International Affairs Forum

A WORLD ON THE MOVE:
Migration and Statelessness

Featuring interviews with

Dawn Chatty

James Hathaway

Hans ten Feld

contents
winter 2016

ESSAYS

International Affairs Forum

Submit your Editorial or Essay to

editor@ia-forum.org

www.ia-forum.org

The theme "Migration and Statelessness" is a topical one, featured prominently in global news outlets. For some states, the primary focus on migration has been around the impact migration has to local (national) communities, services, and resources. At one extreme, migration in the national discourse has been a polarizing and divisive issue, creating an "us" versus "other" type of situation. On the other hand, the issue has also brought together diverse sectors of communities that are driven to provide for refugees and migrants. Across a number of states, recent debates and discussions about migration have revolved around the numbers, reasons, economic impacts, and origins of migrants seeking to enter a state's borders due to civil war and conflicts. Another level of this debate centers on the actual impact to migrants themselves – issues about statelessness, of status in-transit and within a "host" state, of existing rights and the protections in place for migrants – and how these vary from state to state.

To this end, this issue draws together a set of thematically-related short essays, opinion-editorial pieces, and interviews with practitioners, academics, and affected parties discussing the complexities of migration. The pieces range from such subtopics as the status of refugees (as compared to migrants) under international law (Hathaway) to the impact of citizenship status for migrants (Pedroza). Other interviews and short essays further address this issue of status, examining refugeehood, displacement, and statelessness, and how the issue of status has an impact on those moving within and between borders. In one essay, Hélène Lambert examines the link between statelessness and refugeehood, and in other pieces, Ferris and Keetharuth each address aspects of the relationship between displacement and statelessness. Other contributors provide an "on the ground" view of these issues from within specific countries or from a regional perspective (Chatty's discussion of the Middle East; Redclift's coverage of Bangladesh; Tazreiter's focus on Australia; Ali Batoor's account as an asylum seeker; the IOM on the Balkans; and Mekonnen's discussion of the situation that has created a mass exodus from Eritrea). The remaining pieces address related concerns: the impact national structures and regimes have on immigration and how reform is needed (Marks); human rights and humanitarian assistance (ten Feld; Zerai); human trafficking (Moskoff; Reliance, Inc.); and the economic effects of migration (Gibson; Takougang). Collectively, the mix of interviews, short essays, and op-ed pieces represent a cross-section of the interesting work taking place on this topical subject.

The editorial team hopes the current collection in this issue provides further thought and new perspectives to the on-going and emotive debates about migration taking place in different corners of the globe.

There have been changes to the publication in the past several years, and the most recent ones provide the editorial team a new opportunity to reflect on our aims for the International Affairs Forum and to establish its position in relation to other outlets in the field of international relations and current affairs. The current issue demonstrates the publication's unique place within the field, providing an outlet for academic-type research and discussion articles, short essays, and opinion-editorial pieces from researchers and practitioners, alongside

interviews with scholars and officials (from think tanks, international organizations, and academic institutions) who assist with informing and shaping the policy-making landscape.

The core values for the publication are:

- We aim to publish a range of op-ed pieces, interviews, and short essays, alongside longer research and discussion articles that make a significant contribution to debates and offer wider insights on topics within the field;
- We aim to publish content spanning the mainstream political spectrum and from around the world;
- We aim to provide a platform where high quality student essays are published (winners of the IA Forum Student Writing Competition);
- We aim to publish the journal bi-annually in hard-copy and to provide faster online dissemination of pieces at other times;
- We aim to provide submitting authors with feedback to help develop and strengthen their manuscripts for future consideration.

All of the solicited pieces have been subject to a process of editorial oversight, proof-reading, and publisher's preparation, as with other similar publications of its kind.

We also welcome unsolicited submissions for consideration alongside the solicited pieces. In addition, the publication holds a student writing competition, seeking the best student pieces for publication in the journal along with our distinguished contributors.

We hope you enjoy this issue and encourage feedback about it, as it relates to a specific piece or as a whole. Please send your comments to: editor@ia-forum.org

DISCLAIMER

MIGRATION AND STATELESSNESS

GEORGETOWN UNIVERSITY
School of Foreign Service in Qatar
Center for International and Regional Studies

Arab Migrant Communities in the GCC, ed. Zahra Babar (Oxford University Press/Hurst, 2016), £25.00

Migrant Labor in the Persian Gulf, eds. Mehran Kamrava and Zahra Babar (Hurst, 2012), £25.00

ABOUT CIRS

Established in 2005, the Center for International and Regional Studies (CIRS) at the Georgetown University School of Foreign Service in Qatar is a premier research institute devoted to the academic study of regional and international issues through dialogue and exchange of ideas, research and scholarship, and engagement with scholars, opinion makers, practitioners, and activists.

RESEARCH INITIATIVES

CIRS research contributes towards furthering knowledge on the prevailing issues related to the Middle East and Persian Gulf. Among other topics, CIRS engages in empirically-based, original research initiatives on issues related to migrant labor. To download free publications or to submit a paper of relevance to the region, please visit: http://cirs.georgetown.edu/publications/.

cirs.georgetown.edu

Interview with Professor James C. Hathaway

University of Michigan

Even readers who are familiar with the ongoing migration crisis and have some notion of the kinds of issues that refugees face probably do not know that much about the ins and outs of refugee law. In November 2015, the European Commission estimated that three million migrants are expected to reach the EU by 2017, and the Office of the United Nations High Commissioner for Refugees (UNHCR) has released figures stating that there are nearly 60 million displaced persons and refugees. As a leading expert on international refugee law, could you better define the terms involved in this crisis – who is a refugee, and what is the difference between a refugee and a migrant?

This is a good starting point, as a lot of important issues are obscured by the way that these numbers are presented. The most obvious point of confusion is between a refugee and a migrant. Simply put, a migrant is someone who is *pulled* to move. He or she wants better economic opportunities, wants more freedom, wants to be united with family, et cetera. A refugee is someone who is *pushed* to leave because the place where she or he calls home is no longer safe. It has to be abandoned. [Refugees] do not typically wish to leave [their homes], but have no choice but to leave. But the reality is not quite so neat, of course. For many people there is a bit of each: For example, you have to leave because people of your religion are being brutalized in the streets, but when you need to flee you think about where life would be safest for you and your family, which sounds like a migration rather than a refugee question.

Leaving the migration/refugee question aside for just a second, we can touch on an even more complex issue [related to these terms], which is that frankly the UNHCR numbers are quite unhelpful. They speak about 60 million displaced people. But that reflects the agency's own institutional mandate which goes way beyond refugees. [UNHCR] tends today, unlike 30 or 40 years ago, to talk about numbers of displaced people because the agency has responsibility not just for refugees, but also for stateless people and for what are called internally displaced people (IDPs). [The agency] adds up all three of those bundles and says that that's 60 million. Now the truth is, the number of refugees is probably closer to about 15 million of that [total number], and certainly by far composes the minority share.

I actually worry that UNHCR does a disservice to the reality of people's lives when it bundles refugees, stateless persons and IDPs all up into one, big omnibus number of 60 million. Internally displaced people are those who have had to move inside their own country; because there is a problem in Region A, they have moved to Region B where they think they might be relatively safe. I actually do not like and never use the term internally displaced people. It is a very politically-fraught concept that counts the people who have moved within their own country because they faced harm, but leaves out the majority of internal human rights victims who are brutalized where they are and perhaps cannot move because they are too poor, or they are parents with child-giving or elder care responsibilities, or are disabled, or otherwise not mobile. The IDP label is based on a privileging

of human rights victims who can move internally [within their country] versus those who cannot or do not. I would personally subtract the IDP number from the UNHCR total, and I would instead recognize that there are lots of human rights victims [who remain] inside their own country, but that it does not make sense to talk about them in one and the same breath as refugees – people who are outside their country and who are now the presumptive responsibility of the international community and not of their own country.

The other group that gets lumped [into the 60 million figure] is stateless people. These are people who may or may not be abroad. Many are still in a place where they habitually reside but have no country to call their own. Stateless people are not citizens of any country. Palestinians, for example, comprise one of the largest groups of stateless people in the world, but there are many others who, by virtue of the breakup of states or being born to parents outside the territory of their country, or similar reasons, are not a citizen of any country. Now, these are people who in my view have a clear entitlement to international rights, but they are not all refugees. They have not necessarily moved, and they are not necessarily at risk of being persecuted; most of them aren't. They are simply people who do not have a [permanent, defined] home. That is a critical imperative to respond to, but it is not the same as a refugee classification.

This brings us at last to the core, third group. A refugee is a person who has left her own country because who she is or what she believes puts her at risk of being persecuted there. And so, unlike an IDP, she is outside the country and for that reason is thought to have particular vulnerabilities that come with being an alien and that the refugee law system tries to respond to.

Unlike stateless people, [the issue] is not just that she lacks a formal entitlement (since she may well have a formal entitlement to citizenship). Most refugees remain citizens of their country of origin. The problem for them, however, is that the country that has a legal obligation to look after them, their own country of citizenship, either cannot or will not do that.

Melding these three quite different groups together distracts us from what we need to know in order to design an appropriate response. The responses to each of these three groups -- internally displaced, stateless and refugees -- are quite different. The only thing they have in common is that one UN agency has been asked to look after them. And that is not a particularly good reason to lump them into an omnibus category, in my view.

Taking that notion into consideration – namely, that there is possibly a political take to lumping these terms together and coming up with a much larger number than what necessarily reflects the reality of the ongoing situation – the accuracy of the term "refugee crisis" can itself be considered debatable. Is it fair to call the current situation a mass migration crisis? Or should it be labeled a mass refugee crisis given that an overwhelming number of those who are traveling by migration routes into the EU are refugees rather than simply, for example, economically motivated migrants?

I think there are two points there, and I am going to first of all contest the use of the word "crisis." I do not think there is a crisis at all, not at least in any objective sense. Perhaps in the sense of a crisis of expectations or a crisis of political will, but there is no true crisis. In September 2015, the President of the European Commission made very clear that, at that point, the total number

of people arriving in Europe seeking protection amounts to one-tenth of one percent (0.001%) of the population of the European Union. I want you to contrast that, for example, with a country like Lebanon where refugees are 25 percent (25%) of the population.

Lebanon might be able to argue that it faces a crisis given the extent to which its political community has been truly overwhelmed by people seeking protection. But [in regards to Europe], not only are the numbers completely manageable as both the President of the European Commission and Chancellor Merkel made clear, but Europe furthermore has the administrative capacity to deal with these numbers. The numbers are completely within the realm of what is manageable by sophisticated states with well-developed administrative infrastructures. Even if the numbers were to double, triple or quadruple, we are still looking at less than one half of one percent of the wealthy EU population that can easily manage this. The problem currently facing Europe is that it did not prepare adequately, in my view, to implement its refugee protection responsibilities. [Europe] basically had its head in the sand for a long time, assuming that it could largely buy-out states on the East and in Northern Africa who would do the protection job for it, and thus [Europe] would never actually face these people itself. So, if there is a crisis, it is one they have manufactured themselves.

Now, to the question of whether it should be labeled a migrant or refugee crisis, here I think you are correct [in emphasizing the number of refugees involved]. But, there is definitely a mixed flow. There will always be some people in any refugee movement who are not truly seeking protection, [but] who are rather seeking opportunity. However, as courts around the world have insisted, it is perfectly fine for a person who needs to flee persecution to make a sensible choice based on economics or language or family connections about where she wishes to seek protection, and international law allows her to do that. She is not required to accept life in a horrible camp across the border if she has the means and the ability and determination to reach North America or Europe; she is absolutely, legally entitled to leave her region of origin. But let's be clear: most people fleeing Syria obviously have been protected in the region of origin. More than 90 percent (90%) of them have been protected in just three countries: Lebanon, Jordan and Turkey. Only about 10 percent (10%) of the Syrians who are fleeing their country are migrating to Europe, and those are predominately people who not only faced a risk of serious harm because of who they were in Syria and hence were refugees, but many, if not all of them, were people who could see that the regional capacity to protect them in places like Turkey and Lebanon and Jordan was eroding. The numbers [of refugees] were so massive in those places [that] to say there is no more room at the inn is to put it mildly.

Additionally, I think the Syrian refugee flow is slightly different in an important way: This is largely a group of middle class people. There are a lot of shopkeepers and professionals and others in this group. For them, the logic of seeking protection in a country where they could remake their lives in the image of their talents

> ...the Syrian refugee flow is slightly different in an important way: This is largely a group of middle class people.

and ambitions is perfectly sensible; again, all of the courts in the developed world that have addressed the question have said there is absolutely no shame in that. People get to decide for themselves where to seek protection, though not necessarily where to get it. [Refugees] have the right to knock on the door of any country that has signed the [1951 Convention relating to the Status of Refugees], and they have a right not to be sent away by that country until their claim has been fairly assessed.

I think that brings up a finer point of international refugee law. What exactly are the rights of refugees, and how did this modern concept of a refugee protection system develop? You mentioned previously that though the European Union had formed a refugee protection system, it had not really expected to be forced to act in response to this sort of mass migration of refugees.

In international law terms, the whole international refugee regime is actually quite young. This is oversimplified obviously, but until about 100 years ago there were few states that had sophisticated border control systems. And indeed, there were many states that actually welcomed migrants. It sounds hard to imagine today, but people arriving were seen as sources of communal enrichment, sources of empowerment since it enhanced the destination state's internal security to have more people to recruit to the military, and it enhanced their economics to have more people being productive. If anything, states were keen to stop the exodus of people who were productive rather than to stop the ingress of people who sought to live among them.

Beginning in the late 19th/ early 20th century, first the United Kingdom and then more and more continental European states began to erect formal immigration regimes that, in theory at least, meant that if they had not chosen you to come in, [then] you were not entitled to come in. This is the reification of the nation-state idea in law that the security of the state was presumptively best assured by having the people who live there all be part of a common social community, and that outsiders were presumptively threatening and therefore, the outsider had to rebut the presumption that he or she was going to be a burden or a threat. That sort of international legal architecture was in place in Europe by the early years of the 20th century [when] along came the Bolshevik Revolution that sent about a million and a half people spilling over the borders of what became the Soviet Union. They were denationalized by the Soviet Union and faced a number of hardships: they were stranded, could not educate their children, could not work, and had no status. They were on the cusp of becoming a significant social problem for Europe, because disfranchised people will do desperate things to survive and that is not good for anybody. [Thus] the idea of the refugee regime was born of the Bolshevik Revolution. European states designed the first refugee system, realizing that it was in their own self-interest to enfranchise the people who truly could not be constrained by formal immigration barriers, [and] who were going to arrive anyway.

I refer to refugee law as the sluice gate in the dam of immigration control. States recognize (as the builders of a dam recognize) that if you do not build a gate into a dam, at some point the pressure on the dam will either become so great that it collapses or the water will spill uncontrollably over the top. Just as a sluice gate can regulate the inflow of water, refugee law allows some refugees into the far side of the immigration dam even as it keeps most would-be migrants out. It serves a human rights or a

humanitarian purpose to be sure, but the reason states created refugee law was fundamentally about their self-interest in preserving migration control.

That is perhaps an important distinction. Some critics of the European Union's handling of the mass migration have suggested that immigration law, rather than international refugee law, should be applied in this circumstance. However, it seems that the two fields of law serve different purposes. Could you expand on the differences between immigration law and international refugee law, as well as their respective applications in this circumstance?

There are no real opportunities in the developed world today for what I will simply call the "Horatio Alger" immigrant: people who are without resources, but who are hardworking, determined and imaginative. We do not allow those people to come in anywhere in the developed world in any significant numbers. [Therefore], it is indisputable that some such people who would have been welcomed as immigrants one hundred years ago, today have no choice but to use whatever other channels are out there. And do some of them sometimes fabricate claims in the refugee system? Absolutely. Would a lot of pressure be taken off the refugee system if there were more opportunity for migration by other than just people who are massively rich, or who have the high tech skills to be recruited to Silicon Valley, or who happen to be the family members of somebody already on the inside? Would it be better? Absolutely.

Frankly, the demographics in Europe in particular show that their social welfare states are not going to survive long without an inflow of young, hardworking people, because the birthrates are so low that they cannot actually sustain

their present economic success. If I were the leader of one such European country, it would be a no-brainer to have a migration policy for people [pursuing] opportunity, in addition to a mechanism for those fleeing persecution. That would make the job of the refugee system much less complex.

Expanding from a point that came up earlier – when you suggested what you would do in terms of migration policy if you were the leader of an EU state – let's talk about what you would do if you could orchestrate the system of refugee protection. Specifically, could you explain your proposed managed model of refugee protection?

One point that I would like to emphasize from the outset is that there is no need whatever to renegotiate the 1951 UN Refugee Convention. I am a big believer that the current definition of a person who would be persecuted because of who she is or what she believes – if interpreted in the light of modern developments as leading courts have insisted it must be – actually does a pretty good job of differentiating a refugee from a migrant. It seems to me that there is no need to revisit the definition of a refugee since a person who has purely economic, social, or familial motivations to move, with no risk factor in their home state, is easily excluded under the current definition. The Convention definition of the term "refugee" has proven open to evolution (for example, to the claims of women, sexual minorities and trade union activists – people who were not in the sights of the drafters in 1951). It has evolved to recognize as refugees people fleeing non-state actors such as clans, militias et cetera, as much as those fleeing states. The definition is interpreted by judges, and judges are the heroes who have kept the Refugee Convention alive.

Equally important, as my second book *The Rights of Refugees under International Law* (Cambridge University Press, 2005) details, are the rights that follow from being a refugee. Refugees get not just a right not to be sent away. But neither does a refugee get a right to be looked after for the rest of his life. That is not the way the Refugee Convention works. In my view, this is one of the most brilliant treaties ever drafted in that it focuses on enabling refugees to be self-sufficient, autonomous, contributing members of the community to which they flee. It has very strong economic and mobility rights built into it precisely so that we do not end up with charity as the norm. The Refugee Convention is also fair to states, never requiring them to grant to refugees things that they cannot afford to grant to their own citizens. It does not require them immediately to grant many rights at all. It allows rights to grow over time as the assimilation of the refugee increases. It is an incredibly sensitively framed, smart treaty that unlike any other human rights treaty in the world actually takes serious account of the interests of the states and the communities that receive refugees even as it does not allow to be negotiated away the core entitlements that allow refugees to get on with their lives. As the starting point of my answer, I think it is important to stress that this Convention is worth saving.

Now, one of the real tragedies, in my opinion, is that the whole Refugee Convention structure has effectively been diminished by a pattern and practice of long-term detention of refugees behind barbed wire in much of the world. It is what UNHCR calls "protracted refugee situations." A good label, but unfortunately UNHCR is perhaps the primary actor in having pursued that as the presumptive response to refugees, historically. And so, the institutional guardian of a Refugee Convention that presupposes mobility and empowerment has

been deeply engaged in running the camps that deny people mobility and empowerment. That is not what the Refugee Convention had in mind.

[The treaty's] smart definition and smart catalogue of rights are too important to even consider negotiating away. They work as well today as they worked in 1951, but the problem has been the implementation of the treaty. And as I suggested with my comments about encampment being the dominant model of receiving refugees today, it is pretty obvious that there is a huge disjuncture between the legal duties of states and of the UN refugee agency, and the actual lives of most refugees today who face no prospect either of empowerment or self-realization or autonomy. Clearly, we are in a very bad place despite having a very smart treaty. So, the question that I begin with is: How do we actually make the treaty work in a way that is politically realistic and economically viable, but which actually realizes the promise of the treaty that 148 countries have now signed onto?

Part of the answer is actually in the Convention itself. The preamble to the Convention recognizes that the duty to protect refugees can result in an unfair distribution of burdens and responsibilities around the world, and that it is critical for the system that states cooperate with each other to ensure that no country faces an unreasonable share of burdens and responsibilities. That has never been implemented. Instead, what we have right now is more than 80 percent (80%) of the world's refugees being "looked after" in less developed countries. The poorest countries in the world are doing the overwhelming share of refugee reception. The ratio of refugees to host population in such countries approximates one to 10, one to 20. In contrast, in the European Union and the United States the ratio is one refugee to 1,900 people, and in Japan it is one refugee

to 41,000 people. There is a maldistribution, if you will, of human beings in states that have comparatively difficult circumstances. Similarly, there is no duty whatever even to support financially the states that do the lion's share of work. We have a system of charity administered largely through UNHCR that does provide some relief to those states, but it is unpredictable, it is not guaranteed, and states that are confronted with refugee flows are understandably reluctant to expose themselves to obligations when they know that neither in human terms nor in financial terms is anyone outside the region of reception under any duty to do anything for them. If you think about it, it is an absurd system, right? [One] where accidents of geography determine how an international responsibility is implemented. No rational person would suggest that that is the way it should be. And indeed, again, the drafters of the Refugee Convention knew precisely that that is not what should happen and called on states in the preamble to the refugee treaty to move on a mechanism for implementation that would answer that.

Here is where we get into difficulties. The developed world for some years now has operated under the belief that it can engage in deterrence of refugees, meaning that few refugees will ever get to us. And by and large, as the numbers suggest, they have been relatively successful in keeping most people away. Of course, there are arguments about the illegality of many of those programs. I have recently written a piece (with Thomas Gammeltoft-Hansen, in the Columbia Journal of Transnational Law) that suggests that international rules around jurisdiction and shared responsibility and aiding and abetting actually mean that doing a lot of nasty things of the kind we do – not just turning around boats on the high seas, but creating artificial island states or paying off countries of origin to stop people

before they can leave dangerous places – are legally problematic, though they have been pragmatically successful until recently.

Eritrea comes to mind.

Yes. Eritrea, to my mind, ought to be one of the easiest states from which to recognize a genuine refugee flow. It is one of the only countries in the world with what is in truth a state-based system of official slavery. It does not require a degree in law to understand that Eritrea presents a serious risk that shows a state's failure. Its fleeing citizens should easily be recognized as refugees, in my view. But, the point really is that powerful countries believe that they can basically keep the problem over there [in or near the countries of origin].

The other difficulty that is less frequently talked about is that UNHCR, the international agency charged with refugee protection and with oversight of the Convention, has also shown a failure of leadership on this front. It ought to have led on implementing the commitment in the preamble to a globalized regime that shares out burdens and responsibilities fairly. Although the agency considered the idea for a few years, it abandoned its project when it could not figure out how to do it. It seems to have become, at least since the Bosnian crisis, an agency that spends more of its time on humanitarian relief than on doing its core job, which is actually overseeing protection. Currently, most of UNHCR's personnel, power and resources are spent on tents and blankets; [it has assumed] the same kind of role that any of a dozen other international organizations – like the Red Cross, Doctors Without Borders, UNICEF or Oxfam – could have done. This is a role highly prized by the developed states, and it pays well, to put it bluntly. [UNHCR's] funding has been significantly greater than it might have been had they simply

been focused on overseeing compliance with the refugee treaty. It is difficult now to roll back the tide on an agency that has become less of a protection agency and more of a humanitarian relief agency. Consequently, we have not seen the leadership on protection reform from the UNHCR that one might have anticipated had the agency remained focused in the way it was 30 or 40 years ago, and I think that is why we have not seen movement on [the idea of burden-sharing.]

The question we now face is: Can we use the current refugee situation as an opportunity to shine a light on the inadequacies of the refugee protection regime, not just in Europe, but around the world in a way that would fix the refugee regime, not just for Europe, but for places that are bearing much heavier responsibilities than Europe and for whom no help has been forthcoming? That is why I have re-launched my call for a managed model of refugee protection, based on the work of more than 60 people over five years and financed by the Ford and MacArthur Foundations in the 1990s. We really tried to draw on the best social science research about the reasons refugees flee, the conditions to which they flee, the mechanics of interstate sharing, and the economics of refugee protection, to imagine an improved regime that implements the Refugee Convention differently. It was a five-year process that involved social science teams composed of equal numbers of experts from the developed and less developed world. There was no issue that we allowed to be debated or studied purely from a southern or a northern viewpoint. We worked very hard with teams of lawyers and social scientists to come up with models that we then debated with a group that comprised intergovernmental agencies, including the UNHCR, but also non-governmental groups and, perhaps most importantly, six governments (three from the north, three from the south). All of these actors

participated in the process of vetting the model, and it remains the only model thus far advanced based on the collective efforts of a broadly based expert group, and vetted with civil society and governmental actors very carefully before it was presented. This model is based on the experience with refugee protection around the world and trying to harvest from those experiences the best ideas about how to make the current system workable. The final model is very much the product of the best minds from around the world coming together in an effort to find smart and practical ways to implement existing obligations. The beauty of this model is that it could be done without amending the treaty and without spending any more money than we currently spend to run 148 different national systems around the world. We would harvest those funds and put them into the job of protection in a more collectivized fashion that actually delivers better results for the same money.

What powers and roles would UNHCR have under such a model of refugee protection? Do you believe that the ongoing refugee situation could lead to some degree of reform in current practices, for example in terms of long-term detention?

On the second point, I was hopeful initially that it would. We actually heard, for example, the President of the European Commission say that the current system manifestly is not working, and that there needs to be a mechanism to share responsibility amongst states of the European Union whether they are on the frontlines or not. This is precisely the message that I have been advocating for a quarter of a century at the global level. And so, I was hopeful that the dots would be connected and Europe might actually be a force for good on the global scene as well as advancing a more sensible system for its

own internal refugee protection responsibilities. In truth, it now seems that because some objections have been voiced by some EU states, particularly on the Eastern flank, even Chancellor Merkel – who had emerged as the voice of reason early on in this debate – felt compelled to fly off to Ankara to negotiate with President Erdogan about effectively trapping refugees in Turkey, allowing Europe to turn a blind eye to Turkey sending refugees back to where they came from. We are reverting to our bad old habits of trying to avoid the problem rather than addressing it. My worry is that reform may not in fact emerge out of the European crisis as I had hoped it might.

But in answer to your first question about the role of UNHCR in my model, if I were the High Commissioner for Refugees, I would see the opportunities of this model as really quite exciting. The notion is that states would have responsibility-sharing quotas, meaning human responsibilities in terms of receiving people for the short term, immediately resettling special needs cases, or granting resettlement after five to seven years to anybody who could not safely go home or be locally integrated. Every state would participate in some combination of those human responsibility-sharing roles and would be assigned a quota of the percentage overall responsibilities based on factors like territory, gross domestic product (GDP), prior contributions to refugee reception and a variety of other objective indicia of capacity.

Similarly, every state would have a financial burden-sharing quota that would be strictly based on their capacity to pay.

UNHCR's role would be dramatically more powerful than it is today, more along the lines of the WTO (the World Trade Organization) than a simple humanitarian relief agency. Armed with

quotas for burdens and for responsibilities, the UNHCR would be entitled to effectively oversee the drawing on those quotas to provide all of the human and financial aspects of asylum around the world.

Why would states let UNHCR do this? On one level it may seem that they would be giving up power, but the difference is that under our model, governments would not have the same self-interest in running that process as they now do. The refugee agency (not 148 different national structures) would straightforwardly assess an applicant to determine if he or she qualifies under the definition of a refugee. Importantly, even if an applicant is deemed a refugee, it would not necessarily mean that he or she is staying in the territory of the country where he or she is processed. It means that he or she is going to be protected somewhere for the duration of risk and if unable to go home or to be locally integrated after five to seven years, he or she would be resettled, potentially to another state. When somebody is found to be a refugee by the United States today, the presumption is that person stays in the United States, and therefore the United States has a legitimate immigration concern bound up with the refugee assessment. But, imagine if the person arriving in the United States were assessed by the UN refugee agency and the consequence of being found to be a refugee was that the refugee would be protected in Costa Rica – would the United States really care that it did not get to make that decision if there were no consequences for it of the agency having made it?

The economists in our study showed that the cost savings of not having 148 different national administrations to run the system would be more than enough to provide high quality protection in states that might not otherwise be able to afford it, to provide creative start-up funding for

economic activity that links refugees to their host communities, to administer the system, and to guarantee repatriation aid and development assistance for refugees able and desiring to go home. If states could come to see that the system had the resources to be administered internationally, and if we could show that there were no immigration consequences for allowing the agency to oversee the determination process, why wouldn't states agree to it? I think developed countries, amongst others, could be convinced that this model makes more sense today than the atomized model we have had. That then allows us to reap the cost savings and, most importantly, use those cost savings to make sure that every refugee gets protected in line with the requirements of the Convention. No more camps. No more exclusion from work. No more inability to educate their kids. Each refugee could get a permanent home if they cannot safely return to their own country after a reasonable period of years.

Quotas for refugee allocations are a major issue in Europe at the moment. Could you discuss how the quota system under your model alleviates the imbalance of refugee allocation, especially taking into account that most of it is handled disproportionately by developing countries? We mentioned Turkey, Lebanon, and Jordan earlier.

The basic notion is that the duty of first asylum – the ability to let someone fleeing from a risk of persecution into your space – is a common responsibility of every state. I want to be clear about that as well. There can be no barriers to entry. And not only can there be no barbed wire of the kind that places like Hungary have erected, but there can be no visa controls or carrier sanctions or patrolling of the high seas that are designed to deter people. People have a right to get to a place in which they can access

the protection machinery. Every state has that obligation and that would not change [under my model]. And so, for example in the context of Europe, that does mean that it is likely that the states on the eastern and southern flanks are going to have a higher duty of initial reception, first asylum. That is just the pragmatic reality.

But beyond that initial moment of reception and assessment of each refugee's claim by the UN refugee agency, under our model, the agency would immediately be able to call upon the quotas agreed to by other countries around the world to provide protection for duration of risk, the five to seven years during which, hopefully, political crises can abate or disappear, enabling people to go home (which is in fact what most refugees want). Another role of UNHCR would be to immediately resettle disabled or traumatized refugees, or those who are unaccompanied minors. UNHCR should play the role of catalyst by providing strategic start-up grants for economic activity that enables refugees to make contributions to – and become more deeply integrated with – their host communities. Additionally, UNHCR would oversee what I call residual resettlement. Resettlement today is available to only about 100,000 refugees out of the 15 million in the world. Under our model, it would be dramatically expanded and become a duty, not a charity.

To what extent do you think the plan approved on September 22, 2015 by the European Union to handle migrant distribution will be successful? The plan calls for the resettlement of up to 125,000 refugees from Greece and Italy.

It is for a tiny minority of those who would ultimately qualify as refugees. The numbers were tightly limited, and it was effectively a one-off shot. But, if what you are asking is whether

it might provide a model by which we could come to fine tune the ways that the sorts of distributions that I proposed could be made, than I think it is a good starting point. I would not have developed quotas in quite the way that the EU did, nor would I have gone about this mechanically in quite the way the EU did, and I most certainly would not have done this only after the cow was out of the proverbial barn door! But I really welcome the fact that the European Union at least recognized the imperative and took at least some small practical step to try out distribution, albeit not in an ideal context.

We need to be more experimental in this way. If I critique UNHCR, it is most strongly on the grounds that they have not encouraged careful experimentation with new and creative modes of implementing the refugee treaty. It is not as though this is going to happen tomorrow; it is not going to be a system that we are going to see in place in the next two or three years. It will take time. And quite frankly, our model is a model – it needs to be fine-tuned and tested. We have proposed that the best way to start is with some regional efforts, but we need to see them not just in Europe, but designed to bridge the first and third worlds rather than simply being a first world looking after itself. This is something that we have not really done in a significant way involving the first and third world together since the Comprehensive Plan of Action for the Indochinese boat people back in the 1970s. That was the last time that we actually saw a global effort to do what Europe is now trying to do for itself. There have been experiments in Africa and Latin America on a more limited scale, but they have not bridged the first world-third world divide. It should also be noted that there is nothing in the European Union's distribution approach that does anything other than ship refugees around from within the 10 percent or so that are getting to Europe; the EU plan largely ignores the 90

percent who are struggling to find protection closer to home. I think that is a huge failing despite the fact that the idea of burden and responsibility sharing, of course, is a helpful one.

My conditional vote of approval for what Europe is trying lies in the fact that it at least recognizes that the current system of refugee protection, based on accidents of geography, can be arbitrary. It recognizes that it is unfair to the states that are on the frontline and, equally important, it recognizes that the quality protection of refugees requires that they not be agglomerated in places that do not have the capacity to deliver. All those things are positive. I think we need more experiments with doing this, and we need to add to the European experiment a half-dozen other responsibility and burden sharing experiments over the next five or ten years. We could test pilot in a limited context some of the ideas in the reformulation model and then rework, recalibrate and reconceive in the hope that by 2025 we actually have a model of refugee protection in place that guarantees people like the Syrians do not have to mortgage their futures to traffickers or smugglers, or take risks on the high seas in order to get what international law guarantees them.

It is due to the failure of political will that we have not experimented for the last twenty plus years. Scholars and activists largely sat on the sidelines as UNHCR became a tents-and blankets agency rather than a fundamentally protection-oriented agency. The agency has not led on any experimentation and creative models for implementing the treaty, and I think that is what has to change. The agency has to re-seize its core mandate. Governments of the world have to support and encourage that experimentation, and we need together to agree that while the obligations in refugee law are sound, the mechanisms that we have relied upon

for the last 65 years have become too rusted and too dated to be able to cope with the scope and scale of current involuntary migration. It is not an impossible challenge, and that is the part that I find most exciting about this. There are lots of good ideas out there, but there is presently a lack of institutional will by UNHCR and political will by states to recognize the importance of the commitment to a more fairly shared protection regime, and then to actually do the hard job of initiating experiments, analyzing the results and reframing the model so that it can be implemented a decade from now.

James C. Hathaway is the James E. and Sarah A. Degan Professor of Law and Director of the Program in Refugee and Asylum Law at the University of Michigan, as well as Distinguished Visiting Professor of International Refugee Law at the University of Amsterdam. His publications include the leading treatise on the refugee definition (The Law of Refugee Status, second edition 2014 with M. Foster; first edition 1991); an interdisciplinary study of models for refugee law reform (Reconceiving International Refugee Law, 1997); and The Rights of Refugees under International Law (2005), the first comprehensive analysis of the human rights of refugees set by the UN Refugee Convention. Hathaway serves as Senior Advisor to Asylum Access, a non-profit organization committed to delivering innovative legal aid to refugees in the global South; convenes the biennial Colloquium on Challenges in International Refugee Law; and regularly advises and provides training on refugee law to academic, non-governmental, and official audiences around the world.

Interview by Katherine Lugo

Interview with Professor Dawn Chatty

Oxford University

You have stated that a historical perspective is key to understanding the Middle East's current handling of the Syrian refugee crisis. Would you briefly highlight key historical points to help provide context?

Twice in modern history, Syria and its peoples have experienced massive displacement. In the 100 years between 1850 and 1950, Syria received several million forced migrants from the contested borderlands with the Imperial Russian and Ottoman Empires. At the close of the Crimean War (1853-1856), and the following Ottoman-Russian Wars in the 1860s and 1880s, an excess of 3 million forced migrants from the Crimea, Caucasus and the Balkans entered the Ottoman provinces of Anatolia; many continued on their journeys to the Arab regions of Bilad al Sham (Greater Syria). The Ottoman administration had to deal with the aftermath of what many historians labeled as the first genocide in modern history. It established a special commission to address the needs of these forcibly displaced Tatars, Circassians, Chechnyans, Abkhaza, Abaza, and other related ethnic groups. This "Refugee" Commission – the first of its kind in contemporary European history - offered incoming forced migrants agricultural land, draught animals, seeds, and other support in the form of tax relief for a decade, and exemptions from military service (Chatty, 2010)[1]. Integration into numerous ethnically–mixed settlements of Greater Syria was encouraged in order to promote and preserve the cosmopolitan and convivial nature of urban and rural communities in the late Ottoman Empire. As World War I drew to a close, as many

as half a million Armenians found refuge in Syria, settling among with their co-religionists in Aleppo, Damascus and Beirut. When the modern Republic of Turkey was established in 1923, 10,000 Kurds from Turkey fled across the border into Syria choosing to escape from the forced secularism of Kemal Ataturk's new Turkey. The interwar French mandate over Syria saw a continuation of these processes, with waves of Assyrian Christians entering the country in the 1930s seeking asylum and safety from deplorable conditions in Iraq with the return by the British of their mandate to the League of Nations. All these forced migrants were granted citizenship in the new Syrian state. And then in the late 1940s, Syria was the safe harbor for over 100,000 Palestinians fleeing the *Nakba* and the creation of the state of Israel. It is hardly an exaggeration to say that the modern "truncated" Syrian state, carved out of Greater Syria by the League of Nations in 1920 and granted full independence in 1946, was a place of refuge for hundreds of thousands, if not millions, of ethno-religious minorities uprooted from their homelands near and far as a result of war, of arbitrary lines drawn across maps, and ethno-sectarian strife.

Even in the early 21st century, Syria admitted over a million Iraqi refugees into its country hosting them as "temporary guests" and brother Arabs. As long as they and other refugees from Afghanistan, Sudan, Somalia, and Eritrea conducted their business without crossing any "red lines" they were tolerated by the Syrian Ba'thi state. The Arab and Syrian institution of hospitality and refuge meant that, until 2011, the
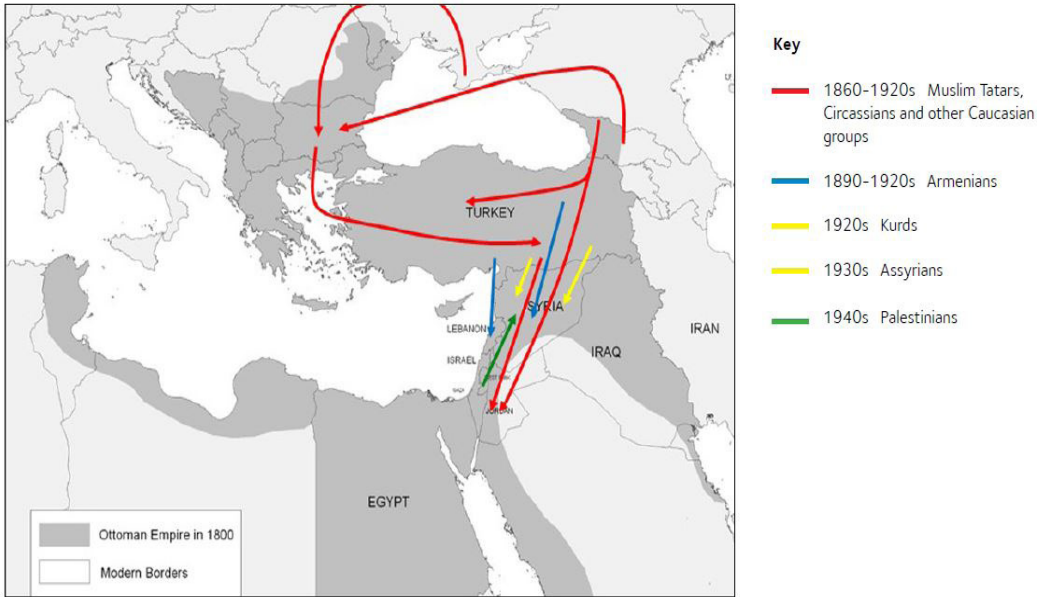
Figure 1. Map of 19th and 20th century forced migrations to Syria

humanitarian aid regime did not have to deal with a mass influx of Iraqi or other refugees from the Arab world into Europe.

Middle Eastern countries that have been highly impacted by the crisis include Lebanon, Jordan, and Turkey. How would you characterize management of Syrian refugees for each of these countries?

Both Lebanon and Jordan have been assisted by the UN Agency for Refugees and have benefited from an international donor response of nearly £2 billion in aid. This, however, is far short of the sums pledged and represents a shortfall of 60% of required financing in order to provide meaningful assistance to the most needy. Syrians in both Jordan and Lebanon have great trouble managing to survive with dignity. They are not allowed to work and must depend wholly on UN assistance or work illegally and risk being caught and deported or sent to one of the UN refugee camps – which many Syrians regard as nothing more than open air prisons. Turkey, on the other hand – the only country to have signed

the 1951 Convention relating to the Status of Refugees – has provided assistance to Syrians both in refugee camps and among the rural and urban areas where they have self-settled. This has been managed by AFAD (Disaster and Emergency Management Presidency), the special department for emergency relief, which is part of the office of the Turkish Prime Minister.

What measures have been taken – and are lacking – in the development of Syrian refugee youth in host countries?

Although "No Lost Generation" is a United Nations initiative lead by UNICEF and includes important international and national non-government organizations such as Save the Children, USAID UKAID, Mercy Corps and SIDA, the main focus is, surprisingly, on the children up to about age 12. Refugee youth are largely ignored in this initiative. Their access to formal, non-formal and informal education is almost ignored. At the local and national levels there is some activity to fill in the gaps in education by calling for the creation of apprenticeshipprograms

If refugees from Syria are permitted to work to support their families, to access health care and to educate their youth either in the neighboring states or under some kind of temporary protection regime [Comprehensive "Plan" of Action], then their return and reintegration will be successful.

and special training. But until refugees are permitted to work, training refugee youth for future jobs is not an important agenda item. A few organizations, such as Generations for Peace, which operates in Jordan and Lebanon, are trying to overcome social discrimination, as well as bullying and harassment of both refugee and national youth.

At the eventual conclusion of the Syrian Civil War, what critical factors must be considered for successful return and reintegration of those seeking to return to Syria?

The most crucial factor is survival with dignity. If refugees from Syria are permitted to work to support their families, have access to health care and educate their youth, either in the neighboring states or under some kind of temporary protection regime [Comprehensive "Plan" of Action], then their return and reintegration will be successful. Working instead of accepting charity, which many Syrians regard as begging, would not only help Syrians to maintain their self-esteem, but also reduce the level of social discrimination and bullying directed against them at present. Maintaining self-esteem and relations of equality with host community neighbors is a prerequisite for successful return and reintegration.

What do you think should be learned from the current mixed migrant crisis?

