EU Temporary Protection Directive: What lessons have been learned?

What is Temporary Protection (TP)?

A link between non-refoulement and a durable solution, TP is linked to the persistence of the causes of persecution.

Kosovo 1999

Temporary protection, unlike refugee status, never became a consistent category enshrined in international law. It is a temporary sojourn in a host country or it is a precursor to more permanent protection.

Kosovo 2000

States tend to revamp the system of [temporary] protection each time a mass influx occurs, tailoring its application and scope to domestic and international pressures, rather than in accordance with a formal and predictable legal regime.

Kosovo 2001

TP was conceived as a return-oriented protection mechanism, within which the focus on return required a form of permanent status; however, this failed to materialise.

Kosovo 2002

In the event of a mass influx of displaced persons, the Commission will always consider activating the mechanism of the Temporary Protection Directive when the conditions are met. The Union has not found itself in a situation of mass influx of displaced persons since the Kosovan refugee crisis of 1999. The events of 2011 in the Southern Mediterranean [Yugoslavic civil war] have not led to an influx of persons into the EU of a comparable scale.

Kosovo 2015

What lessons have been learned?

In 2001 the EU passed the Temporary Protection Directive (TPD) to coordinate the EU’s response in situations of mass influx of ‘displaced persons’. This directive was passed following lessons learned from the mass influxes caused by the break up of Yugoslavia.

Why has the directive never been used?

Mass spontaneous returns of Kosovians

2001: EU Lessons learned

Preamble to the 2001 Directive on Temporary Protection: ‘The European Council, at its special meeting in Tampere (1999) acknowledged the need to reach agreement on the issue of temporary protection for displaced persons on the basis of solidarity between Member States.’

On 27 May 1999 the Council adopted conclusions on displaced persons from Kosovo. These conclusions call on the Commission and the Member States to learn the lessons of their response to the Kosovo crisis in order to establish the measures in accordance with the Treaty.

In 2002, the TPD was activated following ‘an initial meeting on the protection of refugees of 27 March 2002, which identified the need to respond to the mass influx of displaced persons caused by mass influxes of displaced persons caused by the Kosovo crisis’.


On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. See box top right. In mind, EU states: Bosnians were given a form of permanent status; however between 2007 – 2008 repatriation from Germany of approx. 250.000 Bosnians.

Koser and Black; UK Home Office Research paper (2003)

2001

2000 onwards: voluntary and forced repatriation of Kosovars

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