Unsafe to Return, Dangerous to Stay: Eritrean Refugees Trapped Between Home and a Hard Place

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Cover image: Ganzour Detention Center in Tripoli, Libya. © Mahmud Turkia/AFP
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Executive Summary

Warsan Shire’s phrase ‘no one leaves home unless home is the mouth of a shark’ is a staggering reminder that under normal circumstances, most people would prefer home to alien lands and uncertain futures. Those driven out of their countries by war and persecution are also keen to return to their homeland as soon as the political situations in their country of origin change, and they tend to do so with little or no assistance from repatriation schemes. If feasible, repatriation to the country of origin remains to be the most practical and favored solution over integration to the country of asylum or resettlement to a third country. With repatriation in mind, Eritrean refugees had accepted the refugee camp for its true meaning-‘temporary waiting place’- until the political situation at home changes. However, there is no foreseeable end to oppression at home; and there is nothing temporary about 52 years of encampment(as in the case of Sudan). A de facto fourth solution, the refugee camp is a permanently temporary space designed to keep refugees within the regions of their origin and far away from European boundaries. So, when home and refugee camps become signs of hopelessness, depravity, deprivation, and insecurity, neither repatriation nor encampment is sustainable, practical or acceptable. While repression at home and institutionalized hopelessness in the countries of first asylum are pushing refugees to take desperate measures to make it into Europe for permanent relocation and reconstruction of normal livelihoods, the European Union is adopting severe measures and questionable deals to keep refugees away from seeking asylum and protection in Europe. A reactive response that largely focuses on keeping the crisis away, and less on the origin and solution of the problem, is an epitome of moral, legal and political failures that are leading to more human rights violations against refugees. Therefore, this paper argues that the strategies of endless confinement in the countries of first asylum, premature repatriation to their country of origin, relocation to less stable African countries, and the policy of interception, return to and torture in Libya can only create secondary and circular migration that compromises protection and complicates the situation, thereby further exposing the vulnerable refugees to more vulnerabilities.
Introduction and Background

Eritrea fought a 30-year war (1961-1991) against Ethiopian occupation which culminated in Eritrean independence. Seven years after independence, Eritrea and Ethiopia had fought a two-year border war (1998-2000) in which some 100,000 people were killed and millions were displaced on both sides. Although Eritrea has not been at war since the end of the Ethio-Eritrean border war, it has not been at peace either. Nearly two decades later, the Eritrean regime has not made tangible progress towards reviving the war-torn country. However, with the assumption that the end of the war would mark the beginning of peace, stability, development, and constitutional governance, UNHCR had launched the repatriating scheme from Sudan one month after the end of the war.\(^1\) The border war ended in June 2000, but UNHCR began loading refugees on trucks in July of the same year. Two years later, the Sudanese government, donors and refugee agency initiated the secession clause, which declared the end of Eritrean refugee status in Sudan, including for the pre-independence refugees.

Sudan has been generously hosting hundreds of thousands of Eritrean refugees fleeing war and targeted persecutions since the 1960s, which has earned it the reputation of ‘most hospitable’ country in Africa. As the post-independence political situation failed to create a conducive environment suitable for repatriation, most pre-independence refugees remained in Sudanese refugee camps. Therefore, the country has been serving as a host for the pre-independence refugees and a transit country for the post-independence ones. The refugees, mainly the pre-independence ones had waited in Sudanese refugee camps for decades, but the Mediterranean Sea journey hitherto was not a common phenomenon. This paper intends to explore the reason behind the refugee flights from their countries of first asylum, and the practicality of EU’s

reactive measures of deterrence without addressing the underlying problems that led refugees to Libya and the Mediterranean Sea.

The first section of the paper argues that the premature repatriation initiative from Sudan under the guise of ‘voluntary’ repatriation banner had triggered a panic reaction that marked the beginning of the Sinai, Sahara, and Mediterranean voyage. The discontinuation of refugee status under the guise of ‘ceased circumstance’ clause for Eritreans who fled during the pre-and-post independence wars have forced refugees and asylum seekers to resort to the Mediterranean journey as a survival strategy.

