

## THE CHALLENGE OF ASYLUM TO THE EUROPEAN UNION'S POLICY IN A KNOWLEDGE BASED SOCIETY

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**Abstract:** *Migration is not a new phenomenon. People have been forced or tempted to leave their homes since ancient times, due to the economic (lack of resources, type of property, level of national economy development, better careers, famine), social (family reunification, social justice, poverty), political (oppression, war, ideology) or environmental (flooding, drought) problems. If for some, migrating is a quest of improving an already good living, for many others, it is a quest of survival. On this second aspect the paper intends to focus on, especially by relating the issue with the pressure created not only upon some European countries, but also upon the European Union as a political international actor.*

*It seems that migration reveals a whole spectrum of vulnerabilities concerning the European Union internal security, including lack of sane regulation, which if not tackled properly can easily create disorder and endanger regional security. One thing is for sure – tackling migration and asylum problems should be structured on solidarity and responsibility, both at national and European levels.*

**Keywords:** European Union, migration, asylum, policy

### 1. Introduction

How does the world look like in 2015?

Despite the globalization of democracy, there are still places on Earth where the political establishment is tailored with the help of weapons and people are subject of discrimination and persecution. Not only that a struggle for power is underway in many states from the Middle East and North Africa, but there is also a fight between some countries concerning the regional leadership. Terrorism has started to expand its area, embracing Africa step by step into its tentacles. 48 countries [1] (approximate a quarter of the total number of the world's states) were ranked in 2014 as the least developed countries, a status characterized by economies reliant more on primary status, low GDP *per capita*, high dependency ratio, low level of living standards. This grim reality generates in these states a helplessness situation for most

of the people who end to believe that migrating and seeking for asylum are the only way out from a disastrous situation.

Migration and asylum are two different things, yet connected. The first concept reveals the movement of people from one place to another, generally on long distances, permanently or temporally, in order to find better living conditions. It is worth to mention that at the international level there is no universally accepted definition for migration. The second concept expresses a form of protection given by a state, on its territory, to a person persecuted in his/her country for reasons of race, religion, nationality or political opinion. In fact, this form of protection is an international obligation, asylum being in its turn a fundamental right, first recognized in the 1951 *Geneva Convention on the protection of refugees*.

If migration is mainly economic and social, seeking for asylum is mainly a legal and political problem. Asylum seekers are forced to flee because the government of their homeland cannot or would not protect them. But because migrants leave their country for reasons that are not related to persecution they continue to enjoy their own government protection no matter if they are living abroad.

## **2. The European Union between great expectations and serious concerns**

Europe is a fine place to live in and a much better place than others if it is to be compared with regions from all over the whole wide world. Despite the economic crisis which seems to never end, the social frustration given the austerity measures taken by some national governments and the general political turmoil, the European Union is seen as the “promise land” for many non-European people, especially for those coming from the Middle East and North Africa, regions terrible shaken by armed conflicts and more or less successful attempts to implement reformed political regimes.

Old enough to retire (if it were a human being), the European Union has not been yet able to have a real “career” meaning that there are still a lot of things waiting and needed to be done in order that the integration process to be completed. Among other things that cannot yet be the subject of a full report, it is worth to mention:

- An inexistent foreign policy, as a result of a too diverse puzzle of national interests and of a lack of willingness in using other means than foreign trade and cultural ones;
- A continuous promoting and fostering of some clashes inside the European civilization, the main one being the perpetuation in approaching the analysis of the European states depending on their geographic position (Western Europe and Eastern Europe) or on their predominant religion (Catholic and Protestant on one hand, and Orthodox on the other hand);
- Some artificial accession conditions to the

Schengen Area for some Eastern European countries despite the fact that the enlargement process has served, first of all, Brussels’ geopolitical interests;

- A too rhetorical speech reflected also in some official documents which are thus easily turned into “rhetorical essays – government backed studies that state broad principles unlikely ever to be applied in practice” [2];

- And last but not least, the asylum and migration issue which besides being a problem of European integration, it is one of human rights and humanitarian assistance. It is a matter of solidarity between the Member States and a matter of fair treatment applied to non-EU nationals. It concerns the relationship established between national and supranational and the role played by the European institutions, both at regional and global level.

Struggling under its own incapacity of solving the current problems concerning the economic crisis and a constant high level deterioration of the Europeans’ living standard, the European Union must face nowadays a real “invasion” of those desperately seeking for a better life (Table 1).

