

“Hide Those Refugees, I don’t Want to See!”

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Abstract: The paper discusses the lack of international cooperation concerning migration and asylum, specifically focusing on climate migrants, sea rescue operations, and the misinterpretation of the “duty to protect.” It highlights the frequent absence of collaboration to assist climate migrants, who are compelled to leave their countries due to environmental crises. Additionally, it emphasises the failure of countries in providing adequate assistance to those in danger at sea, leading to numerous deaths, particularly in the Mediterranean. Furthermore, the article explores the alarming trend of outsourcing asylum responsibilities to third countries, which undermines international obligations to protect refugees. The main conclusion drawn is the urgent need for enhanced international cooperation on migrations, the establishment of legal and secure migration routes, and the fair distribution of migrants to address these multifaceted challenges. The author underscores the significance of prioritising fundamental human rights above political considerations and advocates for a dedicated working group on migration and mobility within the G20 to promote collaboration and develop inclusive policies for the future.

Keywords: Climate Migrants, International cooperation, Asylum and Refugees Rights, Migration Policies.

Introduction

Let us face it, this is a grim time for all who care about human rights in the world. Would we not intend to avert our eyes, the images of conflict, oppression and devastation would appear directly and continuously on our miniature screens. The question today is this: beyond empathy and compassion,

what efforts are we collectively willing to make to alleviate some of the tragedy of the people driven into exile by this unrest? The state of the democratic and media debate towards asylum and the protection of refugees on rights does not seem to be very encouraging anywhere. And the increasingly security-conscious migration policies that are gradually

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being announced and implemented in so many of our countries only serve to reinforce the fears and preconceived notions of a public that lacks information and reliable points of reference. And yet geopolitical, economic and climatic crises will lead more and more men, women and children to flee their countries of origin and try to reach other shores. In this increasingly tense political context, we need to update our global rulebook and our ability to act in this area. Let's explore three examples.

The Missing International Cooperation to Assist Climate Migrants

As we know, the Geneva Convention allows “any person (...) who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion (...)” to seek asylum elsewhere. However, it fails to take into account these people who are fleeing from a very specific form of violence: global warming, which is the desertification of the environment, withering crops, shattering ecosystems, and spreading deadly diseases (Black, R., 2011; Gosh, R.C., 2022; Hunter, L.M., 2015). Rising sea levels, degrading soils, and fluctuating rainfall mean that climate change-related disasters displace more people than conflicts do every year. It is estimated that 200 million people have been displaced since 2008, and that number is likely to rise to nearly 1 billion in the next 50 years. Most importantly, we know that these flows are highly uneven: climate migrants come from

the geographic areas most affected by global warming, that often means - from developing countries, whose populations bear the brunt of the massive pollution caused by excessive production and consumption by developed countries. It is difficult to turn a blind eye to this asymmetry, which fuels resentment and the nagging question: who actually owes whom in this world?

Unlike refugees, of course, who need protection “against their own state”, climate migrants have the distinction of theoretically being able to call on international assistance “in cooperation with their state”. While the first case is about defending the freedoms of individuals, the second is about the international management of populations. The fact remains that all this has to be organised. When will the international community finally take the time to address climate migrants and find adequate answers to their conditions? Why is this problem not directly addressed at the annual COPs? Part of the solution lies in our ambitions and actions on adaptation policies that should create the conditions for so many people not to become refugees. The challenge of environmental transition, technological innovation and the use of renewable energy is to create, among other things, more habitable and sustainable cities, but also to protect biodiversity and promote economic growth and social development. This is an absolutely vital investment for our world, and what was discussed in the New Global Finance Pact in Paris last June was a step in the right direction.

But beyond funding and implementing these local adjustments, we need to think on a planetary scale and address as clearly as possible the unfortunately very likely hypothesis that we will not succeed or will not succeed fast enough. We need to find answers to the following questions: How can we organise the well-being of the populations affected, as well as that of the populations that will receive migrants? How can we prevent this reality from becoming a new source of global conflict? Should we allow countries to settle elsewhere, and under what conditions? This may seem insurmountable. The Covid crisis has shown us that when we are confronted with difficult situations, we find solutions. We should take this question very seriously, knowing full well that we will be dealing with a phenomenon that is unprecedented in human history.

