



GERMANY AND GLOBAL REFUGEES: A HISTORY OF THE PRESENT

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The complexity of issues surrounding the topic of “refugee” dominated political, social and journalistic discussions in 2015–16 in Germany and Europe. Whereas positive expectations for the future and confidence had long been predominant in the Federal Republic, as of autumn 2015, the focus shifted towards fending off refugees. Many of the institutions, instruments and concepts of German refugee policy have been strained beyond their limits by the challenges emerging since the beginning of 2015. The extent to which the measures taken in connection with refugee policy are compatible with democratic values and aims is still being intensively debated. Observation of the current situation calls for situating it in the context of the global question of refugees and the phenomenon of forced migration in the 20th century. At the same time, we need to focus on the change in the policy and practice of admission of those people who have sought refuge in Germany after fleeing from violence.

What is forced migration?

Forms of forced migration can be detected when governmental, semi-governmental and para-governmental actors, as well as non-governmental actors to some extent, so extensively limit individuals’ or collectives’ life/survival chances and physical integrity, rights and freedoms, possibilities of political participation, sovereignty and security that they are forced to leave their places of origin. Forced migration can thus be understood as a compulsion to geographic movement that appears to leave no realistic alternative courses of action (Oltmer 2016a).

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The concept of seeking refuge employed here refers to fleeing from violence that is largely exercised or threatened for political, ethnic-national, racist, gender-specific or religious motives. In the case of expulsions, resettlements or deportations, institutional actors organise and legitimate geographic movements by threatening or exercising violence. The goal is generally to obtain forced labour or to remove (parts of) populations from territories – often territories that have been conquered or acquired through violence – in order to enforce conceptions of homogeneity or to secure and/or stabilise control.

Migration conditioned by the use or threat of open violence is not specific to modernity – no more than are war, the disintegration of states and civil conflict as the essential background to forced migration. People fleeing, expulsions and deportations are to be found across the ages. In the history of modern forced migration, the two World Wars of the 20th century and the Cold War, in particular, served as elementary triggers. Just as in Europe during the Second World War, the number of refugees, expellees and deportees is estimated to have been 60 million, representing over ten percent of the continent’s population (Kulischer 1948, 264). Moreover, the post-war periods following both World Wars were characterised by resulting population movements in the millions. These included the re-migration of refugees, evacuees, expellees, deportees, and prisoners-of-war on the one hand, as well as evictions, expulsions and fleeing of minorities caused by the efforts of victorious powers to homogenise the population of their (in part, newly acquired) territory on the other. Above that, from the late 1940s until the early 1970s, the lengthy and wide-ranging process of decolonisation also resulted in extensive movements of refugees and expulsions (see Gatrell 2013 for an overview).

Even after the end of the process of decolonisation and the end of the Cold War, in the late 20th and early 21st centuries, the global question of refugees persisted in many parts of the world in the context of war, civil conflict and the disintegration of states: in Europe (Yugoslavia), in the Middle East (Lebanon, Iran, Iraq, Syria, Yemen), in East Africa (Ethiopia, Somalia, Sudan/South Sudan), in West Africa (Congo, the Ivory

Coast, Mali, Nigeria), in South Asia (Afghanistan, Sri Lanka), as well as in Latin America (Colombia).

Negotiating the protection of refugees

According to the 1951 Geneva Convention on Refugees, “refugees” are those migrants that flee across state borders in order to escape violence because their life, bodily integrity, rights and freedoms are either directly threatened or can, with certainty, be expected to be threatened. The Geneva Convention on Refugees, which has, in the meanwhile, been signed by 147 states, was developed in order to provide a legal framework for the treatment of the question of European refugees resulting from the Second World War. As a result, it was at first neither oriented towards global flows of refugees nor future-oriented. An extension of the convention beyond the issue of European refugees and beyond post-1949 refugee flows first took place in 1967, in the context of wide-ranging struggles to end European colonial rule. This is to say that in the 20th century, Europe long constituted the main problem for the global question of refugees: Europe as a theatre of war and Europe as the bearer of global colonialism.

