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Solidarity – from the heart or by force?  
The failed German leadership in the EU’s refugee and  
migrant crisis

Lucas Schramm



European University Institute

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Global Governance Programme

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## **Abstract**

In 2015 and 2016, the European Union (EU) and (some of) its member states faced a very high number of asylum-seekers. Germany, which particularly was affected by this inflow, sought to ‘europeanise’ the phenomenon and to distribute the loads more evenly across the EU – but met major resistance. Contrarily to the widely held view that Germany, in recent years, had shaped European politics, it largely failed with its main policy proposals in the refugee and migrant crisis. To uncover the reasons, this contribution applies an analytical framework of political leadership and post-functionalist theory. Based on the latest academic research, relevant newspaper articles and self-conducted expert interviews, it is argued that there might have been supply of but not sufficient demand for successful German political leadership. The largely failed German leadership is illustrated by two characteristics: first, the setting-up and poor implementation of a European relocation mechanism for refugees; and second, a course correction with regards to its policy proposals by the German government itself in the course of the crisis.

## **Keywords**

Migration policy, asylum policy, EU, Germany, leadership, negotiation.





## Introduction\*

During the years 2015 and 2016, an unprecedented number of refugees and migrants<sup>1</sup> came to Europe. The main reason for the drastic increase was in the political instability and worsening humanitarian situation in countries of the Middle East, particularly in civil war-ridden Syria. People also fled other crisis regions from terror and violence but equally from poverty and economic hardship. As it soon turned out, the EU's existing regulatory framework was ill equipped to absorb this inflow. Instead, the high number of refugees and migrants revealed the shortcomings and dysfunctionalities of the Common European Asylum System (CEAS) and plunged the EU into a major crisis. The term 'crisis' here mainly refers to the internal political struggle of the EU and its member states to deal with the inflow: Member states could hardly agree on common measures; the migratory flows led to fierce disputes and ongoing political divisions between national governments, on the one hand, and between EU institutions and national governments, on the other hand; and the migratory flows have given impetus to nationalist, partly xenophobic political parties in several EU member states.

Germany, arguably the EU's most powerful member state, played a particular prominent role in the EU's refugee and migrant crisis<sup>2</sup>. Having received by far the most asylum-applications in absolute numbers and having been the preferred destination for most of the people coming to Europe, German chancellor Angela Merkel soon moved centre stage and called for a common European approach and European solutions to the crisis. The German government's comparatively liberal stance on asylum, however, met the opposition of other member states. Indeed, in the course of the crisis, both the initial German and the broader EU approach – as mainly represented by the European Commission – shifted from rather liberal to more restrictive initiatives and measures, and from a rather internal to an external dimension of crisis management.

Against this background, the present contribution asks why Germany only to a very limited extent was able to successfully exercise political leadership. It focuses on the period between 13 May 2015 when the European Commission presented a European Agenda on Migration and hence the refugee and migration topic 'officially' became subject to wider political discussions within the EU, and 18 March 2016 when a political agreement of the EU with Turkey entered into force with the clear aim to reduce the number of people coming to Europe. Covering this period will help to illustrate the shift in the policy approach which took place, both at the EU level and in Germany. This contribution aims for two major goals: First, the management of the migratory flows had and still has the potential to deepen cultural-political divisions within the EU and to inflict damage on the overall project of European integration. The current political disputes on this topic and more recent initiatives and political agreements (e.g. a clear focus on the protection of the EU's external borders; possible regional disembarkation platforms; a probable abandonment of mandatory quotas for the relocation of refugees; see Juncker 2018; General Secretariat of the Council 2018; Schmahl 2018) have their wider reasons in the initial measures taken, as mainly advocated and pursued by the German government. It is therefore worth recapitulating and analysing *what* was agreed – and *how* this was done – in the initial phase of the crisis, and *why* those measures apparently lacked sufficient support, at least in the longer run.

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\* This Working Paper is a shortened and updated version of my master thesis which was written at the College of Europe, Bruges, during spring and early summer 2018. I would like to thank the two reviewers for further reading suggestions and their very helpful comments on an earlier draft of the present contribution.

<sup>1</sup> Refugees are "persons fleeing armed conflict or persecution" whereas migrants "choose to move [...] mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons" (see United Nations 2016). Asylum-seekers, in turn, are persons that have lodged an asylum application in a country other than their home country.

<sup>2</sup> Both the academic literature and the media partly speak of 'refugee and migrant crisis', partly of 'refugee crisis' or 'migration crisis'. To best consider that people both with high chances to obtain international protection ('refugees') and with almost no chances ('migrants') came to the EU, this paper chooses the term 'refugee and migrant crisis'.

Second, combining political leadership theory with the management of the EU's refugee and migrant crisis and the role Germany played, this contribution seeks to bridge an important gap in the academic literature as no larger study so far has explicitly asked about German political leadership in the EU's refugee and migrant crisis. The contribution's main argument is that there might have been a *supply* of, but not sufficient *demand* for successful German political leadership: Both an asymmetric interdependence between EU member states with regards to the migratory flows, and a high politicisation of the asylum and migration topic in most member states, can explain the failure. This argument will be illustrated by two characteristics: first, the setting-up and poor implementation of a European relocation mechanism for refugees; and second, a course correction with regards to its initial policy proposals by the German government itself in the course of the crisis.

## Theoretical and analytical framework

Using political leadership as an analytical framework, this contribution explores when and why a political leader emerges, and when and why political leadership can be successful. The groundwork for theorising political leadership was laid by the US-American political scientist and historian James MacGregor Burns: He sees leadership as a social relationship that allows the leader and the followers to take part in a "common enterprise" and to "realise goals mutually held by both leaders and followers" (Burns 1978, p. 18). In political science literature today, relational models of political leadership are predominant. They take into account personal, institutional, societal and politico-situational factors. Those models examine which 'corridors of action' exist for leadership services on the basis of given framework conditions. Accordingly, political leadership always takes place within a certain corridor of resources and constraints (see, among others, Elgie 2015, pp. 2-3).

Looking at the corpus of literature, one can identify at least the following five elements of political leadership: First, *power* is understood as the "ability to affect the behavior of others to get the outcomes one wants" (Nye 2008, p. 27). Power is based on material, institutional and/ or ideational ('soft') resources (Schoeller 2014, p. 5; Krotz and Schild 2013, pp. 22-24). Second, political leadership is the power to orient and mobilise others and therefore implies *followers* that move in the same direction (Nye 2008, p. 19). Third, leader and followers must pursue a *common goal*: "The social leader-follower pact is based primarily on the compatibility of the leader's objectives, as perceived by the followers, with the latter's own preferences" (Fliegau, Kießling and Novy 2008, p. 405; translation is my own). Fourth, political leadership is the result of an *interaction* between, on the one hand, the leader and his followers and, on the other hand, the leader and his political environment (Elgie 2015, p. 4). And fifth, successful political leadership results in a change to the status quo that is, *innovation* (Burns 1978, p. 19; Schoeller 2017, p. 3).

In order to make political leadership theory fruitful for empirical research, the present contribution now more closely looks at conditions for successful political leadership. There must be criteria for *when* and *why* a leader emerges, and for when to speak of *successful* political leadership. Magnus G. Schoeller operationalises political leadership "as a way of overcoming collective action problems in situations where there are no adequate institutions to regulate the collective action". He distinguishes between three possible outcomes of political leadership: first, the non-appearance of leadership; second, a failed leadership; and third, a successful leadership (Schoeller 2017, p. 3). One can argue for the exertion of political leadership to be a necessary – although not inevitably sufficient – condition that both a *demand* for and a *supply* of leadership services are present; otherwise, the result is the non-appearance of leadership. As has been said, a leader emerges from status quo costs which are caused by suboptimal collective action outcomes: "If the status quo costs are high, the actors involved perceive a high pressure for action" (*demand side*; Schoeller 2017, p. 4). On the other hand, if an actor concludes that "the expected benefits of leading exceed the perceived costs", he offers leadership services (*supply side*; Schoeller 2017, p. 4).

