



PROTECT AND CONTROL: THE JANUS FACE OF THE UNHCR

May 2020

Anyone interested in migration issues as covered by mainstream media will perceive the United Nations High Commissioner for Refugees (UNHCR) as an NGO; in reality, the UNHCR is a UN agency with more than 85% of its budget originating from country contributions. The agency's opinion is often used as a counter-narrative to anti-refugee discourse. Communication is of major interest to the UNHCR, which often solicits the general public for donations.

The UNHCR's external communication – to be relayed in the media – maintains a soft touch on any content potentially shocking to its main donors. This translates into un(der)reporting of certain aspects of its work which requires deciphering. In February 2020, for example, the UNHCR reacted to the critical situation facing refugees maintained in the Greek hotspots, calling for 'decisive action to end alarming conditions on Aegean islands.' However, the word 'hotspot' is never used in the statement: the UNHCR opted for the notion of 'reception centres' instead. It is also worth noting that while reminding the Greek government of its responsibilities, the statement omits to mention those of the European Union (EU), despite the EU creating the 'hotspot approach' in 2015, which has involved the UNHCR since its inception. In early

2020, the UNHCR's spokesperson resorted to a similar obfuscation when explaining that 'Libya is neither a safe nor an asylum country' [unofficial translation]: although she hinted at the chaotic political context in the country in the interview, no mention was made of the efforts by European countries for many years to stop exiles from fleeing by sea, thereby leaving them hostages of the militias.

Torn between its mandate and its donors' demands, the UNHCR cannot be considered a whistle-blower or even a humanitarian actor. Its very presence in the Greek islands as well as in Libya is directly connected to its participation in the distancing and filtering of exiles which is promoted by the EU. As a consequence, the sporadic and inconsistent alerts by the UN agency are not really helpful to men and women who no longer seem to be protected by the Geneva Convention.

The UNHCR and mobility control

The UNHCR is mandated to provide international protection to refugees as well as access to the 'three durable solutions': voluntary repatriation to the country of origin, integration in the host country of asylum and resettlement in a third country. In a world counting 70.8 million displaced persons 'of concern' falling under its mandate as of 2020, the UNHCR presents itself as a major player in the humanitarian field.

Despite its excellent capacity to promote a protection narrative, it is sufficient to refer to the agency's title to sense the ambiguity of its role at the crossroads between protection and control. Thus, while presented as the guardian of the Geneva Convention relating to the Status of Refugees, the UNHCR's missions – as mandated by its donors, i.e. countries (and notably European States) – are often aimed at controlling refugees, i.e. policing tasks. The agency has been involved since the early 2000s in the establishment of a common European immigration and asylum policy to guarantee minimum reception standards for displaced persons. However, it soon aligned its priorities with those of the EU, i.e. limiting the arrival of migrants on European territory as far as possible, thereby renouncing part of its obligations as regards international protection. By acting on the fantasy according to which Europe is flooded with asylum requests, the UNHCR ended up including the seeking of solutions meant to outsource protection responsibilities outside of Europe as part of its objectives.

In 2003 the UNHCR launched the "Convention Plus" process, on the pretext that greater fairness in responsibility-sharing was needed. It sought to get destination countries, transit countries and countries of origin to sign agreements that effectively endorsed the EU's externalisation of border management: the aim was to protect refugees 'as close to their region of origin' as possible to facilitate their readmission to the first country of asylum in order to avoid 'secondary movements', as well as to set up reception centres at entry points to the territory to filter incomers and return those whose asylum request would be deemed unfounded. By giving a green light both to the outsourcing of asylum to 'third' countries and to the detention of asylum seekers, the project legitimised 'offshore camps' as an asylum management tool used by the EU. Although the "Convention Plus" was never officially adopted, the idea of externalised camps was not abandoned. In 2018, the European Commission and the UNHCR suggested that 'disembarkation platforms' outside of the EU be used as reception sites for boat people intercepted in the Mediterranean.

Allegedly acting in the name of people's protection, the UNHCR's action is facilitating the global control of mobility and, as such, it has intensified its presence in a number of 'third' countries – particularly in North Africa. The agency also willingly acts as a guarantor for the EU strategy of externalising its asylum policies in countries which can hardly be considered 'safe'. The UNHCR has de

facto turned into an agency protecting national borders rather exiles, with dire consequences including jeopardising the lives of the people it is meant to protect. An illustrative example of this trend is the terrible repression of Sudanese asylum seekers protesting for their rights in front of the UNHCR headquarters in Cairo in 2005*. Back then, the UNHCR called upon the Egyptian army to disperse the crowd which resulted in dozens of people being shot dead. That same year, the UNHCR remained silent when at least 11 people were killed by the Spanish and the Moroccan police forces while attempting to cross the fence around the Ceuta enclave. More recent examples can be found for instance in Libya where the UNHCR – present in some detention camps in which serious human rights violations are notoriously perpetrated – is accused of contributing to the legitimisation of large-scale detention practices supported by the EU. In Tunisia, the agency was reproached for setting-up a 'non-reception' policy based on a series of incitements for asylum seekers and refugees to return to Libya or to repatriate to their country of origin.

