DESHABITADAS

We speak out against policies that prevent people from living in their home countries and devastate the planet. It is time to take responsibility for the causes of their expulsion and to obtain mechanisms that allow them to reach a safe place and receive international protection.

If you want your collective, organisation or network to join, please fill out this form: LINK

(www.zehar.eus)

We are part of an economic, political and social model in which the devastation of territories and habitats essential for living is legitimised and legalised, and where the displacement of people fleeing as a result of these practices is delegitimised and criminalised. In addition, those who denounce these situations suffer from violence.

The word **necropolitics** has been used to encompass the policies and dynamics that make it impossible for human life to continue; on the one hand, because the ways of live of individuals and communities in many parts of the world are severely hindered or exterminated; and, on the other hand, because the possibility of migrants and refugees to reach a safe place is repressed, leading many of them to die in transit.

Environmental devastation and, as part of it, **climate change**, is the result of decisions that have been taken by states, multilateral organisations and large multinationals in the service of capital accumulation. Between 1880 and 2010, the tracked emissions of the 90 largest **industrial carbon producers** have been responsible for 57% of the increase in CO_2 in the atmosphere; 42% of global average temperature rise; and 26% sea level rise. Some of them are now pretending to lead a so-called energy transition for which there are not enough raw materials, masking the consequences of their own activities.[1]

This devastation is due to individual and collective decisions taken by individuals and entities, both public and private. Our habits of **accumulation and consumption** are the last link in the chain that converts natural goods into commodities and moves them from one part of the planet to another. In a globalised world, classical colonialism has given

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[1] https://rdcu.be/cWl7n

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way to a web of racist, classist and sexist **power relations** that put the lives of many people at the service of others.

Our globalised food model also plays an important role in environmental degradation: 30% of greenhouse gas emissions are produced by **agribusiness**. Respecting people's food sovereignty not only helps them remaining in their territories, but also improves the absorption of carbon in the soil, thus cooling the planet.

Since 2000[2], Land Matrix has recorded 36 million hectares acquired by investors for international markets. Small production community **lands**, relevant for local food and ecosystems, are transferred for commercial use. At least, half of them are not in use and the other half are exploited for agricultural production, forestry extraction, carbon trading, industry and renewable energy, among other purposes. Some of the impacts are large water demands, deforestation, loss of biodiversity and displacement of communities.

We are part of a system that creates **zones of accumulation and zones of sacrifice.** The implementation of large energy production projects (oil and mining extractions, mega wind farms, dams), as well as intensive livestock farming and agriculture -the territorial expression of a globalised food system- displace people and communities in order to expand and permanently seek new business niches.

Similar patterns of privatisation and grabbing of common goods, loss of food sovereignty and biodiversity, pollution and environmental degradation are repeated in the most diverse parts of the world, causing people and communities to suffer the precariousness and disappearance of their **ways of life**, finally being forced to move.

These forced displacements are a consequence, but also a **strategy for grabbing goods and territories:** people and communities have to face manipulated consultations, disinformation, disadvantageous negotiations, harassment, coercion and violence. In many territories with hostile contexts of armed conflict, militarisation or paramilitarisation, all this goes unnoticed.

Organisers, leaders and resisters face the same violence in different countries. Activists, indigenous and community leaders, journalists and human rights **defenders** are being threatened, criminalised, displaced and, in some cases, killed. These are exemplary persecutions to create fear and silence in organisations and communities. In addition, profoundly patriarchal mechanisms of violence are employed.

The implementation of the model has a strong **gender** bias and particularly affects women. Corporations benefit from pre-existing patriarchal power relations that are sharpened by their arrival: the majority of women are not the owners of the land, even if it legitimately belongs to them and they work on it; the spaces for negotiation and the strategies and alliances established with local powers are often restricted to men; dependence on the masculinised wage economy is exacerbated and the loss of common goods and food sovereignty that women supply with their time and labour is increased; territories are militarised and over-masculinised; and violence is used on feminised bodies for territorial control.

The metabolism of **capitalism**, whatever the sector, needs to obtain goods that cause displacement. Corporations wield disproportionate power and have a powerful influence on issues that are essential to the sustainability of life. Their opacity, the deregulation of their international activity and the lack of binding extraterritorial regulations contribute

[2]https://landmatrix.org/documents/132/Land_Matrix_ARIII_2021_Exec_Summary_Spanish_Final_uy7iQEC.pdf

to this. Compliance with environmental and human rights standards is subject to a principle of voluntarism. Nor have binding instruments been developed to address these displacements, which have been excluded from the international and national agendas governing the goals of **'climate change', 'sustainable development' and 'orderly migration',** despite resolutions by the European Parliament and the Parliamentary Assembly of the Council of Europe to promote their international protection.

