“It feels like putting a plaster around a malignant tumor”

Working with Detained Populations in Greece and Libya

Report of the KUNO-Master Class with Jason Phillips
December 2019, The Hague

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Cover: drawing of Mas Hab.

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Introduction

December 2019 KUNO organized a Master Class with Jason Phillips focusing on one of the most urgent and most complex humanitarian challenges of this time: how to support detained populations in Greece and Libya. In Greece and Libya refugees and migrants got stuck on their way to Europe living in malicious camps and surviving under very harsh conditions.

Jason Phillips was asked by the IRC, the International Rescue Committee to take stock of its work in the detention centres in Greece and Libya over the last four years (2015-2019). Based on their testimonies Jason Phillips published in June 2019 the paper *Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing The International Rescue Committee.*

Jason Phillips is a well-experienced humanitarian professional, nowadays combining independent consultancy with teaching as Adjunct Research Professor at The Norman Paterson School of International Affairs at Carleton University in Ottawa. Phillips holds a PhD in political science. In the paper and during the master class Phillips presented a revealing story; analysing the challenges humanitarians face when they are trying to do good in a situation that makes it almost impossible to do so.

Definition & Dimensions of Detention

Detention is defined as "the deprivation of personal liberty enacted by a judicial body for criminal or administrative reasons". However, the understanding of detention was relative to the ethical landscape the IRC staff was working in. Based on the interviews with humanitarian staff Phillips described four dimensions of detention:

1. The degree of physical confinement.
2. The extent to which confinement was undertaken by an "official" authority.
3. Justification for confinement (reason and status of subjects so confined).
4. Extent to which detention was part of international efforts to restrict global migration to the North.

Phillips explored a general working hypothesis trying to explain the differing levels of moral uncertainty and moral discomfort of humanitarian staff working in detention centres in Greece and Libya: the greater the degree of restriction on freedom of movement, the less official the authority imposing the restriction, and the closer the integration of the detention space with international efforts to restrict global migration, the greater the moral hazard for humanitarian intervention.

Ethical challenges

In the paper Phillips described eight ethical challenges, but during the master class he focused on three: the quality of care, moral taint, and advocacy. Each challenge is 'captured' in a remarkable quote Phillips registered during the interviews.

i. "This place is an ongoing traumatization" – Constraints on the quality of care

For many of those working with detained populations it was hard or sometimes even impossible to achieve an acceptable standard of care. This was considered especially problematic in Libya. Humanitarian staff described their concerns akin to "putting a plaster on a malignant tumor". Staff members questioned their work, as they are almost unable to provide relief.

In the case of healthcare, for instance: if you are unable to meet medical standards, should you continue your work? Moreover, the detention spaces themselves are harmful, specifically in the case of mental health. People with traumatic experiences, such as violence and torture, are put in a space that can worsen the state of their mental health. Furthermore, there is, especially in Libya, a lack of privacy and confidentiality.

ii. "It is unsettling to be part of the ecosystem" – The spectre of complicity or moral taint

A frequently mentioned challenge for humanitarian aid workers, also in other humanitarian crises, is the feeling of complicity. Some say this term might be misused. Hugo Slim refers to this 'myth of humanitarian responsibility', wherein humanitarian agencies often ascribe levels of moral responsibility for harms that are often situated with other much more powerful actors (Hugo Slim, *Humanitarian Ethics*, 2015). It is better to speak about "complicity" in terms of gradation instead of a binary (yes/no) distinction. A better term might be 'moral taint': even if you are not doing harm, your actions can be polluted by the harm of others or the situation. Humanitarian actors can be coerced or threatened into contributing to harm, or they may knowingly contribute to something believed to be wrong in the pursuit of what is understood to be a greater good.

