

Irregular Migration as a Response to Geopolitical Shocks: The Long-Term Effects of Short-term Policies

Martin Ruhs and Nicholas Van Hear
Centre on Migration, Policy and Society (COMPAS)
University of Oxford, UK

martin.ruhs@compas.ox.ac.uk

nicholas.vanhear@compas.ox.ac.uk

The 'Lampedusa Dilemma':
Global Flows and Closed Borders.
What should Europe do?

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INTRODUCTION

The **EUI Forum on Migration, Citizenship and Demography** is a joint initiative by the four departments of the EUI, the Robert Schuman Centre for Advanced Studies and the Max Weber Programme. It brings together critical analysis, informed debate and policy recommendations from the wider field of citizenship and democracy, demography, migration and asylum governance, and the management of cultural diversity.

Professor Anna Triandafyllidou is the Scientific Organiser of the Forum's Inaugural Event: **The 2014 Conference on the Lampedusa Dilemma**.

Policy experts and scholars from a variety of disciplines will share their views on migration governance, human rights, asylum-seeking and international protection, as well as irregular migration.

The Lampedusa disaster of October 2013 demonstrates the dramatic events taking place in the Mediterranean area which require urgent, forward-looking and well-thought out responses.

The UK government's recent controversial decision to cease support for maritime rescue of migrants in the Mediterranean casts into sharp relief government and public perceptions of irregular migration, much of which has come about as a result of recent geopolitical shocks. The turmoil in North Africa and the Middle East – the 'Arab Spring' turned 'Arab Nightmare' – has led to a wide-spread media frenzy and substantial policy concern across EU member states about increases in "irregular migration" to the European Union. The public perception appears to be that the "Arab Spring" has led to a large increase in irregular migration to the EU, and will continue to do so.

In reality, while it is clear that upheavals across North Africa and Middle East have led to a rise in irregular migration to the EU, there is considerable debate about the scale of this increase, its likely duration and the extent to which the migration induced by geopolitical shocks represents a change of existing patterns of legal and illegal migration flows to the EU. While many politicians and parts of the media have talked about very large increases, researchers have suggested that the number of people arriving from "shock countries" (i.e. countries experiencing geopolitical shocks) has in fact been relatively small, and certainly much smaller than commonly assumed in public and policy debates (see e.g. de Haas 2012, Fargues and Farndrich 2012). Moreover there are differences in the kinds of arrivals: a mixture of nationals and people of migrant origin have left war-torn Syria, while in the case of Libya it has been mainly migrants rather than Libyan nationals who have been forced to move out by the turbulence there.

While understanding the scale of the issue is obviously important, this paper is concerned with the "bigger picture". It aims to begin a discussion about when, why and how geopolitical shocks lead to irregular migration to European and other high-income countries. To analyse this issue in a systematic way, we focus on three inter-related questions. First, what are the various different "displacement and migration scenarios" in response to a geopolitical shock? Second, what are the immigration and other policy

options that countries have when responding to “shock migration” (i.e. migration caused by geopolitical shocks)? Finally, what are the long-term effects – in terms of irregular migration and other consequences - of high-income countries’ short-term policy responses to people fleeing from geopolitical shocks?

In this paper, our discussion is primarily conceptual with a few empirical examples. Our larger research project includes a more detailed theoretical framework and systematic analysis of specific case studies. For the time being our policy analysis will focus on the policy options of high income countries; at a later stage we will extend our net to policies that ‘emerging countries’ may consider.

European and other high-income countries should place much more emphasis on consideration of the long-term effects of their short-term policy responses to geopolitical shocks.

At this stage of the analysis, our main argument for the policy debate is that European and other high-income countries should place much more emphasis on consideration of the long-term effects of their short-term policy responses to geopolitical shocks. Short-term policy responses to geopolitical shocks can have significant long-run effects which can undermine the aims of the short run policies by, among other things, exacerbating and not reducing pressure for irregular migration to high-income countries. We elaborate on this in the final section. First we outline various shock migration scenarios and the options and variants of policy responses to them.

