Don't Forget About Us: The Impacts of COVID-19, Forced Migration and The Future of Humanitarian Diplomacy

Paper Proposal
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Abstract

The exposure of migrants to several human rights violations are recurrent in perilous routes when a State is unable to protect them. Despite the COVID-19 pandemic and its consequent travel curbs, the number of migrants increased in 2021, according to official migration reports. Nevertheless, besides risks such as drowning, hypothermia and food insecurity, routes have become even more dangerous, due to COVID-19. Consequently, States adopted more restrictive migration policies in their territories. The pandemic has not only taken attention away from humanitarian crises, it has exacerbated them and conflict-affected areas were forgotten. In the context of mass influx, migrants have been seen as threats to national security like never before. During the pandemic, rescue at sea has been threatened by the refusal of States to allow the disembarkation of those rescued. Hence, NGOs appealed to the Italian government to end the Italy-Libya Memorandum of Understanding.

The exposure of migrants to exploitation, human trafficking and other human rights violations are recurrent in perilous routes when a State is unable to protect them. Despite the COVID-19 pandemic and its consequent travel curbs, the number of migrants increased in 2021, according to the latest UNHCR and IOM reports. Nevertheless, besides risks such as drowning, hypothermia and food insecurity, since

2020, routes have become even more dangerous, due to a highly contagious virus. Consequently, States adopted more restrictive migration policies in order to prevent entry to their territories.

The COVID-19 pandemic has not only taken media and political attention away from global humanitarian crises, it has also exacerbated them and many conflict-affected areas were forgotten. In the context of mass influx, migrants, asylum-seekers and refugees have been seen as threats to national security like never before. In addition, during the pandemic, rescue at the sea has been threatened by the refusal of States to allow the disembarkation of rescued migrants on their territories. As a result, the MSF appealed to the Italian government and the EU to end supporting the system of returning migrants to Libya.

Therefore, this paper aims to explore the impacts of the pandemic as security and safety risks that are faced by migrants on their journeys along the Central Mediterranean route to southern Europe. Adopting a broad view of human security and migration, we will analyze how Italy, a common transit hub, managed the arrival of migrants and asylum-seekers during the pandemic and the risks of expulsion or *refoulement*. The rising role of smugglers, precarious health conditions and the right to liberty and protection from arbitrary detention and other human rights obligations will also be addressed.

Methodology:

This paper is not limited to a theoretical analysis, however, we endeavor to combine grounded theory, in order to prove humanitarian diplomacy as one of the consequences of migration diplomacy with practical evidence of the impact of policies on the lives and security of affected migrants. We will also demonstrate how lives could have been preserved if governments had used migration diplomacy (cooperated with other governments) to apply humanitarian diplomacy in migration influxes during the COVID-19 pandemic. We will analyze data published by agencies such as IOM and

UNHCR, as well as numbers provided by the Italian government and NGOS such as MSF, SOS Mediterranee and Alarm Phone.

I.Historical Origin and Developments of Humanitarian and Migration Diplomacy

The migration crisis in Europe is a situation where millions of people are in danger and require immediate response. Therefore, it is important to emphasize the crucial role of local and international actors to prevent risks, rescue, protect vulnerable people and to promote respect for fundamental rights. These events are not straightforward, however, in most cases, to carry out their work on the ground, humanitarian actors must obtain approval from state or non-state entities, whether civil or military, since then these responses have been described as humanitarian actions. Effectively protecting people and reducing their suffering requires action on at least three interconnected levels (Maurer, 2018). First, it is the responsibility of parties to armed conflicts to implement their international legal obligations. Second, individuals and communities are actors in their own protection who know their needs. And third, humanitarian action must be designed in collaboration with populations according to their specific needs and vulnerabilities.

