

Understanding EU Member States' Cooperation in the Field of Asylum Policy During the Refugee Crisis from IR Perspective

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1. Background – refugee crisis and burden-sharing in the EU

- 2015: the peak year of the refugee crisis in Europe (cf. data by UNHCR, Frontex, EASO, Eurostat).
- EU response to the refugee crisis: emergency relocation scheme: to share responsibility of relocating asylum seekers (opposition of some Member States).
- IR literature in order to explain refugee protection cooperation among states (cf: Betts, 2009; Betts and Loescher, 2011; Cronin, 2003; Surhke, 1998).



Game theory models:

Prisoner's Dilemma and Suasion Game

The scale of the crisis in 2014–2017

Level (stage)	Global level (on the move)	EU level (at the border)	EU level (in the territory)
Stakeholder / Data source	UNHCR	Frontex/Eurostat	EASO/Eurostat
Definition	the number of sea arrivals across the Mediterranean to Europe <i><u>the number of people considered 'dead' or 'went missing'</u></i>	detected cases of illegal crossing of the EU's external borders between border crossing points	the number of asylum seekers in EU member states (asylum applications submitted by non-EU citizens in the EU-28)
Year			
2014	216.1 thousand <i>3.5 thousand</i>	0.3 million	0.63 million
2015	1 million <i>3.8 thousand</i>	1.8 million	1.32 million
2016	362.8 thousand <i>5.1 thousand</i>	0.5 million	1.26 million
2017	172.3 thousand <i>3.1 thousand</i>	0.2 million	0.71 million

Source: own elaboration based on data from: UNHCR, Frontex, Eurostat.

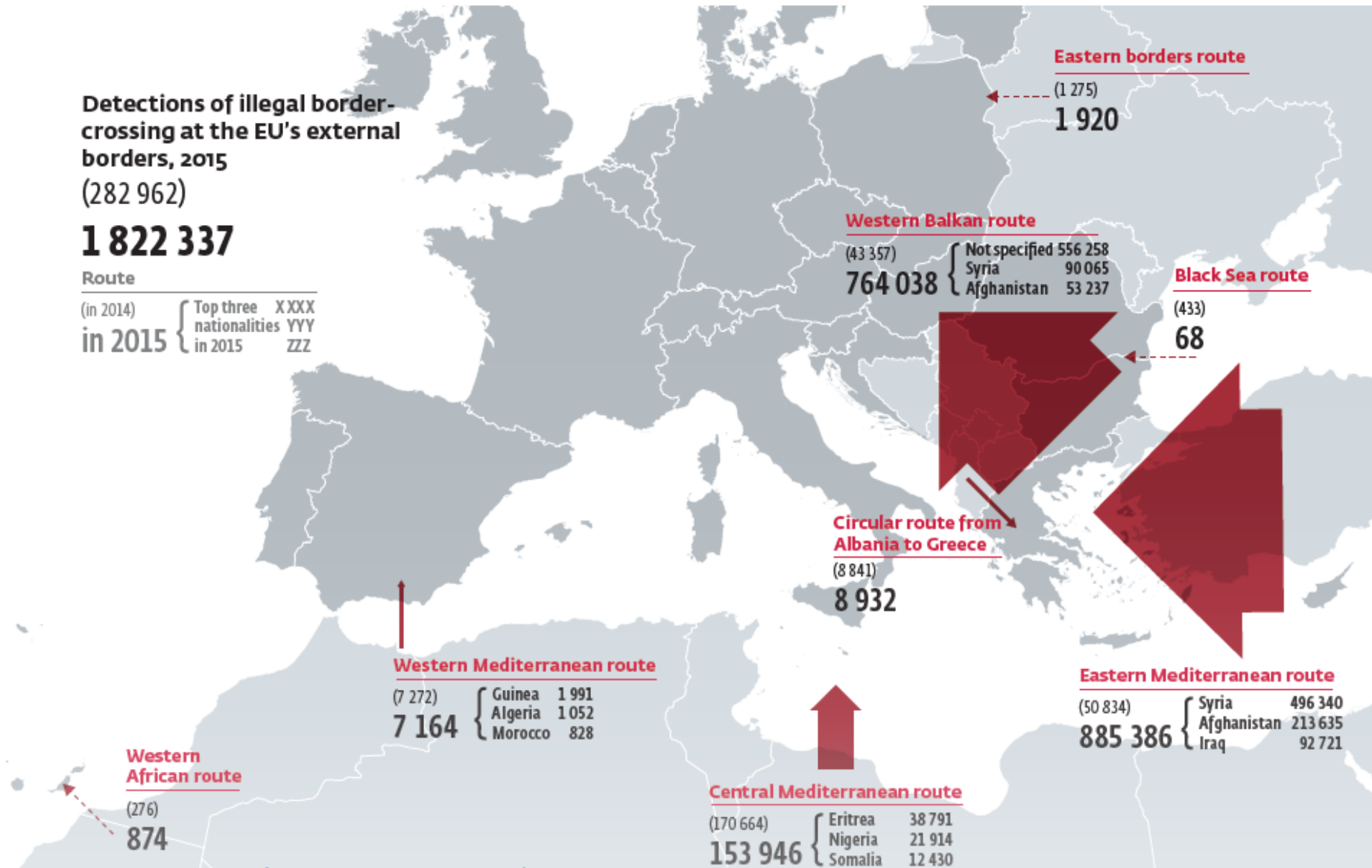
More than 1.8 million **detections of illegal border-crossing** between BCPs along the EU external borders in 2015 (a 6-fold increase when compared with 2014).

