

Serious clash between CDU and CSU on migration policy. European implications

Kamil Frymark, Anna Kwiatkowska

Angela Merkel's government finds itself in its deepest crisis since she became Chancellor in 2005. The dispute on migration policy between the Christian Democratic Union (CDU) and the Christian Social Union (CSU) threatens the breakup of the joint Christian Democratic alliance in the Bundestag, and even the collapse of the CDU/CSU-SPD coalition. The conflict focuses on the CSU's demand to close Germany's borders to people who have requested asylum in another EU country, to which Chancellor Merkel does not agree. Both the CDU and CSU are seeking a compromise, while at the same time seeking support for their positions on the international stage. The dispute over the migration will be a permanent point of dispute within the ruling coalition, at least until the elections in Bavaria on 14 October, in which the CSU will compete fiercely with the anti-immigrant Alternative for Germany (AfD) party. The latter's politicians have publicly disparaged any attempts by the Christian Democratic parties to reach a compromise.

The domestic situation in Germany will affect the course of Chancellor Merkel's diplomatic offensive on EU migration policy ahead of the European Council meeting on 28-29 June. Merkel's first objective is to negotiate a series of bilateral agreements on migration, especially with the countries of southern Europe.

The subject of the dispute

Migration and asylum policy has long been a source of dispute between the CDU and CSU, and the broadly-understood migration crisis of 2015 and its consequences have polarised the whole of the political scene and society in Germany. The current conflict concerns the plan prepared by the Interior Minister Horst Seehofer (CSU) to limit migration, by means including preventing the entry into Germany of people who have already applied for asylum in another EU country. Seehofer has justified this postulate on the basis of Germany's previous experiences; later deportations are *de facto* impossible, and the migrants remain in the German social system. The effect of Seehofer's plan would be to seal the frontiers of subsequent European countries, in the first place Austria, which would lead to a domino effect, a concentration of migrants in the Balkans, and a destabilisation of the region.

Merkel is opposed to the prohibition of entry in the form proposed by Seehofer, and has called for the verification of asylum seekers' data within the territory of Germany, and not on its border. Only as a consequence of determining which state is responsible for considering the application for granting asylum would the procedure for transferring the person applying

for protection be initiated. Merkel has justified her position by the non-compliance of Seehofer's plan with European law, the difficulties which the Balkan states would have with its implementation, and the limiting of Germany's options as it negotiates a comprehensive reform of the European asylum system (CEAS).

The Chancellor has threatened that if she is left with no other alternative, she will resort to her prerogative to set the guidelines of German policy, as enshrined in Art. 65 of the country's basic law. This would block Seehofer's decision and could lead to his resignation, bringing about a split in the CDU/CSU group's parliamentary alliance, and even the fall of the government. As part of the search for a compromise with the CDU, minister Seehofer has agreed to a two-week delay, and announced that he wishes to bring about the closure of the German-Austrian border as of the beginning of July. Spot checks were introduced along this border, with the consent of the European Commission, based on a decision by the Federal Interior Ministry in September 2015. These checks are carried out most intensively at three points: in the Salzburg area, in the Inntal, and near Passau.

If the ban on entry to Germany for asylum seekers in other EU countries (which was suspended in September 2015) had been introduced in 2017, it would have affected a total of 64,267 persons. In 2017 186,000 asylum seekers arrived in Germany; in Bavaria alone 24,243 persons lodged applications for asylum.

