

REFUGEE WATCH

A South Asian Journal on Forced Migration

48

Mahanirban Calcutta Research Group
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Introduction: Syrians are Coming? Reframing the Syrian Refugee Crisis

By

Nergis Canefe *

Syria's civil war is one of the worst humanitarian crisis of our time. Since 2011, more than half the country's pre-war population of 23 million people has been displaced and was forced to flee their homes. At present, in the wake of a ceasefire, horrific human rights violations and mass-scale destruction of cities continue to be widespread. According to the United Nations figures, at least 6.5 million people have become asylum seekers and refugees. An estimated 11 million Syrians have fled their homes since the outbreak of the civil war. In the sixth year of war, 13.5 million are declared as in need of humanitarian assistance within the country. Among those escaping the conflict, the majority have sought refuge in the neighbouring countries. According to the United Nations High Commissioner for Refugees (UNHCR), at least 4.8 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria. Meanwhile about one million have requested asylum to Europe. Germany, with more than 300,000 cumulated applications, and Sweden with 100,000, are EU's top receiving countries. Canada officially accepted 25,000 Syrian refugees while Jordan received 600,000 Syrians.

It is also estimated that well over 250,000 people have already died during the conflict, with hundreds of thousands more critically wounded and handicapped. Millions of Syrians have sought refuge in the neighbouring countries of Egypt, Iraq, Jordan, Lebanon, and Turkey. Thousands more continue to make the harrowing journey to Europe on land and sea in search of safety. In response to this ongoing state of crisis that marks the turn of the 21st century, Refugee Watch hosts this special issue on the plight of the Syrian people, with particular emphasis on those living as stateless people in neighboring countries across the Middle East. As millions of Syrians continue to be displaced due to the ongoing conflict in their home country, it is essential that a critical account of the global perception and reaction to this *en masse* refugee crisis is offered by engaged scholarship. The expert articles

* Refugee Watch, 48, December 2016.

brought together in this issue discuss various aspects of the Syrian refugee crisis in an attempt to contextualize it in historical and global terms. Local and international human rights researchers, advocates, and organizations pertaining to the handling of Syrian crisis, local and international jurisprudence on the subject pertaining to the tinkering with the refugee law to keep Syrians out or to make them into cheap labor/second class citizens, deaths and disappearances in the Mediterranean sea and their banal perception, and, local, regional and international advocacy efforts and sources for support are among the subject headings covered in the following pages with a distinct emphasis on debates within the Global South. The issue provides a timely analytical intervention on the changing nature of the global refugee and immigration regime in response to the Syrian crisis.

From the way the problem has been portrayed thus far, all too often one is forced to think that all the displaced and the dispossessed of wartime Syria headed to Europe. As many European countries were beginning to emerge from the depths of the financial problems caused by the 2008 global crash, a new crisis emerged supposedly threatening to envelop the continent: the displacement of huge numbers of people fleeing humanitarian disasters in the Middle East and North Africa (MENA) and a slew of related political, financial, and security issues. It is certainly true that a large proportion of the people coming to Europe as asylum seekers during the last 10 years were originally from Syria and Iraq, but significant numbers also arrived from Afghanistan, Turkey, Eritrea, and Ukraine, among others. In most of these countries the crises that provoked the exodus are ongoing with no near future end in sight and hence the moral and material panic in Europe and the tightening of the legal refugee regime the continent developed almost as an apology to the loss of livelihood before and during the Second World War. And yet, as amply illustrated in the following pages that is a very limited and indeed misleading perspective on the Syrian refugee crisis.

No doubt mass displacement causes problems that have to be dealt with without delay for societies receiving the dispossessed in large numbers. However, why these problems are so prominently portrayed with reference to the European context as continental emergencies while the majority of 2 plus million Iraqis and more than 8 million Syrians were received elsewhere is part of the current problem concerning our understanding of the Syrian exodus. As the focus remains on Europe, the plight of the Syrians is first and foremost framed as a burden for the international refugee regime. In this special collection, we intend to reframe the issue with the emphasis being shifted to the Syrians themselves and the conditions in the MENA region and its environs.

Traditionally it has been thought that resolving issues related to mass displacement has to wait for the end of a conflict and justice is either seen as a second-order priority or one that can only be dealt with when peace comes to the war-torn society. This special issue on Syrian refugees challenges that notion as well. While it allows for a platform to reflect on what can be done after a conflict, the papers contributed also argue that waiting for peace misses opportunities that allow for critical processes to develop while conflict

continues. In this spirit, we turn our *gaze away* from the ‘crisis in Europe’ due to its reception of asylum seekers, stateless and the dispossessed from Syria to the actual life and future prospects of the Syrians on the move themselves, especially those who ‘did not make it’ to Europe.

Across the Global South, experience in conflict zones taught us that time can be used profitably without waiting for the end of a war to begin to address the causes and consequences of displacement. We remain alert for not just being concerned about the immediate humanitarian needs and problems of the people on the move or the adjustment issues concerning receiving countries alone. Refugees, asylum seekers, IDPs and the stateless are not just the dispossessed. They are the past and future citizens, denizens and agents of the societies that they inhabit. Therefore, integrating debates related to both transitional justice and citizenship to the discussions on displacement are of paramount importance. The number of displaced persons in the current crisis may be unprecedented. There is no doubt that the primary generator of the current set of crises is related to people fleeing war and political violence, especially in Syria, Iraq, and Afghanistan. Violations such as mass killings, arbitrary arrests, torture under custody, organized rape, and the threat of their targeted or random repetition, cause displacement. Violations such as the destruction of homes and property are aimed at preventing people from ever returning home. Forced displacement is often a deliberate strategy of the parties to a given conflict as exemplified by the legal definitions of war crimes and crimes against humanity. Finally, displacement often leaves people vulnerable to a range of other violations, as they go months and years without the protection habitually provided by their homes, livelihoods, communities, and citizenship status.

There are different ways in which justice can be addressed *before* a conflict ends to address multifarious violations associated with mass displacement and to contemplate voluntary repatriation, compensation, local integration, or resettlement in a third country or community and the building of a new rights regime. However, such a dedicated approach to displacement would require some extra measures rather than treating the ‘crisis at hand’ as a humanitarian emergency to be dealt with. First and foremost, looking at mass displacement and exodus, such as the Syrian one, requires that one strives to develop robust consultative processes, maximizing the use of the data gathered, and engage with internally displaced and refugee populations on the causes and impact of the conflict and their views on potential measures of redress and restoration of what has been lost. Beginning such processes while conflict is ongoing would increase the likelihood that future settlements could engage with displaced persons rather than excluding them in perpetuity. Secondly, restitution and return programs may be feasible to *contemplate* even during the unfolding conflict and may significantly contribute to the chances of return in the long run. For instance, programs such as legal empowerment and education for the young in refugee camps and resettlement areas can be a step toward increasing the capacity of refugees to make justice claims both during and after their mass displacement. Needless to say, this is an approach

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that is worlds apart from the trials and tribulations of how European countries could cope with the Syrian refugees with their overburdened administrative states.

Similarly, the wisdom of pursuing criminal prosecutions against those responsible for causing displacement and related violations depends on many complex factors but treating refugees as the new Germans, the new Dutch, or the Scandinavians in the making entirely overlooks even the possibility of such future encounters and political agency. Efforts that assist future prosecutions or at least initiation of restorative justice measures could indeed ensure effective prosecutions are carried out at a later stage, when possible, and as such envisage a different future for refugees, exiles and emigrés who may desire to return. Finally, a gendered perspective on displacement is critical in order to respond to gender-based violations, often an important factor in generating mass displacement, and the frequently marginalized concerns of displaced women and children. None of this has much to do with the capacity of Western states in absorbing the incomers in need. The outlook proposed here has the refugees themselves at the center, as political agents capable of desiring and eventually building a future different than the present that led them to become part of the armies of the globally dispossessed.

Since the beginning of the uprising in Syria in spring 2011, the violence experienced by the civilian population took the form of a full-fledged, brutal civil war. The endgame to the present conflict is still hard to predict. With the recent involvement of Russia, Iran and Turkey, the scenarios are changing daily, with one factor remaining steady—the constant outpouring of Syrians from their home country. The evidence of systematic human rights violations during the conflict continues to be documented, and egregiously violent incidences are mounting, including the regular use of chemical weapons against civilians. Furthermore, the crimes that are currently being committed follow decades of repression and state-sponsored violence that further dim the prospects of an easy or stable transition to a peaceful and more democratic state system in Syria, even in the face of a resolution to the current conflict. At some point in the future, the authorities of a new Syria and members of Syrian civil society will have to consider how to deal with the crimes of the current conflict and the decades of repression that preceded it. This will no doubt have to include the millions of Syrians who are no longer living in Syria and who became part of the mass exodus out of the country. If the example of European Jews of the pre-Second World War era is regarded as a model in any measure, return may be dismal. One could only hope that this would not be the case, and that the stories of the Holocaust or post-colonial partitions do not set the tone for the future of the Syrian society, at home and at large.

The authors of this special issue came together with these concerns in mind and to critically examine the Syrian crisis and exodus in its multiple forms and waves. Reintegration and resettlement after situations of displacement is generally a long-term, complex process. Whether we are talking about acceptance in a new society as refugees, migrants and guest workers, or return to home, post-conflict situations involve both specific

physical challenges and often difficult encounters with broader political communities. In the case of Syrians, involved states and humanitarian actors are primarily interested in providing immediate protection and assistance to displaced persons and only in some cases in facilitating durable solutions with mid-range applicability such as adequate housing for the winter months, interim schooling for the children, temporary work permits and identity cards for adults etc. However, since humanitarian assistance is by definition designed to be a short-term response to immediate, life-threatening conditions, it is not by itself enough to support the meaningful reintegration of people who became subjects of mass exodus and whose future remains in limbo. As the articles in this volume deliberate, continued marginalization of displaced persons hinder economic and social progress of entire communities and may also cause further instability in the region within which they are dispersed. Furthermore, forced migration studies literature is tragically inadequate in addressing the political side of these processes. Thus there is very little to turn to in understanding the parameters of the Syrian exodus in terms of theories of statehood, labour market restructuring, capital accumulation strategies and critical citizenship studies. Last but not the least displaced persons suffer a major breach of political trust that needs to be addressed squarely. Based on their past experiences, they remain suspicious of the state's ability to guarantee their basic security and dignity. Groups such as women and girls, as well as child soldiers and unaccompanied minors, are often at risk of double marginalization during and after mass exodus and displacement. All of these aspects of the 'Syrian problem' are at least as important as their reception by the European refugee regime or accounts of international humanitarian efforts.

To put things in perspective, there are an estimated 60 million refugees in the world. The yearly figure tripled in the past year alone due to the Syrian crisis. Half of the world's 'unwanted' are under age 18 and most of these young people and children will grow up either in a camp or while on the move. Many people died escaping their places of origin, which is not included in the total tally of able bodied displaced people. More than 3,000 refugees drowned in the Mediterranean in 2015 alone, trying to get to the shores of Europe. The bodies pulled out of the Mediterranean reached 5000 in December 2016 for the current year. The ones who died in mountain crossings, under cross fire, with cluster bombs on convoys of civilians, while being smuggled in trucks, trains and boats remain unaccounted for. This is part of the new human condition that needs to be taken seriously. Mass exodus is fast becoming the repetitive crisis of our times. Treating a tradition of granting asylum to the stateless and the displaced as outmoded is slowly emerging as the most common European populist response. But the world is not made up of Europe and its hinterlands. Nowadays, with our obsessions about the age of terror and suicide bombers and radical religiosity, we forget that exile and exodus means eviction from one's political community and the erasure of one's sense of self and location in the world as an agent. And yet, it also brings fresh encounters and new possibilities of realization. To be

unwanted is never just about being rejected.

Rising classes of the 'receiving countries' always need the labour, the votes, the socio-political devotion of the dispossessed. Back in the Europe of the war years, the real horror of the concentration and extermination camps lies in the fact that the inmates, even if they happened to remain alive, were more effectively cut off from the world of the living than if they had died, because terror always enforces oblivion about the plight of the sufferer. Furthermore, 'refugeehood' and exodus in our modern times introduced a new subject into the vernacular of politics: ending of war or statelessness does not put an end to consigning entire peoples to becoming pariahs. By 1949, the camps were filling up again, along the borders of India and Pakistan, and around the rim of the new state of Israel, and they kept filling all across the Global South the next fifty years. The mass production of the refugee, the displaced and the dispossessed has since become a routine solution for the ills of nationalism. Again in Arendt's terms, we are NOT all born equal, we are NOT all destined for liberty and the pursuit of self-fulfillment and happiness. It is only via politics, politico-legal arrangements and institutional guarantees that we may pursue that kind of equality. We enjoy or claim rights only as long as we can declare membership of political communities. There is absolutely nothing natural about rights. In this sense, the real plight of the 'pariah' is not just to be driven from home. What singles out the age of the nation-state is that no one would take in the pariah unless they could extract a hefty price for membership. There is nothing self-evident and inalienable in terms of the rights of the dispossessed, either back at home or in exile. Camps and pariahs are still with us albeit in new forms, such as urban refugees, such as temporary workers, such as people accepted via humanitarian protection quotas, such as denizens. They have never been more numerous since 1945. They are products of our world of post-colonialisms, fortress Europe, NAFTA, G20 and transnationalism. In this glitzy world of interconnectedness, the fools rush where the angels fear to tread in terms of declaring the successes of the post-WWII international refugee regime. This special issue is a testimony to the fact that our job has only just began in terms of redefining the right to have rights. Syrians are coming to our world held together with fabled certitudes, legal sanctities, political fictions and undoing it yet again. They are neither the first nor the last community in exile to do so. Perhaps that is the one lesson to be learnt from their outpour and continuous arrival at our gates, from here all the way to the proverbial China.

Politics and Policy: Syrian Refugees and the European Union

By

Priya Singh*

A European Refugee Crisis?

In recent times, a supposed 'European refugee crisis' is said to be unfurling both within and outside Europe. It has brought to the table both a humanitarian and a political dilemma, which needs to be understood in the context of the policies and practices of European Governments and the European Union in particular. People in large numbers have been hosted in 'informal camps' or in 'institutionalised spaces'/'hotspots.' In this instance, hotspots refer to the EU-run reception centres in frontier member states like Italy and Greece to identify and fingerprint migrants and refugees. The rejection of asylum and confinement of the irregular arrivals in the hotspots, the dearth of legal routes to Europe encouraging the enterprise of smuggling, the annihilation of living spaces and expulsion of people to nations where their rights are not protected are offshoots of the policy pursued by the European Governments and the European Union. Another aspect, which has come to the forefront is the politics of 'exhaustion,' referring to the sheer fatigue experienced by continually displaced people, living in the shadows of uncertainty and the constant fear of threat to their lives.¹

According to the UN Refugee Agency, UNHCR, 'persecution, conflict, and poverty' compelled more than a million people to take off to Europe, a figure that was unprecedented as the number of persons displaced by war and confrontation was the highest witnessed in Western and Central Europe since the 1990s, when a number of conflicts erupted in the erstwhile Yugoslavia. By late December 2015, around 972,500 people had crossed the Mediterranean Sea, according to UNHCR estimates. Moreover, The International Organization for Migration (IOM) estimated that more than 34,000 people had crossed from Turkey into Bulgaria and Greece by land during the same period.²IOM also estimated that around 1,011,700 migrants

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Refugee Watch, 48, December 2016.

arrived by sea in 2015 and nearly 34,900 by land.³ One out of two of those taking the trip to the Mediterranean, that is, half a million people were Syrians attempting to break away from the conflict in their country. Afghans comprised 20 per cent and Iraqis seven per cent. Thus, the conflict in Syria was the biggest cause for migration to Europe, though continuing hostility in Afghanistan and Iraq also prompted people to look for safer lives in other places. In addition, there were economic migrants from Balkan countries such as Kosovo and Albania.⁴ IOM predicts that the incoming refugee rate could be around 17 percent higher in 2016. Roughly, 258,186 migrants arrived in Europe by the end of July 2016, in comparison with the 219,854 refugees that arrived in 2015 during the same time period.⁵

In summary, since the civil war erupted in March 2011, around 11 million Syrians have been forced to flee their homes. In 2016, approximately 13.5 million Syrians required humanitarian support within the country. The majority of those who sought to escape the violence within Syria took refuge either inside the country or in neighbouring states. According to UNHCR estimates, 4.8 million escaped to Turkey, Lebanon, Jordan, Egypt and Iraq while 6.6 million were internally displaced inside Syria. Turkey alone is host to more than 2.7 million Syrian refugees. A million people alone requested asylum to Europe, with Germany being the most sought after country, followed by Sweden. Around 150,000 Syrians have taken asylum in the European Union region and member states have committed to resettle another 33,000 Syrians. In response, the European Union (EU) has provided humanitarian assistance as well as played the role of the host. The contribution of the individual nations has varied and according to the UNHCR, 70% of the promised funding is yet to be received. At the end of the day, despite the supposed 'European Refugee Crisis' in the aftermath of the exodus of 2015, the number of Syrian refugees in Europe comprises less than 10% of the overall figure of displaced Syrians.⁶

While the EU has only managed to secure a peripheral position in the political sense of the term as far as the Syrian civil war is concerned, the burden of the repercussions of the war in terms of the humanitarian, economic and security aspects had to be shouldered by the EU at least in part. As Russia and the United States occupied centre stage as far as the military aspects of the Syrian crisis is concerned, the European Union conspicuous by its 'diplomatic absence' entered into a pact relating to refugees with Turkey in March 2016. The immediate impact of the pact was a sharp decline in the number of uncontrolled migrants arriving in Greece. However, the pact got mired in litigation over the 'concessions offered by EU and the conditions to be met by Turkey.' This was partly caused by the fact that a divided EU entered into negotiations with Turkey in order to secure the retention of refugees in Turkey. Turkey, in return for keeping the Syrians, was assured of financial support and other concessions such as visa free travel for its citizens in EU countries as well as the resumption of the negotiation process related to Turkey's accession into the European Union. In addition, the deal was struck amidst a severe political turmoil in the country. The issues in contention were Turkey's non-implementation of certain clauses of the UN Refugee

Convention, the revived armed confrontation in south-eastern Turkey with its Kurdish minorities and the increased disrespect for human rights and rule of law within the country itself.⁷

This essay strives to understand the recent wave of forced migrations to Europe in terms of the politics, practices and policies of the European Union, particularly with reference to the Syrian refugees, who migrated in large numbers as a consequence of the persistent civil war within their country.

Europe Responds: The EU-Turkey Refugee Pact

Europe's refugee crisis initially drove EU member states apart. Confronted in mid-2015 with a mass inflow of asylum seekers that threatened internal political stability, member states returned to the logic of narrow national self-interest. But as attitudes toward refugees have hardened in even the most generous countries since late 2015, a new consensus seems to be emerging. The concept of shutting out migrants by reinforcing the EU's external border and persuading third countries to prevent people from crossing into the EU is gaining ground. While superficially attractive in reuniting the EU, such a Fortress Europe project would shatter on the geographic, political, and economic complexities of Europe's neighborhood. Rather than rebuilding the EU's legitimacy, it would end up creating more tensions and greater nationalist anger.⁸

Apparently, Europe is grappling with what is perceived as its worst refugee crisis since World War II. By the end of 2015, more than 500,000 people had crossed to Europe by sea and land from the surrounding regions. The majority of the forced migrants undertook the arduous journey in order to get away from the civil war in Syria. On September 23, 2015, the EU member-states arrived at a consensus to relocate 120,000 of the refugees across the Union. It was decided that sixty-six thousand of them, who arrived in Greece and Italy after undertaking hazardous voyages across the Mediterranean, would be relocated in the coming months. Fifty-four thousand were to be shifted from Hungary to other EU states, where they had reached after trekking across the Balkans. The question that instinctively arose is that even though the Syrian war has been waging for more than four years, why was there a sudden spurt in the flow of refugees to Europe in 2015. A number of factors could be held responsible for this development, the primary reason being that the civil war in Syria showed no signs of receding thereby prompting Syrians within Syria to leave and those in exile in Turkey to abandon any hope of going back to their land of origin. Turkey, which was home to more than two million refugees at the time, did not yet grant Syrians the legal right to work. The ruling Justice and Development Party, (AKP), perceived as friendly towards refugees had met with some setbacks at that juncture causing a degree of uneasiness among the Syrian refugees. Secondly, the UN refugee agencies in Jordan, Turkey, Lebanon and Eastern Europe were dealing with financial constraints, as such the condition of the refugee camps was deteriorating. The refugees had saved money to pay to the smugglers. It was estimated that an individual was paying at least \$3,000 to

reach Germany from the Middle East. Most significantly, the Syrians who were previously unaware of the Balkan land route, discovered it during the summer of 2015, and used the rather perilous journey to reach Europe. All this while the European Union was preoccupied deliberating over what would be the appropriate course of action to take.⁹ In 2016, the situation had begun to change. The refugees began searching for alternative routes to reach Europe as a result of a series of developments, such as “changing visa regulations for Syrians, intensified border controls, the Balkan route closure, the EU-Turkey agreement, and the development of hotspots on Greek islands.”¹⁰ Those stranded in Turkey no longer had the option of using the Turkey-Greece crossing.

In November 2015, an EU-Turkey summit was held in Brussels to discuss the issue of Syrian refugees and the resultant ‘crisis in Europe.’ This took place almost four years after the first group of Syrians fled to Turkey. The two sides arrived at an agreement that provided concessions to both of them. Turkey accepted the task of patrolling the European Union’s southern border of Greece, containing Syrian refugees within its borders, and accepting the return of Syrians who did not qualify for international protection. The European Union on its part would provide 3 billion Euros as financial assistance to Turkey in addressing the requirements of the Syrian refugees housed in the country. In return, EU would be willing to negotiate on the possibility of visa-free travel for Turkish citizens in the EU Schengen area and begin negotiations on a renewed accession process for Turkey. The dialogue for visa free travel was initiated in December 2015 as part of the EU-Turkey readmission agreement. October 2016 was set as the likely date for abolition of visas for Turkish citizens, albeit with the clause that Turkey fulfils the criteria put forth by the European Union. Turkey has been negotiating for accession since the year 2005 and has been a candidate country since 1999. The agreement opened a new chapter in the negotiation process. The protection of basic liberties and human rights were the core issues which were expected to be discussed according to the Commission’s progress report of 2015.¹¹

In the aftermath of the summit, Turkey took some measures to meet its commitments towards assisting the Syrian refugees in the country. The Turkish police raided workshops manufacturing fake life jackets that did not meet international safety standards and would not be able to keep the possible victims afloat while taking the perilous but most popular sea route: cross the Aegean Sea from Turkey to Greece. As many as 300 people died in the processes of January 2016, according to the figures released by International Organisation for Migration. On January 2016, another step was taken by the Turkish government; it introduced a regulation that would relax the process for acquiring work permits for Syrian refugees in Turkey. This is despite the fact that Turkey exercises what is known as the ‘temporary protection regime’ as far as Syrians are concerned. According to the new procedure, within six months of receiving their temporary identity cards, Syrian refugees would be eligible for applying for work permits. The legislation would benefit the self-employed as well. The caveat was that the refugees would only be allowed to

work within their provinces of residence and the number of Syrian refugees would be limited to 10% of the total workforce. Though the initiatives taken by Turkey to limit the number of refugees entering Europe were welcomed, certain questions still remained unanswered. The aspect of human smuggling continued to be rampant in the coastal towns of Turkey bordering Greece. The Turkish authorities took action against human trafficking of the Syrian refugees rather belatedly. Moreover Numan Ozcan, director of the International Labour Organization's Turkey chapter, pointed out, "It would be unrealistic to think of work permits for Syrian refugees as a magical wand that will solve all problems," highlighting the limitations of the arrangement. According to the Organisation of Economic Co-operation and Development (OECD) around 10% of the population in Turkey is unemployed already, which is higher than the OECD average of 7%. This implies that the arrangement would benefit those Syrians who possess the resources to start their own business, while the others would continue to struggle for jobs along with the local unemployed. Significantly, it was also felt that the recent turn of events in Turkey towards a more authoritarian system of governance could threaten the fundamental rights of the refugees as cries of human rights abuses reverberate in Turkey.¹² Since July 2016, the country entered a renewable regime of extended state of emergency.

Prior to these latest internal developments in Turkey, however, on 18 March, 2016, representatives of the member states of the European Union and Turkey entered into a historical pact committing to "end the irregular migration from Turkey to the EU" and to substitute it with "legal channels of resettlement of refugees to the European Union." The primary objective of the pact was to substitute "disorganised, chaotic, irregular and dangerous migratory flows by organised, safe and legal pathways to Europe." 4 April, 2016 was set as the starting date for the return of Syrian and other migrants to Turkey who used it as their first arrival country. The Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos of Greece and the EU, stated that "we now need to honour our commitments and ensure an orderly, well managed and safe arrival and admission to Europe." The agreement specifies that all asylum seekers or 'irregular' migrants were to be returned to Turkey, which was termed as a 'third-safe country of residence,' supposedly in keeping with EU and international law. Furthermore, according to the draft statement for the agreement on 18 March 2016, "this will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order."¹³

Turkey as a "third-safe-country of residence," denotes a space that is beyond EU jurisdiction but which operates to control the flows of migration within the EU, restoring the Schengen Area's 'normative order.' As Donald Tusk (president of the European Council) put it, the aim of the agreement was "strengthening the EU's external borders, keeping the western Balkan's route closed and getting back to Schengen." Likewise, Turkey by being categorised as a "third-safe-country of residence" moves away from being a "neighbour" of the Union, to a sphere of active and autonomous administration, wherein she has a role in the EU's border agency FRONTEX,

subletting border control. This basically creates a focal point for the displaced as well as enables confinement and scrutiny of those on the lookout for access to Europe. Moreover, the agreement suggested that for every Syrian sent to Turkey, one would be rehabilitated and given asylum in the European Union. Any Syrian not granted asylum would be kept in a 'detention camp,' partly funded by 6 billion Euros from the EU to assist the estimated 2.7 million Syrians who were stuck in Turkey. The detention camps were termed as "safe zones" but have been criticised for being geopolitical constructs established for security concerns rather than having a humanitarian basis. Bill Frelick, the Refugee Rights Director at Human Rights Watch describes the process as "this means using vulnerable civilians like pawns on a chess board."¹⁴

It is true that European Union's actions could perhaps be analysed from a humanitarian perspective as well, wherein the situation can be considered as exceptional and where the EU feels a sense of responsibility towards the devastating poverty, overwhelming impenetrability of borders and the overall suffering of the migrants affected, who were stranded along the boundaries of Europe. On the other hand, the migrants gathered on its borders were quickly portrayed as a risk in terms of the security of the EU and in this sense the task of the EU shifted from being humanitarian to performing a dual role where internal security became as important as saving human lives. This has been termed as the collapsing of 'security into justice,' wherein preserving territorial integrity is pitted against the safety of migrants. The upshot of this process is that it often plays into 'anti-immigration' rhetoric where the 'migrant' becomes coterminous with the 'terrorist.' Against this backdrop, the agreement with Turkey has been interpreted as the European Union's quest for striking an equilibrium between maintaining a tight grip over its territory and displaying the bare minimum responsibility towards the migrants who arrived at its shores. Still, the utilization of Turkey as a "third-safe space" is an awkward continuation and aggravation of the process of exteriorization of accountability, wherein the European Union uses an enclave of camps and structures to aid migrants to remain immobile, while Turkey occupies the role of an independent migration processing entity. In this sense, the instant objective of this pact was to safeguard the unfurling humanitarian calamity that the migration crisis has put forth by employing subtle methods of mass-evacuation within the parameters of permissibility through the facade of international treaty law and refugee law.¹⁵

Reading the Accord

In an interesting piece for *open Democracy* entitled "Zones of turbulence in the wake of EU-Turkey's migration agreement," Evan Stanley Jones compares the EU-Turkey deal of March 2016 with the *1838 Treaty of Balta Limani*, or the *Anglo-Ottoman Treaty*.¹⁶ The trade treaty was signed by the British with a view to abolish all Ottoman monopolies and thereby facilitate equal levels of taxation and full access to Ottoman markets for British traders. The purpose of the analogy is to state that liberalization is a method to capitalize on turmoil. The uncertainty of that period where the Ottomans felt threatened by

Egypt and by the prospect of a Russian involvement led to the signing of this treaty which enabled the British merchants to benefit from trade with the Ottomans, culminating in a boost for the British economy. The political turbulence of the time was exploited by the British in the economic sense and it led to a widening disparity between the British and the Ottoman Empires. Jones contends that in the present context, the ‘restoration of order’ as a consequence of the EU-Turkey pact in practice facilitates a ‘return of order for liberal markets and political economy’ in a similar fashion. While the Ottomans lost out as a consequence of the Balta Liman treaty back in 1838, the real losers of the EU-Turkey pact would be the migrants. Particularly, after the failed coup attempt in Turkey, President Recep Tayyip Erdogan has consolidated his authority and has become even more of a central player in the EU-Turkey dealings. Despite the authoritarian measures adopted by him, he has come in for limited criticism by the European Union. Thus Jones concludes, ‘The comparison I want to make between the EU and the British in 1838 lies in how the economization of regional instability makes acceptable the braiding of human rights-violating exceptional measures with liberal humanitarianism, a mechanism which is playing itself out with massive consequence, not only on the borders of the Mediterranean, but on the streets and in the schools of Turkey.’¹⁷

Needless to say, the EU-Turkey deal on refugees has been under close scrutiny. It has been extensively analysed and written about. Thus far, the agreement has been widely labeled as an attempt by the EU members to regulate the influx of the refugees and asylum seekers to their advantage. According to Jeff Crisp, for instance, the three main features of the current deal between the EU and Turkey clearly reveal the intent of the industrialised world in the Global North to look for other options and methods to restrict the entry of asylum seekers.¹⁸

The first is the establishment of “safe zones” in countries of origin—limiting the need and ability of people to seek asylum in other states. The second is that of “migration management” and “offshore processing” agreements, usually involving cooperation between the industrialised states and less prosperous countries in the same region. The third is that of legitimizing state strategies by securing the involvement of the United Nations High Commission for Refugees (UNHCR), the International Organization for Migration (IOM) and other international organizations.¹⁹

Crisp also refers to the ambiguity of some of the other clauses such as the European Union’s commitment “to work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria which would allow for the local population and refugees to live in areas which will be more safe.” It is difficult to conceive in a concrete sense as to how the conditions within Syria can be improved by outside involvement. Moreover, the EU-Turkey deal envisions the automatic and immediate return of refugees from Greece to Turkey, which is difficult to comprehend, considering the exorbitant and perilous nature of the journey that the refugees have to

undertake to reach that country.. While the UNHCR and the IOM have been eagerly courted by the EU to accord legitimacy and competency to the pact, the cumbersome question that arises is how these organizations would then deal with the resettlement clause. The UNHCR on its part has stated that “resettlement should not be conditional on external factors, and the protection needs of the individual remain the priority,” a statement itself rooted in ambiguity.²⁰

