

# Migration to Europe

- *Its causes and solutions* -

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In 2015, a record of about *60 million people* have forcibly been displaced *across the world*, mainly driven by the *Syrian war and other protracted conflicts* like in *Afghanistan, Iraq, Libya* and some other countries. In the same year, 1.2 million refugees reached Europe, most of them went to *Germany, Sweden, Austria, and the Netherlands*. This trend is continuing actually though the amount is decreasing.

The above mentioned figures might strongly influence the daily life of the populations of the receiving countries: the newspapers and TV news are full of reports about the refugees, their behaviors, and integration (in)capability. The refugees' problem also caught on the literature, music, painting, the movies, and even the sport.

In 2015, *Michel Houellebecq* wrote in his famous novel "**Soumission**" that "*L'arrivée massive de population immigrée...ouvrira la perspective d'un nouvel âge pour le vieux continent*". And further: „*Ces populations étaient...le plus souvent, il fallait le reconnaître, musulmanes.*” But his conclusion was: « *Dieu en avait décidé ainsi.* »

Not all the artists are as pessimistic as *Michel Houellebecq*. In Berlin, e.g., a concert under the patronage of *Angela Merkel* under the motto: "*Willkommen in unserer Mitte!*" welcomed the refugees – mostly Muslims – by the directors *Iván Fischer, Daniel Barenboim, and Sir Simon Rattle*.

Such engagement of artists is not surprising because world class writers like *Ovid, Dante, Rousseau, Victor Hugo, Adam Mickiewicz,*

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*James Joyce, Paul Celan, Bertold Brecht, Thomas Mann, Miloš Crnjancki, Witold Gombrowicz, Vladimir Nabokov, Aleksandr Solzhenitsyn...* were refugees in different periods of times. And here, I would also like to mention that *Goethe*, though he was not a refugee, he had Turkish ancestors. Namely, in the 13<sup>th</sup> century at the battles with the Crusaders, *Sadok Selim*, a Turkish captain, was made prisoner by the Teutonic Order (Deutschritterorden) and brought to Germany. Here, he became a Christian and married Rebekka Dobler. The collateral line branch of this family is still existing in Germany.

Actually, the most famous refugee from the Middle East is *Mohammed Faris* who has spent, in 1987, 3 hours and 5 minutes in the space as a research cosmonaut with Soyuz TM-3 being first the Syrian sent to the space.

The massive migration is not a recent phenomenon. Its list in the *Bible* and the history is long and its reasons vary.

We begin with *Adam and Eve*. Because of sin, our *first parents* became refugees – driven from their garden home and away from direct daily communion with God. *So we are all descendants of refugees!*

After murdering Abel, *Cain* became a second-generation refugee.

*Noah* and his family were displaced when they entered the ark and the Flood destroyed the world they knew.

Famine sent *Abraham* packing to Egypt for refuge.

The *Old Testament* continues with the displacement of other familiar Bible characters: *Isaac, Jacob, Esau, Joseph, Moses...* and the *New Testament* does not miss a beat, starting with *Mary, Joseph, and Jesus* fleeing to Egypt to avoid persecution and death.

In the last centuries, the number of refugees was essential. But I will mention here only one recent case: after the *Hungarian Revolution* of

1956, western countries gave asylum to about 250,000 *Hungarian refugees*.

## **1. Reasons to emigrate**

The *reasons* for people to leave their countries are *multiple*.

The *industrialisation creating proletariats, the increase of the population in a country, and the misery in the agriculture*, were the main reasons for migration in the 18<sup>th</sup> and 19<sup>th</sup> centuries. The migration had a *social function* and neither the authorities of the countries of emigrants nor the authorities of the receiving countries cared about the newcomers. However, as the number of immigrants increased, the receiving countries started to regulate the immigration.

Nowadays, the main reasons of emigration are the *wars and civil wars* in *Afghanistan, Syria, Iraq, Libya*, and some African countries, e.g., in *Somalia, Sudan, South Sudan, and Eritrea*.

