The refugee crisis and the limits of administration

Björn Christian Paterok highlights the difficulties for day-to-day crisis management in the administrative context of Germany

Transboundary crises stretch administrative capacities to their limit – and beyond. The TransCrisis project suggests that certain key tasks can be identified that will make it less likely that a crisis will be seen as being mismanaged. The challenges of transboundary crises do not just relate to their impact across boundaries, but that they occur within a multi-organizational context. What, then, are the challenges in transboundary crisis management, looking in particular at the refugee crisis management responses that have emerged over recent months in Germany? This article cannot do justice to the multi-layered challenges that arise from the refugee crisis. However, by focusing in particular on the administrative side of crisis management, the following offers a particularly insightful case, not just because of the salience of the issue in domestic and EU politics across the European continent and beyond. The need for inter-governmental co-ordination within Germany raises particular problems as crisis management is a constitutional matter for the Länder (states), as well as between Germany and its neighbouring countries.

Take information first. One challenge is to know how many refugees are likely to arrive at any given time. As is well known, two routes have been taken by refugees – one via the Mediterranean which generated the tragic headlines in the first half of 2015 in particular, the other, via Turkey and Greece that has become increasingly prominent in terms of traffic flows. However, it is not just the geography of the flow that has changed. Whereas the route via the Mediterranean mostly attracted male refugees, the route via the Balkans has seen a much larger share of families. One explanation for such changes is arguably the overall safety of the latter route in contrast to the former, another the increasing reluctance by EU member states, especially Germany, to offer families the opportunity to be reunited later. Be

that as it may, there are ways in which to monitor refugee flows and thereby prepare capacities accordingly (see UNHCR). However, such trends can only offer so much advance information: unilateral decisions by other countries' governments or a strike by ferries or among bus drivers in Greece and/or Macedonia can disrupt refugee flows for days.

