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'Seeking asylum is not a crime'

The Geneva Refugee Convention turns 70. UN High Commissioner for Refugees, Filippo Grandi, on the right to asylum and Europe's responsibilities

Today we celebrate 70 years of the 1951 Geneva Refugee Convention. Before the 1967 Protocol, the Convention's geographical scope was limited to Europe. Within Europe, the narrative that migration and asylum is mainly a European issue gains traction once again. What do you reply?

There are more than 82 million people in the world today who have been subjected to unthinkable and indescribable violence, persecution, and human rights violations that have forced them to flee their homes just to stay alive. Almost all stay as close to their places of origin as possible, hoping that the situation improves so they can return to where they are from and resume their lives. Think of Syrians in Turkey, Venezuelans in Colombia, and Afghans in Pakistan.

Overall, nearly 90 per cent of the world's refugees are in developing countries. So, despite the rhetoric by some European politicians, the numbers tell a very different story. The bulk are not in the wealthy industrialised world and of those that do arrive in Europe today, the numbers are certainly manageable if states work together.

In contradiction to new holistic approaches towards refugee protection, reports on human rights violations, such as pushbacks and pullbacks make the recent headlines. What are the impacts of such violations on the principle of asylum and the protection of human rights?

Seeking asylum is not a crime. It is a fundamental human right and must be respected by states. No matter what the situation, states cannot put people's lives at risk by preventing them from seeking asylum or pushing them back. Full stop. And people should certainly not be prosecuted for trying to seek asylum, no matter how they reach the border!

While pushbacks are unlikely to serve as a deterrent, they will

continue to force desperate people into ever more precarious circumstances, and likely result in further suffering and death, especially when done at sea.

Our staff has interviewed hundreds of people pushed back after crossing European borders and many appeared deeply affected by this harsh and often violent experience, which has compounded the potentially traumatic experiences they faced in their country of origin.

In addition to human rights violations, there is an ongoing debate about the externalisation, i.e., outsourcing of asylum to third countries. What is your and UNHCR's position towards this strategy?

I appreciate that some states have concerns with their asylum systems. The systems need to be more efficient and effective and — after a fair hearing — there needs to be a mechanism to return those not needing international protection. We want to work with states to improve asylum systems by making them fairer and faster.

But outsourcing asylum is not the answer. It is an evasion of a state's responsibilities and counters the very spirit of the 1951 Convention. It also doesn't solve the problem; it just shifts that very problem and those responsibilities to others — and this is especially disturbing when the shift is designed to occur to countries with less resources and which are already struggling with forced displacement challenges. How long will this go on — until only those countries neighbouring war zones save refugees and the rest of the world buries its head in the sand pretending the situation doesn't exist?

Last September the European Commission proposed a new Pact on Migration and Asylum to cover a comprehensive European approach to migration. What are your thoughts on the New Pact?

I welcome the proposed Pact. It is designed to accommodate the different exigencies and contexts of EU Member States and as such it is — inevitably — a compromise text, but it is a good and practical proposal to address the challenges in Europe. There must be much greater solidarity and predictability within the EU. Front line states cannot be left to deal with the situation on their own and we cannot have a lengthy drawn-out negotiation between states over who will receive those souls that have survived the harrowing journey. More also needs to be done to address irregular onward movement of asylum seekers within the EU.

This has unfortunately become highly politicised within the EU in recent years. However, with the number of asylum seekers arriving to the EU remaining comparatively low, now is the time to sort these issues out. I encourage EU Member States to continue their

discussions on the internal aspects of the Pact and my organisation is available to advise and support. And as these discussions will take time, I support the EU Member States that are trying to put in place at least temporary arrangements to manage disembarkations over the summer months, pending a broader agreement in encompassing the EU.

The Pact also underlines the importance of support outside the EU to countries hosting large numbers of refugees, or transit countries through which refugees move. Helping them better manage population flows is the right way to cooperate with countries that are — so to speak — 'upstream' in terms of population flows towards Europe. If we help those countries strengthen their asylum and migration systems, we can hopefully reduce the number of people feeling compelled to embark on extremely dangerous sea journeys and reduce pressure along the entire routes.

The UNHCR was created in 1950 to help refugees in the aftermath of World War II and has protected and assisted many refugees since then. You yourself have been engaged in refugee and humanitarian work for more than 30 years and have served as UN High Commissioner for Refugees since 2016. Can you share some of the best practices in finding durable solutions for refugee protection?

I'm glad that you asked that because there is no greater reward for me or UNHCR staff than in finding solutions to a refugee's displacement — practically speaking, by helping refugees 'belong', be it through local integration, through resettlement of a relative few, or through what almost all refugees want — return without fear to their homeland. This is why we work so hard at this part of our mandate, even when conditions are less than perfect. We are, for example, working closely with Sudan and South Sudan, as well as countries in the region, on a set of actions to try to find solutions for the nearly seven million displaced people from and in those two countries. It is not easy and will take a lot of hard work, but we must all step up and do whatever we can to help those wanting an end to their exile. It is the least we can do.

This situation is unfortunately an exception these days. There are far too few conflicts where leaders and the international community are willing to take the steps needed to make peace, which is the real pre-requisite for large scale solutions to conflict. Even the UN Security Council is almost invariably unable or unwilling to agree on even basic humanitarian issues, never mind find the necessary unity to address its peace and security mandate. This is shameful.

A longer version of this interview was published on fes.de in German and English.



Filippo Grandi

Filippo Grandi is the 11th United Nations High Commissioner for Refugees since 2016. From 2010 to 2014, he served as Commissioner-General of UNRWA. He also served as Deputy Special Representative of the UN Secretary-General in Afghanistan.