SHOCK MIGRATION SCENARIOS

We define a geopolitical shock as a sudden and relatively unexpected event or a series of events that has the potential to, and often does, lead to a destabilisation of regional and/or international politics and security. While some geopolitical shocks, such as the fall of the Berlin Wall, lead to a peaceful geopolitical “re-ordering” and “re-bordering” (at least in the context of Germany), others, such as the spate of recent upheavals in the Middle East and North Africa, involve conflicts and violence. The focus in this paper will be on the latter, i.e. on geopolitical shocks that lead to a sharp and rapid decline in human security which, in turn, leads to internal displacement of people within the “shock country” and/or “forced” migration to other countries. We use the terms “forced” and “voluntary” for linguistic convenience only. Rather than suggesting a simple binary choice, they are meant to indicate a low/high degree of choice and freedom in individuals’ decisions to migrate (Van Hear 1998).

Most geopolitical shocks in the past 25 years have occurred in low- or lower middle-income countries which are surrounded by other low- or middle-income countries. The map below, taken from www.conflictmap.org, shows the major conflicts around the world today. A bigger circle indicates a higher degree of “severity” of the conflict.

Chart 1: Armed conflicts worldwide, 2 Oct 2014



Source: www.conflictmap.org

Considering theory and recent experiences in practice, we can distinguish between four major short run “displacement and migration scenarios” in response to geopolitical shocks:

- A. Internal displacement within the country experiencing the shock
- B. Forced migration to neighbouring (low- or middle-income) countries
- C. Migration to EU or other high-income countries
- D. Transit-migration via neighbouring countries to high-income countries

These scenarios are not mutually exclusive and are likely to overlap in practice

These scenarios are not mutually exclusive and are likely to overlap in practice. Many geopolitical shocks will, at least to some extent, trigger most or all of the shock migration scenarios above, albeit to different degrees. The actual migration response to a specific geopolitical shock is likely to be specific to place and time. A shock that leads to mostly internal displacement in one country may in another country result in mostly forced migration to neighbouring countries. Time matters in that the shock migration responses may change over time. For example, a shock may initially lead to internal displacement, then migration to neighbouring countries and eventually result in transit or direct migration to other countries.

Geopolitical shocks can affect a wide range of different groups and types of migration

Importantly, geopolitical shocks can affect a wide range of different groups and types of migration. They can lead to displacement and migration of citizens of the “shock country” (i.e. the country experiencing the shock) as well as of different groups of migrants who are residing – legally or illegally – in the shock country when the shock occurs. Changes in international migration in response to a geopolitical shock can involve changes in labour migration, student migration, family migration and migration for asylum

and/or other forms of protection. For example, the outbreak of violent conflict in a country may not only lead to forced displacement of citizens of that country but can also encourage some labour migrants and students to flee to neighbouring countries and/or return to their home countries.

In practice, different geopolitical shocks have been associated with very different displacement and migration scenarios, sometimes involving mainly citizens of the country experiencing the shock (e.g. in Bosnia and Kosovo in the 1990s), mainly migrants (e.g. in Libya 2011), or a mix of large numbers of citizens *and* people of migrant background (e.g. in Syria 2011-).

Each of the different (short-run) displacement and migration scenarios can lead to very different short-run effects

Each of the different (short-run) displacement and migration scenarios can lead to very different short-run effects (i.e. benefits and costs) for migrants as well as the countries receiving (or not receiving) them. For migrants, benefits can include potentially life-saving protection for themselves and their families, along with a range of economic, social and psychological costs associated with forced displacement and migration. For countries receiving migrants, whether they are low- or middle-income neighbouring countries or higher-income states further away from the shock country, the arrival of shock migrants will lead to a wide range of different effects on the economy (including public finance), society and security. A generic feature of these effects of shock migration for countries offering protection is that, compared to other types of migration, the impacts are likely to be more rapid and potentially involving much larger numbers of people arriving within a shorter period of time.

Most of the short-run effects of the different displacement and migration scenarios are clearly dependent on a wide range of factors and thus context specific. The obvious but important implication is that we cannot say or assume that one particular scenario (e.g. direct migration to high-income countries) is likely to generate “better” short-run consequences (e.g. better protection and outcomes for migrants) than another scenario (e.g. migration to a neighbouring country). Depending on the circumstances, people fleeing geopolitical shocks may sometimes be most effectively protected in a neighbouring country (this is likely to be the case if immediate and rapid protection is needed) while in other cases refuge in a more distant high-income country may be the more appropriate option.