Once a leader has emerged, he seeks to achieve the desired policy and/ or institutional change. A leader's success depends at least on the following three conditions: First, the suitability of the leader's *power resources*. Second, the *followers' support* which, in turn, relies on the distribution of preferences among the possible followers: Generally speaking, the stronger the convergence of preferences around the leader's preferred outcome, the stronger his impact on that very outcome. And third, the leader's success depends on the requirements of the respective situational or institutional *constraints*, such as actor constellations or the underlying decision-making rules in a given policy regime (Schoeller 2017, pp. 5-6). Regarding the previous remarks and qualifications, I will define political leadership as an actor's attempt to mobilise, via social interaction and within certain framework conditions, followers towards a common goal which implies a change to the status quo. Successful political leadership is operationalised in such a way that both supply of and demand for leadership are present, and that the leader can make use of her power resources to achieve a common goal thanks to a general convergence of preferences between leader and followers and an enabling institutional/ situational environment.

Let me now briefly refer to post-functionalist theory. What is striking in the refugee and migrant crisis is how much European and domestic politics have become intertwined and how much the crisis management at the EU level has affected national politics, and vice versa: The refugee and migration crisis has dominated electoral campaigns also in countries which were very little affected, and in various countries it has given rise to right-wing, partly xenophobic political parties which then have impeded policy solutions at the EU level. Post-functionalist theory, as developed by Hooghe and Marks (2009), helps to better understand the reasons for and the implications of domestic political constraints on EU policy-making. Its major claim is that domestic political conflicts narrow the scope of action for national policy-makers at the EU level and that, overall, European integration has become more difficult. The present contribution seeks to explain why key German proposals to deal with the EU's refugee and migrant crisis and the relatively liberal stance of the German government were largely opposed by other EU member states. In this regard, post-functionalist theory refers to the *demand side* for German political leadership services and, further below, will help to develop hypotheses for the widely failure of this very leadership.

In more detail, post-functionalist theory claims that, first, European integration – essentially with the entry into force of the Treaty of Maastricht in 1993 – increasingly has become *politicised* in national elections and referenda. Second, and as a result, the preferences of national political parties and the general public have become *decisive* for political and jurisdictional outcomes of negotiations at the EU level. And third, *national identity* is regarded crucial for the shaping of national political discourses on Europe (Hooghe and Marks 2009). As the European integration project has become the object of controversial “mass politics” (Grande and Hutter 2016, p. 4), national governments have become more responsive to public pressures on EU politics. Importantly, new structural conflicts over national sovereignty, national identity, and transnational solidarity have emerged. This contribution argues that the EU's refugee and migrant crisis is a ‘critical event’ in European integration<sup>3</sup> which brings together conflicts over sovereignty, identity, and solidarity, and which has led to a high degree of politicisation. Indeed, this crisis has gone at the very heart of the ‘cultural-identitarian’ dimension of the European integration project (Grande and Hutter 2016, p. 23).

## **The EU's refugee and migrant crisis in the academic literature**

The existing academic literature dealing with the management of the EU's refugee and migrant crisis has come up with different explanations for why a major European response to the crisis has been lacking, why an upload of political competences to the EU level has taken place only to a very limited extent, and – occasionally – why (initial) German policy solutions have met only limited support. The

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<sup>3</sup> For a conceptualisation of and examples for ‘critical events’ in European integration history, see Grande and Hutter 2016, pp. 20-21.

principal question in the heat of a political crisis is *who* is politically responsible to addressing it (Laffan 2016, pp. 916-917). There is general agreement that the EU lacks a clear leadership structure, mainly because of the fragmented character of the EU's polity and the absence of strong institutional resources (Tömmel and Verdun 2017, p. 103). Compared to the national level, indeed, many (potential) leaders dominate the European scene. They pursue different, sometimes diverging interests as they must cater different followers and constituents at different political levels, often at the same time (Van Esch 2017, p. 224). At the EU level, crises are characterised by the fact that they are transnational in nature, directly or indirectly affecting more than a single member state. This, on the other hand, opens up chances for cooperation because member states may recognize their reciprocal dependence and conclude that certain crises are better dealt with together. Consequently, transnational politicians might develop a "problem-solving instinct" and follow a common response (Müller Gómez et al. 2017, p. 11). Identifying different patterns of EU crisis management, Wessels and colleagues state that before agreeing on a common response, member states individually examine whether the problem is a European one or rather the problem of certain individual member states (Müller Gómez et al. 2017, p. 15).

There is broad agreement in the academic literature that the German government was willing and able to provide leadership services when the refugee and migrant crisis fully hit the EU in summer 2015. First, Germany had a stable government with a large majority in parliament and a chancellor who had been in office for ten years and who had consolidated her international authority thanks to her performance in previous EU crisis management, e.g. during the Eurozone crisis and the Ukraine crisis (Krotz and Maher 2016). Second, chancellor Merkel's liberal stance on asylum was (initially) supported by most policy-makers in the Bundestag, also from the opposition parties. Third, Germany had the fiscal resources to receive large numbers of refugees: In November 2015, for example, then finance minister Wolfgang Schäuble – explicitly referring to the good budgetary situation – provided an additional six billion euros for asylum measures in the federal budget for the next year. Fourth, the German government broadly agreed with the European Commission when it came to their preferred answers to the crisis. And fifth, the German government seemed to have the support of a large part of the German society: According to one poll from early September 2015, 37 percent of the respondents agreed with the current numbers while 22 percent argued in favour of an even higher inflow of refugees. 96 percent said it was right to receive war refugees, and 92 percent supported the idea of fixed and mandatory quotas for all EU member states (as quoted in Die Welt from 4 September 2015; Die Welt 2015d). Taken together, chancellor Merkel had a number of "assets" for the management of the looming refugee and migrant crisis (Bulmer and Paterson 2017, p. 224).

When, during the summer months of 2015, the number of people coming to Europe was much higher than expected and when it turned out that most people sought to move to Germany, the German government soon tried to 'europeanise' the phenomenon and called for a European response. The government had realized that the EU's existing asylum system was ineffective and dysfunctional, and eventually put disproportionate burdens on Germany and other top-recipient countries. It concluded that changes to and, even better, a profound reform of the CEAS was in its own and – so its argumentation went – in the common European interest. In Schoeller's terms, the German government concluded that leading would make itself (and others) better off. Consequently, the general argument of this contribution is that there might have been *supply* of German political leadership but not sufficient *demand* for its truly successful exertion (hypothesis 1).

To support this claim, various explanations can be deduced from the existing academic literature and relevant press articles: First, many other EU member states were only little or not at all exposed to migratory pressures, as most asylum-seekers wanted to move to Northern European countries, mostly to Germany (hypothesis 2a). One explanation given in the academic literature points to *public good characteristics* of EU decision-making in the field of asylum policy: Following this approach, member states consider the admission of refugees as a 'zero-sum game' and see little incentives to fully cooperate. Whereas big, rich, and comparatively 'liberal' countries like Germany have the capacities to receive large shares of refugees, smaller and more reluctant member states can quite easily engage in

‘free-riding’ and hence refrained from contributing to a more equal sharing of responsibility (Thielemann 2018, p. 69). Another explanation draws on liberal intergovernmentalism theory. Zaun (2018, pp. 54-56) and Biermann et al. (2018, pp. 10-12) have argued that the introduction of a mandatory and automatically to be triggered relocation scheme failed due to an *asymmetrical interdependence*: The small amount of member states which received large numbers of asylum-seekers perceived the quota system as an opportunity to divert the flows, whereas the majority of member states only had to deal with a low intake of asylum-seekers. The latter countries, then, were reluctant to engage in solidarity as this would have implied to receive a larger share of asylum-seekers in future times. As stated by Schoeller (2014, p. 8): “[T]here will only be a demand for leadership if all the potential followers have to bear a certain share of the costs.”