Three migratory routes to the EU of key importance due to the highest number of arrivals:

- 1. Eastern Mediterranean route** (885.4 thousand), mostly the arrivals on the Greek islands of the Aegean Sea
- 2. Western Balkan route** (764 thousand) with most cases detected mainly on Hungary's and Croatia's borders with Serbia
- 3. Central Mediterranean route** (154 thousand)

Many cases of illegal entry to the EU were not detected and not recorded.

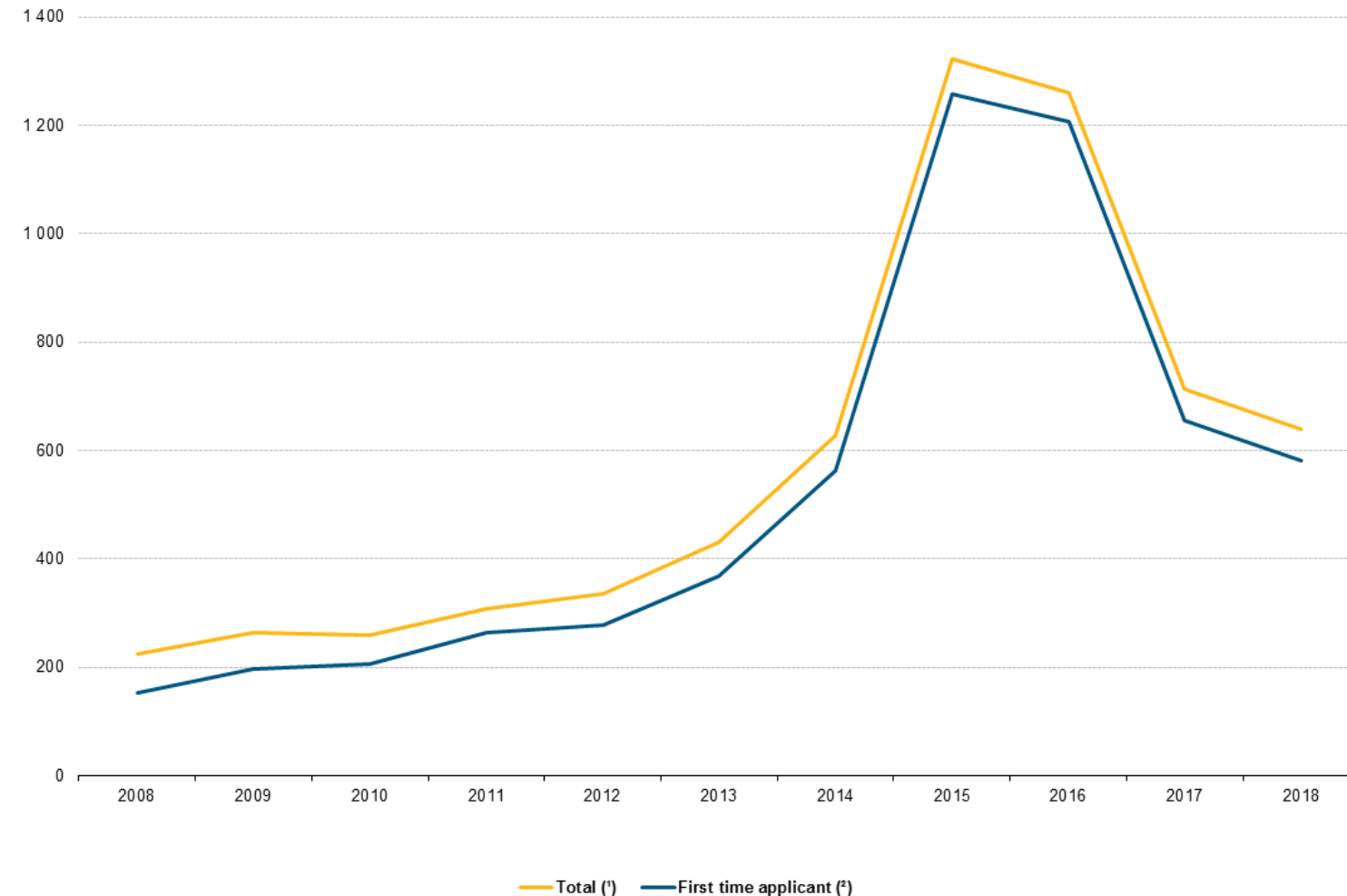
Moreover, many migrants lost their lives or went missing while attempting to reach Europe.



Source: Frontex, Annual Risk Analysis 2016.

Non-EU asylum applications in the EU-28 Member States in 2008–2018 (thousands)

Asylum applications (non-EU) in the EU-28 Member States, 2008–2018 (thousands)



- Between 2008 and 2016 the total number of **asylum applicants** from outside the EU in 28 Member States **increased from 225.2 thousand to 1.26 million**.
- The peak year was **2015** when **1.32 million asylum claims** were lodged in the EU (→ migration and refugee crisis).
- In **2015-2018**, the top three nationalities of applicants for international protection were **non-Europeans**, i.e. Syrians, Afghans and Iraqis.
- A significant rise in **first instance decisions** issued under asylum procedure from **214 thousand in 2008 to 1.12 million in 2016**.

(*) 2008 - 2014: Croatia not available.

(*) 2008: Bulgaria, Greece, Spain, France, Croatia, Lithuania, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2009: Bulgaria, Greece, Spain, Croatia, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2010: Bulgaria, Greece, Croatia, Luxembourg, Hungary, Austria, Romania and Finland not available. 2011: Croatia, Hungary, Austria and Finland not available. 2012: Croatia, Hungary and Austria not available. 2013: Austria not available.

Source: Eurostat (online data code: migr_asyappctza)

Source: Eurostat, Statistics explained: Asylum statistics, 2019.

The EU response to the crisis and its context

- The migration and refugee crisis **affected EU countries unevenly** in terms of numbers and consequences:
 - frontline and first reception countries (e.g. **Greece, Italy**)
 - transit countries (e.g. **Hungary**, Croatia, France)
 - target countries (e.g. **Germany**, the UK, Sweden)
 - countries not affected (e.g. **Poland**, Czech Republic, Slovakia)
- **Socio-economic, geographical, political and cultural circumstances** of the EU Member States are different.
- EU Member States are diverse in terms of **their migration and asylum past experience** as well as the existing (if at all) **policy tools**.