*Table 1 [3,4]*

<b>Risk of poverty or social exclusion in EU</b>		<b>Asylum applications in the EU</b>	
<b>Year</b>	<b>%</b>	<b>Year</b>	<b>%</b>
2008	23,8	2008	23,8
2010	23	2010	23
2012	24,8	2012	24,8
2013	24,5	2013	24,5

The issue of asylum is not entirely regulated, the Member s having, due to their sovereignty, the possibility to decide who enters their territory. Besides, there are major differences concerning the national asylum policies which obviously generate conflicts.

The Southern part of Europe, especially

Italy and Greece, is under siege due to the massive asylum seekers wave and according to the EU regulations those countries where the refugees first arrive must take care of them. For many years, this has been a huge burden upon the national decision makers in Rome and Athens which must also face the pressure of their own citizens' demands for better policies meant to improve their lives. Consider only that the unemployment rate, in Q4 2014, was 25,7% in Greece and 13,4% in Italy, while in Euro area the rate was 11,5% [5]. The result is a weak social system and a constant growth of the anti-immigrant sentiment among the indigenous people. This situation generates another conflict, this time related with the manner some countries apply the measures of securing the borders which in this case are national and European in the same time. But for many migrants, Italy and Greece represent the gateway rather than the intended place of residence, more prosperous societies and developed countries being the final destination. This is how it can be explained the large number of applications for asylum in Germany where those who applied for asylum in 2013 represented more than a quarter of the total asylum seekers in Europe (Table 2).

Table 2 [6]

Country	Applicants in 2013	Final decisions on applications
EU	432.055	14.845
Germany	126.995	2.960
France	66.265	4.270
Sweden	54.365	685
UK	30.820	3.770

The fact that the number of refugees is not equally spread all around Europe raises serious questions concerning who's responsibility is – Union or Member States'. Probably the answer should start by underlying the need of solidarity not only between the European states but also

between these and the European Union, on one side, and the people in need from outside Europe, on the other side.

### 3. How to solve the problem

Migration and asylum are very complex problems especially in times of economic trouble and social discontent. Unfortunately the whole world seems to sink into an endless turmoil and taking in consideration this fact it is most probably that the number of migrants, legal or illegal, will increase in the coming years.

The European Union has already proposed some solutions to the refugees' problem but the ball has to pass through the national game fields. That is why a proper solution should be built on three pillars:

- The Member States' willingness to cooperate one with each other but also with the European Union in this respect;
- The European Union's greater vision;
- The near neighbourhood countries' involvement in solving the problem.

The European Union should not lose sight not of the bigger picture but of the smaller one – the citizen and his/her rights. And before being European citizens each and every one has his/her own nationality which still acts like primer roads not only of his/her existence but of every nation survival and identity. A national citizen in an united Europe still relate him/herself to the national government before looking up to Brussels or Strasbourg. The national security, no matter of its dimension, is the national government's responsibility. That is why migration policy needs to protect not only the incomers, but also those "who remain in place" [7] and the national decision makers unlike the European ones still remember this. But as long as a human life's value is immeasurable, action is more than required. Till policies are adopted and implemented and responsibility is assumed, *the EU might begin by giving much more assistance to those refugees and governments in the places where much of this horrendous problem originated in the first place* [8]. This could be considered a

proper solution for many reasons:

- Relocating people in areas belonging to other cultures can generate social exclusion, frustration and ghettoization;
- Families would not be separated;
- Potential refugees could be trained and turned into aid workers and social pillars of their communities;
- European social security systems would not have to bear an additional burden;
- European governments would not have to fear about properly identifying refugees as genuine or false and, as a consequence, the emergence of some new terrorist cells would be diminished.

#### 4. Conclusions

Far from being solved unless *a truly creative, comprehensive plan of action both at home and abroad* [9] is adopted, asylum and migration are problems that can no longer be tackled in the absence of a multinational cooperation framework. As Jack Straw [10] said at the 50 anniversary

of the *1951 Geneva Convention on the protection of refugees: We have a long road to travel before we can achieve a protection regime which is genuinely fair and effective ... We can only properly make this journey through open and frank debate about these issues* [11].

It is no doubt that solidarity and responsibility go hand in hand in solving many problems not only the asylum quest. But what is important and truly a hard work is to define these two concepts by tailoring them according to the real circumstances – national/European and international, political and legal, financial and administrative. As long as solidarity and responsibility are not embodied in strategies and empowered in order to accomplish obligations they remain empty concepts meant to lend colour to the political rhetoric.

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