To illustrate, the definitions and perceived content vary as widely as the number of organizations using the term and the humanitarian operations that they carry out. Humanitarian diplomacy is not yet a solidly established concept generally recognized by the international community: there is a big difference between conceiving the idea, using the term itself and arriving at international recognition for its definition and agreement on how it should be conducted (IRRC, 2012).

I.i Migration Diplomacy

According to Doucet, the significance of migration diplomacy to contemporary world politics can be recognized in two recent examples that arose from the post 2011 Syrian migration influx. (Doucet 2016 in: Adamson and Tsourapas, 2019). According to the

United Nations, the number of migrants in the world rose to 244 million, including 27 million refugees fleeing from conflicts (United Nations, 2022). Hence, the topic dominated headlines and fueled debates that often led to false allegations and fears of terrorism, insecurity in economic policies, extremism and other kinds of rumors.

In this context, countries such as Greece, Italy, Germany and other European Union members were presented with a high influx of migrants seeking asylum and better lives in another country. Only in 2015, the number of border-crossings reached 1 million (Adamson and Tsourapas, 2019).

Migration needs therefore to be seen as crucial when trying to understand foreign and domestic politics. The contemporary state is a migration state, whereby the management of migration flows is a central component of state functions and interests (Hollifield, 2004). This way, in a globalized world, the way a state handles migration should be seen as relevant as the way a state interacts with others, or with its own citizens. The migration diplomacy theory refers to statal actions and how population mobility is linked to state diplomatic aims (ibid.).

Globalization had a direct impact on state sovereignty and made it harder for states to act alone, therefore, it is important to have coordinated actions in order to achieve better results. Migration diplomacy embraces diplomatic tools used by states in relation to migration processes. These are however - definitely dependent on economic power and available resources by a state (Adamson and Tsourapas, 2019).

The theory argues that there is a gap in intergovernmental relations between States in an important field in a globalized world, which is migration (ibid. - 115). The theory, however, is not a synonym to overall migration policies by a state, but rather refers more to the use of diplomacy to achieve goals related to migration (ibid.). An example pointed out by Adamson and Tsourapas is the 'statement of cooperation' between Turkey and the European Union in March 2016, which consisted of an agreement between both: Turkey should strengthen its borders and accept the return of irregular

Syrian refugees from Greece and, in exchange, the EU would accelerate Turkey's membership process and provide 6 billion Euros to Ankara to improve the humanitarian faced by refugees in the country, and Turkish nationals would be granted visa-free travel to Europe (Adamson and Tsourapas 2019:2017; International Rescue Committee, 2022).

The EU 'statement of cooperation' was heavily criticized, but it is relevant to be mentioned because it is a clear and recent example for migration diplomacy. Finally, it is related to the management of migration policies in foreign politics to provide combined response and cooperation in this specific area (ibid).

I.ii Humanitarian diplomacy

Humanitarian diplomacy (HD) emerged as a concept in the early 2000s. It can be defined as persuading decision makers and leaders to act, at all times and in all circumstances, in the interest of vulnerable people and with full respect for fundamental humanitarian principles (Régnier, 2011). Traditionally, HD ranges from negotiating the presence of humanitarian organizations to negotiating access to civilian populations in need of protection. It involves monitoring assistance programs, promoting respect for international law, and engaging in advocacy in support of broader humanitarian goals (Minear, Smith, 2007).

However, regardless of the precision and rigor with which procedures are followed, there is always intense communication and negotiation between actors both upstream and downstream of decisions to take protection and relief measures in the field (Minear, Smith, 2007). Moreover, humanitarian diplomacy is the global mechanism that supports the creation of humanitarian space in order to facilitate the presence and access on the ground, to help secure infrastructure and funding, and to establish and maintain broad stakeholder relationships, such as private and public partnerships.

