

# Media, Migration, and the Law

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Law and migration engage the realm of images as the location of both the sensuous and the phantasmatic: concrete, realistic representations of actuality, on the one hand, and idealized or demonized fantasies of migrants as heroic pioneers or invading hordes, on the other.

-- W.J.T. Mitchell, *Seeing Through Race* (2015)

In this essay, I will direct my thoughts to the ways in which media help us conceptualize *the law*, its nature and functionings, its stipulations and prohibitions, in order to consider some implications for policy with regard to migrants and refugees. By “media,” I mean not just the various outlets through which we get the news, but equally, fictional and imaginative ways in which social issues and tensions come to be narrativized and circulated in the wider culture. Documentary and feature films, television programs, and social media are, arguably, as fundamental to our view of the world as the more quotidian routines of information dissemination. By “migration” I refer to the forced or voluntary movement of humans outside their countries of birth and the politics of such relocation. And “the law” suggests a complex of rules and procedures through which societies govern themselves, often crystallized in enforcing and recipient bodies. These three phenomena are increasingly interconnected: what I want to discuss are the particular tendencies and patterns within this larger configuration.

In my work, I have attempted to theorize the emergence of what might be called a “migration genre” in media culture -- a set of formal and narrative conventions through which the phenomenon of migration takes on form and meaning in the popular imagination. In order to further focus the topic for this panel, I will deal specifically with the problematic of the border as a key preoccupation across a range of media, both journalistic and fictional. Given that the border (physical walls separating countries or lines on a map demarcating national territory and guarded as such) has emerged as the critical zone of competing definitions of the nation and belonging, it is not surprising that media narratives of all sorts have made the border the primary locus of attention. In a kind of visual shorthand, the architecture of the border has come to signify a privileged site for the intersection of human movement, national sovereignty, and law enforcement. At once jealously guarded and porous, borders can be staging grounds for debates around immigration taking place across many areas of the world today. For instance, in a podcast on NPR’s *This American Life* (March 18, 2018), the reporter notes that walls to keep out immigrants exist, or are being planned, in Hungary, Turkey, India, Kenya, Morocco, Norway, Ireland, and a host of other countries. The border and not the frontier has become the governing metaphor of our time.

Although media scholars are still debating the exact nature of the impact of media on popular consciousness, there is general agreement that media tend to define what are salient issues as well as provide us with the tropes, images, and vocabulary to deal with them. What is worth keeping in mind is that these tropes are embedded in larger discursive structures that are often specific to particular national or ethnic contexts. Migrants and refugees in popular media are almost exclusively dealt with in terms of their infringement of the law: for instance, “undocumented” or “illegal immigration” is



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the dominant way in which the subject is presented in mainstream media. What is interesting is that this is also the underlying structure for media that are more artistic or innovative in nature.

## Border Mediations

The law and its disintegration meet at the border. Borders have become synonymous with migration and migration with illegality. How is this so? Let me provide a few examples taken from a range of media formats and from different countries. The British social thriller, *Dirty Pretty Things* (2003) involves two “illegal aliens,” one from Nigeria and one from Turkey, who are part of the gritty underworld of London’s migrants caught up in the lucrative but illicit traffic in human organs. Migrants sell kidneys and other body parts in order to survive, exploit but also help each other, and scam the system. While no actual borders are shown, we are almost exclusively in illegalized spaces. In the American film, *Frozen River* (2008), the border in question is between Canada and the northern U.S. and the story revolves around a single mom who finds herself unwittingly involved in the illegal trade of migrants across the border. Her partner-in-crime is an indigenous woman for whom the border is artificial and the area is “native” territory. The film thus invites the viewer to consider different histories and racial attitudes towards the law and what constitutes legal behavior. The actual migrants become incidental to this larger conversation.

The acclaimed documentary, *Fire at Sea* (2016) deals with the real-life migrants and refugees who crossed the Mediterranean in 2015 to find refuge in Lampedusa, Italy. The film alternates between two near-incompatible scenarios: the simple, daily rhythms of a fishing village community and the harshly-lit scenes of African migrants coming ashore. The films, *El Norte* (1984) and *Sin Nombre* (2009) portray migrants from

Mexico and Honduras trying to make their way northwards across the US-Mexico border. Fleeing gang violence, poverty, and lack of opportunity, the film treats the main characters sympathetically and audiences are invited to sympathize with them. In *Una Noche* (2012), two Cuban teens try to take a rickety boat to Miami, with only one of them able to make it there. Television drama and cop shows have not been far behind. An influential Swedish series called “The Bridge” was remade as a crime drama called “The Tunnel” in Britain and as “The Bridge” in the US. In all of them, the ambiguity of borders is symbolized by the discovery of a body cut in half and strategically placed exactly halfway between the two countries. The currently-running *U.K. Border Force* is a reality TV show in which conscientious border patrol agents apprehend people hoping to sneak across into Britain.

In the Macedonian film, *Before the Rain* (1994), the migrant in question is a journalist who had been forced to leave his country during the Balkan conflicts, and decides to go back to his native place. Here the borders are ethnically- and psychologically-defined, the law is the law of the tribe, and the efforts to cross borders costs the journalist his life. In the Palestinian film, *Omar* (2012), in a powerful image bringing these motifs together, the opening scene shows a portion of the towering wall built by Israel in the West Bank which the young protagonist has become an expert in scaling to meet his love interest on the other side. In this film too, walls are both external and internal, ensnaring the characters in an intricate web of deceit, secrecy, and violence.

## Politics and Optics of the Border

Border narratives and border reports play on, and reflect, the tangle of attitudes, responses, and emotions regarding migrants felt by mainstream populations in many parts of the



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world. While some of the examples above adopt the perspective of law enforcement in terms of safeguarding national borders, most present more sympathetic portrayals of migrants who are often shown as victims of circumstance and hence forced to flee their home countries. Although in much popular journalism migrants and refugees continue to be shown as the “invading hordes” mentioned by Mitchell in my epigraph, and as critiqued in Leo Chavez’s book, *Covering Immigration* (2001), it is the recent “humanitarian turn” that is of more interest to me here. The framing of migrant rights as human rights is one of the ways in which some scholars and activists have been trying to rethink the presence of national borders. In other words, the category of “the human” precedes the category of “the nation” and hence hospitality towards immigrants may be one solution to the migrant crisis. This stance was evident in the German response to the early wave of migrants during the 2015 European “influx,” until nationalist sentiments reasserted themselves and German society was no longer as welcoming as it had been. In some sense, the border narrative can be seen as an aspect of this larger humanitarian versus nationalist debate. As a liminal space, the border is both the primal scene and the extension of the migrant, poised not only between two countries but also between two forms of identity, one historical and cultural, the other abstract and universal. By making migrants the protagonists of their stories, with names, voices, and the ability to act, many journalists and filmmakers are claiming the right of a migrant to be treated as a human being. This is certainly a step in the right direction. However, the synchronicity of border narratives, the fact that action is concentrated around the border, tends to render the migrant’s past as incidental to this world. Called upon to play a somewhat predetermined role, either of victim or of survivor, the migrant’s humanity simultaneously makes him or her less culturally-nuanced.

The border narrative highlights the dilemma of knowledge-formation about the migrant that is the foundation of innovative policy making. On the one hand, I want to acknowledge the ways in which media practitioners and artists are trying to wrestle with humanitarian discourses by presenting compelling migrant stories, both real and fictional. On the other hand, media formats often remain bound to certain structures of drama and resolution, thereby leading their audiences towards pre-existing molds and impressions.

## Policy Proposals

Given the above, what might be some policy implications and takeaways? My suggestions below all relate to a necessary shift from what is a nation-centric framing of migration stories to a more global and transnational one. At a time of extreme fragmentation around the globe, there is a real need for more relational understandings and implementation of processes. I would like to propose four avenues for policy work.

- The first relates to increased public funding for news organizations such as NPR and PBS in the U.S. that, while still constrained by some of the discursive structures prevalent on the topic of migrants and refugees, have the potential to build further, dig deeper, and innovate with new angles for storytelling and coverage.
- Second, the migration narrative in media reveals the complicated nature of relations between state control and citizen interest -- it gets especially murky in cases like Al Jazeera Media Network, which is state-funded by the Qatari government. Media censorship hampers the free and nuanced exploration of issues that are not just local, but rather global in nature. Although it is not easy for international pressure to be put in what is deemed a national matter, the US, through the UN, could create the conditions



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for more robust standards in domestic coverage of migration and borders.

- Third, education about the law and how it works needs to be implemented much earlier in the school system. While the law is a staple of popular entertainment shows, crime is the dominant lens through which the legal system becomes concrete to audiences all over the world. The more mundane functioning of the law is entirely hidden from average people and legal matters are invariably the province of experts. A more wholesome approach is needed to make the law more accessible as a way of knowing the world. Such education needs to start in middle school when young minds are being shaped.
- Finally and most importantly, I would like to propose an “Inclusion Rider” in the hiring of “minority” (i.e. non-national) journalists and other content providers in the creation of migration stories and reporting. I am suggesting the formation of a Media Global Partnership Forum which pairs journalists, photographers, filmmakers, and digital artists from different countries who produce media coverage of issues together, in active dialogue that produces new knowledge and learning about their mutual situations and perspectives. Media are now more integrated in our social and cultural lives than ever before, and policy-making should start at this fundamental level.

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# Evidence-Based Immigration and Refugee Policies

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# Evidence-Based Immigration and Refugee Policies

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Making evidence-based policy in the area of migration is particularly challenging for three reasons. First, migration policy involves the admission of newcomers to an existing political community, and as such inevitably raises questions of identity and belonging. As 2016 – a political *annus horribilis* – made abundantly clear, there are few forces more disruptive of national politics than identity. Second, the determination and implementation of migration policy crosses multiple bureaucratic departments – justice, interior, and foreign affairs – and the last two take different views of migration. For interior, it is a matter that requires the securing of borders and controlling migrant movements; for foreign affairs, it is a matter of good diplomatic relations. Interior ministries love, for instance, visas as they track the entry and exit of foreign nationals; foreign ministries dislike them as they vex and irritate foreign governments and disrupt the free flow of goods and services. Third, and most challenging, there is little agreement on either (a) what the goals of migration policy should be or (b) the evidence required to judge them.

## Definitions

Before developing this last point, a few definitions are in order. Migration is the movement of people from one country to another for some defined minimum period (generally one year). Migration may be voluntary or forced. Voluntary migrants include economic migrants (high- and low-skilled), family migrants (who constitute the overwhelming majority of migrants to the United States), and students. Forced migrants move, as the name implies, involuntarily, and they include those fleeing persecution, violence and perhaps – though there is no agreement on this point – poverty and hunger. As the last point suggests, the categories are ideal types and boundaries are

very fuzzy: is an individual's migration truly voluntary when he or she faces nothing but hunger, violence, and an early death in their home country and chooses to leave for a prosperous and safe one? Refugees are one category of forced migrant which is defined by the United Nations Convention relating to the Status of Refugees (1951) as those who face a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” Refugees are thus one category of forced migrants.

## The Ends of Migration Policy

There is no agreement on the purpose of migration policy because migration serves both broad, humanitarian aims as well as material interests. Humanitarian aims include providing refugee protection for the persecuted, resources for the poor, and financial relief for countries that are themselves poor and/or overpopulated. Material interests are both public and non-excludable – using immigration to expand the economy and/or raise the population – and private and excludable – providing businesses with much-needed labour and/or skills that fill shortages and/or give them an edge over rivals as well as providing immigrants with greater wealth and opportunity. The last is the greatest material benefit of migration. As ever, the categories overlap and blur: solving labour shortages for businesses may, if the sector is large enough, benefit overall economic growth.



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## Evidence-Based Migration Policy

An evidence-based immigration policy is particular difficult to achieve for general and specific reasons. In the former, any evidence-based policy is difficult at the moment as multiple actors – the president of the United States, the Russian government, the gutter press in the United States and the United Kingdom (Fox, Breitbart, the *Daily Express*, the *Daily Mail*, etc.), far-right parties, and a legion of Twitter trolls are in a constant battle to spread fake news, to twist, distort, and falsify evidence (for POTUS, what's real is fake and what's fake is real), and to delegitimize experts and expertise. Even before the populist wave, however, evidence for migration policy was difficult to achieve because actors on both the left and the right – including, it must be said, many academics – read their own ideological and normative commitments into their policy positions rather than sticking to facts. As a result, supporters of migration tend to exaggerate its benefits, whereas opponents exaggerate its costs. For the former, migration is a perquisite to prosperity; for the latter, it is the cause of wage depression, inequality, and all manner of social ills, including crime and sexual violence. Migration is, in fact, none of these. Its effects on wages, productivity, GDP, and population levels are modest, though modestly positive, and immigration plays a key role in addressing sectoral shortages, particular in the low-wage sector (agriculture, food services, care-giving, among others).

These difficulties naturally do not invalidate the importance of evidence-based policy in immigration and refugee policy. If anything, they make it more important. And such policy requires several components. The most basic of these are reliable data. In the case of refugee policy, source country data are the most important: evidence on patterns of persecution and levels of violence make it far easier to adjudicate asylum claims and, in the

case of mass influxes, to process large numbers. In the case of migration, we need data on both source countries and receiving countries. There should be established and reliable procedures for recognizing educational and occupational qualifications so that policymakers can open channels for the type of migrants required by local receiving economies. Setting such standards will always be an imprecise art. Canada, which operates one of the most highly developed skill-based immigration systems in the world, alternates between privileging particular high-demand occupations (say, in the mining or oil sector) and privileging immigrants with high levels of education regardless of occupation (on the assumption that such immigrants will do well regardless of job-market supply). Occupation-based admissions ensure an immediate job, but as noted that job might disappear. Rewarding educational attainment attracts educated migrants but some of those qualifications – a PhD in Russian literature for example – may translate poorly into labor market success. In the latter, policymakers need reliable data on economic conditions in various parts on the country; on labor shortages and surpluses; and on remaining capacity (or scarcity) in local housing markets, school systems and (where there is public health care) health care systems. In most if not all OECD countries, such quantitative data is available.

As I have argued for years to anyone who will listen, immigration works when migrants work: success in national labour markets is the most important element in immigrant integration. Successful integration policies thus require longitudinal studies of migrant employment levels and wages (the higher the better both for the migrants and for the state's tax receipts) and of migrant reliance on income support (the lower the better). There also has to be data on migrant access to schools, technical colleges, and universities, above all for migrant children, as this access is a powerful predictor of subsequent migrant success.





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The political economy literature draws a distinction between liberal market and coordinated market economies; it is relevant for immigration. In liberal economies – above all the United States, but also Canada and Australia, labor markets are dynamic and fluid; large swaths of the economy require little training for service-based jobs; and neither the state nor private-sector actors provide much vocational training. All things being equal, and the experience of the United States appears to bear this out, low-skilled migrants are more easily integrated into liberal market economies. The US is the model liberal market economy, and it combines high-levels of low-skilled immigration – both family and undocumented – with low unemployment levels among migrants. For migrants to succeed, by contrast, in coordinated market economies, they need access to training and particularly apprenticeship programs. In northern Europe, therefore, it is essential have data of migrant access to such programs.

With the exception of resettled refugees (worldwide some 100,000 annually, mostly by Canada, Australia, the United States, before the Trump era), refugees select themselves. On one level, this does not matter, as refugees – like all migrants – need what everyone else needs: good jobs, good housing, and good educational opportunities. Refugees nonetheless face particular challenges, particularly in the area of trauma-induced mental health issues. Beyond data on jobs, housing, and educational access, there is a great need to gather evidence on mental health challenges faced by refugees and on their access to support, whether from the state or from civil society actors.

In all major receiving countries, but particularly in the United States, undocumented migrants constitute significant flows; indeed, there are an estimated 11 million undocumented migrants in the United States. By definition, there are significant data limitations on both the

numbers of such migrants and how they made their way to receiving countries (their use of smugglers and or traffickers, for instance). Such data can only be gathered through qualitative research (anonymous interviews and posing in the countries of origin as would-be migrants).

Aside from undocumented migrants, in northern receiving countries, data limitations are not the only main challenge facing evidence-based (documented) immigration and refugee policies. Indeed, in the case of unemployment, wage, and education levels data are publicly available from government sources and/or the OECD. The real challenge, for reasons outlined at the start of this brief, is political: immigration policy is, as noted, buffeted by unsubstantiated and shrill public claims about the threats posed by immigrants as, at best, stealers of jobs, and, at worst, as terrorists, criminals, and rapists. Unless these claims can be fought back, an evidence-based immigration policy is impossible. Two steps are necessary here. First, available evidence on immigration flows, employment levels, earnings, and tax contributions need to be widely disseminated to the press, public, and policymakers. Second, borders need to be secured. As experience in United States (mid-1990s and early 2000s), Germany (1993 and today), and the United Kingdom (2004–2016) made clear, nothing turns publics against immigration faster than the perception that the states has lost control of its borders. In such conditions, a rational discussion about the benefits of immigration and obligations to refugees is not merely difficult; it is impossible.

