Towards Refugee Burden-Sharing in the European Union
State Interests and Policy Options

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Abstract:
This article shows that the refugee burdens among Western states are very unequally distributed and that this constitutes a problem not only for individual states, but also for the EU as whole. It argues that despite many obstacles, the development of regional or international burden-sharing regimes is indeed desirable. Attempts to explain or justify steps towards such a system do not have to rely solely on notions of solidarity but can be justified by more traditional interest-based motivations. However, it suggests that the EU's main burden-sharing initiatives which rely largely on policy harmonisation will not achieve the Union's objectives in this area. It will be argued that market-based burden-sharing mechanisms need to be explored further and that such market driven policies when combined with policy harmonisation and quota-based initiatives are likely to contribute to a more equitable, efficient and effective refugee burden-sharing system.

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Introduction

Rising numbers of refugees have meant that forced migration is now regarded as one of the key challenges facing nation states today.[1] The largest part of the world's 15 million asylum seekers in 2001 sought refuge in developing countries. However, since the early 1980s the number of asylum seekers in Europe has increased almost tenfold to 970.000 in 2001. The distribution of increased numbers of refugees has been very uneven. In the period between 1985 and 1999, Switzerland as the largest recipient of asylum seekers on average relative to its population size, was faced with 30 percent more asylum applications than Sweden, 40 percent more than Germany, 6 times as many as France and the UK, 30 times as many as Italy and 300 times as many as Portugal and Sweden (UNHCR 1999). This challenge is made greater by the fact that one state's policy decisions on the relative leniency or restrictiveness of its asylum regime often create negative externalities for other states and can thus lead to strained relations between states.[2] There has therefore been increasing dissatisfaction with the system of international refugee protection which, in the eyes of many, suffers from substantial burden-sharing problems.[3] In recent years, a number of academic

[1] "Refugee" here is used in its broadest connotation to characterize individuals who have left their country in the belief that cannot or should not return to it in the near future, although they might hope to do so if conditions permit. In this usage, the category includes those recognised under the Geneva Convention but also those who have applied for refugee (or a subsidiary) protection status.

[2] Recent examples were the strained relations between Denmark and Sweden following the introduction of highly restrictive asylum measures by the new conservative government in Denmark and the controversy about the Sangatte refugee camp which soured relations between France and Britain.

[3] A commitment to international solidarity and burden-sharing in relation to refugees (at least rhetorically), has been present since the inception of UNHCR. Its documented origins are found in

commentators have called for the creation or recognition of a norm of equitable international burden-sharing for refugees (e.g. Hathaway and Neve 1997; Fonteyne 1983) and the establishment of concrete refugee burden-sharing mechanisms at the regional or global level (Schuck 1997; Noll 1997; Thielemann 2004).[4]

This has been also recognised by the EU where refugee burden-sharing has been discussed since the mid-1980s and to which the EU has repeatedly stated its commitment. Most recently, this commitment was reiterated at the Brussels European Council meeting in November 2004. In their final declaration, EU leaders stressed that the development of a common policy in the field of asylum, migration and borders "should be based on solidarity and fair sharing of responsibility including its financial implications and closer practical co-operation between member states".[5] This concern has been echoed by the UNHCR for which 'Burden-sharing is a key to the protection of refugees and the resolution of the refugee problem'.[6] UNHCR's former High Commissioner has stressed:
'There is a need for responsibility- and burden-sharing within the EU […]I fear that high protection standards will be difficult to maintain in a system which shifts responsibility to states located on the external border of the EU, many of which have limited asylum capacity.'[7]
A sceptic might regard the refugee burden-sharing debate among Western politicians as being full of empty rhetoric, a debate that reflects wishful thinking on the part of some and the manipulative avoidance of tackling the real issues by many others who are well aware that 14 out of the world's 15 million refugees each year are accommodated by developing countries.

This article shows that the refugee burdens among Western states are also very unequally distributed and that this constitutes a problem not only for individual states, but also for the EU as whole. It argues that despite many obstacles, the development

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Paragraph 4 of the Preamble of the 1951 Convention relating to the Status of Refugees, which expressly acknowledges that "the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation." There have also been a number of concrete examples of international refugee burden-sharing arrangements in the period after the end of World War II, during the 1970s with the 'Comprehensive Plan for Action' (boat people) and during the 1990s (Kosovo Evacuation Plan).

[4] The term 'burden-sharing' was first prominently used in the context of debates about NATO contributions in the early 1950s (Olsen and Zeckhauser 1966; Boyer 1989; Oneal 1990). The essence of these debates, which continue until today, has been about sharing defence costs among the members of the North Atlantic alliance (that is, getting the Europeans to pay more). The adoption of this terminology in the context of forced migration is of course not unproblematic. However, despite its potentially prejudicial connotation in a human rights context in which one might wish the language of costs and benefits to be absent, the term 'burden-sharing' is used here to reflect the way the debate about the perceived and real inequalities in the distribution of displaced persons and refugees has been conducted in Europe over recent years. Attempts to replace the term in this area with a call for responsibility sharing or the 'equal balance of efforts' between the Member States have had little impact on the way the public debate has been led.

[5] Brussels European Council, 4/5 November 2004, Presidency Conclusions, page 18.

6 Official Documents Burden-Sharing - Discussion Paper Submitted By UNHCR Fifth Annual Plenary Meeting Of The APC; ISIL Year Book of International Humanitarian and Refugee Law, Vol. 17 (2001)]; URL: http://www.worldlii.org/int/journals/ISILYBIHRL/2001/17.html

7 United Nations High Commissioner for Refugees, Mr. Ruud Lubbers, Talking Points for the Informal Justice and Home Affairs Council (Luxembourg, 29 January 2005)

of regional or international burden-sharing regimes is indeed desirable.[8] Attempts to explain or justify steps towards such a system do not have to rely solely on notions of solidarity but can be justified by more traditional interest-based motivations. However, it suggests that the EU's main burden-sharing initiatives which rely largely on policy harmonisation will not achieve the Union's objectives in this area. It will be argued that market-based burden-sharing mechanisms need to be explored further and that such market driven policies when combined with policy harmonisation and quota-based initiatives are likely to contribute to a more equitable, efficient and effective refugee burden-sharing system.

To address the key question of why and how refugee burden-sharing should be done in the EU, the paper proceeds as follows. In section 2, it proposes a way to estimate states' relative refugee burdens. This is followed by a an attempt to identify the principal factors that are responsible for this distribution (section 3). Section 4 identifies the key objectives that states pursue in this area in an attempt to shed some light on the motivations behind recent burden-sharing initiatives. This is followed by part 5 which presents the principal burden-sharing options in the refugee area and discusses their relative strengths and weaknesses.

How (un)equal is the current distribution of Refugee Burdens?

When comparing their relative contributions to refugee protection, stat are likely to disagree about how such contributions should be assessed. By looking at some of the most directly linked burdens/responsibilities that countries are faced with as a result of international refugee flows, it is possible to arrive at some approximations of relative responsibilities that countries are faced with or prepared to accept. Table 1 below tries to do just that. It presents UNHCR data on asylum and resettlement on 15 OECD countries (columns 1&2) for the period 1994-2002. Column 3 lists countries' relative burdens on the basis of asylum applications received and resettlement cases accepted (controlling for different population size of host countries). Switzerland, the Netherlands and Belgium have had the largest relative numbers of asylum applications over that period, while Japan, Spain and Italy had the lowest. States have a substantial degree of discretion in how they deal with asylum seekers on their territory. When dealing with asylum seekers, countries have generally three options. (1) Recognising their asylum claims, i.e. granting them refugee status under the Geneva Convention; (2) giving them some other protection status (such as 'exceptional leave to remain') that allows them to legally live and (usually) work in the country, and (3) to reject an asylum claim and send the applicant back to their home country.[9] Column 6 in the table shows a substantial degree of variation in

[8] This paper will focus on intra EU burden-sharing which it sees as an important first step towards a more equitable international refugee system. It will be suggested that effective EU burden-sharing will help to already address the unequal distribution of refugee burdens in North South terms. (less shifting, more resources and political will for tackling push factors).