Accordingly, humanitarian diplomacy negotiators will need to clarify which legal instruments are applicable in each situation. For instance, it is necessary to analyze which mechanisms would be able to declare applicable law, as well as identify which implementation mechanisms are operational on the ground (Cassese, 2008). Despite the link between humanitarian diplomacy, international humanitarian law and international human rights law, it is important to be careful not to get confused. First, humanitarian diplomacy is not the prerogative of international jurists (Veuthey, 2012). Some authors are aware of the illegality of their actions, but show their determination not to comply. Addressing these violations through legal arguments would therefore be pointless, even counterproductive. Second, the specter of humanitarian diplomacy cannot be reduced to conflict intervention.

II.The Context

In the case of Syria, where citizens tend to face arbitrary detentions, torture and bombings of civilian infrastucture, migrants flee not only because of the usual risks of war, but also because of risks that precede conflict (Human Rights Watch, 2021). These are only a few reasons why people decide to leave the country.

However, in order to begin to understand the situation, it is important to understand the current situation on the ground. Libya lived after two civil wars, the number of people in need of humanitarian assistance reached almost 1 million in 2022. The criminal justice system remained dysfunctional due to impunity, insecurity, and armed conflicts. Judges and prosecutors were subject to harassment, threats, assaults, abductions, and even killings. Where civilian and military courts conducted trials, mostly in Tripoli and Benghazi, there were serious due process concerns (Human Rights Watch, 2020).

Detention authorities continued to hold thousands of detainees in long-term arbitrary detention without charge. Detainees included those held on security-related charges because of their participation in a conflict, terrorism suspects, and others held for

common crimes such as murder or theft. Justice, interior, defense, and intelligence ministries linked with the respective governments in Libya all run detention facilities. Prisons nominally run by authorities but often controlled by armed groups are marked by overcrowding, poor living conditions, and ill treatment (OHCHR, 2021).

The E.U., led by Italy, has trained and equipped the Libyan Coast Guard to serve as a proxy maritime force, whose central purpose is to stop migrants from reaching European shores. Flying drones and airplanes over the Mediterranean, Frontex locates migrant rafts, then alerts the Italians, who, in turn, inform the Libyan authorities (Amnesty International Italia, 2022). Once captured by the Libyan Coast Guard, tens of thousands of these migrants are then delivered into a dozen or so detention centers run by militias. This collaboration has been the main factor in a precipitous drop in the number of migrants reaching Europe: Around 20,000 migrants arrived in the first seven months of this year, down from 70,000 during the same period in 2016 (UNHCR, 2022). Without the support of aerial reconnaissance from Frontex, the Libyan Coast Guard would in effect be searching with its eyes closed (The Outlaw Ocean, 2021).

II.i The context of COVID-19

In March, 2020, the World Health Organization (WHO) began considering Europe to be the active center of the COVID-19 pandemic. As a consequence, EU leaders confirmed the closure of the EU's external and Schengen borders for at least 30 days, while many European countries reintroduced temporary border controls.

In this case study, we will explore Italy's policies in migrants acceptance during the initial period of the 2020 Covid-19 pandemic and how the Italian government could have saved more lives at sea during a pandemic had they based their approach to migration in humanitarian diplomacy or in migration diplomacy. By cooperating with other states or non-state actors, such as NGOS (and not preventing their work at sea from happening), the result could have been more positive than it was.

III. Case study

It was stated by the World Health Organization´s Europe office and by Lancet Migration that refugees and migrants are at a higher risk of contracting COVID-19 due to more precarious living conditions, limited access to sanitation, hygiene, water and also, more subjected to overcrowded spaces (Lancet Migration, 2020). This was the case of the Moria Camp, in Greece. Moreover, the lack of access to healthcare (including hand-sanitizer, soap), financial resources, language barriers, protective equipment are other factors that make them a more vulnerable community (Sisti, Di Napoli, Petrelli, Rossi, Diodati, Menghini, Mirisola, Constanzo, 2021).

