

Europe's Asylum and Migration Crisis

John Dalhuisen

Europe and Central Asia Director, Amnesty International

Professor Elspeth Guild

Queen Mary University of London; Partner, Kingsley Napley

Sue Le Mesurier

Global Migration Advisor, International Federation of Red Cross and Red Crescent Societies

Chair: Matthew Price

Chief Correspondent, Today Programme, BBC Radio 4

22 January 2015

The views expressed in this document are the sole responsibility of the speaker(s) and participants do not necessarily reflect the view of Chatham House, its staff, associates or Council. Chatham House is independent and owes no allegiance to any government or to any political body. It does not take institutional positions on policy issues. This document is issued on the understanding that if any extract is used, the author(s)/ speaker(s) and Chatham House should be credited, preferably with the date of the publication or details of the event. Where this document refers to or reports statements made by speakers at an event every effort has been made to provide a fair representation of their views and opinions. The published text of speeches and presentations may differ from delivery.

Matthew Price

Good evening, everybody. Thank you very much for coming. My name is Matthew Price, I work for BBC Radio 4's Today Programme. Those of you who have been before will know that often, and this is the case here – this is an event that's held on the record. If you're a Tweeter, then do use #CHEvents, please.

We're here to talk about Europe's asylum and migration crisis – although, is crisis the right word? We'll get into some of that a little bit later on. I've done quite a lot in covering the migration issue in the last few years. I was on an Italian navy frigate back in the summer, as part of their Mare Nostrum programme of trying to rescue those at sea. We had just sped for 16 hours from the Libyan coast to close to Malta, to get to the side of one of these ramshackle wooden fishing boats, this one called the 'Ibrahim', on which there were quite a few desperate people. The way the Italian navy operated then – they've since suspended this operation – was to send out a dinghy to talk to the people on board the ship, to find out what was needed, and then to bring them off one by one and rescue them. They sent out their dinghy and they first of all asked, how many people are on board? It was some 230 or so. They asked, how long have you been at sea? The answer came back: three or four days. They asked, is there anybody who particularly needs any assistance? I think there was a man with a broken leg, a couple of pregnant women and some young children on board. Then they asked, is there anything else you need before we start taking you off? And one man from the top deck shouted – and this was during the World Cup – yes, what are the football scores? It was a light-hearted moment in a serious situation, but it is also a reminder that these are people on boats, in the middle of the Mediterranean, who are just like us.

Let me introduce our speakers today. At the end, John Dalhuisen from Amnesty International, the Europe and Central Asia director. In the middle, Professor Elspeth Guild from Queen Mary University of London. And Sue Le Mesurier from the International Federation of the Red Cross, the global migration adviser. Each speaker is going to speak for eight or ten minutes and then we will have a good half-hour for questions at the end. John, perhaps I can ask you to kick off.

John Dalhuisen

Thank you very much. I think it's quite difficult to begin a talk on this topic without referring to two statistics that do certainly point to different kinds of crises. The first being that sometime toward the latter half of last year, the UNHCR concluded that there were now in excess of 50 million displaced persons and refugees in the world, this being the highest number since the end of the Second World War. The second is that last year, depending on the estimates, around 4,000 people died trying to cross the Mediterranean, making that route comfortably the most dangerous migrant route in the world, with a death rate of somewhere around 1 in 50. That's really quite shockingly high.

I think it's tempting, and it has been suggested, that there's a straightforward and direct and unfortunate correlation between these two numbers. If there were 40,000 people travelling through the central Mediterranean route in 2013, that catapulted to 170,000 last year (irregular crossings), and this is an unfortunate epiphenomenon that owes entirely to broader global dynamics. I think that would be to totally misunderstand this problem and to misunderstand the nature of the EU's responsibilities on this question and how it should be responding.

The bottom line is that a lot of the pressures that are pushing people to take this incredibly dangerous route are of the EU's own making. This is the consequence of a broader policy framework that is

characterized by many others (not just Amnesty International) as a construction of a Fortress Europe. I'd like to dwell quickly on what I think the elements of this Fortress Europe are, that are forcing people to take this route. It's against this that I think one needs to assess whether the EU response is collectively adequate to a phenomenon that they're contributing to creating.

