



Disaster Situation and Humanitarian Emergency – In-Between Responses to the Refugee Crisis in Germany

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ABSTRACT

In 2015, the needs of hundreds of thousands of refugees who arrived in Germany could only be met by deploying all available civil protection units. This article presents procedures and practices of state and non-state formal actors in the field of civil protection and related crisis management structures implemented and established across the board in the municipalities, the Federal Government and mass shelters, in particular in Bavaria. From a disaster research and humanitarian studies perspective we use the concept of “patterns of interpretation” to analyse the application of the “humanitarian emergency” and the “disaster situation” procedures to discuss whether the situation can really be categorized as “either-or” or whether the coexistence of the two served a function in managing such a complex situation. Finally, we discuss some developments that occurred after 2015/16 and consider the extent to which these developments shift or expand the existing patterns of interpretation.

INTRODUCTION

On September 4th, 2015, German Chancellor Angela Merkel declared that the thousands of refugees stranded in Budapest would not be rejected at the border, as Germany was faced with an “extremely acute humanitarian situation” (Bröcker and Quadbeck, 2015, own translation). This politically highly controversial decision invoked a “humanitarian imperative” (Schmitz, 2015, own translation). In the national political discourse and the discussion about the number of refugees which had been increasing in previous months the situation had not been described as a “humanitarian emergency” before. At the same time, the needs of hundreds of thousands of refugees who had already arrived in Germany could only be met by deploying all available civil protection units (CPU) (German: Bevölkerungsschutz)¹ from domestic aid organizations like the German Red Cross (GRC) or the Federal Agency for Technical Relief (THW). However, politically responsible actors, such as Mayors, District Administrators or State Ministers of the Interior, did not have recourse to the corresponding legal and formal disaster declaration as codified in disaster (response) law. From the perspective of the actors on the ground such as units operating emergency shelters, it was incomprehensible, why such a well-functioning crisis management system, the activation of which could have significantly simplified and improved the processing of the situation, was not used formally.

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The article takes the competing patterns of interpretation of the “humanitarian emergency” and the “disaster situation” as well as the resulting, at times contradictory, practices, structures and procedures of state and non-state formal actors² in the field of civil protection and related crisis management structures as the starting point for the analysis and interpretation of how the 2015/16 refugee crisis in Germany was managed.

Both patterns of interpretation have revealed themselves to be contested and controversial. It has often been unclear what is meant by the term “humanitarian emergency”, how it is distinguishable from a “disaster situation” and whether it was appropriate to apply the terms to the situation in Germany in 2015 (Pries, 2019).

The approach through the analysis of the patterns of interpretation and their associated practices makes it possible to not think of the events of 2015/16 solely in terms of state administrative structures and inter-organizational cooperation, as the majority of the existing analyses so far argue (Paterock, 2016; Radtke and Fleischer, 2019). It rather allows understanding them as embedded in socially existing structures of meaning and interpretation, which in turn constitute certain practices and procedures as socially meaningful. Patterns of interpretation as concepts of the sociology of knowledge are “socially valid interpretations of the environment and the self, connected with instructions for action. Patterns of interpretation structure collective everyday action by providing models of (ideal) typical situations under which facts, events and experiences are subsumed on the basis of certain characteristics” (Höffling et al., 2002). Patterns of interpretation are functional in relation to certain tests of action; they have normative power of interpretation and thus shape social realities by prescribing interpretations and patterns of action. Their validity can vary between different groups, organisations or institutions. In addition, patterns of interpretation are relatively stable and can also withstand inconsistencies to a limited extent (Reichert, 1986), but they are also always open to development and therefore also subject to change. According to Müller (2013), actors, especially in crises, are forced to change existing patterns of interpretation or, if necessary, to strive for new patterns of interpretation. Thus, patterns of interpretation only persist until they are called into question again by new crises themselves.

In addition to a detailed literature study, this paper is based on 32 semi-structured explorative interviews with experts from CPUs involved in refugee aid (GRC, THW, Workers’ Samaritan Federation (Arbeiter-Samariter-Bund (ASB)), Federal Office for Civil Protection and Disaster Relief (BBK), fire brigades, Diakonie Katastrophenhilfe), the Federal Ministry of the Interior (BMI), social and welfare organizations (Berliner Stadtmission, Arbeiterwohlfahrt), humanitarian actors (International Rescue Committee (IRC), Red Cross Emergency Response Units (ERU)), independent international humanitarian experts as well as the Federal Office for Migration and Refugees (BAMF). The aim of the explorative expert interviews was to get an understanding how the situation 2015/16 was framed and dealt with and what lessons learned were identified by different actors involved in formal and informal crisis management.³ The experts were selected using snowball sampling and the interviews were analysed by content analysis. Additionally, results from expert workshops and participatory observations in emergency shelters, mass shelters (so-called “waiting rooms”) as well as within organizations were included. These data were collected both during the high period of refugee arrivals in 2015/16, and as part of a research project⁴ in 2019 which looks from a scientific as well as from a practitioner’s point of view into learning processes after the refugee crisis. The analysis is embedded in a more comprehensive study of the European dimension of the refugee crisis.