As Define Gönenç rightly points out, Syrian refugees are acutely aware of the deteriorating condition inside Syria and as such they are on the lookout for a new life in a new homeland. The risk involved in the arduous journey is no secret to them. Under these circumstances would they want to leave Europe after having undertaken a death-defying trek? Moreover the legality of this deal remains questionable. Even though Turkey has ratified the 1951 Refugee Convention and its 1967 Protocol, there is a major constraint: Turkey only grants refugee status to the people of European nationality and/or origin and as a consequence of an alteration in domestic law; it only offers temporary protection to Syrians. As such it need not treat Syrians in conformity with the Geneva Convention or the Refugee Convention. This is apparent in the way Turkey has been handling at least some of the Syrian refugees with the use of coercive measures and arbitrary detentions. Some of the migrants have been sent back to their country of origin due to security reasons. The protests within Turkey against the refugees and the general discontent about the admissions en masse is at least partly because the EU-Turkey pact is perceived as discriminatory with Turkey having to bear the responsibility for the bulk of Syrian refugees. However, critics contend that the agreement is in reality unfair for the migrants and not Turkey or the Turkish people *per se*. Turkey is not the preferred destination due to its government exercising autocratic measures, rather inefficient education system to accommodate millions of Syrian children and the rampant inequality and unsafe nature of existence for the refugees. Turkey on its part could make amends by not being involved in the civil war in Syria or elsewhere, and most importantly by addressing the vital question of inequality in living standards in the country.²¹

The EU in its bid to control the massive influx of refugees concluded that cooperation with Turkey should be a priority as it would facilitate the fulfillment of its immediate objective of reduced or even a complete halt to refugee entries as well as an increase in the rate of evictions. However, Carrera and Drakopolou are of the opinion that the transfer of responsibility in providing protection and the decline in the numbers of those who require such protection as they moved from Turkey to Greece have been achieved at the expense of deep political, legal and ethical costs. These costs include grave ‘political instability and insecurity in Turkey,’ which is not a safe haven for refugees, an incapacitated Greece, which is not in a position to receive and provide international protection to the refugees and asylum seekers, and the emergence of a new politics and policies of crisis management in the EU and European Commission that perceives the rights of the refugees and the rule of law as negotiable.²²

The Aftermath

The image of 3-year-old Aylan Kurdi, who drowned in the Mediterranean sea while trying to escape to Greece but ended up washed back to the shore of a Turkish beach resort, brought back the world's focus on Europe's Middle Eastern refugee crisis. Issues of compassion and humanitarian assistance are no doubt very important but equally significant is the fact that the global North is all too keen to abandon their role of amelioration of lives affected by the Syrian crisis. It would be foolish to think that what happens in the Middle East will be confined to the region, be it terror groups or refugees.²³

With the escalation of the supposed European 'migration crisis', some of the refugees are in a quest for new/alternative routes, others are getting trapped in transit, while still others are trying to run away from Europe to North America. In this context, Squire and Touhouliotis put forth the following questions that are most germane to the subject:

How far is Europe willing to go to fulfill its deterrent migration agenda? If the aim is to create such dire conditions that people are forced to take flight in the opposite direction, Europe may finally be succeeding with its otherwise failing approach. Yet success and failure are hard to disentangle in this context. Where deterrence fails it can still have productive effects for architecture of coercion that thrives on precariousness. And where it succeeds, deterrence fails so many people in so many ways. Driving people away or leaving them in a social and legal limbo is not an answer to Europe's so-called 'migration crisis.' A new agenda on migration is long overdue, and needs to be grounded in an appreciation of each person's inherent potential rather than in a drive to deter 'unwanted' people.²⁴

As the much-hyped EU-Turkey deal started to falter, the number of Syrian as well as other refugees began fleeing from Turkey to Greece yet again. In its initial period, the deal seemed to be working well with the number of migrants fleeing into Europe dipping. In September 2016, only a thousand or so Syrians, Afghans, Pakistani and Iraqis arrived in Greece. It is now becoming evident that the animosity between Turkey and Europe has been on the rise since the Turkish state under Erdogan's presidency reacted to a failed coup attempt with extensive purges. As a consequence, the EU-Turkey migrant deal appears to be progressively more dubious, and Europe faces the prospects of the rekindling of a disaster, which has already deranged its political scene. In an effort to frantically thwart that, European officials have been engaged in negotiations with Turkish leaders yet again. The European Union's foreign policy head, Federica Mogherini, and its enlargement commissioner, Johannes Hahn, paid a visit to Turkey, becoming the highest-level European leaders to take a trip to Turkey since the unsuccessful coup attempt.²⁵ According to Lucy Williams, by using Turkey merely as an expedient safeguard against surplus refugees, the EU is indignantly playing into the Turkish government's domestic politics which will keep the migrants disenfranchised and under state control. As in other places, migrants in

Turkey are valuable as scapegoats who render cheap labour to the market but who have no say as far as the use of resources of the state are concerned. The EU's policy in the context of Turkey is therefore perceived as temporary and sceptical in nature, stimulated by the aspiration to find a collaborator to repress the "human product of global security" than by looking for a compassionate solution to actual needs of Syrians on the move.²⁶

Conclusion

*In Syria, we may die one day. Here we die every day.*²⁷

During 1-3 September, 2016, there were widespread protests and demonstrations by Syrian refugees in different cities of Greece where they were residing. The demands were along the lines of opening the Greek borders to arriving Syrians and those who wish to leave Greece; taking better care of the refugees in the camps; and urging the authorities that the refugees be treated with dignity. The underlying message to the European Union was to open the Greek border so that they could enter the rest of Europe; they urged the EU to improve the conditions in the camps, some of which were devoid of basic facilities. Above all, they pointed out the urgent need for monetary assistance to make use of their skills and support themselves in the long run.²⁸

It has been a year since the world was captivated by images of frantic men, women and children pouring into Europe. Today, interest in their plight has waned considerably. Borders have been shut and Syrian arrivals to Europe are mostly restricted to camps. Moreover, anti-immigrant feelings have escalated in many of the European countries, particularly as people who came to Europe with the Syrian exodus have been associated with crimes and, in some instances with terror attacks planned by terror outfits such as the Islamic State. Neither the affluent countries of Western and Northern Europe, which the refugees want to inhabit, nor Turkey, their point of exit for the Continent, seem to be in the mood to keep their promises of aid and assistance in full.²⁹ In the words of a Syrian refugee:

We fled a war, and now the European Union is making war against us, a psychological war. When we hear rumors that we'll be let into Europe, we celebrate. These leaders give us new hope, then they extinguish it. Why did you open the door to refugees? Why did you welcome people? If they had stopped it before, we would not have come. We would not have risked death, me and my children, and thousands of others, to make the crossing.³⁰

James Hath way has observed that the model approach to implementing the Refugee Convention should take cognizance of a few core principles. Any reform programme should take into account the situation of all states and not merely the few powerful nations. The international refugee system should plan for rather than merely respond to refugee movements. Any international protection programme for the refugees should include a

‘common but differentiated responsibility,’ that is, not all states involved in the movement of the refugees should have to play the same protection roles. There should be a moving away from national towards an international system of administration of refugee protection, preferably in the form of a rejuvenated UNHCR. Finally, according to Hathaway, migration is to be seen as a ‘means to protection and not as an end in itself.’ In other words, ‘protection is for the duration of risk, not necessarily permanent immigration.’

³¹

In the same spirit, the following words of the Open Society Initiative underline the necessity to look for an alternative migration and asylum policy: “The EU should commit to building a single asylum and migration system that establishes safe, legal means of migration. This requires the political will to recognize that existing approaches to migration have created the appearance of failure and crisis. Europe needs sustainable, affordable migration systems and popular understanding and support for these.”³²

To conclude, as Marc Pierini aptly sums up the current imbroglio,

The most tragic consequence of the war in Syria is the unspeakable suffering of Syrians of all creeds and ages, a trauma bound to generate frustration and resentment for generations to come. And inevitably, the EU’s foreign policy ambitions will be judged at least in part on its contribution to the alleviation of Syrians’ suffering, while at home, EU leaders seem set to pay a heavy political price for not finding a course of action that European citizens deem appropriate. ³³

Notes

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Guests to Neighbours: The Difficulty of Naming Syrians in Turkey

By

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Introduction

Aylan Kurdi and Omran Daqneesh. Two names. Two children. There is no need to search for further evidence to prove the failure of the world and the failure of humanity. The unbearable images of the two little boys are more than enough. We can just write the names of these two children and stop writing. Stay silent. Silence.

And yet silence is no longer acceptable. Silence is no longer a sign for showing respect for the losses. We need to challenge the silence. We need to look at these unbearable images of dead Syrian children and then ask ourselves how the world manages to stay silent. The 'logical' arguments of the politicians, the 'realpolitik' of the states, the 'fear' of ordinary 'citizens' are what we need to deconstruct. We need to question the existing conditions that make it possible for the world not to take action and our ability to shut our eyes to the loss of un-lived lives. We need to ask how and why the world failed and continues to fail the Syrians. Civilization, progress, human rights, international law, all failed. 'Bankruptcy of the national and also the international refugee protection system'¹ is what we are witnessing.

The above paragraphs can be criticized by being 'normative'; 'idealist' and 'naïve', with the accompanying claim that 'it would be great if things were different but the 'realities'...The realist paradigm claims to describe and explain the 'realities' objectively and predict what will occur accordingly--going back to Machiavelli's *Prince* to make the claim that realists state 'what is' rather than 'what ought to be'. However, 'is/ought' problem is not as easily resolved as stated above. 'What ought to be done' depends on an assumption

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of 'what is' and 'what is', the observation of reality, is not a simple observation that is made in a value-free manner.

Despite the various forms of globalisation, states with their limited resources are still accepted as sovereign bodies in a bound territory that are responsible for their own citizens and legitimately seeking their own interests. And yet, as the case we elaborate in this article shows, how we give a 'name' to a fact and how we collect data determines how we read/misread what is called 'reality'.

Acknowledging that there is a rich literature on this debate both in the discipline of international relations² and philosophy of social science in terms of epistemology and methodology³, we want to draw attention to a common argument that is repeatedly made in everyday life. How this argument is actually used as a discourse to legitimize the preferred policies against migrants and how it is actually used to make the claim that 'realities are different than ideals, and imagining an alternative is too naive'. We argue that both idealism and realism can be blamed to be 'naive' if each disregards the relation between what is and what ought to be.

For instance, although E. H. Carr criticises idealists by stating that they are utopians, and their pure idealist policies lead to political disasters, he also criticises pure realism for creating an unfruitful political system. He suggests a more reasonable policy proposal and declares that a combination of realistic observation with idealist political perspectives is necessary⁴. Carr's emphasis on seeing the realities of the international political system is also what we call for. The current political system does not fit well with the existing realities of migration and citizenship today.

The available data on this particular reality shows that in 2015, 244 million people lived outside their country of origin⁵. According to the UNHCR's *World at War: Global Trends*, there are 65.3 million forcibly displaced worldwide. More than half (54%) of all refugees came from three countries: the Syrian Arab Republic (4.9 million), Afghanistan (2.7 million), and Somalia (1.1 million)⁶.

The realities we are witnessing forces all of us to rethink and to find ways to survive in this age of uncertainty.⁷ Thus the current forms of citizenship, though they lower the level of uncertainty, fall short to provide a solution to the above presented realities of the world. Belonging to one state with respect to citizenship and the borders that are securitized, cannot be the paradigm that will provide a satisfactory answer to the current flows of people across borders.⁸ International and transnational spaces that are created by different means of communication and organizations challenges state sovereignty alongside high mobility of people, capital and goods and resultant transnationalism. Various practices of the current dominant political system of the state and its institutions cannot provide a satisfactory solution to the actual needs of the world in the areas of environment, diversity, mobility and security.

The concept of [international] migration, defined as a movement from one state to another⁹ requires a new definition of citizenship and rights-based framework considering the current global situation.¹⁰ Rainer Bauböck

in his well-known study argues that the 'transnational' shows the limited enforcement mechanisms of human rights as a part of the international law and states that the current form of citizenship excludes 'others' by definition.¹¹ We argue that the situation in Turkey is an interesting case to elaborate on these points. Turkey hosts a significant proportion of Syrian refugees worldwide, more than 2.7 million people out of the 8 or so million displaced Syrians during the civil war. The paper will focus on the situation in Turkey but as this introduction underlines, it attends to the Syrian crisis in terms of neither 'what is' nor 'what ought to be done' to be discussed solely within the boundary of the state. Thus, in this age of uncertainty, the following is an analysis of what Turkey has been experiencing but neither the emergence nor the solution of the current situation is limited to Turkey or its state practices alone.

The Case of Turkey

Turkey, with a population of almost 80 million, stands between Europe and Asia, which at the same time symbolizes different themes such as 'developed/underdeveloped' and 'traditional/modern.' The country also hosts all these differences alongside its borders.¹² Furthermore, Turkey is among G-20 countries with a huge informal economy and a large gap between those who have and have-nots¹³. The universal framework of citizenship for Turkish nationals is already there but still, not all citizens can enjoy their rights in the same way.¹⁴ Child labour, social exclusion, seasonal agricultural labour and regional development gaps are among the permanent problems with respect to limitations of capabilities of the citizens of Turkey. How to solve the problems of socially excluded or economically marginalized groups through citizenship, social and economic rights or charity and piety, is still an issue. The discussions in the Turkish context are not about the content of laws and regulations, but more regarding their implementation and enforcement.

Against this background, as a result of the intensifying civil war in Syria, millions of Syrians crossed the Turkish border for saving their lives. According to the official statistics, number of Syrians living in Turkey increased to 224.655 in 2013, became 1.519.286 in 2014 and 2.503.549 in 2015. In the mid-2016, this figure was 2.750.733. If we include 10% of those who are not registered yet, it is possible to estimate the number of Syrians living in Turkey about 3 million making up 4 percent of the population. The Syrians in Turkey do not constitute a homogenous group. Class, ethnic and sectarian diversities are also observable and the way they try to find a way to survive, to cope with the problems, varies based on these diverse characteristics. The majority of Syrians are currently living in the South-eastern Anatolia region, which is also the least developed region in Turkey and faces the enduring ethnic conflict between the Kurds and the Turkish state for the last 30 years or more. In this region, 12% of the population are now Syrian and in some provinces such as Kilis, Syrian population is equal to the number of Turkish citizens (with a ratio of 98%)¹⁵.

Turkey currently hosts more than 60% of the total number of Syrian asylum seekers in the country by having to spend about 9 billion USD as declared by the government¹⁶. It is clear that such an influx is beyond the means of any one country and it creates an extraordinary pressure on a country which experiences political and economic insecurity itself, along with terrorist attacks related to the activities of the fractions in the region.¹⁷

Besides these institutional and conjectural limitations, Turkey still lacks a coherent legal framework concerning refugee rights despite the changes made concerning the country's asylum related legislation. Since the first days of the conflict back in 2011, Turkey declared an 'Open Door' policy to accept every Syrian well until the spring of 2015. However, such a generous policy was not accompanied by the necessary social, economic or legal infrastructure being put in place. First of all, Syrians are not accepted as refugees according to Turkish citizenship and immigration laws. Turkey has a 'geographical limitation' to the 1951 Refugee Convention and the 1967 Protocol, reserving this status only for persons from European origin. In other words, Syrians living in Turkey didn't have a legal status until the acceptance of a new law inspired by the European Union practice in April 2013 which grants them temporary protection and access to public services based on that status. The Law on Foreigner and International Protection (LFIP) is the umbrella law under which the rights given to foreigners living in Turkey are regulated.¹⁸

This new legal framework brings an institutional novelty with the establishment of a new agency, the Directorate General of Migration Management (DGMM), falling under the purview of the Ministry of Internal Affairs. The DGMM is in charge of the regulation of the status of asylum seekers in cooperation with international agencies, but these agencies have only advisory roles.

The LFIP defines four different types of protection. The 'refugee' status is reserved for individuals with European origin, parallel to the original text of the 1951 Convention, giving them a prospect of long-term legal integration and citizenship. The Conditional Refugee status is given to individuals from 'non-European countries.' Accordingly, they don't possess equal rights with refugees and the road to the citizenship is not open unless special arrangements are made. The third category is reserved for those who don't deserve the first or the second status but have 'personalised risk of indiscriminate violence' because of war or internal armed conflict, and it is called 'subsidiary protection'. This status is exactly the same with the EU Qualification Directive and people falling under this third category don't have the same rights with refugee status holders and they have no right to be a citizen in the long term. Different than 'conditional refugees', however, persons under 'subsidiary protection' have the right of family unification.

The fourth category, 'temporary protection' status is specifically reserved for Syrians and Palestinians originating from Syria. The Directive of the Temporary Protection¹⁹ brings beneficiaries the rights to legal stay, access to health and education services, social support and limited employment rights. Persons under temporary protection cannot seek international

protection individually and they don't have a long-term prospect for Turkish citizenship. The duration of this "temporary" status is dependent upon the decision of the government.²⁰

Difficulties in Exercising the Existing Rights

The rights of the Syrians living in Turkey under the temporary protection regime are regulated by the LFIP discussed above and a series of related directives including *The Directive of the Temporary Protection* (2014), *the Education Services for Foreigners* (2014) and *the Regulation regarding Work Permit of Foreigners Under Temporary Protection* (2016). These rights include free access to health services inside and outside the camps, immunization of children, reproductive health services and psycho-social support. Syrian children have the right to free public education, including preschool education. These services also include language and professional training. The Turkish state allows Syrian students to continue their tertiary education in state universities without paying any tuition. According to the new set of regulations, Syrians have the right to participate in Turkish labour force with a quota of 10% per enterprise, and they can work in civil society organizations and seasonal agriculture. This last regulation also foresees organization of professional training activities. The LFIP also provides social service funds to be transferred to Syrians under temporary protection. We need to underline that all these rights have geographical limitations and are valid only for registered Syrians.²¹

Although Syrians living in Turkey seem to be the beneficiaries of generous rights under the above-described legal framework, the situation on the ground is far from being satisfactory in terms of access to these services. In the domain of education, for instance, access to education is seriously limited. According to the official statistics, the number of Syrian children between 5-14 ages is 677.217 and this figure is 315.000 for 15-19 age intervals.²² If we add 350.000 children between 0-4 ages who need preschool education to this equation, it means that Turkey has to provide education to 1.5 million Syrian children. However, according to field studies, the percentage of those who are receiving education is between 15% to 30%. Those who are living in the camps have higher probability to continue with their education, but this ratio is very low outside of camps.²³

Although this very low rate of schooling changed after the introduction of new directives and the estimate for the school year of 2016-2017 is 450.000 Syrian children, less than one third of them are attending to formal schools. Instead, the Temporary Education Centres (TEC) are the major channels through which Syrian children receive education. In 2016 alone, 223.528 children attended to 300 TECs established by private institutions.²⁴

Major reasons of the low level of schooling are related to the material conditions of the Syrian families. Although Syrians under temporary protection have the right to access free education, they cannot afford basic expenses such as transportation or nutrition. Average expenditure per child is

estimated about 30 USD per month, and Syrian families living under the poverty line cannot afford to send their minors to school.²⁵

Those who can access schools experience other problems as well. In the state schools, there is a shortage of Arabic speaking teachers, to satisfy the needs of Syrian children.²⁶ Meanwhile, Turkey doesn't prefer to teach the curriculum of the Syrian education system because of its nationalistic nature and an alternative curriculum hasn't been prepared yet.²⁷ Consequently, Syrian children have to attend Turkish courses in many schools, creating handicaps and learning problems stemming from their incompetency in Turkish and confrontation with other children in the school.²⁸ We can add the fact of the lack of necessary infrastructure in the schools of the least developed regions of Turkey to this picture where many Syrians arrived as asylum seekers.²⁹

Bureaucratic procedures also create obstacles concerning access to education. Access to free education is reserved for the registered Syrians only, meaning that about 15% of Syrians living in Turkey are outside the coverage of this right, and they are the most vulnerable segments of the displaced population. The groups who are working as seasonal agricultural workers are also generally not registered and since they are travelling across the country to look for jobs, they don't have a permanent residence. Hence, the majority of their children are excluded from the education system.³⁰ Moreover, Syrian children have to present an official document or to enter to an exam for being accepted to formal education. Not surprisingly, the majority of them do not possess these documents and the exam is not easy to pass.³¹

Another problem about access to education is related to the environment in which Syrians live in Turkey. According to the existing legal framework, attendance to school is based on the decision of the Syrian parents and it is not compulsory. For Syrian parents trying to survive, education of their children may not be the first priority or even a viable choice. Among the poorest families, children may contribute to the family budget by working as seasonal agricultural workers or they can work at the riskiest positions in the informal sectors for earning as little as 2-3 USD per day. Hence, for Syrians living in Turkey there is a significant opportunity cost of sending their children to school and the most vulnerable families are the least capable ones to cover these costs.³² As Syrians kids are excluded from education, they have to work; daughters of poor families are forced to enter into the marriage market, often in return for sums of money. Consequently, education of their daughters may not be a priority at all for these families who are confronted with the problem of extreme poverty.³³

The right to have access to the labour market provided by the new regulations also didn't improve the situation of Syrians living in Turkey significantly. According to official statistics, 1.7 million Syrians in Turkey are between the ages of 15-59 and may work. The fieldwork conducted before the new regulation shows that only 10% of Syrians have a regular job, and the majority of them are working in the informal sector or have labour intensive jobs such as seasonal agriculture in the countryside or textile factories in the big cities.³⁴

Finding a job doesn't mean to have a decent income for a Syrian on the move. According to several different studies, wage discrimination against Syrians is widespread. The average monthly wage for Syrians is estimated as 250 USD, which is half of the legal minimum wage in Turkey. Meanwhile, the daily payment in the agricultural sector is 6 USD per day, half of the wage of a non-Syrian worker.³⁵

Wage discrimination is not the only problem. The majority of Syrian workers are not registered and they are not protected by the social security system as a result.³⁶ Considering the fact that the Syrians are employed at the riskiest of tasks, the lack of social security, thus the inability to access health services reveals additional vulnerabilities. In addition, Syrian workers have longer working hours and their wages are irregularly paid. Sometimes they are not paid and they are fired without reason and they cannot advocate their rights because of their language incompetency or lack of legal status in the country.³⁷ It is clear that the most vulnerable ones have the lowest bargaining power, thus they are the most exploited ones.

Finally, such a significant increase in the labour force created some social externalities as well. As a result of intensifying competition for jobs, there are direct confrontations between the locals and the Syrians. Employment of Syrians led to increased unemployment in the South-eastern Anatolian region, especially among the lowest educated male youth.³⁸ This material competition is echoed at the level of social confrontations.

The temporary protection status given by the LFIP and the following directives, provide the registered Syrians with the right to free access to health services. However, not every Syrian is capable of using this right adequately. According to a survey of 2013, only 60 percent of Syrians residing outside of the camps could have access to health services.³⁹ First of all, not being registered creates an important barrier concerning access to health services and unregistered Syrians are not covered. Secondly, many Syrians don't use hospitals because of the lack of awareness about their rights. The language forms another important barrier since doctors and other medical service providers cannot communicate with Syrian patients. Thirdly, Syrians under temporary protection have to pay 20 percent of the prescriptions by themselves, except in emergency cases. In many cases, the poorest families fail to pay even this amount. The mobility of Syrians within Turkey constitutes yet another problem, since they don't regularly visit doctors in the necessary cases and it increases the severity of the illnesses or injuries.⁴⁰ In terms of access to health services, Syrians also experience problems of exclusion, the mistreatment by the healthcare personnel and even other patients because of the resultant overload on the health services. According to a recent report, 30% to 40% of the state hospitals serve Syrians and this situation creates a negative social reaction among the locals.⁴¹

Finally, we need to underline the fact that poverty is a common problem among the Syrians living in Turkey, affecting all aspects of their life. Unemployment is widely observed among the Syrians and wages of those who are employed are low. Thus, these households don't possess the necessary income to survive outside the camps. According to different surveys, average

monthly income of a Syrian household in Turkey is about 150 USD and half of this amount is paid for rent. As a result, Syrian families are living in the poorest of neighbourhoods where crime rates are already very high. Average household size changes between 7 to 11 people and the majority of houses do not have adequate infrastructure.⁴²

Despite this very high level of poverty, Syrians' access to the social support is also very limited. The legal framework allows Syrians under temporary protection to get social support from the government funds, but thus far only one third of them received social support temporarily. At present, the lack of awareness about rights and the language incompetency prevent Syrians to apply to the social support they deserve.⁴³

Syrian Refugees: *Guests to Neighbours*

As the above picture presents, Turkey failed to provide a minimum life standard to Syrians living in its borders or in the cities. This is not a surprising situation. To open the borders for the people who escaped from the war, was the ideal humanitarian action, what 'ought to be' done at that moment. The following humanitarian aid was necessary for the immediate needs of the people, and therefore these temporary solutions were acceptable. However, the current situation needs a permanent solution. The reality that Turkey deals with requires an 'idealistic' cosmopolitan solution which is beyond a single state's capacity.

However, neither Turkey nor the international community reads the "reality" through these lenses. The European Union (EU)-Turkey deal of March 2016 is therefore an example of how this reality is misread through the claims of "realpolitik". As a result of the increased influx of immigrants to the European borders and the resulting humanitarian tragedy, the EU initiated an agreement with Turkey, in which Syrians refugees were not more than the chips on the table. This "one-for-one" agreement was provisioning a mechanism to accept one Syrian from a Turkish refugee camp to the EU, in return of every Syrian asylum seeker returned to Turkey. The EU leaders decided to create a "carrot" by promising visa free travel for Turkish citizens in the Schengen area and pay 3 billion Euros additional financial support. Although Turkey agreed to take in more Syrians and act as a buffer-zone for Europe, the validity of the agreement is questionable since Turkey refuses to revise its terrorism legislation, which is a key condition for visa free travel.⁴⁴

As the negotiations between Turkey and the EU were going on, the Turkish President Recep Tayyip Erdogan's announcement in the first week of July 2016 that Syrian refugees living in Turkey could receive citizenship, triggered further discussions in Turkey. The procedure of accrediting citizenship to Syrians and public reactions to the suggestion showed how Syrians living in Turkey are instrumentalised by politicians. The proposal has never been officially documented, but it was vocalised by spoke-person of the governing party that Turkey was giving citizenship to 30.000 to 300.000 Syrians according to their qualifications such as their ability to make investments in Turkey. Although the exact number is yet unknown, based on

similar movements of migration, a minimum of more than half of the Syrians are expected to stay in the country. Hence, the claim of granting citizenship to a maximum 10% of Syrians, is not a solution to the realities of the current situation. Still, it is a way to exercise state power contrary to the public opinion of the people in Turkey. As we note in the title with an underlined religious and traditional perspective to welcome ‘guests,’ what could be accepted as having them as a permanent neighbour within Turkey’s borders is a major issue. The declarations of the government thus far created a public reaction from almost every segment of society and raised intolerance of the ordinary citizens towards their new neighbours as the citizens of future Turkey.⁴⁵ Consequently, the climax in Turkey is not suitable for establishing healthy discussion on the issue of citizenship for Syrians and there is little room for improving their status in terms of rights and capabilities.

Syrian Refugees: Not *Numbers* but *Humans*

The situation of Syrians in Turkey shows how the current system, established by the realistic premises, fails to fit the realities of today. Turkey’s “Open Door” policy was a sovereign decision of the government, most probably a result of a realistic calculus to maximise its interests in the region. Accepting millions of Syrians was framed as a generous behaviour towards the victims of the civil war, and an expression of brotherhood between [Sunni] Muslims; but only in the last instance as a matter of providing rights they deserve as humans. As a result of strategic calculations, Turkey postponed creating a legal status for the displaced Syrians until when the irreversibility of the situation became clearly visible. Even during the design of a legal and institutional framework, this strategic vision remained dominant. The other side of the coin is that the failure of Turkey as a state in the Global South to satisfy the needs of millions of Syrians in terms of access to education, employment, health and social services was perceived as its own failure and international cooperation remained limited with small amounts of donations channelled to the region through the government agencies or civil society organizations. This situation shows how the international community delegated the responsibility of providing rights for the war-displaced to the host state and retreated from developing a cooperative solution which considers the transnationality of the problem.

The Syrians, in Turkey are almost three million people at the last count in 2016. When we say it as numbers: 3 million, it is not difficult. However, they are not numbers. They are humans. Going back to Aylan and Omran, they are just two children of these millions, and two of the thousands of the dead lying at the bottom of the Mediterranean Sea without graves. Two of these many million people show that we need to think of Syrians not only as numbers, but as beings. Each asylum seeker has a family, friends, homes, memories and future plans. Just to write them down as numbers without hearing their voices, their stories make it possible to dehumanize them and to ignore their needs and their rights. Seeing Omran and Aylan should make us all to remember that they are like us, they are children like our children. Aylan,

with his face facing the sand, died and Omran, with the blood on his face, was in shock. Similar to all of us, similar to our children, they can get hurt and they can die.

They are children who are entitled to rights because they are children.⁴⁶ They lived in Syria, and the fact that they came from Syria cannot be a reason for denying their rights. In addition, some are born in Turkey but their parents are Syrian, therefore they are stateless. What does the status of 'statelessness' mean to a baby? Some states agree that they will grant rights to children who are in their territory based on the *jus soli* principle. Syrians in Turkey, though unnamed, are asylum seekers. Those whose official status is recognized have rights because they are refugees. They have a right to right.⁴⁷ Yet the majority of them do not fall under that category. To accept a Syrian having a right to have rights is categorically different from the claims that are being made such as 'the state is humanist,' 'people are pious,' etc. This unnamings process in the Syrian case leads to illegality and precarity, and all the services provided are seen as part of a charitable impulse. The language of charity and help rather than rights provides a space for exploitation. Furthermore, the above-cited limited citizenship discussion in Turkey looks at the issue through the lens of 'deserving/undeserving'. Accordingly, those Syrians who have higher education, who have certain social and/or actual capital deserve to be 'citizen'. Displaced Syrians are used as a tool for both domestic and international politics. They are subjects of the international bargaining for the EU-Turkey deal. From a very "realistic" point of view, this bargaining is a typical example of states as actors maximizing their self-interests at the expense of the people.

Cooperation for the common problems of the world may seem as a utopia by the realists. Thus, they also have to admit that what we are living is dystopia: fear, terrorism, loss of lives, injustices, and uncertainties. Continuing to live in this dystopia is actually what is impossible and unrealistic. The realpolitik of the states failed, what is seen as 'self-interest' for states must be challenged. A more realistic solution is actually looking for a more transnational /cosmopolitan cooperation. The realization of this cooperation is a difficult task, and there is no single formula. Thus the first step is the acceptance of the fact that 'reality' forces all of us to see the need for searching for a solution that is beyond a single state's ability and control or dictated by a state-centric vision of humanity.

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The Politics of Mobility on Lesbos, Greece: A Critical Scholarly View from The Beach, The Camp, and The City

By

Kathryn E. T. Dennler *

Introduction

“Mobility, and control over mobility, both reflects and reinforces power.”¹

In the absence of state-sanctioned resettlement for Syrians fleeing protracted war outside the Middle East, Syrians who sought to reach Europe engaged in clandestine migration to seek protection. Nearly half a million Syrians arrived in Greece in 2015, of whom about 200,000 came by way of Lesbos, a Greek island located within sight of the Turkish coast in the Aegean Sea.² Although Lesbos has long been an entry point to Europe for clandestine border crossers, the volume of migration reached unprecedented levels during the second half of 2015, averaging more than 4,000 people (including non-Syrians) per day in October. The migration generated a series of responses across Europe, which in 2015 could be characterized as *ad hoc* and incoherent. In particular, Greek and EU agencies, in partnership with international NGOs, undertook various efforts to regulate, process, and register arrivals. They did little, however, to prevent refugee boats from sinking, to aid refugees landing on beaches, or to provide sufficient reception facilities, creating a vacuum filled by smaller NGOs, local residents, and independent volunteers.³ At the same time, formal and informal industries arose to facilitate and profit from the migration, including smuggler networks, lifejacket production, boat providers and implementation of new border surveillance technologies.⁴ These actors, together with the forced migrants themselves, co-produced conditions that both facilitated and inhibited migration, thereby producing a distinct politics of mobility⁵ from October 2015 to March 2016.