Why do I say a Fortress Europe? It's a fortress because it has all the classic elements of walls, guardians, foreign mercenaries and dungeons. What are they, walls? They're straightforward: they are fences, they are the literal construction of barriers between Spain and Morocco, Greece and Turkey, and Bulgaria and Turkey (this being the last one, and it's nearing completion as we speak). What has the effect been? In Greece, the first week of August 2012, 2,000 people crossed the Greek Evros land border. In the entirety of 2014, that number was not exceeded. Bulgaria had something like 11,000 crossings in 2013; in 2014, it was barely a few thousand. That's how much these border crossings have been restricted, with pumping in a lot of EU money. These are broader EU policies, with encouragement from EU member states to these countries to do it and funding for them to do this.

There are guardians, the guardians being the border guards of those countries that are engaged – I wouldn't quite say routinely, but certainly with an alarming frequency – in pushing back migrants and asylum seekers and refugees indiscriminately across their borders. You even have Spain now halfway towards adopting a law that would regularize this practice (at least, it would remove the hypocrisy of it and bring it out into the open) where they can simply pick someone up who's crossing the border and put them back.

There are the hired hands. This is perhaps the most sophisticated aspect of the Fortress Europe construct, which is essentially trying to get Morocco and Turkey to do its border control for it. The extent of the border control cooperation between Greece, Bulgaria, Spain and Moroccan and Turkish authorities is highly sophisticated. It's highly successful. When I put it to the Bulgarian minister of the interior, what's contributing to this reduction? He said: it's very straightforward – I now call the Turkish border guard, I say that I see someone 500 metres from my border, go and pick him up. And they pick him up.

This is a system of authorized pullbacks essentially (the converse of a pushback) that, again, is part of something that the EU is pushing for. This is wrapped up in all sorts of conversations around admission agreements, visa-free travel arrangements, all sorts of other financial inducements. It's very much at the heart of what the EU policy toward Turkey and Morocco consists of. So that's the third part.

The fourth part is the dungeon: a detention system that's designed also as a deterrent for arriving migrants. I don't need to dwell on the appalling conditions in many of these detention centres. Certainly in Europe's periphery but even in this country, it's difficult to go a few months without a new scandal about conditions in detention systems.

What is the consequence of this? You have a set of policies in place that are pushing people to take these incredibly dangerous routes and a significantly increasing death toll, in response to which the EU has decided not to offer more search and rescue services than were operating in 2014 (through the Italian Mare Nostrum operation) but less. The Triton response, the collective EU response, offers less in terms of coverage – the extent of the search and rescue operation zone that it is operating in. It doesn't go up to the territorial waters of Libya, it sticks to the search and rescue zones of those respective countries. Less resources, and it doesn't have a clear mandate anyway in terms of its search and rescue functions. It is effectively a political fig-leaf solution that has all the bells and whistles of a collective, shared EU operation but is in fact offering less, not more.

Just before I came here, in fact, 20 minutes before I hopped on the bus, I had my Italy and Malta researcher say: ah, there's been a new incident reported this morning. The Maltese navy had rescued in its search and rescue zone a boat with 80 migrants, the majority of them (as always) prima facie refugees, with 20 dead bodies on board. They'd been at sea for four days, four days in which under the previous system (one speculates a little bit, I don't know all the details) there is a very high likelihood that an Italian operation operating beyond their respective search and rescue zones would have been able to intercept this boat. But that is no longer the case. The reality of reduced search and rescue operations – increasing deaths at sea – is one that we will see more and more of, and I don't think it's a very huge exaggeration to suggest that the European Union has, in very crude terms, some blood on its hands.