Despite the dispositions of the Geneva Convention on Refugees and the establishment of regional protection regimes like those that have, for instance, also been developed in the European Union, states continue to have considerable discretion in deciding about the admission of migrants and the status of those they recognise as refugees. The willingness to provide protection is always the result of a multi-layered process of negotiations among individuals, collectives and (state) institutions whose relations, interests, categorisations, and practices are constantly changing. The ongoing transformation of the political, journalistic, scientific and public perception of migration is connected to a change in perspective concerning the question of who is to be understood as a refugee and under what circumstances; and to whom asylum is to be granted, and to what extent and for how long (Oltmer 2016b, 1–42).

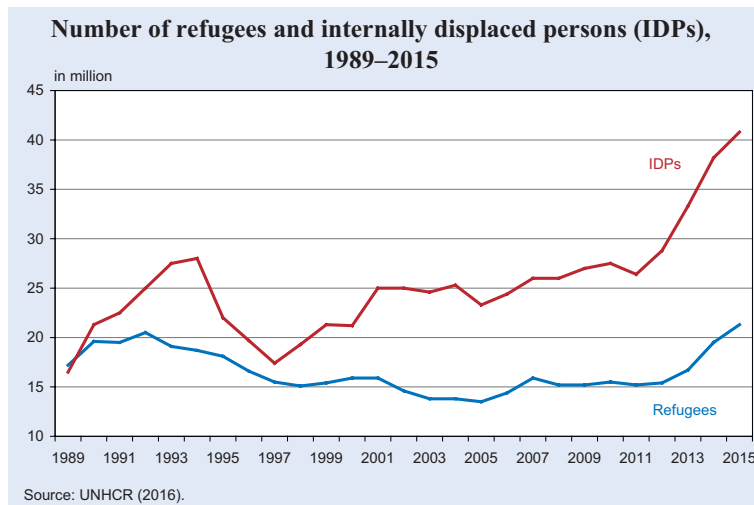
An individual right to asylum was first established by the 1948 Universal Declaration of Human Rights of the United Nations. Article 14, paragraph 1 states: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” This formula has rarely been transposed into national law. The Federal Republic of Germany, however, is an exception to the general rule. By way of the formulation “Victims of

political persecution have a right to asylum”, Article 16, paragraph 2, sentence 2 of the German Basic Law of 1948–49 provided a, by international standards, wide-ranging basic right to long-standing protection: according to this disposition, every victim of political persecution who comes to West Germany has an unrestricted and actionable claim to protection that is grounded in constitutional law (Münch 1993).

For a long time, the significance of the Federal Republic of Germany as a country of asylum was limited. In the 20 years from the 1949 founding of the Federal Republic until 1968, barely 70,000 people applied for asylum. During the first 30 years of the Federal Republic’s existence, the number of asylum-seekers oscillated between a minimum of 2000 in 1953 and a maximum of 51,000 in 1979. Until the 1960s, the overwhelming majority of asylum-seekers entering Germany came from Eastern, Central Eastern, and South Eastern Europe. The annual portion of asylum-seekers from the “Eastern Bloc” varied between 72 percent and 94 percent. This period was marked not only by the intensively-debated admission of around 16,000 Hungarians in 1956–57, but also by the granting of asylum to around 4,000 Czechoslovaks in the aftermath of the 1968 “Prague Spring”, which can also be understood as an expression of the anti-Communist motives of the Federal Republic’s refugee policy.

The admission of approximately 36,000 Vietnamese “boat people” at the end of the 1970s and the beginning of the 1980s was a sign of the growing significance of refugees immigrating from outside of Europe. Substantial new waves of immigration occurred at the beginning of the 1980s, against the background of the military coup d’état in Turkey, the regime change in Iran brought about by the establishment of the “Islamic Republic”, and domestic conflicts in Poland in light of the rise of the “Solidarność” trade union movement. As a result, in 1980 the number of asylum claimants surpassed the 100,000 mark for the first time in the history of the Federal Republic. Although the extent of asylum immigration subsequently declined again, it began again to grow in the mid-1980s. The background at that time was in particular the political and economic crisis in Eastern, Central Eastern and South Eastern Europe. The number of applicants for asylum in the Federal Republic again grew to over 100,000 in 1988; it reached around 190,000 in 1990 and then, finally, the record of 440,000 in 1992. At the same time, the composition of the groups of asylum-seekers changed fundamentally again: in 1986, 75 percent still came from the global South. In 1993, by contrast,

Figure 1



72 percent came from Europe (Bade and Oltmer 2004, 86–8, 106–17).

