

THE GOOD, THE BAD AND THE UGLY: UKRAINE'S REFUGEE CRISIS AND THE (B)ORDERING OF EUROPE

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ABSTRACT

Europe appears to be experiencing a 'we are all in this together' moment in the face of the ongoing Russian invasion of Ukraine with an unprecedented show of solidarity towards asylum seekers. For sure, it ticks several political boxes for Europe: from presenting a unified front against Russia and seeking to strengthen regional stability to salvaging its own image as a normative actor with an incentive to shape the discourse on rights and responsibilities. But this seemingly golden moment of solidarity has a dark side to it. It paradoxically speaks of Europe's abdication of, and not adherence to, universal refugee protection norms. The feel good narrative also conceals entrenched hierarchies of protection that are aimed at keeping out the 'outsider' (read non-European). The brief will look at how institutionalised biases within EU's decision-making process are changing the notion of the border in fundamental ways with enormous consequences for the rights of the vulnerable.

THE 'GOOD' REFUGEE

Russia's ongoing invasion of Ukraine and the resulting humanitarian crisis has seen an unprecedented movement of nearly four million refugees beyond the borders to neighbouring countries. What has also been unprecedented has been the show of solidarity in Europe towards the unfolding refugee crisis. For instance, the European Council unanimously activated the Temporary Protection Directive, invoked for the first time since the 1990s, that provides for three years of residency in EU countries, complete with rights to the labour market, housing, medical assistance and education for children. The European Commission also announced € 3.4 billion in recovery funds in late March to help host countries meet the costs of the influx of refugees. The Polish Parliament passed a Special Law in March that granted refugees from Ukraine the right to legally stay in Poland for 18 months. Ukraine's neighbours in eastern Europe have taken in hundreds of thousands of asylum seekers. The numbers speak for themselves with Poland hosting 2,337,000 refugees followed by Romania (609,000), Slovakia (281,000), Hungary (365,000) and Moldova (387,000) by the end of March.

On the face of it, this appears to be a shot in the arm for EU's dysfunctional refugee policy, giving it a sense of purpose and solidarity. For sure, it ticks several political boxes for Europe: from presenting a unified front against Russia and seeking to strengthen regional stability to salvaging its own image as a normative actor with influence to shape the discourse on rights and responsibilities. But this seemingly golden moment of solidarity has a dark side to it. What has been problematic is that this show of solidarity is based on an implicit notion of the Ukrainian as the 'good' refugee. The feel good narrative of Europe's response to the Ukrainian refugee crisis conceals entrenched hierarchies of protection that are aimed at keeping out the 'outsider' (read non-European). Cultural and economic considerations have dovetailed to produce a highly opaque process of separating the 'good' refugee from the 'bad' ones. For instance, Bulgarian Prime Minister Kiril Petkov offered refuge to 25,000 Ukrainian refugees by noting that "These people are intelligent, they are educated people...This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists..." (El-Gamal 2022) Media reports have also replayed many racist stereotypes uncritically. The facetious tone of many of these comments have been unapologetically partisan. For instance, one senior journalist noted, 'Ukraine is a European country. Its people watch Netflix and have Instagram accounts, vote in free election and read uncensored newspapers.' (Bayoumi 2022) Similarly, a senior war correspondent commented that Ukraine 'isn't a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades. This is relatively civilised, relatively European'. (Kesslen 2022)

The open welcome extended to the Ukrainian refugee is a far cry from the Syrian refugee crisis of 2011 that had seen bitter divisions within the EU over the issue of burden-sharing. Fortress Europe has time and again

played up the binary of the secure 'inside' and the dangerous 'outside'. Justifying its decision to deny protection to those coming from Syria, Poland's Deputy Prime Minister, Jaroslaw Kaczynski noted that it would 'completely change our culture and radically lower the level of safety in our country'. (Zerofsky 2018) Similarly, Hungary refused to accept refugees from non-EU countries referring to them as 'Muslim invaders'. In such hyper-securitised narratives, the figure of the migrant stands at the 'centre of a white Eurocentric discourse' reduced to being an enduring racialised caricature. (Hsiao 2020) These biases also came to the fore during the current crisis, when non-white refugees trying to cross over into neighbouring countries were subjected to racial discrimination. As Andrew Geddes notes, these 'serve also to accentuate a participatory deficit that is especially marked for people from immigrant and ethnic minority groups in Union Member States'. (Geddes 1995).

