

European Union plans drastic restraints on right to asylum

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If the British government is to have its way, the European Union (EU) is set to become “devoid of refugees” for some time into the future. British Home Office plans, currently under discussion in the EU Commission and at a ministerial level with EU partner states, are proposing the future deportation of refugees seeking sanctuary in the EU to refugee reservations “close to their countries of origin.” In addition, the EU is to be empowered to combat the causes of refugee flight where they occur and to do so pre-emptively through military intervention.

At the beginning of last February, the British *Guardian* newspaper first published Tony Blair’s “A New Vision for Refugees”—the original, thoroughly cynically titled document. In mid-March, the “vision” was made concrete in a circular letter, addressed to EU partners. Titled “A New International Approach to Asylum Processing and Protection,” the proposal recommended short-term measures and a long-term EU perspective that left no doubt about what was intended.

Blair’s “new vision” is closely modelled on the Australian system of asylum. Refugees landing on the Australian coast or picked up at sea beforehand are taken to asylum centres on the island of Nauru or to Papua New Guinea outside Australian sovereign territory. From there, application for political asylum is considered and, as a consequence, only officially recognised asylum-seekers are able to reach Australia.

However, the British plan goes beyond this practice, tried and proven in Australia. In order to keep refugees away from EU territory as “effectively” as possible, it is envisaged that—apart from the construction of short-term asylum processing centres—worldwide “zones of sanctuary” are to be established to accommodate refugees as “close to home” as possible.

The asylum processing centres are to be known as “transit processing centres” and will be set up along the main refugees routes to Europe—but outside the EU. The proposed sites are Albania, where Britain intends setting up the first asylum camp at the end of this year, the Ukraine, Russia and Croatia. Asylum-seekers managing to reach EU territory will be immediately interned and deported to these asylum centres as quickly as possible. Asylum processing will then be concluded there, the EU conceding jurisdiction to the International Organisation for Migration (IOM).

Supported by almost 100 member states, the IOM has its headquarters in Geneva near the United Nations High Commissioner for Refugees (UNHCR), but it takes a completely different approach to its work. Whereas the UNHCR, as guarantor of refugee protection worldwide, is obliged to take a humanitarian stance, the IOM is guided by economic considerations and essentially serves the interests of the wealthy industrial nations. Concerned with the worldwide control of refugee migration, the IOM is known more for the attention it shows to the deportation and return of refugees to their countries of origin than for its attention to their needs and interests.

Officially recognised asylum-seekers are to be spread out among the various EU states according to a quota system, while refugees whose

asylum claims are refused will face immediate extradition to the countries from which they came. If this is not possible, owing to the risk of deportation endangering the refugees’ lives, then the plan’s long-term perspective is to come into force.

According to this plan, a regional refugee management board is to be instituted, consisting of two components. On the one hand, “regional protection areas,” covering all major refugee countries of origin, will be established and, on the other, the causes of refugee flight are to be combated on the spot offensively and pre-emptively by adopting interventionist measures.

In line with the recommendations of the British government, refugee reservations will be established in Morocco and northern Somalia for Africa; in Turkey, Iran or Iraq for refugees from Middle Eastern countries; and in the Balkans or Russia for refugees from eastern Europe and the Far East. The resulting global network of reservations will be financed by the EU, but their local supervision and administration will be the responsibility of the UNHCR and the IOM. The refugee reservations are to cater both to refugees who have entered EU territory and been deported, as well as for apprehended illegal immigrants and people fleeing from bordering countries directly into the reservations in search of sanctuary. They will also be used for refugees who could not as yet be deported from the transit processing centres.

People in the refugee reservations will only be provided with the absolute minimum emergency provision. Blair’s paper leaves no doubt that administration will function according to the policy of “the cheaper, the better.” The initial analysis of problems relating to the plan eagerly referred to the fact that the UNHCR will need only US\$50 per refugee per year, whereas Britain currently has to spend US\$10,000 on each asylum-seeker. Moreover, the refugee reservations are not to become magnets for people living in the immediate surroundings. On the contrary, the accommodation in the camps is to serve as a deterrent for potential refugees.

The think tank Demos, which is closely associated with the Labour Party, goes even further in its feasibility study, demanding that refugees should pay for accommodation in the reservations, either by direct payment, by placing themselves in debt or by working in the camps. The authors of the study—Theo Veenkamp, former head of the Netherlands asylum authority and current strategy advisor in the Netherlands Ministry of Justice, and Tom Bentley, director of Demos and former advisor to the British home secretary David Blunkett—write that by doing this “an effective message will be sent to potential migrants about the sort of support they can expect to receive if they leave their home country.”

The plan is capped off with provision for comprehensive military protection of the refugee reservations—mainly to be erected in crisis areas—in order to be able to effectively control people entering and exiting. Refugees will have the chance of leaving the camp at any time, but will thereby lose their right to protection in the future.

Barbed-wire fencing, military guards, material, medical and

psychological emergency provision, as well as deployment of labour: the areas promoted in the plan as zones of sanctuary will be more like concentration camps.