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# Finding a Balance Between Expertise and Democratic Responsiveness in the Face of Immigration Anxieties

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# Finding a Balance Between Expertise and Democratic Responsiveness in the Face of Immigration Anxieties

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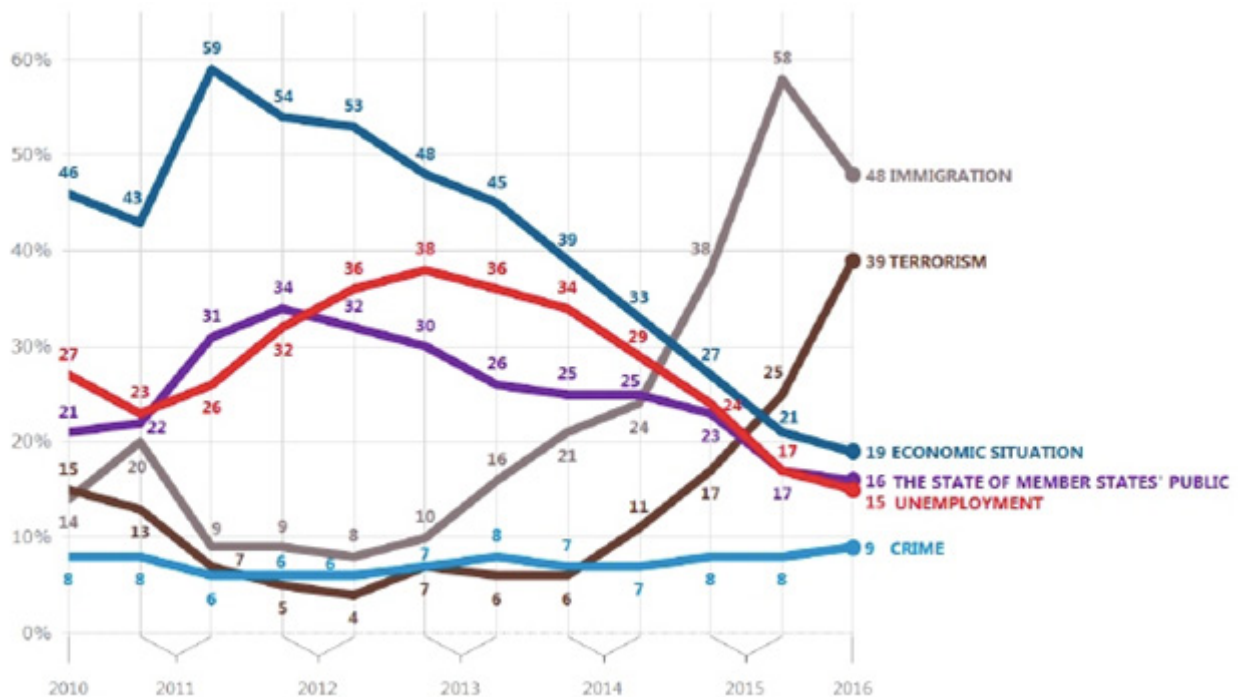
Across industrialized democracies, immigration has become a top, if not *the* top, public concern, and public attitudes toward immigration have been trending more negative, prompting a re-evaluation of migration policies and a continued retreat from welcoming new arrivals (Glavey 2016). On the whole, these reactions are driven not simply by economic threat, but rather by a more diffuse set of anxieties: the sense that migrants are putting unsustainable pressure on an increasingly fragile public social safety net; fears about the possible infiltration of terrorism and criminality as a consequence of migration; and a sense that migration is irrevocably changing society, making it unrecognizable to those born there. Governments have been seen as deaf to these concerns, continuing to promote unpopular migration policies, making them vulnerable to electoral discontent and, more troubling, to charges of democratic illegitimacy (Moravcsik 2004). Across the

OECD, increasing concerns about immigration have been reflected at the ballot box. Conservative immigration restrictionist parties have become a significant presence across Western Europe and North America, winning majorities in countries like Austria, Hungary, Italy and Poland, among others, (Migration Policy Institute 2016; Aisch et al. 2016) and capturing both the presidency and Congress in the United States in the 2016 elections.

## The Temptation of Policy Insulation

In the face of this immigration backlash, policy makers favoring a continued commitment to the reception of migration flows may be tempted to “venue shop” for more favorable policy-making arenas (Guiraudon 2000), particularly those which have worked in the past to insulate

Figure: Most Important Issue Facing the European Union



Source: Eurobarometer 2016



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immigration policy from restrictionist pressures (Freeman 1995). Even as post-war Europe retreated from more open immigration policies, through the 1990s venue-shopping strategies were successful in maintaining a relatively generous refugee regime, and in the United States, a bureaucratic decision-making process for refugee admissions did the same. In addition, a post-war bipartisan commitment to immigration in the US resulted in sustained high rates of immigration admissions overall. However, a reliance on bureaucratic administration and the courts to carve out a space protecting the rights of migrants has always been vulnerable to political backlash. This backlash, building over time, has resulted not only in policy reversals across the OECD, but in a loss of public consensus around the desirability or even tolerance for more ethnically diverse societies, at least over the medium term (Papademetriou 2016).

## Addressing Anxieties

What may have been missing from migration policy making, leading to this erosion of consensus, is a sense of “accountability, transparency, inclusiveness, and openness to interest consultation” (Schmidt 2013), that might have allowed publics to feel that their concerns were being reflected in the resulting policies. In response, policymakers across national contexts have taken measures to better take into account public opinion around migration. One, of course, has simply been to reduce immigration overall. This has been the strategy of some conservative governments. But other strategies have included taking a better account of the public’s views and incorporating these into policy making. The efforts of the German Foreign Ministry are one example, making an explicit commitment to better capture public opinion on immigration (German Foreign

Ministry 2014). Another strategy has been to decentralize immigration policy-making (Sumption 2014), shifting away from the national level. In the case of Canada, for instance, allowing provinces to have greater control over immigrant admissions and settlement helped diffuse tensions around linguistic and cultural differences with immigrant arrivals (Reeve 2014). In the United States, the de-facto devolution of at least some immigration policy-making to the states level has allowed for some room for more welcoming policies (and more restrictive ones as well) (Jones-Correa 2011), even as national immigration policy has moved, accelerating under the Trump administration, in a more restrictionist direction.

## The Role of Expertise

The role of experts might seem more likely to reinforce the insulation of migration policy making rather than helping address the concerns of the broader public, “merely specializing,” as Moravcsik writes, “in those aspects of modern democratic governance that typically involve less direct political participation” (Moravcsik 2004: 362).<sup>1</sup> And with their emphasis on objective assessment, experts might seem out of step with the populist anti-immigrant discourse of the moment. However, it is precisely in this moment that expertise can provide a counter-narrative that can play a critical role serving as a break on populist over-reaction. Social science research has provided much-needed evidence, for instance, in the public debates on immigrant reliance on social welfare programs, their rates of criminality, and their rates of economic and social incorporation, among other issues. However, for experts to act as a kind of ballast in public policy debates around immigration requires *engaged* rather than *insulated* expertise.

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<sup>1</sup> Though Moravcsik writes this not of experts per se, but of the supranational bureaucracy of the European Union, and not critically – that is, he believes much of the criticism of the EU is simply a dislike of necessary specialized political functions carried out by bureaucracies.



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Expert policy-making walled off from the democratic engagement of the public risks reinforcing the kind of backlash we have seen developing over the last several decades across both Europe and North America.

At a time of high anxiety around migration and refugee flows into industrialized democracies, and increasingly vociferous calls to curtail these arrivals, it might seem tempting to argue for the rationalization of migration policy by calling for the further insulation of expert policymakers. While this tactic might work in the short run, over the longer run it runs the risk of undercutting public support for migration policy and the legitimacy of the democratic system more broadly. More, not less, engagement is the better strategy over the longer run.

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# Syrian Displacement Crisis, the GCR, and Challenges to “Host Community and Refugee Representation”

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# Syrian Displacement Crisis, the GCR, and Challenges to “Host Community and Refugee Representation”

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In the March of this year, the crisis in Syria entered its eighth year. That milestone coincided with the release of the “zero draft” of the Global Compact on Refugees (GCR).<sup>1</sup> The GCR is designed to improve responses to displacement worldwide, and is expected to be adopted in September when world leaders convene at the UN in New York. The Comprehensive Refugee Response Framework (CRRF) is a key component of the GCR and aims at easing pressures on refugee-hosting countries, building refugee self-reliance, expanding access to resettlement, and supporting conditions for refugees to return home voluntarily. The will to take a “whole of society” approach has also opened the possibility of broadening the base of stakeholders to include representations from the civil societies of host and refugee communities. Fortunately, the GCR acknowledges the role of urban leaders – that’s important, since a large proportion of world’s refugees live in urban centers.<sup>2</sup> Syrian refugees are primarily hosted by the front line countries of Egypt, Jordan,

Iraq, Lebanon and Turkey. Their numbers amount to more than a quarter of the world refugee population.<sup>3</sup> As most of them are living in urban centers, the GCR should establish a mechanism that can ensure their inclusion in various policy discussions in an ongoing manner and better represent their “voice” and experience in the CRRF.<sup>4</sup>

This brief, however, will highlight the fact that as positive and welcome as these developments are, the implementation of the GCR will likely face challenges with respect to ensuring the expanded representation. These challenges result from the tension between differing perspectives adopted by national as opposed to municipal authorities in managing refugee communities and from restrictive government practices towards civil society, both local and international. The below discussion will be informed by the Turkish case based on field research and interviews, but is likely to be applicable to other cases as well.

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<sup>1</sup> UNHCR. (2018). The global compact on refugees: zero draft. Retrieved from: <http://www.unhcr.org/Zero-Draft.pdf>

<sup>2</sup> Brandt, J. & Earle, L. (2018) . The Global Compact for Refugees. Bringing Mayors to the Table: Why and How. The Brookings Institution. Retrieved from: [https://www.brookings.edu/wp-content/uploads/2018/01/fp\\_20180125\\_global\\_compact\\_refugees-final.pdf](https://www.brookings.edu/wp-content/uploads/2018/01/fp_20180125_global_compact_refugees-final.pdf)

<sup>3</sup> UNHCR. (2017). Mid-year trends. Retrieved from: <http://www.unhcr.org/en-us/statistics/unhcrstats/5aaa4fd27/mid-year-trends-june-2017.html>. As of March 2018, there are more than 5.6 million Syrian refugees hosted by front line countries of Egypt, Jordan, Iraq, Lebanon and Turkey; see <https://data2.unhcr.org/en/situations/syria>. There is an additional population of approximately one million Syrian refugees and asylum seekers in Europe. See Connor, P. (2018). Most displaced Syrians are in the Middle East, and about a million are in Europe. Pew Research Center. <http://www.pewresearch.org/fact-tank/2018/01/29/where-displaced-syrians-have-resettled/>

<sup>4</sup> UNHCR, The Zolberg Institute on Migration and Mobility at the New School, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, and the Migration Research Centre at Koç University. (2018). A Concluding Note from the Experts’ Workshop in Istanbul: “What does the Global Impact on Refugees mean for the MENA region?” Retrieved from: <http://www.unhcr.org/en-us/events/conferences/5abb949c7/concluding-note-experts-workshop-istanbul-global-compact-refugees-mean.html> and Brandt, J. & Kirisci, K. (2018). In rethinking refuge, draw lessons from Turkey. The Brookings Institution. Retrieved from: <https://www.brookings.edu/blog/order-from-chaos/2018/01/25/in-rethinking-refuge-draw-lessons-from-turkey/>





# Syrian Displacement Crisis, the GCR, and Challenges to “Host Community and Refugee Representation”

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## The GCR and a Multi-Stakeholder Approach: Civil Society

Section 5 of the “Programme of action” of the GCR highlights the need to “enable refugees and host communities to assess their own needs and help to design appropriate responses” and goes on to flag the importance of “networks of cities and municipalities hosting refugees” to share experiences. Similarly, the role of civil society especially at the local and national levels in addressing refugee needs is highlighted. This interest in strengthening the role of host and refugee community stakeholders is important because more often than not these parties “have been underrepresented in policy making discussions and negotiations. For example, only 4% of the organizations which participated in the High Level Meeting on Refugees and Migrants in September 2016 came from the top 5 refugee-hosting countries.”<sup>5</sup>

Overcoming the obstacles to participation in policy formation processes is indeed very important; but refugee and host community

civil society organizations will also face challenges on home ground. This aspect of the issue will need to be addressed if more effective policies to increase refugee and host community resilience are to be developed. Turkey, with 4 million refugees, is currently the country that hosts the largest number of refugees on its territory, a population composed mostly of Syrians but which also includes nationals of other countries.<sup>6</sup> The country is recognized and frequently praised for the generous humanitarian support that it has extended to refugees.<sup>7</sup> Indeed, Turkey has a rich civil society with considerable experience in the area of assisting refugees and asylum seekers, which became extensively mobilized with the Syrian displacement crisis.<sup>8</sup> The crisis also attracted large number of leading INGOs. More recently, however, the deteriorating security conditions, the rise of authoritarianism, and the erosion of the rule of law have adversely affected Turkish civil society as well as INGO operations in the country. One manifestation of this situation has been the way in which the permits to operate in Turkey of an increasing number of INGOs working with refugees have not been renewed.

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<sup>5</sup> International Refugee Congress. (2018) . Consultation Report, p. 3. Retrieved from: [https://drive.google.com/file/d/1ADCDDeJyIfiETtL\\_7Gh2AKw\\_IM5nc1pTa/view](https://drive.google.com/file/d/1ADCDDeJyIfiETtL_7Gh2AKw_IM5nc1pTa/view)

<sup>6</sup> Sario lu, B. (2018). Turkey hosts largest refugee population in the world. *Hürriyet Daily News*. Retrieved from: <http://www.hurriyetdailynews.com/turkey-hosts-largest-refugee-population-in-world-125979>. UNHCR figures are slightly lower at 3.7 million. See UNHCR Turkey stats offered at <http://www.unhcr.org/tr/en/unhcr-turkey-stats>.

<sup>7</sup> Dunmore, C. (2018). Grandi urges more aid for Turkey’s refugee hosting effort. UNHCR. Retrieved from: <http://www.unhcr.org/en-us/news/latest/2018/2/5a85a5534/grandi-urges-aid-turkeys-refugee-hosting-effort.html>

<sup>8</sup> For a discussion of civil society in general see Heper, C. & Yıldırım, S. (2011) . Revisiting civil society in Turkey. *Southeast European and Black Sea Studies*, 11:1. pp. 1-18 and Kubicek, P. (2007). The European Union and grassroots democratization in Turkey. *Turkish Studies*, Vol. 6, no. 3, pp. 61-377. For refugee focused civil society see Mackreath, H. & Sa niç, S.G. (2017). *Civil Society and Syrian Refugees in Turkey*. Citizens’ Assembly-Turkey. Retrieved from: <http://www.hyd.org.tr/attachments/article/214/civil-society-and-syrian-refugees-in-turkey.pdf> and Kirisci, K. & Ferris, E. (2015). *Not Likely To Go Home: Syrian Refugees and the Challenges to Turkey –and the International Community*. The Brookings Institution. Retrieved from: <https://www.brookings.edu/wp-content/uploads/2016/06/Turkey-Policy-Paper-web.pdf>



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Some of these organizations have faced arbitrary fines while others have seen their activities restricted.<sup>9</sup> In addition, there are reports that local, national and Syrian refugee-led NGOs have also been suffering lately, especially those receiving funds from or cooperating with Western donors and INGOs. The government entertains considerable distrust towards such NGOs and prefers to work with faith-based organizations ideologically close to itself.<sup>10</sup> This leads to the loss or underutilization of experienced civil society capacity, and undermines the prospects of creating synergy between the government, the international community, and local/national civil society towards improving the welfare of refugees as well as of host communities.

## National vs. Municipal

Section 5 of the “Programme of action” of the GCR also acknowledges the role of cities and municipalities in hosting refugees. It encourages them to share “good practices and innovative approaches”. This is not

surprising considering that some 60 % of all refugees live in urban areas, according to the most recent UNHCR *Global Trends* report.<sup>11</sup> This percentage is dramatically higher in front line countries and is more than 90% in Turkey.<sup>12</sup> The growing reality that the Syrian refugee crisis has become a protracted one has propelled municipalities to play a growing role in the provision of services beyond just humanitarian ones. Many municipal authorities have had to adopt to the growing reality of Syrian refugees in their midst at a time when their integration in the durable solution sense of the word remain unresolved and in limbo. They have found themselves having to entertain imaginative methods to finance the extension of public services they offer to refugees and projects they undertake to enhance local social cohesion.<sup>13</sup> In an effort to offer livelihood opportunities for refugees without generating resentment among members of the host communities, they have been more willing to cooperate with civil society actors, both local and international, as well as to develop trust in them.<sup>14</sup>

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<sup>9</sup> Mellen, R. & Lynch, C. (2017). Inside Turkey’s NGO Purge. *Foreign Policy*. Retrieved from: <http://foreignpolicy.com/2017/08/03/inside-turkeys-ngo-purge/> and Cupolo, D. (2017). Turkey steps up crackdown on humanitarian aid groups. *IRIN*. Retrieved from: <https://www.irinnews.org/news/2017/04/27/turkey-steps-crackdown-humanitarian-aid-groups>

<sup>10</sup> H. Mackreath & S.G. Sagnic. (2017). *Civil Society and Syrian Refugees in Turkey*. Citizens’ Assembly-Turkey. <http://www.hyd.org.tr/attachments/article/214/civil-society-and-syrian-refugees-in-turkey.pdf>

<sup>11</sup> *Global Trends: Forced Displacement 2016*, p. 55. Retrieved from: <http://www.unhcr.org/5943e8a34.pdf>

<sup>12</sup> Brandt, J. & Kirisci, K. (2018) . In rethinking refuge, draw lessons from Turkey. The Brookings Institution. Retrieved from: <https://www.brookings.edu/blog/order-from-chaos/2018/01/25/in-rethinking-refuge-draw-lessons-from-turkey/>. See also the Turkish government’s Temporary Protection Statistics: [http://www.goc.gov.tr/icerik3/gecici-koruma\\_363\\_378\\_4713](http://www.goc.gov.tr/icerik3/gecici-koruma_363_378_4713)

<sup>13</sup> For a brief discussion of the case of municipalities in Istanbul with a special focus on challenges resulting from legal definitions concerning budgetary issues, and which includes references to detailed reports, see Erdogan, M. (2017) . Thinking Outside the Camp: Syrian Refugees in Istanbul. Migration Policy Institute: Retrieved from: <https://www.migrationpolicy.org/article/thinking-outside-camp-syrian-refugees-istanbul>

<sup>14</sup> For a detailed example of such cooperation between an INGO and a municipality in Lebanon see <https://www.rescue.org/sites/default/files/document/916/findingeconomicopportunityinthecityircweb.pdf>



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However, more often than not there is a tension between national and municipal authorities: National authorities, in contrast with municipalities’ emphasis on pragmatism and “integration,” tend to focus on political and legal issues with a preference towards seeing refugees “going back.”<sup>15</sup> The channeling of nationally allocated funds to municipalities can also become problematic as the government will often support municipalities run by the political party in power and deny assistance to municipalities run by opposition parties. Indeed, the International Crisis Group notes how in some localities in Turkey there is little dialogue between national authorities and local elected officials as well as civil society ones.<sup>16</sup> Finally, the government, depending on its political agenda, will oscillate between, as has been the case in Turkey, supporting the idea of extending citizenship and emphasizing the return of refugees to Syria. These tensions running between municipal and national authorities inevitably are going to complicate the prospects of meeting the objectives of the GCR and engaging municipalities to improve the resilience of refugee communities.

## Conclusion

The GCR’s emphasis on a “multi stakeholder approach” and host and refugee resilience, as well as its call for enhanced responsibility sharing, are welcome developments. The inclusion of the “voices” of municipalities and civil society actors (local, national, refugee-led and international) in policy debates and formulation is going to be critical to a successful implementation of the Compact.

Moving forward, however, it will be important to bear in mind the need to find innovative ways of mediating the tension between national and local authorities. Similarly, finding ways to nurture ad support environments that allow, within the bounds of the rule of law, diverse civil society actors to channel their experiences and expertise to improve resilience of both refugee and host communities will be crucial for success. A step in this direction could be achieved by developing practices that connect manifestations of “responsibility sharing,” such as the dispersing of funds and resettlement programs, to a willingness by central governments to cooperate more closely with municipalities and civil society. The UN family by its very nature is very state-centric. The space opened in the GCR for sub-national actors in policy consultations, however, may help to overcome constrains of this mold. Once the GCR is adopted, the key test will be whether this new perspective can be extended to the Compact’s implementation, and to ensure that addressing these “representation” related challenges is covered by the “set of key indicators to monitor and evaluate progress and outcomes of the global compact” that the UNHCR has been tasked with. It is only then that something good from the Syrian crisis as “an engine of vast human suffering”<sup>17</sup> will have come about.