Failure to Provide Assistance to People in Danger at Sea

Around 25,000 people have perished in the Mediterranean (at least) since 2014, according to a recent report by the International Organisation for Migration. How could it have come to this? Under international maritime law, states have an obligation to help people in distress at sea, but they are increasingly shirking their responsibilities. Instead of protecting and promoting respect for human rights, frontline European Union countries and the European Union itself are doing everything they can to pursue increasingly security-driven migration policies, not only toward migrants but

also toward the NGOs that support them. Recent examples include Greece, where 24 humanitarian workers have been accused of smuggling migrants into Europe, and Italy, where a recent decree restricts the ability of NGOs to rescue people in distress at sea.

So how can we put an end to the tragedies in the Mediterranean? We have known it for years: we need to develop legal and safe migration routes and strengthen Euro-Mediterranean cooperation (Guilfoyle, D. 2009; Klein, 2011). In the meantime, it is imperative that the European Union lives up to its responsibilities, supports search and rescue operations coordinated by the Member States, and finally puts sea rescue at the heart of Frontex's mandate. There is a fundamental principle of the law of the sea: at sea, any person in a situation of danger must be rescued, without having to ask why they are there, where they are going, or what their intentions are. The protection of human life at sea takes precedence over all other considerations. International rules for assistance at sea are laid out in conventions, and ships that are in the vicinity of people in distress must intervene without endangering their own crews. It is also appropriate to point out that a call for help from the ship is not even necessary for assistance to happen (since this was one of Frontex's arguments to redeem itself from its failure to assist in the wreck of 750 people off the Greek coast last June). It is enough to note some of the following objective elements: visible signs of calls for help, an overloaded boat, the absence of a captain and crew, the absence of

navigational instruments, a drifting boat, a deteriorated state of health of the people on board, etc. In short, the sea is an inherently dangerous place and, because of that, the place par excellence where human solidarity is exercised, and it is incumbent upon each coastal state to plan and implement rescue operations for people in distress in its territory or territories.

But apart from the fact that this first principle is unfortunately far from being systematically applied, what comes after it is even more complex: what is to be done with people in distress who are picked up by a ship? What provision is made for their disembarkation? Recent incidents of private ships picking up migrants, that wandered for days in the Mediterranean because coastal states repeatedly refused to accept them into their ports, show the eminently political scope of these questions. Despite the humanitarian dimension of the problem, international maritime law does not provide a clear solution. We feel compelled to refer to rules (those of the European Convention on Human Rights) that do not primarily apply to the maritime space and the particular situation of migrants by sea. This situation opens the door to potential “conflicts of law” that often result in undermining the rights of the migrants. For example, when the imperative of rescue is overshadowed by the fight against smugglers, to the detriment of their victims, and boats are turned back knowing that people are risking their lives and that, at the very least, the right to apply for asylum and the right of residence are effectively impeded during

the examination of the merits of the application.

This is far from what seems to be the only possible solution: that the Member States of the European Union immediately equip themselves with a permanent mechanism for disembarkation in a safe port and a genuine system of solidarity-based distribution. Basically, what should prevail and help guide the decisions of the public authorities is to realise that rescuing migrants at sea is a complex operation involving several phases - rescue, health treatment on board the ship or refuge, disembarkation, processing of applications for residence or even asylum - all of which have an inseparable humanitarian dimension in which respect for human dignity is at stake at every stage. The primacy is to be given to fundamental human rights over all other considerations: this self-evident principle should be reiterated and formalised by the international community, since it is not so self-evident.

The Misinterpretation of the Duty to Protect

The current international texts and bodies seem equally powerless to cope with the very specific and increasingly widespread interpretation of their “duty to protect” by a number of countries (Trevisanut, S, 2013). For several years now, we have been witnessing the rise of a practice that is problematic, to say the least: outsourcing the management of refugees and irregular immigration. In other words, the transfer of migrants to poorer countries, in return for funding,

to avoid having to welcome them on our own territory.

We were already familiar with the numerous agreements aimed at asking other countries to hold back these asylum seekers. Italy inaugurated these practices in 2003 when it signed a cooperation agreement with Libya along these lines, an agreement that will be renewed with the Libyan executive and its coastguards in 2017 and 2020 in return for a financial consideration amounting to several tens of millions of euros. We know that this will inspire the policy of the European Union, and the agreements with Turkey in 2016, which mandate Turkey to “contain” asylum seekers on its territory in exchange for financial aid worth six billion euros. Later, similar agreements were reached with Libya and Tunisia, leading to the summary deportation of several thousand people in need of protection to countries where human rights are violated. The expulsion by the Tunisian authorities of hundreds of sub-Saharan migrants into the desert in early July is just one more terrible illustration of this. In a letter to the European Council in February 2023, the prime ministers of Austria, Denmark, Estonia, Greece, Lithuania, Malta, Latvia and Slovakia called for even more outsourcing agreements with third countries.