In 2020, when the COVID-19 pandemic hit, Italy was one of the first countries to experience a high number of cases. This case took over news media outlets and led Italy to go into lockdown on March 15th. Italy, however, is one of the most important transit routes and destinations for migrant flows (MSF, 2020). The country has experienced an increase in the number of migrants since 1990 and the migrant population consisted of 8.5% in 2020, according to ITSTAT (ibid.).

On 17 February 2020, ministers from the EU decided to stop Operation Sophia, which was EUNAVFORMED (European Union Naval Force Mediterranean) led and created in 2015 to "identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers". The operation ended up saving lives and rescuing people risking themselves at the Mediterranean sea (around 44 thousand) (ibid.). This measure seemed like a first step to diminish the efforts to save lives and avoid rescues. At the same time, as it was already mentioned in this paper, it supported the Libyan coastguard to locate people at sea and relocate them to the country (ibid.).

In the last three years, the Italian government reversed some of the most strict immigration measures, but still prohibited the rescue of migrants at sea. In this context,

non-governmental organizations have pointed out that Italy and Malta used the coronavirus pandemic as a pretext to close ports to private rescue ships. In March, the government approved a plan to move younger prisoners to house arrest in order to prevent overcrowded prisons. Although the overcrowding went from 116 percent to 109 in July, at the end of August, there were 290 confirmed cases of COVID in prison. (Human Rights Watch, 2021).

The Italian government did indeed adopt some measures to protect migrants and asylum seekers in the country, such as the right to stay in reception centers until the end of the health emergency for people who should have already left the country and with expired documents. The number of detentions dropped from 425 in March to 178 in May. However, in early August, deportations resumed and the number of detainees increased again (Human Rights Watch, 2021). According to Human Rights Watch, a study conducted by the National Institute for Health, Migration and Poverty found that, "by mid-June there were 239 confirmed cases of COVID-19 in centers for asylum seekers. Later on, in July, 133 residents in a large reception center tested positive for the coronavirus.

On April 1st, the Interior Ministry issued a statement to inform that people in first, second and CAS reception centers were allowed to stay until the end of the emergency, which firstly would be on July 31st, but later on extended until October 15, 2020. This measure was also valid for the ones who no longer had the right to reception, such as casi speciali holders and people who had just turned 18 (Refugee.info, 2022).

In order to protect and deal with refugees and migrants, the country has created structures, systems and several types of facilities to host them. A study by Sisti, Di Napoli, Petrelli, Rossi, Diodati, Menghini, Mirisola and Constanzo analyzed 70% of the reception centers in the country, and concluded that in average, centers hosted an average of 11.8 guests and offered shared rooms in 68,5% of the cases (Sisti, Di Napoli, Petrelli, Rossi, Diodati, Menghini, Mirisola, Constanzo, 2021).   Migrants came

from Western Africa and Southern Asia, with Nigerians covering more than a quarter of the total.

Suspected COVID-19 cases were predominantly among men, scoring 90.8%, compared to 9.2% females. The majority of refugees and migrants were hosted in Northern Italy (51.1%), compared to 19.8% in Central Italy and 29.1% in the Southern Italy and Islands. The migrants came primarily from Western Africa and Southern Asia, with Nigerians covering more than a quarter of the total (ibid.).

However, not only migrants who had already reached land were affected by COVID-19. The pandemic and governments' policies also deeply impacted the works of several NGOS, such as MSF and SOS Mediterranee that aimed to rescue those at sea (MSF, 2020).

On February 23rd, survivors from an operation with Ocean Viking, led by MSF disembarked and were transferred to a quarantine center in the Italian city of Pozzallo together with crew members. This particular episode does not raise concerns to the health of those involved in the process. However, the measures that follow certainly do (MSF, 2020).

On April 6, the German government asked German search and rescue NGOS not to return to sea and recalled ships already in operation. Two days later, the Italian government issued a decree saying that it would not allow the disembarkation of rescued people in Italy due to COVID-19. This policy followed the closure of borders, including ports on March 28th, 2020 (ibid.).