In the first section, we outline the concrete procedures and practices as they were implemented and established across the board in the municipalities, the Federal Government and in mass shelters in Bavaria, the so-called “waiting rooms” in 2015/16, after a brief introduction to the complexity of German asylum law. We then analyse from the perspective of disaster research and humanitarian studies the underlying patterns of interpretation of the “humanitarian emergency”

and the “disaster situation” in order to finally initiate considerations in the discussion section as to whether the situation can be categorized under either one of the interpretation patterns or somewhere in between. Finally, we briefly list some developments that occurred after 2015/16 and consider the extent to which these developments shift or expand the existing patterns of interpretation.

With this approach and focus the paper goes beyond current debates about international refugee protection in forced migration and refugee studies that mostly address the issue from legal, governance, regime or economic perspectives (Betts and Loescher, 2014; Hinger et al., 2016; Kleist, 2017; Betts and Collier, 2018), but do not take into account the specific practices, procedures as well as respective actors such as CPUs on the ground in (Central) Europe during the refugee crisis 2015/16.

MANAGING THE REFUGEE CRISIS 2015/16

Deployments in refugee aid are nothing fundamentally new for CPUs in Germany: For example, there were aid missions during the period of flight from the German Democratic Republic (GDR) in the years 1949–1955 after the foundation of the two German states, especially in Berlin (Blos, 1979; Riesenberger, 2002). In the years 1949 to 1955, almost 900,000 refugees reached Berlin creating major challenges for the Berlin GRC to shelter and assist all refugees.⁵ Due to these special challenges, the GRC received support from delegates the International Committee of the Red Cross (ICRC) from abroad (Blos, 1979).

Later, resettlers from Eastern Europe in the 1960–1980s or GDR refugees in 1989 led to the deployment of aid organisations (Präsidium des Deutschen Roten Kreuzes, 1989). For instance, in 1989, the GRC, the Hungarian Red Cross and others managed refugee camps in Csillebérc and Zánka in Hungary and the GRC assisted refugees in a camp that was set within the German Embassy in Prague. In September 1989, the GRC headquarters was tasked to build camps for GDR refugees at the German-Austrian border while more or less all German aid organizations provided assistance to refugees all over Germany. Until 2007, the GRC also had a specific unit, the relief unit (German: DRK Hilfszug), which was used both in international humanitarian aid and in national civil protection (e.g., in Hungary, during the Yugoslav Wars, and in 1989 in Warsaw, Prague and Bavaria) and explicitly served to “feed, shelter, register and to provide assistance to refugees” (Peter, 2001, 32, own translation). For a long time, refugee movements were an important aspect of civil protection planning in times of imminent nuclear war (Diebel, 2017). After the turn of the millennium, refugee movements more and more disappeared in official documents of disaster and crisis management (Schutzkommission beim Bundesminister des Innern, 2006; Schutzkommission beim Bundesministerium des Innern, 2011). Only with the guideline “Conception of Civil Defence” of 2016 (Bundesministerium des Innern, 2016) does the “management of refugee flows and population movements” reappear under point “Dealing with Hybrid Threats”.

However, the previous aid missions to assist refugees before 2015/16 were exclusively emergency aid missions for the CPUs, in which questions of asylum law did not play a major role. In 2015/16, the asylum process, especially in the “waiting rooms”, but also beyond, became the linchpin of the work of the aid organizations, without their prior preparation and without equivalent crisis management structures in the corresponding asylum structures.

In order to develop a deeper understanding of the interpretations and practices, the following sub-section briefly introduces the complexity of the German asylum system. In the following sub-sections, the crisis management measures established in 2015/16 for the care of refugees at different levels and in different contexts are presented.

The asylum system in Germany

The asylum system in Germany is extraordinarily complex and subject to continuous change due to the specific responsibilities of the federal, state and local governments and on account of stark differences in systems for initial reception facilities (Radtke and Fleischer, 2019).

During the first six months, refugees are accommodated in state facilities, which also include emergency shelters that are mostly run by the municipalities in administrative assistance but are financed by the state (Bogumil et al., 2016). In addition to registering asylum seekers, the reception facilities managed by the states are tasked with carrying out medical examinations, providing accommodation and ensuring that asylum seekers are presented to the responsible asylum processing office. All asylum applications are processed by the BAMF, an authority within the jurisdiction of the BMI.

