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**We will (not) succeed!  
The helplessness of German and European  
refugee policy**

Egbert Jahn

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Address of the author: Prof. em. Dr. Egbert Jahn  
Goethe-Universität Frankfurt am Main  
Fachbereich 03 Gesellschaftswissenschaften  
Institut für Politikwissenschaft  
Theodor W. Adorno-Platz 6  
D-60323 Frankfurt  
Tel.: +49-69-798 36653 (Sekretariat)  
E-mail-Adresse: e.jahn@soz.uni-frankfurt.de  
<http://www.fb03.uni-frankfurt.de/46500384/ejahn>

## **Abstract**

When the mass flight of refugees to Germany via the Balkans began, Federal Chancellor Angela Merkel proclaimed on 31 August 2015 that “We will succeed!”. Tens of thousands of refugees were forced to remain in Hungary under terrible conditions, and Germany declared itself willing to take in most of them. This statement, made in the context of images of German railway stations, where friendly citizens welcomed thousands of refugees with gifts and signs saying “Refugees welcome!”, was understood worldwide as being an invitation to hundreds of thousands of refugees from Syria and other countries in which people are suffering from civil war and violent persecution to come to Germany. Immediately, vehement protest arose among parts of the German population against the “welcome policy” of the Merkel-Gabriel government, but also in many European countries in particular, where this policy is being made partly responsible for the increase in the number of refugees coming to Europe and the levering out of internationally recognised agreements such as the Dublin Regulation, as well as for the catastrophic conditions along the routes taken by the refugees. Demands are being made for a strict limit on the number of refugees being received, or even for them to be sent back to Turkey or to their countries of origin, since Europe will not succeed in integrating all the refugees who are arriving there.

Germany in particular has since then begun to urge the other EU countries to also take in refugees, but has met with a high level of resistance, particularly in East Central Europe and Britain. Almost everywhere in Europe, radical rejection of any acceptance of refugees on a mass scale among right-wing nationalist groups and within the EU in general rapidly gained support and expressed itself in acts of violence against refugee homes and refugees. This, together with the growing difficulties in accommodating, feeding and clothing the refugees, also motivated the established parties to seek ways to limit the sudden mass influx of people. These included tackling the reasons for refugees fleeing their country, e.g. through diplomatic initiatives to end the war in Syria, as well as support for the war against the Islamic State, the stabilisation of Afghanistan and larger-scale financial support for the refugee camps in southern Turkey, northern Jordan and in Lebanon. A further measure was to establish reception camps in Greece and Italy for the purpose of registering and distributing the refugees in accordance with an allocation quota for the EU which was to be jointly agreed.

Many of these measures will be successful to a certain degree in the long term. However, the mass flight to Europe will not come to an end in the coming decades, with the result that far more fundamental questions regarding the future European refugee policy and the ethno-

religious structure of the EU should be considered. Several recommendations will be presented here for discussion.

## **1 The increase in the number of refugees arriving in Europe**

When the mass influx of refugees to Germany via the Balkans began, Federal Chancellor Angela Merkel declared on 31 August 2015 that “We will succeed!”<sup>1</sup>. By this she meant that Germany was in a position to accept tens of thousands of refugees fleeing from Syria, as well as from civil wars and torture in other countries, who had been forced to remain in Hungary, and who were demanding to be allowed to continue their journey to Germany. This was Merkel’s reaction to the xenophobia which was increasingly being expressed in the form of arson attacks on buildings intended for use as refugee shelters.<sup>2</sup> And with her repeated statement, she reflected the sincere empathy felt by millions of Germans for refugees, in stark contrast to the widespread defensiveness in many other countries of Europe.

On 15 September, the Chancellor used strong words to reject the criticism of her refugee policy: “If we now still need to apologise for the fact that we are showing a friendly face in an emergency situation, then this is not my country.”<sup>3</sup> Merkel’s statements, and probably to an even greater degree the images of German railway stations where friendly citizens welcomed thousands of refugees with gifts and signs reading “Refugees welcome!”, were understood the world over as being an invitation for hundreds of thousands of refugees to come to Germany. News of the German *Willkommenskultur* (“welcome culture”) for refugees spread quickly via social media. While many in the media had criticised Angela Merkel as being a cold-hearted Nazi commander<sup>4</sup> during the Greek crisis, she was now portrayed as Mama Merkel and a new Mother Theresa<sup>5</sup> for the suffering refugees, albeit sometimes with an ironic undertone.

What was intended as a reaction to the direct emergency suffered by several tens of thousands of refugees in Hungary, who were not welcome there and who often had to camp out in miserable conditions, was perceived not only in the mass camps in Turkey, Jordan and Lebanon, but also in many regions in the Near East, in South-East Asia and in Africa from which people were fleeing, as being a sign that Germany was willing to receive refugees. With the space of a few weeks, the tens of thousands of refugees streaming into Germany, who were joined by large numbers of unemployed and impoverished refugees from South-Eastern Europe and other continents, swelled to hundreds of thousands. Soon, the figure will reach over a million people, and while many of them will not be granted the right to remain, a very large number

will be offered asylum, subsidiary protection or another form of right of residence. In the coming years, they could be followed by further millions of refugees, who after becoming officially entitled to receive asylum will have the right to additionally bring millions of family members to Germany. It depends on the uncertain duration of the wars in Syria (over 4 years to date) and in Afghanistan (almost 40 years) and in other countries whether and when many of those entitled to asylum will return voluntarily or by force to their homeland. Currently, war is being waged in around 25 countries (including wars close to Europe in Libya, Sudan, South Sudan and Somalia), while others are the scene of armed conflicts. And dozens of states are dictatorships where political persecution is being conducted on a massive scale.

In many European countries, protest was already voiced at an early stage against the generous acceptance of refugees in Germany, to a particularly extreme degree in Hungary<sup>6</sup>, but also in Germany itself, where it took on three different forms. Many countries, such as Britain, Canada, the US and Australia, are demanding fixed quotas, and thus an upper limit for the number of refugees received into their own country as well as in the EU overall. Some already regard such an upper limit as having been long exceeded, and are demanding the immediate expulsion of many refugees, in particular those who are unemployed and suffering from economic hardship, who have no prospect of being granted the right to asylum. They counter Merkel's statement by claiming "We will not succeed!". They emphasise the argument that Germany cannot accept all the refugees in the world, and that the ever increasing flow of people to the country must be stopped at some point.

Recently, all German parties have with a single voice propagated the idea that all EU states should in an act of solidarity play their part in accepting refugees to an extent that corresponds to the size of their respective population, economic power and rate of unemployment, in accordance with a quota yet to be agreed, or which was already agreed in September. They have done so even though until 2013, Germany acted in an entirely unsolidaric manner and refused to receive refugees from Greece and Italy, insisting instead on upholding the Dublin Regulation<sup>7</sup>, which was designed to almost fully seal off the northern EU states from refugees. However, a distribution of all refugees throughout the EU according to mutual agreement, of which there is currently (as of November 2015) no prospect, would only bring a temporary reprieve in the refugee crisis in those countries which are bearing the brunt of the influx, such as Greece, Italy, Malta, Hungary, Sweden, Austria and Germany. In the long term, it would do nothing to change the only limited willingness among the population of the EU to receive refugees. There are almost no objective limits to the acceptance of refugees. After 1945, west-

ern and central Germany, which had suffered severely from bombing, received twelve million refugees and displaced persons from the east of the country and from Eastern Europe, although by no means voluntarily and not without massive encroachment on private property. And yet even so, there are very concrete political boundaries when it comes to the will of those members of the electorate in the European states, who want to either close the EU borders or, if necessary, the borders of their own countries, against any further mass influx of refugees. This will is expressed either in the election of xenophobic parties or in a change of policy among the established parties in favour of a drastic limitation of the number of refugees accepted.

Within just a few weeks, an entirely new situation has emerged throughout Europe, unlike during previous months, when the refugee problem was regarded as being a matter only for the Greeks, Italians and Maltese. It was only when the main refugee route changed from the central Mediterranean to the Balkans that the issue became a prime subject of dispute in Germany and throughout the EU, after the death of well over a thousand refugees who had undertaken the journey by sea to Lampedusa had already made the headlines for several days in April 2015. It appears that 23,000 refugees have lost their lives in the Mediterranean since the year 2000 without arousing much interest.<sup>8</sup> It was not until the image of the drowned Syrian boy on the beach at Bodrum in Turkey appeared that the drama of the perilous flight across the Mediterranean became clear to the general public in Europe. It is not only the problems related to receiving and integrating refugees that leave so many European politicians and citizens at a loss, but also above all their far-reaching political consequences (changes in the ethno-religious population structure and cultures, and the attitudes among native citizens and the immigrants towards democracy, the rule of law and the established political élites and parties). Somewhere in the middle, between tens of thousands of committed “welcome activists” and a growing number of verbal and in some cases also violent individuals who are against the refugees, a broad layer of tens of millions is emerging who fluctuate between sceptical tolerance of the welcome policy and diffuse discomfort at the idea that this policy could bring about the ruin of Germany and Europe, both socially and above all in terms of democratic politics.