The EU response to the crisis and its context

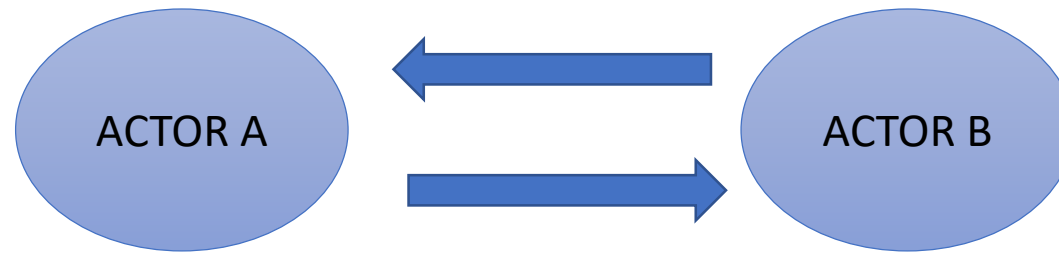
- **On 13 May 2015** the Commission published its communication “**European Agenda on Migration**” that provided **EU strategic framework** for migration management.
- The **aim of the Agenda**: *“to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration”*.
- The Agenda clearly indicated **key boundary conditions** for an effective EU approach to the crisis that were: *the transition from dispersed national actions to joint EU response with the respect to the principle of solidarity and a cooperation of different stakeholders at various levels combining common efforts*.
- The EAM covered the **emergency actions** to be taken as well as proposals for **mid- and long-term activities**.
- Of immediate steps two were crucial and have given rise to much discussion among Member States, i.e. **relocation and resettlement schemes**.

The EU response to the crisis and its context

- **Relocation mechanism:** to transfer asylum seekers arriving in large numbers to the EU from the most affected EU countries such as Italy and Greece to other MS in accordance with the distribution key (2015-2017).
 - Assumed number: 160 000 asylum seekers
 - Legal commitment: 98 255 asylum seekers
 - Effective number: 32 366 relocations (as of Dec. 2017)
- **Relocation** was launched in accordance with **Art. 78 (3)** TFEU (EU asylum policy).
- No relocations to **the Czech Republic, Hungary and Poland**.
- The Commission initiated a **Treaty-infringement procedure in July 2016** and decided in December 2017 to **refer 3 EU MS to the Court of Justice of the EU**, as they remained in breach of their legal obligations (Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601).

