

Europe looks to Africa to solve the ‘asylum problem’

by Heaven Crawley

The drive to reduce the number of asylum seekers in Europe and to secure durable solutions for the ‘asylum problem’ has provoked controversy about ‘extra-territorial processing’. The most effective and durable solution, however, is to address the root causes of the initial flight.

Since 1999 Europe has embarked on a long – and often painful – process of policy harmonisation designed to deliver a common European asylum policy. The recent history of European migration policy has been dominated by two objectives that are pulling in opposite directions. On the one hand, the ageing populations and changing labour markets of most European countries have created employment opportunities for both high- and low-skilled labour migrants. On the other, there has been growing concern about the ‘asylum problem’ – despite the reality that the number of people seeking asylum in the EU is steadily decreasing. Many politicians, policy makers and members of the public believe that asylum is being (mis)used as a means of gaining access to the EU and that this reduces the efficiency of EU labour markets, involves substantial expenditure on processing and welfare and undermines public confidence in Europe’s ability to control its borders.

As these developments have taken place in Europe, UNHCR and others have encouraged states to address the root causes of forced migration and to devise durable solutions to forced migration which enable people to remain in their regions of origin rather than make long and often dangerous journeys to access protection. For many years UNHCR has made efforts to link humanitarian assistance with the development process in less prosperous regions of the world. Most recently UNHCR has attempted to establish a comprehensive framework for refugee protection and to address the root causes of forced migration through its Global Consultations on International Protection, and subsequent Agenda for Protection and ‘Conven-

tion Plus’ initiative. This focuses on the strategic use of resettlement, measures to address irregular secondary movements of refugees and asylum seekers and the targeting of development assistance to achieve durable solutions.

The desire of countries in Europe to reduce the number of asylum seekers for which they are responsible and the concerns of UNHCR that durable solutions be found have come together – in a rather unexpected and worrying way – in recent European discussions about so-called ‘extra-territorial processing’.

Proposals to process applications in Africa

Early in 2003 the European Council – the main EU decision-making body whose meetings are attended by EU leaders or senior ministers – received two proposals, one from the UK government and one from UNHCR, each mapping out their ideas for a future European Asylum System.

The UK’s proposal was circulated to EU ministers by the UK Prime Minister, Tony Blair, and was entitled ‘New International Approaches to Asylum Protection’.¹ It had two separate but inter-related elements:

- **Regional Protection Areas (RPAs)** – to be established in regions of origin. Asylum seekers from certain countries could then be returned to their home regions where ‘effective protection’ could be offered to them, and where they would be processed with a view to managed resettlement in their home regions or, for some, access to resettlement schemes in Europe.

- **Transit Processing Centres (TPCs)** – to be established along major transit routes into the EU, close to EU borders, to which those asylum seekers arriving spontaneously in the UK or another EU member state would be removed and where their claims would be processed. Those given refugee status could then be resettled in participating EU states whilst other would be returned to their country of origin.

UNHCR’s proposal – which has been widely viewed as an attempt to ameliorate the most damaging aspects of the UK proposal – was presented as the ‘EU prong’ of its wider Convention Plus initiative. The ‘EU prong’ proposes separating out the groups that are clearly abusing the system, and sending them to one or more reception centres somewhere within the EU, where their claims would be rapidly examined by joint EU teams.

talking tough on asylum has become very popular for politicians

The UK proposals provoked a public and political outcry because they were seen not as a genuine initiative to address the causes of forced migration but as a populist attempt to be seen to be ‘tough’ on asylum. In the UK, as in many other countries in Europe, talking tough on asylum has become very popular for politicians of all political persuasions. Although the UNHCR proposals received a more favourable reception than the British proposals, they were regarded with caution by some who were concerned that the notion of setting up a parallel determination process represented a retreat away from the principles of the 1951 Refugee Convention.

What happened to the proposals?

Although not entirely new, the UK proposals provided the catalyst for an intense debate within and outside Europe about the future of the international protection regime.

The European Commission, the EU's executive arm, responded to both sets of proposals by publishing a document which effectively rejected the UK proposals as unworkable and instead set out its own approach for establishing more accessible, equitable and managed asylum systems in Europe. The Commission reiterated that any new approach should aim to enhance international protection rather than shift responsibility for it elsewhere, and should be underpinned by ten key principles - including the need to fully respect international legal obligations of Member States, the need to improve the quality of asylum decision making in Europe, and a recognition that the most effective way of addressing the refugee issue is by reducing the need for refugee movements. The Commission also strongly recommended an EU-wide resettlement scheme to enable refugees to travel legally to the EU to access protection and durable solutions.