Although MSF and its partner SOS MEDITERRANÉE had medical, humanitarian and rescue teams ready to return to sea, the barriers imposed by local governments led their operations and partnership to end on April 17, 2020.

This way, rescue ships were prohibited to operate in the Mediterranean sea. Still, Sea-Watch 3 resumed its mission to save people - and so it did. The ship saved 211 people, who were transferred to Sicily and they were placed under quarantine. After that episode, Sea-Watch 3 was put under administrative detention (ibid.).

According to NGO Alarm Phone (AP), which operates at sea, Italy regularly delays rescues. The NGO compares the situation to the one lived in Malta, whose authorities only acted after a lot of pressure (Alarm Phone, 2021). AP stated that "a boat with 60 migrants that reached out to Alarm Phone on 13th July was rescued to Lampedusa after having been abandoned adrift for 40 hours. Aerial pictures taken by a Moonbird revealed an Italian coastguard vessel and a commercial cargo ship apparently ignoring the boat in distress only a mile away from their position. On 26th July, the Italian Coast Guard rescued several boats in Maltese SAR zone and, at the end of the month, they even sent the Italian flagged vessel Asso 29 to a boat in Libyan SAR zone" (ibid.) This story was also shared by the British newspaper *The Guardian* (Tondo, 2020).

This risk exists until the time this paper is written.

Such measures show how NGOs' missions to save lives were harmed by European governments' policies during the pandemic. Migrants are most vulnerable to abuse and exploitation in situations and places where the authority of the State and society is unable to protect them (IOM, 2019: 10). In this particular case, however, States could have protected others from drowning and could have supported NGOS that already operated in the Mediterranean, but chose to do the opposite : apprehend ships and prohibit rescue by organizations that already operated in this field.

Here, we can perceive a clear disregard for humanitarian diplomacy, which tends to push leaders and local governments to act in the interest of vulnerable people and according to fundamental humanitarian principles. It can be defined as persuading decision makers and leaders to act, at all times and in all circumstances, in the interest of vulnerable people and with full respect for fundamental humanitarian principles

(Minear and Smith, 2007). Therefore, the negotiation between NGOS and local governments on the presence at the Mediterranean could have prevented several deaths at sea (ibid.).

Data gathered by UNHCR shows that, despite the lower numbers of crossings in 2020, the number of deaths rose in comparison to 2019. In 2020, 95,800 individual crossings were reported, with 1,881 deaths reported in the Mediterranean and in the northwest Atlantic (UNHCR, 2022).

Consequently, UNHCR released a joint statement urging countries to adopt measures that ensure the safety of migrants and refugees, and also allowing them to disembark in places where their lives and human rights are safeguarded (UNHCR, 2022).

According to Amnesty International Italy, between January and July 2022, 180 migrants have lost their lives in the Mediterranean and 648 are missing, while there are 11,057 migrants intercepted and brought back to Libya, including 422 minors. Since the end of 2016, the countries of the European Union have implemented a series of measures to block migration routes from Libya across the Mediterranean Sea (Amnesty International, 2022).

Cooperation then increased considerably with the adoption of a bilateral Memorandum of Understanding, signed by Italy and Libya on February 2, 2017, and with the adoption of the Malta Declaration, signed by the leaders of the European Union in Valletta on the day after. These agreements form the basis of a constant cooperation that entrusts the patrol of the central Mediterranean to the Libyan coastguards, through the supply of patrol boats, a maritime coordination center and training activities (ibid.).

The agreements were followed by the establishment of the Libyan SAR zone, a large maritime area in which the Libyan coastguards are responsible for coordinating search and rescue operations. These containment policies have left hundreds of thousands of women, men and children languishing in Libya. Refugees and migrants who attempt to

leave on precarious boats are intercepted at sea by Libyan coastguards partly financed by the Italian government and then returned to Libya, where they are held indefinitely in detention centers in horrible conditions and risk violations on a daily basis (ibid.).