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<sup>15</sup> Ibid p. 15 and p. 21.

<sup>16</sup> International Crisis Group. (2018) . *Turkey’s Syrian Refugees: Defusing Metropolitan Tensions*. Retrieved from: <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/248-turkeys-syrian-refugees-defusing-metropolitan-tensions>.

<sup>17</sup> Brandt, J. & Earle, L. (2018). *The Global Compact for Refugees. Bringing Mayors to the Table: Why and How?* The Brookings Institution. Retrieved from: [https://www.brookings.edu/wp-content/uploads/2018/01/fp\\_20180125\\_global\\_compact\\_refugees-final.pdf](https://www.brookings.edu/wp-content/uploads/2018/01/fp_20180125_global_compact_refugees-final.pdf), p.2



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# Crisis and Containment: Risks of Enhanced Global Migration Governance

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# Crisis and Containment: Risks of Enhanced Global Migration Governance

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## Introduction

Crises open space for reconsidering prevailing principles and practices. The outcomes of such duress-induced deliberations are typically imprinted by the most wily and well-resourced negotiators. With this in mind, this paper cautions against promoting global responses to international migration in an era of populist fear. Building on research and public engagement across migrant sending and receiving countries across Africa and parts of the Middle East<sup>1</sup>, I raise two primary concerns:

- It is unlikely that a reformed, state-centered migration policy will produce positive outcomes for migrants and citizens of the global south. Underlying this is a broader disquiet with how current proposals solidify patterns of global inequality and external military and economic interventions.
- There are significant ethical and practical issues of building global migration regimes constructed around distinct 'refugee/forced migrant' and 'voluntary migrant' distinctions. In part because these are often empirically fuzzy distinctions, there are potential dangers and dysfunctions of assigning or sanctioning people's rights based on state adjudicated migration histories

I respond to these by calling for an *intersectional* approach that (perhaps unrealistically) decenters state-sovereignty and migration categories.

## Contextualizing Global Architecture

Presumptions underlie the draft global compacts and *Model International Mobility Convention* (MCIM), regarding states de facto

sovereignty and abilities to define migrants' well-being and behavior. Yet across the global south, the spaces they ostensibly regulate are often socially and politically fragmented. In the border zones and cities where most of the world's migrants seek (and will seek) lives there are a myriad of overlapping formal and informal regulatory regimes that ration opportunity according to varied registers and calculations (see Simone and Pieterse 2017; Holston and Appadurai 1996). Rapid often unregulated urban growth and increased reliance on markets within 'migration management' only furthers the disconnection between state law and the practical regulation of mobility.

My own work across sub-Saharan Africa, legal status and documentation are relatively unreliable predictors of migration outcomes. Moreover, state-recognized refugee status is a poor indicator of someone's substantive experience or mobility motivation.<sup>2</sup> Instead, access to income, housing, and physical security correspond most consistently with individual characteristics and social relations. Where vulnerability is widespread and humanitarian resources are limited – as they are in most southern cities – it is these horizontal relationships, not legal status, that become protection's *de facto* lynchpins. State policies make a difference, but the chain between international standards and implementation is long and often broken. Yet global discussions of refugee and migration law and global standards generally remain formalistic, migrant-centric, and largely shaped by epistemological nationalism.

Some will respond to these southern 'brown areas' with calls for better legal implementation and enforcement. Yet we must be wary of such calls. For one, poor enforcement and incapacity often create the permeability migrants use to negotiate *de facto* integration and protection.

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<sup>1</sup> This paper is based on empirical research on migration management and protection in South Africa, Kenya, Mozambique, Uganda, the Democratic Republic of Congo, and Pakistan and partnerships in Lebanon and Jordan. My current work examines European strategies to govern African migration.

<sup>2</sup> These findings were first described in Landau and Duponchel (2011); also Madhavan and Landau (2011).



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Without naively celebrating informality, demands from the IOM and others for 'safe and legal' are potentially dangerous. As with efforts to combat trafficking and slavery, these campaigns risk extending state regulation and action in ways that disrupt existing livelihoods while generating dangerous underground economies that threaten almost everyone. This is all the more likely given the vogue for more strictly regulated mobility regimes (even as the African Union and others feebly push for permeability).

We must also be wary that international norms surrounding human rights are typically domesticated when there are strong local and international interests for doing so. Yet there is almost no domestic pressure across the global south mobilizing in favor of migrants. When calls for migrant rights emanate from external actors – the UN, USAID, Amnesty International, or Human Rights Watch – they easily fuel nationalist sentiments working against migrant interests. But these are rarely the forms of international interest we see today. Instead, African and Middle Eastern countries increasingly face pressure to contain. Heightened controls and rationing mobility rights are one aspect of international structural reform likely to find domestic support across the global South. In this case, “a country’s international credibility and moral and other standing” (conference concept note) may be enhanced precisely by furthering regimes working against poor people wishing to move.

Lastly, contemporary strategies to further global migration governance naturalize Westphalian principles of controlling entry. Indeed, the political acceptance of any global migration strategy is premised on doing so. As Achime (2018; 2017) and others note (see Sassen 2010; Bauman 2016), this reinforces existing patterns of global inequality with enhanced and expensive

systems of population registries, coercion, deportation, and bordering. Doing so also creates erasures about the geographic sources of such global inequality and conflict – imperialism, colonialism, extraction, armed intervention, environmental degradation – for which wealthy countries bear disproportionate responsibility (Achime 2018; 2017). Most people will not migrate, but it requires ethical gymnastics to exclude those who move from the wealth their countries and communities helped build. Until states persuasively address their role in past and current injustices, normalizing mobility towards global metropolises is as ethically imperative as it is politically unpalatable. (Strategies to promote *aiutiamoli a casa loro* (help where they live) are cynical efforts promoting ‘containment development’). There may be little option, but granting states rights to severely limit movements effectively ossifies the effects of global inequality.

## Mobility Management as a Categorical Conundrum

Here I wish to question the dangers of migration policy, *per se*, as a means of managing people’s mobility. Current forms of mobility regulation strategy and mark people in ways that are ethically questionable and practically problematic. If we take, for example, the MIMC, it reinforces states’ rights to exclude. It also rations rights based on a state-adjudicated migration history in which forced migrants are granted more protections and support than those deemed to have moved voluntarily. While an ethics of sanctuary may open space for few, it incentivizes states to raise the bar to asylum. Doing so will mean mass exclusion, exploitation, and corruption (see Wellman and Landau 2015). It also demands people perform vulnerability in ways that are deeply problematic (see Ticktin 2011; Fassin 2013). Moreover, where hosts are desperately poor,





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requiring migrant rights claims based on histories of suffering sets people in direct competition from other equally, historically vulnerable populations. This, as we have seen across Africa, makes them ready targets for political scapegoating.

More effective strategies to promote mobility for the interests of movers and hosts are likely to come from global intervention and norm setting strategies that mainstream various forms of domestic and global mobility. Under Sustainable Development Goal 11, countries are instructed to “make cities and human settlements inclusive, safe, resilient and sustainable.” A current initiative by the Cities Alliance aims to integrate migrants of all categories into such broader development initiatives, helping them to remain invisible and become part of a broader urban constituency. Where aid, assistance, or budgeting is tied to promoting inclusion of migrants, the urban poor, and other potentially vulnerable populations, local politicians and leaders may have a reason to embrace rather than exclude newcomers.

## Intersections and Recommendations

There is an acute irony that in this era of mass containment, the possibility of facilitating multi-lateral cooperation and compliance regarding migration governance may be greater than ever. Wealthy western countries and activists are largely driving this agenda – most notably through the global compacts, but also through varied forms of inter-regional cooperation – and will shape these initiatives in line with their interests. Given the global shift to categorization and containment, many ‘southern’ states (particularly those in Africa), are likely to sign on to initiatives effectively authored elsewhere. Their willingness to almost uncritically adopt IOM authored policies or EU authored initiatives that denaturalize

movement is indicative in this regard. Yet while this may create a more integrated global regime, it is one that not only perpetuates historical inequality but may ultimately normalize forms of severe and savage sovereignty.

In these environments then what should be done to promote a political viable and human system of global migration governance? There is no simple solution. A good start is peppering global law and agenda setting with humility and the messiness of local politics. In this regard, I propose a pedagogy of the commons: learning from those who are finding ways of migrating successfully amidst precarity and diversity before we intervene or propose global initiatives. This will require an approach that is much more social, much more political, and much more spatially aware.

As part of this, we must be acutely aware of the specific space of migrants in domestic politics. These are not citizens whose rights and welfare are likely to garner a strong domestic constituency. Indeed, invisibility in is often the best protection. Beyond that, we should heed Ford’s words that, ‘Rights require a relationship of mutual respect and obligation...’ (Ford 2011: 68). The question then becomes how can international norms best to create the kind of localized solidarities that can help to enable access to rights without constraining refugees or placing targets on their backs?

Recognizing this, I suggest working towards a kind of a complementary politics and law informed by a spatial and social understanding of rights violations and potential for empowerment. In terms of the humanitarian and legal enterprise three principles can guide the effort. The first is *stealth migration governance*. Given the vulnerability that may be associated with visibilizing and fixing refugees within contention spaces, there is a need to shroud



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interventions in a language that is both more flexible and in solidarity with non-migrant populations; to find ways of encouraging back routes to rights and solidarity with a diverse range of locally legitimate actors who have the power to bring about positive change. The cities alliance is one such initiative.

One of the first steps in realizing a form of stealth humanitarianism is developing a global architecture that that shift from people to place. Writing in a different context, Soysal (1996) notes, '...the nation state as a territorial entity is no longer the source of legitimacy for individual rights.' Recognizing the diversity of scales, solidarities, threats, and opportunities within sites migrants occupy, analysis and interventions should begin by improving life within these sites. This means taking advantage of opportunities for bureaucratic or do-it-yourself incorporation in which migrants gain access to service based less on legally defined rights than by appeals to bureaucrats' professional ethos or broader principles of neighborliness and self-interest (See Marrow 2009). Indeed, appealing to more generalized interests, around housing, crime, or other concerns - not rights - can help appeal to local political incentives that do not draw lines or make references to discourses which are seen as foreign, threatening or unwelcome. In all cases, this demands high levels of *local literacy* which allows one to frame policy proposals in line with locally legitimate interests. Engaging within the legal regulation of space through housing and labor markets or policing can open space for refugees to build lives (i.e., achieve *de facto* protection and human security) that neither bind them to space nor alienate them from those surrounding them. Interventions, legal or otherwise, that improve conditions in refugee affected areas may also help build political support for their presence.

This is not a propitious period for making humane, pragmatic migration policy. Yet

amidst the quest to contain, careful lateral engagements may at least temper risks for migrants, hosts, and those who remain behind.

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# Crisis and Containment: Risks of Enhanced Global Migration Governance

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# More Data, Better Policies? Dealing with Migration Challenges of 2050

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# More Data, Better Policies? Dealing with Migration Challenges of 2050

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## The Big Picture: Climate Change, Conflict, and Digital Device Proliferation

The global migration challenges of 2050 will emerge through shocks and stressors of climate change, growing inter- and intra-regional income disparities, and cross-border or civil conflict. On the other hand, unprecedented volumes of digital data are being generated every day from millions of devices. Critically, harnessing this data for improving policies and practices will require the following. First, developing a deeper understanding of the local political economies around data. Second, overcoming barriers to institutionalized cross-jurisdictional data sharing. Third, resolving serious challenges of data security and privacy. And fourth, forging effective partnerships with the private sector.

The World Bank (2018)<sup>1</sup> recently projected that climate change could trigger internal movement of 143 million people just in Sub-Saharan, South Asia and Latin America. When combined with rising inter- and intra-country income disparities, high fertility in poorer countries and potential armed conflicts, this prospect demands a paradigm shift in the global humanitarian response system based on deeper analytic insights. As more people around the world, particularly in developing countries, subscribe to mobile phones and gain access to the internet, amounts of digital data will skyrocket through trillions of Call Detail Records (CDRs), financial transactions and social media footprints. Latest global statistics and projections for 2017 and 2025 demonstrate the scale of this data avalanche: unique mobile subscribers from 5 to 5.9 billion, share of subscribers owning smartphones from 57 to 77%, mobile internet users from 3.3 to 5

billion, and internet of things devices 7.5 to 25.1 billion (GSMA 2018)<sup>2</sup>.

With each device leaving digital footprints, the immense potential for data analytics has rightly created excitement among humanitarians and development practitioners alike. But **technical conversations seldom feature basic political economy questions** regarding this data: Why and in what form would entities share it? Who owns it, subscribers or providers? How could it be utilized, both commercially and for development outcomes? Regardless, researchers studying international development and humanitarian responses ought to agree that new data sources offer clear benefits over traditional alternatives.

## Limitations of Traditional Datasets: Censuses, Government Surveys, and Registrations

In national statistical agency activities, both censuses and sampled surveys, **foreign and other hidden populations are often excluded** for logistical, legal or political reasons. When fearing persecution, refugees or asylum seekers would make every effort to avoid census or survey teams, which in turn have little incentive to pursue them. For example, both in the 1998 and 2017 censuses, Karachi's population counts were widely contested as they purportedly did not include Bihari, Afghan and/or some Pakistani Pashtuns due to their transient stay in the city. But if host governments have incentives to systematically record this information, e.g. part of conditional aid package, they are likely to respond in earnest. However, since many refugee origin and hosting countries remain in turmoil, administrative incapacities and security challenges prevent them from

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<sup>1</sup> Source: <https://openknowledge.worldbank.org/handle/10986/29461>

<sup>2</sup> <https://www.gsmaintelligence.com/research/2018/02/the-mobile-economy-2018/660/>



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increase in national population, much higher than anticipated. Nationally representative surveys, which are held more regularly than censuses, although based on disaggregated sampling frames, simply do not provide enough statistical power to estimate impacts at the local (district or county) level. Even if district level indicators could be distilled, governments in national governments are concerned that releasing subnational GDP will reignite erstwhile debates on dealing with lagging and leading regions.

Similarly, refugee **registration data systems are often unlinked to national and international identity or other databases** owned by governments. To the best of my knowledge, there are no internationally agreed protocols for data ownership and incentives for various parties to collect, report on and share data are disparate. For example, in 2005, more than two decades after Soviet invasion of Afghanistan, which triggered the then largest force displacement crisis in a generation, UNHCR and government of Pakistan decided to undertake a 'census' of Afghan refugees living all over the country. In the context of a tripartite agreement between UNHCR and the governments of Pakistan and Afghanistan, resulting information was intended to guide returns which Pakistan was keen on organizing soon. In recent fieldwork, we found many undocumented Afghans who wished to stay in-country and hence avoided census officials, or were integrated in Pakistan's national identity system through marriage, or other means. While censuses have been conducted in a few other places, e.g. [Rwanda](#) (2005) and [Dominican Republic](#) (2012), and provide valuable information on all aspects of refugees' lives, most typical registration datasets are insufficient to understand their social and economic lives, needs, or aspirations.

Unsurprisingly in this data environment, **researchers continue relying on household surveys**, focus groups or semi-structured

interviews to get deeper insights into refugees' social networks, livelihoods, self-reliance potential, aspirations, and so on. During the last two years, the Urban Institute has surveyed thousands of refugees in Kenya, Pakistan, Turkey and the United States through phone, mail, in-person using paper forms and in-person using tablets. Such surveys are costly (e.g., \$30 per 40-minute survey in Gaziantep), labor intensive and time consuming – requiring careful questionnaire design, field staff training, pilot testing and obtaining official permissions. Given refugees' disparate location patterns and absence of refugee focused baselines, government sampling frames are unusable, making it impossible to draw representative samples and significantly increasing survey costs as field staff must make many unsuccessful contacts before finding refugees. In places where refugees face risk of deportation or persecution, surveys can be outright dangerous, both for field staff (being spies) and respondents (suspecting leakage of information). Researchers must spend considerable resources in ensuring that risks associated with these surveys do not outweigh potential benefits to refugees by working with Institutional Review Boards and implementing strict protocols for data security.

## Promising Applications of New Data Sources: Understanding Social Networks, Supporting Financial Inclusion, and Measuring Economic Impacts on Host Communities

But as shown in recent studies, new digital datasets (CDRs, airtime transfers) offer novel opportunities for overcoming these barriers



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and offering robust evidence to improve salient migration policies. They are comprehensive (millions of subscribers, billions of records), high frequency (multiple records per day) and mostly generated without physical contact with users – making them safe, reliable, more rapidly usable and low cost. Three promising recent applications are cases in point.

First, enabling greater refugee self-reliance to reduce burdens on formal assistance is arguably the most sustainable long-term solution to the migration crisis. But understanding the forms and evolution of refugee social networks through surveys is expensive and methodologically challenging. Using **50 billion CDRs covering all text messages, phone calls and peer-to-peer airtime transfers made in Rwanda** between 2005 and 2009, [Blumenstock et al. \(2016\)](#) found robust evidence that following natural disasters, wealthy individuals are more likely to receive airtime transfers, and there are greater transfers between “pairs of individuals with strong history of reciprocal exchange.” By mapping refugee social network structures, their evolution following disasters and specific ways they contribute to self-reliance, by 2050 humanitarian agencies and governments could much improve targeting of assistance programs.

Second, vast literature has shown that the poor’s financial situation is so precarious that even a small exogenous shock, e.g. as short-term disability or poor seasonal crop yield, can have serious long-term repercussions. Recent work by Jack and Suri (2014) on Kenya’s poor including refugees shows that in the wake of such shocks, **non-users of mobile money technology suffer a 7 percent drop in consumption, whereas users are unaffected** and have greater likelihood of receiving remittances. With over 300 active cash transfer programs benefiting thousands each year, linking refugee IDs with mobile money accounts could open fresh possibilities for consumption smoothing microinsurance

products. Through ID matching, companies could access information on refugees’ financial histories, income levels, socioeconomic backgrounds etc. from other datasets to vastly improve actuarial models (Kumar and Muhota 2012). Just as affordable international mobile roaming has become a reality in recent years, by 2050 it is plausible that we will witness universally accepted financial IDs for all humanity, linked global credit histories, and no-cost international money transfers regardless of physical distance. This could open unparalleled economic opportunities for the world’s poor, or the 1.7 billion mobile subscribers without a bank account (GSMA 2018).