The first reaction consisted of extensive and heated political and journalistic debates on the possible limits to society’s readiness to admit refugees (“the flood of refugees”, “the boat is full”) and alleged abuse of the dispositions regarding the right to asylum. This was quickly followed by restrictions on border crossings and access to the asylum procedure, which, in turn, reflected a long-term trend: for ever since the late 1970s, the more use that was made of the Federal Republic’s right to asylum, the more stringently it was limited via legal measures and decrees.

Following German reunification in 1990 and the end of the Cold War, the admission of refugees was no longer seen as proof of success in global competition among political systems, but appeared instead as an additional burden on the welfare state. This was all the more the case inasmuch as it was not only the number of asylum-seekers that began to grow in the Federal Republic as of the end of the 1980s and the beginning of the 1990s: starting back in 1987, the number of ethnic German “returnees” from Eastern Europe (“Aussiedler”) also massively increased. In 1988, this figure just surpassed the 200,000 mark and in 1990, it finally reached 400,000. In the meanwhile, moreover, hundreds of thousands of refugees fleeing the civil wars in former Yugoslavia had been admitted to Germany. Although the latter were granted protection, they were not, however, given access to the asylum procedure.

Beginning in the autumn of 1991, the often highly polemical political and journalistic debates that took place in the early 1990s on reforming the right to asylum were accompanied by increasing violence against foreigners, which was committed, above all, by young offenders, and by acceptance of this violence by some parts of German society: at first in the new federal states, but then also in the Western part of the Republic. In December 1992, the ruling coalition of the CDU/CSU and the FDP concluded an “asylum compromise” with the Social Democratic opposition. The revision of the basic right to asylum on the basis of this compromise came into force on 1 July 1993. According to the dispositions of Article 16a of the Basic Law that has been in force since then, as a rule whoever comes from a country that is “free of persecution” or who travelled to Germany by way of “safe third states” – by which the country is completely surrounded – no longer has any chance of being granted asylum. The reform of the right to asylum and more stringent border controls reduced the number of asylum-seekers to approximately 320,000 in 1993. In 1998, this figure dropped back below the 100,000 threshold and fell even further in the years that followed.

Patterns of global refugee flows

Seeking refuge is seldom a linear process. Instead, the movement of refugees typically occurs in phases. Frequently, what is first to be observed is precipitous flight to an apparently secure place of refuge in the immediate area. This is then followed by further migration to relatives or friends in a neighbouring region or country or the search for an informal or official refugee camp. Patterns of (repeated) return and renewed flight are likewise frequently to be found. The reasons for this cannot only be seen in the constantly changing and shifting lines of conflict, but must also include the difficulty of finding safety, as well as job opportunities and ways to make a living, at the place of refuge.

In light of the often extremely limited agency of those affected, flight is frequently characterised by paralysis: when faced with borders or insuperable natural obsta-

cles, as a result of limited (financial) resources, because of policy measures concerning migration or due to a lack of networks. This is also the reason for the phenomenon of the eternalisation of refugee camps, resulting in a “camp urbanisation” and the development of “camp cities”, which assume a metropolitan character in some cases. The majority of refugees worldwide are immobilised: They enjoy (often precarious) protection in so-called “protracted refugee situations”, but, since they are not able to move, they have, in part, lost the power to take action and are socially extremely vulnerable.

