

Libyan Refugee Crisis—EU Must Take Responsibility and Alter Its Migrant Policy



The European Union's relief efforts must not contribute to the subjugation of the asylum seekers and deny them their basic human and legal rights.

The world seems to be slowly coming to terms with the Libyan refugee crisis. Despite the loss of over five hundred migrant lives in the Mediterranean sea in the first three months of 2018, the issue has failed to occupy the media spaces in the way it had in the previous years.

The appalling revelations of torture, slavery, and exploitation of tens of thousands of refugees and migrants detained in Libyan immigration camps in horrific conditions in November 2017 caused an international outrage.

These migrant camps, run by various EU funded governmental and nongovernmental entities, have rightly been called "the living hell on Earth" due to their deplorable living conditions. The Amnesty International reported that

European governments were knowingly “complicit” in the torture and exploitation of tens of thousands of displaced persons, both internal and international.

Surprisingly, the human-rights watchers saw hope in these shameful revelations—that perhaps the global outrage might force the EU and its member countries to take effective and decisive steps to ameliorate the conditions and sufferings of the refugees and migrants. However, with every passing day that hope is fading away and so are the chances of bringing an early end to this colossal humanitarian crisis.

Crisis and the EU Response

The present refugee crisis originates from a number of spiraling crises in Africa and the Middle East which gathered momentum after the Arab Spring. By the end of 2016 about 4.8 million displaced persons were already registered as refugees in EU member states and Turkey. Libya, with its own huge internally and internationally displaced population, also serves as the primary transit route to Europe for hundreds of thousands of migrants and asylum seekers. The refugees hail from many north, central and western African countries like Niger, Senegal, Burkina Faso, Sudan, Ethiopia and Egypt—and they are all fleeing wars and repressive governments. Libya, as the main transit point for refugees from other sub-Saharan and West African countries, is currently hosting more than forty thousand refugees and asylum seekers.

As a reaction to this unprecedented mass movement of refugees, the EU border agency, Frontex, began Operation Triton and Operation Sophia in November 2014, which both have the objective of safeguarding the EU borders and deter asylum seekers from crossing the Mediterranean. Search-and-rescue efforts like that of Operation Mare Nostrum, which ended in 2014, were not a part of these efforts. During the first two years, neither of the operations succeeded in reducing the number of vessels attempting to cross the Mediterranean. One argument for the failed operations was the misguided assumption that military force can act as an effective deterrence for migration without also addressing the root causes that triggers the original migrations. Between January 2015 and June 2017, according to UNHCR, more than 11,200 refugees were killed in mid-sea disasters in the Mediterranean. This was a significant increase from previous years.

Yet, surprisingly, from June 2017 onwards, there was a significant drop in the number of refugee boats trying to cross the Mediterranean. The cause of this mysterious drop had more to do with unprecedented activities on the Libyan side of the Mediterranean. The Libyan coast guards flushed with EU funds and equipment were forcibly preventing asylum seekers from leaving the Libyan shores. This newly established financial partnership with Libyan agencies to enhance border control in the country managed to reduce the number of boats leaving the Libyan borders for Europe. However, this new EU policy, focusing on preventing refugees from leaving the shores of Libya, has brought with it a string of unfortunate side effects.

Exporting the Responsibility and its Repercussions

The EU has maintained that it does not intend to restart any search-and-rescue mission on the lines of operation Mare Nostrum. On the other hand both the EU and Italy seem committed to the policy of strengthening the Libyan coast guards and other governmental and nongovernmental players in order to prevent migrants from leaving the Libyan shores. The EU has significantly strengthened the Libyan border patrol by donating tens of millions of dollars to various militias within Libya in order to strengthen their border patrols and coast guards. This financial assistance contributes to the supply of money, equipment, and training for Libya's border patrol and coast guard, which then intercepts Libyan refugees on their way to Europe and return them to Libyan shores—or before refugees can even leave the shore. In addition, many Libyan outlaws set up camps to detain these prospective asylum seekers.

The policy of exporting the responsibility to ill-equipped Libyan agencies and militias though has worked well for the EU in reducing the flow of migrants across the Mediterranean, it has raised a number of moral and ethical issues about the rights and lives of tens of thousands of refugees and migrants. At the same time, this policy has been responsible for one of the gravest human tragedies in recent times. The Libyan coast guards and other EU funded militias have been accused of horrific abuse of refugees, including torture and rape of refugee women. Further, a report from Refugees International found that hundreds of refugees who have spent months in Libya are facing abuses that include—in addition to torture and rape—arbitrary detention, forced labor, kidnapping and slavery.

