BORDERS, MIGRATIONS, ASYLUM AND REFUGE

Has the Tide Turned? Refuge and Sanctuary in the Euro-Mediterranean Space

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Picture by Carole Hénaff

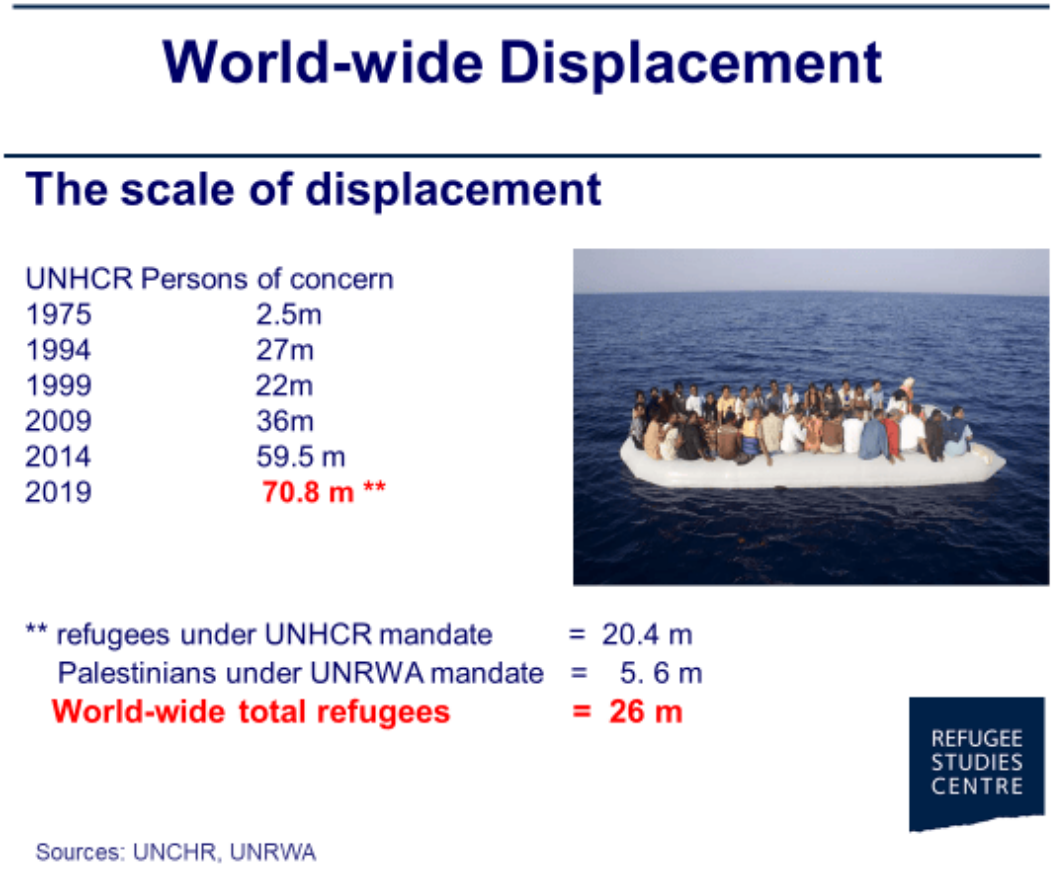
The watery expanse of the Mediterranean Sea, also called *Mare Nostrum* (Our Sea) or *Mare Internum* (the Internal Sea) along its northern rim and the *Bahr Al Abyad Al- Mutawasit* —the White Internal (Middle) Sea— along its eastern and southern Rim, has for centuries served as a connector rather than a separator. This large body of internal water was a conduit for maritime trade, for socio-cultural exchange, and, often, was a space of escape, exile and sanctuary. Between the 11th and 13th centuries, it saw European military expeditions set out to 'retake the Holy Land'. In the 15th century, a number of Capitulations were established between the Ottoman Empire and its key trading cities with Venice, Genoa, Lucca, Florence, Amalfi, and Venice creating significant mercantile movement across the Mediterranean. These diplomatic and trade relations later extended to France, Germany and other European nations and saw significant traffic moving silks, textiles, and carpets among other goods from the terminus of the silk road across the Mediterranean into Europe. Alongside these progressive developments, corsairs, between the 16th and 18th centuries, also operated disrupting many of these established trade relations and creating hostilities and notions of insecurity across the Mediterranean.

