



## European refugee policy He who looks away is guilty

**The European Union is betraying its values in order to reduce the number of refugees. But the blatant disregard for human rights jeopardises the cohesion of Europe. The EU is threatening to implode.**

Gesine Schwan

Only a few years ago, the vast majority of observers of European integration rejected or considered impossible a "Fortress Europe". Now the EU is expanding it with ever greater determination.

The Balkan route, the closure of which was still taboo for the German Chancellor in 2015, is now being purposefully closed down with her support, albeit not with complete success. The pact with the Erdogan government remains in place. Turkey is still a "safe third country", no matter how dramatically arbitrary rule now reigns over the country.

[Libya](#) is becoming the next "safe third country". [Italy](#) has agreed with the Libyan coastguard on an extension of its operational area in which it appears to be threatening the rescue vessels of civil society, most of which are being forced to withdraw. It is doing the dirty work for the Europeans and sending the [refugees](#) back to Libya, according to media information in the camps, which the Foreign Ministry calls "concentration camp-like" involving violence, torture and rape.

Who is managing them in the confusing Libyan situation is unclear, but new collection points in compliance with human rights have not been reported. Such practice is prohibited under international humanitarian law, as also are the "push-backs" of Hungary, Croatia, Bulgaria and Macedonia on the Balkan route.

[Emmanuel Macron](#), with the support of the German Chancellor, is calling for "[hot spots](#)" in [North and Central Africa](#), as have been proposed by the EU Commission for Greece and Italy. Since they are supposed to keep the refugees away from Europe, as long as there is no legal access on the basis of a European right of asylum and additional immigration rights, they end up as holding camps. At least the French Minister of the Interior, however, shortly afterwards admitted that this is not yet possible in Libya because of the uncertainty there.

The success of this refugee policy - measured in terms of the number of refugees who are no longer arriving - seems to confirm the fortress strategy: fewer and fewer refugees are now making it to Europe, but a few more are now trying to get in through Spain. According to the calculation, the right-wing populists are losing their rallying cry and are no longer threatening democracy and the rule of law with this return to the "normality" of an EU almost devoid of newly arriving refugees. The European Council has returned to unanimity on the defence against refugees, and the EU's future is on the right track, according to the official statement.

Really?

Human rights organisations, the Council of Europe and the UNHCR all criticise the closure of the Balkan route for serious violations of international humanitarian law by the respective national authorities (police) in the Member States of Bulgaria, Hungary and Croatia. The European Commission is

accused of showing no interest in reports of breaches of international humanitarian law and violations of human rights in the region.

The same applies to the insecurity of Syrian refugees fleeing from their homeland to Turkey. The UN refugee commissioner urges the EU to abide by human rights, international humanitarian law and national asylum laws. Without any noticeable effect.

At the Paris summit of 28 August, President Macron attempted to allow legal access to Europe on a small scale, but without clear proposals on its conditions (immigration law) and organisation. Essentially, the purpose of the summit was to shift the forcible stoppage of refugees south of Libya, in particular to Chad, whose president has a more than dubious reputation for human rights.

The fight against the causes cannot, of course, succeed overnight. Strong and targeted European initiatives in favour of decentralised and effective local development cooperation in North Africa, coupled with significant changes in European trade policy in favour of Africa, would have signaled a humanitarian turnaround.

Moreover, when the Libyan coastguard, with the support of Italy and the EU, takes people back to their camps and threatens rescue boats from civil society, the responsibility for this lies not simply with this - opaque - coastguard system or with Italy, but with the European Council.

The Council is unable to help Italy and Greece in a spirit of solidarity, even though there are feasible models for doing so, for example through a fund in which municipalities across Europe could apply for financial support for integration and, at the same time, their own further development. If human rights were to be taken seriously, the search for alternatives would be quite different. In fact, each government is looking for justifications for a policy of fending off refugees.

For example, the Italian government, which has taken in many refugees for years, can point to the national elections in the spring of 2018. After the local elections in northern Italy (e.g. Genoa) this spring showed a massive shift in favour of the "Cinque Stelle" movement and the Northern League, with opinion polls showing a majority for the Eurosceptics, is doing everything that could drain the swamp of the right-wing populists. As you can see, right-wing populists do not need actually to come to power. They can also simply force the ruling parties to put their policies into practice. This is blatantly clear in Austria.

So what? Is it wrong to put national electoral success at the top of the list? Do we really have to take the rule of law, human rights and international humanitarian law seriously in order to survive as an EU? Don't things go much better without it?

### **The attitudinal distance from autocracies is decreasing**

In the Balkans, practical disregard for such things has led the initially refugee-friendly societies to place less emphasis on democracy and the rule of law, because they are not in any case the makers of EU policy. This also reduces the attitudinal distance from geopolitically important autocracies such as Russia and Turkey. Why continue to rely on the EU, which obviously does not act democratically or in solidarity?

Authoritarian governments in Poland and Hungary see themselves as an avant-garde in the EU with the goal of anti-liberal democracy and the closure of the Balkan route, because Western European EU governments have followed suit here and are happy to disregard the law when it is contrary to their own interests. In contrast to them, at least the authoritarians act and speak without duplicity, but quite openly, against the application of international humanitarian law. Many people like this and it earns them respect, in contrast to hypocrisy, which is seen through and which, on the surface, only generates contempt.

For them, as for many NGOs and democratically committed young people, the general lesson of this refugee policy is: if the EU does not even respect its cherished values, what is it good for? Why do we

have to pretend that democracy is based on the rule of law? We can just openly move on to the illiberal democracy of the right-wing populists.

**Cynicism is not a source of prosperity**

We can indeed, but each one of us will then gradually become more insecure, more vulnerable, and more suspicious of the general duplicity of public discourse. Cooperation, trust, reliability: the indispensable social glue of democracy and economic prosperity is crumbling and democratic cohesion is vanishing. First slowly and imperceptibly - then suddenly and for many (yet again) surprisingly.

But it is completely predictable. We cannot build a free and prosperous society that respects human dignity on indifference and cynicism. Looking away from what is happening to the refugees in Libya and relying on their all remaining at home because of the inhumane deterrence and dying of hunger is reminiscent of the many Nazi followers who did not want to know exactly what was happening to the detainees in the camps. As Karl Jasper saw in 1945, looking away is also a form of guilt.

The [European Union](#), if it continues to disregard human rights in refugee policy so blatantly, could lose its democratic cohesion and implode because it no longer believes in so-called European values, both internally and externally.

Without a minimum of courage, honesty and solidarity - including in governments ahead of elections! - democracy, the rule of law and economic prosperity are over. Democracy under the rule of law needs militant democrats with the courage not to look away.