Second, many other national governments were not willing to engage in burden-sharing because they were facing national political parties and populations which were sceptical or even hostile towards refugees and migrants (hypothesis 2b). This hypothesis clearly has its origin and justification in post-functionalism theory. As stated by Börzel and Risse (2018, pp. 97-101), especially right-wing political parties in various member states quite successfully mobilized national identities and anti-immigrant sentiments by further *politicising* the asylum and migration topic. Consequently, “the politicization of identification patterns [...] has prevented a common European response to the refugee inflows” (Börzel and Risse 2018, p. 87). Moreover, as shown by Thielemann (2018, pp. 73-78) and Zaun (2018, pp. 46-48), national governments traditionally have been reluctant to engage in European cooperation and to transfer political competences to supranational institutions when the issue at stake concerned the *physical distribution* of refugees rather than the harmonization of asylum policy. This especially holds true when national governments are put under pressure by right-wing populist parties.

Third, other member states perceived the German government to impose its policy solutions on them without having been sufficiently consulted and able to make their own concerns heard (hypothesis 2c). This is a claim mainly made by policy-makers from the Visegrad countries (Czech Republic, Hungary, Poland, Slovakia), as multiply reported in press articles. It was equally put forward in expert interviews with civil servants from those countries. And fourth, the German government, by arguing for a substantial reform of the CEAS, in previous years had undermined its own leadership potential when it essentially had praised and defended this very system (hypothesis 2d). As argued by Bulmer and Paterson (2017, p. 227), among others, Germany – until summer 2015 – had felt quite comfortable with the EU’s asylum system. Indeed, the German government at several occasions had opposed and prevented changes to the CEAS which would have contradicted German interests, notably a reform of the Dublin Regulation<sup>4</sup> (Trauner 2016, p. 101).

## **Course of the EU’s refugee and migrant crisis**

To reconstruct the ‘heyday’ of the EU’s refugee and migrant crisis and to detect why German political leadership largely failed, a qualitative content analysis was applied. This analysis is based on two ‘pillars’: First, on expert interviews with civil servants, policy-makers, journalists, and think-tankers, both from Germany and other EU member states. Altogether, 14 interviews were conducted in Brussels or on the phone during March and April 2018. Interviewees include civil servants from the Permanent Representations to the EU of five EU member states, civil servants from the European Commission and the Council of the EU, policy-makers from the European Parliament and the German Bundestag, as well as journalists and think-tankers based in Brussels.

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<sup>4</sup> The Dublin Regulation is a cornerstone of the CEAS and determines the EU member state responsible for dealing with an asylum application. In practice, the most used criterion for determining this state is that of first-entrance, which means the member state through which the asylum-applicant first has accessed EU territory. Unsurprisingly, this criterion poses disproportionate pressure on the EU’s South-Eastern borderline countries, namely Italy and Greece.

Second, relevant articles from three leading European newspapers were examined, which cover the period from 13 May 2015 (launch of the European Agenda on Migration) to 6 December 2015 (shortly after Slovakia and Hungary had launched legal action at the Court of Justice of the EU [CJEU] against the relocation mechanism). Articles from the daily newspapers ‘Die Welt’ from Germany, ‘The Guardian’ from the United Kingdom, and ‘Le Monde’ from France were selected through the online database ‘LexisNexis Academic’, based on the search items ‘EU and refugee crisis’ and ‘EU and migration crisis’. The overall search revealed 1,296 articles from which 79 articles – preferably editorials and comments – were closely examined. The expert interviews and the newspaper articles constituted the text corpus for a *frame analysis* in which the available data were condensed to a limited number of recurring patterns of interpretation (‘frames’).

As will be further outlined below, one can distinguish between a ‘German and European frame’, a ‘Visegrad frame’, and a ‘2016 frame’: The ‘German and European frame’ was promoted by the German government, few other ‘liberal’ member state governments, and the European Commission. According to this reading, the EU was facing a refugee *and* migration crisis, which had been caused by an external event and exacerbated by the shortcomings of the existing CEAS, and which needed a strengthening of both responsibility and solidarity on the part of the EU member states. Conversely, the ‘Visegrad frame’ goes back to interpretations of the crisis by the respective four Visegrad and some other ‘reluctant’ member state governments. It consistently spoke of a migration crisis alone, which had been exacerbated by the German and other governments’ liberal stance on asylum and which could and should primarily be dealt with by national policy measures. Whereas those two irreconcilable frames dominated the debate during summer and autumn 2015, one could see a certain convergence in early 2016: In terms of recommendations and preferred policy solutions, the ‘2016 frame’ called for a stronger focus on the EU’s external rather than internal dimension of crisis management, and it advocated a restrictive rather than liberal approach towards the asylum and migration issue.

### ***The refugee and migrant crisis hits the EU***

In 2015, there were more than 1.32 million asylum applications in the EU, twice as much as in 2014 and three times more than in 2013. Germany counted 476,510, representing 37 percent of all applications. In 2016, the number of asylum applications in the EU was about 1.26 million and at 745,155 in Germany, which corresponds to a share of 59 percent (Eurostat database). While Germany, in the years prior to 2013, accounted for between 10 and 23 percent of all asylum applications lodged in the EU, this share first increased in 2013 and reached its highest level in 2016.<sup>5</sup> In terms of asylum applications per inhabitant, more applications had been lodged, in 2015 and the years before, in Hungary, Sweden, and Austria than in Germany. This changed distinctively in 2016 (with Germany taking the lead now), once again because of the high number of people who had arrived in Germany already the year before.

The European Commission quite early presented initiatives which sought to provide both short-term and longer-term solutions to the looming crisis.<sup>6</sup> On 13 May 2015, it launched a European Agenda on Migration which called for “coordinated action at the European level” and stated that “[n]o Member State can effectively address migration alone. It is clear that we need a new, more European approach.” (European Commission 2015a, p. 2) Due to the shortcomings of the existing asylum system, the Commission also announced for the end of May 2015 a proposal for a “temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort” (European Commission 2015a, p. 4). Furthermore, it announced for the end of 2015 a legislative proposal “to provide for a mandatory and automatically-triggered

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<sup>5</sup> Yet, one must note that not all the refugees and migrants who had come to Germany in 2015 also lodged an asylum application in that year. In fact, by the end of 2015, about one million people had arrived in Germany within one year, with many of them eventually lodging their asylum application only in 2016 (if at all).

<sup>6</sup> For an overview of the EU’s responses to the crisis, see Niemann and Zaun (2018, pp. 5-13).

relocation system to distribute those in clear need of international protection within the EU when a mass influx emerges” (European Commission 2015a, p. 4).

Whereas the German government welcomed the plans for national quotas for the relocation of refugees, the proposal met protest and open rejection in other EU member states: The then British interior minister Theresa May said that many refugees in fact were “economic refugees”, while the Hungarian prime minister Viktor Orbán called the quota plans a “crazy idea”. And the then Polish prime minister Ewa Kopacz demanded “voluntary solidarity”<sup>7</sup> between the EU member states when it came to the reception of refugees (as quoted in Die Welt from 15 May 2015; Die Welt 2015a). Crucially for the German government, even countries like France and Spain signalled that they would oppose a permanent and automatically to be triggered relocation mechanism. Instead, France’s president François Hollande and prime minister Manuel Valls made the argument for ‘voluntary cooperation’ between the EU-28 (Le Monde from 19 May 2015 [Le Monde 2015a] and from 21 May 2015 [Le Monde 2015b]).

