

## Policy Position

# Fortress Europe Lower the drawbridges

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#RefugeeConvention  
#FortressEurope  
#LegalPathways

70 years after it was signed, the Geneva Refugee Convention is degenerating into an empty phrase. Its central promise that no one with a „well-founded fear of persecution“ may be turned back stands in stark contrast to the current situation at Europe’s borders. Yet, the EU, with its value-based self-image, has an essential role to play in guaranteeing the Convention’s promise for the next 70 years and beyond. So even if member states will not completely abandon the construction of a „Fortress Europe“, they should at least consider building drawbridges. Policy Fellow Lucas Rasche and Migration Scholar Judith Kohlenberger explain how.

### The Geneva Refugee Convention at 70 years<sup>1</sup>

On the 70th anniversary of its adoption, the central promise of the Geneva Refugee Convention that no one with a „well-founded fear of persecution“ should be turned back stands in stark contrast to the situation at Europe’s borders. This is illustrated by violent pushbacks at the Croatian-Bosnian border as well as in the Eastern Mediterranean. Since Commission President von der Leyen described Greece as „Europe’s shield“ in March 2020, EU states have looked the other way when asylum seekers returned on the high seas. Added to this is the problematic role of the EU’s border protection agency Frontex, which, according to a report by the European Parliament, knew about unlawful refoulement without dealing with it accordingly.

In view of the current situation at Europe’s external and internal borders, the noble claim of the Geneva Refugee Convention seems almost cynical. Yet the EU, with its value-based self-image, has an essential role to play in guaranteeing the promise of the Geneva Refugee Convention for the next 70 years and beyond. Realistically speaking, the member states will not

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<sup>1</sup> This text was originally published in German at [ZEIT Online](#) on 28 July 2021.

move away from the fatal desire to build a „Fortress Europe“. At the very least, however, they should build drawbridges into this very fortress.

### **Protecting refugees instead of making them pawns in power politics**

The first of these drawbridges concerns making agreements with partner countries that conform with human rights: Which aspects of European asylum policy must not be externalised at all, and which under certain conditions? Current negative examples are the asylum centres proposed by Denmark, which are to be placed in third countries with dubious security situations, such as Rwanda or Ethiopia. Regular eruptions at the breaking points of this externalisation policy, such as the instrumentalised border storm at the Spanish exclave of Ceuta, illustrate its inherent vulnerability and volatility. Refugees thus become pawns in diplomatic and geopolitical conflicts. An outsourcing of European asylum practices in line with the Geneva Convention must therefore be linked to strict human rights guarantees. This requires legally binding treaties instead of political declarations of intent like the EU-Turkey Agreement. In addition, embassy asylum in the countries of origin of refugees must be revived to enable a regulated procedure without people having to risk their lives.

### **Create safe pathways to protection**

Legal pathways to protection are the second drawbridge. They are the most effective means of tackling smugglers and ending the deaths in the Mediterranean. Germany's independent Commission on the root causes of displacement (*Kommission Fluchtursachen*) proposes the establishment of a „Resettlement Alliance“ in which states commit themselves to taking in refugees amounting to 0.05% of their own population. For Germany, this would amount to an increase from the current 5,500 to 40,000 annual resettlement places.

When it comes to safe escape routes, Europe still has some work to do at home as well. About one third of all people who are currently living in inhumane conditions in Greek camps already have a positive asylum decision. And yet they are denied access to the European mainland and thus to a self-determined life. The reason: member states are not willing to accept them. Since they could not agree on a binding solidarity mechanism, the European Commission presented the concept of „flexible solidarity“ last September. However, this must not mean that the member states shirk their responsibility and merely participate in so-called „return sponsorships“. How the reception of people from Lesbos who are already entitled to asylum can succeed in an orderly manner is shown, for example, by the „[Plan for Orderly Rescue](#)“ of the civil society Initiative Courage.

### **Europe's responsibility for (mitigating) root causes**

The third drawbridge is one that requires time and a longer-term rethinking of how to deal with the root causes of displacement. The effects of global supply chains, post-colonial dependencies and the climate crisis are forcing more and more people in the Global South to leave their homes. The aging Geneva Convention offers few answers to these complex challenges, as neither the mining of raw materials for smartphone components nor empty coastal waters were an issue after the end of World War II. However, they contribute significantly to the destruction of livelihoods and the increase in conflicts over the remaining resources.

Mitigating these root causes - or, at best, avoiding any contribution to them in the first place - must not be synonymous with preventing migration altogether. After all, economic growth first leads to an increase in migration before living conditions improve to such an extent that fewer people emigrate. Instead of using „aid on the ground“ as an upstream rampart, Europe should create opportunities for migration to contribute to development in the countries of origin, for example through remittances and knowledge exchange. These positive effects can be promoted within the framework of circular migration, which allows for more flexibility through multiple, temporary stays in the destination country.

### **A policy of humanising refugees**

History shows that “Fortress Europe” is an illusion, albeit a powerful one. There will always be people asking for protection at Europe’s borders. The EU-27 would therefore do well to follow the founding idea of the Refugee Convention: A person does not become a refugee because he is granted this status, but has his status recognised precisely because he had to flee. Instead of stigmatising refugees as a faceless „wave“ and categorically “othering” them through violent border controls, warehousing and policies of deterrence, Europe must finally pursue a policy of consistent humanisation. The guarantee of the fundamental rights enshrined in the Convention is decisive for this. Because being human, as Hannah Arendt wrote, means having the right to have rights.

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