Third, host-refugee community relations are hurt by arguments that **migration ‘kills local jobs’ and imposes economic burdens** on host communities’ already weak public service delivery institutions. Refugee hosting governments such as Jordan and Pakistan wonder what sectors and how could low-cost refugee workforce help improve local firm profitability – but appropriately detailed labor market and firm productivity data is unavailable in most places. After Turkey’s statistical authority included 1.6 million refugees in at least two rounds of labor force surveys however, Del Caprio et al. (2015) found clear evidence of refugee-induced job displacements in certain sectors and labor categories. Relatively low skilled Turkish workers, who were previously employed in low wage informal economy jobs, moved to better paying formal jobs as they were replaced by Syrian refugees. But no such impacts were identifiable for Turks with highly specialized skillsets, or women in general. Even if most refugee hosting governments do not collect or share labor force microdata on refugees, this research has shown that greater adaption of digital payment platforms including mobile money could help evaluate refugees’ net economic contributions, including through detailed financial diaries of incomes, expenditures, and savings.



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## Challenges to Scaling Up New Data Analytics: Local Politics, Global Standardization, Data Security, and Cross-Sector Partnerships

While these examples demonstrate the exciting prospects for new waves of research using open data and machine learning, researchers must consider a series of factors that will likely limit their potential. First, even though the raw supply of data is evidently exploding, **local political realities** determine how created, shared, analyzed and disseminated. Kingsley (2017) argues that even industrialized country governments are notoriously inept at data sharing, even on basic public services such as water and sanitation, but not without reasons. In refugee hosting countries for instance, sharing performance data on public services could: expose poor performance of bureaucrats, create backlash from host communities pressurizing elected representatives to justify resource allocations away from citizens, and erode refugees' trust in humanitarian agencies in case private data is leaked. In some cases, leakage of information regarding refugee locations and their 'illegal' or 'informal' economic activities could seriously jeopardize their security, even resulting in loss of life. To analyze city data environments, Edwards et al. (2016) suggest considering "permissions, incentives and institutionalization" to understand whether and why various stakeholders would cooperate for open data based transparent governance. In migration policy, sorting data ownership issues, aligning stakeholder incentives and institutionalizing processes is particularly problematic due to the plethora of political complications introduced above.

Second, while the March 2018 draft of the Global Compact for Migration calls for "standardization" and "harmonization" of migration focused data systems, it is unclear why member countries might agree to do so? While the collective benefits to the humanitarian systems are obvious, it appears to be a classic case of **tragedy of the commons**, that too at a time when UNHCR's funding gap crossed \$ 3.8 billion. Which entity within the international system has the financial resources, intellectual capacity and universally recognized integrity to design and implement global refugee data collection and dissemination protocols? The Urban Institute's National Neighborhoods Indicator Project, which pools resources through a network of local data gatekeepers, offers a potentially replicable model. But at the international level, how can countries be persuaded to opt-in to a universally implemented biometrics-based digital ID programs covering every individual on earth? With the click of a button, such a system could allow humanitarian agencies, employers, social service providers and people themselves to access and verify key credentials such as social security identification, passport/immigration records, educational diplomas, work experience certificates and so on. This could greatly improve the prospects of the forcibly displaced to make fresh starts in new places, even if original documentation is lost to conflict.

Third, when the world's most sophisticated and resourceful technology companies are unable to protect customers' information from social media profiles or online shopping portals, **it is unclear how humanitarian agencies could protect personal information**. But as the recent Cambridge Analytica scandal shows, even without leaks to hackers there are serious concerns regarding invasion of privacy as digital devices touch every





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aspect of our daily lives. In the case of vulnerable populations like refugees, this raises even more serious ethical questions: Do refugees own digital data created from participation in cash transfer programs? Are they in a position to give consent to the use of this data? For what purposes and for how long should access be authorized? Under what laws and regulations would telecommunication companies, governments, researchers and nonprofits access it? As most refugees reside in developing countries, where data privacy laws even for citizens are underdeveloped, perhaps the global compact for migration framework could support technical assistance to support governments in this regard?

Fourth, since most digital data is being generated on devices and software created by private companies, they are fast emerging as a key player in the humanitarian system. Many are employing innovative ways to harness creative energies for utilizing data, such as TurkCell's innovation competition, [Data for Refugees](#), soliciting proposals for creating public value from cellphone data, with the reward being data access and financial resources for researcher's time. While the private sector has worked with humanitarian agencies for decades, most of this engagement has been either through philanthropic ventures where humanitarians receive in-kind or cash grants, or through procurement channels where private companies become contracted service providers. Hence there is a need to fundamentally reimagine **ways in which the private and humanitarian sectors could work together through mutually beneficial arrangements**. Initial findings from ongoing Urban Institute research suggests that synergies could be created particularly in the technology sector, but successful partnerships require significant upfront investments in building organizational trust through mutual due diligence, identifying

specific forms of collaboration through carefully negotiated contractual clauses.

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# Mass Media and American Attitudes Toward Immigration

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# Mass Media and American Attitudes Toward Immigration

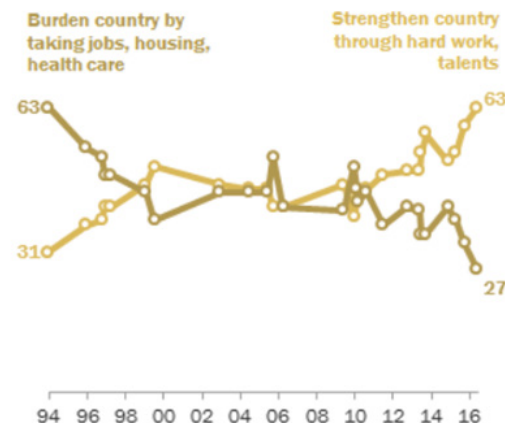
Diana C. Mutz, Professor of Political Science and Communication, and Director of the Institute for the Study of Citizens and Politics, University of Pennsylvania

American attitudes toward immigration have become increasingly positive over the last 20 years. For example, as shown in Figure 1, the percentage of Americans who say they strengthen the country has increased from 31 percent in 1994 to 63 percent in 2016. Likewise, during that same period of time, the percentage who view immigrants as a burden has decreased from 63 percent to 27 percent. Although the overall trend is toward more supportive views, the gap between Republicans and Democrats has increased substantially. Even Republicans have slightly more supportive responses in 2016 than in 1994, but as suggested by Figure 2, the striking upward trend has been driven almost entirely by Democrats and Independents.

## Figure 1. Increasingly Positive Attitudes Toward Immigration

### Americans view immigrants more positively today than 20 years ago

Which comes closer to your view?  
Immigrants today... (%)

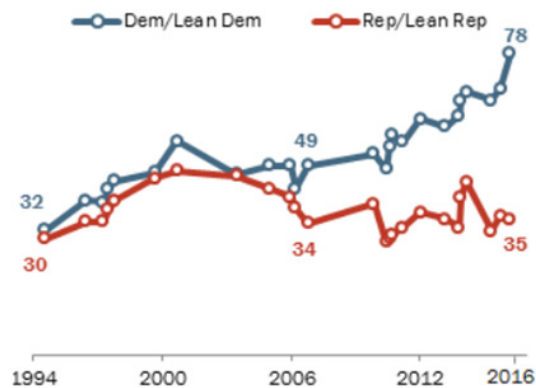


Note: Sept. 2010 survey asked only of registered voters.  
Source: Survey conducted Nov. 30-Dec. 5, 2016.

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## Figure 2. Views of Immigration Increasingly Polarized by Party Identification

% who say immigrants today strengthen the country because of their hard work and talents ...



Source: Survey conducted March 17-27, 2016.  
September 2010 survey asked only of registered voters.

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Trend data from the Chicago Council on Global Affairs confirms this same general pattern. As shown in Figure 3, responses are heavily polarized by political party. The overall trend shown by the segmented line is toward perceiving immigrants and refugees as less threatening, from 55% in 1998 to only 37 percent in 2016. But again, this trend is driven almost entirely by Independents and Democrats.

## What Affects Public Opinion on Controversial Issues?

Although we know a great deal about the cross-sectional correlates of immigration support, there have been few opportunities

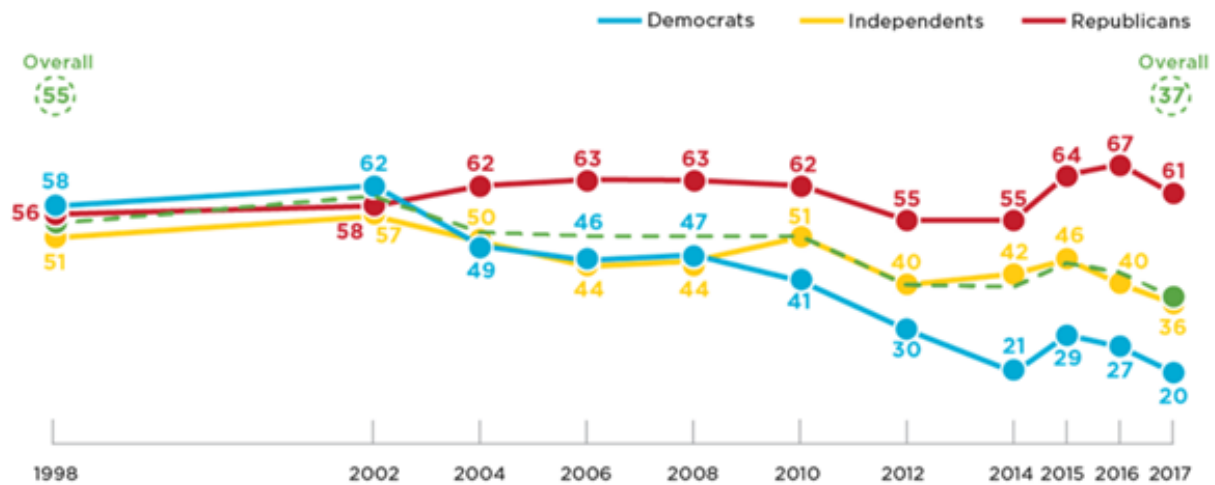


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## Figure 3. Immigrants Perceived as Less Threatening Now Relative to Past

Below is a list of possible threats to the vital interest of the United States in the next 10 years. For each one, please select whether you see this as a critical threat, an important but not critical threat, or not an important threat at all: **Large numbers of immigrants and refugees coming into the United States (% critical threat)**  
n = 2,020



Source: Smeltz, Dina, Ivo Daalder, Karl Friedhoff and Craig Kafura. 2018. What Americans Think about America First: Results of the 2017 Chicago Council Survey of American Public Opinion and US Foreign Policy.

to study what changes people’s views over time. Nonetheless, from decades of social science research scholars have a fairly good idea of the most common processes through which public opinion changes. The two main players in prompting mass opinion change are political elites and the mass media. Because so much of media content comes directly from political elites, some would call this a single source of influence, with media simply relaying the statements of elites to the general public. In today’s more heavily partisan media climate, it seems less likely that a) all Americans get the same basic information about elite positions on issues from media, and b) that media passively relay information to their audiences without producing any independent impact on opinions. For this reason, I consider both potential elite leadership of mass opinion on

immigration, as well as potential independent impact from media coverage.

One obvious takeaway from the review of recent trends in public opinion is that Trump has been ineffective as an opinion leader on immigration. Despite frequent references to “bad hombres” and immigrant rapists, public opinion has not become more anti-immigration even among Republicans. If Republicans were “following their leader,” one would expect increasingly negative attitudes toward immigration among Republicans in particular. Poll data gathered both before and after Trump’s election shows no indication of increasing opposition.

In a sea of evidence of elite-driven opinion trends, immigration appears to be an important exception. It is possible that



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Democrats have become increasingly favorable toward trade as a result of elite opinion leadership from Democratic leaders. Figure 4 illustrates the perceptions of both Republicans and Democrats of the Republican and Democratic candidates' positions on immigration, as well as the average opinions of each of these groups in the mass public. Respondents were asked to place themselves on a 7 point scale ranging from "Return illegal immigrants to their native countries" on the low support end, to "Create a pathway to citizenship for illegal immigrants" on the high end.

As illustrated in Figure 4, the average citizen (S) became slightly, yet significantly more favorable toward a path to citizenship over this four-year period. The candidates of the Republican (R) and Democratic (D) parties were perceived to be more polarized on this issue in 2016 than in 2012. By far the largest shift is in the perceived Republican candidate stance on this issue.

The lower two panels in Figure 4 shown these same responses broken down by Republican and Democratic respondents. Both groups became more positive toward immigration during this period, but Democrats were especially likely to change in more supportive directions, thus indicating possible opinion leadership within this group. Most interestingly, Trump's extreme stance on immigration in 2016 actually increased the distance of his views from those of Americans as a whole, as well as from those of the average Republican. This is consistent with evidence that his extreme stance was a net negative for him in producing new Republican defectors in the 2016 election (Mutz 2018).

## What Type of Media is Likely to Produce These Effects?

The way in which immigration and immigrants are portrayed by the media can make a big difference in how people react to what is otherwise the very same story. Based on experimental studies comparing the impact of different framings stories about immigration, I offer evidence of a few consistent findings.

Immigration lends itself easily to human interest stories, far more so than many other policy issues. So while media coverage could show abstract charts illustrating immigration flows into the US over time, the amount it costs to resettle refugees, or perhaps world maps of where immigrants are coming from, these are not popular forms of media coverage. Instead, immigrants' stories lend themselves to human narratives about where they come from and why they left, what they have been through along the way, and what they hope lies ahead. Narratives are the bread and butter of interesting journalism, so it is not surprising that coverage that is not linked to specific political elites often takes this form.

### **The One Rather than The Many**

Stalin supposedly noted that one man's death is a tragedy, but the loss of millions of lives is a statistic. Likewise, research suggests that stories framed around single individuals elicit more emotion than those framed around large numbers of people: "Human sympathy differs reliably toward actual 'identified' victims on the one hand, and more abstract 'statistical' victims on the other" (Small and Loewenstein, 2005: 311; Fetherstonhaugh, Slovic, Johnson, & Friedrich, 1997; Kogut & Ritov, 2005; Small & Loewenstein, 2003).





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Empathy and sympathy are the most common positive emotions elicited by immigrants' stories, so individual narratives are likely to produce more supportive policy opinions. Even providing a specific name for an individual appears to make a difference in promoting more supportive policy opinions than otherwise identical stories about unidentified victims (Gamer, 2005; Guéguen, Pichot & Le Dreff, 2005).

The positive impact of featuring identified individual victims is, however, contingent on some degree of similarity between the audience and the identified victims. When immigrants come from racially and culturally different countries, this caveat is potentially problematic. Without some dimension of similarity, it is possible for individual immigrants to decrease the extent to which the story encourages victim-supportive policy attitudes. Even identified individuals of different races and cultures may produce more positive attitudes toward immigration, so long as other similarities are emphasized more than differences. For example, when the body of three-year old Syrian refugee Alan Kurdi washed up on a beach in the Mediterranean Sea, this image made global headlines. He and his family were attempting to make it to Europe. Millions of refugees have faced similar circumstances, but the picture of one child and his grieving parents evoked international response in a way that statistical descriptions of these masses of refugees had not. Appeals using universal life experiences such as people's roles as parents and children, difficulties providing for one's family, etc., thus become very important to connecting people to immigrants' experiences. People of different races also may identify with one another as members of religious groups, and even as children of former immigrants. Conversely, a specific identified wrongdoer (such as an immigrant gang member) increases people's level of punitiveness toward the group relative to an abstract group of wrongdoers, just as an

identified victim increases their generosity (Small & Loewenstein, 2005).

## **The Importance of Assimilation**

Emphasizing similarities between immigrants and refugees and the news audiences learning about them can reduce negative reactions on. In one experimental study altering both the race (black versus white) and level of assimilation of immigrants in America who were about to be deported, extent of assimilation had a much stronger effect on policy attitudes than race. For example, if the immigrants in danger of deportation were described as discussing how well the local baseball team was faring, as opposed to how well the baseball team in their native country was doing, then audiences were more likely to support a policy allowing them to stay. Likewise, if they were speaking English as opposed to their native language, or eating mozzarella sticks and buffalo wings as opposed to an ethnic dish involving goat, these minor details conveyed enough similarity to readers that they were more supportive of a policy to stop deportation.

Another experimental study hypothesizing that immigrants who speak Spanish or have darker skin tones should provoke more support for restricting immigration produced similar findings. As in the study above, Hopkins (2015) found that skin tone did not matter, and those exposed to immigrants speaking in accented English prompted more positive immigration views, because the accented English is seen as a signal of the immigrant's desire to assimilate. Conversely, Enos (2014) found that being around people who speak Spanish had negative effects on attitudes toward immigrants, at least among whites who had little such exposure previously.

The perceived desire to assimilate and/or integrate with "the American way of life" is clearly a plus in the minds of many





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Americans. Those who want to become more like Americans are seen as sympathetic, whereas those who are perceived as resisting by interacting mainly within their own communities or by not learning English are seen as more threatening. In short, although some Americans are interested in experiencing new people and cultures, Americans can also be very sensitive about having their culture and norms rejected by newcomers. Americans like those who like them back; when immigrants don't integrate, Americans may feel this as a rejection of their American way of life.

When the exemplars used to illustrate news stories are similar to the audience, they trigger greater affinity and liking. Among adults, adolescents, and indeed, even 3-year-olds, similarity has been well documented as a cause of interpersonal liking (Fawcett & Markson, 2009; see Sunnafrank, 1983, for a review). Fortunately, the dimensions of similarity that produce greater liking are broad. They include similarities in attitudes (Byrne, 1971; Neimeyer & Mitchell, 1988), behaviors (Urberg, Degirmencioglu, & Tolson, 1998), preferences (Billig & Tajfel, 1973; Brewer & Silver, 1978), values and background (Johnson, 1989), physical characteristics (Berscheid, Dion, Walster, & Walster, 1971; Berscheid & Walster, 1974), and sharing a cultural background (Sturmer, Snyder, Kropp, & Siem, 2006). Perceived similarity contributes to valuing the other's welfare and producing empathic concern (Batson, 2011).

## **Negative Material Matters Most**

News stories about immigration have a distinct advantage over other policies in that the kinds of stories Americans find interesting and empathy-producing also have natural advantages in gaining news audiences. Human interest stories also stick in people's minds over a longer period of time. However, when exposed to news stories that feature both winners and losers, or good news and bad news, it is the negative information that

people are most likely to remember. For evolutionary reasons, it has probably always been more important for human beings to react quickly to negatives in their environment (a tiger on the prowl) as opposed to positives (a sunny spot for a nap). Likewise, when people are given information about both winners and losers from any given policy, they are most likely to visualize, and be moved by, those who have lost something, and/or experienced hardships and atrocities. By highlighting these negative experiences, journalists call public attention more readily to the issue. Through this process, news stories change the kind of mental imagery that comes to people's minds when they think about an issue. In the case of immigration, if what comes to mind most easily is Trump's criminal refugees engaged in gang violence, people will have a very different reaction to immigration policy proposals from people whose mental imagery is of boy soldiers being forced to fight against their will. Journalists need to be mindful of the advantage in attention and memory enjoyed by negative information. Due to basic human psychology, balanced coverage will not necessarily produce balanced outcomes.