[9] The question who actually gets recognized as a refugee is still a real issue among the EU Member States. The premise is often that an applicant will have the same chance of finding protection as a refugee in all EU countries. But this is not the case. In the Slovak Republic, for example, many of the asylum seekers are Chechens – a group that, for good reason, has a recognition rate of well over 50

states' willingness to award asylum-seekers in their territory some form of temporary or permanent status (Convention or subsidiary protection status). On average, the Netherlands, Denmark and Canada been the most generous host countries, while Japan, Germany and Australia were the toughest countries when handling requests for protection.

[Insert Table 1 about here]

It is of course much easier for a country with small relative asylum inflows to operate a generous determination process than it is for a country faced with large inflows. Indeed previous studies have shown an inverse relationship between asylum application and the recognition rates reported here (Neumayer 2005). Column 7 provides an approximation of host countries' willingness to accept burdens resulting from 'spontaneous' refugees (i.e. non-resettlement refugees) by combining the relative number of asylum applications they have received with countries' average recognition rates. The results reported in column 7 suggest that (relative to their population size) Denmark, the Netherlands and Sweden are on the top of the list of countries which have disproportionately contributed to refugee protection by accepting displaced persons in their territory, while Japan, Poland and Portugal appear to have contributed least in this way. Some countries with relatively small numbers of 'spontaneous' asylum applications take in considerable numbers of resettled refugees under a system whereby refugees with a particularly urgent or intractable problem in their first asylum country are transported to a another third country.[10] Taking account of both 'spontaneous' and resettlement inflows, Column 8 presents a ranking of average accepted protection burdens. When comparing the rankings in column 7 (spontaneous only) and column 8 (including resettlement), one sees that the inclusion of resettlement figures does make some difference in the relative ranking of some countries such as Norway, Canada and Australia without changing the overall picture significantly. While the rankings arrived here can be criticised on a number of grounds, not least the comparability of figures that national authorities report to the UNHCR, they do arguably give a burden approximation (with countries such as Netherlands and Switzerland at the top and Japan at the bottom) which appears to be broadly in line with the intuition of experts in the field.

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percent in several EU countries – yet by 30 September only two people had been granted asylum in the Slovak Republic out of 1,081 cases examined this year. In Greece, even when Saddam Hussein was still in power, less than 1 percent of Iraqi applicants were given refugee status, and the overall recognition rate fell last year to 0.6 per cent. It is not surprising that many asylum seekers move to countries where they think they have a better chance of having their claims recognized. Ruud Lubbers (2004) EU should share asylum responsibilities, not shift them, UNHCR News, 5 November, 2004. In a recent speech Lubbers stressed: 'We need to improve the quality and consistency in asylum decision-making in Europe. It seems unacceptable to me that the same asylum seeker – a Chechen for example – has virtually zero chance of finding protection in one Member State, a 50% chance in another and close to 100% in a third. 'United Nations High Commissioner for Refugees, Mr. Ruud Lubbers, Talking Points for the Informal Justice and Home Affairs Council (Luxembourg, 29 January 2005).

[10] It has often been emphasised, that the traditional "countries of immigration" (Australia, Canada, New Zealand and the United States) offered resettlement places for up to 100,000 refugees in 2004, whereas Europe as a whole only made 4,700 places available. United Nations High Commissioner for Refugees, Mr. Ruud Lubbers, Talking Points for the Informal Justice and Home Affairs Council (Luxembourg, 29 January 2005)

Why are Refugee Burdens unequally distributed?

When trying to account for the current distribution of refugee burdens among countries, three principal explanations can be identified. In reverse order of importance, these are related to free-riding opportunities, state interests and variation in pull-factors.

Free-Riding Opportunities

Similar to the NATO burden-sharing debate, there have been protests and free-riding accusations from the main receiving countries as well as resulting threats by some states to opt out of the Geneva Convention for the Protection of Refugees to which all OECD countries are signatories. A number of scholars, most prominently Suhrke (1998), have suggested that refugee protection has (at least in part) important 'public good' characteristics. Suhrke argues that the reception of displaced persons can be regarded an international public good from which all states benefit. In her view, increased security can be regarded as the principal (non-excludable and non-rival) benefit, as an accommodation of displaced persons can be expected to reduce the risk of them fuelling and spreading the conflict they are fleeing from. A public good is defined by its properties of non-excludability and non-rivalry. It is these properties which set it apart from a private good. The provision of a public good, such as the additional security provided by refugee protection, benefits not only countries which contribute to the protection of displaced persons but these benefits are also extended to other actors at no marginal cost. One might therefore expect substantial free-riding opportunities, similar to those that have be observed with regard to the provision of other international public goods such as collective defence. Unlike in the case of NATO burden-sharing where empirical evidence suggests Olson and Zeckhauser (1966) that larger countries have been exploited by small countries, no similar picture emerges when analysing the refugee reception burden. In fact, the evidence presented in Table 1 suggests that in the case of the reception of refugees by OECD countries, it is the smaller states which appear to shoulder disproportionate burdens.

Willingness to Accept Burdens

Another way in which to try to explain the unequal distribution of refugee burdens is to analyse (1) specific state interests or (2) countries' normative preferences in this area.

Excludable benefits

Economists have developed a refined version of Olson's public goods approach, one that is based on the so-called 'joint product' model (Sandler and Forbes 1980; Sandler 1992).[11] This model suggests that what might appear as a pure public good often brings in fact excludable (private) benefits to a country.

[11] For an attempt to apply the join-product model to refugee protection see Betts (2003).

From this 'joint-product model', however, we would expect that a country's contributions to the provision of a particular collective good (which has both public and private characteristics) will be positively related to the proportion of excludable benefits accruing to that country. It seems reasonable to assume that one country's efforts in the area of refugee protection will have some positive spill over effects to other countries in the region. However, refugee protection arguably, provides a spectrum of outputs ranging from purely public to private or country-specific outputs. This means that refugee protection provides more than the single output of 'security' implied by the pure public goods model: it also provides country specific benefits such as status enhancement or the achievement of ideological goals (such as when West during the cold war was keen to accept political refugees from behind the Iron Curtain). Moreover, we can also expect relatively more benefits from refugee protection measures accruing to countries closer to a refugee generating conflict.[12] In other words what is often regarded as a public good has in fact excludable (private) benefits to a country. The 'joint product model' suggests that a country's contributions to the provision of refugee protection (with its public and private characteristics) will be positively related to the proportion of excludable benefits accruing to that country.

Norm-based commitment

From a norm-based perspective, patterns of burden-sharing can be explained in two ways. First, burden-sharing bargains can be guided by notions of equity, basing the distribution of burdens on some key that is linked to the actual capacity of the different participants of the burden-sharing regime. A second way of explaining patterns from a norm-based perspective is to look at variations of the participating states commitment to norms that are related to the burden to be shared. From this perspective the burden that a state is prepared to accept will be linked to the strengths of a state's preferences on safeguarding certain norms (such as general human rights standards or norms of distributive justice).

It has been shown that states' willingness to shoulder protection burdens are positively correlated with their relative commitment to the norm of solidarity with people in need and that countries which accept a disproportionate number of protection seekers are also the ones with a strong commitment to domestic redistribution (extensive welfare states) and above average foreign aid contributions (Thielemann 2003a). A state's greater willingness to accept burdens (for whatever of the above reasons) often means that it will adopt a relatively lenient policy regime (more access, more attractive reception/integration package). However, there are reasons to expect that structural determinants are more important than policy-related factors for attempts to explain the relative distribution of asylum burdens among OECD countries.

[12] However, empirical tests on this in the area of refugee protection have produced mixed results. During the Kosovo conflict, Greek sensibilities concerning its minority in the north of Greece meant that Greece accepted a lot fewer Kosovo refugees than one would have expected on the basis of geographic proximity (Thielemann 2003).

