

Policy Brief

Europe to the rescEU:

The missing piece in EU migration management is civil protection

Marie Walter-Franke, Affiliate Policy Fellow¹

14 July 2020

#rescEU
#CivilProtection
#Asylum

There is more than one solution to complex problems. While the EU struggles to solve the debate on asylum responsibility-sharing, Marie Walter-Franke proposes that rescEU, the European civil protection reserve, could become a complementary tool to face migration-related emergencies. Civil protection is a policy on the rise by which the EU provides tangible solidarity in crisis situations. After weighing the potential and limitations of using rescEU in the context of migration, Marie outlines three scenarios: (1) what can be done under the status quo; (2) how activation procedures could be streamlined; and (3) establishing a rescEU agency.

Introduction

In late February 2020, Turkey announced that refugees would be let through to Greece. The situation escalated into the so-called “Evros crisis”. On March 3rd, after contemplating the commotion from a helicopter, Commission President von der Leyen announced €700 million in emergency support for what she named the “European shield”. Between February 29th and March 8th, 41,600 persons were reportedly turned back from the fortified border. Evidence of unlawful detention and illegal pushbacks involving violence has been mounting since, with Greece and Croatia in the spotlight. The “Evros crisis” demonstrated that, facing pressure, the EU has limited means to counterbalance the action of member states, making itself complicit of grave fundamental rights violations. In the current political climate, no paradigm shift on border management can be expected. Nevertheless, can the EU’s handling of migration on the border become more humane and honour fundamental rights?

¹ Research for this paper was generously funded by the Charlemagne Prize Academy.

Members of the European Parliament are pressing for accountability. On July 6th 2020, the Greek government, Frontex and Home Affairs Commissioner Johansson were [questioned](#) about the lethal use of force in border enforcement. Johansson [promised](#) that the EU would develop mechanisms to monitor push backs and fundamental rights enforcement on the border, an essential step to improve the accountability of Frontex and national border guards, as Lucas Rasche recommends [here](#). In my view, even if border enforcement can be monitored effectively, a crucial missing piece remains in the EU's migration management. The Union needs to be able to intervene tangibly to enforce fundamental rights during high influx situations, preventing EU border policies from causing or aggravating humanitarian emergencies. I propose here that rescEU, the EU's civil protection reserve, could fill this gap.

EU solidarity is not tangible enough in migration-related emergencies

EU citizens “expect the EU to act during a crisis”, as [stated](#) by Commissioner Janez Lenarčič last June. Indeed, in a [special barometer](#) from 2017, 89% of the respondents stated that they would expect the EU to help if their region were hit by an emergency.

Did the EU help during the so-called “refugee crisis”? It tried. Hotspots were set up in Greece and Italy for the processing of asylum claims, and an emergency relocation programme was adopted. Financial support was mobilized from a variety of EU funds (see overview [here](#), from p. 117), and the EU increased the capacity and field presence of its relevant agencies (in particular Frontex and the European Asylum Support Office, EASO). Under the Union Civil Protection Mechanism (UCPM), material support committed by 20 participating states (such as housing containers, jerrycans, blankets and hygiene supplies) was deployed to countries on the Balkan route, including Greece.

In addition, [€643.6 million](#) were invested in Greece under the [Emergency Support Instrument](#) (ESI), a mechanism created in 2016 to provide emergency aid to EU countries. As mentioned, another [€350 million](#) – extendable up to €700 million – were committed under the ESI during the Evros crisis. The amount of resources mobilised is thus tremendous. Still, Southern EU countries feel left alone to deal with an impossible burden.

On the ground, EU action during the “refugee crisis” did not suffice to handle the situation humanely or sustainably. On the Greek islands, the camps are still there. Five years on, living conditions remain abhorrent, in complete breach of EU minimum reception standards. The relocation of 1,600 children from those camps, [agreed](#) on 6th March 2020, is progressing at a disconcertingly slow pace. The situations of asylum-seekers stranded along the Balkan route has grown even more dire. Even in modest numbers, handling the disembarkation of persons rescued at sea consistently leads to collective action problems. Rises in numbers of spontaneous arrivals, as during the Evros crisis, create panic as there still is no functioning solidarity system. As a result, EU action is unbalanced and fails to meet citizens' expectations.