On 27 May 2015, the Commission proposed to use the ‘emergency response mechanism’ – as established in Article 78(3) of the Treaty of Functioning of the EU (TFEU) – to set up an ‘emergency relocation scheme’. This scheme was intended to relieve the borderline countries Italy and Greece by relocating, over the following two years, 40,000 Syrians and Eritreans who had arrived in those two countries after 15 April 2015, following a ‘distribution key’ which would take into account a member state’s economic power, size of population, unemployment rate, and past numbers of asylum-seekers (European Commission 2015b). The European Council, on 25 and 26 June 2015, agreed on the *temporary* and *exceptional* relocation of those 40,000 refugees with chancellor Merkel – who had strongly supported the Commission’s proposal, together with the heads of government from Austria, Belgium, and Italy – saying she would have liked to see “more binding measures” (as quoted in Die Welt from 27 June 2015; Die Welt 2015b).

Little later, the Justice and Home Affairs (JHA) Council failed to reach this number but, in a Resolution on 20 July 2015 and by consensus, pledged to relocate at least 32,256 refugees from Italy and Greece (Council of the EU 2015a). However, the realisation of this Resolution proved difficult, first and foremost because the number of refugees continued to increase far beyond the approved figures. This is why, on 9 September 2015, the Commission launched a second implementation package, including the following two measures: First, a new temporary ‘emergency relocation’ proposal involved 120,000 people in clear need of international protection from Greece, Hungary, and Italy, in addition to the 40,000 people from the first implementation package (European Commission 2015c). And second, a ‘Permanent Relocation Mechanism for all Member States’ was proposed that could be triggered by the Commission when a member state would experience extreme pressure on its asylum system due to “a large and disproportionate inflow of third-country nationals”. (European Commission 2015d, p. 3)

### ***Towards a quota system***

For 14 September 2015, the Luxemburgish Council Presidency convened an extraordinary JHA Council meeting to respond to the escalating crisis. The JHA Council indeed agreed to relocate – based on *voluntary* pledges – the 40,000 refugees from the first implementation package (Council of the EU 2015b). In the aftermath, however, negotiations on the temporary relocation scheme were highly controversial because several member states, in particular the four Visegrad countries, opposed the relocation of the additional 120,000 refugees. It became clear that those countries thought they were neither responsible for nor in charge of the EU’s refugee and migrant crisis, and they predominantly

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<sup>7</sup> Later, the Visegrad countries developed the concept of ‘flexible solidarity’ which does not include mandatory quotas but voluntary contributions based on what member states are willing to offer, such as financial contributions, manpower for border controls or the voluntary accommodation of refugees (Visegrad Group 2016).

regarded it as a ‘Western problem’.<sup>8</sup> Crucially, however, another JHA Council on 22 September 2015 adopted the Commission’s proposal to relocate – this time, on the basis of a *mandatory* distribution key – an additional 120,000 newly arrived refugees from Italy and Greece by September 2017 (Council of the EU 2015c). This decision was achieved by qualified majority vote, with the Czech Republic, Hungary, Slovakia and Romania voting against, while Poland had lifted its initial objection. As reported by a high-level Council civil servant who oversaw the preparations of the crucial JHA meetings, the Luxembourgish Council presidency at that time increasingly was facing political pressure, in particular from the German government, to enable a vote.<sup>9</sup> Indeed, a few days before this crucial vote, then German interior minister Thomas de Maizière, with regards to the ongoing opposition from Central and Eastern European countries, had brought into play possible cuts of EU structural funds.

However, further measures discussed at the 22 September JHA Council – namely the introduction of a *permanent* scheme with *fixed* quotas which would be triggered *automatically* and include *financial penalties* for member states refusing to receive their share of refugees – did not find a majority (Die Welt from 23 September 2015; Die Welt 2015e). According to de Maizière, the German government was making the argument for a permanent and automatic mechanism under the condition that, first, only people in clear need of international protection would benefit and, second, this measure would go along with a more efficient protection of the EU’s external borders.<sup>10</sup> Scholars have interpreted the 22 September 2015 vote as “an unprecedented step in the JHA domain” and saw high political costs at stake because “for the first time since the 2004 enlargement there was a clear ‘East-West’ split visible” (Monar 2016, pp. 137-138). On 2 and 3 December 2015, Slovakia and Hungary filed a lawsuit over the decision at the CJEU.<sup>11</sup> It has to be noted that – apart from the political tensions – the practical implementation of the relocation scheme was rather poor: As of 4 September 2017, only 27,695 of the aimed-for 160,000 refugees had been relocated (European Commission 2017).<sup>12</sup> The scheme expired on 26 September 2017.

Whereas the president of the European Council, Donald Tusk, avoided the topic of *permanent* quotas at the European Council meeting on 22 September 2015, Germany – together with Austria, and Sweden – called for them to be discussed at the European Council meeting on 15 and 16 October 2015 (Zaun 2018, p. 55). Yet, the German chancellor was unable to convince other member states of her ‘hard’ version of the relocation scheme: As reported by The Guardian (from 23 October 2015; The Guardian 2015d), “up to 15 of 28 EU countries [were against]”. Indeed, ‘the quota’ had become highly politicised and a strong symbol for disliked European action, with some national governments using the idea of quotas to mobilise for their own domestic political agenda.<sup>13</sup> Moreover, there are signs that many governments supported the 22 September 2015 vote without being convinced of its content: They were

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<sup>8</sup> Referring to their very homogenous national populations, the Slovakian prime minister Robert Fico said that his country was only willing to take Christian refugees (as quoted in The Guardian from 22 August 2015; The Guardian 2015a), while the Hungarian prime minister Orbán declared that Hungarians did not want Muslims in their country (as quoted in The Guardian from 4 September 2015; The Guardian 2015b).

<sup>9</sup> Interview with a civil servant from the General Secretariat of the Council of the EU. Brussels, 2 March 2018.

<sup>10</sup> Interview with Dr. Thomas de Maizière, German Federal Minister of the Interior at that time. By phone, 19 April 2018.

<sup>11</sup> On 6 September 2017, the CJEU ruled that the Council decision was legal and that all EU member states, including Slovakia and Hungary, are obliged to participate in the relocation scheme.

<sup>12</sup> The problem was that many of the 160,000 refugees to be relocated were physically not ‘available’ because, first, it took the borderline countries – namely Greece – a long time to register the arriving people and, second, many of the ‘available’ people did not qualify for a relocation: In the Commission proposals for relocation, only refugees from countries with an average recognition rate of over 75 percent were concerned. At the end of 2015, though, only refugees from Syria, Eritrea, and Iraq had such a high recognition rate.

<sup>13</sup> As anticipated by The Guardian (from 24 September 2015; The Guardian 2015c), “[i]mmigration has the potential to make or break governments in most of the countries and will probably contribute to a change of government in Poland next month [October 2015]”. Beata Szydło, the then likely – and indeed, ultimately, the new – Polish prime minister “denounced the Polish vote [...] as a scandal and said her new government would reverse it”.



aware of the difficulties in the practical implementation of the relocation so that they could support the decision in the awareness (and hope) that their countries would never receive the number of refugees assigned to them.<sup>14</sup> In an interview with *The Guardian* from 3 December 2015 (*The Guardian* 2015e), European Council president Tusk stated that there was no majority among EU member states for a binding quota system and argued against a new use of qualified majority voting as a kind of “political coercion”. More than that, he described Merkel’s asylum policy as “dangerous”.

### ***Germany increasingly becomes isolated***

When the number of asylum-seekers in both the EU and Germany started to sharply increase in early summer 2015, pictures and reports of overcrowded reception camps in the countries along the so-called Western Balkan route appeared in the media almost on a daily basis. On 21 August 2015, the German Federal Office for Migration and Refugees [Bundesamt für Migration und Flüchtlinge, briefly BAMF] decided to suspend the Dublin rules for Syrian refugees, allowing those who had not lodged an asylum application in their first EU country of entry to do so in Germany. This move explicitly was explained with regards to the worsening humanitarian situation of refugees at the Budapest Keleti train station. In the night from 4 to 5 September 2015, German chancellor Merkel, after consultation with Austria’s chancellor Werner Faymann, ‘officially’ decided to let Syrian refugees from Budapest – who were crossing Austria – lodge their asylum application in Germany, therewith confirming the BAMF’s decision not to apply the Dublin rules.