Furthermore, in the aftermath of the border war, Ethiopia refused to abide by the Algiers Peace Agreement, which entailed the termination of hostilities and the establishment of a neutral boundary commission to delimit and demarcate borders based on colonial treaties. As a result, Isaias Afwerki of Eritrea exploited the border stalemate as a pretext to suspend the constitution, limit all rights and freedoms, extend its national service indefinitely, and postpone elections indeterminately. The Eritrean regime has used the ‘no war, no peace’ situation with Ethiopia to justify the open-ended military service, violate all fundamental rights and tighten control over the population. Thus, Eritreans have been fleeing the wrath of the totalitarian state and endless military conscription at a rate of 5,000 a month. They are forced to flee home because of individualized persecution, indiscriminate violations of rights, deprivation of opportunities and indefinite national service that triggered hopelessness among the youth. Two decades of waiting for political change and socioeconomic normalcy is long enough to cause hopelessness. They are fleeing to the neighboring countries en mass in search of basic freedoms, security, protection, and opportunity. However, the sheer magnitude of the refugee problem and the failure to bring a permanent solution to the protracted refugee crisis seems to have created

permanent compassion fatigue in Sudan. The hospitality and ‘open door policy’ in the country of first asylum have faded away and the host has become more hostile to refugees. Now, in addition to the premature repatriation that has induced chaos, Sudan has more frequently been responding with the deportation of vulnerable asylum-seekers and refugees to Eritrea in contradiction of the very spirit of international refugee laws and the protection of human rights.

While the refugees are fleeing the deprivation of fundamental rights at home, the semi-permanent camp paralysis in the region of their origin, the agonizing violence and abuse in Libya, the European Union is funding the Libyan Coast Guard to inhibit them from seeking asylum and protection in Europe. Intercepted at sea, returned to Libya, and incarcerated in EU-funded governmental and non-governmental detention centers in Libya, Eritrean refugees are facing torture, rape, enslavement, violence, death, and dehumanization. The EU’s approach to migration has created a highly lucrative and intertwined networks of human trafficking business where the EU-funded coast guard intercept and bring back migrants to the detention center only to be sold to militiamen and traffickers who torture, extort, exploit and abuse migrants for ransoms. As clashes between the militias intensify in Libya, these defenseless refugees who are trapped in Libya’s war frontlines have become the target of indiscriminate killing. Now, the EU has come up with yet another reactive approach to deter or stop refugees from reaching Europe. It is the introduction of an untested and unstudied new initiative to relocate vulnerable refugees to Rwanda and Niger. Although the initiative offers greater safety than Libya, it has neither transparency and clear post-evacuation plan nor a well-defined arrangement as to whether refugees will have the freedom to move, work and attend school in

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their new hosts or if they will simply adhere to another confinement scheme, which refugees had risked their lives to escape. Therefore, the second section of this paper questions the policy of relocation to less stable African countries, which can create secondary and circular migration that compromises protection and complicates the situation, thereby further exposing the vulnerable refugees to more vulnerabilities.

The first countries of asylum in the sub-region have often employed the policy of confinement in isolated, harsh, insecure, stagnant and peripheral camps in border areas with non-existent livelihood pursuits, security, jobs, and education. Thus, refugee camps have not been the ideal waiting places for populations who are trying to make up for a lost time. ‘It is better to die in the sea rather than wasting our youth in a camp’⁶ says a refugee in Adi Harush refugee camp in Ethiopia. Therefore, refugees are so desperate and hopeless that they prefer to die crossing deserts and seas than staying at home and refugee camps. The absence of prospect and security in refugee camps, and the diminishing legal routes to safety, are forcing them to gamble their life on a dangerous Saharan, Sinai and Mediterranean trek to Europe or Israel in order to get the protection to which they are entitled. In the process, many have been tortured and killed by the Bedouin human traffickers in the Sinai Desert, and others have died in the Saharan Desert and the Mediterranean Sea. In the absence of war, conflict and natural disaster, Eritrea has become one of the largest refugee-producing countries in the world per capita. Evidently, oppression has produced arguably more refugees than the war. Eritrea can be described as a classic example of a political situation in which the absence of war and conflict does not necessarily mean the presence of peace and human security.

Thus, the third section of the paper contends that the solution to the refugee problem lies not in the countries of first asylum but largely in the country of origin. The removal of the root

cause flights may motivate the voluntary return of refugees, but it can also reverse the growing desire to leave their country. In 2018, Ethiopia had officially declared that it would accept and implement the ruling of the boundary commission. Ethiopia’s unconditional acceptance and promise of full compliance with the Algiers Agreement has removed the perceived ‘external threat’ that the regime had purposely magnified to spread public paranoia and had blamed for all domestic political and socio-economic failures. Once again, Eritreans hoped that the peace agreement with Ethiopia would usher a fundamental political change in Eritrea. However, shaped by an unelected, unconstrained, secretive and unaccountable leader, the obscure peace deal, which has overemphasized on the successful ending of ‘no-war-no-peace’ situation has not produced a tangible solution to the problems that led to the deadlock in the first place. The peace gesture from Ethiopia may have removed the perceived ‘external threat’ equation, but the status quo remains unchanged. Although Eritreans within and without the country are demanding political change, the refugee exodus continues in the post-peace era. As a matter of fact, within four months of the Ethio-Eritrean border opening, around 30,000 Eritreans had fled to Ethiopia. All the borders are now shut down before the peace deal marked its one-year anniversary. Furthermore, peace declaration without a fundamental political change in Eritrea has exposed refugees to insecurities including potential abduction by the Eritrean security agency, which could push refugees for further migration to Europe.