2. Prisoner's Dilemma, Suasion Game and Issue Linkage

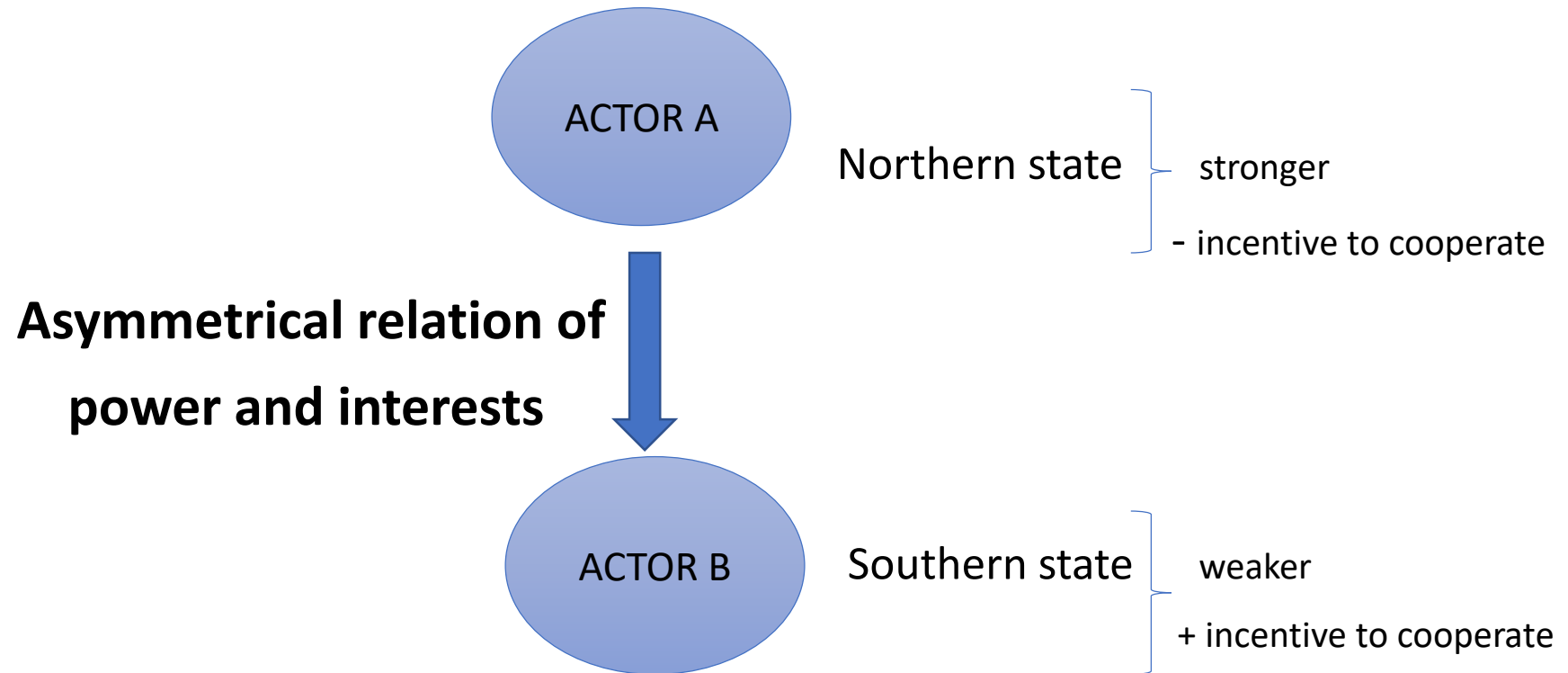
2.1. Prisoner's Dilemma



Symmetrical relation of power and interests

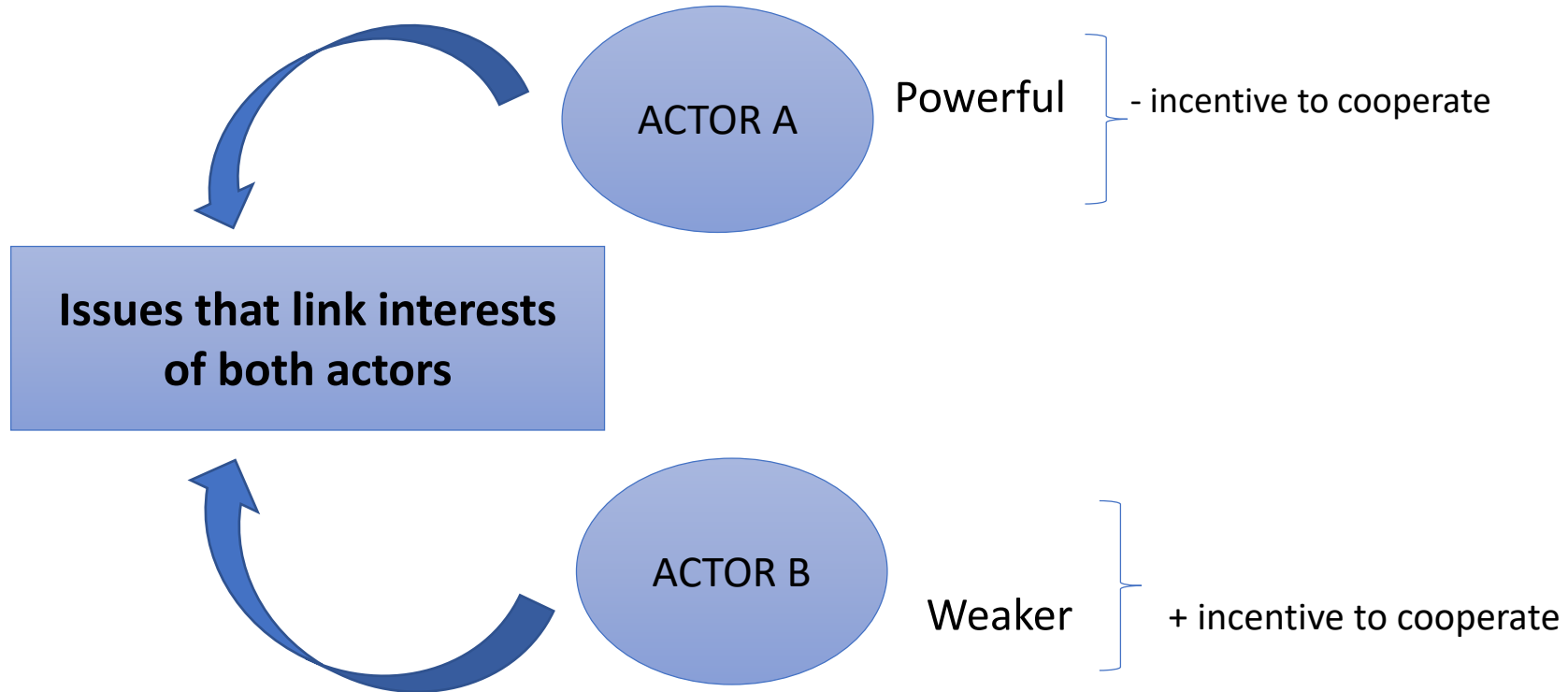
In a normal states' relation, one may argue that both states have a common interest in achieving the cooperation outcome, nevertheless acting by their own, they will reach the suboptimal defection outcome.

2.2. Suasion Game



