 million, with more than 4,088,099 million seeking safety outside Syria. Of those, 2.1 million Syrians registered by UNHCR in Egypt, Iraq, Jordan and Lebanon, 1.9 million Syrians registered by the Government of Turkey, and more than 24,000 Syrian refugees registered in North Africa.”

At the same time, Greece was attempting to safeguard its external borders. A tough stance policy of indiscriminate- 18 month long -detention combined with voluntary return programs through the Hellenic Police and the International Organisation for Migration (IOM) meant the focus shifted to deterrence and return rather on setting up infrastructures for refugee reception and screening. The third external maritime border, Spain, was geographically too distant to worry about Syrian refugees. The 8,000 recorded apprehensions in 2014 are evidence of its hard lined policies of fences and physical barriers that migrants and asylums seekers must overcome to reach safety.

Alongside the effort to manage migration, frontline states were facing huge financial, social and political difficulties. In short, as the Syrian crisis unfolded, the member states more likely to be pressed by the arrivals, and simultaneously the ones who would be called forth to act as first respondents for the EU, were already ‘battling’ their own crises; both in relation to migratory flows but also financially, politically and economically.

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Syrians have sought safety as far as Uruguay and Argentina, Sweden and Canada, making them the largest group of refugees under UNHCR's mandate and the largest group of refugees currently *en route* to Europe. Perhaps more crucially, nearly half of the refugees are children which mean we are witnessing the uprooting of an entire generation.

Demography

Male (49.5%)	Age	(50.5%) Female
9.1%	0 - 4	8.6%
10.7%	5 - 11	10.1%
6.5%	12 - 17	6.1%
21.8%	18 - 59	23.9%
1.3%	60 +	1.7%

Syrian Refugee Demographic Data: UNHCR, [Syria Regional Refugee Response](#)

The UNHCR has said nearly 350,000 Syrians had applied for political asylum in Europe since the war began. The figure is, in fact, very low, yet it is not surprising since reaching Europe means undertaking a hazardous journey and with unpredictable results.

There are currently two main routes of entry from Syria or neighbouring countries to the EU; The South-eastern Mediterranean route from Turkey to Greece and/or Bulgaria and the Central Mediterranean route to Egypt and Libya and across to Italy. Both passages entail significant risks and huge monetary investment to pay smugglers fees and the sea crossing is only the first step to the arduous journey to safety. Nonetheless,

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recent data show that Greece is the country that in 2015 carried the brunt of arrivals, with 250,000 arrivals recorded. Of those, 60% are Syrians, and 20% are Afghans. Thus the overwhelming numbers require some type of protection.

The situation on arrival, particularly in Greece, has been extensively covered by media reporting through the summer of 2015. Abhorrent conditions of reception, absence of a first reception mechanism, limited personnel and first respondent services (coastguard, police, firefighters, medics) undertaking search and rescue operations, screening, and medical aid were overwhelmed by the sheer size of arrivals in a short amount of time and complete absence of a national and European response. Yet, conditions only deteriorate as the journey progresses. Acting as a transit route, Greece is the first step towards safety but not the chosen country to apply for asylum. The dire financial climate, and the knowledge that asylum in Greece is a lengthy process that offers nothing to the applicant except a status, has led from the beginning Syrians but also the Afghans, Eritreans, Somalis, Iraqis and Iranians that follow them to opt for reaching Northern Europe to apply for asylum. And this is important to recognize. Though Europe's eye is trained on the Syrians, the refugee flows we are currently seeing entail also other nationalities, albeit smaller in numbers. The policies designed and currently negotiated should include all, not just the Syrians.

Those who succeed in reaching the Greek islands undergo a fast screening process¹ that allows them to board ships and reach Athens. From there, they board trains and busses to Thessaloniki and continue their journey through the land border onwards, to FYRoM, Serbia and Hungary, with little assistance from NGO's and a mixed reception from the countries they cross. The Balkan route is now the new pathway to northern Europe, replacing the Greek-Italian sea passage.

