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State(s) of negotiation: Drivers of forced migration governance in most of the world

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Peace and Security

**State(s) of Negotiation:
Drivers of Forced Migration Governance
in Most of the World**

Lea Müller-Funk, Christiane Fröhlich, and André Bank

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State(s) of Negotiation: Drivers of Forced Migration Governance in Most of the World

Abstract

Between normative aspirations and national interests, forced migrants often become pawns in host states' negotiations with internal and external actors. Focusing on North Africa, the Middle East, and the Horn of Africa, this paper offers an analytical framework to better understand forced migration governance across space and time from a more global, pluralist perspective in a logic of iterative theory-building. We hypothesise that some drivers of forced migration governance are distinct from drivers of migration governance – for example, global policy and conceptions of humanitarian norms and principles play a larger role in the former. We hypothesise that while forced migration governance is negotiated around humanitarian principles, in which international actors, externalisation, and civil society play a crucial role, it also functions as a regime strategy and is driven by certain characteristics of forced migrant groups, including size and perceived identity proximity. Finally, forced migration governance is characterised by strong path dependency.

Keywords: migration governance, forced migration, stability, Middle East, North Africa, Horn of Africa, regime strategy, crisis

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1 Introduction

Following the wars in Libya and Syria, the disintegration of the state of Iraq, and civil strife and militarisation in the Horn of Africa, large migration movements have challenged states' abilities to govern such mobility.¹ Recent studies have therefore explored how forced migration and its governance affects the politics of host states, particularly the latter's foreign policy decision-making (Tsourapas 2019). This has happened against the backdrop of scholars of International Relations (IR) analysing what has become known as the "politics of forced migration" (Adamson 2006; Castles 2003). At the heart of this is the contradiction between states'

1 Our thanks go to all participants of a workshop organised at the German Institute for Global and Area Studies (GIGA) in October 2019, and especially to Fiona Adamson, François Gemenne, Hélène Thiollet, Gerasimos Tsourapas, So Young Chang, Natascha Zaun, and Mattea Weihe, who commented on earlier drafts of this paper. We also extend our gratitude to Katharina Natter, Nicole Hirt, and Pau Palop García, whose feedback influenced the final form of this paper.

“legal obligation to support refugees on their own territory” (Betts and Loescher 2011, 19) in some parts of the world, and the lack of a similar mechanism for the support of forced migrants elsewhere. This is a facet of what Hollifield has termed the “liberal paradox,” (Hollifield 2006) meaning the tension between economic forces that push states towards greater openness while security concerns and political forces push them towards closure. States are also torn between the desire to protect their borders and their will to adhere to international human rights, a phenomenon further complicated by the fact that states are both defining and implementing human rights domestically (Nash 2011; Douzinas 2007). However, newer research also questions the validity of the “liberal paradox,” since some illiberal, authoritarian regimes seem to have more open policies towards migrants than do democracies, as the former do not need to justify their actions to their electorates in the same way (Natter 2018; Hoffmann 2016).

The results of this tension between normative aspirations and national interests are two-fold. On a very practical level, in many countries of the world the 1951 Convention Relating to the Status of Refugees (the so-called Geneva Convention) has not been ratified even if signed and a national asylum policy does not exist. Other states have not signed the convention, but still have relevant policies in place. In yet other states, not having any legislation might be a deliberate choice (Saghieh and Frangieh 2014) – termed by some scholars the “no-policy” policy (Janmyr 2016; El Mufti 2014) or one of strategic “indifference” (Norman 2019). On a more ontological level, the *responsibility to protect* at the core of international human rights has been continuously externalised to what Agier has called the *dispositif* of “global encampment,” which aims to keep the “undesirables” of the world in check (and place) (Agier 2011, 11ff). Rich democracies in Europe, North America, and Australia evade the obligations of the international asylum regime by manipulating territoriality through externalising border control to other states and creating loopholes in international law by conditioning asylum on a person’s physical presence on their state’s territory. In Europe, this has led to what scholars have termed the EU’s “international migration relations” (Lavenex 2004; Geddes 2005), meaning the progressing externalisation of (forced) migration governance to non-EU countries (Wunderlich 2012; Reslow and Vink 2015; Hirt 2016). Both effects contribute to forced migrants becoming a pawn in host states’ negotiations with internal and external, and state and non-state actors.

While some of these negotiations have been well documented for European states, Australia, and North America (Geddes and Hadj-Abdou 2018; FitzGerald 2019), we know much less about sending, transit, and receiving states in “most of the world” – the places where, as Chatterjee argues, political modernity is being forged today (Chatterjee 2004). This is particularly problematic, as most forced migrants worldwide reside outside the so-called “Global North” (Betts and Milner 2006; Greenhill 2010). This paper² therefore aims to approach forced migration governance from a less Eurocentric and more global perspective by looking into

2 This paper received funding from the EU’s Horizon 2020 research and innovation programme under grant agreement No. 822806 (MAGYC: Migration Governance and Asylum Crises).

processes in the Middle East, North Africa, and the Horn of Africa and the position of forced migration governance within their polities and politics.

The debate around migration has always been accompanied by different terms and labels that are supposed to define certain groups of people on the move. Labelling is a practice closely related to governance: For a policy to be implemented, a specific target group needs to be defined. These labels then define whether a person's reasons for moving are considered genuine or legitimate and whether a person deserves protection. In (global) migration policy, particularly stark distinctions exist between the categories of "forced migration"³ and "labour migration" – exemplified by the Global Compact for Migration and the Global Compact for Refugees – which impact not only normative principles and ideas of protection and mobility justice but also the legal and political commitments of the European Union and its member states, such as resettlement programmes and emergency transit mechanisms. However, there is often a substantial mismatch between the principles of global migration policy and local politics of refugee reception, which has led to strong dynamics of externalisation and "refugee commodification" (Tsourapas 2020). While the EU interprets the Refugee Compact in Lebanon, for example, as a tool to lure host states into providing refugees with future options, political actors in Lebanon see the Compact as an opportunity to reaffirm Lebanon's policies of no asylum (Fakhoury forthcoming).

In a logic of iterative theory-building, this working paper asks therefore if "forced migration governance" actually exists when taking a more global, pluralist approach. While, from a normative perspective, some drivers of forced migration governance are distinct from migration governance, other drivers might in fact converge. The objectives of the paper are thus threefold: first, to conceptualise *forced migration governance* and define its actors and arenas; second, to advance a series of hypotheses of potential drivers of policy formulation and implementation; and third, to explain the logic of case-study selection to test these hypotheses through a series of case studies in North Africa, the Middle East, and the Horn of Africa. These case studies are part of the EU Horizon 2020 project "Migration Governance and Asylum Crises" (MAGYC), and in particular its work package "Comparing Crises." While we look specifically into governance processes of forced migration in the Middle East, North Africa, and the Horn of Africa to enrich and complement theoretical thinking on how migration is governed, our overall objective is to provide a cross-regional, potentially global, framework that facilitates a comparative assessment and explains variation in forced migration governance across space and time. We hope that this exercise in theory-building helps to better understand the role of the state in forced migration governance and in so doing facilitate the comparative study of forced migration governance. The working paper thus draws on, speaks to, and combines the existing literatures on forced migration and migration governance.

3 Forced migrants' movement is generally considered to be involuntary and their decision to move mainly driven by external forces. Forced migrants include those who have been awarded refugee status, asylum seekers, internally displaced, and people displaced for political, economic, or environmental reasons.

Our framework is particularly interested in the *negotiations* over policies that aim, actively or passively, to control the mobility of forced migrants and to regulate their (non-)access to rights and resources. While it is arguably difficult to disentangle forced migration governance from other types of migration governance, as migration policies are typically “mixed bags” targeting various migrant groups in different ways (de Haas, Natter, and Vezzoli 2015, 4), we still hold that especially when it comes to negotiations with international actors, forced migrants are considered a specific subgroup of migrants who tend to have a special status even if the Geneva Convention has not been signed or ratified in the country in question. We maintain that while forced migration governance shares some drivers with other subfields of migration governance, other drivers might be distinct. Also, inherent methodological challenges should not be a reason to limit conceptual thinking. Part of the enquiry is thus to understand to what extent forced migration governance differs from migration governance in a given context. We hypothesise that forced migration governance (i) functions as a regime strategy at different levels of political stability, with a state’s scope to act being limited by institutional and bureaucratic specificities; (ii) is negotiated around humanitarian principles in which international actors and civil society play a crucial role; (iii) is driven by the size and perceived proximity of forced migrant groups in terms of race, gender, ethnicity, class, and religious belonging; and (iv) is characterised by strong path dependency.