“The Suasion Game leads to a situation in which the weaker actor either takes what is on offer, or hurts itself more by not cooperating at all” (Hasenclever et al. 1997; Martin, 1993).

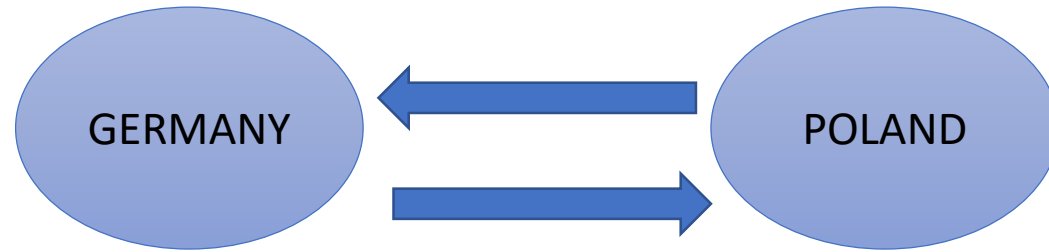
2.3. Issue Linkage



When more powerful states have less incentive to cooperate, issue linkage perspective may help in identifying some issues from which states have different incentives in cooperating. The importance of how this issue matters for both states (more powerful and less powerful) is crucial for understanding cooperation from both parts.