## **Using Media to Transcend Distance**

People respond differently to objects near and far. For example, when shown a picture of a person they are told is nearby, the thoughts people have are different from if they are told that same person is thousands of miles away (Williams & Bargh, 2008). Things that are close are viewed as concrete, personal and trustworthy; things that are distant are more likely to be objectified and categorized in impersonal terms (Amit, Algom & Trope, 2009). In this sense, generating positive attitudes toward faraway human beings is a difficult task psychologically. However, because media and especially visual media--can simulate the impression of being physically close to



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another human being, it has the potential to offset the ingrained tendency to distrust targets that are far away.

## Policy Recommendations

Immigration taking place in a distant location can seem highly abstract and impersonal to news audiences. However, photographs, and particularly close-ups of individuals, can help overcome an abstract and impersonal reaction to immigration. Further, emphasis on similarities between immigrants and citizens in their host countries can serve to bridge gaps and even overcomes differences in race and culture. Immigration may be a controversial political policy, but immigrants are actual people, and this makes the issue a natural for coverage by means of human interest stories, which also attract news audiences.

By focusing on immigrants rather than immigration as an abstract policy, coverage will be more widely read and viewed, as well as more influential. For immigrants who are already in the US, coverage focusing on immigrants who are integrated or trying to integrate into American society will have especially beneficial effects on attitudes. Coverage of immigrants should emphasize similarities rather than differences between Americans and immigrant populations because this will help to overcome the tendency to objectify those who are different and distant, and thus encourage more positive attitudes toward immigration.

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# Technocracy Versus Democracy in International Migration Management: Lessons from Europe

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# Technocracy Versus Democracy in International Migration Management: Lessons from Europe

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Who should be in charge of immigration policy: elected officials or experts? Putting immigration and refugee policies on partisan agendas or mentioning them during election season generates heated debates. Many claim such hyper-politicizing undermines a country's capacity to produce coherent immigration policy. Wouldn't it be preferable to adopt an evidence-based approach, and develop policy in a neutral, rational, and scientific way? A "technocratic mode of settlement" expects that political debates around immigration can be settled by recourse to expert knowledge or research.<sup>1</sup> In other variations, this paradigm sees politicians as incapable of creating sound, coherent policies due to electoral pressure. This portrays democracy as a political system inherently incapable of producing the right and rational policy. The 'solution' is for technocracy to replace politics.<sup>2</sup>

Is it possible to take politics out of migration policy? If so, to what extent and at what cost for democracy? While acknowledging the desirability of and need for evidence-based policy-making, this thought piece warns against the risks of technocratic hubris and interventions that depoliticize immigration policy by insulating it from democratic processes and deliberation. The article considers possible strategies to depoliticize migration policy-making, and discusses the effects depoliticizing attempts have had in Europe after the European Union (specifically, the European Commission) intervened to help EU member states cope with the migration crisis. The essay also draws on analyses of evidence-based approaches at the national level to generate policy recommendations. While international cooperation remains essential in migration management, it cannot be pursued in ways that disregard the need for national-level democratic dialogue and scrutiny, or the

implications immigration policy has for sovereignty and nation-building. Disconnecting migration policy-making from democratic deliberation undermines the legitimacy of resulting policies. It causes concerns about democratic deficit and backlash against responsible international institutions and national-level political actors, including mainstream political parties. It creates a political climate in which anti-immigration populism thrives, pointing fingers at non-transparent decision-making and denying the value of expertise as out-of-touch with the concerns of average citizens. Immigration policy should not be depoliticized; if anything, it needs to be re-politicized after addressing knowledge deficits by providing access to reliable information and opportunities to discuss about international migration and its effects.

At the national level, a depoliticized migration policy approach might rely on technocrats insulated from public opinion (imagine an immigration-policy equivalent of the Fed). Alternatively, it might simply reflect a belief among policy-makers that reforms ought to be fact-driven and rely on expert evidence. At the international level, depoliticizing involves new regimes for mobility management based on recommendations from intergovernmental or supranational organizations (bodies of specialists that provide 'scientific', 'technical' or 'managerial' expertise). Several institutions assist governments in migration management: the International Organization for Migration (motto: "Managing migration for the benefit of all"); the International Center for Migration Policy Development; the Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Refugees, the Inter-Governmental Consultations on Asylum, Migration and Refugees. Despite their claim to neutrality,

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<sup>1</sup> Boswell, Christina. 2009. *The Political Uses of Expert Knowledge: Immigration Policy and Social Research*. Cambridge: Cambridge University Press.

<sup>2</sup> Oelgemöller, Christina. 2017. *The Evolution of Migration Management in the Global North*. London and New York: Routledge.



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these institutions have been criticized for being de-democratizing (secrecy and insulation from popular participation in setting standards); allowing governments to make policy-making even less transparent; claiming that the decisions implemented are those that any intelligent person in a position of authority would make when confronted with accurate information, and assuming that there is such a thing as uncontested and accurate information.<sup>3</sup> Critics point out that knowledge presented as 'factual', 'neutral' or 'objective' often reflects political orientations. Migration management negates the existence of divergent interests, asymmetries of power, and conflicts (between and within countries), to produce a façade of consensus (after all, who is in favor of disorderly migration, human trafficking or non-respect of migrants' rights?).<sup>4</sup>

Among EU institutions, the European Commission serves as a repository of knowledge and expertise, mandated to act in the general European interest, as an impartial and independent body. It administers European integration based on its extensive technical expertise.<sup>5</sup> The Commission is "a technocratic body. The individuals working there are selected based on their expertise rather than their political savviness."<sup>6</sup> The Commission's most powerful tool is its agenda-setting power (the right to propose legislation that the European Parliament and the Council then debate and adopt). The Commission facilitates increased cooperation: this includes de-bordering (removing obstacles to movement, dismantling physical borders between member states, reducing administrative requirements and necessary bureaucratic procedures for crossing

borders). Overall, the Commission is the EU institution tasked to provide expertise to depoliticize policy-making, to facilitate economic integration and prevent international conflict. To allow the free movement of goods, services, capital and people, the EU dismantled internal border controls among most of its member states. Cross-border mobility in the EU became one of the key rights associated with European citizenship. International migration across the EU's external border required the development of a common system of admission for migrants from outside the Union.

In 2015, at the peak of the migration crisis, the so-called Dublin system that EU countries use for managing refugee migration came under severe pressure. According to European legislation, asylum seekers have to apply for refugee status in the country that constitutes their first point of entry on EU territory; that member state accepts or rejects the claim. To prevent asylum shopping, migrants cannot simultaneously apply in multiple member states or restart the process in another jurisdiction. As migrant inflow from the Middle East and Africa rose to unprecedented levels (2 million irregular entries in 2015), member states on the EU's external border – Italy, Greece, Croatia and Hungary – were overwhelmed. Not only did they not have the capacity and resources to process so many migrant arrivals, but they also faced resistance as migrants hoping to transit these countries' territory did everything they could to escape authorities trying to register them at the point of entry. Asylum seekers had no intention of staying in Eastern or Southern

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<sup>3</sup> Oelgemöller, Christina. 2017. *The Evolution of Migration Management in the Global North*. London and New York: Routledge.

<sup>4</sup> Geiger, Martin, and Antoine Pécoud (eds.). 2010. *The Politics of International Migration Management*. Basingstoke: Palgrave Macmillan.

<sup>5</sup> Nugent, Neill. 2001. *The European Commission*. Basingstoke: Palgrave.

<sup>6</sup> Kostadinova, Valentina. 2017. The European Commission and the Transformation of EU Borders. *Palgrave Studies in European Union Politics*. London: Palgrave; p. 20.



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Europe: instead, they wanted to reach Western Europe or Scandinavia where they had better chances to receive refugee status and benefit from generous integration programs and social services. In Hungarian train stations, migrants chanted “Hungary no! Germany yes!” when local police tried to prevent them from boarding trains towards the West.

The Schengen system – the agreement to dismantle internal border controls between member states to allow freedom of movement on EU territory – was breaking down. Austria and Germany initially opened their borders to refugees and migrants, only to reinstitute border controls when they realized the magnitude of migrant flows.<sup>7</sup> Several countries imposed temporary border checks (Belgium, Denmark, France, Norway, Sweden); others built fences (Austrian-Slovenian border, Hungarian-Serbian border).

The Commission stepped in to protect free movement in the EU and coordinate migration crisis response. It proposed a Common European Asylum System (CEAS) to develop common procedures and uniform status across the EU for refugees. It established asylum-related funds. It created the European Asylum Support Office. It advocated the relocation to other EU member states of asylum seekers, centralizing decision-making at the EU level. The proposal was justified as a “fairness mechanism” based on compulsory relocation quotas that would kick in when a country was seen as handling a disproportionate number of asylum applications. The plan, adopted in 2015 by a majority of EU interior ministers, works as follows: if the number of asylum-seekers in a member state reaches over 150% of a predetermined reference number, all further new applicants in that country are relocated across the EU until the number of applications is back below the reference number. If a member state refuses to take

part in the relocation scheme, it must make a ‘solidarity contribution’ of 250,000 euro for each applicant for whom it would have otherwise been responsible to the member state that receives the person.

Several countries opposed the quotas from the start (Hungary, Poland, the Czech Republic, Slovakia, Romania): their objections were dismissed without serious consideration, and the system implemented without modification. While meant to promote solidarity among EU members, the quota system further divided Europe without providing much-needed relief to countries on the EU border. To this date, 33,000 refugees have been relocated through the system; the target number was 160,000 – a small proportion of the overall number of arrivals. The President of the European Council, Donald Tusk, criticized refugee quotas as “divisive and ineffective,” a characterization that the Commission has resisted. Germany, Italy, and the Netherlands have supported the quotas’ continuation. Anti-immigration, Eurosceptic political parties (the *Front National* in France, *Alternative für Deutschland* in Germany, *Lega Nord* in Italy, the *Dansk Folkeparti* in Denmark, the Austrian Freedom Party, the Finns Party in Finland, the Dutch Freedom Party, UKIP) gained ground in democratic elections across Europe. The poor management of the migration crisis coupled with the EU-imposed quotas revived Eurosceptic platforms among voters in new Eastern European member states (more EU-enthusiastic than their Western counterparts).

Much frustration came from the fact that, in setting reference numbers and calibrating its “fairness mechanism,” the Commission ignored member states’ attempts to inform the EU about their respective resources and circumstances. In Romania, the Immigration Office communicated its refugee receiving capacity (estimated at 1,330). The EU

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<sup>7</sup> De Genova, Nicholas (ed.). 2017. *The Borders of “Europe”: Autonomy of Migration, Tactics of Bordering*. Durham and London: Duke University Press





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pressured the country to commit to accepting 6,205 refugees over 2 years, instead. In 2016, Romania agreed to the quota, despite the fact that it is one of Europe's poorest countries where resources for integrating refugees are scant. Refugees themselves appear to understand the situation better than the EU: only 463 migrants have come to Romania. Refugees enroll in the EU relocation program hoping for country assignments to Western or Northern Europe, where many of them have friends, families and support networks. Romania has yet to join Schengen, which makes it difficult for refugees assigned to Romania to later move to other EU countries. In Romania, refugees receive between six and twelve months of government support for expenses, transportation and rent; after that, they must find a job and support themselves. Most jobs involve language requirements and evidence of qualifications, employment and degrees (documents that most refugees do not have). If refugees leave for other European countries, they lose support; even so, many think about leaving Romania to seek a better life elsewhere. Syrian refugees that have relocated to Romania say the country should not take in more migrants: "how are they supposed to handle them if they can't help us?" Despite pushback and concerns about lack of genuine dialogue, the EU has continued its move towards centralization of asylum policy on the grounds of fairness and superior expertise. This has come at a considerable political cost, undermining the Union's legitimacy that had already been badly shaken after the Eurozone crisis.

At the national level, research on evidence-based interventions in European immigration

policy-making also shows that reliance on expert knowledge does not guarantee consensus. In the late 1990s and early 2000s, despite the fact that UK debates were relatively technocratic and concerned the economic effect of migration, both sides drew on expert knowledge and right-wing media used it to challenge the government's record on migration management. In Germany, the debates on immigration reform of 2000-2003 saw the government focusing on economic considerations, but opposition parties and mass media concentrating on societal interests and values instead, with little coverage of expert knowledge in the press.<sup>8</sup>

In the UK, the technocratic turn was relatively short. In 1999, Immigration Minister Barbara Roche and other government officials began to review and commission research on the economic and social impacts of immigration. A new research service was set up in the Home Office to provide an 'evidence base' for policy on immigration and asylum. Until the mid 2000s, political speeches frequently referenced research findings on the economic benefits of immigration. In the mid-2000s, political elites and the general public started questioning the view that immigration brings economic benefits. Research use became itself politicized: expert knowledge was strategically and selectively deployed to support different sides of the debate. This generated skepticism about scientific objectivity. As research on immigration became discredited, and policy-making predicated on it was portrayed as out of touch and elitist, demands for shifting back to a "democratic mode of settlement" brought the technocratic turn to an end.<sup>9</sup>

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<sup>8</sup> Boswell, Christina. 2009. *The Political Uses of Expert Knowledge: Immigration Policy and Social Research*. Cambridge: Cambridge University Press.

<sup>9</sup> Boswell, Christina. 2016. "Can debates on immigration be 'evidence-based'? And should they be?" Blog: Politics, Knowledge & Migration. March 18. <https://christinaboswell.wordpress.com/2016/03/18/can-debates-on-immigration-be-evidence-based-and-should-they-be/>



# Technocracy Versus Democracy in International Migration Management: Lessons from Europe

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What can be learned from European experiences with evidence-based policy-making on immigration and refugees?

- Technocracy cannot replace democracy (democratic politics). Immigration policy is deeply connected with sovereignty, solidarity, and national identity. Disconnecting migration policy-making from democratic deliberation can backfire, creating fertile ground for anti-immigration, populist, isolationist backlash, and discrediting expert knowledge and the mainstream parties using it as out of touch with average citizens. Instead, evidence-based immigration policy should be pursued so as to not corrode national solidarity (multicultural policies are most successful when supplemented with nation-building policies).<sup>10</sup>
- Immigration policy needs to be re-politicized after addressing knowledge deficits and providing access to reliable information, as well as opportunities to talk about international migration and its effects. Germany provides an example: when the Social Democrats tried to liberalize labor migration in the 2000s, reform was blocked. Chancellor Gerhard Schroeder set up a cross-party commission on immigration, that included representatives from the main political parties, trade unions, business, religious groups and NGOs. It invited a range of witnesses and experts to provide evidence. It triggered debates that allowed Germans to air concerns, feel they are being taken seriously, and put migration-associated anxieties in context. This, rather than top-down, elite-led efforts to “educate” the public, ultimately paved the way for liberalization from the late 2000s onwards.<sup>11</sup>
- Politicians and experts should learn from each other. International/supranational organizations must resist technocratic hubris and engage in genuine dialogue with political elites and citizens. Knowledge comes not only from research, but also from listening to policy-making partners and taking into account the specifics of their situation. Migration management cannot evacuate questions of power, principles, interests or conflicts. To be effective, it needs to address these questions and develop policy solutions that take political ramifications into account.

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<sup>10</sup> Kymlicka, Will, and Keith Banting. 2006. “Immigration, Multiculturalism, and the Welfare State.” *Ethics & International Affairs* 20 (3): 281-304.

<sup>11</sup> *Idem supra*.

# A Global Migration Law Perspective on Structural Reform

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# A Global Migration Law Perspective on Structural Reform

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Over twelve and a half million Syrians, nearly eight million Colombians, and over four million Sudanese forcibly displaced from their homes.<sup>1</sup> Over 25,000 deaths along migratory routes since 2014.<sup>2</sup> Nearly half a million migrants arriving at the southern border of the United States in 2014.<sup>3</sup> Over one million migrants landing on the shores of southern Europe in 2015.<sup>4</sup> Over 600,000 Rohingya migrants fleeing to Bangladesh since August 2017.<sup>5</sup> Regardless of one's geographic location or political preferences, the statistics tell the story of a dysfunctional global migration system.

Structural reform of international migration law and institutions is urgently needed both from the perspective of migrants and states. Conceptually, efforts to improve these structures should begin from a migrant-centered perspective and take a human mobility approach.<sup>6</sup> In terms of concrete goals, safe transit and effective cost-sharing should be prioritized. The political obstacles are legion and growing, and will require a concerted political effort on the part of a broad range of constituencies to overcome.

Large-scale unregulated migration is problematic from the viewpoint of both migrants, who pay exorbitant prices for unnecessarily dangerous journeys, and states, which lose the ability to decide who enters their territory. Raising concerns of national security, public safety, and limited resources, states generally resist opening their borders to migrant flows. Migrants fleeing violent conflict and severe poverty are willing to risk everything they have to reach a destination where they believe they will find political and economic security. Their efforts meet walls and push-backs, despite the fact that, for states in the Global North, migrant labor is a key driver of many economies, migration has begun an irreversible process of demographic diversification, and human rights are trumpeted as core values.

The statistics demonstrate a classic collective action problem. Countries in the Global North do not want to act as a “magnet”, whether for economic migrants or refugees, an attitude that has spurred increasingly restrictive border control policies in most of these nations over the past two decades.<sup>7</sup> Migration is inherently transnational, involving

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<sup>1</sup> United Nations High Commissioner for Refugees, *Statistical Yearbook 2016*, at 12, 15 available at <http://www.unhcr.org/en-us/statistics/country/5a8ee0387/unhcr-statistical-yearbook-2016-16th-edition.html> (last visited March 21, 2018).

<sup>2</sup> International Organization for Migration, *Missing Migrants Project*, available at <https://missingmigrants.iom.int/> (last visited March 21, 2018). Given the difficulties in locating the bodies of dead migrants at sea and in the desert, this number is quite conservative.

<sup>3</sup> United States Border Patrol, Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016, available at <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (last visited March 21, 2018).

<sup>4</sup> Heaven Crawley et al., *Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015* (Nov. 2016), available at <http://www.medmig.info/wp-content/uploads/2016/12/research-brief-destination-europe.pdf> (last visited March 21, 2018).

<sup>5</sup> United Nations High Commissioner for Refugees, *Rohingya Emergency*, available at <http://www.unhcr.org/en-us/rohingya-emergency.html> (last visited March 21, 2018).

<sup>6</sup> Jaya Ramji-Nogales and Peter J. Spiro, *Introduction to Symposium on Framing Global Migration Law*, 111 AJIL UNBOUND 1 (Apr. 2017).

<sup>7</sup> See, e.g., Amnesty International, *The Human Cost of Fortress Europe* (2014), available at [http://www.amnesty.eu/content/assets/Reports/EUR\\_050012014\\_\\_Fortress\\_Europe\\_complete\\_web\\_EN.pdf](http://www.amnesty.eu/content/assets/Reports/EUR_050012014__Fortress_Europe_complete_web_EN.pdf) (last visited March 21, 2018).



