NGOs in Mitigating the Effects of COVID-19 on Migrants and Refugees: A Reopening of Public Space

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The policy brief discusses the increasing roles of non-governmental organisations (NGOs) in assisting refugees and migrants in coping with the effects of the COVID-19 outbreak. The expansion of such tasks is due to the lack of state capabilities and in response to the militarisation of border and asylum policies. By analysing the major consequences imposed by the pandemic on the EU migration policies and the states' approaches, it is here sustained that civil society organisations, particularly NGOs, have complemented governmental responses, by mitigating their inconsistency and inhuman feature. Other than providing relief and assistance and helping vulnerable people to respect lockdowns, NGOs are trying to use public spaces, opened by the pandemic, to promote policy debates, innovations and reforms. The continuation of non-governmental search and rescue (SAR) operations in the Central Mediterranean remains the most important and controversial challenge. In the end, the policy brief sustains that, although it remains a tragedy, the pandemic can also be considered as an opportunity for rethinking policies and practices—further research on whether and how political reforms will be discussed and promoted are required.

Keywords: *NGOs, migrants, refugees, pandemic, Europe, legitimacy, protection*

INTRODUCTION

The COVID-19 outbreak is causing disruptions and instability everywhere in Europe and across the world. This is not the first pandemic the world has experienced; however, it is revealing increasing and disconcerting unpreparedness, at all levels. The virus is definitely a global and widespread disaster. Although different performances can be observed, both weaker and authoritarian countries, as well as wealthy democratic ones, provided with strong and efficient health systems, are struggling to contain the effects of the virus and prevent an economic disaster. As the global reach of the COVID-19 outbreak was becoming evident since March 2020, the whole humanitarian system was trying to figure out which measures could be properly adopted to mitigate the effects on most vulnerable places of the world, from refugee camps to countries experiencing poverty, to those torn by civil conflicts. Those people who were already marginalised were noticeably most impacted by the crisis. This can be explained not only by their limited capacities to cope with the emergency, but also with the lack of civil rights and their exclusion from public spaces in which local interests and needs are discussed and negotiated.

The ways through which the current humanitarian system has developed and formed do not always address crisis responses in the common interest of societies at large and in accordance with

humanitarian principles and cannot prevent the marginalisation of some groups (Desportes, 2020). Despite good intentions and repeated commitments to be more accountable and share decision-making, inactivity has prevailed (Alexander, 2020). COVID-19 has reminded the world that powerful Western countries are not only just as vulnerable to disasters as any other country, but that they are often ill-equipped and incompetent in dealing with them.

Amongst the most vulnerable groups in society, asylum seekers and refugees are those who have primarily suffered the effects of the crisis, particularly in Europe. Their case is paradigmatic of the lack of response on the part of states and their replacement by different actors.

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Since the establishment of the Global Compact on Refugees (2018), the pressures on the principle of asylum and the refugee regime more generally have been intensified significantly by the COVID-19 pandemic. As well as constituting a direct threat to the lives of refugees, especially those living in camps and informal urban settlements, the virus seems likely to divert scarce resources from other humanitarian programmes, including those that support

refugees (Crisp, 2020; Guadagno, 2020).

Even more seriously in terms of the principle of asylum, the COVID-19 pandemic has provided a plausible excuse for governments who are determined to close their borders and exclude refugees.

Based on an ongoing research project on the EU protection policy of migrants and the impact of global interventions, the policy brief focuses on civil society organisations, particularly non-governmental organisations (NGOs), and their ability to fill the vacuum left by governments to provide essential services, spread information about the virus, and protect marginalised groups. The old and new roles of NGOs in assisting refugees and migrants in coping with the effects of COVID-19 are discussed. The expansion of such tasks is currently due to the lack of state capabilities and as a response to the inhuman militarisation of border and asylum policies. However, it can and should be read as an opportunity for major policy reform.

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The effects of COVID-19 on migrants and refugees and the European responses

The COVID-19 outbreak has definitively produced a wide variety of implications in several policy fields, well beyond the dimension of health. The need to contain the virus and reduce its effects have imposed to all governments the adoption of emergency policies, as well as social and economic measures.