POLICY RESPONSES OF HIGH-INCOME COUNTRIES: OPTIONS AND DETERMINANTS

The policies of high-income countries can and do play a key role in shaping the migration responses to geopolitical shocks. In principle, the 1951 Geneva Convention clearly constrains nation states’ policy responses to forced migrants: people who claim asylum in a particular country and who meet the Convention’s criteria of a refugee must be granted protection. In practice, many high-income countries have made it increasingly difficult for refugees to reach their territories in order to claim asylum. This has been achieved by, for example, the introduction of visa requirements for citizens of countries who are likely to claim asylum abroad, the establishment of various types of off-shore immigration controls, and fines on carriers that transport

individuals without proper documents/visas (for a discussion, see Gibney 2011).

Importantly, the majority of people fleeing from a geopolitical shock are unlikely to qualify as refugees under the 1951 Convention

Importantly, the majority of people fleeing from a geopolitical shock are unlikely to qualify as refugees under the 1951 Convention. This is because the Convention's definition of a refugee requires *targeted* rather than generalised persecution¹. In other words, people who flee in response to the outbreak of conflict or a civil war but who cannot prove that they are specific targets of the violence will generally not qualify as refugees under the 1951 convention.²

Many countries provide some sort of "subsidiary" and/or "temporary" protection status to people from countries experiencing mass displacement due to armed conflicts. For example, in 2001 the EU introduced the Temporary Protection Directive which aims to harmonise temporary protection for displaced persons in cases of mass influx on the basis of solidarity between Member States. The EU's 2004 Qualification Directive aims to harmonise minimum standards for refugees including those given "subsidiary protection". Critically, compared to full refugee status under the Geneva Convention, the different types of subsidiary/temporary protection status are typically associated with significantly fewer rights and more insecurity for refugees.

Nation states have considerable discretion in how they respond to shock migration

The implication of all this is that the international legal framework for protecting forced migrants has important gaps and typically does not require nation states to protect migrants fleeing from generalised violence as often occurs in geo-political shocks. Consequently, nation states have considerable discretion in how they respond to shock migration. There are various different ways in which nation states' policies can influence the likelihood of the different shock-migration scenarios discussed in section 2. For example, the extent to which the geopolitical shock creates forced migration to neighbouring countries (scenario B) rather than other countries (scenarios C and D) obviously depends on how open these countries are to receiving migrants fleeing from the shock. Importantly, the policies that can influence the likelihood of the various shock migration scenarios include not only migration policies but also much broader policies such as monetary assistance to neighbouring countries to deal with the inflows of forced migrants and of course any policies that influence the duration and economic, social and other effects of the geopolitical shock.

Four major policy options

There are perhaps four major policy options for how high-income countries can respond to "shock migration":

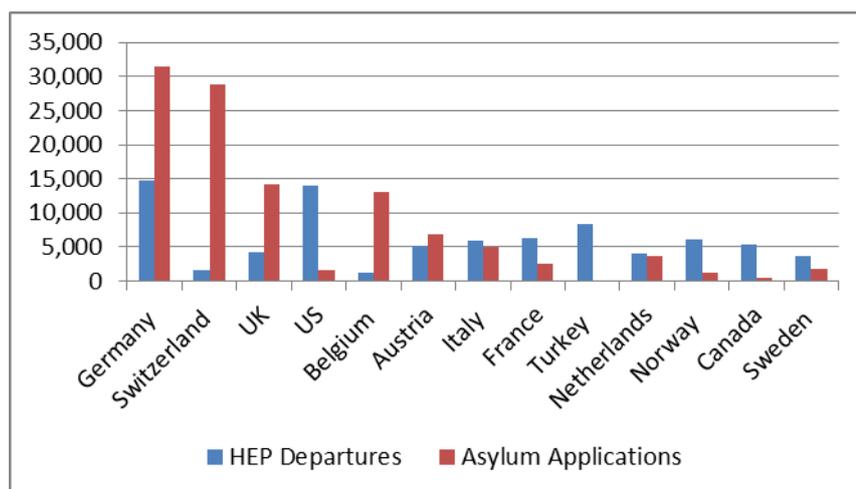
- A. 'permanent protection' by admitting refugees and granting them full refugee status based on 1951 Geneva Convention
- B. 'temporary protection' by admitting refugees on a time-limited basis
- C. 'containment' aimed at keeping refugees either within the shock country or in neighbouring countries; and/or
- D. 'do nothing'.

