



Fostering Solidarity through a Reformed EU Asylum Policy

Chiara Mingozi*

Abstract

The principle of Solidarity is contained in a number of EU provisions and it constitutes one of the main values upon which the Community was founded. Nevertheless, national interests still seem to have priority over the solidarity principle when it comes to establishing a fair Common European Asylum System. This paper argues that the harmonization of member states' asylum policies and a reformed Dublin Regulation would ensure a fairer distribution of asylum seekers and ultimately foster solidarity among member states. This would, in turn, allow member states to establish better reception centres, ensuring better conditions for asylum seekers in full respect of human rights provisions.

Solidarity is contained in several EU provisions, including the Charter of Fundamental Rights under 13 different Articles. The preamble of the Charter even states that ‘the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity’ (European Union Agency for Fundamental Rights, 2020). The idea of a European Community as envisioned by Schuman was founded upon the idea of solidarity among European countries, regardless of the difference in their economies, cultures and languages (Callaghan, 2020). The fact that the European Coal and Steel Community was founded shortly after the end of WWII is evidence of a need to emphasize collectiveness and share essential goods as opposed to fighting for supremacy, which had only resulted in human and economic losses. Provisions such as the Common Agricultural Policy are some of the most

* Chiara Mingozi is an Undergraduate Student from the University College, Cork. All the opinions expressed in this briefing are the sole view of the author, and do not represent the position of the Trans European Policy Studies Association (TEPSA).

successful solidarity driven policies of the European project, led by the idea that helping more disadvantaged countries would grow the community's economy as a whole, and therefore prove beneficial for wealthier countries of the Union. However, the EU remains for the main part an intergovernmental community, with single states still retaining a large portion of political freedom and an understandable tendency to prioritize national interests over those of the Community as a whole. The Lisbon Treaty sought to include solidarity in three main spheres, with one of them specifically referring to solidarity among member states. However, enforcing solidarity is not an easy task, perhaps because of the difficulties in explaining what it entails. A distinction between solidarity and altruism must also be made in order to better understand what these terms mean and therefore how to strengthen them. Altruism is the product of a spontaneous decision by a party (usually in a more powerful position) which commits an act of kindness, not expecting anything in return (Hilpold, 2015). On the contrary, solidarity must be understood in more concrete and realist terms as a necessary tool, which could, at some point, prove vital for any country. The fact that the need for solidarity is mainly felt in time of crisis may be the reason why it is still difficult to foster long-term. While difficult situations prove it necessary, they are also relatively short term and therefore fail in creating more long-lasting sentiments of solidarity. One of the areas where the lack of solidarity has challenged EU cohesion is migration, in particular the reception of asylum seekers. The geographical location of a few southern EU countries inevitably led them to bear the burden of receiving and accommodating thousands of asylum seekers. The numerous flaws in The Dublin Regulation further

exacerbated this situation. This resulted in inadequate reception centers for Italy and Greece which, in turn, culminated in degrading living conditions for migrants. A reformed asylum system centred on the principle of solidarity would benefit the EU as a whole, as well as ensuring the protection of human rights.

The EU has been working on a Common Asylum System (CEAS) since 1999, and several policies have been adopted to set minimum standards for asylum. One of these was the Refugee Solidarity Fund, aimed at providing financial help to those countries that were in receipt of most refugees. Nevertheless, the policies in place have long been considered as insufficient. In the Commission's Policy Plan on Asylum (2008), the insufficient solidarity among member states was featured prominently as one of the main issues undermining an effective policy plan on asylum across the EU. The document clearly states that a good strategy should be centred on responsibility among EU member states and between member states and third countries. The common problem which seems to emerge as partly being responsible for limited solidarity is the lack of harmonization among single member states' asylum seekers reception policies. Harmonizing member states' policies would enable all member states to respond to high volumes of asylum seekers' applications more efficiently, regardless of their economic power and geographical location. The Commission Paper in question also raises an extremely relevant point, which can perhaps further explain what the role of solidarity in migration management should entail. The Commission states that Asylum should not be simply seen and handled as crisis management but rather as an "integral part of the development agenda in the area of

governance, migration and human rights protection” (European Commission, 2008). This would suggest that a mere increase of solidarity in crisis situations cannot create long term benefits. Solidarity in crisis management is certainly important, but it tends to aim at mitigating unforeseen circumstances in a short period of time. Conversely, solidarity should be understood as the driving principle that governs long term and effective policies which would enable all member states to respond to a future wave of asylum seekers intending to cross into Europe. Such a scenario should be seen in terms of ‘when’ it will happen, rather than ‘if’ it will happen.