Civil Protection is tangible solidarity, and its relevance is rising fast

How can the EU display solidarity tangibly? So far, the debate has concentrated on the distribution of refugees. Negotiations on responsibility-sharing are still ongoing, and the publication of a new Pact on Migration and Asylum, delayed several times, is now expected after the summer recess. As it is uncertain whether solidarity can be established satisfactorily, I suggest looking at complementary approaches. The EU needs to be able to intervene in humanitarian emergencies, ensuring that access to fundamental rights is guaranteed on the border. In my opinion, strengthening EU civil protection policy could help reach that goal.

Civil Protection bears great potential for the EU to meet citizens' expectations of tangible solidarity in times of crisis. The Union Civil Protection Mechanism's budget and structures have [steadily grown](#) since its creation in 2001 and its entry in primary law with the Lisbon Treaty, with an Emergency Response Coordination Centre (ERCC) in Brussels, a yearly budget of [over €500 million](#), a dedicated software (CECIS) and a pool of resources committed by member states structured in a set of modules for various types of emergencies. In 2019, the UCPM was enhanced with rescEU, a European reserve of disaster response capacities, whereby the EU co-finances reserve capabilities (equipment, material and experts) ready to be mobilised to face disasters and emergencies in the Union. RescEU was activated twice since its creation, to combat forest fires and create reserves of medical equipment during the Covid crisis.

Because helping in crisis is the most tangible display of solidarity, civil protection also became a key part of the post-lockdown recovery package proposed by the Commission in June 2020. One of the [highlighted measures](#) is "a €2 billion reinforcement of rescEU, the Union's Civil Protection Mechanism, which will be expanded and strengthened to equip the Union to prepare for and respond to future crises."

Can rescEU fill the gap in EU migration policy?

Are migration-related emergencies eligible for rescEU missions? Yes: The mandate of the UCPM is formulated very broadly. Formally, the capacity pool and rescEU can be activated in migration-related emergencies, to prevent the loss of life or extensive material damage. This already happened twice: in 2015-16 to respond to the "refugee crisis" and in March 2020 to help prevent a Covid-19 outbreak in the Greek camps.

Is civil protection the right approach? It can be. Activating the UCPM and rescEU could help member states meet humanitarian needs better, preventing crises from escalating into protracted emergencies. Responding to high influx with civil protection measures would help disconnect emergency management from the ulterior migration policy agenda by distinguishing first response from downstream security and triage-oriented measures. As such, civil protection would be a complementary piece in the crisis management puzzle, next to EASO's work on asylum processing, Frontex's border enforcement, and the Fundamental Rights Agency (FRA)'s fundamental rights monitoring.

Would there be a constituency to support this approach? Potentially. A significant number of member states are concerned about human rights violations on external borders and are looking for answers with concepts like [border processing centres](#). They could be persuaded to participate in other complementary solutions. On the receiving end, the high numbers of activation requests of UCPM from member states indicate that they are politically willing to use EU help and solidarity.

Is rescEU suitable to meet the gap? With reservations. As it grows in relevance, rescEU is likely to suffer from a gap between expectations and capabilities. Civil protection is a parallel competence of the EU, meaning that the Union can only support the action of member states. RescEU missions can only be implemented as a last resort, when all other national and European measures, including under the UCPM, have been exhausted. In addition, participation is voluntary for members of the UCPM, and the receiving member states must first request help and then accept the offer made by the EU and participating states.

Europe at the rescEU? 3 scenarios.

Scenario 1: Using existing tools

Building upon past cooperation under the UCPM, willing member states should pool resources and create EU-funded reserves, so rescEU is ready to intervene in another crisis, be it a new increase in sea crossings or renewed pressure on the land borders. Fortunately, the resources needed for first responses in high influx situations overlap with the resources planned to be procured to answer to health emergencies and natural disasters. For migration-related emergencies, the capacities needed include emergency accommodation suitable to cater to traumatised, minor and vulnerable persons, the provision of mental and physical first response care, and a pool of trained interpreters. Liaison with asylum services, social services and authorities in charge of security screenings should be well-prepared to function during emergencies, building upon the lessons-learned from the last 5 years. Search and rescue missions could also become organised as part of the UCPM.