In the opposite way, in the face of economic dynamics that generate dispossession, measures are implemented against the lives of those who migrate or flee. Since 2014, more than 4,000 deaths per year have been recorded on migration routes around the world. 48,432 people have lost their lives, **half of them in the Mediterranean sea**, trying to reach Europe[3]. These figures are only the deaths that have been counted.

Enriched countries' **border policies** follow patterns of **externalisation, militarisation and the use of violence** involving state and non-state actors -including paramilitary groups- with the authorisation, support or acquiescence of states[4].

In the EU, agreements and dynamics that prevent the departure, the continuation of the route and the disembarkation, and those which motivate brief and collective returns have been intensified and legitimised. More than 82,000 refugees and migrants have been intercepted at sea and returned to Libya in the last five years, since the agreements of 2017 were reached[5]. In this time, the boats and crew of NGOs involved in search and rescue works have been the subject of 50 criminal or administrative proceedings initiated by Germany, Spain, Greece, Italy, Malta and the Netherlands[6].

In addition, the EU also has around 90 detention centres and orders the expulsion of 500,000 people each year, even if only 29% of returns are executed[7]. In Spain, at least 77,500 people have been returned or expelled between 2013 and 2019 through readmission agreements with countries of origin and transit[8]. The Spanish government defends the disproportionate use of violence at borders and illegal returns, and again endorses the actions of the security forces in the <u>Melilla Massacre</u>.

Biased information, **misinformation**, false rumours and racist and hate speeches play an essential role in the viability and legitimisation of a legal, juridical and police framework that makes flight impossible, legalises confinement and legitimises criminalisation and violence against racialised people. Policies of externalisation and militarisation of borders can only be legitimised by devaluing other lives.

It is not only a dispute over the control of goods but also over the control of the **narrative**, over the interpretation of the causes that force people to leave their places of origin. In political, academic and social fields, *climate migration* and its underlying causes are debated, linking them to natural disasters, environmental degradation and, sometimes, the impact of extractive megaprojects. But we are losing sight of the economic, social, cultural and environmental rights (**ESCR**) that are being seriously violated, and of the responsibilities to guarantee and protect them.

When people flee their places of origin because of a serious, systematic or sustained violation of their human rights, we are dealing with **<u>FORCED DISPLACEMENTS.</u>** It is time

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3https://www.migrationdataportal.org/es/themes/muertes-y-desapariciones-de-migrantes#tendencias-recientes

4https://reliefweb.int/report/world/informe-sobre-las-formas-de-hacer-frente-los-efectos-en-los-derechos-humanos-de-las

5https://www.amnesty.org/es/latest/news/2022/02/libya-eu-conditions-remain-hellish-as-eu-marks-5-years-of-cooperation-agreements/

6https://reliefweb.int/report/world/informe-sobre-las-formas-de-hacer-frente-los-efectos-en-los-derechos-humanos-de-las

7https://elordenmundial.com/mapas-y-graficos/deportaciones-de-frontex/

8https://elpais.com/espana/2020-06-14/espana-acelera-el-ritmo-de-expulsiones-de-inmigrantes.html

to put a stop to the causes of these displacements and to assume our responsibilities in welcoming, respecting, providing international protection and promoting coexistence with those who arrive in Europe, in the Spanish state and in the Basque Country.

For all of these reasons, WE RECLAIM:

In relation to environmental degradation and the violation of ESCR in the countries of origin:

- There is a political and information offensive that frightens us about the *security of energy supply* without questioning the model of capitalist accumulation. The energy transition cannot be sustained by violence, dispossession, and the over-exploitation of goods essential to human life; and it cannot provoke or benefit from the persecution of territory defenders.

  There is an urgent need to re-launch the development of a **legally binding instrument for transnational corporations in matters of international human rights** (resolution 26/9 adopted in June 2014 by the UN Human Rights Council). It must warrant the hierarchical superiority of International Human Rights Law over trade and investment treaties, establish direct legal obligations for TNCs along the supply chain, and include an International Court and other enforcement institutions.