Looking beyond just search and rescue services, it's clear that there is a need for a slightly broader range of reflection on asylum and migration policies. An increase in safe, legal routes; a widening out of humanitarian visas, resettlement programmes, in respect to which, again, the response of the majority of EU states has been pretty shameful. And perhaps also a requirement to review some of the responsibility-sharing mechanisms that exist in the EU and that are currently highly constrained by the Dublin system. We can go into some of the details of this. But it's clearly not the case that the burden on periphery states is matched by the distribution of resources to those who are required to process arriving migrants.

Just to conclude very briefly on some of the politics of this, I think it's obviously a very toxic and difficult issue, in which many people speak in tongues. The human rights community, of which I suppose I'm a very classic representative, are often very reluctant to acknowledge that it's very difficult to have a more human rights and international protection-compliant system without that increasing overall number of migrants, refugees and asylum seekers arriving. The obverse of the current set of restrictions reducing numbers is they will increase if you seek to reduce the most perverse and offensive effects. This is a reality and should not be obscured.

At the same time, to talk openly about these consequences in a political environment where it's just a numbers game, where the political discourse is driven by the need to reduce absolute numbers, irrespective of whether we're talking about asylum seekers, refugees or irregular migrants, and discoloured by a set of perceptions and political discourse that often deviates quite far from the reality of the economic benefits and social realities of migration, does make it a very difficult debate to engage in rationally and compassionately. I'll stop there, I'm sure that will give some sort of fecund food for thought.

Matthew Price

Great, thank you, John. Some nice opening thoughts. Can I bring you in, Sue, to tell us a little bit about what organizations and institutions like yours are doing to help? Some of the stories of people that are being helped and, indeed, the wider context of this from your perspective.

Sue Le Mesurier

I'm working for the International Federation of the Red Cross, based in Geneva, head of the global migration programme there. I'm actually going to read a short statement but happy to answer some questions. But really it fits very nicely with what John has outlined.

On behalf of the Red Cross, it's really a privilege to be here with you today. Working with and for vulnerable migrants is rooted in our Red Cross and Red Crescent fundamental principles. We have consistently called for states to ensure safe and effective legal avenues to EU territory which allow migrants to exercise their rights to international protection. Only last week, Gerald Schöpfer, president of the Austrian Red Cross, expressed concern regarding the current inhumane conditions and methods of people smugglers. He noted that the smuggling of migrants is just one of many negative outcomes of current border policies, which in effect criminalize asylum seekers trying to reach Europe.

For a long time, the Red Cross has been calling for a harmonized and a more humane and accessible asylum policy. Current migration and border policies produce an unacceptable level of suffering, as well as creating ideal conditions for criminal organizations.

However, this is not just a European phenomenon. Each year, hundreds of thousands from Central America risk their lives and limbs riding atop dangerous railcars on what is known as 'La Bestia' (the beast), trying to reach the US. In Africa you can find up to 300 migrants packed into a single truck at a time, passing through Niger on a 600-mile journey across the desert, in sweltering heat. In Sanaa, you can find a baby crawling on a dusty floor, too young to share his mother's despair as she awaits deportation from Yemen back to Ethiopia. They are floating in the middle of the Mediterranean or the Indian Ocean, stuffed into shipping containers and aboard leaky vessels bound for rugged shores. You can find them behind bars and in holding centres around the world: undocumented, the irregular, the unwanted.

These are the most vulnerable migrants and those whom the International Red Cross and Red Crescent movement have pledged to help. Desperate people risk their lives by taking unsafe boat trips and increasingly they also face loss of family links, exploitation, abuse and violence during their journey. In 2014, over 170,000 people arrived in Italy alone by sea, compared with 43,000 in 2013. Many died, as John already mentioned.

At the 31st Red Cross and Red Crescent International Conference in 2011, states undertook to ensure that national procedures at international borders, especially those that might result in the denial of access to international protection, need to include adequate safeguards to guarantee the dignity and safety of all migrants. What the Red Cross and Red Crescent movement does for vulnerable migrants varies from place to place, depending on the needs and challenges that migrants face along their journey. For example, the Italian Red Cross volunteers and staff work tirelessly to address migrant needs on arrival. They also accompanied the Mare Nostrum boats when they were [indiscernible]. They provide drinking water, warm food, helping them contact their relatives, providing transport to hospitals and assisting those with hypothermia, illnesses or injuries. Last year, more than 112 individuals, including an increasing number of women and unaccompanied children, were assisted at Italian borders by the Red Cross.