The Syrian refugee flows is crucial for three reasons:

1. Firstly, the European Union and Europe as a continent have not been called to face a refugee crisis of this size since the end of the Second World War, which could account for partly why the response has been so poor, delayed and badly managed. Lest we forget, the world according to the United Nations High Commissioner for Refugees in 2014 saw 60 million refugees and internally displaced people around the globe. That is 1 in every 122 people worldwide. The Syrian refugee crisis, which has now transformed also into Europe's crisis is in fact, a crucial-part of a much larger, global and continuously increasing issue.
2. Secondly, the crisis brought to the forefront the limited mechanisms and responses in place to meet needs in place, the absence of a truly common European asylum space and the flaws of the Dublin Regulation.
3. Thirdly and lastly, it brought to the surface a problem during the arrival of the first refugees on Hungarian soil. Whereas frontline states tried to handle the incoming influx, and the European Commission struggled to respond, many of the EU Member States declared themselves unwilling and unable to participate in a redistribution scheme and share the burden revealing a deeper schism and a Union largely divided. The Syrian crisis is revealing how disjointed the political, cultural and social Union is. Resting squarely on Schengen and the common currency is no longer enough to sustain us.

European policy responses

As in the past, EU's responses on migration and asylum tend to be products of events and circumstances rather than pre-emptive planning. Plagued by political divisions and different internal dynamics, member states have repeatedly failed to address the underlying problem regarding the management of migration and asylum; namely the absence of a common EU system and space for migrants and asylum seekers. The October 2013 Lampedusa tragedy, where 350 people died at sea, pushed EU leaders to react, yet the reaction was fairly constrained. The Task Force Mediterranean that was set up proposed 37 ways of dealing with the ongoing maritime crisis-most political and potentially effective in the distant future. In contrast the immediate actions to be undertaken veered towards deterring entry and/or ensuring return of irregular arrivals. Though the Task Force has proposed legal channels for refugee entry and resettlement, EU member states showed no willingness to discuss implementation. Instead, they proposed strengthening of Frontex's role in the Mediterranean.

¹ The Greek government chartered two extra ferries and sent more registration staff to relieve overcrowding on the Aegean island, where up to 20,000 people have arrived after making the perilous sea crossing from Turkey.

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The *Triton operation*, the second attempt to respond, was meant to replace *Mare Nostrum*. Originally limited in geographical scope, it was only expanded in May following a series of incidents off the coast of Sicily. The third attempt was the agenda on migration and asylum. Heavily publicized by the European Commission, it was presented as a milestone in the efforts to tackle irregular migration and asylum. The Agenda, however, once more reflected the gap between the Commission and the member states. Ambitious in its scope, it sought to approach migration, asylum, foreign policy and security as four interconnected axes. It acknowledged that the Common European Asylum System, was insufficient to deal with the issue at hand. Legislating is different from implementing and by 2014 it was evident to all that the Commission has spent too much time building a toolbox for the management of migration and asylum and little time overseeing how the toolbox is -and when-applied by Member States. It was also an insufficient toolbox to respond to the Syrian outflow or for that matter any significant volume of arrivals.

The current Common European Asylum System, comprised of the revised Asylum Procedures, Reception Conditions and Qualification Directives as well as the Dublin Regulation and EURODAC Regulation, seeks to outline the ways asylum decisions and international protection is granted, under which conditions and who processes asylum claims. It is not a system designed on redistribution, burden sharing and solidarity but rather on ensuring that EU Member States perceive and apply the criteria for protection in a similar manner. It is a mechanism designed for the decision making process and what happens during that process (e.g. reception facilities) rather than an emergence response mechanism. Nonetheless there is such an option, through the **Temporary Protection Directive** (EC 55/2001). The Directive is activated in case of mass influx of migratory flows/refugees. It gives the possibility to transfer arrivals to other countries on a voluntary basis. The country facing the mass influx submits a request to the European Commission requesting activation of the Directive and the European Commission kick starts the process to identify Member States that will voluntarily take a number of arrivals. The problem lies in the '*voluntary*' aspect of the mechanism.

The problem of voluntarism emerged sharp and clear at the European Council meeting on the 25&26th of June 2015. The Council, following disagreements and refusal by member states to accept compulsory quotas agreed on three points:

- Relocation/resettlement of 160,000 people. Of those, 120,000 would be relocated from Greece and Italy to other EU member states in a period of two (2) years and another 40,000 persons would be resettled from neighbouring countries of Syria. The scheme was initially proposed by the Commission in late May 2015, drawing from the emergency response mechanism under Article 78(3) of the Treaty on the Functioning of the European Union. The scheme will only apply to Syrian and Eritrean nationals in need of international protection that arrived in either Italy or Greece after 15 April 2015 or that arrive after the mechanism is launched;
- Return/readmission/reintegration of those with no legal right to enter the EU;
- Cooperation with countries of origin and transit to enable return and further powers of Frontex to assist in the process.

The relocation/resettlement figures are embarrassingly low and the stipulation that this would take place in a space of two years further evidence of the inability of the EU to agree on a comprehensive, compulsory mechanism to respond quickly to the crisis.