The joint European Union, African Union and UN task force that was created to prevent such abuses in November 2017 is solely focused on evacuating refugees from Libya and resettling them in their home countries of Niger, Chad, Cameroon and Burkina Faso. This only exposes them to the same risks that triggered their migration in the first place. As a result, the migrants are once again subject to the conditions of which they sought to flee.

Legal and Ethical Implications

The current EU policy of deterring migrants from arriving on its borders stems from some legitimate concerns ranging from a spiraling economic burden due to mass ingress of refugees to national-security implications. The unabated refugee arrival, EU maintains, is a double-edged sword. On one hand, allowing more immigrants creates an enormous pressure on the already frail economic situation and at the same time it acts as huge pull factor for other refugees to come in. Such a vicious cycle would ultimately have an adverse impact on the national-welfare schemes for EU's own citizens.

However, in negotiating the ethical responsibility and political considerations, the EU migrant policy has indirectly created conditions leading to grave human-rights abuses of the asylum seekers. The policy demonstrates a strong prioritization of its own political and economic stability at the expense of well-being of Libyan refugees, an argument bound to strike a chord with EU's domestic constituency. It also allows the EU to diffuse its commitment and moral duty to provide refuge to the displaced migrants and escape direct responsibility for the negative outcomes of such policies, which include denial of basic human rights.

Article 1 of the 1951 UN Convention Relating to the Status of Refugees (as modified by the 1967 Protocol), establishes that refugee status rests upon the conditions of being present outside the home country, a well-founded fear of persecution, and an incapacity to enjoy the protection of one's own state. The current policy thus adversely impacts the asylum seeker's ability to actualize their basic human rights and rights as refugees.

The forced detention of tens of thousands of migrants in the EU funded Libyan run migrant camps is a clear violation of the freedom of mobility and right to leave of migrants fleeing persecution as enshrined in Article 13.2 of the Universal Declaration of Human Rights, which states that "everyone has the right to leave

any country, including his own, and return to his country.” Additionally, the EU’s role in perpetuating and supporting Libyan coast guard contributes to the violation of the right of refugees to not have forced return to a place in which they are endangered, a right enshrined in the 1951 United Nations Convention relating to the Status of Refugees and reiterated in the non-refoulement principle of international law.

The EU’s objective of preventing asylum seekers from crossing the Mediterranean in overcrowded and fragile vessels remains a legitimate and important political and ethical objective. Yet, the current deterrence policy simply replaces one danger with alternative dangers, foreseeable and unforeseeable; by stopping asylum seekers from crossing the Mediterranean, these asylum seekers are forced to return to and remain in oppressive, abusive, and inhumane conditions on the shores of Libya

Prioritizing Migrant Welfare

The EU needs to rectify its migrant policy and engage with this issue in an ethical and politically responsible way would demonstrate its commitment towards easing the refugee crisis. The EU must seek that its relief efforts do not contribute to the subjugation of the asylum seekers and deny them their basic human and legal rights. The renewal of its search-and-rescue operations, with a shared responsibility among member states, would save thousands of innocent lives from mid-sea disasters.

The EU, AU and the UN should jointly oversee the administration of refugee centers; that effort would allow the refugee camps to become critical in the effort to empower refugees through access to institutional support, safety and suitable living conditions.

Only in properly reforming and addressing its currently policy towards Libyan asylum seekers, internally displaced, and the refugees, can the EU authentically uphold its mandated ethical obligations of solidarity and shared responsibility and also ensure its own political future.

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Image: A migrant baby on the Migrant Offshore Aid Station (MOAS) ship MV Phoenix waits to be transferred to the Norwegian ship Siem Pilot off the coast of Libya August 6, 2015. An estimated 700 migrants on an overloaded wooden boat were rescued 10.5 miles (16 kilometres) off the coast of Libya by the international non-governmental organisations Medecins sans Frontières (MSF) and MOAS without loss of life on Thursday afternoon, according to MSF and MOAS, a day after more than 200 migrants are feared to have drowned in the latest Mediterranean boat tragedy after rescuers saved over 370 people from a capsized boat thought to be carrying 600. REUTERS/Darrin Zammit Lupi

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