We need to be clear in our understanding of who is a "migrant" and who is a "refugee". The Western press' reluctance to see refugees from Syria, Afghanistan, Eritrea, and Somalia as anything other than "migrants" for much of the past 3 years has created a very negative perception of them by its readership. This has played into the hands of populist, extreme – right wing politicians who have used this confusion to rabble rouse and inject fear among the masses in Europe of an invasion of migrants seeking to take away local jobs. It has also resulted in the labeling of the victims of terrorism as terrorists. We should not allow this to happen ever again.

Dawn Chatty is Emeritus Professor of Anthropology and Forced Migration at the University of Oxford. She is a social anthropologist whose ethnographic interests lie in the Middle East, particularly with nomadic pastoral tribes and refugee youths. Her research interests include a number of forced migration and development issues such as conservation-induced displacement, tribal resettlement, modern technology and social change, gender and development and the impact of prolonged conflict on refugee youths. She is author of *Dispossession and Displacement in the Modern Middle East* (Cambridge University Press, May 2010).

The Link between Statelessness and Refugeehood

Prof. Hélène Lambert
University of Westminster, London

S tatelessness has always been a nationality issue. Yet since 2014 and the launch by the United Nations High Commissioner for Refugees (UNHCR) of a campaign to end statelessness by 2024, it has been highlighted as a protection issue as well. This is a welcome step in the right direction. With some 10 million stateless persons in the world, the UNHCR campaign has focused on the causes and remedies of statelessness. However, it has not actually focused on those stateless persons who also happen to be refugees, whose numbers are estimated to be around 1.5 million people.

This is far from being an academic exercise; the 1951 Convention relating to the Status of Refugees provides far better protection – with a broader range of rights, stronger ratification and more widespread implementation of status determination procedures – than the 1954 Convention relating to the Status of Stateless Persons. Hence, there is a real and pressing need to consider the interaction between statelessness and refugeehood.

International law defines a "stateless person" as someone who is not considered as a national by any state (Article 1 of the 1954 Stateless Persons Convention). A "refugee" on the other hand, is someone who is outside his or her country of nationality or residence, who is able to show a well-founded fear of persecution on specific grounds, and who lacks protection from their country (Article 1A(2) of the 1951 Refugee Convention). Under the 1951 Refugee Convention, nationality is not a pre-requisite for refugee status. Yet nationality can be highly relevant insofar as the lack, loss or denial of nationality often indicates a desire to exclude persons from membership to the community, to discriminate against them, and even to persecute these persons.

Over the years, human rights law has highlighted nationality as "amongst the most important rights a state can assign to individuals" (Trop v Dulles, para.101). Its debilitating effect, particularly on children, is profound. Indeed, the universality of human rights rests on the premise that everyone enjoys a nationality (Article 15(1) of the Universal Declaration of Human Rights). Thus, nationality creates a sense of belonging, of membership to a community; it impacts the enjoyments of all other human rights – political, civil, economic, social, and cultural. It is therefore relevant when assessing an application for refugee status. However, for the purpose of Article 1A(2) of the 1951 Refugee Convention, not all discriminatory or arbitrary treatment resulting in a person being excluded from a community, amounts to persecution. Refugee law requires that the treatment in question reach a certain level of severity to be considered as persecution. Hence, statelessness per se does not constitute persecution. The case law of senior national courts across the world suggests that this severity threshold is

> *...a shift towards a concept of nationality more receptive to social and economic inclusion is establishing itself in international law.*

reached in those cases where the denial of nationality was arbitrary and leads to statelessness. Of the few cases on the subject, most have been rejected because the courts failed to accept that the denial was arbitrary. In cases of deprivation of nationality, courts have similarly failed to find that the withdrawal of nationality by the state constitutes persecution – except where the act was shown to be arbitrary, and the consequences severe enough in terms of denying the enjoyment of basic rights to the individual concerned.

This jurisprudence suggests that legal and political inclusion (access to territory, diplomatic protection, political status of citizenship) continue to hold a privileged status compared to social inclusion and substantive equality (entitlements, indivisibility of human rights, etc.). However, a shift towards a concept of nationality more receptive to social and economic inclusion is establishing itself in international law. Our understanding of persecution is also gradually shifting, from being primarily concerned with serious violations of civil and political rights to considerations of socio-economic rights. This is an important point because elements of discrimination and inequality are common to all forms of statelessness.

Historically, statelessness was often linked with being a refugee; however, the two situations became de-linked during the drafting of the 1951 Refugee Convention, and whereas refugees (including refugees who happen to be stateless) were discussed for the purpose of the 1951 Refugee Convention, the situation of stateless persons who were not refugees was left for consideration at a later date. The result was the 1954 Stateless Persons Convention and the 1961 Convention on the Reduction of Statelessness. It is time to re-examine the link between statelessness and refugeehood.

Hélène Lambert (Ph.D., Exeter, UK; *Maitrise Droit Public*, Strasbourg, France) is Professor of International Law and Research Director at the Law School, University of Westminster, London. She has also held visiting fellowships at the University of Melbourne Law School (2015) and the Refugee Studies Centre (University of Oxford, 1999). Hélène has acted as a consultant for the Council of Europe, the UNHCR, and the Swedish Ministry of Justice. She is the author of numerous books and articles on refugee law and human rights, including *Seeking Asylum* (Martinus Nijhoff 1995); *The Limits of Transnational Law* (Cambridge University Press 2010, 2013 pbk, co-edited with G.S. Goodwin-Gill); *International Refugee Law* (ed.) (Ashgate 2010); and *The Global Reach of European Refugee Law* (Cambridge University Press 2013, co-edited with J. McAdam and M. Fullerton). She has also written a number of inter-disciplinary publications, including *International Law and International Relations* (Cambridge University Press 2007, 2012 2nd edition, co-authored with D. Armstrong and T. Farrell). She is currently writing a book on *International Refugee Law and the Protection of Stateless Person*s with Professor Michelle Foster (University of Melbourne), to be published by Oxford University Press.

Interview with Hans ten Feld

Representative of the United Nations High Commissioner for Refugeees in Berlin, Germany

What is UNHCR's long-term strategy to help refugees entering Germany?

First and foremost, UNHCR's aim is to ensure that Germany maintains its commitment to the protection of refugees in line with international law, notably the 1951 Refugee Convention and its 1967 Protocol. This means in particular to observe the principle of "non-refoulement" (i.e., to ensure that persons seeking asylum are not turned back at the border without a proper determination of their need for protection). This is an obligation under international law, for which therefore no upper limits can be set. Moreover, UNHCR encourages Germany to participate in programs of humanitarian admission and resettlement, effectively inviting refugees to come and settle, temporarily or permanently, in Germany. These programs are a humanitarian commitment, and therefore Germany can decide how many people are admitted in this way. Under these programs, family reunification is made possible and, importantly, a solution is offered to vulnerable refugees who cannot find the protection and assistance they need in their country of first asylum, usually a neighboring country. This applies to, for instance, single women and torture victims. Since 2012, Germany has participated in UNHCR's global resettlement program, providing 500 places annually. Germany has furthermore demonstrated a strong humanitarian commitment toward Syrian refugees, providing close to 40,000 places under federal and state programs since 2013. This facilitated especially the reunification of Syrian refugees already in Germany with close family members who had found initial refuge in Lebanon and other neighboring countries. For neighboring countries like Lebanon, Jordan, and Turkey, who harbor more than 4 million Syrian refugees, this is a strong signal of solidarity. Far too few countries in the international community have followed Germany's example with the significant numbers that UNHCR has called for.

The focus of UNHCR's work in Germany is the administration of legal protection for asylum seekers and refugees. How are asylum applications examined in the registration process for refugees entering Germany?

Unlike a number of other countries where UNHCR is obliged to undertake registration and examination of asylum claims due to the unwillingness or inability of those particular states to do so, Germany has always taken sovereign responsibility for its obligations under international law. A fair, transparent, and robust system has been established, with the Federal Office for Migration and Refugees (BAMF) having the central role to undertake these tasks and thus to ensure that those in need of asylum are granted the required protection. As part of that system, decisions of the BAMF can be appealed before the courts. In Germany, UNHCR exercises its supervisory role under international law by monitoring the process in close contact with all actors, and by recommending corrective measures where and when necessary, notably in legislation and in interpretation of the law.

What are the current rights given to refugees in Germany? Do broader groups – such as asylum seekers and migrants – differ in their applicable rights?

The 1951 Refugee Convention is very clear about the rights and obligations of refugees, which should be on an equal footing with nationals of the country of asylum for basic rights like health and education, or alternatively at least on equal footing with other foreigners (e.g., in the case of the right to work). Germany has, over time. created various types of protection status, the strongest status being linked to political asylum granted on the basis of the German constitution. Lesser statuses are in particular based on the 1951 Refugee Convention and on EU (European Union) law. A resulting crucial difference is lack of the right to family reunification, which is vitally important to achieve full integration. The rights should, however, be the same regardless of whether a refugee flees from political persecution, or from ethnic or religious strife, or even war.

While a refugee is protected and cannot be returned to a country where his or her life is in danger, a migrant does not have a right to enter a foreign country. The sovereign right of a state to determine who may or may not enter its territory is thus only limited by the principle of non-refoulement, the cornerstone of international refugee law as mentioned earlier.

Although German society has largely been welcoming to refugees, an increased number of anti-immigrant groups have been critical of German Chancellor Angela Merkel's refugee policy. How can UNHCR work with the German government to change public perception of the refugee crisis?

An important part of UNHCR's work is to create awareness of the plight of refugees, to create understanding of why they had to leave their home countries. The general public needs to know and understand that refugees flee because of human rights violations, because of war, because of general violence, and not because they simply seek a better life. Especially in these days of increased terror threats, people need to understand that refugees are not terrorists, but rather victims of terror themselves, and that they therefore need our help and sympathy to regain their lives, to get back on their feet, and to be able to look after themselves and their families again. UNHCR provides factual information about the global refugee situation to the government, to the policymakers, and to the media, so that it can be known that the vast majority of people fleeing remain in their home region; that, for instance, 86 percent of all refugees are in the so-called developing world, and 50 percent of all refugees are children. How can it be that Lebanon with 4.5 million inhabitants takes in 1.2 million Syrian refugees, and the 28 EU countries with 500 million inhabitants cannot manage to provide refuge to a similar number?

What are the expected long-term economic benefits for Germany in permitting the integration of Syrian refugees?

Providing refugees, whether Syrian or of any other nationality, the ways and means to look after themselves and to become productive members of society again will preempt dependency, as well as the frustration that goes with such a situation. The acceptance of refugees in society is greatly enhanced by their inclusion and integration, being provided, as they are, with the opportunity and the possibility to show that they can contribute with their skills and energy, instead of being forced to sit idle and wait for handouts. The integration of refugees

> The integration of refugees will furthermore contribute to addressing the demographic development in Germany, as in all other European countries...

will furthermore contribute to addressing the demographic development in Germany, as in all other European countries, which calls for immigration in general in order to sustain the economic foundation for an ever decreasing and aging population. Over time, studies have time and again shown that the economic benefits of refugees far exceed the costs related to their presence.

The German Interior Ministry reports that there were 576 crimes against refugee centers in 2015, compared to 198 in 2014. What role can UNHCR play in deescalating incidents of violence against refugees?

Crimes against refugee centers are linked to the negative public perception that some people have of refugees. Creating awareness of who the refugees are, and explaining why they need our protection and sympathy are important to help deescalate incidents. Advocating swift -- but fair and transparent -- procedures and effective integration measures, and supporting the government in the measures that it takes to achieve these procedures are part of the work of UNHCR, both publicly and in day-to-day contact and cooperation with the relevant authorities. Ignorance and lack of information create apprehension and fear, which in the worst cases lead to violence against the unknown and unfamiliar, in this case the refugees.

Under the newly announced plan to set up three to five registration centers near

Germany's border with Austria, migrants without realistic asylum claims would be denied entry to the country. Does UNHCR have a role in aiding these migrants who do not qualify for asylum? Does UNHCR have any concerns about the conditions in which a potentially large number of asylum seekers will be held (in predetermined areas near the registration centers)?

Registration centers as currently proposed are meant to speed up the asylum procedure, to reach decisions swiftly as to whether the person has a valid, genuine claim to refugee status or not, and if not, to be able to quickly have the person return home. As long as the decision is reached in a fair and transparent manner, such a procedure would be in the interest of all concerned. It could help to send a clear message to others of the same nationality and background that they may have wrong expectations, possibly based on erroneous information, about their chances to be granted asylum. Detention of asylum seekers should be a last resort -- for instance, only and exceptionally used to establish the identity of a person. After all, refugees are not criminals, but rather victims of crimes themselves!

As the Representative of the United Nations High Commissioner for Refugees in Berlin, Germany from 2013 through June 2015, what kinds of trends or changes have you witnessed in the influx of refugees and migrants to Germany? How have registration

and aid processes improved in that time?

During my time as the UNHCR Representative in Germany, I have been impressed by the can-do attitude of the authorities and their efforts to manage the challenges posed by the increased numbers and by the different nationalities of people who came to claim asylum. I have equally been impressed by the widespread sympathy and effective support in civil society, which by and large demonstrates that the culture of welcoming refugees ("Willkommenskultur") is not just a slogan, but is very much real and implemented in daily life.

Since 2013, Germany and the German population at large have, along with Sweden, played a leading role in receiving Syrian refugees and in showing solidarity with countries neighboring Syria, which are currently providing protection to more than 4 million Syrian refugees. The strong moral leadership demonstrated by Chancellor Angela Merkel in the course of this year has squarely put the issue on the political agenda of the EU and has reconfirmed the need for comprehensive action. Comprehensive action has been sorely lacking on the part of the international community and within the EU in particular, leaving Germany virtually alone in responding to the humanitarian crisis on Europe's doorstep in positive ways. This has increasingly become a crisis, testing the core identity of the European Union and its founding

Hans ten Feld studied law at the University of Utrecht in his native country, the Netherlands. Following graduation at the end of 1978, he started his career with the United Nations (UN) in 1979 as a Junior Professional Officer with UNDP (UN Development Program) in Lomé, Togo. Following a brief stint at the Dutch Ministry for Development Cooperation in The Hague in the summer of 1981, ten Feld took up his first assignment with UNHCR in Zambia in September 1981. He subsequently served with UNHCR in Cambodia and India between 1984 and 1989.

From 1989 to 1994, the Dutch UN-diplomat was assigned to the UNHCR office in Bonn, Germany as Deputy Representative. Subsequent assignments with UNHCR took him to Myanmar (1994-1997) and to New Zealand (1997-2002). He thereafter held a senior position in the Human Resources Department at UNHCR's headquarters in Geneva, following which he was appointed UNHCR's Regional Representative for the Nordic and Baltic States, based in Stockholm, Sweden (2007-2011). Prior to returning to Germany as UNHCR's Representative at the end of 2013, ten Feld was once more assigned to Myanmar, this time to head the UNHCR operation in that country. Ten Feld retired from UNHCR and the UN in Berlin at the end of June 2015.

Interview by Katherine Lugo

Interview with Dr. Heracles Moskoff

Greek National Rapporteur on Trafficking in Human Beings

What progress have you seen since the Greek Office of the National Rapporteur on Trafficking in Human Beings was established in 2013?

The office works towards increasing the percentage of victims of human trafficking who are protected and increasing the number of perpetrators put in jail. In those terms, I would not say that there is significant progress so far. However, there is nothing exceptional about Greece regarding these statistics. It is a global problem and the numbers are quite small globally. Human trafficking is not something that is easily tangible and measureable.

This office is accountable to a network of 28 national rapporteurs, which is accountable to the EU Commission system. In that sense, the transposition of the EU Directive that gave us the mandate is a very important step forward. Our office is not an operational office: It's a lobbying, advocacy and monitoring office that facilitates the implementation of groundbreaking ideas and best practices. In that sense, we like to think of ourselves as honest brokers of ideas, and our main P – in terms of the four P's we use in trafficking: Protection, Prevention, Persecution, and Partnership – is Partnership.

I have received congratulations from EU partners in the Commission about this particular office and this particular mandate. I think this is because we have formalized relationships and cooperation with NGOs, international organizations, the private sector, and the cultural sector to support our efforts. We are trying to make the private

sector more accountable, to take steps towards eliminating trafficking cases and help organize programs such as awareness campaigns and human rights education in schools.

There is a wide spectrum of efforts we are trying to accomplish. Objectives include trying to increase the identification of victims and trying to bring more professionals into the screening process. This is not something that just concerns law enforcement -- prosecutors and police. This is something that must involve professionals who are not law enforcement as well, such as labor inspectors, health providers, people in public transportation, and people who come across potential victims.

The key term for us is victim: presumed victims, potential victims, victims who are now suffering in silence and want to find a system of protection that is meaningful for them.

As I said in the beginning, there are two ways to approach looking at progress. One way is focusing on statistics which have not yet shown significant progress. But, on the other hand, in terms of institutional culture and political and legal culture and how visible the problem is in Greek society and to our stakeholders, I can definitely say there is real progress.

Challenges you face would appear to have been compounded by Greece's financial crisis and the current influx of mixed migrants. What impacts have they had on your efforts?

In terms of funding issues impacted by the financial crisis, what we are trying to do is facilitate synergy and platforms of NGOs or stakeholders that are eligible for funding from our big funding sources, which is mainly the Commission and some private sector funding in the form of foundations and other donors. When the system is not helping us, we are trying to be resourceful and trying to gather the necessary funds from wherever possible. Funds in general are limited compared to a decade ago, but we are trying to maximize the use of our chances and the opportunities within the European funds and other sources.

In terms of the migration and refugee crisis, every challenge, even every failure, is an opportunity. We will not slink away from these challenges because we are trying to see how we can be helpful there. For example, one of

are flexible and are low paid labor needed for Western Europe.

The more sinister side of it has to do with the demand for trafficking. The West has this narrative that allows "human products" to move, to be circulated and consumed by citizens, who are otherwise not considered criminals because they are clients. This certainly applies to sex trafficking, forced labor, and other issues. That is why we are trying to raise awareness. For example, we are working to make the public aware that prostitution involves exploitation in most cases. The same goes for other issues, such as forced labor. We need to have a consumer consciousness that is more aware of issues regarding fair trade or the supply chains of big retail; for example, products that are not produced by labor in a humane and dignified way.

> In Greece and other countries, what we see now is a massive influx of migrants and refugees that are creating a potential source for victims of trafficking.

the deliverables of our law is to have a national referral mechanism. This is a roadmap for early identification for referral, for victim support.

In Greece and other countries, what we see now is a massive influx of migrants and refugees that is creating a potential source for victims of trafficking. These people are trafficked or smuggled by networks, illegal networks, mafia, or by other means.

There is always a need, a demand, for migrants. Most, as has happened throughout history, end up doing the dirty, difficult and dangerous jobs that others are not willing to do. Plus, they

The recent terrorist attacks in Paris have triggered more controversy about the current influx of mixed migrants through Greece. What are your impressions?

My outlook on this, in terms of trafficking or other issues that are so called human securities, is that fear is the enemy, and fear is something that facilitates or paves the way for persecution and policies that are not exactly focusing on the protection of vulnerable people. This is not what we are hoping for. I would not want a situation where borders are completely shut, security concerns are overwhelming and people are left behind as casualties of this fear, which

is obviously not just perceived, it is a real fear, which we tragically witnessed recently. I would support a more balanced view/approach on that.

Any final thoughts?

Just to recapitulate, our strategic outlook to confront trafficking is to focus attention on several different levels. One very important level for us is to try to raise barriers to trafficking. We see trafficking as a market, so obviously we want to focus on the victim and prosecuting the trafficker. The legal framework is very ambitious there, with benefits and stipulations regarding the victim as well as stipulations regarding

enforcement and prosecution. For example, the confiscation of assets, to press out on the legal entity as well as the physical entity, the person. This requires that related legal professionals are educated and trained. The good thing is that our legal framework is very advanced and we strive to live up to this expectation.

Dr. Heracles Moskoff is Greek National Rapporteur on Trafficking in Human Beings. He studied Studied Social Anthropology in London (BSc) and graduated with a Sociology Ph.D from the London School of Economics. Since 2001, he has been working as an Expert Counsellor with the MFA on Human Security and Trafficking in Persons/Human Beings. From 2001 to 2005, he worked with the Hellenic AID (Agency for International Development/MFA) and was in charge of the Human Security Network and NGO-State Cooperation against Trafficking in Persons/Human Beings. From 2004 to 2008, he coordinated the anti-THB Inter-ministerial Committee of Secretary Generals from eight competent Ministries. His duties within this Committee was to draft two National Action Plans in 2004 and 2006, and facilitate the "national ownership" of international best practices regarding Protection, Prevention, Prosecution and Partnership. From 2008 to 2013, he served at the Office of the S.G and coordinated an informal National Coordination Mechanism to Monitor & Combat Trafficking in Persons/Human Beings. He has also participated in the Law Drafting Committees for the Transposition of the EU Directive (2011/36) and the Council of Europe Convention. In addition to this, he also took part in the Parliament Committee, its Hearings and Assembly sessions that eventually led to the passing of Article 6 of the Transposition Law (2013/4198), which established the Office of the National Rapporteur on Trafficking in Human Beings. As part of Greece's first semester of 2014 EU Presidency, he proposed to work with the Commission on how to implement the EU strategy in joining forces with the Private Sector (Corporate Social Responsibility Against Trafficking in Human Beings).

Interview with Dr. Victoria Redclift

University of Surrey

You were awarded a Philip Leverhulme Prize in 2014 for your research and, with that support, are starting a project on "transnational political space." What do you plan to examine in this project?

With support from the Phillip Leverhulme Prize my new project develops the concept of "transnational political space" through analysis of the relationship between local and transnational citizenship experiences among Bangladesh-origin Muslims in London and Los Angeles. In social science debate "transnational citizenship" (Baubock, 1994; Fox, 2005) has been conceptualized to reflect the processes through which political identity transcends the nation-state (Basch et al, 1994). However, the ways in which a political identity which transcends borders informs a political identity within borders has received little attention. How are processes of transnational political engagement mediated by the national context of settlement? How do they inform political engagement in that national context? Does transnational political subjectivity mitigate/aggravate political exclusion at the national level? Does it inhibit/enhance the creation of local "political space?" Popular discourse frequently suggests that transnational ties represent an impediment to the formation of local identifications; a danger to citizenship and integration in countries of settlement. But there is little research to support this claim. Similarly, interest in Muslim transnational relations in particular too often focuses on the characteristics of the population, or the characteristics of Islamic culture, in a way that overlooks "the role of social and political circumstances in shaping how

people make sense of the world and then act upon it" (Kundnani, 2014, p.10).

This project recognises that transnational practices take place in local settings; shaped by the particular opportunities and constraints present in different localities (Guarnizo and Smith, 1998; Mahler, 1998). It investigates these issues through in-depth empirical research which considers how different histories of settlement, population profiles, and local conditions/constraints affect the political identities possible in London and Los Angeles. In the context of the on-going "War on Terror", and an increasing political and media focus on a security threat that is "home grown", the transnational practices of British and American Muslims have gained attention. This has fed into a range of recent policy proposals which bring the constitutionally protected activities of a large number of people under increasing surveillance (Kundnani, 2014). In popular debate and the practice of public policy, then, transnational ties may affect local experiences of citizenship, but more research is needed to understand how transnational activity is situated in local social, cultural and political milieu.

From your previous research on the stateless Urdu-speaking population in Bangladesh, what did you discover in your analysis about political space among the stateless?

What I found was that statelessness is not the stable identity so often depicted, and it does not tell a story solely of exclusion. The identity that has been conferred on "stateless" populations

has traditionally been one that has been excluded from the political domain. But my work with the Urdu-speaking population of Bangladesh reveals a "stateless" population permeating the political domain, in a way that challenges our understandings of political community.

The concept of "political space" draws on Partha Chatterjee's notion of "political society" which is about the way civil society marginalizes the politics of poor people and the distinctions between "citizens" and "populations" that it creates. However, my approach departs from the Foucauldian tradition of governmentality and concentrates on delineations of, and movements within, space because these were consistent themes in the narratives of my informants. "Political society" is the society of subjects who wish to have the same rights as citizens but, excluded from civil society, are instead *managed* by technologies of state. "Political space" is the space of subjects who, excluded by history and power, *negotiate* relationships with the state.

In the case of the "Urdu-speaking'"camps of Bangladesh we see how historical processes and political discourses shape the social and spatial arrangement of society, informing the identities and political subjectivities available to people. We also see that the limits of political community are porous and shifting. Giorgio Agamben's (1998, p.123) "pure, absolute and impassable biopolitical space" is, therefore, overly deterministic. The camps of Bangladesh do not function as bounded physical or conceptual territories in which denationalized groups are altogether divorced from the polity. Instead, "acts

> *Citizenship is not well defined in international law.*

of citizenship" (Isin and Nielsen, 2008) occur at the level of everyday life, as the moments in which formal status is transgressed. Some camp residents used the addresses of relatives outside camps to acquire national ID cards with which they could get jobs; others bribed officials to get hold of passports; while some simply moved outside the camps and "passed" as Bengali in order to get children into school. These "acts of citizenship" were, to my informants, the most banal and obvious everyday strategies of survival. Like discourses of "irregularity" in the West (Squire, 2011), "statelessness" is constructed as a social or legal status that an individual holds, when it is in fact a varied and unstable condition that can be moved in and out of. It is not coherent, pre-given, or contained, and it cannot be fixed as a condition of marginality. It is a social and political space which has at its core not only subordination and control, but also ambivalence, contestation, and resistance.

An ongoing and evolving question is: what are the definitions of a citizen and a stateless person? Your thoughts?

Citizenship is not well defined in international law. Whether it refers to the right to political participation, or the right to a formal and legally recognized status, or the right to hold markers of that status in the form of passports and ID cards largely depends on country and context. All of these aspects makes it more difficult to protect citizenship. International law does define a stateless person as someone "who is not considered as a national by any state under the operation of its law" (Article One of The Convention relating to the Status of Stateless Persons, 1954). However, if we are not entirely clear on what a "national" is then this is not as straightforward as it sounds.

Whatever the limitations of international law, the simple and common-sense binary between a "legally recognized subject" and a person "not recognized as a citizen of any country" (OED, 2015) does little to account for the creativity employed by stateless groups in accessing social, economic and political rights without accessing citizenship, nor does it take account of those people who are recognized as citizens but who are unable to access the rights associated. Citizenship is, after all, a construct of governance. And, as David Goldberg (2002) argued, a commitment to formal equality of rights often neglects the substantive conditions rendering materialization of those rights possible. What this definition of citizenship produces is an abstract, naturalized concept fixed in a binary opposition between those who have it and those who do not, between the rights of citizenship rooted in a national territory and a "stateless" condition outside the nation state. This simple duality conceals the broader social context of political and moral recognition necessary for those rights to be exercised effectively (Somers, 2008), as well as the messy reality of the in-between.

In different ways, experiences of Urdu-speakers in Bangladesh demonstrate where definitions of citizenship and statelessness fail. As the case shows, citizens' rights will be contested not only in the courts, but in the actions and activities of those the state excludes. The "acts of citizenship" we see stateless Urdu-speakers performing help us understand the occasions when those captured outside a given socio-political order interrupt that order (Walters, 2008). Here, non-citizens, aliens, and outsiders are no longer simply helpless pawns. The object of attention becomes those constitutive moments "when a new identity, substance or relationship of citizenship is brought into existence" (Walters, 2008, p.192). They allow us, therefore, to better

understand the space of citizenship, and how those lacking formal rights occupy or negotiate that space. As much of this research attests, we must be wary of abstractions of political theory which ignore the times and spaces in which identities are staged (Keith, 2005a). Instead, I argue, the social, spatial, and temporal nuances of political being require further investigation.

For a variety of reasons, gathering good data on stateless populations has been difficult. What do you think needs to be done to gather better data to understand stateless populations?

A lack of international consensus over who exactly is to be considered "stateless" remains a major stumbling block. There is general agreement that those who are "not considered as a national by any state under the operation of its law" (i.e., those described as "*de jure* stateless people") are a key area of concern. However, debate continues regarding the millions more *de facto* stateless people who lack the ability to prove their nationality or who cannot rely on the state of which they are citizens for protection. It is impossible to estimate the numbers of *de facto* stateless people around the world, and many people suffer informal discrimination of some kind regarding their claim for citizenship.

Another related issue is that of self-definition. Unsurprisingly, many stateless people would rather not be considered so. Fear and stigma prevent people from self-identifying with a status that confirms their exclusion. Moreover, for many people who lack effective rights, the fight to be recognized as citizens supersedes any fight to be recognized as stateless, even if the former may take many years. In the intervening period, stateless people who are not recognized as such are left in the most vulnerable position of all. This leads me to what is perhaps the most significant

barrier to good data collection: the lack of effective stateless determination procedures at the national level. In some cases, this is because there is a deliberate attempt to conceal levels of statelessness in a particular nation-state, but very often it is due to the financial and administrative burden of proper implementation.

A failure to ratify either of the two stateless conventions – the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness –- has retarded the implementation of effective stateless determination procedures in some cases. Four EU states are still not party to either –- Malta, Poland, Cyprus and Estonia –- and nine EU states are still not party to the latter. Moreover, as noted by the European Network on Statelessness (2013), the lack of effective determination mechanisms may not only have seriously harmful effects for the populations concerned -– such as prolonged unlawful detention, destitution, social marginalization -- but also for the state itself in the form of security risks and social tensions.

Even in countries where data on statelessness is collected, this is done on the basis of different methodologies and does not always produce reliable or comparable results. Very often, data collection will be initiated in line with a specific policy objective and, therefore, collection will be limited to one particular ethnic group or one geographical region of a country. This kind of data collection does not deal well with the complexities of categorization and identification already mentioned. One example of this complexity is the overlap between refugees, internally displaced persons (IDPs), asylum seekers, and stateless people, and the difficulties of data collection when some people fall under more than one category at a time. Immigration systems and detention regimes do not have

appropriate procedures in place to identify statelessness. And while clearly not all stateless people are refugees and not all refugees are stateless, the overlap has meant that some stateless people fall through the cracks.

What factors and challenges are faced by the stateless as they are integrated into a new state? In particular, what have you discovered in your research groups?

The key issue here is that the challenges faced by stateless groups vary enormously depending on historical context, local political conditions (informal as well as formal), and physical spaces of settlement.

De jure stateless people face particular challenges that those who are *de facto* stateless do not, and vice versa. The Urdu-speaking camp population of Bangladesh was, before 2008, *de facto* stateless which made their case especially complicated in the courts and their fight for citizenship protracted. An example of a "self-settled" camp population (living in informal settlements which emerged as a result of the Liberation War of Bangladesh in 1971) they did not benefit from the security that some formal camp settlements provide – in relation to food rations (a ration was suspended in 2004), the presence of humanitarian organizations, and local governance. However, the informality of these settlements has also been associated with particular advantages: There are no restrictions on movement in and out of the camps, and the sites themselves are centrally located, sometimes in prime urban areas. Physical integration has, therefore, been more straightforward in these particular camp spaces than in some others. Social and cultural integration, on the other hand, has been circumscribed by the stigma of historical conflict (the role of some Urdu-speaking Biharis in the

brutal War of Liberation), and as a result of the poverty that forty years of political exclusion has produced. As we can see, history and space are crucial in determining the challenges stateless groups face. If a population is camp-based, the conditions of camp construction will significantly impact the opportunities for integration thereafter. The degree to which that camp is segregated from the majority of society, and the governance of that camp (state government government, NGO, or neither), will all raise different issues in relation to integration.

If a stateless population is not camp-based, we might assume physical, social, and cultural integration to be easier. But my work among undocumented Bengalis in the US suggests this is not necessarily the case. Barriers to meaningful integration permeate every area of life when that life is dominated by the need to conceal one's legal status. In both these very different cases, "passing" as a citizen in daily interactions (with friends, with employers, with healthcare providers) is necessary in order to access rights that would otherwise be denied. Here, again, the boundaries between statelessness and citizenship are, of necessity, crossed, subverted, and contingently re-made.

What can be learned from your research that can be applied to the current migrant crisis affecting Europe and the Middle East?

What my research shows is that people do not move because they have nothing better to do. They move either because they cannot stay -- fleeing conflict, state persecution or informal discrimination --- or because they are in search of a better life for themselves and their children. None of this represents the easy route. The end of Mare Nostrum, the Italian government's air and naval search and rescue operation, and its replacement by Frontex's Operation Trident,

which is more focused on border protection than search and rescue, was motivated by the assumption that humanitarian aid acts as a pull factor, encouraging people to migrate. This, a little like the British government's determination to construct an increasingly "hostile environment" for migrants, simply does not recognize what really causes people to move and the sacrifices they make in doing so.

Last year, the UNHCR declared it would launch a campaign to end statelessness worldwide in 10 years. What factors should it consider to achieve this goal?

One factor which has recently gained attention, thanks to the efforts of the European Network on Statelessness, is the role played by immigration detention in reproducing statelessness and its invisibility. The prospect of imminent detention seems to be the main factor deterring stateless people from approaching state authorities to initiate the legal processes that might regularize their status. With the threat of detention, many prefer to remain on the margins of society, without any legal guarantees and access to only the most basic of rights (European Network on Statelessness, 2015).

Stateless people often face years of uncertainty and repeated, lengthy immigration detention which leaves them extremely vulnerable. But, where it is possible for stateless people to receive a legal status on the grounds of statelessness alone, significant strides can be made. In recent years, a growing number of countries have established national legal frameworks in which statelessness is explicitly defined as a protection ground in itself. If instituted alongside effective statelessness determination procedures, states are able to identify and regularize stateless persons on their territory. These systems may be referred to

as statelessness-specific protection regimes. A determination and protection framework which is specific to stateless persons does not resolve the insecurity of statelessness altogether, but it does at least help to bring stateless people out of the shadows. Currently, a dozen states worldwide provide a right of residence to stateless persons on the basis of their statelessness, and more effort and attention needs to be put into ensuring other states follow suit.

Victoria Redclift is a Lecturer in Sociology at the University of Surrey, where she works on the Sociology of 'race', ethnicity and migration with a particular focus on citizenship and political exclusion. She has previously worked for the University of Manchester, the Refugee and Migratory Movements Research Unit (RMMRU) in Dhaka, Espana con ACNUR (UNHCR) in Seville, and the International Organisation for Migration (IOM) in London.

She obtained her Ph.D in Sociology from the London School of Economics where she won the LSE's first four year Bonnart-Braunthal Ph.D Scholarship in Intolerance. She is the author of *Statelessness and citizenship: Camps and the creation of 'political space'* (Routledge, 2013), which was shortlisted for the BSA Phillip Abrams Memorial Prize in 2014, as well as *New racial landscapes: Contemporary Britain and the neoliberal conjuncture* (Routledge, 2014 – with Malcolm James and Helen Kim). She won a Phillip Leverhulme Prize in 2014 and, along with an ESRC Future Research Leaders Grant for 2015, is currently conducting comparative research into experiences of citizenship among Bangladesh-origin Muslims in London, Birmingham and Los Angeles.

The Unequal Chances of Migrating and Belonging

Dr. Luicy Pedroza
Central European University, Hungary

n the last weeks and months, migration has been very present in the Western media, due to the so called "refugee crisis" in Europe. In a short welcome address that reached international headlines, the recently inaugurated Canadian Prime Minister, Justin Trudeau, sent a strong signal:

> …we get to show not just a planeload of new Canadians what Canada is all about; we get to show the world how to open our hearts and welcome in people who are fleeing extraordinarily difficult situations. But it's not just about receiving them tonight. It's about the hard work we're all going to do in the coming weeks, months and indeed years to ensure that everyone who passes through here tonight and in the weeks and months to come are able to build a life for themselves, for their family and also contribute fully to the continued growth of this extraordinary country (CBC News 2015).

The very decision to admit refugees in the midst of the current massive exodus from Syria sends a powerful political signal within Canada, after years of conservative government during which Canada saw its reputation as an immigrant welcoming and open country (Schmidtke 2003) suffer under policies that restricted migrants' rights once in Canada (Thränhardt 2014) and looked away from its commitments to accept refugees. Yet, in this essay, I am more interested in the signals it sends from a global justice perspective for immigration policy.

Two features of Trudeau's speech are remarkable. The first is that he refers to refugees as Canadians already. By doing so, he recognizes that those who are admitted to Canada are welcome and expected to follow the path towards citizenship. The second is that he acknowledges that the path they follow depends on the efforts made also in the receiving society to help them achieve that expectation, which requires coordination and coherence throughout the stages of immigration policy, from admission, to the rights they enjoy as they integrate, to naturalization. Indeed, for immigrants, the path from admission to citizenship is determined by a dense network of policies that work at different levels, from the rules of immigration, which touch upon international rules, to the rules of enjoyment of rights for different categories of migrants, which are implemented at the local level.

On an international level, the features of Trudeau's speech send a strong (and much needed) signal about the possibilities open to politics to reassert migrant rights in the current international stage, especially through policies that give them a perspective of long-term residence and belonging, should they want to do so. This signal is even stronger than Chancellor Merkel's unexpected and daring decision in August 2015 to admit refugees in the face of closing borders in the heart of Europe. To substantiate this, we must examine what is at stake in the global perspective.

Global Migration Governance

The international governance of migration is fraught with difficulties. To begin with, there is the truism that nation-states reassert migration policy as a matter of "national sovereignty," hindering efforts toward a clear international regime. Yet the absence of a clear international regime on migration, and the feebleness of even regional ones (e.g., the EU), does not mean that there are no rules at all. There are several conventions and declarations that refer to migrants. These are mostly pushed by multilateral organizations, especially the UN and the ILO, but also by regions and single countries. Migrants' labor and social rights are the main areas of migration that have allowed for some cooperation. However, no institution at the global level assures cooperation regarding the feeble rules in migration, and the few international conventions and instruments have failed to make a big impact due to low ratification or faulty implementation by many countries.

Migrant groups have organized transnationally over the last decade to exert pressure on multilateral organizations to push for the development of some minimal rules in the governance of economic migration at the global level.

Atypical for many other issues, a source for migration policy progress has emerged from the bottom up, from migrants themselves. Migrant groups have organized transnationally over the last decade to exert pressure on multilateral organizations to push for the development of some minimal rules in the governance of economic migration at the global level. This cooperation has certainly been facilitated by some international and intergovernmental organizations, but in any case, the degree of cooperation needed to organize these transnational meetings and common efforts is extraordinary, and speaks to the dire need of migrants to have a voice. For years, these groups have met on parallel forums to discuss alternative understandings to the otherwise narrowly conceived formulas that sustain very economistic logics to deal with migration issues in "legitimate ways" under the titles "migration and development" or "migration management." For instance, Peoples' Global Action for Migration, Development and Human Rights, has run since 2006 as an independent civil society forum parallel to the summits of the UN's Global Forum on Migration and Development, providing a platform for organized grassroots migrant networks to promote issues that matter for migrants at the bottom of global hierarchies. These networks have managed to include highly controversial issues such as irregular migration in the agendas of the UN forums, even though governments are reluctant to discuss it. Over the years, they have worked towards promoting a human rights-centered approach to migration and development, the right to mobility, the right to decent work, and towards democratizing the very forum they shadow - the Global Forum on Migration and Development. Piper and Rother's extraordinary research (2012) accompanying these forums through the last decade shows that these are stepping stones towards exerting greater influence on current migration policy. In the great order of things, however, these remain baby steps. It is about placing an issue for debate on a multilateral

forum, which might, if truly discussed, push towards some common regulations.

It is painfully obvious how challenging and exhausting it already is for migrants spread across the globe to act together, while they try to develop a powerful, unified, and independent voice, which must convey a clear message. As it occurs within other fields of policy where global coordination is delegated to "global governance," one should question whether trusting the development of common rules to an array of multifarious actors is not only efficient, but legitimate and fair, while it is obvious that nation-states remain the main direct regulators of migration policies, by deciding both on immigration and emigration issues. In this case, the civil society actors are already burdened by precarious situations.

The Path from Admission to Citizenship

There are other reasons that better explain the absence of an international regime on migration than sovereignty. In the international sphere, migration governance is marked by rivalry, as they seem to have the same preferences for the kinds of migrants they want or not. The economistic logic of migration policy alluded to above tends to guide immigration policies across the globe, as nation-states try to control the entry of persons as workers of different kinds (with the exception of refugees), and their entry decides in turn their access to employment, and consequently their access to social and economic rights, as well as political and citizen rights.

In almost all OECD countries, there are special immigration policies that target "the highly qualified/skilled" from all over the world (Hunger 2003; Ruhs 2011). As they all compete for these migrants, their policies of admission tend to offer them more and more rights to enter, reside, belong, and even to become citizens. The so-called "race for talent" (Shachar 2006) aptly describes how migration rules clearly delineate a hierarchy of persons according to which self-entrepreneurial (i.e., likely to create their own jobs, and perhaps more), flexible persons (i.e., likely to move around the world many times), who manage themselves (i.e., unlikely to rely on public pension plans) and are potential net contributors for the welfare state (i.e., unlikely to rely on welfare) are at the top, and then given rights according to their expected economic productivity (Ong 2006). As I have argued elsewhere, however, there is nothing wrong or illegitimate about an economic criterion for admission that, after all, takes into account the contributions that can be expected in return for the right to enter, live, and remain in a society. In a contractual view, this is legitimate. On the surface, the application of this economist logic may even seem fair in the sense that it subjects immigrants from all over the world to apparently the same meritocratic rules. Upon closer examination however, the rules are not quite so meritocratic. Aside from skills, migrants' capital and investments can buy citizenship directly in many states (Dzankic 2012; Boatca 2011).