The feeling of moral taint showed itself in four ways:

1. Fear of association: in Greece they fear to be seen as legitimizing the EU-Turkey deal, while in Libya they fear their work can be seen as supporting the restriction on onward migration.
2. Concern that work in hotspots and detention centres could legitimize the authorities in control of those spaces.
3. A desire to avoid any forms of engagement that could contribute towards the institutionalization of the detention regime. For this reason, IRC staff only provided services that can be directly "consumed", so they would not contribute to improving/beautifying the detention spaces.
4. Especially in Libya, naming the locations where migrants were held captive detention centres, did not give recognition to the criminal and financial exploitation taking place. Humanitarian staff was confronted with modern

slavery, torture, forced labour and sexual abuse on a large scale.

Because of these moral concerns, IRC tried to restrict their activities in Libya and Greece. IRC's work with detained populations was consciously kept to a small portion of the overall country portfolio.

iii. "That's how you sleep at night" – The centrality of advocacy

Humanitarian organizations are often careful when it comes to advocacy as it can lead to retaliation and harm. Furthermore, in regard to humanitarian principles, advocacy is often seen as in conflict with the organization's neutrality. However, in situations like Greece and Libya, speaking out can feel like the right thing to do in itself. But if it puts other goods at risk and has little chance of actually effecting positive change, it can be reckless.

For the IRC staff *speaking out* had four functions:

1. A moral marker: beneficial to the individual/organization's moral integrity as a way to demonstrate they have spoken out against the wrongs that they see happening.
2. Mitigation of complicity or reduction of moral responsibility: the ability to express concerns were seen as essential to reduce the extent IRC was complicit in the harms of the detention systems.
3. A pathway to greater good for a greater number of people: A change in asylum policies at a national or European level could aid many more people than IRC's health services alone.
4. A justification for presence and proximity to most needy: the motivation to do this work, to increase the agency's credibility when speaking about the harms of detention and the changes needed to lessen them.

Phillips indicated there has been debate within IRC on the purpose of advocacy. First IRC said advocacy was pragmatic to policy change: take stand against the EU-Turkey deal to change this deal. But over time IRC stopped to talk about the EU-Turkey deal, since the deal was politically seen as a success. Then IRC focussed on other things than The Deal for advocacy. Something similar happened in Libya. At first IRC advocated against detention. Over time the tone softened from a pragmatic perspective, because of a lack of potential. Then IRC focussed on greater access.

Some people came however to a different perspective: they concluded the pragmatic approach to advocacy (solution orientated) was the wrong way. They stated that time had come to accept that these are systems meant to harm people. If so, you have to denounce the whole system. They plead for a denunciatory approach for advocacy. At the moment we see a debate beginning to emerge in IRC: in some really wrong cases you have to speak out, even if it has no effect.

Some concluding remarks

It does matter how things are called. The use of euphemisms to describe detention can obscure the purpose of these detention centres. The goal of the "authorities" in Libya was not the detention of immigrants, but the "detention centres" were instrumental to criminal financial enterprises: forced labour camps, slavery. Words matter.

In the case of advocacy, you have to be careful what you advocate for. Most organizations for instance advocated for closing the centres and finding alternatives to detention for refugees in Libya. Recently one detention center commander was willing to do so, but the humanitarian aid organizations realized then, they did not have the capacity to support these refugees. There are similar examples in Greece. Advocacy should be supportive to those who we are advocating for: what do they need?

And finally, the principle of impartiality states that aid should be given on the basis of need alone. Yet it seems as if the humanitarian community is becoming more risk averse and not pushing itself as far as it could to reach those most in need in the most challenging environments. We could ask ourselves what efforts are being made to reach the most needy people, or are we falling short?

Read the report by Jason Phillips here.
Find the podcast of the Master Class here.

Jason Phillips

Jason Phillips is currently an independent consultant and Adjunct Research Professor at The Norman Paterson School of International Affairs at Carleton University in Ottawa, Canada. He is an experienced humanitarian with a history of working at board, field and senior HQ levels of the non-profit organization management sector. He has 20 years of NGO experience, 18 years of which were at the International Rescue Committee (IRC). Jason is skilled in Strategic Planning and Delivery, Program Management, Operations Management, Humanitarian Ethics, Financial Management, and Program/Business Development. Furthermore, Jason Phillips has academic, teaching and research experience, including a Doctor of Philosophy (PhD) in Political Science from The Johns Hopkins University.