In contrast, 'Fortress Europe' took shape fairly quickly as tragedies unfolded at the heart of Europe's mainland. As 71 bodies were discovered, including those of children in an abandoned refrigeration truck in Austria, refugees continued to move through Serbia and Hungary. Whereas FYRoM has largely pursued an open door policy, allowing screened persons holding identity documents to filter through the country and move on to Serbia, and Serbia has publicly stated it will allow for asylum applications, and rushed to set up refugee facilities, Hungary stood firm on its policy of deterrence and paved the way for the buildup of 'Fortress' in Europe.

The Hungarian response is particularly interesting in the context of the European Union, since it paved the way for what followed. Hungary constructed a fence along its border with Serbia and raced to complete construction to stem the arrival of refugees. The Prime Minister, Victor Orban, has argued there is no fundamental right to a better life and has publicly called for Syrians not to come to Hungary since those who arrived:

"They seized railway stations, rejected giving fingerprints, failed to cooperate and are unwilling to go to places where they would get food, water, accommodation and medical care ... They rebelled against Hungarian legal order,"

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Hungary has pursued a unilateral stance as regards the handling of the crisis, skirting very close at times to violating European and International law in its treatment of the refugees. And in a continent that still carries the wounds of WWII, reports emerged of refugees being tricked by Hungarian police and led to a camp near the border with Austria rather than being allowed to cross as originally told. The government threatened to deploy the army and forewarned once the fence is completed it will arrest and detain persons irregularly crossing the border. On the other hand, we need to remember that 50,000 people have so far crossed through the Hungarian border transforming it into a transit country. As Hungarian policy unfolded, Slovakia declared it was willing to accept only Christian refugees. The Danish government took out adverts in Lebanese newspapers to discourage migrants from coming and temporarily shut down a major ferry route because it had enabled 3,000 persons to reach the country (heading to Sweden). Of the Scandinavian countries, Sweden remains more open to receiving asylum seekers, already willing to grant protection since 2014 to Syrians.

Amidst outcries and bickering, Germany, initially, expressed true solidarity with the refugees and Southern EU Member States, albeit short-lived. The country already welcomed 45,000 refugees so far in 2015, and even since last year it recorded the highest number of asylum applications amongst industrialised nations. Germany is expected to receive between 500-800,000 asylum seekers this year but it cannot carry the burden alone.

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The reality is that the current crisis has revealed the cultural, social and political differences in the Union. While Germany's leadership in this issue is crucial, its policy seems unclear. The images of students in Munich waiting for the refugees at the train stations and of German police officers playing games with children were a positive visual but insufficient. Mass reactions, tend to have short duration. The decision by Germany to reinstate border controls on the 13th of September 2015 came on the heels of an unprecedented influx. Unable to cope with the numbers (around 22,000 arrived within 3 days), the system was stretched to a breaking point. Despite the initial willingness to receive refugees, the familiar argument resurfaced that refugees cannot pick and choose where they will apply for asylum. The U-turn however, like the initial goodwill show is likely to be used as an excuse by other Member States to pursue a similar, tough-stance policy leaving thousands stranded between borders.

President Juncker in his State of the Union called forth EU's myopic approach to the refugee crisis and confirmed that the Commission would be asking governments to agree to a **binding redistribution of 160,000 refugees currently in Italy, Greece and Hungary**. Taking a significant step further he called for a **permanent mechanism** in times of crisis, European coastguard and border guard to police external borders of the Schengen travel zone, **legal avenues for persons seeking safety and the establishment of a common asylum system** and space hinting also at the need for permanent quotas compulsory for all Member States.

The proposed steps are necessary and important. But they were also unlikely to be agreed on by member states and the recent emergency meeting of Interior Ministers confirmed this. Instead, the ministers asked for the establishment of refugee camps in Italy and Greece where asylum applications would be processed. Those granted protection could benefit from a relocation mechanism, though it is unclear the length and duration of the process. Ministers also called for the detention of "irregular migrants", rejected asylum seekers that could not be returned but would also not be relocated. Detention was once again linked with deportation, the first facilitating the latter. It was in fact, a return to familiar discourse and policies. The third country processing centres were put once more on the table, an idea floating since early 2000's. If the scheme goes ahead, the EU will only accept refugees applying directly from the camps, reminiscent of Australia's policy (Pacific Solution). In the latter case, asylum applicants remain in -often abhorrent conditions- for years in transit countries deemed safe, waiting for a decision on their asylum case and the possibility of relocation to Australia. It is by no means, a best practice and one that the EU should steer clear of emulating. For now EU ministers agreed 'in principle' to share 160,000 refugees, rejected mandatory quotas and postponed any final decisions for the next meeting of October. Yet, history has shown that unless a permanent system is set up, European solidarity will be a game of chance.

