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# TOWARDS A HUMANE REFUGEE POLICY FOR THE EUROPEAN UNION

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with the collaboration of Malisa Zobel

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# Preface

Europe's refugee policy is deeply troubling to many and in particular to committed Europeans. With courage and a willingness to make sacrifices, they are fighting against inhumanity – by taking part in sea rescues and through numerous civic initiatives, in cities and municipalities, in companies, in churches, in academia and also in political parties, parliaments and associations. Were it not for the complex mix of party-political power struggles and sensationalist media campaigns, our European societies would have found more humane solutions long ago.

We must escape this deadlock of inhumanity as quickly as we can. This book aims to highlight how this can be done. I am convinced that our values and our legitimate long-term interests intersect and reinforce each other.

I would particularly like to thank my colleague Dr Malisa Zobel for her long, close collaboration on this topic and on the manuscript – in agreement on the objective but not always on the individual steps required to achieve it. I was always touched and encouraged by her persistent persuasiveness, which I found delightful. In this book, she wrote the sections on the "right of asylum in the European Union", on the proposal for a "matching system" to coordinate the interests of refugees and municipalities, and on the concept of "decentralised asylum procedures in individual European nation states". Furthermore, she carefully reviewed and corrected the entire manuscript.

I would also like to express my enormous gratitude to the Schöpflin Foundation: to the committed and unconventional philanthropist Hans Schöpflin, with his generous support for the HUMBOLDT-VIADRINA Governance Platform's refugee project; to project manager Anna Hässlin, who provides critical guidance and support with exceptional astuteness; and to CEO Tim Göbel, who keeps a watchful eye over every aspect of its finances.

I am also very grateful to Dr Steffen Angenendt, who took the time to go through the manuscript and furnish it with many valuable comments, questions and objections. Gerald Knaus, who knows the numbers of

refugees and migrants better than anyone else, provided me with very useful documents that enabled me to estimate the numbers of refugees and migrants living in undignified and, in some cases, clearly illegal conditions in the Balkans and on the Greek islands. I am extremely grateful for his assistance. I would also like to thank in particular the SPD members of the Bundestag Professor Dr Lars Castellucci and Helge Lindh, as well as the Social Democratic Members of the European Parliament (MEPs) Udo Bullmann and Jens Geier, who are unwavering in their commitment to fighting for a humane refugee policy. Without their close collaboration and that of other members of the Group of Socialists and Democrats in the European Parliament, I would have missed out on many valuable insights; time and again, they helped me to reconcile political realism and ethical intransigence.

The former chair of the Group of Socialists and Democrats Maria João Rodrigues, who hails from Portugal, provided me with the idea of a financial incentive for the admission of refugees, initially conceived as a way to support states that wish to admit refugees and that, in particular, need to create jobs for them in order to be able to do so.

As president of the Foundation for European Progressive Studies (FEPS), Maria João Rodrigues – together with the EU High Representative of the Union for Foreign Affairs and Security Policy, Josep Borell, and the secretary general of FEPS, László Andor – ensured that the basic idea of the strategy outlined in the book (the strengthening of municipalities' role in admitting refugees) played an important part in the 2018 Global Compact for Safe, Orderly and Regular Migration.

The current vice president of the European Parliament, Dr Katarina Barley, is a tireless campaigner for the humane refugee policy outlined here. I am enormously grateful to her for her efforts in this regard. Dr Franziska Brandtner, member of the Bundestag for Bündnis90/Die Grünen and parliamentary state secretary in the federal ministry of economics and climate protection, and the late Dr Axel Troost, who was a member of the Bundestag for Die Linke (and of the party's federal executive committee), have been important figures in the pursuit of a humane refugee policy. I am also grateful to them.

The German Trade Union Confederation was also very helpful, along with its former president Reiner Hoffmann, who included the outline of the strategy in his 2019 election programme for the European Parliament.

The Friedrich Ebert Stiftung EU Office took up the strategy proposed here in the form of conferences during Renate Tenbusch's term as its head. Marco Funk and his successor, Tobias Schmitt, who were responsible for

the topic in Brussels, have played their part in implementing a humane refugee policy and continue to do so today. My heartfelt thanks go out to all three of them for their efforts!

