

EDITORIAL

Answering the Call of History: It's the Migration Policy ¹

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The sheer facts are alarming: A record high of 108.4 million forcibly displaced worldwide, 29.4 million refugees under UNHCR's protection, 5.7 million fleeing Ukraine in just one year, becoming the largest forced displacement crisis in terms of magnitude and velocity in 2022 (UNCHR 2023: 7-8). Neither with respect to the war in the Ukraine nor in general is there any indication that things might change to the better, soon. Quite the opposite:

“New and ongoing conflicts continue to force people to flee in 2023. During 2023, more than 1 million people have been forced to flee their homes in Somalia due to conflict, floods and drought. In April, conflict erupted between competing armed forces in Sudan and is already having devastating effects on the civilian population, including the over 3.5 million internally displaced Sudanese and 1.1 million refugees hosted in the country. At least 190 children have been killed in the fighting, and the number of acutely food insecure people in the country is estimated to be set to increase by more than 2 million in the next three to six months. As of end-May 2023, an estimated 1.2 million people had been newly displaced within the country and a further 378,300 had fled to neighbouring countries. By the end of May 2023, the number of people forcibly displaced within Myanmar increased by 331,600 from the end of 2022 to stand at 1.8 million,³⁸ while the number of internally displaced people in the Democratic Republic of the Congo climbed to 6.2 million.³⁹ UNHCR's global estimates of refugees and asylum-seekers reached 35.4 million by the end of May 2023.” (UNHCR, 2023: 10 [footnotes omitted]).

The number of irregular border crossings at EU's external borders rose by 18% in the first eight months of 2023, the highest turnout since 2016, which was primarily due to an almost doubling of arrivals through the Central Mediterranean route (+96%), correspondingly raising the number of dead and missing migrants to a new high since 2016, too (2,749 as of Sept. 15) (IOM, 2023). The return of refugees, while remaining a durable solution for some, is outnumbered by new refugees by the factor of 22, leading to protracted displacement in most cases (UNHCR, 2023).

Countries having been envisioned being partners in the European Union's external migration policies, disqualify by experiencing coups d'état in the Sahel (since 2020 two in Mali, two in Burkino Faso, one in Guinea, one in Niger) (Haidara, 2023) or by their authoritarian or failing State character in Northern Africa, leading to maltreatment respectively ruthless detention and pushback measures against migrants (Ben Bouazza, 2023; Human Rights Council, 2023).

Leaving receiving States with few morally and legally indisputable options to actually “manage” arrivals, this plays into the hands of antidemocratic movements propagating

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accelerated asylum procedures at the border if not externalization (cf. in this issue Hoffmann, H. [2023]. Selected Developments related to Migration, pp. 299-315).

Fear of an uncontrolled influx of migrants has been the fuel for the rise of right-wing nationalist parties and governments in Europe for a decade – long enough to reshape institutions and the perception of large parts of the youth (cf. in this issue Franz, B. [2023]. Youth Extremism in Budapest, pp. 225-250) but also to an overall attack on the institutions of free movement within the EU and humanitarian protection at its borders under the cloak of combating the COVID-19 (cf. in this issue Friedery, R. [2023]. New Crisis, same Attitude, pp. 250-265). Again and again, it is up to the European courts to protect fundamental freedoms and rights under European law and to correct violations to some extent (cf. in this issue Hofmann, H. [2023]. European Jurisdiction on Refugee and Complementary Protection, pp. 283-299). However, the massiveness and multiple inconsequentiality of violations pose a real danger to the idea of a European area of freedom and the rule of law – and do not herald anything good for the coming elections at national and European levels.

This makes it all the more important to rely on scientific findings, e.g. that the creation of resources and resilience in countries of origin and first refuge not only is a humanitarian imperative but has all the potential to incentivize remaining in the region and to counteract onward migration (cf. in this issue Adem, A.M. et al. [2023]. Forced Migration and Resilience in the EHAGL Region, pp. 200-224) – and that accepting migration as a factum by receiving societies could lead to a win when proactive integration measures are taken (cf. in this issue Anderson, P. [2023]. “Give me a chance!”, pp. 266-282).

It remains to be seen whether the necessary unity which EU Commission President Ursula von der Leyen invoked in her State of the Union address “Answering the Call of History” on 13.9.2023 (European Commission, 2023) will lead to a success of the New Pact on Migration and a reform of European refugee policy and law that lives up to challenges, potentials and morals alike.

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