**Mediterranean Voyage: an escape route from premature repatriation?**

Although there is no concrete data as to the exact size and when the first wave of refugee flights from Eritrea had initially begun, the first recorded mass exodus was in the 1960s, which stemmed from the liberation struggle. In 1967, major military confrontations between the Eritrean Liberation Front(ELF) and the Ethiopian government had led to Ethiopia’s indiscriminate military assault on the civilian population and their livelihoods, which is

believed to have generated as many as 25,000 refugees to Sudan. As of 1984, there were nearly 500,000-800,000 Eritrean refugees in Sudan. As Sudan had historically sympathized with the Eritrean people and the causes for their struggle, it has always been perceived as a historical ally and preferred destination for refuge and temporary waiting place. However, given the unpredictable relationship between Sudan and the Eritrean government, the post-independence refugees have often become pawns or victims of state relations that have exposed them to all kinds of vulnerabilities and insecurities, including abuse, forced repatriation, deportation, and kidnaping even from refugee camps. All repatriation attempts have failed, but only 25% of the pre-independence refugees remain in refugee camps.

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Most of the new refugees, however, cross to Sudan through multiple and unmonitored borders with no intention of joining refugee camps or making themselves visible to the Sudanese authority. Thus, UNHCR’s data which is often extracted from refugee camps does not reflect the actual numerical figure of Eritrean refugees in the country. For instance, in May 2016, Sudan had arrested 313 Eritreans while exiting the host country to Libya and deported them to Eritrea, but 307 of them were not previously registered with the Sudanese authority or UNHCR. Inferring those numbers may enable us to gain a better understanding of the nature, pattern, and magnitude of the new generation of refugees.

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Most pre-independence refugees have largely waited in the refugee camps until they can either return home, be integrated into the host country or be resettled. But none of the three ‘durable solutions’ have necessarily produced a sustainable solution to the protracted refugee situation. They have waited and survived decades of hardships but now ‘the goal of simply surviving has been superseded by the goal of achieving a decent standard of living’. The failure to achieve durable solutions has left many refugees in situations of protracted encampment or in the hands of dangerous human traffickers with the hopes of reaching Europe. Having lived in limbo for decades, protracted refugee populations have become increasingly hopeless and they are now joining the new and mobile generation of refugees in taking desperate measures to seek security, freedom, protection, and opportunity somewhere else.

Be that as it may, in the pre-2002 years, there were no recorded cases of refugees fleeing camps to risk the deadly desert and sea crossings to Europe. Therefore, the Mediterranean voyage from Eastern Sudan is a relatively new phenomenon borne of premature repatriation. Although some may argue that the presence of global communication and access to information have played a major role in international migration, the initial migration from Sudan may have less to do with globalization, and more to do with the EU’s ill-guided policy decisions. In their effort to minimize costs and attempts to dry-up the refugee flows, the discontinuity of the war with Ethiopia, which was the original cause of Eritrean refugee flights was the prime focus of the donor countries when initiated Eritrea refugee repatriation from Sudan in the early 2000s. Because the end of a period of war and oppression have been associated with the return of refugees and internally displaced populations, UNHCR has often been under tremendous pressure to facilitate and promote post-war and post-dictatorship repatriation, even when the political conditions in the country of origin are not conducive. This is because donor states are treating repatriation as the only solution for the refugee crisis even before fundamental changes

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of circumstances in the states of origin. The repatriation of Eritrean refugees from Sudan, Somalis from Kenya, Burundians from Tanzania, Rohingya from Bangladesh, and Syrians from Lebanon are cases in point.

The misconception that the end of a war results immediately in peace conducive to repatriation, as well as the predisposition to believe that refugees are passively willing to return, have previously led to wrong policy decisions that put refugees’ lives in danger. In 2002, UNHCR along with the government of Sudan declared secession clause and stepped up their repatriation efforts for both the pre-and post-independence refugees on the grounds of Article 1C(5) and (6) of the 1951 Refugee Convention. The UNHCR’s decision to collectively repatriate refugees was based upon the signing of the Algiers Peace Agreement between Ethiopia and Eritrea and was blinded by the presumptuous conditions that the end of Ethio-Eritrea wars had created conducive situations for repatriation. Often times, the host, UNHCR and the country of origin enter into a tripartite agreement to ensure their commitment to the basic principles of voluntary repatriation and thereby achieve a common understanding of goals and implementation mechanisms. But in this case, the involvement of the country of origin does not in any way provide formal guarantee or adequate assurance for the safety, and security of returnees, because there was no law, policy or functional institution in place to ensure security, rights, safety, protection, dignity, reintegration, and recovery of repatriating refugees. Most importantly, among other things, Eritrea’s ‘no-exit’ policy contradicts the very premise of a tripartite agreement in which it demands the assurance of the right of all citizens to leave and to return to their country as a basic human right enshrined, inter alia, in Article 13(2) of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Civil and Political Rights.