Although the UK's proposals were rejected at the European level, individual European countries - and to some extent the Commission itself - have continued to look to Africa to solve the 'asylum problem'.

The UK Government, for example, has continued discussions 'behind the scenes' with a number of EU countries (most notably the Netherlands and Denmark) in an attempt to establish a 'coalition of the willing'. In April 2004 the UK government indicated that it had moved away from the idea of Regional Protection Areas and was instead looking to develop 'migration partnerships' with third countries in the region of origin. Tanzania, Kenya and Somalia have been identified as possible countries with whom such partnerships might be established. Although it is not clear what any partnership might consist of or how it might be implemented, it has been reported that these proposals may involve plans to process asylum seekers in their own region of origin in a scheme possibly linked to extra development aid and assistance. The Dutch and Danish governments have shown particular interest in the UK's proposal for extra-territorial processing, both governments having previously put forward similar agendas.

Germany objected strongly to the UK's proposals but in October 2004 put forward its own plans to set up transit camps in North Africa where

EU officials would receive and examine asylum applications. According to the German proposal, those found to be refugees in Africa would be allowed to settle in European countries although they would not be given the same status afforded by European law. Those deemed not to be at risk would be sent back to their country of origin.

Although no country has explicitly vetoed the proposals, they appear to be deeply divided over the practicalities of such a plan, with France, Sweden and, to a lesser extent, Ireland being strongly opposed to proposals for processing asylum applications outside Europe. The German proposals, however, are strongly backed by the Italian government which has recently called on Libya to block efforts by two million people allegedly waiting to cross the Mediterranean. As part of a unilateral agreement between Italy and Libya, the Italian government is planning to send 150 police officers to Libya to help train their Libyan counterparts. In addition, Libya will be purchasing military equipment and vehicles from Italy - including airplanes, boats, helicopters and jeeps needed to block the trafficking of illegal im-

Immigration officers searching trucks for illegal immigrants at Dover Docks, Kent, UK.



migrants into Europe. Italy has said that plans to set up transit camps in Libya will go ahead, no matter what the opposition to them.

Although it has indicated that it is keeping an open mind about the various proposals, it is worth noting that the European Commission has also proposed funding a scheme to help Mauritania, Morocco, Algeria, Tunisia and Libya to develop their asylum laws and train personnel capable of processing asylum claims in close cooperation with UNHCR. Unlike the proposed transit camps, the Commission-funded centres would not be allowed to process asylum claims for Europe. Rather, having signed up to 1951 Refugee Convention, countries which pick up asylum seekers – presumably on their way to Europe – will process the applications themselves and determine whether the individual concerned is in need of protection in that country. Should asylum seekers fail to claim asylum and instead enter Europe, they will be deemed to have passed through a 'safe third country' and will be required to return there for their asylum application to be considered. Although the pilot scheme should not be confused with the various proposals for transit centres and is in many ways quite different, this initiative, when seen alongside the others outlined here, suggests that Europe is continuing to look to Africa for solutions to its perceived 'asylum problem'.

The end of protection in Europe?

Recent developments in asylum policy and practice in Europe have multiple implications. A number of organisations including Amnesty International and UNHCR have expressed concern about the countries in which the transit camps are proposed to be located. Whilst they may be the most appropriate from a geographical point of view, several of the countries – most notably Libya and Algeria – do not themselves live up to international human rights standards and cannot therefore be expected to safely house asylum seekers whilst a decision is being made. Moreover, experience shows that large-scale refugee camps, wherever they are located, often have their own internal difficulties in terms of both service provision and

security, and in some cases lead to instability in the surrounding area. There are also concerns that the quality of decision making may not be sufficient to ensure that those who are in need of protection are identified and not returned to their countries of origin. Even in European countries initial decisions are often wrong. Between 30 and 60% of all people with refugee status in the EU are only recognised as such after appeals against initial decisions which have denied them refugee status.

At a more strategic level, there are issues around whether the 'asylum problem' has been correctly identified and therefore whether transit camps are the solution. As indicated earlier, the problem for Europe has been identified in terms of the numbers of asylum seekers and the associated cost of processing applications. In terms of numbers, whilst the proportion of asylum seekers entering Europe through Africa is not insignificant, it does not represent the greatest proportion of applications. Large numbers of asylum seekers also come from other regions of the world where there is conflict and political repression.

