

EU Asylum and Migration Policy: still mired in contradictions

“Political leaders all over Europe have been quick to condemn the violence in Libya, in Syria, in the Ivory Coast, and to congratulate our North African neighbours in their fight for democracy and freedom. But when it comes to dealing with the consequences of those developments, and particularly when it comes to dealing with the men, women and children coming to Europe for protection or in search of a better life, European leaders have not been as supportive”

Cecilia Malmstrom, EU Commissioner for Home Affairs, 22 June 2011

As a result of the turmoil in North Africa, actively supported or encouraged by European governments, there has been a massive displacement of people fleeing the violence. Over one million Libyan nationals have left Libya, mostly to Tunisia and Egypt. In the month of May alone, over 65,000 had gone to the West African state of Niger, six times the number that had reached Lampedusa by that date. Since the beginning of 2011, over 48,000 have reached Italy from Libya and Tunisia, many of them displaced from their own sub-Saharan countries by conflict and trapped in Libya as a result of previous agreements between the EU and Libya to keep them there¹. The UN Refugee Agency, UNHCR, estimates that approximately 2000 of those who have reached Italy from Libya are from Eritrea and Somalia and were registered with UNHCR. The position of black Africans in Libya was made more precarious by the Gaddafi regime’s recruitment of mercenaries from sub-Saharan countries and therefore the perception that all black Africans were enemies of the Libyan people.

Over 12,000 are estimated to have fled Syria for Turkey as a result of the severe backlash against the uprising there and another 17,000 were waiting to cross at the border in July. The European Parliament praised Turkey for keeping its borders open to Syrian refugees. The irony was that this praise followed an EU deal in January 2011 under which Greece was permitted to send irregular immigrants back to Turkey and, under the same agreement, Turkey was obliged to take back not only its own nationals but other non-EU nationals who enter the EU illegally through Greece. More recently, Greece has started to dig a 120 km water-filled ditch (30 metres wide and 7 metres deep) along its North Eastern border with Turkey. This is in addition to the proposed eight mile fence to be built between Turkey and Greece consisting of two parallel barbed wire fences eight to ten feet high with a contribution from the EU of €5.5 million.

As a result of the conflicts in Tunisia and Libya, the agreements reached by the EU with Southern Mediterranean countries to police the sea have not been maintained, leading to an increased number of people attempting to get to Europe across the Mediterranean. The loss of life has been almost unprecedented with nearly 2000 men, women and children drowning in just the first seven months of 2011, the highest loss of life for 17 years.

¹ See the P&P briefing document on EU Asylum and Migration policy and North Africa dated 17 March 2011

But none of this cuts any ice with European leaders who are more determined than ever that their borders will be maintained no matter what their obligations under international law, the burden on countries already in turmoil or the loss of life. On 7th June 2011, the Home Secretary, Theresa May, stated:

"I have made it absolutely clear to my counterparts in Europe that we will not agree to so-called 'burden sharing'. Britain will not be accepting large numbers of North African migrants. Instead we will be working with other European countries to get these people safely back to their home countries. We have not, and will not, opt into any proposal that would weaken our borders."

Italy is negotiating new agreements with Tunisia to stem the flow of people trying to reach Europe. The Italian Interior Minister has signed an agreement with the Tunisian government under which Tunisia will not only take back new arrivals reaching Italy from Tunisia but Italy is also providing boats and off-road vehicles to resurrect border controls making it more difficult for people to leave Tunisia for Europe. The EU has been in similar discussions with the National Transitional Council in Libya.

If all of this was done out of a belief that lives will be saved and people will be better accommodated in countries close to their own to facilitate their eventual return to their own country, then the words and actions which flow from them may be laudable. But there is no sense in which the majority of those recently displaced as a result of events in North Africa will be able to return to their countries in the near future. Let's not forget the famine in Somalia with 1.5 million people internally displaced, the 125,000 new refugees that have arrived in Kenya (which already has semi-permanent refugee camps for Somali nationals) and 76,000 that have crossed the border to Ethiopia. At least 20% of the population of Libya has left the country. The number of Syrians displaced by state violence in the face of an impotent international community continues to grow.

The Council of Europe's Commissioner for Human Rights recently said:

"European governments and institutions have more responsibility for this crisis than they have demonstrated so far. Their silence and passivity are difficult to accept. When preventing migrants from arriving has become more important than saving lives, something has gone dramatically wrong".

Thomas Hammarberg, 8th June 2011

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