Policies focused on regional containment

Each of these policies is associated with different pressures and types of regular and irregular migration to high-income countries. For example, ceteris paribus, a policy of ‘containment’ and ‘do nothing’ can be expected to lead to more pressure for illegal entry than temporary or permanent protection. A policy of temporary protection can lead to illegal overstaying. Permanent protection can be expected to lead to family migration. And so on.

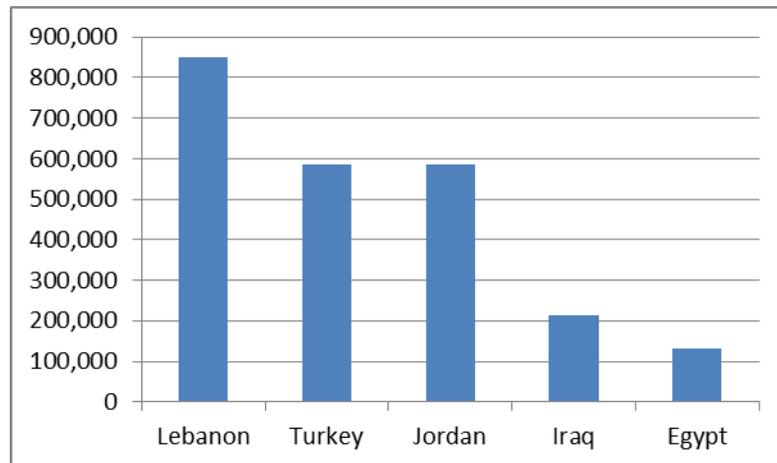
Over the past 25 years or so, we can detect a clear policy development in most high-income countries, away from permanent or temporary protection to policies focused on regional containment (see Van Hear 2011; and Shacknovne 1993). For example, most European and other high-income countries were much more receptive to receiving people fleeing from the wars in the former Yugoslavia (Bosnia and Kosovo) in the 1990s than to admitting refugees from the conflicts in countries experiencing violent uprisings associated with the “Arab Spring” and its aftermath (including Libya and Syria). European countries’ main policy response to displacement of people in Kosovo and Bosnia was to offer “temporary protection”. As shown in Figure 1, over 100,000 people fleeing the conflict in Kosovo were given temporary protection status under the “Humanitarian Evacuation Programme” in European and other high-income countries (the US was the only country to offer permanent protection). In contrast, in the case of the geopolitical shocks in Libya and Syria, the primary policy response of European countries has been “containment” in neighbouring countries. As shown in Figure 2.a and 2.b, by the end of 2013, over 95% of the 3 million+ refugees fleeing conflicts in Syria were in neighbouring countries. Except for Germany and Sweden, European countries have accepted very few refugees from Syria.

Figure 1 Humanitarian Evacuation Programme (HEP) and total number of asylum application lodged by people fleeing conflict in Kosovo, 1999



