

Rwanda plan exposes the dark side of Johnson's government. [Newspaper article]

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Rwanda Plan Exposes the Dark Side of Johnson's Government

The plan of the UK government to remove asylum seekers and refugees to Rwanda has rightly been making headlines. It is an egregious and draconian facet of the hostile environment intended to affect desperate people. It demonises and dehumanises individuals who have fled their countries, often for fear of persecution, to seek a place of refuge in a country once known for the rule of law and its decency.

The European Court of Human Rights has temporarily halted the first removal flight. The UK government is determined to press ahead. A judicial review by the High Court of the scheme is due to be heard in July. The legal challenges will undoubtedly continue.

Under the UK-Rwanda Memorandum of Understanding Rwanda agreed to accept and consider for asylum persons removed from the UK under its law and in conformity with its international legal obligations. The UK agreed to pay an initial 120 million pounds.

The scheme is not offshoring, where an individual's asylum claim is considered under a country's law outside its territory. Here the UK never considers the individual's claim. Instead it circumvents the process by transferring the person to Rwanda prior to its commencement.

The plan's avowed purpose is to break the model of people traffickers. More generally, it seeks to deter asylum seekers from coming to the UK in the first place. Knowledge of the distinct chance an asylum seeker would be removed and flown to Rwanda is thought likely to dissuade him from making the decision to come.

Governing refugees internationally is the Convention Relating to the Status of Refugees 1951. It was concluded in the aftermath of the horrors of the Second World War and the mass displacement of millions of people in Europe. The UK became one of the 146 state parties in 1954.

The Convention defines a refugee and sets out the obligations on all parties to provide legal protection and certain rights. The definition is narrow. A refugee is a person outside his country who has a well-founded fear of being persecuted on a number of grounds, such as religion, and is unable or unwilling to get protection from their own country or return to it for fear of persecution. Individuals not meeting the definition can be deported, although they may also merit humanitarian protection in some cases.

There is no doubt there is a global crisis in the movement of people. Relative to many other countries the UK's response has been limited. According to the UN the UK received over 48,000 asylum applications in 2021. Germany received the highest in the EU, at over 127,000. There are over 135,000 refugees in the UK and around 83,000 pending cases. Turkey has 3.7 million refugees.

The Rwandan plan can be assessed in terms of its legality, cost, likely effectiveness and ethics. The UN High Commission on Refugees is of the view that it is unlawful. This is because it comes with the risk that the Rwandan government will return a

person to her country of origin. The removal to a safe third country is not, in itself, explicitly unlawful under the terms of the Convention. There are questions over whether Rwanda is in fact a safe country in certain cases, however. This is where the issue of human rights arise, and what led to the halting of the first flight.

In spite of the relatively limited UK response, the cost of asylum is considerable, said to be 1.5 billion pounds per year. This includes housing, including in hotels, and cash support of about 40 pounds a week. There is also the cost of immigration detention, legal aid and administration. Adding to the cost will be flights to Rwanda and the cost of processing and integrating removed persons. This could be substantial, with the price of chartering an aircraft on a single trip being estimated at over 400,000 pounds.

Ultimately the cost of the plan turns on its effectiveness. If it achieves its purposes then it may well lessen the cost in future. The success of any policy of deterrence requires the awareness, likelihood, immediacy and severity of consequence of one's actions. These are weighed against the strength of motivation behind the action and its possible reward. In this light it is unlikely that the policy will succeed in meeting its aims. People smugglers will continue to want to profit, and desperate people will likely remain willing to risk their lives to reach the UK.

Ethically, the plan is indefensible. The Archbishop of Canterbury called it 'ungodly'. Even assuming Rwanda is willing and able to abide by its commitments, exporting asylum seekers pursuant to a financial agreement commodifies and nullifies a moral imperative. The inhumanity is compounded by the UK having played a part in exacerbating catastrophes in several countries, including Syria and Iraq. Brexit is clearly also a factor behind recent events.

Frustrated by criticisms Priti Patel noted that no one has come up with a better idea. That is nonsense. There are clearly actions the UK could take to mitigate the situation. They are not easy nor short-term, however. Work to rebuild broken relationships with the UK's international partners, especially France, is one such avenue. More immediately, allowing asylum seekers to temporarily work and adequately resourcing asylum determinations and the treatment of asylum seekers could expedite the process and bring down the cost in the long term.

The UK government is correct to identify people smuggling and Channel crossings in small boats as issues that must be addressed. The policy it adopted to do so fails for legal, financial and ethical reasons. It is likely to be ineffective. The plan exposes the dark side of a populist administration which has seemingly lost the ability to do the right thing.