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Solidarity should also seek to benefit agreements between the EU and third countries concerning the hosting of refugees. The 2016 Agreement between Turkey and the EU was put in place in order to stop the heavy influx of refugees crossing into Greece from Turkey by deporting them back into Turkey. However, the system ended up overwhelming the reception capacities of Turkey and resulted in bad living standards for asylum seekers and, according to Amnesty International, even human rights abuses (Amnesty International, 2017). Moreover, the lack of a more permanent replacing agreement and disputes with the Turkish government resulted in Turkey opening their borders into the EU, with thousands of migrants and asylum seekers

fleeing to the Greek borders. Again, this shows the importance of a strong solidarity driven policy that would replace precarious emergency agreements. Nevertheless, it must be noted that the incredible solidarity shown by Germany and Sweden in agreeing to take in the largest share of asylum seekers and refugees in 2016 was remarkably valuable and sent a strong message of cohesion and solidarity to all member states. The 2015 refugee crisis also showed the flaws of the Dublin Regulation, a system that would not appear to be based on the solidarity principle. In short, the Dublin Regulation entails that the country where asylum seekers first enter will be responsible for handling their applications and provide them with accommodation and a small income until the application process is finalised. This resulted in heavy workload on the ‘hotspots’ of Europe, namely Italy and Greece. These countries have notoriously struggled to meet the standards set up in the Reception Condition Directives which requires hosting countries to provide adequate living standard conditions (Fullerton, 2016:71). In 2019, a revised and much needed Dublin Agreement was drafted (EU Legislation in Process, 2019). Sadly, the system was not approved by the Council. Newly proposed measures would have envisaged the automatic reallocation of asylum seekers to other countries, should the first country of arrival surpass the maximum established capacity. The reallocation system would have taken into account the countries’ size and GDP in order to allocate a fair number of asylum seekers. Refusing to take in the allocated number of refugees would have also been possible by paying a solidarity contribution of EUR 250 000 per application. The acceptance of the reformed Dublin Regulation would have arguably been the

strongest act of solidarity ever shown by EU member states. However, the reform of the Dublin Regulation has been highly divisive among member states, with several countries arguing that the proposed share of reallocated asylum seekers was in fact too large. It is clear that until a compromise is reached on this regard, a satisfactory migration policy will not be approved.

The need for a newly reformed asylum system is longstanding, and became explicitly evident with the 2015 refugee crisis. Small steps have been made by the EU in identifying the key problems which prevent a more uniform and fairer asylum system based on the solidarity principle. However, the only strong measures that have been taken in the last decade were not designed to be long term and have bypassed some of the key principles upon which the European Union was founded, such as strong human rights provisions. So far, few countries have been left with very little help in trying to comply with adequate reception centres for asylum seekers, while several other countries have failed to show solidarity by agreeing to a fairer share system of asylum seekers. This was clear with the proposal of a reform of the Dublin Regulation, which was passed but ultimately failed to be approved by the Council. The several green and white papers published by the Commission in the last decade seem to suggest that solidarity is the way forward for a more comprehensive asylum system in the EU*. The power to change, however, still lays in the hands of single member states. It is up to them to trade national short-term interest for a more stable, just and solidary EU asylum policy.

* For more information, see the European Commission Green Paper on the Future Common European Asylum System (2007).

Bibliography

Amnesty International. (2017). Europe's cruel migration policies weaken its Trump criticism. <https://www.amnesty.ie/europes-cruel-migration-policies-weaken-trump-criticism/>.

Callaghan, B. A. (2020). The Centrality of the Solidarity Concept in the Process of European Integration. 91(362), 134-143.

EU Legislation in Process. (2019). Brieding - Reform of the Dublin system. 12.

European Commission. (n.d.). Migration and Home Affairs. Refugee Fund. <https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/refugeefund>.

European Commission. (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: Policy Plan on Asylum: and Integrated Approach to Protection across the EU. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0360:FIN:EN:PDF>.

European Union Agency for Fundamental Rights. (2020). Charter of Fundamental Rights. <https://fra.europa.eu/en/eu-charter>.

Fullerton, M. (2016). Asylum Crisis Italian Style: The Dublin Regulation Collides With European Human Rights Law. *Harvard Human Rights Journal*, 29(1), 57-134.

Hilpold, P. (2015). Understanding solidarity within EU law: An analysis of the 'islands of solidarity' with particular regard to Monetary Union. *Yearbook of European Law*, November 2015, yev020. <https://doi.org/10.1093/yel/yev020>.



Trans European Policy Studies Association

Rue d'Egmont 11, B-1000

Brussels, Belgium

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