The BAMF represents the central axis of the asylum process, but in 2015/16 underwent a difficult internal crisis and restructuring of its own. In 2014, the BAMF registered an increased number of asylum applications (Deutscher Bundestag, 2014), which the existing personnel resources were unable to manage. Corresponding warnings and requests for staff increases by then BAMF President Schmidt to politicians went unheard (Dummer et al., 2016). The huge increase in asylum seekers in 2015 thus encountered an administration that was in a state of crisis already, without any crisis management mechanisms at its disposal.

Challenges of refugee assistance in 2015/16

From July 2015, in view of the high numbers of refugees throughout Germany, emergency shelters were built on behalf of the federal states and municipalities – often with the support of CPUs (Grote, 2018). For the GRC this was the largest mission since the end of German reunification (Deutsches Rotes Kreuz e.V., 2015), for THW it was the longest lasting mission and that with the largest geographical distribution (Bundesanstalt Technisches Hilfswerk, 2018). In many cases, the supply was additionally provided by civil society organisations and individual volunteers who spontaneously volunteered by donating goods or otherwise becoming involved (Feischmidt et al., 2019). The CPUs, which were only in exceptional cases requested by the federal states through disaster alarms, but rather through other, often less formal mechanisms, had to contend with several major challenges. With the exception of the state of defence, federal intervention in the affairs of the states—which include the aid and assistance of refugees—is constitutionally only possible if several states are affected by a natural hazard or a large-scale accident, or if there is a suitable appeal from the states that they have insufficient capacities to cope with the situation (Leupold, 2012). Thus, as long as this is not the case, the aid organizations that, like the GRC, orient themselves towards federalism and the territorial principle, were dependent on the subsidiary resources available in the state, district and local associations.

Some municipalities had already experienced an increase in refugees since 2014 and had reached their capacity limits faster than others in 2015, especially in the states close to the border such as Bavaria (Grote, 2018). There were considerable bottlenecks in the initial supply of food and non-food items, as early as mid-2015, the GRC had to fall back on the federal disaster emergency stockpile (Sieland, 2016). Later additional items had to be flown in from GRC sister organisations (Canada and USA) abroad. In the summer of 2015, CPUs were still somewhat able to cover their operations through their own formal voluntary structures, but these themselves reached their limits with the renewed increase in refugee arrivals in the autumn of 2015 (Grote, 2018). Many of the smaller state, district and/or local associations of aid organizations in particular had already deployed all the units actually available for disaster management, which meant that in the event of a disaster, there would be no more capacity for further operations (own interviews).

The emergency shelters, which were built in large numbers and often under extremely difficult conditions, were hardly built according to minimum standards, as these did not exist in Germany until then (Cremer, 2014). They were mostly well below the internationally recognized SPHERE minimum standards that “at the onset of a crisis help to identify immediate needs and prioritise activities that will address these needs” (Sphere Association, 2018, p. 9), which originally were developed for non-European contexts and had not yet been adapted to European contexts (Deutsches Rotes Kreuz and IFRC Shelter Research Unit, 2016). European “minimum standards for giving temporary protection in the event of a mass influx of displaced persons” never played a role in Germany either, since the respective EU directive (European Council, 2001) was not activated in 2015 (Gluns and Wessels, 2017).

For many volunteers in the field of CPUs, it was unclear on which legal basis they were deployed, as well as why, despite the poor supply situation, situations were so seldom declared as disaster situations—yet the corresponding procedures, structures and material were used nonetheless, which resulted in legal grey areas (own interviews).

A further challenge for the various civil protection actors was that there was hardly any knowledge about the asylum system, but the entire planning and coordination of the aid and assistance of refugees was largely determined by the asylum process. Because the processing of asylum applications took longer than legally required the refugees had to stay in emergency shelters and initial reception facilities longer than expected (Sieland, 2017). The “fluid nature of the migrant and refugee populations” (Borton et al., 2015, p. 15) and their agency presented a further challenge, such as when large numbers of arrivals withdrew themselves from the (mass) shelters, which led to some absurd management attempts (own interviews), when, for instance, transportation capacities were organized with great efforts only to realize that refugees had already found other means of transportation themselves.

Federal crisis management

As the number of unregistered entries at the German-Austrian border increased, especially in August/September 2015, border control authorities were heavily burdened and there were clear warnings from the security authorities on rising security risks (Lohse, 2015). Therefore, border controls were introduced in Germany on September 13th (Grote, 2018).

The establishment of a coordinated “crisis” management system at the federal level began at the end of August 2015 (see Table 1), although the terms “crisis” and “disaster” were largely avoided for political reasons (Sieland, 2016) and there were deviations from pre-planned crisis management procedures and corresponding legal ambiguities (own interviews). Those units with recourse to civil protection resources were:

- (1) the Staff Coordination of Refugees and Asylum Seekers Admission, which was part of the BMI and served as support for the Steering Committee Coping with the Refugee Situation and the Federation-States Coordination Taskforce for Asylum, subsequently resorted to CPU personnel resources (Radtke and Fleischer, 2019).⁶
- (2) Federal Government Coordination Office for the Distribution of Refugees that was established at the Minister-President Conference of the States to take over the distribution of refugees who were arriving predominantly in Bavaria. The responsibility initially lay in the hands of a staff of approx. 30 experts. Some of them were withdrawn from the BBK and who brought with them corresponding logistical and organizational knowledge of civil protection, as well as the German armed forces, the German railway company, bus companies, federal police, state police, aid organizations, THW, fire departments and representatives of the states.