During the summer 2015, the German government pushed hard for other EU member states to share the burdens and to agree on the Commission proposals. The German and the Commission’s policy approaches were close to each other in the way that Merkel believed that there was little chance (and that it would morally and legally be wrong) to stop refugees fleeing war at national borders, while the Commission desperately wanted to maintain the free movement of people within the Schengen area and to avoid member states to re-introduce controls at their national borders. This is why both the German government and the Commission spent lots of resources on the relocation scheme and for a long time were quite reluctant to focus on the EU’s external borders.<sup>15</sup> It has been argued that Germany moved “from the ultimate defender of the Schengen and Dublin status quo to the main advocate and promoter of an overhaul of the existing regime” (Pastore and Henry 2016, p. 53).

Germany’s main priority was the relocation mechanism for refugees. The strongest voice of resentment came from the Hungarian prime minister Orbán who accused the German chancellor of “moral imperialism” (as quoted in Theodore et al. 2017, p. 78). Indeed, scholars have argued that Germany and chancellor Merkel in particular – due to her liberal stance on asylum, the decision to *de facto* suspend the Dublin rules, and her vigorous support for the Commission proposals – quickly found herself in quite an isolated position within the EU (Tekin 2017, p. 341), with some even speaking of “Europe’s lonely hegemon” (Benner 2016). In a similar vein, journalists noted that Merkel was lacking legal instruments and efficient leverage: “Never before in her political life has Merkel been that powerless than during this refugee crisis.” (*Die Welt* from 1 September 2015; *Die Welt* 2015c)

Although different in nature, a comparison between German leadership during the refugee and migrant crisis and its leadership during the Eurozone crisis is interesting: One can argue that in the latter, Germany was able to lead as there were always some countries (the Netherlands, Finland, the Baltic states) which advocated a harder handling of Greece so that German policy-makers found themselves in a rather central position and could bring about compromise solutions. In the refugee and migrant

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<sup>14</sup> In this regard, the case of Austria is telling: Initially in line with the German government’s stance, the Austrian government pursued an increasingly restrictive approach. Later, Austria was amongst those member states which showed the poorest implementation of the relocation scheme.

<sup>15</sup> Interview with a civil servant working at the Permanent Representation to the EU of one of the ‘Western’ member states. Brussels, 19 March 2018.

crisis, by contrast, at least in summer and autumn 2015, the German government had to lead out of an extreme position and appeared rather unreliable as an ‘honest broker’. More than that, German power resources which had played a pivotal role in the Eurozone crisis (economic strength, good public finances, economic ideas) were insignificant in the refugee and migrant crisis.

### *EU deal with Turkey*

The general public mood in Germany towards asylum and migration shifted distinctly in the wake of over 500 reported sexual assaults by ‘North African-looking men’ in Cologne, Hamburg, and other cities on New Year’s Eve 2016. Anticipating three state elections in March 2016, chancellor Merkel came under increasing political pressure also from within her own political party to significantly and sustainably reduce the number of arriving refugees. Polling data from late 2015, both on Angela Merkel as a politician and her asylum policy, indicate that the German public had become more critical towards the chancellor’s stance on asylum. For the political parties, interestingly, not only did Merkel’s CDU suffer from a loss of support but so did her coalition partner SPD, whereas the Eurosceptic and anti-immigration party AfD [Alternative for Germany] scored increasingly high. In the state elections in Rhineland-Palatinate, Baden-Württemberg, and Saxony-Anhalt in March 2016, the AfD gained 12.6, 15.1 and 24.3 percent of the votes, respectively.

Facing that the relocation of refugees was strongly opposed at the EU level and that the inflow of people coming to Germany did not stop, the German government now increasingly looked for alternative solutions and sought to reduce the number of people coming to Europe. Chancellor Merkel intended to do so mainly through a political agreement with Turkey, which eventually entered into force on 18 March 2016. The EU-Turkey Statement addresses irregular migration from the Turkish mainland to the Greek islands and mainly concerns Syrian war refugees (Council of the EU 2016): For every Syrian who irregularly had arrived in Greece, whose asylum application had been declared inadmissible by the Greek authorities and who was sent back to Turkey, the EU receives a Syrian refugee on a ‘safe pathway’ from Turkey.<sup>16</sup>

Indeed, the EU’s agreement with Turkey was mainly driven by Germany and chancellor Merkel in particular, with one interviewee describing the EU-Turkey Statement as a “Merkel deal”: “The EU-Turkey deal was the clearest sign that the German government now was willing to stop the inflow of refugees.”<sup>17</sup> High-level political and administrative contacts between EU and Turkish representatives dramatically had increased already in September and October 2015, with talks between German and Turkish authorities running in parallel. The latter bilateral talks led to the informal European Council summit meeting on 23 September 2015, called for by the German government (Okuy and Zaragoza-Cristiani 2016, p. 55). By then, direct bilateral negotiations had become a top priority, both for Germany and for Turkey: During her visit to Turkey on 18 October 2015, chancellor Merkel agreed with president Erdoğan on a political partnership with regards to the migration flows which led, on 29 November 2015, the EU and Turkey to adopt a ‘Joint Action Plan’ (Council of the EU 2015d). Crucially, on the same day, not only did the EU-28 approve the Joint Action Plan, but the German chancellor also convened a separate ‘mini summit’ of nine EU member states which were taking in most of the refugees.

The conflicts between EU member states on how best to tackle the crisis and whether – and to which extent – to agree on solidarity and burden-sharing led to a fragile and politically controversial agreement with Turkey. In the end, though, both the EU and Germany opted for an “increased externalization of the European migration and asylum policy” (Takle 2018, p. 126) to partly compensate for the failure of

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<sup>16</sup> Indeed, the Statement soon reached its main goal to significantly reduce the number of attempts to move from Turkey to the Greek islands: According to a report from the European Commission, 1,740 people had crossed the Aegean Sea on a daily basis in the weeks before the Statement’s implementation. By contrast, since 21 March 2016, this figure went down to 94 (European Commission 2016).

<sup>17</sup> Interview with a civil servant from the General Secretariat of the Council of the EU. Brussels, 2 March 2018.

the internal measures. In late 2016, noticeably, both the ‘Bratislava Declaration’ of the informal European Council meeting on 16 September 2016 as well as the European Council’s Conclusions of 21 October 2016 and of 15 December 2016 did not contain any reference to a – temporary or permanent, voluntary or mandatory – relocation scheme or to fixed quotas. Instead, the Council was “invited to continue the process with the aim of achieving consensus on the EU’s asylum policy”, and EU member states were called to “further intensify their efforts to accelerate relocation” (General Secretariat of the Council 2016, p. 2). Germany which, along with the European Commission and few other EU member states, had been the strongest advocate of quotas, now had to accept that this idea – preliminarily, at least – was abandoned. It can be said that with the ‘Turkey deal’, chancellor Merkel reversed or at least adapted her initial policy approach, recognising that she had overestimated both Germany’s and her own capacities: the former in the way to absorb migratory flows, the latter in the way to satisfyingly convince other member states of her preferred policy solutions.