Many western countries, especially the USA, have been involved in the wars and civil wars in these countries, directly or indirectly, besides terrorist organisations like *Al Qaeda* and the *Islamic State (ISIS)*. Much like *Al Qaeda*, *ISIS* is also considered made-in-the-USA, as an instrument of terror designed to divide and conquer the oil-rich Middle East and to counter Iran's growing influence in the region. But the CIA already aligned itself with extremist Islam during the Cold War era.

General *William Odom*, the director of the National Security Agency under Ronald Reagan, stated: "*By any means the US has long used terrorism*". The CIA gave birth to *Osama Bin Laden's organisation* and breathed it during the 1980s. In 2003, American invasion and occupation of Iraq created the pre-conditions for radical Sunni groups, like *ISIS*, to take root. In Syria, Russia has its only military basis in Mediterranean Sea supporting *Bashar al-Assad* and his father and predecessor for decades, while the USA strengthens the so called Free

Syrian Army consisting of deserted soldiers from Assad's army as well as Syrian civilians.

Thus, there are essentially three wars being waged in Syria:

- government against rebels,
- Iran against Saudi Arabia,
- USA and Russia against each other, and
- Turkey against the Kurds.

Since March 7, 2016, the *Balkan Route* has been practically closed after all countries of the region closed their own borders. After the Greek-Macedonian border has been closed down, mass fighting among the refugees took place almost hourly for food, cover, and wood for making fire.

## **2. From where are they coming?**

In 2015, there were about *60 million refugees* in the world. *Most refugees* came from the following countries:

- Syria: 4.9 million,
- Afghanistan: 2.7 million,
- Somalia: 1.11 million,
- Sudan: 800,000,
- South Sudan: 616,000,
- Democratic Republic of Congo: 516,800,
- Myanmar: 479,000,
- Central African Republic: 412,000,
- Iraq: 369,000,
- Eritrea: 363,100...

Most of the refugees found refuge in

- Jordan: 2,7 million,
- Turkey: 2,5 million,
- Pakistan: 1.6 million,

- Lebanon: 1.5 million, and
- Iran: 979,000.

Among these refugees, the *majority is male* and the more difficult the route to be passed is, the lower the proportion of women is. This is also the reason why the percentage of young men coming from countries like Eritrea, Somalia, Syria, and Afghanistan is high (75%).

But there are also *refugees coming from more secured countries* than those mentioned above: from Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia. Last year, their number has reached 14% of all refugees, i.e., 172,000 in the EU.

In 2015, the refugees *applied for asylum* in the following European countries:

- Germany: 476,510,
- France: 75,755,
- Italy: 84,085,
- Greece: 13,210,
- Netherlands: 44,975,
- Sweden: 162,455,
- Hungary: 177,130 ....

and in the *EU in total: 1,321.570.*

Of these refugees

- 61.7% have high school diploma,
- 43.7% have university degree, but
- 27.8% do not have professional qualification, and
- 8% do not have even any graduation.

As **reasons** for leaving their countries of origin

- most of the refugees indicated the *civil war* in their countries,

- others *political or religious reasons*,
- *hunger*,
- *persecution* due to belonging to a certain tribe or ethnic group, and
- some also indicated *economic reasons* for emigration.

Obviously, it is not easy to accept and integrate the amount of refugees mentioned above. Therefore, leaders representing Albania, Austria, Bulgaria, Macedonia, Germany, Greece, Hungary, Romania, Serbia, and Slovenia agreed, on October 25, 2015, on an **Action Plan on Western Balkan's Migration Route**.

On February 14, 2016 at the **Vienna Conference**, the representatives of the West Balkan states went even further: they decided to mutually help each other to control the borders of the West Balkan states by sending policemen to the border points which are especially charged by refugees.

On November 30, 2015, the EU took measures for elimination of emigration causes in Africa, and on March 18, 2016 the EU and Turkey concluded a **migration deal** on repatriation of refugees to Turkey.

*Other measures* taken are

- the *UN subsidy* of USD 6 billion to Syria and its borderlands,
- the *EU-Turkey Action Plan* of November 4, 2015 providing EUR 3 billion to Turkey from the EU for border protection, sea rescue, and elimination of human traffickers, and
- *China-Africa Cooperation Agreement* of December 4, 2015 promising EUR 56 billion as development aid by China to African countries.