(3) mass shelters (“waiting rooms”) that were opened in Bavaria, initiated by the Federal Government, built up by CPUs and operationally managed by the BAMF. In the “waiting rooms” all arriving refugees were to be registered and assisted according to humanitarian aid frameworks. These were set up as a buffer until procedures for “orderly” onward transport were put in place (Global Shelter Cluster, 2017).

Simultaneously the BAMF began with the largest restructuring and personnel development process in its history. Internal processes and decision-making procedures were optimized, new digitized procedures introduced, thousands of new employees hired in the shortest possible time or borrowed from other authorities (Grote, 2018).

Installation of waiting rooms

Many of the civil protection organizations also had extensive knowledge of international humanitarian aid in their international units, especially in refugee aid and camp construction, such as THW with numerous deployments, e.g., its involvement in Iraq, Bangladesh, etc. This knowledge was transferred very effectively from the international to the national sphere: the establishment of “waiting rooms” in Bavaria is of particular interest in this context. At the end of August 2015, it became apparent that the Bavarian actors could no longer handle the high number of refugees at the German-Austrian border. The Federal Government decreed that in Bavaria mass shelters, “waiting rooms” in support of the Bavarian State, should be set up as federal facilities that meet international humanitarian standards (Sieland, 2017). The federal government commissioned the GRC headquarters to create and operate reception facilities for up to 20,000 persons for a period of two months.

The GRC headquarters activated its Command and Control Centre, which is normally used for major international aid missions or major disaster situations involving more than one state

TABLE 1
ACTIONS FEDERAL CRISIS MANAGEMENT

| Date | Action |
|---------------------|--|
| 26th August 2015 | Setting up Federation-Länder Coordination Taskforce for Asylum (German: Bund-Länder-Koordinierungsstab Asyl (BLKA)) |
| 26th August 2015 | Steering Committee Coping with the Refugee Situation (German: Lenkungsausschuss „Bewältigung der Flüchtlingslage) and Staff Coordination of Refugees and Asylum Seekers Admission (German: Stab Koordination der Flüchtlings- und Asylbewerberaufnahme (KFA)) established in BMI |
| 11th September 2015 | Federal Government commissioned the GRC headquarters to create and operate waiting rooms for up to 20,000 persons |
| 13th September 2015 | Reintroduction of border controls |
| 21th September 2015 | Federal Government Coordination Office for the Distribution of Refugees (German: Koordinierungsstelle Flüchtlingsverteilung Bund (KoSt-FV Bund)) under area of responsibility of BMI established |
| 21th September 2015 | Opening of waiting room Feldkirchen |
| 7th October 2015 | Adoption of a “Concept to Coordinate the Refugee Situation” and staff unit “Refugees” in BKAmT |
| 19th October 2015 | Opening of waiting room Erding |
| 20th October 2015 | Asylum Procedures Acceleration Act |
| 30th October 2015 | German-Austrian Agreement |

association in Germany and is set up in the same way as a coordination staff for disaster management (Sieland, 2017). The mandate for the “waiting rooms” also included first aid, transport, pre-registration and distribution of refugees to the federal states (Global Shelter Cluster, 2017). The BMI guaranteed the impartiality and neutrality of the GRC in order to ensure the humanitarian mission of the GRC (Sieland, 2017). This was also reflected in the construction of the “waiting rooms”, in which sovereign areas led by the BAMF (registration by the BAMF with administrative support of the armed forces) and humanitarian protection and registration areas led by the GRC were spatially separated. In addition, the THW and the armed forces were commissioned to set up the camp and the BAMF to manage it, and GRC liaison officers were sent to the Command and Control Centre of the Austrian Red Cross to ensure the necessary flow of information (Sieland, 2017). The BAMF had not become operational in managing such camps since its foundation, so that new structures and responsibilities also had to be established at the command level. In addition to massive problems with the construction of the facilities and a lack of acceptance within local politics, appropriate knowledge had to be used for the construction and operation of shelters of this size (Global Shelter Cluster, 2017). This was covered by the deployment of experts from THW and GRC with experience in international aid missions and, in the context of the ERU⁷s, by 84 international delegates from ten GRC sister organizations who had experience in setting up and running a refugee camp in international humanitarian aid contexts (Sieland, 2017). As a result of the integration of these international experiences, for instance, separate and specially secured areas for women travelling alone were set up (Sieland, 2016, 2017). As is customary in international humanitarian aid missions, ad-hoc training in the principles of the Red Cross movement for personnel outside the organization was quickly conducted on site (Sieland, 2017).