Structural Pull Factors

Under the current international refugee protection regime, states of first asylum are obliged to determine the status of asylum seekers, i.e. assess whether they qualify as refugees under the 1951 Geneva Convention. Differences in structural pull factors (i.e. non policy-related factors that make some host countries more attractive than others) have a very strong effect on the relative distribution of asylum seekers.[13] Table 2 ranks Western European countries according to their average number of asylum applications per thousand of population. It then also ranks the same countries with regard to six indicators that stand for potential determinants or pull factors for an asylum seeker's choice of preferred host country. The correlation coefficient in the bottom row of Table 2, gives an indication as to how closely each of the six indicators (explanatory variables) listed correlates with countries' relative asylum burden (in column 1).[14]

[Insert Table 2 about here]

The first two indicators are economic in nature. Economic migration models (Ranis and Fei, 1961; Harris and Todaro 1970, Todaro 1969) explain the decision to migrate as one of income maximisation in which wealth differentials and differences in employment opportunities constitute important pull factors. International migration is expected to be determined by geographic differences in the supply and demand of labour. On this account, it is wage differentials and employment opportunities which explain movements from low-wage countries to high-wage countries. In Table 2, we find that the relative number of asylum applications is very highly and positively correlated with countries' prosperity ranking and one finds a negative and still quite strong correlation with countries unemployment rates. In other words, this suggests that countries which are relatively rich and possess relatively favourable labour market opportunities tend to receive relatively high numbers of asylum applications.
The third indicator relates to historical ties (colonial links, language ties, cultural networks, etc.) between countries of origin and destination that often have lead to transport, trade and communication links between such countries. Links which have tended to facilitate movements of people from one country to the other (Massey et al., 1993: 445-7). One possible way to study the strength of such ties is to estimate the number of current or former citizens of a particular country of origin, who are resident in different countries of destination. Drawing on this, Table 2 shows that high asylum burdens correlate strongly (and positively) with historical links between countries of origin and countries of destination. Host countries in which one already finds a large number of people originating from countries from which large numbers of tend to come from, are likely to be countries confronted with relatively high asylum burdens.

[13] This section draws on Thielemann (2004).

[14] A correlation describes the strength of an association between variables. For a set of variable pairs, the correlation coefficient gives the strength of the association. The correlation coefficient is a number between 0 and 1. If there is no relationship between the predicted values and the actual values the correlation coefficient is 0 or very low (the predicted values are no better than random numbers). As the strength of the relationship between the predicted values and actual values increases so does the correlation coefficient. A perfect fit gives a coefficient of 1.0. Thus the higher the correlation coefficient the better.

The fourth indicator is more political in nature, and seeks to capture the reputation that a particular country of destination enjoys abroad and in particular in the developing world from which the large majority of asylum seekers originate from. Asylum seekers can be expected to be concerned about personal security and the difficulties they might face regarding their acceptance into a new host society. Here, we try to capture the reputation of a country in terms of its 'liberal credentials' and concern for foreigners by analysing countries' track records in the area of overseas development aid. The assumption is that countries which spend relatively more of their GDP on aid to the Third World will tend to have a more liberal reputation. Table 2 finds quite a strong and positive correlation between relative asylum burdens and host countries' reputation measured in this way. Host countries which spend a relatively high proportion of their GDP on overseas development aid tend to attract a relatively high share of asylum applications.

Fifth, although perhaps less than some years ago as a result of technological advancements, geographic distance between countries of origin and destination can still be regarded as an important proxy for the cost of movement between countries. With regard to the role of geographical factors, we find a negative, albeit weaker, correlation between relative asylum burdens and the average distance between countries of destination and the five most important countries of origin in any particular year. In other words, those countries which are more closely situated in geographic terms to important countries of origin, are the ones more likely to encounter a disproportionate share of asylum applications.

Finally one finds quite a weak positive correlation between relative asylum burdens and policy related deterrence measures. Despite quite substantial variation in countries' average deterrence index for the time period under investigation, we find little evidence for the claim that countries with stricter asylum regimes are the ones which find themselves with relatively smaller burdens in comparison to those which (on average) have operated more lenient regimes.[15] On the contrary, we find that some of the countries (such as Germany, Switzerland and Austria), despite having put in place some of the most restrictive asylum policy regimes, nonetheless are among the most popular destinations for asylum applicants. Structural, not policy-related, pull factors therefore appear to constitute the most critical factors in explaining the unequal distribution of refugee burdens.

What factors are driving burden-sharing initiatives?

Why would states agree to burden-sharing? What objectives do states pursue with such initiatives? How do states' interests differ when it comes to the negotiations on such initiatives? While it is unsurprising that the likely winners from a redistributive mechanism would be in favour of such a system, it less clear why the potential losers

[15] With the use of more advanced statistical techniques and the use of lagged independent variables, it can be shown that while newly introduced deterrence measures can have a significant effect on the relative distribution of asylum burden, this effect tends to be short lived due to copy-cat strategies by other countries which swiftly cancel out the desired effect of such measures (Thielemann 2003a).

would support it. Schuck puts it like this: 'Under the existing regime, after all, states that are not states or origin or of first asylum are entirely free to join in, or refrain from, refugee protection efforts, as their interests dictate. Why then would they choose to surrender that freedom of action and accept a burden-sharing obligation that is likely to be costly, risk domestic political tensions, and probably ratchet upwards over time.' (Schuck 1997: 249). Unlike processes of market integration in the EU context, which have often been portrayed as being positive-sum (or 'win-win') in nature, redistributive burden-sharing agreements will tend to create winners and losers. So, why would the losers agree? A number of suggestions based on both norm-based and interest (cost)-based motivations have been made.

Norm-based motivations

In the following two norm-based motives will be distinguished. The first one emphasises solidarity among countries in an emerging political community. The other one underlines countries' commitment to the protection of some of the world's most vulnerable people.

Solidarity with other countries

Solidarity can be understood as a concern for other members of a group, which may be expressed by an unwillingness to receive a benefit unless the others do, or an unwillingness to receive a benefit when this will harm them. This commitment to the well-being of others is sometimes conceived in terms of the recognition of special obligations between the members of a group, which exist in virtue of their being members of it. Solidarity therefore can be said to exist among a group of actors when they are committed to abide by the outcome of some process of collective decision-making, or to promote the wellbeing of other members of the group, perhaps at significant cost to themselves. Approaches that emphasize norm-guided behaviour and highlight notions of solidarity offer an explanation to the 'why share costs' question that offers a complementary or even alternative account to prominent cost–benefit models.

In this context, it is important to note that the official text establishing the EU's burden-sharing instruments in this area put heavy emphasis on notions of solidarity and fairness. In a recent Commission statement we find the following: 'A better balance between the efforts made by the Member States in the reception of refugees and displaced persons will be achieved by means of the principle of solidarity'.[16] The text of the European Refugee Fund (ERF) Decision is another of many examples. It states that the implementation of [the common policy on asylum] should be based on solidarity between member States and requires the existence of mechanisms intended to promote a balance in the efforts made by the Member States in receiving and

[16] [Brussels, 2.6.2004, COM(2004) 401 final, COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT, Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations, {SEC(2004)680 et SEC(2004)693}, p. 10].

bearing the consequences of receiving refugees and displaced persons' (para 2). It goes on to say that it is fair to allocate resources [from the ERF] proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons (OJ L 252/12 of 6 October 2000 (para 11)). Another example is the EU's recent temporary protection directive which devotes an entire chapter to the issue of Community solidarity, outlining in detail how 'soft' solidarity mechanisms are to achieve an equitable distribution in the case of a 'mass influx'.12 While it is easy to dismiss these pledges as nonbinding and therefore inconsequential, there can be little doubt that since the start of the integration process, some of the EC's most prominent political leaders, from Schuman to Kohl—while clearly being committed to pursuing what they saw as their country's national interest—have viewed the integration process not merely in cost–benefit terms, seeing the Community not just as an economic venture but also as an emerging political community. Also in support of the claim that references to solidarity might not be merely non-committal flowery statements can be seen in the fact that most, if not all, Member States have a long tradition of upholding constitutionally codified principles on the desirability of solidarity between regions within their state. The constitutions of all EU Member States contain provisions which foresee burden-sharing on the basis of some notion of solidarity between the different territorial entities and regions in cases of economic, financial or infrastructural imbalances.[17] Some lawyers have suggested that one should therefore regard solidarity as one of the Union's general principles of law as it constitutes an accepted norm in the domestic constitutions of the Member States (Schieffer 1998: 208–212). At least in part, such an interpretation appears to have been accepted by the European Court of Justice.[18] Nonetheless, on balance it appears that while reference to solidarity and fairness appears to have played a part in selling these initiatives as part of the process towards an 'ever closer union', the timing of the proposals, the hard bargaining that characterized the establishment of the ERF and the inability to agree on a distribution key in the case of temporary protection measures (in the case of mass influx) tell us to be cautious in over-interpreting the frequent pledges of Community solidarity made in this area.