These temptations don't just apply to Europe, by the way: the USA, under President Trump, also adopted a similar policy dubbed “hold in Mexico” in January 2019, allowing some asylum seekers detained in the USA to be sent back to Mexico. In the first two years of application, 70,000 migrants

were affected, waiting in Mexico for months or even years for their claims to be resolved. Although suspended by the Biden administration in June 2021, the programme was reinstated in December of the same year, again involving hundreds of millions of dollars in humanitarian aid paid in exchange.

But beyond these cooperation agreements with third countries aimed at limiting arrivals, various European countries are tempted to completely outsource and relocate their asylum responsibilities to third countries, following the example of the Australian model, which since 2012 has involved delegating the management of asylum applications to micro-states in the Pacific (e.g., Papua New Guinea, Nauru), where applicants are placed in detention. This programme has cost the Australian government over 600 million euros a year for just over 3,000 people transferred in this way.

Intercepting boats and sending asylum seekers to another state, with no real prospect of settling in the desired destination state, is also the path now taken by the UK, which has signed an agreement with Rwanda, described as a “migration and economic development partnership”. Under the terms of the agreement, Rwanda will take in an unspecified number of migrants who have irregularly arrived in the UK from France, for a period of five years. The relocated migrants - single, young and male, according to British government guidelines - will apply for asylum in Rwanda. In return, the UK has already made a contribution of 150 million

euros (representing around 1.4 per cent of Rwanda's GDP) towards "Rwanda's economic development and growth", as well as funding "asylum operations, accommodation and integration similar to the costs incurred in the UK for these services". The recently passed "Stop the boats" law confirms this intention to make asylum claims inadmissible for those crossing the Channel in small boats. These people could then be detained (including minors), deported or sent back to Rwanda to seek international protection.

Denmark has also turned to Rwanda to propose a similar agreement. Although she heads a centre-left Social Democratic party, Prime Minister Mette Frederiksen is a resolute advocate of a "zero refugees" objective in the Scandinavian country.

Rwanda is one of the most densely populated countries in the world and already hosts more than 130,000 refugees, mainly from Burundi and the Democratic Republic of Congo. Also worth noting: the impact assessment of the British bill showed that sending each migrant who arrived illegally in the UK to Rwanda would cost 200,000 euros. This compares with the cost of accommodating the same person while their asylum claim is examined: 70,000 euros less. And yet, the cost of caring for asylum seekers was the British government's main argument for justifying its deterrent migration strategy.

All these agreements raise countless moral and political questions. Starting, of course, with the question of their conformity with international obligations to protect refugees, which the United Nations is constantly questioning: as a

reminder, all the countries mentioned above are bound by the Geneva Convention to respect the principle of Non-Refoulement (i.e. not returning to a country where there is a risk of persecution) and access to a fair and efficient asylum procedure. Where does this leave us?

But they must also question the countries of the South who agree to take in refugees in exchange for financial resources. Does participating in this externalisation of the North's migration policy really send the right message about the role the South would like to play in the international division of roles?

Conclusions

At a time when a balanced partnership between North and South, between Europe and Africa, is being called for by all civil societies, governments would be well advised to think twice about the far-reaching consequences of their actions and their international summits to avoid making the subject of population displacement the blind spot of their conversations.

A quick review of the objectives pursued by the G20 (sustainable development, climate change mitigation, North-South relations) is enough to understand that each time, the issues of migration and mobility lie at their core. The question of people and borders must therefore be placed at the forefront of its concerns at the highest level of its work. A dedicated working group on migration and mobility would be of utmost utility (Singh, 2022).

India, which maintains close relations with developed countries while understanding and expressing the positions of developing countries, is in a privileged position to establish and facilitate discussions within such a group. It could leverage its G20 presidency to initiate this essential conversation and collaboration between countries of origin and host countries (Kapur et al., 2023). A conversation that showcases the aspirations and concerns of populations in developing countries, often absent from G20 meetings.

This collaboration should lead to concerted solutions and the adoption of policies that take into account the realities of countries of origin, transit, and destination. It should take us beyond mere narrowing and isolation. And it gives hope that we might finally be capable of working towards an inclusive and prosperous future for all G20 member countries.

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