From a global justice perspective, the problems with migration policies begin when economic criteria trump all others. Prosperous societies are built upon more than economic growth: legitimacy, social cohesion, and the inclusion of those who contribute are just as important for the prosperity of a society, especially for democratic ones (Pedroza 2016). But the global justice perspective demands we look beyond the mere stability and prosperity within the confines of our national societies and that

we develop a conscientious view of societies' role in continuing and exacerbating inequalities that condemn others to a lack of opportunities and exploitation.

The Slippery Slope from Membership to Illegality

While highly skilled migrants are welcome to remain and belong, migrants with lower skills are admitted only under temporary schemes, and their rights are restricted in ways that differentiate them not only as workers, but as residents, relative to resident citizens and highly skilled migrants. Thus, inequalities of migrant rights that begin with the right to mobility are reinforced by the contours of a structure of global inequality, whereby disadvantaged, low-skilled migrants find limited opportunities in their country of destination because of systems that reject immigrants based on their (low level of work skills. The promise of upward mobility that a journey of migration represents in the imagination of many migrants is often broken by immigration policies that reinforce their very precariousness and truncate their chances to ever belong, as compared to those that leave home already privileged. It is important to note that this reinforcement also happens on the "other side" of their journey, especially if the "sending" states give little or no support to their nationals abroad, or reduce them to remittance sending resources, with no opportunities to belong back home.

Further down in the global hierarchy, migrants who are ineligible to immigrate in other countries embark on journeys without documents (just as rejected asylum seekers go undercover), exposing themselves to extortion and abuse at all stages of their migratory journey. It is crucial to note that these migrants are certainly productive as well, and that their labor force is used by a large industry that includes brokers, employers, and corrupt officials. It is precisely their precarious status that feeds that industry. These practices tend to remain in the shadows and seldom reach public debates. Undocumented migrants are vilified as the public enemy, termed "illegals," a word whose meaning ranges from criminals to security threats, depending on the context used.

The Importance of Citizenship for Migrants

Political philosopher Michael Walzer famously wrote that the primary good that we distribute to one another is membership in some human community (Walzer 1997). The former Soviet citizens of Central Asian republics who were once co-citizens and comrades in the same political project are now "illegals" in Moscow. The Roma, who were formerly employed and socially integrated in Hungary, have been denounced by Prime Minister Orban as the minority that Hungary has to "endure," and a reason why Hungary should be allowed to shirk its international and humanitarian obligations to admit refugees. More recently, the Rohingya, a Muslim community, have been deprived of their citizenship in Myanmar, declared to be immigrants from Bangladesh, even if they can count generations of ancestors born in Myanmar, and condemned to live in "refugee camps" or leave – a situation that has led many of them adrift in the seas of Southeast Asia, as for weeks other countries refused to admit them. These are examples of how citizenship can be stripped, restricted, and denied, and they remind us how legal frameworks can be changed to promote inclusion or exclusion, even for people who remained within a political unit. For migrants, and from a global justice perspective, this might be even worse.

Philosopher Barry Hindess (1998; 2000) proposed that citizenship is just a legitimating instrument of wealthy, powerful countries to "divide and rule," akin to a conspiracy that allows such countries to reject some applicants and accept others only as they deem appropriate. For Hindess, the cynicism that the language of citizenship hides behind its apparently empowering logic justifies our getting rid of it, but, as I have argued in a larger piece, this might be unrealistic and unproductive (Pedroza 2014). Citizenship comes from an old and diverse tradition of thought and practice; depending on the strand of political thought chosen, it upholds liberty, self-determination, autonomy, participation, and civic equality. These ideals might be fought for without using citizenship as an intermediary concept, but the fact remains that citizenship is used in so varied understandings that it is hard to eradicate. Also, that variety offers the chance to restore it as a worthy goal of a humane migration policy, even if we keep its restricted definition as a status that implies belonging.

Conclusion

In this short essay, I have argued why developing an integral view of migration policy is important from a global justice perspective. The reasons allude to different levels and understandings of what normative coherence demands. In our contemporary world, the one sort of migration that is portrayed as legitimate by states and international organizations is the one that is "managed" (Schierup, Ålund, and Likić-Brborić 2015), which is one that obeys stated nation-state interests (however complex their formulation). Managed migration is commonly stated in economic terms, as if states were enterprises, but rarely takes into account the voice and interests of migrants themselves. The feeble pivotal discourses of migration governance that focus on "migration and development nexus," tend to further reduce migration to an economic activity, disregarding its social, environmental, political, and cultural causes and consequences. Richer understandings of migration are needed in order to deal with it in more humane and just, but also more coherent, ways. Thus, for example, remittances should not be the only variable factored into development calculations, but also the social and economic disruption in local communities provoked by massive emigration. This piece also calls our attention to the unduly burden places on the least privileged of migrants as they are charged with the titanic task of contributing towards "migration governance" through very indirect channels that exhaust them and reduce their plural voices to some thin sounds. Is it fair that states -- especially democratic ones -- dismiss their commitments towards inclusion, self-realization, and equality (all of which are harbored by their language of citizenship) and wash their hands of the responsibility each bears on a global scale, due to their sifting and restricting? Certainly, advocating a world of open borders and inclusion of everyone everywhere is not only utopian, but probably undesirable. Rules and selections are needed if migration is to work for societies that want to give people a chance, but also keep stability and some social cohesion. The point is that these can be more or less transparent, open, and fair. From a global justice perspective, it is high time that democratic societies democratize their migration policies.

Luicy Pedroza is a Visiting Professor at Central European University and Post-Doctoral Researcher at the German Institute of Global and Area Studies (GIGA).. Dr. Pedroza is currently working on a comparative project on citizenship regimes. She holds a Ph.D from the Bremen International Graduate School of Social Sciences (University of Bremen and Jacobs University). Dr. Pedroza has worked for the Federal Electoral Institute (Mexico) at the division for Civic Education and Citizen Participation, and most recently for the Open Society Institute in programs for the management of multiethnic communities. Her interests are comparative politics (especially regarding the integration of migrants and ethnic minorities), citizenship issues, and democratization studies.

<u>Now</u> is the Time to Reform the Immigration Courts

Hon. Dana Leigh Marks
National Association of Immigration Judges

Overwhelmed and struggling to meet our mission due to pervasive underfunding for more than a decade, our nation's immigration courts, located in the Executive Office for Immigration Review (EOIR) in the United States Department of Justice, are in a state of crisis. A startling number of legal experts from all sides of the political spectrum agree on this.[1] In fact, our courts have garnered the dubious distinction of being dubbed by one expert as "the most broken part of our immigration system."[2] Perhaps the most sobering aspect of that assessment is the fact that immigration judges on a daily basis are adjudicating death penalty cases (where individuals are at risk of future persecution if expelled from the United States) in settings that most closely resemble traffic courts. Fixing our broken immigration courts should be the first order of business as our country tackles myriad, thorny issues involved in immigration policy. The fix for the courts is neither difficult, nor do we believe it will be unduly controversial or expensive.

A bit of background on the courts is helpful. The immigration courts are the trial level tribunals that determine whether or not an individual is a citizen of the United States, whether or not that person is present in violation of our immigration laws, and, if so, whether or not that person qualifies to obtain an immigration status that would allow him or her to remain in the United States legally. The law we apply in our proceedings has the complexity of the Internal Revenue Code and can have consequences that can implicate all that makes life worth living or threaten life itself.[3] In addition to asylum seekers, those who may be required to appear before the immigration courts include lawful permanent residents who have lived virtually their entire lives in the United States but have been convicted of a crime here; vulnerable unaccompanied minors who have crossed the border fleeing violence or who have been neglected, abandoned or abused; adults who are mentally incompetent and whose immigration status is unknown; and sometimes U. S. citizens, who may not realize that they derived such status through operation of law, or who may have difficulty mustering the necessary evidence to provide the factual basis for their claim.

Although people who come to court have the privilege of having an attorney's help, such assistance only becomes a reality if one can pay or find a willing volunteer. Despite that disadvantage, all undocumented migrants in removal proceedings bear the burden of proof – the legal obligation to

The best solution to the myriad problems caused by the current structural flaw is the creation of an immigration court under Article I or, as an alternative, the establishment of an immigration court in an independent agency outside the DOJ.

prove they are eligible to remain in the U.S. or qualify for a remedy under our complicated immigration laws – once the government shows that they are not U.S. citizens. Last fiscal year, just over 85% of people in immigration detention were unrepresented in their court proceedings, a figure which fortunately dropped to roughly 40% when non-detained dockets are also factored in.[4] This number remains problematic, as legal representation greatly aids the court in fairly and expeditiously deciding cases.

The vast majority of proceedings, 83% in 2014, were held in a language other than English, yet any respondent has to persuade a judge that his testimony is worthy of belief, despite the linguistic and cultural barriers he or she may face. This is particularly important because witnesses to events that occurred in foreign countries are rarely available to testify in court, and obtaining documentation of individual circumstances from far off lands can be quite difficult and even potentially dangerous. Sometimes, well-prepared cases sound more like university lectures on the political realities of some little-known dictatorship or a psychology class on the etiology of domestic violence and post-traumatic stress, rather than a typical courtroom "he said, she said." In other cases, judges must make a decision with only the testimony of a single, illiterate and extremely traumatized individual, based on a record that is devoid of the quality of evidence that is usually presented in more formal court settings. For judges, all these cases present a challenge to assure that he or she does not inadvertently make cultural assumptions about people or places that are unsubstantiated.

The delicate balance that has allowed this complicated system to function in the past has begun to unravel due to the crushing caseloads currently facing the courts. EOIR is facing record high dockets: at the end of Fiscal Year (FY) 2015, the immigration courts had over 456,000 pending cases being adjudicated by an immigration judge corps of approximately 250 judges, more than double the number of cases pending in 2010.[5] If evenly divided among all judges, each immigration judge would have a pending docket of more than 1,800 cases, but more than 15 judges perform exclusively or primarily management functions.[6] This huge caseload has been one of the contributing causes to an increase in the average time during which cases remain pending, which has now reached 635 days.[7] Further complicating the docketing dilemma, the cases of recent arrivals and detainees are being prioritized so that non-priority cases are being set for hearings in November 2019, even though many have already been pending for years.[8] These delays are extremely troubling to many, creating lengthy separation from family abroad and painful limbo for already-stressed refugees who can neither travel nor sponsor their spouses or children who may be stranded in harm's way. Ironically, these delays benefit only those individuals whose claims are least likely to prevail when their case is finally decided, thereby undermining the integrity of the removal system as they may be able to remain in the United States for years simply awaiting their court date.

For almost a decade, the scarcity of human resources in the immigration courts has been roundly criticized by a wide range of experts and former government officials. Sources ranging from organizations such as the American Bar Association (ABA) and the Administrative Conference of the United States (ACUS), to the editors of such well respected newspapers as the *Houston Chronicle*, *The Monitor*, *The Dallas Morning News*, *Bloomberg Views*, *The New York Times,* and *The LA Times* have decried the lack of resources and funding provided to the immigration courts.[10] These diverse officials and experts have long called for increased staffing for the immigration courts. Attorney General Alberto Gonzales announced in August of 2006 that the Department of Justice (DOJ) would

seek budget increases starting in FY 2008 to hire more immigration judges and judicial law clerks.[10] The ABA's Commission on Immigration in 2010 concluded EOIR was underfunded, resulting in too few judges and insufficient support staff to handle the caseload.[11] ACUS confirmed in 2012 that the case backlog and limited resources of the immigration courts presented significant challenges.[12] In 2014, two expert roundtables convened by Georgetown University's Institute for the Study of International Migration called for increased resources for immigration judges and the court system to reduce the growing backlog.[13] In a 2015 article, The Bipartisan Policy Center stated its belief that by adding more judges to reduce the backlog, "the enforcement system [would] function more efficiently and help migrants receive a fairer hearing."[14]

While the immigration enforcement budgets have been skyrocketing, increasing to more than $18.5 billion in FY 2015, the immigration courts have been left so far behind as to resemble a distant speck on the horizon. Human Rights First recommends that the overdue right-sizing of the immigration courts would require adding 280 immigration judge teams, and cost about $223,357,500, which would still amount to only 3.4 percent of an $18.5 billion immigration enforcement budget.[15]

There is no doubt that a dramatic increase in the number of immigration judges is an essential part of the solution.[16] However, as each day passes it becomes equally obvious that this step alone is just a band-aid, not a cure. An equally important step to resolve the crisis in our immigration courts, one that is essential to provide a lasting solution that will have continued efficacy in the future, is to establish an independent immigration court under Article I of the Constitution. Here is a brief overview of why this is an imperative next step towards a durable solution to the problems that have long plagued our courts.

The immigration courts are still suffering from the historical legacy of their position as a part of the Immigration and Naturalization Service (INS). In an effort to increase independence, EOIR was created as a separate agency within the DOJ in 1983, but it remained dramatically overshadowed by the INS. It was then that we nicknamed ourselves legal "Cinderellas," feeling like the immigration courts were the mistreated and less loved stepchild, relegated to leftovers and rags.[17] Hoping to prevent this from occurring again, the National Association of Immigration Judges fought to keep the immigration courts separate when the Department of Homeland Security (DHS) was created and given primary authority for immigration law enforcement, and due to these efforts the immigration courts remained in the DOJ.[18]

Unfortunately, time has shown that the immigration courts are still relegated to an afterthought despite our essential role in the removal process, and that our placement in the DOJ, a law enforcement agency, remains highly problematic. By law, immigration judges are required to "exercise ... independent judgment and discretion" when deciding cases and also to take actions consistent with the law and regulations in their decision-making.[19] The DOJ, with its strong identity and admirable work, is nevertheless an agency whose mission does not always align comfortably with neutral adjudication, nor does it provide the immigration courts with the independence we require.[20]

The stark reality is that the immigration courts have been chronically resource-starved for years. We have reached a stage where we must acknowledge that our dockets too often prove true the

adage that justice delayed is justice denied. To be efficient, to operate economically and to guarantee fairness, our courts need to be independent from both law enforcement and the respondents who come before us. To withstand the political firestorms which undoubtedly will continue to occur in the future, we need the protection of judicial independence upon which all other courts rely and the transparency necessary to provide us the funds we need.

In order to understand the depth of the tensions caused by our current placement in a law enforcement agency, a few examples are helpful. Each demonstrates how the current structure of the immigration courts contributes to the diminution of the court's ability to fairly, impartially and expeditiously adjudicate the thousands of cases pending before us.[21]

For example, although the law considers immigration judges to be administrative judges, the DOJ relegates our stature to that of agency attorneys representing the United States government.[22] This interpretation places judges in untenable conflict: we are asked to serve two masters, each with different priorities. A judge is required to be an independent and fair arbiter, yet how can this be done if at that same time he or she is "an attorney representing" an agency of the same government as one of the parties appearing before us? This conflict has become apparent in many ways.[23]

One example is the fact that immigration judges lack contempt authority, despite the fact that Congress passed legislation in 1996 providing judges with that tool.[24] We continue to await implementing regulations to this day.[25] Another is the fact that communication about pending cases between supervisory immigration judges and supervising attorneys with DHS who prosecute the cases in our courts is commonplace; because we have the same client, the United States government, such discussions are not technically prohibited as *ex parte*. Yet another example is the recent change in docketing practices brought about by the surge of unaccompanied minors at our southern border. There is no other court that would turn the docket "on its head" at the request of one party or for politicized priorities, yet the immigration courts "flipped" the docket by moving the cases of new arrivals to the front of the line, despite the objection of immigration judges who are in the best position to control their dockets on a case-by-case basis, which allows them to make decisions based on the individual factors bearing on each case.

Some consider the most troubling aspect of relegating immigration judges to mere agency attorneys to be the lack of transparency regarding discipline. The current system places immigration judges in the unenviable position of being treated as attorney employees subject to multiple, often conflicting codes of conduct, while at the same time depriving the public of an open discipline process which is the judicial model nationwide. At present, immigration judges can be disciplined or downgraded in a performance review for insubordination to a supervisor and thereby punished for their good faith interpretation of the law. Because these steps are characterized as personnel actions taken against government attorneys, the public does not have the right to know whether or not any action has been taken against an individual judge, let alone what sanction, if any, has been imposed.[26] In contrast, the judicial discipline systems advocated by the National Association of Immigration Judges (NAIJ) (based on ABA and other national court models) protect judges from discipline for their legal interpretations. At the same time, they provide greater transparency for the public by allowing access to information about investigations and any sanctions.[27]

The confusion created by the current problematic structure is rampant. The public and even members of the press all too frequently refer to the "INS courts" and are unaware that the immigration courts are now part of a completely separate agency than the prosecutors in our courts. This public perception of the immigration court affects immigration judges' ability to do their jobs. The public's skepticism regarding immigration judges' independence and impartiality makes it extremely difficult, if not impossible at times, to establish the trust and cooperation necessary to obtain all the relevant evidence that is essential for making determinations that are fair. Where there is a concern that due process is being denied, class action lawsuits are filed.[28] There is economy in timeliness. When cases move through a court system without undue processing delays, the outcomes are more accurate and costs of repetitive reconsiderations disappear. Anecdotal evidence strongly supports the conclusion that public distrust leads to increased numbers of appeals of immigration judge decisions, resulting in unnecessary pressure on the under-resourced federal circuit courts of appeal. It is cheaper to resolve these cases in the trial level immigration courts instead of clogging our appellate courts.

The best solution to the myriad problems caused by the current structural flaw is the creation of an immigration court under Article I or, as an alternative, the establishment of an immigration court in an independent agency outside the DOJ. NAIJ recommends an Article I tribunal consisting of a trial level immigration court and an appellate level immigration review court.[29] An aggrieved party should have resort to the regional federal circuit courts of appeal following the conclusion of these proceedings. This model is based on the U.S. Tax Court. Implementation of this proposal would satisfy the need for independence in an area of adjudicative review while retaining the efficiency of a specialized tribunal. It would create a forum with the needed checks and balances to ensure due process. The DOJ would be free to focus all its efforts on its primary mission, the prosecution of terrorists and other law enforcement activities, an increasingly compelling focus. Both due process and judicial economy would be fostered by a structure where the immigration courts' status as a neutral arbiter is enhanced. The immigration courts' credibility would be strengthened by a separate identity, one clearly outside the imposing shadow of the DHS or the law enforcement priorities of the DOJ. Such structural reform would benefit Congress and the American people by providing an independent source of statistical information to assist them in determining whether the mandate of immigration adjudication is being carried out in a fair, impartial, and efficient manner, and it would also allow an independent funding request to Congress to assure the courts' budget is not shortchanged.

The idea is far from novel; it has been seriously considered for over 30 years.[30] The merits of this solution have been endorsed recently by comprehensive studies commissioned by the American Bar Association (ABA) and the Chicago Appleseed Fund for Justice.[31] Prestigious organizations such as the National Association of Women Judges and the American Judicature Society have endorsed the concept as well.

Acknowledgement is long overdue that incremental modifications to the immigration court system cannot resolve the pernicious problems that plague it, and that additional resources alone are insufficient. History has clearly shown that surges in the immigration court caseload are cyclical and bound to reoccur, yet time after time the courts have found themselves unprepared. Enduring change must be implemented to meet this predictable challenge. From the thorough study of a bipartisan commission over 30 years ago to the recent exhaustive study of all stakeholders by the ABA, the solution has been agreed upon and is clear: we must establish an Article I court or a separate

agency. Prompt action is needed now. It is only through this structural reform that the independence of the immigration courts will be guaranteed, providing optimal fairness and efficiency for all parties. Through meaningful structural reform, our immigration courts will be equipped to meet and overcome the challenges which we now face and be prepared for those which will surely continue to arise in the future. The time for reform is here – urge Congress to act.

Dana Leigh Marks is a graduate of University of California Berkeley and Hastings College of the Law, and she has served as an Immigration Judge in San Francisco since January of 1987. Judge Marks is currently in her 14th year as President of the National Association of Immigration Judges, the recognized collective bargaining unit for the approximately 250 member corps of immigration judges nationwide. In that capacity, she has published numerous articles and testified to Congress regarding the need to restructure our nation's immigration courts so as to safeguard judicial independence. She has also spoken and published regarding the job related burnout and secondary traumatic stress suffered by immigration judges working in the current system. She discusses immigration court issues regularly with print, radio, and TV journalists in English and Spanish.

Judge Marks taught Immigration Law for over a decade and has lectured extensively on various immigration law topics to judges and attorneys at local and national continuing legal education seminars throughout her career. While in private practice, Judge Marks served as lead counsel and successfully orally argued the landmark asylum case of *INS v. Cardoza-Fonseca, 480 U.S. 421* (1987), which established the liberal standard that persons applying for asylum need only prove a reasonable possibility of future persecution instead of the higher standard of clear probability advocated by the INS.

For more information, Judge Marks can be reached through the NAIJ website: www.naij-usa.org.

Interview with Dr. Claudia Tazreiter

University of New South Wales

What roles should NGOs and international groups perform in migration issues and policies, not only at an international level, but regionally?

NGOs have an important role in national, regional, and international settings. Arguably, this role is increasingly important and also fraught with the reality that states have been devolving a range of activities, services, and functions for over two decades and hence, also moving away from the historical pact between citizens/residents and the polity in which they live, work, and seek to express and fulfill their lives. This devolution, sometimes called the neo-liberalization of the state, has meant that NGOs (both advocacy organizations and those more focused on service delivery) have an increasing role not only in less developed countries, but also in developed, post-industrial countries.

These changes mean that the roles NGOs play are not benign but need to be carefully evaluated in terms of values, outcomes, and also the medium and long-term sustainability of the work that NGOs are doing (and being asked to do) in the absence of state action. Migration is one area of public policy where such changes are evident in local, regional, and international settings.

Inter-governmental and non-governmental organizations continue to play key roles in both advocacy for policy development on migration issues, including the rights and mobility of refugee populations, as well, in service delivery to refugees, displaced persons, and other categories of migrants. However, the resources available to NGOs are often limited, and much time is taken up applying for small pools of funding from governments and other funders. NGOs are turning to other forms of fundraising which takes away attention from their core work.

As refugee populations have increased by the end of 2015 to numbers not seen since the end of the Second World War, the United Nations High Commissioner for Refugees (UNHCR) and the many NGOs that work alongside the UNHCR in refugee camps and in other settings, have become overwhelmed by the human need they are faced with and the lack of adequate resources available to them. This resource crisis is one of the factors in the movement of large numbers of refugees from countries such as Turkey, for example, to Europe.

Last year, Australia's parliament approved changes to its immigration laws, including the reintroduction of temporary visas for refugees, permitting them to work in Australia for three to five years, but denying them permanent protection. What is your opinion of new policy changes in Australia?

The laws introduced last year are regressive in that they differentiate between rights accorded to refugees as "on-shore" and "off-shore" arrivals (between asylum seekers and those already granted refugee status). These laws further confirm what politicians have long communicated to the Australian public in their rhetoric of asylum seekers as "queue jumpers" and as less deserving of genuine protection.

This approach is politically motivated and goes against the spirit and the intention of international law on refugees codified in the 1951 Convention on Refugees, as well as in the 1948 Universal Declaration of Human Rights. States such as Australia that are signatories to the Refugee Convention are obliged to assess the protection claims of asylum seekers and to offer them reasonable support while such claims are being assessed.

What Australia has done is to hand off its responsibilities for asylum seekers to poor neighboring countries, such as Papua New Guinea and Nauru, through off-shore processing and resettlement. Successive Australian governments have justified their harsh and punitive approach to asylum seekers by arguing that Australia is a generous nation when it comes to resettling refugees through the UNHCR resettlement program. Here, Australia sets aside a quota for refugee arrivals (around 13,000 per year over the past decade) as part of a yearly immigration program.

To be clear, accepting refugees for resettlement does not suspend a country's obligation to assess the claims of asylum seekers arriving spontaneously and claiming protection. Looking to what has been occurring in the European Union (EU) over the past twelve months with the arrival of refugees from conflicts in the Middle East and Africa, the EU would face a human catastrophe if it were to adopt Australia's approach.

There has been some criticism of Australia resettling refugees offshore to countries, such as Papua New Guinea, ill-equipped to handle them. Do you think there is legitimacy to this?

There are a number of contradictions and

political problems that follow from Australia's recent approach to the agreements with neighboring countries in processing and resettling of refugee populations. Australia is a wealthy, liberal democratic society in the Asia Pacific region, and it has an important leadership role to play on issues of security -- including human security -- and the rule of law and stability. Neighboring countries such as Indonesia and Malaysia have been impacted by Australia's approach of "stopping the boats" under Operation Sovereign Borders since late 2013, with the result that asylum seekers in transit in those countries are now in a situation of semi-permanent transit while having few rights and protections, as neither Indonesia nor Malaysia are signatories to the Refugee Convention.

Indonesia, in particular, has taken a dim view of the Australian government's approach of boat push-backs, whereby small vessels attempting to take asylum seekers to Australia have been intercepted on the high seas by the Australian navy and turned back to Indonesia. Such developments, as well as the offshore processing and resettlement of refugees to Papua New Guinea and Nauru through payments made to those countries by the Australian government, have a negative effect on building a robust regional framework toward irregular migration and related issues of national and human security.

A recent history of national security concerns, including an increase in illegal immigration, has sparked policy and public opinion changes. One example is Operation Sovereign Borders, which puts the military in control of asylum operations. How do you think security and migration controls should be balanced against human rights in Australia?

> *In the Australian, case the nexus between national security and irregular migration has a demographic context quite distinct from other jurisdictions such as the EU.*

In the Australian case, the nexus between national security and irregular migration has a demographic context quite distinct from other jurisdictions such as the EU. Australia has not experienced the large numbers of spontaneous arrivals of asylum seekers that the EU has experienced. It ought to also be kept in mind that the majority of the world's refugee populations are being housed and cared for in countries neighboring conflicts, such as in Lebanon, Turkey, Pakistan, Kenya, and Thailand, for example.

The rhetorical link between national security and the arrival of asylum seekers communicated to the Australian public through a policy response such as Operation Sovereign Borders is designed in a deliberative fashion to create public fear about an issue of minor demographic significance to Australia. As a country of immigration, Australia has a sophisticated and highly technologized customs, border, and regulation regime to evaluate, regulate, and process the arrival of thousands of visitors each year, as well as between 100,000 and 150,000 permanent immigrants per year. The rather modest number of spontaneous asylum seeker arrivals – prior to the imposition of Operation Sovereign Borders – does not pose a regulatory or resource crisis to Australia.

Rather, asylum seekers have been used as a political weapon, arguably to deflect from other policy issues which are more difficult to solve, such as economic instability, job losses due to the effects of global capital, and other issues of concern such as climate change. Asylum seekers have been used to great political effect in the

Australian context as scapegoats for generalized instability and uncertainty.

Europe currently faces similar concerns about security and mixed-migrant flows. How should it approach the balance discussed in the previous question, especially as national interests of individual European states are, in some cases, colliding with those of the EU, of which most are members?

The arrival of refugee populations in Europe is testing the resolve of member states in terms of a common approach and a pact of "burden sharing" in offering temporary or permanent protection to refugees. Some politicians have seen an opportunity to fan the flames of xenophobia and Islamophobia. At the same time, other politicians such as German Chancellor Angela Merkel have been more measured about a common responsibility to alleviate human suffering. Many member states of the EU have had relatively large Muslim populations for many generations through guestworker programs and through colonial legacies, such as France and Germany, for example. The vast majority of these immigrants, now in their third, fourth, and fifth generations, have made significant contributions to their countries of migration and are fully integrated. A xenophobic backlash such as that expounded by Hungary's political leadership, for example, will harm the stability and strength of the EU, and particularly the smaller and less economically stable member states.

Much research over decades has documented the contributions of refugee populations to their host societies. EU member states have an

opportunity to view the refugee arrivals in this more positive light and to benefit in the long run from their arrival, rather than create further divisions.

What do you advocate to better facilitate the integration process in Australia?

Australia has a strong record of integration of new immigrants, which includes people from refugee backgrounds. This record has been built over several generations of accepting large numbers of immigrants, since the post-World War II period, to build the Australian nation. There is vast evidence of the enormous contribution that immigrants have made to the development of the economically robust, multicultural, and open country that Australia is today. Indeed, Australia would not be the successful nation it is today without the large-scale immigration programs as well as the end of the White Australia policy that began the political and cultural project of confirming an open society founded on non-discrimination. There is a confounding contradiction, though, when it comes to people from a refugee background who arrive, or attempt to arrive, as asylum seekers. Since the early 1990s, Australia, introduced an array of policy and administrative measures to detain, deport, intercept, and punish asylum seekers. The pretext and justification for these policies and practices is the "orderly immigration system" that is likely to be disrupted by the arrival of "spontaneous arrivals."

Refugees, whether they arrive by plane from a refugee camp, or by boat from a long journey through a transit country such as Indonesia or Malaysia, have been shown to contribute to the multicultural vibrancy and economic strength of Australia. Evidence demonstrates that the Australian public recognizes the ethical and practical problems and contradictions of their politicians' approach to asylum seekers, and are agitating for change.

Claudia Tazreiter is Associate Professor of sociology at the University of New South Wales.

Her research focuses on forced and irregular migration, human rights, the role of non-governmental organizations and civil society in social change and gendered forms of violence. She is the author of *Asylum Seekers and the State. The Politics of Protection in a Security-Conscious World* (Ashgate 2004, 2006); *Fluid Security in the Asia Pacific. Transnational Lives, Human Rights and State Control* with Leanne Weber, Sharon Pickering, Marie Segrave and Helen McKernan (Palgrave 2016); and co-editor of *Globalisation and Social Transformation in Two Culturally Diverse Societies: The Australian and Malaysian Experience* with Tham Siew Yean (Palgrave 2013). She is managing co-editor of *The Australian Journal of Human Rights*, is an associate of the *Australian Human Rights Centre* and an Advisory Committee member of the *Andrew & Renata Kaldor Centre for International Refugee Law*.

An Asylum Seeker's Experience: Interview with Barat Ali Batoor

Would you tell us about your journey, from growing up, to seeking asylum, and finally getting to Australia?

I was born and grew up in Pakistan and went to Afghanistan for the first time after September 11, 2001. I moved to Afghanistan permanently in 2005 and started working with the International Organization for Migration. I lived there from 2005 until 2012, when I had to leave after being threatened. After I left Afghanistan, I went back to Pakistan where the security situation had changed a lot since 2005. The Hazaras were now the prime target of extremist militant groups and confined to two small areas of Quetta City where they were marginalized socially, financially, and academically. I had to leave because of security issues there, and life was becoming very uncertain.

I decided to seek asylum and to go to Australia. To do so, I paid human smugglers in order to first flee to Thailand. From there, I went to Indonesia and then to Malaysia. After Malaysia, I attempted to go to Australia by boat, but that failed. Finally, I gained asylum and resettled in Australia. Now I live in Melbourne.

As a professional photographer, one of your projects was the "Dancing Boys of Afghanistan."

Yes, I did that project in 2010. It is an appalling tradition practiced by warlords and powerful people in Afghanistan who abduct or buy young boys from their poor parents, and then use them as sex slaves or make them dance at parties.

Often, they are put in girls' costumes and wear makeup.

I did this project with the support of the Open Society Institute and had an exhibition in Kabul. Some of the photos were also part of an exhibition in Australia. After that, they were published in the *Washington Post* in 2012, as well as other newspapers from Europe; Australia, and Canada also published the photos.

How do you see the current situation in Afghanistan concerning freedom of the press?

I do not see a promising situation for freedom of press there. For instance, there was recently a Facebook page that got a lot of attention because it was very critical of Afghanistan government officials. It criticized the President and other ministers, including Afghanistan's Security Advisor. As a result, the government shut down the page and arrested a few journalists, taking them away for interrogation to determine whether they were running the page. So, freedom of speech is really suppressed by people who are influential or powerful.

In major cities, where government control is very strong, journalists cannot express their views completely, or freely. And journalists can't even go to outlying areas where it is insecure because the Taliban have control.

Let's go back to your experience as an asylum seeker. While waiting for asylum, what was a typical day like?

IIn major [Afghan] cities, where government control is very strong, journalists can't express their views completely, or freely

I spent a long time in Indonesia while waiting for asylum. The first month after I arrived was mostly spent waiting for phone calls from a smuggler, or searching for a smuggler to take me by boat to Australia. A typical day at that point was to sleep during the day and wake up at night, just waiting to be called for an interview by UNHCR.

After the interview, you have to wait several months for the results. In the event the result is positive, you then wait to hear which country your case will be forwarded to. Again, you have to wait several months to hear from that embassy. After that, it will still take another few months until you hear the result of that interview, and then there is a wait for medical tests, the visa process, and finally the tickets.

All told, it is just waiting and doing nothing during the day. Asylum seekers do not have work rights and they do not have the right to attend schools. Plus, Indonesia is a fairly expensive country, particularly for asylum seekers who have little financial support from home. These are all limiting factors for them. So, many asylum seekers might go out in the first few weeks but, shortly after that, it gets really stressful and most stay at home.

When you finally arrived in Australia, did you have any problems adjusting?

No, I did not have any problem adjusting because Afghans have a really big community here, especially in Melbourne. The community

is quite established, with an Afghani bazaar and lots of Afghani shops and restaurants. Plus, I was aware of Western culture before I arrived because I had been working with Westerners for the last 13-14 years. When I moved to Australia, I had many friends, knew many people, and many people knew me through my work. So it was not really a problem, and I adjusted quite quickly.

It seems that, judging by your past photographic projects such as the "Dancing Boys of Afghanistan' project, you have an interest in human rights issues. Do you anticipate any future work in that area?

I do have plans to try to work on some projects revolving around human rights issues, especially with children. But I am just waiting for the right time to start a project because I am in a new country, still in a transition period and there are lots of competing projects.

How did your journey as an asylum seeker affect your perception of asylum seekers?

I had a bit of an idea beforehand that these types of journeys are difficult. I had experience crossing borders illegally when I was in Pakistan and Afghanistan, and Hazaras are usually treated very badly on these borders. So, I had experienced small border crossings, but my journey from Pakistan to Australia was a completely different experience. I knew people who took the same journey to Australia and some of them drowned. Still, their families wait and hope that one day they will return even though they know that their boats were lost at sea and they might not come back again.

Personally, I learned that the journey was much more difficult than I had previously thought and

far more complicated, especially if you cannot speak other languages needed to communicate well over the course of it. If you haven't traveled before, it is way more difficult and, of course, human smugglers are not always very good people. While some of them are good, others treat people very inhumanely.

What would you like others (especially lawmakers) based on your experience?

Unless someone is an economic migrant, no one wants to leave their homeland if there is peace in their country, if they have safety and security. What the policymakers can try their best to do is to help bring peace to those areas that are producing asylum seekers and refugees. That could be a very big help for such people.

Those who leave countries as a result of insecurity and seek asylum should be treated humanely and be given asylum, rather than tortured psychologically. For example, there are around 30,000 people with Bridging visas here in Australia. They were not able to get work rights in Australia until just a few months ago, when

work laws were relaxed by the government. They also have been limited in their educational rights those same people have not been able to afford tuition fees. Additionally, they are not allowed to reunite with their families.

Asylum seekers have endured a lot in their own countries and have managed to escape persecution; they should not be persecuted once they have arrived at the country from which they seek asylum. I think it could be termed modern persecution, by psychological means. Asylum policies should be a little bit softer towards these people who are vulnerable and need helping hands.

Barat Ali Batoor is a professional freelance photographer. His photographs have been exhibited in Denmark, Dubai, Australia, Pakistan, Italy, Japan, Switzerland, and Afghanistan. His works have been published in magazines and newspapers including The Washington Post, Newsweek, Wall Street Journal, India Today, The Global Mail, and The West Australian. He participated in "Lahore Artist Residency" in Pakistan and was the 2009 recipient of a photography grant from New York's Open Society Institute for the project: "Child Trafficking in Afghanistan/The Dancing Boys of Afghanistan." At the Nikon-Walkley Awards in Australia, Mr. Batoor won Photo of the Year and was winner in the Photo Essay Contest.

IAF would like to extend special thanks to Mr. Batoor for his photograph that appears on this issue's front cover.

Interview with Professor John Gibson

University of Waikato

What are the prominent determinants of economic migration to destination countries for the skilled and unskilled? And for returnees back to the origin country?

Wage gains, specialized occupations, and opportunities for children are important determinants of outward migration. Return decisions are often based on factors that improve utility, but not necessarily income. For example, returnees may leave behind higher wages in the host country in order to return. *See details in the study I refer to next.*

What patterns or trends has your research uncovered concerning brain drain and brain gain?

One of the biggest surprises of our studies was the high rates in return migration of the highly skilled. At an early age - say, mid-twenties - a high proportion of the highly skilled have left the sending country for work and study overseas. But by about the time they are age forty, we find three groups: those who never left for extended periods of work or study, those who left but returned, and those who left and stayed away. The main predictors of staying away are marrying a foreigner and getting a PhD, but the predictors of return do not include many things that policy makers have control over. These include the desire to be with aging parents, or a desire for children to have the same sort of life growing up that the migrant had.

One of the claimed channels from brain gain is that the returnees will be much more productive

due to their time spent abroad. We do not find this result in our surveys, and instead it seems that people turn their back on higher productivity, in currency or in scientific impact, abroad in order to return home. Our comparison of returnees and migrants helps to sift between two theories of migration:

– Local attributes of the country of work make individuals more productive when they are abroad
– Workers learn how to be more productive when working abroad and can bring that knowledge back with them

Since we find no significant productivity premium for the returnees, it favors the first view that there are non-portable attributes of the host country that make individuals more productive while they are abroad, but can not take back with them. Details on this study can be found at: https://ideas.repec.org/p/crm/wpaper/0903.html.

The net effects of brain drain on sending countries has generated concern among many. Other countries counter by pointing to benefits such as knowledge transfer and remittances back to the originating country. Do you believe concerns about brain drain are overhyped? What policies do you think sending countries should adopt to optimize any benefits from brain drain?
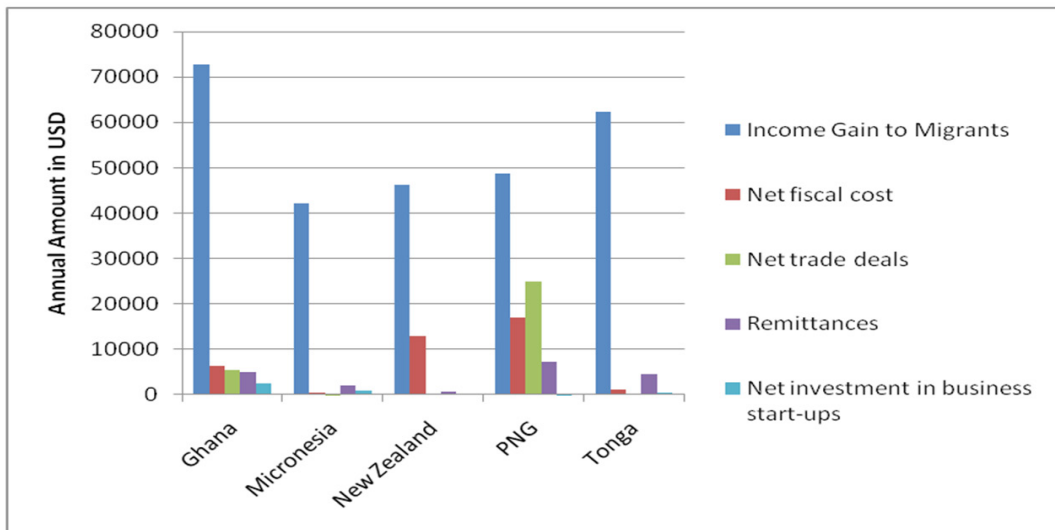
I prefer the more neutral term "skill flow," and yes, concerns about "brain drain" are overstated. The first thing to remember is that the benefit to migrants, and those who move

with them, has to be counted. Standard accounts ignore this factor when claiming that sending countries lose out. Since the migrant is a citizen of a sending country, their welfare must be counted, and this effect dominates all others. In one project, we tracked the top high school students from four developing countries with high levels of skilled migration (Ghana, Papua New Guinea, Micronesia, and Tonga) and one rich country, New Zealand, with high rates of skilled emigration and immigration. Our tracking extended to people who were then about 30

income tax revenue must be compared with the saved amount from the emigrant who no longer requires public services in the source country, and with the additional tax on remittance spending. Details on this study can be found here: https://ideas.repec.org/p/crm/wpaper/1018.html.

A summary of these various channels of impact on the source country, in terms of USD per year, is shown in this chart:

years old and post-schooling. We tracked the early career through near-peak career earnings. Across all five countries, there was an average wage gain of about US$50,000 per year for those migrating to larger, richer countries. This dwarfed all other factors discussed in the literature, such as remittances, facilitating trade deals and investments, and the fiscal costs to the source country government. These fiscal costs may not be very high, since the loss of

In terms of what developing countries -- or more broadly, sending countries, since small rich countries like New Zealand and Ireland also have high rates of skilled emigration -- can do, our research suggests two things:

(a) The right fiscal policy settings for countries with high rates of mobility are quite different from those with limited mobility. For example, the net fiscal cost of skilled emigration depends strongly

The right fiscal policy settings for countries with high rates of mobility are quite different from those with limited mobility.

on the progressivity of the tax code. Countries like Ghana and Papua New Guinea, which have highly progressive tax rates and spend small amounts on public services per citizen, suffer larger fiscal losses when a skilled worker emigrates than do countries like Tonga and Micronesia with flatter tax rates.

(b) The diaspora are a resource for sending countries, but policies often see them omitted from consideration. For small, sending countries, having a notion of the larger nation that includes the diaspora enables them to see skilled emigration as an opportunity, rather than a threat. In the narrow setting of academic and scientific research, we find that the diaspora and the returnees are a conduit for keeping in touch with the scientific frontier. Evidence can be found here:
https://ideas.repec.org/p/crm/wpaper/1305.html.