For having promoted this strategy to President Emmanuel Macron, I am hugely indebted and grateful to the French ambassador in Berlin, Anne-Marie Descôtes; her predecessors Philippe Étienne and Maurice Gourdault-Montagne; and the Green MEP Daniel Cohn-Bendit. Macron's promotion of the core idea of a "European Fund for Municipal Integration and Development" to the European Parliament in spring 2017 was of enormous significance.

Dr Marek Prawda, ambassador in Berlin and Brussels for many years and, until recently, head of the European Commission's Representation in Warsaw, has been consistently and unwaveringly committed to a humane refugee policy in Europe, and in Poland in particular, despite the adverse political conditions. This is also true of Róża Thun, a Polish MEP, and her husband, Franz Thun, who was responsible for this topic in the administration of Poland's capital, Warsaw, and of Professor Dr Irena Lipowicz, long-time ombudswoman of the pre-PiS Polish government and professor of administrative law, who is committed to the aim of strengthening municipalities. In Gdańsk, Marta Siciarek displayed her long-standing commitment to the humane reception of refugees for many years under the city's courageous mayor Pawel Adamowicz, who was assassinated in 2019, and she continues to do so to this day. I am deeply indebted to them all.

In the winter of 2020, Jörg Bong became instantly enthusiastic about this book project and persuaded Fischer Verlag to publish the original German edition. I am enormously grateful to him.

Finally, I would like to extend my sincerest thanks to Ulrike Holler and Dr Alexander Roesler for their involvement, encouragement and support for this book from very outset.

## Introduction

On 20 July 1957 my French friend Claudette Caze and I watched the Polish film *Ostatni Etap (The Last Stage)* in the Free University of Berlin's Auditorium Maximum. We were both 14 years old. The Polish director, Wanda Jakubowska, had made the film as a dramatised document of Auschwitz, where she herself had been interned from 1942 until the camp's evacuation in 1945. I was greatly moved and shocked by the film, which permanently shaped my political beliefs. I was unable to sleep at all that night. In my mind was the scene in which hundreds of prisoners were forced to spend the night standing in temperatures of minus 20 degrees Celsius in the courtyard of Auschwitz. They pressed close together and swayed slightly – rhythmically back and forth – in an attempt to survive this ordeal together.

A few years later I learned of the fate of the ship the *St Louis*. Following the 1938 *Kristallnacht* pogrom, 937 Jewish Germans were trying to emigrate from Hamburg to Cuba and the United States on this ship, which was owned by the Hapag shipping company. Most of them had the necessary documentation to do so. However, with the exception of a few passengers in Cuba, they were not allowed to disembark. The ship's German captain, Gustav Schröder, personally asked President Roosevelt to allow the passengers to enter the United States. His request was in vain. The president, who at first wished to grant permission, bowed to pressure from his party, the Democrats, sections of which threatened to withdraw their support for him in the 1940 presidential election if he allowed the Jewish refugees to land. The Canadian prime minister also refused to let the passengers disembark. The ship was forced to return to Europe; it was finally given permission to land in Belgium, and from Antwerp the passengers were dispersed to the Netherlands, France and Britain. Only those accepted by Britain were safe, even if they were interned. For all the others, a terrifying and often fatal odyssey awaited them. According to research conducted by the United States Holocaust Memorial Museum, 254 passengers were eventually murdered in the Holocaust.

In 2012 the US State Department apologised to ten surviving passengers of the *St Louis*. Six years later Canada's prime minister, Justin Trudeau, said to applause in the country's national parliament, "We are sorry for the callousness of Canada's response," adding: "We refused to help them when we could have. We contributed to sealing the cruel fates of far too many at places like Auschwitz, Treblinka, and Belzec."<sup>1</sup>

My recollections of these two events continue to drive me to remain unrelenting in the attempt to find a humane approach to receiving refugees in Europe. There are, of course, many other moral and political motives and considerations, but the bitter historical experience that democratic politicians succumbed to the unspeakably inhumane pressure from parts of their society, their parties and their voters to not admit the fleeing Jews – despite the deadly threat from the Nazis – is something that I find particularly shameful and an inescapable mandate to do everything possible to ensure that such things never occur again. If the binding ethical and legal standards to which we democrats publicly commit ourselves are disregarded, even in democracies where there are no physical threats, any failure to act makes us complicit.