Although the number of refugees established for the last several decades by the United Nations High Commissioner for Refugees (UNHCR) varies, it does so only to a relatively limited extent. Two peak phases in global movements of refugees can be distinguished for the period since the end of the Cold War: the early 1990s and the mid-2010s. From 1990 until 1994, the number of refugees ranged between a high of 20.5 million in 1992 and 18.7 million in 1994. Similarly high numbers were again reached in the mid-2010s: 19.5 million in 2014 and 21.3 million in 2015. In between these two peak phases, refugee numbers were lower, and during the years 1997–2012, they reached a high of 15.9 million in 2007 and a low of 13.5 million in 2004. The number of “internally displaced persons” (IDPs) showed far greater variation than the number of refugees. Because this category does not involve any crossing of international borders, it falls neither under the dispositions of the Geneva Convention on Refugees nor under the mandate of the UNHCR. As a result, UN data on the number of IDPs is far less reliable than that on the number of protection-seekers who have crossed borders. In the case of IDPs, a peak phase can also be detected at the beginning of the 1990s. In 1994, the UNHCR counted some 28 million refugees. But whereas the number of refugees reached a low after 2000, that of IDPs has risen more or less continuously since then: from 21.2 million in 2000 to 40.8 million in 2015 (see Figure 1).

It is relatively rare for refugees to flee across long distances, since the financial resources are lacking and transit countries or destination countries obstruct migration. Since, moreover, refugees strive to return to their home countries, they, in any case, seek for the most part to find safety close to their regions of origin, which in the overwhelming majority are located in the global South. For this reason, 95 percent of all Afghan refugees (2015: 2.6 million) live in the two neighbouring countries Pakistan and Iran. A similar situation applies in the case of Syria, which has been involved in a civil war since

2011. The majority of Syrian refugees, around 4.8 million in total, have fled to neighbouring countries: Turkey (2016: 2.7 million), Jordan (640,000), Iraq (246,000) and Lebanon (1.1 million). At 7.6 million, the number of people who have fled from violence to other parts of Syria and have become IDPs is even considerably higher. In light of these facts, it is hardly surprising that in 2015, countries from the global South were host to no less than 86 percent of all the refugees registered worldwide and 99 percent of all internally displaced persons. The trend is indeed rising in comparison to the portion of refugees hosted in the global North: in 2003, the share of refugees hosted by the poorer countries was only 70 percent. Hence, it is, above all, the global South that has been affected by the rise in the worldwide number of refugees and IDPs since the beginning of the 2010s.

Why did the Federal Republic of Germany become a destination for worldwide refugee flows in 2015?

Although the global South is, above all (and increasingly), the destination of international flows of refugees, it can, at the same time, be observed that Germany, in particular, has clearly and increasingly become a destination for global refugee flows since 2012, and especially in 2015. Why is this the case? Six elements of a complex constellation of factors are to be outlined here. The sequence of the arguments does not reflect a hierarchy: all of the factors cited below are directly interrelated and reciprocally reinforce one another.

1. Financial resources: countless studies show that poverty massively restricts capacity for movement; the majority of humanity cannot afford to migrate across long distances (see de Haas 2008 on the case of Africa). In 2015, however, the most important countries of origin of asylum-seekers in the EU were geographically relatively nearby (Syria, Iraq, South Eastern Europe). As a result, the costs involved in undertaking flight remained limited, at least in comparison to flows from other global hotspots of conflict – like, for instance, in West or East Africa, South Asia or Latin America – which rarely reach Europe. The fact that Turkey, as the most important first destination of Syrian refugees, directly borders on EU countries also played a role, as did the fact that it could offer only minimal future prospects, given the large number of refugees in the country, their precarious residency status, and limited access to education and the regular labour market.

2. Networks: migration principally occurs via networks that are constituted by relatives and acquaintances. This was another reason why Germany became the most important European destination for asylum-seekers in 2015, since in Germany there were already long-established and very extensive communities of common origin, which provided a port of call for people fleeing war, civil conflict and the measures of authoritarian regimes. This was not only the case for Syrians, but also for Iraqis, Afghans, Eritreans, and persons from South Eastern Europe. Moreover, since migrant networks increase the likelihood of still more migration, the immigration of asylum-seekers to the Federal Republic gained impetus as seen by the dynamic observed in 2015.