Our analysis combines literature from Historical Sociology (Halperin 2017) and Critical IR (İşleyen 2018; Bilgin 2016). First, in a logic of contrapuntal reading, we want to acknowledge the multiple sources of ideas and highlight “overlapping and intertwined histories” of what are popularly referred to as “Western” or “non-Western” ideas (Bilgin 2016, 8). Second, we argue that a historicisation of contemporary forced migration governance can help us understand major shifts and continuities over time, and to unravel and critically question prevalent crisis discourses. Offering protection to people fleeing war or religious or political persecution is neither a modern nor a European phenomenon. Muslim-dominated contexts have strong positive traditions with regard to offering refuge or asylum to people fleeing political persecution (Jacobsen 1996, 668). For example, in 1492, when the Catholic Spanish crown united Spain, approximately 200,000 Jews and Muslims were forced to flee, settling in a wide arc of towns and cities from Morocco and Egypt to what are today Syria, Turkey, and Greece (Chatty 2010, 29). Similarly, in the 1860s, more than 1.2 million Circassian and Abkhaz Muslims fled the Czarist Russian-dominated western Caucasus to find refuge in the Ottoman Empire (Chatty 2010, 78).

This Working Paper proceeds in three steps: First, it offers a conceptualisation of forced migration governance and disentangles negotiation processes of different actors in multi-scale arenas. It understands forced migration governance as a process and highlights the crucial role of the state. Second, it offers a typology of different drivers of forced migration governance based on an extensive literature review and formulates a series of hypotheses. Third, the paper

advances an agenda for future research to test these hypotheses through a series of case studies in North Africa, the Middle East, and the Horn of Africa.

2 Forced Migration Governance: Negotiation Processes in Multi-Scale Arenas and the Role of the State

2.1 Conceptualising forced migration governance

While forced migration governance and asylum policies have been well researched for the European Union (Lavenex 2006; Wunderlich 2012), we know much less about such mechanisms in other regions of the world, with some notable exceptions. On the one hand, this is quite logical, as the global production of knowledge is dominated by the Anglo-American research traditions, which come with built-in biases and pronounced Eurocentrism. Concepts and theories of policymaking have emerged in reference to European and North American “liberal democracies.” In parallel, a smaller research field has developed around “non-Western” and authoritarian contexts (Kahin, Pauker, and Pye 1955; Almond and Coleman 1960; Horowitz 1989; Osman 2002; Kinne 2005; Boix and Svoblik 2013).

On the other hand, the focus on Europe, North America, and Australia is counter-intuitive, as over 80 per cent of the world’s forced migrants never reach the industrialised world, but instead stay in what is often called the “Global South.” Here, many countries, including in the Middle East, North Africa, and the Horn of Africa, simultaneously fall into the categories of migrant-sending, transit, and receiving or host states. Research on forced migration in these regions has increased in recent years, in particular with regard to Palestinian (Al Hussein and Bocco 2009; Al-Natour 1997), Sahrawi (Farah 2010; Fiddian-Qasmiyeh 2011), Somali, Sudanese, and Eritrean displacement (Hirt and Mohammad 2013; Hirt 2017; Bariagaber 1999), and in the context of the Iraqi and Syrian wars. Over the past several years, there has been an abundance of studies on the politics of reception in Turkey, Lebanon, and Jordan (Dionigi 2017a, 2017b; Betts, Ali, and Memişoğlu 2017; İçduygu and Şimşek 2016; Janmyr 2016; 2018; Tsourapas 2019) and, to a lesser degree, on Syria as a host state for forced migrants prior to the war (Chatty 2010; 2017; Hoffmann 2016).

However, many of these studies focus on the effectiveness of migration governance rather than on its drivers (with Tsourapas 2019; Adamson and Tsourapas 2018 being notable exceptions). Similarly, our understanding of how and why migrant-sending states restrict or incentivise return migration or how they address internal displacement is still in its infancy (Batrawi and Uzelac 2018). There is also little research on governance approaches in the context of drought and/or famine, even if some research has shown that state-led programmes can be used as a major government strategy to silence the opposition (see Falisse and Niyonkuru 2015 on Burundi). Furthermore, there have been few attempts to systematically link historical cases

to contemporary phenomena to enrich and advance theoretical thinking about forced migration governance.

In our analysis, the term *forced migration* denotes the movement of people who have been displaced internally or across borders due to violent conflict, war, and persecution, natural or man-made disasters, or development projects (Martin 2012). We follow scholars who have criticised legal definitions of “refugees” as too narrow (Jacobsen and Landau 2003; Crawley and Skleparis 2018) or as too policy-dependent (Bakewell 2008). We follow Bakewell (2011) in that we see forced migration as a process, a condition, and a category, and we acknowledge that we ourselves are part of a discursive field that applies labels to people who are moving for different reasons. Furthermore, we see human mobility as located on a continuum between voluntary and forced, between short-term and long-term, and between internal and inter-/transnational movement. We thus explicitly acknowledge that forced migrants have multiple and interlinked reasons for being mobile (Crawley and Skleparis 2018; Van Hear, Bakewell, and Long 2018). Their decision-making process is often affected by feelings of ambivalence and influenced by social expectations (Belloni 2019; Schapendonk 2018).

Building on Zolberg (1978, 243) and Natter (2019, 31), we define *forced migration governance* as the state and non-state negotiations around (i) formal policies, laws, and regulations with regard to border control, entry, integration, and exit regulations; (ii) informal dynamics (for example, differences between administrations); and (iii) *laissez-faire* and the purposive absence of regulation. We decided to include not only border control and entry regulations (including policies targeting smuggling of human beings), but also opportunities to stay and gain rights in host countries, and ways in which origin countries restrict exit or incentivise return. In this way, we hope to understand forced migrants’ long-term opportunities in a specific host country with its specific regime type and institutional configuration of state and non-state agencies. The rationale for including administrative practices and purposive *laissez-faire* is motivated by our wish to understand the possible discrepancy between what is written on paper and the effects these policies have on forced migrants’ everyday lives, as well as degrees of lawlessness and legal vulnerability.

Our state conceptualisation is post-Weberian in that we understand the *state* as dynamic and process-oriented rather than as fulfilling pre-given functional criteria of territoriality or the (legitimate) monopoly on the use of force. Rather, we follow Migdal and Schlichte’s definition:

The state is a field of power marked by the use and threat of violence and shaped by 1) the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and 2) the actual practices involving those staffing its multiple parts and those they engage in their roles as state officials. (2005, 15)

Importantly, the state represents not only people bounded by a certain territory, but also its citizens abroad. This broad definition captures the political realities of states, including in different local scales, with the general term of a “field of power.” The latter’s specific form, limitations, and potentialities are constituted by the dynamic interaction between a state *image* (or ideal) and the diverse *practices* of multiple social agencies. The term “state image” refers to central aspects of Weber’s state theory, among them questions of territoriality and boundary-drawing (Migdal 2004), monopoly of violence, and internal and external sovereignty. This ideal image of the state has been globalised through colonialism and has come – problematically! – to also shape the imaginary of the “appropriate” organisation of political rule in the Middle East, North Africa, and the Horn of Africa. It is, however, contrasted by the diverse *de facto* practices of multiple social agencies that might not only embolden, but also contradict the suggested logics of action related to territoriality, monopoly of violence, and sovereignty (Migdal and Schlichte 2005). The shape of concrete practices and their structuration of the political field of power can best be uncovered by ethnographically oriented empirical research. Methodologically, such an open state conceptualisation necessitates a process-oriented approach that focuses on different scales (local, national, inter-/transnational).

In spite of this open, negotiation-based state conceptualisation, there is typically a core of politically relevant elites within the state who shape decision-making on key issues: the *regime*. We define a regime as a relatively fixed constellation of actors, typically politically relevant elites, and their dominant mode of political decision-making on key issues (Perthes 2004). In this sense, the established distinction between democratic, authoritarian, and totalitarian regimes and the respective subtypes can be maintained. Given the predominance of non-democratic, authoritarian regimes in the Middle East, North Africa, and the Horn of Africa, it is important to keep in mind the countries’ differing single-party, military, and monarchical regimes. It should also be noted that personalism is not considered a regime type of its own, but rather a phenomenon cross-cutting different subtypes to different degrees (Geddes, Wright, and Frantz 2018).

Our framework is thus particularly interested in the *negotiations over policies* that aim to actively or passively control the mobility of forced migrants (entrance, stay, exit, expulsions) and to regulate their (non-)access to rights and resources within a particular state. We see the societal and political negotiation of forced migration terminology – in other words, the labelling of migrants – as part of the politics of forced migration governance, since different terms have different implications for state reactions to forced migration (Ottonelli and Torresi 2013; Erdal and Oeppen 2017). Such an understanding of forced migration governance necessitates a qualitative methodological approach that takes forced migrants’ perspectives as a starting point and deviates from other projects that focus exclusively on the legal aspects of migration policies – for instance, most policy databases (Ortega and Peri 2013; Bjerre et al. 2015; Gest et al. 2014; Beine et al. 2015; de Haas, Natter, and Vezzoli 2015).