In 2003 and 2004 the largest number of asylum seekers to Europe came from the Russian Federation, Serbia and Montenegro, Turkey, China, India, Iraq and Iran. Although there were some African countries in the list of top refugee-producing countries – including Nigeria, the DRC and Somalia – these did not count for a significant proportion of the overall total. Moreover, there is evidence that existing policies which have tried to prevent people from accessing Europe have simply pushed people underground and increased their vulnerability.

Similarly, in terms of cost it appears that analyses of the 'asylum problem' and the proposed solution are not in line with one another. Whilst it is true that the estimated \$10bn spent each year by the industrialised states on their asylum systems is substantially greater than the \$1.1bn that UNHCR spends on the 20 million refugees and displaced persons

in less prosperous countries around the world, any new system of transit camps for processing asylum applications outside Europe is likely to be very expensive, particularly if developed in parallel with systems for spontaneous arrivals. These resources could arguably be devoted to more effectively addressing the underlying causes of forced migration.

Perhaps most significantly the proposals have raised concerns that the concept of extra-territorial processing undermines the principles of international protection itself and could spell the beginning of the end of any meaningful refugee protection in Europe. Many NGOs have commented that the UK's 'new vision' proposal bears striking similarities to the highly controversial Australian 'Pacific Solution', under which the Australian government persuaded Nauru and Papua New Guinea to permit the establishment of Australian-funded detention centres where asylum seekers were held, pending determination of their status.² In the same way it is feared that camps in North Africa and elsewhere could be used by Europe to dodge its responsibility to deal with refugees and asylum seekers.

At the very least the current policy discussions and tone of the political debate send a very negative message to other countries in the world

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hosting much larger numbers of refugees and asylum seekers than those in Europe. Both historically and at the current time, the overwhelming majority of refugees are located in the developing world, close to their countries of origin. It is arguably here that political effort and financial resources should be focused. These efforts should aim at addressing the root causes of forced migration flows and at supporting neighbouring countries in protecting those who have no choice but to leave their countries of origin.

Joining up European policies

Since the early 1990s the EU has recognised that it needs a

comprehensive approach to migration, addressing political, human rights and development issues in countries and regions of origin and transit, and that this requires combating poverty, improving living conditions and job opportunities, preventing conflicts, consolidating democratic states and ensuring respect for human rights, in particular the rights of minorities, women and children.³ In reality, however, Europe has prioritised fighting illegal immigration over fighting the root causes of refugee flight and improving refugee protection in third countries. This has resulted in lack of coherence between the EU's measures to integrate migration issues into external policies and its human rights and development objectives.

Proposed new approaches to tackling the 'asylum problem' similarly fail to take a genuinely long-term view of forced migration issues – because of the institutional context in which policy making takes place and domestic political electoral pressures. It is also due in significant part to

a number of 'gaps' (institutional, financial and conceptual) that have obstructed efforts in this area for the past 50 years. These gaps are due in large part to differences in policy objectives and targets, where for instance powerful economic interests stand to lose if human rights and poverty reduction policies are given priority.

The most effective and durable solution to Europe's 'asylum problem' is to address the root causes of the initial flight. Although this is widely understood and accepted, it is proving difficult to turn rhetoric into reality. Tackling the underlying causes of forced migration is not easy. But if it can be achieved it offers rewards that go way beyond headlines in the national press.

There remains huge unused and untapped potential for 'joined up' policy making in Europe that establishes coherence across the EU's policies in the areas of conflict prevention, Common Foreign and Security Policy, trade, humanitarian

and development aid policy, and Common Agricultural Policy. With its great comparative advantage deriving from its presence in numerous geographical locations, sectors and policy fields, the EU is well positioned to take a lead in the migration-development field. The question which remains is whether it has the political courage to do so.

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1. The UK proposal can be found at www.refugeecouncil.org.uk/downloads/policy_briefings/blair_newvision_report.pdf

2. See FMR 13 www.fmreview.org/FMRpdfs/FMR13/fmr13.7.pdf

3. Tampere European Council 15/16 October 1999, Presidency Conclusions (para 11), available at www.europarl.eu.int/summits/tam_en.htm

Asylum seekers from various countries at the Sangatte Red Cross centre, near Calais, France.