3. Admission prospects: in the early 2010s and well into 2015, a relatively high level of willingness to admit refugees was seen in the Federal Republic. This can be explained by positive social, political and economic expectations for the future, in light of the favourable situation of the economy and on the labour market. Broad and highly-publicised debates over the scarcity of skilled workers and demographic changes, which had been ongoing for many years, also created an openness, as did the acceptance of human rights standards and the recognition of the need for protection of, above all, Syrian refugees. This also led to a greater willingness to engage in voluntary work on their behalf.

4. The lifting of barriers to migration: starting in the 1990s, the EU developed a system for repelling flows of refugees. For a long time, multifaceted European cooperation in the area of migration with countries like Libya, Egypt, Tunisia, Morocco, Albania, and Ukraine largely prevented refugees from reaching the borders of the EU and requesting asylum (instructive contributions are to be found in Geiger and Pécoud 2012; Walton-Roberts and Henneby 2014 and Gammeltoft-Hansen 2011). Due to the destabilisation of various states on the margins of the EU (for instance, in the context of the “Arab Spring”, but also in that of the Ukraine conflict), this EU defence perimeter has collapsed. The disintegration of political systems was closely related to the profound consequences of the 2007–2008 global financial and economic crisis, which exacerbated conflicts in numerous countries bordering the EU, reduced states’ capacity for action, and minimised both the willingness to cooperate with the EU and the scope of such cooperation.

5. The dissolution of the “Dublin System”: the global financial and economic crisis did not only affect the outer ring of perimeter defence against the migration of refu-

gees, beyond the EU’s borders, but also the inner ring. The “Dublin System”, which was developed as of the early 1990s, led to the closing off of the core EU states and of Germany, in particular, from worldwide refugee flows, since it left the responsibility for carrying out an asylum procedure to the countries in which the refugees first entered the EU (Lavenex 2001). These could only be countries along the EU’s external borders. For a long time, the system worked: among other reasons because, as of the mid-1990s, the number of refugees reaching the borders of the EU was relatively small. Due to the financial and economic crisis, however, and in light of the increasing number of asylum-seekers in recent years, various European border countries – above all, Greece and Italy – were less-and-less willing and able to bear the unequally-distributed burdens of the Dublin System, to register refugees and to integrate them into their respective national asylum procedures.

6. The Federal Republic as an “Ersatz-Refuge”: within the EU, the worldwide financial and economic crisis also contributed to a sharp decline in the acceptance levels of important traditional countries of asylum – like, for example, France and Great Britain – to grant protection to refugees. In some ways, the Federal Republic became an ersatz-refuge in 2015 and is thereby a new destination for the global flow of refugees.

It is only the substantially higher number of asylum-seekers that first made the global question of refugees a subject of intensive discussion in Germany and Europe in 2015. This had rarely been the case previously: among other reasons, because for many years the EU’s system of defence against refugee flows seemed to work. As far as their refugee policy is concerned, since the early 1990s the EU states have been able to reach an agreement, above all on the tools for preventing the arrival of refugees. Despite this fact, the communitarianisation of a policy on protecting refugees has been part of the EU agenda for years now. Some essential agreements were reached, above all, in 2004–05: precisely at a time when refugee numbers were low. These agreements included minimum standards for the admission of asylum-seekers and the provision for their needs and dispositions via subsidiary protection. The framework can only be described as fragmentary, however. It was, in a way, a project that remained stuck in its initial phases (Bendel 2015).

The question of refugees has been understood as a global challenge ever since the First World War. A High Commissioner for Refugees – at the time, of the League

of Nations – has been in office since 1921 (Türk 1992, 3–13). But even almost 100 years later, the international refugee regime still lacks regular institutions with adequate budgetary resources and personnel, and which do not only act in emergency situations (Betts, Loescher and Milner 2012; Hammerstad 2014). It needs to be debated whether, in particular, the provision of greater resources for the UN High Commissioner for Refugees could not make an essential contribution to improving the chances of implementing the dispositions of the Geneva Convention on Refugees, recognising from the start constellations favouring refugee movements in the context of wars, civil conflicts and the policies of authoritarian systems, and taking measures in a timely manner – this is to say, preventively and proactively – to provide protection for refugees. This may perhaps help to prevent humanitarian catastrophes, or at least to considerably limit their extent.

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