Some debate exists concerning the true merits of remittances on the economic growth of remittance-receiving countries, particularly developing countries. To what degree do you believe remittances have a net benefit?

Part of the issue here is that aggregate data on remittance flows, and the increase in these flows over time, are very unreliable. A lot of the apparent growth in remittances is simply a change from unmeasured flows to measured flows. My co-author, David McKenzie of the World Bank, along with Michael Clemens of the Center for Global Development, have a new study on this topic. By comparing the growth rate in recorded remittances with the expected rate based on the growth in migration and the growth in incomes in destination countries, they estimate that four-fifths of the growth in remittances received by developing countries over the two decades up to 2010 reflects changes in

measurement rather than genuine growth. Based on this, research that uncritically uses the published remittance data will tend to show that remittances are not very powerful at changing outcomes in developing countries. This is partly because the remittance data are not reliable. In my own research, we rely on our own survey measures of remittances rather than aggregate data from central banks and statistical authorities, and we focus particularly on the impact on poverty in the remittance receiving countries. Using such data, we show that the impact on poverty depends on the context: in one country, we found that households receiving remittances were less likely to be in poverty, while in a neighboring country, the remittance recipients were more likely to be worse off. In both of these examples, the migrants had been selected by random ballot and were compared with households who had applicants in the same pool of ballots but did not get chosen. These are some of the cleanest comparisons that we can make.

Why the difference? The remittances don not come from thin air. In order to have a remittance, you first have to have an emigrant, and that means there is an opportunity cost of the amount the person who emigrates would have contributed to the household if they had stayed at home in the developing country. In the country where the remittance recipients were poorer, the remittances they received were not enough to make up for the loss of the wages and other income that the emigrant would have earned if they had stayed home. In the other country where remittance recipients were better off, the remittances more than made up for the lost wages.

You have advocated educating migrants so they can better understand the finances of remittances and options available to them.

Would you discuss that and other policies and methods which optimize the remittance process?

Many remittance corridors have operators that have a wide variation in transaction costs, but remittance senders are not always aware of these because most focus on the up front cost rather than on the exchange rate premium (and some providers with low up-front costs use uncompetitive exchange rates). We have found that financial literacy interventions tailored to remittances, rather than to credit which most financial literacy focuses on, can make remitters more informed about these costs. Some details about this study can be found here: https://ideas.repec.org/a/oup/wbecrv/v28y2014i1p130-161..html

There are also important things that financial regulators can do, particularly in the interplay between remittances and anti-money laundering (AML) regulations. For example, one remittance option that is cheaper than bank transfers and traditional money transfer operators (MTOs), although not as cheap as mobile phone-based remittances, is two-card systems. A migrant sets up a bank account in the destination country and has an ATM card for that account, with a second ATM card held by their relative in the home country. This way, the relative can make withdrawals and only face the foreign ATM charge (as a tourist would) but benefit from competitive exchange rates. The New Zealand regulators allowed major banks with networks in New Zealand, Australia, and the Pacific Islands to set up products with this design. As long as less than $10,000 was sent per year, the "know your customer" provisions of AML were not applied to the foreign card holder. It was a much slower and expensive process for this to occur in Australia, and the costs of remitting from

Australia to the Pacific remain somewhat higher than from New Zealand, despite the same banks operating.

How do immigration policies in host countries affect the flow of remittances to developing economies?

The flow of remittances depends on the scale of migration flows, the income gains for migrants, and the costs of remitting. The host countries can affect all three of these. In terms of scale, not only do quotas or other limits on migrants come in to play (at least for legal migrants), but so too do issues related to future mobility, such as dual citizenship and portability of pensions. This is because these factors affect whether migrants expect to move freely to and from the host country, or to stay. Those return expectations matter to the flow of remittances. The income gains for migrants depend partly on the sort of migrants who are selected and on the ease of occupational mobility; for example, do the host countries recognize foreign certification, or do migrants have to re-train if they want to work in their original occupation.

We have followed a cohort of lottery-selected migrants (similar to the U.S. Green Card lottery, but on a bilateral basis) for a decade. We find that, despite post-migration investment in occupation change and internal mobility, most of the income gain from migration occurred immediately. This suggests that cross-country wage differences probably reflect the better institutions, higher quality capital, and other factors in rich countries that serve to raise the productivity of all workers, rather than being due to attributes that are embedded in native workers and take time for migrants to accumulate. In that sense, if the world as a whole is to benefit more from the gains of migration, loosening migration

restrictions would be helpful. Details on this study can be found here: https://ideas.repec.org/p/iza/izadps/dp9492.html.

You have performed a great deal of research on the subject of circular migration, specifically about New Zealand's Recognized Seasonal Employer (RSE) program. What were your findings?

Viewed as a development intervention, the impact of seasonal migration is much larger than for other popular interventions, such as microfinance or conditional cash transfers. The per capita incomes of participating households in the supplying countries in the Pacific Islands rise by about 40 percent, and there are no other development interventions that deliver anywhere near such large gains. Moreover, the program is largely funded by industry, with only some government involvement for selection and monitoring of workers, regulation of the work environment, and maintaining border integrity. So, compared to most development programs, this method is very cheap, and provides a large benefit to the horticultural and viticultural industry in New Zealand.

Details on the research in development impacts of the RSE program can be found here: https://ideas.repec.org/p/crm/wpaper/1029.html. At the aggregate level, the RSE is equivalent to almost one-half of New Zealand aid to the two main supplying countries, Vanuatu and Tonga, and is equivalent to about half of Tonga's total exports and one-quarter of the total exports for Vanuatu. Thus, for small countries with limited opportunities to be viable exporters of goods, the trade in seasonal labor can be extremely valuable.

What are the pros and cons of differing point-based program models used by New Zealand and Australia for the selection of skilled individuals?

There are several advantages in terms of the public acceptability of migration (immigrants are less seen as a drag on the society than in some host countries), in terms of the flexibility of labor markets for specialized skills, and in providing further opportunities for export education (since foreign students may study in Australia or New Zealand in anticipation of qualifying under the points based system). There are also a few simple, but practical, immigration regulations that help, such as people who are lawfully in New Zealand under one visa category can change to another without leaving the country, such as a student visa changing to a work visa. It helps being an island, since illegal migration is much more manageable than for the United States or Europe, but the orderly absorption of immigrants appears possible for countries like New Zealand and Australia, and the points scheme helps with that.

John Gibson is Professor of Economics at the Waikato Management School, New Zealand. A graduate of Lincoln University, Professor Gibson has a doctorate from Stanford University. His teaching and research interests are in microeconomics and in the microeconometric aspects of development, labor, and the international economy. He is currently a Senior Research Associate at the Motu Economic and Public Policy Research Trust. His other research interests include poverty measurement, where he is a member of an expert group advising the United Nations Statistical Division, the design and analysis of household survey data, and economic development, especially in China and other Asian and Pacific economies.

Interview with Sheila B. Keetharuth

Commissioner, the Commission of Inquiry on the situation of human rights in Eritrea

The United Nations (UN) Human Rights Council set up the Commission of Inquiry on the situation of Human Rights in Eritrea (COIE) in June 2014 and then renewed its mandate in 2015. What kind of conditions and concerns prompted the 2014 formation of the COIE, its investigations, and its subsequent renewal?

The Commission of Inquiry on Human Rights in Eritrea (COIE) was established on June 27, 2014 by the UN Human Rights Council (HRC) by means of Resolution 26/24,[1] that is, the same resolution renewing the mandate of the Special Rapporteur on the situation of human rights in Eritrea. The setting up of the COIE was the HRC's response to the Eritrean authorities' denial that the human rights violations were committed in the country as reported in the two previous reports of the Special Rapporteur; [and] the non-cooperation of Eritrea in terms of implementation of human rights–related recommendations and civil society advocacy calls for improvements in human rights, release of political prisoners, and an end to the egregious human rights violations in the context of the indefinite national service. Abiding by its mandate, in June 2015, when the COIE presented its findings, it did not specifically investigate whether international crimes occurred in Eritrea. However, the information collected suggested that human rights violations are perpetrated on such a wide scale, with the possibility that crimes against humanity may have been committed in Eritrea. Its mandate was renewed to specifically further investigate this aspect.

What are the COIE's investigative findings, to date?

The COIE collected more than 550 testimonies and 160 submissions, allowing victims and witnesses the opportunity to give full accounts of the abuse they endured. The COIE was able to corroborate the findings of the Special Rapporteur in much detail. On the basis of this body of evidence, the COIE found that systematic, widespread, and gross human rights violations have been and are still being committed in Eritrea under the authority of the government and that some of these violations may constitute crimes against humanity. In the COIE's June 2015 report,[2] there is sufficient detail about how the government has created and sustained repressive systems to control, silence, and isolate individuals in the country, depriving them of their fundamental freedoms. It shows how information collected on peoples' activities, their supposed intentions, and even conjectured thoughts is used to rule by fear in a country where individuals are routinely arbitrarily arrested and detained in the vast network of prisons and detention centers; tortured; or disappeared. It shows how, under the pretext of defending the integrity of the state and ensuring its self-sufficiency, Eritreans are subject to a system of national service, which in effect is forced labor, [and] how they are effectively abused and exploited for indefinite periods of time under the guise of reconstruction of the country.

Eritreans are third only to Syrians and Afghans in the current wave of mixed migrants entering Europe. The COIE's report points to the country's "gross human rights violations" as a primary factor instigating people to leave the country. Can you please give further clarifications?

In its report, the COIE showed how the initial promises of democracy and rule of law, incarnated in the never-implemented 1997 Constitution, were progressively suppressed and then extinguished by the government. The government maintains an extensive spying and surveillance system targeting individuals within the country and in the diaspora. It employs all means, including harassment, intimidation, and the abusive use of a coupon system originally created to allow access to subsidized goods in government shops, to collect information about Eritreans. Pervasive spying and surveillance in Eritrea go beyond the needs of national security or crime prevention and are arbitrary.

The COIE was able to document how the Eritrean authorities intentionally use the conditions and regime of detention as means of torture or in support of other methods to increase the pain and suffering of inmates to achieve a specific objective. In fact, [the] harshest conditions and the strictest regimes of detention are deliberately employed in a number of situations, including to punish those suspected of being a threat to national security, traitors, [or] suspects of "cross-border" crimes; or during the investigative phase of detention, with the intention of pushing the person to self-incriminate himself or herself, extract a confession or information, or force believers of specific religious faiths to recant their faith.

With regards to forced labor, the COIE was able to document that its use goes far beyond the national service. The use of forced labor is so prevalent in Eritrea that all sectors of the economy rely on it and all Eritreans are likely to be subjected to it at one point in their lives. Many Eritreans, including under-age students, are subjected to forced labor outside the national service.

The [government] control of the population, [exercised via] restrictions on freedom of movement, freedom of expression, [and] freedom of religious belief, also affects the population negatively. Many young people who have themselves experienced violations of their human rights and have also witnessed the rights of others being violated say that because of all the aforementioned detailed violations and the personal experiences of their parents and siblings, they feel they do not have a future in Eritrea and are therefore ready to cross the desert and the sea to find a safe haven where their rights will be respected. Older people leave because they have been subjected to detention or have been asked to pay fines because family members have fled the country. The reasons inciting people to leave are numerous, but most are linked to violations of human rights.

The United Nations High Commissioner for Refugees (UNHCR) estimates that approximately 5,000 Eritrean citizens leave the country each month via what has been termed "the world's deadliest migrant trail."[3] **What kinds of perils do Eritrean migrants face in their attempts to cross the Sahara and the Mediterranean in order to reach Europe?**

According to Resolution 26/24, the first mandate of the COIE was limited to the violations committed in Eritrea, and it is still the case with its second mandate. Therefore, the COIE did not focus its investigations on violations committed against Eritreans after they had crossed the

border. Yet, in several interviews, especially those conducted with Eritrean refugees having passed through neighboring countries, we heard accounts of serious human rights violations that occurred in the context of human trafficking. The violations include abductions; extortion of the abductees' families to obtain their release; ill-treatment of abductees amounting, in several cases, to torture; and sexual and gender-based violence. In our view, these serious violations, which fall outside the COIE's mandate, require close scrutiny by the governments concerned and the wider international community. In our recommendations, we called for the HRC to organize a high-level panel discussion on strategies to investigate the issue of human trafficking in North Africa and the Mediterranean, with the involvement of all relevant actors and using both security and human rights frameworks.

What kind of reprisals do family members of Eritrean refugees and asylum seekers who remain behind in the country face at the hands of the Eritrean authorities?

We have documented cases of family members of people having fled Eritrea who, in retaliation, were arbitrarily arrested. For their release, they were forced to pay a fine amounting to 50,000 Nakfa, which is approximately US$4,700. Others have fled, because they could not find the money to pay the fine and did not want to spend time in jail. Some have had their properties confiscated, while others have had their coupons allowing them to have access to subsidized goods withdrawn.

Although Eritreans' asylum claims have generally been treated as legitimate by the European Union (EU), some countries— including Norway, Denmark, and the United Kingdom, among others—are currently

considering returning Eritrean citizens home, based on the expectation that the Eritrean government will increasingly comply with human rights standards. What awaits Eritreans who either are sent home from Europe or choose to return?

Based on the human rights violations that the COIE has been able to identify—corroborating the findings of other human rights mechanisms, such as CEDAW, the CRC, and other organizations—we consider that returning Eritreans to their country of origin would put them in danger of being arbitrarily arrested and detained, tortured and ill-treated during detention, and submitted to forced labor, either during detention or outside of it.

Conscription into the military with indefinite national service is cited as one of the principal motivating factors pushing Eritreans to seek asylum in Europe, as well as crucial grounds for Eritrean asylum-seekers being granted asylum within the EU. Yet, the Eritrean Foreign Minister has apparently announced that national service would be reduced to 18 months, thereby potentially affecting the asylum claims of Eritrean refugees and asylum seekers in Europe. Has there been any evidence that the Eritrean government has either achieved, or is in progress to achieve, reduction of national military service to 18 months?

Limiting the national service to 18 months would be a welcome development, as it would decrease the period of time during which conscripts would be exposed to possible violations of their rights and would allow Eritrean youth a life outside national service. However, we have found no evidence that the length of national service has indeed been reduced to 18 months. In any case, it would be necessary to address, in parallel, the

conditions during national service, irrespective of the length of time. If, indeed, the Eritrean government is committed to addressing the current indefinite nature of its national service, we hold it should allow international human rights mechanisms to support and monitor such reforms. Information would be needed about what the intentions of the government are with regards to the thousands of Eritreans currently serving in the context of the national service and who have already served lengthy periods of time. We hope that the limitation of the duration of national service is only a starting point. Much broader reforms are required to bring the system in line with Eritrea's obligations under international human rights law.

Speaking at a recent meeting of more than 60 leaders from both Africa and the European Union, French President François Hollande stated that, in the case of Eritrea, "maximum pressure" has to be applied to the country's leaders.[4] **What measures do you view international organizations can have in positively affecting Eritrean internal policies associated with both the current migration crisis and ongoing human rights violations?**

The majority of Eritreans we have interviewed told us they have fled Eritrea to escape arbitrary arrest and detention, as well as other human rights violations and the lack of prospects caused by indefinite national service, including the impossibility to support themselves and their families while in national service. Therefore, the high number of Eritreans leaving the country has as its main cause the human rights situation in Eritrea. This is what the international community needs to deal with—how to ensure that Eritreans are able to enjoy their human rights in Eritrea.

We urge the international community to act as follows:

Continue to provide protection to all those who have fled and continue to flee Eritrea owing to severe violations of their rights or fear thereof, pending tangible progress in the situation of human rights, in particular the adoption of reforms that seriously address the problems identified in COIE's report;

Respect the principles of non-refoulement[5] (non-return) and an end to bilateral and other arrangements that jeopardize the lives of those who seek asylum;

In engaging with the Eritrean authorities on solutions to stem the flow of asylum seekers from Eritrea, place human rights considerations at the forefront of any package of proposed abatement measures;

On negotiating development assistance and investment projects in Eritrea, governments, inter-governmental organizations, non-governmental organizations, and private sector companies should ensure that decent wages for locally engaged staff are an integral part of the agreement;

While negotiating access to the country and proposing programs and projects, organizations should ensure that a positive impact on the

> The majority of Eritreans we have interviewed told us they have fled Eritrea to escape arbitrary arrest and detention, as well as other human rights violations and the lack of prospects caused by indefinite national service...

enjoyment of rights and freedoms of the people
of Eritrea as recognized under international law
is a key priority;

Finally, keep Eritrea under close scrutiny until
tangible progress in the situation of human rights
is evident, and ensure the centrality of human
rights in all engagements with the country.

Sheila B. Keetharuth was appointed in October 2012 as the first Special
Rapporteur on the situation of human rights in Eritrea. She is also one of
the three Commissioners on the Commission of Inquiry on the situation
of human rights in Eritrea. She is a human rights defender from Mauritius
who has worked and traveled in mainland Africa for three decades.
Ms. Keetharuth is a committed human rights advocate with extensive
experience in research, advocacy, litigation, and training in Africa.

Interview by Katherine Lugo

Eritrea at the Center of the International Migration Crisis

Dr. Daniel R. Mekonnen

PEN Centre, International Law and Policy Institute (ILPI)

n June 2015, the Office of the United Nations High Commissioner for Refugees' (UNHCR) annual report, *Global Trends Report*, announced that world displacement has reached an all-time high, surpassing previous highest records experienced during World War II.[1] The most common culprits of such displacement are increased instances of armed conflict and persecution.

A small country located in the Horn of Africa, Eritrea assumes a central place in contemporary discourses on global migration: it is among the top refugee producing countries in the world. Europe is a major destination for newly arriving Eritrean refugees. Thus, as far as migration is concerned, Eritrea cannot be discussed without a mention of Europe. By focusing on this interconnectedness, this contribution critiques some erroneous policies of the European Union (EU) related to the Eritrean refugee crisis in particular and the entire political crisis of the country in general.

Tsanta in the making

Eritreans frequently rank among the top two or three groups of newly arriving refugees in Europe. In fact, in some specific instances, the number of incoming Eritreans was by far greater than any other nationality. For example, in the period between January 2014 and August 2014, the number of Eritreans who arrived in Italy (via the southern maritime borders of Europe) was 28,557, compared to the corresponding second highest figure of 23,945 Syrians – a difference of 4,611.[2]

Syria is experiencing the most violent contemporary armed conflict in the world. In contrast, Eritrea (at least on the surface) does not seem to be experiencing any problems related to armed conflict. Nonetheless, Eritrea is stifled by one of the worst on-going cases of political repression, resulting in gross human rights violations comparable with only a few instances at the global level. The fact that Eritrea continues to produce a comparable number of refugees with war-torn countries such as Syria means that its political repression is deeply entrenched, so much so that Eritrean citizens are fleeing the country in startlingly high numbers.

Reflecting on the frightening level of the mass exodus of the Eritrean population, four Eritrean Catholic Bishops wrote: "It is not just the continuous outflow, and hence the depletion, of the people on its own that is worrying us, but the fact that we are heading towards extinction [*tsanta*] as a result …"[3] Thus, it is not surprising that the *Wall Street Journal* describes Eritrea as "one of the world's fastest-emptying nations."[4]

Eritreans now comprise the majority of victims of the well-documented tragedy of human trafficking in the Sinai Desert over the last five or more years. Eritreans are also at the heart of numerous tragic sea accidents that have taken place recently along the southern tip of Europe and across the coast of the Mediterranean Sea, a place that has earned the designation as one of the most dangerous maritime routes in the world. In the Lampedusa Tragedy of 3 October 2013 – involving the capsizing of an overcrowded migrant boat off the coast of Lampedusa, the largest island of the Italian Pelagie Islands in the Mediterranean Sea – more than 360 people perished. From a list of 155 survivors, there was only one non-Eritrean.[5] A particularly odious aspect of the Lampedusa Tragedy is the story of an Eritrean woman who gave birth while drowning in the sea. This was known after the corpse of the woman was found attached, by umbilical cord, to the corpse of a baby boy.[6]

The push factors

The primary reason behind Eritrea's mass exodus is the government's policy of indefinite military conscription without formal pay or salary, which affects every able-bodied member of Eritrean society (men and women), sometimes affecting even senior citizens above the age of seventy. Coupled with this all-encompassing abusive practice is a widespread and systematic violation of human rights, including pervasive torture, detention without trial, extra-judicial executions and other abhorrent practices. There is overwhelming evidence of this, the most recent and perhaps also the most important of which is included in the report of the UN-mandated Commission of Inquiry on Human Rights in Eritrea (COIE), released on 8 June 2015. The report states in part: "It is not law that rules Eritreans, but fear."[7]

The COIE report adds that some of the violations that are taking place in Eritrea may amount to crimes against humanity – one of the three major categories of international crimes that fall under the jurisdiction of the International Criminal Court (ICC). Unless this deep-seated political crisis is resolved, Eritrea will continue to be one of the major refugee producing countries in the world.

The role of the EU

In spite of the above understanding, widely shared among close observers of Eritrea, the EU's approach to Eritrea's political and refugee crises can be described as enigmatic at best and futile at worst. In its latest manifestation, this approach is partly driven by the ever-growing refugee crisis in Europe. As a result, some European countries, such as Denmark, Norway and the United Kingdom, were recently observed making U-turns in their approach towards Eritrean asylum seekers. Previously, most European countries provided nearly automatic protection to Eritrean asylum seekers between the ages of about 18 and 50; this age group is generally understood as falling within the age of compulsory and indefinite military conscription in Eritrea. However, in recent months several European countries seem to be reversing their policy or contemplating doing so. This move has resulted in widespread uproar among human rights groups. The point is that, as underlined by the COIE, the factors that compel Eritreans to leave their country in such large numbers still remain intact.[8] Thus, any change of policy on the part of European countries cannot be implemented without flouting their obligations emanating from international refugee law. Such obligations require that no

recipient country shall, for example, return asylum seekers to their country of origin where they may face a definite or most probable fate of persecution.

The most problematic aspect of the EU's collective approach towards Eritrea is that it often times takes the form of futile (in this case) "soft diplomacy." It manifests in the perplexing method of distributing large amounts of funds (in the name of development cooperation), even when this means flouting the EU's fundamental commitments as enshrined in some of its founding documents like the Treaty of Lisbon, which includes the Cotonou Agreement, the main legal framework governing the EU's development cooperation with the developing world.

Since at least 2002, the EU has been sending large amounts of money to Eritrea in the name of development cooperation, and each time it has done so it has also flagrantly violated its own popular commitments or principles enshrined in some of its major reference documents. In December 2015, the EU decided to distribute 200 million euros in "development aid."[9] In my view, this money has been sent to Eritrea without adequate monitoring strings attached to it, as stipulated in article 9 of the Cotonou Agreement.[10] What distinguishes this from previous packages is that it makes specific reference to the objective of stemming migration from Eritrea (supposedly by easing the root causes of migration in Eritrea).[11]

This has not worked in the past, and it will not work now or in the future. If past experience can offer lessons, there is no better example for EU policy makers than the candid confession of Mr. Louis Michel, the former European Union Commissioner for Development Cooperation, given at a parliamentary hearing of the European Parliament in December 2009. Mr. Michel openly admitted that the EU's "soft diplomacy" approach towards Eritrea has never yielded any outcome, and he further admitted not only to a deep sense of regret, but also bitterness for being personally deceived by Eritrean political leaders – in particular President Isaias Afwerki and the then-Eritrean Ambassador to the EU, Girma Asmerom.[12]

The risk of complicity in human rights violations

The EU's approach is cultivating a sense of cynicism on the part of the Eritrean government, premised on the conviction of the latter that in spite of its despicable record on human rights, it has the privilege of being taken seriously as a reliable ally. This has the unfortunate consequence of refurbishing the impoverished political legitimacy of the Eritrean government, which is characterized by a deep-seated crisis of human rights that possibly includes crimes against humanity. This false legitimacy benefits the Eritrean government more than the actual flow of funds. This puts the EU in a

> *...EU's policy towards Eritrea casts a dark shadow on the Union's commitment to the promotion of human rights, respect for the rule of law, and democratic accountability.*

position that is tantamount to complicity in the perpetuation of gross human rights violations in Eritrea. Europe's migration crisis is happening in the context of massive challenges triggered by economic instability. As such, there is no doubt that the migration crisis is fuelling the rise of far-right populist politicians throughout Europe. However, adopting futile policies (such as distributing large amounts of funds without proper oversight mechanisms) towards countries like Eritrea – countries that are the major sources of refugees – does not help in easing the growing political tension in European capitals, especially tensions resulting from the migration crisis.

By disregarding moral and legal responsibilities (the latter emanating from the European Union's own laws), the EU's policy towards Eritrea casts a dark shadow on the Union's commitment to the promotion of human rights, respect for the rule of law, and democratic accountability.

What the EU seems to be missing is that the mere transfer of funds will not help in addressing the root causes of mass human suffering in Eritrea, because the EU's approach is not accompanied by meaningful actions (otherwise known as due diligence) aimed at ensuring structural solutions to the root causes of vulnerability in Eritrea. This can only be achieved by addressing the deep-seated politico-legal crisis in the country and taking necessary measures that shall include, but are not limited to:

- The release of all political and religious prisoners who are languishing in detention without trial for many years, prominent among which are the so-called Group of Fifteen (the G-15) and journalists of the free press, incarcerated in the context of the political crisis of September 2001;
- Implementation of the 1997 Constitution;
- Ending the practice of indefinite military conscription by respecting the statutory limit of eighteen months and by demobilizing hundreds of thousands of Eritreans who have been deployed in the national military service for many years;
- Reinstatement of the country's Transitional National Assembly (parliament), which remains in prolonged hibernation since February 2002.

At the heart of the above recommendations rests ending the pervasive culture of impunity by establishing a rule of law-abiding political system.

Without such meaningful measures, the political situation in Eritrea will never improve, and the push factors contributing to forced migration will not be resolved. Unfortunately, the EU does not seem to have learned its lessons appropriately, as explained above in the context of Mr. Michel's confessions from December 2009.

Over and above the despicable record of the Eritrean government in the areas of good governance, democratic accountability, and respect for the rule of law, the critical issue is: how does the EU find it possible to do business "the normal way" with a government whose senior leaders (including President Afwerki) are accused of active involvement in a possible case of crimes against humanity?

Instead of investigating and delving further into the main political problems in Eritrea, the EU seems more focused on symptoms of the problem – such as the on-going refugee crisis as it affects Europe. The EU has every right to address the refugee crisis in Europe in ways that fit its regional interests. However, in addressing the push factors for migration in Eritrea, it cannot flout clearly spelled-out obligations emanating from its major reference documents, such as the Cotonou Agreement.

A humanitarian crisis

In the absence of armed conflict, Eritrea already faces a situation that is tantamount to a humanitarian disaster or humanitarian crisis. However, since this term is usually cited in the context of armed conflicts or widespread natural calamities (such as droughts, earthquakes, floods, etc.), there is a high level of reluctance on the part of the international community, including the EU, to use the term "humanitarian crisis" in relation to the situation of mass human suffering in Eritrea.

To add insult to injury, the latest reports coming from Eritrea indicate that there is a looming drought in certain parts of the country. In the neighbouring country of Ethiopia, the drought is said to be the cause of the worst famine in the last fifty years. A map of the drought-affected areas in Ethiopia, produced by the United Nations (UN) in December 2015, shows that some of these areas are actually along its common border with Eritrea.[13] Given that natural calamities do not recognize national borders, there is no doubt that some parts of Eritrea are already blighted by the looming drought (as also confirmed by reliable sources coming from Eritrea). Coupled with the dire state of human rights in the country, this should give an impetus to the international community, including the EU, to treat the crisis in Eritrea as a humanitarian disaster.

Concluding remarks

As noted before, Eritrea suffers from a fundamental lack of good governance and democratic accountability. It is true that in a continent where the violation of rule of law seems to be the norm rather than the exception, Eritrea's sad experience may not be seen as different from that of the prototype post-colonial African state. However, Eritrea's problems are multi-layered. One such problem is the widely reported situation of gross human rights violations, including a possible situation of crimes against humanity, as established by the investigative work of the COIE.[14]

A long time observer of Eritrean politics, former BBC reporter Martin Plaut notes that: "The Eritrean situation is not just bad; it is uniquely bad."[15] The country's political crisis requires extra effort and improvisation, not a mere dispersal of unlimited funds in the name of "development cooperation." The EU is yet to come up with a strategy that is commensurate with the challenges Eritreans face at the ground level.

When it comes to Eritrea, European Union policy makers have adopted, and continue to adopt, ineffective policies, because in all cases they have been easily deluded by empty promises from the Eritrean government. Blind trust is not enough to ensure good governance, democratic accountability and respect for the rule of law. In these specific areas, the Eritrean government has consistently

demonstrated its failure. That is why trust should always be accompanied by measurable results. In light of the Eritrean government's continued obstinacy and disdainful attitude towards the EU's use of "soft diplomacy," European Union policy makers need to come up with a revised approach. This needs to be done urgently, as argued by this and other authors time and again.[16]

Dr. Daniel R. Mekonnen is an Eritrean human rights practitioner and scholar. A passionate proponent of "cause lawyering," he has a cumulative work experience of more than eighteen years in human rights research, teaching, advocacy, and adjudication. With a proven track record on academic publications and policy-oriented research outputs, he has also lectured and/or researched in several European institutions of higher education (in Belgium, Germany, Holland, Ireland, Norway, Switzerland, and the UK), as well as in Eritrea and South Africa. One of his most recent job experiences was that of a Senior Legal Advisor with the Oslo-based International Law and Policy Institute (ILPI). His most recent book (co-authored with Kjetil Tronvoll) is: *The African Garrison State: Human Rights and Political Development in Eritrea* (James Currey, 2014). While in Eritrea, Daniel has served, among other things, as Judge of the Central Provincial Court in Asmara. In a recent experience, he served as Chairperson of the Coordinating Committee that organized the biggest mass rally of pro-democracy Eritreans (staged in Geneva), condemning gross human rights violations in Eritrea. Daniel is also a founding member of the Eritrean Law Society, the only professional association of Eritrean lawyers currently working from exile.

Interview with Dr. Joseph Takougang

University of Cincinnati

What effects have returning migrants had on their countries of origin in Africa? In particular, what kinds of effects are associated with migrants from Cameroon?

Generally, return migrants often bring financial resources and expertise in their respective areas of training to their home countries. For example, some return migrants teach at universities and other institutions of higher learning. Others work with NGOs and other economic and business entities. Many return migrants also use the financial resources amassed from overseas to start businesses back in Cameroon and in their respective countries, as is the case in Ethiopia, Ghana, and Nigeria.

Do you think returning migrants can contribute to the political discourse in Cameroon by wielding positions of power in government? Are there any challenges that might impede their progress?

I doubt it. The political system in Cameroon is so well-entrenched in the hands of a small group of political elites, often home-grown and home-trained, that it is difficult for diaspora Cameroonians returning home to make an entrée into the political system. In fact, in many instances, return migrants are perceived as threats to the status-quo. Many return migrants prefer to live a peaceful life, quietly engaged in their business activities.

Are initiatives being taken to attract Cameroon's diaspora back home as part of an overall strategy for local development?

I just published a book on Cameroon immigrants in the United States, and my research did not reveal any concerted effort in recruiting or attracting diaspora Cameroonians to return home, as was the case in the early 1980s, when Cameroon's economy was booming. Most of the development back home comes from the individual initiative of the diaspora population interested in reinvesting back home or helping in the development of their communities. For instance, many ethnic associations in the United States are providing computers to schools, building classrooms and health clinics, and bringing pipe-borne water systems to their communities.

Encouraging the diaspora to invest in their country of origin would seem beneficial to increasing trade between originating and destination countries. What measures are being taken by African countries to do so?

Indeed, many African countries are encouraging their diaspora population to not only send money home, but to invest in their home countries. For example, many countries have made it easier for financial institutions like Western Union and other similar financial agencies to establish themselves in towns, cities, and smaller payout posts in rural areas where family members and friends can receive money sent by relatives without necessarily going through the complicated and time-consuming process of dealing with banks. In fact, the World Bank reports that between 1990 and 2010, remittances to African countries quadrupled to an impressive sum of US$40 billion. The money received is often used in

renovating or building new homes for family members, opening new businesses, paying for healthcare for families, or providing for siblings' education. In fact, the amount of remittances to Cameroon increased from a paltry US$3 million in 1979, to US$115 million in 2010. Countries like Ethiopia, Eritrea, and Kenya have loosened restrictions to make it easier for their diaspora population to send money or invest at home. In Cameroon, for example, there has been a noticeable effort at the seaport in the city of Douala to streamline and facilitate the import of items by Cameroonians abroad.

Increased economic development in many African countries has led to greater circular migration. What is the trend in Cameroon, and what reasons do you give for it?

That is also the case in Cameroon, where increased economic development has significantly led to greater migration circulation. Part of this new trend can be attributed to the fact that there is more money around and that more people who hitherto did not have financial resources now do. Often, this money is provided by diaspora relatives and friends. Even though it is still difficult to obtain a visa to the United States and to many European countries, it is relatively cheaper and easier to obtain a passport or other travel documents and purchase an air ticket to countries in the Middle East, Asia, and other parts of the continent than it was two decades ago. The proliferation of the Internet and cellphones also makes it easier for Cameroonian business people to communicate with potential clients in Dubai, China, or India. Finally, many Cameroonians who were beneficiaries of the Diversity Lottery Visa program in the United States that began in the early 1990s are now able to use their new immigration status to visit home more frequently than was the case previously. In fact, many of

these new immigrants have also been able to use their statuses as citizens or permanent U.S. residents to procure legal visas for their family members, who are now able to enter the country as legal permanent residents.

Africa has a large number of students enrolled in universities around the world, many of whom do not return. Do you consider the concept of "brain drain" to be a problem?

I definitely believe the issue of brain drain is a problem. This issue has been the focus of scholarly debates, especially since the 1990s, when the issue became more apparent as many Africans who completed their degrees and other forms of training abroad decided to remain overseas rather than return to their respective countries. These are experts who do not return home to help their countries in the development process.

Attending the annual meeting of the African Studies Association, for example, one is often amazed by the large number of African scholars who are teaching in various universities and colleges in North America. African doctors, nurses, pharmacists, engineers, bankers, etc. are also found throughout North America and in many European countries. These are experts who could have taken their expertise back home.

On the flip side, however, is the fact that many experts argue that African countries have not created an environment that is welcoming to many of these people trained overseas. Corruption is rampant, salaries are low, and in some cases, irregular. In many countries, university professors cannot express their ideas freely without fear of the thought-police taking revenge. Finally, many African institutions lack the resources (research opportunities,

for example) that European and American institutions provide.

How important do you believe remittances are to the economic development of African countries?

Remittances are absolutely important to the economy of many African countries. The World Bank reports that remittances to sub-Saharan African countries in 2013 were an astounding US$31 billion. For some countries like Lesotho, Ethiopia, Eritrea, Senegal, and Guinea Bissau, this amount is a significant contribution to the GDP. In 2010, remittances represented about 0.9 percent of Cameroon's GDP. Altogether, the World Bank reports that remittances represents about 2 percent of the GDP of sub-Saharan countries in 2013.

What are the political consequences of African migration on sending countries (countries of origin)?

I am not sure that African leaders are shedding tears that young, educated citizens are leaving their countries in droves. Indeed, some of the political elites might be happy that these young Africans who are potential troublemakers are exiting their countries of origin. The political history of many post-colonial African states is littered with the bodies of citizens who have tried to criticize corruption and authoritarian, repressive rule in their countries.

In reality, however, when young people (especially those who are educated) leave their countries, it only hinders the prospect for democratic rule and the institution of transparent government.

Joseph Takougang is Professor of African History in the Department of Africana Studies and an affiliate faculty in the Department of History at the University of Cincinnati. He obtained a B.A. in history from the University of Yaounde, Cameroon, and an M.A. and Ph.D in African History from the University of Illinois, Chicago. He researches and writes on colonial and post-colonial Africa, with a focus on Cameroon. A secondary interest focuses on contemporary African migration, particularly to the United States.

Interview by Sheritha Brace

Displacement and Statelessness

Prof. Elizabeth Ferris
Georgetown University

The relationship between displacement and statelessness is a close, though rarely recognized, one. According to the Institute on Statelessness and Inclusion, as many as one out of three stateless persons in the world has been forcibly displaced.[1] People can be stateless and live in a country they consider to be their own; for example, many Dominicans of Haitian descent who were born and raised in the Dominican Republic yet have neither Dominican nor Haitian nationality. Some stateless people are displaced within the borders of their own country, as has occurred with many of the 300,000 Syrian Kurds who were rendered stateless by government action. In some cases, such as with the Rohingya of Myanmar, displacement results directly from statelessness.

The United Nations High Commissioner for Refugees (UNHCR) is the UN body with a mandate to both protect refugees and to prevent and reduce statelessness. Over twenty years ago, UNHCR drew connections between statelessness and displacement, noting that preventing and reducing statelessness is vital for preventing refugee flows.[2] While this figure is likely low for two reasons, UNHCR estimates there are at least 10 million stateless people in the world.[3] First, UNHCR categorizes people as either stateless or refugees. If they happen to be both, they are counted as refugees. This is to avoid double counting and because the UN Convention on Refugees offers stronger protection to refugees than the Statelessness Convention offers to stateless persons.[4] Moreover, if they fall under the jurisdiction of another UN agency, they are not included in UNHCR statistics, either as refugees or as stateless persons. This means that many of the 5 million Palestinian refugees falling under United Nations Relief and Works Agency for Palestine Refugees in the Near East's (UNRWA) mandate are stateless, but because they are considered to be under UNRWA's responsibility, they are not included in UNHCR's statistics. Sometimes, the fact that people are persecuted because they are stateless may be grounds for refugee status.

As one of the few studies to look at the relationship between statelessness and displacement has helpfully spelled out, there are at least three ways that the two are related. First, stateless communities are at risk of forced displacement. Secondly, forced displacement may contribute to increased risks of statelessness. Thirdly, statelessness can increase vulnerability in forced displacement contexts.

It is a particular tragedy when conflict forces people from their homes and into statelessness. Unfortunately, this is not uncommon. For example, for a Colombian child born outside the country to acquire Colombian nationality, the parents must register the child with the Colombian consulate in the country in which the child was born. If the parents do not want to approach the consulate, and if the child is not automatically a citizen of the country in which he or she is born, then the child becomes stateless.

While statelessness and displacement are global phenomena, affecting people in every region, the case of Syrian refugees and statelessness is one of the most dramatic examples. Presently there are over 4 million Syrian refugees living in Turkey, Jordan, and Lebanon. Tens of thousands of Syrian refugee babies have been born in exile, and in none of these three countries does the baby automatically become a citizen of the country where the birth takes place. In order to acquire Syrian citizenship, a number of hurdles must be passed. First of all, the Syrian parents must be registered with authorities in the host countries. Many Syrians are simply not registered for a variety of reasons, ranging from fear that their information will get back to Syrian authorities to long queues, which are difficult for those with disabilities or the elderly. In order to register their newly-born babies with the host government authorities, all three countries also require passports and marriage certificates, but refugees often lack these basic documents because they were forced to leave their homes quickly and did not collect and bring those papers with them. To make matters worse, there are reports that ISIS is systematically destroying passports as a way of cutting links between Syrians and their government.[5] Even if they have the necessary documents, once the birth of the baby is registered with authorities in the country of birth, parents need to register it with Syrian authorities. Sometimes the parents do not want to approach the Syrian embassy because they want to stay undetected, or because they are so traumatized they do not want to have anything to do with Syrian authorities. Even when they do manage to register the baby with the Syrian Embassy, sometimes the bureaucratic process takes months.[6] Finally, and unfortunately, Syria is one of those countries where nationality passes through the father. If the Syrian father is not with the refugee mother, the woman cannot pass on her Syrian nationality to her child. But it is very common for Syrian women to give birth in exile without their husbands because the men are in Syria fighting, detained, or because they are missing or dead. In fact, a quarter of Syrian refugee families are headed by women.[7] In these situations, the child is neither Syrian nor the nationality of the country in which he or she was born. In Turkey alone, over 70,000 Syrian babies have been born to refugees – no one knows how many of these babies are stateless.

Syria presents so many challenges to the humanitarian community that it is easy for aid workers to overlook the issue of preventing statelessness. Yet, unless addressed early on, large numbers of Syrians – perhaps hundreds of thousands – could find themselves without a nationality, which is, of course, a basic human right.

> *Syria presents so many challenges to the humanitarian community that it is easy for aid workers to overlook the issue of preventing statelessness.*

Elizabeth Ferris is a Senior Research Associate at Georgetown and a non-resident Senior Fellow in Foreign Policy at the Brookings Institution. She joined ISIM in the Fall of 2015 after serving for 9 years as a Senior Fellow and Co-Director of the Brookings Project on Internal Displacement and as an adjunct professor for Georgetown's School of Foreign Service.

Prior to joining Brookings in November 2006, Elizabeth spent 20 years working in the field of international humanitarian response, most recently in Geneva, Switzerland at the World Council of Churches. She has also served as Chair of the International Council of Voluntary Agencies (ICVA); as Research Director for the Life & Peace Institute in Uppsala, Sweden; and as Director of the Church World Service Immigration and Refugee Program in New York. She has been a professor at several U.S. universities and served as a Fulbright professor to the Universidad Autónoma de México in Mexico City. She has written or edited six books and many articles on humanitarian and human rights issues, which have been published in both academic and policy journals. Her current research interests focus on the politics of humanitarian action and on the role of civil society in protecting displaced populations.

Interview with the International Organization for Migration (IOM) Mission in Kosovo

What is the assignment of the International Organization for Migration (IOM) Mission in Kosovo?