This paper critically examines the contradictions that arose as a result of the politics of mobility on Lesbos during this particular period. Following

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Cresswell (2006), I use the term politics of mobility to designate the network of social relations that configure access to mobility, as well as the ways that mobility configures participation in social relations. Transit to and through Lesbos at the end of 2015 represented a unique spatio-temporal moment in the mobility of Syrian refugees, whereby access to mobility was highly spatialised—freedom of movement across international borders was tacitly or explicitly accepted, while refugees' mobility on Lesbos itself was tightly regulated until they were issued registration documents. At the same time, the treatment of Syrian refugees changed across space, alternately producing them as objects of abandonment, management, and humanitarian aid. It is no accident that such a constellation of politics of mobility and abandonment/management transpired on an island. Islands afford particular opportunities for regulating who may be mobile, and under what conditions. Mountz (2010) documents ways that states use remote islands as detention facilities, allowing for the offshoring of border enforcement and rendering unwanted migrants less visible.⁶ The case of Syrian migration to Greek islands in 2015 is unusual because the temporary suspension of the Dublin Regulation opened opportunities for asylum seekers to transit through Greece and claim asylum in Northern Europe. Permitting rather than restricting international migration served the interests of both the Turkish and Greek governments until the EU-Turkey Agreement of March 2016. Thus, from the second half of 2015 until the resumption of enforcement of the Dublin Regulation, Lesbos served not only as a place of transit but also as a place of transition. For Syrians on the move, it came to represent a move from undertaking a spectacularly risky journey to becoming the object of management and humanitarian intervention; from seeking to remain covert for the purposes of mobility to seeking legibility to be allowed mobility across European borders.

The transit of Syrian migrants through Lesbos exemplifies the nuances of the politics of mobility, which are rarely manifested as either mobility or immobility, but rather a combination thereof. In the absence of a unified desire across states and agencies to prevent migration of Syrians and coherent policies to enact such restrictions, it was possible for the migrants to utilize mobility as a resource to seek safety. The mobility of Syrians was nonetheless limited by border enforcement, determining which routes and modes of transit they could use. These limitations heightened both the cost and danger of the journey. As a result, Syrians who crossed the Aegean Sea to Greece were typically those who had access to financial resources and were willing to trade the risks of staying in the region with the risks of migrating to Europe. Yet, paradoxically, in choosing to undertake the perilous journey, they were produced as asylum seekers in need—lacking agency and resources, and thus object of humanitarian intervention.

I draw upon participant observation data collected during my time working as an independent volunteer supporting the arrival of refugees to Lesbos in December 2015. Although much media attention has been given to the so-called 'refugee crisis' unfolding on Lesbos, the focus was often on providing a general description of events and conditions. In contradistinction,

this paper presents a comprehensive examination of how various actors and responses produced the conditions of transit to and stay on Lesbos. Using the concept of the politics of mobility, I highlight some of the surprising ways that access to mobility and treatment of Syrian refugees varied across different spaces on Lesbos. After a brief description of the context, the paper focuses on three locations—the beach, the camp, and the city—that represent arrival to, stay on, and departure from Lesbos in order to draw attention to the series of transitions in the politics of mobility that unfolded during the migrants' transit through Lesbos. I then use media and NGO reports to trace how the situation has evolved towards a more coherent system of preventing mobility. Throughout the paper, I use the term 'refugee' to refer to all Syrians arriving to Greece in 2015, even those who have not been formally recognized by a state as refugees. I do so to signal that Syrians are forced migrants fleeing political violence and therefore have a claim to protection.

Conditions of Arrival to Lesbos in 2015

I am fortunate. I arrive to Lesbos by choice, on a plane.

Author's Field notes

Since the war in Syria began in 2011, an estimated half of the pre-war population has been displaced either internally or across international borders. Syria's immediate neighbours host the largest proportion of Syrian refugees. However, Turkey, Lebanon, and Jordan do not grant refugee status to Syrians, nor do they offer opportunities for full and legal integration to date. Instead, Syrian refugees have been relegated to poor living conditions, exclusion from the formal job market, and inadequate aid. When, in August 2015, EU states ceased enforcing the Dublin Regulation, which requires asylum seekers to apply for protection in the first EU country they enter, it became possible to arrive in Greece and seek asylum elsewhere. Between August and December 2015, more than 400,000 refugees landed on Lesbos, and nearly half of them were Syrians.

Lesbos makes for a logical destination for clandestine boat arrivals due to its proximity to Turkey, and also because, with a population of about 85,000 people, it offers more infrastructure than other Greek islands, such as a direct ferry to mainland Greece. Initially, most boats carrying refugees took the shortest journey from the Turkish coast to Lesbos, aiming for the island's north coast between Molyvos and Skala Sikamineas. Refugees had to wade from their boats to the cliff and scramble up the rocks. From there, it was a 60 kilometre walk south towards Mytilini, where refugees registered their arrival and took the ferry to mainland Greece. By the fall of 2015, *ad hoc* responses by sympathetic local residents had coalesced into more formalized and better-resourced organisations, led by locals and supported by the labour of a revolving door of volunteers.⁷ Indeed, despite the presence of EU border agency Frontex, as well as the UN and prominent international NGOs in Mytilini, it fell to the small organisations to monitor the northern coastline, help boats land safely, and open reception centres to provide medical

attention, food and water, dry clothing, and other essentials. Eventually the UN began operating buses to transport refugees south to Moria, a military base turned refugee processing centre and open refugee camp.

Moria was staffed by Greek police and Frontex to document the identity and nationality of refugees and provide each with a registration document. However, inadequate staff levels at registration led to days-long queues for registration. Thus, international humanitarian aid organizations, such as the UNHCR, Médecins sans Frontières, and Mercy Worldwide cooperated with the Greek government to set up temporary shelter and services with a capacity for 2,000 refugees. An unofficial spill-over camp sprung up on a hill just outside the official camp, leading to the creation of Better Days for Moria, which was staffed by short- and long-term volunteers and funded by private donations. The spill-over camp operated a medical tent, a tea tent, a meal service, a space for prayer, as well as a donations tent,⁸ where refugees could obtain dry clothes, socks, shoes, as well as blankets and toiletries, depending on availability. Most refugees in the spill-over camp slept in thin, inexpensive tents not intended to offer protection from inclement weather. Due to shortages, families could often only receive one blanket to share, making conditions cold and dangerous as fall turned to winter, with temperatures often falling below freezing at night.

A November 2015 summit between the EU and Turkey led to a deal in which Turkey agreed to increase efforts to curb outward migration.⁹ Increasing enforcement off the northern coast of Lesbos resulted in a greater proportion of boats landing on the southeast coast of Lesbos, just south of Mytilini and a reduction in the number of refugees arriving each day. The boat journey to the southeast coast is longer, but with a flat, soft beach making for an easier, safer landing. Like the north of the island, government agencies do not serve the water or beaches other than in an enforcement capacity. As refugee arrivals shifted from the north, independent volunteers and a few small organisations began working along the southeast coast to watch for and receive refugee boats. Here, volunteer efforts were loosely coordinated but not formally organized. Volunteers used social media to share essential information and report sightings of boats, but the amount of volunteers and supplies varied from day to day, as did their levels of experience and relative skill sets.

In summary, journeys to and through Lesbos reached unprecedented levels in 2015. Mobility was channelled by a variety of factors including presence/absence of border enforcement, both in the Aegean Sea and between European countries, reception practices by volunteers and local NGOs, Greek laws on the activities of clandestine arrivals, and the system of registration and open camps. During this period, the situation on Lesbos defied the typical story of clandestine migration, where mobility is usually characterized by restrictions to international migration and fewer constraints on intra-national migration. Rather, Syrian refugees experienced both barriers and aids to their mobility, whereby practices of each kind evolved throughout 2015 and then changed dramatically from March 2016. Furthermore, because bordering foreclosed the possibility of reaching the EU by other means,

refugees were forced to undertake dangerous boat journeys and spend time in poor conditions in the Moria camp. As such, Syrian refugees often experienced danger and fear, were unable to maximize use of their resources, and thus were produced as ‘refugees in need’—people living in poor conditions and requiring vital assistance from others, as opposed to resourceful agents and architects of their own future possibilities.¹⁰

The Beach

South of Mytilini town, the road to the airport follows the beach. The beach is not wide, but it's flat with few rocks; not a bad place to land. Most days I can see across the Aegean to Turkey, hazy hills in the distance. Refugees tell me the landscape on the Turkish side looks much the same as the landscape here, which explains why people arriving on the beach sometimes ask volunteers what country they're in. Whenever on this road, I reflexively search the horizon for refugee boats. During the afternoon and early evening, there are rarely any, only fishing boats and, on some days, a coast guard ship. Most refugee boats arrive between 4 am and 10 am. South of the airport, evidence of volunteer activities and refugee arrivals remain on the beach—banana peels, piles of discarded lifejackets, shreds of foil blankets, and whatever remnants of the rubber rafts were not hauled off by scavengers for reuse. The scavengers take the rubber and the engine, but not always the plywood that forms the floor of the boat. Volunteers use the plywood left behind to feed the campfire that signals refugee boats towards us in the night.

Author's Field notes

The need to cross the Aegean Sea in a smuggler boat is the product of a mix of policies by the EU and member states that actively manage migration while simultaneously abandoning Syrians who wish to access the refugee protection regime. As a result, Syrian refugees cannot travel to the EU via more conventional routes, those used by tourists and visa holders. Cresswell's observation stating that “it is not that the state opposes mobility, but that it wishes to control flows—to make them run through conduits,”¹¹ aptly describes the situation of management and abandonment that controlled the flows of Syrian refugees. While strict border controls at airports and land borders make migration difficult, policies to register refugees and permit their onward migration through Europe indicate an acceptance of the mobility of Syrian refugees. The process of clandestine migration is expensive and perilous—too often boats sink or take in water. Abandoned on the water and on the Greek coast, refugees are at risk of drowning or dying of hypothermia. Volunteers began filling the void left by state inaction, patrolling beaches south of Mytilini and handing out necessary supplies to refugees who arrived, actions to show solidarity with Syrian refugees and lessen the dangers of mobility for them.

States' use of tools such as visa requirements and carrier sanctions, place shorter, safer, more affordable travel out of reach for people trying to leave warzones.¹² As Hyndman and Mountz observe, “Where the threat of persecution or violence exists, the exclusion of people from spaces that are

safe is a dangerous political act.”¹³ Differential access to mobility, and the danger it creates, is certainly stark in the case of travel between Turkey and the EU. *Medecins sans Frontieres* reports that in 2015, at least 3,771 people died whilst attempting the sea crossing to Europe.¹⁴ According to the UN, the chances of dying crossing the Mediterranean are 1 in 81¹⁵ (although the North Africa-Italy route is longer and more dangerous than the Turkey-Lesvos route). By way of contrast, a ferry from the seaside town of Ayvalik, Turkey to Mytilini harbour costs 20 euro and takes 90 minutes.¹⁶ A one-way flight from Ankara to a major German city can cost as little as 200 euro and takes two to three hours. However, would-be travellers must be able to show a visa authorizing their entry to Greece or Germany before boarding the ferry or plane, and in most cases Syrians are not able to obtain a visa for sanctioned travel. As Salter suggests, states use passports to “classify travellers as safe or dangerous, desirable or undesirable, according to national, social, and political narratives”¹⁷, channelling Syrian refugees towards modes of transit that are dramatically more expensive and more dangerous on the basis of their ‘undesirable’ passport. Although globalization typically privileges the flow of money across international borders, the desirability of the passport is given priority over financial resources in this case. Syrian refugees are often travelling with substantial sums of money, since those with fewer assets cannot afford the smuggler fees to get to Greece. Nonetheless, the mobility of Syrian refugees is restricted to clandestine routes and modes of transit due to visa requirements for Syrian nationals entering the EU.

The boat crossing exists due to uneven border enforcement. In 2015, enforcement along the Turkish coast and in Turkish waters was sporadic. However, to ensure a successful departure, Syrian refugees typically boarded the rubber dinghies in the dark, early hours of the morning, hiding away from beaches until the appointed time. Once in Greek waters, the risk of being forcibly turned back to Turkey was lessened. However, concerns remained regarding the safety of the boat and its passage across the Aegean. In the absence of state efforts to support safe migration of Syrian refugees, independent volunteers created loosely regulated systems to improve arrival conditions.

From the shores of Lesbos, volunteers gathered south of the Mytilini airport around midnight, setting out supplies and building a campfire large enough to be visible to distant refugee boats. Other volunteers patrolled the coast from Mytilini to the southernmost point of the island, in case a landing occurred elsewhere or a boat was at risk of drifting south and missing the island entirely. At times, first news of a boat came in the form of a pin dropped onto an online map and shared with volunteers. Other times, we saw the boat signalling us, flashing cell phone flashlights to make themselves known. Sometimes refugees did not signal, and the first indication of their arrival was the hum of the engine just minutes before they reached the beach. When we knew a boat was coming, we watched the flashes carefully to make sure the boat was growing steadily nearer, since engines sometimes failed or ran out of fuel. Once close to the shore, we waved them towards the best spot for landing, with the fewest rocks. Refugees would shout to us and we would

shout back, often without a common language. We would indicate for them to remain seated in the boat so a few of us could wade into the shallow water and drag the boat to shore. It was more important for the refugees to remain dry than for us. Their next stop was Moria camp, where near-freezing December nights were hardly improved by flimsy tents and a shortage of blankets. Wet clothes would exacerbate already poor conditions. Our night would be spent warming by the campfire between boats and eventually returning to our hotel rooms to sleep.

Once ashore, we lined up at the bow and began taking children off the boat first, passing them from volunteer to volunteer up the beach, then anyone who was ill, followed by the women and men, and finally the backpacks. Our most important role was to check every passenger for signs of hypothermia or other urgent health problems. Next, we began working to prevent the onset of hypothermia, passing out blankets and hot tea and checking to see if people's clothes were wet. I walked through the small crowd of refugees, touching their feet and ankles, asking in my 10-word Arabic vocabulary, "Wet? Wet?" so they would know what I was doing. Using whatever supplies we had, we would help people change out of wet clothes into dry socks, flimsy plastic sandals, and ill-fitting sweatpants. When we ran out of footwear, which was often, I removed the refugees' wet socks, wrapped their feet in pieces of foil blanket, then covered the foil with the wet socks and shoes so their feet could remain dry despite wet footwear. Sometimes we had lollipops or bananas to distribute to children.

Each beach landing meant at least a few tense minutes—we never knew how long that boat had been at sea, whether it had taken on water, whether someone had already succumbed to hypothermia on the way, how frightened the passengers were. I was reminded how perilous the boat ride was one night when volunteers passed to me a sleeping baby, perhaps 4 months old. After giving him a quick check, I held him while he slept, waiting for his family to get tea and blankets. Several times, other volunteers approached to touch his cheek, feel his snowsuit, or rest a hand on his chest. They wanted to make sure he was dry and sleeping, not unconscious or worse. Some refugees disembarked dazed or panicked or sobbing; others crying gratefully or sighing with relief, hugging their family, kissing the ground or raising their hands towards the night sky to thank God. Refugees who made the crossing in daylight tended to be less frightened. They would hop off the boat, take selfies with their family or friends who shared the journey, and text relatives to announce their safe arrival.

The actions taken by the volunteers—watching for boats, checking for hypothermia, offering food and tea and comfort—were both acts of solidarity and the provision of services. The need for volunteer services arose not from the refugees themselves, but rather the ways that the politics of mobility forced Syrian refugees to undertake dangerous journeys before reaching safety. Thus, the work of volunteers was not only a solution to a problem, but the symptom of a problem. Clandestine migration necessitated a long, cold journey, which therefore produced risks of drowning and hypothermia. While EU states took an active role preventing sanctioned

migration to Greece and administering a system that allowed onward migration from Greece to other EU countries, they took no responsibility for the safe passage of Syrian refugees to Greece.

Moria: The Camp

The family was in a fenced-in pen waiting for registration. No toilet or food in the fenced-in area. Halfway through the day, we brought the family packs of biscuits, bananas, and bottled water. People queuing for their turn [to wait in the fenced-in area] passed the items under the fence to the family. As thanks, we went back to the food cart and bought more biscuits, bananas, and water to give to the people in front of the unfenced queue... The family called me at 6 PM to say they had registered, after spending eleven hours in a pen on the second day of waiting!

Author's Field notes

Once on the island of Lesbos, Syrian refugees faced strict controls on their mobility within the island and within Greece. Whilst the immediate danger of the boat journey passed, the effects of this danger lingered and indeed were compounded by the conditions of Lesbos. UN buses transported refugees from the beach to Moria, a refugee processing centre and 'open' refugee camp. Syrian refugees were not brought to or confined in Moria by physical force, nor did they face 'refugee warehousing' that has come to typify many refugee camps.¹⁸ Yet the systems established to manage refugee arrivals to Greece nonetheless led to a de facto confinement in or near the camp. Distanced economically and geographically from services and infrastructure in Mytilini, refugees had to rely on humanitarian aid in Moria to meet their basic needs. Moria resembled Turner's theorization of refugee camps insofar as it placed refugees in an "ambiguous position as being at once abandoned and the objects of government and improvement."¹⁹ Time spent at Moria yielded multiple and conflicting conditions: creating Syrians as refugees-in-need; providing humanitarian intervention; and rendering refugees visible and legible to the EU.

The road to Moria camp winds through low, scrubby hills dotted with olive trees. On approach, it becomes clear that one is nearing the camp—little clusters of refugees walking along the road, stands selling food and shoes to those staying in the camp, and finally a cluster of taxis and people at the base of the driveway into the camp. As a former prison, much of Moria is surrounded by tall chain metal fence topped with razor wire. I typically arrived to Moria from my hotel in Mytilini by taxi, luxuries denied to refugees prior to registration. Greek anti-trafficking laws include provisions that forbid transporting refugees by taxi or public transit or housing refugees in hotels. Thus, although Syrians could walk in and out of Moria, they could not easily travel to Mytilini or pay for better accommodation.

Walking up the driveway that divides the formal camp from the informal one, an abandoned building has been scrawled with graffiti reading both 'Migrants welcome' [sic] and 'NGO's Fuck Off' [sic]. I was initially startled by this combination of messages, since the camp was one of the only

locations along the migration route where states invited international NGOs providing services to refugees. But the more time I spent at Moria camp, the more I sympathized with the sentiment. The camp provided shelter, but not enough shelter for everyone, leaving half or more residents in the informal camp with little protection from the weather.



The camp offered an opportunity to obtain registration documents to enable their onward journey, but delays in registration necessitated spending hours or days queuing, thus prolonging their stay in the camp. The camp provided portable toilets, but too few to remain clean, such that refugees began using

the land uphill instead. The camp provided medical assistance, but much of that assistance would not have been required without the need to undertake a dangerous journey or to spend days in a cold, unsanitary camp. These conditions were exacerbated when the danger of the boat journey left refugees wet or suffering from health problems. It was difficult to remain dry and warm in Moria, especially at night. Although medical care was available, poor conditions in the camp also undermined the physical well-being of refugees staying there.

Unsurprisingly then, the priority while in the camp was to be able to leave. Upon arrival, refugees were issued a scrap of paper with a number. The queues were managed by volunteers with some assistance from Greek police, and only a certain number of people were allowed in the queue at a time. Refugees crowded near the queue to prevent missing their turn to join. A Greek police officer would periodically call out numbers, dictating who was allowed to queue. Refugees queued to queue, sometimes wary of leaving the area to use the toilet, get food or water, or to address other needs. On several occasions when I was at Moria, the computer system used for registration would break down, leaving the queue unmoved for hours at a time. The length of time to register varied, but during my stay on Lesbos it regularly took between two and four days.

When refugees became tired of standing, they crouched along walls and fences beside the gravel road, perhaps holding a sleeping baby or sharing bananas amongst family members. They looked tired, frustrated, and unkempt, hands and faces dusty from the gravel road where they waited and the inadequate facilities for washing. I was struck by how much the camp looked like a camp, masking its bureaucratic function, and how much staying at the camp made Syrians look like ‘refugees’—passive victims in need of

help, lacking the agency to improve their circumstances. In fact, many refugees were carrying large sums of cash. However, the imperative to leave the camp, combined with restrictions on mobility on Lesvos, worked together to keep refugees in the poor conditions of Moria.

A photo of Syrian refugees in the camp would not portray the emotions seen on the beach—the jubilation, the fear, the bravery, the relief at reaching safety—or boarding the ferry to leave Lesvos. In fact, the camp did not resemble a safe space at all. I often wondered how refugees interpreted arriving to the EU and then being housed in a space so unfit for habitation. While in Moria Syrian refugees were recipients of humanitarian aid, but only the bare minimum, what has in Kenya’s Dadaab camp been called ‘don’t die’ conditions.²⁰ Constraints on mobility on Lesvos led to the *de facto* confinement of Syrian refugees and limited their agency to take care of themselves.

The City

Walking along the harbour in Mytilini, I ran into the radio broadcasters [whom I’d met that morning on the beach] again. They asked where they could find some refugees to interview. I laughed at them. Anywhere! Everywhere! Doing normal stuff just like everyone else!

Author’s Field notes

Because of the practicalities that kept refugees close to Moria prior to registration, most refugees in Mytilini were those who had completed registration and were preparing to depart from Lesvos. Ferries left the island from the port at Mytilini several times daily to transport cars, goods, and people to mainland Greece, either to Athens or to Kavala. There were often small crowds of refugees in and around the many travel agencies on Mytilini’s picturesque high street along the harbour. Most Syrians intended to journey across Europe by land to reach Germany or Sweden, which entailed crossing the Greece-Macedonia border at the Greek town of Idomeni. Thus, travel agencies offered either ferry tickets or a combination ferry ticket and bus ticket to Idomeni, which could only be purchased after registration. Due to the volume of refugees seeking to leave Lesvos, tickets often needed to be purchased a day or two in advance, meaning, and the planning of the onward journey required a few additional days on Lesvos.

In this final stage of the transit through Lesvos, refugees travelling with sufficient funds were able to purchase goods and services to improve the quality of their living conditions. Those with more money stayed in local hotels and dined in restaurants while they waited for their ferry. Compared to refugees in the camp, they looked better rested, more carefully groomed, and more jovial. Without extra money, some refugees spent an additional few days in Moria camp, while others camped out close to the ferry terminal. Those without hotel rooms could be seen spreading out their wet clothes on benches to dry in the warm sun. Volunteers and refugees alike crowded the same corner stores, buying bananas and phone credit, or using outlets to charge mobile phones.

The very mundane nature of the activities of refugees in Mytilini, which led the radio broadcasters to wonder where to ‘find’ ‘them’, highlighted the ways that controls over refugee mobility served to render Syrian refugees as others. Without the management of mobility and restrictions on use of space, refugees moved throughout the city much like volunteers and other temporary inhabitants.

Towards Restricted Mobility

Policies towards the mobility of Syrian refugees were not coherent across state and EU agencies in 2015, leading to a journey where access to mobility was highly spatialized at a micro-level. In contrast, 2016 has been marked by greater alignment of policy priorities across EU member states and Turkey, geared towards the goal of stopping migration across the eastern Mediterranean and along the Balkan route to the contiguous EU states.²¹ This alignment culminated in the signing of the EU-Turkey agreement of March 2016, which incentivizes Turkey to prevent outward migration and accept the return of ‘irregular migrants’ from Greece. Unsanctioned international migration, both from Turkey to Greece and from Greece across the Balkans, is no longer permitted, and has been replaced by strict enforcement of border closures by individual European states. Mobility on Lesbos is also now more tightly controlled than ever, with Moria converted from an open camp to a closed detention facility.

Beginning in January 2016, refugee mobility and volunteers’ support of refugee mobility have been criminalized. Several weeks after I departed Lesbos, volunteers on the south-eastern coast of Lesbos were arrested and charged with human smuggling after they assisted refugees on a sinking boat.²² Both the EU and Greek government have since sought to control and criminalize the activities of volunteers²³ and eventually banned them from operating at certain locations on Lesbos, curtailing volunteers’ ability to support refugees and bear witness to unlawful actions by state actors.

The crackdown on volunteer efforts foreshadowed the crackdown and criminalization of Syrian refugees’ mobility. Throughout early 2016, the EU put in place policies and agreements necessary to stop international migration of refugees, both from Turkey to Greece and from Greece across the Balkans to the other EU states. Cooperation across states and agencies have led to a dramatic decrease in refugee arrivals to the Greek islands, as well as the containment of refugees within Greece. The situation on Lesbos now resembles a more conventional arrangement of strict controls over mobility, rather than one of tacit acceptance. With increased control, however, have come accusations that the EU is denying the rights of Syrian refugees to seek asylum. There have been multiple reports of ships patrolling the Aegean Sea attacking refugee boats or illegally pushing refugee boats from Greek waters back to Turkish waters.²⁴ Refugee mobility across the Aegean has been increasingly characterized as irregular or illegal migration. A statement by the NATO Secretary General claims, “We will participate in international efforts to cut the lines of illegal trafficking and *illegal migration* in the Aegean Sea”²⁵

(emphasis added). The EU-Turkey agreement includes provisions to deport 'irregular arrivals' to Greece back to Turkey. Despite promises to uphold commitments to refugee protection, Afghani and Congolese refugees have been deported from Greece without having the opportunity to make an asylum claim.²⁶ A number of international NGOs have criticized the EU-Turkey deal for being illegal and incompatible with refugee protection, and many have ceased providing services to refugees in Greece to protest the treatment of refugees.²⁷

These developments incentivize refugees to undertake more dangerous routes to cross the Mediterranean to reach the EU, such as that from Libya to Italy. Indeed, 2016 has proven to be a deadlier year for migrants than 2015.²⁸ But so, too, has it been deadly for refugees unable to access mobility; prevented from migrating from unsafe spaces to safe spaces. Syrians remain stranded in Syria, stranded along the Turkish and Jordanian border²⁹, as well as in Turkey, which at least some experts and human rights organizations argue, does not constitute a 'safe third country'.³⁰ As EU and Greek policies towards mobility become less contradictory and more aligned towards the exclusion of Syrian refugees, the EU is re-making the refugee protection regime, thus undermining the right to seek asylum.

Conclusion

For a limited period at the end of 2015, the incoherent policies of the EU towards Syrian migration fostered novel opportunities for international mobility, albeit with restrictions that heightened the costs and dangers of such mobility. The number of Syrians who crossed the Aegean from Turkey to Lesbos demonstrates that Syrians were able to draw upon mobility as a resource for seeking safety. Although unsanctioned, the international migration of Syrians was tacitly accepted, and to a degree facilitated, by a number of state actors and their partners, as well as smugglers and volunteers. But during this period, their mobility was channelled along particular routes and modes of transport. In addition, their mobility was punctuated by enforced pauses, for example waiting to cross the Aegean and waiting to register their arrival in Greece. The process of channelling has necessitated that Syrians undertake a journey that is longer, more dangerous, indeed frequently deadly, and more expensive than what it would cost for an individual who is not seen through the lens of the state as a probable asylum seeker, and thereby undesirable. By fostering dangerous journeys, EU policy has produced Syrians as people simultaneously in need of humanitarian assistance and intervention. The former was at times provided by the EU and partner agencies, but it has also been provided by volunteers seeking to support the mobility of Syrians.

The unlikely assemblage of policies that prevent or facilitate mobility at various points during the journey from Syria to mainland Greece and onward investigated in this paper has since been replaced by a set of more coherent policies with the goal of preventing international mobility related to forced migration, the focal points being the Syria-Turkey border, the Turkish

coast, and the Greece-Macedonia border. Policies such as mandatory detention and return to Turkey have been generally criticized by NGOs and experts as violations of the 1951 Refugee Convention and international human rights.³¹ By denying exit from unsafe countries, preventing entry into safe countries, and curtailing the practice of non-refoulement, the EU is fundamentally remaking the refugee protection regime using the Syrian exodus as its *raison d'être*.

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Syrian Refugees' Reception in Southern Europe: The Shifting Content of the Right to Asylum in Lesbos, Sicily and Melilla

By

Chiara Denaro *

Introduction

The current war in Syria, which began in 2011 as a result of Bashar Al Assad's brutal repression of a pacifist revolution¹, has had, and is still having, a huge impact in term of mobilities, firstly in the Middle East and North Africa Region (MENA) and secondly in the larger Mediterranean region including Southern Europe. More than 4.8 million of Syrian refugees are in the MENA region, especially in Turkey, Lebanon, Jordan, Iraq and Egypt while only 1.1 million managed to reach EU countries and present an asylum claim. As of 2011, they started to be a part of the mixed migration flows to Europe, and to travel the main seaborne and land routes; main recipient countries in Europe are Germany and Serbia (and Kosovo), followed by Sweden, Hungary, Austria, the Netherland and Denmark, while the number of Syrian refugees remaining in Southern EU countries such as Spain, Greece and Italy is quite low.²

In the Mediterranean space, the migration routes are essentially articulated around three main corridors which connect the southern and northern shores: the eastern corridor, mainly between Turkey and Greece; the central corridor, which consists of three seaborne routes from Egypt and Libya to Italy and Malta; and the western one, between Morocco and Spain. In the geography of north-south mobilities through Southern Mediterranean European countries, such as Greece, Italy and Spain have a key role both in terms of management of incoming migration flows and concerning access to asylum and first reception and accommodation of refugees. These countries, acting as border zones, are privileged standpoints from which to observe and analyse the so-called *migration crisis*. The crisis emerged as a multidimensional

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and intersectional phenomenon whose construction and representation are fundamental in the conception of migration management policies. As several scholars have already pointed out, the contemporary border regimes, whose evolution implies the progressive securitization of the borders, are dramatically compromising the possibility of access to “safe countries”³³. In particular, bilateral agreements constitute perfect grounds for systematic violations of the non-refoulement principle (art.33 of Geneva Convention) and of the prohibition of collective expulsion (art.4, protocol 4 of European Convention of Human Rights). Furthermore, they allow migrants' and asylum seekers' deportation toward countries where they could be exposed to inhuman and degrading treatments (art. 3 European Convention of Human Rights). Despite the EU jurisdiction concerning some cases of violations perpetrated by EU authorities in application of these agreements (i.e. Hirsi Case, Sharifi Case) there are currently no signals of a turnaround that could significantly alter the evolutionary trend of EU border regimes towards greater and harsher measures of expulsion.

In this larger context of the so-called “migration crisis” and through a comparative approach between three case studies (Lesvos, Sicily and Melilla), this article analyses the shifting content of the right to asylum in these border zones. It focuses on the main political responses in these three countries to the arrival of Syrian refugees in terms of border control and first reception policies. This is done in order to shed light on the dynamics of access or lack of it thereof to the right to asylum in Southern Europe. The question of “access” is foundational in the conceptualization of the content of the right to asylum in border zones. In the following pages, it is articulated through: *i*) access to the territory, *ii*) access to the procedure of seeking asylum and granting of the refugee status; *iii*) access to the first reception.