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12See: ‘UNHCR, Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the ‘Ceased Circumstances’ Clauses).
Thus, Sudan, UNHCR and donor countries initiated the secession clause with limited regards to the reasons why many Eritreans do not want to be repatriated. The refugees were left with three unsustainable options: return to the regime they had escaped from; stay in a dangerous and insecure refugee camp or take the most dangerous voyage through Sinai and Saharan Desert and the Mediterranean Sea in their quest for freedom and protection. A great portion of the Eritrean refugee population in Sudan had chosen the latter.

Therefore, declaring the secession clause and initiating premature repatriations has resulted in panic reaction and massive secondary refugee movements that drove refugees out of their region of origin. This decision has not only jeopardized lives and compromised the fundamental principles of refugee protection, but also concealed the unbearable deeds of oppressive governments and pushed refugees to further migration. Therefore, the cessation clause and repatriation program in Sudan has marked the beginning of the Sinai and Saharan-Mediterranean journey of refugees. This has created ‘circular migration’ (flights-to-exile-to-repatriation and back-to-exile) and/or ‘serial migration’ (from Eritrea-to-Sudan-to-Egypt-to-Israel or from Eritrea-to- Ethiopia-to-Sudan-to-Libya-to-Italy).

In the immediate post-secession clause period, young Eritreans began to cross the Saharan and Sinai deserts to Europe and Israel for two reasons: (a) to avoid forced repatriation to the country from which they fled terror; (b) to escape the potential insecurity in the refugee camps in the post-cessation period where refugees in principle ceased to be refugees. As soon as refugee protection ceased to be valid, refugees had begun to search for their own survival strategies as an alternative. As soon as UNHCR invoked session clause in 2002 for Eritrean refugees, Malta had received its first Eritrean arrivals in 2002\textsuperscript{13} and several boatsful of Eritreans had arrived in Malta before the year ended, which prompted the panic reaction in the Maltese government. Furthermore, Italy, the main European Union’s gateway of refugees, had also experienced the

exponential growth of refugee flows from hundreds to thousands per year. However, the
number had grown from 2000 Eritrean arrivals in 2007 to nearly 37,000 in 2014\(^1\), which is an
increase of 1750% in seven years. UNCHR report also indicated that 22 percent of all the
people arriving by boat in Italy were Eritreans, second to Syrians.\(^2\)

Although the causes and motives of post-independence refugee flights from Eritrea may
generally vary from person to person, there are two interrelated sets of factors that triggered
mass flights. The primary set of factors is usually caused by Eritrea’s ill-guided policies,
including unlimited national service, labor exploitation, violation of fundamental rights,
injustice, oppression, and abuse of power. Those primary factors have produced secondary
factors, which includes the deterioration of legal, social, religious and educational institutions
as well as a weakening of the economic system, family and social order. Both the primary and
secondary factors are mainly the outcome of a political failure to fulfill the freedom from fear
and want. Therefore, successful repatriation requires fundamental political change, and
reconstruction of the institutional capacity and human security of the state, which would, in
turn, remove the causes of the flights and provide appealing incentives to return.

As noted in the General Assembly resolution 66/290, ‘human security is an approach to assist
the Member States in identifying and addressing widespread and cross-cutting challenges to
the survival, livelihood, and dignity of their people.’\(^3\) It is a political environment in which
citizens are able to enjoy freedom from fear and want, both of which are central to a dignified
life. Freedom from fear to the satisfaction of basic human needs including economic, health,
food, social, and environmental rights. Freedom from want to the removal of threats of violence


and the guarantee of physical security in daily life. So, ensuring human security for the non-displaced population would guarantee durable, dignified, safe and voluntary repatriation for the displaced ones.

