

Bazan (COMECE): "Saving lives at sea is an obligation. But relocation schemes are not working"

"Human rights and human life must always be the focus of any policy or government decision, in compliance with international law and with the European regulations in force", said **José Luis Bazan**, legal advisor for migration policies at the Commission of the Bishops' Conferences of the European Union (COMECE), interviewed by SIR. In the wake of the tragic shipwreck off the shores of Steccato di Cutro near Crotone, Italy, national governments and the European Union are being called into question with regard to their responsibilities in the area of migration. It should be remembered that the EU is not competent for controlling national borders. In fact, its role is limited to providing coordination and guidelines. "I think no one wants to see people dying at sea. But there must be an effective mechanism in place, involving the EU border countries concerned (certainly Greece, Spain, France, Italy and others). However, it should be remembered that this is not just a European matter, but rather an international issue that chiefly involves North African countries, Balkan and Southern European countries. But the countries of origin (such as the Sahel, Pakistan, Afghanistan and others) are equally involved", points out Bazan.



Migration should be seen "as a global issue that involves all continents", for it cannot be confined to single geographic regions or zones. "In international regulations we find the notion of 'safe ports', where migrants in distress should be disembarked," says Bazan, whom SIR contacted at the COMECE headquarters in Square de Meeus, Brussels. Governments consider a place safe when there are no people in distress at sea. "But this is not enough: a port is safe if after disembarking, migrants are not subjected to persecution and if their life and freedoms are not threatened. According to the EU, this should be the place where all human rights are respected", Bazan pointed out. **Regulations requiring amendments.** If it were a matter of just a few individuals, each State would be able to cope with the situation. "But when there are hundreds, thousands of people coming in, it is not just a question of search and rescue operations, but of enacting migration policies aimed at receiving and integrating these people into society," he added. "I believe there is no alternative to cooperation between countries of origin and transit countries on the migratory routes, because ultimately, when people's lives are at risk at sea, rescue operations are the only option." International conventions regarding sea rescue operations "draw on regulatory frameworks that date back to 1974 and 1979, when there were only a few sporadic cases. But the situation is completely different today, and we are faced with the constant need for rescue operations because people smugglers intentionally put migrants aboard unsafe vessels, without sufficient fuel." Therefore "should we perhaps change the regulations or create a new international law instrument that best responds to this situation?", is Bazan's unanswered question. **International cooperation.** Today there are increasing migration routes from the countries of origin, coupled by increased situations of despair that drive people to emigrate. "There are also new factors at play, such as organized crime syndicates and people smugglers." International cooperation to stem the flow of money used by organized crime and by people smugglers who cram more people than required aboard small, run-down boats, is a matter of urgency. **"Intervention without delays."** Every State exercises jurisdiction over its territorial area of responsibility, and the authorities of that State are required to intervene immediately after an accident

has occurred. "No vessel can be rescued and searched without contacting the authorities of the concerned State," explained Bazan. Search and rescue operations must comply with a specific safety protocol and inherent regulations. "However, the problem arises when authorities fail to respond or give a delayed response, since search and rescue regulations stipulate that response should occur without delay. It is not just a matter of transporting the shipwrecked persons to a place of safety, it also means getting them there in time, certainly not after ten days," he points out. Interventions have occasionally been delayed, in the assumption that another country would take over. "Circumstances could vary, but disembarking a large number of people in small countries like Malta is unsafe, considering the economic and territorial resources of the country," he explained. It would be safer to disembark them in countries with greater resources. "Libya is not a safe country because it disregards minimum human rights standards. However, why are other countries, such as Tunisia, not involved? This is an issue that cannot only be regarded as a European problem", Bazan insisted. **Migrant relocations schemes are a flop.** Sharing responsibilities and implementing each of the measures included in the new EU Pact on Migration has long been discussed at EU level, but relocation mechanisms are not working: "In my opinion, for Italy, or Malta, or any other country, rescuing people or disembarking them in ports would not be a problem if the relocation mechanism were successful. But all it takes is for one migration policy measure - such as relocations - to malfunction to disrupt the entire process", explained the COMECE expert. "Taking in large numbers of people without adequate resources could cause societal and political changes in the involved countries. The secondary effects must be duly taken into account. Migration policies should enshrine the afore-mentioned principles, but it's hard to reach agreements between countries." **Fighting people-smugglers and promoting humanitarian corridors.** Saving human lives without nurturing people smugglers' growing business is a major issue. "We know that the smugglers put insufficient fuel in the boats because they count on private vessels that will rescue migrants at sea," he explained. Churches, NGOs and other humanitarian organisations are demanding increased use of humanitarian corridors. But even this instrument must be further improved, Bazan points out, since bringing people to safety is not enough; it must be ensured that they will have jobs to provide for themselves. **Solidarity, responsibility and generosity.** "For Pope Francis, migrants and refugees should be 'welcomed, protected and integrated' by the international community. It is a sequence of interconnected steps. Are we capable of this?" wonders Bazan. Providing refugees with allowances while failing to integrate them gradually into the job market in line with their skills, risks creating psychological distress, leaving them socially marginalised. "There are objective difficulties that governments have failed to solve for decades, such as youth unemployment in Spain or Italy. The question is how to make room for immigrants while also addressing the financial and occupational difficulties of local residents," Bazan reiterated. Even in Belgium - a wealthy nation according to The Brussels Times - one in five children only have one meal a day because their families cannot afford the cost of meals. So there is definitely a need to combine social and labour policies with migration policies, and to provide concrete support to countries throughout this process so as to implement the three principles of solidarity, responsibility and generosity in the rescue and reception of migrants and refugees in Europe.

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