The six terrorist attacks in Paris three days ago (on 13.11.2015) will exacerbate the polarisation in society with regard to the refugees. Out of fear that the terrorist acts might nurture resistance among the population against receiving refugees and provoke acts of violence against the refugee homes, as well as against refugees and Muslims in general, leading politicians

have been misled into making opportunistic changes to their argument as to the reasons why the refugees have fled. If up to three days ago, the bombing of Syrian towns and cities by the Assad regime and Russian fighter jets were given as being the cause, while the acts of violence committed by the anti-Assad opposition were ignored, now Martin Schulz, Sigmar Gabriel, Julia Klöckner, Jean-Claude Juncker and others are claiming that the Syrians and Iraqis coming to Europe are in fact fleeing from IS terror, which now poses an increasing threat to Europe.

## **2 Unlimited or limited acceptance of refugees**

The claim “We will succeed” and its negation in all parties, from the Greens through to the radical right-wing parties<sup>9</sup>, are dividing society in Germany and Europe into two parts which now find themselves in vehement dispute and who frequently use offensive language to attack each other, with a rapidly fluctuating degree of quantitative and political strength. The German federal president, Joachim Gauck, probably contributed to the polarisation of society by speaking of a light and a dark Germany.<sup>10</sup> At the beginning of September, only 57% of those polled in the ZDF political barometer and the “Der Tagesspiegel” newspaper supported the government’s refugee policy.<sup>11</sup> Later, the level of scepticism and disapproval increased. 51% of respondents did not believe that Germany would be able to cope with the large number of refugees.<sup>12</sup> Naturally, however, it is in general not clear when it comes to the statement “We will succeed” (“Wir schaffen das”), as well as its negation, what it actually is that (“das”) we will succeed in doing. This could mean, for example, that immediately after the arrival of the refugees, sufficient solid accommodation can be found for them, and they will not be forced to camp out in the open air or in tents, and that they will be given enough to eat and provided with the necessary medical care, which is often not the case in Greece or in several Balkan countries. However, the phrase could also refer to the longer-term integration of the refugees into the employment market by teaching them German and giving them vocational training, as well as into the social welfare, healthcare and education system. Other people refer to the socio-political integration of the refugees into the religiously secularised, liberal-democratic legal system and into the established pluralistic party system, which is entirely alien to the refugees in their countries of origin.

There is no doubt that the terrorist attacks in Paris on 13 November have reinforced fears that Islamist terrorists may be hidden among the millions of refugees, or that a new generation of terrorists could be raised among the refugee children if they do not become integrated into European society as is expected.

An agreement with “We will succeed” indicates a political attitude in favour of continuing to keep Germany’s doors open to all refugees who arrive at the borders of Germany or the EU, while its rejection signals a demand for a limitation on the number of refugees received. However, attitudes towards the degree and the form of refusal to accept refugees vary widely, and as a result, a series of different positions with several different variants has emerged.

While the Bündnis 90/Die Grünen and Die Linke opposition parties, together with Chancellor Merkel, stress the fact that according to the asylum law and the Geneva Convention on Refugees, there are no limits to the number of refugees who can be accepted, others are demanding a clear limitation. Even the Swedish migration minister Morgan Johansson has now requested that the refugees remain in Germany, since Sweden has no more capacity to receive any more.<sup>13</sup> In the dispute surrounding refugee policy, the means of implementing these positions is also an issue, from generous aid to refugees through to the exertion of force in order either to accommodate and feed them, or to keep them out of Germany and Europe altogether.

## 2.1 Various welcome positions

The first of these, **Merkel’s welcome position**, demands the unlimited acceptance of all refugees who arrive at the borders of Germany or the EU, or who are saved from drowning in the Mediterranean, whereby the other EU countries should accept a considerable portion of the refugees in accordance with a quota agreed in September or another quota for a small share of the refugees. The problem with this approach is that in Europe it is shared by almost no other government. In Germany, it is supported above all by the Bündnis 90/Die Grünen and Die Linke parties, and in the particularly humanitarian wing of the governing parties. The supporters of an extended welcome culture (**extended welcome position**) want those refugees who arrive on the west coast of Turkey or the coast of Libya and who wish to come to Europe to be collected there by ferries. Others

even want to fetch refugees from the mass camps in Jordan, Lebanon and southern Turkey by aeroplane. However, the advocates of this approach ignore the refugee camps located further away in South-East Asia and in sub-Saharan Africa. The demands being made by the Pro Asyl group to completely change the Dublin Regulation in order to enable every refugee to migrate to any country they choose is also extreme.<sup>14</sup> This would make refugees the first ever citizens of the world, who would enjoy global free movement. This third position can thus be specified as a **global citizen position**. Another extreme demand sets those migrants fleeing from economic hardship, severe environmental destruction, poverty and unemployment on a par with those fleeing war, political persecution, the death penalty and torture; in other words, it hugely extends the currently valid refugee law. This is a fourth position, or a **welcome position also for migrants**. It aims to convert most migrants into refugees, as the commonly used terms “economic refugee” or “environmental refugee” have already been doing for some time. However, international law does not recognise such refugees, just as it does not recognise the “tax refugees” referred to in common parlance.

## 2.2 Numerous positions designed to limit the number of refugees accepted

Of these, a first approach demands quota-based regulation (**quota position**), which is designed to distribute all refugees to the EU according to a ratio system, which takes into account population size, economic strength and levels of unemployment among the EU countries as well as characteristics of the refugees such as knowledge of languages, professional qualifications, social situation, state of health and, where possible, domestic preferences (relations with family members or friends) for individual host countries. To date, however, it appears that no-one has been able to develop a practical procedure for distributing the refugees, which regulates who is permitted to draw the major lot of Sweden, Luxembourg or Germany, and who will have to make do with the small lot of Bulgaria, Hungary or Greece. In September 2015, EU interior ministers determined a distribution ratio for 120,000 refugees from Greece, Italy, and – as was originally planned – from Hungary. They had also agreed beforehand to voluntarily accept 40,000 refugees. However, of the planned 160,000 refugees, firm commitments have to date only been made for 1,180.<sup>15</sup> According to the quota ratio, Germany should only have to accept 26% of all refugees arriving in the EU.



A second position demands intensified financial support for the refugee camps on the other side of the border of the countries ravaged by civil war and political persecution, in order to considerably reduce the incentive to flee to Europe (**distancing position**). This had to come above all from the EU, which has the greatest level of interest in stopping the movement of refugees to Europe and in particular in persuading the Syrians to stay put in the refugee camps in Lebanon, Jordan and Turkey. The EU would also like to see Saudi Arabia, the gulf states, Iran, the US and many other UN members becoming involved as far as possible. The second and third positions are above all advocated by the conservative and social democrat parties in Europe. Within the CDU/CSU, Horst Seehofer, the Bavarian Minister-President has in particular sharply challenged Angela Merkel's policy towards refugees. He is demanding drastic limitations in the number of refugees being accepted, as well as a legal definition of further safe countries of origin in the western Balkans to which asylum seekers should be returned after just a few days of examination and following rejection of their application, if possible even before they have left a transit zone on the state border. Since the end of the summer of 2015 Seehofer has gained in popularity within the Union parties and among the population, while Angela Merkel's standing has fallen.<sup>16</sup> In October 2015, he was already able to push through some of his demands.

A third approach advocates accommodating refugees who continue to flee from their countries of origin in refugee camps where the living conditions are only slightly better than the minimum UNHCR standard beyond the borders of the EU, in order to avoid creating incentives to leave refugee camps close to the countries of origin or even within the countries of origin themselves (**deterrent position**). This position is held only in the margins of the established conservative and social democratic parties, and is more strongly represented in specifically xenophobic parties. It is likely that a combination of the aforementioned positions runs right through all the established parties, and be met with approval among some business owners.

A fourth approach simply wishes to promote the integration of refugees, who are welcome as workers and potential democratic citizens, in other words, refugees who are not Muslim Brothers being persecuted in Egypt or Islamist opponents of the Assad regime in Syria (**selective position**).

A fifth approach wishes to bring an end to the mass flight to Europe purely through closure of the borders by the police and military, either of one's own country or of the entire European Union, in some cases even by means of border fences according to the Hungarian model (**border closure position**), while at the same time bringing refugees who manage to get through back to where they came from, or imprisoning them as illegal immigrants.

A sixth approach even proposes that refugees who have been allowed to enter Europe so far should be forcibly removed from European territory (**expulsion position**). After that, boats containing refugees who approach the European coastline should be sent back to the open sea after being supplied with water, food and fuel. This approach is already being implemented in parts of South East Asia and in Australia. After these measures have been completed, those protecting Europe's borders are then no longer required to bother themselves with the further fate of the refugees. In some cases, they could also be brought to the coast of Libya. In the case of Turkey, this would certainly not be possible, since the Turkish navy would prevent such a move. The expulsion position is occasionally propagated by radical right-wing nationalist or European extremist groups, who even in individual cases talk of taking refugees to concentration camps or gas chambers. At the PEGIDA demonstration in Dresden on 19 October 2015, the Turkish German main speaker, Akif Pirinçci<sup>17</sup>, made a sarcastic reference to alternatives offered for the approach taken by the established politicians, who advise critics of the current refugee policy to leave Germany: "But unfortunately, the concentration camps are currently not in operation".<sup>18</sup> At first, this statement was interpreted as being a recommendation for how to deal with the refugees themselves.<sup>19</sup>

A seventh hypothetical position, which to date has it seems not yet been publicly professed by anybody, but which is likely to be put forward in the near future, would be to bring almost three-quarters of the refugees from the Austrian border directly to the borders of the other eight neighbouring states of Germany, and to set them down there in order to transfer them onwards in this way, as the countries on the Balkan route have done so far (**onward transfer position**).

