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Controlling migration whilst preserving human rights

# Reshaping migration and asylum in Europe

Interview with Gerald Knaus, Founding chairman of the European Stability Initiative (ESI), Berlin

*The reform of the Common European Asylum System (CEAS) is in full swing. If enacted, the legislative proposal would have a serious impact on the individual right to asylum and human rights for refugees in the EU. We spoke with the migration researcher and author Gerald Knaus, who heads the think tank European Stability Initiative (ESI) in Berlin.*

**The European:** Mr Knaus, our societies are overwhelmed by the challenge of increasing migration. Will Europe with its current CEAS project abandon the principles of human rights?

**Gerald Knaus:** First, we must distinguish between legal and irregular migration, and between migrants and those who come because they flee persecution or war as refugees.

**The European:** Are you thinking of refugees from Ukraine, who obtain temporary protection in the EU for the duration of the war?

**G. Knaus:** Yes, let's take the example of Germany: in 2022, the country saw a historic record of arrivals, mostly refugees, women and children who arrived legally, without smugglers, following a decision the EU took unanimously in

early 2022 to allow Ukrainians not only to come in as tourists without a visa, something that they could do before, but to obtain temporary protection in the EU for the duration of the war. Presently, there are more than 4.6 million Ukrainians in the EU.

**The European:** And there is the issue of irregular migration.

**G. Knaus:** Irregular migration is often a huge risk to those who arrive, across the Mediterranean or land borders in the east. Last year, 260,000 people crossed the Mediterranean into the EU, more than in 2022. There were many tragedies, such as the sinking of a boat that cost hundreds of lives off the coast of Greece. But it was not a high number compared to the Ukrainians refugees who arrived.

**The European:** The CEAS reform is now presented as a tool to reduce this irregular migration.

**G. Knaus:** It is unlikely to do so. But the status quo is not acceptable either. At the moment, international law is being violated at many of the EU's external borders. For a Union committed to the rule of law, it is an unacceptable status quo.



**The European:** *But the fear of losing control is rampant. Have we Europeans lost the quality of empathy?*

**G. Knaus:** Europeans are capable of empathy and subject to fears of loss of control like Canadians, Australians, or Turks. However, no democracy in the world has open borders for anyone who wants to immigrate. All democracies need policies on how to control irregular migration. But democracies committed to the respect of human dignity need strategies that are respectful of human rights, including the right of an asylum seeker not to be put in danger. The challenge is how to implement humane control of migration. Pushbacks are not humane, as we have seen in cooperation with Libya since 2017.

**The European:** *That's what you meant when you wrote in one of your last books that borders "must be designed humanely". How can this work?*

**G. Knaus:** Take irregular migration across the Mediterranean as an example. To reduce this without violating human rights, there is only one option: cooperation with third countries. It is baffling to me that this is not more widely recognised. Consider a boat that leaves north Africa. Italy can ignore it. Whoever leaves and does not drown will then arrive in the EU. There is no control. Or Italy can try to get Libyan or Tunisian authorities to stop such boats by force and bring those spotted at sea back to their coasts...

**“At the moment, international law is being violated at many of the EU’s external borders. For a Union committed to the rule of law, it is an unacceptable status quo.”**



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**The European:** *...but neither in Libya nor in Tunisia basic human rights are respected, so this is not humane control!*

**G. Knaus:** Right, that's why a third option is to rescue anyone who arrives, and to send a signal that this is not a way to get into the EU because from a cut-off date those who arrive will be taken to a safe third country. If they seek asylum, a safe third country must be a place where they can do so. If this is done credibly, it should quickly reduce departures. It requires partners, and only if these are truly safe is it in line with international law. I am convinced that this can work and save thousands of lives, but it is a challenge.

**The European:** *Mr Knaus, you are the brainchild of the 2016 EU-Turkey agreement, which still works. The EU is aiming for something similar with other countries in Africa. Might this work? What is it ultimately about?*

**G. Knaus:** What I just sketched was the idea behind the EU-Turkey statement: a cut-off point, 18 March 2016, after which Turkey was willing to take people back, plus respect for human rights, requiring Greece to carry out an assessment of whether Turkey was in fact a safe third country for any individual to be returned there. Despite difficulties in implementation, which I analysed in a chapter of my book "What borders do we need?", the statement reduced irregular migration almost immediately and dramatically and saved a lot of lives.

**The European:** *Do you have some figures for our readers?*

**G. Knaus:** In the twelve months before 18 March 2016, some 1,100 people drowned in the Aegean Sea. In the twelve months after, the number was below 100. Similar agreements might be reached with African countries, which, like Turkey, must see an interest in this for themselves. The goal is the same: fewer deaths at sea, fewer irregular departures.



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**The European:** *Thank you, Mr Knaus, for your wise comments.* ■

**Gerald Knaus** is the European Stability Initiative's (ESI) founding chairman. Born in Austria, he studied in Oxford, Brussels, and Bologna. He then taught university economics in Ukraine and spent 10 years working for NGOs and international organisations in Bulgaria, Bosnia and Kosovo. He is a founding member of the

European Council on Foreign Relations and was an Associate Fellow at the Carr Center for Human Rights Policy at Harvard University's Kennedy School for five years. Gerald Knaus is the author of several books on migration and human rights, and in 2021 he received the Karl Carstens Award by the German Federal Academy for Security Policy.