At the same time, the management of a refugee camp with the support of international personnel led to new challenges: the basic requirements were English language skills, which were not available to all national helpers or local political actors and thus made communication more difficult. ERU delegates experienced in humanitarian aid were initially sceptical about the close cooperation with the uniformed armed forces, as they were not used to it and as this cooperation is sometimes viewed sceptically within international humanitarian aid (Barnett, 2013). It also has often been unclear how the command and communication structures between the international delegates and the armed forces were regulated (Sieland, 2017). The SPHERE standards, which also have to be considered by the International Red Cross Movement, were undercut many times over, e.g., in the sanitary facilities (Sieland, 2017).

FRAMING THE REFUGEE SITUATION AS “DISASTER SITUATION” AND “HUMANITARIAN EMERGENCY”

Operationally, the refugee situation in 2015/16 was dealt with civil protection procedures and structures as well as international humanitarian aid. Accordingly, the situation was framed by the respective actors using the respective interpretations of “disaster situation” and “humanitarian emergency”. In the following section, we analyse the two patterns of interpretation, their applicability to the 2015/16 situation, but also the resulting limitations and inconsistencies.

2015/16 as a “disaster situation”

Disasters in Germany are not defined *de jure* by specific scenarios, but by the extraordinary endangerment of objects of protection, the need for additional resources and the cooperation of various authorities and organizations under the leadership of a disaster management authority (Leupold, 2012). The sixteen German states are legally responsible for disaster management. In principle, due

to the federal system, the Federal Government may only in exceptional cases, danger or damage situations—e.g., when several states are collectively affected by a disaster, terrorist attacks and the failure of critical infrastructures, pandemics or CBRN hazards or only with the consent of the states—intervene in the states' areas of responsibility and provide administrative assistance—the exception being in the case of defence (Voßschmidt, 2016). If the capacities available to a state are not sufficient in the event of a disaster, the state can request forces and resources from other administrations, but also from the federal police, the armed forces and the THW as so-called administrative assistance (Bundesministerium des Innern, 2015). The consequences of declaring the disaster are far-reaching: they include modifications in the organization of the authorities, obligations to bear costs at the declaring level, the repeal of certain laws and regulations intended for everyday use, the ability to obtain necessary resources quickly, up to the option to obligate citizens to help, or the restriction of citizens' fundamental rights.

As a significant number of interviewees, especially those working on the ground, stated, the disaster declaration would have made it possible to activate these existing crisis mechanisms and to deal with the challenges in structured and planned way. In some very rare cases individual counties or cities attempted to make use of a disaster declaration as, for instance, in October 2015, the Main-Taunus district declared a disaster situation for the first time since 1945. The reason was the announcement by the state that the district had to create accommodation for 1,000 refugees as quickly as possible (Frankfurter Allgemeine Zeitung, 2015). At the end of August 2015, it was also discussed in Berlin whether the disaster situation should be declared in order to defuse the dramatic supply and accommodation situation (Keilani, 2015). In other places, such as Munich, specific procedures and practices of disaster response law were applied (Müller-Tischer, 2015).

Despite these exceptional cases as we have shown above the CPUs acted practically as if they were in a declared disaster situation: The situation could only be managed through the massive (and perhaps even the largest ever in Germany) deployment of resources, processes and persons who had been reserved or trained for civil protection. This is true for initial reception facilities, registration processes, assistance, sheltering of refugees in federal disaster management facilities and the management of the KoSt-FV. With the establishment of the waiting rooms on behalf of the Federal Government, the Federation itself—at least from the perspective of GRC's CPU units—acted as though in “disaster mode” by taking federal measures on the territory of a federal state for the first time since the Federal Republic was founded (Sieland, 2017): This legally implies that the state's own resources were insufficient and that assistance from the Federal Government was requested by the state. For the CPUs, the refugee situation was practically framed as a disaster situation because for them a disaster is defined by their capabilities, i.e. that the pattern of interpretation of the situation is applied in situations in which the specific problem-solving capabilities of the disaster management organizations are required and applied (Dombrowsky, 1996).

The question why there was no formal statewide disaster declaration is complex and difficult to answer: The “disaster situation” interpretation pattern is currently used in praxis in such a way that the concept of disaster refers to natural hazards or technical hazards with great damage potential. On its own, a large number of people in need of aid is not necessarily sufficient to classify an event as a disaster situation. Furthermore, according to Dombrowsky (1983), a disaster declaration must always be put into effect by the population and the actors involved in order to be recognized and accepted as such. A disaster declaration therefore is not only a formal act, but rather a highly conflictive and powerful act of rendering social reality that has to be negotiated between all related social actors (Rubenstein, 2015).