An eighth position is propagated by the Turkish military and politicians: the establishment of a security zone in Syria, which is militarily shielded by the United Nations, NATO

or Turkey, to where Syrian refugees should be taken (**security zone position**). A similar model could also be implemented for other civil war countries.

In a week-long dispute over “transit zones” on the southern border of Germany according to a recommendation made by the CSU and later also the CDU, or over “reception centres” distributed throughout the entire Federal Republic according to a recommendation made by the SPD, the subject of debate was nothing more than a marginal matter in relation to the real problems surrounding the issue of the refugees. The dispute also centred around a precise definition of the *Willkommenskultur*, which the Austrian foreign minister Sebastian Kurz recently referred to as *Einladungskultur*<sup>20</sup> (“invitation culture”). In a survey conducted by the *Politbarometer* national television programme, 71% of respondents spoke out in favour of the establishment of transit zones, while 25% said they were against them.<sup>21</sup> Finally, the grand coalition decided on 5 November to create Orwellian-sounding “acceptance facilities”. In effect, they will be non-acceptance, or returning facilities, since the whole purpose of the planned facilities is simply to separate migrants from South East Europe, who are to be sent back as quickly as possible, from the real refugees who are to be rapidly and fairly distributed among the German federal states in accordance with the ‘Königsteiner Schlüssel’<sup>22</sup> the distribution quotas agreed in 1949. There, they will be given the opportunity to begin the lengthy process of applying for asylum.

### **3 The globalisation of refugee movements**

Since the history of humankind, people have fled from war or violence inflicted by other people within areas of rule and beyond their borders. And it is also quite certain that in a hundred years and beyond, there will still be refugees. “Removing the reasons for refugees to flee” might sound convincing, but in reality, it is nothing more than a leaden phrase, since the willingness and ability to bring an end to the circumstances that cause people to flee are currently only extremely limited, and will remain so in the future. In the best case scenario, some of these circumstances can be rectified, although the means for doing so are highly contentious.

The military NATO intervention in the Federal Republic of Yugoslavia in 1999 certainly brought an abrupt end to the civil war and the stream of refugees leaving the country,

and enabled hundreds of thousands of Albanian refugees to return to Kosovo. Despite widespread poverty and unemployment, Kosovo is now regarded as being a “safe country”, whose citizens no longer have the right to asylum in the EU. A not insignificant number of commentators are of the opinion that the current refugee crisis was triggered above all by the refusal of the UN Security Council and NATO to topple the Assad regime after the outbreak of the civil war in Syria in the spring of 2011. Other contemporary observers are of the opposite view, seeing the main root of the problem as being support for the Syrian civil war parties through the delivery of weapons and foreign fighters, and, recently, through the deployment of western and Russian fighter jets. Furthermore, they say, the wars conducted by western powers in Iraq, Afghanistan, Libya, Mali and many other countries, with or without the mandate of the United Nations, are also an important factor in triggering the refugee crisis. In the meantime, other commentators do not make the wars themselves responsible – which must be separately classified in each individual case as offensive, defensive, interventionist or civil wars – but instead the misguided post-war and peace consolidation policies, such as in Iraq and Libya.

In the broader sense, the issue of why refugees leave their countries of origin is linked to the issue of the causes of war and dictatorship, as well as to the issue of responsibility for the global economic order, the anthropogenic climate change and other factors which have led to the enormous degree of poverty and suffering which trigger war. However, the refugees and thus also the refugee policy cannot wait for the emergence of a just world social order. Be that as it may: no power on earth is in a position to bring an end to the mass flight of refugees in the coming months and years. A long-term refugee policy must therefore be adopted by all states, i.e. including the EU countries and EU institutions. For Europe, the issue is no longer fixed-term European refugee movements, such as in 1956 during the Hungarian war, or in 1992/93 and 1999 during the Yugoslav wars, but is rather a global mass flight phenomenon that is likely to last for a long time, and which has a global reach.

The right to asylum and the right of refugees to be accepted into other countries have only been in existence for a few decades. However, since early antiquity there has been a divine right to asylum grounded in religious and magical tradition, and later asylum agreements between rulers who were unwilling to hand over victims of political persecution.<sup>23</sup> It was not until the 19th century that states developed the institution of indi-

vidually assigned state citizenship, which was certified by a document (an identification certificate or passport). The purpose of this was to be able to refuse entry to people from other countries who sought refuge from danger or persecution. Some states even formally agreed to mutually hand over individuals who were the subject of political persecution by them. For common criminals, the same principle applies today. As a result, some states describe individuals being persecuted by them on political grounds as terrorists and common criminals in order to have them extradited by another state, even in cases when those individuals have done nothing more than assert their civic rights in a non-violent manner.

For thousands of years, the journeys taken by refugees were extraordinarily limited in their geographical scope, since there were very few modes of transport available. In order to flee, they usually had to travel on foot, and were only rarely able to use animals to ride or pull carts for greater speed. The radius of travel was increased only by boats and ships, although they were very expensive to use. When during the first half of the 20th century many millions of people died during the Russian and Chinese civil wars, only a few hundreds of thousands succeeded in fleeing to other countries.<sup>24</sup> Today, motor vehicles, trains, ships, motor-driven dinghies, and in some cases also planes are used to flee over large distances. The seas of the Mediterranean no longer present a significant barrier to flight. Only the oceans and deserts remain a natural obstacle. Modern means of communication such as mobile phones and smartphones are also an extremely important tool in planning individual and family journeys, as well as the coordination of the route over thousands of kilometres. For these reasons, the tendency is for refugee movements to take on a continental, even global dimension. Modern civil war methods are also contributing to mass flight, in which civilians in particular are threatened and driven from their homes, towns and villages are devastated and at the same time, volunteers are attracted from the world over to join in the fight.

Two types of flight abroad can be defined: flight to a nearby country and flight to a remote country (author's own terminology). Most refugees who leave their country of origin remain in neighbouring countries, often in huge refugee camps just on the other side of the state border. External, "objective" reasons for this are a lack of material resources to flee, as well as the fact that food and health care are provided solely within the confines of the refugee camps. A further reason can be a legal ban on working in the guest

country. More rarely, they remain due to barrier fences around the camp and persecution by the police if the refugees leave the camp. A lack of funds which would enable them to make use of other means of fleeing, the risk of injury and death en route and a lack of willingness to accept them in most countries also restrict the possibilities for flight. "Subjective" reasons, which are firmly anchored in their consciousness, are the hope that they will soon be able to return to their homes after the war or violent rule has come to an end, and the fear of not being able to live in an environment with an alien culture, language and ethnic group. Usually, only relatively well-off refugees can afford to flee long distances, who are able to pay the thousands of Euros required in order to use modes of transport, and frequently also to pay people smugglers to enable them to cross borders illegally. Long-distance refugees are usually also comparatively young, healthy, male and willing to take risks.

#### **4 The current mass movement of refugees**

Europe has been entirely unprepared for the current mass movement of refugees. Warnings had been made earlier that millions of people would flee from Africa, particularly for environmental reasons, which many chose to ignore as entirely exaggerated alarmism.<sup>25</sup> There are two preferred routes used by people fleeing to Europe: via Libya to Lampedusa, Sicily and Malta, and then further northwards, and via Turkey to Greece and then along the Balkan route to central and northern Europe. Initially, flight was only possible using expensive people smuggler organisations, not infrequently with a high level of danger to life and at the risk of being robbed. After thousands of refugees drowned in the Mediterranean<sup>26</sup>, while others died in terrible circumstances on land – the most spectacular case was the death by suffocation of 71 refugees in a lorry travelling from Hungary to Austria at the end of August 2015<sup>27</sup> – many states have taken on the task of transporting refugees through their territory themselves, sending people from one border to the next. They search the Mediterranean for refugee boats and instead of returning the people brought onto their lifeboats to Libya or Turkey, transport them on to southern Europe. What caused the mass flight to Europe to begin in the spring of 2015? Why did it occur then, and not much earlier or much later? Is there a prospect of refugee numbers returning to the "normal scale" in the decades before 2015? And what would need to be done to ensure that this happens?

Alongside the structural, transport-related reasons why intercontinental mass flight has now become possible, individual political events are also responsible for the current mass flight to Europe. Several of these can be listed here in brief: 1. The war of aggression waged by the US, Britain and other states against Iraq led to the destruction of the established political order in large parts of the Near and Middle East. 2. The misguided post-war policy of the western powers in Iraq stimulated the creation of the “Islamic State” in Iraq and then also in Syria. 3. The formation of international Shia and Sunni military alliances, and then also the renewed competition for superpower status between the US and Russia, have both stoked the civil war in Syria. 4. The Arab Spring was followed by a period in which autocratic regimes either attempted to retain their hold on power by force (in Syria) or to restore it (in Egypt and Yemen). 4. In the main, all warring parties in Syria aspire to peace through victory, and are not willing to seek peace through compromise. 6. The toppling of the Gaddafi regime, which had prevented refugees from Africa from reaching Europe, including with financial support from Europe, opened up refugee routes to the northern coast of Libya from the civil war countries in Africa such as Somalia, Sudan, South Sudan, Nigeria, Mali, Libya and from the extremely repressive state of Eritrea, while Morocco and Spain continued to block the refugee route across the Strait of Gibraltar. 7. The resumption of the civil war in Turkey by the AKP government against the Kurdish PKK, which has already cost between 30,000 and 40,000 human lives, contributed to a situation in which the Erdoğan regime, which is experiencing greater stability, probably not only permitted the flight of Syrians, Afghans, Pakistanis and others to the Greek islands, but even encouraged it. The Balkan route begins in Turkey. 8. The drastic reduction in food rations provided by the UNHCR in the camps around Syria during recent months has caused further tens of thousands of people to flee to Europe.