Therefore, it will be difficult for a post-war or post-dictatorship repatriation process to be durable and dignified for the displaced population if an existing or transitional government fail to create judicial and political conditions, social, material and physical security for the non-displaced ones. The end of the war with Ethiopia has led to a premature decision that induced chaos and a sudden urge to re-immigrate. The repatriation initiative was halted but it has already set an irreversible pattern and direction of secondary movement. Threatened by the mass arrivals of vulnerable refugees, unable to send them back to Eritrea, and unwilling to resettle them to western countries, the EU is favoring the evacuation of Eritrean refugees in Libya to other African countries.

**Evacuation of refugees from Libya to Niger: EU’s plan to Keep refugees at a distance but not out of danger**

Niger has a total population of 21.5 million, most of whom (11.5 million of its people) live on less than $1 per day. In addition to the growing terror threats, endemic poverty and an illiteracy rate of 70%, the country has frequently been visited by natural disasters, including drought and locusts, which left more than a third of the population short of food recently where nearly 800,000 under-five children had suffered from hunger.

Be that as it may, in an effort to provide emergency protection and life-saving assistance, UNHCR has been attempting to evacuate the most vulnerable refugees including unaccompanied children and women, to Niger. In late 2017, with the help of the EU, UNHCR has partnered with the Nigerien government to start an evacuation operation from Libya to

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Hamdallaye refugee camp in Niger. Consequently, under the Emergency Transit Mechanisms (ETM), 2,913 refugees have been evacuated to the newly constructed refugee camp 40 km outside of the capital city.¹⁹

This evacuation program was initiated in response to the deteriorating security and political situation in Libya. With Libya suffering under growing violence and conflicts among rival factions, the evacuation scheme was and still is a positive development to rescue the most vulnerable Sub-Saharan refugees, namely Eritreans living in detention centers. Niger, one of the poorest countries in Africa with a politically fragile environment has built this temporary refugee camp to host evacuees pending their processing and departure for resettlement. Like all refugee camps, it was built under the guise of ‘temporary’ waiting place for refugees, but given the diminishing resettlement opportunity to a third country, it is most likely that it will become a quasi-permanent camp where children grow up without education and opportunity with no clear view of their future.

This is the EU’s attempting to halt or stop refugee flow by extending external migration controls but given Niger’s growing security, political and socio-economic challenges, it is neither equipped nor prepared to host refugees indefinitely. Although there is no detailed information on the country’s reception and treatments of refugees and asylum-seekers, it is already overwhelmed with hosting more than 160,000 refugees from Mali and Nigeria.²⁰ Hence, it has accepted the EU-funded emergency evacuation program on a transit basis as a ‘temporary waiting place’ with limited freedom of movements, and access to income-generating opportunities. But as the departures for resettlement in other countries were not

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keeping up with the pace of evacuation arrivals into the country, the government has discontinued the program as of March 2018.21

While refugees are stranded in Niger, the UN refugee agency has suspended an operation to resettle African refugees who were evacuated from Libya to Niger because developed countries are not ready to undertake concrete commitments to physical responsibility-sharing and are unwilling to open up additional pathways to resettle refugees.22 As of now, there are currently 1,011 evacuees from Libya remaining in Niger,23 and among them are 159 unaccompanied children. The evacuation from Libya is a lifeline for the vulnerable refugees but without access to resettlement, they will be trapped in another cycle of *deja vu* camp confinement all over again. While the *Hamdallaye* refugee situation remains in limbo, in September 2019 UNHCR announced another evacuation agreement with the Government of Rwanda.

**Evacuation to Rwanda: refugee protection or commodification of refugees?**

Twenty-five years after the Genocide, Rwanda has achieved relatively commendable socio-economic growth, access to healthcare and political stability. Reports indicate that, as of 2015, around 39 percent of Rwandans live below the poverty line, compared to 78 percent in 1994; life expectancy increased from 48 to 66 years; the child (under five) mortality rate fell from 152 to 42 deaths per 1,000 live births; and the maternal mortality rate decreased from 1,300 to 290 deaths per 100,000 live births.24 Therefore, the government’s effort to improve economic development and healthcare has earned international praises and donors’ support. While the Great Lake countries are plagued by violence and political uncertainties, the political situation in Rwanda also remains relatively stable. However, there are growing reports of suppression

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of dissent and allegations of human rights violations, including arbitrary detention, torture, ill-treatment and increasing restriction of freedom of expression which affect citizens and refugees. For instance, in February 2018, several thousands of Congolese refugees in Rwanda had peacefully protested camp conditions and a cut in food rations in refugee camps but Rwandan police fired live ammunition to suppress a demonstration, which led to the death of 11 refugees.25

Rwanda has adopted an open-door policy towards refugee reception on the assumption that it would receive assistance from the international community. However, care must be taken to avoid confusion between admission and protection, as admission does not necessarily equate to protection, safety and security of refugees once admitted. While the landlocked African country hosts 150,000 refugees, largely from Burundi and the Democratic Republic of Congo(DRC), refugees have been exposed to insecurities and vulnerabilities including the growing report of sexual violence in refugee camps.26