3. Germany and Poland: the 2015 Refugee Emergency Relocation Scheme case study

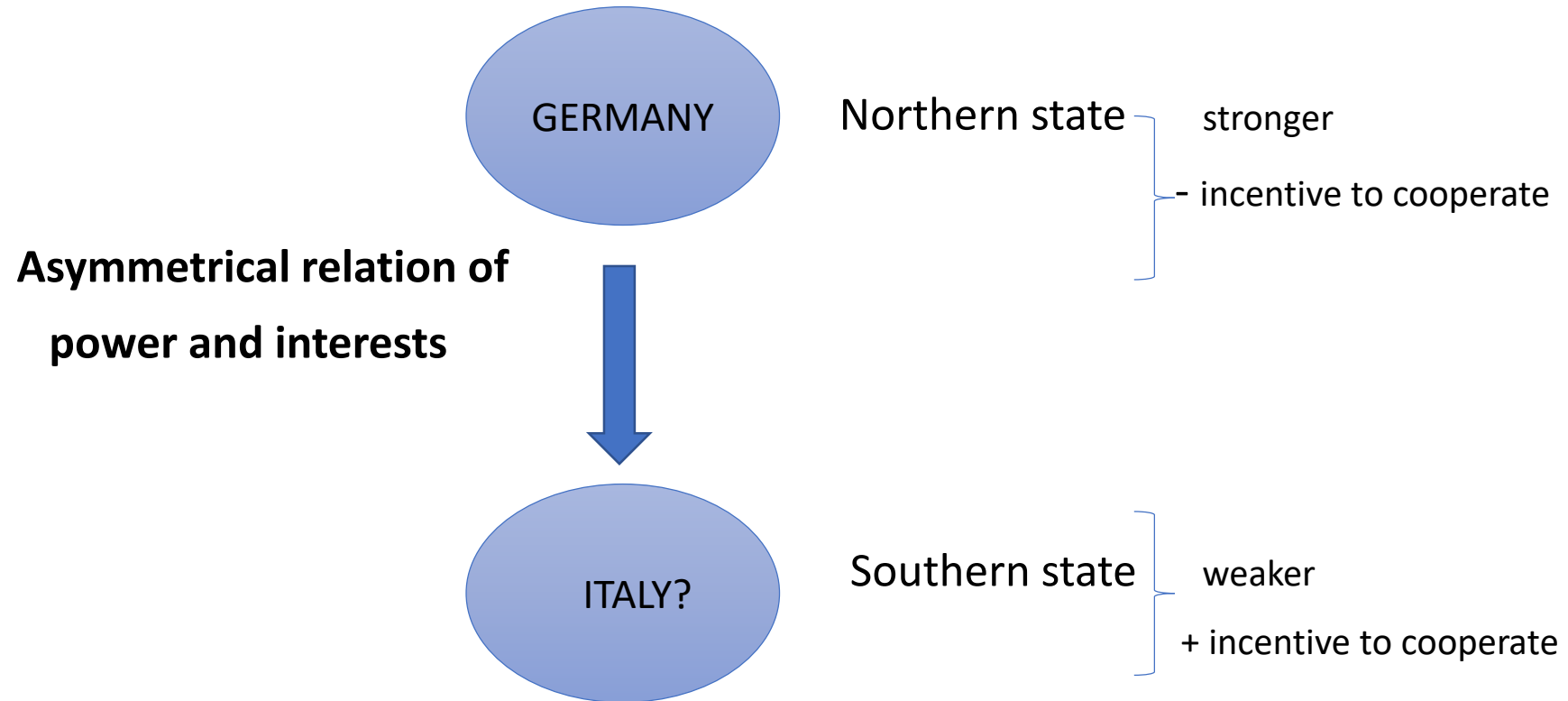
3.1. Prisoner's Dilemma



Asymmetrical relation of power and interests

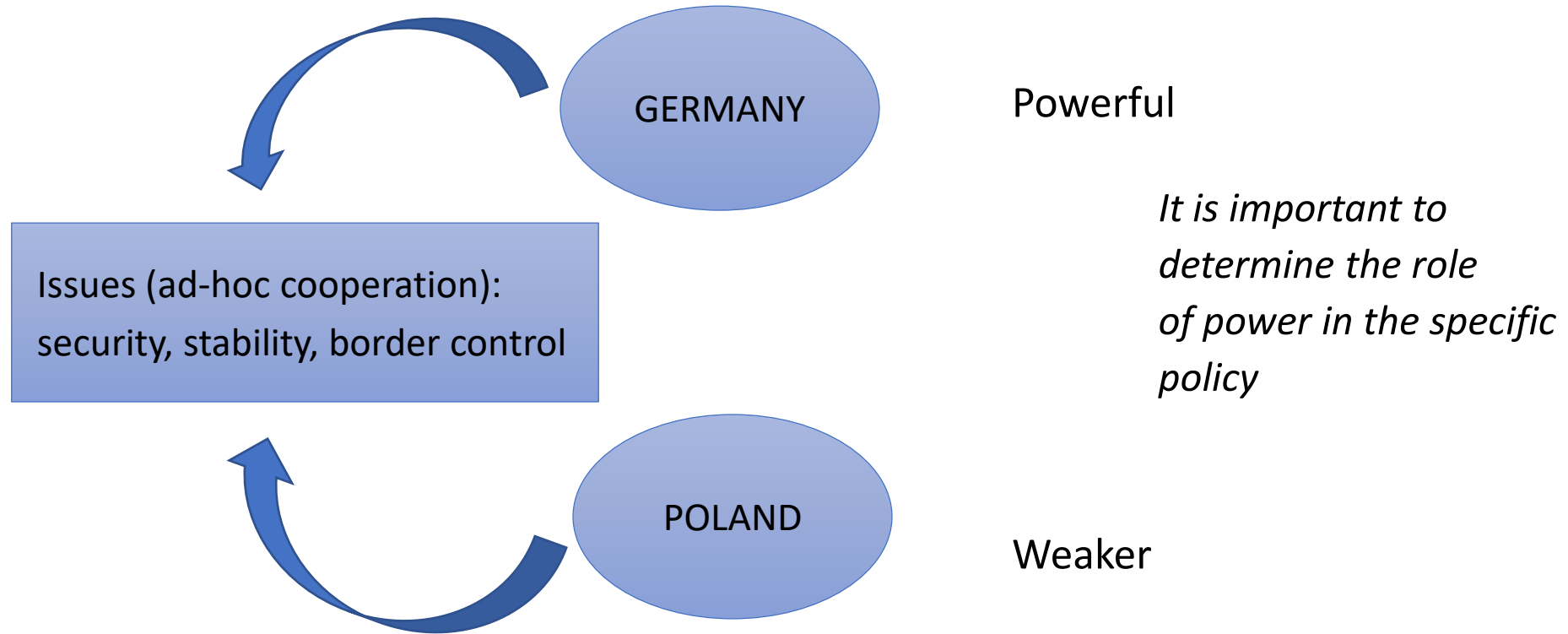
In order to understand some burden-sharing dynamics within the European asylum regime, one may argue that Member States exercise different power into the EU insitutional policy-making and that coercive power give to some Member States to be in advantage or disadvantage position at the time of cooperating in asylum issues, so this asymmetrical power relation leads to the Prisoner's Dilemma failure in explaining EU asylum cooperation dynamics in general, and refugee protection burden-sharing in particular.

3.2. Suasion Game



In the case of the 2015 Refugee Relocation System, the Germany-Poland interaction cannot be explained by the Suasion Game as Poland is neither a Southern and refugee first-entrance, frontline Member State

3.3. Issue Linkage



Issue-linkage seeks to outline the importance of linking refugee protection issues in order to understand cooperation among states but it does not specify how that linkage may influence in the way states set up their policy agendas at EU level (it gives more insights with ad-hoc cooperation).

4. Conclusions

- Prisoner's Dilemma fails in explaining refugee protection cooperation as Member States have different role of power and interests.
- Suasion Game may give some interesting insights in refugee protection cooperation among Northern and Southern states, but it fails in explaining Western-Eastern states cooperation.
- Issue-Linkage may explain an ad-hoc cooperation among states; however its main shortcoming is to determine the role of power within a specific EU policy, so it is difficult to analyze it at EU level.
- When it comes to analyzing EU cooperation dynamics from an IR game theory perspective, it is difficult to obtain consistent results as Member States have different interests, role of power, geographical positions, etc.