IOM has been present in Kosovo since 1999 (following the Kosovo conflict) as part of the overall efforts of the international community to invest in a durable peace process and assist the population in rebuilding their lives and working for the future. In the early years, IOM was the main actor in facilitating the return of displaced persons, and in recent years, IOM has shifted its work from short-term reconstruction and rehabilitation efforts to supporting longer-term development processes in Kosovo.

Our mission, as elsewhere with IOM globally, is to support all government and non-governmental actors in making safe and secure migration processes contribute towards the benefit of all.

Today, IOM Kosovo is implementing several programs that benefit Kosovars of all ethnicities by providing return and reintegration assistance, generating job opportunities, and improving the living environments in communities.

How has the IOM Mission in Kosovo assisted refugees and internally displaced persons affected by the Kosovo conflict?

The IOM Mission in Kosovo has, through a great number of return and reintegration programs, assisted the return and reintegration process of returnees displaced by the Kosovo conflict, from neighboring countries as well as from the EU and North America. Since 1999, IOM has assisted a total of 211,802 voluntary returns, including massive voluntary returns in the immediate years following the conflict (IOM assisted 174,572 voluntary returns between 1999 and 2000 alone).

IOM Kosovo, in coordination with different governments, has developed several Assisted Voluntary Return and Reintegration programs for Kosovar returnees, giving special attention to vulnerable individuals and groups. Our work includes providing pre-departure counseling, transportation, reception and onward transportation to final destinations, and medical assistance in accordance with individual needs.

Though the overall economic possibilities available have improved immensely since the conflict, the opportunities available to members of non-majority communities have remained limited, where non-majority returnees are facing particular challenges to reintegrate in their place of origin. IOM has, through various reintegration projects, provided support to displaced ethnic minorities through the provision, construction, or re-construction of housing and income-generating projects, promoting employment and self-employment opportunities for returnees. Today, IOM programs like Return and Reintegration Kosovo IV (RRK IV) are facilitating the return and reintegration of members from non-majority communities (displaced persons in the region (DPRs) residing in Serbia, Montenegro, and the former Yugoslav Republic of Macedonia (FYROM), internally displaced persons (IDPs) within Kosovo, and refugees recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR)

...it is clear that one significant challenge to reducing unemployment is mobilizing investment in the key growth sectors of the economy.

or host governments in Serbia, Montenegro, and FYROM) by providing housing assistance and house reconstruction, food and non-food assistance packages, training and income generation grants, and investment in small scale infrastructure projects.

In response to the major issue of unemployment in Kosovo, Kosovo's European Integration Minister, Bekim Çollaku, has stated that there is a need for young professionals to stay in the state and that "illegal migration should not be the solution." What are the current social, political, and economic mechanisms causing unemployment, particularly among young adults?

First and foremost, it is worth stating that as an inter-governmental organization, IOM does not take any positions on social or political debates within Kosovo society. However, considering that many of our programs strive to improve Kosovars' job skills and ability to find meaningful employment, it is clear that one significant challenge to reducing unemployment is mobilizing investment in the key growth sectors of the economy. Remittances from the Kosovo diaspora, as well as international donor investments, remain critical components in keeping the economy stable, but larger investment flows are limited due to a lack of investor confidence.

During the implementation of the Support to Micro, Small, and Medium Enterprises Grants Project funded by the EU and Ministry of Trade and Industry, IOM learned from the awarded

grantees that their predominant challenges in expanding production and increasing employment were a shortage of capital and access to affordable finance, and the limited availability of a skilled workforce.

According to 2015 Frontex figures on the ongoing migration crisis, migrants originating from Kosovo represent the third largest group migrating via the Western Balkan route (the top two nations of origin migrating via routes in the Western Balkans are Syria and Afghanistan, as of September 2015). Although Syrians and Afghans are considered *prima facie* **refugees with national conflicts that necessitate migration, Kosovars are not. Why have so many Kosovars nevertheless chosen to migrate at this time?**

According to data taken before, during, and after the sudden mass of irregular migration from Kosovo in late 2014 and early 2015, the primary motivating factors pushing Kosovars into migration were unemployment, poverty, and poor quality of education and health services. There were also pull factors from the large diaspora community and labor market demands in the EU that motivated migration.

A public poll taken in April 2015 found that the overwhelming reason behind the outflow of migrants was economic related.[1] Official unemployment figures remain above 35% for the total population. Moreover, female and youth unemployment are staggeringly high.

Although these factors were more or less always present, the increased migration trend is also a

result of easier travel procedures for Kosovars due to stipulations from the Brussels Dialogue between Pristina and Belgrade that enabled Kosovo-issued documents, such as an ID or birth certificate in the case of children, to be used to more easily approach the Schengen zone.[2]

Moreover, disappointment in Kosovo's governing institutions has also played a part. Results from the same April 2015 poll found that 74% of respondents were either dissatisfied or very dissatisfied with the current political direction. It is worth remembering that elections were held in June 2014, after which six months were required before a new government was formed in December 2014.

Other issues that relate to the lack of prospect for a better life are high corruption rate, inadequate rule of law, and an inefficient justice system. All of these factors have caused frustration among Kosovo citizens and have consequently contributed to the country's high, irregular out-migration.

According to Eurostat figures on the ongoing migration crisis, over 30,000 Kosovars applied for asylum in the EU in 2014, and over 40,000 applied for asylum during the first few months of 2015. Are Kosovars eligible to apply for asylum as a means to obtain a residence permit in such countries as Germany? Are there exceptions to usual asylum regulations?

Faced with a wave of migration from Kosovo, EU member states, including Germany and Austria, began to introduce fast-track procedures for dealing with asylum claims from Kosovo. Whereas the prior case review average from Kosovo took nearly four months, authorities aimed to complete asylum case reviews in as little as two weeks, although in practice

processing times were not so drastically cut. Some EU states consider Kosovo a "safe country," while others do not recognize it as such. The lack of a common EU "safe country" list, and the general lack of understanding regarding the technical nature of what it meant for Kosovo be placed on a "safe country" list, contributed in part to some of the rumors swirling around Kosovo that lead people to believe their asylum claims would be successful.

In the end, more than 95% of asylum claims from Kosovo were withdrawn or unsuccessful. This, in part, led to a high number of returns to Kosovo during 2015. In total, IOM facilitated the voluntary return of nearly 10,000 Kosovars in the calendar year, while another 9,000 persons were forcibly returned. The reintegration of these families who have returned back into society is now a major challenge, particularly considering the number of Kosovars expected to be returned in 2016.

IOM Kosovo has implemented several programs intended to create job opportunities for Kosovars. Could you describe the mission of the EU-Beautiful Kosovo (EU-BK) Program, currently in its second phase, EU-Beautiful Kosovo II? What kinds of challenges and successes has the EU-BK Program seen?

EU-Beautiful Kosovo was driven by the government of Kosovo's dual needs to improve community infrastructure while offering unemployed residents – and other vulnerable populations – an opportunity to reenter the job market and gain employable skills. By the end of Phase II in June 2016, a total of 75 community infrastructure projects will have been implemented, including the renovation of public buildings and areas, social welfare facilities, schoolyards, kindergartens, sports centers, parks, riverbeds, and cultural heritage sites.[3]

The EU-BK Program is an important program in Kosovo at the moment, particularly considering the high unemployment rates mentioned previously. IOM cooperates with the Ministry of Labour and Social Welfare, Municipal Employment Centers, and selected construction companies throughout Kosovo to include unskilled, semi-skilled, and skilled beneficiaries who are long-term unemployed or on social welfare schemes to construct or renovate the project sites, which are designed by the communities according to their needs and ultimately selected on a competitive basis.

High among the successes of the EU-BK program is the number of job opportunities created for Kosovars. In total, 3,621 jobs have been created thus far, benefitting 2,694 long-term unemployed persons who were registered at the Employment Centers. Out of that 2,694, 145 were women, 557 from minority groups, 102 persons with disabilities, and 594 youths. These jobs, albeit temporary in nature, are critically important for the beneficiaries as without them, many workers routinely tell IOM they would have left Kosovo in search of work. More to the point, these temporary jobs allow companies to see motivated workers on the job, leading to the creation of permanent hires as well. Since 2010, nearly 200 workers were retained and given contracts beyond the EU-BK lifespan.

Another success has been the willingness and eagerness of the vast majority of benefiting municipalities to voluntarily contribute to the projects. Nearly one million euros have been contributed from the municipalities to bolster the EU's investment, which has allowed for more projects and more employment than IOM and EU had originally planned.

As with any program, there are challenges. One such challenge remains the difficulty to calculate the actual economic stimulating impact of the program. IOM took many lessons from similar programs in Eastern Europe and the Balkans to improve the targeting of beneficiaries most in need of skills and employment opportunities, yet the challenge remains to calculate the impact on participating workers' livelihoods versus those who chose not to reenter the labor market.

What is the MSMEs Grants Project implemented by IOM Kosovo? How are applications evaluated? In what ways has the project strengthened and provided support to micro, small, and medium enterprises?

Funded by the EU Office in Kosovo and the Ministry of Trade and Industry, the MSMEs Grants Project is contributing to the Kosovo government's efforts to improve private sector development by increasing the competitiveness of locally operating enterprises and strengthening their production base. The key aspect of the project is to reduce Kosovo's vast trade deficit, and as a by-product generate employment and reduce the push factors behind irregular migration.

When the project call for proposals was launched, IOM received 784 applications from interested enterprises requesting over 63 million euros in financing; however, due to the limited amount of funds, the project was able to finance only 4.6% of the amount requested by enterprises. The discrepancy between enterprises' demand and supply for funds demonstrates the dire need for financing that enterprises in Kosovo currently face because of the high financing costs offered by local banks.

Due to the staggering amount of applications received, the evaluation was divided in three different phases. First, the applications were checked for administrative compliance.

Second, the applications were checked for compliance with the requirements of the call for proposal. Third, the remaining 387 enterprises were passed on to an independent team of international consultants that IOM contracted for the task. The team had no affiliations to the Kosovo market or enterprises and was therefore able to perform an objective analysis of the projects on a paper-basis. Each project was assessed by at least two of the three evaluators and given a score by each evaluator. In the end, the average score was aggregated, and the evaluators presented IOM with a list of finalist projects from both lots evaluated. Lastly, IOM performed field visits to all of the finalist projects to assess the in-site situation of each enterprise.

In the end, 36 micro, small and medium enterprises were awarded 3 million euros in grants to finance their projects. This sum was then bolstered by an additional 2 million euros from the enterprises themselves through co-financing. With the funds, all of the supported enterprises have procured new production machinery, and with increased sales, the enterprises have already created nearly 300 long-term positions. Moreover, many of the selected enterprises are being equipped with standards certifications that will facilitate easier access to foreign markets. IOM is also assisting the enterprises in building market linkages between beneficiary enterprises and Kosovo diaspora to expand export and investment opportunities.

The range of projects supported through the MSME Grants Project shows the dynamic possibilities of the private sector in Kosovo, should the barriers facing their expansion be addressed. For example, a micro craft-brewery, the only one of its kind in the Western Balkans, was able to begin exporting to Croatia and Slovenia in stainless-steel kegs and keg-serving equipment bought through the project. That company has now reduced its negative environmental impact, due to non-usage of disposable bottles, as well as reduced its bottling costs while increasing its sales and sustainability as a result of exports.

Another supported business, a metal recycling company, is now able to recycle car tires, which it processes into rubberized concrete blocks for construction sites. And yet another selected enterprise from the MSME Grants Project has had a positive environmental impact, producing plastic crates that are mostly used for agricultural products. This company is now producing higher quality crates from recycled plastic in Kosovo at half the price companies previously needed to pay to import the same product.

Established in 1951, the **International Organization for Migration (IOM)** is the leading inter-governmental organization in the field of migration and works closely with governmental, inter-governmental and non-governmental partners. IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems, and to provide humanitarian assistance to migrants in need, including refugees and internally displaced persons. IOM has been present in Kosovo since 1999, joining the efforts of the international community to invest in a durable peace process and assist the population in rebuilding their lives and working for the future.

Interview by Katherine Lugo

Linking Migration and Human Trafficking

Eva Martin
Reliance, Inc.

Rural-to-urban migration has been occurring globally for decades. This type of migration is largely driven by the perception of greater economic opportunity in urban areas. Internal migrants are usually young, able-bodied, but untrained and undereducated persons with limited experience in an urban setting. This set of traits creates a situation in which a sex-trafficking recruiter posing as a legitimate recruiter can manipulate migrants into giving consent, via false promises of employment and financial security: Too often, the reality that awaits the internal migrants is a position of destitution and subjugation to physical, mental, or sexual abuse.

The same is true for those migrants who seek to leave their home country in pursuit of a more lucrative economy abroad, regardless of whether their initial departure is instigated by political or social crisis or natural disaster. Lack of education precludes the innovation and entrepreneurship that are necessary for an adequate response to the crises, which makes them overwhelming reasons for the migrants to leave their country. Because of stringent control over legal border passages and processes to obtain legal documentation that may be difficult to navigate, many migrants find it easier to purchase the services of a smuggler to cross borders. Although some smugglers do not plan to do harm, many do take advantage of the unbalanced relationship and exploit their clients by seizing any legal documentation or belongings and forcing them into various types of degrading labor for no monetary pay—just the chance to survive.

Especially tragic in human trafficking is that a large percentage of victims is only drawn into the industry because they are seeking to improve their lives, the lives of their families, and the lives of their communities. Human trafficking most demoralizes those who seek self-sufficiency and success most fervently. So often, the ones who actively seek improvement of their economic statuses are targeted by traffickers who see them as commodities rather than people. Many traffickers likely seek to turn a profit, to bankroll other criminal activities such as arms dealing, drug smuggling, or terrorism. Yet—shockingly—some traffickers truly believe that what they are doing is right or just.

Traffickers who only seek to turn a profit could likely be convinced—some more easily than others—to pursue other endeavors if global organizations would make salient the negative consequences of trafficking, and if global authorities would enforce appropriate laws and punishments against it. But the recent mass kidnapping of teenage girls from a government high school in Chibok, Nigeria, illustrates the most deep-seated and therefore hardest-to-combat reason for trafficking in humans. Groups like Boko Haram—whose leader proclaims, that God "commanded" him to sell women in a market for humans (Abubakar & Levs, 2014)—are unlikely to be coerced by threats or persuaded by reason.

Boko Haram is a designated terrorist group, but so far its abduction of hundreds of schoolgirls has been treated like a tragedy rather than a terrorist act. Human trafficking is a form of terrorism: It not only terrifies the trafficked individuals, but also deeply affects the security and stability of their community, and can prevent development by any means, as foreign NGOs claim security concerns, and as grassroots movements are stunted by fear.

To end human trafficking, it must be treated like the terrorist act it is. Trafficking networks—ranging from Boko Haram to MS-13, to lesser-known operators in Southeast Asia and the Balkans—must be treated like terrorist networks. Their trafficking endeavors fund other acts of terrorism and contribute to instability in their regions of action. A great body of literature pertains to how to break apart insurgent and terrorist organizations effectively. Many people have served their countries by spending decades of their lives to bring down those groups. It is high time that their skills and experience be put to educating partners in countries where trafficking is a major problem on how to support at-risk communities through security measures, and how to effectively target, arrest, prosecute, convict, and jail the perpetrators of this vile trade.

It is time for intervention. People around the world claimed the Chibok girls as "theirs," but few have done more than clamor on social media. It is time to educate and train members of vulnerable communities on how to defend themselves. Internally displaced persons (IDPs) are particularly vulnerable to traffickers. It is time to provide aid that reduces or prevents their displacement. This aid can be in the form of building the capacity of local law enforcement and military to address the security threats that arise from trafficking, developing innovative ways to minimize people's displacement from natural disasters, and promoting education and entrepreneurship. It is time for people with the skills and experience required to deal with migration and human trafficking to step up and support those who need them most. It is time to foster dialogue between diverse communities to reduce sources of conflict and discord. It is time to ask questions on the ground, rather than swooping in with "armchair" solutions. It is time to listen to the needs of the communities affected by trafficking. And it is high time to answer the call of humanity and "Bring Back Our Girls." The cry originated in Chibok, but women and girls are missing, globally, by the millions. It is time for action.

Reliance, Inc., is an organization in the unique position of being able to take that action. We are a non-profit organization comprising former U.S. Special Forces veterans, seasoned academics, and development professionals whose sole mission is to end human trafficking and provide innovative, sustainable economic opportunity in affected regions. Drawing on our unique background and experience, we support law enforcement and military units in countries with acute trafficking problems, something that no other group in the humanitarian–development industry has done. We apply our expertise in counterinsurgency doctrine to attack trafficking networks at all levels of their operations, by empowering local forces to arrest key players and by working with partners in the United States and other countries to ensure superb management of rehabilitation and reintegration, with an eye toward creating sustainable economic options. We have established relationships in the Philippines and Nigeria, and we hope to begin support missions in the coming months. We also develop innovative economic solutions to provide an alternative to potentially dangerous situations and to study the root causes of individuals' vulnerability to trafficking, with our academic partners at

the University of Central Florida. We believe that the Reliance model and mission have what it will take to end human trafficking.

We welcome readers' questions or donations at info@relianceproject.org or www.relianceproject.org.

Eva Martin is co-founder and principal at Reliance. After living in Spain for a year, she became passionate about effecting change in the world. This past summer, she was given that opportunity by helping to found Reliance, Inc. Reliance principals have selected a pack of wolves as part of our logo because of its symbolism of teamwork. There are five wolves to represent each area of action within Reliance: Academia, Intelligence, Operations, Rehabilitation, and Economy. The howling wolf represents the call to action to fight human trafficking, to which our teams are responding.

A Call to Action:
Responding to the Migrant Crisis

Mussie Zerai
Agenzia Habeshia

Who was not shocked by the images of the lifeless little body of Alan Kurdî (initially misreported as Aylan Kurdi),[1] that washed ashore on the beach in Bodrum, Turkey? Little Alan, drowned in a sinking boat that was supposed to reach Kos, a Greek island of the Aegean, is dead because no one wanted to listen to the cry of pain from his parents, who fled a miserable situation in Syria. Tens, hundreds, thousands like little Alan – Eritreans, Afghans, Somalis, Iraqis, Sudanese, sub-Saharan Africans, Palestinians, Kurds, Yemenis, and Burmese Rohingya – have died in similar circumstances: at sea, in the desert, under bombs, in the fields they sought for refuge – without any knowledge or care from others. Those images have finally aroused a wave of grief and shame, breaking the wall of indifference, cynicism, hostility, and absurd fears toward migrants. As a result, there came a light of hope when Fortress Europe decided to open up to accommodate and help the refugees who for years have knocked at its doors, asking for fundamental rights to life, to liberty, and to building a peaceful future. These rights – denied, trampled, and disregarded by the reality from which these refugees have fled – can be found in the democracies of the world.

This reawakening of the world's collective conscience lasted only for a minute: the indifference, conformism, opportunism, and prejudice surrounding the reality of migrants' struggles soon returned, and the conversation once again reverted to the familiar – talk of building walls and fortifying detention centers.

Why was the collective introspection prompted by the terrible death of little Alan short lived? My explanation is that we are faced with a serious crisis of human rights, which raises questions about the principles and core values that freer people hold about those others whose lives have been overshadowed by centuries of struggle and strife.

It may seem strange. Human rights are enshrined in international laws and are accepted as the fundamental element of many European constitutions. In the constitution of my second country, Italy, Article 2 reads, "The Republic recognizes and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled."[2] Furthermore, the international community has reaffirmed human rights in a number of international treaties and conventions, including the 1951 Convention relating to the Status of Refugees.[3] These important works are, in essence, the foundation of democratic governments based on the principle that all men are born equal and are equal regardless of race, religion, or political views – a principle that is the

essential premise of values such as freedom, equality and social justice, solidarity, and the right to a better future.

These fundamental rights comprise the essence of life itself. Yet, we are facing a crisis concerning human rights. The ongoing plight of refugees highlights this crisis and embodies it in the form of millions of men, women, and children like Alan.

According to the Office of the United Nations High Commissioner for Refugees' (UNHCR)[4] current estimates, the world has more than 60 million refugees. Not since World War II has so many refugees existed. The critical difference between the current crisis and the situation the world faced in 1945 is that then the cause for disruption and mass refugees (namely, war) was over and a solution lay ahead. Perhaps a complex and difficult solution, but a solution nonetheless. Now, however, we are only at the beginning of our current migration phenomenon. Since 2014, the number of refugees has increased by almost 8 million, a consequence of such endemic factors as war, persecution, dictatorships, famine, and poverty.

More than a third of these 60 million refugees gravitate to the Mediterranean basin, because the Mediterranean is the main "outburst point." It is the most traveled and most dangerous refugee transit area in the world, as demonstrated by the more than 3,000 deaths recorded in the first nine months of 2015, the 3,600 deaths recorded in 2014, and the more than 25,000 total deaths recorded between the year 2000 and the present. For the first time in the last three years – particularly in 2015 – a mass exodus has gone directly to Europe, and that exodus has been even more concentrated over a time span of only a few months. It has been calculated that in the first two months of 2016 alone, there have been over 120,000 arrivals to Europe, and the Organisation for Economic Co-operation and Development (OECD)[5], estimates that the total number of arrivals to Europe exceeded one million by the end of 2015. Nevertheless, the largest concentrations of displaced persons, refugees, and forced migrants are outside the walls of Europe; some examples of countries and their numbers of refugees include:

- Turkey: 3 million
- Pakistan: 1.5 million
- Lebanon (with only 5 million native inhabitants): 1.15 million
- Iran: 982,000
- Ethiopia: 659,000
- Jordan: 654,000
- Kenya: 551,000
- Chad: 454,000
- Uganda: 385,000

Unfortunately, the number of refugees continues to increase. Apart from the crisis in Syria, two situations at the root of the continued increase in refugee numbers are the civil wars in Sudan and Yemen. The civil war in Sudan has so far forced 1.2 million people to flee, within or outside the borders, of the country. The war in Yemen has already displaced more than 1.4 million people, most

of whom are too destitute to reach and cross the border to seek refuge outside the country. The vast majority of refugees find shelter in other, less developed nations. Only a minority of refugees prefer, or are forced, to migrate "north" to developed countries in Europe. The most desperate among the refugees are those who after months or years in refugee camps in Africa and Asia have recognized that those continents offer them no prospects or alternatives for the future. The European Union (EU) and the West know these desperate people are escaping for their lives, yet they feign ignorance of this issue and adopt policies of refoulement, whether direct or *de facto*, by:

- Erecting barriers along borders, including:
  - the Spanish enclaves of Ceuta and Melilla in Morocco
  - the River Evros, between the border of Greece and Turkey
  - the border between Bulgaria and Turkey and the border between Hungary and Serbia
  - the fortress of barbed wire and electronic sensors that Israel built for hundreds of kilometers between itself and the Sinai Peninsula, and the similar one that Israel is preparing to build along its border with Jordan
- Enforcing strict regulations, including:
  - the strict mandate of border control the European mission entrusted to Frontex
  - the Khartoum Process (2014) and the Rabat Process (2007)
  - the European Union's arrangement to work with the governments of various African countries to stop migrants south of the Sahara before they reach the shores of the Mediterranean
  - the wall that the United Kingdom has asked to raise in Calais on the English Channel to prevent entrance into England, along with the British government's explicit refusal to accept refugees into its territory

These examples are multiplying. Building walls is equivalent to not comprehending what Europe represents as envisioned by the founding fathers of the federalized form of Europe, the European Union: Altiero Spinelli, Ernesto Rossi, Eugenio Colorni, Konrad Adenauer, Charles de Gaulle and Alcide De Gasperi. These founders did not want a closed Europe, an impenetrable fortress; rather, they dreamed of a free, democratic, united, and open-to-all Europe that would uphold the basic principle to defend the fundamental human rights of all persons.

What, then, can be the solution? I think the first step is for the global community to take initiative to solve the tragedy of the growing number of refugees, which is the most obvious indicator of the current crisis concerning human rights. The organization that I chair, Agenzia Habeshia, assists refugees and has repeatedly made it clear to the European Union that the road to any solution to the human rights crisis must begin by addressing refugees' needs (as well as the root causes for mass refugee numbers). To this end, I strongly believe that the following measures are needed:

- A unified European policy on migration, based on a single host, shared and implemented by all EU member states, with parameters of treatment and social integration of the same level. This would end the current situation of various separate national policies—many extremely different from one another—ranging from good standards to absolutely unacceptable ones.

...the first step is for the global community to take initiative to solve the tragedy of the growing number of refugees...

- Humanitarian channels, to be implemented in case a need arises to rescue migrants by air or sea, for those in the most dangerous situations, and displaced persons exposed to particular risk situations, such as those in Libya and Syria.
- A legal immigration system based on a network of "open embassies" of various European countries in transit areas and/or first stops, where the refugees and forced migrants could submit applications for asylum, thus reducing the threat of human trafficking.
- Extension of the criteria for the right to asylum beyond wars, persecution, terrorism, dictatorships, etc. The criteria should also consider environmental and ecological disasters, famine, endemic poverty and hunger, and absolute lack of prospects for the future.
- Measures to ensure safe and decent living conditions for refugees who wish to remain in the countries of transit or first stop, as well as those waiting for a reply to their requests for asylum. Obviously, local governments of the concerned state should be involved and supported in this program. At least part of the funding might come from budgets for cooperation.
- Isolation of dictatorships or any country that does not respect human rights, guarantee non-exploitation of workers, and prohibit child labor.
- Eliminate the "sham democracy." Denounce, that is, situations where, under the guise of a free and democratic electoral system, the political and economic decision-making apparatus is actually under the control of a narrow elite.
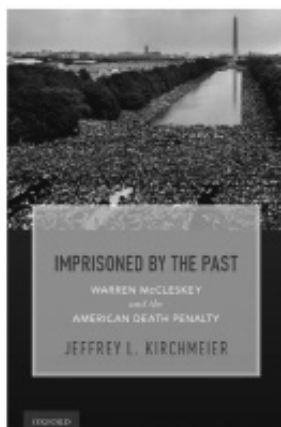
Are these measures difficult to implement? Of course. It is a challenge, but it must be accepted without hesitation because fundamental human rights are at stake. Today, the migrant crisis presents a challenge for lawmakers and humanitarian organizations, but obviously more so for refugees and migrants. And tomorrow?

Hailed as "The Angel of the Refugees" by the international press, **Father Mussie Zerai** has earned this moniker due to his years of activisim on behalf of asylum seekers and migrants. His work has focused on defending the rights and lives of asylum seekers and migrants fleeing from the Horn of Africa and the countries of sub-Saharan Africa to Europe or Israel.

Father Zerai has himself experienced life as a refugee. Born in Asmara, Eritrea, he moved to Italy in 1992 at the age of seventeen. Influenced by the human rights situation in his own country, he felt a moral obligation to use his experiences in the service of other refugees and young people like himself. He chose to become an activist for human rights and studied Philosophy in Piacenza (2000-2003), Theology in the following five years, and then Social Morality at the Pontifical Urban University in Rome until 2010, when he was ordained a priest. Around the time that Father Zerai took his vows, a series of crises erupted in Africa, worsening the already ongoing refugee exodus from many African countries. Beginning in 2010, he was among the first to decry the lack of legal channels for immigration faced by refugees, as well as the dangers encountered by refugees, including the slave trade in the Sinai desert and predation from human traffickers. He founded Agenzia Habeshia (the Agency for Cooperation and Development (AHCS)) in order to further advocate for refugees and bring global attention to their crisis.

Father Zerai has become a reference point for asylum seekers and refugees, first in Rome, where he exercised the first phase of his priesthood, and now in Switzerland where he serves as a national pastoral charge for Eritreans and Ethiopians residing in the Helvetic Republic. For his dedicated humanitarian work, Father Zerai was a candidate for the Nobel Peace Prize in 2015.

Diversifying Euro-Atlantic Stability
Exploring NATO Partnership Expansion

Davis Florick

Abstract

Since the days of the Cold War, the new dividing line in Europe has shifted to the east. The democracy and freedom that was sought after and promised to those free from the yoke of Soviet tyranny has increasingly come under siege. While states like Estonia, Poland, and Romania were brought into the North Atlantic Treaty Organization (NATO), ones farther east like Georgia, Moldova, and Ukraine were left to their own devices. Tragically, while senior officials in Chisinau, Kiev, and Tbilisi have all expressed an interest in joining NATO, the community has been slow in crafting a feasible pathway to membership. Unfortunately, the ambiguity of the approach has encouraged a domineering Putin administration to embark upon foreign policies that threaten the sovereignty and security of these states and the peoples living within their borders. Allowing the status quo to persist will only encourage Russia to take assertive action beyond its own borders, which only further weakens the legitimacy of NATO and its security construct. However, from the crises in Georgia, the Ukraine and elsewhere, the Euro-Atlantic alliance has been given a window of opportunity to expand its partnerships by adding new members in the pursuit of greater strategic stability.

Introduction

The seismic changes in the Euro-Atlantic geopolitical environment over the last thirty years represent a clear departure from the prior period, characterized by highly static and divisive continental politics. Following the fall of the Soviet Union, once-Communist states left in the void by the collapse of the totalitarian empire, sought to re-orient toward Western Europe. Following the removal of Communist regimes, the newly freed states began scrambling to adjust their policies and procedures to improve their standing in the eyes of the broader European community. This was done in large part to meet new European Union (EU) standards for membership. "Under the 'Copenhagen criteria,' agreed in 1993, applicants must be stable democracies that guarantee the rule of law and human rights; they must have a functioning market economy; and they must be capable of taking on all the obligations of EU membership, including its colossal body of existing laws," ("Ever-Expanding Union?" 2004, para 4). While perhaps not stated outright, similar changes in accession perceptions had taken place within North Atlantic Treaty Organization (NATO). Unfortunately, the cataclysmic economic and governmental collapse that had beset the Soviet Union and Warsaw Pact made the shift toward capitalism and democracy very difficult. Despite these challenges, achieving EU and NATO accession became the primary objective for both Western Europe and the former Communist states. Yet as the Euro-Atlantic structure began spreading further east, Moscow became increasingly concerned over threats to its traditional spheres of influence.

By contrast, throughout the 1990s, Russia was caught flatfooted under the ineffectual leadership of President Boris Yeltsin. Since Vladimir Putin's rise to power, the Kremlin has sought to reestablish its traditional spheres of influence over the Caucasus and Eastern Europe in response to perceived US-led aggression. Achieving the aforementioned objective has required Moscow to support a variety of politicians and political parties along its periphery. The Russian state has done so through financial aid, state visits, media support, and other mechanisms. In the Ukrainian national election of 2004,

"the Kremlin tried to boost the popularity of [Viktor] Yanukovych by helping organize and finance his campaign. Tapes of the Security Services of Ukraine have testified that in late July 2004, the Kremlin, along with some of Russia's largest companies that benefitted from the privileged access to the Kuchma regime, committed to co-financing Yanukovych's campaign," (Tolstrup, 2015, p. 682).

However, the facilitation of assistance has raised concerns over potential incidents of bribery and collusion. More to the point,

"the Kremlin provided assistance to Aleksandr Lukashenka's crackdown on demonstrators after parliamentary elections in Belarus in March 2006 and urged the leaders of Azerbaijan, Tajikistan, Kazakhstan, and Turkmenistan to shut down Western democracy-promotion programs, and to impose tight restrictions on non-governmental organizations" (Wilson, 2010, p. 29).

As might be expected, in courting Russia, these politicians have often been required to oppose EU and NATO overtures.

To prevent Russia from coercing these once-Communist states back into its sphere of influence, NATO must accelerate its accession plans for the region. In particular, Georgia, Moldova, and Ukraine are currently the most vulnerable to Russian designs, and, consequently, should be first to accede. Meeting this objective will work to deter Moscow from further aggressive actions in the Caucasus and Eastern Europe. The challenge for supporters of NATO expansion will come from having to encourage the states who are less in favor of broadening the community that enlargement is in their collective interests. Invariably, this effort will warrant considerable internal efforts to promote expansion, but accession will be enabled and justified by Russia's own aggressive actions. Indeed, the Putin administration's own demonstrative policies have already served as the best explanation and logic for advancing the need to broaden NATO membership. "Russian conduct in Crimea and eastern Ukraine raises acute and more immediate uncertainties about future Russian policy towards neighboring states and the stability of interstate relations in Eastern Europe" (Allison, 2014, p. 1,256). Validating the utility of expansion on the part of both the once-Communist states and current NATO parties, articulating how Russia may respond, and the long-term benefits to Euro-Atlantic stability will present a clear outline regarding the merits of alliance enlargement.

Justifying Caucasian and Eastern Europe Pursuits of NATO Accession

Governments in Georgia, Moldova and the Ukraine will need to conduct domestic communication efforts to properly frame NATO membership. At its core, enlargement is a policy "based on the West's ability to encourage internal reform in candidate countries, and represents an expansive vision of western security and economic prosperity," (Wolff, 2015, p. 1,113).

> *...Putin's desire to eliminate Assad's chemical weapons is not a sham...*

Two justifications can be applied to the former Soviet republics in explaining the merits of accession. First, for people that lived under Russian tyranny for decades, if not centuries, the security of the alliance offers the freedom to consider and adopt a wider range of policy options. Free from Moscow's yoke, the states in the Caucasus and Eastern Europe will be better positioned to promote democracy and attain greater levels of stability. Over the long term, more stable states and a more peaceful region will improve the attractiveness of the former Communist republics in the eyes of foreign investors — both private and public. Second, territorial integrity will place EU membership within reach. It may well be a gradual process, but stability, reform, and modernization can place the once-Communist states on the path toward economic inclusion in the continent. At the heart of the matter for the former Soviet republics lie the security improvements that only NATO membership can provide.

Ensuring the territorial integrity of the Caucasus and Eastern European states must be paramount considering recent Russian provocations. To resist the Putin administration's sovereignty violations, the former Soviet republics must join NATO. The case must clearly be made to the people of these once-Communist states that the costs of increased interference to Russia will increase exponentially if the former Soviet republics join the European community. For the most part, successfully promoting continental alignment should be made easier given regional predispositions toward realigning with Europe and the US. To further bolster the pro-integration sentiment, domestic efforts will need to be supported by statements from active NATO members that will affirm their willingness to adhere to the alliance's underpinnings, both for inclusivity and collective defense. This can easily be done considering that "Article X of the 1949 North Atlantic Treaty articulates the alliance's so-called open-door policy, declaring that 'the parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede,'" (German, 2015, p. 602). Once the Caucasian and Eastern European states have assented, they will be in a far better position to foster an environment favorable to democratic institutions. Likewise, the insurance provided by the alliance will enable a broader and deeper range of engagement opportunities with foreign entities — both private and public institutions. Indeed, accession will provide the former Soviet republics with the necessary security infrastructure to sufficiently deter future Russian aggression.

Advocating the value in economic vibrancy the security NATO membership would bring must also be promoted. Today, there is a sense of paralysis in the Caucasus and Eastern Europe. Fear of Russian

intervention has prevented a significant number of foreign firms from doing business in the area. Perhaps more problematic has been the cautious approach the EU has taken in engaging with the former Soviet republics. In all actuality, states like Ukraine have already made earnest strides toward reform. "Lawmakers recently passed legislation to break up gas monopolies, increase energy-sector competition, and unbundle the state gas conglomerate Naftogaz, a fiscal black hole," ("Ukraine and Europe," 2015, para. 3). Unfortunately, more expansive reform has been stunted recently due to the potential risks of further irritating Moscow and the possible escalatory implications such actions might entail. However, with NATO membership assured, the former Soviet republics would be more resilient if Russia attempts to influence the economic processes, even after the EU begins the momentum for accession. Ultimately, alliance partnership is vital toward fostering an environment that makes economic engagement with the European community possible.

On pace with economic modernization, political reformation also necessitates the breathing space an alliance membership ensures. The Putin administration views democracy as a threat to its continued hold on power. Consequently, the Kremlin has preferred to promote the political candidacy of pro-Russian figures willing to assert authoritarian control. After the revolutions in the early 2000s in both Georgia and the Ukraine, Moscow set about fervently supporting more pliant men willing to roll back pro-European policies. To win elections, men like Viktor Yanukovych in the Ukraine have been willing to intimidate voters, bribe those in positions of influence, and generate civil strife.

> "Election rhetoric playing off Western against Eastern Ukraine, which was developed by Russian political technologists working for the Yanukovych campaign, drew on Soviet-era ideological tirades against 'bourgeois nationalism' and deeply entrenched negative stereotypes of 'nationalist' Galicia and Western Ukraine," (Kuzio, 2011, p. 226).

In light of Russia's meddling role, NATO membership for the Ukraine would be a valuable tool in blunting Moscow's influence. No longer could the Kremlin threaten intervention and hold at risk private and public interests alike in Ukraine and in other former Soviet republics. Rather, the alliance could ensure the sovereignty of its newest members, thereby empowering them with the necessary freedom of maneuver.

Justifying NATO Member Acceptance of New Parties

Moving forward, Russia has returned to the scene as, arguably, the greatest threat to Euro-Atlantic stability. Evidence of the Kremlin's mounting threat to continental peace and prosperity is rampant, as an example from Elisabeth Braw (2015) illustrates:

> In 2014, Russian military planes violated Estonian airspace seven times. Neighboring Latvia has seen an even more dramatic increase in Russian military activity. In 2014, Russian planes approached Latvian airspace more than one hundred and eighty times, and Russian Navy vessels — including warships and Kilo-class submarines — entered the country's Exclusive Economic Zone or approached its territorial waters forty times. Lithuania, meanwhile, logged one hundred and fifty approaches by Russian military aircrafts last year, up from four in 2004.

"The intensity of Russian flights, and the fact that they've been conducting patrols with strategic bombers, was completely unpredictable," says Lauri Lepik, Estonia's ambassador to NATO. "I do not recall ever having a Russian strategic bomber flying around us," (p. 31).

The risks of misperception and misunderstanding, particularly given the power disparity between the former Soviet republics and Russia, are just too severe to ignore. Moscow has shown a willingness to flout international norms of behavior whenever the Kremlin finds it to be suitable. In responding to the threat Moscow poses to the current regional architecture, the NATO community must respond with accelerated expansion in the Caucasus and Eastern Europe. Doing so will send a strong message of resolve across the Euro-Atlantic and will bolster the resources at the alliance's disposal. To Russia, this expansion will signal the commitment of France, Germany, the United Kingdom, and the US. The former Soviet republics and Warsaw Pact states will have a far more tangible demonstration of their partners' dedication and resolve that the post-Cold War architecture endure.

Expeditious accession is crucial in deterring Moscow's aggressive policies over the long term.

"When relations with Russia deteriorate to the point that a hostile Russia becomes a strategic threat to the West, Ukraine acquires immediate strategic importance for the United States and Europe. Under such conditions, Ukraine is not just a useful counterbalance to Russia but a central component of the West's strategic defense against Russia," (Motyl, 2015, para. 7).

The same is true of the Kremlin's other neighbors. In the immediate period, the Kremlin will exert a wide range of mechanisms to deter NATO enlargement. However, accelerating expansion will send a clear and unmistakable message to Russian officials — the alliance will not tolerate Russia's provocative and intrusive actions. In more practical terms, an alliance enlargement will reduce the number of vulnerable states along Moscow's borders by giving them a clear option in partnership with Europe and the US. As a result, Russia would be less able to coerce its neighbors into joining organizations such as the Collective Security Treaty Organization (CSTO) and the Eurasian Economic Union (EEU). Ultimately, this would limit instability in the Euro-Atlantic by creating a more cohesive and staunch opposition to Russia's demonstrative, irresponsible, and provocative actions.

Broadening NATO's membership in an expedited fashion will demonstrate resolve to its participants and partners. Around the world, questions are looming regarding the staying power of the US-led, post-Cold War security architecture. Indeed, during the early months of the Ukrainian crisis in 2013-2014,

"meetings of both the NATO-Russia Council and the NATO-Ukraine Commission were held in order to foster dialogue. The Euro-Atlantic Partnership Council (which includes Russia and Ukraine) also met to discuss the situation. None of this dialogue prevented the annexation of Crimea or stopped the destabilization of Ukraine," (Brown, 2014, p. 206).

As states like Russia, Iran, and China have threatened the continuity and stability of the Euro-Atlantic and international systems, vulnerable states across the globe have been in search of

answers. Announcing a plan to admit states such as Georgia, Moldova, and Ukraine into NATO, and doing so with all possible speed, would empower NATO's friends and partners globally. Most importantly, this process would shore up faith former Communist states have in NATO's wherewithal to stand firm against Moscow's subversive activities. In so doing, the alliance would minimize the possibilities of its individual members taking matters into their own hands by embarking upon an arms buildup, or, worse yet, actively seeking a confrontation with Russia. Reducing the destabilizing risks of unilateral and sub-multilateral action is vital toward maintaining the current stability structure. Invariably, expansion of NATO is the best mechanism for improving regional dialogue and reducing the potential for Moscow-driven aggression and the challenges that that presents.

Commensurate to the utility the expansion offers in terms of defense policies, there are considerable economic implications to a broadening of the NATO footprint. "There is a perception that Moscow already has too much influence over both the European energy supply and the former Soviet hydrocarbon exporters, undermining the autonomy of both suppliers and consumers," (German, 2012, p. 225). Today, Russia is able to place energy transfers and the movement of other goods in paralysis as a means to threaten the standards of living Europeans enjoy on a daily basis. Moscow then proceeds to blame its former Communist brethren and, conveniently, many Europeans go along with the Kremlin's stance. However, NATO expansion would fold states like Georgia and the Ukraine into the European community, thereby making them part of the collective. As a result, the political implications of Russia's willingness to cut off energy shipments would be far less grievous. NATO could make a much more direct linkage between Moscow's inflammatory actions and the alliance's economic security. Likewise, broadening the alliance into the Caucasus and Ukraine would create the necessary trade space for energy transfers from the Caspian Sea states. In particular, Azerbaijan would have a more direct and secure link to European markets. Inevitably, Baku would no longer have to meet Moscow's demands in order for its energy supplies to reach European markets. By broadening NATO, the economic freedom, and security of Europe would be guaranteed to a far greater extent than it is today.