As stated earlier, however, the EU governments have been collaborating with Libyan militias as well as with oppressive and less stable countries in the global South to keep refugees far from their borders. To that end, on September 10, 2019, UNHCR announced that an agreement has been reached with the Rwandan government to take on 500 vulnerable refugees and asylum seekers from Somalia, Eritrea, and Sudan currently held in detention centers in Libya. The statement explains that some refugees and asylum seekers may be granted the option to be resettled to a third country, while others might be assisted to be repatriated to the countries of origin if fundamental changes transpire to create conditions that are conducive to voluntary


See also,https://reliefweb.int/report/rwanda/crime-rise-rwanda-refugee-camps
return in safety and with dignity. However, if resettlement was one of the intended options, the refugees could have been resettled from Libya.

Now the evacuees will be hosted at the Gashora camp ‘transit center’, nearly an hour drive from Kigali. Be that as it may, the program lacks transparency and clear post-evacuation plans. Nor does it have a clear arrangement as to whether the refugees will enjoy protection, freedom of movement, work, and education in their new hosts or if it is another confinement scheme that refugees had risked their lives to escape.

In order to understand the potential scenarios for the current evacuation scheme to Rwanda, it is worth revisiting the previous experience with the Eritrean deportees to Rwanda. As part of its policy of deportation of African refugees, the Israeli government had previously signed a surreptitious deal with the Rwandese government. Consequently, between 2013 and 2017, Israel deported almost 4,000 Eritreans and some Sudanese asylum seekers to Rwanda and unknown numbers to Uganda with one-way airline tickets and $3,500 in cash. Upon arrival in Rwanda and Uganda, they were not granted any legal status or protection, which exposed them to exploitations and vulnerabilities, including threats and abuses from the authorities. However, Rwanda has denied signing a secret deal with Israel to accept deportees. Due to the nature of the secrecy of the deal, the deportees were treated like illegally possessed items and pressured to leave the country. Therefore, there is no evidence to suggest that the clandestine business transaction was done out of compassion for refugee protection, but it was more of a business transaction where refugees were treated as commodities.

While those deported to Uganda were arrested upon arrival, those deported to Rwanda were transferred to a guarded hotel where refugees were threatened by the authorities not to leave

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the hotel or apply for asylum.\footnote{Shoham, S. Bolzman, L. and Birger, L. (2018). “Treacherous Journeys of Refugees who ‘Voluntary’ Departed from Israel to Rwanda and Uganda and Reached Europe.” Retrieved from: https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/10/moving-under (Accessed [date]).} UNHCR report confirms that none of the protection promised upon their departure from Israel was delivered, prompting them to embark on another life-threatening cyclical journey that involves traffickers and smugglers through conflict zones, deserts and sea to reach Europe.\footnote{Lubell, M. (2018). Reuters report. African migrants in limbo as Israel seeks Uganda deportation deals. Retrieved from: https://www.reuters.com/article/us-israel-africa-migrants/african-migrants-in-limbo-as-israel-seeks-uganda-deportation-deal-idUSKBN1HI1U3} Of the 4,000 refugees deported to Rwanda only seven individuals remain in the country.\footnote{Middle East Monitor (February 23, 2018). Is Israel Exchanging Arms for Refugees with Rwanda? Retrieved from https://www.middleeastmonitor.com/20180223-is-israel-exchanging-arms-for-refugees-with-rwanda/} Pushed out by insecurities and abuses, once again, the refugees were forced to flee, many of whom arrived in Libya bound for Europe. However, they faced further detention, torture, rape and even executions at the hands of Libyan militias and Islamic militants. For instance, in 2015 several refugees were executed by Islamic State militants in Libya, three of whom were Eritreans who were initially deported from Israel to Rwanda some months earlier.\footnote{Matar, H. (2015). ISIS executes three asylum seekers deported by Israel. Retrieved from: https://972mag.com/isis-executes-three-asylum-seekers-previously-deported-by-israel/105758/} This is a typical case of serial immigration where Eritreans were forced to leave their country to Sudan-to-Israel-to-Rwanda-to-South Sudan-to-Sudan-to-Libya. Below is a typical example of the journey. Daniel departed his hometown Adi Quala in 2008; however, it took him six years and at least eight countries to get to Europe in 2015.\footnote{Chandler, C. (February 07, 2017). 6 years, 8 countries: A refugee couple’s Harrowing Search for Safety. The Nation. Retrieved from https://www.thenation.com/article/6-years-8-countries-an-eritrean-couples-harrowing-search-for-safety/}

With the new evacuation scheme, it is most likely that some have been evacuated from Libya back to Rwanda. So long as there is no sustainable solution to their plea, externalization of migration control and financial assistance to non-democratic regimes under the pretext of refugee protection can neither stop refugees from knocking at EU’s doors nor solve the refugee crisis; it just makes the journey more dangerous and put human lives in jeopardy.