2.2 Forced migration governance as a process and the protection gap

In line with our state conceptualisation, we understand forced migration governance as a process in which particular issues or problems compete for prominence on the political agenda, with the interests of different actors affecting political decision-making, and with a range of factors conditioning effective policy implementation. We advocate for a comprehensive and constructivist approach to public policymaking that simultaneously examines interests, ideas, and institutions (Boswell and Hampshire 2017; Palier and Surel 2005) and that considers the full policy cycle.

Constructivist approaches to the study of policymaking are interested in investigating which actors are involved, how they frame migration as a policy problem, what policy options they favour, and to what extent they influence the decision-making process. Analysing *interests* in negotiation processes requires the identification of the pertinent actors in the respective domain under analysis, without losing sight of logics of collective action and individual cost-benefit analyses (Palier and Surel 2005). While *ideas* have long been understood as either tools or paradigms delimiting what is possible in terms of policymaking (Boswell and Hampshire 2017), we follow Schmidt (2008) in seeing ideas as not only constraining action, but also simultaneously allowing for discursive reinterpretation and adjustment. Analysing ideas, which can range from ideological treatises to general programmes and concrete policy proposals, therefore requires attention to the discursive and processual nature of negotiations and the agency and positionality of different actors. Analysing *institutions*, finally, requires a comprehensive understanding of the regulations, practices, and mental maps underlying public policymaking, their historical evolution, and the resources and institutional constraints associated with them (Palier and Surel 2005). Looking into these three dimensions of interests, ideas, and institutions enables us to understand what drives forced migration governance at the different stages of the policy cycle.

According to Howlett and Giest (2013, 17), public policy commonly recognises five stages in the *policy process*: “agenda-setting,” when a policy issue is identified; “policy formulation,” when various responses are proposed and considered by policy actors; “decision-making,” when the relevant authority adopts a chosen course of action; “policy implementation,” when the policy decision is put into action; and “policy evaluation,” the monitoring of results. Policies can, for example, become stalled at the implementation stage. Therefore, the formal adoption of a global policy may, as Betts argues, “not be sufficient to determine what actually happens in practice” (Betts 2013, 175) locally. Importantly, the policy process needs to be historicised, not only in the sense that prior experiences influence current policymaking, but also in that once a specific path has been taken, the cost of reversal keeps increasing, often proportionally to the duration of the process. In the logic of path dependency, “preceding steps in a particular direction induce further movement in the same direction” (Pierson 2000, 252). Early in a process, political decision-making is understood to be relatively open and partly random. This leads to often unpredictable results with many possible outcomes. The further the policy

process has advanced, however, the harder it becomes to reverse or shift, resulting in institutional “lock-in” effects. Crucially, accidental and random events do feed back into future choices, so a path can become inefficient but nevertheless hard to change (Pierson 2000, 253).

Agenda-setting requires an understanding of the ways in which different subgroups in a population become aware of and eventually participate in political processes, and of whether the issues are initiated by groups in the general public or by political leaders. This includes two types of agendas: the *public agenda*, which has achieved a high level of public interest and visibility, and the *formal agenda*, which is the list of items that decision makers have formally accepted for serious consideration (Cobb, Ross and Ross 1976, 126). Cobb, Ross, and Ross (1976) distinguish between three types of agenda-building models: (i) the *outside initiative* model, which accounts for the process through which issues are raised by non-state groups to reach the public and the formal agenda; (ii) the *mobilisation* model, where issues are initiated inside the state administration and therefore achieve *de jure* formal agenda status almost automatically; (iii) the *inside initiative* model, where issues arise among certain politically influential regime elites who do not necessarily try to sell them to the mass public but rather often have incentives to keep them relatively unknown to wider audiences.

Studying the full policy cycle also entails looking into policy implementation and, eventually, the infamous “implementation gap” – “the gap between the goals of national immigration policy (laws, regulations, executive actions, etc.) and the actual results of policies in this area (policy outcomes)” (Cornelius, Hollifield, and Martin 1994, 3): For more than two decades, migration scholars have raised the question of whether immigration policies in Western states are failing. They also have addressed the apparent incapacity of states to control immigration flows (Cornelius, Hollifield, and Martin 1994; Boswell 2007; Bonjour 2011). Bonjour (2011) distinguishes between two distinct aspects of the implementation gap: first, the effectiveness of policies and, second, the reason why some governments do not formulate restrictive policies at all. In any case, most studies have focused on a potential implementation gap in mobility control in Western immigration countries, rather than the gap in rights provision or protection. We therefore aim to understand whether, rather than a “migration-control gap,” there is a “protection gap” in forced migration governance – a gap between the rights of migrants on paper and in practice.

Ultimately, this conceptual framework aims to better understand what influences the existence of different types of forced migration governance (ranging from open to restrictive, or non-policy) by analysing the factors that drive negotiation processes and the role of the state within this complex, and discrepancies between policy and practice, focusing on the impact of forced migration governance and a potential “protection gap” rather than necessarily the “effectiveness” of such governance.

2.3 Arenas and actors of forced migration governance

To understand the negotiations about forced migration governance, it is necessary to identify and locate the central arenas and the actors involved. A starting point for our framework is that refugee and asylum regimes are commonly, often intrinsically, linked to other fields of migration policies and should hence be situated in a wider mobility-control complex. States worldwide are increasingly experimenting with new forms of cooperation to govern mobility on and across local, national, regional, or global scales – multi-scalar arenas (Moreno-Lax 2018). These emerging, multi-scalar governance efforts often “incentivise home and transit countries through the ‘leverage’ of ‘non’-migration policies (e.g. trade, education, energy, development) to cooperate on irregular migration, smuggling and trafficking, and return” (Panizzon and van Riemsdijk 2018; Cuttitta 2010; Cassarino 2010). The more this process of linking hitherto unrelated policy dimensions and scales progresses, the more difficult it becomes to distinguish external (regional or global) and internal (local or national) dimensions of mobility control (Niemann and Zaun 2018).

As a result, forced migrants are often simultaneously governed on and across multiple arenas characterised by overlaps and gaps, *ad hoc* responses, and enormous inconsistency – a pattern termed “implicit forms of governance” (Betts 2014). At the same time, a journey that may have begun as labour migration may turn into forced migration, depending on the conditions in both the origin state and the host state. This is the case with, for example, former migrant workers from sub-Saharan Africa who worked in Libya and were then displaced during the Libyan Civil War, or who became forced migrants due to difficult social and economic conditions or discriminatory treatment in Libya. What is more, migrants can simultaneously be governed by different policies, such as relating to emigration, diaspora, immigration, or asylum. Recent debates about the abolition of obligatory dual citizenship for Moroccan Dutch in the Netherlands can serve as an illustration. While the Moroccan state has insisted on dual citizenship since the recruitment treaty in 1969, some Moroccan Dutch today have lobbied for an end to this policy, as they fear the “long arm” of the Moroccan state abroad (*de Volkskrant* 2019).

In this way, different migration movements become inextricably linked in a global system of mobility control (FitzGerald 2019). Forced migrants are often placed under similar legal conditions as labour migrants in the absence of a dedicated forced migration regime, making it difficult to distinguish between the governance of different kinds of movement. In Lebanon, state ministries reject the international refugee regime to a certain degree, leading to Syrian forced migrants entering the country and accessing work under a Lebanese–Syrian labour agreement that was valid from the 1990s until 2014 (Janmyr 2018). Internally displaced persons (IDP), by contrast, stay within their home states, and their rights therefore derive from national law and/or international human rights conventions (Martin 2012, 60). It is thus a complex interplay of state and non-state actors in multi-scalar – local, national, regional, and/or inter-/transnational – arenas in which forced migration governance is designed and implemented.

Among states, we can distinguish between *origin, transit, host, and potential future host countries*. Host, transit, and potential future host states (i) control forced migrants' entrance, their mobility inside the country and their exit through border control, resettlement schemes, readmission agreements, and deportations, (ii) design and implement policies and practices that manage forced migrants' access to legal status and work, and (iii) act as donors for humanitarian aid. By contrast, the role of origin countries typically lies in controlling their nationals' mobility and political participation abroad and, in some cases, stripping their citizens of certain rights if they flee the country. Many origin states build transnational networks to control their citizens abroad (Hirt and Mohammad 2018). These four kinds of migration states can have very different and often completely opposite interests and audiences in mind when formulating and negotiating their policies. All of them can have interests that might either converge with or diverge from the idea of giving asylum to migrants seeking protection.