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journeys from one state to another, so one might naturally look to international law to play a coordination function that could overcome this race to the bottom.

Unfortunately, international law and institutions do little to encourage coordination.<sup>8</sup> International law relating to migration is largely focused around refugees, offering robust protections to those who are able to enter the territory of a destination state and prove that they fit within a narrow and rather anachronistic definition.<sup>9</sup> Law relevant to migration exists in a variety of subfields of international law: international human rights law,<sup>10</sup> international labor law, international trade law, the law of the sea, and transnational criminal law to name just a few.<sup>11</sup> But these laws do not come together to form anything like a framework; international law governing migration is relatively thin and riddled with holes. Lacking a mechanism for progressive development, the law entrenches outdated approaches to international migration.

In order to be effective, efforts to reform this system should start from a migrant-centered perspective.<sup>12</sup> The first step is thoughtful and systematic research on root causes of migration as well as choices around migration routes and destination countries.

Enforcement oriented approaches that do not incorporate the views of migrants will simply be unable to match the sheer force of

determined and creative human beings. Similarly, state interests must be met in order to generate sufficient political will for any proposed solutions. A human mobility approach, focused on human capacity and stepping away from the assumption that migration is the optimal solution for all humans facing violent conflict and severe poverty, may be a location where migrants and states can find common ground.

Reform of international migration law must connect the various subfields of international law relating to migrants, both from an expressive and a practical perspective. Bilateral or multilateral trade agreements should begin to acknowledge their impact on human mobility, and must build in effective responses and approaches. Recognizing the limited availability of lawful migration routes, international labor law should focus both on the protection of undocumented migrant workers as well as on creating paths to lawful status – for the sake of both migrant labor and local workers who may be displaced from labor markets by workers not subject to labor laws. Transnational criminal law should take a more nuanced view of human smuggling, recognizing that efforts to assist migrants to move across borders can in some cases be a legitimate response to exclusionary global economic and legal structures.<sup>13</sup> Perhaps most importantly, development law and policy must be a central component of international laws and

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<sup>8</sup> Jaya Ramji-Nogales, *Migration Emergencies*, 68 HASTINGS LAW JOURNAL 609 (2017).

<sup>9</sup> See Moria Paz, *Between the Kingdom and the Desert Sun: Human Rights, Immigration, and Border Walls*, 34 BERKELEY J. INT'L L. 1 (2016).

<sup>10</sup> Jaya Ramji-Nogales, *Undocumented Migrants and the Failures of Universal Individualism*, 47 VAND. J. TRANSNAT'L L. 699 (2014).

<sup>11</sup> Jaya Ramji-Nogales, *Migration Emergencies*, 68 HASTINGS LAW JOURNAL 609 (2017).

<sup>12</sup> Jaya Ramji-Nogales and Peter J. Spiro, *Introduction to Symposium on Framing Global Migration Law*, 111 AJIL UNBOUND 1 (Apr. 2017).

<sup>13</sup> See, e.g., Sheldon X. Zhang, Gabriella E. Sanchez and Luigi Achilli, eds., *Smuggling as a Collective Strategy and Insurance Policy: Views from the Margins*, 676:1 ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE (Mar. 2018).



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structures around migration, focusing on building human capacity rather than containment of migrants in the Global South.

Safe and lawful transit must be a key feature of any reform effort. The lack of attention to means of transit in the contemporary law of international migration results in exploitation and abuse of migrants, inefficient use of state resources, and dangerous political backlash.<sup>14</sup> Current treaties require migrants to reach the shores of destination states in order to claim protection or seek low-wage employment.<sup>15</sup> Rather than providing migrants with agency and states to with choice, this haphazard approach benefits neither.

This gap could be filled at least in part through a technological solution that solicited the preferences of migrants and states, enabling the issuing of visas in advance of departure from home countries. Such an approach would of course require a more realistic level of visa availability from destination countries and should entail training of migrants in both job skills and cultural competence prior to departure.<sup>16</sup> It would offer a different route for migrants seeking protection from violence, while also recognizing that most migrants needing protection also need jobs, and migrants needing jobs often also need protection.<sup>17</sup> In addition to more effectively meeting the needs of migrants and states, this solution offers the political benefit of ensuring that

movement of migrants is lawful, avoiding the dramatic scenes of influx and pushback that have provoked much anti-immigrant sentiment of late.

Similarly, technology could be put to work in predicting migration flows responding to conflict and disaster. This information could then be incorporated into a more equitable distribution of migrants seeking protection. In 2016, 84% of the world's refugees were hosted in the Global South.<sup>18</sup> Though these countries are the least able in terms of resources and infrastructure to support additional populations, they receive enormous numbers of migrants simply due to their geographic proximity to conflict and disaster and the porous nature of their borders.<sup>19</sup> As vividly demonstrated by massive onward movement of migrants from these countries, this is not a sustainable response to conflict or disaster. A more coordinated and evidence-driven approach could predict growth of migrant flows in advance, enabling resettlement of migrants into the Global North and the dedication of increased development aid and other resources to countries proximate to mass movements.

In this age of populism and xenophobia, the obstacles to reform of international law and institutions are legion. The severe lack of political will that has strangled prior efforts at reform has taken a dark turn into virulent

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<sup>14</sup> Jaya Ramji-Nogales, *Moving Beyond the Refugee Law Paradigm*, 111 AJIL UNBOUND 8 (Apr. 2017).

<sup>15</sup> This is of course not true for high-wage migrant labor, but this paper focuses on low-wage movement.

<sup>16</sup> South Korea offers a promising example of this approach on a regional level. ASIAN DEVELOPMENT BANK AND INTERNATIONAL LABOR ORGANIZATION, *ASEAN COMMUNITY 2015: MANAGING INTEGRATION FOR BETTER JOBS AND SHARED PROSPERITY* 94 (2014), available at <http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf>.

<sup>17</sup> Jaya Ramji-Nogales, *Moving Beyond the Refugee Law Paradigm*, 111 AJIL UNBOUND 8 (Apr. 2017).

<sup>18</sup> United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2016*, available at <http://www.unhcr.org/globaltrends2016/> (last visited March 21, 2018).

<sup>19</sup> See, e.g., Tendayi Achiume, *Syria, Cost-sharing, and the Responsibility to Protect Refugees*, 100 MINNESOTA L. REV. 687 (2015).



# A Global Migration Law Perspective on Structural Reform

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anti-immigrant sentiment. Indeed, it is arguable that mass movement of migrants inspired support for nationalist politics, playing a role in the global rise of populism.<sup>20</sup> Those who seek to protect migrants fear that change at this juncture risks making the law far worse. Simply maintaining current standards has become a struggle that consumes the bandwidth of most champions of migrants' rights.

The depth of contemporary political challenges demands that successful law reform efforts begin by addressing politics. Effective political change requires engagement of a range of groups, from diaspora settled in destination countries as citizens and lawful residents to constituencies in home countries that can pressure their governments to advocate on behalf of their nationals abroad.<sup>21</sup> These political strategies will by necessity be tailored to local populations, drawing on societal norms to build support for safe and lawful migration and oppose populist rhetoric.<sup>22</sup>

The traditional benchmark of the multilateral treaty may have to be set aside for a more flexible and less politically threatening approach. An iterative process like the Paris Agreement that allows countries to set their own goals and institutionalizes regular revisions and updates might be a good place to start.<sup>23</sup> Alternatively, or complementarily, regional bodies offer a promising starting

point. The European Court of Human Rights and the Inter-American human rights system offer examples of the progress that regional bodies can make on the protection of migrants' rights.<sup>24</sup> The MERCOSUR region provides an even more promising example of regional approaches to safe and lawful migration for all migrants.<sup>25</sup> In short, creativity in political strategies and law reform methods will be key to improving international migration law and institutions in an age of populism.

*This publication was made possible (in part) by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author.*

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<sup>20</sup> Jan-Werner Muller, *WHAT IS POPULISM?* (Univ. of Penn. Press 2016).

<sup>21</sup> Jaya Ramji-Nogales, *Undocumented Migrants and the Failures of Universal Individualism*, 47 *VAND. J. TRANSNAT'L L.* 699 (2014).

<sup>22</sup> Jaya Ramji-Nogales, *Designing Bespoke Transitional Justice: A Pluralist Process Approach*, 32 *MICH. J. INT'L L.* 1 (2010).

<sup>23</sup> United Nations Climate Change, *The Paris Agreement*, available at [http://unfccc.int/paris\\_agreement/items/9485.php](http://unfccc.int/paris_agreement/items/9485.php) (last visited March 21, 2018).

<sup>24</sup> Jaya Ramji-Nogales, *Undocumented Migrants and the Failures of Universal Individualism*, 47 *VAND. J. TRANSNAT'L L.* 699 (2014).

<sup>25</sup> Diego Acosta, *Free Movement in South America: The Emergence of an Alternative Model?*, *MIGRATION INFORMATION SOURCE* (Aug. 23, 2016, available at <https://www.migrationpolicy.org/article/free-movement-south-america-emergence-alternative-model> (last visited March 21, 2018)).

# Transition and Recovery: The “Missing Middle”

BARBARA RIJKS

APRIL 2018 GLOBAL SHIFTS COLLOQUIUM





# Transition and Recovery: The “Missing Middle”

Barbara Rijks, Head of Office (Erbil) at the International Organization for Migration

## Introduction

Within the United Nations (UN) system there is a clear architecture which guides strategies and programmes during the emergency response provided through the humanitarian cluster approach<sup>1</sup> and how to implement programmes in post-conflict or development contexts, such as through the UN Development Assistance Framework (UNDAF).<sup>2</sup> However, in the middle, between emergency and development where transition is required to bridge policies, programming, and action (also known as the Transition & Recovery or Early Recovery phase), there is no clear globally agreed UN “architecture” or operational framework to guide the response of the UN to support host governments in addressing the needs of the most vulnerable populations who have been affected by conflict or a natural disaster. This “transition gap” can be problematic as, in this post-crisis period, coordinated action by the UN is critical to ensure that countries don’t slip back into crisis, instability, or socio-economic decline.

The discussion on this Humanitarian Development Nexus (HDN) is not a new one, the debate around how to link relief, rehabilitation and development has been going on for the last few decades.<sup>3</sup> There is a general recognition that responses across the nexus are complex with a need for non-linear and simultaneous humanitarian, recovery, development interventions to respond to the different needs following an emergency.<sup>4</sup>

In recent years the debate on the HDN has gained momentum. At the World Humanitarian Summit (2016), under the leadership of UN Secretary General (SG) Ban Ki-moon, the largest UN agencies, 30 of the largest donors and aid providers agreed to a “Commitment to Action” and a “New Way of Working”<sup>5</sup> in crisis situations, to transcend the humanitarian-development divide. This commitment was reinforced by UN SG Antonio Guterres in his 2017 report to reposition the UN development system to deliver on the 2030 Agenda for Sustainable Development<sup>6</sup>, in which he called for the removal of unnecessary barriers between

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Author’s Note: The author works for the International Organization for Migration (IOM), the UN’s Migration Agency, in Iraq. The paper presents the personal views and experiences of the author and doesn’t represent the views of her employer. The paper is not meant to offer a comprehensive overview and analysis of the humanitarian development nexus or the workings of the UN system, but should be read as a personal reflection based on her direct experiences.

<sup>1</sup> Clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action, e.g. water, health and logistics. They are designated by the Inter-Agency Standing Committee (IASC) and have clear responsibilities for coordination. <https://www.humanitarianresponse.info/en/about-clusters/what-is-the-cluster-approach>

<sup>2</sup> The UN Country Team (UNCT) prepares the UNDAF through a fully inclusive interagency process as well as with the government, partners and other stakeholders from the inception. The UNDAF identifies key actions and the division of labour among UN organizations. It outlines how resources will be mobilized for UNDAF preparation, including the diverse expertise available within the UNCT.

<sup>3</sup> For example, HDN was previously referred to as Linking Relief, Rehabilitation and Development (LRRD). E.g. Overseas Development Institute (2014) “Remaking the case for linking relief, rehabilitation and development.” <https://www.odi.org/publications/8319-remaking-case-linking-relief-rehabilitation-and-development>

<sup>4</sup> UNDP, Guidance Note on Inter-Cluster Early Recovery, January 2017

<sup>5</sup> <http://www.undp.org/content/undp/en/home/news-centre/news/2016/05/24/commitment-to-action-moving-from-delivering-aid-to-ending-need-.html>

<sup>6</sup> “Repositioning the United Nations development system to deliver on the 2030 Agenda: our promise for dignity, prosperity and peace on a healthy planet”, 21 December 2017, <http://undocs.org/A/72/124>  
[global.upenn.edu/perryworldhouse](http://global.upenn.edu/perryworldhouse)



# Transition and Recovery: The “Missing Middle”

Barbara Rijks, Head of Office (Erbil) at the International Organization for Migration

humanitarian and development actors to jointly work towards collective outcomes at country level.

This paper will review what frameworks are in place within the UN to collectively address the needs of crisis-affected populations, illustrated by the current context in Iraq, and will discuss the need for a global UN framework for the transition and recovery phase.

## 1) The Post-Crisis, Transition and Recovery Phase

There are two main UN frameworks that guide its work in this phase, the UN's Early Recovery approach and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons.

### **UN Global Cluster for Early Recovery**

In 2008, the United Nations Development Programme (UNDP) introduced the principle of early recovery to improve the delivery of humanitarian aid by linking it to post-conflict activities.<sup>7</sup> Early recovery is both an approach as well as a set of specific programmatic actions to help people move from dependence on humanitarian relief towards development. The approach aims to generate self-sustaining, nationally owned, resilient processes for post crisis recovery and put in place preparedness measures to mitigate the impact of future crises.<sup>8</sup> Specific programmatic actions of the Global Cluster for Early Recovery (GCER) focus on four areas related to Livelihoods, Basic Infrastructure & Rehabilitation, Governance, and Capacity-building.<sup>i</sup>

### **IASC Framework on Durable Solutions for IDPs**

Whether a crisis is man-made or the result of a natural disaster (i.e. floods, earthquake etc), it is usually accompanied by large numbers of forcibly displaced persons, either crossing their international borders (to become asylum seekers or refugees) or staying within national boundaries (to become internally displaced persons (IDPs)). The 2010 IASC Framework on Durable Solutions for IDPs<sup>9</sup> details the process and conditions necessary for achieving durable solutions to displacement following a crisis. The framework<sup>i</sup> operationalizes the Guiding Principles on Internal Displacement (1998)<sup>10</sup> which identified three durable solutions: Return to areas of origin; Local integration; and Settlement elsewhere in the country.

When comparing the UN GCER and the IASC Framework, it is clear that there are quite a few programmatic overlaps between the two, however neither are a silver bullet. The IASC Framework is a tool to support displaced populations and is not effective to support changes in programming from humanitarian to transition assistance. The GCER has not been widely recognized as an effective tool to facilitate transition and recovery programming in an emergency context.

To date, there is not one agreed global UN framework for the transition and recovery phase which clearly organizes priority sectors by humanitarian actor (similar to the humanitarian cluster system) or divides up the roles and responsibilities of the different UN agencies for each programme area (similar to the UNDAF).

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<sup>7</sup> UNDP, Policy on Early Recovery, 2008.

<sup>8</sup> UNDP, Guidance Note on Inter Cluster Early Recovery, 2016

<sup>9</sup> Inter-Agency Standing Committee, IASC Framework on Durable Solutions for Internally Displaced Persons, Brookings-Bern Project on Internal Displacement. April 2010

<sup>10</sup> United Nations, OCHA, Guiding Principles on Internal Displacement, 1998



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## 2) The Iraq Context

Iraq is an example of a post-crisis country entering the transition and recovery phase. Between 2014 and 2017, 5.7 million civilians were displaced inside Iraq due to conflict. From October 2016 to July 2017, the longest urban battle since World War II took place when the Iraq military reclaimed the city of Mosul from the Islamic State in Iraq and the Levant (ISIL).<sup>11</sup> Since December 2017, when the war was declared over by Iraq’s Prime Minister, the Government of Iraq (GoI) was faced with the urgent tasks to ensure security and stability, fast-track reconstruction plans for cities like Mosul, and implement reconciliation programmes to build trust between the country’s different ethno-religious communities.

Aside the humanitarian situation, the country is heavily divided along sectarian lines, is facing an economic crisis, is in the process of demobilizing combatants, and preparing for the parliamentary elections expected in May 2018. Displacement remains an issue (2.2 million IDPs in March 2018).<sup>12</sup>

While over 3 million IDPs have returned to their place of origin since the start of the crisis,<sup>13</sup> conditions in these areas lack the preconditions to achieve durable solutions. The sustainability of IDP returns continue to be compromised. While the long-term intention of IDPs is to return home, over 55% of them would rather stay in their current location of displacement in the short-term.<sup>14</sup>

In 2017, while still fully occupied with the humanitarian response to the displacement crisis, the UN Country Team (UNCT) developed the Recovery and Resilience Programme (RRP) (2018-19).<sup>15</sup> The RRP aims to fast-track the social dimensions of reconstruction in Iraq and focuses on: helping people who have suffered the most; restoring confidence in the Government; revitalizing the areas at the highest risk of violence; and advancing broad political participation and inclusive social harmony. The RRP is envisioned as a nexus framework as it builds on the work that has been done by humanitarian partners to support displaced and host families during the conflict and on efforts made by the Government and development partners to stabilize newly liberated areas.

At the recent International Conference for the Reconstruction of Iraq (Kuwait, February 2018),<sup>16</sup> the UNSG launched the RRP with an appeal for \$482 million for the first year of stabilization efforts in high-risk areas.

## 3) Challenges with Transition Programming

### Operational Framework

While the establishment of the RRP, a comprehensive transition and recovery programme, can be applauded, there has been criticism on the part of donors, INGOs and Iraqi Government that there has not been broad consultation or coordination in the

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<sup>11</sup> The Humanitarian Response Plan (HRP), February 2018. <https://www.humanitarianresponse.info/en/operations/iraq>

<sup>12</sup> IOM Iraq Displacement Tracking Matrix, see <http://iraqdtm.iom.int/IDPsML.aspx>

<sup>13</sup> IOM Iraq Displacement Tracking Matrix <http://iraqdtm.iom.int/>

<sup>14</sup> IOM Iraq, Integrated Location Assessment, 2017, <http://iomiraq.net/reports/integrated-location-assessment-thematic-overview-and-governorates-profiles>

<sup>15</sup> <http://creapix.info/rrp/>

<sup>16</sup> The conference was co-chaired by Iraq, the European Union, Kuwait, the United Nations and the World Bank and focused on the physical and human dimensions of reconstruction, e.g. infrastructure, private investment and societal issues such as humanitarian needs, social protection, good governance and accountability, and mobilized nearly 30 USD billion of additional international support.