This is destined to produce an impact on most vulnerable people, who have no chances to defend themselves and to access preventive health measures nor to practice social distancing. The most devastating effects can be observed in regions affected by conflict, instability and deprivation. In places like Syria and Yemen, the local population cannot be tested, due to lack of access to hospitals and health facilities. Additionally, in those places in which communities share small living spaces, social distancing becomes impossible. In many African countries, household economies are based on long-standing traditions of community mobility and remittance networks. In several low-income countries in Latin America and South-East Asia, restrictions on travel and mobility have aggravated the lack of democratic institutions, the scarcity of resources and low levels of social protection.

The main concern is that with major political actors' attention and resources diverted to the health emergency, civilians

are stuck in an undetermined situation, exposed to violence and deficiency, with limited humanitarian support. Conditions are not different for refugees forced to live an invisible life, in camps in Lesbos without formal status or recognition. The provision of shelter, food and other assistance, including legal guard for unaccompanied minors, has become arduous and therefore drastically reduced. Even outside camps, in EU countries, living conditions for migrants have significantly worsened. Almost everywhere, the dominant health emergency measures have diverted attention and funds. Government policies, law enforcement and police actions have become gradually more unreceptive. In a few cases, like Portugal, migrants living in European countries found themselves in the more indefinite midpoint, with no rights and assistance, no access to testing and health and social facilities. This also affected masses of irregular migrants and still undocumented asylum seekers who have decided to stay in Europe despite the hostile environment, and who remained stuck because of the pandemic.

The developments and limits of the EU migration policy have been widely investigated by scholars (Caviedes, 2015; Atger, 2019; Ambrosini, Cinalli, & Jacobson, 2020). What has been predominantly observed is that the EU strategy was depicted as effective and coherent only on paper, whereas, when applied to practice, it looks like a fluctuating route, made of a succession of phases in which an expected moment of

change and reform is followed by a disappointing retreat towards closeness (Attinà, 2018). The pandemic has contributed to boosting this negative escalation, by emphasising at least two significant problems.

The first concern is the increasing militarisation of the European borders. Since March 2020, multiple European countries have started to deploy military forces to defend their national borders. This was done in the name of national security, to strengthen and facilitate border closures and other movement restrictions with controls and patrols. Border militarisation, which had already been softly introduced in 2015 within a broader European Border Security Strategy also includes the use of military equipment for migration control, particularly in the Mediterranean (Akkerman, 2018). To complement such measures, following the root causes approach, EU member states are incentivising third party countries to prevent migrants from leaving to reach Europe. Negotiations the EU has started with Mali, Niger or Libya are inevitably producing some related consequences, like diversion of development funds, the legitimisation of authoritarian regimes and illiberal practices towards vulnerable people. Therefore, the pandemic has revitalised the securitisation approach. According to this, migration is listed in the security agenda as a political, economic and social threat, often connected to terrorism, and now to the health emergency. The populist and right-wing rhetoric, still electorally winning in several European

countries, has contributed to build and worsen this perception.

The second issue –strongly relating to the previous concern – is the set of unintended consequences created by the EU's Voluntary Return scheme. In particular, the way it is currently managed in cooperation with the International Organisation for Migration (IOM) has raised multiple sensitive issues. Firstly, the joint initiative is a voluntary process, and it is up to migrants to leave or to stay, although it is not always an entirely free decision, nor an easy one. Secondly, reintegrating migrants once they return home is not part of the organisation's mandate. It rather involves national authorities and different levels of society. Thirdly, this plan cannot prevent migrants from re-migrating again or at least attempting to. Finally, compliance with the principle of 'non-refoulement' is not always fulfilled. According to that principle, nobody should be returned to a country where there is a danger of suffering torture or any other cruel treatment. This evidently applies to all categories of migrants at all times. However, as several NGOs have reported, people have been returned, under the programme, to countries which have been labelled as unsafe, like Afghanistan, Yemen, Somalia, and South Sudan.

The militarisation of borders and forced return to insecure countries are the most visible effects of the pandemic, but also the representation of the incapability of states to cope with the crisis in a proper manner. Thus, governmental responses can

be summarised in closing borders to new arrivals and minimal assistance, stop to asylum applications and closure of reception centres for those who are already in. The vacuum left by states (and by international and regional agencies), in this very sensitive policy field, has already been partially covered by non-state actors, particularly NGOs. The pandemic is expanding such replacements.