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Throughout centuries, the Mediterranean Sea was a conduit for economic, military, and diplomatic relations but it was also an escape route for those seeking safety or fearing assassination. Shakespeare placed the Mediterranean at the heart of his play *Pericles, Prince of Tyre*. Pericles takes to the Mediterranean Sea when threatened with death by King Antiochus. Storms, shipwrecks, sanctuary and revival followed by more dangerous sea crossing, and finally family unification and return across the sea to his homeland are detailed in this particular piece of theatre. For centuries, the Mediterranean has thrown up individuals and groups seeking safety on its northern, eastern, and southern shores. Until late into the 20th century the Mediterranean Sea served as a familiar space of movement across its body of water providing sanctuary and refuge when required and easing return when practicable.

During the last quarter of the 20th century, movement across the Mediterranean from Africa began to attract much negative attention disrupting tourism along Mediterranean beach fronts, and seemingly threatening Europe with ‘mass invasion’. And a number of bilateral and international agreements were put into place to manage this increasing subterranean movement, mainly of young African men. Incentive packages were hammered out with Morocco and Libya, for example, to keep migrants in holding centres, and away from the borders of Europe [1]. By the 1990s, the numbers of refugees and forced migrants worldwide climbed steeply from about 2.5 million in 1975 to over 22 million by the end of the 20th century. The European humanitarian response to these rapidly rising numbers of forced migrants was to harden and formalize the ‘Fortress Europe’ (see chart of Worldwide Displacement below). Migrants and refugees were to be kept out of Europe at all costs. By 2001, The European Union passed a directive to harmonize law on carrier sanctions by air, sea and coach rejecting the transport of any individual without documentation or entry visa. This directive flew in the face of Article 13 of the Universal Declaration of Human Rights which stated that everyone has the right to seek and to enjoy in other countries asylum from persecution. Forced migrants and refugees without documents were forced to find other means to cross the Mediterranean where they could then request asylum as refugees fleeing persecution as guaranteed by the 1951 United Nations Geneva Refugee Convention and its 1967 Protocol.



Fortress Europe

Obliged to accept an asylum request on their soil as signatories of the 1951 Geneva Convention, most European states became increasingly concerned as sea crossing of refugees and forced migrants continued to climb in the first decade of the 21st century. The European Union member states then sought ways to reduce possibilities of forced migrants reaching European shores. In 2004, a European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) of the Schengen Area was put into effect to coordinate Europe's external border controls. This institution, however, did little to stop the increasing irregular movement across the Mediterranean; particularly crossings taking place from Albania to Italy and from Libya across to Sicily. European politicians, particularly the populists, began to draw attention to these movements as threatening to state sovereignty. In 2009, for example, Italy, under Berlusconi, entered into a 'Treaty of Friendship' with Libya, whereby Italy agreed to pay Libya $5 billion in reparations over its 1911-1943 colonial rule; furthermore, the two countries agreed to cooperate in fighting illegal immigration. In fact, Italy's coastguard would now be able to swiftly deport boatloads of illegal immigrants back to Libyan shores, skipping procedures for filing potential asylum applicants. A similar agreement regarding dumping migrants and asylum seekers on Libya was signed between Italy and Libya in 2017 [2].

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These extreme measures emerging from Europe's fortress mentality, however, were thrown into disarray when in October 2013 two boatloads of refugees and forced migrants sank near Lampedusa, Italy, with a death toll of nearly 400 souls. Italy's new Prime Minister, Enrico Letta, tweeted that this was an immense tragedy and recognizing Italians basic human duty to save lives, launched Operation Mare Nostrum. This programme ran for two years between 2013 and 2014 and was credited with saving more than 150,000 lives during this time, many of whom were Syrian fleeing the implosion of security in their country. However, this operation was funded solely by the Italian government, and not the European Union. At the end of the two years, Italy requested support from the EU to manage search and rescue operations, claiming it could no longer afford to maintain these operations without support from its EU partners. Theresa May, then the British Home Secretary, stated that the UK would not support further search and rescue operations. The Fortress Mentality of keeping forced migrants out of Europe and reducing the numbers able to avail themselves of opportunities to legally seek asylum had clearly taken hold. Maurice Wren, the head of the Refugee Council in the UK was scathing in his counterpoint that Theresa May and other politicians were failing to see that the world was in the grip of the greatest refugee crisis since World War II. In 2015, the EU did finally approve a limited search and rescue operation, Operation Triton, with restricted surveillance to 30 nautical miles from the Italian shore.