The mass movement of refugees to Europe is highly unlikely to abate in the years to come. In fact, the opposite will probably occur: the friendly acceptance of millions of refugees in Europe will motivate further millions of internal refugees, who until now have been afraid of the appalling living conditions in the refugee camps close to the border, to flee abroad. Worse still: it will also serve as an incentive for some radical-national regimes to force unwanted ethnic and religious minorities to flee. For many years, anti-Semitism and anti-ziganism in the east of Europe have acted as a means of persuading

Jews and Roma to move westwards in disgust. The pro-greater Israel, annexationist politicians who systematically attempt to take possession of the West Bank by building new Jewish settlements and to prevent the creation of a Palestinian state could be tempted by a third Intifada and another Gaza war to secretly provide those Palestinians who are willing to flee with boats for their journey to Europe. The Israeli prime minister, Netanyahu, has already exploited the anti-Semitic terrorist attacks by Muslims in France in the spring of 2015 to invite the Jews living in France to come and live in Israel. If the Turkish government under state president Recep Tayyip Erdoğan intensifies its suppression of the Kurds, the war already begun against the PKK could cause further tens of thousands of Kurds to flee to Europe. Sri Lanka will make attempts to trigger the flight of a large share of its Tamils, while Sudan will do the same with the Darfur peoples, as well Myanmar with its Rohingya. In other words, the danger is that the generous acceptance of refugees in Europe will generate more and more refugees throughout the world, and will encourage religious-ethnic “cleansing” operations in many countries.

## **5 The legal status of refugees**

It was not until 1833 that Belgium, as the first liberal national state, began to regard subjects of political persecution as being anything other than criminals, and to grant them asylum.<sup>28</sup> It was only after the experience of the world wars and the National Socialist tyranny that an international convention on refugees could be agreed in Geneva in 1951, and that the right to asylum could be anchored in some constitutions.<sup>29</sup> The convention by no means grants refugees the right to find refuge in any country, nor does it oblige states to accept refugees.<sup>30</sup>

Certainly, neither the UN General Declaration of Human Rights of 10 December 1948<sup>31</sup>, the Geneva Convention on Refugees of 1951<sup>32</sup>, the Basic Law of the Federal Republic of Germany (Art. 16a) nor the corresponding implementation laws set any quantitative upper limit for the right to asylum.<sup>33</sup> According to these regulations, the influx could only be restricted by balancing the rights of the refugees against other rights of the state and its citizens. The original extensive basic right<sup>34</sup> to asylum was restricted in 1993. According to Art. 16a, Para. 1, “subjects of political persecution” enjoy the right to asylum. However, no-one has the right to claim this right “who enters the country from a member state of the European Communities (i.e. today, the EU, E.J.), or from another third



state in which the implementation of the agreement regarding the legal status of refugees and the convention on the protection of human rights and fundamental freedoms is ensured." Those countries which qualify as third states must be classified as such by law. In constitutional terms, therefore, Germany is hardly required to accept any refugees (except those who have arrived directly by plane), and could potentially order all refugees to return to its borders. Other EU states could act in a similar manner and send all refugees on the Balkan route back to Greece or even Turkey. Accordingly, the refugees would have to return to Italy and Malta via the Mediterranean. However, politically, this option is not feasible in most EU countries. Furthermore, in logistical terms, preventing the refugees from entering would mean that a border fence would have to be erected, which would be protected by police and military force, as is the case in Hungary, the USA and Israel, and which is already in existence along land borders of the EU (Greece, Bulgaria, Ceuta and Melilla). Refugee boats would also have to be turned back by the navy if the EU neighbour states cannot be persuaded to provide for the refugees on their territory with the offer of billions of Euros of aid.

The EU countries have since 1997<sup>35</sup> repeatedly concluded agreements with each other which specify the rights of refugees. After the Dublin III Regulation, which has in principle been valid since 1 January 2014,<sup>36</sup> the EU member state (as well as Switzerland, Norway, Iceland and Liechtenstein) which a person seeking asylum first enters is responsible for their asylum application process. The decision made by that state is then valid for all participating states. Officially recognised asylum seekers are allowed to travel within the EU, but for many years are banned from taking up employment in other European countries and receive no social benefits there.

The Qualification Directive determines more precisely the procedure for officially recognising refugees for the EU (with the exception of Britain, Ireland and Denmark).<sup>37</sup> According to these rules, Germany is hardly required to accept any refugees at all, only those who arrive directly by plane from their country of origin. In legal terms, Germany could prevent all other refugees from crossing its border, and could send all those who have managed to do so back to Greece and Italy. However, in logistical, moral and political terms, this is impossible. The mass movement of refugees across the Mediterranean has caused the existing legal framework surrounding immigration to collapse, and has

made it necessary to adapt the law to real-life conditions, since neither Germany nor Europe is prepared to implement the existing law using barbaric, violent means.

For some time, Italy has already been allowing refugees to leave the country to the north without completing the asylum application procedure, and in some cases even without registering. Greece regards itself as being unable to provide for the huge numbers of refugees on its East Aegean islands, to register them in an orderly fashion or to conduct an asylum application procedure in accordance with the law. The country is therefore transporting refugees to the mainland and allowing them to move northwards from there along the Balkan route. Neither the individual EU states on the Mediterranean nor the EU as a whole are currently in a position to accept or reject refugees in accordance with the legislative regulations. In this way, all states along the Balkan route, from Greece to Austria, have reverted to transit and people smuggling policies, and are illegally allowing hundreds of thousands of refugees to reach the border of Germany at the expense of the state (and while doing so, are incidentally also taking away the commercial profit from the private people smuggling gangs). In so doing, they are exerting moral pressure on Germany to allow the refugees to enter the country, and not to propel them onwards to its other eight borders, as France is to some extent attempting to do on its northern border (Calais). As a result, for the refugees, "Europe" has essentially come to mean "Germany", a phenomenon which has increased the level of Germany's responsibility for the future and cohesion of the EU to a far greater extent than the financial crisis and the Greek debts of previous years.

In connection with the Geneva Convention on Refugees of 1951, the office of the United Nations High Commissioner for Refugees<sup>38</sup> (UNHCR) was created, which at the beginning of 2015 had over 9,300 employees.<sup>39</sup> Even though on repeated occasions this office saves the lives of hundreds of thousands of people, it is woefully underfunded by the UN member states, as a result of which it is frequently unable to satisfy even minimal basic human needs. According to the Convention on Refugees, any individual is classified as being a refugee who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...".<sup>40</sup> People who are refugees within their own country, who according to UN statistics make up the largest share of all refugees in

the world, are therefore not refugees in the legal sense, and are referred to in UN jargon as “IDPs”, or Internally Displaced Persons.<sup>41</sup> In 2014, according to UNHCR estimates, the number of refugees in the world was far higher than ever before, totalling 59.5 million. Of these, 19.5 were refugees in the legal sense (i.e. people who had fled abroad), while 38.2 million were IDPs and 1.8 million were seeking asylum.<sup>42</sup> According to the predominant view, flight from poverty, unemployment or the threat of starvation does not provide grounds for asylum or refugee status. This applies primarily to people who flee abroad due to the threat of loss of their entire livelihood through drought or flooding. To date, the only internationally recognised reasons to flee are war, political persecution and torture and other forms of mass-scale violence perpetrated or tolerated by a state.

## **6 Refugees in Germany and other European countries**

Before 1967, less than 5,000 people per year applied for asylum in Germany. The only exception was in 1956, when the number came to over 16,000 following the revolution and war in Hungary. By 1975, the annual figure for asylum seekers remained below 10,000 with hardly any exception. After that, it increased steadily, and in 1980 exceeded the 100,000 mark for the first time, although it subsequently remained in the tens of thousands. From 1988 to 2000, the figure remained constantly over 100,000, reaching its peak of 438,000 in 1992 during the Yugoslav wars. From 2001 to 2012, it decreased back to the tens of thousands, before increasing rapidly again. In 2013, 127,000 people applied for asylum, with 203,000 applications registered in 2014. The total for 2015 is likely to be many hundreds of thousands, if not up to a million.<sup>43</sup> While the maximum total number of asylum seekers in Germany was registered in 2013, in relation to the population size, there were far more asylum applications in Switzerland, Norway, Austria, Luxembourg, Hungary and Belgium.<sup>44</sup> In Sweden and Malta, the relative figure was even three times higher than in Germany.<sup>45</sup>

In Germany, only between one and two percent of asylum applications between 2006 and 2015 were officially recognised as such.<sup>46</sup> However, during the asylum application process, a decision is not only made as to who has the right to apply for asylum as a “subject of political persecution”, but also who is covered by the area of protection according to the Geneva Convention on Refugees of 1951, as well as who is eligible for so-called “subsidiary protection”,<sup>47</sup> and who may not be extradited for other legal reasons.