Solidarity with refugees

That non-cooperation and burden-shifting between states in this area can lead to the under-provision of protection and hence increased human suffering is widely accepted. The Executive Committee of the UNHCR Programme (ExCom) has elaborated several Conclusions, which either focus on, or draw attention to, the issue of burden-sharing. Amongst these, the ExCom Conclusion 22 (XXXII) of 1981 relating to the Protection of Asylum Seekers in Situations of Large-Scale Influx, is particularly important. It states: 'A mass influx may place unduly heavy burdens on certain countries, and a satisfactory solution could not be achieved without international cooperation.' In a similar vein, former High Commissioner for Refugees,

[17] The fact that there indeed appear to be strict limits to cross-border solidarity in the Union should not surprise, considering how contested this notion is already in a national context.)

[18] The principle of solidarity was first explicitly used and accepted as a general principle of European law arising from the particular nature of the Communities in the case 'Commission vs. Italy' (ECJ 1973, 102). See also Commission vs. Great Britain 128/78 (ECJ 1978, 419). For more details see Schieffer (1998: 204).

Ruud Lubbers, frequently emphasised that in his view the lack of a system to share responsibility will leave particular EU states overburdened: 'I fear that high protection standards will be difficult to maintain in a system which shifts responsibility to states located on the external border of the EU, many of which have limited asylum capacity.'[19] States might therefore accept an agreement on the basis of their commitment to human rights, despite the fact that the redistributive effects of a particular burden-sharing regime are not stacked in their favour.

There appears to be at least some evidence that norm-guided behaviour has played a significant role in the relationship between recipient Member States and protections seekers which has had an indirect effect on the burden-distribution among the Member States (Thielemann 2003). One finds evidence for the claim that a country's willingness to receive refugees is positively related to its more general commitment to norms such as distributive justice. Using overseas development aid, recognition rates and domestic social spending as proxies for a states' commitment to such norms one finds evidence for the claim that the variation of Member States' norm-based commitment, for example, was positively correlated with their relative willingness to accept Kosovo refugees under the Kosovo Humanitarian Evacuation Programme (HEP).[20] This correlation in relation to domestic social protection expenditure and is very strong and statistically significant with regard to Member States' foreign aid payments and refugee recognition rates.[21] In sum, it was suggested that looking at countries' commitment to certain distributive and humanitarian norms can help to explain the willingness of states to accept a burden-sharing regime from which they appear to loose out, as these states would have accepted higher (than necessary) costs even in the absence of such a regime.

Interest-based motivations

Even if norms are likely to play some role one can expect interest-based motivations to be paramount for most (if not all) states. Three principal interest-based motivations to cooperate on refugee burden-sharing initiatives will be discussed in the following: (1) insurance again mass inflows, (2) adhering to international obligations and (3) efficiency in achieving protection.

Insurance Against Mass Inflows

[19] United Nations High Commissioner for Refugees, Mr. Ruud Lubbers, Talking Points for the Informal Justice and Home Affairs Council (Luxembourg, 29 January 2005).
[20] For a parallel, see Lumsdaine's (1993) analysis of the post-war foreign aid regime.
[21] The chosen indicators are of course not without their problems. For example, Betts suggests in this issue that states' motivations for giving foreign aid might not be entirely altruistic. Moreover, some countries (such as the Netherlands) include reception costs for asylum seekers in their ODA payments. In such a case, relatively high ODA figures will at least in part be a reflection of high numbers of asylum seekers rather than just an indication for the Netherlands' strong commitment to the developing world. These caveats notwithstanding, the evidence presented here nonetheless appears to provide some support for the hypothesis that a state's willingness to accept burdens is related to its commitment to particular norms and the protection of certain rights.

One potential motive for burden-sharing based on cost–benefit considerations, is the insurance rationale. A suitable burden-sharing regime can provide a degree of mutual insurance against the occurrence of a particular external shock that might put pressures on certain countries. Burden-sharing schemes allow states to set off today's contributions against the expected reduced costs in a future crisis. On the basis of an insurance rationale, it might make sense for states to accept losses in the short term in order to insure themselves against the possibility of being faced with even higher costs at some point in the future. Schuck writes that states 'might be attracted to burden-sharing for the same reason that many individuals are attracted to catastrophic health insurance: States may rationally prefer to incur a small and predictable protection burden now in order to avoid bearding large, sudden, unpredictable, unwanted, and unstoppable refugee inflows in the future. […] As the worlds grows smaller and more interconnected, and as an increasing number of refugees can more easily reach more place and claim protection there, such "refugee crisis insurance" might well be a "good buy"—perhaps even for relatively insular states.' (Schuck 1997: 249) From a cost–benefit perspective, however, such a scheme can only be expected to include those who have a similar perception of risks that are worth sharing and such a scheme will only be agreed upon when contributions reflect the differences in the relative risk perception of each participant.

Adhering to International Obligations

Burden-sharing initiatives might also be motivated by a perceived threat to member States higher order objectives such as their interest in the continuation of the European integration project or the system of international refugee protection as such. In the absence of a common European approach on refugee burden-sharing, migration pressures from third countries might not only pose a threat to the Single Market (and in particular the achievement of the principle of free movement within it),[22] but such uncoordinated action might also lead to a competitive race to the bottom in protection standards among Member States (concerned about being perceived as a 'soft touch'), and consequently to an unraveling of basic international human rights norms. Ultimately, such a 'race to the bottom' could lead to states adopting deterrence measures that could be considered as breaches of their obligations under international law, something that most Western states would want to avoid. Arguably, burden-sharing initiatives can help to break this cycle of 'tit for tat' increases in deterrence measures and safeguard that states will adhere to their obligations under European and international law.

Efficiency in Achieving Protection (or other) Objectives

One of the principal objectives to any attempt to cooperate in the area of refugee protection appears to be to achieve particular objectives (related to protection or other

[22] In other words, a failure to agree on a common approach would not only have increased pressures for a re-establishment of border controls in the Schengen area, thus threatening the operation of the Single Market, but would also have accelerated the drive towards burden-shifting and moves towards the lowest common denominator in border control and reception standards.

state interests) at lower costs. There has been widespread concern among countries in recent years about the costliness and inefficiencies of existing arrangements[23] where refugee burdens are above all a result of structural factors over which countries have little control. Western States in particular have been concerned to improve 'the judicial and administrative efficiency of asylum processing' (Gibney and Hansen 2005: 80-1). Similar concerns have been raised by the UNHCR:

'There has been some debate in recent years about what constitutes 'fairness' and 'efficiency' in procedures, against the backdrop of mixed migratory movements, smuggling and trafficking of people and a degree of misuse of the asylum process for migratory outcomes. States have legitimate concerns as regards procedures that are unwieldy, too costly, not necessarily able to respond effectively to misuse, and result in the unequal distribution of responsibilities'.[24]

Reducing costs through burden-sharing appears a viable avenue for those with above average burdens[25] (or those who can successfully negotiate sufficient side-payments in other issue areas that can make it worth their while to accept an increase in their refugee-related costs). Moreover, some burden-sharing initiatives will be motivated by the prospect of efficiency gains through burden-sharing initiatives (such as joint processing), the provision of more effective deterrence of non-genuine asylum-seekers, the reduction of asylum-shopping (secondary applications), etc. Related, but perhaps even more important, can be the motive of reducing negative externalities that are prevalent in the existing system. A frequently used concept in environmental economics, the concept of externalities in the refugee context suggests that the failure of a given states to internalize the full costs of their restrictive asylum and refugee polices will impose costs on other countries. In the public perception, the concept has often been associated with the idea of burden-shifting that has informed the debates surrounding the controversies of the Sangatte refugee camp or the use of deterrence measures such as introduction of 'safe third country' provisions. Finally, the idea of variations in countries' reception capacities and the associated suggestion that some states might find it easier to contribute to refugee protection in ways other than by accepting refugees into their territory, has led to the development of refugee burden-sharing models that consider the possibility of trade between countries according to their comparative advantage in refugee protection contributions. [26] By allowing states to contribute to regional/international refugee protection in ways that they find least difficult, some have suggested that states might be able to provide more protection at

[23] It has been estimated that Western States spend around $10 billion each year on fewer than half a million asylum seekers, most of whom are not in need of international protection (Flint, in Betts 2005:2).