- To approve the setting up of the **Basque Centre for Business and Human Rights**, promoted by the platform Euskal Herriak Kapitalari Planto!, to make it possible to promote binding regulations instead of voluntary agreements; advance in enforceability, justiciability and transparency; improve access to justice and reparation; encourage the participation of all social actors in the creation, application and monitoring of regulations; and incorporate external evaluation mechanisms.

- To guarantee, through a legislative framework that includes control and accountability mechanisms, the principle of **policy coherence** for the development assumed by the Basque Government[9] and the provincial councils, in order to make progress in respecting and guaranteeing International Human Rights Law and in the care of the environment, in terms of government action abroad and within the Basque Country, both of which are intrinsically connected. According to this framework:
  - o To guarantee that business internationalisation policy establishes mandatory social, labour and ecological agreements, with a view to adjusting its actions to the international HR framework.
  - o To guarantee that public hiring policy excludes any company or entity that violates the international HR framework, and that introduces mandatory social, labour and ecological clauses.
  - o To guarantee that official development aid funds are not distributed among for-profit companies, whose objective is the accumulation of goods and capital oriented exclusively towards economic profit.
  - o To prevent the development of mega-projects in our territory which, within broader continental strategies (hydrogen, interconnections, etc.), are sustained by the proliferation of new mega-projects in countries of the Global South, taking advantage of their softer political frameworks and generating serious economic, social, cultural and environmental impacts.

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[9] https://www.gipuzkoa.eus/documents/3724543/3724812/Marco-referencia-CPD-GV-cas.pdf/522cf56d-00c5-085f-0826-4be6a926408b

- To support and strengthen alliances with organisations and groups that monitor and protect the work of human rights defenders in their places of origin; promoting and strengthening **warning systems and monitoring** of criminalisation processes that puts the continuity of their struggles at risk.

- To promote the development of specific commitments, concrete actions and **indicators** for the implementation of the 2030 Agenda on situations that are generating forced displacement and promote mechanisms of reception and international protection.

In relation to access to a safe country and the deaths of thousands of people in transit to Europe:
- The EU's New Pact on Migration and Asylum is focused on strengthening border externalisation and return mechanisms[10]. It will put many people's lives at greater risk if the following is not achieved:
    - The adoption of a **safe disembarkation** agreement including mandatory relocation quotas.
    - The regulation of **humanitarian visas** to include the possibility of arguing reasons linked to the violation of ESCR.
    - The guaranteed **access to the procedure,** the individual consideration of each request form without the application of nationality criteria and the compliance of the right guarantees and the non-refoulement principle.
- To eliminate the transit visa requirement for people from countries in conflict.
- To promote the creation and implementation of a special, fast-track visa process for human rights **defenders** at risk, guaranteeing their entry and protection in the EU.
- To stop urgently the **externalisation of borders**: the dissuasion of people at origin, the containment in transit, and the returns of people from the EU are causing the deaths of many people and de facto are preventing them from reaching a safe country.

In relation to the respect, protection and guarantee of the human rights of those who enter the Spanish state and the Basque Country:

- Maintain the **Temporary Protection Directive**, which is intended to be replaced by an 'immediate protection' mechanism. This directive, which in Spain is applied through Royal Decree 1325/2003 of 24 October, allows the protection of people who "have been or are in serious danger of being exposed to systematic or widespread violation of human rights". So far it has only been used on one occasion, due to the Russian invasion of Ukraine.

- Advocate for an inclusive interpretation of the 'refugee' definition described in the **1951 Geneva Convention** to ensure the protection of people that flee as a result of climate change, environmental degradation and the violation of ESCR.

10https://www.cear.es/wp-content/uploads/2020/10/NUEVO-PACTO-UE-SOBRE-MIGRACIO%CC%81N-Y-ASILO.pdf

- Advocate for the defence of **Subsidiary Protection** (Asylum Law) and the **authorisation to stay for humanitarian reasons** (LOEX) for those whose fundamental rights are being violated.
- There is dire need for **Extraordinary Regularisation** of migrants in the Spanish state. More than 380,000 people have taken a stance through a Popular Legislative Initiative reclaiming the end of the irregularity that condemns people to labour exploitation, invisibility before the institutions, lack of legal protection, and de facto exclusion from access to fundamental human rights such as education and health care.

Individuals, communities, organised civil society, institutions and private entities share the responsibility to move towards a new paradigm that places the economy, justice and social organisation at the service of life care.