This results in an “overall protection share” of just under 40% of those applying for asylum.<sup>48</sup>

## **7 The increase in right-wing nationalism following the large-scale acceptance of refugees from other cultures**

Politicians should not only be analysed and judged according to what they wish to achieve, but also primarily with regard to their actions and the effect that they have. The surprisingly friendly acceptance of the refugees arriving in Germany in growing numbers from August 2015 and the enormous willingness among tens of thousands of highly committed Germans to help their fellow human beings, which was supported by the majority opinion among the population and the words of welcome offered by Angela Merkel, her government and all Bundestag parties, is perhaps – from a humane political perspective – one of the most gratifying results of the many years’ democratic learning process in Germany, which in many countries, at least among a minority of the population, is being regarded with a mixture of approval and awe. This phenomenon was made easier by the currently strong economy, low level of unemployment and lack of personnel in certain industrial sectors in Germany. In countries with a high rate of unemployment and a weak economy, the level of willingness to accept refugees is understandably far lower. There are also other reasons for this which cannot be discussed in greater detail here. The demand for a “fairer” distribution throughout the EU will probably only enjoy limited success. However, even if this were to occur, it would only bring temporary relief to the refugee crisis, and would do nothing to alter the feeling among the majority of Europeans of being overwhelmed by the mass of people arriving on the continent. National state sovereignty, which is still one of the foundations and fundamental principles of the European Union, grants every nation the right to decide how to act with regard to immigration and the acceptance of refugees, as well as which wars it should send its soldiers to fight in. This national state sovereignty will not allow itself to be replaced by appeals to solidarity among Europeans. To this extent, the current complaints by German politicians regarding a lack of solidarity being shown by many other European states is misplaced. Even more dangerous are the attempts to enforce European solidarity through threats to withdraw German money from the European structural

fund. The “moral imperialism” shown by the Germans has rekindled a great deal of anti-German sentiment in Europe.

The fact cannot be ignored that the mass flight to Europe has not only been met with sympathy and a willingness to take in people who are suffering, but has also triggered verbal, and occasionally violent, forms of aggression. The acts of violence initially present a challenge to the police and the judiciary. Of far greater political relevance is the growing right-wing radicalism in the attitudes and voting behaviour among certain groups, and perhaps even more so, the sense of unease felt among a broad middle swathe of the population. Those belonging to the latter category regard the continued influx of refugees with fear and concern, but do not yet know how to demand a change in the refugee policy. Should the parties they have supported to date change tack, should they refuse to vote for the democratic parties, or should they vote in protest for new extremist or moderately right-wing radical (“right-wing populist”) parties? The mass murder committed by Anders Behring Breivik in Oslo and on Utøya on 22 July 2014, and recently the attack on the Cologne mayoral candidate Henriette Reker on 17 October 2015 could be harbingers of a modern form of violent right-wing extremism. The fact is frequently overlooked that alongside the traditional national right-wing radicalism, a coordinated European right-wing radicalism (of the “European patriots”) has also emerged.

From a political sciences perspective, there is no getting around the bitter conclusion that the greater the welcome given to refugees through policies, the greater the extent of right-wing radicalism that is engendered. Here, there is nothing that any democratic defence strategies can do to remedy the situation, be it patient education and campaigning in favour of accepting refugees on the one hand, or on the other, demagogic warnings of a revival of National Socialism and the denunciation of millions of worried citizens who wish to see a limit set on the number of refugees received as closet Neo-Nazis, racists, xenophobes, Islamophobes, and so on. Some radical refugee welcomers are now even inclined to use the term “concerned citizen” as a synonym for Neo-Nazi. The hatred shown by some right-wing extremists is countered by no less hatred against the right-wing populists. All this contributes towards political polarisation, which not only puts peace within society and democracy at risk, but also contributes towards a growing aversion towards European integration. Programmes to integrate foreign refugees must therefore be linked to programmes to integrate those many local citizens who are tend-

ing towards right-wing radicalism. These people cannot be excluded from society, either through ostracism or through imprisonment. If this is the correct response, the “European patriots” should not be subject to verbal attack. Instead, painstaking work should be done to persuade them to support democracy and the rule of law, while at the same time taking decisive legal action to sanction the physical violence perpetrated by some of them.

It is quite clear that the refugee crisis has facilitated a national swing to the right among established parties throughout Europe, and has led to huge electoral successes for right-wing populist and right-wing extremist parties. This has been reflected in the most recent elections in Poland, Austria, Denmark, Switzerland, Turkey, and so on. Finally, it has also given new impetus to those proposing that Britain exit the EU. The doors to the EU open to Syrians and Afghans, while Britain, Hungary, and perhaps even France, leave? The bitter question raised by the refugee policy of the European democratic governments, whether they are more social-liberal or conservative, is therefore: how much right-wing radicalism and how much nationalist right-wing populist, anti-European election successes are they willing to generate among the population and during the next round of elections? As a result of its decisive rejection of its National Socialist past and its economic prosperity, Germany is for now not yet in the same fatal position as many other European countries. However, there is much to suggest that the “Alternative für Deutschland” party (or AfD), having rid itself of its liberal-nationalist founding members and reorganised itself into an unambiguously right-wing populist party, could in September 2017 become the third-largest party in the German Bundestag.

## **8 Fundamental traits of a global-humane refugee policy**

What refugee policy is advisable under the new conditions in Germany and Europe? There is no way out of the current refugee crisis, which in some cases has entailed high human and material costs for all the peoples involved, which is free of contradiction. In 2015, Europe received over a million refugees. However, a far greater number of people are attempting to reach Europe than the European states are willing to accept and integrate into their societies. Since the European Union is a union of nation states, refugee policies are primarily national policies, which can only be made European policy when the national governments and parliaments also reach agreement on this issue. Refugee

policy cannot be usurped by the EU Commission or the EU parliament. The existing European asylum legislation and European law is without doubt inadequate in order to tackle the challenges posed by the refugee crisis.<sup>49</sup> Currently, any change made to the European asylum and refugee legislation has only led to a tightening of this legislation, and to the adaptation of German law to that of the other states. It can be assumed that to a large degree, the reaction throughout Europe to David Cameron's slogan, "We need less Europe", has been positive.

First, the fact must be recognised that for most refugees, fleeing to Europe means fleeing to Germany, not only in terms of their intended destination, but also in reality. Germany as a key target country for refugees does not have the options which other states have decided to pursue, or could do in the future. If Germany were to build a fence along its border with Austria, all the other states along the Balkan route would be forced to do the same. Greece would have to prevent refugee boats from landing by force. This would be an absurd "solution" to the refugee problem. Unlike the states along the Balkan route from Greece to Austria, Germany also cannot declare itself a transit country for refugees, and simply transport them onward from its border with Austria to its eight other borders. This would only work if the refugees were to be just as badly treated as they were along the Balkan route, and affluent and democratic Germany is neither politically nor morally in a position to implement such a measure. And a mainland Europe which by driving people from one country to another, either out of helplessness or malice, until they finally end up in Calais in front of the Eurotunnel, cannot then decide one day to rent a flotilla of cruise ships to take hundreds of thousands of refugees to Britain, the US, Canada and Australia, where the boats are likely to be barred from entering the ports.

Germany also lacks the political influence needed to push through a distribution of all refugees arriving in Europe in accordance with the quotas agreed by the European interior ministers for the small figure of 120,000 refugees, either through friendly persuasion or even enforcement. The Hungarian prime minister Viktor Orban is therefore correct when he claims that the refugee problem – at least primarily, E.J. – is a German problem, not only in practical terms, but also because German asylum law is extraordinarily generous as a result of its National Socialist past.

It is highly likely that next year, a further one million refugees will travel to Germany, and the prospect cannot be ruled out that in 2017, the year of the Bundestag election,

there will be one million more if the current government policy is continued. Technically, Germany could receive all of the current 19.5 million refugees in the world over the next two years, and could at least feed and build barracks for them as it did after the Second World War. Germany would “only” have to be prepared to take on a debt of several billions of Euros (and in so doing, to further burden future generations), and to impose control over housing management (of the 1.7 million empty flats and “excessive” living space occupied by current flat owners), and so on. It is out of the question that a willingness to adopt such measures will emerge. An upper limit for the acceptance of refugees is not a technical-economic issue, but an issue of the political will among the majority of society and the degree of tolerance among the opposing minority. This is due not so much to the financial costs, but far more to concerns regarding the longer-term capacity for social and political integration of the refugees and the ethnic-cultural, liberal-democratic nature of German society. This political will is hardly likely to be expanded through humanitarian education measures, but will instead probably decrease over the coming months.

The Europeans and Germans must come to terms with the fact that some wars will last for a long time, and an increasing number of refugees will want to come to Germany. This would increasingly turn Germany into a polyethnic, multireligious country with a large number of social and political problems. The first consequence will be that for years, funding for social services will be severely strained until many refugees find employment. For the large mass of illiterate refugees with a low level of education in terms of linguistic competence or professional skills, it will be difficult to find work, and if they do, this could entail taking jobs away from the local lower strata of society. Certainly, the creation of ethnosocial strata is unavoidable. Unemployment among those refugees granted the right to remain will be higher than among the local population, and will generate a sense of discrimination. Currently, the estimated cost of accepting the refugees is calculated at 10 billion Euros.<sup>50</sup> Soon, this figure will rise considerably. The long-term resident poor and low paid workers in particular will ask why it is that more money is available for each refugee than for them. They will also wonder why it is that jobs can suddenly be found for thousands of new teachers and police officers while they are fighting in vain for fair pay for childcare workers and those caring for the elderly. How is it, they will ask, that solid accommodation can be quickly found for refugees while many



German homeless people are still sleeping on the streets, and will probably again die of cold this winter?