The measures mentioned above will certainly make the work of human traffickers intricate, who are even openly announcing on Facebook their offers like trade agencies, "*with photos, information on the routes and prices as well as other useful information*". But not every human trafficker was successful. Five Serbian human

traffickers, e.g., who led about 2,000 refugees to Austria within a period of six months and having earned between EUR 250 and 300 per refugee, were sentenced to several years of prison. According to a Hungarian newspaper, quoting a rightist Hungarian politician, the well known philanthropist *Georg Soros* had *personally* led the “*terrorists and other migrants through the Balkan Route to Europe in order to put the continent under the reign of the Jews and their Arab brothers*”!

### **3. Reception and integration of refugees**

Emigration, for whatever reason, is not an easy undertaking. *Czeslaw Milosz* pointed out in his work “*In Search of a Homeland*” (1992), that the determining elements of the paradigm of the banishment are: *the fear of unfamiliarity in the new environment, the feeling of being lost, the impossibility of returning home, the loss of internal freedom, and the solitude.*

On the other hand, emigration may also be of creative advantage as the examples of *Marc Chagall, Samuel Beckett, James Joyce, Isaac Bashevis Singer* or *Igor Stravinsky* and of some others have proved.

*Not everywhere in Europe has the reception of refugees been so enthusiastic, even not everywhere and by everybody in Germany. Anti-immigrant populism in Europe is becoming powerful, though it is not a completely new phenomenon. Many of today’s groups, like the extreme rightist parties *NPD* (Nationaldemokratische Partei Deutschlands) in Germany or the *Front National* in France, date back to the 1990s, when Europe’s debate about Islam and the integration of Muslims began to heat up. By the end of the 1<sup>st</sup> decade of the 21<sup>st</sup> century their support had largely stalled. However, the start of the Euro crisis in 2011 re-energized them. Recently, the *AfD* (Alternative für Deutschland) won substantially in German regional elections due almost exclusively to its *anti-immigrant populism.**

According to some experts, the immigrants may create considerable problems: from *cultural, ecological, societal, economic, political, and*

*technological* points of view. The biggest problem might be the *cultural shock*, but also *criminality* might be increased by refugees, as the events of Cologne at the last New Year's eve have shown, and also a case where it came out that a refugee in Germany used at different registrations 19 different names!

Nevertheless, in some countries the authorities are willing to facilitate the integration of refugees. Maybe because as Desiderius Erasmus Roterdamus, known as *Erasmus of Rotterdam*, the Dutch Renaissance humanist, Catholic priest, social critic, and theologian said in his famous statement, 500 years ago, that he *would prefer a sincere Turk to a false Christian*.

It is undeniable that the population in Europe in total is shrinking dramatically: in 2010, 740 million people were living in Europe, including Russia, and this number will fall to 711 million in 2040. This means that the number of *young people* is shrinking from 210 million to 155 million in the same period of time, i.e., by 26%, and the number of persons *older than 65 years* will increase from 121 to 162 million. The shrinking of working people is even more dramatical: from 266 million in 2015, it will reach 200 million in 2025 and finally 160 million in 2050 – if there will be no migrants replacing them. Therefore, it would be difficult for the European countries to completely refuse the refugees and immigrants. Already today, 50% of the health employees in Germany (medical doctors, nurses, helpers), e.g., are foreigners.

It would be difficult to show the reception of refugees in every country of Europe, therefore I will concentrate here on **Germany** and **Hungary** only, because these two countries represent possibly *the most opposite poles* in refugees' reception.

*The reception of refugees and migrants* is not a new phenomenon in **Germany**. An action called „*Heim ins Reich*” brought back to Germany 93,000 Germans living in the Soviet Union after the *Hitler-Stalin Pact* in 1938. After WWII, about 17 million refugees of German origin came to West Germany from Eastern European countries.