Origin countries display different interests when cooperating with international organisations (IO) or when it comes to impeding or incentivising the return of "their" citizens. In origin countries, IDPs remain, on one hand, at the mercy of domestic jurisdictions and, on the other hand, depend on IOs, such as UN organisations, and locally operating associations, which have to collaborate to a certain degree with the respective ruling regime(s). Some origin states seek international cooperation, including foreign funds, for the repatriation of their nationals, as the case of Eritrea immediately after its independence 1991 suggests (Bariagaber 1999). Ruling regimes in other origin states consider mass return a challenge to their own survival: in Syria, the authoritarian regime of President al-Assad considers most forced migrants abroad as political opponents and has therefore tried to keep large segments of its displaced population out of the country (Batrawi and Uzelac 2018).

Transit states are countries that experience migration into and from their territory, but they are often simultaneously host, transit, and sending states, illustrating the complexity and processual nature of forced migration governance. Transit states negotiate between the needs of migrants, their own citizens, and other transit, host, or future host states located on the same migration route. For instance, regime elites in Niger have used their status as a transit state on the northward migration route to Libya in negotiations with potential future host states in order to both receive foreign aid and influence the kind of security intervention the state experiences (Frowd 2018).

Host states neighbouring conflict zones are often directly involved – for instance, by supporting a faction of the conflicting parties. As a result, they might be more willing to allow forced migrants who are considered similar in terms of language, culture, and religion, and/or those aligned with their political orientation. Host states may even facilitate these migrants' access to certain rights usually reserved for citizens (Algeria for Sahrawis, Ethiopia for Eritreans). As such, a regime's approach is simultaneously directed towards its own national population, to a wider regional context (including regional organisations – for example, the African Union (AU), the Economic Community of West African States (ECOWAS), the League of Arab

States), and to the so-called “international community.” For instance, after the war in neighbouring Syria began in 2011, the Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) government in Turkey welcomed Syrians with an open-door policy, introducing them as “guests” or “brothers and sisters.” This happened against the backdrop of the AKP’s attempts to establish itself as a regional power in the Middle East and to instrumentalise Sunni Muslim Syrians, the largest group of those fleeing, for that purpose. Other countries neighbouring a war, however, might choose to stay neutral out of fear of being drawn into the conflict, or to protect future cooperation and trade with its neighbour. This has been one of the main reasons for the Tunisian state’s silence on the Libyan presence in the country since the beginning of the Libyan Civil War (Natter 2018, 12).

Potential future host countries, finally, must respond simultaneously to their domestic constituencies and to societal pressure and advocacy groups supporting forced migrants. At the regional and inter-/transnational scales, they are often torn between reacting to populist demands for tighter border control and the will to adhere to international human rights. Their policies are sometimes also directed towards forced migrants themselves, based on certain premises regarding the latter’s mobility and decision-making patterns. For instance, information campaigns by European countries assume that welfare policies in destination countries drive migration towards them and, thus, that debunking false rumours that conditions in a given European country are much better than they actually are can lead to lower levels of immigration. Some European governments have also argued that search-and-rescue missions in the Mediterranean are a pull factor for migration.

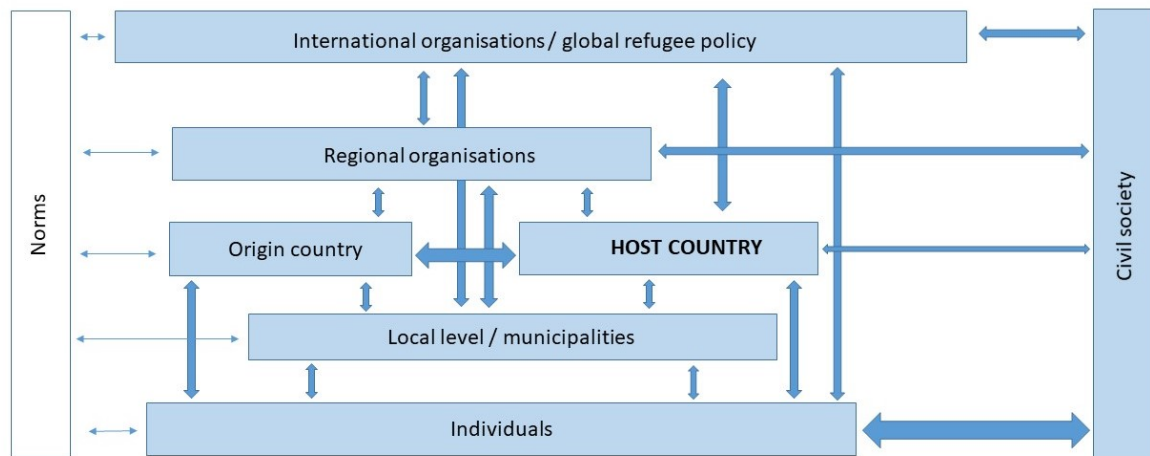
Besides states, *state-based international organisations*, such as the United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), United Nations International Children’s Fund (UNICEF), International Committee of the Red Cross (ICRC), and International Organization for Migration (IOM), as well as *non-state actors*, such as non-governmental organisations (NGO), advocacy networks, and religious organisations, are important actors in forced migration governance. They have invested time and resources to advocate for, develop, adopt, and implement global forced migration policies and to provide humanitarian aid. “Global refugee policy” is a formal statement and proposed course of action in response to a problem relating to protection, solutions, or assistance for people displaced by violent conflict or other populations of concern (Milner 2014). The past two decades have witnessed the gradual expansion of the scope of the UNHCR’s mandate to now include responsibilities for other populations, including those internally displaced by conflict or natural disaster (Loescher et al. 2012, 133–45). Global refugee policy is discussed and approved within the UNHCR’s governing structures, such as the Executive and Standing Committees, or the UN General Assembly, which together arguably constitute the central decision-making bodies of the global “refugee regime.” While IOs in the field of forced migration governance explicitly aim to support vulnerable and displaced populations, they also cater to other audiences and are subject to internal conflicts of interests that are often not easy to grasp (Barnett

and Finnemore 1999). To be able to operate on a specific state territory, IOs need to negotiate with origin and host states alike. Depending on the nature of the respective regime and its political, social, and economic capacities, IOs thus have different levels of room to manoeuvre. In Lebanon, the overall absence of clear state regulations prompted the UNHCR to step forward and take a dominant role in managing the presence of Syrian forced migrants, whereas in other cases they are barred from even entering a state.

Non-state actors involved in forced migration governance are international NGOs (INGO) and advocacy networks, such as Amnesty International and Human Rights Watch, local civil society actors, including organisations and initiatives led by forced migrants themselves, and religious organisations. Research has shown that forced migrants have significant capacities for self-protection and develop local coping strategies (South and Jolliffe 2015). Furthermore, Christian organisations, such as Caritas and the Jesuit Refugee Service, and Islamic organisations, such as the Gulf-based Union for Relief and Development, provide different types of assistance to displaced populations both locally and internationally. For instance, Canada runs part of its resettlement sponsorship system through the Catholic Church. Beyond official structures, there are also local religious or ethnic grassroots initiatives that provide services to forced migrants, such as Circassian communities in Turkey reaching out to Syrian Circassians. Scholars have highlighted that civil society actors have multiple interests, challenging the idea that NGOs automatically harbour and promote tolerance, peaceful resolution of conflict and civility, and exclude primordial, family-related, or market-based profitable organisations (Altan-Olcay and İçduygu 2012, 159).

Taken together, the multi-scalar arenas and the multiplicity of state, state-based international, and non-state actors suggest that negotiations in forced migration governance can be expected to be complex, somewhat contradictory processes. There are negotiations about migration governance whose goal is to generate new funds for the state, there are those that aim to appease internal societal conflicts or to legitimise regime survival, and there are those that predominantly follow diplomatic aims. Examples such as the Jordan Compact and the EU–Turkey Agreement illustrate that these different negotiation processes are not mutually exclusive but can include several objectives and operate locally, nationally, regionally, and internationally at the same time.

Figure 1. Actors of Forced Migration Governance



3 Drivers of Forced Migration Governance

3.1 A convergence of drivers?

As a second step, we are interested in building knowledge on what drives forced migration governance and what factors affect its implementation. As mentioned above, while migration politics can be restrictive, policy outcomes can be liberal (Hollifield 1992). Research on drivers of forced migration governance or “refugee policies” (as termed by their authors) is surprisingly limited, as many theories focus on economics rather than forced migration, or they subsume refugee policies under immigration policies. Furthermore, much of the refugee literature has been “refugee-centric,” focusing on refugees themselves rather than the effects of their movement on host countries and communities. There are even fewer comparative refugee-policy studies, and most of them focus on Western industrialised countries (Jacobsen 1996, 656). This section therefore reviews theoretical literature on drivers of (im)migration policy and, more specifically, refugee and asylum policies. Continuing from there, it adds insights from empirical case studies to understand what might drive different types of forced migration governance across the world and to what extent drivers of forced migration governance differ from those of migration governance.