In the case of 2015/16, it was primarily not enacted out of political reasons according to CPUs (Sieland, 2016). The increasing right-wing populist and extremist currents were not to be exacerbated by an association of refugees with a “disaster”. Nor was it intended to admit publicly and internationally that the situation was too severe to handle and that the motivation of the civil society actors and independent volunteers was feared to be weakening (own interviews). Furthermore,

in practical terms, the declaration of a disaster would also have been accompanied by more extensive financial obligations for the states involved, at a time when they were hoping for more support from the Federal Government.

2015/16 as a “humanitarian emergency”

The nature of the humanitarian emergency is much more difficult to determine than the disaster situation. There are no clear definitions of what constitutes “humanitarian” (Calhoun, 2008) or how humanitarian aid or emergencies vary from other types of extreme events (Rieff, 2002; Barnett, 2013). Since humanitarian scenarios may look very different and “humanitarian aid is delivered by an increasingly varied array of old and new organisations” (Hilhorst and Pereboom, 2017, p. 99) ideal-type representations of humanitarian aid hardly represent the variety of humanitarianism. Broadly speaking, in “classical humanitarianism” the humanitarian core principles of humanity, impartiality, neutrality and independence are seen as normative guidelines governing the way humanitarian aid acts whereas in times of “crisis as the new normality” (Hilhorst, 2018, p. 5) “resilience humanitarianism” is more focused on building resilient communities.

Actors in Germany often referred to the value structures of the “classical humanitarianism” and, in some cases, explicitly to a “humanitarian emergency”, in response to which humanitarian action should be taken. In doing so, they endeavoured to interpret the pattern, or at least referred to it politically and strategically, in order to legitimize their concrete practices and the application of structures and rules from other contexts. The humanitarian argument used by Angela Merkel in autumn 2015 to justify her actions was also taken up by other actors: Peter Altmaier, head of the Federal Office of the Chancellery (BKAm) and refugee coordinator of the Federal Government in autumn 2015, shortly afterwards described the management of the refugee crisis in Bavaria as a “humanitarian calling card” for Germany, which had gained worldwide recognition (Altmaier, 2015, own translation). Aydan Özoğuz, German Commissioner for Immigration, Refugees and Integration stated in an interview in 2017 that “our main concern was to prevent a humanitarian emergency” (Özoğuz, 2017, p. 6). CPUs also resorted to this pattern of interpretation: employees of the GRC justified their involvement in refugee assistance and corresponding emergency aid operations with their role as humanitarian auxiliary of the Federal Government (Richert, 2018): “We are the Red Cross, there is a humanitarian problem, we have to take action” (own interviews, own translation). Under the keyword “humanitarian aid”, the Berlin Fire Department provided refugee assistance (Plock and Sirtl 2016; Berliner Feuerwehr, 2015) and the THW provided a humanitarian basic supply for the refugees (Bundesanstalt Technisches Hilfswerk, 2016). Volunteer organizations also interpreted their commitment as “humanitarian first response” (Moabit hilft e.V., 2019) to compensate for the dramatic deterioration in the supply situation for refugees, especially in front of Berlin’s Regional Agency for Health and Social Affairs (Eddy and Johannsen, 2015; Bock, 2018). This kind of volunteering has been labelled as “citizen humanitarianism” (Borton and Collinson, 2017, p. 21) later.

There are approaches that argue in a similarly constitutive way as for the disaster case, when it is said that wherever humanitarian actors are deployed or humanitarian principles are applied as in the case of the GRC and ERUs or the waiting rooms in Bavaria, there is also a humanitarian emergency (Bragg, 2015). The situation in Germany also shows some analogies to humanitarian emergencies in the international humanitarian system: the beneficiaries were refugees, who are now also the central recipients of international humanitarian aid. The waiting rooms were also an attempt to create a system in accordance with the requirements of international humanitarian aid.

At the same time, however, the formal international humanitarian system faced great difficulties in applying the corresponding pattern of interpretation and positioning itself vis-à-vis the situation and developments in Europe due to its ideologically and historically shaped orientation towards

low-income and fragile states—and the identity of humanitarian aid to bring aid from countries of the Global North to the Global South (cf. Bragg, 2015): “Established humanitarian actors found it difficult to respond [...] in a context that was so ‘close to home’” (Borton and Collinson, 2017: 27). The widespread expectation that the EU (and its member states), as the largest common economic area in terms of GDP, would be able to handle the situation—relatively small in comparison with other emergencies—with its “own” capacities stood in the way of the pattern of interpretation (Borton, 2016; DeLargy, 2016; Philipps, 2019). Accordingly, apart from individual contexts in Germany, on the Balkan route (Latifi, 2017) and in Greece (Dittmer and Lorenz, 2018), there was no broad formation of donors, appeals and humanitarian (I)NGOs to be expected in the context of the interpretation pattern. The situation in Central Europe therefore hardly aligned with what the established formal humanitarian actors define as a humanitarian emergency and what causes the corresponding options and need for action (own interviews).