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process of developing the programme. Currently only UN agencies are set to lead or co-lead the 9 RRP components and some perceive the programmatic areas to be overlapping. This is partly due to a lack of an overall UN framework on transition and recovery which would guide programming and coordination.

## **Government Engagement**

During the emergency response humanitarian actors function within the prescribed humanitarian architecture relatively independent from the government. This approach is very different to the development and the transition and recovery phase, where activities are implemented in close collaboration with governmental authorities to ensure ownership and sustainability. In the case of Iraq, while the RRP is aligned with the Government’s commitment to multi-dimensional reconstruction, it seems the perceived lack of government engagement on the RRP could stem from relative low levels of institutional government engagement during the humanitarian phase.

## **Financing**

Questions on how the RRP will be financed have arisen since the Kuwait conference. The UNCT is currently in the process of agreeing on a funding mechanism. To facilitate this, an advisory board is set to be established that will govern a ‘pooled fund’ to oversee how the funds are allocated to the different UN

agencies and actors. It is foreseen that representatives of the donors, GoI and INGOs will sit on this board.

In this critical period there is no time to waste and humanitarian and recovery assistance should be scaled up quickly in at-risk communities, especially those where large numbers of IDPS have started to return. Yet, to date, only a few UN agencies and INGOs are funded bilaterally to implement recovery programmes but no specific funds have been allocated to the RRP, partly due to the lack of coordination, the absence of a funding mechanism, and the length of time it took to develop the RRP.

## **Flexibility and Collaboration in Transition Programming**

While humanitarian and development partners often work side-by-side on the ground, they frequently do not participate in the same coordination meetings, or share lessons learned. This does not allow for optimized synergies in their work, or resources making assistance provided less effective. For example, there is no official mechanism in place where UN agencies and INGOs come together and coordinate their early recovery programmes, nor is there a forum where they share information with humanitarian actors working in the same geographical areas to facilitate transitional programming.

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<sup>11</sup> The Humanitarian Response Plan (HRP), February 2018. <https://www.humanitarianresponse.info/en/operations/iraq>

<sup>12</sup> IOM Iraq Displacement Tracking Matrix, see <http://iraqdtm.iom.int/IDPsML.aspx>

<sup>13</sup> IOM Iraq Displacement Tracking Matrix <http://iraqdtm.iom.int/>

<sup>14</sup> IOM Iraq, Integrated Location Assessment, 2017, <http://iomiraq.net/reports/integrated-location-assessment-thematic-overview-and-governorates-profiles>

<sup>15</sup> <http://creapix.info/rrp/>

<sup>16</sup> The conference was co-chaired by Iraq, the European Union, Kuwait, the United Nations and the World Bank and focused on the physical and human dimensions of reconstruction, e.g. infrastructure, private investment and societal issues such as humanitarian needs, social protection, good governance and accountability, and mobilized nearly 30 USD billion of additional international support.



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## 4) Policy Recommendations

As can be gleaned from above, in “The Middle” there are some gaps in the United Nations’ system, as illustrated with the example of Iraq. To overcome these gaps, three policy changes could improve the effectiveness of the UN system in support of host governments’ priorities in the crucial post-crisis transition and recovery phase:

### 1) Establish a Global UN Framework

There is a need for a global framework for the transition and recovery phase, with clear guidelines and criteria on the division of labour between UN agencies and how they should work with government authorities, INGOs, private sector and other actors. This framework should have strong links to humanitarian assistance, development cooperation and conflict prevention. The framework can be adapted at country level for post-conflict and post-natural disaster scenario.

The framework needs to be flexible and ensure that immediate life-saving support to vulnerable returnees and crisis-affected host communities is provided in the post-crisis period, while early recovery principles and actions are integrated in the humanitarian response.<sup>17</sup>

### 2) Donor Countries Adopt the “New Way of Working”

Building on the “Commitment to Action” following the World Humanitarian Summit and SG Guterres’ pledge to the UN’s “New Way of Working”, donor agencies need to adapt their funding instruments to allow for multi-year, flexible funding with agreed results that can flex according to the context, allowing for better targeting of needs and priorities.

Many donor countries and agencies keep humanitarian and development funding separate or do not have dedicated funding instruments for transition and recovery activities. Donors are steadily recognizing the need to bridge these silos. A good example is the European Union (EU) who is conducting ‘nexus’ pilot studies in different post-crisis countries to align their different funding instruments<sup>18</sup> along the humanitarian development nexus.<sup>19</sup> It is foreseen one of the pilot studies will be conducted in Iraq.

### 3) Humanitarian and Development Actors Improve Coordination and Collaboration in Support of Host Governments’ Priorities

Every emergency response, whether in sudden and slow onset, protracted, disaster or conflict contexts, can be conducted in a way to promote national capacities rather than undermining them.<sup>20</sup>

To implement the UN framework on transition and recovery at country level, the UN should

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<sup>17</sup> As displaced persons are increasingly taking refuge out of camp, in informal settlements and urban areas, it is essential that humanitarian partners support existing government services instead of setting up parallel structures for humanitarian assistance, which are unsustainable. For example, in Iraq the water, sanitation and hygiene (WASH) cluster has supported the government to ensure availability and maintenance of municipal water and waste systems in IDP hosting areas.

<sup>18</sup> Just to name a few: humanitarian assistance is managed by the European Civil Protection and Humanitarian Aid Operations (ECHO), the Instrument Contributing to Stability and Peace (ICSP) helps countries cope with crises and maintain peace, security, law and order. The Directorate-General for International Cooperation and Development (DEVCO) is the Commission’s department responsible for EU policy on development and delivering international aid.

<sup>19</sup> [https://ec.europa.eu/europeaid/january-2018-council-conclusions-integrated-approach-external-conflicts-and-crises\\_en](https://ec.europa.eu/europeaid/january-2018-council-conclusions-integrated-approach-external-conflicts-and-crises_en)

<sup>20</sup> UNDP, Guidance Note on Inter Cluster Early Recovery, 2016



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institutionalize coordination and consultation mechanisms that include UN agencies working along the humanitarian development nexus, host government’s representatives from national and sub-national levels, INGOs and donor agencies.

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<sup>i</sup> Specific Programmatic Actions of the Early Recovery Cluster:

- 1) **Livelihoods** including economic recovery, government recovery, cash and vouchers for seeds, fertilizer, hand tools, rehabilitation of productive assets (e.g. fishing boats, livestock)
- 2) **Basic infrastructure and rehabilitation**, including waste management, utility systems (water electricity), roads, bridges, schools, clinics, local government buildings, Community buildings: prisons, markets, Mine awareness and clearance
- 3) **Governance**, including rule of Law, peace and reconciliation, community stability, social cohesion, local governance, civil society
- 4) **Capacity-building investing in people**, including farmers, health professionals, midwives, community health workers, police, government services, small and medium enterprises, civil society

<sup>ii</sup> The IASC Framework on Durable Solutions to IDPs sets eight criteria to determine to what extent a durable solution has been achieved. These are:

Enjoyment without discrimination of:

- 1) Safety and security
- 2) Adequate standard of living, including access to adequate food, housing, healthcare and education
- 3) Access to employment and livelihoods
- 4) Access to mechanisms for restitution of housing, land and property or compensation if restitution is not possible.

Depending on the situation, the following may also be necessary for achieving a durable solution for IDPs:

- 5) Access to and replacement of personal and other documentation (e.g. identification cards, property titles)
- 6) Voluntary reunification with family members separated during displacement
- 7) Participation in public affairs (e.g. in elections)
- 8) Effective remedies for displacement-related violations, including access to justice reparations and information about the causes of violation

# “Remuddling” Refugees: New Sources of Data and the Humanitarian Response

GRAEME RODGERS

APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# “Remuddling” Refugees: New Sources of Data and the Humanitarian Response

Graeme Rodgers, Technical Advisor at the International Rescue Committee

What will refugee crises look like in 2050?

This brief thought-piece considers how emerging technologies and practices related to data are impacting how refugees are rendered visible as subjects of policy and humanitarian action. I will highlight three current trends related to the production of data, which are reshaping how we recognize refugee and refugee crises and the effects that we measure as significant. These trends include:

- Increased possibilities for big data on refugees.
- The emergence of evidence-based humanitarianism.
- Refugee crises as a challenge of economic development.

Undoubtedly these developments offer tremendous opportunity to expand our appreciation of the phenomenon of forced migration. More data, of better quality, and from more reliable sources promises to strengthen our analyses and the decisions based upon these. However, their effects are not limited to improved quality and understanding. Drawing on examples from my own work at the International Rescue Committee (IRC) as well as recent observations of others, I argue that these trends may also enhance the depoliticization of the refugee predicament, the homogenization of the refugee experience and further marginalization what we might call “refugee voice”. I’ll conclude by suggesting that powerful advances in data technologies do not replace or negate the importance of small-scale qualitative studies that strive to centralize the refugee narrative. Rather, they underscore the urgency of their continued relevance.

## Refugees and Big Data

The rise in big data has clearly transformed modern life, in ways that most of us are largely unaware. Our behaviors, movements and attitudes are tracked with increasing precision, leaving detailed data trails that can be fed into powerful algorithms to optimize specific outcomes. The ability to collect and analyze vast quantities of data enables not just powerful but also remarkably intimate insights that could not be achieved in a pre-digital age.

The potential for big data holds particular significance for refugees. Historically, refugees have been noted by their *invisibility* as a population.<sup>1</sup> Not too long ago, if you wanted to know something about refugees (at least in the developing world) you had to go to great lengths to find them. Refugee camps, were most refugees used to be settled, were in remote locations, purposefully isolated from the public gaze. Access was controlled by government authorities and refugee were kept in limbo (Malkki, 1995). Data that was collected on refugees was often partial, unreliable and not readily accessible to researchers. As Jeff Crisp (2018) notes, much has changed:

“The high level of current interest in refugee and migration data should come as no surprise. Innovations in the field of biometrics, the widespread use of digital devices, the popularity of social media and the penetration of internet services to the most remote parts of the world have all allowed information to be collected much faster, more systematically and at far less cost than was previously the case.” (Crisp, 2018)

Improved management of large administrative datasets on refugees has also enabled new possibilities for improved

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<sup>1</sup> See the special issue of the Journal of Refugee Studies on “invisible displacement” (Polzer & Hammond, 2008).





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response. Recently, the IRC partnered with Stanford University’s Immigration Policy Lab (IPL) to develop a data-driven algorithm to improve decisions regarding the placement of arriving refugees across different resettlement locations. The algorithm leveraged the relationship between refugee background characteristics and site characteristics to optimize placement allocations with regard to employment outcomes at ninety days. Early findings from this ongoing study are promising, suggesting that employment outcomes could be improved by between 40% and 70%, relative to current placement practices (Bansak et al., 2018). These findings are preliminary, limited to employment as an outcome and have yet to be verified empirically. Nevertheless the study provides an interesting example of how large datasets, previously neglected, are now being put to work to inform more rigorous decision-making.

A number of humanitarian organizations, including the IRC, are also exploring the development of smartphone apps, designed to deliver information and services to improve opportunities for refugees. For example, the Cultural Orientation Resource Exchange (CORE)—a government-funded technical assistance program that provides cultural orientation services to refugees—recently launched an app called “Settle In”. This is described as a “helpful digital resource for refugees to use during their resettlement journey to the United States”.<sup>2</sup> Beyond the convenience, low cost and enhanced level of service offered to refugees by smartphone apps such as Settle In, one can imagine the potential data-points that could also be harvested and analyzed, to answer complex questions that may have nothing to do with the purpose or functioning of the app that generates the data. I don’t think this potential

is being realized yet, but it is likely to develop over time.

## The Emergence of Evidence-Based Humanitarianism

Along with enhanced possibilities for generating more data on refugees, the humanitarian sector is becoming increasingly evidence-based. This is not a new trend, emerging from the early 2000s, in response to a growing debate over the methodological rigor of research on forced migration (see Jacobsen & Landau, 2003 for example). The IRC has made a strategic commitment to becoming evidence-based and has invested substantially in generating evidence, to address significant gaps. The product of an exhaustive review, the IRC recently made its strategic “Outcomes and Evidence Framework” (OEF) available publically as an interactive web-based tool.<sup>3</sup> The framework delivers key information on outcomes related to health, education, safety, power and economic empowerment, reinforcing the link between theories of change and evidence. It maps out detailed evidence for the interventions that work (and don’t work) to achieve their intended measured outcomes. As one of the strongest commitments by a large humanitarian organization to taking evidence seriously, the IRC’s OEF contributes towards institutionalizing the rigors of measurement within the humanitarian sector.

The development of evidence-based humanitarianism has important implications for the way that research questions are framed and the forms of data that we require to answer these. It compels us to address gaps in our evidence base through rigorous impact assessments, such as randomized

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<sup>2</sup> <https://coresourceexchange.org/2018/03/core-launches-settle-cultural-orientation-mobile-app-refugees/>

<sup>3</sup> <http://oef.rescue.org>



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control trials (RCTs) and other high quality experimental designs. To produce the standard of evidence we now require of ourselves, we pay particularly close attention to research design, to sampling, data collection methods, concerns over attrition, statistical power, minimum detectable effect and so on. The knowledge that we produce about refugees through these studies is defined very narrowly around the relationship between intervention and impact.

## Refugees as an Economic Challenge

The third trend that I'll mention briefly refers to the long-awaited arrival of economists at what was described recently as a “club of lawyers” (Howden, Patchett, & Alfred, 2017). To be fair, the study of refugees was never exclusively a club of lawyers but there has been a notable lack of research on refugees by economists.<sup>4</sup>

In recent years the World Bank has become increasingly interested in forced migration as a significant factor in economic development. This has opened up space for economists to enter the debate. In 2013, the World Bank launched the Global Knowledge Partnership on Migration and Development (KNOMAD), which was intended “as a global hub of knowledge and policy expertise on migration and development issues”. At a 2017 meeting of KNOMAD's Thematic Working Group on Forced Migration and Development, I was struck by a relatively recent proliferation of research by economists. It was also notable that there was a concentration of interest on internal displacement in Columbia. It soon became clear to me that this was propelled by the availability of sufficiently large and

robust datasets required for econometric analysis. It appears that data is an important enabling condition for economists to finally join the “club of lawyers”.

The analysis of forced migration through the lens of economics was also emphasised in the 2016 New York Declaration for Refugees and Migrants. Paragraph 86 of the Declaration notes:

“We welcome the increasing engagement of the World Bank and multilateral development banks and improvements in access to concessional development financing for affected communities”.

In October 2017, the World Bank announced the establishment of a joint data center on forced displacement with UNHCR, with the intent to “greatly improve statistics on refugees, other displaced people and host communities”<sup>5</sup> suggesting a further commitment to generating data on forced migration that is more accessible to rigorous economic analysis.

Unlike earlier efforts to frame forced migration as an economic development challenge (which go back to at least the 1970s), the current World Bank led initiative has emerged at a time when the availability of data on refugees is set to increase tremendously and when evidence-based humanitarian programming aligns closely with the dominant approaches and methods of development economics. As data becomes available, it is likely that we will see more engagements from economists that promise to enliven policy discussion related to forced migration.

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<sup>4</sup> *The Economic Lives of Refugees*, (Jacobsen, 2005) one of the few books on the subject, was authored by a non-economist.

<sup>5</sup> <http://www.worldbank.org/en/news/press-release/2017/10/20/new-world-bank-unhcr-joint-data-centre-to-improve-global-statistics-on-forced-displacement>



# “Remuddling” Refugees: New Sources of Data and the Humanitarian Response

Graeme Rodgers, Technical Advisor at the International Rescue Committee

## More Data, Better Evidence and Economic Development: What’s the Problem?

Looking towards 2050, my argument starts from the somewhat obvious point that our understanding of refugee crises will be informed by more data—a lot more data! I’ve suggested that this will enable the optimization and more rigorous testing of interventions and a much stronger understanding of the economic aspects of forced migration. But will more data inevitably lead to better policies that inform more effective humanitarian responses that ultimately lead to demonstrably improved outcomes for refugees?

Jeff Crisp has recently questioned the assumptions that better data leads to better outcomes (Crisp, 2018). He argues that the increased risks to people’s privacy and security are of particular concern for vulnerable populations like refugees and migrants. He notes how enthusiastic governments are for the collection and sharing of data on refugees and migrants and points to the risks of data inadvertently identifying persons to the authoritarian states that they are fleeing from.

Beyond the concerns for privacy and safety, analyses of large datasets can often appear as extremely persuasive and even beyond question. For example, algorithms that learn from big data are designed to optimize decisions with an efficiency that is beyond human capability. But some scholars question our blind faith in big data. Mathematician Cathy O’Neil calls the algorithms that govern our lives “weapons of math destruction” (O’Neill, 2017). The main problem she identifies is the fallibility of the human decision-making that informs mathematically powered applications. Problems like bias, prejudice and misunderstanding are often

coded into algorithms in ways that are largely invisible to most observers or users and left uncorrected. The effects of these distortions are experienced disproportionately:

““Their verdicts, even when wrong or harmful, were beyond dispute or appeal. And they tended on punish the poor and oppressed in our society, while making the rich richer” (O’Neill, 2017, p. 3).

Like big data, evidence based humanitarianism also risks producing a “depoliticizing” effect, by prescribing essentially technical response to problems that are essentially rooted in injustice (c.f. Ferguson, 1994). Precise measurement of the intended causal effect of an intervention also generally ignores the possibility of unintended consequences, which may be quite significant and even desirable or beneficial from the point of view of target beneficiaries. The work of Loren Landau on the “Humanitarian Hangover” points to the important social effects of large aid programs on local governance and the integration of local economies into more globalized communities, quite apart from programmatic outcomes (Landau, 2008).

Increased data and a strong humanitarian focus on experimental research seems to have finally opened up space for economists to engage more seriously with the issue of forced migration. This is tremendously exciting but there are also good reasons to consider carefully the reframing of refugees as *homo economicus*. In the US, the public debate over refugee resettlement has shifted sharply towards questions of costs and benefits of refugees, losing sight of the humanitarian imperative. Whereas the data suggests that refugees do, on average, contribute positively to the US economy, this usually takes more than ten years to achieve and is obviously not inevitable for all refugees (Evans & Fitzgerald, 2017). Despite the best intentions to recognize refugee agency, framing refugees solely in terms of their



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economic value may also work against those who are most vulnerable, marginalized and in need of protection. Ironically, the marketing of refugees as economic assets reinforces and legitimizes, in some way, the Trumpian logic of self-interest before international obligation.