Rejection of mandatory quotas is based on various arguments, from unemployment and financial crisis to the overwhelming Christian populations. The underlying fear for many is in fact cultural and has to do with integration of a predominantly Muslim population in European societies. This is further compounded by fears of jihadism. The Charlie Hebdo terrorist attack in Paris, reminded many European capitals that terror can strike at the heart of Europe without forewarning. Playing into nationalistic rhetoric and pre-existing fears, many governments are hesitant to support welcoming Syrian refugees and call for their integration, despite the fact that the benefits for them would likely be significant. Lest we forget, the majority of Syrians are educated professionals; many have travelled abroad, speak foreign languages and would likely

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require assistance only for the short term. More importantly, a large number have expressed willingness to return if the conflict ends.

On the other hand, the issue of security cannot and should not be underestimated. It is true that we have no guarantee over who enters these borders, though registration in EURODAC takes place for all arrivals. It is true that inability to control the external borders of the EU endangers its internal stability and safety. At the same time, however, caught between the desire to control the size and volume of arrivals and ethical as well as legal obligations towards those reaching our shores, Member States appear to be faltering on the way to go.

The road ahead

The future outlook is potentially gloomier than the present. As the present article was being written, Hungary instituted a new hard lined policy following the build-up of the border fence. Hungary has blocked its southern border with Serbia and will now turn to its border with Romania. The implication is that refugee flows will be trapped in Serbia and despite the willingness of the Serbia government to allow every asylum seeker safe passage and/or protection the numbers will overwhelm the country and likely force it to take a tougher stance towards refugees. The government has already warned it can change its policy. Trapped early on in FYRoM and pushed back to Greece, the Balkan route has the potential to transform into a new 'binding space' for refugees. Borders function similar to interconnected vessels; even temporary closure on one spot redirects flows to another.

It is also unlikely we will see a significant reduction in numbers. As the winter approaches, refugees will look for alternative ways into Europe, via the Bulgarian border once more, the Evros River and through Croatia (a solidarity group in Croatia has already circulated a map of the minefields in the area) and even Albania or the Greek-Italian maritime route. For the Syrians, their stay in the various states that welcomed them for so long is becoming problematic. They do not have the right to work in Turkey, which makes their stay unsustainable in the long run. In Lebanon and Jordan the majority is in refugee camps that are running out of money and the World Food Programme had to reduce significantly rations in these countries. Camp conditions are worsening and UN subsidies reducing. This is creating a new refugee flow out of the camps onwards to Europe.

Amidst the crisis the question in everyone's minds is what can be done to balance the need for protection with the need for secure borders and regulated flows. The differences amongst EU member states are not only financial and/or cultural, but also structural. Not everyone has the same capacity and not everyone shares the same willingness.

In an ideal world, before everything else, a safe humanitarian corridor would open up, from Turkey onwards to northern Europe whereby refugees would find at critical junctions medical assistance, temporary shelter and provisions for the journey ahead. NGO's on the ground along with UNCHR are already providing this in a more disjointed manner, particularly through the land border route from Greece to Serbia. Cooperation with local authorities and with each other would allow the journey to become less dangerous and the crossing less hazardous, until a viable solution is found. It would also enable countries like Germany to begin once more receiving a set number of refugees. As arrivals are screened and temporary housed *en route*, in the transit countries, Germany, Sweden and other EU member states would have the time to set up systems of reception and asylum to accommodate larger numbers. This is an unlikely scenario in today's Europe.

More realistic is to recognise that frontline states do need to organise **reception and screening with significant support from all member states** and eventual integration for those unable to go home through a redistribution scheme that includes all Member States. And as long as the Syrian conflict is not resolved, it is unlikely that we can begin to speak of the return to the homeland. The discussion around refugee camps in Italy and Greece, where asylum applications will be lodged and processed, is in fact a massive undertaking. It requires facilities that cater to families, unaccompanied minors and single men. It requires trained personnel to staff these facilities, personnel to process asylum claims in a relatively short time, catering, and access to education for the children. Greece and the island of Lesbos alone at the end of August recorded almost 3,000 minors. A generation is landing on our doorstep and we cannot afford to allow it to disappear. It is in our mutual benefit to ensure the youth is welcomed and integrated rather than disenfranchised and neglected. The former could create a well-integrated working force for the European societies, the latter poses a security risk in the long run. The financial cost is significant, the need for a central coordinating mechanism crucial. More importantly, the scheme relies on the kindness of neighbours.