The reception of refugees in Germany was not always friendly: it was unobtrusive until as late as mid of 1950s. Foreigners have been welcomed in this country when Germany started to need additional workers at the beginning of the 1960s. Thus, e.g., Italian workers coming to Germany, previously called „Spaghettifresser“, were now welcomed with songs like

*„Marina, Marina, Marina,  
du bist ja die schönste der Welt!...“*

or

*„Zwei kleine Italiener,  
die kamen aus Napoli...“*

Nowadays, Germany is considered as a „wunderland“ by many refugees, especially after *Angela Merkel's* often quoted exclamation: „*Wir schaffen das!*“, warmly supported by George Clooney. It is also noteworthy that at the *66th Berlinale* this year, the Italian documentary dealing with refugees' problems, „*Fuocoammare*“ by *Gianfranco Rosi*, was awarded with the *Golden Bear* as the best movie of the Berlinale. And the Chinese painter and sculptor, *Ai Weiwei*, draped a concert hall in Berlin with 14,000 refugee jackets! But the enthusiasm for the reception of refugees in Germany may also be understandable because in 2016, Germany intends to spend EUR 8.8 billion on refugees. Besides, many initiatives have been taken to promote the integration of refugees, among others:

- the *Bundesagentur für Arbeit* offered 220,000 language courses and jobs for 4,100 refugees, and
- in Berlin, owing to the initiative of two students, *Kiron*, an internationally accredited on-line refugees' university, has been set up under the slogan: „*For everyone. Anytime. Everywhere. For free*“, offering „World-Class education for Refugees“.

However, it is not easy to integrate and employ a huge amount of refugees within a short period of time. Thus, among more than 1,000

companies which have been asked to employ refugees, only 7% affirmed that they have been capable employing refugees during the last 24 months, and 27% of the companies asked are planning to offer, for the first time, employment to refugees in 2016 and 2017, but 68% already had positive experiences by employing refugees, and will therefore offer new jobs for them in 2016 and 2017. According to some estimation, refugees will need up to 20 years to reach the same employment level as native Germans. But the refugees and immigrants are often very entrepreneurial: until 2011, about 184,000 people set up an enterprise in Germany showing their will to integrate.

On the other hand, there is an increasing scepticism among the German population whether it is really possible at all to integrate such a huge amount of refugees, i.e., because of the increase of criminality in Germany, imputable by many, and especially by the rightist political parties (e.g., *AfG* whose support more than doubled within a short period of time to 17% due to the refugee crisis alone) or other movements (e.g., *Pegida*), to the refugees. The consequences of such populist agitations are the almost daily riots against refugees' homes, like the one in Clausnitz, and those in other cities in Germany, especially in the eastern part of the country.

It is true that the *criminal acts* committed by refugees have increased in 2015 to 208,344 – of which 33% were thefts, 32% other non-violent crimes, and 1% violent crimes – from 116,000 in 2014 but the number of refugees also increased from 200,000 in 2014 to 1,091.894 in 2015. However, this tendency is clearly decreasing in 2016.

Such events and the high costs of absorption of refugees (to some estimations of EUR 50 billion in total) led to some proposals restricting the rights of the refugees in Germany. Thus:

- *Andrea Nahles*, the German Labour Minister, proposed to introduce so called *one-euro-job for refugees*, i.e., the minimal hourly wage should be only one EUR instead of the minimal wage of EUR 8.50, and to reduce other subsidies,
- *Horst Seehofer*, the Minister-President of Bavaria, proposed to accept *maximum 200,000 refugees per year* in Germany, and he

is not alone to request it. Thus, e.g., large number of CSU and even SPD politicians are going to distance to Merkel's asylum policy,

- on January 27, 2016, the German government announced several restrictive measures on asylum, notably the *suspension of family reunion for two years, the extension of the safe countries* (which now included Serbia, Montenegro, Albania, and Bosnia-Herzegovina), and the *expulsion of convicted migrants* even of those with suspended sentence.

The acceptance of refugees and immigrants was always mitigated in Germany. In the 1990<sup>th</sup> *Max Frisch* already stated: “*We wanted workers, but human beings came!*” Until 2014, 2/3 of the Germans had a positive attitude toward refugees and immigrants, In 1990, *Manfred Rommel*, the then Mayor of Stuttgart (CDU), stated that: “*The multicultural society already exists in Germany.*” And, some times later, *Wolfgang Schäuble*, at that time Minister in the Chancellery, made clear that “*The Islam is part of Germany and part of Europe*”. It is also not astonishing that *Aydan Özuguz*, a State Minister in the Chancellery, is responsible for migration, refugees and integration of the German Government and *Bilkay Öney* was Minister of Integration in the Government of Baden-Württemberg from 2011 to 2016.