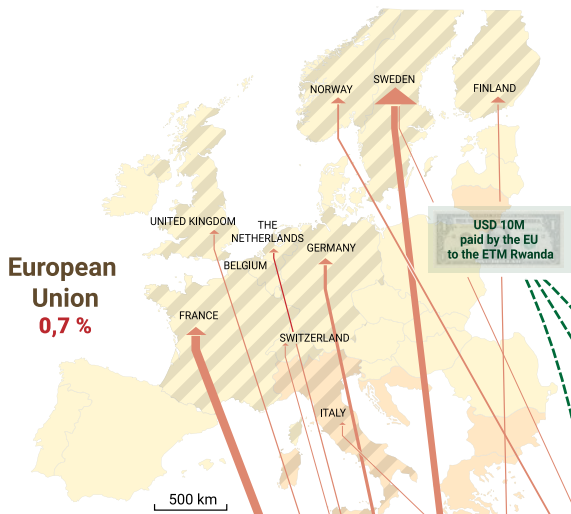
* Harrell-Bond B. (2008) *Protests Against the UNHCR to Achieve Rights: Some Reflections*. In: Grabska K., Mehta L. (eds) *Forced Displacement*. Palgrave Macmillan, London.

Rwanda: externalising asylum under the UNHCR's control ?

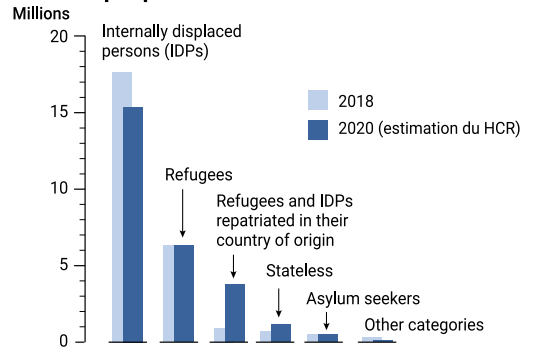
On 10th September 2019, the UNHCR, the African Union and Rwanda signed an agreement in the framework of the Emergency Transit Mechanism (ETM) in which Rwanda committed to receiving 500 people persecuted in Libya. This relocation towards the Gashora transit centre (located about 60km from Kigali) was supposedly a temporary step pending a new departure for another destination. In practice, such departure is highly hypothetical: return to the country of origin, integration in Rwanda, reinstallation in another country in Africa or in Europe? This latter option is the most wanted when, in fact, arrival in Gashora marks the start of a long period of filtration and selection among exiles. The UNHCR does not conceal its intention to 'avoid a dangerous Mediterranean crossing whilst offering a set of options' [unofficial translation from French]. Between the lines, it is quite clear that Europe will not be privileged as a destination. Some European leaders have stated very expressly their wish to see some pre-selection centres externalised for asylum seekers.

In January 2020, the Norwegian minister of Justice and Immigration declared while visiting Gashora: "It is very nice that Rwanda welcomes the most vulnerable refugees so that their asylum request can be examined here instead of migrants coming to Europe lodging their claim and that most of them are eventually sent back to Africa". Rwanda is playing on both fronts: showing Pan-African solidarity on the one hand while cooperating with destination countries willing to 'control their borders.' In so doing, it aims to limit criticism as regards its human rights record, including violation of the rights of refugees' from Burundi or DRC. In the Gashora camp, the police force has been criticised for mistreating exiles and the situation facing people evacuated from Libya has never been so critical: in late February 2020, only 39 persons had obtained a positive answer to their resettlement requests, mostly to Sweden and Canada. A month later, all departures were suspended due to the pandemic which has pushed the possibility of being ever granted refugee status in Europe further away in time.