3.1.1 Drivers of migration policymaking

Theoretical literature on migration policymaking highlights four drivers: (i) socio-economic interests at the domestic level, including economic beliefs, operating via interest groups and public opinion, (ii) foreign policy and diplomatic interests, (iii) state institutions and their potentially conflicting interests, and (iv) international norms and ideas about national policymaking. In a review of how six major theories explain immigrant and refugee policymaking, Meyers argues that realism and institutionalism shed light on refugee policy, while domestic

variables are important for immigration policy (2000, 1269). For example, Marxist approaches underline the economic forces and class-based processes that drive immigration policies, but cannot explain long-term developments, racial/ethnic differentiation of immigration policies, and policies related to wars and political pressures. By contrast, national-identity approaches, which highlight the unique history of each country, its specific conception of citizenship, and identity debates, downplay external and situational factors and cannot explain why various countries have adopted similar policies despite divergent histories. According to Meyers, domestic politics approaches see policymaking as the result of bargaining and compromises between interest groups and political parties, thus strengthening our understanding of “situational” socio-economic factors. Yet, these approaches often highlight the peculiarities of each country rather than identifying overarching characteristics of immigration policy. They also cannot explain why certain policies are adopted despite vigorous opposition. Furthermore, while bureaucratic approaches and institutionalism bring the (“strong” or “weak”) state back in, Meyers argues that they cannot explain policies on permanent immigrants, which are often negotiated in the public arena, with pressures from outside the “state” significantly influencing policymaking. Realism, finally, highlights the struggle for power among self-interested states, focusing on the influence of military conflicts and national security on immigration policies. In Meyers’ view, realism has only marginally contributed to the study of immigration policy, as global power relations do not determine immigration policy except for refugee policy in cases where refugees are framed as threats to the regime or state security. He further argues that supranational organisations and international regimes have usually had little impact on immigration policies of individual countries, with the partial exceptions of the EU and the global refugee regime.

Castles (2006a) identified two types of beliefs as particularly influential in migration policy formation: first, the economic belief in market behaviour based on neoclassical theory, according to which people move to maximise their individual utility and, second, the bureaucratic belief that regulations designed to categorise migrants and regulate their admission and residence effectively shape aggregate behaviour. He highlights the role of political conflicts in emigration countries, conflicts of interest in immigration countries operating via competing interest groups, hidden agendas in migration policies, and contradictions in the policy-formation process leading to “clientelistic politics” of powerful organised interests, such as agricultural employers or the construction industry. At the same time, he also underlines the importance of rights and civil society as driving factors of migration policy formation (Castles 2006a, 858 ff.).

Hollifield (1992), by contrast, underlines the role of international relations in migration policymaking. Analysing processes in the European Community (EC), he argues that immigration and refugee policies are driven by a liberal dynamic, with a strong economic and political dimension. He stresses the importance of market logics and the supply of cheap labour, but also the nature of the political system, particularly institutional arrangements, and a surge

in rights-based liberalism in receiving countries, including constitutional norms and principles. He also highlights the specificities of the EC and regional interdependence, as exchange is more regulated than in other regional unions and cooperation is the norm. He maintains that the liberal argument is relevant for other world regions only “to the extent that rights are embedded in the politics (and foreign policies) of these states” (Hollifield 1992, 583).

According to Massey (1999), immigration policy is the outcome of a political process through which competing interest groups interact within bureaucratic, legislative, judicial, and public arenas to construct and implement policies that encourage, discourage, or otherwise regulate the flow of immigrants. He emphasises the importance of the macro-economic health of a country, the volume of international flows, and the association with broader ideological currents in society as driving factors for immigration policymaking (Massey 1999, 307).

In an analysis of migration policy in liberal Western states, Boswell (2007) similarly maintains that in order to theorise migration policy, a perspective of the state is needed that considers a state’s choices and constraints through the prism of its functional imperatives. A liberal-democratic state is expected to meet competing requirements of security, accumulation, fairness, and institutional legitimacy; not meeting them increases the risk of a loss of legitimacy. Having to fulfil these four requirements thus motivates states to selectively incorporate the interests of different societal groups or institutions.

Joppke and Marzal (2004) examined the role of courts in the creation of immigrant rights in post-war Europe and argue that courts have taken on the role of *de facto* legislator. Courts are at the same time torn between two opposite imperatives: to protect a vulnerable category of people from police powers of the modern administrative state, and to respect the exigency of sovereign stateness to draw a distinction between “citizens” and “aliens” as differently situated persons.

Natter (2019, 245), finally, argues that “state thinking” (Sayad 1999) provides the foundation for immigration governance, as immigration policies reflect the nature and transformations of the polity. This includes regime strategies to ensure political legitimation and territorial and institutional stability, as well as the history of state formation and official national-identity narratives. She also argues, however, that while the role of the executive, societal, and legal actors is subject to a “regime effect,” bureaucratic and international politics dynamics are to a large extent comparable across polities.

3.1.2 Drivers of “refugee policymaking”

Theoretical literature that specifically addresses drivers of refugee policies mostly focuses on contexts in the “Global South.” Existing research highlights the importance of international relations, economic factors, security threats, and the absorption capacity of local host communities. Jacobsen (1996) maintains that four broad categories of factors affect asylum policies in less developed receiving countries in Africa, Asia, and Central America: first, bureaucratic choices made by the state government and the importance of the broader state context itself,

including power struggles between ministries and path dependencies; second, international relations, including the (limited) pressure effect of the international refugee regime, the need for assistance, and political relations with sending countries; third, the absorption capacity of the local host community, including dominant beliefs and attitudes about refugees, ethnicity and kinship, historical experience, and the economic capacity of the host country; and fourth, perceptions of national security threats potentially posed by a refugee influx, including the position of refugees in domestic politics (Jacobsen 1996, 660 ff.).

Şahin Mencütek (2018, 24) brings forth three macro-level drivers of refugee governance in the Middle East: first, international politics, meaning that host and receiving countries may use refugees to destabilise or embarrass the other country – for instance, by hosting opposition figures or allowing cross-border armed activities; second, securitisation, meaning that many state actors perceive incoming refugees as a challenge to state sovereignty, including their involvement in militarised conflicts and societal mobilisation; third, economic development explanations or refugee rentierism, meaning that development aid that aims to strengthen a host country's protection capacity, to promote self-sufficiency, and to enable local integration becomes an issue of international politics (Şahin Mencütek 2018, 57-65).

Research on refugee policies in the “Global North,” by contrast, focuses primarily on policy implementation such as asylum recognition rates and factors influencing them. Scholars highlight the importance of domestic conditions in origin and destination countries, the characteristics of the refugee influx, and normative ideas rather than international factors. Neumayer (2005), for example, argues that asylum recognition rates in Western Europe are influenced by levels of political violence in origin countries and unemployment rates in destination countries. According to him, recognition rates are also lower if many asylum seekers from a country of origin have already applied for asylum in the past and if applicants originate from poorer countries. Analysing asylum recognition rates among EU and Schengen member states, Avdan (2014) highlights that normative ideas remain resilient and central, even though terrorist violence within origin states has a significant positive impact on asylum recognition rates. A third – and global – study on asylum recognition rates (Yoo and Koo 2014) concludes that political factors are more influential than economic conditions when considering policy preferences of host countries. The authors argue that a higher political security index (measuring political violence, democracy, and human rights) has a positive and significant effect on recognition rates: countries that have ratified the 1967 Protocol Relating to the Status of Refugees and other human rights treaties show a higher propensity to recognise asylum. However, this is not true for those that pass domestic refugee laws and are members of more INGOs. This indicates a potential decoupling of the ratification of national legislation and its implementation. Yet, countries that are more exposed to the influx of refugees in terms of geographical proximity are less likely to grant legal status to asylum seekers.