Thwarting Russian Aggression

Moscow will employ every tool at its disposal to dissuade NATO from expansion; the European community and the US must be prepared to respond in kind. The alliance may be able to take measures designed to contain Russian advances, while at other times it may be required to actively defend states along Russia's borders. There will even be instances, particularly from an economic perspective, in which the Europeans must simply let the Russians adopt self-destructive policies. "Faced with capital outflows and falling oil prices, lack of access to foreign markets and its own demographic problems," ("Russia's Battered Economy," 2015, para 6), Moscow's contentious foreign policies may be hurtling it ever-closer to economic stagnation as it continues to further isolate itself. Since Russia has already taken the first step in its dance with NATO by threatening the sovereignty and territorial integrity of its neighbors, the alliance's response should be quick and resolute. NATO should present an expedited accession plan. Given that the enlargement path, utility, and how it should be pursued have already been discussed, and considering that Russia's probable response options have been highlighted, there is utility in identifying countering mechanisms to deny benefits

to Moscow. NATO members must be prepared to address a comprehensive and holistic path forward to reduce Moscow's coercive reach. A forceful approach to the Kremlin's efforts will take considerable time and effort but will produce dividends over the long term as it can significantly assuage NATO member and partners' concerns, thereby improving Euro-Atlantic stability. States in the alliance should be prepared to respond in the likely event that Russia attempts to promote secessionist movements in the Caucasus and Eastern Europe. There are three mechanisms NATO members should consider in neutralizing Moscow's efforts. First, providing defense equipment and logistics support is vital toward creating equilibrium between Russian-supported forces and the states in question. "Ukraine should be provided defensive weapons as part of an effort to make very clear that further Russian action there, in Moldova or elsewhere, would bring serious costs," (Feifer, 2015, para. 11). This policy will also reduce the former Soviet republics' reliance on Russian-made defense equipment. Second, training and conceptual assistance will be necessary to improve local counterinsurgency efforts. The challenge, when dealing with Russian-backed non-attritional capabilities, is that more aggressive actions against these entities may justify intervention from Moscow on a more traditional basis. As a result, NATO must come together to develop innovative means and mechanisms designed to overcome Kremlin-supported insurgents. The risk of escalation leads to the third point — the role of observers as a means to complicate Russian operations. Working with the Organization for Security and Co-operation in Europe, NATO can shed light on the Kremlin's actions abroad, thereby making Moscow's aggressions more transparent. This policy has already been acted upon during the recent conflict in the Ukraine, and has proven effective. There is no reason to suggest that it would not be effective again. These three mechanisms will deny benefits to and increase costs for Russia should it choose an aggressive path.

While NATO should pursue a proactive approach in the event Moscow seeks to generate instability in nearby regions, the Kremlin's efforts at economic coercion create an opportunity that Europe can benefit from. Russia needs energy sales and the tariffs it accrues from moving goods across Eurasia. In recent years, the Russian economy has faltered due, in no small part, to Moscow's efforts at waging an economic war with Europe. The Kremlin is already attempting to create a change in its economic outlook by broadening energy sales in Asia; however, this approach will take time. Conversely, its previous attempts at cutting off energy transfers have driven its continental partners to seek business opportunities elsewhere. "The rise of the liquefied natural gas (LNG) trade, the unconventional gas boom in North America, shifting global demand and supply, and post-Fukushima recalibration in the nuclear sector in particular, has sparked debate over the future of Russia's gas weapon" (Stulberg, 2015, p. 113). As a result, Europeans now have alternatives that previously did not exist. Current energy market trends point toward a buyers' market, thereby weakening the Kremlin's position. Should Moscow overextend its hand, NATO members may soon realize the ineffectiveness of Russia's threats. The Kremlin's efforts at economic coercion will backfire and leave it with a smaller market share post-crisis.

The greatest long-term challenge to the Euro-Atlantic stability framework does not lie in the energy sector or with Moscow's political interference abroad. Russia's efforts at absorbing its former Soviet republics into its favored organizations, the CSTO and EEU specifically, must be countered with

urgency given the high complexity they present. Respectively, basing their rights as well as fiscal and monetary policy-making capabilities on Russia's, could make escape for Russia's smaller partners exceedingly challenging. Today, the Putin administration adheres to the philosophies of Aleksandr Dugin and the like with their desire for Russia to lead a Eurasian community. The CSTO and EEU are organs of this concept as they focus on making Moscow a center of gravity for Eastern Europe similar to the Soviet Union, but with a greater emphasis on Asia.

> "The implications of Dugin's views, his place in Russian society and government, and his relationship to Putin are significant. Though Dugin has sometimes criticized the insufficiency of the Russian strongman's will, there are signs that Putin believes in an international struggle that corresponds to Dugin's Neo-eurasianist vision," (Tolstoy & McCaffray, 2015, p. 29)

As an instrument of Eurasianism, the CSTO and EEU have the potential to erase and rewrite much of the progress toward greater freedom and democracy in the region during the post-Cold War period.

Recognizing that Moscow will attempt to coerce states in the Caucasus and Eastern Europe into joining its partnership enterprises, NATO must work to offset Russia's efforts. When even Minsk begins to break with Moscow, there is clearly an opportunity for change. "Belarus has started hinting that it wants better relations with the EU, agreeing in February [2014] to participate in visa negotiations with Brussels," (Wilson, 2014, para. 11). By quickly moving forward with its own initiatives, the European community can deny the Kremlin the time necessary to develop a counterstrategy. Consequently, NATO will be in a far better position to bring these states into its alliance with only a minimal challenge. However, it will be the speed and cohesion amongst the member states that will, inevitably, deter Russia. Preventing the spread of the CSTO and EEU must be the seminal focus of NATO and, later on, EU membership. Such a strategy is within reach but will require a significant political commitment and determination on the part of the European community and the US.

Long Term Benefits of NATO Expansion

Moving forward, the alliance will earn considerable gains from adding Caucasian and Eastern European states. For years, the European community has been at a crossroads. Particularly prior to Russia's involvement in the Ukraine, many questioned whether NATO was still relevant given the changes that had been taking place in Moscow and the shift in international threats that transferred the primary areas of insecurity and instability away from Europe and to Asia. However, the Kremlin's intrusiveness has breathed new life into the alliance, and the expansion would only cement that renewed vigor and resoluteness of purpose. In a similar fashion, it would provide security and stability for a number of former Communist states that are now in NATO and those positioned to join the community, as this paper puts forth. The functions provided by the alliance will make EU membership more feasible and will foster economic growth, as investment opportunities will be more inviting. Furthermore, while states such as Iran and Russia may prove aggressive and demonstrative, the spread of NATO will further reduce Iran and Russia's ability to threaten regional

actors in the Euro-Atlantic and in Eurasia. Developing partnerships amongst the former Soviet republics will even benefit Europe's bottom line as well. Inevitably, an alliance accession will serve as a significant boon for the European community while also curbing the threats it faces today and tomorrow.

NATO has been reinvigorated by the threat Russia poses to Euro-Atlantic stability. Moscow's efforts to coerce the Caucasian and Eastern European states into joining entities like the CSTO and EEU pose dire risks to the broader European establishment.

> "Mr. Putin promises 'a powerful and attractive economic development centre, a major regional market' that will draw in 'large-scale trade from Europe and Asia.' At the very least, the treaty [EEU] allows Mr. Putin to show the world he has alternatives to engagement with the West," ("Introducing the Eurasian Economic Union," 2014, para. 11).

A rapid response that brings a number of the more vulnerable states into the alliance will thwart the Kremlin's revanchist efforts. In the process of doing so, changing the way NATO deliberates on and conducts accession activities will make the group more proactive and better positioned to address the serious threats it faces in the new century. Furthermore, it will provide the alliance with newfound purpose and work to challenge Russia's interloping efforts. Consequently, other once-Communist states, both current and potential members, will have had their fears regarding NATO's response to Moscow addressed. The European community's position is significant because it will reduce the likelihood of vulnerable governments taking their own initiative in dealing with the Kremlin and, in parallel, minimize Moscow's ability to prey upon its weaker neighbors. For the sake of the alliance's cohesion and unity, it is vital that NATO seeks to expand its membership and challenge Russian incursions.

More to the point, the issue of synchronization amongst current NATO members cannot be underscored. During the Cold War, Western Europeans supported a concept of integration with an EU focus, one that was designed after World War II, with a view toward preventing France and Germany from going to war again. Conversely, in the post-Cold War world, Eastern Europe favored a more Atlantic approach that saw the inclusion of the US, and a broader goal of general growth and development. The divide in orientation is largely due to the threat Eastern Europe still perceives from Russia. With the expansion of NATO, "the EU-centered wider Europe is becoming subsumed into the Atlantic system, compromising in the view of critics its own normative foundations and imbuing its policies with a geopolitical dynamic that the EU had been established precisely to transcend," (Sakwa, 2015, p. 559). If the alliance continues to show a poor resolve in responding to Russian aggression, the divide between Eastern and Western Europe will only increase. The risk in this scenario is that the former Communist states currently in NATO could quite conceivably come into conflict with Russia. How the Western European states might respond would prove to be the seminal episode in the alliance to date. Lackluster support for the Eastern Europeans could well signal the death knell for the community. However, by pursuing accession now, NATO can demonstrate resolve and a willingness to consider seriously the concerns of the former Soviet republics and Warsaw Pact states. Pushing against Russian entreaties today could well curb dangers to the alliance's instability

by preventing Moscow's destabilizing policies from reaching the point of no return.

The increased confidence of provocative actions stemming from states like Iran and Russia in recent years has caused significant challenges to the international system. To Europe's east and south, there are growing threats from a number of entities that are likely only to worsen over time. Yet, by further bolstering the alliance's partnerships, the European community will be better equipped to address the mounting challenges of the 21st century. Initially, NATO should "deploy troops, heavy equipment, and support and headquarters components to exposed NATO members in eastern Europe beyond what the United States has proposed, and do so on a permanent basis, beyond the smaller and avowedly temporary deployments pledged in June [2015]," (Colby, 2015, para. 2). Fortifying current and planned engagements as part of a long-term strategy to build resilience against the alliance's potential adversaries is absolutely pivotal toward improving NATO cohesion and unity.
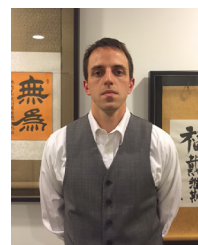
As the process for bolstering defenses in current members is underway, expansion to include Georgia and the Ukraine will afford the alliance outposts further east that can be used to conduct force projection activities against potential adversaries. In the case of Russia, a more ardent NATO will be able to minimize the threats Moscow poses in the Caucasus and Eastern Europe, thereby forcing the Kremlin to revisit its policies. Having been denied its traditional sphere of influence, Russia will find itself with a constantly diminishing range of options, leading to the further infeasibility of its current domestic and foreign policies. As a result, Moscow will be more pliant in dealing with the European community, harkening back to the early post-Cold War days when the Yeltsin administration proved amenable to compromise due to its own limited options. In a different context, Iran will find itself threatened by a more diverse range of alliance members. Considering Tehran's current involvement in Iraq, Syria, Yemen, and elsewhere, its influence is rapidly spreading along NATO's periphery. Equally troubling are "Iran's proven capabilities of developing ballistic missiles that could fly over 2,500 km," (Kibaroğlu, 2013, p. 225), thereby holding Europe at risk. Challenging this outlook with a revitalized alliance much closer to Iranian territory will demonstrate the seriousness of NATO's resolve. Indeed, spreading the alliance's footprint has substantial impacts for potential Eurasian adversaries including Iran and Russia.

Conclusion

It is incumbent upon NATO to neutralize, to the best of its ability, the threat posed to members along its borders. In the case of its Eastern European parties, the challenge from Russia is unmistakable. "Behind Russia's confrontation with the West lies a clash of ideas. On one side are human rights, an accountable bureaucracy and democratic elections; on the other an unconstrained state that can sacrifice its citizens' interests to further its destiny or satisfy its rulers' greed," ("What Russia Wants," 2015, para. 7). A Putin administration, adopting aggressive and demonstrative domestic and foreign policies, has sought to deny the benefits of the European community to former Soviet republics still on the fringes. If Moscow is successful, it will be positioned to threaten current members of both the EU and NATO. Curbing the potential instability Russia could generate must be the priority of the alliance today and tomorrow. The best mechanism to do so is NATO expansion. Confronting

Moscow's challenge with accession would bolster the economic, political, and security institutions in the former Soviet republics, thereby minimizing Russia's window of opportunity. The alliance's resolute response to the Kremlin would further assure other states along Russia's periphery that NATO would support their plight. This would have a stabilizing influence and reduce the threat of Euro-Atlantic and even Eurasian instability.

Davis Florick is a strategic policy analyst for the Department of Defense. Most recently, he has served as the Command lead for the U.S. Strategic Command Arms Control Working Group – making him a primary expert on a diverse portfolio of transparency and confidence building measure-related activities and author of responses to Congressional inquiries on a variety of issues. In his additional endeavors, Davis was selected as a 2016 Non-resident WSD-Handa Fellow with the Pacific Forum. He is also a Junior Fellow with the Human Security Centre, a think tank based in London, where he is published twice monthly on Eurasian policy issues. Mr. Florick earned his first master's degree in East-West Studies from Creighton University and will begin his second master's degree with the University of Virginia's Executive Master's in Business Administration program in Fall 2016. He is also a graduate of the 2015 Nuclear Scholars Initiative with the Center for Strategic and International Studies. His foreign relations areas of concentration include, but are not limited to, East Asia and the former Warsaw Pact and Soviet Union. Davis has been interviewed, in print, by "Voice of America" regarding North Korean tunnels under the Demilitarized Zone and, on television, with "Consider This…" where he discussed the recent upheaval in the Ukraine. Mr. Florick's international relations expertise has enabled him to be published in International Affairs Forum, the International Affairs Review, and the Korean Political Science Review. Additionally, he has spoken at conferences in Canada, China, Japan, and the United States on a wide range of national and global policy issues.

The Myth of the "Clash of Civilizations":
Post-Cold War Relations between the West and the Islamic World

Anna Roininen

There is an ongoing debate over whether post-Cold War relations between the West and the Islamic world represent a clash of civilizations, as predicted by Samuel Huntington in his 1993 article "The Clash of Civilizations?" (Murden, 2005, pp. 545–546). Some maintain that post-Cold War relations between the West and Islam have been defined by civilizational confrontation, as is evidenced by the increased use of civilizational rhetoric in both the West and the Islamic world (Gerges, 2003, p. 7). Others, in turn, believe that civilizational identity has not become a key organizing principle of international relations in the post-Cold War era, but that national political and economic interests have continued to determine the formulation of countries' foreign policies (O'Hagan, 2000, p. 143). This essay will argue that post-Cold War relations between the West and the Islamic world do not confirm Huntington's warning of a "Clash of Civilizations". In contrast to what Huntington predicted, the Western and the Islamic civilizations have remained as diverse and incoherent in composition in the post-Cold War period as in all ages, and civilizational identity has not become the principal source of conflict between the two civilizations. The essay will start by establishing Huntington's "Clash of Civilizations" thesis. It will continue by maintaining that the West and the Islamic world have not formed coherent entities in the post-Cold War world. Rather, they have continued to encompass diverse values and beliefs, as national interests have remained the principal determinant of countries' foreign policies. The diverse and complex nature of the two civilizations has been demonstrated by the limited support for radical Islamism within the Islamic world, continued intra-civilization conflicts among Muslim societies as in the case of Iranian–Saudi Arabian relations, as well as conflicts within the West as has been manifest in the transatlantic dispute over the 2003 Iraq War. Next, the essay will show that in the post-Cold War period, civilization has not been the principal source of international conflict. Anti-Western movements in the Islamic world have been more often motivated by resistance to specific Western actions than by civilizational hatred, as in the cases of the September 11th attacks and the radicalization of anti-Western sentiments in the Muslim world following the war on terror. Finally, the essay considers the increased use of civilizational rhetoric. It will argue that while the increased use of religious symbols in the post-Cold War period seems to support Huntington's thesis of a "Clash of Civilizations", this does not mean that relations between the West and Islam can be reduced to a collision of civilizations. It will maintain that civilizational rhetoric has been used in both the West and the Islamic world largely in order to sustain a myth of confrontation for self-serving political reasons.

In a 1993 article entitled "The Clash of Civilizations?", the American political scientist Samuel Huntington (1993, p. 22) offered a new paradigm for post-Cold War international relations in which civilizational disputes will replace national ideological and political boundaries as the principal

sources of conflict. For Huntington (1993, pp. 23–24), cultural and religious identity is becoming a key organizing principle of world politics, moving the focus away from states as the basis of world order. While he does not argue that nation-states are no longer important actors in world affairs he suggests that they are becoming the agents of cultural and religious identity, with their interests increasingly determined along civilizational lines. According to Huntington (1993, pp. 25–26), these developments heighten the sense of identity between peoples and states with similar cultures and increase the sense of difference from others. These processes are demonstrated by political and economic coherence within civilizations and growing conflict between civilizations.

Underpinning the new world politics, Huntington (1993, p. 26) wrote what he termed as "a return to the roots phenomenon" among non-Western civilizations. In an increasingly interrelated world where interactions between civilizations are growing, the profound differences between civilizations have become more pronounced (Huntington, 1993, p. 25). For Huntington, this phenomenon is enhanced by the West's attempts to impose liberal democratic values in non-Western societies, which have engendered increasing resentment among non-Western civilizations against the West's world dominance and a growing willingness "to shape the world in non-Western ways". He argued that the Western dominance is particularly contested by the Islamic civilization. This was because the Islamic culture is inherently inhospitable to certain Western values such as democracy, individualism and pluralism. "Islam," he wrote, "has bloody borders" (Huntington, 1993, p. 35). In fact, Huntington predicted that wars in the post-Cold War world are likely to take place on fault lines mainly between Islam and the West.

Contrary to Huntington's prediction, the Western and Islamic civilizations have not formed coherent entities in the post-Cold War era. Rather, both the West and Islam have continued to encompass diverse beliefs, values, and cultures (Esposito, 1999, p. 229). Consequently, civilizational identity has not taken primacy over national, political and strategic interests in determining the formulation of foreign policies of individual nation states. Indeed, national interest remains the main determinant in the formulation of countries' foreign policies. As John L. Esposito (1999, p. 231) puts it, "cooperation can result from common religious and ethnic backgrounds; however, more often than not it comes from the recognition of common national and strategic interests." Similarly, post-Cold War international conflicts have been less due to a clash of civilizations than a clash of national interests (Esposito, 1999, p. 232), and have erupted as often within civilizations as between them (Rubenstein & Crocker, 1994, p. 121). The diverse and complex nature of both Western and Islamic civilizations is manifest in the limited support for radical Islamism within the Islamic world, the continued intra-civilization conflicts among Muslim societies as in the case of Iranian–Saudi Arabian relations, as well as demonstrated by the transatlantic dispute over the 2003 Iraq War between states within the West.

First, radical Islamism, which some perceive as "proof" of a clash of civilizations between Islam and the West (Delkhasteh, 2011), only has the support of a small minority of Muslims. There has been rise in the threat posed to the West by radical Islamist groups such as al-Qaeda and the Islamic State in Iraq and Syria (ISIS), and actions of such fundamentalist groups including suicide attacks, military occupations, threatening videos, car bombings, jihads, and fatwas. The September 11th attacks themselves have reinforced images of Islam as an expansionist civilization intent upon a global war

against the West (Fuller, 2008, p. 46). However, the radical Islamism espoused by groups such as al-Qaeda and ISIS has only a limited appeal to the majority of people in the Islamic world. For example, while many Muslims may share al-Qaeda's outrage against US policy in the Middle East, particularly as regards the issues of the Iraq war and Palestinian self-determination, and even praise al-Qaeda for its attacks against the United States, this mostly reflects generic anti-Americanism rather than a specific endorsement of al-Qaeda's goals (Brown, 2002, p. 264). Indeed, radical Islamist ideologies have little to do with the conception of Islam held by the vast majority of Muslims worldwide (Calvert, 2002, p. 334), and few Muslims are likely, for example, to want to see their communities being controlled in ISIS-style rule. As professor of Middle East politics Farid Senzai has commented, "ordinary Muslims judge ISIS to be unrepresentative of Islam due to its violent methodology of implementing Islamic law" (Mandhai, 2014).

Second, the divisions and tensions between Islamic countries and societies demonstrate the diverse and complex character of the Islamic world. Far from constituting a coherent alliance, Muslim states have pursued separate, national interests, and often waged war against each other (Halliday, 1996, p. 113). Iranian–Saudi Arabian relations are a prime example of an intra-civilization conflict within the Islamic world. The relations between the two countries have been strained, especially since the 1979 Islamic revolution in Iran, and have remained so in the post-Cold War era. The hostilities between Saudi Arabia and Iran are largely based on the sectarian tensions between Iranian Shiite and Saudi Arabian Sunni Muslims as well as the century-old disagreement over the countries' respective regional roles. Though Iran and Saudi Arabia are both Islamic states, their relationship is fraught with hostility due to differences in the interpretations of Islam. While Iran is a Shia Islamic republic established through an anti-Western revolution, Saudi Arabia is a Sunni Islamic kingdom that has close relations to the US. As a result, Saudi Arabian leaders are regarded in Iran as "corrupt custodians of Islam's holiest shrines" (Whitlock & Sly, 2011), and representing American interests not Islam (Whitlock & Sly, 2011). Furthermore, both Iran and Saudi Arabia are believed to have aspirations for leadership in the Middle East region, demonstrated by the attempts of both Iran and Saudi Arabia to joust for influence in Iraq ever since the ignition of the Iraqi civil war in 2003, as well as in the Palestinian territories and Lebanon. Saudi Arabia especially is convinced of Iran's imperial ambitions, demonstrated by suspicions that Iran is seeking to acquire nuclear weapons. The confrontation between the two countries reached perhaps its most severe eruption in 2011 after the alleged Iranian plot to assassinate the Saudi Arabian ambassador to the United States (Whitlock & Sly, 2011). Due to the divisions within the Islamic world, illustrated by the case of Iranian-Saudi Arabian relations, Muslim societies have not united against the West and, hence, there has not been a great Islamic challenge to the West.

Finally, the concept of the West is as diverse as that of Islam. Far from constituting a single entity, the relationship between the United States and Europe have been marked by a series of crises in the post-Cold War period. Following the end of the Cold War and in the absence of the Soviet threat, the United States increasingly saw no further need to formulate its policies on the basis of the interests of its traditional European allies. As transatlantic harmony was no longer a strategic necessity in the post-Cold War era, it ceased to be a central principle of American foreign policy. The United States began to express its new international role through a growing willingness to pursue its

interests through unilateral use of force (Hastings Dunn, 2012, p. 181). Many European governments' post-Cold War foreign policy outlooks, on the other hand, were based on multilateralism and the adherence to international law and norms. Robert Kagan has argued that these strategic differences marked a fundamental divergence between the United States and Europe, stating: "It is time to stop pretending that Europeans and Americans share a common view of the world. "On major strategic and international questions today, Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less" (Kagan, 2002, p. 3). The transatlantic divide has been demonstrated by conflicts over issues such as the International Criminal Court, the Kyoto Protocol on climate change, the Anti-Ballistic Missile Treaty, the Arab–Israeli conflict, relations with Iran, and on a number of matters regarding trade policy (Jentleson, 2010, p. 346).

The ultimate 'tipping point' in the transatlantic relationship, however, was the dispute over the 2003 Iraq war that made the radical departure from the traditional way of thinking about the transatlantic relationship abundantly clear on both sides of the Atlantic (Hastings Dunn, 2012, p. 174). The American-led invasion of Iraq in 2003, with a "coalition of the willing" and without authorization of the United Nations Security Council, generated strong opposition in many European countries and, in effect, demonstrated two opposing conceptions of what the transatlantic alliance was supposed to represent. For many in Europe, this relationship was based on cooperation among sovereign states towards shared goals in promotion of their shared values, including the recognition of international law, the importance of international institutions such as the United Nations, and joint decision-making among transatlantic allies over issues that affect all their interests. American policies over Iraq, appeared to many in Europe that the United States was more concerned about its global predominance than international rules and norms, demonstrated by its treatment of its European partners not as allies but rather as largely irrelevant in its new way of making foreign policy. For the United States and its allies, the existence of the transatlantic alliance should have ensured European support for the Iraq war. As David Hastings Dunn has put it, "The failure of many NATO allies to actively support the war and the efforts of some to politically oppose it was seen as disloyalty to the point of betrayal of both the United States as leader of that alliance and of the transatlantic spirit more broadly" (2012, p. 174).

In addition to the notion that Western and Islamic civilizations have not formed coherent entities in the post-Cold War era, Huntington's thesis is further undermined by the fact that post-Cold War conflicts between the West and the Islamic world are not simply civilizational in character. In the post-Cold War period, civilization has not become the principal source of international conflict. Rather, as in the past, conflict has arisen from the conflicting political and economic interests of states. Indeed, tensions involving Islamic and Western countries on issues such as territory, nuclear weapons or oil prices, have been motivated by straightforward political and economic concerns (Halliday, 1996, p. 3). Similarly, anti-Western movements in the Islamic world are more often motivated by resistance to specific Western actions than by civilizational hatred (Esposito, 1999, p. 271). For example, the September 11th attacks on the United States perpetrated by al-Qaeda, which some have perceived as "proof" of a clash of civilizations between Islam and the West (Delkhasteh, 2011), were motivated by the objection to a number of American policies rather than a generic hatred for Americans. The al-Qaeda leader Osama bin Laden explicitly stated in his November 2002 "Letter to the American

People" that al-Qaeda's motives for the 9/11 attacks included sanctions against Iraq, American support of Israel, as well as American support for the oppression and attacks against Muslims in Somalia, Chechnya, Kashmir, and Lebanon. Bin Laden wrote in his letter that,

> "Why are we fighting and opposing you? The answer is very simple: Because you attacked us and continue to attack us. You attacked us in Palestine … You attacked us in Somalia; you supported the Russian atrocities against us in Chechnya, the Indian oppression against us in Kashmir, and the Jewish aggression against us in Lebanon … You have starved the Muslims of Iraq, where children die every day." (The Guardian: Observer Worldview Extra, 2002)

Likewise, the increased anti-Western sentiments in the Islamic world in the twenty-first century are largely a result of Western policies in the Middle East. Muslim opinion of the West, and particularly the United States, has radicalized following the actions of the George W. Bush administration and its allies in the war on terror. The controversial policies in the war on terror have included grave human rights violations such as in the case of the Abu Ghraib scandal, and the military occupation and use of collective punishment in Iraq (Allaf, 2004, p. 6). Many Muslims have considered the Bush administration's repudiation of international law in the conduct of its war on terror as the manifestation of the United States' self-interested motives in its Middle Eastern policies and its complete indifference for the well-being of Muslims (Allaf, 2004, p. 7). The root of current anti-Western movements in the Islamic world stems from the outrage towards specific Western policies, not civilizational hatred

> *Huntington's argument is significantly undermined by the notions that Western and Islamic civilizations have not formed coherent entities in the post-Cold War era and that post-Cold War conflicts between the two civilizations are not simply civilizational in character.*

To interpret political and economic disputes as collisions of civilizations would be not only simplistic, but also detrimental over the long run. If political and economic conflicts are represented as clashes of civilizations based on fundamental differences, they are turned from manageable disputes into ones that are perpetual and unsolvable. This, as Graham E. Fuller and Ian O. Lesser note, can be "a recipe for self-fulfilling prophecies" (1995, p. 5).

In sum, Huntington's argument is significantly undermined by the notions that Western and Islamic civilizations have not formed coherent entities in the post-Cold War era and that post-Cold War conflicts between the two civilizations are not simply civilizational in character. However, an important development that seems to support Huntington's thesis of a "Clash of Civilizations", and one that needs to be taken into consideration, is the increased use of civilizational rhetoric in both the Islamic world and the West in the post-Cold War period. Although al-Qaeda's attacks against the West have been motivated principally by political concerns, the group has used religious symbols in explaining

its confrontation with the West. Osama bin Laden and his associates declared in a 1998 fatwa "Jihad Against Jews and Crusaders", issued in the name of the World Islamic Front, that,

> "The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it … We -- with Allah's help -- call on every Muslim who believes in Allah and wishes to be rewarded to comply with Allah's order … to launch the raid on Satan's U.S. troops and the devil's supporters allying with them" (Federation of American Scientists, 1998).

Similarly, former US President George W. Bush used religious rhetoric in explaining the administration's war on terror. Only days after the September 11th terrorist attacks on the United States, Bush warned that "this crusade, this war on terrorism, is going to take a while" (The White House, 2001). His reference to a religious "crusade" against terrorists has generated similar rhetoric in the Islamic world, bringing the West and Islam closer to a collision of civilizations (Gerges, 2003, p. 7). Prominent Muslim clerics and Islamic institutions have advised Muslims to join in jihad to oppose the US occupation of Iraq. For example, Al-Azhar, a well-respected Islamic institution of religious learning, issued a fatwa urging "all Muslims in the world to make jihad against invading American forces" (Gerges, 2003, p. 6). Al-Azhar's religious edict has been echoed by distinguished Muslim clerics, such as Sheikh Youssef al-Qaradawi, a renowned Egyptian cleric, who has maintained that fighting American forces is "legal jihad" and that "death while defending Iraq is a kind of martyrdom" (Gerges, 2003, p. 7). Likewise, Grand Imam of Al-Azhar, Sheikh Mohamed Sayyed Tantawi has declared that efforts to resist the US war in Iraq are a "binding Islamic duty" (Gerges, 2003, p. 6). The increased use of civilizational rhetoric supports Huntington's thesis of a "Clash of Civilizations". Although such rhetoric is based on simplistic and false interpretations of the relationship between the West and Islam, there is the long-term risk that once generated, such rhetoric can acquire a life of its own (Halliday, 1996, p. 7). As Dominique Moisi has pointed out, such "black and white language" indicates a "confusion between politics and religion … risks encouraging a clash of civilizations in a religious sense, which is very dangerous" (Ford, 2001).

While the increased use of civilizational rhetoric may risk becoming a self-fulfilling prophecy over the long run, this alone does not mean current relations between the West and Islam represent a clash of civilizations. To date, civilizational rhetoric has been used both in the West and in the Islamic world largely in order to sustain a myth of confrontation for a number of self-serving political reasons (Halliday, 1996, p. 6). The talk of the 'Islamic threat' in the West is designed mainly to construct a new foreign ideological enemy for the West in the post-Cold War era and "to fill the 'threat vacuum'" (Esposito, 1999, p. 2) generated by the collapse of the Soviet Union and the end of the Cold War. As Fred Halliday put it, "the conflict with the Islamic world … reflects some inner need of Western society for a menacing, but subordinated, "other" (1996, p. 109). Furthermore, as Eleanor Stein noted, building up Islam as a global enemy of the West in the twenty-first century has enabled the United States and its allies to dehumanize Muslims and to justify policies in the war on terror that otherwise would not have been justified. Such controversial policies have included the military occupations of Afghanistan and Iraq, detentions without charge, extraordinary renditions, and brutal interrogation methods of terrorist suspects (2003, p. 125).

The myth of confrontation has been propagated also within the Islamic world. Extremist Islamist groups have an interest in sustaining a myth of Western crusade against Islam as it provides effective propaganda for their cause. Painting Western interventions in the Islamic world as civilizational conflicts has substantially enhanced the ideological appeal of groups such as al-Qaeda and ISIS. For example, ISIS has been keen to frame the 2014 American-led military intervention against ISIS in Iraq as a crusader campaign. The Islamic State's online magazine Dabiq presents the US-led military campaign not as a singular event but as a culmination of a centuries-old clash of civilizations. It uses an Islamic apocalyptic narrative, describing Western interveners as "crusaders in Washington" and modern-day "Romans" (Tharoor, 2014). The paradigm set out by Dabiq sharply divides the world into two opposing sides. Dabiq declares that there is only

> "the camp of Islam and faith, and the camp of kufr (disbelief) and hypocrisy — the camp of the Muslims and the mujahidin everywhere, and the camp of the jews, the crusaders, their allies, and with them the rest of the nations and religions of kufr, all being led by America and Russia." (McCoy, 2014)

The use of such religious symbols has worked as an effective means for ISIS to aid its propaganda and to mobilize followers among moderate Muslims (McCoy, 2014). Thus, as civilizational rhetoric is used both in the West and in the Islamic world largely in order to sustain a myth of confrontation for self-serving political reasons – that is, to justify controversial Western policies, and to aid Islamist propaganda – the increased use of civilizational rhetoric does not provide "proof" of a clash of civilizations.

To conclude, post-Cold War relations between the West and the Islamic world, do not confirm Samuel Huntington's 1993 warning of a "Clash of Civilizations". Huntington's thesis is based on sweeping generalizations that fail to capture the diversity within both Western and Islamic civilizations and reduces the complex disputes between the two as simply civilizational in character. Western and Islamic civilizations have not formed coherent entities in the post-Cold War world as Huntington predicted. Rather, they continue to encompass diverse values and beliefs as national interests continue to determine the formulation of countries' foreign policies. The diverse and complex nature of the two civilizations has been demonstrated by the limited support for radical Islamism within the Islamic world, as well as the continued intra-civilization conflicts. Due to the intra-civilization divisions within both Islam and the West, neither civilization has united against the other, nor has there been a great Islamic challenge to the West or vice versa. In the post-Cold War period, civilization has not become the principal source of international conflict but rather it has been more often motivated by resistance to specific Western actions than by civilizational hatred. Furthermore, while the increased use of civilizational rhetoric in the post-Cold War period seems to support Huntington's "Clash of Civilizations", this does not mean that relations between the West and Islam can be reduced to a mere collision of civilizations. While the use of civilizational symbols risks becoming a self-fulfilling prophecy over the long run, that is not what has taken place to-date. Civilizational rhetoric has been used in both the West and the Islamic world largely in order to sustain a myth of confrontation for a number of self-serving political reasons. That is, to justify controversial policies and to aid propaganda.

Anna Roininen holds a MA in International Relations and World Order from the University of Leicester.

China's "New Silk Road" Strategy: "Belt" versus "Road"

Amrita Jash

Abstract: China has advocated a new theorem of great power diplomacy under the "New Silk Road" Strategy. Wherein, the center of gravity lies in the creation of an economic land belt and a maritime road that connects Asia, Africa, and Europe. In this view, China's mammoth initiative of reviving the historical Silk Road appears as the creation of a new world order that challenges the existing status quo of the United States dominated Western global order. It also marks a major shift in China's foreign policy, as it significantly draws from its domestic pursuit of the "Chinese Dream". Thereby, it can be rightly stated that this strategic move characterizes "China's Rise" both as a regional as well as a global power defined by "Chinese characteristics" -- wherein, China is making new rules to play the game of global power politics.

Keywords: China, New Silk Road, One Belt, One Road, Power Politics

Introduction

The twenty-first century of international politics is often dubbed in the rubric of "China rise", as the epicenter of global politics is said to be anchored in the expanding political and economic clout of the People's Republic of China (PRC). In this stage of metamorphosis of the international system resulting into the gradual shifting of the balance of power from the West to the East, the world seems to watch the dragon's (China) dance in the east. That is, China's growing assertive posture in the South China Sea and East China Sea and so on, but the dragon seems to be looking the other way towards the West -- in defining new contours of its global power politics. The PRC, under the command of its supreme leader President Xi Jinping, aims to fulfill the grand vision of the "Chinese Dream" by realizing the "great rejuvenation of the Chinese nation." The ambition lies in realizing the twin centenary goals: first, to double the 2010 GDP per capita income and build a moderately prosperous society by 2021, when the Communist Party of China marks its 100th anniversary; and second, to turn China into an all-around modern and socially advanced country by 2049, when the People's Republic marks its centenary (Deepak, 2014).

In this attempt to revive China's ancient glory, President Xi Jinping propounded the idea of reviving the ancient "Silk Road" -- recalling China's historical role in the trade linkages that connected Asia and Europe. During Xi Jinping's visit to Central Asia and Southeast Asia in 2013, he put forward the concept of jointly building the Silk Road Economic Belt and the 21st Century Maritime Silk Road -- thereafter, officially dubbed as "One Belt, One Road". The idea of the "belt" was officially announced in his 7 September 2013 speech at Nazarbayev University in Kazakhstan, when Xi stated:

> "To forge closer economic ties, deepen cooperation and expand development in the Euro-Asia region, we should take an innovative approach and jointly build an 'economic belt' along the silk road. This will be a great undertaking benefitting the people of all countries along the route"(Ibid).

Later, the initiative for building the "road" was proposed by Xi in his October speech before the People's Representative Council of Indonesia in order to promote deepened economic and maritime links. In addition, Xi also publicized the idea to establish the Asian Infrastructure and Investment Bank (AIIB).

This mammoth conception of creating a "New Silk Road" via land and sea routes entered the stage of practical operation in 2014 with Chinese Premier Le Keqiang's call for the "intensification of the planning and building of a Silk Road economic belt and a 21st century maritime Silk Road" in the Report on the Work of the Government (p.17) as delivered in the 12th National People's Congress on 5 March 2014. Later that same year, the initiative gained momentum with 21 Asian countries signing the Memorandum of Understanding on Establishing AIIB, as founding members on 24 October 2014 in Beijing, followed by President Xi Jinping's proclamation in November 2014 that China would contribute $40 billion to set up the Silk Road Fund to improve the trade and transport links in Asia (Page, 2014). In January 2015, the New Silk Road initiative gained further intensification with the increase in AIIB members to 26. Then, in March 2015, and despite opposition from the US, Britain became the first Western country to apply to join the AIIB as a Prospective Founding Member (PFM). This gave way to other major Western countries (France, Italy, Germany, and Australia) joining also. With the growing popularity of Xi's visionary idea of connecting Asia to Europe, a "historic step" was taken forward in Beijing on 29 June 2015 as the framework Agreement for the operations of the Chinese-led AIIB was officially signed by 50 PFMs -- which aims for $100 billion in initial capital (Tiezzi, 2015). With this succession of events, it is clear that China's "One Belt, One Road" strategy is treading on a real path with a pragmatic approach. This exemplifies China's aspiration to become the geopolitical and geo-strategic center for contemporary international politics.

Thereby, in this context, it can be rightly stated that in pursuit of the grand "Chinese Dream", Xi Jinping's "New Silk Road" initiative, as conceptualized in the "One Belt, One Road" framework, is reflective of China's active diplomacy tactic. This tactic aims to improve and strengthen China's diplomatic relations with global powers (both big and small) in the international sphere in order to further its own objective of rejuvenating the Chinese nation and its people through the creation of new trade networks and infrastructure investment along the "New Silk Road." These trade networks will, it seems, be both along land through the "Silk Road Economic Belt" as well as the sea with the "21st-Century Maritime Silk Road."

What Lies Behind the Making of the "Belt" and the "Road?"

The objective behind China's "One Belt, One Road" strategy can be understood in the systemic challenges that restrict China rise as a global player on the international stage. This can be assessed in the growing security and strategic threats that severely challenge China's great power politics syndrome.

China is attempting to implement this new assertive external posture as its historically rapid economic growth slows, which threatens the stability of the country. The nation has also faced energy insecurity, and economic and domestic instabilities caused by Uyghur separatist actions in Xinjiang and other areas. Despite these internal woes, China's main concern revolves externally

around the "US-factor", whereby, China faces a severe challenge to its expanding influence in the east by the United States' "pivot to Asia" policy, as the US and its allies (e.g., South Korea, Japan, Taiwan, Philippines, Australia, and India) aim to contain China in the Asia-Pacific region. For instance, US-driven trade agreements, such as the Trans-Pacific Partnership (TPP), Transatlantic Trade and Investment Partnership (TTIP), and the EU-Japan agreement show comprehensive liberalization agendas that exclude China. This exclusion clearly outlines the US objective of containing China (Chi, 2015). In response to US trade policies, China, with its "One Belt, One Road" initiative, plans to negotiate free-trade agreements with 65 countries along the One Belt, One Road periphery. In addition, China-led AIIB is seen as the Chinese effort to undercut the dominance of Western economic institutions like the World Bank and the International Monetary Fund; thereby, defining new rules in the international system. Thus, in this view, Xi Jinping's "One Belt, One Road" initiative provides a strategic survival tactic for China. What lies at the core of these policies is the key interest to fulfill its national security agenda by securing and safeguarding its economic growth through expanding its interest to the West; thus, further legitimizing the Chinese Communist Party's rule in China.

In this rubric of thought, the National Development and Reform Commission, Ministry of Foreign Affairs and Ministry of Commerce of the People's Republic of China released the official article "Visions and Actions on building the 'Silk Road economic Belt' and '21st-Century Maritime Silk Road' in March 2015. Acknowledging the increasing complexities in the international sphere, the article highlights that the "One Belt, One Road" is aimed at

> "promoting orderly and free flow of economic factors, highly efficient allocation of resources and deep integration of markets; encouraging the countries along the Belt and Road to achieve economic policy coordination and carry out broader and more in-depth regional cooperation of higher standards; and jointly creating an open, inclusive and balanced regional economic cooperation architecture that benefits all."

Furthermore, it states that the aim is to

> "promote the connectivity of Asian, European and African continents and their adjacent seas, establish and strengthen partnerships among the countries along the Belt and Road, set up all-dimensional, multi-tiered and composite connectivity networks and realize diversified, independent, balanced and sustainable development in these countries."

Therefore, China's "New Silk Road" initiative aims for a win-win cooperation that promotes common development and prosperity and a road towards peace and friendship by enhancing mutual understanding and trust, and strengthening all round exchanges.