The European Refugee Crisis of 2015

The refugee crisis which Maurice Wren referred to was, of course, the Syrian Humanitarian Crisis which had seen nearly half the population of 21 million internally displaced, or across international borders, as Syria entered the fourth year of armed conflict which had descended into a proxy war involving Iran, Russia and the Islamic State. More than six million Syrians had had to flee their homes and find safety in other part of Syria; another nearly 5 million had sought safety across their borders in Jordan (600,000) Lebanon (1,200,000) and Turkey (more than 3,800,000). Most Syrians waited in these neighbouring states, confident that they would be able to return to their country shortly, when conditions permitted. For a variety of reasons, but also because they assumed return would be possible in the near future, many refused to register as refugees with the United Nations Agency for Refugees (UNHCR). Many middle-class professionals and young activists remained in the major towns and cities of Syria running local consultative councils and managing municipal services.

But halfway into 2015, Russian aerial bombardment of many of Syria's towns and cities coupled with the rapid expansion and takeover of much of the country by the Islamic State (*Daesh*) resulted in a mass departure from the country. These nearly 1,000,000 Syrians fleeing aerial bombardment and possible extremist, jihadist takeover moved through Turkey and over the land bridge into the Balkans trying to reach places of safety in Europe where many, if not the majority, already had family members (particularly in Germany and in

Sweden). Others took to crossing the Mediterranean, many with tragic results as the pictures of a Turkish police officer carrying of the lifeless body of the three-year-old, Ayan Kurdi, hit the news outlets. Public shock at these images of tragedy was intensified by other stories of desperate Syrians in this mass influx. Europe largely reacted as one, “We can do it,” Angela Merkel said in September 2015 and announced that she was opening Germany’s door to Syrians seeking safety, sanctuary and family reunification. Nearly 800,000 Syrians made it to Germany, by walking along the land link through the Balkans, via Hungary, Austria and then into Germany. Press reports of Syrians and other asylum seekers being badly treated at Hungary’s borders on their way forward provoked angry responses in Western European countries and even greater sympathy for these forced migrants searching for asylum. When Hungary’s Viktor Orban declared that these Syrians were not really refugees, but actually “illegal migrants”, “economic migrants” and “Muslims” to boot, who would upset the Christian nature of his country, he was widely ridiculed. When he built a fence around the country’s southern border, he was chided by the European Union and told that Europe has only just torn down its walls; he should not be re-erecting them.

Reinforcing the fortress?

As we fast forward to 2020, we find that Orban’s positioning has gained some support in Europe and other countries are putting up walls to deter refugees and asylum seekers from entering Europe. Media coverage, in February 2020, of the brutality which met refugees and asylum seekers trying to enter Greece from Turkey’s land border and those who attempted to reach Greek islands by small boats and dinghies was largely unsympathetic. Even with reports of tear gas, rubber bullet and live ammunition being used to hold back forced migrants trying to cross from Turkey into Greece or photo-journalism of Greek police pushing dinghies back out to sea with, in some cases, drownings of young children being reported, hardly caused a public reaction. The mainstream media seemed to no longer be sympathetic, and the more liberal press appeared to have been muzzled. Stiff brutal measures now seemed to be regarded as necessary to hold back the tens of thousands of refugees and forced migrants that might follow; governments seemed to believe that there might be a mass influx that would so burden the receiving state that it would be unable to feed and house such numbers. Greece was now perceived as the frontline of Europe’s fortress defences, as though this was a war being fought. Never mind that Turkey already was feeding and housing four million displaced Syrians —four times the numbers that had been accommodated in Germany.

> Hostility in Syria’s neighboring countries has been stoked by politicians using refugees as scapegoats for economic difficulties that existed in their countries even before 2011

The humanitarian, welcoming position of Germany and other EU countries to provide conditional hospitality, to use the concept developed by Derrida [3], with just the few

naysayers of Hungary, Poland and Slovenia seems to have largely given way to a generalized European brutal hostility to the refugee and asylum seeker. Whereas containment in countries adjacent to Syria had been the main European policy effort to maintain its fortress-like aspect, the protective shield for the EU across the Mediterranean had now shifted, and Greece was perceived to be at the front line of defending Europe from an invading horde. These policies of deterrence have been around for a while. Theresa May first used the deterrence argument early in the Syrian Crisis when displaced Syrians were paying smugglers to get them across the 'Mare Nostrum' (Our Sea) on small boats. 'Don't save them', she argued; that will only encourage others to follow. At first Italy, France and even Spain and Malta rejected this immoral logic and continued the search and rescue missions across the Mediterranean. When governments began to tire of this expensive exercise, the third sector took over, until they, too, were shut down by stronger, more populist leaning government intervention.