This leads straight to the problem of co-ordination. Crisis management is institutionalized across German federal and Land (state) administrations. Across Länder, provisions exist that allow units flexibly and temporarily to become crisis centres by drawing on additional resources. Plans exist as to how these crisis units should interact with other departments and levels of government. Such plans face difficulties when having to negotiate across different ministerial portfolios. They also come under strain as public pressure increases and the limits of initial arrangements become apparent. For example, at the federal level, following considerable criticism, the overall responsibility for dealing with the refugee crises was moved from the Interior ministry to the Chancellery in November 2015 by taking on responsibility for the initial registration, accommodation and redistribution of arriving refugees. The federal ministry for the interior continued to be responsible for asylum, the ministry for transport was responsible for the transport of refugees to initial and subsequent accommodation, whereas the ministry for labour was tasked with labour-market integration measures and the defence ministry for the accommodation of refugees in federal property.
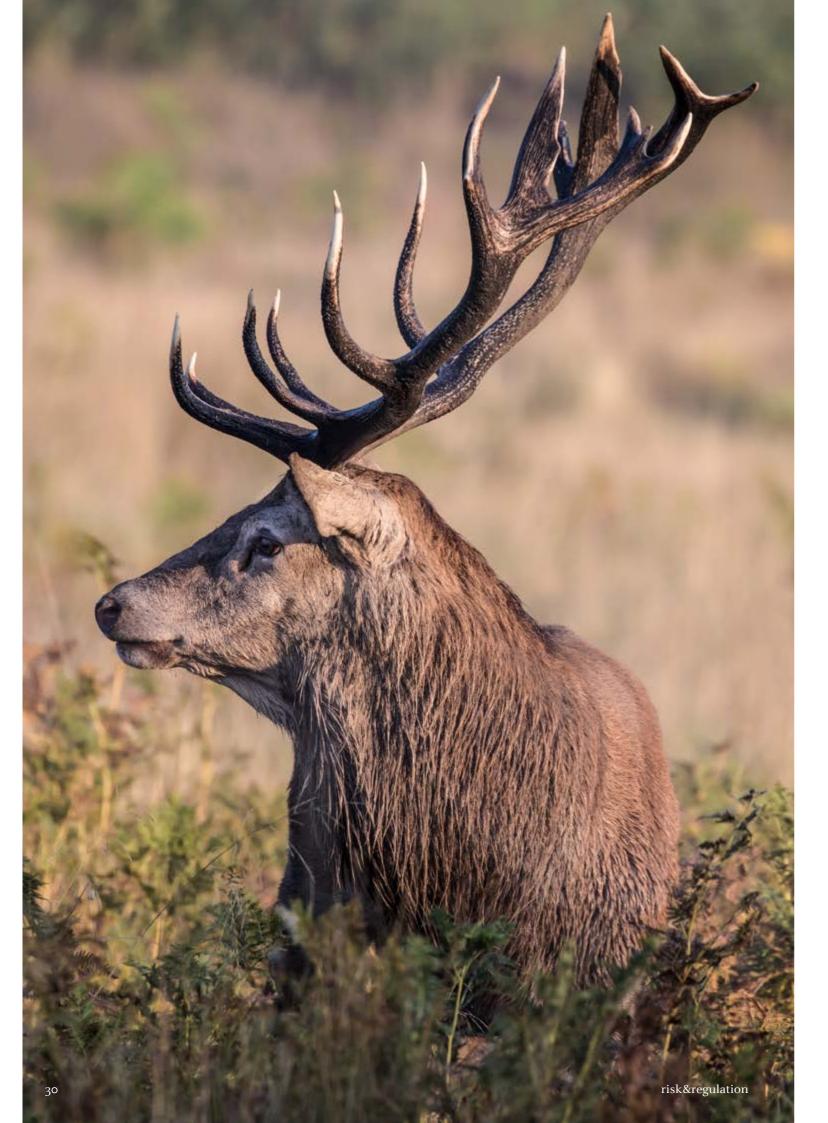
The actual strain on administrative capacities emerged in particular as refugees increasingly arrived via the 'Balkans route'. This meant that almost all refugees arrived in Bavaria, placing the regional and local administrations under considerable strain, especially during the late summer months of 2015. This strain led to two responses.

One was an informal agreement with Austria. In exchange for the promise to accept refugees by not insisting on the 'Dublin convention', Austria agreed to transport only a certain number of refugees (250 per hour) to a limited number (five) of particular border locations. This enabled the German administration to register and manage refugee flows.

The second response was an inter-governmental agreement among Land prime ministers to share out refugees. In September 2015, the responsibility for redistributing refugees was transferred to the federal level, in particular to the Federal Office of Civil Protection and Disaster Assistance (Bundesamt für Bevölkerungsschutz und Katastrophenhilfe – BBK). Since then, the refugee crisis has been arguably 'normalized' in a continued state of relative uncertainty. Germany was divided into five administrative areas to facilitate co-ordination at the highest level. Rail and bus capacities have been provided to transport up to 15,000 refugees. One priority was that 'ordinary' transport (such as the railway timetable) should not be interrupted. Responsibility for this aspect of the refugee crisis was transferred to the Bundesamt für Güterverkehr – a federal agency responsible for monitoring and controlling freight traffic. This, in turn, had an impact on co-ordination, as this agency's style was seen as far more hierarchical than the consensual decision making that is characteristic of the crisis management domain.