Lesvos, Sicily and Melilla have been selected as case studies due to their key position along the main Mediterranean routes to Europe: they are border zones and fundamental spaces of access and first reception for forced migrants. Data collection has been completed during three fieldwork trips to Sicily (spring-summer 2014), Lesvos (summer 2015) and Melilla (spring 2015 and spring 2016); ethnographic techniques, such as participant observation (Gold, 1958), have been combined with in-depth interviews with asylum seekers and refugees, volunteers, NGO members, public employees, local authorities and other relevant stakeholders. Following a brief reflection concerning the Syrian diaspora in the frame of the so-called migration crisis and the reconfiguration of the Mediterranean migration routes, which has taken place following the Arab uprisings, the article analyses the main aspects concerning the *de facto* denial of access to asylum due to the implementation of Southern EU border regimes. Subsequently, empirical references from Lesvos, Sicily and Melilla concerning access to the EU territory, to the asylum procedures and to first reception are analysed through a comparative approach, in order to provide critical insights about the shifting content of the right to asylum. The issue of refugees' transit throughout Southern EU countries to the central-northern ones remains at the background as a possible

consequence of the above-mentioned emptying of the right to asylum, and as an alternative tool for its revitalization.

The Crisis as an Intersectional Phenomenon: Migrations, Borders, and Refugee Protection

The idea of “crisis” is strongly present in European political debates concerning refugees and forced migration, but its definition is often unclear. According to the Oxford Dictionary the crisis is “a time of intense difficulty or danger” or “a time when a difficult or important decision must be made”. In order to grasp its meaning in the context of forced migration, we must refer to some common sense assumptions: crisis is connected with notions of unpredictability, exceptionality and unmanageability using traditional tools. It is a quantitative concept, used to define problematic situations (war, conflicts, disasters) whereby high number of people were forcibly displaced. The idea of a “migration crisis”, as commonly evoked concerning the European situation in response to the arrival of Syrian asylum seekers in particular, is likewise a quantitative definition but it also includes a wider range of people who are not only “refugees”, namely the so-called “mixed migration flows”.

Following the Arab uprisings in 2011, the number of people who chose to migrate from the Middle East increased exponentially and the Mediterranean routes have been re-opened. Consequently, 25.000 people from Tunisia reached Italy in 2011, followed by almost 30.000 sub-Saharan migrants from Libya. The growth in numbers started right after the events of 2011 and continued until today. However, the presence of Syrian refugees played perhaps the most important role in its perception. Firstly, from a quantitative point of view, there has indeed been a significant increase in irregular migration to Europe as a direct result of the Syrian conflict. The conflict produced forced (internal and external) displacement of more than 12 million people.⁴ Secondly, concerning the composition of these migration flows, they shifted from being young-male-dominated to family-based movement, with high numbers of women, children and elderly people.

Despite the relative increase in the number of people who reached Europe through Mediterranean and Aegean crossings, according to Crawley (2016) “the migration crisis is [still] not a reflection of numbers – which pale into insignificance relative to the number of refugees in other countries outside Europe or to those moving in and out of Europe on tourist, student and work visas – but rather a crisis of political solidarity.”⁵ Following the footsteps of Stephen Castles,⁶ who stresses the importance of a critical understanding of contemporary migration, and particularly those flows seen by some as constituting a “migration crisis”, these movements are an integral aspect of North-South relations in the current phase of globalization and of patterns of global inequality.⁷ Furthermore, agreeing with Spijkerboer⁸ concerning the predictability of recent flows and trends, the presumed “unmanageability” of the crisis could be attributed to the gap between reality and dominant narratives and interpretation of the migration phenomenon (such as the assumption about the linearity of migration, conventional “push-

pull factors approach”, dualistic opposition of “economic migrants vs. refugees”, etc.). Concerning the gap, Crawley suggests that although there is a large amount of academic research, which provides accurate readings and interpretations of the migration phenomena, it remains unheard by policy makers, and this alone suggests a relevant lack of political will to manage the crisis. As such, the progressive enforcement of external borders (EU–Turkey agreements) and the reconfiguration of internal Schengen borders through a “process of cascading border closures within Europe aim at preventing refugees and migrants from reaching Southern Europe and from moving on to central-northern countries. Therefore, the crisis is less about how to respond appropriately to the irregular arrival of migrants and refugees and more about the “wider geopolitics of the EU and the region.”⁹ In conclusion “repeated failures at coherently and cohesively dealing with the unfolding situation have triggered a multifaceted crisis: a refugee crisis, a crisis of border controls, a humanitarian crisis and even a geopolitical crisis within the EU itself.”¹⁰ Political responses of the EU member states further highlight a crisis of values, where basic principles of human rights and solidarity have been called into question and disregarded in order to preserve the presumed political, economic and social stability of the EU.

This is the context in which the contemporary asylum regime is undergoing significant changes. The progressive reduction of legal ways of access to a safe country through the implementation of bilateral agreements and the enforcement of external borders generate what Mastromartino defined as the “compression” of the juridical regime of asylum and the failure to comply with the principle of non-refoulement. Moreover, the above-mentioned “process of cascading border closures within Europe” evidences the will to keep asylum seekers in southern EU countries where the content of the right to asylum is extremely reduced. The economic crisis, which affected countries such as Greece, Italy and Spain, entailed the redefinition of welfare programs in terms of cuts to social and health services. These processes have inevitable repercussions on the asylum regimes and play a key role in what Scieurba¹¹ defined as the emptying process of the right to asylum. Thus the crisis of migration flows’ management becomes also a crisis of “reception”, which induces governments to act through “emergency approaches” and to cry out for help to the EU due to the lack of public resources to receive asylum seekers. In conclusion, if we consider that “84% of sea arrivals in 2015 came from the world’s top 10 refugee producing countries, with Syrian nationals representing just over 50%”,¹² we can state that ‘the so-called ‘migration crisis’ can be more accurately described as a crisis of refugee protection.”¹³

The Content of the Right to Asylum in Border Zones: A Proposal for Reconceptualization

One of the cornerstones in the academic debate on the right to asylum in Europe is the issue of “access to international protection”, which today seems to be put into discussion by the evolution of border regimes leading to the

progressive strengthening and delocalization of EU external borders.¹⁴ A second question concerns the key concept of “safe-country”, whose evolution seems to proceed in parallel with the increasing externalization of international protection and the changes in the ECtHR jurisdiction (e.g. Greece). This latter notion, usually classified as Safe country of Origin (SCO) and Third Safe Country (TSC) and incorporated into the EU Directive. 85/2005, constitutes the conceptual basis of certain new executive praxes or “rules” that seem to be in contradiction with the very nature of the right to asylum.

On the one hand, the SCO rule, which allows EU Member States (MS) to label certain asylum claims as “manifestly unfounded”, and to adjudicate them through an administrative and accelerated procedure, seems to be in open contradiction with the individual right to claim for asylum, independent of the nationality of the applicant. On the other hand, the TSC rule, which allows MS to deport asylum seekers to one country or to push them back at the border if the last country they crossed is declared as safe, risks violating the non-refoulement principle, due to the risk of chain deportations, as well as the prohibition against exposing individuals to inhuman and degrading treatment. This latter risk emerges mainly due to the impossibility of verifying the requirements implied by the definition of TSC.¹⁵ Indeed, a cluster of European Court of Human Rights’ judgements (ECtHR) have called into question the “safeness” of some EU Member States, such as Italy and Greece (i.e. M.S.S. Case, Hirsi Case, Sharifi Case). Moreover, a number of judgements by European administrative tribunals decided to suspend the Dublin transfer agreement in those countries, due to the inadequateness of their asylum systems in terms of access to procedure and first reception (i.e. Tarekhel Case). Notwithstanding these decisions, all the MS are still supposed to be safe and questioning this assumption exceeds the purpose of this article.

In terms of critical scholarship in this area, starting with the case of Afghan refugees in Greece,¹⁶ it has discussed the question of access to protection, even in Geneva Convention signatory states, by outlining several problematic features and real obstacles generated by the putting in place of border control measures in the legal framework of the bilateral agreements with Turkey. A similar direction is observable in Scurba’s¹⁷ reflection when she states that if one imagines the right to asylum as a door that should give access to a room of social, political and economic rights, it is apt to name the current developments as a “progressive emptying process.” Several factors contribute to this process, such as the progressive multiplication and delocalization of borders, the externalization of asylum in third (un)safe countries, and the presence of regulations such as the Dublin agreement, which attempts to discharge the weight of refugees’ reception on South-Eastern EU countries—countries that are poorer than the Central-Northern ones and deeply affected by the current economic crisis.

In this framework, my purpose is to shed light on the very content of the right to asylum in border zones; in the attempt to give it an empirical meaning. To that purpose I propose a reconceptualization of its content,

which consists of a tripartite analysis of the wider concept of “access to asylum”.

The initial item in the access to asylum is the access to the *territory* of the country that could provide international protection. The second issue is the access to *first reception*, intended as access to accommodation, which includes provision of food, shelter and sanitation; access to health care; and, access to basic information provided in an understandable language. The third issue is access to the *asylum procedures*, which leads to the adjudication of the individual claim and the refugee status determination. Due to the current analysis being limited to the sphere of “border zones”, this reconceptualization inspired by the Geneva Convention does not include other essential aspects, such as access to education, to work, and to welfare state provisions where applicable. Border zones have been chosen as spaces of access, and thus as standpoints to observe the content of the right to asylum. Lesbos, Sicily and Melilla are key localities on the three migration corridors to Europe, and in different periods, Syrian refugees were using each of these three routes. Here, the choice of Syrian refugees as a case study is not casual. In the contemporary diatribe concerning true and bogus asylum seekers they are somehow “untouchable” due to the evidence of their need of international protection, and the doubt concerning the worthiness of their protection cannot work as justification for eventual deficit of the EU asylum regime.

Syrian Refugees in Southern Europe: Access to Territory, Procedure, and First Reception

As I have briefly argued above, consequences of the Syrian conflict in terms of (forced) mobility are immense.

In this section I will analyse ways of access for asylum seekers and the displaced in general to the territory of three Southern EU (supposedly safe) states, namely Greece, Italy and Spain. For each country I selected a key locality, namely a fundamental location of “access”, and a border zone along the routes to Europe: the island of Lesbos (Greece), the island of Sicily (Italy) and the Melilla Enclave (Spain).

An almost complete lack of legal ways of access to the EU for asylum seekers, due to the configuration of visa regimes and the insufficiency of resettlement schemes that constitute residual praxis, oblige the displaced peoples to reach the EU territory through ‘irregular’ means. The Mediterranean Sea crossings are articulated mainly around three corridors, the eastern, the central and the western one; each one of these involves several routes.

The eastern corridor includes Aegean Sea crossings from Turkey to Greek islands, the crossing of the Evros River or land borders between Turkey and Greece. Before 2013 it included also the border between Turkey and Bulgaria, but after that date the Bulgarian government built a fence and this route has been closed. Migration from Turkey to Greece is nothing new and irregular crossings already started back in early 2000, following the

creation of the Schengen Area. Starting in 2006, with the Frontex operation Poseidon, Greek government initiated a policy of tight control of land and sea borders, based on the systematic implementation of push backs at sea and along land borders. Over the years, the scope of surveillance operation at the Greek–Turkish border has increased both in terms of budget and human and material resources in order to make their crossing increasingly difficult. As reported by Amnesty International (2014) and Pro Asyl (2013), migrants intercepted in the Aegean Sea and directed to Greek islands were systematically stopped by Frontex naval units: “Officials, wearing black masks, used to push-back dinghies into Turkish water and to take off the engine, putting lives of migrants on board at serious risk”¹⁸

After the demission of the Tunisian one, the central corridor became the Libyan and the Egyptian seaborne routes to Italy.¹⁹The Libyan route to Italy started to be used also at the beginning of 2000, after the progressive shifting of Tunisian departure points to the South and beyond the Libyan border. This route was mainly used by migrants coming from Sub-Saharan Africa and the Horn of Africa, but also Egypt and the Maghreb. In 1998 Tunisia, the country of departure of the oldest and shortest seaborne routes to Italy, signed bilateral agreements with Italy and the resultant increase of border controls pushed migrants to the South. As Triana Dafallidou²⁰ underlines, the Mediterranean seaborne routes work as a system of “communicant vessels”, thus processes of opening and closing of the routes are deeply interrelated. During 2005 and 2006, similar process of delocalization of EU border controls led to the opening of the Egyptian route to Italy. This development followed the first informal agreements between Italy and Libya, signed in 2004, implying more restrictions for Egyptian migrants (workers) in Libya and the closure of Salloum border crossing originally allowing access to Libya from Egypt. These routes continued to be used until 2009, when in the frame of new cooperative agreements between Italy and Libya, Italian and Libyan military forces started to pushback migrants toward Libya (e.g. Hirsi case at ECtHR). After a biennial stop, however, the central Mediterranean corridor re-opened, under the pressure of the Arab Uprisings, and continued to be travelled in the following years.

Finally the western corridor is located around the Moroccan-Spanish border, and includes seaborne routes through the Gibraltar strait and or land border crossings to the Spanish enclaves of Ceuta and Melilla. Even in this case the sea-crossing to Spain began in early 2000, especially from Nador and Tangier to the region of Cadiz and Tarifa. The first bilateral agreements between Morocco and Spain made departure points shift to the south: migrants started to travel from Senegal and Mauritania to the Canary Islands. It is noteworthy that in the absence of smugglers on board of “pateras”, the fishing boats used to attempt the border crossing. As a result, the journeys from west Africa to the shores of Europe were mostly self-organized.²¹Another way to access Spain was the so-called “jump over the fences” method, namely the very dangerous attempt to climb over the high barriers built by Spanish authorities in the Enclaves. Even in this context, the principle of non-refoulement has been disregarded through the common

praxis of push backs called “devoluciones en caliente.” Several other types of violations of migrants' rights are also common. The use of violence by the Guardia Civil and Moroccan Police is also very common and has caused several deaths from shooting of migrants with rubber bullets and beatings in the hands of security forces and border guards.

After 2011 Syrian refugees started to travel all three corridors, to Italy, Greece and Spain but their number significantly increased in 2013. In the following section, I will briefly analyse the main features of their attempted access to asylum (territory, procedure, first reception) in Sicily, Lesbos and Melilla from 2013 onwards.

Sicily

Syrian refugees started to use the Libyan and Egyptian routes to Italy in the summer of 2013, especially in May–June and continued to do so until December 2014. Main departure points were Al Zuwarah, Sabratah, Tripoli, and Misratah. People usually boarded very old fishingboats, always overcrowded; between 100 and 400 people were on board, often without lifejackets. The type of position on the boat depends on the price paid to smugglers: the cheapest and more dangerous places are below deck. According to the interviewees, the journey on the Libyan route costs about 1000–2000 dollars per person, while on the Egyptian one it costs more, up to 2500 dollars. The journey from Libya lasts from 2–5 days, which could be extended up to 8–15 days on the Egyptian route. This implies two or three transshipments to different boats, which are often older than the previous ones. Travel conditions are generally extremely rough, with a lack of food and water, and the possible loss of all personal belongings and money. People who fall in at sea are never rescued. The use of violence by smugglers against migrants is also noted to be very common.²²

Seaborne routes are extremely dangerous and since 2000 more than 25,000 people have lost their lives in the Mediterranean,²³ which has been identified as the most dangerous border in the world.²⁴ After two shipwrecks occurred in October 2013, where more than 600 people lost their lives, the Italian Government launched the Mare Nostrum Operation—a humanitarian-military mission which has changed the nature of Search and Rescue operations. Mare Nostrum introduced three innovations: the massive rescue of migrants up to 90 maritime miles from the Italian coast, the (in principle) provision of goods and services on military ships and the end of push backs at sea. Initially the military ships had also been imagined as spaces of identification—somewhere to take the rescued migrants' fingerprints and photographs. In other words, the Italian/EU border was shifted to sea, far from any kind of procedural guarantees.²⁵ Nonetheless, the most immediate consequence of the extensive rescue of migrants was probably the massive disembarking phenomenon, which was important with regard to both theoretical and practical construction of emergency processes. It had a domino effect in the host system, which had to be ready to accommodate 1,000 or more people at a time.²⁶ After one year of the Operation and the

rescue of more than 100,000 people it was replaced by the Triton Mission, whose priority was to struggle against irregular migration. The Italian government reduced the area of rescue to 30 miles from the coast, as well as the allocated budget. Finally the path of progressive militarization of the search and rescue (SAR) in the Central Mediterranean has been brought under the purview of the EUNAVFORMED program, a three-phase plan aimed at fighting illegal migration, without due interest in the rescue of human beings.²⁷

During the biennium 2013–2014, when more than 11,000 Syrian refugees reached Sicily and other places of disembarkment in Southern Italy, the Italian reception system for asylum seekers was managed through an emergency approach. This is what Vrenna and Biondi Dal Monte²⁸ define as a “structural emergency.” “Notwithstanding that seaborne migration to Italy has been defined as a structural phenomenon, migration policies were built on its representation as unpredictable and exceptional fact, and on the assumption of non-manageability with traditional political means or ordinary legal tools.”²⁹

The reception system's configuration was quite complex and multi-layered, and it still is. In 2014, with respect to more than 170,000 seaborne arrivals, there were only 14 ordinary governmental reception centers (CPSA, CARA, CDA), while there were 1,657 extraordinary (CAS) governmental reception centers hosting more than 32,000 people. The Italian governmental reception system was flanked by the SPRAR (Sistema di Protezione per Richiedenti Asilo e Rifugiati), whose competence of management has been transferred to local authorities. It had been enlarged up to a capacity of more than 20,000 units, which in turn were divided into ordinary and extraordinary and additional places.³⁰ The detachment between the demand and supply of places in ordinary and extraordinary reception centers, due to a structural deficit of the Italian hosting system and the weight of the extraordinary component, enables an understanding of the emergency-based nature of the Italian reception and hosting policies. The so-called emergency related to incoming migration flows by sea, now labeled as “migration crisis”, has been tackled through the use of exceptional spaces to accommodate people, such as ex-barracks, ex-schools, makeshift camps, ex-hotels and residences, stadiums and indoor sport arenas. These are public spaces often lacking minimum standards of fitness for human habitation and devoid of hosting services such as legal, social and sanitary assistance. Living conditions in both ordinary and extraordinary spaces remain variable: provision of services was not guaranteed everywhere; access to legal assistance was problematic, such as access to basic health care. Refugees were often abandoned to fend for themselves, left to “eat and sleep” for interminable waiting times before the Territorial Commission for Asylum's adjudication of their case and the hearing of the results and the document release.

Despite the presence of many reception centres near these places of disembarkment, Syrian refugees usually decided to run away to the north within a few hours or days of arriving; after two stops in Catania and Milan, Sweden and Germany were the main destinations. However, their decision did not seem to be connected with reception conditions. According to witness accounts, even when they received an impeccable welcoming, they choose to

continue the journey: life projects were based on a simplistic (but accurate) knowledge concerning other asylum systems and on the will to reach the best option, especially for families with children. In order to continue the journey to the North, they needed to overcome restrictions imposed by the Dublin Regulation: the most effective way was the collective refusal to release fingerprints.³¹

Since June 2013, a number of key events of resistance to forced identifications have occurred, in which asylum seekers punctually denounced episodes of violence. Starting in the summer of 2013, we observed an informal change of orientation: most of the Syrian migrants who arrived in 2013 and 2014 have not been identified. A comparison between arrivals and presentation of asylum claims shows that in 2013, with respect to 11,503 arrivals only 700 Syrian refugees presented an asylum claim in Italy. A similar trend of transit occurred in 2014 when with respect to 39,651 arrivals only 1,400 Syrians have claimed asylum in Italy.³² They have *de facto* overcome the restrictions imposed by the Dublin Regulation, according to which Italy, as a first EU country of arrival, was supposed to be responsible for the collection and examination of their asylum claims.

Lesvos

Syrian migrants started to travel from Turkey to Greece and Bulgaria as early as 2011. However, land routes to Bulgaria were almost completely closed in 2013 after the edification of a 30km fence that is currently being extended to 130kms. Until the beginning of 2015, the border patrol system based on the Greek–Turkish bilateral agreements implied daily push backs (at sea and in the Evros region), which were in open violation of the non-refoulement principle, and risked exposing asylum seekers to chain deportations to countries where they risk suffering inhuman and degrading treatments.

In January 2015 something changed, and Syrian refugees started to travel daily from Turkey to Greece, together with Afghans and Iraqi nationals. Small, overcrowded dinghies, with minimum of 40 people on board, began to depart every night from Turkish sea towns of Izmir, Ayvalik and Cesme in the attempt to reach Greek Aegean Islands. The Turkish seaborne routes through the Aegean Sea are less dangerous and shorter than the central Mediterranean ones. They generally last one night, or not more than 24 hours. Some dinghies were able to reach Greek coasts autonomously, while the majority needed to be rescued by the Greek Coast Guard.

According to UNHCR (2016), almost 853,723 people reached Greece in 2015 through the Aegean Sea and more than 40% of them were Syrians. More than 500,010 arrived on the island of Lesvos and the rest of population landed in Dodecanese islands (Rhodes, Kos, Leros), Chios and Samos. Almost none of them claimed for asylum in Greece, but decided to continue the journey through the so-called Balkan Route, toward central and northern EU countries. The flow continued until the beginning of 2016, when the EU decided to restore the border control mechanism and started deportations to Turkey of newly arrived, after the closure of the Greek–Macedonian border.

During 2015, the access to territory, first reception and asylum procedures in Greece were extremely troubling. There were two main places of disembarkation in Lesbos: the Port of Mitylene, with the intervention of the Greek Coast Guard, and Molyvos, in the north of the island, where dinghies generally arrived autonomously. An ex-swimming pool in the port was transformed into a first accommodation space. People were provided with a white paper with a number and an appointment for registration to be done in Moria, a "first reception and detention center". The only kind of "first accommodation" which was provided on the island during the summer of 2015 was a tent. Asylum seekers themselves had to put up their tents in a refugee camp called Kara-Tepe, or in the area outside the Moria reception centre. It was forbidden to put it up on the beach or in public gardens, at the port or on the street, though in practice there were tents all around the decks and in public gardens; a continuous flow of people walking on the coastal road, some of them with a lifejacket still on their backs. Refugees could wait for the first registration between 2–15 days. During this time period, there was no access to a real first reception. The refugee camp in Kara-Tepe, in the summer of 2015, was defined by Doctors without Borders as "a place that did not fit the minimum standard of water and sanitation, granted in Africa".³³ There was no running water inside the camp and people were obliged to wash themselves on the street. Food provisions were suspended due to the insufficiency of the supplies compared with the number of people hosted in the camp. The allocated capacity was 600 places, but the camp was hosting more than 3,000 people. Until the end of July 2015, there were no NGOs or volunteers allowed to provide services inside, thus refugees were received with complete lack of legal, social and health assistance. In the following months the reception started to be improved, but the living conditions in the camp did not. According to the International Rescue Committee, on 1st September the island hosted more than 13,000 refugees, while the total capacity of the receptive spaces (Moria, 500 and Kara-Tepe 600) was 1,100 places.

Concerning the access to the asylum procedure, after the dismemberment, there was a first registration at the port. This should have been followed by the transfer to the first reception and detention center in Moria, in order to accomplish the identification through photo-signalling and fingerprint collection. Procedures of identification and asylum claim were extremely differentiated, especially according to nationality. Firstly, not all asylum seekers accepted to be identified through photo-signalling and not all released fingerprints. Secondly, after the identification, except for people who presented an asylum claim, Greek authorities released an invitation to leave the territory in a variable time: one month, not renewable, for Afghans and Iraqis; six months, renewable, for Syrians. From a juridical point of view, this document suspended the expulsion due to particular circumstances (i.e. impossibility to execute it and political situation in the country of origin). According to Greek immigration law, administrative detention was applied only to those who claimed asylum when already detained (i.e. during the identification), while people who presented the asylum claim under conditions of freedom were not to be detained. Syrian asylum seekers could have had

access to a *fast track procedure*, which consisted of a fast decision made concerning their status recognition, but only a few vulnerable individuals decided to use this advantage such as people with health problems who were unable to continue the journey autonomously. Those who were not identified on the islands (due to lack of human resources compared to the huge influx of migrants) received an appointment at the police station in Athens, usually after three months. According to EUROSTAT data, the number of asylum claims in Greece up to October 2015 was 9,200, against more than 600,000 arrivals (UNHCR, crisis med), namely only 2%. In light of these data, it is possible to state that during the crisis, Greece was used mainly as a transit country.

Melilla

Melilla is one of the two Spanish enclaves in Morocco and is one of the more significant border zones in the Mediterranean space. It is surrounded by a triple fence, where the external fences are six metres high, while the central one is three metres high. The so-called “jump over the fences” (*los saltos*) constitutes the main way of access to the enclave for Sub-Saharan migrants who want to reach Europe: they do not have any possibility of passing through the land border crossings (of which there are four, and only the Beni Ensar one is international). The access of migrants to the enclave started to become more and more difficult in 2000, and they were usually followed by automatic push backs (*devoluciones en caliente*). Over the years the question of push backs started to become increasingly documented by activists, photographs and lawyers, as the human rights violations at the border.³⁴

Syrian refugees started to reach Spanish enclaves via Morocco immediately after the start of the conflict, but they were initially few and far between. Their number increased at the end of 2013, when hundreds of them arrived in Melilla. They usually reached Morocco via Algeria, which until 2015 did not have a visa requirement for them. Algeria was easily reachable by plane, directly from Syria, thus asylum seekers only had to “illegally” cross the border with Morocco. They used to cross the border in Maghenia, and to move in the direction of Oujda, Berkane, Nador and then proceed to the enclaves, Melilla and Ceuta. Currently they are travelling along longer and more dangerous routes, through Senegal and Mauritania, in order to reach Algeria from the south, and to continue toward Morocco. According to the UNHCR, between 2011 and 2016 more than 11,000 Syrian migrants arrived in Spain via the enclaves.

The particular border regime of the enclaves, characterized by agreements between Melilla and Nador, as well as between Ceuta and Tetuan, permits Moroccans who live “on the other side” to cross the border daily and spend time in the Spanish enclaves, with the obligation to go back at night. This implies that more than 30,000 border crossings per day are registered in each enclave.

Since 2013, most of Syrian refugees have chosen to cross the border in Melilla, where they pretended to be Moroccan citizens and residents in

Nador. The same strategy was adopted to enter Ceuta, pretending to be Moroccan citizens and residents in Tetuan. For that purpose, they used to buy fake documents to be presented on the Spanish side of the border, because, according to witness accounts, until 2014 the exit from Morocco was not really impeded by the Spanish police.

At that time they did not claim asylum, because they know well the Dublin Regulation. They continued to arrive in 2012 and 2013. What did they do? They could not enter the CETI because they did not want to claim asylum. Thus, someone who was rich went in hotels. The majority built an encampment in Plaza Espana. They were more than 100. They did not want to leave fingerprints and they finally did not. They made political pressure, with demonstrations and banners aimed at being transferred to the peninsula. Finally they were transferred. (interview with Head of the Asylum Office, Melilla, April 2016)

Throughout 2014, Syrian refugees continued to arrive and started to claim asylum: in June of that year, the Centro Instancia Temporal Inmigrantes (CETI) was extremely overcrowded, hosting 1,500 Syrians who had arrived since the beginning of the year, and 1,000 sub Saharans, but its receptive capacity was 500 only places.

According to the Comisión Española de Ayuda al Refugiado (CEAR), the main criticism of the reception system in Spain was related to the systemic delay in the asylum procedure. An asylum claim could require more than two years to be adjudicated. This delay had repercussions on the applicant's length of stay in the reception centre and in the enclave. Although Spanish immigration laws grant asylum seekers the right to freely circulate after the request, migrants who asked for asylum in Melilla (and Ceuta) were *de facto* obliged to remain there. This practice resulted from a discretionary interpretation of the law made by the enclave's authorities. According to CEAR, it was interpreted as a "dissuasive measure", aimed at discouraging people from applying for asylum and thus avoiding high numbers of asylum claims. The main distortion resulting from this rendition of the asylum regime was the frequent surrender of the asylum claim, which migrants identify as the only way to reach the Iberian Peninsula. This surrender often entailed administrative detention, but a significant number of asylum seekers preferred to present an asylum claim again from the Centros de Identificación y Expulsión (CIEs), also located in Spain.

In the summer of 2014, again the situation changed, and Spanish authorities along with the UNHCR decided to open an asylum office at the border in order to fulfil the requirements of national law concerning migration. This introduced the possibility of asylum claims at the border, with a simplified and quicker procedure.³⁵ The first asylum claim at the border was presented in September 2014 and in 2015 more than 6,000 people claimed asylum in this particular office. Notwithstanding that, access to asylum office remains very problematic in Spain, and in many cases legally impossible.

How do refugees access the asylum office? They have to cross the Moroccan border. We don't know. You know that Morocco is a country under rough conditions. And we cannot facilitate their access. Thus, when they finally, whatever the way and the process, manage to reach our side of the border, then they become of our responsibility. (Interview with Head of the Asylum Office, Melilla, April 2016)

The paradox is that, even if the presence of the asylum office at the Spanish border facilitates the presentation of an asylum claim, in terms of procedure it does not facilitate access to the Spanish territory. In order to accede to Spanish territory, it is necessary to cross the Moroccan border. Meanwhile, according to witness accounts, after the opening of the office, the Moroccan police started to prevent people from crossing. This shifted the "border crossing market" (sale or hire of fake documents, payments made to the border police, etc.) from the Spanish border to the Moroccan one, which constitutes a real obstacle for the asylum seekers.

Nowadays in Melilla another, new mechanism of differential inclusion is also taking place. The first "asylum office" on a European border situated at the passage between Beni Ensar and Melilla, it is *de facto* only for "whites", namely, for Syrian refugees. They have the opportunity of disguising themselves as Moroccan. Meanwhile, despite the presence of many asylum seekers among the sub-Saharan migrants, who are 'black', the chances of this second group reaching Europe still lie with jumping the fence, sea-crossing or hiding themselves in trucks.

Concluding Reflections

In the context of the so-called migration crisis in the EU, which is far from being a monolithic phenomenon and appears more to be the result of intersections between various crises (migration, refugees, borders, Dublin system, denial of law and values), refugee protection represents the very object of the crisis.³⁶ Processes of externalization of asylum at the EU's doors and the evolution of contemporary border regimes severely curtail the content of the right to asylum, especially due to the presence of substantive obstacles to receiving protection according to norms under the international law.

Based on the analysis of the cases of three southern European border zones, namely the Greek island of Lesbos, the Italian island of Sicily and the Spanish enclave of Melilla, this article attempted to highlight how the content of the right to asylum changes in different spaces, how it is shifting, and is thus far from being universal.

Concerning access to the territory, the three cases analysed here confirm that refugees are obliged to transform themselves into irregular migrants, both on seaborne routes to Greece and Italy and on land ones to Spain. In addition, access to the first reception and to asylum procedures is highly differentiated.

On the Greek island of Lesbos the only systematic intervention in the form of first reception consisted of distribution of tents, which materialized as a "do-it-yourself" operation. Asylum seekers were on their own on the streets, on the beach, in improvised refugee camps without food, sanitation and other

services, waiting to experience “detention” during the identification process. Furthermore, access to the asylum procedure in the place of first arrival (Lesvos) did not take place there. Bureaucratic procedures were stopped at the photo-signalling and the presentation of an asylum claim was often postponed, both by the will of refugees, and due to governmental decisions. Refugees waited for better conditions, such as access to a country where they could find a more structured first reception and resettlement. Often, state-level institutions postponed their operations due to the lack of resources necessary for the accomplishment of their tasks.³⁷

Even if the conditions of access to the procedure of asylum and to first reception in Italy were quite different, the result was quite the same: both countries have been configured as spaces of transit for Syrian refugees. Unlike the Greek situation, however, first reception in Italy was granted to all. Still, due to both the chaotic multidimensionality of the Italian reception system and to its emergency-oriented nature, the reception conditions were extremely variable and often inadequate. According to the interviewees, the quality of Italian reception system was not a causal factor in the decision to leave the territory. More realistically, the transit itself reflected Syrian refugees' will to continue their journey.