RESPONDING IN-BETWEEN: THE COEXISTENCE OF THE “DISASTER SITUATION” AND THE “HUMANITARIAN EMERGENCY”

The above analysis shows that the situation in Germany in 2015/16 is by no means simple to determine in terms of one of the existing patterns of interpretation alone. Instead, a complex, fragmented structure of heterogeneous patterns of interpretation and practices can be observed across all actors, sometimes even within one and the same person, which also caused coordination and communication problems, but at the same time enabled the situation to be handled creatively.

Although the pattern of interpretation of disaster situations and the legal definition of disasters “fit” the fact that in some places the existing structures have been overtaxed, so that assistance from other levels and actors became necessary, other components of the pattern of interpretation, such as the historically developed application of disaster response (law) in Germany, as well as the negative connotation of the term and political considerations regarding right-wing currents in Germany, made it more difficult.

The sudden singular natural or technical trigger associated with the pattern of interpretation of the disaster situation—as problematic as this may be in the view of enlightened perspective—that causes physical destruction can hardly be discerned in 2015/16—at least in Europe—since “only” a large number of people were affected. Besides, it took place in a field with primary responsibility that traditionally has nothing to do with civil protection, such as the asylum system or social welfare work.

The pattern of interpretation of the humanitarian emergency, on the other hand, seems to be much more open to slow-onset events with a multitude of complex causes and complex emergencies as it was the case in 2015/16. In contrast to the disaster situation, this pattern of interpretation focuses less on the causes than on the plight of a large number of people. Nevertheless, there are also reasons here why the application of this pattern of interpretation appears problematic for the given case: even the pattern of interpretation of a humanitarian emergency established in the humanitarian system, which legitimizes the intervention of humanitarian actors, seems to be difficult to apply due to the comparatively small number of people in need compared to other humanitarian crises and, above all, the state structures within Germany.

The preceding analyses have shown that the 2015/16 crisis was accordingly fragmented and handled with different interpretations, instruments and resources. The resulting in-between situation therefore appears to include different patterns of interpretation and their associated practices, with the result that different instruments were used which seemed primarily to manage and distribute the number of arriving refugees. The question of the implementation and enforcement of the registration of refugees—from asylum law, security relevant aspects as well as the overall coordination

with regard to coherent federal policies—determined decisively the actions of the political actors. The focus of the operational level was more on humanitarian aspects such as humane accommodation and aid.

This coexistence may be interpreted as a failure of a uniform strategy, during the situation as well as in retrospect, but it can also be seen as a necessary step towards a solution to the particular humanitarian and asylum challenges, possibly even security challenges. Wolbers et al. (2018) observe that in highly complex crisis situations, the pursuit of coherence and clarity, which is regarded as an essential factor for successful crisis management often fails or can only be achieved with great efforts. From this, they conclude that discontinuity and ambiguity are rather the norm and thus constitutive for coping with unclear, undefined situations. “In ambiguous situations the consequence of having different actors engaged in coordination processes is that a *multiplicity of interpretations* then arises. As possible interpretations multiply, a *flux* emerges, in which temporary issue-specific coalitions form around different interpretations of the situation” (Wolbers et al., 2018, 1525, emphasis in original). Thus, the recourse to the pattern of interpretation of the humanitarian emergency offered CPUs as well as political and civil society actors a pattern of interpretation in many cases due to the lack of other categories considered legitimate and politically justifiable in this case, in order to legitimize their interventions and actions—including the broad and comprehensive use of CUPs—in refugee aid. Furthermore, given the political situation in Germany it was an incentive for the central political actors to recourse on different, to some extent alternative patterns of interpretation. Thus, it became a strategic resource to utilize different patterns of interpretation and being able to apply distinct approaches that otherwise would not have been available simultaneously.

For the operational actors on the ground, the ill-defined situation without a clearly defined legal framework such as the disaster declaration resulted in a whole series of practical problems (own interviews). For instance, without the indication of a disaster situation, SPHERE minimum standards appeared not to be relevant with the result that in many places no standards at all were available. Properties for housing refugees could not be seized but had to be agreed on by various political levels—with the result that precious time was lost and not the best-suited properties were selected. Procurements (field beds, etc.) had to be purchased with lengthy public tenders. In some place like Berlin, field beds from disaster stockpiles were set up in shelters but had to be removed later because they only met the standards for disaster situations, but not for non-disaster accommodation (own interviews). These operational obstacles often had direct impact on the provisions for the refugees as lengthy procedures wasted resources. Additionally, for the refugees, the role of the CPUs remained indefinite and it was not clear whether the sheltering and assistance were part of the asylum procedure or impartial humanitarian aid (own interviews).