The CSU's backs against the wall

The CSU's uncompromising stance stems from the problems in implementing the Federal Interior Ministry's migration policy, as well as the upcoming regional elections in Bavaria (14 October). On 5 June a plan was adopted in Bavaria to reduce illegal migration (known as the Söder plan, after the Bavarian Prime Minister), which the CSU's politicians intend to serve as a model for a nationwide solution to the problem (see Annex). In the campaign before the *Bundesland* elections, the CSU has committed itself to the goal of defending its absolute majority in Bavaria, where it has ruled continuously since 1957. This has forced the party into competition with the AfD (which is currently polling at 13% in Bavaria), in accordance with the CSU's old principle of occupying the whole democratic political spectrum rightwards from the centre. So far, however, this tactic has not succeeded. Although the CSU can count on over 40% of the vote, it may - for the first time since 1950 - be forced to enter into a coalition with the SPD (currently on 13%). This depends on what result another potential coalition partner, the FDP, gets (currently 5%), among other factors. A weak result in the *Bundesland* elections will worsen the CSU's political position in Berlin, limiting its influence in the *Bundesrat*, as well as within the CDU/CSU alliance in the *Bundestag*.

The breakdown of the parliamentary alliance is a bigger problem for CSU

A significant part of the conservatives within the CDU, centred around Jens Spahn, a member of the CDU's Presidium and Merkel's youngest cabinet minister, favours the CSU proposals. However, the Bavarian party's ultimatum to Chancellor Merkel led to a closing of the ranks within the CDU and the near-unanimous support for her as party leader. Nevertheless, Merkel must take into account the criticism within her party of her migration policy, as well as the fact that the majority of the German population supports Seehofer's

position. 86% of Germans demand more consistent deportations, and 69% of those polled favour replacing the payment of cash to asylum seekers with material benefits (such as transport tickets, food and cleaning products). 62% would like to stop refugees without documents from crossing the border. In turn, Seehofer is under pressure from Markus Söder, his successor as Prime Minister of Bavaria. If the *Bundesland* elections this autumn bring poor results for the CSU, the struggle for the leadership of the party between the party leader Seehofer and the Bavarian Prime Minister Söder will erupt again.

The threat of the collapse of the CDU/CSU alliance has arisen several times before in history, and has primarily been used to strengthen the negotiating position of the CSU, to discipline its ranks and subordinate them to its leader. The worst such crisis between the parties occurred in 1976, and resulted in the CSU's decision to create a faction in the *Bundestag* entirely separate from the CDU. However, the CSU withdrew when the CDU chairman Helmut Kohl threatened to create local CDU structures in Bavaria. The separation of the current parliamentary alliance would mean greater losses for the CSU than the CDU. It would probably lead to the creation of local structures of the CDU in Bavaria, thus depriving the CSU of some of its voters. Such a move would also make it harder for the CDU to build a coalition. The CSU gets about 10% of the Christian Democratic vote in parliamentary elections at the federal level. It would also end the CSU's one-party rule in Bavaria and substantially reduce its representation in the *Bundestag*. This would reduce the party's budget, as well as its influence on federal policy, especially if it did not participate in future governments formed by the CDU. The 140,000 members of the CSU would become primarily a regional party, which neither its activists or its voters want.

If the CSU leaves the parliamentary alliance, the most likely scenario is that Merkel will either seek an agreement with the Greens or try to convince two deputies to join the CDU, which they and the SPD need to form a majority in the *Bundestag*. New elections, or the creation of a minority government, remain the last resort.

Macron for Merkel, Kurz for Seehofer

Chancellor Merkel is looking for a solution to her domestic problems on the European stage as well, and has begun a diplomatic offensive in the countries of southern Europe. The first step would be the conclusion of bilateral agreements with the countries of the South (including Italy, Spain and Greece) to send them asylum seekers from Germany. Merkel's position has been unequivocally supported by the President of France; in a joint declaration with Chancellor Merkel (the declaration of Meseberg on 19 June), Emmanuel Macron warned against unilateral and uncoordinated activities which could divide the European Union and threaten the functioning of the Schengen area. France's support is critical for Merkel, and the CDU will use it in domestic debate to underscore the possibility of a 'European solution' to the migration problem, rather than the approach proposed by Seehofer and supported by Austria and Hungary.