Finally, in Melilla the right to asylum had an entirely different content. While during 2013 access to the procedure and first reception did not take place, by 2014 access to asylum procedure morphed into a legal limbo, which implied the possibility of undefined stay in the enclave without access to mainland Spain. With the establishment of the asylum office in 2015 the procedure of application was speeded up, and in a maximum of 20 days Syrian asylum seekers are able to leave the peninsula. Reception conditions in the CETI are also quite good, and many services were regularly provided. The paradox is that access to Spanish and thus EU territory, and subsequently to asylum procedure and first reception, was and still is not legally possible until a decision is made concerning the application. Access to asylum, as a form of potential inclusion, happens through temporary illegalization.³⁸

To conclude, on the one hand, the lack of possibilities of legal access to southern EU countries confirms the compression and suppression of the juridical regime of asylum (Mastromartino, 2008). On the other hand, lack of access to asylum procedure, status recognition and the inadequateness of reception conditions endorse the emptying of the right to asylum. Finally its content, far from being universal, appears extremely shifting as well as time and space specific. The different content that the right of asylum assumes in border zones resonates with Mezzadra and Neilson's definition of borders as mechanisms of differential inclusion, where we observe how “the stratification and multiplication of system of entry, status, residence and legitimacy [...] foster processes of further diversification and bordering of migrants' subject positions.”³⁹ Furthermore, as these authors underline, “the concept of differential inclusion attempts to grasp these processes from the point of view of the tensions, encounters, and clashes between the practices and movements of migrants and the workings of the various apparatuses of governance and governmentality that target them.”⁴⁰ As such, we must read

the reaction of Syrians on the move as acts of empowerment and resistance that make the transit toward northern Europe and the overcoming of Dublin regulation possible in order to reach countries where the right to asylum has a different and perhaps deeper content.

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Performing the Migration

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Introduction

Migration is a multifaceted topic of research and it requires an interdisciplinary approach to comprehend. Likewise, the relation between migration and music is complicated. Music, an identity marker and as a bearer of ethnic languages, has a special place in the lives of migrants¹, who for example, may complain that they could not even take their musical instruments with them while escaping their homeland. Ethnomusicology offers us a sizable literature developed since 1970s related to displacement and on issues concerning cultural and social identity expressed through music. In this scholarly field, displacement is studied under the following research topics: music and war (Ben Arnold 1991a², 1991b³, Pettan 1998⁴), music and violence (Araújo 2006⁵, McDowell 2000⁶), music and resistance (Browning 1995⁷, Fryer 2000⁸), music and hegemony (Averill 1997⁹, Erlmann 1999¹⁰), music and politics (Street 2012¹¹, Fairclough and Edmunds 2013¹²), music and freedom (Blacking and Kealiinohomoko 1979¹³), music and the diaspora (Hall 1990¹⁴, Agnew 2005¹⁵), music and migration (Baily and Collyer 2006¹⁶, Levi and Scheding 2010¹⁷, Christensen 2010¹⁸) and more.

What [forced] migrants experienced in their homeland and in the hosting country, alongside their relationship with music, shows a great degree of variation. Therefore, in terms of the current study, first their situation as a migrant and as a music performer needs to be clarified. Next, some cases discussed here are based on multi-sited ethnographies of multi-cultural, multi-religious, multi-ethnic people from various socio-economic statuses. These variables are considered to understand how they perform the act of migration itself. To this end, multifaceted fieldwork and interviews have been carried out in Istanbul, Gaziantep and Diyarbakır since 2013. In-depth interviews were conducted with 60 professional musicians and non-professional music

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performers speaking Arabic and Kurdish. Streets, concert halls, clubs, schools, buildings of the NGO's, refugee camps and homes are the spaces where the participant and non-participant observations were made.

Musicians as Migrants

Turkey is one of the key hosting countries for Syrian migrants since April 2011, whom the government has preferred to call guests--a term which connotes that they are not expected to be permanent but transient. However, although some of the Syrians chose to move to other countries and a few went back home, the population of forced migrants in Turkey is getting bigger and bigger as the crisis in Syria is still unresolved and civil war continues. According to the UNHCR, the population of *registered Syrian migrants* in Turkey is 2,724,937 due to August, 2016.¹⁹ The number of migrants, who do not want to register because of various reasons, is speculated to be much higher and close to 4 million people. These migrants often cannot benefit from public services such as health care, education and social assistance provided by the Regulation on Temporary Protection issued on 22 October 2014, which is applicable to stateless people and migrants arriving from Syria as well as Syrian citizens with documentation.²⁰ Some of the migrants are living in the camps mostly located in the cities next to the Syrian border, whereas higher number of them is settled in the cities next to the border while some of them moved to the bigger cities like İstanbul, Ankara, İzmir, Konya and Mersin.

The people in the camps run by AFAD²¹, governorates and municipalities seek international protection. Turkey considered as a generally Sunni-Muslim country is not perceived as a safe place for non-Muslim migrants since they were violently attacked by the radical Islamists, ISIS back home. The camp management works in coordination with other institutions to meet the basic needs of the migrants, like kitchen utensils, blankets and other services despite a lack of professional staff. However, food is the biggest problem since it is provided through donations, which are not sustainable or regular. Some camps have concrete buildings but many are composed of tents. Public hospitals are available and volunteer doctors are present in the camps for immediate medical needs of the residents and intervention. A very limited number of national NGOs like Anadolu Kültür, Hayata Destek (Support to Life), and some international NGOs like Doctors Worldwide and World Council of Churches provide support in areas of education, health and psycho-social support. Education in the camps is primarily provided by voluntary teachers in Kurdish, Arabic and English languages since professional teachers within the migrant communities themselves cannot be paid. Some vocational education is also provided for young adults. Interaction between the host community and the migrants in the camps is very limited, almost non-existent.

Earning a living is the main problem for both camp residents and city settlers since it is entirely prohibited to work in some sectors while the sectors like medicine, education and engineering are subject to being granted permission. Therefore, most Syrians in Turkey have been working illegally and

with very low wages. Women and children are obliged to work, most of whom were not used to work in their homeland. Due to these circumstances, the rate of attendance to the educational sessions among the children is low while the language and the bureaucracy constitute the other obstacles, although a few schools - mostly in poor conditions except the Alawael Syrian School in Istanbul - provide education only for the Syrian children and in Arabic. Suffice to note that these schools and classes are not aimed at their integration in Turkish society.²² The low-cost labour, higher unemployment, hawkers in the streets and higher rents due to the lack of accommodation in addition to the distinctions in the language, culture and way of life produce hostility and intolerance among the local people. On the other side, all the challenges causes that the migrants experience 'conversion disorders, somatic complaints, crying, unhappiness, distrust, mourning reactions, traumatic stress symptoms, anxiety for the future.'²³

Syrians as Music Performers

Syrian migrants cannot be contemplated as if all of them have similar social and cultural identities. Although sharing similar concerns due to being forced migrants, their day-to-day problems in detail may differ according to their religion (Muslim, Christian, Yazidi, Druze and others), religious sects (Sunni, Alawi, Nusayri and others), ethnicity (Arab, Kurd, Turkmen, Syric, Assyrian and others), political views (opponent or pro-Bashar al-Assad) and socio-economic class they belong. In a similar way, Syrian musicians and performers as professional and non-professionals cannot be considered as a homogenous category. Looking at their background, some of them are educated in professional music schools where mostly Western music was taught, whereas others received informal education by the *Sammi'a* in the areas of local and traditional music, which means 'good listener' or 'good hearer' or trained by a *dengbêj*.²⁴ Yet some others began to learn playing instruments after coming to Turkey to earn a living and to utilize music in a therapeutic way for their own well-being. Yet another category of performers are the self-educated, mostly non-professionals who experienced music as a matter of course in daily life. Their performance spaces are the streets, concert halls, bars, schools, refugee camps or homes. The last two musical scenes are intimate and attended mainly by the migrants themselves.

The streets, concert halls, bars or schools are the hydrophobic spaces where local people and migrants encounter each other, so that an interaction without understanding the Arabic or Kurdish lyrics is possible. However, this interaction may have positive or negative results. Positive one is to enhance the relation by reducing prejudices and unfamiliarity, since the music may produce sympathy, as the book 'Music and Conflict' can be paraphrased that music gives an opportunity 'to understand the confliction situation, to resolve the conflict, to stimulate social cohesion both within the musicians, Syrian people and host society, to foster tolerance by emphasizing similarity in musical practice and by accepting difference in musical taste.'²⁵ Furthermore, the music groups with members from different countries perform many

concerts without knowing each other's languages. In other words, language is not an obstacle for the migrant musicians unlike the other professionals, unless s/he tries to teach music to the local people. Another positive result is celebrating diversity in the culture of migrants. The space of multiculturalism fills with the new and the different, rendered compatible by their 'common otherness.'²⁶

One of the negative consequences of migration is the unemployment of or lower wages among professional musicians. For example, the municipalities organizing concerts for the Ramadan month prefer to employ Syrian musicians because of the lower cost. The other negative result as Bohlman puts it: '... is that of xenophobia and the claim that migrants destroy the traditional aesthetics and politics of space. Traditions of language and literature are lost. Historically guarded senses of self are placed in danger. The music filling the space occupied by migrants and immigrants is transformed to noise.'²⁷

Nevertheless, there are many national and international NGOs, some of whom are already established ones whereas others have particularly established for the needs of migrants from Syria and are initiated by the Syrians themselves or by the non-Syrians. These bodies other than government and local administrations also utilize music as an intermediary means for the people to take advantage of their heritage. So they support teaching music to non-professional musicians as a social activity to help their inclusion and also for palliating the trauma of war and forced migration. They assist professional musicians by affiliating them with some projects or concerts. They subsidise concert organizations²⁸, for example by providing free concert halls and equipments. Finally, they organize meetings for the local people and the migrants that they are trying to assist and help and bring them together through music.

Music performers, ultimately, try to earn money to sustain their cultural capital and to overcome their inconvenient situation which stems from what they experienced back in their country, being displaced by force, and to survive in a new land. They resort to music to subdue their worries about their unknown future, to integrate with the local people, to wipe off the perception that all Syrians are beggars, to 'build networks with the migrants from other countries'²⁹ and to express themselves by protesting the system, the rulers of their country and those who intend to kill them, and for seeking their rights. So their repertoire includes popular songs, traditional songs and folk songs, some of which are also known with Turkish lyrics in Turkey. A part of their repertoire is conveyed from the homeland, such as songs which are mostly well known in all Arab-speaking Middle Eastern countries, often originating from Egypt and Lebanon, especially the popular songs. For example, *Nassam Alayna Al Hama*³⁰ by Fairouz who comes from a Syriac Orthodox Christian family in Lebanon became the symbolic song for the Syrian migrants as well as other migrants from the surrounding countries. The lyrics of some known songs are changed after the crisis to commemorate the martyrs, to criticize the rulers and opponents or to remember their homelands, or just to express their new conditions. For example, an old love

song from the city Homs is transformed into a lament for the martyr³¹. Another example is a cheerful love song being changed into a protest song cursing Bashar al-Assad and Iran³². The repertoire also includes new pieces of music, some of them with roots in the groove, for example the women produce laments and lullabies for singing at home or amongst the community, in other words for inward consumption. Some other new compositions intend to attract the non-Syrian audiences' attention as well as concerning the 'groove' like the song 'Refugee Maqam'.³³ Yet others are produced in different styles, much convenient to the world popular music market. When uprisings began back in 2011, Ibrahim Qashoush composed *Yallah Irhal Ya Bashar*, which then became a well known protest song. Unfortunately, it is said that the soldiers killed him by cutting his throat to stop singing³⁴.

As will be showcased, considering the performance spaces, professional and non-professional performers among the Syrian migrants in Turkey provides us with further understanding how they perform and live migration through music.

Outwards³⁵ Performances

In the interviews, mostly Syrian migrant performers are content to live in Turkey, since they think that they are free to make music and tell what they think in the lyrics without being under the control of the state intelligence or facing the risk of being killed or arrested as well as conditions now being available for creative productions. Furthermore, they found out that the music education opportunities in Turkey are more advanced than Syria. Nevertheless, they worry about their future in Turkey because of the vagueness concerning their legal status.

Despite the intense traffic of the music performers, some musical ensembles have had permanent members. In addition, to enhance the communication among Syrian migrants, radio stations have been established transmitting within Turkey and for Syrians. For example, M. Al-Issa, an *oud*³⁶ player who stays in Gaziantep, works at a radio station called *Rozana*. He broadcasts a program called *Oud Rozana* and each week he hosts one of the Syrian musicians who reside in Turkey. On 8 February 2015 he hosted Wassim Mukdad, an *oud* player. Mukdad says to Al-Issa, 'First we came to Turkey from Syria we had the obstacle of language...the best way was to play music with each other – and with the Turks – I went to music centers and got musician friends Pınar (vocal and plays *erbane*³⁷) and Serkan (plays *saz*³⁸) then I was introduced to Onur Aydın who suggested us to create an ensemble and we called it the Khayal Ensemble to perform music without having to communicate with language, just with the melody.' And after this sentence both of them, Mukdad and Al-Issa, played Abdul Qadir Meraghi's *Amed Nesim-i Subb-u Dem*. Wassam is also one of the members of *Saba Barada*, which was formed in 2014 by Syrian musicians who fled their country and took shelter in Turkey. Since then, they have performed in Istanbul, Gaziantep and Antakya. Band members Hareth Mheddi (Vocals and *Oud*), Wassim Mukdad (*Oud*) and Maher Kat (Percussions) play Arabic songs and music from their

heritage since they come from various cultural backgrounds in Syria but also have their own compositions. These conversations of hope are emerging from sorrow and of life trying to defeat death. Their music has a wide appeal regardless of the ethnic background of the audience, whether Syrian, Turkish or international.³⁹ Wassim currently lives in Gaziantep, and Hareth lives in Urfa, but from time to time they come to Istanbul. In fact, most of their musical activities take place in Istanbul. In the concert in Arthere Café in Kadıköy,⁴⁰ Istanbul on December 19th, 2015, they performed ten pieces, which comprised eight new songs composed by Mheidi and Mukdad, one instrumental piece composed by both of them which is a combination of Syrian Euphrates region melodies, and just one traditional Arabic instrumental piece. Mheidi was always playing the melody on *oud*, while Mukdad was playing bass and building harmony by *oud* as well, and Kat was changing his percussion instruments between *tef*,⁴¹ *bendir*⁴² and hand drum. Most of their own compositions were about the events in Syria, martyrs, terrorism, how people die there. Their audience was of three categories; Syrians, local people, and foreigners from other countries; most of them young students from EU Erasmus Exchange Program. Mukdad and Mheidi consider themselves musicians of the revolution; they consider what is going on in Syria now as something different from what people wanted and protested for at the beginning of the events in about five years ago. It means, they are against Syrian regime, against Islamic organizations, against Western interference, and even against the opposition constructed under the protection of Turkish government.

A different scene is Pages Bookstore Café in Fatih/Istanbul⁴³ run by a writer from Turkey and a Syrian publisher couple. Mostly books in Arabic are sold there, while Arabic, Turkish, French and English book are also available to read or to borrow from their library. In effect, the wooden three floor building decorated in an old-fashioned way is a *de facto* culture centre; they organize various workshops, movie nights every Monday and Friday, and musical nights Tuesday and Saturday. On Saturdays, a group of four musicians are on the stage; Osama Badawe plays *oud*, Hazem plays *qanun*⁴⁴, Mohammad plays *ney*⁴⁵, and Nashar plays percussion and sings. There were no new songs, neither their own compositions. Most of the repertoire was from Aleppo's traditional music, since they are from this city. In the interview, Osama talked about his intention to stay in Istanbul and his desire to study music. He also added that he doesn't want to play classical Arabic songs; rather he wants to play Turkish technique and styles, but not classical one. Most of the crowded audience were Syrians, and conservative in their outlook, women in hijab and some men wearing a formal suit. From the accent of audience, it is understood that most of the audience come from Aleppo, as well.

Yet another kind of musical group is Istanbul Mosaic Oriental Choir founded by Maisa Al-Hafez, a Syrian pianist and music teacher, who aims enhancing the soul of communication between Syrians and the Turkish society and showing a good image about Syrians; that not all Syrians are beggars and there should be a place that unites Syria with all its components and make them love each other despite what is happening in Syria during the

civil war. Even non-Syrian members could join the choir with the aim to socialize. For example, one of the members is a Syrian businesswoman who is there to ‘substitute her longing for the homeland by interacting and communicating as much as possible with Syrians’, as she expresses. The repertoire includes songs mostly in Arabic, a few in Kurdish and some songs with Arabic-Turkish lyrics, very well known songs in Turkey, targeting the local audience as well. In a concert at Christmas time, they performed a Christmas song in Arabic and then the *ezan*⁴⁶. In addition to the individual concerts, they also perform before or after some meetings or for any organization with the subject of Syrian migrants, like film festivals.

With the increase of number of Syrian refugees in Turkey, the community is getting bigger every day and it became attractive for the Syrian musicians to visit Turkey for concerts as well. For example, Syrian clarinetist Kinan Azmeh and the Syrian vocalist Dima Orsho had a concert in a concert hall called Babylon in Istanbul. And the profits of the concert went to an organization called Syrian Cultural House in Istanbul. On 1 May 2015, Azmeh played the first piece and Orsho sang. Then Azmeh said, “After one year of the Syrian Revolution, after one year of silence I made this piece *Every Morning is a Sad Morning*. I felt that perhaps my music could make a difference.”

Inward Performances⁴⁷

The repertoire of inward performances taking place in the domestic gatherings, weddings henna nights, funeral rites, their daily life and any other occasions is similar to outwards performances of the *dengbêj* repertory. This is the so called traditional repertoire, composed of popular songs as well as the newly composed songs referring to what Syrians experienced and are experiencing during the civil war and mass exodus. One of the places for an inward performance is the refugee camps⁴⁸. The migrants living in the camps are more isolated and can hardly recover from the traumas of the crisis they lived in before they escaped. Every camp has its own characteristics depending on where it is, which institution manages, the ethnicity and religion of the camp population.

The camp Fidanlık in Diyarbakır hosts about 7.500 Yazidi refugees out of 30.000 Yazidi refugees from Shengalto, Turkey due to the attacks of ISIS (DAESH in Arabic) that took place in 2014. There were 4.000 refugees (about 1.350 of them were women and 1.200 were children) in May 2015 during the time when the fieldwork was executed. Yazidis’ situation is much harder compared to Sunni Syrians since there is no durable solution for them in Turkey, with a largely Sunni population. They are also still suffering from the trauma of the attacks conducted by the radical Islamists. They are also aware of the forced displacement of Yazidis with Turkish citizenship in the 1980s and 1990s to Iraq or Europe. These events are fresh in their memories. The Rojava association and Ceren Women’s Association supported the fieldwork in the camp of Fidanlık so that an interview was possible with mother Bazin, known as the lamenting woman. During the conversation in the tent, she performed the very well known epic *Denrêşê Evdî* from the *dengbêj*

repertory, upon our request. It was a very precious moment since *dengbêjs*, *çirokbêjs*, *lawikbêjs*, *qesîdebêjs* and many other folkloric and traditional styles of Kurdish music faded away because of the cultural politics of Arab nationalism. As a consequence of the land reforms and plans of displacements executed in Syria for many years, they were displaced from their original lands at least once and sometimes multiple times before this last exodus. Each young *dengbêj* candidate has a master so that the oral transmission becomes possible through training. However, due to their changed life style and displacements, this transmission began to fail. Unfortunately, mother Bazin rejected to perform one more song and told us that the reason was her breath is no longer sufficient. Afterwards, she admitted that it is evil to sing in the tent when they are in mourning. The translator reminded us that the Yazidi women gather under a tree and wail on Wednesdays, which is the sacred day for the Yazidis. About 20 women gathered under a nearby tree at 10:00 o'clock on Wednesday and a kind of ritual was practiced under the leadership of mother Bazin and along her lament. The lament talks about the violence of ISIS, how they killed the people that she knows, how they kidnapped the young women and girls to sell, how they were forced to migrate, how she misses the homeland although she likes Diyarbakır and all the dead people there, how her brave people fight with ISIS, cursing ISIS, as well as expressing gratitude to PYD and PKK for fighting against ISIS.

Dîloka Bazin	Lament of Bazin
Hoy xerîbo! Şerkiraşerêxwe li çiyayêŞingalêxweşkir û xwedê mala Daişbibemîratêhege li pêşiyaxortêzdiyaxar û meşkir hayê... hayê Ezrebenaşerkirê di pêşiyaşerayî me Xuşkê li çolayî me Bûk û keçikê di destDaiş de mayî me Keçkê û bûkêd PKK hatînekuştinê xezalîdmakîkaray me mi li vêdinyayênemayê, hêyyy xwedê mala Daişbibemîratêkebezêbedenaxortêdê zîdya, keçk û bûkadlêreşkir Ay li min ax li vêdinyayênemayê Migoşergeroşerêxweherişo kûçîk-bavê Daişxeortêdêzîdyakuştin	O stranger! warriors fought well in <i>Shengal</i> mountain Damned Daesh, it cut the road in front of <i>Yazîdi</i> young people Idie for the sake of them, those fighting in the front line the sisters in the wilderness I die for brides and girls in the hands of the <i>Daesh</i> I die for the deceased [PKK] young girls I die for babies who were killed in their mothers arms I die for the sake of them, I don't like to live any more May God terminate Daesh. They killed the <i>Ezîdi</i> girls and young

<p>Şûr û mertalêxwejixwînxortêdêzîdyanneqi şandin...wayê, wayê, wayê, wayê... Ezrebenaşerkirîyêbetilyayî me, wekxezalêdmakakara de birîndara me, dest û gulî û gozikêdkeçek û bukey me, Fetisîyê, nemayê min li vêdinyayê Şêhdêşenqê me li vêdinyayê... Me negolaşêxwegewrînazîkbihebînî jikûçik-bavêDaişneyêpêşya wan bibînin, wayê, wayê, wayê... Daykêdxortaxûşkêdmino, nemînin,vêsibêçî me û vêmizgînê! Daişdora me girtin bi serxortêdêzîdya bi gumegumêdixanê bi vîrefilêdixînê, wayyê...wayê...wayê... Lêlê li çiyêmiradaemvegeryaye, DiyarbakirxweşDiyarbakir Ezji we giştakajibiradayk û xûşkayek û do, bêriyayek û do kiryene, me Malê mi jidexlokadayk û dota, xûşk û bira, çimawaşêrîn e wekeşekir!! Wayê, wayê, wayê... Way li çiyêminoemvegeryayê... Rebenakuştîyêçola, xezalêdmakêkara, Bêkefnabêqerqela, mi li vêdinyayênemayê, ayê.... Ma ne emhînhatineDiyarbakir, teçimajîkesîjîkurê, xûşkaxwexabirnekir... Wayê, wayê, wayê... Ay li minê ay... Lêlê, birîndaro, te go dayê, delalêdilêminobirîndarêderba, birîndaro, menal Balê mi çiyayêkewê me nekesîn xezalêdehlêderyaşemalî Tî ne û nalîn e</p>	<p>people I die for fighters, Bastard Daesh killed young Ezidis embroidered the swords with their blood I die for exhausted brave fighters For babies in their mothers arms, beautiful brides, girls, I'm dead. Oh me, I get hanged for them. I die for them, I'm can't remain alive. I wish I was a hanged martyr in this world. I wish you hadn't taken care of the beauty of your white skin Mad dogs Daesh took you for that beauty... O mothers, brothers and sisters, how bad were the news we got in the morning! Daesh wrapped around us, poured the blood of the young Ezidis ... they fired on all smothered with smoke Diyarbakir, beautiful Diyarbakir, but I wish we could return to the country of our destiny how beautiful is the meeting of sisters and mothers but it is full of longing Where our home, the house of sisters and brothers, the house of mothers and fathers, is that much sweet !! I wish we get back to our place ... I die for those who died in the wilderness for babies, for those who didn't get even a coffin or ground let me leave this life Since we arrived in Diyarbakir, no news, no one from his son, his sister</p>
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<p>Birçî ne kuştîyêÇiyayêŞingalê, têrenexwar... Wayê, wayê, wayê... Kul û birînadilêminêwayyy Rebenaşerkirî û betilya Xeçalîdmakêkara, birîndara li vêdinyayê bêkefn û bêqerqera keçk û bûkêd di destDaiş de mayê... Em li Diyarbakir, di navTirkan de, Bûnepepûk û evdal... Wayê, wayê, wayê...</p>	<p>... Oh woe to me Hey wounded, you said my heart is wounded, calm your wound down you are wounded of Sengal Mount Moaning and weapons in Sengal Mount. They could not get enough of their life those who were killed in Sengal Oh my wounded heart Fighters and those who are tired of fighting, the young girls and brides who are detained in the hands of Daesh those who didn't have a coffin or ground, I die for them O God, our homes, our families are in Diyarbakir We are miserable and wretched among the Turks...</p>
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Another place for inward performance is the homes. The interview with Ayşe was carried out at the home of her neighbour Asmin in Bayramtepe /Istanbul, which is a neighbourhood with a large proportion of Syrian migrants. They met in Istanbul although their city of origin is Afrin in Syria. During the women's portion of weddings, she performed as a singer. During the conversation, she looked at her two years old granddaughter, called Rojava, whom she had to bring with her since Rojava's mother was at work, and started to improvise a lullaby first then a lament in *Kurmançî* as if by singing she could express herself much easier.

The lyrics of lullaby reveal her feelings of desperation, powerlessness, loneliness, having lost her homeland through violence.

Lorika Ayşe	Lullaby of Ayşe
<p>Lê, ne dê ye, ne bav e liwelatêxerîbiyê ye, yareb! Ne dê ye, ne bav e, nebira ye, ne xûşk û bira ye... Wey de nennî, wey de nennî Tik-tikadilê me ye, keladilê me radibêye, kesji me radermannîne...la, dinalînin, la, dinalînin. De were nennî, de were nennî, de were nennî, de were nennî... Xelkêkîbar, la li vêderê ye, hiştinwelatjidişiminanra. Biçavzorî û mizawiriyêdikin me biêşînin...Hoy li minê... Hoy li minê, malxerabî ye, rêkindavî ye. Hoy de lorî, lorî, lorî... Embêkes in, bêxudan in...</p>	<p>Oh, neither mother nor father, We're lonely in a strange land, my God! Neither mother nor father...no sister, no brother ... Sleep, baby... sleep, baby. Our hearts are beating, worries wake up, Nobody brings a cure for our grief ... oh, we suffer, oh, we suffer! Sleep, baby ... sleep, baby ... sleep, baby ... Good people run away...our land is left for enemies. By force and tricks they kill us... alas ... Our house was destroyed, we were devastated ... Sleep, baby ... sleep, baby ... sleep, baby ... We're alone, nobody takes care of us...</p>

The lyrics of the lament tell how beautiful life was in the homeland that they left behind, how they suffer in Turkey now, how difficult it is to live in Turkey as a woman and curses those who are responsible for all these problems.

Dîloka Ayşe	Lament of Ayşe
<p>Ez ê bi qurbanbim, yawrim! Lêbavê xo û dêka xo li vêderê, li cemHezretêElîdişuxulin. Dikêmalêji min rabikin, û nennîkêdîravehêşîna. Hoy li minê, way li minê, way li minê... Li min ronediye, xudanêhêrîzêtîna, xudanêrez û pezalêyawrim, gî li pîşêçîne, lêyawrim, gîçîne. Înşela, î wakîrîmalê wan jîxerabbîbê. Destê me jihevîkirine, yawrim. Wey li minê, li minê! Emkuvaherin? Me nemînin! Wey de nennînenî, lêçêçaminê. Lêronediya min, lêanêanê. Lê mi go anêderdê min derdikîgiran e, lêanêderdikîbêderman e.</p>	<p>My dearest baby! Her father and mother work around, they work in Hazrati Ali's workshop. Will build me a house, and will raise my baby. Woe to me, Woe to me, Woe to me... I did not see a beautiful day. We had land where olive trees grew, There were vineyards and our animals, we left it all, baby, they're gone. May God destroy the houses of those who were responsible. They separated us, baby. Woe to me, woe to me! Where will we go? I'm going to die! My baby is not going to see a</p>

<p>Lêbirînadilê min vebîanê, kasakavasarihîninlê kin. Lêanê bi kef û sabînê min bişon, anêêê! Lêanê, min salcakêjîcareke din nebînin, ezşanebim, anê. E nebînim, e nebînim. HeyatêTirkêçetin e. Hetagêtirêçavêmerander nexîninperan adinmeran. Omizêtejitenekin, kab û guliye texişnekin. La wellaperanadinkeçikêçuçika, nazîka bi delala. Lê me mezinkirinelê bi şîrîsinga. Lêez ê bi qurbanbim! Lênemînim, gikudaherimserêxwerakim ku da dorxwebinerimxelkêxerîb e, kesênasqetêtineye. Giez ê çavêxwevekim, nennikîhurikîgî li dor min in, tî û birçî ne, yawrimam. Tî kesînasnakîparîk nan bi te di. Wey delalê, weydelalê, weydelalîginemînimanê. Wey lorî, lorî, lorî. LêFatmaminê, zarokêxwe bi kêlekaxwedê lisertextêSiltanîderdêxwebikşînê. Devêxwe bi xerîbê din navdarêxurbetiyê Gîkêwekpiyasimbêlêreşajimalêdakevn eşuxula. Lêhalêjînaîtineye, yareb, gîwekîmêran e. Lê li minê, lê li minê...</p>	<p>beautiful day ... my baby. Mother, I said my worries are unbearable, Mother, we have no cure. The wound in my heart is open, pour a glass of cold water on it. Wash my baby with soap and foam, Mommy! Do not see me even for one day a year, may my heart lose joy, Mommy. I'm dead, I'm dead. Life in Turkey is difficult We have to give our eyes off to get our money. Without breaking our shoulder and legs they do not give us our money. They do not give our little girls' money. We fed them with our breast milk. I give them my life! I want to die, wherever I go, I raise my head To nobody but strangers I wake up in the mornings, I open my eyes I see my children hungry and miserable. No one will give you a piece of bread. I die for my little sweetie baby. Sleep baby, sleep baby, sleep baby. My poor Fatma ... she takes her babies by her side and cries on her empty royal bed lonely with her worries. And opens her eyes to strangers for a piece of bread Our men in the morning, with their black moustache, go to work. We, desperate women, work as men. Woe to me, woe to me ...</p>
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Conclusion

The Syrian migrants remember what they experienced in the homeland by the following sentence: “when the voice of arms became louder than the music, we left.” Then the music begins to flourish again in the migrated lands and

new lyrics, new songs, new styles and new genres appear while authenticity of the musical productions becomes a more serious concern at the same time, with the claim that these are the identity markers for Syrians.