Where does this shameful lack of moral courage in dealing with forced migration issues on Europe's own doorsteps come from? Is it really, as Derrida has argued, that hospitality contains, within it, hostility, and over time and the pressure of numbers with limited sovereign space and resources, hostility will win out? Or is it more that the solidarity and mutuality which the European states originally shared has been undermined by the permissive attitude towards the few states (Hungary, Poland and the Czech Republic) unwilling to share in the burden? Did these few bad apples really corrupt the rest of the barrel? Instead of calling these few illiberal states to account, we seem to have seen their policies and sentiments gain ground and now discouraging refugees and asylum seekers from reaching safe shores has become the norm. Even the celebrated United Nations Global Compact on Refugees, launched in December 2018, continues to accept the notion of deterring forced migrants from coming to the West and prioritizes keeping them in the neighbouring countries. There is often no international protection and the refugee camp can be turned into the labour camp.

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Regionally, in Turkey, Lebanon and Jordan, the original hospitality to the nearly 6 million displaced Syrians has begun to wane. And hostility in these neighboring countries has been stoked by politicians using refugees as scapegoats for economic difficulties that existed in their countries even before 2011. Whatever the reason, voluntary return and not so voluntary 'refoulment' is being discussed and in some cases implemented some dire reports of inhumane treatment on return. Such involuntary returns are clearly in breach of the 1951 Geneva Refugee Convention and international human rights law since WWII. Recent reports of poor treatment on return in Syria as well as local activism to raise awareness of these breaches of the fundamental right of refugees not to be refouled (as per the 1951 Geneva Refugee Convention) seem to have stemmed the policies of forced or 'voluntary'

returns.

In February 2020, Turkey was chided in the European press for opening up its land border with Greece. Some suggests that it has been done as some kind of 'blackmail' on the part of Turkey to strike a new deal with the EU. But what was really going on? Had the EU fulfilled its part of the EU-Turkey bargain struck in 2016? Not completely. On top of this agreement there was also the fact that Turkey was a NATO partner, and was asking its partners to help it address the ongoing conflict in Syria where Russian aerial bombardment and Syrian troop movements to retake the Idlib region have resulted in nearly a million Syrians fleeing for safety to the Turkish border. Turkey's President, Recep Erdogan, has declared that Turkey has no more room. And on the face of it —when you look at the numbers— you can see his point. Turkey has nearly 4 million displaced Syrians in the country. Turkey, with a population of 84 million, the same as Germany, has taken in four times the number that Germany has. The Greek Islands, the front line of Europe, has become so overcrowded with asylum seekers in detention camps unable to move to the mainland that one Greek humanitarian aid worker called these islands the 'Guantanamo of Greece'.

The Tide Turning?

Yet, could it be that the tide is turning? Perhaps the recent decision by the EU's top court, the European Court of Justice, to recognize that Poland, Hungary and the Czech Republic broke European law in 2015 when they failed to give refuge to asylum seekers arriving in southern Europe might suggest that it is. The three central European countries face possible fines for refusing to take a share of refugees, after EU leaders forced through a mandatory quota to relocate up to 160,000 asylum seekers at the height of the crisis in 2015. The Czech Republic took 12 asylum seekers, while Hungary and Poland refused to take a single person (reported in the Guardian 3 April 2020). Four years on, by 2020, the EU states have managed to take in just under 50% of that quota.

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The COVID-19 pandemic of 2020 also seems to point in the direction of greater solidarity and mutuality with refugees and forced migrants. Reports from Greece, Turkey, Lebanon and Jordan suggest that, rather than become hotspots of infection, refugees and forced migrant in camps and informal settlements are taking responsibility for informing other refugees about the Coronavirus. As one leader of the Moria Corona Awareness Team reported "We should take care of ourselves". Despite camp lockdowns, no cases of COVID-19 have been reported on the Greek Island camps and researchers and activists have begun to insist that the Greek government "should stop using COVID-19 as an excuse

to force people to live in segregated, overcrowded and unsanitary conditions. Instead it should immediately lift discriminatory and unjustified restrictions on migrants' freedom of movement, protect their health, provide timely and fair examination of asylum claims,and massively and humanely reduce the overcrowding that has been a problem for years" [4].

In Greece today, more than 60,000 refugees and forced migrant live in 36 reception centres, and camps. The COVID-19 pandemic seems to have reawakened some humanity, as exemplified by the expedited family reunion interventions that have been negotiated between Greece and eight member states of the EU and Switzerland for unaccompanied children and other vulnerable forced migrants The United Kingdom (52), Germany (49), Luxembourg (12) and, shortly, Switzerland (1,600) have accepted to reunite unaccompanied children with family members as well as accept other vulnerable migrants. These numbers are small at present, but procedures are being accelerated. Whether as a result of the global pandemic which has reminded us of our common humanity or simply the relayed recognition that dealing successfully with prolonged forced migration is not new to the international world order. But it needs concerted, joined up, international effort. That effort requires civil society concern and action, as well as grass roots responses to man's inhumanity to man.

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