### **Putting things together: Why did German leadership largely fail?**

The present contribution has argued that German leadership in the EU’s refugee and migrant crisis largely failed because there might have been *supply* of but not sufficient *demand* for German leadership services (hypothesis 1). Initially, the German government tried to ‘europeanise’ an asymmetric phenomenon which by many other EU member states was seen first and foremost as a German problem. This is in line with hypothesis 2a (‘Many other EU member states were only little or not at all exposed to migratory pressures.’). Indeed, the capacities and willingness among EU member states to accept and integrate refugees as well as the refugees’ own preferences to which country they wanted to go, were very different. The frame analysis has detected certain dominant patterns of interpretation, as promoted by different political actors: Whereas German policy-makers consistently spoke of both ‘refugees’ and ‘migrants’ when referring to the people coming to Europe, policy-makers mainly from Central and Eastern European countries overwhelmingly referred to ‘migrants’ or ‘economic migrants’ which moved to Europe on the search for better living conditions. Moreover, whereas German policy-makers stressed the shortcomings of the CEAS when referring to the causes of the crisis’ scale, policy-makers from other countries criticised Germany’s ‘open door policy’ and the liberal stance of chancellor Merkel on asylum as ‘pull factors’ for even more people to come to Europe. Consequently, and in terms of policy solutions, German policy-makers called for responsibility, solidarity, and greater burden-sharing, whereas policy-makers from other countries regarded the ‘German’ approach as politically wrong and hence favoured national measures to deter migrants from coming to Europe or from staying in their respective country.

Hypothesis 2b assumed that many national governments were not willing to agree on greater burden-sharing because they were facing political parties and populations which were sceptical towards refugees and migrants. In fact, Eurosceptic and anti-immigration parties had either been in government – as in some Visegrad countries, notably – and thus shaped national and European politics *per se*. In other countries, like France and the Netherlands, those parties considerably influenced the national political debate and the contents of electoral campaigns. In Austria and Italy<sup>18</sup>, the asylum topic led to changes in government with far-right parties now being parts of the government coalitions. To have an essential impact on national politics, however, anti-immigration parties must not necessarily be in government, and not even in parliament: The AfD only entered the Bundestag in September 2017. Yet, it is obvious that the party’s political presence made a major contribution to the German government’s shift from a rather liberal to a much more restrictive stance on asylum policy. With regards to hypothesis 2b,

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<sup>18</sup> As a borderline country, Italy had long called for a common European approach towards asylum and migration. During the crisis years 2015 and 2016, it supported most of the German and Commission’s policy proposals. Lately, however, the new Italian government – and notably interior minister Matteo Salvini – have taken an overtly anti-refugee and -migrant stance, while continuing to call for greater European burden-sharing. One might interpret this policy as an attempt to enforce solidarity among EU member states. I would like to thank one of the reviewers for bringing my attention to this point.

however, it must be noted that the presence and political influence of Eurosceptic and anti-immigration parties had been one of the *reasons* for some member states not to engage in greater burden-sharing, whereas in countries like Germany the rise of those parties was a *consequence* of the government's (mis-) management of the refugee and migrant crisis.

Moreover, this contribution comes to the conclusion that hypotheses 2c and 2d are less convincing in their explanatory power than the others: First, the argument of not having been sufficiently consulted can hardly be falsified (hypothesis 2c). It is quite a common pattern in EU politics for member states, especially after having been overruled, to complain about the 'domination' by other, often bigger and more powerful countries. In this regard, the expert interviews have revealed two different 'perceptions of reality': Whereas interviewees mainly from Central and Eastern European countries criticised that their governments had not been sufficiently consulted before and during the crucial negotiations and were not given the opportunity to make their concerns heard, interviewees from Germany and other 'Western' member states stated that they often encountered fundamental opposition on the part of the former countries and that any form of compromise on a more equal burden-sharing had not been possible. And second, the supposed 'U-turn' by the German government from supporting the EU's existing asylum system – and especially the Dublin rules – to making the argument for a fundamental reform (hypothesis 2d), surely weakened its negotiation position. Yet, as not least the Eurozone crisis has shown, refraining from former principles and crossing formerly established 'red lines' (e.g. no bailout clause, monetary financing, banking union) does not necessarily prevent national governments from successfully taking the lead in the EU. The analysis above has shown that the *asymmetric interdependence* between member states due to the different burdens of migratory flows, on the one hand, and the high *politicisation* of the asylum and migration topic in most member states, on the other hand, are more convincing for an explanation of why German political leadership largely failed.

This is not to say that German leadership did not happen. On the contrary, Germany *did* emerge as a leader and was able to – in conjunction with the European Commission and other member states – considerably influence and reform the EU's asylum system: For the very first time, for example, legally binding quotas for the relocation of refugees were adopted; EU authorities were given more competences to better protect the EU's external borders; and a political agreement with Turkey led to a significant decrease in refugees and migrants coming to Europe. Yet, German leadership fell short, not least in terms of its own initial aspirations and goals. The wide failure of German leadership in the EU's refugee and migrant crisis is closely linked to the relocation mechanism. It can be argued, in turn, that the latter failed in five essential ways:

First, the number of people to be relocated – compared to the total number of people arriving in Europe – was very small, and the actual *implementation* of the scheme was rather poor. Second, member states could only agree on the adoption of a very '*light*' version of the relocation scheme: In fact, the scheme was neither mandatory nor permanent nor automatically to be triggered, and member states not obeying to their legal obligations were not penalised in the form of fines. The German government wanted to go much further in each of those points. Third, and related to the first point, the relocation mechanism entailed *practical difficulties* as the borderline countries hardly managed to fully register the arriving people. Hence, the 160,000 refugees envisaged for relocation were not even physically 'available'. Fourth, and again related to the first point, the relocation mechanism did not really work because the *incentives* for refugees to move on to other countries were high. It is – and remains – very difficult to force people to stay in their allocated country. Most importantly, fifth, the relocation mechanism turned out to be *politically highly divisive*. It has de facto led to a fission between 'Western' and 'Eastern' member states which might turn out to be a huge hypothec for the further course of European integration.

In a broader sense, German leadership failed in a double way: First, the German government did not manage to convince (most of the) other member states to truly engage in a common goal or "common enterprise" (Burns), and it could create '*innovation*' in terms of a change to the status quo only to a very limited extent. Although the refugee and migrant crisis arguably has been a 'critical juncture' in

European integration history which challenged existing policies and frameworks and revealed member states' interdependence, it (so far) did not lead to major changes in the policy field. Second, the German government itself altered – or, as some would say: corrected – its initial policy approach: In the course of the crisis, it directed its attention from an *internal* management, mainly via a quota-based relocation scheme, to an *external* dimension that is, an enhanced cooperation with third countries and a stronger protection of the EU's external borders. The German government did so due to the ongoing opposition to common solutions at the European level and growing opposition at the domestic level. The clearest sign for the government's shift is the EU's agreement with Turkey which mainly was pursued and negotiated by German government officials. It seems as if Merkel eventually wanted this 'deal' at all costs.

## **Conclusion and outlook**

“In the summer of 2015, Merkel and Germany appeared to be at the pinnacle of international prestige, with positive perceptions of German leadership. Less than a year later Merkel had conspicuously failed to create a followership among other EU member states for her plans to deal with the [EU's refugee and] migrant crisis and was embattled domestically.” (Bulmer and Paterson 2017, p. 227) Indeed, the findings of this contribution contrast with most of the more lately literature on German EU politics which states that Germany considerably had shaped EU politics and often had 'uploaded' its national preferences to the European level. This in particular holds true for the Eurozone crisis which led some scholars to find a German leadership or even hegemony in EU politics.

Contrarily, when in early summer 2015 the EU and Germany in particular were facing considerable migratory pressures, chancellor Merkel moved to the centre of attention: With her comparatively liberal stance on asylum, she made the argument for common European actions to tackle the looming crisis, but with her major proposals she soon met resistance and open opposition across Europe. The main problem for the German government was that it found itself in the position of a *demandeur* for a common European approach and greater burden-sharing, not in the position of a mediator which would have been able to make compromises among opposing 'camps'. Germany, on the one hand, gained the support of important allies and managed to see a 'light' version of its most important and prestigious crisis management instrument – a relocation mechanism for refugees – to be implemented. Yet, most member states were reluctant to make it an instrument which would have had a truly noticeable impact on the crisis, both in terms of 'scope' (numbers of refugees) and of 'depth' (mandatory and unlimited in time).