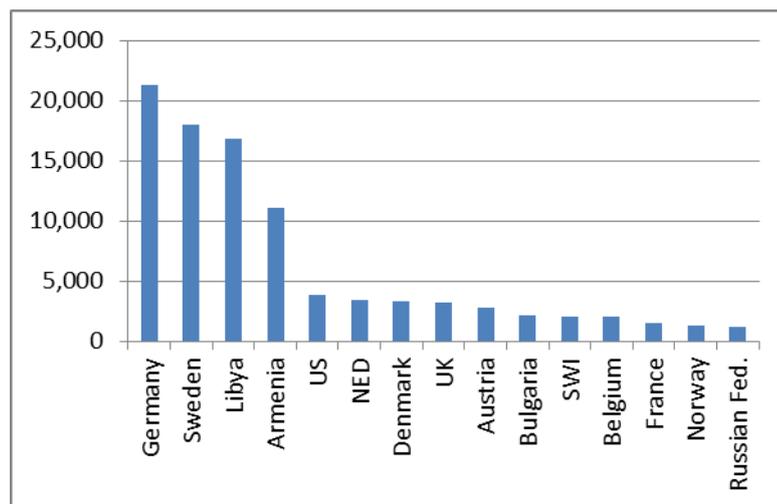
Source: UNHCR Global Report 1999, p346

Figure 2a: Syrian refugees top 5 host countries in 2013



Source: UNHCR

Figure 2b: Syrian refugees in top 6-15 host countries in 2013



Source: UNHCR

These differential policy responses reflect, at least in part, the geography of borders and a general tightening (where possible) of European and other high-income countries’ containment policies. In contrast to the conflicts in Syria, the wars in former Yugoslavia happened “on the doorstep” of the EU and containment within Yugoslavia was impossible.

More generally, even the most cursory review of high-income countries’ policies toward people fleeing from geopolitical shocks shows that policy responses are driven by a range of objectives relating to the “national interest” (however defined at a particular point in time) which often take priority over the objective of “protection”. There is clearly a “domestic politics of protection” for forced migrants (including shock migrants). In practice, the motivations of European and other high-income countries when responding to forced migration are not so different to those used to regulate types of immigration with a much smaller “humanitarian dimension” such as labour immigration. So in addition to considering the importance of

“National interest” often take priority over the objective of “protection”

protection, high-income countries consider a range of additional objectives relating to perceived and/or real effects on the economy, society and security as well as foreign policy objectives. Some of these objectives are of course heavily influenced by public opinion. For example, the UK's refusal to accept more refugees from Syria is clearly influenced by the current government's high-profile policy commitment to reducing overall net-migration from the current 240,000 to less than 100,000. Opinion polls have shown that asylum seekers and refugees are among the least popular groups of migrants in the UK.

So, is the increasingly common regional containment of refugees fleeing geopolitical shocks "good policy"? At a normative/moral level, we would argue that some forms of containment, such as those around Syria at the moment, are deeply problematic as they violate, in our view, the "minimum constraints" on ethical responses to refugees as suggested by Carens (2014). If geopolitical shocks result in long-term armed conflicts, high-income countries' containment strategies typically require an ever increasing degree of border control, enforcement, detention etc. Many of the border control and detention policies that European countries have implemented in response to the Arab spring and its aftermath (including the UK's recent "let them drown" policy) can be – and have been – criticised on moral grounds. However, given that policies are primarily based on the national interest, moral outrage is unlikely to result in policy change.

High-income countries' recent policy responses to shock migration may be unsustainable in the longer-term

The reason why many high-income countries' recent policy responses to shock migration may be unsustainable in the longer-term is not because they are immoral but because they are likely to produce long-term impacts which can exacerbate rather than reduce "costs" that many high-income countries are aiming to minimise through their short-term policy responses in the first place. We turn to this conundrum in the conclusion.

THE LONG-TERM CONSEQUENCES OF SHORT-TERM POLICIES

As we have suggested above, both short- and medium-term high-income country strategies of admitting and resettling refugees on one hand, and containing forced migrants within the region on the other, have long-term consequences which may support or counteract the aims of the initial policy goals.

One longer run consequence of admitting refugees for temporary or permanent protection is the formation or reinforcement of diaspora populations in high income countries. Refugees may become powerful lobbyists for causes back home, and substantial sources of funds and know-how for insurgencies in the 'homeland', as 'long distance nationalists'; conversely diasporas may become a positive resource for peace-building and recovery efforts (Anderson 1992; Kapur 2007; Smith and Stares 2007; Van Hear 2009, 2011). Governments and international agencies have some limited purchase in shaping through their policies the direction diaspora engagement may go: for example, by making remittances easier and cheaper, promoting 'safe remittance corridors', and providing outlets and

vehicles through which diasporas can lobby in the ‘host-land’ and in international arenas for positive change at home. It has to be said however that the record here is not an unalloyed success. Conversely though, government policies in high-income countries -- or the lack of them -- can have the opposite, negative effect, as seen currently in the rise of transnational fighters or *jihadis* coming from some disaffected and marginalised Muslim communities in Europe and elsewhere.

