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SCENARIOS ON RESPONSIBILITY SHARING FOR INTERNATIONAL PROTECTION

by Martin Wagner

The EU is strongly divided over the question of how to address international protection within the EU. The high numbers of mixed flows arriving at the borders of the EU in 2015/2016, transiting through several EU Member States (MS) and eventually seeking refuge in a handful of destination countries showed how vulnerable the EU's migration and asylum system is.

What followed was a competition of ideas and suggestions on how to deal with such situations, in particular how the responsibilities of MS should be determined, with the goal of achieving solidarity and a fair and equitable distribution. The Commission provided for a smooth reform that extended the Dublin Regulation through a crisis allocation mechanism. More radically, the European Parliament called for the exchange of the Dublin Regulation through a system of fair distribution of applicants for international protection across Member States. The countries along the external borders demanded more sharing of responsibilities, while other Member States rejected any form of mandatory commitments and called for a flexible system of solidarity in which each country would contribute in accordance with individual possibilities. In the absence of any responsibility sharing arrangement, the unclear handling of people arriving in boats on Europe's Mediterranean coast is regularly provoking minor crises between EU countries. Responsibility sharing lies at the heart of those crises and became the main stumbling block for a further development of the Common European Asylum System (CEAS).

Why scenarios?

While many of the recently proposed forms of responsibility sharing sound good and doable at first glance, at a closer look they reveal more questions than possible answers. Nevertheless, there are plenty of good reasons for playing through different scenarios approaches. Above all it seems appropriate to test their feasibility and to subject them to a stress test.

Scenario analysis is a good way to think and test different options. Scenarios are not predictions or forecasts of future migration dynamics. However, they allow to creatively but systematically develop stories that describe possible structural changes that we might observe in the future and their effects – in the current case – on the asylum systems’ resilience towards different flows of migrants arriving at the shores of the EU.

Migration scenarios, according to Paolletti et al. (2010) “are stories that describe different futures based on systematically gathered perceptions and data about certainties and uncertainties in the area of migration”. Each scenario should contain enough detail to assess the likelihood of success or failure of different strategic options.

The approach

In an expert workshop held on 13 May 2019 at ICMPD in Vienna, four scenarios for a future CEAS were presented, discussed and fine-tuned. The scenarios looked into possible developments on responsibility sharing in the area of asylum within the EU and by the EU with third countries in the next 10 years, i.e. by 2029. Responsibility sharing is tightly connected with the questions 1) whether and to what extent MS are ready to transfer sovereignty in migration and asylum to the EU and its agencies and 2) whether and to what extent international protection is understood as a public good which requires collective action by all MS. For each scenario the potential extent of responsibility sharing was elicited and its resilience towards increasing inflows show cased.

The scenarios

The first scenario, “Sovereign Asylum Systems”, has a more pessimistic vision in mind, one in which the EU in 10 years’ time (2029) still faces a similar situation to today: with 28 different national asylum systems, an EASO-type EU Agency and no will to share responsibilities on international protection except for protecting the EU external borders.

The second scenario, “Cooperation among Sovereign Asylum Systems”, envisions MS that are reluctant to transfer powers for regulating migration to the EU, but see a strong need to jointly address issues of international protection. The CEAS in its third generation includes Dublin IV as the remaining corner stone, flanked with a number of (mainly) ad hoc measures that shall guarantee that no MS is over-proportionally pressured with migration and asylum issues.

The third scenario consists of “One Common and European Asylum System”, where international protection is considered as a public good that can be provided and managed

most efficiently by the EU as a whole under the lead of an EU Agency determining the status of applicants for international protection in “determination hubs” which are distributed across the EU territory; the Dublin system became obsolete.

The last discussed scenario, “Mini-Schengen”, consists of a divided EU. In the area of the Mini Schengen, an EU Agency is responsible for reception, status determination of applicants for international protection and their return in case of denial. A precondition to be part of the Schengen area is to trust in and support other Schengen states in managing the external borders, migration and asylum. EU MS who prefer to stay in control of the migration agenda no longer take part in the Schengen area and re-establish national border regimes. They remain in the EU but do not take part in the Schengen area.

Preliminary findings

Two findings were identified across all scenarios: 1) The conviction prevails that the external borders of the EU are a common concern in all scenarios, and that its protection will be achieved jointly. 2) Another insight that penetrated all scenarios was their vulnerability in case of increasing numbers of incoming refugees. An exceptional situation such as in 2015 could not be managed by any system without revealing shortcomings and increasing tensions among MS. One may deduce from this finding that the CEAS should not be measured in how crisis resilient it is, but rather how it functions under normal circumstances.

Regardless of this, scenarios that were built on an understanding that international protection is a responsibility that requires joint and coordinated actions were in general considered more crisis resilient. Shared responsibilities provide an array of solutions for different situations where one MS faces shortcomings and allow leaning on collective action by other MS. The more national and flexible responsibility sharing arrangements have been made, the more vulnerable they are to changes in migration flows or political changes in EU MS.

The recently more nuanced debate on a Europe of different speeds (see several proposals in this direction by the French president Macron) at first sight seems to offer a fresh idea that allows those who wish, to advance integration (e.g. in the area of the CEAS), and those who do not, to advance more slowly. However, also this scenario faces a number of problems and is predisposed to create a Europe of different classes, bearing much potential for conflict, particularly in case of increasing influx. It therefore may well turn into an overall two steps back, rather than a partial step forward.

Finally, each scenario showed that responsibility sharing hugely is dependent on a joint understanding or a vision of what shall be shared, by whom and for what purpose. Some smaller steps ahead that are backed by most – if not all – EU MS seem to create more robust results than too ambitious and far reaching ideas.

References:

On 13 May 2019 ICMPD held an expert workshop on “Future Scenarios for sharing responsibilities in a European Asylum System” in the framework of the EU Horizon 2020 funded CEASEVAL project. The workshop gathered 16 experts from asylum authorities of 5 different EU MS, academic experts and representatives of EU and UN agencies as well as ICMPD. The blog summarises some of the preliminary impressions following this workshop. More detailed analysis will be provided in the course of the CEASEVAL project at its webpage.

Other references:

Paoletti, E., de Haas, H. and Vargas-Silva, C. (2010) 'The concept and theory of migration scenarios'. Oxford: International Migration Institute, University of Oxford.

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