[24] Global Consultations on International Protection, 2nd Meeting, EC/GC/01/12, 31 May 2001, 'Fair and efficient Asylum Procedures', Introduction, p. 2, Para.3; in Betts (2005).

[25] See e.g. Heckmann and Tomei (1997) who stress that above all burden-sharing offers some countries the prospect of reducing their own costs. It is therefore not at all surprising that the first substantial burden-sharing proposals in this area in the early 1990s were initiated by Germany, the EU country most affected by the war in former Yugoslavia.

[26] It has been suggested that the costs of states' asylum system differ significantly between countries (Jandl 1995; Liebaut 2000). For example, Jandl (1995) suggests that the average costs per asylum seeker for processing, care and maintenance, varied between $16,596 in Denmark and $4622 in Austria. From this one can safely assume that the costs in non-Western countries is a fraction of these estimates. However, it is of course true that countries are not just (and perhaps not even primarily) concerned about the financial costs they incur but also the significant social and political costs involved in accepting refugees.

much reduced costs. Given that states' interests vary, countries are likely to favour different types of burden-sharing regimes. The most important ones of those—and their respective strengths and weaknesses—will be discussed below.

What kind of burden-sharing regime?

In the following we try to identify three principal options for refugee burden-sharing systems in the EU: (1) policy harmonisation, (2) quotas and (3) a system based on market mechanisms.

Policy Harmonisation

A first possible approach to achieve a more equitable distribution of burdens in this area is to take a common policy approach through the harmonizing of domestic refugee legislation. The former High Commissioner for Refugees put it like this: "For European governments to manage rather than simply react to the asylum challenge, they need to share, not shift burdens, and to harmonise not only their laws but also their practice".[27] The EU has since the mid 1980s worked towards the convergence of Member States' laws on forced migration. What started with initially non-binding intergovernmental instruments has since then been followed by developments in Community law. Important stepping stones were the 1995 Resolution on Minimum Guarantees for Asylum Procedures (Council Resolution of 20 June 1995, OJ C 274), the 1999 Amsterdam Treaty establishing a Common European Asylum System (for an overview see Guild and Harlow 2001), the 2002 political agreement at the Brussels JHA Council regarding a common definition for persons eligible for refugee and subsidiary protection status and the 2003 directive on common reception conditions (OJ L/2003/31/18) [UPDATE???]. Some have suggested that some of these steps have already contributed to a limited convergence of Member States' refugee burdens since the early 1980s (Vink and Meijerink 2003). The significance of these initiatives notwithstanding, policy harmonization can of course only address imbalances which are due to differences in domestic legislation in the first place. As discussed above, policy differences are only one of several determinants for a protection seeker's choice of host country, with structural factors such as historic networks, employment opportunities, geography or a host country's reputation being at least equally, if not more, important (Thielemann 2003).

Hard Quotas

Sharing Money

[27] Ruud Lubbers, UNHCR High Commissioner for Refugees, 5 November 2004

Given that the process of tackling disparities in refugee burdens through policy harmonization is slow and is likely to remain limited in its effect due to the existence of structural pull factors, other (complementary) strategies need to be explored. One other way is to address disparities retrospectively, through the payment of financial compensation to the most popular destination countries. At the global level, countries' voluntary contributions to UNHCR to help the organization run assistance programmes in those refugee hosting countries that face disproportionate burdens, can be regarded as one, albeit limited, form of such financial burden-sharing arrangements (Acharya and Dewitt 1997; Betts 2003). As most of these contributions constitute 'tied aid', i.e. have strings attached to them as to how they can be spent, it is of course clear that the motivation behind these payments can be quite complex. In the EU, explicit fiscal burden-sharing has been taking place since the establishment of the European Refugee Fund (ERF).

With its Decision of 28 September 2000, the Council established the European Refugee Fund (ERF) (OJ L 252/12 of 6 October 2000). Created on the basis of Article 63(2)(b) of the Treaty establishing the European Community, the ERF is to allocate resources proportionately to the burden on each Member State by reason of their efforts in receiving refugees and displaced persons. Its rationale is 'to demonstrate solidarity between Member States by achieving a balance in the efforts made by those Member States in receiving refugees and displaced persons and bearing the consequences of so doing' (para 21). The ERF has operated since 1 January 2000 and aimed to disburse a total of Euro 216 million according to two elements, a fixed and a proportional one. First, the Fund will disburse an equal flat rate amount to each participating Member State[28] irrespective of the number of displaced persons in its territory. The remaining resources were distributed in proportion to the number of displaced persons in each Member State.

In the following the question about the Fund's effectiveness will be addressed in three parts, focusing on its fixed element, its proportional mechanism and its overall effect. While the fixed element, is likely to have played an important role in getting overall agreement on the principle of the Fund (as very Member State did receive something from the Fund), it has been ineffective regarding the Fund's 'balance of effort' objective. If each Member State receives the same amount from this fixed element of the Fund, no progress in terms of burden-sharing will be made. This appears to have been recognised as the Decision establishing the fund prescribes a scaling down of this element over the Fund's five year period. It is often argued that in terms of the Fund's solidarity objective, the fixed element has played an important role, as it has supported Member States with less developed protection systems irrespective of the number of displaced persons they received. However, it of course has also supported Member States with well developed asylum systems and small numbers of protection seekers in equal measure. It hard to argue therefore that the Fund's fixed element is an effective expression of Community solidarity. If the objective of the Fund is to help particular Member States to develop their asylum institutions, then there must be better ways of doing this than by giving each Member State the same amount.

[28] UK and Ireland have opted in (para 22); Denmark is not participating in the adoption of the decision (para 23).

Regarding the Fund's proportional element, it can be argued that although having performed better, the solidaristic and redistributive effect achieved here remains very much sub-optimal. Currently that part of the Fund is distributed on the basis of the absolute number of displaced persons received in a Member State. This means that a particular number of protection seekers triggers the same amount of money under this category irrespective of the receiving country concerned. This has led to the result that countries with large absolute numbers have benefited disproportionately, despite the fact that relative to their population or size of GDP, or any other absorption capacity measure one might choose, other countries with much greater relative burdens or responsibilities have benefited less. The underlying assumption appears to be that a particular number of protection seekers received, require the same amount of effort, no matter whether the receiving state is small or large, rich or poor, etc. This is clearly not the case, as a certain number of protection seekers received will require greater efforts by a small country than a large one. In other words, the Fund's redistributive element currently compensates Member States according to the absolute numbers of protection seekers received rather than according to the relative responsibilities or burdens that Member States are faced with. From a solidarity or burden-sharing perspective this appears sub-optimal (see Table 3 below).

[Insert Table 3 about here]

Finally, even if the Fund was distributing its resources in an optimal manner, its overall impact would still be rather limited, given its relatively small size. According to UK home office estimates, Britain spent just under 30,000 Euro per asylum seeker in 2002, if one includes administrative costs, legal bills, accommodation and subsistence. According to figures from the Fund's mid-term review, the UK was the second largest recipient of the Fund in 2002, and received just over 100 Euro ERF money per asylum application received that year. It therefore seems that the overall effect of the ERF up to now has been more important in symbolic terms, then it has been in terms of its substantive effect in promoting a balance of efforts between the Member States. Even with the recently agreed tripling of the Fund for the 2005-2010 funding period, revenues from the ERF are highly unlikely to influence member States' decisions as to the way they contribute to refugee protection. Financial burden-sharing instruments on their own will not be regarded as sufficient, in particular because, as mentioned above, it is above all the non-financial costs associated with refugees that countries often find problematic.