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Civil society organisations in action

In Europe, NGOs have already been very active in assisting migrants and refugees. For several decades, in partnership with states and the EU Commission initiatives, a wide variety of functions and approaches have served vulnerable people at all levels (Irrera 2019; Pries, 2018). More recent works have also highlighted the NGOs support to Syrian refugees, functioning/providing service in Turkey, in the execution of the EU-Turkey Facility for Refugees (FRIT) (Irrera, 2019; Sunata & Tosun, 2019).

Scholars have principally investigated the role of intermediation, which can be played by a variety of actors, but which is usually better performed by civil society. In both conflict and non-conflict environments, intermediaries can often complement and,

in most cases, replace the state by providing goods and services. More importantly, they favour the inclusion of poor and disregarded citizens in governmental programs and policies (IDS, 2020).

The same role has been played with respect to migrants and refugees. NGOs have facilitated their entry into the host communities and mitigated the distorted effects of bad governance or lack of it (Ambrosini, 2017). Intermediation has become extremely important during the COVID-19 outbreak. In several European countries, NGOs are the only actor to help people in surviving lockdowns and to provide shelters, food packages and other essential goods. In some cases, volunteers compile lists of beneficiaries (to be sure no eligible person is excluded) and cooperate with local authorities for assuring tests and other necessary medical services.

NGOs have continued to denounce the most brutal effects of closeness – militarisation of borders and forced return, as above-mentioned - and solicit states on the need to protect the health of migrants and refugees as all vulnerable people. At the same time, they have strengthened their actions finalised to fill the gap and replace governmental inactivity.

The pandemic has severely deteriorated the conditions to which NGOs were already subject. Public and private funds previously destined to various categories (including migrants and refugees) have been diverted to contain the virus. Trying to assure the consolidated provisions with fewer resources, less support and coordination on the part of local authorities can be more difficult and time-consuming. The primary

concern is, however, due to the cutback of public space. The lockdown and imposition of social distancing have already provoked the reduction of social activism, the interruption of any civil protest and the decline of deliberative processes. In many parts of the world, restrictions have been used by authoritarian regimes to end dissident voices and impose autocratic power. Even in some democratic EU member states, illiberal policies have been supported in the name of public health.

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Despite these difficulties, the pandemic has allowed NGOs to reinvent their roles concerning migrants and refugees and offered some unexpected opportunities for lobbying. As it has been observed in a recent report on civil society groups in conflict settings, the tragedy has pushed humanitarian NGOs for the repurposing of traditional roles and opened new advocacy ones (Brechenmacher, Carothers, & Youngs, 2020). The same can be observed for NGOs working in the migration field. Organisations at both the international and national levels have shifted their usual work from longer-term projects to emergency relief. Service and assistance provision are also used for monitoring abuses of power, denouncing ineffective or undemocratic crisis responses and speaking out against

cases of unequal medical treatments, illegitimate asylum denial or forced return.

These new protest tactics are more visible in the fight against disinformation and the need to communicate reliable data (Bredenkamp, 2020). As sustained in various NGOs' reports, the official or dominant language for informing about the pandemic should be used for demonstrating how everyone should be protected from the spreading of virus and that everyone deserves to get access to testing and medical treatment. Limitations to travel and mobility are necessary but cannot violate human rights or expose people to violence and danger. In many countries, including European countries, this did not always happen, and communication has beaen rather influenced by populist messages. As it has already occurred with terrorist attacks, migrants and refugees are currently portrayed as a potential vehicle of virus spreading. The adoption of new tactics, the formulation of a renovated language and the repurposing process are the most important change that NGOs have encountered because of the pandemic.

The biggest challenge deals with the continuation of non-governmental search and rescue (SAR) operations. Since autumn 2014, in the Central Mediterranean NGOs have started to lead their own vessels to complement existing EU and state SAR operations and mitigate the effects of the humanitarian emergency (Irrera, 2016). Official data demonstrates that, compared to governmental actors,

NGOs have rescued a growing number of people (Figure 1).