3.1.3 *Understanding drivers of forced migration governance*

How does this literature review impact our understanding of drivers of forced migration governance? Most studies agree that the *normative dimension*, including the framing of ideas around humanitarianism and the international refugee regime, is a crucial driver in forced migration governance. Most countries in the world distinguish between economic migrants, who are considered to move voluntarily, and migrants fleeing different hardships, who are considered to move involuntarily. This also means that *supranational and international organisations* as arenas of norm formation might be particularly relevant in forced migration governance. While effective instruments for the global governance of migration are still lacking, conflict-induced displacement constitutes a partial exception because of the existence of the 1951 Convention. Together, the Convention and the UNHCR provide the legal and institutional basis for defining “populations of concern” and the legal category of refugee. Economic migrants lack comparable legal and institutional arrangements (Castles 2004, 876). This arguably influences narratives on mobility justice and intersectional vulnerabilities. Compared to studies on refugee policies in the “Global South,” these international factors are strangely absent in research on the “Global North.”

Furthermore, while *domestic politics, the role of state institutions*, and their potentially conflicting interests have been identified as some of the primary drivers of immigration policy-making, studies on refugee and asylum policies tend to ignore this dimension, especially in the literature focusing on the “Global North.” Except for Jacobsen (1996), *regime effects, bureaucratic politics*, and *path dependency* have not really been addressed: while Şahin Mencütek (2018) highlights foreign policy objectives in bilateral regional relations and bargaining with external actors, she argues that neither regime type nor intra-actor relations are a determining factor of forced migration governance in the Middle East. We argue that this ignores the importance of state capacities in negotiation processes around forced migration: In weak states such as Lebanon, for example, the room to manoeuvre for civil society actors is arguably larger than in stronger states, in particular when the latter are ruled by authoritarian regimes. At the same time, international actors may potentially play a more important role in weaker states than in stronger ones. Regarding domestic politics, we also find that the term “absorption capacity” does not adequately grasp the complex processes around race, ethnicity, and social class that influence a society’s understanding of its ability to accommodate new immigrants.

Finally, while *international relations* are considered by many authors, the role of origin countries is undertheorised in forced migration governance – a dynamic paralleled in migration theory, where the crucial role of emigration countries only recently began to be addressed (Gamlen 2008; Pedroza 2020). Origin states can be active negotiators in forced migration governance when it suits their interest. For example, the National Liberation Front (Front de libération nationale, FLN) in Algeria supported and promoted international and local assistance to Algerian refugees in Tunisia during the Algerian War of Independence (1954–1962), as they were seen as an important element of external support in its fight for independence.

Similarly, only few authors consider regional dynamics despite much forced migration taking place at the regional level (Castles 2006b).

3.2 Driver constellations in forced migration governance

Based on this literature review and empirical studies from across the globe, we hypothesise in the following that while drivers of forced migration governance share similarities with migration governance, some drivers might be distinct, such as a stronger importance of global policy, of conceptions about humanitarian norms and principles, and of the involvement of civil society.

State and society

- 1) **Regime type and level of statehood, including capacity and willingness, are key drivers of forced migration governance.** State capacity can be understood here as the degree of disposability of “infrastructural power” – meaning, state agencies’ ability to influence societal actors and organisations, even if this goes against the latter’s interests or ideas (Mann 1984). Whether a lower degree of state capacity stems from a lack of both capacity and willingness to confront societal actors or, rather, from a lack of capacity despite willingness needs to be determined empirically.

We hypothesise that the lower a state’s capacity, the higher the tendency towards non-policy in forced migration governance. We also hypothesise that the more restrictive a regime is, the more freedom it has to ignore the voices of interest groups in the country.

In the first decade of the 2000s, the repressive, authoritarian-personalist regime of Colonel Mu’ammar al-Qaddafi in Libya pursued a relatively open-door policy towards migrants, as there were very few societal or intra-state veto players lobbying against it. The overriding goal of Qaddafi’s policy was to gain international recognition and status, especially from the lead players of the Libya sanctions regime: the United States and European countries, most notably Italy.

- 2) **Institutionalism and turf wars among institutions drive forced migration governance.** This driver differs from those pertaining to other actors, as institutions are more formalised and structured, and their work creates path dependencies (Pierson 2000). For instance, institutions that were created for earlier migration flows will often also deal with newly incoming migrants, despite the fact that the new flows may be completely different in their social stratification, coherence, and needs. Closely connected to this is a society’s collective memory, colonial past, and/or policy memory, which combine to form the self-image of a state (Stern 2014). If there are previous experiences with in-migration, the control of new flows will be closely connected to those historical experiences.

We hypothesise that if the state's self-image includes active reference to being a host state, it will have a more moderate, pluralist approach to governing forced migrants' mobility. Furthermore, we hypothesise that once an institution is set on a specific path, it will not diverge substantially from it.

In Jordan, for example, the state's responses to Iraqi immigration in the first decade of the 2000s and to the post-2011 influx of Syrians has been shaped by the different periods of Palestinian immigration in 1948, 1967, and 1990/91 (Lenner 2016). In both cases, Jordanian state agencies initially welcomed both Iraqis and Syrians and provided them with basic services so as not to create a new group of potential domestic oppositionists which, over time and with potential outside influence, could destabilise the monarchical-authoritarian regime. At the same time, in the Jordanian state's response to the Syrian influx, inter-ministerial turf wars have emerged between Jordan's Ministry of Interior and Ministry of Labour, especially around the question of formal labour market integration.

- 3) **The perceived cultural proximity of forced migrants to host communities in terms of race, gender, ethnicity, social class, and religious belonging impacts forced migration governance.** Immigration policies have discriminated against immigrants of dissimilar racial and ethnic composition (Meyers 2000, 1250), and forced migrants are no exception.

We hypothesise that the more ethnically and culturally close the incoming group is perceived to be, the less restrictive policies will be; the more male the incoming group, the more restrictive policies will be; and the more highly educated the incoming group, the more inclusive policies will be.

In the Horn of Africa, for instance, many ethnic groups are spread across borders, and local elites and civil society are more likely to welcome members of their own ethnic groups than others, such as ethnic Tigrinya in northern Ethiopia or ethnic Beja in Sudan. Similarly, historical examples demonstrate the inconsistency of forced migrants' legal treatment, even within the same state territory. Dionigi (2017a) shows that different groups of forced migrants, such as Armenians, Kurds, Palestinians, Iraqis, and Syrians, have faced varying patterns of segregation and integration in Lebanon over time.

International and regional dynamics

- 4) **International norms on humanitarianism as well as counter-hegemonic contestations of normative ideas influence forced migration governance.** States can portray themselves or can be perceived as particularly migrant-friendly, with this (self-)image impacting their approach to forced migration.

We hypothesise that high exposure to international norms and ideas does not automatically influence concrete measures of forced migration governance. A state portraying itself as a refuge for forced migrants is part of a regime's political strategy on regional or international scales.

Both Uganda and Jordan are hosting large numbers of forced migrants from neighbouring countries, such as South Sudan in the former and Syria in the latter. In the course of this hosting, both ruling regimes have pursued a strong discourse of being "regional models"

and thus “laboratories” of innovative policies when it comes to supporting forced migrants’ “resilience,” be it in terms of providing agricultural land, as in Uganda, or in allowing for partial job market integration, as with the Jordan Compact. Accordingly, both Uganda and Jordan have been hailed internationally as leading examples of innovative forced migration governance (Betts and Collier 2017).

- 5) **Foreign policy and diplomatic interests influence decision-making in the field of forced migration governance.** Host states may be reluctant to recognise forced migrants and asylum claims from friendly regimes. By the same token, host states may be more generous in admitting escapees from hostile states because doing so may strengthen opposition movements within states producing forced migrants and undermine the legitimacy of fragile ruling regimes (Rosenblum and Salehyan 2004). Forced migration governance may also be driven by the prospect of material gains through international funding agencies (Tsourapas 2019; Fresia 2014; Bariagaber 1999).

We hypothesise that states provide forced migrants with rights if they are considered political allies. We also hypothesise that the higher the dependency on foreign aid, the higher the willingness to accept new forced migrants.

Historical examples include the acceptance of political refugees from the respective other side in the German Democratic Republic and the Federal German Republic before 1989; Syria hosting European refugees during and after WWII; and South Korea accepting refugees from North Korea (Stokes 2019; Taparata 2016; Eschborn and Apel 2016). When it comes to the second part of the hypothesis, both Ethiopia and Sudan have welcomed forced migrants for decades and have received funds from the UNHCR. Furthermore, the presence of forced migrants offers income opportunities for officials and private individuals through human smuggling and trafficking (Reisen and Mawere 2017; SAHAN Foundation and IGAD Security Sector Program 2016).

- 6) **Regional politics plays a role in negotiation processes around forced migration governance.** Research has shown that migrant-receiving countries move towards a common policy approach, the so-called convergence hypothesis (Cornelius et al. 1999; Meyers 2000; Rosenblum and Cornelius 2012). Three factors seem to be central for this evolution: the quality of the respective regime, typically a democracy; the ideology of the regime; and the percentage of migrants in the country.