Despite the different interpretations of the suitable policy solutions to the crisis, member states and EU institutions, by 2016, de facto had agreed on a stronger focus on the external dimension that is, the protection of the EU's *external borders* and an enhanced cooperation with *third countries*, and on a rather *restrictive approach* to asylum policy. This includes Germany as chancellor Merkel – from early 2016 onwards, at the latest – faced growing discount and political pressure 'at home'. For European policy-makers, though, the question had become dominant of how to noticeably and permanently reduce the number of refugees and migrants. The recent efforts of European and national policy makers (Merkel included) to agree with North and other African countries on return agreements for rejected asylum-seekers also point in this direction.

This contribution is mainly limited to the time period from May 2015 to March 2016. However, its findings allow for deducing some elements which may play an essential role in the further course of European integration: First, the dealing with the refugee and migrant crisis led scholars and policy-makers alike to note a '*solidarity crisis*' within the EU. European Commission president Jean-Claude Juncker, in his State of the Union speech in September 2016, stated that “much more solidarity is needed. But I also know that solidarity must be given voluntarily. It must come from the heart. It cannot be forced.” (Juncker 2016, p. 16) Certainly, the temporary non-application of European law (namely the Dublin rules) by some member states and the policy of 'free-riding' by others have created a general suspicion so that trustworthy cooperation between EU member states has become more difficult. In this

regard, Merkel's search at the informal European summit on migration on 20 June 2018 and in its aftermath for bi- or multilateral agreements with other EU member states (particularly Greece, Spain, and Italy) for the return of already registered asylum-seekers and though a form of deepened cooperation between only a limited number of member states outside the Community's legal and institutional framework, could represent a model for the future (on the tendency for intergovernmental rather than 'European' cooperation, see also Panizzon and Riemsdijk 2018).

Second, a '*sovereignty reflex*' of national governments was observable at various occasions in the politically sensitive field of asylum and migration. Namely the discussions on a quota system have given a new boost to the question of which importance and competences the nation-state should have within today's EU. Furthermore, the Dutch government already in 2016 had put forward the idea of a 'mini-Schengen' which would only be open to EU member states willing to engage in burden-sharing. The ongoing national border controls within the Schengen area and calls by policy-makers to transfer back policy competences in the field of asylum and migration from the EU to the national level threaten the *acquis* of a central achievement of the European integration process (Bauböck 2018; Lendaro 2016, pp. 150-151) and contain the risk of 'European dis-integration'.

And third, the political momentum for a '*ground-breaking*' reform of the CEAS already seems to be over. Not only has the number of asylum-seekers coming to Europe significantly gone down since mid-2016 but more importantly, also formerly 'liberal' countries (e.g. Germany, Sweden, Austria) have tighten their national asylum laws, and EU member states today seem farer away than ever from an overhaul of the current system. A possible 'Dublin IV' Regulation, as proposed by the European Commission in May 2016 which would lead to more solidarity, currently is under discussion but got stuck in the Council (Schmahl 2018). On the other hand, more recent discussions within the Council seem to indicate that in future times, every member state would have to engage at least in *some* form of burden-sharing – such as financial contributions to common EU funds or sending national border guards to support frontline member states. In this regard, ironically, a concept first developed and promoted by the Visegrad countries, namely that of 'flexible solidarity', might be a way to combine the apparent need for CEAS reform with the political reality of deep and enduring differences between member states, both in terms of migratory pressures and of policy preferences.

## **Bibliography**

- Bauböck, Rainer. 2018. 'Refugee Protection and Burden-Sharing in the European Union', in *JCMS*, vol. 56 no. 1, pp. 141-156.
- Benner, Thorsten. 2016. 'Europas einsamer Hegemon: Selbstverliebtheit ist nicht der Grund für Deutschlands Flüchtlingspolitik', in *Internationale Politik und Gesellschaft*, 8 February 2016, retrieved 1 July 2018, <http://www.ipg-journal.de/kommentar/artikel/europas-einsamerhegemon-1273/>.
- Biermann, Felix, Nina Guérin, Stefan Jagdhuber, Berthold Rittberger, and Moritz Weiss. 2017. 'Political (non-)reform in the euro crisis and the refugee crisis: a liberal intergovernmentalist explanation', in *Journal of European Public Policy*, doi:10.1080/13501763.2017.1408670.
- Börzel, Tanja A., and Thomas Risse. 2018. 'From the euro to the Schengen crises: European integration theories, politicization, and identity politics', in *Journal of European Public Policy*, vol. 25, no. 1, pp. 83-108.
- Böttger, Katrin, and Mathias Jopp (eds.). 2017. *Handbuch zur deutschen Europapolitik*. Baden-Baden, Nomos.
- Bulmer, Simon, and William E. Paterson. 2017. 'Germany and the Crisis: Asset or Liability', in Desmond Dinan, Neill Nugent, and William E. Paterson (eds.): *The European Union in Crisis*. Basingstoke, Palgrave Macmillan, pp. 212-232.
- Burns, James MacGregor. 1978. *Leadership*. New York, Harper and Row.
- Council of the EU. 2015a. *Outcome of the Council Meeting, Justice and Home Affairs, 11097/15*. Brussels, 20 July 2015.
- Council of the EU. 2015b. 'Council decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece'. *Official Journal of the EU, L 239/146*, 15 September 2015.
- Council of the EU. 2015c. 'Council decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece'. *Official Journal of the EU, L 248/80*, 24 September 2015.
- Council of the EU. 2015d. *Meeting of heads of state or government with Turkey: EU Turkey statement*. Press release, Brussels, 29 November 2015.
- Council of the EU. 2016. *EU-Turkey statement*. Press release, Brussels, 18 March 2016.
- Die Welt. 2015a. 'Die Grenzen der Solidarität in Europa'. *Die Welt from 15 May 2015*.
- Die Welt. 2015b. 'EU-Staaten einigen sich nach heftigem Streit nicht auf Asylquoten'. *Die Welt from 27 June 2015*.
- Die Welt. 2015c. 'Eine Union von Egoisten'. *Die Welt from 1 September 2015*.
- Die Welt. 2015d. 'Kriegsflüchtlinge willkommen'. *Die Welt from 4 September 2015*.
- Die Welt. 2015e. 'Deutschland setzt überraschend Quote durch'. *Die Welt from 23 September 2015*.
- Dinan, Desmond, Neill Nugent, and William E. Paterson (eds.). 2017. *The European Union in Crisis*. Basingstoke, Palgrave Macmillan.
- Elgie, Robert. 2015. *Studying political leadership. Foundations and Contenting Accounts*. Basingstoke, Palgrave Macmillan.