This not only encourages xenophobia among the local population, but also hatred against Germans among those frustrated refugees who are today relieved and happy to have been received with such a welcome, but who will tomorrow realise that they will remain socially excluded. Even more immigrant districts will be created, in which German is hardly spoken at all and from which the local German residents will move away. The laws of the market economy inevitably lead to ethnosocial segregation. The capacity to integrate immigrants depends heavily on the ratio between the local population and the immigrants in the place in question, and not solely on the national average.

There are a few reasons why Germany will in general develop a better capacity for integration than the traditional western democracies. After two hundred years, the US has still not fully integrated all Afro-Americans, while France, Britain and the Netherlands are still a long way from assimilating the immigrants from their former colonies. What is there in Germany to prevent racial unrest from emerging among the socially discriminated, or pogrom-style attacks being perpetrated against immigrants, as was the case in Rostock, for example? What is there to stop some urban districts from deteriorating to such a degree that not even the police feel safe to enter them? How can the German police force avoid becoming just as brutal as the police forces of other western democracies? What is there, in the longer term, to prevent individuals from arming themselves with private guns? Can the fact be overlooked that the Muslim refugees will dramatically increase the potential level of anti-Semitism in Germany? Or that among the millions of refugees who arrive here that a few dozen may either already be, or may perhaps become, Islamic extremists, who will aggravate the potential for terrorism among German citizens, be they migrants or converts to Islam from long-term resident Christian families? Will not the number of "honorary killings" of Muslim girls increase, who in the eyes of their families are far too willing to integrate? From a neutral standpoint, it can be assumed that the number of cases of murder, rape, robbery and theft will be "normal", despite their difficult social situation, in relation to the corresponding crime rates among the local population, taking into account the fact that most of the refugees are young and male. Across Germany, the crime rate will therefore increase in tandem with the level of immigration.

Not every immigrant will become a fully integrated Cem Özdemir or Yasmin Fahimi.<sup>51</sup> It is likely that efforts to integrate large numbers of migrants and refugees will fail, even if one assumes that Germany will learn fundamental lessons from the mistakes of the integration policies of the other western democracies. A rational response to the question of whether Germany will be able to accommodate and feed those refugees who will not return to their country of origin, first in emergency accommodation facilities and then in apartments, can only be that yes, it will. However, the question of whether Germany will successfully integrate the remaining refugees socially and politically prompts a very different answer: yes, a very large share will be excellently or adequately integrated, but a considerable portion will not. An insufficient level of openness towards integration among a large section of the local population coupled with insufficient willingness to integrate among large numbers of refugees (and also migrants) will act in parallel to prevent the real integration of many immigrants. Thus, the response to the above question is: we will largely succeed, but to a far too great extent, we will not. Since it is easier to integrate a small number of refugees than a large influx, it can be concluded that the more refugees arrive, and furthermore within a short period of time, the more likely it is that integration will fail. In other words: a limitation and deceleration of the acceptance of refugees should urgently be considered. The open invitation to all refugees who wish to come to Germany (and Europe) is utterly irresponsible both socially and politically.

All these considerations are not intended as arguments against *the Willkommenskultur*. Quite the opposite. Only such a welcome culture could, alongside the undoubted positive effects arising from the changes in ethnoreligious population structure, prevent or reduce some extremely negative consequences, and help overcome the new challenges faced in the German domestic political arena. A clear, unequivocal differentiation must be made between the *Willkommenskultur* (in relation to the refugees who have arrived in Germany) and the continued policy of inviting additional millions of refugees to make the journey here. A halfway adequate integration of the migrants and refugees is only possible by limiting and decelerating the acceptance of further immigrants.

Furthermore, a clear differentiation should be made between immigration or migration policy and refugee policy. One could even talk of a shameless misuse of the refugees as a substitute for children in Germany by those who wish to see comprehensive immigration as an answer to the insufficient number of workers and to finance future pensions

as a compensation for the low birth rate in German society, and who wish to integrate and “Germanise” the refugees as quickly as possible. Many refugees are not interested in such a prospect, but rather wish to live and work in Germany only temporarily. Their main interest is in socialising their children in their native language and in their own culture. Their motivation to learn German to a sufficient standard to enable them to find work themselves and have a better life in exile is only secondary.

Refugees from autocratic countries without a democratic tradition will not become democrats on crossing the border into Europe, but will have to be won over to liberal-democratic attitudes in a decades-long process of socialisation. In the recent parliamentary elections in Turkey, a greater share of the Turks who have been living in Germany for many years voted in favour of Erdoğan’s Party for Justice and Development, the AKP than their compatriots at home. In Egypt, members of the Muslim Brotherhood, who are being persecuted and threatened with the death penalty, and who themselves had harassed the Copts, will not automatically become enlightened, secular humanists on arriving in Europe. Undemocratic, right-wing radical views are not a phenomenon unique to a considerable proportion of the longstanding German population, but are also prevalent among the migrants and refugees. The fight against right-wing radical xenophobia among Germans must not make us blind to the hostile, right-wing radical attitudes among some refugees and migrants who do not agree with the social and political way of life of the Germans. The terrorists are just the tip of the iceberg of millions of peaceful immigrants who have not been successfully politically and socially integrated, and who have found no political channel to express their dissatisfaction.

From the above analysis, it follows that the refugees from outside Europe who have already travelled across hundreds of kilometres to reach the EU must remain there, at least until the wars in Syria, Iraq, Somalia etc. have come to an end. A very different question is whether and how Germany and the European states who have no interest in seeing Germany become an overburdened refugee country are able and willing to allow further millions of refugees to come to Europe. On principle, this is not a matter for the EU alone, but also for NATO, since the refugee crisis is expanding to become a crisis for domestic security and stability in Europe, and because Turkey is a NATO member. Germany, the foremost destination for the refugee movement, which can neither close its borders nor transfer the refugees onwards without threatening the existence of the EU,

has no other choice but to urge and work towards a closure of the EU borders against an uncontrolled, unlimited influx. In other words: unlike other EU member states, Germany does not have the option of implementing a purely national refugee policy. Securing the outer EU borders might be feasible against a country such as Libya, which has no functioning state organs, but is unthinkable against Turkey. On the other hand, Turkey could at just a small expense confiscate all people smuggler boats along the coast in the interest of national security, and prevent them from leaving Turkish waters in cooperation with the Greek navy and using several boats from other EU countries.

Turkey will only be prepared to abandon its current policy of facilitating the through-transit and smuggling of refugees if the EU and NATO states are willing to pay a large sum to resolve the problem of the refugees in Turkey.<sup>52</sup> Here, the following options are available: 1. The Turkish military (or, alternatively, NATO), with the agreement of the UN Security Council, establishes protection zones for refugees in the north of Syria and Iraq, where people are provided for by the UNHCR until the internationalised civil wars are brought to an end. The same protection zones could be established in Afghanistan and other countries where war is being waged. 2. Turkey declares itself willing to organise refugee settlements within border areas of its own country, which are financed by the EU and NATO states, and as far as possible by the wealthy Arab states. 3. If no agreement with Turkey is possible, the EU could rent an island in Europe and establish settlements there under EU administration where the refugees can remain until their return to their country of origin when peace has been restored. These options will be discussed in greater detail in the excursus below.

The admirable *Willkommenskultur* in Germany, Sweden and other countries with regard to the way the refugees have been treated, which is surprisingly broadly anchored among the general population, can only be maintained if at the same time, there is a drastic limitation set for the number of refugees accepted.

## **9 A recommendation to the German government**

What would I therefore advise Federal Chancellor Angela Merkel or her minister Peter Altmaier to do? First of all, to make a clear political statement such as this:

“The authorities and above all civil society in Germany have in recent months actively supported a very large number of refugees arriving in Europe in their difficulty, and have made them welcome. This was a correct response, and we are very happy at the emergence of the German and European Willkommenskultur in the spirit of the humane and democratic values which we consistently promote. However, in the years to come, we cannot take on unlimited further millions of refugees, and integrate them economically, socially and politically. We will therefore do everything we can in order to restrict the number of refugees accepted in Germany in 2016 (this is my own random figure, E.J.) to 500,000, and in 2017 to 300,000. And we hope that most refugees will soon be able to return home. For this reason, we will intensify our diplomatic efforts in order to achieve a rapid compromise peace between the civil war parties in Syria, Iraq, Afghanistan and the states which are militarily involved in these wars. In recent years, German diplomacy has made some achievements, and has made an important contribution to the signing of the Minsk Agreement on ending the war in Ukraine and on the agreement regarding the prevention of Iran’s nuclear armament. We will apply the same dedication in our work towards finding a peaceful solution in the war regions. At the same time, we will support the targeted battle against the terrorist “Islamic State”, which endangers both the state and domestic order of many countries. In doing so we will employ means which we regard as being suitable and which have been agreed internationally.

In order to make it easier for the refugees to return home, we will undertake to ensure that they receive professional training in their native language in order to be able to rebuild their country with our help after the destruction caused by the war. We will also teach the refugees German during their stay in our country and give them access to professional training so that they can provide for themselves through their own work while they are living here.

