

Passing the Parcel: The European Union and Refugees in the Mediterranean

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The modern UN Refugee Convention is now so flea-bitten it's been put out to the garbage tip of history. At least the enthusiastic fleas think so, given their conduct as political representatives across a range of parliaments keen on barbed wired borders and impenetrable defences. Across Europe, the issue of refugees arriving by sea – in this case, the Mediterranean – has become a matter of games and deflection. Lacking any coherence whatsoever, the approach to certain, designated arrivals is to push them on to the next port in fits of cruel deflection, hoping that the next recipient will give in. Such conduct demonstrates how states have adopted notions of penalisation and discrimination against the arrival who seeks sanctuary, positions severely in breach of international humanitarian law.

Australia remains the undisputed pioneer in this, at least in the last two decades. Incapable of establishing a decent environmental policy, hostage to the gunpoint of the mining lobby, and suspicious of enshrined rights, its backwater parliamentarians have been dazzling with other efforts: finding a suitably bestial policy to repel maritime arrivals, for instance. Boats have been towed back to Indonesia, a country which many of its representatives grudgingly do business with. People smugglers, the very same ones demonised as “scum” by Australian politicians, have been paid when and where necessary. A veil of secrecy has been cast with suffocating effect across the operations of the Royal Australian Navy, and criminal provisions have been passed punishing any whistle-blower who dares disclose the nature of operations in the detention centres on Nauru and Manus Island.

Countries hugging the Mediterranean are also attempting to make a dash up the premier league of refugee cruelty. In January, Italy's Interior Minister Matteo Salvini [bellowed in disdain](#) that rescue ships heading to Italy were provocations.

“No one will disembark in Italy.”

This has been accentuated by a change in funding policy. The European Union has distanced itself from the anti-smuggling Operation Sophia, which ran for four years and involved the rescue of thousands of refugees with the use of EU vessels. Any united front on the part of EU states has effectively collapsed.

Vessels are now being refused docking rights as a matter of course. Sixty-two migrants on the German rescue ship *Alan Kurdi* found themselves being refused and moved on. Having been rescued on April 3 near Libya, the vessel owned by the German non-governmental organisation Sea-Eye faced a rhetoric, and approach, long favoured in the isolated

Australian capital of Canberra. Those attempting to enter the ports of Malta and Italy were initially refused. To permit them entry would be tantamount to encouraging human trafficking.

It took 10 days of torment before an agreement was struck: the individuals in question would be allowed to reach Valetta in Malta. As with everything else, political representatives saw a chance to make hay. Malta's Prime Minister Joseph Muscat claimed a victory in ending the stand-off, [scolding](#) conservatives who believed in abortion.

“What’s good for the goose is good for the gander. We are speaking about the same human life, and I can no longer take the hypocrisy in people who have these double standards.”

There was a twist, suggesting that the government could still be selective. The crew of the *Alan Kurdi* were [refused entry](#), thereby revealing that Malta was happy to spare the refugee but punish the rescuer.

“We condemn,” a dissatisfied Sea-Eye chairman Gorden Isler [claimed](#), “the abuse of state power and the illegal restriction of our crew members’ freedom, who risked their own health to save lives.”

Captain Werner Czerwinski has proceeded to head to Spain with the express purpose of finding a harbour. The impediments on its movement have been costly, meaning that it will be unable to embark on its next mission to the central part of the Mediterranean.

A [statement](#) from the Maltese government revealed the parcelling scheme: four countries would be involved, divvying out the human misery.

“Through the coordination of the European Commission, with the cooperation of Malta, the migrants on board the NGO vessel Alan Kurdi will be redistributed among four EU states: Germany, France, Portugal and Luxembourg.”

Hardly a stellar outcome, and certainly an ad hoc outcome that bodes ill for any consistency.

“These negotiations,” went a [joint statement](#) from Sea-Eye with a host of other rescue organisations, “are illegitimate and unsustainable practices that violate international law, fundamental principles of human rights and disregard the dignity of the rescued.”

The law of the sea, international law more generally speaking, and human rights law, had been flouted in not permitting an immediate disembarkation “at the nearest place of safety.”

The entire system of responding to refugees has become a toxic spread. Organisations dedicated to the venture of saving potential victims of drowning have been designated a problem as grave as the people they assist. Those wishing to help are imperilled by the very process of assistance which should be protected by the right to asylum. There are bureaucratic issues on which waters the refugees might be found in. Drownings have been

inevitable, showing that red tape can be a lethal affair.

In various perverse instances, the rescuers can themselves find themselves facing investigations for actually providing needed assistance. Miguel Rodan, a Spanish firefighter who found himself helping distressed refugees in June 2017, was duly informed that he, along with his fellow rescuers, were being [investigated](#) by officials of the Italian government that they might have been responsible for “facilitating illegal immigration”.

The looming tragedy here is that more numbers are bound to find their way into the waters of the Mediterranean, given the rapid escalation of hostilities in a crippled Libya. Assessments vary depending on which panicked account is consulted, but a figure of 800,000 migrants has been floated. The assault on Tripoli by Khalifa Haftar has the potential, [according](#) to Prime Minister Fayeze al-Sarraj of the UN-recognised government, to become a “new Syria”, a “war of aggression that will spread its cancer through the Mediterranean, Italy and Europe.” The language is crudely apt: refugees as a cancerous spread; Europe’s response, a chemotherapeutic, if inconsistent harsh counter.

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