M. Khalil, a writer and critic who now lives in Izmir, says “Before the Syrian Revolution, there was little activity and production for music and singing in Syria. There was just a deteriorative kind of nightclub songs, which became almost like the official medium in Syria. This trend even extended itself to other cultural areas. The government was presenting these kinds of songs as representative of the popular and folkloric Syrian music. There were some serious examples, but they remained in the dark.” Khalil continues, “During the Revolution, and because the cheering strophic expressiveness of enthusiasm was needed during demonstrations, there were some experiments that tried to update the lyrics, and most of the songs used were obscured folkloric melodies...but the musical revolution is not done yet, and there are so many reasons like, the time, the lack of concern about music and the lack of recent experiences through which Syrians can continue to create a new music...but maybe, Syrian musicians who gain spaces of freedom and expression in the Diaspora now, will make a difference.”⁵⁰

On the other side, many a tradition is lost because Syrian migrants are spread around the world. As the *dengbêj* tradition disappears, the orally transmitted histories also vanish. Who will tell the next generation how and why they were displaced, how and why they were killed, how they suffered and how they survived? Perhaps a rapper will perform their stories of migration.

Notes

¹ Due to current legislative structure of the Republic of Turkey, only asylum seekers from the European countries are entitled to protection as refugees. The others are given the status of provisory refugee, temporary or secondary protected refugee. Furthermore, these categories do not include the thousands of ‘illegal migrants’. Therefore, the term ‘migrant’ is used to include all of these categories in this paper. On the subject of the Turkish refugee regime, see A.İçduygu, “The politics of international migratory regimes: transit migration flows in Turkey.” *International Social Science Journal*, 52(165), 2000: 357-367.

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- ²⁰See the detailed report issued by the UNHCR on the Turkish Refugee Regime at http://www.unhcr.org/turkey/uploads/root/frequently_asked_questions.pdf [last accessed 13.01.2017]
- ²¹Disaster and Emergency Management Presidency is under the purview of the office of the Prime Ministry of Republic of Turkey.
- ²²<http://www.aciktoplumvakfi.org.tr/pdf/yayin31082015.pdf> [last accessed on December 29th, 2016]
- ²³<http://www.psikiyatri.org.tr/news.aspx?news=1311>
"TürkiyePsikiyatriDerneğiEzidiSığınmacılaraYönelikDeğerlendirmeRaporu 24.09.2014" [Evaluation Report for the YazidiRefugees by ThePsychiatric Association of Turkey] [last accessed onDecember 29th, 2016]
- ²⁴*Dengbêj* is a kind of story teller accompanied by a melody, sometimes with a musical instrument in Kurdish culture. They convey the tradition and historical events, mostly social or individual tragedies orally.
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³³https://www.youtube.com/watch?v=Yod_YXxLWPI [last accessed on December 29th, 2016]

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³⁵Outwards performances are those that are accessible for every audience, not necessarily for the Syrians. They are mostly professionally organized events.

³⁶The oud is a short-necked plucked lute with a large body and usually five double courses plucked with a quill.

³⁷The *erbane* is a single-headed frame drum with jingles attached inside the frame.

³⁸The *saz* is long-necked fretted lute with a pear-shaped wooden body and several metal strings arranged in double or triple courses, and is played with a plectrum.

³⁹<https://www.facebook.com/Saba-Barada-1080124502011784/> [last accessed on December 29th, 2016]

⁴⁰Kadıköy/Istanbul is one of the culture centers of the city with lots of bars, taverns, restaurants and concert halls.

⁴¹The *def* is a single-headed frame drum attached on the frame.

⁴²The *bendir* is a single-headed frame drum.

⁴³Fatih/Istanbul is a religiously conservative neighborhood and have a crowded Syrian migrant population since 2011.

⁴⁴The *qanun* is a plucked (by ring-shaped plectra) box zither or psaltery with 72 to 78 strings and trapezi form in shape, two of the sides forming a right angle.

⁴⁵The *ney* is an oblique rim-blown flüte, made of reed.

⁴⁶*Ezâmis* the Muslim call for prayer performed five times a day and is not performed in other places than mosques according to the Islamic tradition.

⁴⁷Inward performances are those that are accessible only to the community members or are more intimate in their nature. For example, performance of a woman singing in the kitchen while cooking qualifies as such.

⁴⁸The other settlements in Turkey are camps in Şırnak, Siirt, Batman, Bitlis, Diyarbakır, Mardin and villages in Batman and Siirt or big cities, mostly coastal cities like Mersin, Bodrum (Muğla) and İstanbul.

⁴⁹*Kurmancî* is a dialect of Kurdish language.

⁵⁰ Personal Interview (2016).

Migration as a Necessity: Contextualising the European Response to the Syrian Exodus

By

Nergis Canefe *

Introduction

On February 7th, 2016, police arrested a former commander of the French Foreign Legion at a banned anti-migrant rally in Calais. General Christian Piquemal, 75, was one of about 20 protesters in the French port taken into custody after addressing supporters of PEGIDA, a far-right group based in Germany.¹ Piquemal was charged with “taking part in a gathering which did not disperse after warning”. Four other men were charged with carrying illegal weapons including a taser gun, knuckle dusters and a knife. PEGIDA, which is opposed to what it claims is the “Islamisation of the West” through immigration, continues to call for several rallies around Europe. It is not a German fringe movement any more but becoming more of a mainstream actor in European politics.

The French demonstration was outlawed by the interior minister, Bernard Cazeneuve, under the government’s state of emergency powers, introduced after November’s Paris terror attacks. Still, by the time he was arrested, Piquemal already had a chance to tell a crowd of about 150 people that he wanted to “prevent the decline of his country”. Calais is home to the infamous ‘jungle camp’ where currently close to 4,000 refugees and migrants are living in squalor in the hope of crossing the Channel and reaching the UK. After the arrests, the MP Marion Maréchal-Le Pen, from the far-right Front National, tweeted her support for Piquemal: “Support General Piquemal: unfairly and brutally arrested at Calais.” Thierry Mariani, of the centre-right Les Republicains party, also protested in a tweet: “The passiveness of the state in face of the agitation by ‘No Borders’ disgusts me.”²

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Refugee Watch, 48, December 2016.

Against this backdrop of a tidal wave of anger rising against the hundreds and thousands of asylum seekers and ‘illegal migrants’ arriving at the shores of Europe, this article dares to state *why Europe must care*. And not just about accepting Syrian migrants and asylum seekers, but also about what others have been doing concerning the plight of this latest population of displaced war victims in the Middle East. Back in 1996, concerning the ethics of migration, Canadian scholar Joseph Carens argued that in the field of migration studies, there are two approaches to morality: the realistic one and the idealistic one.³ Applied to the area of international migration, he suggested that while the realistic approach inhibits us from challenging fundamentally unjust institutions, policies and practices concerning migration and in particular forced migration, the idealistic one fails to provide us strong enough tools to assess the needs of migrants and asylum seekers and to deal with the current and rather inconvenient realities that shape policies and practices in migrant receiving societies. Twenty years later, ethics of migration debate moved on to a much more variegated setting, the tenor of it being precariousness, uneven flows, and the thinning of the divide between forced and voluntary migration. The central question that guides the debate presented in the following pages, however, still tags along what Carens asked: what makes or would possibly make societies care about the plight of migrants and refugees. I strongly believe there is merit in attempting to answer this question especially in challenging times whence anti-immigration rhetoric is reaching new heights across the Globe while waves of displaced and dispossessed continue to move towards unknown futures.

Since the 1990s, migration and citizenship have become well-established scholarly fields in their own right.⁴ Still there remain a number of under-researched themes as well as taboo subjects, the study of which could likely change the entire topography of the field. For instance, substantive membership of migrants and refugees to the polity at large falls under the purview of ethics of migration rather than being included in mainstream migration or citizenship studies frameworks, and often it is only attended to in relation to Muslim diasporas in the West.⁵ Then there is the critical debate on whether we ought to recognize migration and mobility as a human right, and, when it might be legitimate to restrict emigration as, strictly speaking, granting permission to enter through a border, to the dictates of state sovereignty.⁶ My vantage point pertaining to all these three debates is the application of ‘ethics of care’ to migration research and policy.⁷ In this vein, I trace the regional and global underpinnings of what I call ‘migration as necessity’ that is currently engulfing Europe with reference to the Syrian crisis. My aim is to develop an idiom of collective moral responsibility as a strong alternative to the dominant political discourse of surveillance and security in the area of forced migration.⁸

Developed in particular to explain the migration of those who suffer in search of either sheer survival or a way of rebuilding lives, the concept of *migration as necessity* draws renewed attention to the right to life above and beyond the migration studies framework. This angle allows us to demonstrate the limitations and constraints of the traditional takes on migration relating it either to individual choice or to labor mobility. In particular, existing political

debates bracket forced migration as a distinctly temporary phenomenon, and the emphasis is put on its management and when possible, curtailment. Instead, in the following pages I argue that we must reengage with debates concerning structure and agency to make a case for the recognition of histories of migration, and in particular cases of exodus. Only then could we attend to the social and political meanings and new realities created through mass movements of population. We must also pay close attention to the politics and ethics of forced migration and consider it as a historical constant throughout the development of capitalism, North and South. Through such a systematic reiteration of migration, it is possible to pave the way towards reinvigorated thinking on the subject. Here, contrary to the arguments put forward by Michael Walzer, Peter Meilaender and David Miller, among others, for state control of borders to be considered as a moral and methodological priority, and the underlining of the exclusion rights of 'democratic polities', I argue that neither of these approaches are helpful for us to discuss ethics in the context of migration as necessity. Turning to the work of scholars who advocate a relational ethics of care, and reading their work in the context of a collective moral responsibility to care, in this article I make an appeal to freedom of movement as a right when migration becomes a dire necessity and a global as well as historicized form of seeking social justice.

The Silence of Categories: Skilled, Unskilled, and None of the Above

Consequences of international migration and refugee flows for both the Global North and the Global South are often discussed from a very state-centric lens. Despite the concerns of human rights advocates searching for greater global social justice and protection for those who flee persecution, violence, and dire conditions, movement of people across borders thus far failed to change our understanding of the meaning of sovereignty or indeed the duty of care to be exercised by states. Migration, in particular forced migration, is increasingly interpreted as a security and control problem. This prism of security analysis is especially binding for politicians, for national and local police organizations, the military police, customs officers, border patrols, secret services, armies, judges, and social service providers such as in the areas of health care, housing and education.

The popularity of this security prism is the result of the creation of a continuum of threats and general unease in which many different actors exchange their fears and beliefs in the process of rendering immigration as the most risky and dangerous aspect of inside-outside interactions in society. The professionals in charge of the management of risk and fear directly benefit from the legitimacy they gain from measures against terrorists, criminals, spies, and counterfeiters including transnational political activists. As a result, people crossing borders, or people born in the country but with foreign parents become the very subjects of the presumed convergence between international and internal security. The consequent focus on immigrants, refugees and other 'foreigners' is directly related to their own immediate and

locally manufactured fears. Connecting multiple networks responding to various groups of people who are identified as risk or as burden, securitization of migration and the persistent framing of migration in relation to terrorism, crime, unemployment and religious zealotry, is the politics of fear that instills the belief that ‘they’ will take over and undo the system wherever they find entry into.⁹

In this context, skilled migration brings a sigh of relief and emerges as the only form of population movement that is desirable. Skilled and semi-skilled and selective migration has widely acknowledged economic benefits for both destination countries and migrants themselves. The exclusive control of skilled emigration from the Global South to the Global North has been the subject of much debate. The assumption of the transferability of skills lies at the heart of most of the initiatives pertaining to selective and speedy admission of skilled migrants. Immigration control and overall immigration policy discourse represents a fundamental pillar of support for such ‘preferences’ and definitively establishes border enforcement as a top priority. In this context, masses of people arriving at Europe who neither fit into skilled nor even the unskilled category has become a major public policy issue for governments in action.

With the arrival of successive waves of asylum seekers to the European Union (EU), member states faced both technical, i.e. policy and service related, and political challenges. The resources and institutional reception capacity of some Member States have been clearly overwhelmed, leaving arriving people homeless or in overcrowded and otherwise precarious shelter and livelihood situations. In return, each member state began to live with the fear that a country whose overburdened system cannot accommodate more applicants would prepare the conditions for new arrivals avoiding or passing through it in search of better conditions elsewhere in the EU. Faced with high numbers of arrivals, countries with less-developed reception systems or more limited experience integrating refugees effectively indeed did attempt to deflect migrant flows by facilitating their onward travel or closing borders.

In this sense, despite the fact that Europe’s 2015 started and ended with terrorist attacks in Paris, which had spillover effects in Belgium and several other EU member states, one could safely suggest that terrorism, and the public anxiety it generated, did not prove to be the year’s defining issue for the Continent. The massive growth in migrant and refugee flows entering European space has been Europe’s defining challenge in 2015 and remains as such. More than twice as many asylum seekers and migrants—859,000—arrived illegally on Greek and Italian shores during the first 11 months of 2015 than in the previous five years combined, according to standardized Frontex entry data. Meanwhile, at least 3,695 people are thought to have died or gone missing crossing the Mediterranean alone.

These are the highest numbers since record keeping of ‘irregular migrants’ began. As discussed in detail in the precious pages by several authors who worked at the front line of refugee reception across the Europe’s southern shores, this journey is fraught with danger and for those who do

make it, their future in Europe remains highly uncertain. Indeed, the question of who is responsible for those arriving has reignited deep internal divisions between Member States of the EU. Months of tense negotiations over efforts to relocate tens of thousands of asylum seekers from Greece and Italy resulted in a September 2015 majority vote among EU interior ministers approving the relocation of 120,000 refugees across the continent, overriding objections to the redistribution scheme from several Eastern Member States. Frontline states such as Greece, Italy and Spain continue to bear a disproportionate responsibility for receiving new arrivals, although most newcomers quickly move on to wealthier European Union (EU) countries with more generous protection regimes such as Sweden and Germany. In the process, a new front line of entry emerged in transit countries such as Hungary and Croatia. This latter group now face continuous pressure at their borders, and in the case of Hungary the reaction has been to erect barbed-wire fencing and try to contain (or physically push back) the asylum seekers from crossing over.

The flows themselves are complex and driven by a mix of factors. Although the majority of those arriving have protection needs (approximately three-quarters of the arrivals are expected to qualify for refugee status or other similar protection status), many are departing for Europe not from their countries of origin—where they face mass violence and war-time persecution—but from places of first asylum, such as Turkey and Jordan, that have become overwhelmed by protection responsibilities and themselves struggle with major socio-economic and public service issues for their domestic population. Globally, 86 percent of refugees are being hosted in the developing world, which is rife with its own challenges. Ninety percent of the millions of Syrians displaced outside their country's borders, for instance, are located in just three countries—Turkey, Jordan, and Lebanon.

As the sense of chaos at Europe's borders escalated—with 4,000 arrivals per day on the Greek islands and tent camps erected almost overnight in German cities upending any remaining sense of orderly reception—European destination countries found themselves seeking quick solutions. What is clear is that an effective and morally defensible response would need to be grounded in an understanding of the root causes of the flows and the needs of the kinds of migrants arriving *en masse*. In the face of seemingly endless spontaneous arrivals, current European system of protection caved under the pressure. It was neither ready nor willing to face up to the challenge posed by the Syrian exodus. The European Union's response over the course of 2015 was both slow in appreciating the nature of the arrivals, and ultimately heavily reactive. There is little evidence of long-term strategic planning over appropriate policies and burden-sharing concerning the resettlement of the Syrians. The short-sighted focus on collective moral responsibility by limiting it with the implementation of search-and-rescue operations was preceded by months of *ad hoc* policy decisions and internal feuding. These measures resulted in an existential crisis for European institutions *in toto*, most notably the Schengen system eliminating Europe's internal borders. And yet looking up from the southern side of the Mediterranean, this was inevitable.

The Context: Shadow Boxing at Fortress Europe?

A series of tragic deaths in the Central Mediterranean in April 2015 prompted the first major continent-wide policy response from the European Union.¹⁰ Initial efforts focused exclusively on the immediate emergencies. Appealing to a sense of moral duty, the European Union proposed conducting search-and-rescue operations and, the targeting of smuggling operations in Libya by destroying the barely seaworthy fishing boats used to ferry migrants to Italy. Still, the flow of migrants and refugees crossing the Mediterranean continued to increase dramatically, with the United Nations High Commissioner for Refugees (UNHCR) recording more than 487,000 arrivals by sea so far this year, up from 23,000 three years ago. What European policymakers refused to pay attention to were the factors pulling these masses of individuals to Europe such as conflict, violence, and total erasure of livelihoods in adjacent war zones. Europe shone as a beacon for sheer survival, and not wealth.

Almost every corner of Europe felt it was saddled with an unprecedented onslaught: from frontline states such as Italy and Greece (and later, countries along the Western Balkan route) that were overwhelmed by immediate arrivals, to wealthier nations such as Germany and Sweden that found themselves responsible for disproportionate intakes of asylum seekers, to Central and Eastern European states with scant histories of ‘multi-cultural’ immigration that faced the prospect of integrating Muslims for the first time in modern history, Europe is currently in a panic mode. The initial crisis in the Central Mediterranean was followed by the crisis of human trafficking between Turkey and the Greek Aegean islands. These islands present a much shorter sea route from Turkey to Greece, which is favored by increasing numbers of Syrians and others, combined with large-scale instability in Libya. The result was a dramatic shift and proliferation of smuggling routes. Exponential increases in the numbers of migrants crossing into Greece and traveling north through the Western Balkans to reach other EU Member States thus created a mighty river of human corridors on the move.

As the flows to Greece and north through the Former Yugoslav Republic of Macedonia, Serbia, Hungary, Austria, and onward escalated, Europe found itself confronted simultaneously with three interrelated crises: (1) an immigration and border-control crisis in both the Central and the Eastern Mediterranean Europe; (2) a growing protection and legal crisis as national asylum systems had to attend flows comprised of a dozen different nationalities, including but not limited to Syria, Iraq, and Afghanistan; and (3) a humanitarian crisis as tens of thousands of migrants sought to undertake the journey by foot to their EU country of aimed destination. The EU initially promoted a formula to distribute 40,000, and eventually 160,000, successful asylum seekers across the European Union over a two-year period, a plan that now seems insignificant in the face of the nearly 1 million arrivals in 2015 alone. However, the failure of EU efforts so far both to convince states to make places available for refugees *and* to persuade significant numbers of refugees to participate in the relocation scheme (just 232 had been relocated as of mid-December of 2015 out of 4,097 places made available—both a far

cry from the pledged 160,000), has made it clear that migrants and refugees who have already traveled so far will go to great lengths to settle in their preferred destinations and not to be reshuffled.

The EU-Turkey agreement on migration and border management signed in November 2015 just before the latest round of Turkish elections—which promised significant investments in Turkey, visa-free travel, and kick-starting EU-accession negotiations that had languished for years in exchange for Turkey's help in reducing the maritime flows to Greece, among other things—was meant to set the stage for shrinking the flows to a more manageable levels. Furthermore, individual commitments by the EU and national governments (including France and Germany) to make 'real money' investments in improving living conditions and livelihoods for Syrian refugees in first-asylum states (such as Turkey and Jordan) were made in the hope of slowing the exodus and chaos in the MENA region. Meanwhile, more than 4.4 million people have been displaced internally in Iraq, Libya, and Afghanistan combined, in addition to the growing millions of internally displaced in Syria—and with ongoing and increasing instability in places such as Yemen and Eritrea, the prospect of the routes for human trafficking to be eliminated remains close to nil.

Overall, these developments led to several important policy shifts: many European countries began to switch from offering full and categorical refugee statuses based on nationality to case-by-case determinations and temporary protection status that also limits family reunification; they began to limit benefits for those awaiting status determinations; and ever greater efforts are being made to encourage return, including the use of accelerated procedures and in some cases direct indefinite detention and extradition.

Suffice it to say that though the largest numbers of the dispossessed come from Syria—accounting for more than 50 percent of arrivals in 2015—they are closely followed by exodus from Eritrea, Afghanistan, Kosovo, Nigeria, Iraq, and several West African states including Senegal, Gambia, and Mali. Of those submitting asylum claims, Syrians and Eritreans are the most likely to be granted protection. Afghans, Iraqis, and Somalis are also likely to be granted refugee protection though on a much more selective basis. The other groups are forced to continue a clandestine existence once they reach the Continent.

All main routes of migration receive mixed flows composed of three primary groups: 1) individuals whose protection claims are likely to be recognized by European authorities, such as Syrians and Eritreans; 2) individuals fleeing instability or violence in their home countries who may not qualify for refugee status but are still at risk for other reasons including Somalis and some Syrians; and 3) migrants who feel compelled to leave their countries for largely economic reasons—Western Balkans and sub-Saharan nationals, for example. Meanwhile, despite the distinct legal categories into which new arrivals are slotted, individuals have complex and overlapping motivations for leaving their countries of origin that defy simple legalized categorization. Even those fleeing conflict or oppressive regimes, it is often difficult to pinpoint a single precipitating factor, especially one that aligns with

the legal grounds for claiming asylum. The 1951 Geneva Convention offers a single definition of a refugee: someone fleeing a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion. Ultimately, opportunity differentials continue to drive most of these forced migration movements, even for refugees. For many, reaching Europe means the chance to build or regain a normal life that has been disrupted by political or economic turmoil, conflict, and mass persecution. Thus while international law draws a clear line of demarcation between asylum seekers and other migrants (requiring categorically different treatment of the former group), this distinction is difficult to sustain in the face of practical realities of crisis-driven exodus.

Motivations to move may also shift as conflicts wear on. While more than 4 million Syrians have initially found safety in neighboring countries, these countries have yet to provide the full legal status or rights entitled to refugees under the 1951 Refugee Convention—starting with the all-important right to internal mobility, right to work and access to already limited public services. With few opportunities to resume a normal life or economic self-sufficiency in first-asylum countries, and little hope that conditions will improve in the future, many Syrians are continuing to search for their own solutions by moving onwards to Europe and beyond.

The diversity of these current flows of ‘irregular migration’ or ‘migration as necessity’—both in terms of the nationalities of those arriving and the needs and motivations of individuals on the move—creates an unforeseen challenge for European asylum authorities trying to determine who is a “genuine” refugee, who may qualify for another form of protection, and who does not have legal grounds to stay in the European Union. This is largely due to the fact that each arrival must receive an individual assessment of his or her claim for protection, often a lengthy and resource-intensive process. As a result, backlogs of claims awaiting adjudication have begun to grow in many Member States as authorities lack the means to keep up with the rising number of cases. But even those whose claims are denied stand a chance of remaining in the European Union, as return rates for failed asylum seekers remain low. In a nutshell, the current heavily legalized and individual-assessment oriented protection system is truly at odds with the realities Europe has to come to terms with.

The Syrians are Coming....

Contrary to common public perception, and as documented in detail in the pages of this Special Issue, the accumulation of Syrian migrants along the land and sea borders of Europe is not an unprecedented phenomenon. Full-scale Syrian civil war erupted in March 2011, and as to be expected, this led to a steady escalation in the number of Syrians seeking protection elsewhere. The successive waves of Syrian arrivals had already revealed fissures in the Common European Asylum System (CEAS), which provides common standards governing processing and reception in each of the 28 EU Member States’ national asylum systems. However, the near-exponential surge that

started in the spring and summer of 2015 has nearly collapsed the entire system. In this context, perhaps the question is not about why Europe could not be more efficient in responding to the Syrian crisis but whether it ever wanted to accept war-time dispossessed from the Middle East in the first place.

The ongoing violence and instability in the MENA region have not only precipitated mass movements of forced migration but also made return practically impossible.¹¹ Similarly, the deterioration of conditions in countries of first asylum in the region itself led Jordan and Lebanon to tighten their borders, therefore limiting access to nearby safe havens for the displaced. In addition, continued lack of opportunities to work or resettlement for most refugees in major areas of concentration such as Turkey became a major driver of onward, continuing, multi-step movements of forced migration. Finally, geopolitical changes that have closed off alternative destinations, such as Libya, Egypt or even Gulf Countries with their very strict immigration and labour regimes, rendered Europe, East, South and North, as the only destination left for seeking survival.

The longer people remain displaced or in limbo, with little prospect of return, the greater the burden on host countries. If the receiving countries are themselves facing political and economic struggles, migration as necessity continues as a steady flow with undefined end destiny. Turkey declares that it has spent more than US\$6 billion hosting refugees and it is housing close to 3 million of them alone.¹² In Lebanon, where tensions have been particularly acute about their status and access to public services in a system that was already strained prior to their arrival, Syrians comprise close to one-quarter of the population and by some counts Syrian children exceed the entire capacity of Lebanon's public schools. More than half of Syrians in Lebanon and one-sixth of refugees in Jordan are living in extreme poverty. Services in host communities are inundated, and opportunities to access essentials like education or health care have become limited for refugee and host communities alike. Initial generosity toward short-term 'guests' does not always translate to support for permanent neighbors, especially in the face of serious socio-economic problems and high unemployment rates at large.

Geopolitical and economic changes over the last decade, such as armed conflicts and political crises Libya and Egypt had led to disrupted regional labor markets and migration flows within northern Africa as well. Libya in particular was a regional hub for migrant labor before the Arab Spring. Estimates put the migrant worker population in the country in 2011 at close to 2.5 million, including many sub-Saharan nationals.¹³ Many migrants who returned to work in the country since the overthrow of the Gadhafi regime have become stranded in an increasingly unstable Libya and chosen to cross to Europe in an effort to escape the growing conflict. An increasing number of them are stateless and non-status people such as Palestinians with no place to go.

The chaos at European borders means that even if individuals may not qualify for formal protection, there may be a long lag time before their claims are adjudicated, during which time many travel onward through

Europe. Classic patterns of chain migration are also responsible for some of the new flows, as settled migrants and refugees try reunify with family and friends. This is indeed an area where we will see steady increase. The refugees and migrants currently arriving on Europe's shores are almost 70 percent male, and nongovernmental organization (NGO) reports strongly suggest that those arriving are "first movers" with family still abroad who intend to join them through legal channels once their claims are granted, or without permanent status if need be.

Numbers, Lists and Headcounts of the Dispossessed

As of 2014, UNHCR estimated that 59.5 million people have been forcibly displaced from their homes, and of those 19.5 million are refugees outside their countries of origin.¹⁴ Given the largesse of the issue at hand, existing approaches to protection have proven singularly unable to address the conundrum of long-term displaced populations who do not qualify as refugees. Almost half of the refugees under UNHCR's care in 2014 had been displaced for five years or more. For most, return to their origin country or resettlement in a third country remains a distant possibility. In 2014, for instance, approximately 105,000 refugees were resettled through UNHCR, representing less than 1 percent of all refugees displaced globally. Humanitarian responses in refugee situations have been criticized for focusing too heavily on the care and maintenance of refugee populations, leaving refugees essentially warehoused in camps for years on end, their lives in limbo, with little focus on long-term, sustainable solutions. These are commonplace observations in the field of refugee and forced migration studies.

Another commonplace observation pertains to the fact that the international community has failed to engage in burden-sharing to host countries in conflict regions, which care for the vast majority of the world's refugees. Neither assistance funding nor resettlement places—insufficient before the latest surge in displacement—have increased apace with the level of need. And the resources that *are* available are finite. In Lebanon, for example, the World Food Program (WFP) announced in July 2015 it would have to reduce food vouchers given to Syrian refugees by half.¹⁵ Support for livelihoods development and host-community resilience has been particularly low, adding to the prospect of long-term vulnerability in the affected countries.

Furthermore, countries not immediately affected by the crisis in the MENA region have been slow to offer resettlement places. As discussed in the pages of this Special Issue, recent offers by traditional resettlement countries like Australia, Canada, and the United States to provide additional places for Syrians are just a drop in the bucket in comparison with the millions who have been displaced. Finally, the principles of protection enshrined in the Refugee Convention (in particular the requirement that refugees be located *outside their country of origin*) have resulted in territorially based national asylum systems—refugees must gain access to a state's territory in order to exercise their rights to claim asylum. At the same time, wealthy

nations have undertaken a large-scale and concentrated effort to secure and “push out” their borders. As a result, refugees are forced to rely on increasingly risky and dangerous routes, often requiring the use of smugglers, to gain entry to asylum systems in Europe and elsewhere.

Although the absolute scale of protection needs facing forced migrants arriving at Europe is still smaller than that in many countries of first asylum in the Middle East, the unplanned, fast-changing, and unevenly distributed nature of these flows are causing various degrees of panic in European societies with rigid, formal, highly organized immigration and integration systems, labor markets, and social services. Emerging struggles in many European countries to provide for new arrivals at a set standard are epitomized by the conditions on the Greek islands, where the locals and international volunteers stepped in to provide food and shelter. Several international aid organizations, normally operating in countries characterized by ‘failed states’ such as Iraq, Somalia or Pakistan of current times, have now launched assistance programming in Europe. These include the International Rescue Committee, World Vision, Save the Children, and Doctors without Borders. Given that hardly any large-scale or structurally solid solutions to the growing protection challenge have emerged so far, what has begun to happen at Europe’s borders may not be a ‘crisis’, but rather the new normal.

Migration flows are *not* inherently difficult to predict, nor are the push factors driving refugees and migrants to Europe’s shores. Without the ending of mass political violence in Syria, related violence in neighboring Iraq, and events that effect the well-being of the general populace along the shores of North African states, neighboring countries in the Global South such as Jordan, Turkey, and Lebanon, could only manage to take in so much of the dispossessed of the MENA region. Furthermore, both Lebanon and Jordan have already restricted access to their territory for Syrians, driving new flows to Turkey where authorities have been relatively ineffective and at time openly unwilling to stop people moving across the border into Turkey and then some on to Europe. In the absence of a large-scale increase in support for these countries of first asylum, both in terms of legal status and resettlement opportunities, the dispossessed populations will continue to seek more stable conditions and longer-term solutions elsewhere, leading to the continuation of either open or clandestine irregular migration flows.

For instance, political oppression in Eritrea, including forced conscription, continues to drive flows. Similarly, growing instability in Egypt and escalating conflicts in Libya and Yemen prove to be new sources for forced migration flows. Yet the EU continues to be in denial, hoping that it could close onto itself. Elsewhere in the world, migration and in particular forced migration is commonly used as a clear *indicator* of brewing political conflicts or large-scale natural disasters, rather than a policy target for curtailment in and of itself. Against this changing political landscape in their surrounding regions, countries in Europe have to re-examine their approach to their protection responsibilities. Giving in to the populist impulses to erect bigger fences or higher walls, or simply watching people drown at seas and then picking up the dead bodies only serve to deepen the pockets of

smugglers. These ‘measures’ do not reduce the flows themselves. In the same vein, providing protection can no longer be seen as a purely national responsibility; responses that mobilize both financial and political resources at the regional—and global—levels will need to become the new standard. Last but not the least, individual legal assessment of asylum applications is a dream never to come true and a real nightmare for the masses on the move for survival.

Legal Ethics of Migration, Duty of Care and Collective Moral Responsibility: A Difficult Conversation

Immigration and asylum remain key political issues in the European Union, overshadowing even the departure of Britain from the Union, the Brexit. Yet the policies of either the EU states or the supranational bodies related to the Union seem to have had little success in dealing with ‘unexpected’ and ultimately ‘unwanted’ flows of the dispossessed reaching Europe by land and sea. There seems to be three types of reasons for these ‘policy failures.’ Factors concerning the social dynamics of the migratory process have not been attended to, i.e. the blind refusal of these current flows as part of a ‘necessity migration’ is most prevalent. Failing to reckon with globalization of regional conflicts and the remnants of the history of the North-South divide is another reason for ineffective and panicked responses. Finally, the political system that European Union is built upon does not evenly distribute the ‘burdens’ of necessity migration and instead uses scapegoats as main entry points. Consequently, countries like Germany and Sweden end up with an unusual percentage of the flows and resettlement/integration duties. As the EU at large cleans its hands of any adjuvant moral duty of care, select few are perpetually pushed to the forefront as having to pay their ‘historical dues’ or suffering from the seeming excesses of their own humanitarian involvements.