Once refugees had been distributed to the different Länder other co-ordination challenges appeared. Refugees were first registered and their medical health assessed. After that, they were moved to local authorities (with considerable differences across Länder) where they were usually placed in communal temporary accommodation, such as youth hostels, school gyms and other forms of vacant accommodation. At this point, refugees came under the responsibility of the agency

responsible for asylum. The aim here was to ensure that those whose asylum request had been granted were able to enter the labour market as soon as possible, with individuals being able to move freely across Germany. One of the emerging pressures on the system was, therefore, the coping and speeding up of asylum applications and transferring successful cases to the federal agency responsible for employment. Earlier, in September 2015, in the light of criticism regarding the slow registration process, the head of the responsible agency for migration and refugees (Bundesamt für Migration und Flüchtlinge) was replaced. The incoming head (Frank-Jürgen Weise) continued as head of the federal agency for employment. The functional explanation was that such an arrangement would enhance administrative processes to facilitate the integration of asylum seekers into the labour market. By early 2016, over 770,000 refugees were awaiting a decision regarding their asylum status. This backlog existed despite the expansion of processing capacity (from 600 to 6,000 individual requests per day). In parallel, there was also a noticeable change in the ways different Land governments started to enforce deportation orders (about 5 to 10 per cent of all requests were rejected). In contrast to previous practice, Land governments of all party political colours began to deport more extensively.

Underpinning all these practices is a high degree of ambiguity about actual numbers. The official system ('EASY' - Erstverteilung von Asylbegehrenden) claimed, for example, that Germany had received 1,091,894 asylum seekers during the whole of 2015, whereas an alternative recording system noted that 1,056,125 refugees had been 'received' via the federal redistribution system since 7 September 2015 alone. The latter number did not include other refugees outside the system which also involved an uncertain number of refugees who registered on multiple

sites and occasions. The problem of multiple registrations was accentuated by EASY, as it registered refugees on the basis of nationality, gender, and family status, but not by name and biometric authentication. One effect of EASY was to concentrate certain nationalities of refugees in particular locations. EASY- generated numbers were used to distribute refugees according to a particular system, called the Königsteiner Schlüssel which calculated each respective Land's obligation on the basis of tax income (two-thirds) and size of population (one-third). This system was copied from an inter-governmental arrangement to allocate research resources.

Since the terrorist attacks in Paris in November 2015, the question of having a robust system of registering each refugee has risen on the agenda, although it was never far away even before those events. Difficulties with tracing individual refugees and with multiple identities being exploited, concern rose further on the agenda following the killing of an armed individual suspected of being an ISIS sympathiser in Paris in January 2016, and the arrest of a suspect in a German refugee facility one month later. Since late 2015, the federal authorities have started to develop more extensive registration requirements for all refugees – earlier attempts were faced with problems as refugees were unable to present papers and only limited checks could be conducted. At the time of writing, there was enough capacity to register 5,000 refugees per day. However, there has been no uniform system for sharing information, and, as of early 2016, information taken by federal authorities at the point of initial registration in Bavaria could only be fully accessed by police forces, not by Land administrations. However, over time, there was a gradual and ad hoc adoption of a common information system that allowed a close monitoring of refugees' movements within and outside refugee homes and centres. Even then, ref-

ugees moved across European borders (and back), creating further challenges for systems of monitoring and managing refugee flows.

The day-to-day management of refugees offers distinct insights for transboundary crisis management even when it is not the focus of high level political debates, EU summits or geopolitical conflicts. It has the potential to generate different crises, such as the impact on the refugees themselves, the potential for social unrest as refugees' destinies remain uncertain, or more broadly, the uncertain consequences for social integration. It highlights the difficulties of adjusting to an unforeseeable situation when the limits of administration are quickly exposed, and where much of the coping relies on the inherent resourcefulness of individuals to leave their comfortable life in the office cubicle to work on the front line and span organizational boundaries, and to co-operate on the basis of direct contact rather than (absent) procedural requirements. The refugee crisis offers a perfect example of crisis management in action. It highlights both the substantial resources and flexibilities within the German federal system, and the limits of co-ordination where territorial and organizational jurisdictions and decision making styles clash, where 'control' is hardly possible in the face of numbers and the lack of technologies, and when political decisions elsewhere and future refugee flows remain unpredictable.

Reference

UNHCR <http://data.unhcr.org/mediterranean/country.php?id=502> (last accessed 29 February 2016)

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