Sharing People

A second type of quota-based burden-sharing proposal, and one that has received considerable attention in recent years, is based on the idea of a physical sharing of people between European states on the basis of a fixed distribution key that tries to take account of countries' relative protective capacities. Schuck, for example, mentions several possible criteria on which such a key could be based, such as: national wealth, assimilative capacity, or population density, or the possibility of devising a multi-factor distribution key (Schuck 1997: 279-81). The first explicit references to such burden-sharing ambitions were made by EU ministers responsible for asylum and immigration at their meeting of 30 November and 1 December 1992 (not published in the Official Journal of the European Union (OJ) but reprinted in

UNHCR 1995). These deliberations led to a German Presidency Draft Council Resolution on Burden-sharing in July 1994 (Council Document 7773/94 ASIM 124). This proposal foresaw the reception of refugees according to a key which was based on three criteria which were given equal weight (population size, size of Member State territory and GDP).[29] The centrepiece of the German draft foresaw the introduction of a compulsory resettlement mechanism. The text of the proposal stated: 'Where the numbers admitted by a Member State exceed its indicative figure [ ], other Member States which have not yet reached their indicative figure [ ] will accept persons from the first State.' Perhaps unsurprisingly, however, this proposal did not find the necessary support in the Council. In particular, the UK, which had received relatively few asylum seekers until that point, was strongly opposed to such a scheme (BMI 1994; Frankfurter Allgemeine Zeitung 27 January 1995: 2; BT-Drs. 13/ 1070, 55; Integrationsbericht, p.92). Some Council members also expressed the concern that this proposed 'physical' burden-sharing regime, which would have allowed the transfer of refugees without their consent, might violate established human rights.

Although ultimately, the redistribution of protection seekers from one host territory to another on the basis of some measure of reception capacity, might be the most effective way to address disparities in refugee burdens, it is also the most controversial one. Advocates of such policies argue that this is the only way to effectively equalize the costs incurred by host territories, as such measures capture not only costs linked to reception and determination but also those less quantifiable costs related to the integration of protection seekers. Opponents emphasize the risks to both the individual (related to a secondary uprooting) and to the new host territories, which might lack the social support networks of the protection seekers' initial destination and which could even lead to higher total costs for the countries operating such a scheme.

Market Mechanisms

A third category of burden-sharing regimes are those that rely on market mechanisms to achieve a spreading of responsibilities in this area. Three types of market-based approaches will be discussed in turn: (1) resettlement/dispersal, (2) (explicit) trade in protection quotas and (3) a more comprehensive (implicit) trading mechanism for protection contributions.

Resettlement/Dispersal

One established model of non-quota based burden-sharing is the idea of 'voluntary pledging' which has been the mechanism underlying refugee resettlement. Resettlement was first comprehensively used during the Indo-Chinese refugee crisis of the late 1970s and is based on the idea of voluntary offers by states to accept

[29] The form of the suggested redistributive mechanism followed the example of German domestic legislation, which stipulates a population based key for the distribution of asylum seekers among the German Länder (see section 45 of the German Asylum Procedure Act (Asylverfahrensgesetz).

refugees into their territory. Some Western states have accepted significant numbers of refugees through this route (see Table 4).

[Insert Table 4 about here]

A recent EU initiative which is based on a similar mechanism is the 2001 Council Directive on Temporary Protection in the Case of Mass Influx (Council Directive 2001/55/EC of 20 July 2001, OJ L 212, 7 August 2001). The directive develops a range of non-binding mechanisms based on the principle of 'double voluntarism': the agreement of both the recipient state and the individual protection seeker is required before protection seekers can be moved from one country to another. Under this instrument, Member States are expected, in spirit of 'European solidarity', to indicate their reception capacity and to justify their offers. These pledges are to be made in public, allowing for mechanisms of peer pressure or 'naming and shaming'. The directive has not yet been used and therefore the effectiveness of this new instrument of 'soft' co-ordination still remains to be tested in practice.

One finds more established systems for refugee resettlement in the dispersal regimes operated inside in many states (in particular traditionally centralized ones). The UK dispersal scheme is a prominent example (Boswell 2003; Berliner Institut 2001, NAO 2000). Given large inflows of refugees that were increasing the pressure on already scarce accommodation in London and the South East of England led the UK government to introduce a voluntary dispersal scheme for asylum seekers in 1998, followed by a more comprehensive scheme was subsequently incorporated into the government's 1999 Immigration and Asylum Act. Under this scheme, asylum seekers will be dispersed to 'cluster areas' outside London and the South East, in which there is a sufficient supply of suitable accommodation.[30] The Act contains provisions for the reimbursement of participating local authorities for any additional costs incurred in accommodating and supporting asylum seekers (Boswell 2003). Under the initial scheme dispersal took place at the expense of the local authorities in the South East and London which agreed to compensate local authorities n the North. As the financial burden for London and the South East increased, the Home Office introduced the National Asylum Support System (NASS) with the 1999 Act which along with accommodation, provides financial support. Thus, the UK national government pays volunteering local authorities for the costs of the asylum and dispersal system.

Could this kind of dispersal system be transferred to the international level? Would states be prepared to pay money to other states in exchange for a relief in their refugee protection burden? It has been argued that states have already been doing so. There are examples where in the past some states have paid other states to protect refugees, with wealthy states giving money to countries neighbouring Rwanda during the recent refugee crisis there (Schuck 1997:243-4) and Australia paying Nauru for processing asylum seekers that the Australian Navy prevents from reaching Australian territory. Recent proposals on extra-territorial processing in Europe would in part also fall into this category (Noll 2004, Betts 2004, reference???).

[30] Prior to the implementation of the dispersal policy in April 2000, around 90% of asylum seekers were housed in London and the South East.

The disadvantages of a centrally administered international refugee protection fund which would be financed by state contributions and dispersed according to states' offers to receive refugees, according to Schuck (1997), entails at least two disadvantages. First, 'it would restrict the acceptable currency of trade to cash, thereby limiting the number and flexibility of possible transactions'. Second, 'a centralized system would be more complex and involve higher transaction costs.' (Schuck 1997: 284). This is why Schuck has argued for a more decentralized market-based burden-sharing system based on a more explicit trading mechanism.

Explicit Trading

The model proposed by Schuck is made up of two components (Schuck 1997: 282-88). The first is based on a traditional quota system. An international agency would assign to each participating state a refugee protection quota (according to some agreed criteria of reception capacity). A state's quota would make it responsible for a certain number of refugees. The second element is the model's trading component. Under it, the participating states would be permitted to trade their quota by paying others to fulfill their obligations. Once a states receives its quota, it must decide whether it will discharge it by offering protection to refugees on its own territory (either temporary safe haven or permanent resettlement), or whether to transfer part or all of its quota obligation to one or several other state(s) in a voluntary public transaction. The payment could take the form of cash or any other resources that the transferee values (e.g. credit, commodities, development assistance or political support).[31] '[Under the trading system] the transferor can only induce the transferee to accept the transferor's obligation by paying the transferee enough to compensate it for the additional burden of accepting the transferor's quota' (Schuck 1997: 284).[32]

Schuck emphasises that states are motivated largely by what they regard as their national self-interest and that they differ significantly in both the attitudes and the resources that they bring to refugee policy. Taking Japan as an example, he suggests that any regional or global quota system would assign it a large quota on the basis of it wealth. 'With a remarkably homogeneous population and no tradition of refugee protection, immigration , or assimilation of foreigners, Japan would presumably be eager to purchase a discharge of its large protection obligation from another country […] at a high price, reflecting both its high cost of living and its determination to maintain its ethnic homogeneity' (Schuck 1997: 284). This is why Schuck regards

[31] It is possible for states to decide not to trade at all but expect still an improvement on the status quo. 'Even in this case, refugee protection would still be better off than under the existing system because of the quota state's commitment to its initial quota.' (Schuck 1997: 284).

[32] Schuck expects the market of potential transferee states to 'be reasonably crowded'. 'All states want, and most desperately need, the hard currency that the high-quota states would presumably use to pay for their quota discharges, although transferee states might also value other forms of payment. Some potential transferee states might not been notably receptive to refugees but already have ethnically divers populations and may have vase empty spaces (and residential controls) for temporary protection or resettlement. Russia and Brazil are examples. Even a wealthy state with a sizable quota of tits own might nevertheless be willing to accept some additional refuges, especially if its costs of doing so are fully, or perhaps even more than fully, covered by a transferor's payment. The state's motive might be humanitarian, ideological, ethnic, or geopolitical, rather than, or in additional to, the mercenary pursuit of hard currency (Schuck 1997: 242-3).

interstate heterogeneity as to their attitudes towards refuges and their resources for dealing with them, as a potential policy virtue. Trading mechanisms 'can encourage states to exploit their heterogeneity through exchanges that serve both their self-interest and the public interest in refugee protection. A properly regulated market in refugee protection quotas promises to accomplish both these ends' (Schuck 1997: 283). By facilitating voluntary trades, Schuck therefore expects his proposed scheme to reduce the overall cost of the refugee protection system.