The converse strategy of containing migrants in shock countries or regions of origin may also have mixed longer run consequences. Though many refugee advocates would argue to the contrary, it can sometimes make sense for people to remain in their regions of origin in so-called ‘first asylum’ countries or under what is sometimes called ‘protection in the region’. This is especially the case if displacement is likely to be temporary and there is reasonable prospect of return if the conflict or shock is over quickly and repatriation is feasible. There is also a persuasive argument that displaced people’s networks are stronger and more resilient in their regions of origin, especially where ethnic groups straddle borders. However, if displacement is protracted and there is little or no prospect of resettlement outside the region, one serious and potentially dangerous consequence may be the rise of angry and discontented groups in neighbouring countries, who may turn into ‘refugee warriors’ (Zolberg 1989; Harpviken and Lischer 2013). Equally such containment may increase pressures in countries of origin to intolerable levels, and provoke further and possibly greater social and political explosions further down the line. Returning people prematurely to shock countries may have similar deleterious effects, as seen for example in the Afghan case over a number of years.

There is no “one-size-fits all” solution to the question

The implication is that, in principle, both ‘admission for protection’ and ‘containment’ strategies can have long-term effects that make more conflict – and thus more pressure for irregular migration to the EU and other high-income countries – more or less likely. Given the context specificities discussed earlier in this paper, there is no “one-size-fits all” solution to the question of which strategy is better suited to promoting stability and reducing irregular migration. But it is clear that active policy intervention is required to manage the longer-term consequences of whatever strategy is adopted in response to a particular geopolitical shock.

Moreover the longer-term impacts of a high-income country’s policy response to people fleeing from a particular geo-political shock can be significantly influenced by that country’s previous policies in response to earlier shocks, especially (but not only) through the actions of a diaspora that emerges and/or expands because of past ‘liberal’ admission policies. In other words, the impacts of policy responses to current shocks can interact with the impacts of policy responses to previous shocks. Again, this interaction with the effects of previous policies can reinforce or counteract the aims of current policies. Here we outline two hypothetical outcomes – one malign and the other benign – that could be seen as opposite poles on a continuum encompassing different combinations of circumstances.

Nightmare scenario

The first is the nightmare scenario, exemplified in part by the current situation in Syria and Iraq (and maybe Libya and elsewhere), including the rise of the so-called ‘Islamic State’. In this scenario, having experienced the

temporary euphoria of apparent or prospective liberation from an oppressive regime, a disillusioned, discontented and frustrated local population becomes radicalised in an illiberal direction and links up with fighters from the diaspora – in part created by previous ‘liberal’ admission policies -- who think and feel in similar ways (see above). This volatile combination provokes foreign military intervention which generates more resentment and anger, and more illiberal mobilisation on the part of both the local and diasporic populations ... and the process spirals downwards into more violence and displacement in a vicious circle.

Benign scenario

At the opposite end of the continuum is a more benign scenario. In this one, diaspora populations – in part created by previous ‘liberal’ admission policies -- are encouraged to assist with peacebuilding, demilitarisation and recovery by the international community and by the governments of the countries that host them. Helped by the international community, the diaspora assists the local population to ride out the conflict or shock, and to recover afterwards. Judicious and generous direct international aid within the shock country – and possibly in neighbouring countries too - also fosters this recovery. Governance structures are set up in which diasporas and locals are proportionally and fairly represented and tensions between them are addressed. Diaspora groups take heed of local populations’ needs and reciprocally the local population acknowledges and respects the diaspora contribution – not least since in many cases locals and diasporans are kinsfolk. Ethnic differences and other socio-economic cleavages are worked through.

A re-think of national and international policies towards geopolitical shocks and their longer-term consequences is long overdue

Of course there are many intermediate scenarios along the continuum between these two poles. It is chastening to reflect however that we cannot adduce a single real world example of the benign scenario, and that many more cases cluster towards the malign than the benign end of the continuum -- a signal if ever there was one that a re-think of national and international policies towards geopolitical shocks and their longer-term consequences is long overdue.

Disclaimer: The views and opinions expressed in this paper are those of the authors and do not necessarily reflect those of the EUI's Forum, its constituent parties or scientific directors and organisers.

ENDNOTES

¹ The Convention defines a refugee as a person who “is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.” The Convention stipulates the important principle of *nonrefoulement* which provides that “no one shall expel or return (“*refouler*”) a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom.”

² Although they might qualify for refugee status under regional conventions such as obtain in Africa and Latin America.

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