China's "New Silk Road" as "One Belt, One Road": Objectives and Interests

China's "New Silk Road" is mainly a two-pronged strategy. The first focuses on the overland infrastructure development through Central Asia -- the "Silk Road Economic Belt", while the second

forces the expansion of maritime shipping routes through the Indian Ocean and the Persian Gulf -– the "Maritime Silk Road" (McBride, 2015). What is important to note is, that by financing railways, roads, ports and power lines, China wants to build its good neighborhood policy through geo-economics and thereby, contribute towards a bolsting China's economic growth and development, making China Asia's leading investor as well as financier. In this view, by adopting such a strategy, China seeks to streamline foreign trade, ensure stable energy supplies, promote Asian infrastructure development, and consolidate Beijing's regional role (Ibid).

Source: McBride, 2015.

In this plan of action, one of the objectives is to "break the connectivity bottleneck" in Asia and beyond, which has seriously hindered development in many developing countries. China wants to do so by building infrastructure in these countries. Therefore, in this light, many scholars have argued that China's New Silk Road strategy is a Chinese version of the "Marshall Plan"-- wherein China wants to use such initiatives to seek influence and even dominance in Asia (Chen, 2014). It has been argued that "the belt and the road" provides opportunities to expand Chinese influence while also showcasing Beijing's softer side. With its "win-win" equation, China can foster a softer image for itself while boosting its regional influence (Tiezzi, 2014). But in this regard, Chinese scholars have denounced such criticism by maintaining the policy of "Three Nos": non-interference in the internal affairs of other nations; not to seek the so called "sphere of influence"; and not to strive for hegemony or dominance equally applies to the "One Belt One Road" policy (Shi, 2014). Chinese official position clearly dismisses any "Marshal Plan" motive. As the government document on "Visions and Actions" clearly posits, "The Belt and Road Initiative is in line with the purposes and principles of the UN Charter" and "upholds the Five Principles of Peaceful Coexistence."

Based on this foundation, the framework of China's New Silk Road initiative is

"a way for win-win cooperation that promotes common development and prosperity and a road towards peace and friendship by enhancing mutual understanding and trust, and strengthening all-round exchanges. The Chinese government advocates peace and cooperation, openness and inclusiveness, mutual learning and mutual benefit" (National development and Reform Commission, 2015).

That is, China stands for absolute gains over relative gains by means of One Belt, One Road.

China's "One Belt" Versus "One Road" Strategy

The "Visions and Actions…" statement defines the Belt and Road to

"run through the continents of Asia, Europe and Africa, connecting the vibrant East Asia economic circle at one end and developed European economic circle at the other, and encompassing countries with huge potential for economic development."

Here, the key to "One Belt, One Road" lies in the development of an unblocked road and rail network between China and Europe. In doing so, the plan involves more than 60 countries, representing a third of the world's total economy and more than half of the global population.

A.   The "Silk Road Economic Belt" as the "One Belt"

The "Silk Road Economic Belt" comprises of a land route that focuses on bringing together China, Central Asia, Russia, and Europe (the Baltic); linking China with the Persian Gulf and the Mediterranean Sea through Central Asia and West Asia; and connecting China with Southeast Asia, South Asia, and the Indian Ocean.

Source: McBride, 2015.

In this light, the Chinese initiative aims to jointly build a new Eurasian Land Bridge and develop the China-Mongolia-Russia, China-Central Asia-West Asia, and China-Indochina Peninsula economic corridors by taking advantage of international transport routes, relying on core cities along the Belt and Road and using key economic industrial parks as cooperation platforms (National Development and Reform Commission, 2015). The "Belt" will be a network comprising of rail routes, overland roads, oil and natural gas pipelines, and other infrastructure projects. It will stretch from Xi'an in central China, through Central Asia, and ultimately reach Moscow, Rotterdam, and Venice (Maritime Insight, 2015, 10).

With its land-route strategy, China aims to benefit by building a better economic connectivity that will fulfill China's own domestic objectives. Additionally, China wants to enrich its underdeveloped border regions through the creation of new trade zones in order to avoid ethnic tensions, such as, the separatist and terrorist activities in Xinjiang. Funding from the $40 billion Silk Road fund, the AIIB, the BRICS New Development Bank (NDB), and China's policy banks will finance the infrastructure buildup along the land route.

B. The "21st-Century Maritime Silk Road" as the "One Road"

The 21st-Century maritime Silk Road is designed to go from China's coast to Europe through the South China Sea and the Indian Ocean in one route, and also from China's coast through the South China Sea to the South Pacific. The "Road" is a maritime network of port and other coastal infrastructure from South and Southeast Asia to East Africa and the northern Mediterranean Sea (Ibid).

Source: Maritime Insight 2015, 11.

In its trajectory, the Maritime Silk Road (MSR) begins in Fuzhou in Southeast China's Fuzhou Province, heads south into the ASEAN nations, crosses the Malacca Strait, and turns West to countries along the Indian Ocean before meeting the land based Silk Road in Venice via the Red Sea and Mediterranean. Under the ambit of MSR, China plans to build hard and soft infrastructure from Indo-Pacific to Africa, including transport, energy, water management, communication, earth monitoring, economic, and social infrastructure (Deepak, 2014).

With this sea-route strategy, China has already financed new ports in the Indian Ocean in Bangladesh, Pakistan, and Sri Lanka. While the primary focus is mainly to seek commercial benefits, China is also building up its naval power in order to safeguard its maritime trade routes. Most importantly, the sea route will serve China's core interests in the South China Sea, where China faces a severe threat -- the "Malacca Dilemma", at the Straits of Malacca -- a strategic choke point to China's free flow of trade and energy supplies along the Sea Lanes of Communication.
In this light, at sea, the initiative will focus on jointly building smooth, secure, and efficient transport routes connecting major sea ports along the Belt and Road. In this case, the China-Pakistan Economic Corridor (CPEC) and the Bangladesh-China-India-Myanmar Economic Corridor are closely related to the Belt and Road Initiative (National Development and reform Commission, 2015). China's sea route buildup has taken roots with the financing of $46 billion investment in Pakistan, building the 3000 km long CPEC from the Arabian Sea to Xinjiang in northwest China; wherein, the route will begin in Gwadar. Therefore, the "21st Century Silk Road" is to build new port infrastructure that links to inland transport networks, increase the number of international sea routes, improve logistics (including through enhanced usage of information technology), dismantle trade and investment barriers, and deepen financial integration by greater use of the renminbi (Chi, 2015, 6).

Conclusion

In an overall analysis, it can be stated that the significance of this grand strategic vision of building the "New Silk Road" via land and sea routes lies in its strategic importance as it deems to serve China's interests both domestically and internationally. With respect to its great power ambitions, the "One Belt, One Road" initiative is likely to greatly expand China's influence, both economically and strategically, in Asia, the Middle East, Europe, Africa, America, and Latin America. Most importantly, the initiative seeks to safeguard China's core national interests that lie in securing its economic growth. As with a secured land and sea route controlled by China, its trade and economic supplies remain secured from the challenges posed by United States at various choke points. This grandiose vision holds a greater potential of strengthening China's growth model and providing an alternative to the existing western economic model. In addition, as opposed to the dominance of the "dollar", China's "renminbi" has the potential of becoming a major global currency, thereby, defying the existing norms in the international system and thus, is most likely to change the rules of the way global politics is played in the international sphere. That is, China is set to change the existing status quo of the international sphere by its "Chinese characteristics" of "One Belt, One Road"- connecting Asia to Europe. The world will watch closely as China implements its grand vision of the "New Chinese Dream."

Amrita Jash is Editor-in-Chief at IndraStra Global, New York-U.S.A. She has published in various national and international journals and discussion forums. Her research interests are: China's foreign policy, security and strategic issues. She is also a Doctoral Candidate in Chinese Studies at the Centre for East Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi-India. She has pursued M.Phil in Chinese Studies (2013) and M.A. in International Relations from Jawaharlal Nehru University. She can be reached at: www.amritajash.in or @amritajash.

Growing Chinese Influence in Sri Lanka and its Implications for India

Dr. Priya Suresh

Stella Maris College, India

This article is an appraisal of the growing influence of China in the Asian Littorals. China's interest in the Indian Ocean, and increasing appetite for energy has incentivized it to skillfully deploy economic and military incentives to draw Bangladesh, Nepal, Pakistan, and now Sri Lanka into its strategic orbit. This article focuses on the indomitable presence of China, both economically and militarily in South Asia, and the positive and negative implications for India.

China is a rising power in the South-East Asian region, as proven by its growing economy compounded with military modernization, political influence, diplomatic voice, and increasing involvement in bilateral and multilateral organizations. It has also been striving to maximize its power relative to all rivals in Asia by diverting as much national wealth as possible from civilian economic needs to military modernization, and attempting to exploit its power advantages wherever possible to consolidate territorial and resource gains.[1]

Developing and shaping China's influence has been a part of its grand strategy. The speed with which China has increased its appetite for energy supplies reflects the state's rapid economic growth.[2] This growing demand has made China pursue its energy policy in all geographic directions, including toward its neighbor, India. China has understood the geostrategic and geo-economic significance of the Indian Ocean and has skillfully deployed economic incentives to draw Bangladesh, Nepal, Pakistan, and Sri Lanka into its strategic orbit.[3] This has also fostered China to rapidly modernize its navy and reorient from its traditional status as a continental land power to increasingly emphasize its maritime capabilities to expand its geostrategic and geopolitical influence in the region.[4]

China's valuation of the importance of maritime control is well recorded. In 1953, Mao proclaimed, "We must build a strong navy for the purpose of fighting imperialist aggression. In 1979, Deng Xiaoping called for a strong navy with modern combat capability and in 1997, Jiang Zemin urged the Navy to build up the nation's maritime Great wall."[5] Praise lavished on the Mahanian dictum that "economic prosperity hinged on the deployment of naval forces at strategic locations" has evoked a tremendous response and has led the Chinese military thinkers to borrow a common phrase that it will pursue Mahanian Sea Power "with Chinese characteristics."[5]

China's expansion on maritime space and resources was the consequence of its modernization drive and could be attributed to Deng Xiaoping and the rise to prominence of the Naval Chief General Liu Huaqing, who was determined to improve Beijing's maritime consciousness and capability. The two

super powers of the 20th century controlled the open seas but with the collapse of the Soviet Union and overall reduction of American naval presence in the Asia Pacific, China was provided the physical space to maneuver.

More broadly, the changing global order was reflected in China's ambition to emerge as a global power, enhance its maritime aspirations, and access to open seas.[7] China's high level of dependency on the sea for food, dependency on energy imports, and attempts to explore offshore raw materials compelled Chinese leadership to safeguard the security of the Sea Lanes of Communications (SLOC). The insatiable demand for energy resources has brought tremendous political pressure on Beijing to assure an uninterrupted flow of energy and Chinese officials have sought out oil and gas as far away as the Persian Gulf and the Horn of Africa.[8]

Energy has further compelled Beijing to ensure safety and security of traffic along the Sea Lanes of Communication,[9] with China building strategic relationships and developing capability to establish its forward presence along those lanes. This growing concern of ensuring safe passage of oil through the Indian Ocean to the Straits of Malacca and the South China Sea has made Beijing invest heavily in developing Bandarabbas in Iran, the Gwadar deep-sea port in Pakistan, and naval bases in Burma. The development of a port project at Hambantota in Sri Lanka is the latest proof of this phenomenon. This growing dominance of Chinese maritime presence in South Asia and its determination to counterweight India in the region has created a territorial and maritime dimension in the Sino-Indian rivalry.

The involvement of China's regional neighbor, Sri Lanka, into the maritime issue started as a result of their internal ethnic conflict with the Tamils. Sri Lanka realized that without external military help and economic support it would be too idealistic for them to uproot the Liberation Tigers of Tamil Eelam (LTTE). Ignoring India and taking assistance from China would displease India, so Colombo adopted a Good Samaritan approach and promptly asked New Delhi for assistance. The lack of a quick and effective decision by India made Sri Lanka move towards their traditional friend and ally, China. This lack of foresightedness by India towards its immediate neighbors created a large vacuum in the region.

Geostrategically, Sri Lanka sits astride the shipping lanes of the Asia–Pacific. China and Pakistan remain Sri Lanka's main suppliers of arms. From Sri Lanka's perspective, "a stronger presence of China as a countervailing force is a desirable phenomenon in view of the growing and unquestionable supremacy of India in the region."[10] India's interventionist posture since the mid-1980s and its military involvement in Sri Lanka has provided an interesting case study for China. China has made innumerable attempts to foil India's designs to establish a New Delhi-centered regional security order that acknowledges the pre-eminence of Indian security interests.[11] Beijing had routinely endorsed Sri Lanka's struggle to protect its sovereignty and territorial integrity, and is opposed to any outside intervention in the strife torn nation.[12]

Interestingly, China-Sri Lanka relations can be traced back to 1952, when, much to the dismay of the West, the Sri Lankan government recognized the People's Republic of China. Since then, China has

remained, "a true friend indeed."[13] To deepen its ties with China, Sri Lanka signed a trade agreement in 1952, breaking the isolationist policy followed by the imperialist powers.

China's relations with Sri Lanka deteriorated during 1987-1988 when India's involvement in Sri Lanka was high. Wary of the growing Indian presence in the South Asian region, in 2005, China conducted a "Study on India" at the behest of the Chinese Leadership's Foreign Affairs Cell. This drew a recommendation that China should take all measures to maintain its strategic leverage in terms of territory (i.e., membership of the exclusive Permanent Five and Nuclear Five clubs); diplomatic advantages (special relationships, membership of regional and international organizations); and economic lead over India.[14] 2007, the 50th anniversary of diplomatic ties between the two countries, was declared as the "China-Sri Lanka Friendship Year."[15] A joint Communiqué was signed between the two nations and a series of activities were organized to consolidate traditional friendship, strengthen mutually beneficial cooperation, and to promote the China-Sri Lanka cooperative partnership even further, including high level visits in different areas of activities.[16] The communiqué also affirmed efforts for both countries to address pressing issues such as terrorism, extremism, and separatism.[17]

True to its friendship, also China offered economic and social development assistance to Sri Lanka and has expressed readiness to facilitate and finance relevant projects for infrastructure improvement and economic development.[18] Sri Lanka, to honor the Chinese, has welcomed the establishment of the Confucius center at Kelaniya University in Sri Lanka and has agreed to facilitate greater student exchange for promotion of Chinese and Sinhalese language in the two countries.[19] China referred to Sri Lanka as a "traditional and friendly neighbor"[20] and has always stood by the Sri Lankans during their difficult periods, such as its defense of Sri Lanka against European Union allegations to the UNHRC, of human rights violations against the LTTE.[21]

Diplomatic cooperation between China and Sri Lanka could be seen in the development of a port project at Hambantota on the south coast of Sri Lanka. The Hambantota Development Zone, which the Chinese will help to build, will include a container port, bunkering system, oil refinery, and other facilities, with China financing more than 85% of the project.[22] Sino-Sri Lankan cooperation on the port project has stirred India, as it regards Sri Lanka within its sphere of influence.[23] The Hanbantotata Project is the latest in a series of steps that China has taken to consolidate its access to the Indian Ocean and to secure sea lanes.[24] Sri Lanka is very keen that China completes this project, which is similar in strategic importance to the Gwadar Port it has completed in Pakistan. The significance of the Hambantota port to the Chinese is its proximity to India's south coast and positioning to the Indian Ocean.[25] The new port at Hambantota is estimated to boost Sri Lanka's annual cargo handling capacity from 6 million containers to about 23 million.[26]

China has concerns about growing U.S.-India ties, fearing a U.S. tilt towards India, resulting in changing power dynamics in Asia. South Asia is becoming a geopolitical competition ground between China, India, and the U.S.[27] and U.S.-Indian relations may also be an attempt to lessen China's policy of strategic encirclement.[28] To counter the changing power dynamics, China has strengthened its relations with India's neighbors Sri Lanka, Pakistan, Bangladesh, Myanmar, and the Maldives. It

professes a policy of peace amid friendliness towards India though its actions are clearly indicative that concerted efforts are underway at the strategic encirclement of India.[29]

The Indian Ocean is crucial for, among others, Chinese, American, Indian, and Japanese interests. Each one has calculated tactics to consolidate their presence in the Indian Ocean Littorals.[30] Even further than developing infrastructure facilities, China has given 1 million US dollars in humanitarian aid to Sri Lanka[31] and has offered military and economic assistance and complementary diplomacy to India's neighboring countries (Pakistan, Bangladesh, Nepal, and Sri Lanka). Beijing has developed close relationships in the region, built through defense, intelligence, military transfers, and political support.[32] It has gained strategic advantage over India by making Indian neighbors dependent, to a large extent, on China for their defense supplies[33] and has supplied T-59, T-69, and T-85 tanks; heavy artillery guns, anti-aircraft systems, SAM missiles, and other defense related equipment to Pakistan, Bangladesh, and Myanmar.[34] In spite of the limited strategic linkage that the South Asian countries have vis-a-vis Bangladesh, Nepal, Bhutan, and Sri Lanka, there has been tremendous Chinese interest and presence. This can be attributed to the geo-political importance of the location.

Geographically separated by a narrow stretch of water, the Palk Straits, India and Sri Lanka have had good relations, although India has wielded significant influence on the island for decades.[35] Relations that the two countries have traditionally enjoyed are now steadily being eroded by China, Pakistan, and host of other countries.[36] China's rapidly increasing economic assistance to Sri Lanka can be seen in its construction of the coal power plant in the Mannar area.[37] There has been a burgeoning arms deal worth U.S. $37.6 million, for ammunition and ordnance to the Sri Lankan army and navy[38] as well as supplying Jian-7 fighters, JY-11 3D air surveillance radars, armored personnel carriers, T-56 assault rifles, machine guns, anti-aircraft guns, rocket-propelled grenade launchers, and missiles.[39]

Economic interests are not the true reason for China's entry into Sri Lanka. In fact, the geostrategic location of the country has prompted Beijing to develop a strategic relationship with Colombo.[40] A growing concern for China is the sea lanes for communication between Europe and East Asia and the oil tanker routes from Middle East. As a part of its string of pearl strategy, China has attempted an 'arc of influence' around India, and wants to complete this arc by integrating Sri Lanka within it.[41]

China practices a three-pronged strategy, viewing the South Asian states as three clusters:

 1) The first group comprises states that have close ties with China and welcome the growth of China's overall power and role: Pakistan, Iran, Bangladesh, Myanmar, and Sri Lanka. These are the countries who view China as an ally in their efforts to enhance their political space and ensure a steady, and more affordable, supply of military weapons and technology. China, to them, is a benign state whose power and independent role enhances their security by balancing the other major state in the region, India.[42]

 2) The second group comprises of Nepal and Bhutan. These are countries that have close security relations with India and would be directly affected by a dominant or a hostile China.[43] A proactive

approach has been adopted by Beijing towards these countries.[44]

3) The last group is China categorized is India, alone.[45]

The three-pronged strategy adopted by China has been a determining aspect in China-South Asia relations. Micro-states in the region have been a part of the China's pan-Asian and global strategy. Sri Lanka fits into this axiom of China's theory of counterbalancing India. India views Chinese inroads into Sri Lanka with disquiet and sees it as a broad move into the Indian Ocean.[46]

India cannot dismiss a rising China as a benign player in the region. China poses major security challenges, strengthens India's adversaries, and manipulates neighboring states that are a part of the South Asian security environment.[47] China's increasing presence in the construction of the Hambantota Project has stirred concern in some quarters in India.

> "The significance of Hambantota to China lies in its proximity to India's south coast and on the fact that it provides Beijing with presence midway in the Indian Ocean. The Indian Ocean is a critical waterway for global trade and commerce. Half the world's containerized freight, a third of its bulk cargo and two-thirds of its oil shipments travels through the Indian Ocean. It provides major sea routes connecting Africa, the Middle East, South Asia and East Asia with Europe and the Americas; and is home to several critical chokepoints such as the Strait of Hormuz and the Strait of Malacca".[48]

The rapid intensification in Sino-Sri Lankan relations and China's close proximity to the Indian shores is a worrisome factor.[49] There are growing concerns that the semi-permanent presence of China in Sri Lanka, will bring them within monitoring distance of India's fast-breeder reactor complex at Kalpakam, near Chennai, the Russian-aided Koodankulam nuclear power reactor complex in southern Tamil Nadu and India's space establishments in Kerala.[50]

A large political shift is happening in the Indian Ocean, and Sri Lanka is much more than a mere playpen for the China-India rivalry.[51] With planned enlargement of the Chinese navy and American naval dominance expected to decline in the coming decade,[52] a larger political backdrop presents itself. Robert Kaplan wrote that the U.S. is, "beginning an elegant decline by leveraging the growing sea power of allies such as India and Japan to balance against China."[53] Naval presence in Sri Lanka becomes invaluable for China if a planned canal across the Isthmus of Kra in Thailand materializes. This would connect the Indian Ocean with China's Pacific coast; a project that has the potential to dramatically shift the balance of power in Asia.[54] Beijing would strive to expand its influence in Sri Lanka and would help Colombo ward off "US bullying."[55]

Power politics that persist over the Indian Ocean has made the Americans coin the term "the string of pearl strategy", a part of the Chinese nexus to create a geostrategic influence in the region. For the Chinese, a container shipping facility in Chittagong, Bangladesh is a "pearl." Construction of a deep water port in Sittwe, Myanmar is a "pearl." The construction of a navy base in Gwadar Pakistan is a "pearl" and the Hambantota port in Sri Lanka under construction is a "pearl".[56]

A sense of China's threat has been occupying the Indian strategic horizon for some time: the Chinese People's Liberation Army entered Tibet in 1950, then the Sino-Indian Border war in 1962, the Chinese nuclear test in 1964, development of strategic ties with Pakistan since 1965, and India's nuclear tests in 1998, when Indian Defense Minister George Fernandes asserted that China was "potential[ly] threat number one," and Indian Prime Minister Atal Behari Vajpayee cited the "China threat" to justify India's nuclear weaponization in his secret letter to US President Bill Clinton. Chinese military modernization such as annual double-digit increases in defense expenditures, large-scale imports of advanced weaponry to enhance service capability, the renovation of military doctrine, and the restructuring of PLA as well as personnel training, have worried Indian strategists.[57] After India became nuclear the 1998, China termed India as a hegemon.[58] Suspicious of India's great power ambitions to retain its role as the sole Asian representative in the United Nations Security Council, China has blocked India's effort to gain membership.[59]
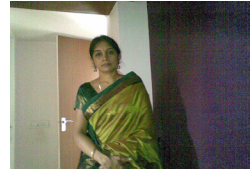
Conclusion

With the rise of China and India, the twenty-first century could witness an Asia dominated power shift in the world. On the economic front, India would stand to gain from a rising China. Chinese-Indian trade is strong, growing at more than 30 per cent each year, and will soon pass USD 30 billion. In terms of security, however, China would continue to pose problems for India; as such, it is essential for India to evolve a robust military modernization effort in an attempt to evolve itself into a comprehensive strategic power with an expanded regional role.[60]

Relations between India and China remain very fragile. Convergence, divergence, and an element of competition underpin the relationship between India and China.[61] Past history, filled with antagonism and suspicion, dominates the Sino-Indian entente and it would be too farfetched to hope for a momentous change in the relationship.

Over the years, there has been a growing Chinese entente with Pakistan, Bangladesh, Nepal, Myanmar, and Sri Lanka; and it would be a misnomer to view Chinese presence in the region as benign. It's growing grip in Sri Lanka "might not be imminent but it is a clear and present danger."[62] This is a significant component of China'a ties with India's neighbors and has serious implications for India's national security.[63]

Dr. Priya Suresh is a Scholar with the Geostrategy Programme at the Takshashila Institution. She researches on North East Asia and India's relevance in the region, China's foreign Policy tracing from Deng Xiaoping and his contemporary relevance.

Dr. Suresh is the Former Head & Assistant Professor Department of International Studies, Stella Maris College (Autonomous) Chennai and was the recipient of the US Department of State to attend the Fellowship on National Security Studies at the University of California, San Diego. She was also a Visiting Member at the Lawrence Livermore National Laboratory, Monterrey Institute of International Studies, U.S. State Department & Pentagon, Washington DC.

International Politics of the Kurds and Russian Intervention in the Middle East

Omer Tekdemir
University of Westminster

Abstract

This analysis focuses on the Kurdish perception and interpretation of Russia's active role in the Syrian Civil War and multidimensional impacts of Russian foreign policy towards the Kurdish political movement in Syria. Hence, it examines recent political progress and developments in the region, referring to the historical roots of the relationship. Russian foreign policy towards the Kurds across the region is shaped by its national interest, security, and energy concerns; along with its interest in international power, requiring an end to the Syrian Civil War, and acquiring a new ally. On the other hand, Kurdish politics in Syria are shaped by international and regional actors, along with internal groups.

Introduction

On July 7, 1923, Red Kurdistan (Kurdistanski Uezd) was founded by a decision of the Union of Soviet Socialist Republics (USSR) as the first Kurdish autonomous province after World War I. This political entity survived until it was abolished on July 23, 1930, by the Soviet administration (Yilmaz, 2014). The seven year-old experience during its existence created a very important memory in Kurdish political history. In 1992, with the assistance of Russia and Armenia, the president of the Caucasian Kurdistan Freedom Movement, Wekil Mustafayev, proclaimed the reformation of Red Kurdistan in Lachin during the Nagorno-Karabakh War between Armenia and Azerbaijan. Nevertheless, this "political dream" did not gain enough internal and international support for it to be realized, which left Wekil's passion and will for a Kurdish nation-state in the Caucasus to wait for another day (Mihemed, August 23, 2014).

In fact, Russian and Kurdish relations were not limited to this particular case. In the Iran of Reza Shah Pahlavi, the state policy on Kurds became very oppressive and assimilative, particularly after the repression of the Kurdish revolt, which was initiated by Simko (a tribal leader), who controlled the Urmiye zone between 1918 and 1922. However, during the Soviet invasion in the northern part the country, the Red Army presence was welcomed by the Kurds. As Elphinston wrote in the Journal of International Affairs (January 1946), just before the Kurdish independence, "Kurdish eyes were turned towards Russia. When the Russians entered Iran in 1941, hopes were aroused that they might assist the Kurdish independence" (1946: pg. 98).

After a failed attempt at establishing a state, the Kurdish Republic of Ararat, in the east of modern Turkey, from1926 to 1932) (Roosevelt, 1993), the leader of the Democratic Party of Kurdistan, Qazi Muhammad, established another short-lived independent Kurdish state, the Kurdish Republic of Mahabad on January 23, 1946, under the tutelage of the USSR. However, after the USSR agreement with the West, the Russians withdrew their forces from Iran without protecting the Kurdish Republic and shifted their strategy to opposing the Kurds. This ended in the break-up of Kurdistan on December 15, 1946 with the execution of Qazi Muhammad in the center of Mahabad on March 31, 1947.

These historical examples all contributed to a disreputable image of Russia in the Kurdish collective mind as, not for the first time, the Kurds believed that the Russians had abandoned them, and left them powerless. More recently, Russian's lack of initiative over the 1999 capture of Abdullah Ocalan, the leader of the Kurdistan Workers' Party (PKK), signaled that unfriendly relations between the Kurdish national movement and Russia continued. Interestingly, despite these historical events, the Kurds have always taken an overall favorable strategic view in dealing with Russia and Russia plays a vital role in the Kurdish national struggle.

After the collapse of Saddam's dictatorial regime, through a coalition of the US and the Kurdish peshmerga (security forces), in the late 1990s and early 2000s, the Kurds built a *de facto* independent state under the name of the Kurdistan Regional Government (KRG) in northern Iraq. To date, this has presented the closest possibility of an independent Kurdistan in post-modern Kurdish political history. The Iraqi Kurds were preparing to declare their independence just before the so-called Islamic State of Iraq and Syria (ISIS/ISIL) appeared. This new, brutal agent politicized Islam with very modern goals and institutions and has become, among others, one of the most dangerous threats to the Kurds in the region.

However, the threat of ISIS also caused previously fragmented Kurdish political parties to coalesce during the defense of Kobani, with the Kurds constructing a national consciousness and alignment among different political agents. As a result, united Kurdish forces have emerged in a number of countries: in Iraq, the Kurdistan Democratic Party (KDP) and the Patriot Union of Kurdistan (YNK); in Turkey, the Kurdistan Workers' party (PKK); in Syria, the Democratic Union Party (PYD); in Iran, the Party of Free Life of Kurdistan (PJAK), and other small transnational (including diaspora) Kurdish groups or individuals to help defend Kobane and to rescue Shingal and Yazidi Kurds from ISIS. However, after the operation in Shingal, it now seems that the power struggle of the PKK and KDP remains, as both sides wanted to receive credit for their successful military operation (in coordination with aerial support from US-led collation forces) as well as gaining control of the city. This internal dispute is a key issue in Kurdish politics. The division between groups is also creating important questions for Kurdish politics; such as: who will be main sponsor of Kurdish political demands in the region? Who will rule the Kurdish region in either Syria or Iraq, and which superpower will be their ally, the US or Russia?

In Syria, the Kurds suffered under the despotic Baathist regime of the Assads and struggled for basic human rights before the civil war begain. They felt there was momentum towards achieving their

national rights through peaceful demonstration during the so-called Arab Spring.

When the Syrian Civil War first started, the Kurds rejected the "rules of the game" followed by the Assad regime and the anti-Assad coalition of armed Islamic organizations (the Free Syrian Army, the Syrian branch al-Qaeda, al-Nusra, and ISIS). They started to protect the Kurdish populated region and refused to fight for either side unless directly attacked by any of these combatants. The Kurdish struggle was instigated by the PYD through its armed forces, the People's Protection Units (YPG). After the Kobane victory in Rojava (West Kurdistan), known as the Rojava Revolution (which was like a "Stalingrad" for the Kurds), the Kurds gained the massive sympathy of the international community and attention of the states (stakeholders) in the region, citing the Kurdish "heroic" resistance, particularly by the Women Defence Unit (YPJ) in the city of Kobane. Kurdish political representatives created a "safe and free territory" along with sovereignty under a canton regime (Afrin, Jazira, and Kobane).

The Kurds have created several political environments. On one hand, the Kurdistan Regional Government is built upon a *de facto* independent state based on a traditional cultural (tribal-feudal) and an Islamic-oriented values and neoliberal rentier economy, within a model of a regional nation-state. On the other hand, the Kurds in Rojava have created a canton regime (autonomy) based on a radical democratic, secular, and anti-capitalist communal government. The Kurds in Turkey seek self-governance at the political level within the country's territorial unity (Türkiyelilik) through the People's Democracy Party's (HDP) ontology of radical plural democracy (Tekdemir, 2015, June 02), while also being engaged in the armed struggle of the PKK in the Kurdish-dominated cities (Cizre, Nusaybin, Sur etc.).

As a result, despite social, political, and economic issues, the Kurdish model in Syria has attempted to challenge the nation(alist) state and deconstructs the Sykes-Picot order in the region by offering an alternative political practice. The Kurdish autonomy focuses on liberty and equality to all as opposed to homogeneous, oppressive, and authoritarian regimes aiming to include many religious and ethnic minorities; while in Iraq, Kurds pursue the formation of a nation-state by having a consensus with many actors, such as Turkey, the United States, and the United Kingdom.

The Russian Bear on the Kurdish Mountains and Prospects

The Syrian crisis became a vital political, economic, and security issue for Russian international affairs as well as a domestic concern. As the Russian analyst Maxim A. Suchkov (December 09, 2013) highlights: "the Kurds in the North Caucasus sent considerable humanitarian aid to the Kurds in Syria. At the same time, dozens of volunteer fighters from the North Caucasus (mostly from Chechnya and Dagestan) joined anti-regime forces, finding themselves on the other side of the barricade." This conflict has created a domestic security issue for Russia. Syria is an important ally of Russia in the Middle East in also opposing Western hegemonic power, particularly in opposing the United States' desire of a unipolar position in the Middle East.

Hence, Syria turns out to be a ground for a proxy war between the US and Russia in the so-called neo-Cold War era. This has changed with the ISIS attack in Paris on November 13, 2015, and became a turning point in this antagonistic relationship. Currently, the notion of the enemy is shifting as the adversarial politics of international relations in the Middle East changes. A *de facto* alliance has occurred between the West and Russia, inasmuch as the Russian military coordinated joint airstrikes over ISIS-controlled territories with the French armed forces. This not only provided a common ground and a dialogue for working against ISIS but starting a peace process for Syria.

Russian foreign policy towards the Kurds across the region is shaped by Russia's national interest, security, and energy concerns, along with its role in the international hegemonic power struggle, which demands the need for ending the Syrian Civil War and the acquisition of a new ally in the Middle East and the Eastern Mediterranean region. In October 2015, Bashar Assad secretly met with Vladimir Putin in Moscow (Assad's first known visit abroad since the Civil War began in 2011). After the meeting, Putin said, "we assume that a long-term solution may be reached on the basis of the latest military developments and political process with participation from all political, ethnic and religious groups" (Osborn, 2015, October 21). Accordingly, he suggested that the Rojava Kurds should be supported by NATO, the UN, and the EU, *inter alia*, in the battle with radical groups such as ISIS. At the same time, the Russian Ambassador to Turkey, Andrey Karlov, said that, "neither the PKK nor the PYD is considered terrorist organizations by either Russia or the United Nations Security Council" (Saeed, 2015, October 19). In August 2015, the Prime Minster of Russia, Dmitry Medvedev, also criticized the legitimacy of Turkey's military operation against the PKK camp on Qandil Mountain within the Kurdistan Regional Government territory in northern Iraq and in Rojava in northern Syria, along with the EU and United States, who identified the PKK/PYD as among the leading actors fighting against ISIS.

This new approach demonstrates the Kremlin's increasing interest in Kurdish politics (from Kobane to Lacin) and the Middle East, but also, makes it appear as a champion of Kurdish rights. When the United States admitted to the failure of its strategy in Syria and Iraq in supporting political and radical Islamic groups and acquiesced to the Russian involvement in the Syrian crisis, Russian political and military presence increased enormously in Syria and in the Middle East.

> *...Syria turns out to be a ground for a proxy war between the US and Russia in the so-called neo-Cold War era.*

This zeitgeist of the Middle East has provided a space of opportunity for the Kurds in Syria and perhaps for its post-conflict era. The Kurds are acting very slowly and surely in terms of their relations with both sides. After all, the destiny of the Kurds is changing, and hence a famous local expression, "no friends, but mountains" is turning into a situation of, "more friends, with a possibility of sovereignty." The Kurds have started to exploit the balance of politics between global powers while increasing their regional "medium power" and internationalizing with their aspiration for independence.

It seems that the Syrian Kurds are taking advantage of Russian and US involvement in the Syrian crisis. They are not choosing a side; rather attempting to achieve maximum benefit from a balanced relationship.

Turkey also can not be overlooked in the international politics of the Kurds and the Middle East. It is a decisive actor and a new, demanding stakeholder. In fact, a "quasi-war" is taking place between the PKK and the Turkish security forces in Syria through different agents and channels including direct contact. Moreover, Turkish President Recep Tayyip Erdoğan stated that "the PYD is equal with the PKK for Turkey, hence, a "terrorist organization, and his country will never allow a separate Kurdish state along Turkey's border with Syria" (Middle East Eye, 2015, June 27). Moreover, the relationship between Moscow and Ankara has deteriorated, especially after Turkey shot down a Russian warplane on the Turkey-Syria border on November 23, 2015; thus, escalating tensions between a NATO member and Russia, NATO's major opposing power, yet another development in the era of the so-called neo-Cold War.

Conclusion

The Kurds have suddenly become a central and key actor in the international affairs of the Middle East again, one that are seen by many states (including the United States, EU, and Russia) as the only effective and successful agent against jihadist groups on the ground. Issues of security and energy, as well as the secular, liberal, and democratic values of the West and Russia, require a substantial ally to work toward a peaceful Middle East and a safeguard against threats. The Kurdish political project thus demonstrates itself as the "right" candidate for these external dynamics by creating governance modeled on the principles of secular, liberal, and democratic values, and by collaborating with world powers.

The Kurds are entering a new stage that can be conceptualized as "Palestinization;" that is, an international acceptance through the attention of the international media, sympathy of the international community, legitimization of Kurdish victimization, and their struggle of identity. In this respect, a PYD official participated in the last Geneva meeting on the resolution of the Syrian conflict and peace building process.

In summary,

> "the negative chemistry at present, Ankara and Moscow are also on the same page regarding a range of security issues. Turkey is irked by Russia's support for the Syrian Kurds - but Russians have not backed Kurdish autonomy, nor raised the question of the revisiting territorial boundaries in the region. Turkey has also shown a great deal of understanding to Russian concerns about militancy and separatism originating in the North Caucasus, which has been a key concern for Moscow since the 1990s" (Bechev, 2015, November 27).

Kurdish analyst, Aliza Marcus, also expresses,

"the arguments against Kurdish independence are obsolete. It's not a question of whether the world should allow Kurds to have independent states. It's a matter of the international community catching up with what the Kurds have already done. In Iraq and Syria, Kurdish groups have established their own states - albeit *de facto* - without waiting for anyone's permission. These are not fully-fledged independent countries with diplomatic missions at the United Nations and international recognition. They don't need to be. Kurds have shown they can manage without that" (Marcus & Apostolou, 2015).

According to this, the prospect of Kurdish independence increased despite the internal crisis of the Kurdistan Regional Government over the election in the Kurdistan, the competition between all the political parties for the leadership of the nation, the ongoing conflict with Turkey, the uncertain political situation in Iran, and the bloody war against ISIS in Rojava.

Omer Tekdemir is a visiting Lecturer at Department of Politics and International Relations and Centre for the Study of Democracy, University of Westminster, London; as well as a visiting research fellow at the Centre for Trust, Peace and Social Relations, Coventry University. He was previously worked as a visiting academic in Political Economy at the Durham Business School, Durham University, after gaining his Ph.D in Politics and International Relations from the School of Government and International Affairs, Institute for Middle Eastern and Islamic Studies and Ustinov College, at Durham University. He also completed his MA in International Relations and Contemporary Political Theory under the supervision of Professor Chantal Mouffe, at the Centre for the Study of Democracy, University of Westminster and BA at Department of Political Science, University of Istanbul. Apart from his academic studies, his publications also appeared in Open Democracy, Your Middle East, The ConversationUK and Research Turkey. He is currently working on a book, The Political Economy of Kurdish Political Identity.

REFERENCES AND FOOTNOTES

Interview with Professor Dawn Chatty

[1] Chatty, D. (2010). Displacement and dispossession in the modern Middle East. New York: Cambridge University Press.

The Unequal Chances of Migrating and Belonging

References

Boatca, Manuela. 2011. "Global Inequalities." Edited by desiguALdades.net. Transnational Processes and Transregional Entanglements, no. 11. Accessed January 1.

CBC News. 2015. "Full Text of Justin Trudeau's Remarks ahead of Refugees' Arrival," December 11. http://www.cbc.ca/news/canada/toronto/syrian-refugees-justin-trudeau-remarks-1.3360401.

Dzankic, Jelena. 2012. "The Pros and Cons of Ius Pecuniae. Investor Citizenship in Comparative Perspective." WP 14. EUI RSCAS Working Paper. Florence: EUI. http://cadmus.eui.eu/bitstream/handle/1814/21476/RSCAS_2012_14.pdf.

Hindess, Barry. 1998. "Divide and Rule: The International Character of Modern Citizenship." European Journal of Social Theory, no. 1: 57–70.

Hindess, Barry. 2000. "Citizenship in the International Management of Populations." American Behavioral Scientist 43: 1486–97.

Hunger, Uwe. 2003. Vom Brain Drain zum Brain Gain: die Auswirkungen der Migration von Hochqualifizierten auf Abgabe- und Aufnahmeländer. Gesprächskreis Migration und Integration. Bonn: Wirtschafts- und Sozialpolitischen Forschungs- und Beratungszentrum der Friedrich-Ebert-Stiftung, Abteilung Arbeit und Sozialpolitik.

Ong, Aihwa. 2006. "Mutations in Citizenship." Theory, Culture & Society, no. 23: 499–505.

c2014. "The Democratic Potential of Enfranchising Resident Migrants." International Migration, May, n/a – n/a. doi:10.1111/imig.12162.

The Unequal Chances of Migrating and Belonging. 2016. "Unchecked Migration and Democratic Citizenship." In , 133–52.

Piper, Nicola, and Stefan Rother. 2012. "Let's Argue about Migration: Advancing a Right(s) Discourse via Communicative Opportunities." Third World Quarterly 33 (9): 1735–50. doi:10.1080/01436597.2012.721271.

Ruhs, Martin. 2011. "Openness, Skills and Rights: An Empirical Analysis of Labour Immigration Programmes in 46 High-and Middle-Income Countries." Available at SSRN 1894644. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1894644.

Schierup, Carl-Ulrik, Aleksandra Ålund, and Branka Likic-Brboric. 2015. "Migration, Precarization and the Democratic Deficit in Global Governance." International Migration 53 (3): 50–63. doi:10.1111/imig.12171.

Schmidtke, Oliver. 2003. "Das Kanadische Einwanderungsmodell: Wohlverstandenes Eigeninteresse Und Multikulturelles Ethos." In Migration in Spannungsfeld von Globalisierung Und Nationalstaat. 205-226.

Shachar, Ayelet. 2006. "The Race for Talent: Highly Skilled Migrants and Competitive Immigration Regimes." Edited by University of Toronto, no. 883739. Accessed January 1.

Thränhardt, Dietrich. 2014. "Steps Toward Universalism in Immigration Policies: Canada and Germany." Ryerson Centre for Immigration and Settlement. Working Paper 2. http://www.ryerson.ca/content/dam/rcis/documents/RCIS_WP_Thraenhardt_No_2014_2(1).pdf

Walzer, Michael. 1997. Las Esferas de La Justicia. Una Defensa Del Pluralismo Y La Igualdad. México D.F.: Fondo de Cultura Económica.

