

Country: Nigéria

Commission: International Court of Justice

Case : Respect of International Obligations in Protection of Migrants and in Maritime Border Control Operations

[Introduction, présentation du pays et du contexte] First of all, Nigeria advocates for the respect and protection of fundamental rights of migrants and asylum seekers as there has been solid evidence stating the contrary on European soil. Indeed, national coast guards, funded by the EU, have been reported of systematic pushback practice. Besides, bilateral agreements with transit countries such as Libya, where fundamental human rights are not always guaranteed, endangers migrants as it allows the return to places, where they might face persecution, torture, etc. Lastly, we would like to discuss the major migration causes and picture a cooperation that would reduce migration from states with limited economic opportunities and fragile infrastructures, like Nigeria.

From Nigeria's perspective, the European Union's migration policy reflects a troubling imbalance of power and responsibility. Nigeria argues that the EU's strict border control operations ( including pushbacks and externalized migration management ) often prevent migrants from accessing asylum procedures and may expose them to detention, trafficking, or violence. Externalisation of Immigration Management through Agreements with Third Countries is alarming as it often involves collective expulsions without any individual assessment, to transit countries that might not guarantee any sort of protection of basic fundamental rights. Moreover, the difficulty our nationals face to obtain authorised migration to the EU promotes irregular departures, primarily through mafias and illegal organisations, increasing risks considerably as migrants lack protection in this sadly frequent situation. Nigeria contends that this approach prioritizes deterrence over human dignity, thereby failing to consistently uphold fundamental human rights standards. Furthermore, one of the root causes of migration is the lack of overall professional perspectives. Agriculture is Nigeria's largest sector by employment (50-70% of the workforce). Therefore, European agricultural dumping, which consists of exporting heavily subsidized EU products like sugar, dairy or cereals at prices below production costs, devastating smallholder farmers in developing nations and disrupting local markets, contributes to migration. Lastly, climate-induced migration is a issue to be addressed as well. Nigeria suffers from the effects of climate change, yet it is far from being the major responsible.

[Argumentation juridique] 1. Geneva Convention (1951): guarantees rights like non-refoulement (=no forced return to danger).

2. Right to seek asylum (Article 14 of the 1948 Universal Declaration of Human Rights and Article 18 of the Charter of Fundamental Rights of the European Union) fundamental human right allowing individuals fleeing persecution, conflict, or serious harm to request international protection in another country.

3. WTO Regulations : EU agricultural subsidies, such as for sugar, were illegal dumping that depressed global prices and harmed farmers.

[Demande à la CIJ] 1. Stop Border Control practices (pushbacks, externalisations of immigration management, hotspots) which endanger human beings, regardless of their nationality

2. Cooperation focused on economic development so as to bloom professional perspectives in Nigeria and other developing countries.

3. Establishing clear regulation on adequate compensations when forced to accept the return of migrants.

In conclusion, Nigeria is open to a dialogue, all within the respect of fundamental human rights established by the law and asks the EU to make sure these are respected in its territory. Furthermore, readmission agreements, without adequate compensation, are to be discussed.