The Red Cross and Red Crescent movement advocates that migrants should be able to maintain contact with their families. The need for contact, the need to know where your loved ones are, is one of the things we all take for granted. But time and again what you discover, as someone who works for the Red Cross, is that it is perhaps the most basic and fundamental need that people have. Before they want a drink of water or anything to eat, before they want a blanket or a roof over their heads, they want to know: is my son okay? Is my daughter safe? It is to answer these questions that in addition to all the other activities, one of the most important things that the Red Cross does for migrants is helping reconnect them, wherever they are, with their families.

Migrants will continue to arrive at international borders for multiple reasons and with their different vulnerabilities. They should always be treated with humanity, regardless of their legal status. People fleeing conflict and persecution must have access to fair asylum and humanitarian protection. Migration can no longer be considered exclusively as an exceptional emergency situation. At a recent conference in Brussels, the vice-president of the IFRC (who is also president of the Italian Red Cross), Mr Francesco Rocca, stated: 'The challenge now is to move from an emergency situation to a structured approach to migration. The future EU migration agenda should be led by a humanitarian imperative rather than economic or political interests. It should focus on reducing the vulnerabilities of all migrants'.

The use of cargo ships is a new trend, but it is part of an ongoing and worrying situation that can no longer be ignored. We need urgent, concerted action in the Mediterranean Sea, increasing efforts to rescue people and stepping up efforts to provide legal alternatives. Without safer ways for migrants to find safety in Europe, we won't be able to reduce the multiple risks and dangers posed by these movements.

Based on our longstanding, practical experience in providing humanitarian assistance in migrants, asylum seekers and refugees, we have made a number of recommendations as part of the public consultation process to the European Commission. These recommendations are guided by our belief that a truly open Europe should be based on clear values and principles, and that the aim of the European home affairs agenda should be to reduce the vulnerabilities of all migrants.

In conclusion, human migration is a fundamental part of the human condition, and migrants will continue to take hazardous journeys where they have no other options. They will continue to put their lives and their families' lives at risk, despite all efforts to stop them. We, the Red Cross movement, in partnership with others, need to do more to ensure safe journeys. We need to do more to ensure safe arrivals of all migrants, not only on the Mediterranean Sea but globally, along the migration journey and at international borders. We need to do more to respect the family's right to know the fate of those who have lost their lives at sea, by improving identity data collection and sharing. Acting on our fundamental principle of humanity, the Red Cross and Red Crescent's work to protect life and human dignity is even more paramount in these tragic circumstances.

Finally, I would like to quote from Francesco Rocca again: 'We will never grow tired of voicing our disdain with regards to migrant tragedies and asking European institutions for a concrete commitment to avoid them. We will never grow tired of asking for safe access for those who flee conflict and who are in need and seek protection'. It is unacceptable that these tragedies continue to happen. To say that the issues surrounding vulnerable migrants are complex is an understatement. There are no easy answers, as all of you in this room know too well. The Red Cross and Red Crescent movement, however, pledges that we will continue to work together to come up with solutions to these seemingly intractable problems, because we must do more than talk: we must act. As humanitarians, we owe it to the little boy, the young girl, the frightened mother or the desperate father, who during the time it took me to give this speech set off on a dangerous journey, an unpredictable journey, towards the unknown. Thank you.

Matthew Price

Thank you very much, Sue. I can testify to the work that the Red Cross and others are doing out there in some of the receiver countries like Italy. John mentioned the toxicity of this issue politically. Elspeth, I wonder if you might spend just a few short minutes talking about what have been the policy responses to

this question, and perhaps even what are the policy limits to this question, bearing in mind the fact that immigration – not just in this country but across the continent, it seems to me – is a bad word.