Termination of the threat: a prerequisite for initiation of a dignified return

The three ‘durable solutions’ have failed largely because the political impasses at home prevented refugees from returning voluntarily; the absence of security and socio-economic rights in the host countries made integration impossible; and the burden-shifting from resettlement to outsourcing of responsibility onto overburdened poor states have eroded the legal and ethical responsibility to protect, which in return has tarnished refugees’ dreams of liberty, freedom, and opportunity.
While African countries in the sub-region have lived up to certain legal obligations to host, assist and protect the disproportionate number of refugees, the legal and moral duties of western countries to step in and help relieve this burden is deteriorating. As developed countries have eroded asylum rights and principles of refugee protection, it would be impractical to expect the poor and vulnerable host countries to shoulder the responsibilities of hosting or integrating refugees into their societies. Hence, integration and resettlement are made to be the least viable solution to the refugee crisis. Under normal circumstances, refugees would naturally prefer home to alien lands and uncertain futures. Therefore, of the three official durable solutions, I tend to believe that repatriation is the most durable and preferred solution to the refugee crisis. In many cases, refugees are keen to return to their homes as soon as the situations in their country of origin change, and they tend to do it with little or no assistance from repatriation schemes. But it is also the most misused one. This is largely because the mass of return of refugees are often initiated in response to the political interests of donors and host governments with little or no regards for the sustainability of the process or the safety and protection of returnees. Unless the causes of flights are ceased and replaced by a political environment that guarantees protection and safety of returns with sufficient resources to properly plan and implement reconstruction and reintegration activities in the countries of origins, repatriation becomes a temporary band-aid that pushes refugees to further migration.

If a fundamental political change occurs in Eritrea, refugee camps in Niger, Rwanda, Sudan, and Ethiopia and detention centers in Libya would be the last place for Eritrean refugees. There is no better incentive for refugee repatriation than removal of the root cause of their flights and agony. I think many Eritrean refugees, if not most, would agree with the idea of returning home. They would undoubtedly prefer going home to facing the despicable human depravity in Libya or staying in confined refugee camps for decades. As oppression has been the main causal factor for flights, its removal could provide the main motive for repatriation but the emotional, cultural, social, historical and environmental attachments of refugees to their place
of origin would be one of the many motivating factors that would influence their decision to return home.

Some of the most important elements of post-oppression recovery programs are the repatriation and reintegration of displaced populations. This is essential because refugee return signifies not only the rebuilding of social capital, the return of human resource for development, reintegration of communities, and capacity restoration but also the state’s regaining of legitimacy, trust, and confidence of the populace’s confidence in its ability to reconstruct order and protection. However, the voluntariness and durability of repatriation depend not only on the removal of the causes that initially triggered flights but also on the re-institutionalization of comprehensive rights, freedoms, security, and protection.

Although a mere removal of war and oppression without a fundamental change in the nature of the political system is by no means a sufficient condition to secure sustainable repatriation, refugees who left home because of war and/or oppression tend to voluntarily repatriate themselves upon the end of wars and oppression. This is nowhere better illustrated than in the last century’s large large-scale repatriation processes. It is because by the 1990s, nearly 90 percent of the 14 million repatriates were spontaneous returnees who made ‘their own decision to go home without waiting for significant international assistance.’34 The Guinea Bissauans’ return from Senegal within months of independence, Mozambicans’ return from Tanzania over a two years span, over 250,000 Zimbabweans’ return within a one-year timeframe35, and the unassisted Eritrean repatriates in early post-independence, as well as the Namibian and Liberian returns are cases in point. The return of refugees after the collapse of dictatorial regimes such as that of Idi Amin of Uganda, Macias of Equatorial Guinea, Somoza of

Nicaragua\textsuperscript{36} and Mengistu Hailemariam of Ethiopia are some of the typical examples. As Adepoju (1987) notes, in the aftermath of Amin's overthrow, ‘about 4,000 refugees were assisted to return from Kenya, Tanzania, and Sudan while several thousand had returned on their own.’\textsuperscript{37}