Figure 1. - Total No. of Rescues by SAR Operations in the Central Mediterranean (2014–2019)
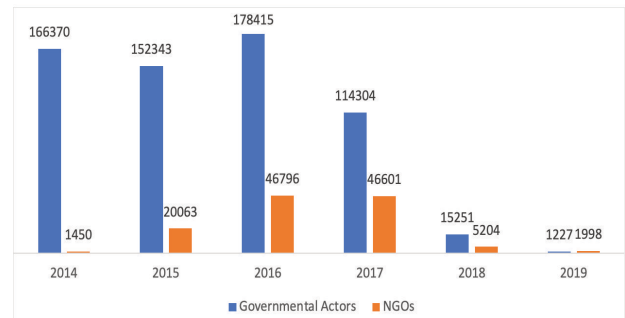
Source: Italian Coast Guard, 2020

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At the very beginning, this unusual phenomenon represented a new task for NGOs and an innovation for the EU and its member states. Non-governmental SAR operations complied with international maritime law and were supervised by competent authorities in the central Mediterranean. In the following years, perception of non-governmental SAR operations stopped to be perceived as convenient actors, able to reduce the number of fatalities, and turned into main drivers of illegal migration and smuggling. The drastic reduction of public opinion and governmental support, the legal and financial restrictions and the criminalisation of their tasks explain the decline in their performance in 2018 and 2019 (Irrera, 2019).

As a result of the pandemic, several European countries, including Italy, reinforced the closure of ports and the detention of rescue ships and workers. General fear and distrust influenced public opinion to be strongly in favour of such a decision. The perdurance of closure and the increasing hostility demonstrate that sharing the task of saving lives at sea with NGOs is a problem which goes beyond the sanitary emergency, and is not destined to end with the virus containment. Non-governmental rescuers have been labelled as criminals and smugglers even before. SAR operations are, first of all, a duty under international law. Cooperation with NGOs can represent an efficient and professionalised practice which may continue to bring people into states that are close to collapse, consolidate and be employed in any context in which people need to be rescued. Rather than being considered as an added value in the humanitarian system, it is presented as an uncontainable phenomenon by populist political élites pleased to find an alternative way to prevent people from travelling by sea.

Policy Suggestions

The lack of capacities or the reluctance to intervene in protecting vulnerable people has forced civil society actors to undertake these responsibilities expected from states. Despite the difficulties and limitations, the COVID-19 outbreak has suddenly opened more spaces of legitimacy and offered public opportunities for policy debate between state and non-state actors.

If asylum procedures, protection services and provisions vary across member states, the EU has not modified its inadequate migration policy. There are plenty of lessons that governmental actors can learn from the current pandemic, corresponding to a series of immediate and long-term arrangements which could be adopted.

Coherence in action: Almost everywhere lockdowns have been imposed without assuring basic services to vulnerable categories. Civil society organisations have compiled lists of beneficiaries and provided shelter, food and health care. This has happened in cooperation with local authorities and municipalities in quite an efficient way. Therefore, NGOs have demonstrated to be crucial in intermediating with recipient communities. More structured coordination is necessary to assure proper implementation of public programmes, all the times it is needed and beyond the emergency dimension.

Managing a proper communication: Other than delivering the objective and real information on the sanitary emergency, all governmental actors involved in the response or the public fund should accurately address vulnerable people. Even with this, more efficient coordination with non-state actors is required. Rather than competing with NGOs and criminalising their activities, a fair and tangible dialogue among all those who provide support would make action more effective and accountable.

Supporting rescue at sea: according to the international law and to the humanitarian principles, people at distress need to be rescued and protected, even during the pandemic. If properly coordinated by competent authorities and at the EU level, non-governmental SAR operations can become an important and new practice of the humanitarian system. Instead of replacing governmental services, such operations could complement migration policy and turn into a professional practice to be fruitfully used anywhere there are people in need.

Bringing local practices to the national level: in many countries, next to more prominent and international NGOs, local organisations and civic groups have been relevant in identifying people in need and providing support. Several citizens' initiatives spontaneously gathered to cope with the most visible effects of the pandemic. It is not always clear to predict whether local activism will turn into something more formal and structured after the immediate crisis. It would certainly be adverse for states to waste such resources.

Turning the emergency into broad political reforms: As more organised NGOs have sustained, there are all conditions for advancing more ambitious reforms and launch large-scale advocacy. It is evident that the EU and its member states should start reflecting on strengthening social safety, investing in healthcare, grounding its migration strategy on those measures and procedures which can be effectively provided. The key democratic concern is not only how decisions are made, but also whether they are made in the collective social and shared interest.

To conclude, as it is clear that the pandemic will be contained in due course, and that human mobility will conversely never stop, this tragedy could be turned into an opportunity to steer away from what was once deemed normal. People have the chance to improve upon past ways of working and instead rethink policies, practices and approaches at all levels.

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