The reservation against the refugees became high in 2015 in Germany. The percentage of Germans who *welcome* refugees fell from 39.5% in 2013/14 to 32.25% in the first half of 2016, but reached 36.6% nowadays. Today, only 31% of the German population is concerned by the refugee crisis against 53% in late 2015. Due to this situation, Germany started to refuse asylum to more and more refugees, to 13,000 in 2016 until now, but, on the other hand, there is also an increase of successful suits in favour of refugees who claimed against the refusal of their asylum request.

**Hungary**, on the other hand, had a different approach to refugees. First, the government started an inflammatory campaign against the refugees, thereafter it established barbed wires along the southern border of the country and, finally, it launched a referendum against the

EU's quota requirement for the reception of refugees by each EU Member State. In Hungary, the large part of the population believed that Brussels wants to impose on Hungary as many "illegal" refugees as the population of a big Hungarian city.

This attitude of the EU Commission does not correspond, however, to the migration strategy of the Hungarian government, adapted in 2013. This strategy pointed out that Hungary "*fully fulfils the international and the EU's refugee obligations and guarantees their protection according to the international and national norms*". At that time, the refugees' arrival to Greece and Italy has been already shown at the Hungarian TV.

As the number of refugees dramatically increased in 2014, the Hungarian Prime Minister, *Viktor Orbán*, declared at a meeting of Hungarian diplomats that Hungary represents a "*hard*" policy against refugees because their massive arrival could lead to the abrogation of a homogenous society what would be disastrous for Hungary. And he added: "*The EU immigration policy is hypocrite, without moral basis and does not have any finality*".

Shortly after the terrorist attack against *Charlie Hebdo*, in January 2015, the Hungarian Prime Minister connected immigration with terrorism and denied that the immigrants are refugees calling them rather "*economic immigrants*" to whom Hungary cannot offer asylum. At that time started a new strategy against the refugees with the idea of a referendum against "*constraint settlement*" of refugees by the EU. Though according to some lawyers this initiative violates the Hungarian Basic Law, the constitutional court approved it. Thereafter the government sent out a questionnaire to eight million Hungarian citizens asking their opinion about the "*policy of Brussels*" which "*completely failed*" according to the questionnaire. The popular consultation continued in form of posters claiming that refugees should not take away the jobs of Hungarians and should respect their culture.

At the beginning of the refugees' crises, Hungary just let the refugees passing the country without registering them, thereafter it closed the

borders, where the refugees have often been treated in inhuman way by soldiers and policemen beating them with nightsticks, fists and also using sprays. Some foreign politicians, like *Jean Asselborn*, the Minister of Foreign Affairs of Luxembourg, have even been afraid that the next step of *Viktor Orbán* will be a firing order against the refugees. The result of this kind of treatment of refugees in Hungary was that, e.g., the German Administrative Court of Baden-Württemberg refused to send back refugees to Hungary where they have been first registered, emphasizing their potential bad treatment by Hungarian authorities. But also the courts in France, Sweden, and Belgium decided in the same way. Hungary even changed its criminal law allowing to sue the “*illegal immigrants*” and, at the same time, it accused the EU, Germany and its own surrounding countries not to do enough for the protection of Europe. On the national holiday of Hungary, on March 15, 2016, the Prime Minister, *Viktor Orbán*, stated the following: “*We know how does it work. First, we let them [i.e., Brussels] saying whom have we to accept, then they [i.e., the refugees] will force us to serve foreigners in our own country, and, finally, they will expulse us from our own country*”. But in fact, *Orbán* was also politically afraid from the refugees: “*People coming from Islam will not vote for a party having Christian bases*”, as he said in an interview adding that, according to some estimation, the big majority of the immigrants will vote, once they will become citizens of the country, for the left.

But even the president of the *Hungarian Workers’ Party* (Munkáspárt), *Gyula Thürmer*, was favorable to the anti-quota referendum: „*Say NO against the aggression of the EU*”.

On the other hand, some Hungarian experts estimated that the referendum was senseless.