Several objections have been made against this scheme which above all relate to the scheme's workability, concern about protection safeguards and the unease about treating refugees as commodities in inter-state transactions (Schuck 1997: 289-297; Anker, Fitzpatrick and Schacknove 1998). A more general criticism of the Schuck model (and one which applies also to the other models discussed above) is its narrow focus on only *one* aspect of states' contributions to refugee protection. It is this particular criticism that the final burden-sharing model that will be discussed here seeks to address.

Comprehensive (Implicit) Trading

An alternative 'trade based' model (Boyer 1989) suggests that countries are expected to specialise according to their comparative advantage as to the type and level of contribution they make to international collective goods. Applied to the area of forced migration (Thielemann and Dewan forthcoming), it has been suggested that countries can contribute to refugee protection in two principal ways: proactively, through peace-keeping/making and reactively, by providing protection for displaced persons. In line with the theoretical predictions found in the public goods literature which predict the 'exploitation of the big by the small' (Olson and Zeckhauser 1966),[33] one first that it is the larger the larger countries which bear a disproportionably large share of the peacekeeping burden (Shimizu and Sandler 2002). No similar exploitation, however, exists with regard to refugee burdens. If anything, it is the smaller countries which bear a disproportionately large share of responsibilities when it comes to receiving refugees (see Figure 1).

[Insert Figure 1 about here]

With some countries making disproportionate contributions in 'pro-active' refugee protection contributions (through peace-keeping) and other countries contributing in a disproportionate way with 'reactive' measures related to refugee reception, there appears to be some support for the Boyer (1989) trading model. Moreover, such apparent specialisation in countries' contributions has potentially important implications for attempts to develop multi-lateral burden-sharing initiatives that are perceived to advance states' interests in providing for more equitable, efficient and effective refugee protection. First, evidence of inter-country specialisation also

[33] According to Olsen's argument it is, other things being equal, the larger states whose actions will make more of a difference to the total common effort than the actions of small states. As a result, larger states will tend to contribute a disproportionate share to the overall effort as smaller states, whose individual contribution will not be as crucial anyway, have a strong incentive to free-ride on the efforts of the larger states.

suggests that refugee provision is perhaps not as inequitable as often assumed by those who examine countries' willingness to accept displaced persons on its own. Second, it is possible that burden-sharing initiatives that attempt to force all nations to increase contributions in a particular category of provision are likely to be counterproductive for the efficient provision of collective goods such as refugee protection. It can then be argued that the provision of this collective good is closer to optimality when countries are able to specialize with regard to their contributions. The existence of country-specific benefits from refugee protection combined with tendencies for specialisation in states' contributions can both help to raise the efficiency of refugee protection efforts. When just looking at reactive protection contributions (as most burden-sharing models do), it is tempting to suggest that some (larger) countries should be contributing more in this area. Equalizing reactive contributions also appears to be the general thrust of recent European policy initiatives. However, any attempt to impose quotas and suchlike should be seen as a hindrance toward greater specialisation and trade, with adverse overall effects. Burden-sharing initiatives, if they are to strengthen refugee protection, need to be aware of variations in states' preferences in this area and need to recognise comparative advantages possessed by individual states in this area. If they do not, they risk to undermine the search for more effective refugee protection efforts.

Conclusion

It has been shown that the distribution of refugee burdens in Europe is highly unequal, even when different reception capacities of countries are taken into account and it has been argued that this distribution is largely due to structural factors beyond states' control. It has also been argued that given the likely adverse consequences from 'a race to the bottom' by states trying to avoid disproportionate burdens, the development of an effective European (or even more far-reaching) burden-sharing regime appears to be in the interest of both refugees and countries of destination. The establishment of such a regime does not have rely on appeals to solidarity but can be promoted by appealing to clear (albeit varying) benefits that can accrue to states in terms of increased security, lower costs, ensured adherence to international obligations, etc.

Finally, the discussion above makes the case for a more a comprehensive burden-sharing approach. It has been argued that policy harmonisation and quota-based burden-sharing regimes on their own are unlikely to provide satisfactory results. By outlining a number of market-based approaches, the paper hopes to stimulate the search for more effective burden-sharing solutions. Any proposal for a refugee burden-sharing regime can expected to be controversial but it seems that the EU provides a quite unique opportunity to further explore the potential benefits of market-based burden-sharing in conjunction with ongoing efforts of policy harmonisation which can help to safeguard compliance with established human rights standards. Whereas past proposals for international burden-sharing regimes have sometime been rightly criticised for undermining individual rights and for shifting burdens to the South, this paper suggests that the establishment of regional burden-sharing regimes, like the one discussed here for the EU, can bring substantial benefits with fewer shortcomings, while also being politically more feasible. Given the deplorable

developments of recent years that have led to the current refugee dilemmas, the need to further explore new options to build a more equitable, efficient and effective international refugee burden-sharing regime appears to be more urgent than ever.

Annex: Tables and Figures

Table 1: Average Accepted Protection Burden (1994-2002)

	1	2	3	4 (1)/(3)*1000	5	6	7 (4)*(6)	8 (5)+(7)
Country	Average annual number of asylum applications*	Average resettlement arrivals	Average population size (thousands)	Average Number of Asylum Applications (per 1000 of population)	Average Number of resettlement arrivals (per 1000 of population)	Average Recognition Rate (in percent)**	Average Accepted Protection Burden (spontaneous arrivals)	Average Accepted Protection Burden (spontaneous arrivals & resettlement)
Netherlands	35345	308	15735	2.2	0.020	62.7	1.379	1.399
Switzerland	25208		7131	3.5	0.000	39.3	1.376	1.376
Denmark	8312	1034	5297	1.6	0.195	61.6	0.986	1.181
Sweden	15556	1945	8855	1.8	0.220	45.1	0.812	1.031
Norway	7836	1494	4435	1.8	0.337	35	0.630	0.967
Canada	29755	10898	30214	1	0.361	59.8	0.598	0.959
Belgium	21532		10212	2.1	0.000	32.3	0.678	0.678
Australia	9086	10222	18740	0.5	0.545	18.1	0.091	0.636
United States	75484	76243	272181	0.3	0.280	29.7	0.089	0.369
United Kingdom	61077	39	59040	1	0.001	36.1	0.361	0.362
Germany	100844		82002	1.2	0.000	15.7	0.188	0.188
France	30595		58481	0.5	0.000	18.4	0.092	0.092
Italy	9223		57029	0.2	0.000	24.6	0.049	0.049
Spain	7352		39669	0.2	0.000	24	0.048	0.048
Japan	187	162	126383	0	0.001	13.5	0.000	0.001

* Figures generally refer to the number of persons who applied for asylum. The figures used here are generally first instance ("new") applications only. Source: Governments, UNHCR. Compiled by UNHCR (Population Data Unit). See also: http://www.unhcr.ch (Statistics).
** Total recognition rates in industrialised countries (first instance). Includes persons recognized (under Geneva Convention) and those 'allowed to remain' (on the basis of subsidiary protection) divided by the total of recognized, allowed to remain and rejected. Source: UNHCR Statistical Yearbooks.

Table 2: Determinants of Relative Asylum Burdens (Averages 1985-2000)