A limit will be placed on the length of time a person can stay in one of these refugee reservations. A waiting period of six months will be allowed to determine whether the situation in the country of origin has stabilised sufficiently to enable the safe return of the refugee. A ruling on the application for asylum will only be made after this period has elapsed.

In order to avoid having to process asylum applications at all, the international community is to have the right to intervene in the countries from which refugees have fled. A British government report from the beginning of February states: "Attention will be given to limiting the lengths of time that refugee migrations take place.... The international community must commit itself to resolving conflicts, preventing violations of human rights and participating in post-conflict reconstruction to enable the permanent return of refugees. Although such interventions are not sanctioned by international law and are highly controversial, refugee flows have nevertheless been used in the past to justify interventions, for example in Kosovo.... Military intervention must also be available as a final means of deterrence."

Soon refugees will be exploited to further political interests of governments throughout the world. This is precisely what NATO (North Atlantic Treaty Organisation) together with the EU did in Kosovo in 1999/2000. Refugees were accommodated in camps close to the "home country"—in impoverished Albania and Macedonia—in order to facilitate their speedy repatriation. What was done in an ad hoc situation at that time is now set to become the norm. In this respect, the Blair government bases its policy on the responsibility of the international community to intervene wherever a state fails to comply with its obligation to protect its national citizens. Intervention is to be pre-emptive in character and reconstruction work is to be undertaken by firms from the intervening states—as was recently done by the US in Iraq.

The refugee aid organisation Pro-Asyl concludes: "According to this standpoint the protection of refugees is reduced to the duty 'to protect' refugees in their land of origin. To this end, war is regarded as an appropriate means."

Aware that some of its European partners are not willing to recognise the principle of interventionism, the British government is also seeking partners for its project outside of the EU. In what has been literally termed a "coalition of willing states," one or two refugee reservations are to be established in collaboration with the US, Canada and Australia. Eventually the plan is for all of the rich industrialised states to work together to establish a global system to regulate asylum.

Inside the EU the proposals are backed up the decisions made at the October 1999 EU summit in Finland, which established as its aim the "close to home" protection of refugees.

In an initial discussion of the British plans at an informal meeting of EU interior and justice ministers at the end of March in Greece, differences emerged which meant that unified agreement on the proposals as the basis for a pan-EU policy was not possible.

The Italian government enthusiastically greeted the proposals of Blair and Blunkett and made clear their position was "the fewer who come to Europe the better." This viewpoint was shared by ministers from Spain, Belgium, Denmark, Austria and the Netherlands. Other countries exercised more restraint. Finland and Sweden were only prepared to accept the plan if the UNHCR first gave its approval. France and Greece made no comment on the proposals and it was left to German Interior Minister Otto Schily to articulate a number of fundamental objections.

Schily made his remarks not because he has legal objections, or shares the reservations expressed by refugee organisations, but above all because the British plan could not guarantee that fewer numbers of asylum-seekers would find their way to Germany. Instead of refugee reservations the

German minister favoured the resolute implementation of the Dublin II Agreement, which regulates national responsibility in asylum issues.

According to the British proposal, officially recognised asylum-seekers from the refugee reservations would be distributed between EU countries on a quota system. Germany, which recognises only very small numbers of asylum-seekers, would then be required to take in higher numbers. But this is precisely what the German government is seeking to prevent. Increased border controls following entry into the EU by Germany's eastern neighbours, together with the implementation of the Dublin II Agreement, would mean that Germany would be virtually freed of any responsibility to take in new refugees.

The British plan makes a mockery of the protection of refugees stipulated in the Geneva Refugee Convention (GFK). The GFK, which came into force in 1951, was in part a reaction to the failure of the refugee convention held in Evian in 1938. The states attending the Evian conference refused to take responsibility for refugees fleeing the Nazis and subsequently condemned many thousands to their deaths.

The GFK altered the responsibility for the protection of refugees from a national act of mercy to an individual and international legal right. Article 3 of the GFK banned the states who had signed the agreement from sending refugees to countries where political instability reigned. It is precisely this legal right which will be swept aside by the EU plans for "close to home" reservations.

The Blair concept also transforms the claim by a refugee to seek asylum in a particular country into a version whereby the asylum-seeker no longer has the right to a judgement of his case in the land of his choice.

Provision is also made in the Blair plan for overriding basic human rights considerations as laid down in the European Convention on Human Rights. According to the plan, the only concession made to refugees awaiting transportation to the so-called reservations is a ban on the use of torture against them. Bearing in mind that the reservations are to be set up close to the countries which most refugees seek to flee, the authorities will have wide-ranging possibilities to deport refugees to states which do carry out torture and the death sentence.

The flagrant breach of international law carried out by the Bush and Blair governments in the pursuance of their war against Iraq is now being repeated and deepened with the British plans for a global system of controlling and preventing asylum. Wars of aggression such as that conducted against Iraq inevitably unleash floods of migrants and refugees desperate to avoid the slaughter. In order to free themselves from any burden and responsibility for these refugees, the main imperialist powers are now seeking to do away with all existing mechanisms for the protection of migrants. If the British proposals are put into practice it will mean the virtual abolition of the right of asylum and represent a huge attack on basic democratic rights.



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