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How fast will applications be processed and how many will be relocated where and when? What is the time limit of stay for refugees in Greece and Italy?

However, before countries agree on how to distribute asylum seekers, offer protection and organise their national systems of reception, they need to agree on ways of entry to Europe not only for the Syrians but for all those who seek protection. **Legal channels** are essential not only to ensure safe arrival but to tackle smugglers. Smuggling is a supply-demand business. A service is offered in exchange for profit and the higher the demand the higher the profit for the supplier. Right now the EU is contributing in the 'demand' side of the business through 'Fortress Europe'. Combatting smuggling means opening legal ways of entry to Europe based on pre-agreed criteria and mechanisms.

It is impossible for everyone to stay and it is true that many arrive simply pursuing a better life. The latter may not be a fundamental right, but we have the obligation to ensure a system that processes claims in a fair and unbiased manner, returns those deemed returnable and protects those who seek protection. A list of **safe and unsafe countries** would need to be set up **under UNHCR guidelines** that every member state would abide by. It would also need to be flexible, to accommodate rapid changes on the ground. This is not just about the Syrians. Afghans, Eritreans, Iraqis, Somalis, are amongst the flows who also seek protection. The danger here is that in an effort to respond to the large number of refugees from Syria, a two-tier system of asylum emerges.

Increasing **financial contribution** to the World Food Programme, UNHCR, UNICEF and UN Habitat is urgent and perhaps could be an alternative measure for states unwilling to accept refugees. It would improve conditions in the refugee camps, dissuading some from pursuing the journey. However, we need to remember that Syrians have been in camps since 2012 and as return appears a long distant dream their desire to start life anew in a better place will increase. Like us all, they look for hospitable places to call home.

An alternative to the above is that Europe does not tackle the issue alone. In light of the unwillingness of Member States to take on refugees, would it not be time for the Gulf countries and the United States to step up? The world has come together in the past to tackle mass refugee crisis. The US has done so unilaterally and in much more dramatic fashion. Operation Safe Haven was ordered in 1957 by President D. Eisenhower. A refugee relocation operation, it was realised by the US Marine Corps and resulted in the airlift and evacuation of 21,000 Hungarian refugees to the United States in response to Soviet suppression of the Hungarian revolution. In an ironic twist, it is Hungary that is shutting today its borders to refugees. The times may have changed but the need to resettle and distribute today's refugees is urgent. Trapped in countries with inadequate means to provide protection and sustainable long-term stay, and with a significant youth population, there is a potential risk of radicalisation of those vulnerable. Rather than attempting to deal with this in Europe, why not seek to create a **global response** with countries contributing either monetary support or resettlement?

As the death count continues, and 'fortresses' emerge between the borders, it is perhaps time to reflect whether this is a crisis of our making. For three years, the EU is discussing, debating and contemplating but never willing to go too far or push too hard. And while the EU is attempting to find an adequate response, new crises emerge.

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Box: Quick facts on the 'Greek' refugee crisis:

- According to UNHCR Athens, Greece is facing an 850% increase in arrivals from January - August 2015 compared to 2014.. 40% of all sea arrivals in 2015 occurred in August, over 80,600.
- 91% of arrivals are from the Syrian Arab Republic, Afghanistan and Iraq.
- Lesbos has received the highest number of arrivals, almost half of the total in Greece, 96,000 in 2015 (as of 28 August) with 1,500 average arrivals per day .
- Delays in registration, created a significant backlog on the islands, compounded by limited number of ferries to transport people to Athens.
- The overwhelming number of arrivals does not wish to apply for asylum to Greece and are keen on continuing their journey onwards to northern Europe.
- Those stranded on the islands and/or in Athens largely rely on the assistance of civil society, NGOs on the ground and UNHCR.
- On 16 August the new Eleonas/Votanikos “temporary accommodation site” opened in Athens, where 90 prefabricated houses can accommodate up to 720 individuals, offering essential services. So far, around 5,000 refugees have found shelter (mainly families and minors) as they make their way to the land border with FYRoM. Two more reception sites have been announced in Athens and Thessaloniki to house refugees.
- Significant numbers are congesting on the land border entry & exit sites waiting to cross either from Turkey to Greece or from Greece to FYRoM, in rapidly deteriorating conditions.

Further Readings:

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