			Structural Determinants								Policy-Related Determinants		
			Economic			Historical		Political		Geographic	Deterrence-Policy		
	Relative Asylum Burden		GDP per Capita		Unemployment Rate	Foreign (Born) Population		ODA		Distance	Deterrence Index		
1	CHE	3.3	LUX	0.033	ESP	19.5	AUT	60.9	NOR	1.02	PRT 4886	DEU	4.5	1
2	SWE	2.6	CHE	0.032	IRE	14.4	DEU	41.6	SWE	0.92	ESP 4461	CHE	4.0	2
3	DEU	2.0	NOR	0.028	BEL	12.1	DNK	29.6	DNK	0.86	IRE 4355	AUT	3.0	3
4	DNK	1.8	DNK	0.026	ITA	11.2	NLD	26.3	CHE	0.68	NOR 4224	PRT	2.9	4
5	AUT	1.7	SWE	0.025	FRA	10.6	CHE	21.8	DEU	0.51	GBR 4043	GRC	2.8	5
6	NLD	1.7	DEU	0.023	FIN	9.4	SWE	16.4	FIN	0.41	FRA 3918	FRA	2.5	6
7	BEL	1.6	FIN	0.022	DNK	9.0	NOR	9.7	AUT	0.40	BEL 3805	ITA	2.5	7
8	NOR	1.3	AUT	0.021	GRC	8.1	BEL	9.6	FRA	0.36	NLD 3783	ESP	2.2	8
9	LUX	0.9	FRA	0.021	GBR	7.9	FRA	7.4	LUX	0.36	LUX 3718	NLD	1.8	9
10	FRA	0.6	NLD	0.020	DEU	7.9	ITA	5.3	NLD	0.36	CHE 3642	LUX	1.6	10
11	GBR	0.5	BEL	0.020	NLD	7.0	FIN	3.9	BEL	0.34	FIN 3612	DNK	1.5	11
12	IRE	0.5	GBR	0.018	AUT	6.0	GBR	1.3	IRE	0.27	DNK 3502	IRE	1.5	12
13	GRC	0.3	ITA	0.018	PRT	5.9	GRC	-	ITA	0.26	SWE 3473	BEL	0.9	13
14	FIN	0.3	IRE	0.016	SWE	4.5	IRE	-	ESP	0.22	ITA 3409	NOR	0.9	14
15	ESP	0.2	ESP	0.012	NOR	4.1	LUX	-	GBR	0.21	DEU 3380	SWE	0.8	15
16	ITA	0.2	GRC	0.009	CHE	2.5	PRT	-	PRT	0.18	AUT 3166	GBR	0.8	16
17	PRT	0.0	PRT	0.008	LUX	2.2	ESP	-	GRC	0.14	GRC 2929	FIN	0.8	17
Correlation Coefficient		**1.00**		**0.70**		**-0.52**		**0.63**		**0.43**	**-0.37**		**0.21**	

AUT: Austria; BEL: Belgium; CHE: Switzerland; DEU: Germany; DNK: Denmark; ESP: Spain; FIN: Finland; FRA: France; GBR: Great Britain; GRC: Greece; IRE: Ireland; ITA: Italy; LUX: Luxemburg; NLD: Netherlands; NOR: Norway; PRT: Portugal; SWE: Sweden.

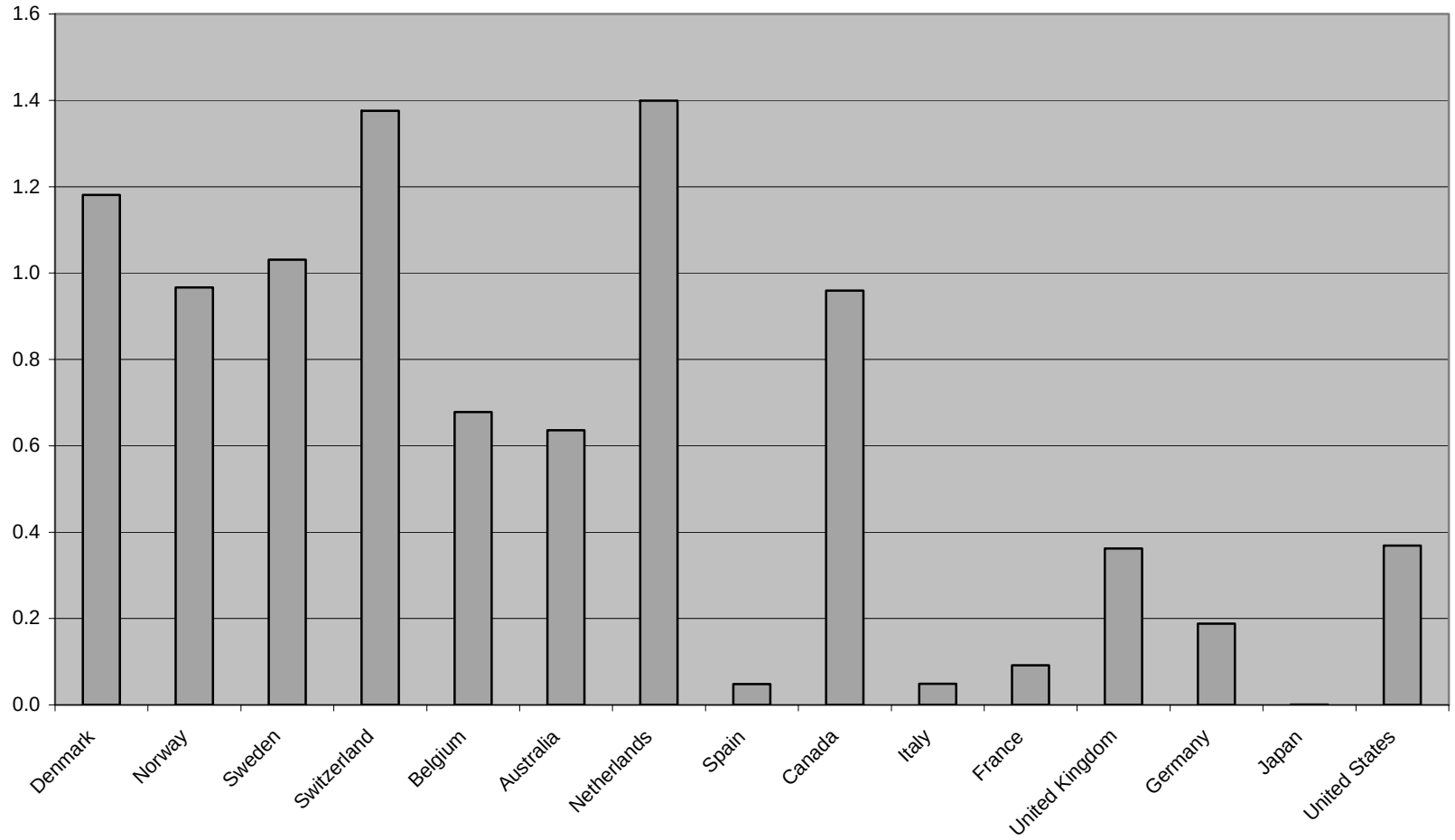
Table 3: The Redistributive Impact of the European Refugee Fund

Rank	Country	Number of asylum applications per 1000 head of population		Country	Percentage of ERF contribution to all MS
1	**Belgium**	4.2		Germany	20.05
2	**Ireland**	2.9		United Kingdom	19.11
3	**Netherlands**	2.8		France	11.50
4	Denmark	2.3		**Netherlands**	9.46
5	Austria	2.2		Sweden	8.37
6	Sweden	1.8		Italy	8.06
7	United Kingdom	1.7		**Belgium**	5.73
8	Luxembourg	1.4		Austria	5.06
9	Germany	0.9		**Ireland**	2.69
10	Finland	0.6		Spain	2.59
11	France	0.6		Finland	2.35
12	Greece	0.3		Greece	2.35
13	Italy	0.3		Portugal	1.77
14	Spain	0.2		Luxembourg	1.12
15	Portugal	0.02		Denmark	
	Correlation Coefficient	**1**			**0.06**

Table 4: Resettlement arrivals in industrialized countries, 1993-2002

Country of resettlement	1994	1995	1996	1997	1998	1999	2000	2001	2002	Total
Australia	13,557	15,412	11,100	7,816	12,558	8,398	7,330	6,659	9,172	92,002
Canada	10,100	11,101	10,937	10,369	9,645	9,779	13,518	12,245	10,389	98,083
Denmark	3,757	2,018	601	501	444	501	464	531	490	9,307
Finland	651	642	840	627	304	543	756	739	571	5,673
Iceland	-	8	-	17	23	75	24	23	-	170
Ireland	650	-	-	-		1,032	40	52	23	1,797
Japan	456	231	151	157	132	158	135	40	-	1,460
Netherlands	498	492	475	187	524	11	204	223	155	2,769
New Zealand	737	822	780	527	677	1,135	699	749	674	6,800
Norway	694	1,591	788	1,343	1,124	3,942	1,481	1,269	1,216	13,448
Sweden	7,431	1,956	1,629	1,180	1,130	546	1,501	1,089	1,042	17,504
United Kingdom	260	70	20	-	-	-	-	-		350
United States	112,981	99,974	74,791	69,276	76,181	85,076	72,143	68,925	26,839	686,186
Total	151,772	134,317	102,112	92,000	102,742	111,196	98,295	92,544	50,571	935,549

Figure 1: Average Accepted Protection Burden (by ascending GNP size), 1994-2002



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