What is also worrying is that the polarising rhetoric is being matched by measures on the ground that are resulting in stricter migration and border controls. For instance, 12 member states have demanded that the EU should finance the construction of border walls, calling it 'an effective border measure that serves the interest of the whole EU, not just member states of first arrival.' (Follain 2021). The rising anti-immigrant sentiment also speaks of the increasing influence conservative groups such as the European People's Party wield within the European Parliament, which have lobbied hard for prioritising stringent border protection measures. The EU Parliament also approved in 2021 two funds, namely the Asylum, Migration and Integration Fund and the Integrated Border Management Fund at a cost of Euro 16 billion aimed at boosting national capacities to manage migration flows. Besides this, the EU also tripled border management funds to Latvia, Poland and Lithuania in November 2021 to over \$200 million to deter 'illegal' border crossings. It has also been severely critiqued for being complicit in several illegal pushback operations have been carried out across its external borders. For instance, Croatia's pushback operation codenamed 'Koridor' was partially funded by the EU. [Child 2021] These pushback operations escalated during the pandemic with EU states reportedly pushing back at least 40,000 asylum seekers from Europe's borders. (Tondo 2011) Similarly, Europe's infamous 'hotspot' system involves protracted periods of confinement of asylum seekers. These agreements are turning neighbouring countries into 'Europe's new border guards'. (Akkerman 2018)

WHO MOVED MY BORDER?

Many of these far-reaching changes are changing the notion of the border in fundamental ways, with enormous consequences for the rights of the vulnerable. The border no longer remains a mere location but becomes 'delocalised',

resulting in a spatially expansive notion that extends far beyond Europe's physical frontiers. This can be seen in Europe's moves towards externalisation of border controls to third countries, which are aimed at ensuring that asylum seekers do not get a chance to reach Europe's borders. To operationalise this, the EU has provided millions of euros to third countries towards ramping up border management, training law enforcement and border officials and expanded surveillance measures. For instance, the EU has fully funded the construction of five refugee camps on the Aegean islands with motion-detection algorithms, drones and thermal cameras. (Molnar 2021) It has also entered into controversial externalisation deals with Libya, Sudan, Chad, Niger, Rwanda, Belarus and Turkey. These raise troubling ethical choices for the EU, converting 'pariahs into migration partners'. (Silverman 2018) Its 2016 deportation deal with Turkey was decried as a 'stain on EU's rights record' for its total disregard of norms of local integration and voluntary return. Similarly, Denmark's 2021 agreement with Rwanda seeks neither consent nor ensures required guarantees for the asylum seekers. In a hardening of its asylum policy, Denmark also withdrew refugee protection status to Syrian refugees being hosted in the country. There are grave concerns over how migrants will be treated in Turkey, which already hosts more than four million refugees.

Cultural bordering, once yoked to the idea of the nation, can end up becoming a DIY calibrator of social rankings and labels. The Przemysl incident last month which saw the violent targeting of non-white refugees in Poland is a case in point of a growing incidence of hate crimes that tap into histories of prejudice along racial, religious, caste, class and gender lines. The securitisation of the refugee also has grave gendered implications. Victoria Canning's study shows of how 'violence has become part and parcel' of the British asylum system contributing to the 're-traumatisation' of women. (Canning 2014) If Europe chooses to peddle the good refugee/bad refugee categorisation, it will only end up swelling the ranks of the stateless in the region. Reducing the refugee narrative to a single-issue debate fixated only on the security dimension would ironically end up creating an even more intractable security nightmare for Europe. Europe's response to the humanitarian crisis unfolding in Ukraine in fact exemplifies the crisis at the heart of its refugee policy.

Europe may be experiencing 'we are all in this together' moment in the face of Russia's actions in Ukraine. But as cultural bordering continues to corrode and wipe out valuable social capital, 'we all fall down' could well be the lived reality that awaits Europe. The allegorical warning that Edgar Allan Poe sounded in 'The Masque of the Red Death' may be closer to the bone than many in Europe may care to acknowledge. Set against the grim backdrop of the black plague, it warns of the futility of trying to keep social worlds apart. The cost of this social abdication? No one escapes.

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