The advantage of the UCPM is that the design of preparedness measures as well as emergency response are quite flexible. In addition, there is no need to try and build big majorities from the start as even small groups of member states can take action. The flip side, however, is that the sensitive nature of migration cooperation make it uncertain that a sufficient number of member states would commit on a common response to high influx situations. In addition, pertaining to the legal framework governing rescEU, all alternative measures would have to be exhausted first, which might limit the possibility to act in a timely manner.

Scenario 2: Streamlining the activation of rescEU

Scenario 2 would see an increased centralisation of civil protection at EU level. In the original rescEU proposal, the Commission had requested to play a stronger role in managing rescEU capacities and interventions, (cf. analysis by Federico Casolari [here](#)). With the recovery package proposal, the EU's role in civil protection would increase: it would invest more EU budget in this area, procure equipment directly, and dispose more autonomously of supportive logistical capacities – see details [here](#).

In the upcoming reform of the UCPM, the activation procedure could be optimised by reducing the number of steps between the request for help and the delivery of assistance. In addition, establishing a pool of EU-funded resources ready for use in a high influx situation might make it easier to activate rescEU at a scale that would make a genuine difference in practice. In addition, the European Parliament could play a stronger role if it could request the launch of a mission. The EP could also enforce democratic scrutiny over EU action and hold the Commission and member states accountable.

While the interpretation of the supporting competence of the EU in civil protection is evolving towards more flexibility and stronger EU action, the extent to which the UCPM and especially rescEU can be reformed remains limited under the current Treaties. There can be no EU civil protection interventionism, as the EU can only act as a last resort where national means and other EU means are exhausted. For timely emergency response in sensitive policy areas like migration, this may not suffice.

Scenario 3: A new rescEU agency for civil protection

EU citizens want tangible solidarity and expect the EU to help in emergencies. There is thus no doubt that direct intervention of the EU to help solve emergencies on EU territory is the future. All governance levels can win big by pooling their resources in this field. In the next Treaty reform, stronger EU competences to prepare and implement common answers to man-made and natural emergencies are likely.

There are two options for the future of civil protection. One, envisaged in [the White Paper process](#) in 2017, was to design civil protection as part of a Common Security and Defence Policy. The alternative I see gaining in relevance is to reframe and consolidate the EU's humanitarian and civil protection competences, clarifying the relationships between various types of funding and how actors cooperate in these policy areas.

A way forward would be to take rescEU to a whole new level, transforming UCPM into a dedicated EU civil protection agency. The rescEU agency could take over the management of the ERCC, the risk civil protection network and the training programme. To act effectively, it should dispose of the necessary operative capabilities to be able to intervene in support of member states during emergencies, including in case of high influx at the external border. This could take the shape of a European civil protection force and EU-owned material resources. These personal and material resources should remain distinct from those of other agencies, also working in the area of asylum and migration but with a different mandate (in particular Frontex and EASO), in order to close the current gap in EU action. The agency would work under the supervision of a dedicated Commission body managing funding and procurement, and under the oversight of the European Parliament.

Conclusion: a stronger rescEU for a balanced migration management on the border

By improving preparedness, transnational cooperation and transparency in handling emergencies, a stronger European civil protection policy could make a genuine difference in the quality of the EU's response to high influx situations. By acting tangibly to guarantee fundamental rights in emergencies, the EU could alleviate the collateral damage caused by its border policies and the disproportionate burden faced by member states on the external borders.

An approach based on civil protection would be a “fresh start”, shaping European first response to emergencies in coherence with the core EU values of solidarity and fundamental rights. That said, finding more balance for EU migration management on the border does not solve the downstream policy issues of asylum processing, responsibility-sharing and return. European solutions remain needed here to effectively prevent protracted humanitarian crises on EU territory.

Hertie School gGmbH • Chairman of the Supervisory Board: Bernd Knobloch • Chairman of the Board of Trustees: Frank Mattern • Academic Director: Prof. Dr. Henrik Enderlein • Managing Director: Dr. Axel Baisch • Registered Office: Berlin • Trade Register: Local Court, Berlin-Charlottenburg HRB 97018 B • Hertie School – founded and supported by the non-profit Hertie Foundation