We hypothesise that regions move towards a common policy approach in forced migration governance if it aligns with overall regional politics objectives of host countries.

This hypothesis is based on the observation that some world regions get more liberal over time, with Latin America being one example (Cantor et al. 2015). Further examples include South Africa, Turkey, and India, which have pursued a regional agenda and have been relatively migrant-friendly for many years. Importantly, after a period of pronounced openness towards incoming migrants, all three states have recently adjusted their policies

to become much more restrictive, making them interesting cases to understand policy change in the field of forced migration governance.

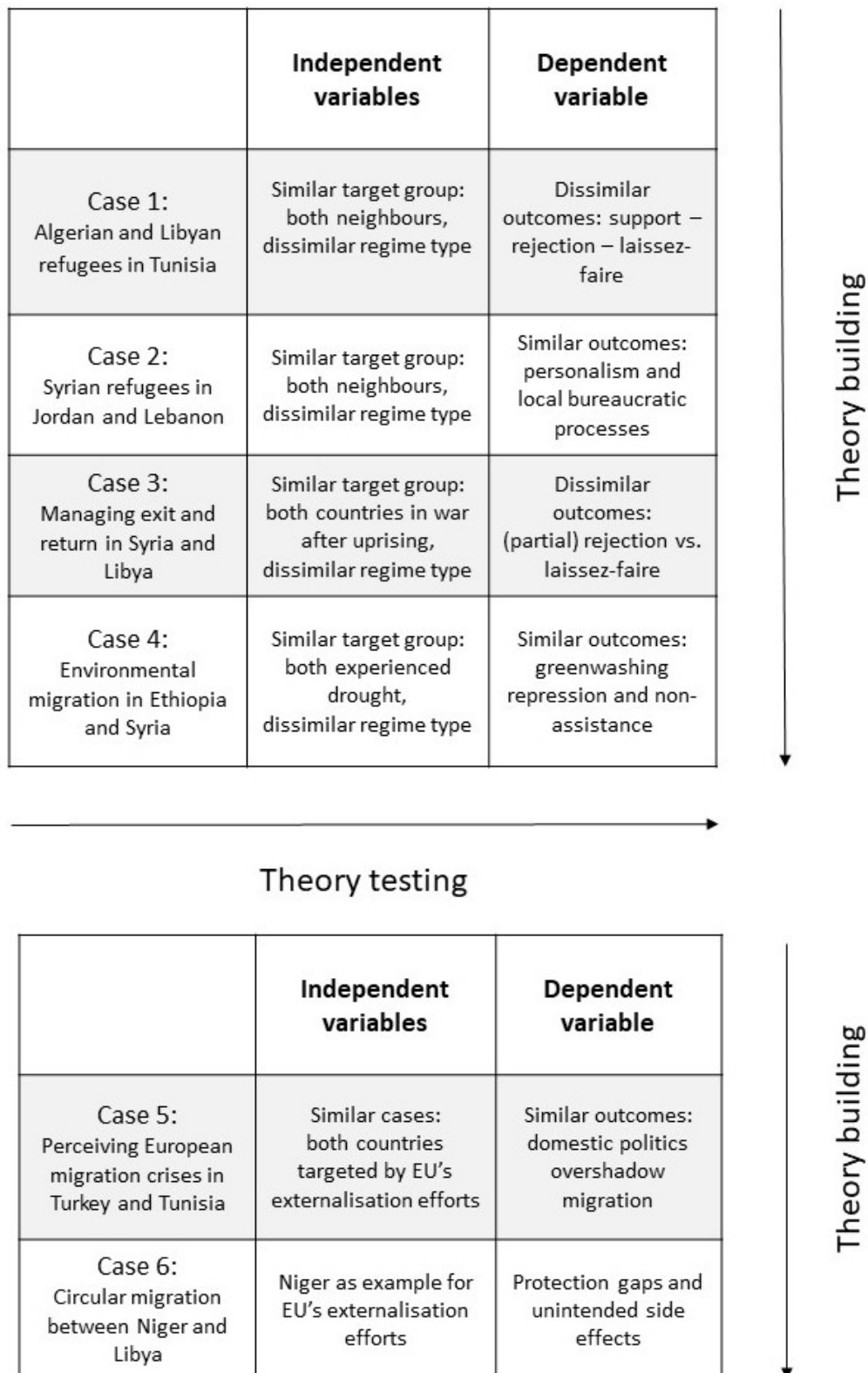
4 Future Research Arenas and Iterative Theory-Building

The research project “Comparing Crises” aims to build theory in an iterative way: first, by developing this conceptual framework on the basis of existing literature and research; second, by testing its ideas and hypotheses through a series of historical, intra-, and cross-regional comparisons of case studies in three regions where a high number of the world’s host and origin countries of forced migrants are located – the Middle East, North Africa, and the Horn Africa; and third, by returning to the framework and refining our thoughts in the future. We hope that our observations and conclusions will then nurture theoretical thinking and comparisons with cases in the so-called “Global North.”

The six planned studies are comprised of four comparative case studies on drivers of forced migration governance; one study focusing on migration discourse and labelling practices, analysing how European migration crises have been perceived in countries where externalisation efforts of the EU have been particularly strong; and one paper focusing on protection gaps and unintended side effects of migration governance at the individual level. We follow different comparative logics in how we bring these six studies together and within the individual studies themselves: while, overall, the six studies follow a logic of process-oriented comparative case studies (Bartlett and Vavrus 2017) to build theory, our individual comparative studies on drivers (cases 1–4) are mostly based on Mill’s logic of controlled comparison (Skocpol and Somers 1980). While process-oriented comparative case studies can help to discover unexpected parallels across the different case studies through juxtaposition – thereby understanding horizontal, vertical, transversal dynamics and possible interactions of drivers – controlled comparisons can contribute to uncovering causal mechanisms and testing our proposed hypotheses. The aim of the controlled comparisons is therefore to design a series of theoretically informed and hypothesis-generating studies that are amenable to empirical testing.

For the contextual comparison (cases 1–6), our choice of case studies was driven by the objective of representing diversity when it comes to type of migration governance, regime type, and forced migrants’ characteristics, while considering historical depth. Furthermore, to some extent, the choice of our case studies was also security-driven, as the Middle East, North Africa, and the Horn of Africa regularly experience political tensions, violence, conflict, and war, which makes data collection in some contexts impossible without endangering the safety of the researchers involved. What is more, the COVID-19 pandemic affected our data collection methods – for instance, we had to move our interviews online and explore avenues of archival research. When it comes to the controlled comparisons (cases 1–4), in two cases, we selected very similar cases but with dissimilar outcomes (method of difference); in another two cases, we selected dissimilar cases but with a similar outcome (method of agreement) (see Figure 2).

Figure 2. Case Studies in Comparing Crises



Case 1: Brothers without rights? Forced migration governance in Tunisia in times of turmoil in Algeria and Libya (1950s–2020)

This study is a historical comparison within one country, comparing how the Tunisian state has dealt with the arrival of Algerian and Libyan refugees during the Algerian War of Independence (1954–1962), the Algerian Civil War (1991–2002), and the Libyan conflict (since 2011). The paper addresses the puzzle of why the respective Tunisian regimes approached these three refugee groups differently (support – rejection – laissez-faire) despite them being rather similar in terms of perceived proximity in terms of race, religion, and ethnicity. Can Tunisia's regime changes since the 1950s (decolonialisation – authoritarianism – democratic opening) explain the differences in governance approach? We hypothesise that regime survival logics overrule other mechanisms if a refugee group is perceived as instrumental for regime survival.

During the Algerian War of Independence (1954–1962), nearly 200,000 Algerians fled to Tunisia, where they were welcomed in a spirit of brotherhood between two independence-seeking nations. A multiplicity of regional and international actors provided support to Algerian refugees, including the Algerian FLN, the Tunisian government, local associations, but also the ICRC and UNHCR – making it the UNHCR's first mission in Africa. Similarly, during the Algerian Civil War in the 1990s, Tunisia's western borders again saw intense cross-border movements by Algerians, reaching nearly one million people by 1995 (Boubakri 2004, 7). However, in contrast to the 1950s, Algerian refugees who arrived during Algeria's civil war in the 1990s were met with suspicion by the authorities, as they were perceived as a security risk. Tunisia feared that the Algerian conflict would spill over as the Tunisian government was cracking down on the domestic Islamist scene (Natter 2019, 187). Since 2011, Libyan refugees have been arriving in Tunisia; estimates of the number of Libyans immigrants hover around half a million. With immigration having remained off the Tunisian political agenda despite its exponential growth since 2011, Libyan refugees in Tunisia lead a precarious existence. While they initially received a warm welcome in – southern – Tunisia, the Tunisian state has been reluctant to guarantee Libyans the right to stay in Tunisia for the duration of their humanitarian asylum and has not attempted to create legal mechanisms to accommodate Libyans (Jaidi and Tashani 2015).