We are neither willing nor able to send back refugees arriving in central Europe over the coming months and years as long as the conditions from which they are fleeing continue. We will integrate some of them into our society in the long term. For this reason, we must prevent too many refugees from coming to Europe. In our view, there are four ways of doing so: 1. To try and persuade some EU member states who to date have only accepted a small number of refugees, or none at all, to relieve the burden on others who have already allowed many to enter their country. Germany is willing and able to apply

economic pressure to its European partner countries to act in a similar manner to Germany itself, or according to the model presented by Sweden, Malta and other EU states in their generous acceptance of refugees; 2. To establish and finance safe zones to where refugees can flee, if possible under a UN mandate, in the civil war countries themselves; 3. A large German and European financial contribution to support the refugee camps in the neighbouring countries of the civil war region, i.e. in particular Lebanon, Jordan and Turkey. We will request and urge the US, the wealthy Arab countries and other UN member states to support us in this effort; 4. To establish and finance large refugee settlements on the borders of the European Union using funds from the EU and the EU member states.

We are aware that the refugee crisis presents a Herculean task. This is true not only for Germany, but is also a test of strength of the European Union. We also know that we will not succeed in limiting the flight to Germany and Europe within just a few days. However, we ask the citizens of our country not to let up in their willingness to help the refugees arriving here, and to trust in the fact that we are doing our best to stem the flow of refugees to Germany." After such a declaration has been made, fundamental changes to the Germany refugee policy should then be made.

## **10 The establishment of European refugee settlements – “refuges” (refugium)**

It is becoming increasingly urgent that international protection zones and settlements, which I here call “refuges” for a growing number of millions of refugees from all over the world, should be established. There are numerous reasons for this. The first is that humanity and international politics will not remain willing or able for much longer to sustainably remove all causes of flight. Due to contradictory national interests, the United Nations Security Council is only able to a very limited degree to guarantee world peace and international security. There will therefore continue to be wars for the indefinite future (currently, around 25 wars are being waged), as well as countless repressive regimes which use torture, and which create the conditions from which people wish to flee. A second reason is that the three large regions of the earth in which people enjoy a high level of security, social peace and prosperity have increasingly become the destination for global refugee movements. These regions are western and central Europe, north America and Oceania (Australia, New Zealand). The states in these three regions are

however not willing to accept all refugees and to integrate them socially and make those among them who wish to become so citizens in the longer term. On the basis of state sovereignty, each state ultimately decides itself how many refugees it should accept by legal means, and to what extent it tolerates illegal immigration. The third reason is that the liberal-democratic, affluent states are however not willing to leave the refugees solely to their fate and there wish to contribute to their survival, safety and as far as possible also to ensuring that they live in decent human conditions on the borders of or beyond their ruling country. To date, such intentions have, however, only been implemented to an entirely inadequate degree through the refugee agency of the United Nations, the UNHCR, which is given far too little financial support. The more the suffering of the refugees is withheld from the eyes of the western general public, the lower the level of humanitarian commitment on the part of that public. It was not until millions of people fled across the Mediterranean and across the borders of Europe that an entirely new historical challenge was presented to the EU, and to a certain degree also to north America and Oceania.

The contradiction between the limited willingness among the liberal-democratic states to accept refugees and concern of securing the safety of millions of refugees can only be resolved by establishing refugee settlements on the borders of the liberal-democratic world or beyond its boundaries. Europe bears a particularly high level of responsibility for the refugees who arrive on its territory or in its waters, or who are saved by European countries on the open seas. Common membership of NATO and the European neighbourhood policy also demand that countries such as Turkey, Lebanon and Jordan be relieved of the burden of accepting refugees. For this reason, the EU and its neighbouring European states, in close cooperation with the UNHCR, should establish numerous refuges of a quasi-ex-territorial nature under the jurisdiction of the EU, either outside EU territory or close to the border of EU territory. These would then cater for, let us say, 40,000 to 200,000 refugees.

There is already agreement over the fact that all refugees who reach EU territory will be first registered in a European database and identified at initial reception centres on the borders of the EU, where they also undergo health and security checks. Each individual refugee is given a provisional refugee identification card. Then, as many refugees as possible will be distributed across the individual European countries according to an as yet

to be developed distribution system designed to take into account both subjective preferences among the refugees for certain countries due to relatives and friends living there, as well as objective factors such as their linguistic and professional skills, whereby these countries determine themselves how many refugees they are willing to accept on the basis of mutual agreement between themselves.

The refuges should accept those refugees who cannot be distributed to the states. They should be established and administered either by the UNHCR or by an EU body which is to be newly created, the EUREF (European Refuges) headed by a High Representative of the EU. The territory required to establish the refuges could be purchased or rented by the EU if it is not donated for the purpose. Here, the most advantageous location would be the islands on the edge of Europe, in order to avoid creating the illusion that the refugees had de facto immigrated to Europe. However, almost unpopulated stretches of terrain in some countries of Europe would also be possible sites for the refugee settlements. The refuges could be funded either from the EU budget, from contributions made by EU member states, or by means of an EU refugee tax, the level of which would need to be agreed (e.g. in the form of a Tobin tax, a solidarity supplement to income, wage and capital earnings tax of e.g. one percent). If not all EU members are prepared to contribute to funding the EU refuges, EUREF should initially be set up by a sub-group of EU states according to the Euro or Schengen group model, while remaining open to entry by other members.

Another possibility is a combination of private and public funds. There are a large number of millionaires and billionaires, but above all also millions of normal EU citizens, who are willing to make a one-off or regular financial contribution in support of the refugees. A civic initiative could begin here and now to establish model refugee settlements through a private association and a private foundation, and in doing so prepare public opinion in Europe for comprehending the decisions that need to be made by the states and EU institutions, which will not be reached overnight.

A refuge should fulfil three objectives: 1. To guarantee protection and safety, decent humanitarian living conditions, food, health services and education facilities; 2. To prepare refugees for returning to their homes after the reasons for fleeing have been remedied; 3. To organise the transfer of long-term refugees to countries which are willing to take them.



Regarding the first objective: the external and internal protection provided by a refuge should be guaranteed by a European police unit which is able to draw on experience from EUPOL and which recruits suitable auxiliary police officers from among the refugees themselves. A European justice service, which includes judges, state attorneys and solicitors, should implement legal order in the refuge in accordance with European law and with the help and cooperation of legal professionals among the refugees. For this purpose, a brief set of fundamental rules should be drawn up which applies to the refuge and which is understandable to everyone, and which should be communicated to the refugees in a brief introductory course. Afterwards, every refugee who wishes to remain in the refuge rather than being sent back to their country of origin should agree to abide by the rules set out in the fundamental rules. They will then be given the status of a fixed-term refuge citizen, and will be given a refuge identification certificate with which they will be able to apply for a visa or gain visa-free access to the EU states in accordance with their legal stipulations.

The issue of the spatial distribution of the refugees in a large settlement the size of a town or city is a difficult challenge. Mixing up the location of accommodation for the refugees on a random basis or following the principle of a consciously designed inter-ethnic neighbourhood could easily lead to conflict, and provide sustenance for individual fears of isolation in an alien environment, since in most cases, there is no common language of communication or experience in dealing with other cultures. Furthermore, it cannot be expected that refugees should be willing to live in direct proximity to supporters of the civil war party from which they have fled, and which has been the cause of traumatic experiences of war and persecution. For this reason, it may be advisable to divide the settlement according to political communities. These should preferably be state communities, and in cases where the refugees come from mutually hostile civil war parties and their sympathiser groups, a separation on the basis of voluntary association could be the best option, which would probably follow according to primarily political-linguistic-ethnic-religious criteria. At the same time, however, voluntary and mandatory intercultural events should also be organised with the aim of promoting peaceful coexistence among refugees in a large settlement who have very different origins and reasons for fleeing. If this succeeds, the refugee settlements could become schools for global tolerance and understanding among people from different countries and cultures.

The refuges should not become hermetically sealed settlements. Children and young people could for example be invited to spend their holidays in the European states. A school exchange could help increase understanding for the refugees through personal experience of the refuges. Mandatory civic education events for all refugees could teach them fundamental values of the European political culture which they have to thank for being allowed to settle the refuges in a manner that respects their human dignity.

European legal and societal standards, such as those relating to relations between the sexes, should not simply be octroyed onto refugees from other continents, but should be explained to them in cultural education centres. Possible compromises should also be sought with their own cultural norms, particularly when the issue under debate is not fundamental human rights, but merely cultural habits which can be changed or tolerated.

To the largest possible degree, the refuges should promote the individual responsibility, motivation and self-organisation of the refugees. Following their recognition as citizens of the refuge, the refugees can participate in the construction and extension and maintenance of solid apartment buildings as soon as building materials, tools and machinery are provided for the purpose. As far as possible, they should be given small plots of land to grow fruit and vegetables. In the longer term, craft enterprises, IT companies and other businesses which only require a small amount of space could be established in the refuges. In the nursery schools and schools, as well as in further education institutions, specialist personnel could be used who would be mainly recruited from among the refugees, particularly since in these institutions, the respective native language should be used. Language courses in English as the global language of communication as the official refuge language could make communication possible between the heterogeneous refugee groups. The construction of mosques and other places of worship would be a clear sign of a tolerant religious culture in the refuges. The rapid mobilisation of workers in the refuges under EU management would make these institutions considerably cheaper to run than the extremely expensive German administration of refugees, which condemns the refugees to months of inactivity which engenders frustration and aggression.

The self-administration organs should be elected in the respective political communities. A federation of these would represent common interests in the refuge. In this way, the

refuges can become places where communal, inter-ethnic, inter-cultural democracy and the peaceful settlement of conflicts are experienced, particularly for people who never had the opportunity in their lives to take responsibility for their own public interests.