Unlike Africa, the EU hosts (almost) no refugees affected by the Libyan conflict



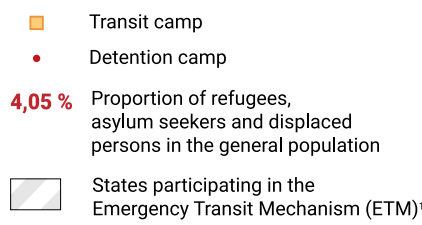
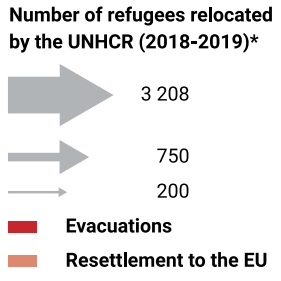
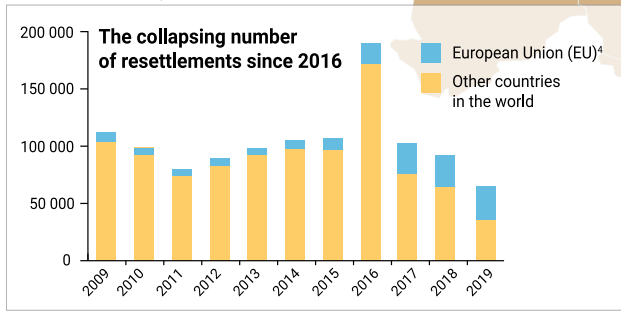
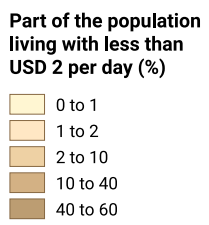
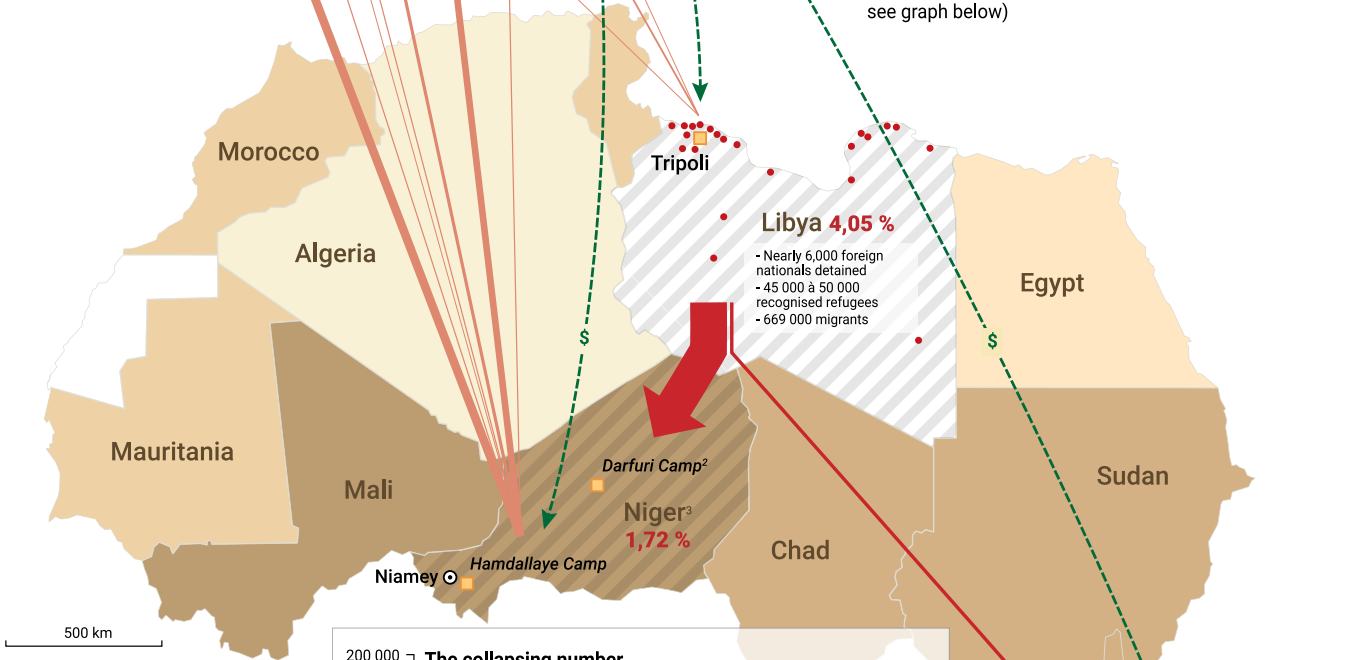
UNHCR's people of concern in Africa



UNHCR's 3 'durable solutions'

Beyond camps where 12M refugees live today across the world, solutions are three-fold:

- **'consented repatriation'** in the country of origin, an increasingly promoted option?
- **'integration'** in the first host countries where statutory protection or another leave to remain may be granted, however for limited duration
- **'resettlement'** in another country following cooperation between that country and the UNHCR. Very few refugees access this solution (0.1% of all people of concern or 0.4% if calculated on the basis of the refugee population only – see graph below)



Notes:

- Emergency Evacuation Transit Mechanism. Canada and the United-States are also involved in this programme aiming to evacuate refugees from Libya. Out of the 6,351 people meant to be 'evacuated' from Libya, 38% have been resettled (source: RFI, 28 March 2020)
- The Darfuri camp, as suggested by its name, is hosting Sudanese who arrived in Agadez from Libya by their own means. These people are not eligible to the ETM because the UNHCR is wary of a potential 'pull effect' from Libya. This situation has led to many protests. However, resettlement of Sudanese in Italy are carried out via other organisations like Caritas Italy.
- Resettlement from Niger is not only accessible via the ETM but via other programmes as well.
- EU countries including Iceland, Norway, Switzerland, Liechtenstein and Monaco.