In September 2015, the EU decided with majority to ease the refugee burdens of Greece and Italy and to transfer from there, in the next two years, 160,000 refugees to other EU Member States. Doing this, the EU, taking into consideration the number of the population of each EU Member State as well as their economic situation, decided a *quota system* for each recipient country: *1.294 for Hungary*. Hungary voted,

together with another Central European country, against this decision while Finland abstained from the vote. Thus, the majority of the EU Member States accepted such decision and therefore it became valid, though some constitutional lawyers consider it as a violation of the constitutions of some EU Member States.

How?

According to article 78, par. 2 of the Lisbon Treaty

*„...the European Parliament and the Council ...shall adopt measures for a common European asylum system comprising...*

*c) a common system of temporary protection for displaced persons in the event of massive inflow;*

.....

*3) In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the EU Parliament.”*

The EU Commission, seeing the reluctance of some EU countries to accept refugees tried to ease the crisis proposing, in May 2016, that the countries not willing to accept refugees shall contribute by Euro 250,000 per refugee attributed to that country by the quota previously decided.

For the Hungarian Minister of Foreign Affairs and of Foreign Economic Relations, *Péter Szijjártó*, this is a pure „*blackmail*”.

The referendum against the refugees, contained the „*Message to the leaders of the European Union*”, took place on October 2, 2016 and had the following question:

*„Do you agree that the European Union should have the power to impose the compulsory settlement of non-Hungarian citizens in Hungary without the consent of the National Assembly of Hungary?”*

Only 43% of the voters went to vote, not reaching, thus, the necessary quorum for the validation of the referendum. Of the voters 98.3% voted by NO and 1.7 % by YES, while 6% of the votes were even invalid. Nevertheless, after the invalid referendum, *Viktor Orbán* praised the result as an „*extraordinary success*” and announced that the result of the referendum will be introduced to the Basic Law! Thus, to the Basic Law the following provision shall be added: „*We herewith claim that the protection of our constitutional identity, which is rooted in our historical constitution, is a fundamental obligation of the State.*”

Interestingly enough, in 2011, the then Hungarian Head of the State who resigned later for plagiarism, *Pál Schmidt*, declared that „*there is no need for the half of billion Europeans to be affraid of 75 million of Muslims*” who may come to Europe! On the other hand, the *Hungarian Investment Program* provides an opportunity for third country nationals (non-European Union citizens) to acquire permanent resident status in Hungary through investing in *Special Hungarian Government Bonds*. Until now, about *18,000 foreigners* bought such Government Bonds. Now, however, for political reasons, the Hungarian Government is considering to abolish the issuance of such Bonds.

#### **4. The legal situation of refugees**

But *who is a refugee?*

*The international refugee law is a set of rules and procedures that aims to protect, first, persons seeking asylum from persecution, and, second those recognised as refugees under the relevant instruments. Its framework provides a distinct set of guarantees for these specific groups of persons, although, inevitably, this legal protection overlaps, to certain extent, with international human rights law as well as the legal regime applicable to armed conflicts under international humanitarian law.*

The main sources of refugee law are treaty law, notably, the **1951 Refugee Convention** (also called **Geneva Convention**) and its **1967 Protocol**, and customary international law. Customary international law applies to all states irrespective of whether they are a party to relevant treaties or not. Regional instruments represent a further set of protections, particularly the **1969 Organization of African Unity Convention** and the **1984 Cartagena Declaration**, which is not legally binding.

In the EU, an area of open borders and freedom of movement, countries share the same fundamental values and need to have a joint approach to guarantee high standards of protection for refugees. Procedures must, at the same time, be fair and effective throughout the EU and impervious to abuse. With this in mind, the EU Member States have committed to establishing a **Common European Asylum System (CEAS)**.

EU Member States have shared responsibility to welcome asylum seekers in a *dignified manner*, ensuring that they are treated fairly and that their cases are examined according to uniform standards so that, no matter where an applicant applies for asylum, the outcome will be similar.

Between 1999 and 2005, several legislative measures harmonizing *common minimum standards for asylum* were adopted. What is also important was the *strengthening of financial solidarity* with the creation of the **European Refugee Fund**. In 2001, the **Temporary Protection Directive** allowed for a common EU response to a mass influx of displaced persons unable to return to their country of origin. **The Family Reunification Directive** also applies to refugees.