## Conclusion: Refugees Remuddled?

The term “remuddling” in the title of this thought-piece is borrowed from the practice of restoring old houses.<sup>6</sup> It is applied when well-intentioned attempts to update old structures that are dilapidated but architecturally authentic yield renewed buildings that are ugly, in the sense that they no longer reflect the original inspiration, purpose or form in any coherent way. In considering the rise of big data, evidence-based humanitarian practice and the economics of forced migration, I have suggested that there are risks that these may contribute towards remuddling the figure of the refugee, by stripping away the centralized narrative of displacement for the sake of function, efficiency and convenience. This is not inevitable. One way that we can mitigate this is by re-asserting the ongoing value of more intimate, qualitatively-based understandings of refugees that engage seriously with questions of experience, voice, agency and the politics of representation.

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<sup>6</sup> I borrowed its use as a metaphor from Scheffler (2001).



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# Back to Basics: Internet Crisis and a Golden Opportunity for Journalism

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# Back to Basics: Internet Crisis and a Golden Opportunity for Journalism

Aidan White, Founder & President of the Ethical Journalism Network

Facebook appears to have finally had enough of journalism. The decision in January 2018 to downgrade its news profile and to strengthen its first-love – helping families and friends to stay in touch – means a retreat from its frontline role as the world’s leading publisher of news.

For publishers who staked their financial future on the Facebook model of publishing it could be very bad news, but for others who have been increasingly sceptical about the platform it may provide an opportunity for fresh-thinking about the future of news.

On all sides Facebook and other big technology companies have come under fire: from rebellious employees and whistle blowing former executives; from governments increasingly worried about unscrupulous use of the platform to interfere in democratic elections; from restless advertisers fed up with being joined up with anti-social and sometimes racist opinions; and increasing opposition from within its core community over privacy and abuse issues.

And into 2018, the blows kept coming with revelations in The Observer in London in March of a massive data breach in which the personal information from around 50 million Facebook users was taken without authorisation to build a system for profiling United States voters. A whistle-blower revealed how a company linked to former Donald Trump adviser Steve Bannon, Cambridge Analytica, had gathered the data to target voters with personalised political advertisements during the US election in 2016.

For years now many commentators have been warning that Facebook and other social networks use of technology are key driver of today’s polarised, often chaotic information environment.

Zeynep Tufekci, a Turkish writer on technology now based at the University of

North Carolina recently carried out an experiment that showed how YouTube (owned by Google) constantly promote and recommends more extreme material. Whether it’s the food, fitness or politics, the tendency is to algorithmic recommendations for ever-more extreme options. “Given its billion or so users,” she told The Observer, “YouTube must be one of the powerful radicalising instruments of the 21st century.”

The unintended consequences of this use of technology and the business model behind it were highlighted more than a year ago by the Ethical Journalism Network which joined other news leaders in a global protest over the Facebook deletion of the Napalm Girl photograph from the Norwegian daily Aftenposten.

This incident illustrated precisely why encoding and machine intelligence cannot guarantee informed, nuanced and ethical communications. Media leaders around the world argue that we need less robotic, automated editing and more informed, skilled and well-trained journalists and editors.

It is a message that Facebook appeared to accept with a decision last year to recruit more real live editors to monitor and delete abusive content. But maintaining and moderating a newsfeed means Facebook will have to hire thousands of editors and journalists to counter disinformation and that could hit profits in years to come.

That prospect as well as a growing realisation that publishing news is not easily compatible with the Facebook model of quick-fire sharing may be behind the decision to downgrade news media on the platform.

Certainly, it is a setback for Facebook’s vision of creating a global public forum in which its 2 billion users would have easy access to all the information that’s important in their lives.



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Unfortunately, it is fresh evidence that social networks, and the business models around them, are not designed to promote or to give prominence to streams of reliable, trustworthy information like journalism. What counts in this world are clicks and attention-grabbing content to attract advertising, not the public purpose of information.

The shift has left news industry leaders scratching their heads over how to respond. Those who argue it's time for the industry to break with Facebook will have to find convincing alternatives, not least because many news leaders only signed up to the Facebook model because its advertising monopoly gave them little other choice and many publishers have grown addicted to the promise of clicks offered by a platform which now boasts two billion users, but the change of direction by the company will cause them pain.

Just how much pain is difficult to judge, but there were warning signs of the looming crisis in late 2017 when Facebook carried out an experiment by removing professional news feeds from users' news feeds in six random countries – Sri Lanka, Guatemala, Slovakia, Serbia, Bolivia and Cambodia.

The impact was swift and devastating. Dina Fernandez, a Guatemalan journalist for the news site *Soy502*, told *The Guardian*: “Facebook killed 66 percent of our traffic. Just destroyed it. One company has a gigantic control on the flow of information worldwide...It's downright Orwellian.” The Slovakian journalist Filip Struharik, a critic of the experiment, said it was hurting professional media more than reducing fake news consumption.

This experiment was abandoned in March 2018, but it is separate from changes to the global news feed that are aimed at “promoting meaningful social interactions,” says Facebook.

It is this part of the Facebook experience that is loved and cherished by hundreds of millions of users who remain loyal. Despite the fallout from the Cambridge Analytica scandal and the launching of #MeToo style campaigns to leave the social network, they will stay put.

But for journalists and media a new reality is emerging which as Frederic Filloux, a French media commentator based in the US [has noted](#), provides an opportunity to reinvest time and resources in the things that actually make for good journalism. “Once the acute pain is gone, the industry will realize that this is not such bad news after all,” he writes. “It is time to regroup and refocus on the basics.”

This message will resonate within media circles where our love affair with the mighty communications revolution has long-since cooled with the deeply negative effects of disinformation, malicious propaganda and online abuse and the destruction of sustainable models of journalism in recent years.

Anyone close to the news media business knows that newspapers and traditional news reporting increasingly rely on philanthropy, public funding or supportive foundations to maintain quality content and investigative journalism.

The traditional market models that kept general news media in profit and robust competition are obsolete and only niche markets – such as specialist information sectors like financial journalism – are making progress through the headwinds of market restructuring.

The fact that journalism no longer provides a living for people who work in the industry or who invest in it has reinforced corruption and conflicts of interest with more “brown envelope” bribery at editorial level and a new generation of owners who buy up media not





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as sound business investments, but as trophy possessions to promote their wider political and business interests.

Working conditions in newsrooms are equally poor whether online or offline. Jobs are precarious and scarce. A generation of young people in the journalism schools around the world have few quality jobs to look forward to. Some will survive as freelancers, but many, if not most, are destined for advertising, corporate communications or public and political information jobs.

At the same time public trust in journalism is weakened as tech giants and advertising companies remain reluctant to promote reliable public information.

All of this points towards an opportunity for journalism but only if policymakers and citizens' groups recognise that there is an urgent need for public programmes to support a fresh agenda for change in journalism. For the Ethical Journalism Network the priorities in any back to basics strategy will be

- **Ethics:** Strengthening attachment inside journalism to core values – accuracy, independence, impartiality, humanity, transparency and accountability – and eliminating hate-speech, building respect for pluralism, holding power to account and challenging abuse of human rights;
- **Digital Knowledge:** Helping a new generation of journalists and editors to understand the digital age, to acquire the technical skills they need, and to put data journalism at the heart of editorial work at all levels;
- **Sustainability:** Building public support for new and creative ways of funding public interest journalism while preserving the editorial independence that ensures public trust in ethical media;

- **Engagement:** Ensuring journalism has a positive edge and is working with its audience to increase understanding of journalism's role in the new information landscape while building respect for democracy and human rights;
- **Responsibility:** Media and journalism must be trustworthy, intolerant of conflicts of interest, transparent about its work and always ready to listen to the complaints and views of others.

These issues should be the centrepiece of any strategy for reviving the fortunes of journalism. Building public trust requires a new vision from policymakers that goes beyond political self-interest and public relations.

Whether it is countering the information wars being fought in conflict zones or creating a pluralist information space for elections, citizens need access to information they can trust, from people they can identify.

The question of sustainability is crucial. There is an explosion of new initiatives within journalism and a capacity for innovation that is giving fresh wind to the notion of a brighter future ahead. Already investigative journalism is one area of reporting that is thriving on the back of non-traditional funding.

It may well be that journalism is no longer a money-spinner for hard-headed investors, but there are signs that a cleaner, more transparent world of news media will generate direct support from readers, listeners, viewers or followers.

New online initiatives and traditional players are successfully reinventing themselves on the web with support from donors, foundations, the audience and public sources. The future of journalism will not be determined by attachment to a single income



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flow, but will be based upon creative solutions to the funding crisis and may include a mix of civic, market and public resources.

Even in regions where democracy is under pressure, journalists are looking for innovative ways to secure the future of news. No-one predicts a smooth transition to the new information age, but equally no-one doubts that success can be achieved if there is a commitment to ethical values.

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# Media Portrayals of Migrants and Refugees: Public Opinion and Policy Reform

EMILY WILSON

APRIL 2018 GLOBAL SHIFTS COLLOQUIUM



# Media Portrayals of Migrants and Refugees: Public Opinion and Policy Reform

Emily Wilson, Professor of Classical Studies, University of Pennsylvania

I am not a policy specialist in any way, nor do I normally think of myself as someone who works on “the media”. I was honored to be asked to participate in this panel, and curious about what I might learn. I would like to acknowledge at the start that I am an outsider to this field, though I hope there is at least a chance that my perspective might be useful in some way.

I am a classicist, and I recently published a new verse translation of Homer’s *Odyssey*. I hope and believe that my translation itself, as well as my introduction, brings out more clearly than many previous translations have done the fact that this poem is itself very much engaged with issues of migration, diaspora, colonization, trafficking, and the repercussions of war, including PTSD as well as people forced from their homes by war and violence. These aspects of the *Odyssey* have sometimes been made somewhat less visible, because translators and scholars, in their reverence for Homer, have been eager to heroize and euphemize the poem, for instance by translating words for “slave” with such terms as “servant” or “maid”. I’ve used the word “slave”, and the word “migrant” too. I believe we can see more clearly what is both distinctive and similar in the Homeric and modern social worlds, if we avoid representational modes that obscure what’s going on, or that shut down critical response by bombastic or archaic language.

I would like to distinguish between two different ways that my project could be relevant for the question at hand, the question of media portrayals of migrants and public policy. First, the original Greek poem can itself be seen as a piece of media that presumably shaped public opinion in its own time, in archaic Greece. In an era at the dawn of literacy, poetry, music and the visual arts were the closest thing to a modern “media”. Secondly, we can and should ask how the contemporary work of scholars and translators responding to this archaic but still

ultra canonical poem might shape current public understanding and public policy.

Classicists would likely hesitate to apply the term “political” to the archaic period, since there was no polis and no fixed legislative system in archaic Greece. But we can see how the *Odyssey* is certainly invested in framing certain questions that are ideological and proto-political. As William Thalmann has argued (*The Swineherd and the Bow*, 1998), the poem can be seen to provide an idealized representation of master-slave relationships that serves the emergent aristocratic class. The archaic period in Greece was a time of massive cultural and economic change, after the fall of Mycenaean civilization, as Greek speakers spread out across the Mediterranean world, colonizing, fighting, enslaving, raiding and looting as they went. For Thalmann, the *Odyssey* is an example of media portrayals designed to serve a problematic ideological agenda: to valorize an emergent class system propped on a growing slave population. But in my view, there are interesting contradictions and double standards visible in the poem, in terms of the representation of slaves, migrants, refugees and the homeless poor -- four inter-related but distinct categories in the world of this text.

I think it may be useful to turn back to this very old poem, firstly, to remind ourselves that migration and “global shifts” are not entirely new phenomena, although the scale of the current global crises is of course quite different from that of the small pre-polis settlements of archaic Greece. And secondly, it may be useful to turn back to this poem to consider whether some of the psychology and some of the ideological tensions visible in Homer might also operate in our own media, and also affect our own policies surrounding migrants and refugees.

I will here touch on 6 points of the poem that seem relevant for our discussion.



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1. In Book 8, Odysseus has washed up on the island of Scheria, on his way back from the war at Troy to Ithaca. He asks the singer there, Demodocus, to sing about Troy, and Demodocus complies, and sings of Odysseus' own great accomplishment, devising the Trojan Horse with which the Greeks managed to take the city. But Odysseus responds in a strange way to the tale of his own triumph:

Odysseus was melting into tears;  
his cheeks were wet with weeping, as a  
woman  
weeps, as she falls to wrap her arms  
around  
her husband, fallen fighting for his home  
and children. She is watching as he gasps  
and dies. She shrieks, a clear high wail,  
collapsing  
upon his corpse. The men are right  
behind.  
They hit her shoulders with their spears  
and lead her  
to slavery, hard labor and a life  
of pain. Her face is marked with her  
despair.  
In that same desperate way, Odysseus  
was crying.

The slippage between the experience of the woman, the victim, being taken into slavery, and the victor, hearing of her plight and his own triumph, could go different ways. Does it suggest he feels guilty? Does it suggest an equation between his experience and hers? Do refugees suffer no less than those who rape them, enslave them or force them from their homes? What does the passage suggest about how people lose their homes and their freedom in the aftermath of war? Whose fault is it?

2. Remember that Odysseus himself is, for a good chunk of the poem, a kind of migrant. He leaves Troy and is blown off course, shipwrecked and blocked from his home. He says to Eumaeus (15. 343ff):

The worst thing humans suffer  
is homelessness; we must endure this life  
because of desperate hunger; we endure,  
as migrants with no home...

The passage suggests deep empathy towards homeless people and migrants. On the other hand, we're also shown that this speech is part of Odysseus' long-con: it's part of his disguise as a beggar, and part of his pitch to Eumaeus, to test him and weasel good hospitality out of his own noble slave. So, is Odysseus really a migrant, and are real migrants really pitiable? And if people are ever, even temporarily, migrants, how exactly does this happen, and how can it end? The poem again seems to suggest a complex, contradictory picture about how and why forced migration happens. On the one hand, as the mythological background consistently suggests, the Greeks/ the Achaeans suffered on the way home, and in some cases did not reach home, because they violated the temple of Athena. A bad homecoming (nostos) is your own fault; it's divine punishment for idiotic or evil behavior. The poem also suggests that Odysseus is Athena's favorite, and in certain respects, we are invited to view him as an admirable and relatable protagonist; he's rewarded with an ultimately good homecoming, because he has pleased the gods. Is this an image of good luck and the right patrons, or something like justice (as Odysseus himself, but not necessarily the narrator, assert)? Can being a migrant or a refugee happen to anyone, even the most heroic, strongest and smartest of us?

3. In book 14, we get a heart-breaking first-person story of trafficking and forced migration, from Eumaeus, the swineherd slave with whom Odysseus, in his disguise as an old beggar/ migrant, is staying. This passage shows vividly how anybody, of any original class and social status, can be trafficked into slavery and forced from his or her home. But it also suggests some



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representational collusion with the slave owners and slave buyers. The traffickers, the Phoenicians, are the bad guys (as are most slavers in ancient literature); but the buyer, Laertes, Odysseus' father, is the good guy who gives his slave a home that is supposedly even better than that of his original family. There is a further interesting contradiction surrounding the "right" or "wrong" way to fulfil the role of slave. Eumaeus provides Odysseus-in-disguise with good hospitality, showing that even a slave can be morally better than the rude elite suitors. But on the other hand, Eumaeus' story shows he's from an originally aristocratic background. So, are the "good" slaves the ones who aren't slaves by birth? Maybe it can happen to anyone, but only some (elite) slaves or refugees are "good" enough to fulfil the role in an ideal way -- in contrast to Melanthe and Melanthius, the "black flower" slaves who align themselves with the suitors -- submitting to the "wrong" masters and failing to bow to the right ones.

4. This set of double standards and ideological tensions is echoed by those surrounding the depiction of Iros, the real, career beggar, a real life homeless person, and Odysseus, the fake homeless person. We are told, at the start of book 18:

Then came a man who begged all  
through the town  
of Ithaca, notorious for greed.  
He ate and drank non-stop so he was fat,  
but weak, with no capacity for fighting.

Iros wrestles with Odysseus, in disguise as a beggar, and Odysseus beats him up and humiliates him, and is rewarded by the suitors with food -- significantly, an animal-stomach packed with meat (like a haggis). The conflict is over the belly, over hunger and class. The real beggar, Iros, supposedly deserves beating up, because his hunger and need are real, material, and therefore illegitimate. By contrast, Odysseus' hunger

for honor and for a name and for power is valorized by the narrative, even though it, too, is ultimately based on possession of material foodstuffs (the animals which the suitors are eating; the house, the furniture, the slaves, the wife, the bed). Whose mouths get fed? Who gets to be at home in the house? That question is correlated with, Who gets to speak? The elite warrior gets the best food, and deserves it, even when he's disguised as a beggar. Notice, again, the double standard: it's presented as a terrible black mark against the suitors that they are mean to Odysseus, when he's the beggar in their midst. But it's also not at all represented as a black mark against Odysseus himself, that he beats up the real beggar. There are two kinds of homeless/ migrant person, representing two entirely contradictory cultural notions about how to deal with what might be, in real life, the same population.

5. The archaic notion of *xenia*, hospitality, offers in some ways an inspiring model for how we in the wealthy countries of the modern world might aspire to treat refugees and migrants. For instance, when the prophet Theoclymenus shows up at Telemachus' ship, having been forced into refuge from his land after killing a man, Telemachus welcomes him, feeds him and helps him on his journey -- and in so doing, forges a bond. This is clearly presented as the right choice; Telemachus worries not a whit about the fact that his guest is a killer, and that blitheness proves his correct behavior. But notice: *xenia* only really works between men, and elite men at that (we've seen how exceptional the slave Eumaeus is, as a host; like a woman, he can never hope to reciprocate the relationship, because he's not likely to be able to go anywhere). Policy implication: maybe we need to think in terms of what humane policies about refugees, migrants and immigration might do for quid pro quo, in preventing war and forging relationships that may be beneficial in the future.



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Emily Wilson, Professor of Classical Studies, University of Pennsylvania

6. How are migrants and refugees dangerous? When Odysseus visits the Cyclops, Polyphemus asks him if he's a "pirate". Odysseus skips the question, but the narrative somewhat confirms that the answer is a qualified yes: after all, he's just invaded, slaughtered, robbed and enslaved the population of the Cicones. What's the difference between a migrant and a pirate? Might they be the same? How many migrants are, like Theoclymenus, murderers at home, on the run? How many are, like Odysseus, city-sackers who've slaughtered and enslaved whole populations? How many are potential invaders of another person's home -- like Odysseus in the cave of the Cyclops, where he comes uninvited and maims his host; or like the suitors, who similarly enter uninvited and abuse the privilege? And the poem prompts us to ask: if migrants or refugees or immigrants enter your home uninvited, what are you justified in doing? Can you, like Odysseus, slaughter them, and claim the justice of Zeus on your side? What's the cost to doing that, in terms of the community -- like, the fathers and brothers who fight, in book 24, for vengeance for their dead boys? Is there a way to avoid having all your own place taken over by strangers, but also avoid an escalation of violence that may pose just as much of a threat to your home? I don't know if there's a policy answer in all this, but I do think that this complex tangle of issues is very much still with us in thinking about contemporary global policy.

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