The European Union and its member states must suspend any form of cooperation that contributes to detaining migrants and refugees in Libya and to make them suffer human rights violations. We ask, on the contrary, that they dedicate themselves to opening the legal pathways urgently needed for the thousands of people trapped in Libya and in need of international protection. The Memorandum of Understanding between Italy and Libya will expire in February 2023 but will be automatically renewed for another three years if the Italian authorities do not cancel it by November 2, 2022.

Migration diplomacy, which is dependent on economic power and available resources by a state (Adamson and Tsourapas, 2019) can also be applied here. The case study of Italy during the COVID-19 pandemic is interesting to be analyzed in this context because of two relevant factors: I. how the Italian government prevented migrants from being rescued in the Mediterranean, which is a violation of Universal Human Rights and II. ignoring resources available in order to prevent people from drowning. As shown by a Guardian article and by a report by Alarm Phone, Italian authorities chose to ignore people who were drowning at sea, breaking maritime law (Tondo, 2020).

Under international maritime law, under Article 98(1) : "Every state shall require the master of a ship flying its flag … to render assistance to any person found at sea in danger of being lost" and "to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected (UNCLOS, 1982 in: UNHCR, 2015: 2)."

Although Italy indeed opened an excession to those who would have to leave the country, the Italian government did not worry about those who were on their way to a country with better living conditions than in Syria, Libya and others.

Italian–Libyan relations in the field of migration are characterized by a history of success and setbacks. Tied by a colonial past, by geographical proximity and by reciprocal and substantial economic interests, the two countries have traditionally treated migration as another dossier in their strategic interactions. Whereas Italy had long-established and constant contacts with the north African country, the EU could hardly exert any leverage on the state. For this specific reason, looking at the way the Italy–EU–Libya diplomatic game on migration has recently developed is worth exploring as a case study. This heuristic exercise is relevant per se in that Libya has been constantly 'co-produced' as a 'transit country' (Frowd, 2020), even though it is in fact a des- tination for most migrants heading there (Pradella and Cillo, 2020).

Indeed, it has recently been the main corridor for irregular immigrants into the Union and fertile ground for a myriad of other dreadful transnational challenges spuriously related to migration. The analysis also aims to uncover aspects that previous research has left untouched. Certainly, the diplomatic game being played between Italy and the Union has been highly relevant both in terms of the content and pace of diplomatic interaction between Italy and Libya. Consequently, Intra-Libya struggles leading to instability may have rendered departures difficult to organize or, for NGO search and rescue activities, the halt in arrivals may well have been determined by their reduced presence in the Mediterranean after the establishment of the Code of Conduct.

VI. Migration and the Principle of *Non-refoulement*

Migratory movements often include people who need international protection and others who do not. In light of these "mixed movements", much of current migration discourse and policies focuses on the need to distinguish between "voluntary" migrants, on the one hand, and forced migrants, especially refugees and asylum seekers. In reality, however, this distinction is not clear. In particular, people who are not considered refugees may still be in need of assistance and protection, including against refoulement.

For instance, in this paper the broad description of "migrants" focuses on their vulnerabilities rather than their legal status. Hence, it is important to remember that while some international legal protections must be afforded to all migrants, others – in particular refugee status or subsidiary forms of protection – depend on treaty obligations and/or the domestic law of the State (IRRC, 2018) that it has jurisdiction and the particular circumstances of the individual. It is important to emphasize that, although States have the right to regulate migration and to return migrants from their territory if they are found to be irregular, this right is not absolute. Any decision to repatriate an individual migrant must be exercised within the limits established by domestic and international law, including the principle of non-refoulement (ICRC, 2018).