Elspeth Guild

Thank you very much. Thank you to my fellow speakers: you've said so many things that I would like to say and that I think are tremendously important and need to be said.

Turning to the question of policy: if we look at this as a European debate, one of the first questions of that policy is, what part of Europe's immigration and asylum world is in crisis? I think, John, you rightly put your finger on it: why are people drowning in the Mediterranean? Why are people travelling in circumstances which are so dreadfully unsafe? I think that is really where the crisis is.

But in terms of addressing the question as one to which there is some kind of European policy response, I'm sorry to say that the crisis is often presented as numbers. The problem is that there are too many of them, and of course we can't fit them all in here, can we, in Europe? Just from that perspective, I think one needs to remember there are slightly over 500 million inhabitants in the European Union. According to the European Commission's latest statistics from January this year, the total number of persons who crossed the Mediterranean in 2014 was 276,113. So we're talking about under 300,000 people who are making that irregular crossing, into a union of over 500 million. Therefore there seems to be some problem in terms of saying this is some kind of crisis. I think it's also really interesting that the European Union considers that it knows down to the last three people how many there were, which I think shows an indication of the sense of control which they have over the numbers of persons.

Of course, in 2014 the vast majority of those persons who were making this dangerous trip were Syrians and Eritreans. I think one needs to remember that Syrians are living in a civil war which has been ongoing for – how many years? Eritrea is an extremely difficult situation, one which Amnesty for the better part of 15 years has been highlighting just how appalling the human rights abuses are. To speak of these people as illegal migrants seems to be a rather unpleasant way of avoiding a whole series of ethical questions which perhaps we ought to be addressing.

What is the policy response in the European Union to what one might call – correctly call, I would say – the crisis of unsafe crossing of the Mediterranean, loss of life and death in the Mediterranean? Once again turning to the European Commission's response, first is a response by the coordination of European border guards (Frontex) of a programme called Triton, which is supposed to replace the Mare Nostrum military programme of the Italian government, which ended in November last year. They already indicate that they have very reduced resources, very reduced hardware to deal with, and that they are operating (as you mentioned, John) within the territorial waters. What they don't mention but which becomes apparent in the next part of the policy response is the lack of engagement with the private sector.

The second policy response is the fight against migrant smuggling. Here the policy response is to create a justifiable enemy: the image of the smuggler, who is responsible for the suffering – rather than it is the inability to cross the Mediterranean safely which is the source of the suffering. So one displaces the evil which is taking place onto this image of the evil smuggler. Anyone who has lived through a civil war, anyone who has lived in a member state that was formerly under the Soviet Union, will recall that smugglers have been seen as heroes: people who help, even for profit, those who are at risk of persecution and torture to get out from where they are. Remember, the vast majority of people who are arriving are

Syrians and Eritreans, according to the Commission. It seems to me that this is, as a policy response – a fight against the smugglers – maybe problematic, not least because the EU measures, the directive on the smugglers, was adopted to take effective, proportionate and dissuasive sanctions on any person who intentionally facilitates irregular entry, transit or residence of individuals for financial gain.

What that does is it means that you can argue about the financial gain, but you're caught up in the irregular entry, transit and residence. Certainly until last year, Italian law had a presumption that anyone who was rescuing persons in distress at sea were by definition smugglers until they could displace that presumption. That has now been changed, but that has meant that the private sector has not engaged in the way that it had done before this legislation was adopted, in rescuing people in the Mediterranean. The Mediterranean is full of boats. All of those boats, people in the shipping industry, found themselves in a very difficult position in terms of being suspected of being smugglers and therefore not saving people in the Mediterranean. There has been some change there. There is a greater engagement now by the private sector and, of course, they are the ones who are often the closest to boats that are in distress. But to suggest that the smugglers are the problem is indeed to seek to avoid, as a policy response, our need to stand up to our international obligations and to provide protection to people who need it.

Matthew Price

That's very interesting. I think it is now more than time to go to our members here and our audience.