The conclusion with the states of southern Europe of an agreement to return refugees may force Merkel to make concessions in policy on reforming the euro area; hence Merkel's support, albeit enigmatic at the moment, for the creation of a euro-area budget which she signalled to President Macron in Meseberg. Germany will also be forced to make compromises and reduce divisions in the EU. This is how we may understand the

postponement of the plan to relocate refugees on a quota basis which had previously been one of the central elements of the German plan to reform the European asylum system. Germany is also ready to finance the residence of refugees in other countries (such as in the Balkans), on the basis of the EU-Turkish agreement.

Seehofer's position was supported by the Austrian chancellor Sebastian Kurz during his visit to Berlin on 12 and 13 June. After meeting the Chancellor, Seehofer announced Austria's support in reducing illegal migration to the EU, including via the Albanian route (with the participation of German policemen in Frontex's mission, among other measures). The politicians also announced closer cooperation between the interior ministries in Vienna, Rome and Berlin in order to reduce illegal migration and combat terrorism, which Seehofer discussed on the phone with his Italian counterpart Matteo Salvini. Kurz is seen in Berlin as the main supporter of sealing off the Balkan migration route, which he had been calling for even prior to the EU-Turkey agreement brokered by Chancellor Merkel. In addition, Kurz had previously strongly criticised Merkel's migration policy, including in the German media, which was perceived as interfering in the internal affairs of Germany, and as support for the CSU's restrictive migration policies. Kurz has met the Prime Ministers of Bavaria several times (both ex-premier Seehofer and the current premier Söder), and participated in the CSU's party congresses, where he strongly advocated limiting migration. On 20 June the first Austrian-Bavarian consultations were held.

Annex. The migration situation in Germany and the Söder plan

From January to May 2018, 54,790 persons who wanted to apply for international protection in Germany were registered. 186,644 such cases were registered throughout 2017. Most of these people arrived from Syria, Iraq, Nigeria and Afghanistan. Last year, 37% of asylum applications were rejected. 23,966 persons people were deported, mainly to Albania, Kosovo, Serbia and Macedonia.

According to estimates from the Ministry of Finance, the costs of the migration crisis until 2022 will cost the federal budget more than €78 billion. €31 billion is to be spent on combating the causes of migration in the affected countries, and €21 billion on social services for the migrants. €13 billion will go on integration programmes for the new arrivals. The *Länder* will receive €8 billion as additional support. The costs of registration and accommodation for the migrants will be €5.2 billion.

On 5 June, the Bavarian government under the leadership of Prime Minister Markus Söder (CSU) adopted a new plan for its asylum policy, based on tightening it up. Its key positions include:

- accelerating deportations: chartering aircraft, training police officers and creating additional holding places for people awaiting deportation (at present Bavaria has 131 such places, which is around one-third of all centres of this type in Germany) and increasing financial incentives to leave Bavaria voluntarily;
- creating asylum centres, i.e. the *de facto* transformation of 7 existing centres for asylum seekers from different regions and merging their existing resources; a new feature is the incorporation of the Employment Agency; applicants for international protection are to be

sent to these centres, and remain in them until they are granted a decision on either deportation or asylum;

- providing material benefits instead of giving cash to asylum seekers; introducing a form of payment card for purchases at selected stores is being considered;
- the introduction of community service for asylum seekers; such work (public cleaning, etc.) will probably carry a small remuneration;
- adding a further 200 personnel to protect the asylum centres; currently 785 people from the security services are employed there.

The plan Bavaria has adopted is intended first of all to accelerate and improve the deportation procedures after asylum has been refused. At the same time, the problems with deportation often exceed the powers of the *Länder*, and may include a lack of consent from a state to receive its own national (by failing to provide the respective documents, which most frequently occurs in cases involving India, Pakistan, Afghanistan and Russia) or a court decision permitting tolerated residence, as well as the political situation in the target countries (principally Afghanistan). In 2017 Bavaria deported 3282 persons and 13,100 left voluntarily (during this period 24,000 people were deported from Germany as a whole).