The principle of *non-refoulement* constitutes an essential protection under international human rights, refugee, humanitarian and customary law. It prohibits States from transferring or removing persons from their jurisdiction or effective control where there are substantial grounds for believing that the person would be in danger of suffering irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violation. The principle is the cornerstone of international protection. It is guaranteed in Article 33 of the 1951 Convention, which is also binding on States Parties to the 1967 Protocol.

Article 33(1) of the 1951 Convention provides: "*No Contracting State shall expel or shall not, in any way whatsoever, return a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political views.*" Therefore, it is experiencing a loss of effectiveness in its implementation throughout the world.

Refoulement is prohibited under human rights law for a number of reasons. The strongest protections exist in cases of danger of being subjected to torture (Convention against Torture, 1984), cruel, inhuman or degrading treatment or punishment, and

arbitrary deprivation of life (found in regional instruments of the IHRL). Violations of the principle of non-refoulement are symptomatic of a larger trend: it is for States to remove migrants from their territory at all costs. States and the EU conclude agreements to outsource their asylum applications while allowing them to receive as few people as possible on their territory (UNHCR, 2011).

The agreement between Turkey and the EU is not the only one that calls into question the effectiveness of the principle of non-refoulement. Indeed, the Member States, supported by the EU, have concluded migration agreements which contribute to lessening the effectiveness of the principle of non-refoulement. This is particularly the case of the agreements concluded with Libya. Therefore, it is legitimate to ask whether Libya can be considered a safe third country under EU law. Indeed, if Libya has signed the International Convention Against Torture, this is not the case of the Geneva Convention on the status of refugees. The principle of non-refoulement is therefore not enshrined there. Furthermore, there is no legislation recognizing refugee status in Libya. Italy and Libya renewed the agreements that bind them through a Memorandum. However, these agreements disregard EU law, but also the case law of the European Court of Human Rights. These agreements set up "temporary reception camps" in order to manage the crisis linked to the arrival of migrants on European territory.

Another good example for that outside Italy is Moria Camp, Europe's largest refugee camp located on the Greek island of Lesbos in 2020. Moria was built in 2013 with a capacity to accommodate 1,200 people. In 2015, 5 years before the fires that took four days to be extinguished, 3500 people were living there (Markham, 2022). In 2020, this incident left nearly 13 thousand people without shelter or access to basic services (Cossé, 2020). But that was not the only problem. Even before the fire, its conditions were already questionable due to overcrowding, "inadequate tents, with limited access to food, water, sanitation and healthcare" (ibid.).

But these were not the only problems that Moria's inhabitants faced. The fire happened in 2020 - during the Covid-19 pandemic - which was a big healthcare

concern. After registering the first Covid-19 case in March, authorities imposed a rigid lockdown that forbade entry and exit from the camp in order to avoid its spread. However, the same authorities that imposed the lockdown did not provide people with health assistance, hygiene products, clean water and, of course testing (ibid.).

After the fires, the Greek government initially blamed migrants and suggested keeping migrants in closed facilities on the Aegean Islands, alleging that some do not respect Greece's rules. As a result, thousands of people were left on the street - homeless and without access to basic needs (Markham, 2022).

It is unlikely that COVID-19 impacted migration policies in the Mediterranean, but it has rather altered their implementation on the ground. Examples reported in Europe include countries such as Malta and Italy using the pandemic as a justification to prevent arrivals as they denied entry to INGO rescue ships carrying refugees and migrants.

VI.I. How NGOS fill the gap at the Mediterranean Sea

This is the result of deliberate policies to not save lives. In recent months, despite receiving distress calls from rubber boats in their own search and rescue regions, Malta and Italy have been ignoring calls, and delaying rescues, in areas of the Mediterranean Sea that fall under their responsibility. But they are not the only EU states looking the other way.

The failure of states has forced non-governmental organizations (NGO) to try to fill the gap, setting up search and rescue operations. But, thanks to the impounding of ships and unclear administrative blockages, hardly anyone is able to be at sea right now. Currently, only the Sea-Watch 4, and the Banksy-funded Louise Michel, are the only search and rescue vessels active in the central Mediterranean."