Now is the Time to Reform the Immigration Courts

[1] American Bar Association, Reforming the Immigration Court System (2010), p. 2 -16 available at htpp://www.americanbar.org/content/dam/aba/migrated/Immigration/PublicDocuments/aba_complete_full_report.

authcheckdam.pdf; Administrative Conference of the United States (ACUS), "Immigration Removal Adjudication, Committee on Adjudication, Proposed Recommendation, June 14-15, 2012," available at http://www.acus.gov/report/immigration-removal-adjudication-report.

[2] Law 360, Opinion: The Most Broken Part of Our Immigration System, Steven H. Schulman (October 30,2015), https://www.law360.com/immigration/articles/721259/opinion-the-most-broken-part-of-our-immigration-system.

[3] Ng Fung Ho v. White, 259 U.S. 276, 284 (1922). These cases have also been analogized to criminal trials, because fundamental human rights are so inextricably tied to these enforcement-type proceedings. See John H. Frye III, Survey of Non-ALJ Hearing Programs in the Federal Government, 44 ADMIN. L. REV. 261, 276 (1992).

[4] EOIR Statistical Yearbook, http://www.justice.gov/eoir/statistical-year-book

[5] TRAC, Immigration Court Backlog Tool, available at http://trac.syr.edu/phptools/immigration/court_backlog/

[6] EOIR publishes a list of Immigration Courts nationwide, including a list of managerial and supervisory judges as well as their current judge staff at http://www.justice.gov/eoir/eoir-immigration-court-listing

[7] Supra at note vi.

[8] ABC- KSAT 12, Non-priority Immigration Cases Won't be Heard until 2019, available at http://cuellar.house.gov/news/documentsingle.aspx?DocumentID=398186

[9] Lomi Kriel, Immigration courts backlog worsens, Houston Chronicle, May 15, 2015 available at http://www.houstonchronicle.com/news/houston-texas/houston/article/immigration-courts-backlog-worsens-6267137.php; Editorial Board, More U.S. Immigration Judges Needed, The Monitor, April 12, 2015, available at http://www.themonitor.com/opinion/editorial-more-us-immigration-judges-needed/article_1aed2194-dfe5-11e4-af39-47dff4002961.html; Diane Solis, Backlog at all-time high in federal immigration courts, The Dallas Morning News, May 15, 2015, available at http://thescoopblog.dallasnews.com/2015/05/backlog-at-all-time-high-in-federal-immigration-courts.html/; Editorial Board, Fighting the Wrong War at the U.S. Border, Bloomberg Views, July 21, 2015, available at http://www.bloombergview.com/articles/2015-07-21/fighting-the-wrong-war-at-the-u-s-border ; Liz Robbins, Immigration Crisis Shifts from Border to Courts, The New York Times, August 23, 2015 , available at http://www.nytimes.com/2015/08/24/nyregion/border-crisis-shifts-as-undocumented-childrens-cases-overwhelm-courts.html?_r=1; The Times Editorial Board, The Immigration Court Backlog: Why won't Congress act?, Los Angeles Times, August 26, 2015, available at http://www.latimes.com/opinion/editorials/la-ed-immigration-court-20150826-story.html .

[10] U.S. Department of Justice, Attorney General Alberto R. Gonzales Outlines Reforms for Immigration Courts and Board of Immigration Appeals, August 9, 2006, available at http://www.justice.gov/archive/opa/pr/2006/August/06_ag_520.html. Note that despite this plan, by September 2008, no new Immigration Judge positions had yet been funded. TRAC, Bush Administration's Plan to Improve Immigration Courts Lags, September 8, 2008, available at http://trac.syr.edu/immigration/reports/194/ .

[11] American Bar Association, Reforming the Immigration Court System (2010), available at http:www.americanbar.org/content/dam/aba/migrated/Immigration/PublicDocuments/aba_complete_full_report.authcheckdam.pdf.

[12] Administrative Conference of the United States (ACUS), "Immigration removal Adjudication, Committee on Adjudication, Proposed Recommendation, June 14-15, 2012," available at http://www.acus.gov/report/immigration-removal-adjudication-report.

[13] Georgetown University, Institute for the Study of International Migration, Detention and Removal: What Now and What Next?, Report on expert's roundtable held in October 2014, available at https://isim.georgetown.edu/sites/isim/files/upload/Detention%26Removalv10%20%281%29.pdf .

[14] Bipartisan Policy Center, Funding Immigration Courts Should Not be Controversial, May 20, 2015, available at http://bipartisanpolicycenter.org/blog/funding-immigration-courts-should-not-be-controversial/

[15] Human Rights First, Reducing the Immigration Court Backlog and Delays, September 2015, available at http://www.humanrightsfirst.org/sites/default/files/HRF-Backgrounder-Immigration-Courts.pdf .

[16] United States House of Representatives, Committee on the Judiciary, Hearing on "Oversight of the Executive Office for Immigration Review", December 3, 2015, available at http://judiciary.house.gov/index.cfm/hearings?ID=DB5DABA5-ABA0-44E3-8918-D22603B9D2F7

[17] Dana Leigh Marks, Still a Legal "Cinderella"? Why the Immigration Courts Remain an Ill Treated Stepchild Today The Federal Lawyer, March 2012 at 25.

[18] See Immigration Reform and the Reorganization of Homeland Defense: Hearing Before the Subcomm. on

Immigration of the S. Comm . on the Judiciary, 107th Cong. 14-16, 70-98 (2002) statement and written submissions of Dana Marks Keener, President, National Association of Immigration Judges. Included in the NAIJ submission was a position paper entitled An Independent Immigration Court: An Idea Whose Time has Come, See id. at 79-98 (written statement of Dana Marks Keener, president, and Denise Noonan Slavin, vice president, NAIJ) also available at http://naij-usa.org/wp-content/uploads/2014/06/An-Independent-Immigration-Court-An-Idea-Whose-Time-Has-Come-January-2002.pdf.

[19] 8 C.F.R. § 1003.10(b)

[20] The DOJ's mission statement is: "To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans." http://www.justice.gov/about.

[21] For a comprehensive discussion of the history of these issues, why the establishment of an Immigration Court under Article I is desperately needed, see Dana Leigh Marks, An Urgent Priority: Why Congress Should Establish An Article I Immigration Court, 13 BENDER'S IMMIGRATION BULLETIN 3 (Jan. 1, 2008).

[22] While charged with impartiality, the immigration courts lack the structural protections for independence which are provided to the judicial branch of government or tribunals under the Administrative Procedure Act. Rather, immigration judges are governed by the provisions of the Immigration and Nationality Act. See INA §101(b)(4), 8 U.S.C. §1101(b)(4). The Office of Professional Responsibility relies for that proposition on the provisions of 8 U.S.C. § 1101(b)(4) and 8 C.F.R. § 1001.1(1), which require Immigration Judges to be attorneys. Such a narrow reading of these provisions flies in the face of the nature of the duties performed by Immigration Judges and the standards to which they are rightfully held by the circuit courts of appeals.

[23] See Denise Noonan Slavin and Dana Leigh Marks, Conflicting Roles of Immigration Judges: Do You Want Your Case Heard by a "Government Attorney" or by a "Judge"?, 16 BENDER'S IMMIGRATION BULLETIN 1785 (Nov. 15, 2011).

[24] See Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, § 304, 110 Stat. 3009, 3009-589 (IIRIRA) (codified as amended at INA § 240(b)(1) (2007), 8 U.S.C. § 1229a(b)(1)).

[25] Nineteen years after Congressional action, the state of limbo persists. "The INS has generally opposed the application of this [contempt] authority to its attorneys. In more than three years since the enactment of IIRIRA, the [EOIR] and the DOJ have failed to resolve this issue, apparently still paralyzed by the legacy of their relationship with INS." Michael J. Creppy et al., Court Executive Dev. Project, Inst. for Court Mgmt., The United States Immigration Court in the 21st Century 109 n.313 (1999). Because of this opposition, the Attorney General still has not published regulations implementing contempt authority for Immigration Judges.

[26] In EOIR's response to a contentious Freedom of Information Act case now on appeal before the D.C. Circuit, "The agency further argued that immigration judges are not high-level employees, but rather the career government attorneys who 'fit snugly' with the kinds of low-level workers who privacy interests in job matters the court has upheld." Allissa Wickham, Disclosure May Cause Stigma, EOIR Tells DC Circ., Law 360, Dec. 4, 2015.

[27] The NAIJ believes that Immigration Judges should be held to the high judicial standards set forth by the American Bar Association's Model Code of Judicial Conduct. On July 25, 2007, NAIJ formally responded to EOIR's proposed rulemaking on the issue announced at 72 Fed. Reg. 35,510 (June 28, 2007), and recommended that EOIR adopt our proposed code, which is closely patterned after the ABA provisions.

[28] See, e.g. Settlement agreement in Abadia-Peixoto, et al . v. United States Department of Homeland Security, et al., Case No.:3:11-cv-4001 RS (4/40/14)(class action asserting deprivation of due process to adult immigration detainees forced to appear in immigration court shackled at the wrists, waist, and ankles, regardless of their history or capacity for disruption), available at https://www.aclunc.org/our-work/legal-docket/uelian-de-abadia-peixoto-et-al-vs-united-states-department-homeland-security

[29] Supra at note xxii.

[30] See, e.g., Select Comm'n on Immigration and Refugee Policy, U.S. Immigration Policy and the National Interest: Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy With Supplemental Views by the Commissioners (1981).

[31] Comm'n on Immigration, Am. Bar Ass'n, Executive Summary, Reforming the Immigration System, PROPOSALS TO PROMOTE INDEPENDENCE, FAIRNESS, EFFICIENCY, AND PROFESSIONALISM IN THE

ADJUDICATION OF REMOVAL CASES at ES-39 (Feb. 2010); Chicago Appleseed Fund for Justice, Assembly Line Injustice: Blueprint to Reform America's Immigration Courts at 35-36.

[32] See Resolution of the National Association of Women Judges, passed on April 16, 2002 (on file with author); American Judicature Society, The Crisis in the Immigration Courts, available at http://naij-usa.org/wp-content/uploads/2014/06/American-Judicature-Society-Immigration-Court-Editorial_10-24-11.pdf

Interview with Sheila B. Keetharuth

[1] United Nations Human Rights Council (UN HRC). (2014). Resolution adopted by the Human Rights Council: 26/24—Situation of human rights in Eritrea. Geneva, Switzerland: UN HRC. Retrieved January 13, 2016, from http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/24.

[2] UN HRC. (2015). Report of the Commission of Inquiry on Human Rights in Eritrea. Geneva, Switzerland: UN HRC. Retrieved January 13, 2016, from http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/42.

[3] Stevis, M., & Parkinson, J. (2015, October 20). African dictatorship fuels migrant crisis: Thousands flee isolated Eritrea to escape life of conscription and poverty. Wall Street Journal. Retrieved January 13, 2016, from http://www.wsj.com/articles/eritreans-flee-conscription-and-poverty-adding-to-the-migrant-crisis-in-europe-1445391364.

[4] VOA News. (2015, November 11). France's Hollande: Eritrea "becoming empty" as residents leave. Voice of America. Retrieved January 13, 2016, from http://www.voanews.com/content/eu-offers-african-nations-1-8-billion-but-some-question-response/3052919.html.

[5] http://www.unhcr.org/print/3ae68ccd10.html.

Eritrea at the Center of the International Migration Crisis

[1] Full version of the report is available here: http://unhcr.org/556725e69.html#_ga=1.105409091.1165959019.1449518198.

[2] See the following chart by the International Organization for Migration (IOM): https://twitter.com/tcraigmurphy/status/510044413314482176. It is also reported that out of almost 500, 000 people who came to Europe in 2015, most came from Syria, Libya and Eritrea. See http://uk.reuters.com/article/uk-europe-migrants-eritrea-idUKKCN0RH1MU20150917.

[3] Pastoral Letter of the Catholic Bishops of Eritrea, "Where is Your Brother," 25 May 2014, p. 14 [emphasis added]. A Tigrinya version of the letter is available here: http://asmarino.com/alewuna/2093-the-most-daring-message-to-come-out-of-eritrea-. English translation is available here: http://amecea.blogspot.no/2014/06/eritrea-nuncio-for-eritrea-appointed.html.

[4] See "Thousands Flee Isolated Eritrea to Escape Life of Conscription and Poverty," 20 October 2015, http://www.wsj.com/articles/eritreans-flee-conscription-and-poverty-adding-to-the-migrant-crisis-in-europe-1445391364?alg=y.

[5] Police Headquarters in Agritento, "List of Lampedusa Survivors," http://download.repubblica.it/pdf/2013/cronaca/sopravvissuti_lampedusa.pdf, 4 October 2013. The only non-Eritrean survivor happens to be the captain of the capsized boat.

[6] "Victim Gave Birth as She Drowned," 10 October 2013, available at http://www.dailymail.co.uk/news/article-2451746/Lampedusa-boat-tragedy-victim-gave-birth-drowned.html.

[7] Report of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/42, 4 June 2015 (hereafter "COIE Report"), paragraph 38.

[8] COIE Report, paragraph 96.

[9] European Commission - Press release, "EU announces support for poverty eradication in Eritrea," 11 December 2015, http://europa.eu/rapid/press-release_IP-15-6298_en.htm.

[10] For instance, sub-article 1 of the same provision provides: "Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights. Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development" [emphasis added].

[11] See http://uk.reuters.com/article/uk-europe-migrants-eritrea-idUKKCN0RH1MU20150917.

[12] See Daniel R. Mekonnen, "An Afternoon with Louis Michel in the European Parliament," 11 December 2009, http://www.asmarino.com/news/435-an-afternoon-with-louis-michel-in-the-european-parliament-.

[13] See map released by Office for the Coordination of Humanitarian Affairs (OCHA), 4 December 2015, available at http://reliefweb.int/sites/reliefweb.int/files/resources/snapshot%20Dec%204%20%281%29.pdf.

[14] COIE Report, paragraph 66.

[15] Martin Plaut, "Eritrea: No Legitimate Partner for the European Union," 9 November 2015, https://martinplaut.wordpress.com/2015/11/09/eritrea-no-legitmate-partner-for-the-european-union/.

[16] I have staunchly argued in favour of this position in a number of occasions, including in presentations I made at parliamentary hearings of the European Parliament. From academic contributions, the following is one pertinent example: Daniel R. Mekonnen and Mirjam van Reisen, "The EU Lisbon Treaty and EU Development Cooperation: Considerations for a Revised EU Strategy on Development Cooperation in Eritrea," Law and Politics in Africa, Asia and Latin America (Verfassung und Recht in Übersee – VRÜ), 45(3) (2012), pp. 324-343. From media commentaries, the following is a recent example: "Interview with Russia Today," 8 November 2015, https://www.rt.com/shows/in-the-now-summary/321224-russian-plane-crash-rapping/. A shorter YouTube version is available here: https://www.youtube.com/watch?v=xrc_OY2faZU.

Displacement and Statelessness

[1] The World's Stateless, December 2014 http://www.statelessness.eu/blog/world%E2%80%99s-stateless-new-report-why-size-does-and-doesn%E2%80%99t-matter

[2] UNHCR, Note on International Protection 1993, cited by Norwegian Refuge Council and Tilburg University, Statelessness and Displacement, Scoping Paper 2014. http://www.nrc.no/arch/_img/9197390.pdf

[3] UNHCR, The World's Stateless, December 2014 http://www.statelessness.eu/blog/world%E2%80%99s-stateless-new-report-why-size-does-and-doesn%E2%80%99t-matter

[4] "Statelessness and Displacement: A Scoping Paper." (n.d.): n. pag. Norwegian Refugee Council, Tilburg University. Web. http://www.nrc.no/arch/_img/9197390.pdf, pp. 9-10.

[5] http://www.economist.com/news/middle-east-and-africa/21627729-thousands-syrian-refugees-are-risk-having-no-recognised-nationality-loss-nation

[6] "Syrian refugee children at risk of becoming stateless," *The National World, December 2015*. http://www.thenational.ae/world/middle-east/syrian-refugee-children-at-risk-of-becoming-stateless. Also see Omer Karasapan, "The State of Statelessness in the Middle East," Brookings Blog, 15 May 2015. http://www.brookings.edu/blogs/future-development/posts/2015/05/15-middle-east-refugees-karasapan. Also see Amit Sen, Charliee Dumare and Ana Pollard, "Born in exile: Syrian children face threat of statelessness," 4 November 2014. UNHCR. http://www.unhcr.org/54589fb16.html

[7] "Syria: The Loss of a Nation," The Economist, 23 October 2014. http://www.economist.com/news/middle-east-and-africa/21627729-thousands-syrian-refugees-are-risk-having-no-recognised-nationality-loss-nation

Interview with International Organization for Migration (IOM) Mission in Kosovo

[1] Public Pulse Report -IX- April 2015 Prepared by UNDP Kosovo; http://www.ks.undp.org/content/dam/kosovo/docs/PublicPulse/pp9/PPR9_Anglisht.pdf.

[2] Institute for Development Policy Report, June 2015: "An overview of migrations of Kosovars into the EU: Migration as a Multifaceted Phenomenon", http://www.indep.info/documents/5615_INDEP_An%20overview%20of%20migrations%20of%20Kosovars%20into%20the%20EU%20Migration%20as%20a%20Multifaceted%20Phenomenon.pdf.

[3] Projects from the first phase of EU-Beautiful Kosovo may be seen in the project's catalogue: http://kosovo.iom.int/sites/default/files/EU-BK%202011-2013%20Catalogue.pdf.

Linking Migration and Human Trafficking

Abubakar, A., & Levs, J. (2014, May 6). "I will sell them," Boko Haram leader says of kidnapped Nigerian girls [Online version]. Cable News Network. Retrieved January 14, 2016, from http://www.cnn.com/2014/05/05/world/africa/nigeria-abducted-girls/

A Call to Action: Responding to the Migrant Crisis

[1] For details on the name, visit http://www.express.co.uk/comment/expresscomment/604590/Migrant-crisis-the-truth-about-the-boy-the-beach-Aylan-Kurdi and https://en.wikipedia.org/wiki/Death_of_Alan_Kurdi.

[2] https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf.

[3] United Nations (UN). (1951, July 28). Convention relating to the Status of Refugees. Geneva, Switzerland: UN. Retrieved January 22, 2016, from https://web.archive.org/web/20121114081432/http://treaties.un.org:80/Pages/ViewDetailsII.aspx?&src=UNTSONLINE&mtdsg_no=V~2&chapter=5&Temp=mtdsg2&lang=en.

[4] Office of the United Nations High Commissioner for Refugees: The UN Refugee Agency. Visit http://www.unhcr.org/pages/49c3646c2.html.

[5] OECD (Organisation for Economic Co-operation and Development). (2015). How will the refugee surge affect the European economy? Migration Policy Debates, 8(November). Retrieved January 16, 2016, from http://www.oecd.org/migration/How-will-the-refugee-surge-affect-the-European-economy.pdf.

ESSAYS

Diversifying Euro-Atlantic Stability

References

Allison, R. (2014). Russian 'deniable' intervention in Ukraine: how and why Russia broke the rules. International Affairs, 90(6), 1255-1297. doi:10.1111/1468-2346.12170

Braw, E. (2015). Bully in the Baltics. World Affairs, 177(6), 31-38.

Brown, B. E. (2014). Europe—and NATO—Are Back. American Foreign Policy Interests, 36(3), 201-209. doi:10.1080/10803920.2014.925348

Colby, E. (2015). Step Up to Stand Down – The United States, NATO, and Dissuading Russian Aggression. Foreign Affairs. Retrieved from https://www.foreignaffairs.com/articles/poland/2015-08-13/step-stand-down

"Ever-Expanding Union?" (2004). The Economist. Retrieved from http://www.economist.com/node/2628212

Feifer, G. (2015). Contain Yourself – The West Needs Containment 2.0. Foreign Affairs. Retrieved from https://www.foreignaffairs.com/articles/syria/2015-10-20/contain-yourself

German, T. (2015). Heading west? Georgia's Euro-Atlantic path. International Affairs, 91(3), 601-614. doi:10.1111/1468-2346.12286

German, T. (2012). The Nagorno-Karabakh Conflict between Azerbaijan and Armenia: Security Issues in the Caucasus. Journal Of Muslim Minority Affairs, 32(2), 216-229. doi:10.1080/13602004.2012.694666

"Introducing the Eurasian Economic Union – Where Three is a Crowd." (2014). The Economist. Retrieved from http://www.economist.com/blogs/banyan/2014/05/introducing-eurasian-economic-union

Kibaroglu, M. (2013). Turkey's Place in the 'Missile Shield'. Journal Of Balkan & Near Eastern Studies, 15(2), 223-236. doi:10.1080/19448953.2013.775761

Kuzio, T. (2011). Soviet conspiracy theories and political culture in Ukraine: Understanding Viktor Yanukovych and the Party of Regions. Communist & Post-Communist Studies, 44(3), 221-232. doi:10.1016/j.postcomstud.2011.07.006

Motyl, A.J. (2015). The West Should Arm Ukraine – Here's Why-And How. Foreign Affairs. Retrieved from https://www.foreignaffairs.com/articles/russia-fsu/2015-02-10/west-should-arm-ukraine

"Russia's Battered Economy – Hardly Tottering By." (2015). The Economist. Retrieved from http://www.economist.com/news/europe/21639557-russian-economy-will-take-long-time-recover-it-badly-needs-structural-reforms-it

Sakwa, R. (2015). The death of Europe? Continental fates after Ukraine. International Affairs, 91(3), 553-579. doi:10.1111/1468-2346.12281

Stulberg, A. N. (2015). Out of Gas?: Russia, Ukraine, Europe, and the Changing Geopolitics of Natural Gas. Problems Of Post-Communism, 62(2), 112-130. doi:10.1080/10758216.2015.1010914

Tolstoy, A., & McCaffray, E. (2015). Mind Games. World Affairs, 177(6), 25-30.

Tolstrup, J. (2015). Black knights and elections in authoritarian regimes: Why and how Russia supports authoritarian incumbents in post- Soviet states. European Journal Of Political Research, 54(4), 673-690. doi:10.1111/1475-6765.12079

"Ukraine and Europe – Commitment Anxiety." (2015). The Economist. Retrieved from http://www.economist.com/news/europe/21650179-brussels-and-kiev-both-want-more-their-relationship-they-are-getting-commitment-anxiety

"What Russia Wants – From Cold War to Hot War." (2015). The Economist. Retrieved from http://www.economist.com/news/briefing/21643220-russias-aggression-ukraine-part-broader-and-more-dangerous-confrontation

Wilson, A. (2014). Belarus Wants Out – One of Russia's Closest European Allies Begins to Play the Field. Foreign Affairs. Retrieved from https://www.foreignaffairs.com/articles/belarus/2014-03-20/belarus-wants-out

Wilson, J. L. (2010). The Legacy of the Color Revolutions for Russian Politics and Foreign Policy. Problems Of Post-Communism, 57(2), 21-36.

Wolff, A. T. (2015). The future of NATO enlargement after the Ukraine crisis. International Affairs, 91(5), 1103-1121. doi:10.1111/1468-2346.12400

The Myth of the "Clash of Civilizations"

References

Allaf, R. (2004). 'America, Iraq and Arab opinion: Shock waves'. The World Today, 60(6), 4–7.

Brown, C. (2002). 'The fall of the towers and international order'. International Relations, 16(2), 263–267.

Calvert, J. (2002). 'The Islamist syndrome of cultural confrontation'. Orbis, 46(2), 333–349.

Delkhasteh, M. (2011, February 26). Clash of civilizations discredited. Huffington Post. Retrieved December 2, 2014, from http://www.huffingtonpost.com/mahmood-delkhasteh/clash-of-civilizations-di_b_827810.html

Esposito, J. L. (1999). The Islamic threat: Myth or reality? Third edition. Oxford: Oxford University Press.

Ford, P. (2001, September 19). Europe cringes at Bush 'crusade' against terrorists. The Christian Science Monitor. Retrieved December 13, 2014, from http://www.csmonitor.com/2001/0919/p12s2-woeu.html

Fuller, G. E. & I. O. Lesser. (1995). A sense of siege: The geopolitics of Islam and the West. Boulder: Westview Press.

Fuller, G. E. (2008, January). A world without Islam. Foreign Policy, 164, 46–53.

Gerges, F. A. (2003, May). Deepening discontent. The World Today, 59(5), 6–7.

Halliday, F. (1996). Islam and the myth of confrontation: Religion and politics in the Middle East. London: I. B. Tauris Publishers.

Hastings Dunn, D. (2012). Transatlantic relations and US foreign policy, in I. Parmar (ed.). New directions in US foreign policy. New York: Routledge.

Huntington, S. P. (1993). The clash of civilizations?. Foreign Affairs, 72, 22–49.

Jentleson, B. W. (2010). American foreign policy: The dynamics of choice in the 21st century: Fourth edition. New York: W. W. Norton & Company.

Kagan, R. (2002, June). Power and weakness. Policy Review, 113, 3–28.

Mandhai, S. (2014, July 7). Muslim leaders reject Baghdadi's caliphate. Al Jazeera. Retrieved December 3, 2014, from http://www.aljazeera.com/news/middleeast/2014/07/muslim-leaders-reject-baghdadi-caliphate-20147744058773906.html

McCoy, T. (2014, September 16). The apocalyptic magazine the Islamic State uses to recruit and radicalize foreigners. The Washington Post. Retrieved December 15, 2014, from http://www.washingtonpost.com/news/morning-mix/wp/2014/09/16/the-apocalyptic-magazine-the-islamic-state-uses-to-recruit-and-radicalize-foreigners/

Murden, S. (2005). Culture in world affairs. in J. Baylis & S. Smith (eds.). The globalization of world politics: An introduction to international relations: Third edition. Oxford: Oxford University Press.

Rubenstein, R. E. & J. Crocker. (1994, October). Challenging Huntington. Foreign Policy, 96, 113–128.

Stein, E. (2003). Construction of an enemy. Monthly Review 55(3), 125–129.

Tharoor, I. (2014, September 16). Nevermind what Obama says: The Islamic State claims it's facing a crusade. The Washington Post. Retrieved December 15, 2014 from http://www.washingtonpost.com/blogs/worldviews/wp/2014/09/16/nevermind-what-obama-says-the-islamic-state-claims-its-facing-a-crusade/

Whitlock, C. and L. Sly. (2011, October 12). For Iran and Saudi Arabia, simmering feud is rooted in history. The Washington Post. Retrieved December 6, 2014 from http://www.washingtonpost.com/world/national-security/for-iran-and-saudi-arabia-simmering-feud-is-rooted-in-history/2011/10/11/gIQAhYugdL_story_1.html

Full text: Bin Laden's 'letter to America. (2002, November 24). The Guardian: Observer Worldview Extra. Retrieved December 10, 2014 from http://www.theguardian.com/world/2002/nov/24/theobserver

Jihad against Jews and Crusaders: World Islamic Front statement. (1998, February 23). Federation of American Scientists. Retrieved December 12, 2014 from http://www.fas.org/irp/world/para/docs/980223-fatwa.htm

Remarks by the President upon arrival. (2001, September 16). The White House. Retrieved December 12, 2014 from http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010916-2.html

China's "New Silk Road" Strategy: "Belt" versus "Road"

References

1. Chen, Dingding. "China's 'Marshall Plan' is much more." The Diplomat, November 10, 2014.

2. Chi, Lo. "China's "One Belt One Road": The Land and Sea Strategies (Part 2 of 2)." BNP Pari-bas, July 8, 2015.

3. ——. "The economics and politics of China's New Silk Road." South China Morning Post, June 30, 2015.

4. Deepak, B.R. "One Belt One Road: China at the Centre of the Global Geopolitics and Geo-economics." South Asia Analysis, Paper No. 5838, December 4, 2014.

5. Li, Keqiang. "Report on the Work of the Government." Delivered at the Second Session of the Twelfth National People's Congress, March 5, 2014.

6. McBride, James. "Building the New Silk Road." Backgrounder: Council on Foreign Relations, May 25, 2015.

7. National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People's Republic of China. "Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century maritime Silk Road." March 28, 2015.

8. Page, Jeremy. "China to contribute $40 billion to Silk Road Fund." The Wall Street Journal, No-vember 8, 2014.

9. Shi, Zi. ""One Road & One Belt" New Thinking With Regard to Concepts and Practice." Lecture delivered at the 30th anniversary of Conference of the Schiller Institute, Germany, October 14, 2014.

10. "The Memorandum of Understanding on Establishing the Asian Infrastructure Investment Bank (AIIB) was signed in Beijing." AIIB, October 24, 2014.

11. "The One Belt, One Road Initiatives." Maritime Insight, Issue 1, June 2015.

12. Tiezzi, Shannon. "The New Silk Road: China's Marshall Plan?." The Diplomat, November 6, 2014.

13. ——-. "'Historic' AIIB Signing Marks Beginning of New Era, China Says." The Diplomat, June 30, 2015.

Growing Chinese Influence in Sri Lanka & Implications for India

[1] Goldstein Avery, An emerging China's emerging grand strategy:A Neo-Bismarckian Turn?, ed G.John Ikenberry and Michel Mastanduno, International Relations Theory and Asi Pacific, Columbia University Press, 2003 ISBN 0–231–12591-7

[2] Walgreen David, China in the Indian Ocean Region: Lessons in PRC Grand Strategy, Comparative Strategy, 25:55-73, 2006, DOI: 10.1080/01495930600639544, p 56

[3] Ibid, p 61

[4] Ibid, p.63

[5] Cole D. Bernard, (2001), The Great Wall at Sea, Naval Institute Press, Annapolis, Maryland, USA, pg. 10

[6] Holmes James R,Yoshihara Toshi, "The Influence of Mahan upon China's Maritime Strategy", Comparative Straegy, 1 January 2005:23-51, DOI: 10.1080/01495930590929663 URL: http://dx.doi.org/10.1080/01495930590929663

[7] Singh Swaran, Continuity and Change in China's Maritime Strategy, Strategic Analysis, 1495, 10.1080/09700169908455139,URL: http://dx.doi.org/10.1080/09700169908455139

[8] Holmes, James R. and Yoshihara, Toshi(2008)'China's Naval Ambitions in the Indian Ocean', Journal of Strategic-

Studies,31:3,367 — 394, DOI: 10.1080/01402390802024700, URL: http://dx.doi.org/10.1080/0140239080202470

[9] Ibid, p 369

[10] Malik J Mohan , South Asia in China's Foreign Relations, Pacifica Review, Volume 13, Number 1, February, 2001, online/01/01/0073-18 Ó 2001 ,   DOI: 10.1080/13239100120036054, p 73-90

[11] Ibid, p 89

[12] Ibid p.89

[13] China is a Sri Lanka's Friend indeed: A report, www.people.com.cn, 11 April 2005

[14] Malik Mohan, India-China competition revealed in ongoing border disputes, Power Interest News Report, October 9 2007

[15] Sri Lanka China Issues joint communiqué, March 5 2007,

[16] Ibid, Sri Lanka China issues joint communiqué

[17] Ibid

[18] Ibid, Sri Lanka China issues joint communiqué

[19] Ibid, Sri Lanka China issues joint communiqué

[20] Chinese FM to Visit India, Sri Lanka, Xinhua News Agency, September 2, 2008

[21] Bhadrakumar M.K., Sri Lanka wards off Western bullying, Asia Times Online, 27 May 2009

[22] Ramachandran Sudha, China moves into Indian Backyard, Asian Times online, 2007

[23] Ramachandran Sudha, China moves into Indian Backyard, Asian Times online, 2007

[24] Ramachandran Sudha, China moves into Indian Backyard, Asian Times online, 2007

[25] Ramachandran Sudha, China moves into Indian Backyard, Asian Times online, 2007

[26] Moinasari, Indian Ocean is a Chinese Lake:"String of Pearls" threaten India, Sept ember 1, 2008 rupeenews.com

[27] Sino-US competition, October 27 2006, http://www.janes.com/security/international_security/news/sentinel/sent061027_1_n.shtml

[28] Ibid

[29] Kanwal Gurmeet, China's long march to world power status: Strategic challenge for India, Strategic Analysis, 22:11,1713 — 1728, DOI: 10.1080/09700169908458915,URL: http://dx.doi.org/10.1080/09700169908458915

[30] China provides 1 million USD in aid to Sri Lanka, Xinhua News Agency, May 5 2009

[31] Kanwal Gurmeet, China's long march to world power status: Strategic challenge for India

[32] Dutta Sujit, china's emerging power and military role: implications for south Asia, http://www.rand.org/pubs/conf_proceedings/CF137/CF137.chap5.pdf, p.9

[33] Kanwal Gurmeet, China's long march to world power status: Strategic challenge for India

[34] Ibid

[35] Ramachandran Sudha, India chases the dragon in Sri Lanka, 19 July 2008, http://www.atimes.com/atimes/South_Asia/JG10Df03.html

[36] Ibid

[37] Ibid

[38] Ibid

[39] Ibid

[40] Ibid, p 1

[41] Ibid p.1

[42] Ibid, p.10

[43] Ibid, p 10

[44] Ibid

[45] Ibid

[46] Bhadrakumar, M.K, Sri Lanka wards off Western bullying, Asia Times Online, 27 May 2009

[47] Dutta Sujit, china's emerging power and military role: implications for south Asia, http://www.rand.org/pubs/conf_proceedings/CF137/CF137.chap5.pdf, p.9

[48] Ramachandran Sudha, "The Indian Ocean Region: China moves into India's backyard", 13 March 2007,www.asiantimes.com

[49] http://www.tamilnation.org/intframe/indian_ocean/050411china_hambantota.htm

[50] Ramachandran Sudha, India chases the dragon in Sri Lanka, 19 July 2008, http://www.atimes.com/atimes/South_Asia/JG10Df03.html

[51] Ibid

[52] Bhadrakumar, M.K, Sri Lanka wards off Western bullying, Asia Times Online, 27 May 2009

[53] Ibid

[54] Ibid

[65] Ibid

[56] Ibid

[57] Pehrson Christopher J, String of Pearls: Meeting the challenge of china's rising power across the Asian Littoral, July 2006, http://www.StrategicStudiesInstitute.army.mil/, ISBN 1-58487-250-0

[58] Guihong Zhang, The rise of China: India's perceptions and responses, South Asian Survey 2006 DOI: 10.1177/097152310501300106

[59] Bhattacharya Abanti, Revisiting China's Peaceful Rise: Implications for India. East Asia,Winter 2005, Vol 22, No.4, Pp 59-80

[60] Getting in step: India Country Briefing, February 4, 2008, Jane's Information Group, http://www.janes.com/news/defence/jdw/jdw080204_1_n.shtml

[61] Bhattacharya Abanti, Revisiting China's Peaceful Rise: Implications for India.

[62] Ramachandran Sudha,Sri Lanka: India dithers, China waits, http://www.atimes.com/atimes/South_Asia/GI13Df04.html

[63] Ibid

Bibliography

1. Avery Goldstein, An emerging china's emerging grand strategy: A Neo-Bismarckian Turn?, ed G.John Ikenberry and Michael Mastanduno, International Relations Theory and the Asia Pacific (Columbia University Press 2003)
2. Bernard D Cole (2001), The Great Wall at Sea, Naval Institute Press, Annapolis, Maryland USA, 2001, p 3.
David Walgreen, China in the Indian Ocean Region: Lessons in PRC Grand Strategy,
Comparative Strategy, 25:55-73, 2006, DOI: 10.1080/01495930600639544
4. Gurmeet Kanwal, China's long march to world power status: Strategic challenge for India Strategic Analysis, 1 February 1999: http://www.informaworld.com/smpp/title~content=t780586780, DOI: 10.1080/09700169908458915, URL: http://dx.doi.org/10.1080/09700169908458915
5. James R Holmes, Toshi Yoshihara, "The Influence of Mahan upon China's Maritime Strategy",
Comparative Strategy,1 January 2005:23-51, DOI: 10.1080/01495930590929663 URL: http://dx.doi.org/10.1080/01495930590929663
6. Swaran,Singh Continuity and Change in China's Maritime Strategy, Strategic Analysis,
10.1080/09700169908455139,URL: http://dx.doi.org/10.1080/09700169908455139
7. Malik J Mohan , South Asia in China's Foreign Relations, Pacifica Review, Volume 13, Number 1, February, 2001, online/01/01/0073-18 Ó 2001 ,   DOI: 10.1080/13239100120036054
8. Pehrson Christopher J, String of Pearls: Meeting the challenge of china's rising power across the Asian
Littoral, July 2006, http://www.StrategicStudiesInstitute.army.mil/, ISBN 1-58487-250-0
9. Dutta Sujit, china's emerging power and military role: implications for south Asia,
  http://www.rand.org/pubs/conf_proceedings/CF137/CF137,chap5,pdf, p.9
10. Getting in step: India Country Briefing, February 4, 2008, Jane's Information Group, http://www.janes.com/news/defence/jdw/jdw080204_1_n.shtml

11. Saxena Shbana, Why do we fear the Chinese Dragon?, 13 September 2009

12. Military Mismatch in a Danger Zone, The Times of India, September 17, 2009

Border Friends-Sino-Indian ties warily improve, December 7 2007, Jane's Information Group,

13. Moinasari, Indian Ocean is a Chinese Lake:"String of Pearls" threaten India, Sept ember 1, 2008 rupeenews. com

14. Malik Mohan, India-China competition revealed in ongoing border disputes, Power Interest News Report, October 9 2007

15. Sino-US competition, October 27 2006, http://www.janes.com/security/international_security/news/sentinel/ sent061027_1_n.shtml

16   China provides 1illion USD in aid to Sri Lanka, Xinhua News Agency, May 5 2009

17. Ramachandran Sudha, China moves into Indian Backyard, Asian Times online ,2007

18. Sri Lanka promoted as a new exciting destination, Business Daily Update, China, 11 July 2006

19. Chinese FM to Visit India, Sri Lanka, Xinhua News Agency, September 2, 2008

20. Bhadrakumar M.K., Sri Lanka wards off Western bullying, Asia Times Online, 27 May 2009

21. China is a Sri Lanka's Friend indeed: A report, Error! Hyperlink reference not valid. April 2005

22. Sri Lanka China Issues joint communiqué, March 5 2007

23. China's Growing Influence in Sri Lanka: Implications for India, 26 July 2006, URL: http://www.ipcs.org/ newKashmirLevel2.jsp?action=showView&kValue=2093&subCatID=null&mod

24. Indian Naval Head warns of Chinese military challenge, August 12 2009, IHS (Global) Limited

25. M.K. Bhadrakumar, Who stands to gain from war hysteria?, The Hindu September 21, 2009

International Politics of the Kurds and Russian Intervention in the Middle East

References

Bechev, Dimitar (2015, November 27). "Turkey-Russia: Mutual Interests Dictate De-escalation of the Crisis." Al-Sharq Forum. Retrieved from: http://www.sharqforum.org/en/articles/5657fd3469702d5b433e0000

Elphinson, W. G. (1946). "The Kurdish Question." International Affairs, 22(1), 91- 103. doi: 10.1080/00210860008701986.

Gramsci, Antonio (1971). Selection from the Prison Notebooks. New York: International Publishers.

Hall, John (2015, April 21). "Meet the Peshmerga's International Brigade: From IT workers to Ex-soldiers, the Men from the West Teaming up with Kurdish Forces to Fight ISIS." Daily Mail. Retrieved from: http://www.dailymail. co.uk/news/article-3049019/Peshmerga-s-foreign-legion-fighting-alongside-defeat-ISIS-workers-ex-soldiers-brave-men-world-teaming-Kurdish-forces.html

Mihemed, Xosevi (2014, August 23). "Wekil Mustafayev'in Ya'ama Sebebi: Kızıl Kürdistan" (The Vitality of Wekil Mustafeyev: Red Kurdistan). Interview with Wekil Mustafeyev, Rudaw. Retrieved from: http://rudaw.net/turkish/ interview/23082014

Marcus, Aliza & Apostolou, Andrew (2015, November, 27). 'Why it's Time for Free Kurdistan.' The Daily Beast. Retrieved from: http://www.thedailybeast.com/articles/2015/11/27/the-kurds-already-have-independence.html

Middle East Eye (2015, June 27). "Turkey will 'never allow' Kurdish state in Syria: Erdogan." Middle East Eye. Retrieved from: http://www.middleeasteye.net/news/turkey-will-never-allow-kurdish-state-syria-erdogan-682463351

McDonald, Alex (2015, February 19). "Christian Foreign Fighters Deserting Kurdish YPG in Syria because They're 'Damn Reds'." Middle East Eye. Retrieved from: http://www.middleeasteye.net/news/christian-foreign-fighters-deserting-kurdish-ypg-syria-because-theyre-damned-reds-1976493133

Osborn, Andrew (2015, October 21). "Bashar Assad Meets with Vladimir Putin in Moscow." Huffington Post. Retrieved from: http://www.huffingtonpost.com/entry/bashar-assad-vladimir-putin-moscow-visit_us_562739d1e4b02f6a900ea44e

Roosevelt Jr., Archie (1993). "The Kurdish Republic of Mahabad" in Gerard Chailand (ed.). A People without a Country: The Kurds and Kurdistan. London: Zed Book.

Saeed, Yerevan (2015, October 19). "Russian Ambassador in Turkey says PKK not a Terrorist Organization." Rudaw. Retrieved from: http://rudaw.net/english/middleeast/turkey/19102015

Collegiate Students Invited to Participate

STUDENT WRITING COMPETITION
Summer 2016

Be one of our winners and be eligible for publication in our next issue of International Affairs Forum

Contest opens May 2016

www.ia-forum.org/StudentAwards