Case 2: Personalism in forced migration governance: Lessons from capital cities and border towns

Examining Syrian forced migrants and the way they are governed has become a booming industry ever since the drastic escalation in the war led to mass displacement beyond the country's borders after 2012. Countless advocacy, policy, and scholarly studies have examined the social, political, and economic situation in Jordan and Lebanon, the two neighbouring countries that have received by far the most Syrians relative to their population size. Given this plethora of analyses, it is fair to ask: why yet another study on the governance of Syrians in Jordan and Lebanon?

We hold that there are two important research gaps that the paper aims to address and that legitimise a fresh look at forced migration governance in the Middle East: First, there is (with few exceptions such as Lenner 2016 and Mourad 2017) a lacuna in studies tracing the *intra-state* negotiations around policies regarding Syrian forced migrants in Jordan and Lebanon. Even in such resource-poor, aid-dependent countries, it is the “national-scale” negotiations between regime elites, different state ministries, and other actors that ultimately determine policymaking, at least in terms of producing laws, regulations, and directives. This goes for both monarchical-authoritarian Jordan and weak (confessional) democratic Lebanon. Second, while research has stressed local differences in the governance of Syrian forced migrants, the reasons given for the variation have mostly revolved around the specific local history of the city or town, its cross-border ties with Syria, or the profiles of the respective refugee communities. An under-researched factor is the bureaucratic processes of local (non-)implementation of national policies.

The paper examines forced migration governance in Jordan and Lebanon through an analysis of both the capital cities – Amman and Beirut, respectively – and developments in “front-line” or border towns in the rural countryside – Ramtha and Chtoura, respectively. We hypothesise that even though the political contexts of Jordan and Lebanon differ quite substantially in terms of regime type, state capacity, and capital city–rural relations, both countries still share one common, cross-cutting phenomenon: the importance of personalism. Personalism provides an important form of agency and agential power in negotiations, including in negotiations around forced migration governance, leading to highly discretionary outcomes that depend on a person rather than a greater system of support. The study aims to outline intra- and inter-state differences and parallels in personalist approaches to forced migration governance in the four localities.

Case 3: Managing exit and internal displacement in Libya and Syria: How regimes deal with their own displaced population in times of war

This study is a cross-regional, state-level comparison comparing how two states in conflict deal with their own displaced population, comparing a North African country with a Middle Eastern one – Libya and Syria. This includes border control and entry regulations, but also ways in which origin countries restrict exit or incentivise return and constrain rights of its displaced population. Despite sharing many similarities, such as the joint experience of mass anti-regime uprisings in 2011 transforming into internationalised war, Syrian and Libyan political leaders have dealt differently with their respective displaced populations. While the Syrian regime seems to have rejected those among its own refugees considered to be political opponents, Libyan refugees seem to have faced more of a *laissez-faire* approach at the border of their country. Can these differences in outcome be explained by different levels of state capacity and different numbers of refugee outflows?

The literature shows that origin countries have different rationales for cooperating with IOs on their own territory or for impeding or incentivising the exit and return of “their” refugees. Some origin countries seek international diplomatic support or massive foreign funds for the repatriation of refugees, as they consider the political cost of not readmitting them as too high – for instance, in the case of Eritrea immediately after independence. For other regimes, the main problem seems to be on the domestic level: Syrian refugees fear that the Syrian regime could categorise them indiscriminately as political opponents; returnees are currently vetted by security forces upon return. IDPs, on the other hand, depend on their own government for protection and assistance, which is a problem when governments are unable or unwilling to provide this service. IOs remain at the mercy of domestic jurisdictions and depend on collaboration with domestic governments in the form of ruling state actors. We hypothesise that exit and return policies of origin countries are deeply linked to regime survival strategies: the closer to the regime, the more *laissez-faire* and *vice versa*. The lower a state’s capacity, the higher the tendency towards non-policy in forced migration governance.

Case 4: Greenwashing repression and non-assistance: Internal displacement following environmental crises in Ethiopia and Syria

This cross-regional comparative study on a state level brings together research on marginalisation and repression in authoritarian regimes with studies of environmentally induced migration by conducting a historical study of two case studies with a comparative lens: the 1983–1985 drought in Northern Ethiopia (Eritrea and Tigray), and the 2005–2007 drought in Syria, which mostly affected the Jazira region. The paper asks how authoritarian regimes address environmental crises and the ensuing internal displacement, and how these responses relate to and interact with other political goals. We hypothesise that environmental crises present an opportunity to greenwash repression and ensure regime survival – for example, through relocation of, and non-assistance to, unwanted populations.

At the time of the drought in what was then Ethiopia, the Eritrean People’s Liberation Front (EPLF) was fighting a war for independence (1961–1991), while the Tigray People’s Liberation Front (TPLF) fought for more regional autonomy (1975–1991). In Syria, an agricultural crisis with ensuing out-migration in the Jazira has come to be understood to have been caused by a “century drought,” which is considered to have been influenced by climate change. Importantly, the region most affected by the drought is the ethnically contested borderland of the Jazira, which hosts large parts of the Syrian Kurdish population. The two cases are similar in that they were both affected by drought and its ensuing effects (famine/agricultural collapse) and in that they are dealing with the same type of refugee group (internally displaced people). They are dissimilar in that Ethiopia was experiencing the drought in times of war, while Syria was a stable repressive autocracy. The article explores how the two regimes addressed environmental crises and migration and how this interacted with their overall political goals.

Case 5: Perceiving European migration crises from the outside: A view from the European Neighbourhood

This cross-regional comparison examines how European migration deals have been perceived and framed in two countries targeted by the EU's externalisation efforts – Turkey and Tunisia. European discourses on migration have been dominated by a crisis narrative in recent years. In particular, so-called “mixed” migration has led to the perception that the immigration of large numbers of non-EU citizens needs to be perceived as “problematic.” Yet, knowledge on how these “crises” are perceived in the Global South itself is comparatively scarce, revealing the stark Eurocentrism with which migration has been discussed in public debates in Europe, as the vast majority of migrants and refugees never end up in the Global North. How do non-EU states perceive European “migration crises”? Taking two major migration deals from recent years as case studies – first, the discussions around the establishment of “disembarkation platforms” in North Africa and the Sahel and, second, the negotiations on and implementation of the EU–Turkey agreement – we outline how elite actors in Tunisia and Turkey give meaning to European migration deals (or not) in countries of first asylum that neighbour conflict countries. We demonstrate that European crisis perceptions differ considerably from those in other world regions. Non-EU states are acutely aware of European perceptions of crisis and their role in negotiations about cooperation in the field of migration governance. At the same time, as regimes strategically choose to silence the issue of migration, many refugees in the European neighbourhood live in a context characterised by massive protection gaps.

Case 6: Negotiating circular migration from Niger to North Africa and back: Between policies and non-policies

This single-case study tries to understand unintended side effects of migration governance and protection gaps through a focus on the individual level. By looking at the northern Nigerien border crossings, this study examines circular migration between Niger and Libya and analyses the factors that impact the decision of Nigeriens to migrate to and return from Libya. In doing so, it aims to gain a better understanding of the drivers of circular migration and seeks to understand the role national and international migration policies play in this decision. In Niger, economic migration, forced displacement as a consequence of conflicts, and climate-induced migration intersect. Located in the heart of the Sahel in West Africa, Niger in particular is an important case because it can provide insight into what happens when historical and common migration practices become the focus of international policies and how these policies affect local livelihoods. Niger is facing a variety of political and economic challenges, and the region suffers from multiple drivers of conflict. The country is politically regarded as a hybrid system with democratic and authoritarian tendencies: elections have been held regularly since 1993, although they have been repeatedly accompanied by different forms of unrest and allegations of electoral fraud. In addition, challenges are posed by radical armed and separatist groups, cross-border trafficking networks, rampant climate change, and weak governance.

Building on a literature review of drivers of migration, the paper examines how migration policies affect the size, direction, and nature of migration. It follows de Haas' (2011) argument that migration policies tend to have a number of unintended counter-effects ("substitution effects") on and beyond their target group. By expanding the de Haas model, the article looks at how migration governance in Niger, especially Law 036/2015 and emergency mechanisms, affects not only the target groups but also Nigerien circular migrants in the region. What are the substitution effects of national and international migration policies on the Nigerien migration community as a whole? Do national and international migration policies in Niger have substitution effects on Nigerien circular migration? How do these policies drive – hinder or trigger – migration decisions of circular migrants, and to what extent do they interact with other drivers of circular migration?

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