Regarding the second objective: the refugees should not be sent back home abruptly after the war has ended or there is a regime change in their countries of origin. To a far greater degree, the resettlement activities should be staggered in terms of their timing and quantity. However, the refugees who are not invited to immigrate to an EU country should then return and become involved in rebuilding their country, even if as a result, their personal living situation initially becomes worse than it was in the EU or a refugee settlement.

Regarding the third objective: refugees should not stay in the refuge for their entire lives, even if the reasons for their flight continue to exist for decades on end. For this reason, refugee citizens of many years should be given a certain degree of preferential treatment when it comes to accepting immigrants into the states who permit limited immigration. States who decide to take on more refugees after all could undertake to ensure that applications for an immigration permit learn the local language while still living in the refugee settlement, in order to be able to take up work on a par with their qualifications as soon as they move to their new home. In this way, they would fill the social security benefits coffers, rather than depleting them. For this purpose, language courses, probably for all European languages, would have to be provided in the refuges, which could be organised and funded either by state cultural institutions or by private refugee associations. Those states willing to accept refugees could also provide access to the desired specialist training in the refuges, or invite refugees to take part in training programmes in the country itself. Refugees would in this way develop the opportunity to immigrate through their own efforts, and would not receive permission to do so simply as a result of their status as victims.

## **11 The simultaneous nature of national and European refusal to accept refugees**

It is unlikely that a clear, commonly agreed European policy on refugees will be developed for some time. Instead, modest efforts towards this aim are more likely. As a result, a large number of different national refugee policies will compete with each other, and

with Brussels, and will continue to trade insults and accusations of blame. Viktor Orban and many others will denigrate Germany with its moral imperialism as being the cause of the refugee chaos in Europe. Conversely, German, Swedish and other politicians will accuse those countries who take in only a small number of refugees, or none at all, as lacking in European solidarity. The people who bear the brunt of the difficulties arising from this situation will be the refugees themselves, who will be shunted from one country to another. However, Europe may further tighten its borders against the refugees in the months to come without really ensuring that the living conditions in the countries neighbouring the civil war region become more compatible with human dignity.

Tens of thousands of Islamist extremists from 80 countries have managed, at least for a time, to create a barbaric Islamic State and to spread fear of terrorist attacks across the world. Why should not tens of millions of people with humane, cosmopolitan attitudes, even if they find themselves in the minority in society, not at last manage to create humane refugee settlements along the lines of the model described above, even if – and precisely because – social majorities are in some cases forcing their governments to seal off their country and the EU against the influx of refugees?

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- <sup>2</sup> During the first half of 2015, 202 attacks on refugee homes were recorded; the same number as in 2014, and three times as many as in 2013, <https://www.tagesschau.de/inland/fremdenfeindliche-uebergreif-103.html>
- <sup>3</sup> Fried (2015), Schmid (2015)
- <sup>4</sup> See the cover image on Der Spiegel, 21 March 2015, see also: [http://www.focus.de/finanzen/news/staatsverschuldung/krankhafte-fantasien-der-deutschen-griechische-zeitung-zeigt-kanzlerin-merkel-in-nazi-uniform\\_aid\\_712449.html](http://www.focus.de/finanzen/news/staatsverschuldung/krankhafte-fantasien-der-deutschen-griechische-zeitung-zeigt-kanzlerin-merkel-in-nazi-uniform_aid_712449.html)
- <sup>5</sup> See the cover image of Der Spiegel, 19 September 2015
- <sup>6</sup> Engels (2015)
- <sup>7</sup> Probably the Dublin Regulation was only passed because the EU neighbouring countries on the Mediterranean falsely assumed that the number of refugees arriving across the Mediterranean would remain extremely limited. I was unable to find any academic study that examined how this regulation came to be passed.
- <sup>8</sup> Palet (2015)
- <sup>9</sup> Meiritz (2015). Lachmann (2015), Rau (2015), Paulwitz (2015)
- <sup>10</sup> vek (2015). Der Spiegel intensified the polarisation in its edition of 29 August with two front pages for “Light” and “Dark” Germany.
- <sup>11</sup> Lemkemeyer (2015)
- <sup>12</sup> Forschungsgruppe Wahlen (2015a)
- <sup>13</sup> Apr/dpa (2015)
- <sup>14</sup> Cf. Gertheiss (2014), p 7
- <sup>15</sup> Stabenow (2015). According to other reports, the figure is even much lower.
- <sup>16</sup> Forschungsgruppe Wahlen e.V. (2015b)
- <sup>17</sup> The writer Akif Pirincci is also the author of the bestseller „Deutschland von Sinnen. Der irre Kult um Frauen, Homosexuelle und Zuwanderer“, Manuscriptum, Waltrop 2014
- <sup>18</sup> Willeke (2014)
- <sup>19</sup> Eklat bei Pegida-Demo (2015)
- <sup>20</sup> Altenbockum, Jasper von (2015b)
- <sup>21</sup> Politbarometer (2015)

<sup>22</sup> The Königsteiner Schlüssel of 1949 regulated the distribution of financial burdens between the German federal states, which are calculated on the basis of two-thirds of tax revenue and one third of the population.

<sup>23</sup> Kimminich (1978), p. 23-32

<sup>24</sup> Zu den Zahlen in der Zwischenkriegszeit siehe Kimminich (1978), pp. 48-49

<sup>25</sup> Thus in 1990, the British film *The March*, directed by David Wheatley based on a script by William Nicholson, was shown by the BBC, and portrayed a mass exodus from Africa as the result of years of drought caused by climate change, which will overwhelm all the border protection of Europe via the Straits of Gibraltar, the Mediterranean islands of Sicily and Malta and across the Bosphorus.

<sup>26</sup> According to the UNHCR, the figure was 3,500 in 2014. In April 2015, over 1,300 people drowned in the Mediterranean.

<sup>27</sup> Odehnal (2015)

<sup>28</sup> Tiedemann (2015), p. 4, see also Oltmer (2010), p. 122.

<sup>29</sup> UNHCR (2005)

<sup>30</sup> Frings, Tießler-Marenda (2012), p. 15 and 21. On asylum law, see specifically Hong (2008), p. 59, Kimminich (1978), p. 58-65, Hailbronner (2014)

<sup>31</sup> Universal Declaration of Human Rights

<sup>32</sup> The “Convention relating to the status of refugees” which was passed in Geneva at a special conference of the United Nations on 28 July 1951 has been in force since 22 April 1954, and was signed by 145 states. It was supplemented by a “Protocol relating to the status of refugees”, which came into force on 4 October 1967. Convention and protocol relating to the status of refugees, <http://www.unhcr.org/3b66c2aa10.html>

<sup>33</sup> How the other democracies legitimise their drastically limited acceptance of refugees through legislation cannot be described in greater detail here.

<sup>34</sup> On the insertion into the Basic Law of this fundamental right as the right of the persecuted in relation to the state, with reference to the National Socialist past, see Hong (2008), p. 54 and pp. 21-62 passim. General international law had only constituted the right of the state not to deliver politically persecuted individuals to a persecutor state. The right of the state to grant asylum thus became an obligation on the part of the state to grant asylum.

<sup>35</sup> Convention determining the State responsible for examining applications for asylum

<sup>36</sup> Regulation (EU) No 604/2013

<sup>37</sup> Directive 2011/95/EU

<sup>38</sup> Such a body had already been created by the League of Nations in 1921. The first High Commissioner for Refugees was Fridtjof Nansen.

<sup>39</sup> UNHCR (2015c)

<sup>40</sup> Art. 1, para. 2 of the Geneva Convention on Refugees

<sup>41</sup> At the end of 2011, according to estimates made by the UNHCR, there were 26.4 million IDPs, of whom 15.5 million received assistance from this international refugee agency in 26 countries, UNHCR (2015a)

<sup>42</sup> UNHCR (2015d)

<sup>43</sup> Die aktuellen Zahlen finden sich unter Bundesamt für Migration und Flüchtlinge (2015)a

<sup>44</sup> In 2013, 66 percent of all asylum applications in the EU were rejected. In Germany, the official recognition rate is almost 50%, if you add up all forms of right to remain (asylum recipients in the narrower sense, refugees in the sense of the Refugee Convention, persons authorised to receive subsidiary protection and other prohibitions on extradition), which are examined during the asylum application process, see Pro Asyl (2014)

<sup>45</sup> Deutlicher Anstieg (2014), p. 3

<sup>46</sup> Bundesamt für Migration und Flüchtlinge (2015a), p. 9

<sup>47</sup> A foreigner has the right to claim “subsidiary protection” who is threatened with a severe degree of suffering such as “the sentencing with or carrying out of the death penalty, torture, inhuman or degrading treatment or punishment or an individual serious threat to life or health of a civilian resulting from arbitrary violence within the scope of an international or inner-state conflict”, Bundesamt für Migration und Flüchtlinge (2015b)

<sup>48</sup> Bundesamt für Migration und Flüchtlinge (2015a), p. 9

<sup>49</sup> On the beginnings of a European asylum and refugee law, and the institutions responsible, see Gertheiss (2014), pp. 2-6; Haase, Jugl (2007)

<sup>50</sup> Weingartner, Plickert (2015)

<sup>51</sup> These are prominent politicians of the Green and the Social Democratic parties with a migration background.

<sup>52</sup> The link to other issues such as visa freedom or the resumption of EU accession negotiations is an extremely dubious blackmailing tactic being pursued by Turkey, who can afford to do so because the EU is unwilling to protect the Greek islands from the people smugglers’ boats.