- European Commission. 2015a. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions: A European Agenda on Migration, COM(2015) 240 final*. Brussels, 13 May 2015.
- European Commission. 2015b. *Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, COM(2015) 286 final*. Brussels, 27 May 2015.
- European Commission. 2015c. *Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary, COM(2015) 451 final*. Brussels, 9 September 2015.
- European Commission. 2015d. *Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism [...], COM (2015) 450 final*. Brussels, 9 September 2015.
- European Commission. 2016. *Delivering on migration and border management: Commission reports on progress made under the European Agenda on Migration*. Presse Release, Brussels, 28 September 2016.
- European Commission. 2017. *European Agenda on Migration: Good progress in managing migration flows needs to be sustained*. Press release, Brussels, 6 September 2017.
- Fliegeauf, Mark T., Andreas Kießling, and Leonard Novy. 2008. 'Leader und Follower – Grundzüge eines inter-personalen Ansatzes zur Analyse politischer Führungsleistung', in *Zeitschrift für Politikwissenschaft*, vol. 18, no. 4, pp. 399-421.
- General Secretariat of the Council. 2018. *European Council meeting (28 June 2018), Conclusions*. Brussels, 28 June 2018.
- General Secretariat of the Council. 2016. *European Council meeting (15 December 2016) Conclusions*. Brussels, 15 December 2016.
- Grande, Edgar, and Swen Hutter. 2016. 'Introduction: European integration and the challenge of politicisation', in Swen Hutter, Edgar Grande, and Hanspeter Kriesi (eds.): *Politicising Europe: Integration and Mass Politics*. Cambridge, Cambridge University Press, pp. 3-31.
- Grimmel, Andreas (ed.). 2018. *The Crisis of the European Union: Challenges, Analyses, Solutions*. London, Routledge.
- Hooghe, Liesbet, and Gary Marks. 2009. 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', in *British Journal of Political Science*, vol. 39, no. 1, pp. 1-23.
- Hutter, Swen, Edgar Grande ,and Hanspeter Kriesi (eds.). 2016. *Politicising Europe: Integration and Mass Politics*. Cambridge, Cambridge University Press.
- Juncker, Jean-Claude. 2018. *President's Jean-Claude Juncker's State of the Union Address 2018*. Strasbourg, 12 September 2018, retrieved 19 September 2018, [http://europa.eu/rapid/press-release\\_SPEECH-18-5808\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-18-5808_en.htm).
- Juncker, Jean-Claude. 2016. *Authorised Version of the State of the Union address 2016: towards a better Europe – A Europe that protects, empowers and defends*, Strasbourg, 14 September 2016, retrieved 1 July 2018, <https://publications.europa.eu/en/publication-detail//publication/c9ff4ff6-9a81-11e6-9bca-01aa75ed71a1/language-en/format-PDF/source30945725>.
- Krotz, Ulrich, and Joachim Schild. 2013. *Shaping Europe: France, Germany, and Embedded Bilateralism from the Elysée Treaty to Twenty-First Century Politics*. Oxford, Oxford University Press.



- Krotz, Ulrich, and Richard Maher. 2016. 'Europe's crises and the EU's "big three"', in *Western European Politics*, vol. 39, no. 5, pp. 1053-1072.
- Laffan, Brigid. 2016. 'Europe's union in crisis: tested and contested', in *West European Politics*, vol. 39, no. 5, pp. 915-932.
- Le Monde. 2015a. 'Immigration : Valls s'oppose aux quotas européens'. *Le Monde from 19 May 2015*.
- Le Monde. 2015b. 'Hollande refuse les quotas de réfugiés'. *Le Monde from 21 May 2015*.
- Lendaro, Annalisa. 2016. 'A "European Migrant Crisis"? Some Thoughts on Mediterranean Borders', in *Studies in Ethnicity and Nationalism*, vol. 16 no. 1, pp. 148-157.
- Monar, Jörg. 2016. 'Justice and Home Affairs', in *Journal of Common Market Studies*, vol. 54, annual review, pp. 134-149.
- Müller Gómez, Johannes, Wulf Reiners, and Wolfgang Wessels. 2017. 'EU-Politik in Krisenzeiten: Krisenmanagement und Integrationsdynamik in der Europäischen Union', in *Aus Politik und Zeitgeschichte*, vol. 67, no. 37, pp. 11-17.
- Niemann, Arne, and Natascha Zaun. 2018. 'EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives', in *Journal of Common Market Studies*, vol. 56, no. 1, pp. 3-22.
- Nye, Joseph S., Jr. 2008. *The Powers to Lead*. Oxford, Oxford University Press.
- Okay, Asli, and Jonathan Zaragoza-Cristiani. 2016. 'The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus between the EU and Turkey', in *The International Spectator*, vol. 51, no. 4, pp. 51-66.
- Panizzon, Marion, and Micheline van Riemsdijk. 2018. 'Introduction to Special issue: "migration governance in an era of large movements: a multi-level approach"', in *Journal of Ethnic and Migration Studies*, DOI: 10.1080/1369183X.2018.1441600.
- Pastore, Ferruccio, and Giulia Henry. 2016. 'Explaining the Crisis of the European Migration and Asylum Regime', in *The International Spectator*, vol. 51, no. 1, pp. 44-57.
- Schmahl, Stefanie. 2018. 'Reformoptionen und Zielkonflikte in der Asyl- und Flüchtlingspolitik der Europäischen Union', in *integration*, vol. 41 no. 4, pp. 292-300.
- Schoeller, Magnus G. 2017. 'Providing political leadership? Three case studies on Germany's ambiguous role in the eurozone crisis', in *Journal of European Public Policy*, vol. 24, no. 1, pp. 1-20.
- Schoeller, Magnus G. 2014. 'Explaining Political Leadership: Germany's Role in Shaping the Fiscal Compact'. *EUI Working Paper RSCAS 2014/82*, San Domenico di Fiesole.
- Take, Marianne. 2018. 'Is the migration crisis a solidarity crisis?' In Andreas Grimm (ed.): *The Crisis of the European Union: Challenges, Analyses, Solutions*. London, Routledge, pp. 116-128.
- Tekin, Funda. 2017. 'Europapolitische Prioritäten Deutschlands in den Bereichen Innere Sicherheit, Asyl- und Einwanderungspolitik', in Katrin Böttger and Mathias Jopp (eds.): *Handbuch zur deutschen Europapolitik*. Baden-Baden, Nomos, pp. 341-356.
- The Guardian. 2015a. 'Angela Merkel is right.' *The Guardian from 22 August 2015*.
- The Guardian. 2015b. 'Europe set for bruising battle over sharing refugee burden.' *The Guardian from 4 September 2015*.
- The Guardian. 2015c. 'Divided European leaders meet to devise plan to tackle refugee crisis.' *The Guardian from 24 September 2015*.

- The Guardian. 2015d. 'Germany to push for compulsory EU quotas to tackle refugee crisis.' *The Guardian* from 23 October 2015.
- The Guardian. 2015e. 'Detain refugees arriving in Europe for 18 months, says Tusk.' *The Guardian* from 3 December 2015.
- Theodore, John, Jonathan Theodore, and Dimitrios Syrrakos. 2017. *The European Union and the Eurozone under Stress: Challenges and Solutions for Repairing Fault Lines in the European Project*. Basingstoke, Palgrave Macmillan.
- Thielemann, Eiko. 2018. 'Why Refugee Burden-Sharing Initiatives Fail: Public Goods, Free-Riding and Symbolic Solidarity in the EU', in *Journal of Common Market Studies*, vol. 56, no. 1, pp. 63-82.
- Tömmel, Ingeborg, and Amy Verdun. 2017. 'Political leadership in the European Union: an introduction', in *Journal of European Integration*, vol. 39, no. 2, pp. 103-112.
- Trauner, Florian. 2016. 'Wie sollen Flüchtlinge in Europa verteilt werden? Der Streit um einen Paradigmenwechsel in der EU-Asylpolitik', in *integration*, vol. 39, no. 2, pp. 93-106.
- United Nations. 2016. 'UNHCR viewpoint: "Refugee" or "Migrant" – Which is Right?' *Geneva, United Nations*, 11 July 2016, retrieved 1 July 2018, <http://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpointrefugee-migrant-right.html>).
- Van Esch, Femke A. W. J. 2017. 'The paradoxes of legitimate EU leadership. An analysis of the multi-level leadership of Angela Merkel and Alexis Tsipras during the euro crisis', in *Journal of European Integration*, vol. 39, no. 2, pp. 223-237.
- Visegrad Group. 2016. *Joint Statement of Heads of Governments of the V4 Countries*. Bratislava, 16 September 2016.
- Zaun, Natascha. 2018. 'States as Gatekeepers in EU Asylum Politics: Explaining the Non-adoption of a Refugee Quota System', in *Journal of Common Market Studies*, vol. 56, no. 1, pp. 44-62.

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