However, the end of a violent war does not necessarily result in a conducive situation for repatriation. Nor does the collapse of a dictatorial regime automatically usher in democracy or human security. The end of dictatorship is only one of the first phases of a transition to establishing a new government. It is not in itself a precondition for repatriation. Therefore, before any government entertains the idea of voluntary repatriation of the displaced population, the incoming new system needs to initiate a parallel recovery process and building an acceptable, accountable, responsible, inclusive, transparent and tolerant political system that can address the economic, health and social needs of the returning population. As the post-dictatorship transition addresses the pressing issues of security, justice, accountability, reconciliation, socio-political and moral order, it would simultaneously lay a foundation for a durable and dignified return of the exiled population. Having said that, in a time when the European Union is involved in more aggressive and morally malicious actions including banning humanitarian rescue ships from saving refugee lives in the Mediterranean Sea, funding Libyan militias to intercept and return Europe-bound refugees and asylum-seekers back to conflict zones, the removal of a dictator may trigger another draconian measure to forcefully repatriate Eritrean refugees. More often than not, donor countries push for a hasty repatriation of refugees even in the face of obvious danger, which has often been counterproductive. The


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fall of a dictatorship may motivate refugees to return home, but the lack of security and protection may trigger circular migration. Besides, unlike in the case of refugee flight from an inter-state war where the end of war motivates mass return, the end of dictatorship triggers another batch of refugee flight. This is because, as the former victims of the regime return home, the supporters and privileged elites of the regime may flee to avoid retaliation.

**Recommendations**

The Mediterranean refugee crisis is a symbol of political and moral failures at home, in countries of asylum and on the part of the European Union. Therefore, evacuation of refugees to nondemocratic states, the repatriation to persecution, ‘policy of drowning’ and torture may temporarily lower the number of refugee arrivals to Europe, but it will not stop desperate refugees from trying. This is because the push factors at home, in the countries of first asylum and at the departure point-Libya in this case- are greater than the push factor from the European Union side. The deprivation of fundamental rights at home, the debilitating encampment in the countries of first asylum and the agonizing violence and abuse in transit country are more threatening than the likelihood of dying in the Mediterranean Sea. Therefore, the refugee crisis can only be solved by employing a coherent and proactive four-pronged approach:

- Focus beyond the EU’s reactive emergency response to tackle the root causes. The evacuation scheme from Libyan detention centers is an important life-saving initiative. But it does not address the underlying problems that led refugees to Libya in the first place. The source of the problem ultimately lies in the country of origin where political oppression, persecution, and violations of human rights are some of the main driving forces behind the growing desire to leave their country. However, the wrong postulation that the end of war is the beginning of peace and progress has led to premature repatriation of refugees from the country of first asylum; and the faulty assumption that refugees are fleeing poverty has led to a
faulty policy prescription that sustained the root cause of the problem. This is because, under the pretext of poverty eradication and economic development, the European States have consistently been funding the oppressive government of Eritrea with no visible demand for democratic reform. Therefore, there is a need for proactive policies that focuses on the country of origin to create conditions that allow people to stay, and that are conducive enough to warrant the safe and dignified return of those exiled.

- Repatriation should be motived by refugees’ protection needs. Eritrean refugee repatriation was driven by hosts’ and donors’ interests, which largely disregarded that refugees are the main decision-makers in the voluntary repatriation process. While a fundamental political change at home motivates for voluntary repatriation of refugees often unassisted, premature repatriation for donors’ and hosts’ self-interested motives have triggered secondary migration to escape the potential dangers that come with an unsafe and undignified return.

- Understand that no country can singlehandedly shoulder the responsibility of hosting refugees. As most refugees stay in the regions of origin, host countries take a disproportionate burden of responsibilities. Therefore, there is a growing need to increase financial assistance to promote physical protection and economic self-sufficiency of refugees including access to jobs, education, and livelihood opportunities. Yet the prolonged presence and the growing magnitude of refugee flights can present significant challenges to a poor country and/or region. Therefore, enforcing international cooperation and responsibility-sharing with countries of first asylum by creating safe and legal humanitarian resettlement programs can ease the burden and enhance the efficiency of protection of refugees in overburdened countries.
A revival of moral and legal compass is required to protect the vulnerable at sea and on land. In their attempt to deter refugees’ arrival to Europe, EU states have not only have they abdicated their moral and legal responsibilities to save lives but criminalized those who did. While saving lives at sea has been considered as incentivizing irregular immigration, deaths at sea and returning intercepted refugees to war zones are being used as deterrent factors which is a clear departure from the moral obligation and legal duty to protect the rights enshrined in maritime, human rights and refugee laws. Therefore, a meaningful response to the refugee crisis requires the revival of moral duties and strong assurances of compliance, cooperation and commitment to responsibility-sharing to ensure effective search and rescue operations at sea and dignified treatments of refugees, asylum-seekers and migrants on land.

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