Current EU efforts to address the root causes of migration in countries of origin are still in their infancy. Here, I will venture to suggest that the deficiencies in migration policies at the EU level need to be linked with long-term political agendas concerning unequal development and a committed acknowledgement of North-South inequalities. In this larger context, a legal ethics of care and collective responsibility would serve the EU much better than the standard, state-centric and individual autonomy oriented liberal legal ethics applied through refugee law. This is due to the fact that ethics of care and collective moral responsibility attribute normative and political significance to the fundamental elements of relationships and dependencies in human lives and across societies. This type of ethics seeks to contextualize care in a network of social and political relations. Most often defined as a virtuous practice, care involves maintaining the welfare of the society by meeting the needs of both ourselves and others in a mutually beneficial way. Hence, care ethics builds on the fundamental reasons and motivation to care for those who are vulnerable or in temporary need of protection and it is inspired by moral standards that apply to whole communities and societies upholding the principle of relationality. Though originally belonging to the

sentimentalist tradition of moral theory, care ethics affirms the importance of moral deliberation, as well as reasoning from particulars and unique circumstances towards the betterment of the whole society.

In the Anglo-American tradition of philosophical ethics, although Milton Mayer short book titled *On Caring* (1971) paved the way for the emergence of care ethics as a distinct normative theory, the works of psychologist Carol Gilligan and philosopher Nel Noddings in the mid-1980s constituted the definite building blocks of this normative approach as it came to be applied to political theory. Both authors asserted the voice of care as a legitimate alternative to the standard justice perspective of liberal human rights theory.¹⁶ Standing in contrast with deontological/Kantian and consequentiality/utilitarian ethics, care ethics has affinities with moral perspectives such as virtue ethics as well as Levinasian ethics. Originally conceived as most appropriate to the private and intimate spheres of life, care ethics has then branched out as branch of political theory and as a social movement in its own right aimed at a broader understanding of, and public support for, activities performed by individuals, communities and states widely defined in their breadth and variety. Although care ethics is not synonymous with feminist ethics, much has also been written about care ethics in relation to motherhood, the gendering of international relations, and critical approaches to political and legal theory. Finally, during the last few decades, care ethics has been directly applied to a number of moral issues, including caring for the environment, bioethics, and public policy measures. This latter set of debates is the point of entry for my reframing of legal ethics of immigration vis-à-vis care ethics and also the notion of collective moral responsibility.

As far as migration is concerned, we do need a strong alternative to both Kantian deontology and utilitarianism-consequentialism spectrum of duty of care arguments. This is despite the fact that care ethics have been attacked for having serious shortcomings such as essentialism, parochialism, and ambiguity. Care ethics is sometimes categorized as a form of virtue ethics, as well, with care being a fundamental virtue concerning human welfare. This is particularly important in a context when care ethics is applied to our obligations to people we don't know, without having to immediately supplement it with theories of global justice or cosmopolitanism. Instead, we could turn to a more historical notion of collective moral responsibility and that amply applies when the topic of discussion is forced migration, in particular in its South to North form.

It is true that virtue ethics provides a normative framework that care ethics tend to lack. There is also a certain degree of neglect of justice standards in how care is to be distributed and practiced, and a tendency to relegate care largely to the private realm, which exacerbates the isolation and individualization of the burdens of care-givers either in individual or in institutional capacity. Therefore, perhaps it makes more sense to conjoin care ethics with virtue ethics to develop standards of appropriateness and a solid normative framework. At the end of the day, care ethics emphasizes relationships as fundamental to one's sense of being, and identifies emotions

such as empathy, compassion, and sensitivity as prerequisites for a moral response and a collective sense of responsibility. It also examines questions of social justice, including the distribution of social benefits and burdens, legislation, governance, and claims of entitlement. One of the earliest explorations of the implications of care ethics for feminist political theory could be found in Seyla Benhabib's work, "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory". Benhabib traces the basic dichotomy drawn between the public and private realms to the lack of value attributed to caring and relating, a debate, which goes back to our loss of a genuine sense of politics in contemporary world. Whereas the public is thought to be the realm of justice, the social and historical, and generalized others, the private is thought to be the realm of the good life, the natural and a temporal, and concrete or individual others. The former take is capitalized by the metaphor of social contract theory and the "state of nature" arguments according to which adult men roam alone, independent, and free willed. Benhabib suggests the political philosophies of Thomas Hobbes, John Locke, and John Rawls, as well as the moral theories of Immanuel Kant and Lawrence Kohlberg suffer from such grave short sightedness. She argues that under this rigid conception, human interdependency, difference, and questions about private life are rendered irrelevant to politics. Care ethics enters the scene precisely for that reason, for re-humanizing life and showcasing human relations as the essential building blocks of our sense morality.

Here, it is equally important to note feminist care ethics' resistance to subjugation of women as essentialised care-givers or natural harbingers of care. Feminist care ethics is keen on criticizing the liberal ideal of equality by tracing women's inequality and how it is linked to the low social valuing and provision of care work that is predominantly gendered and at least in part pushed to the private domain. In other words, for feminist theorists, care ethics relies upon a universal injunction to care, and requires the principle of caring as an obligation to be adopted by the society at large. It is perhaps possible that an extension of this to the legal field could be used to ground our obligation to care and counter the inconsistency of the Kantian form of willing a world without our intent to care for others. Overall, the distinct emphasis on relationality is the signature mark of care ethics.

No doubt, establishing care or rather being cared-for as a right across the board is highly utopian in the immigration context. However, in reality, the entire enterprise of the international refugee protection is built upon that very premise. At this point, let me dwell on the inner logic of ethics of care a little further. The first substantive account of care ethics as a branch of *political philosophy* was offered by Tronto, who identified the traditional boundary that separates ethics from politics as utterly false. Indeed, such boundaries obscure how care as a political concept illuminates the interdependency of human beings, and how care could stimulate democratic and pluralistic politics by extending a platform to the politically disenfranchised. Following Tronto, a number of feminist care ethicists explored the implications of care ethics for a variety of political concepts, including Bubeck who adapted Marxist

arguments to establish the social necessity and yet systemic exploitation of the work of care; Sevenhuijsen who reformulated citizenship to be more inclusive of caring needs and care work; and Kittay who redefined equality as a derivative notion of dependency.

The most comprehensive articulation of care ethics as a *political theory* came from the pen of Engster, who defended a needs-based account of moral obligation. Engster's theory is formed around two major premises—that all human beings are dependent upon others to develop their basic capabilities, and that in receiving care, individuals tacitly and logically become obligated to care for others. Engster defined care as a set of practices normatively informed by the three virtues of attention, responsiveness, and respect. Care then becomes relevant to a whole array of subjects including domestic politics, socio-economic justice, legal systems, international relations, and political culture. As such, according to Engster, care as a form of political theory would have universal application because conditions of dependency are ubiquitous and also because care or caring has no necessary affinity with any particular political system.

Compared to dominant traditional ethical theories such as utilitarianism or Kantian deontological ethics capitalizing duty and obligation as abstract categories, an ethics steep on care and collective responsibility would not subscribe to an understanding of society as an aggregate of autonomous, self-sufficient, able-bodied and rational individuals. It would also allow us to reject the idea of justice built upon impartiality, universality and sheer individual utility. Instead, this alternative form of ethics presents the individual as an interdependent, relational being and emphasizes the importance of human relationships, volition and virtues such as benevolence, mercy, care, friendship, reconciliation and acknowledgement of suffering, pain and loss. This kind of ethics is not an ethics of love or even mercy. Rather, it is relational ethics. This is where I see the potential for it to be applicable to forced migration in particular and migration in general. Migration has always been a highly politicized issue but with the arrival of hundreds and thousands at the gates of Europe, reminiscent of medieval wars and their wondering dispossessed, their reception constitutes a turning point for the international refugee regime with its European roots. Although the political potency of fear concerning immigration is nothing new, it seems that Europe's current inability to deal with these new movements of mass exodus is taking on an increased significance in the context of redefining what legal protection regimes stand for worldwide.

Although traditional theories of ethics and in particular legal focus on establishing abstract, universal rules, capitalize the notion of impartiality, not all human relationships are equal and not all human lives are valued to the same degree. In an area such as forced migration, we must indeed prioritize the recognition of limited impartiality and prioritization of human relationships in terms of needs and necessities. In addition, traditional ethics operate within a framework constituted by the relationship between individuals and society and concentrate on key concepts such as justice and duty only within a limited scope in terms of paying attention to human

relationships and societal welfare. Debates on collective moral responsibility, on the other hand, provide a different focus and ontologically, epistemologically and morally they prioritize virtues cultivated and inherited through societal relations. This frame of reference does not view the individual as independent, isolated, rational, and self-interested. Instead, a person is defined as an interdependent agent and in possession of integrity provided by the coexistence of emotion, reason and will. Therefore, the individual is attributed the capacity to make decisions that directly influence the life chances and well-being of others.

This is where 'relational ethics' comes in with full force. Following Carol Gilligan's work in the ethics of care *In a Different Voice* (1982), Nel Noddings developed the core ideas of 'relational ethics.' Noddings' starting point is that justice-based and formalized approaches to ethics genuinely demolish the space for alternative accounts of relational ethics. Noddings proposed that an alternative ethics of caring could be rooted in receptivity, relatedness, and responsiveness. In her seminal work titled *Caring* (1984), Nel Noddings proposes three requirements. First and foremost, the care must exhibit 'engrossment' and motivational displacement, and the person who is cared for must respond in some way to the caring indicating their acknowledgement of the act. Noddings' term *engrossment* refers to thinking about someone in order to gain a greater understanding of him or her and their needs. Engrossment is necessary for caring because an individual's personal and physical situation must be understood before the one caring can determine the appropriateness of any responding action. This requires the type of attention needed to understand the position of the other, similar perhaps to the Gadamerian notion of horizons in classical hermeneutics.¹⁷

However, on its own, engrossment could not constitute caring; someone could have a deep understanding of another person, yet act against that person's interests either by choice or by omission. This is why engrossment needs to be coupled with 'motivational displacement.' This second condition refers to a situation when our caring behavior is largely determined by the needs of the person for whom we choose to care for. Finally, when there is recognition of and response to the caring by the person who is cared for, Noddings describes the caring as complete and this amounts to the establishment of a new bond. Ethical caring occurs when a person acts caringly out of a belief and conviction that caring is the most appropriate way of relating to people under a given circumstances. In other words, ethical caring is based on choices we make and the human will, volition, rather than simply being innate or impulse based, or being a charitable act. If so, the reverse is also true: when we choose not to care knowing in full capacity that it would have made a difference, we violate an ethical principle of duty to others. Accordingly, people and organizations can deliberately or inadvertently contribute to the diminishing of the normative principle of responsibility for the well-being of others in the society. They may do this by encouraging people not to care, inducing fear that if people care for the suffering of others they would end up losing what they have, or by politically forcing conditions upon society and its institutions that prevent people from being able to care

for others. A person has turned their back to their duty of care and moral responsibility, if in spite of her ability to do otherwise, she either fails to take action, or prevents others from doing so. This is commission of harm by omission, a very standard definition of harm used in human rights law and legal ethics. What we need to do is introduce these debates into the legal ethics of forced migration to open a door for refocusing the debate away from policy conundrums and concentrate on substantive issues such as legal and normative responsibilities pertaining to the reception and protection of people who are on the move as part of the globalized process of migration as necessity.

In summary, I would suggest two main reasons for a care ethics and collective moral responsibility framework to be applied to the immigration and refugee crisis currently engulfing Europe and the Middle East. Forced migration – commonly defined as refugee flows, asylum seekers, internal displacement and development-induced displacement – has increased considerably in volume and political significance since the end of the Cold War. It has become an integral part of North-South relations and is closely linked to both past and current processes of global social transformation. In this sense, it is impossible for Europe to exclude itself from either being a target for these flows or from caring for what is happening elsewhere in the world, especially in its former colonies. This makes it crucial for forced migration scholars to develop a nuanced understanding of mass population movements taking the form of exodus. Such a repositioning of scholarship must include theoretical debates on contemporary causes and types of forced migration. This is the first reason why a different type of legal ethics combined with a collective moral responsibility approach might suit Europe better at this very critical junction.

Secondly, and equally importantly, no doubt forced migration is linked to economic migration, but it is by no means limited by it. Migration as necessity, as it finds its embodiment in forced migration flows, presents its own specific methodological problems and conceptual issues. Forced migration needs to be analysed as a historical and globally shaped process with both North-South and South-South components. The fact that it gives rise to fears of loss of state control, as has been evident in the context of recent concerns about masses of asylum seekers and the dispossessed from the MENA region pouring into Europe by any means necessary, signals that the model of the sovereign state as a castle is outmoded. Nor will a change of scales in the form of Fortress Europe would suffice. Therefore, it is essential to seriously question earlier legal and ethical approaches to forced migration, which in principle accepted the relatively autonomous, nationally enclosed societies as their unit of analysis and at best extended their attention to border-protected regional alliances. Particularly the legal ethics pertaining to forced migration must be a transnational and interdisciplinary undertaking. It cannot remain state-centric and ahistorical. Refugee conventions need to be re-contextualized and their ahistorical aspects need to be overridden.

In Lieu of a Conclusion: Europe and Its Reflection on Water

In international law, refugee protection—both asylum in the country of first refuge and resettlement to a third country—is recognized as a human right and thus at least in principle, forced migration is presented as categorically distinct from economic and labor migration.¹⁸ As victims of persecution and with presumed immediate threat to their lives, asylum seekers are thus entitled to specific protections, above all from forcible return, and ultimately they are deemed as deserving of a formulaic extension of ‘care duty’ as resettlement.

What is much less clear is the degree to which the right to move freely both within and beyond a country of first asylum is encompassed within the traditional socio-legal understanding of what refugee protection involves. There is growing international recognition that multi-stage movement and migration flows play an important role in shaping refugees' lives after their initial flight, and often without the formal legal channels to do so. In other words, as many of the articles in this special issue attest, the journey of the asylum seeker is a long and arduous one, which is conducted through clandestine means. The economic restrictions placed on asylum seekers in many countries—including prohibitions on the right to work and limitations on movement away from camps or special locale where resettlement is dictated to take place—lead many to pursue irregular secondary migration after being granted refugee status. These secondary and tertiary movements are in search of tangible means for economic survival and at times for basic human and physical security if the asylum seeker is facing the threat of deportation or detention. In light of this reality, conjoining labor mobility studies with refugee and forced migration studies makes increasingly more sense, though at least at the outset, each sub-set of human mobility may have a relatively distinct rationale.

The extent to which labor migration has become a concern within the context of forced migration flows supports the original thesis of this article, that is, in many instances migration itself should be regarded as a necessity. Within regional hubs of migration flows, therefore, it makes sense to pay attention to migration pathways and regional freedom-of-movement protocols or their absence thereof, as well as to temporary and permanent labor migration programs in terms of understanding mass movements of forced migration. Migration, in particular forced migration, is not a linear movement from point A to point B, with the end result being a fixed status. *It is a search, and a struggle.*

At present, more than 50 million people worldwide are forcibly displaced as refugees, asylum seekers, or internally displaced persons. According to the 1951 Geneva Convention Relating to the Status of Refugees, to be legally recognized as a refugee, an individual must be fleeing persecution on the basis of religion, race, political opinion, nationality, or membership in a particular social group, and must be outside the country of nationality.¹⁹ However, the contemporary drivers of displacement are complex and multilayered, making protection based on such a strict definition of persecution increasingly problematic and challenging to implement. Indeed, a

high proportion of forced migrants now fall outside the recognized refugee and asylum system. Displacement is more and more driven by a combination of intrastate conflict, collapse of governance structures, long-term regional political instability, detrimental environmental change, and resource scarcity. These conditions, while falling outside traditionally defined persecution, leave individuals highly vulnerable to danger and uncertain of their future, compelling them to leave their homes and homelands in search of greater security at some future date. This is a definite blurring of lines between voluntary and forced migration, leading to larger waves of irregular migration.

There is an increasing mismatch between the legal and normative frameworks that define the current protection regime and contemporary patterns of displacement. As an example, as policymakers and scholars in the European Union re-examine the existing European Agenda on Migration in terms of its addressing of short and long-term migration and asylum challenges facing the region, it has become clear that the *modus operandi* of the European institutions led them to be ill-equipped to respond to either type of population movement in a timely or comprehensive manner. The EU processes for developing, implementing, and reviewing legislation failed to ensure coherent and normatively astute outcomes. Instead, EU countries became the butt of jokes concerning protecting human lives. Europe, as seen from the Middle East and North Africa, is drowning in its own riches and greediness. The feeling is that it refuses to share what it took away from others and hides behind some arcane refugee convention that tries to handpick the most noteworthy sufferer of war, violence and destruction to offer them the conciliation prize of temporary protection, or if they are extremely lucky, that of resettlement as a refugee. Indeed, a substantiated, deeper reconfiguration of the framework on migration and asylum would need to deliver much more than strengthening existing policies. No doubt, underlying mechanisms of policymaking around migration and asylum at the European Union level are currently dictated by the fact that Europe remains beset by fiscal uncertainty and employment crises that are particularly acute for the young. Against such a backdrop, few governments are willing to have a serious conversation about anything but skilled immigration that would fill well-identified gaps in their economies. Moreover, they have the public support to close the doors and keep them closed as much as possible and as long as desired. Immigration as a necessity needs to be addressed in a crosscutting fashion, involving multiple spheres of governance at national and regional levels. However, even more important is the aspect of it that is a matter of ‘collective responsibility.’

To conclude, when one examines the reception of migrants in the MENA region itself, the numbers reveal a very stark reality. More than 4.8 million Syrian refugees are registered in five countries in the MENA region: Turkey, Lebanon, Jordan, Iraq and Egypt. These countries are neither rich nor do have protection regimes that prioritize legal processing as a matter of the maintenance of the rule of law in the country. As such, they seem to offer better chances of survival. In comparison, with its supreme economic position and well-developed refugee law jurisprudence, Germany has

pledged 43,431 places for Syrian refugees via resettlement and other admission pathways. This is a 'burden' Germany carries as a throwback to the two world wars. Germany and Sweden together have received 64% of Syrian asylum applications in Europe between April 2011 and October 2016 and that is due to the 'flexibilities' in their respective protection regimes, which is coming under increasingly heavy scrutiny. Excluding Germany and Sweden, however, the remaining 27 EU countries have pledged around 51,205 places via resettlement and other admission pathways, or around 1% of the Syrian refugee population. In other words, of the estimated 11 million Syrians who have fled their homes since the outbreak of the civil war in March 2011, about one million have requested asylum to Europe. Germany, with more than 300,000 cumulated applications, and Sweden with 100,000, are EU's top asylum receiving countries. Of these applications, the total expected number of resettlement may perhaps reach 500,000 in the next two years. In contrast, Turkey hosts 2.7 million registered Syrian refugees with temporary work permits and residence rights. Lebanon hosts approximately 1 million Syrian refugees which amount to around one in five people in the country. Jordan hosts approximately 655,675 Syrian refugees, which amounts to about 10% of the population. Even war-torn Iraq, where 3.1 million people are already internally displaced, hosts 228,894 Syrian refugees. Even the turmoil-ridden Egypt currently hosts 115,204 registered Syrian refugees.²⁰

At this point, what is desperately needed is the development of an ideational platform that underscores the importance of public responsibility concerning immigration issues. Europe did not become what it is as a desolate island of wealth. As long as there is unequal development and suffering engulfing the dreamland of welfare, opportunity and glitz, there will be continuous flows reaching the shores of Europe as a matter of necessity rather than choice. Of the various ethical perspectives available to discuss ethics in the context of migration, when migration as necessity is the entry point, rule of law positivism does not suffice. Natural law and legal ethics perspectives provide relatively little because of the oversight of the political will that is involved in the extension of care towards those who suffer as a direct or indirect result of our own actions. Similarly, contractual and state-centric legal ethics becomes a dead end in and of itself because of its heavy emphasis on state sovereignty and keeping what you take from others to yourself and defending your choice in the name of borders.²¹ Neither Kantianism nor cosmopolitanism provides enough of a motivation to care for the ordeals of those who are not seen as a 'natural' part of the political community, either. Instead, we need an approach that capitalizes on a global methodology of redistributive and restorative justice and an adjuvant legal ethics pertaining to forced migration that could bring these realizations home.²² It is all well and good to wish that the displaced of Africa remain in Africa, war victims of the Middle East run into other Middle Eastern countries who may well be going through their own wars, the dispossessed of South East Asia are divided up among the powerful nations of the region as precarious labour and remain locked in the original geographical boundaries that contained them. However, the reality of the situation that in a world torn

apart and ridden with deep inequalities where citizenship in another country becomes an acquired asset for those who are tarnishing in their country of origin, this desire of containment of human suffering and human need is not attainable. Syrians are coming, not to Europe perhaps, but wherever they can get to, because life in Syria does not even allow seeds to grow anymore.²³

Notes

¹See <http://www.dailymail.co.uk/news/article-3435772/Former-commander-French-Foreign-Legion-75-arrested-PEGIDA-protest-Calais.html> [last accessed 15.01.2017].

²*The Guardian*, <http://www.theguardian.com/world/2016/feb/07/french-foreign-legion-chief-christian-piquemal-arrested-anti-migrant-protest> [last accessed 15.01.2017].

³The original article Carens published on this specific question was Joseph H. Carens, "Realistic and idealistic approaches to the ethics of migration." *International Migration Review* 1996: 156-170. This was followed by a critical debate on open borders and his later work on the ethics of migration. See Joseph H. Carens, "Who should get in? The ethics of immigration admissions." *Ethics & International Affairs* 17, no. 01, 2003: 95-110; Meilaender, Peter C. "Liberalism and open borders: The argument of Joseph Carens." *International Migration Review* 1999: 1062-1081; Joseph H. Carens, "A reply to Meilaender: reconsidering open borders." *The International Migration Review* 33, no. 4, 1999: 1082-1097. Also see Veit Bader, "The ethics of immigration." *Constellations* 12, no. 3, 2005: 331-361.

⁴Past three decades have indeed witnessed a sea change in migration scholarship. Increasingly, life takes on new forms along and across borders, even though the political and at times cultural salience of state boundaries remains strong. Migration Studies (including Forced Migration) has become an inherently interdisciplinary field, seeking to analyze transnational dynamics and introduce new methodological approaches. For a critical overview of the history of the field, see Peggy Levitt, and B. Nadya Jaworsky "Transnational migration studies: Past developments and future trends." *Annu. Rev. Sociol.* 33.2: 2007, 129-156.

⁵See N. Canefe, *The Jewish diaspora as a paradigm: Politics, religion and belonging*. Libra Press, 2014.

⁶On the latter subject, see James Hollifield, Philip Martin, and Pia Orrenius, eds. *Controlling immigration: A global perspective*. Stanford University Press, 2014.

⁷The application of ethics of care to migration studies was introduced by Yasmin Abu-Laban, a Canadian scholar who has been working diligently on migration of all forms though her work is largely known for in relation to Palestinian refugees. See Abu-Laban (2002).

⁸See J. Huysmans, *The politics of insecurity: fear, migration and asylum in the EU*. Routledge, 2006.

⁹For further debate, see D. Bigo, Security and immigration: toward a critique of the governmentality of unease. *Alternatives: global, local, political*, 27(1), 2002: 63-92.

¹⁰See the tally provided by the Missing Migrants Project at <https://missingmigrants.iom.int> [last accessed 15.01.2017]

¹¹Concerning the current conditions in Syria, see the United States Institute of Peace Report on the subject at <http://www.usip.org/publications/the-current-situation-in-syria> [last accessed 15.01.2017].

¹²See the article in Al-Monitor at <http://www.al-monitor.com/pulse/originals/2016/09/turkey-syria-refugees-mind-blogging-increase-expenses.html> [last accessed 15.01.2017]

¹³ For estimates of labour migration to Libya, see the International Migration Organization's report at <https://www.iom.int/countries/libya> [last accessed 15.01.2017]

¹⁴ See UNHCR statistics at <http://www.unhcr.org/statistics/country/556725e69/unhcr-global-trends-2014.html> [last accessed 15.01.2017]

¹⁵ See <http://www.wfp.org/emergencies/syria> [last accessed 15.01.2017]

¹⁶ Their footsteps were then followed by Annette Baier, Virginia Held, Eva Feder Kittay, Sara Ruddick, Joan Tronto, and Yasmin Abu-Laban, who are among some of the most influential thinkers contributing to critical debates on citizenship and membership.

¹⁷ See H. G. Gadamer, *Philosophical hermeneutics*. University of California Press, 2008

¹⁸ The most well-known articulation of this distinction is found in James Hathaway's work. See his original treatise, James C. Hathaway, *The law of refugee status*. Vol. 104, Toronto: Butterworths, 1991, as well as his later work James C. Hathaway, *The rights of refugees under international law*. Cambridge University Press, 2005. His proposal for collectivized and solution-oriented temporary protection regimes that he suggested back in mid-1990s have become the standard reality twenty years later. Notably, back in 1990, he already identified the many problem areas that situations like the Syrian influx to EU states have brought forth. See his James C. Hathaway, "Reconsideration of the Underlying Premise of Refugee Law, A." *Harv. Int'l. LJ* 31, 1990:129.

¹⁹ In exact wording, "(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx> [last accessed 15.01.2017].

²⁰ These numbers are taken from the latest Amnesty International Report on the Syrian Exodus. See <https://www.amnesty.org/en/latest/news/2016/02/syrias-refugee-crisis-in-numbers/> [Last accessed 15.01.2017]

²¹ See, for instance, Thomas W. Pogge, *World poverty and human rights*. Polity, 2008.

²² On the issue of global redistributive justice, see Terry Nardin's critique of just war theories in Nardin Terry, "International political theory and the question of justice." *International Affairs* 82.3, 2006: 449-465.

²³ On the fate of the local seeds in Syria, see <http://www.cnn.com/2015/10/19/europe/svalbard-global-seed-vault-syria/> [last accessed 15.01.2-17]

Commentary on Canada's Reception of Syrian Refugees

By

Howard Adelman*

Below, I start with answering four questions about Syrian refugee issue in Canada most frequently raised in the Canadian context since 2015.

First and foremost, there was Canada's pledge to accept more than 25,000 Syrian refugees by the end of February 2016. The key question was, "How many?" The popularly expressed worry was whether Canada was prepared to host these refugees. There would definitely be additional costs in order for the Syrian refugees to resettle, such as finding a permanent place to live. With these costs, concerns were raised about how long Canada would be able to sustain support for the refugees within the allotted budget. This was in addition to the concern that when Syrian refugees resettle in Canada, they will have an impact on the current population in terms of job competition. As well, they will struggle with a new identity and cultural adjustments.

Secondly, there was skepticism about the prediction made by at least some economists that if Syrian refugees come to Canada, they would make a great contribution to the society and help to stimulate the economy through an increase in the workforce and productivity. The cynics were quick to ask what proof existed that the Syrian refugees would not be a burden on Canada's shoulders. What if the refugees actually drained or potentially weakened the economy instead due to their lack of specific job qualifications or experience, language barriers, and presumed cultural exclusion by the existing population.

Thirdly, there is the fear factor, and that was perhaps best captured under the heading of 'Syrians are coming.' As the argument went, after Germany was so generous and accepted so many refugees, ISIS rose up and there were many accounts of attacks and terrorism that plagued that country. This was also the case in Paris; there were terrorists who were found with Syrian passports. Then the question for Canada was posed: could situations

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such as these potentially jeopardize the futures of Syrian refugees and Canadian society at large?

The fourth and final question is a matter of ethics. Some observers ask whether accepting Syrian refugees should be considered as a "global responsibility."

I first became involved with refugees sixty years ago when I was in charge of the student co-operative residences at the University of Toronto and helped organize the use of those residences for the initial housing of Hungarian refugees when they arrived in Toronto, Canada. My intellectual interest only took off twenty-three years later when, in 1979, I began Operation Lifeline, the organization to encourage the private sponsorship of Indo-Chinese refugees to facilitate their acceptance by Canada. After the initial flurry, in 1980 I helped found the journal, *Refuge*, and set up the Refugee Studies Project at York University to collect literature and encourage research and scholarship initially on the Indo-Chinese refugees and subsequently on all refugee populations.

Policy and Practices to Help Settle Syrian Refugees in Canada

Regarding the question of what policies and practices are in place in Canada to host Syrian refugees, the answer is threefold. We have a Department of Immigration which has had a long policy and years of practice in the resettlement of refugees, but which had grown rusty with relative disuse in resettling large numbers over recent years. Despite its weaknesses, however, Canada has a 60-year history of gearing up rapidly to ensure the resettlement of large numbers of refugees. Secondly, for years, churches, synagogues and community organizations, like the Jewish Immigration Service (JIS), have been involved in partnering with the government in helping resettle refugees.

In the Immigration Act that came into effect in 1978, a provision allowed private organizations and religious institutions, as well as any group of five or more Canadians who could prove they could support the refugees for one year, to initiate the private sponsorship of refugees. Hence Operation Lifeline emerged along with a huge outpouring of effort to privately sponsor refugees. This initiative was actually led by the government and not by the private sector as many believe - initially by the Liberal government and then, after June 1979, with great ambition by the Tory government of Joe Clark. Since, and in good part as a result of the resettlement of large numbers of Indo-Chinese refugees beginning in 1979, Canada set up a system of privately organized and publicly funded resettlement agencies in major centers across the country to help facilitate the resettlement of refugees as the third pillar in support of refugee resettlement.

The main issue about resettlement of Syrians or other refugees *en masse* in Canada is institutional, not funding. Within the overall Canadian budget, the cost of resettling refugees is relatively small. Further, though in the end the Syrian refugee resettlement program may cost \$400 million, those funds could be considered as a long-term capital investment in human resources rather than simply an expenditure allocated to the budget in a single

year since refugees, once resettled, always more than pay back the costs of resettlement in increased tax revenues for the government. Canada has a population base 50% larger than in 1979 and could easily afford to take in 50,000 Syrian refugees per year, never mind just the initial 25,000 accepted by early 2016.

As for the impact on Canadians already here, Syrian refugees provide an addition to the work force; whether from Canadians born to refugees, from immigrants and refugees who arrive here as children and teenagers, or from mature adult refugees and immigrants entering the labour market. They do indeed increase the competition for available jobs. Yet, at the same time, their inclusion also increases the demand for jobs. They also spend a higher percentage of their income on locally produced goods and services. Refugees also train well and excel rapidly, as data from the past 50 years strongly suggest.

As for identity issues and potential cultural and social conflicts, these always exist in all societies, but the major source of problems by far always comes mainly from the existing population. Thankfully in Canada, the percentage of the population resisting the intake of 'foreigners' has become a minority. Enlightened political and social policies are important in reducing that minority further.

1. Elaboration on the Costs versus Benefits of Resettling Refugees

As Canada developed a more sophisticated economy far more dependent on the development of high skill levels, as the economy became more diverse and more globalized, the payback in initial investment in resettling refugees has taken longer. But there is still a significant payback, certainly from the next generation born from and raised by those immigrants and refugees. In general, those children are raised with a built-in pressure for success. The overwhelming evidence is that, over the long term, refugees, as well as immigrants, are a net benefit to the Canadian economy in spite of initial hurdles when they first settle in Canada. They often encounter problems of specific job qualifications or experience, language barriers, or even exclusion by the existing population in their search for jobs. The latter, as I stated above, has greatly diminished over the years.