Indeed, if Libya has signed the international convention against torture, this is not the case of the Geneva Convention on the status of refugees. The principle of non-refoulement is therefore not enshrined there. Furthermore, there is no legislation recognizing refugee status in Libya. Italy and Libya renewed the agreements that bind them through a Memorandum. However, these agreements disregard EU law, but also the case law of the ECHR. These agreements set up "temporary reception camps" in order to manage the crisis linked to the arrival of migrants on European territory.

Thus, migrants who have passed through Libya and are intercepted are sent back to Libyan territory despite numerous reports from Amnesty International on human rights violations committed against migrants and refugees. In July 2017, the European Commission communicated an action plan to help Italy cope with the influx of migrant women. This plan notably contained financial aid of 42 million euros to Libya for border management. This aid finances the acquisition of equipment, training for the Libyan Coast Guard with the aim of reducing the number of people arriving in Europe. In all, Libya has benefited from more than 300 million euros in aid from the EU to secure the borders.

This has allowed a marked decrease in the number of people arriving on the Italian and Maltese coasts. However, this reduction is at the cost of the human losses of migrants who are intercepted by the coast guards and violations of their rights.

VII. Conclusion and final considerations

Diplomacy is mostly about the representation of one polity in relation to another. Humanitarianism is about advocating for and helping people in need (De Lauri 2018: 2). Migration diplomacy and humanitarian diplomacy are two relatively new theories that are not completely known and developed in the fields of international relations and human rights. There are not enough materials and they are not given the attention they deserve, mostly now after several relevant refugees' influxes coming from the Middle East, and more recently Ukraine.

Our main consideration is to use the migration diplomacy theory as one of the means to achieve the goals aimed by humanitarian diplomacy. Both theories aim at cooperation between non-state and state actors from an international perspective. In this context, humanitarian organizations often depend on a network of formal or informal relations with parties involved in armed conflicts to guarantee access to aid (De Lauri, 2018:2). Therefore, why not combine both theories when providing humanitarian assistance in migration scenarios?

If migration diplomacy is the negotiation between state actors in order to achieve cooperation in migration and, on the other hand, humanitarian diplomacy is the cooperation between non-state actors and state ones in order to provide assistance for people in need of protection, both of them are complementary, but HD abranges a wider perspective that is not exclusive to migration.

Consequently, can migration diplomacy work as a tool to apply humanitarian diplomacy in the migration area? And can't both theories be combined in order to achieve a better learning and analytical scope?

In the case study we presented above, neither migration diplomacy nor humanitarian diplomacy were taken into consideration. If both theories had been combined or minimally thought about, deaths at sea could have been prevented. Front line workers were allowed to work in order to prevent lives. Scenes from crowded hospitals and empty streets in Italy on the media are difficult to forget, but at the same time, scenes from migrants drowning or facing difficulties on the ground rarely made the headlines.

In times where solidarity or empathy were demanded, migrants faced selected indignation - and not in their favor. When talking about migration diplomacy and outside Italy, another factor to look into is that Portugal just announced a new treaty with Morocco, which aims to fight illegal immigration and human trafficking. This deal is a

big announcement after countries like Spain, Greece, Italy and Greece started to fortify their marine borders to stop immigrant flux into the European Union.

The Portuguese Foreign Ministry said in a statement that this agreement will allow the hiring process of Moroccan nationals and insure that they will have the same rights and duties as Portuguese workers (InfoMigrants 2022).

Lawyers from the Association for Legal Studies on Immigration (ASGI), an Italian civil society organization, allege that since the beginning of October 2020, asylum seekers who were in reception centers in different Italian cities have been transferred to quarantine ferries off the coast of Sicily after testing positive for coronavirus (The New Humanitarian, 2020). Civil society organizations claim that asylum seekers are not informed of their rights.

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