Thus, from an operational point of view, the question arises for the actors involved in 2015/16 in the German context as to whether new patterns of interpretation and legal instruments are needed for future situations of a similar kind, which are located between humanitarian emergency and disaster situation. In view of humanitarian emergencies, according to the actors’ proposals (own interviews), the Federal Government should be able to invoke and coordinate this instrument, and it should be able to draw on the resources and exceptions of the disaster, such as administrative and financial exceptions, while avoiding the negative associations of the notion of disaster.

CONCLUSION

With the final closure of the border between Greece and (at that time) Macedonia and the conclusion of the EU-Turkey Agreement, the situation in Germany eased from March 2016 onwards and humanitarian needs shifted to Greece (Dittmer and Lorenz, 2018). With this shift, the need to

establish a coherent explanatory pattern of interpretation also diminished. The extent to which the patterns of interpretation considered have been lastingly changed by developments in Germany in 2015/16 or whether they remained the same after a phase of irritation is difficult to determine today, without new comparable situations and a widespread political tendency to frame the events as nonrecurring. However, various changes can be discerned, which at least point to minor changes or expansions in the patterns of interpretation. Many of the actors involved at very different levels have drawn lessons learned.

The German and European asylum systems have been extended to include components that could in the future make it possible to deal more effectively with crises. At the European level, the European Asylum Support Office (2018) published the “EASO Guidance on Contingency Planning in the Context of Reception”, which is intended to serve as a guideline for the preparation of national contingency plans. The Common European Asylum System (CEAS) with its related reception, accommodation and asylum procedures showed its limitations and the need to be reformed fundamentally (Beirens, 2018). Based on the experiences of 2015/16, the BAMF developed a so-called ramp-up concept which makes it possible to achieve rapid staff growth in times of crisis (Grote, 2018).

With regard to the interpretation pattern of the disaster, it can be seen that the experiences of the refugee situation and especially the “waiting rooms” as scenarios to be assumed in principle are also taken into account in the context of the implementation of the civil defence concept. The development of mass shelters for 5,000 people according to SPHERE minimum standards as well as Shelter Guidelines of the IFRC is being aimed at analogously to the “waiting rooms” (Krüger, 2018).

In turn, the pattern of interpretation of the humanitarian emergency seems to have been supplemented by application contexts in the Global North. Given “atypical” crises that are causing mass displacement”, some like Philipps (2019: 7) ask on behalf of IRC, “why should it not be legitimate for the substantial technical expertise and resources of the international humanitarian system to mobilize in response within the USA [or Europe, CD & DFL]” as the spatial boundaries of humanitarian action seem to blur. In cooperation with the IFRC Shelter Research Unit, the GRC developed a guideline for the accommodation of refugees (Deutsches Rotes Kreuz and IFRC Shelter Research Unit, 2016), which explicitly refers to humanitarian minimum standards such as SPHERE and, for the first time, transfers them to colder climate regions.

The extent to which these small shifts in the patterns of interpretation—of which others could certainly be mentioned—are suitable for better interpreting complex situations in the future and for dealing with the challenges associated with these situations can hardly be estimated today and seems highly contingent in view of the question of how unique the 2015/16 situation was.

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NOTES

1. The term “civil protection” (German: Bevölkerungsschutz) includes both disaster management and the protection of the populace in civil defense in Germany.

2. As the ‘humanitarian’ response of civil society and volunteers has been analyzed by others (e.g., Borton and Collinson, 2017; Feischmidt et al., 2019; Pries, 2019) we focus on formal actors, organisations and institutions.
3. For privacy and data protection reasons, a differentiated presentation and citation of the individual interviews will be omitted and subsumed under ‘own interviews’. Due to the very limited number of people who worked in the contexts described, details of interviewees, such as job titles, would always include personally identifiable information.
4. Research project “Migration-Related Knowledge Management for Civil Protection of the Future” (WAKE), sponsored by the Federal Ministry of Education and Research, grant ID: 13N14748.
5. Like in 2015/16 it was discussed whether declaring the situation a disaster would enable scarce resource and disaster management procedures. Due to possible psychological effects for the economy, the proposal was rejected (Riesenberger, 2002).
6. The Staff Coordination of Refugees and Asylum Seekers Admission was first led by the Commander-in-Chief of the Public Order Support Forces of the federal states in the BMI (German: Inspekteur der Bereitschaftspolizeien der Länder). This is a central position in the Federal crisis management in disaster situations and accidents in case that they endanger the territory of more than one state. Later the Deputy Head of the BBK at that time led the staff unit. Both did not carry out this task in their primary responsibilities as Commander-in-Chief or Deputy Head. However, both had profound knowledge about federal crisis management in disaster situations.
7. ERUs are modular operational units of the national Red Cross societies and since 1996 have been “part of the global IFRC Disaster Response system and therefore used in large emergency response operations, when global assistance is needed and the Federation’s delegation(s) and the affected National Society cannot respond alone” (IFRC, 2019).

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