A pragmatic and humane response to the challenges posed by the refugee protection crisis is most likely to be found in municipalities and their active civil society, which is why the role they play is pivotal. The proposals I outline below are by no means the only panacea for EU migration and refugee policy. The complexities of the politics surrounding refugees and asylum seekers make it impossible for one book to solve all the problems, and this is particularly true for the EU's policies, which are marked by tensions that extend far beyond migration and refugee issues. These proposals are, though, an attempt to present an alternative to the current inhumane isolationist policy.

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This book deals only with European refugee policy. While it also looks at Africa and the Middle East, it is unable to cover the global dimension of migration. I am aware that the problems in other parts of the world are just as pressing.

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1 Trudeau, J. (2018) "Statement of apology on behalf of the Government of Canada to the passengers of the MS St. Louis". Website of the Prime Minister of Canada, 7 November (<https://pm.gc.ca/en/news/speeches/2018/11/07/statement-apology-behalf-government-canada-passengers-ms-st-louis>).

When talking about Europe, I am referring to the EU's most important political actors in the area of migration policy. These are the European Commission, the European Parliament, the European External Action Service and, most importantly, the European Council (the heads of state or government of the EU member states). The European Border and Coast Guard Agency (Frontex) and the European Union Agency for Asylum are responsible for the executive functions.

## **The key propositions of this book in brief**

- The European Union's refugee policy is failing because its actions are contrary to the values it proclaims.
- This ethical contradiction harms us all as Europeans. We are losing credibility and trust both internally and externally, and we are destroying our social and political cohesion along with the basis on which our democracies are built. We are squandering the opportunities for a rich, constructive and meaningful common future, both at home and in the global North–South relationship.
- If we are to achieve a humane refugee policy, we must abandon the guiding principle of current European refugee policy – which is to deter refugees wherever possible – in favour of the realisation that it is possible to shape refugee policy as a win-win strategy that accords with our own long-term interests.
- The practical way to break the deadlock around the current refugee policy is to reach a voluntary agreement on the acceptance of refugees in a coalition of willing states and to offer positive encouragement, including the use of financial incentives, instead of obliging all EU states to "accept" refugees under the threat of sanctions. Voluntary agreement turns refugees into an opportunity rather than a burden.
- When it comes to refugee policy, aligning long-term interests and values is easiest at the municipal level, where the two can be coordinated transparently and with the approval of citizens. A humane refugee policy could also be combined with a successful extension of effective civic engagement in line with the principles of representative democracy. That too is an advantage.

- In line with the UN Sustainable Development Goals for 2030 and with long-term municipal integration and development, "municipal development councils" could integrate the reception of refugees into their future planning for their municipalities. Willing states could cooperate with willing municipalities to distribute refugees to the various municipalities. A matching system could align the interests of refugees with those of municipalities.
- The funding for their reception could be provided by a "European Fund for Municipal Integration and Development", which would make it easy for municipalities that are willing to receive refugees to apply for funding for refugee integration and to also receive the same amount of funding for projects that are in their own interest.
- Humane asylum procedures require transparency, fairness, trustworthiness and swiftness. Legal support and the presence of organised civil society are crucial factors in asylum procedures. Different categories of refugees require complementary immigration and employment arrangements.
- Humane asylum procedures can be conducted in centralised European assessment centres or at the national level.
- Refugees with the right to asylum, those with subsidiary protection and those who cannot be returned ("tolerated stay") should be treated equally by the matching procedure. Those who clearly have no right to asylum and are unable to transfer to alternative and possibly temporary residence programmes must be returned to their countries of origin, where possible with financial support.
- Concerns about a pull factor for refugees, from Africa in particular, can be overcome only by a change of perspective and by taking a fresh look at Europe's diverse neighbouring continent. Instead of an attempt to maintain an illusory and inhumane isolation for Europe, a cooperative partnership that accords with the long-term interests of Europe and Africa offers both sides opportunities for positive development in line with their respective long-term legitimate interests.
- In both Europe and Africa, municipalities and the European Committee of the Regions can play an important constructive role.

A "business as usual" approach to refugee policy is not only shameful and inhumane but also a threat to Europe's future, democracy and peace. It detracts from the sense of purpose and the joy from understanding and harmonious coexistence in Europe and beyond.