*Internal relocation of fewer than 50 people is not included in the mapping
Sources : UNHCR ; press review (accessible at <http://www.migreurop.org/rubrique449.html>)

Is the Emergency Transit Mechanism a means of 'rescue'?

The ETM is an emergency evacuation mechanism meant to provide 'temporary' protection in a neighbouring State to the most vulnerable people leaving a dangerous country, opening the possibility for resettlement in 'third' countries for some. This programme was launched at the end of 2017 and funded by the EU Trust Fund for Africa in order to temporarily evacuate to Niger the most vulnerable migrants detained in Libya. Since then, the UNHCR and the IOM have supported evacuation programmes from Libya as well as 'voluntary return' programmes and reintegration of exiles in their country of origin on the basis of an agreement signed with the EU. Since 2019, Rwanda also participates in this programme (see textbox above).

14 States have offered to 'receive' 6,351 persons from Libya or already relocated in Niger. As of March 2020, UNHCR's figures show that 3,080 persons had been evacuated from Libya to Niger in the framework of 25 operations and that 2,445 had left Niger to resettlement countries.

Very little information is accessible on the conditions by which people eligible for the ETM are identified in Libya: they have to be in detention, which has sometimes pushed them to return voluntarily to sites where they faced the horrific conditions which have, by now, been widely documented. However, the vast majority of refugees registered by the UNHCR in Libya do not have access to such a mechanism because so-called 'voluntary' return is favoured. Since 1st September 2017, it is estimated that 4,603 asylum seekers and refugees in Niger have 'willingly' opted for return to their country of origin.

Once in Niger, the choice as to who may access resettlement is based on an arbitrary selection process by the UNHCR agents tasked with identifying the 'most vulnerable' taking into account the criteria imposed by resettlement countries. For some refugees awaiting resettlement, living conditions are dreadful. This is the case in Agadez, where one million people are surviving in an isolated UNHCR camp built in the desert after they fled the Libyan chaos. Families live in plastic tents that are not fit for the climatic conditions: temperatures can reach 70°C in the summer. To date, the camp - which was rebuilt after it was destroyed in a fire in the context of protests in early 2020 - still fails to meet basic security standards and exiles are still maintained in undignified conditions.

In Niger, the ETM has been a game-changer which contributed to transforming the country's protection system. The number of individual asylum claims registered has increased from a few hundred in 2017 to 3,000 in 2019. Tensions erupted locally at the end of 2017 after the arrival, within a few months, of about 2,000 people from Libya or from the north of Niger by their own means. In a region where locals have lost a significant part of their already small means of subsistence, especially as a result of the fight against cross-border transportation businesses, the UNHCR's attention to refugees and those repatriated from Libya is seen with resentment by the population.

The list of countries chosen to sign ETM agreements raises concerns: the programme, which allegedly reroutes

emergency evacuation from traditional resettlement countries on the basis of solidarity, ends up redirecting people to African countries which have already received many refugees. Such a scheme may end up bringing positive outcomes for the latter: Niger (a transit country turned into a site where people are blocked for the advantage of the EU), and Rwanda (a country which is not located on the migratory route to the EU) are both hoping that the EMT will upgrade their image to counterbalance the authoritarian reputation they have within the international community. However, the main winner of the ETM remains the EU which is now able, thanks to the UNHCR and the IOM, to de-territorialise border control based on profiling and selection before the exiles have even reached Europe. If 'reception' centres in Niger have remained open sites, the isolation and the different means to deprive liberty in various degrees are characteristic of the long history of 'encampment' of the undesirable.

The ETM is not only a selection process prior to Europe. By aiming to urgently bring to safety a few people, the programme is a threat to the universal right to access one's rights as a refugee as well as the right of asylum. Therefore, by presenting resettlement of the most vulnerable as the only acceptable way for refugees to move to the exclusion of all other means - e.g. spontaneous migration for those willing to leave the African continent - the ETM may become an additional part of a security apparatus meant to protect European borders.

migreurop

MIGREUROP is a network of associations, activists and researchers, with a presence in around twenty countries across Europe, Africa and the Middle East. The network strives to raise awareness of and to oppose policies that marginalise and exclude migrants, notably, detention in camps, various forms of displacement and the closure of borders, as well as the externalisation of migration controls by the European Union and its Member States. In this way, the network contributes to defending migrants' fundamental rights (including the right 'to leave any country, including their own') and to promoting freedom of movement and settlement.

The bibliography is available on Migreurop website:
www.migreurop.org in the section **Publications / Notes**.
<http://www.migreurop.org/article2991.html>

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