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Putting Asylum to the Test: Between Immigration Policy and Co-Development

Sylvie Mazzella

Alas! Remembering his sweet adventures,
Looking, without entering, through the barricades,
Like a pariah,
He wandered all day long, toward nightfall,
His heart as sad as a tomb.

Many experts today believe that asylum policy is in crisis, in Europe and everywhere in the world. In Europe, this crisis must be understood first as the result of tension between a region-wide impulse (particularly the desire for an EU Community-wide right to asylum, which could result eventually in the creation of a single European entry point) and the establishment of partnerships with former colonies who are now economic partners, in the context of a new Euro-Mediterranean free-trade zone to be created between now and 2010.

This political-economic tension – closing to people versus opening of markets – is not without effect on the asylum policy conducted in Europe in recent years. A certain number of writers have analysed the shifts in European asylum policy, which tends to be confused with immigration policy. We shall discuss here the results of this research. We shall put the questioning of asylum back into the context of strengthening co-development policies: certain experts see this as an assault on the Geneva Convention, the international treatment of asylum, and its universal status through the creation of regional rules, of ‘local universalisms’, as is the case in South America or the African continent. At the very least, experts are signalling with alarm the exportation of the handling of refugees, a kind of outsourcing of the asylum problem by European governments.

Europe seems in effect to be heading towards the creation of a Euro-Mediterranean asylum right, whose form would be more contractual than
universal, more economic than political, with bilateral accords and re-entry accords signed between European and non-European nations. One of the European Union’s great challenges is unquestionably to succeed in negotiating terms for these accords, without neglecting the clear ethical question asked of France by the historian Gérard Noiriel: to whom does Europe wish to grant asylum?

Right to asylum and immigration control

In 2000, the United Kingdom attracted the largest number of asylum requests (98,000), moving ahead of Germany, which was long the leading country for asylum in Western Europe. France saw the number of requests for asylum progressively increase during the 1990s. This increase continued into 2000 (25 per cent) and 2001 (22 per cent). However, a slow down began in 2002, with an increase of only 9 per cent, and by 2003 asylum-seekers had slowed down to 2 per cent. Despite less of a slow-down than in Germany or in the United Kingdom (−41 per cent as compared to 2002), within the context of an overall drop in requests for asylum in Europe (−1.7 per cent), France is now part of the group of European countries receiving the most requests for asylum. The rate of requests granted is not, however, proportional to the number of requests. On the European Union level, only 10 per cent acquire the status of refugee. We are thus seeing a growing number of asylum requests without then seeing more refugees in host countries.

Following the objective of Community-wide policy initiated at the beginning of the 1990s, the European Union seeks to adopt common norms regulating the acceptance of those seeking asylum, procedures to be followed, and conditions for obtaining refugee status, with the likelihood of only minimal harmonisation following already restrictive policies of member nations. The absolute respect of the right to seek asylum was reaffirmed by the European Council in Tampere on 15–16 October 1999, which determined the main themes of European political asylum. Their objective is the establishment of a common European asylum policy beyond the minimal norms set forth by article 63 of the European Union Treaty: this implies that authority will no longer reside with individual countries but with the European Community, according to decisions made by a majority of the Council of Ministers of Justice and Internal Affairs, in co-decision with the European Parliament. The European Councils of Laeken (December 2001) and of Seville (June 2002) sought to accelerate the work and to set a schedule for harmonisation, but the Thessalonica summit in June 2003 showed once again