After the completion of the first phase, a period of reflection was necessary to determine the directions in which the *common European asylum system* should develop. The 2007 **Green Paper** was the basis for a large public consultation. The responses were the basis for the **European Commission's Plan on Asylum**, presented in June, 2008.



Thereafter, *new EU rules* have been issued, setting out common high standards and stronger co-operation to ensure that the asylum seekers are treated equally in an open and fair system – wherever they apply.

The **results** are:

- *The revised Asylum Procedures Directive,*
- *The revised Reception Conditions Directive,*
- *The revised Qualification Directive,*
- *The revised Dublin Regulation, and*
- *The revised EURODAC Regulation.*

## **5. Actual situation and desired solutions**

The actual mass migration is considered by many Europeans as a *New Revolution of the 21<sup>st</sup> century* which may cause radical political, social, and cultural changes not only in Europe.

On the one hand, a large majority of Germans is favourable to the admission of refugees and 10% of the population even participate in providing help for them.

On the other hand, the majority of Eastern Europeans is not impressed by the misery of the refugees. They wonder why the Germans are ready to help refugees coming from Afghanistan, Syria and elsewhere but, at the same time, they refuse to help the Greeks in their heavy financial crisis. In Eastern European countries the fear of Islam, terrorism, increasing criminality, and an unspecified fear of unfamiliar strangers prevail. They are also afraid that they would not be able to manage the integration of the refugees because, in spite of long-lasting endeavours and programs, they are still not able to integrate some 10 million Roma. In their opinion, the refugee problem is changing the EU, threatening its economic development, and creating new conflicts with Russia.

There are, as Professor Uwe Volkmann pointed out, three arguments for acceptance of refugees and three against.

The refugees may argue *in favour of their acceptance* that

- there is a *general obligation of granting hospitality to refugees*, because, as *Immanuel Kant* stated in “*Zum Ewigen Frieden*”, nobody has more right to stay on any place of the world than another person. In addition, the Swiss philosopher, *Martino Mona*, proclaimed the *immigration a general human right*,
- the immigration is a *historical coincidence* and must, therefore, be *treated fairly*, and
- immigration requires an *obligation of solidarity*.

Against these arguments, the *refugees’ recipient countries* may reply by following arguments:

- they want to keep intact their *autochthonous culture* which can only be done by *limitation* of the number of refugees,
- they want to preserve their *democratic ethic* and their *elementary basic values* which they consider impossible without limitation of the number of refugees, and
- they ask the question: *Who should decide* whether the immigrants are really refugees or only people looking for a better life? The EU or the national governments? Here, any decision imposed on the national governments by the EU should be considered as unacceptable.

Under these circumstances, the question is whether the “*Wir schaffen das!*”-policy is acceptable for the EU or it represents a threat for it?

Obviously, the international treaties mentioned above are not in the position to resolve the refugees’ problem. As we have seen, until now neither the EU, nor the Frontex, nor the NATO has been capable of resolving such an enormous problem as the refugees’ problem constitutes.

Due to the fact that in the states from where the refugees are coming to Europe (because of wars and civil wars), mostly non-European countries and organisations are involved (like the USA, Russia, Iran,

and Al Qaeda, and ISIS), *only a solution on UN level* seems possible. The negotiations on termination of armed conflicts in Syria are a first good step in this direction. However, it is further *indispensable* that

- first, the *armed conflicts* in the states where wars and civil wars are waging, *should be stopped by common accord of the conflicting parties by decisions on UN level*; here especially an accord between the US, Russia, and the Middle East countries is required,
- second, *arm exports* to countries in conflict should be stopped, or at least limited,
- third, the developed countries around the world undertake – in proportion of their economic strength – the *reconstruction of these countries* by according them *financial aids, helping them to educate their citizens and refugees, enabling thus the latter to return to their countries of origin*, and
- fourth, until the above mentioned measures have been achieved, the developed countries around the world should be *obliged to receive refugees* in proportion of their economic strength.

In case such decisions could not be taken, the continuation of war and civil war in these countries and the continuous afflux of refugees could cause not only a heavy damage to the EU, but may also lead to new armed conflicts, even in Europe.