2. The Role of the Media

There is a definite correlation between the support by the media and the response of Canadians. The Canadian media in general has demonstrated a long history of support for the intake and resettlement of refugees that has been crucial to the outstanding Canadian success story in resettling refugees. Further, in every refugee movement, or almost everyone – the Baha'is may be one exception – there have always been some "bad apples." The Syrian refugee movement has been branded as a potential terrorist threat from a very small minority who infiltrate the refugee movement. That danger is infinitely small in Canada given our process of selection. The real danger comes from homegrown terrorists who emerge generally, but not exclusively, from second generation refugees who experience marginalization. Canada has

overwhelmingly escaped that problem because of our history, our practices and our institutionalization of successful integration, not to be confused with assimilation.

In addition, there is absolutely no evidence of a causal connection between Germany's generosity towards Syrian refugees and the rise of ISIS. Certainly when those who carry Syrian passports commit atrocities, this brings about bad public relations for the intake and resettlement of refugees. Hopefully, enlightened minds and deep institutional practices will surmount that perceived threat, as they did when a group arose objecting to the intake of Indo-Chinese refugees, not only on racist grounds, but over alleged fears that foreign governments and bodies would use the Indo-Chinese refugee resettlement to infiltrate Canada with Communist spies. That proved to be wholly false in the case of the Indo-Chinese, but in the case of my own community of Jewish immigrants and refugees years earlier, a very few, usually second generation, turned out to develop as communist spies, but the numbers were so tiny and the proportion making such a huge contribution to Canada so extremely large, that the risk proved to be very heavily weighted towards taking the very small risk.

3. The Global Responsibility to Refugees

Accepting refugees is a global responsibility, but just because most countries do not take on that responsibility does not mean that the countries that do should not. When I was much younger, only a small minority of states defended democracy and the cause of universal human rights, but those numbers have increased since. This too has happened with the acceptance of helping refugees as a global responsibility. In 1979 at the time of the Indo-Chinese refugee movement, there were only ten countries that accepted a responsibility to help the proximate countries deal with the huge burden of refugees. That number has increased enormously since, but still constitutes only a minority of even developed nations and there remain in Europe and elsewhere states or, more accurately, governments that refuse to accept the principle of burden sharing. Further, it must be remembered that it is the adjoining states – Jordan, Lebanon and Turkey in the case of Syrian refugees – that have the overwhelming and primary burden of the Syrian refugees. For example, the number of Syrian refugees in Jordan constitutes 15-18% of its population. That is equivalent to Canada, a very much richer country, taking in over 5 million refugees instead of 500,000 or 10% of that number or the 50,000 we will likely take in by the end of 2017, that is 1% of the number Jordan has taken in.

In the following paragraphs, I will build up this preamble about the worries concerning the communal intake of Syrian refugees in Canada through a step-by-step argument about why they should be accepted.

How do we treat and incorporate the stranger into the 'we' that we want to become? This emerged as a central issue in the most recent 2015 Canadian election. Language was used to convey the very opposite message than what appeared on the surface. Generosity stood for stinginess or miserly behavior. Compassion stood for relative indifference. The moniker balance

came to stand for a very deformed policy. A speedy and sensitive response came to mean tardiness, delay and interference from the very top.

In 2015, former Prime Minister Stephen Harper asserted in debates and talks that the Conservative Party had been very generous but also very balanced in welcoming the stranger. And yet his government's actions and behaviour demonstrated miserliness of the most extreme sort. Generosity came to mean the government sponsoring the intake of at most 2,000 out of over 4 million Syrian refugees in 2015, that is, .00005% of the Syrian refugee population back then. And the balance between ensuring security for the self and generosity by the self was the assurance that the process could be accomplished without spending any money. Balancing the books took precedence over human lives.

In 2013, the government pledged to take 1,300 Syrian refugees over the next 12 months. It did admit 1,300, but over 20 months, or 780 over twelve months. Most of these were sponsored by the private sector, meaning the government merely had to financially deal with refugee transportation. The government of Canada then announced that it would take 10,000 Syrian refugees over three years, or 3,300 per year, with 60% allocated to the private sector, or almost 2,000. About 1,300 were planned to be government sponsored. The pressure on the government built, some of it from Tory party members. The government then upped the planned intake by 10,000 more, but now over four years. Further, the refugees were to be a mixture of Syrians and Iraqis, or 5,000 additional Syrian refugees over four years, or 1,250 additional Syrian refugees per year, only 500 of them to be government-sponsored refugees.

It is one thing to announce miserliness dressed up as generosity. It is another to actually sabotage the process put in place. The *Globe and Mail* in a scoop revealed the Office of the Prime Minister had ordered a "temporary" halt to the processing of Syrian refugee applications. Conservative Leader Stephen Harper then confessed that his government had ordered an audit of Syrian refugees admitted to Canada. Why? To ensure security concerns were being adequately addressed. But that did not mean, the government insisted, that members of the PMO were processing files. Presumably, they were just vetoing some, but that was not processing. According to CTV News, quoting Citizenship and Immigration insiders, the PMO went through Syrian refugee applications to ensure that religious minorities, such as Christians, were being accepted over applications from Shia and Sunni Muslims. But the Prime Minister insisted the audit was warranted to ensure security issues were being taken care of properly. Security for the refugees themselves was barely a consideration.

Refugee issues had never heretofore been a significant factor in a federal election in Canada. But in 2015, the pressure on the government grew further. Bowing to that pressure, the government announced on 19 September 2015 that it would take the initial 10,000 in 2015 instead of over three years. Further, applicants would be processed faster for they would not have to be cleared first by UNHCR and designated as Convention refugees. Canada would take them as *prima facie* refugees. This was the key step that

would allow the government to take in the 10,000 refugees in one year rather than three.

The government then did take some important steps to help speed up the process.

1. Even before the next steps, it waived the requirement of prior UNHCR approval for refugees to be considered for resettlement by Canada.
2. Two top quality civil servants were appointed to coordinate an expedited Syrian refugee program, one for managing external relations with sponsorship groups and settlement agencies, and the other for governmental coordination of Citizenship Immigration Canada (CIC) with provincial and municipal governments, UNHCR, the IOM, and overseas agencies which might perform specific functions for CIC; the two appointees were, respectively, Deborah Tunis and Bruce Scofield, two very seasoned and accomplished officers of CIC.
3. The number of personnel at the Centralized Intake Office (CIO) in Winnipeg was doubled.
4. The number of visa officers assigned to Lebanon increased to 15.
5. As long as applications for sponsorship have been substantially complete, acceptance would not be delayed until corrections were made; instead, acceptance letters were issued and time given to make corrections.

Late, but nonetheless creative steps, allowed Justin Trudeau's new Liberal government at the end of 2015 to get off to a running start on the Syrian refugee issue. However, at the time the writ was dropped and the election held:

- No monies had been allocated to help private sector organizations complete the 64-page application (it was 6 pages at the time of the Indo-Chinese refugee crisis);
- Monies had not been allocated to settlement agencies to assist with the additional responsibilities in settlement.

In short, it was a slow running start. When stinginess is dressed up as humanitarian generosity, when selection of the most vulnerable comes to mean selection of Yazidis, Chaldeans and Assyrians (Christians all) from the urban wastelands of the Middle East rather than a broad selection of refugees from the camps, when processing times become so lengthy because of a shortage of personnel and political interference from the PMO, when we enter into the discourse of extreme contradiction, then we have to recognize that we are in the strongest expression of the post-modern ethos. In the name of the old values, in the name of "old-stock" Canadians as well as newcomers, in the name of us, we define who we are. And instead of a reputation for generosity towards refugees that had been built up after WWII culminating in the Indo-Chinese refugee movement, Canada had become a terrible laggard.

Any quick examination of who we have been will tell you that it was only for a very short period, a half century at most, that we exemplified a Canada that

welcomed the stranger and opened its doors to the oppressed. Perhaps since 9/11, the new issue behind the scenes was security and perhaps, Islam phobia. However, when I was in Calgary both before and as the election results were rolling in, I conducted interviews. Only one of my interviewees expressed outright anti-Muslim sentiments. "There were already too many in Calgary." But security was mentioned by all those who said they were voting for the Conservatives.

All three parties had pledged that all Syrian refugees would be carefully monitored to minimize any security concerns. However, when I interviewed a Syrian mother and her three sons aged 18, 22 and 26 and they described the process they had been through when the Conservative government was in power, they were never interviewed by any security officer. Further, in reviewing the questions they were asked, no obvious security issues seemed to have been raised directly or indirectly, except to ask whether they were or ever had been members of ISIS. Again, there appeared to be an apparent discrepancy between rhetoric and what seemed to be happening on the ground, especially since, if individuals come to Canada on a student visa, on a vacation or as a tourist, it is far easier to avoid notice and suspicion of being a terrorist. The refugee route is the worst path for a camouflaged terrorist to come to Canada.

Previous scholarship indicated that the refugee process into Canada was the route least likely to be taken by an undercover terrorist since it was a process which would allow Canada to develop an extensive file on them. Coming as a student or preferably a tourist offered far better chances of avoiding detection. We now live in the post-modern world of doublespeak in the wealthy North. In the modern era, solidarity had substituted for unity in order to have a foundation for democratic thinking and practices. Religious tolerance and cooperation in a multi-ethnic world were celebrated. Even in the ancient world, the dictum was welcome the stranger. It meant expressing hospitality to him or her. It did not mean admitting the other into membership. Even Aristotle, by far the best of Plato's pupils, but a Macedonian, was not allowed to inherit Plato's academy.

The apogee of modernity in Canada was the acceptance of the Indo-Chinese refugees into this country in what is known as the Boat People Movement. In that effort, there was a partnership of government and civil society, of political leaders and civil servants trained to serve that society as well as their political bosses, and most interesting of all, a partnership of religious and secular communities in that civil society.¹ In fact, the lead organizations in that effort were neither Operation Lifeline nor Project 4000 in Ottawa, but the Mennonite Central Committee and the Christian Reformed Church. They were on the scene both first and last and they contributed the most per member.

This was the great irony. The apogee of accepting the 'Other' as oneself, of recognizing the rights of the other as a human being, a right that necessitated making provisions for those who were denied rights in their own state, was a movement that was lead—in terms of both order and priority—by religious organizations. The Mennonite Central Committee based in Winnipeg

was the first organization of any kind to sign an umbrella agreement with the Government of Canada, to effectively partner with the government in the intake and resettlement of refugees. The Christian Reformed Church was both an advocacy organization on behalf of refugees, in spite of strictures that religious organizations, to retain their charitable status, could not engage in advocacy. More importantly, the church was deeply engaged in the process of sponsoring and resettling refugees.

This was all within a Christian religious context. They wrote that, "We remember that just like the child Jesus and his parents, millions of men, women and children around the world must flee because of violence, racial tension, religious bigotry and natural disasters. And we remember that God has much to say about welcoming the stranger."² This seemed quite contrary to the traditional view of the separation of church and state, a separation that required a degree of distance between the two, "a wall of separation" in Jefferson's phrase, and not a humanitarian partnership. The partnership went further. In the Indo-Chinese refugee movement, in Canada, the state had a politically contractual obligation to follow the lead of the civil society because of its guarantee to sponsor a refugee for every refugee sponsored by civil society over and above the number to which it was already committed. So both streams partnered with the government to bring into Canada 60,000 refugees in a period of eighteen months.³

The movement was not without an opposition. After the Canadian government announced its program to welcome the entry of 50,000 Indo-Chinese refugees into Canada, the National Citizens Coalition (NCC) published two full-page ads opposing the new policy. NCC is a Canadian conservative lobby group that campaigns against public services, trade unions, and favours smaller government; Canada's previous Prime Minister, Stephen Harper, was once its president.⁴ It is not a membership organization. It was founded in 1967 by Colin Brown and backed by a small group of economic conservatives. However, in 1979 it ventured into opposing Canadian refugee policy.

The first full page ad of NCC declared that for every one refugee allowed entry, 16 more would follow sponsored by those already here.⁵ Thus, the 50,000 figure would mean 800,000 thousand Indo-Chinese immigrants would be moving to Canada within a few short years. The projections were a gross exaggeration stemming, in part, from using outdated and inapplicable immigration rules about family sponsorship in force after WWII. However, behind the ad were racist beliefs that an influx of a large group of Asians was unwanted based on the fear of "The Yellow Peril," an interpretation reinforced when Colin Brown and a few others with whom he was associated were interviewed in the media and appeared on TV and radio shows to debate Ron Atkey, the Minister of Immigration.

Operation Lifeline and a large swath of the Canadian public, especially the segment involved in private sponsorship, saw nothing wrong with a significant increase in Canadians who could trace their origins to Asia. Nevertheless, the initiative of the National Citizens Coalition (NCC), stoked by further falsehoods rooted in racial fears, could be bad for the movement

and would discomfort the refugees after they arrived. The ad was disturbing both in terms of its challenge to refugee policy and in its' undercutting a positive integration for newcomers. The opposition to the new Canadian Indo-Chinese refugee policy also had an organized leadership. At the end of the summer of 1979, the NCC sponsored a second full-page ad in a number of Canadian newspapers.⁶ Based on a survey it had conducted and published, the NCC claimed that a majority of Canadians were opposed to the policy permitting the entry of 50,000 Indo-Chinese refugees. The survey questions were both leading and misleading and did not follow protocols for public opinion surveys.

The leadership of the private sponsorship movement viewed this initiative as a real threat to the successful sponsorship and integration of the Indo-Chinese refugees. As it turned out, although the questions were misleading and significantly exaggerated the results, the totals opposed to the policy were not so far off the mark. Another secret survey properly carried out, to which Operation Lifeline did not have access at the time, did indicate that a majority of Canadians opposed the Indo-Chinese refugee program, in good part because of latent racism in Canada.

Yet the leading sectors in Canada – professional organizations, business associations, municipal leaders, political parties without exception, most Tory cabinet members – all strongly favoured the policy as active participants in making the sponsorship program a success. Nevertheless, the private sponsorship movement saw in the NCC initiative and opposition an enormous potential for causing significant damage. Racism and anti-immigration is always a potent danger for democracy. It stirs passions and fears and does not enhance rational debate. It is also very hard to combat, for entering the fray in public just exacerbates the fears and enhances the credibility of those stirring up those fears, though this runs counter to the belief that the public sphere should be founded on a civil discourse and respect for others.

Dr. Joseph Wong, a leading figure in the private sponsorship program, who would go on to become chair of Operation Lifeline, chair of the United Way in Toronto, leader of a number of important social causes, and a recipient of the Order of Canada, met with the founder of Operation Lifeline to discuss this new challenge.⁷ The two decided that they could not just fight the NCC by appearing in debates as opponents of the NCC position on the Indo-Chinese refugee program. Nor would quiet diplomacy, work behind the scenes. They needed leverage to cut off NCC support, given their conviction that the financial sector, though opposed to big government, was not categorically racist. In fact, given the amount of support Operation Lifeline had received from that sector, they were convinced that generally economic conservatives would be opposed to the NCC challenge to the policy. Hence, they launched what was then called “Operation Intellectual Kneecapping” to cut off NCC financial support. Why they called the exercise “intellectual kneecapping” was never explained – it presumably had something to do with sending a message stating that the effort was non-violent.

As it turned out, Joseph Wong knew a prominent supporter and contributor to the NCC. He also knew that this individual was not a racist, but did not know that he supported the intake of Indo-Chinese refugees. Wong phoned him and he agreed to meet the two from Operation Lifeline for breakfast at a downtown Toronto hotel at 7:00 a.m. the next day. At that breakfast, the twosome outlined the problem. The businessman indicated that he actively supported the private sponsorship of Indo-Chinese refugees and was appalled that an organization that he supported financially would engage in such racist-baiting. He asked for a bit of time and he promised Wong that he would get back to him. The breakfast ended before 8:00 a.m.

At noon the same day, he phoned Joseph and informed him that he had taken care of the problem. He had called a number of his friends who helped finance the NCC and asked for permission to speak on their behalf to Colin Brown, who then headed the NCC. They unanimously agreed. He then phoned Colin to say that he was calling, not only in a personal capacity, but representing the group that he had called. He told Colin that if he or the NCC published or said another thing on behalf of the NCC opposing the sponsorship of Indo-Chinese refugees, he and his friends would not only withdraw their financial support, but he would personally phone additional financial contributors of the NCC to urge them to withdraw their support. The NCC would be destroyed.

He assured us that we would hear nothing further from the NCC on the subject. He was true to his word. Operation Intellectual Kneecapping had been a success with relatively little effort on the part of the refugee activists.⁸ The credit belonged to the enlightened leadership within the business community. It was an example of the new reliance on networking to get things done, a method developed by activists in the sixties. Finally, this backdoor Machiavellian move conflicted with the values of openness and transparency espoused by the secular religion of rights and humanitarianism. The belief that public discourse would best serve a humanitarian cause was brought into question.

Contrast these events with current strong governmental leadership. Then there was solidarity amongst the political parties. This was not the case with the Syrian refugees, even though leading sectors in Canadian society played a role in the current Syrian refugee crisis, though perhaps not nearly as strong a role as they played in the Indo-Chinese Refugee Movement. In the Syrian refugee crisis, a strong letter had been sent to the government by leading figures in support of refugees, which argued for a much larger intake.⁹ At the beginning of 2015, the Minister of Immigration, Chris Alexander, finally announced a relatively modest, but what appeared at first to be at least a significant beginning concerning 4,000,000 Syrian refugees, the largest single group of refugees under UNHCR responsibility since its foundation. That figure excludes those who were internally displaced estimated to be over seven million back in 2015.

Alexander's announcement was widely communicated by the media that Canada had pledged to resettle 10,000 additional Syrian refugees and 3,000 Iraqi refugees. UNHCR in light of past performance had set a very

modest target of 100,000. Canada had pledged to take its normal allotment of 10%, or 10,000 refugees, but not in one year. The initial announcement spread the intake over three years, only subsequently modified under pressure to one year.

This was on top of the 1,300 Syrian refugees Canada had pledged to take the previous year, but the country somehow seemed unable to take even that number. Given the scope of the crisis, the pledge at the same time of \$90 million in humanitarian aid was at least responsible. However, the pairing of the intake of refugees with the overseas donation for humanitarian relief also communicated to the world that Canada was far more interested in warehousing rather than resettling refugees. Refugee sponsorship organizations had advocated the entry of 10,000 Syrian refugees, but in a *rapid* resettlement program, not one spread over three years.

Eventually, the government capitulated under pressure with respect to targets, but not in actual performance. Further, the refugee support community had advocated special expedited measures for those with family members already in Canada. The government subsequently backed off the ratio assigning 40% of the 10,000 to be sponsored by the government while 60% were left for private sponsorships. The government did move to expedite processing. However, the initiatives always came late and under pressure compared to the leadership role played by the new Tory government back in 1979. Harper did not provide any form of leadership designed to galvanize a nation. In contrast, Sweden, a smaller country in geographical and population terms, had already accepted 40,000 Syrian refugees and expected 80,000 asylum seekers in 2014 alone. Germany had pledged to take in 800,000 and settle 500,000, a promise which she did deliver. Canada had totally abandoned its leadership role in global refugee resettlement and had become a laggard.

It did not help that the UNHCR greeted Canada's initial announcement with diplomatic obsequious pussyfooting. The original pledge was dubbed "substantial" and a "generous commitment," when it was neither. It was *not* "in keeping with Canada's strong humanitarian tradition to offer resettlement to refugees worldwide." The UNHCR's weak-kneed response might be rationalized as a result of the poor response to UNHCR's previous appeals. After all, it took an enormous effort to get the 30,000 in the last round, just over 1% of the Syrian refugee population back then. UNHCR had upped its target to 2.5% of the Syrian refugee population. Even with pledges not spread over several years, it would take *40 years* to resettle all the refugees at that rate. Of course, this is somewhat of a distortion since most of the refugees would have settled in countries of first asylum like Turkey, Lebanon and Jordan anyhow. Nevertheless, the Canadian targets and pledges were so miniscule as to be embarrassing.

It does not help that the Canadian performance on the ground had been even worse. By the end of 2014, 1,285 of the year's pledge of 1,300 had been *approved* for entry into Canada and Alexander insisted that 1,100 were already here. However, only 360 of that 1,300 had been government sponsored refugees – 160 above Canada's initial pledge of 200 – and the rest

were privately sponsored refugees. The refugee sponsors were constantly complaining about the slow and dragged out process of fulfilling those private sponsorships. Alexander's contention that 1,100 had arrived, hardly seemed credible. Further, when one recalls that in the Indo-Chinese refugee movement, the government with only 16 employees in the field transferred similar numbers of 1,300 per week rather than per year, one realizes how atrocious the Canadian performance had been. Doubling the total by another ten thousand, a number that included both Iraqi and Syrian refugees, yielded only an additional 1,250 Syrian refugees per year, and of those only 500 to be sponsored by the government.

Generous Indeed!

There was one ray of light in the announcement. "Canada is focusing on vulnerable individuals and those facing persecution. We make no apologies for putting focus on people in need, some of whom are being persecuted based on their religious beliefs," said Alexander in a public briefing.¹⁰ In a message sent to the media, a government spokesperson, Kevin Ménard, said that, "Our priority is and will continue to be on those who are at risk because they are a religious minority, a sexual minority, or victims of rape."¹¹

Why is this ray of light? Isn't sponsoring Christians ahead of Muslims--discrimination? The LGBT communities, who have been one group of sponsors for Syrian refugees at risk because of their sexual orientation, should have been delighted. However, Professor Nicole LaViolette of the University of Ottawa, who passed away at the end of May 2015, disagreed. She denounced the discrimination. LaViolette, a pioneering scholar on the persecution of LGBT members overseas who flee as refugees, had advised the LGBT community about the use of private sponsorship to help the cohort in Syria. Nevertheless, she deplored the discrimination favouring sexual orientation as a preference guide. As she wrote in a *Wall Street Journal* op-ed on 11 February 2015, "Canadian LGBT communities must insist that the Conservative government respect its international obligations to provide refugee protection without discrimination. Sexual minorities know only too well the harm caused by discrimination. Queer Canadians should not support doing unto others what has long been done to us."¹² So in the name of the universal secular religion of human rights and humanitarianism, acceptance of the most vulnerable was rejected. It is truly a strange world in which we live.

Notes

¹See Dionne, E. J., and John J. DiIulio, eds. *What's God got to do with the American experiment?* Vol. 17, No. 2. Brookings Institution Press, 2010.

² See http://www2.crcna.org/pages/osj_refugees.cfm [Last accessed on December 29th, 2016].

³For the total number of Indo-Chinese refugees accepted, see <http://cihs-shic.ca/wp-content/uploads/2015/03/Indo-Chinese-Refugees-Cdn-Response-report-ENG.pdf> [Last accessed on December 29th, 2016].

⁴See <https://nationalcitizens.ca/> [Last accessed on December 29th, 2016]

⁵*The Globe and Mail*, 24 August 1979.

⁶*The Globe and Mail*, 12 September 1979.

⁷ This information is based on interviews and recollections of Joseph Wong and Howard Adelman.

⁸See <https://howardadelman.com/2013/11/17/operation-lifeline-part-i-the-backstory/> [Last accessed on December 29th, 2015].

⁹ The signatories on the open letter included Dr. Muhammad Shrayyef and Fayaz Karim of the Canadians in Support of Refugees in Dire Need (CSRDN), Chris Friesen, Chair, Canadian Immigrant Settlement Sector Alliance (CISSA-ACSEI), Brian Dyck, Chair, Canadian Refugee Sponsorship Agreement Holder Association (SAH Association), Professor Jennifer Hyndman, Centre for Refugee Studies, York University, Dr. Aliya Khan and Dr. Irene Turpie, Doctors For Humanity (DFH), Dr. Anas Al Kassem, Union of Syrian Medical Relief Organizations (UOSSM) and Loly Rico, President, Canadian Council for Refugees (CCR).

¹⁰See <http://www.cbc.ca/m/touch/politics/story/1.2892652> [Last accessed, December 29th, 2015]

¹¹ CBC News, 7 January 2015. www.cbc.ca/news/politics/canada-to-resettle-10-000-more-syrian [Last accessed on December 29th, 2016]

¹² See Nicole LaViolette, "Sexual Orientation, Gender Identity and the Refugee Determination Process in Canada," *Journal of Research in Gender Studies* 68:123, 2014. See also two chapters of hers: "Overcoming Problems with Sexual Minority Refugee Claims: is LGBT Cultural Competency Training the Solution?" in Thomas Spijkerboer ed. *Fleeing Homophobia, Sexual Orientation, Gender Identity and Asylum* Oxford: Taylor & Francis Books, 2013; and "Sexual Minorities, Migration, and the Remaining Boundaries of Canadian Immigration and Refugee Law," in Soheila Pashang ed. *Unsettled Settlers: Barriers to Immigration* Whitby, Canada: Sitter Publications, 2012.

Book Review

By

Meghna Guhathakurta *

Nowhere People by Greg Constantine, (2015) published by the nowhere People Book Series, in Collaboration with Oak Foundation and Open Society

Family albums portray the continuity of a person's life; from the time that one is born through corridors marked by the glories of generation. Family albums therefore give a person, a family, context in time and space; a way to trace their roots and way to follow their explorations into newer dimensions of living. Alas! Such predictable continuity cannot be taken for granted anymore in today's worlds. Sudden storms arise in the middle of one's journey in life and Nature and Man both seem to connive against the fate of generations and one find oneself in the midst of an unknown world where all that one knows are swept away, all that one dreamt of are smattered to smithereens at one's feet and all that one loves disappear into oblivion. Such are the realities of the nowhere people; people "who fly through this life with nowhere to land." Greg Constantine's voluminous book the "Nowhere People" attempts to capture this reality through a series of photographs and portraits that tell stories of lives that have been torn, disarrayed and disheveled by the cruelty of war, terror and forced eviction.

In the foreword to the book Shirin Ebadi, the Winner of the 2003 Nobel Peace Prize points out that "Nowhere People" draws your attention to a global tragedy. It sheds light on the plight and daily reality of the stateless and transports the reader to their world.

The author Greg Constantine states in his introduction that according to the United Nations, some ten million people are considered to be stateless. The UN definition describes statelessness as "a condition of a person who is not considered as a national by any state under the operation of its Law". Statelessness occurs for various reasons; conflict, war, collapse of colonialism or break-up of states, or the inadequacies and sheer discrimination that are embedded in state laws.

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Refugee Watch, 48, December 2016.

Organization of Book

The 372 page book containing some stunning photos of stateless people or those without citizenship status is organized on the basis of countries in which the photos were taken. The countries are Bangladesh, Nepal, Malaysia, Myanmar, Kuwait, Iraq, Serbia, Italy, Ukraine, Kenya, Ivory Coast, Dominican Republic. Greg Constantine characterizes the nature of statelessness in each country through the title he uses. Bangladesh is labeled as “The Forgotten” and they are the “Biharis” (or as currently they call themselves, Urdu-speaking people, who came from the state of Bihar in India at the time of Partition of the Subcontinent in 1947. The Bangladesh High Court has given an order that those who were born in this territory would be given citizenship. But it has still left many in a stateless position and furthermore those who have been given citizenship still find it difficult to be treated as equal citizens by mainstream society because of social prejudice.

The Nepal chapter is called “Stranded in the Middle Ground” and deals mostly with Dalits in the Terai region who have been excluded from Nepalese basis of citizenship which is skewed in favour of Nepalese speaking higher caste. In Malaysia, the populations of concern are the migrants from Philippines and Indonesia in Sabah, Malaysian Borneo. Being non-recognized as citizens, they remain in “the shadow of the sunrise.” In Myanmar, the Rohingya people live in religious persecution and deprived of citizenship rights which makes them as if exiled in nowhere.

The chapter, “Without You, My Country” is about Kuwait where Kuwaiti identity excludes the Bidoons ever since the Kuwaiti national law was amended to include only those families who settled in Kuwait from the 1920s. In Iraq, “Between the Earth and Sky” dwell the Falli Kurds who fled from Iran during the Iraq-Iran war and have remained as foreigners, even those born in Iraq.

In Serbia, “Waiting for Life” are the displaced Romas from Kosovo who came to Serbia in the late 1990s during the Bosnian Crisis. Similarly in Italy are those that fled there from Yugoslavia and continue to live “separated from everything”. The later batch of migrants among the Crimean Tartars in Ukraine did not gain citizenship status and are thus described as “Lost years as a Stranger.”

In Kenya, Nubian soldiers from Sudan were brought by the British, but when the British settled Kenyan tribes into Native Reserves, they left out the Nubians. After independence their right to land was unrecognized as was their place in the Kenyan census. During colonialism as after independence many immigrants came or were brought to Ivory Coast helping them in a nation-building process, but in 1972, laws were passed that gave prerogative to right of blood rather than land and the immigrants especially the Dioulas from the north lived a life “unsettled of other.” In the Dominican Republic, Haitians brought in as indentured labor in the sugar plantations, also lived a similar ambivalent existence which can be described as “I am, I am not.”

The phenomena of statelessness has never been made so pervasive as by the current scene of Syrian refugees and indeed has brought the issue right up to the doorsteps of the well-fed comfortable lives of people in developed countries. Though Greg Constantine's book precedes the current crisis, he has a section in the end where in encapsulated form he covers other countries where he shows that statelessness is indeed the scourge of the times.

The Visuals

About 372 pages of this book is full of stunning black and white photos, sometimes occupying centre-folds and often framed by touching quotes or poetry or songs written or sung by the subjects themselves. Needless to say they form the core of the book.

The photos tell a story of un-settlement, people being thrown off-centre, whirling like dervishes, living lives that are far from placid, comfortable, clean or tidy. It is truly an album of statelessness. Greg Constantine's photographic style is distinctive. His lens captures imbalance, the foreboding shades of imminent danger, and the rootlessness of a life not worth living. And yet unlike wartime pictures of devastation and ruin he also captures the beauty of humanity... as they live in the people. He catches the lines of wisdom etched in the faces of those who remember, the gleams in the eyes of children engaged in playing in the rubble that now constitutes their home, the smiles of camaraderie that keep them alive with hope. His photos also tell tales of stark contrast expressed in black and white imageries: several thousand Rakhine Buddhists that march together in an anti-Rohingya demonstration in Sittwe juxtaposed with the hopelessness etched in the faces of 12 Rohingya men who wished to flee to Malaysia, detained by Border Guards in Bangladesh. There are also stories of resistance, signs saying save our culture, or citizenship only. Hope is retained in songs like the Golden Arakan sung by 71 year old refugee in Bangladesh, often by the rays of sun that fall on a man deep in prayer.

"Nowhere People" opens us up to the millions of people who suffer the same fate of statelessness around the globe, known and unknown and it is this common plight that knits the book together and at the same time makes a plea to end this suffering once and for all. It is a book that has to be seen by world leaders and those who purport to control our destinies, because it is a book that does not give any solutions, rather one that asks for one.

NOTES FOR CONTRIBUTORS

Articles submitted for consideration of publication in REFUGEE WATCH should be around 5000 words. Book reviews can be around 1000 words and review articles can be around 2000 words. Articles will have endnotes and not footnotes. Endnotes should be restricted to the minimum. Please refer to www.mcrg.ac.in for a details style sheet. Roundtables can also be proposed for publication. Enquiries about possible submissions are welcome.

For submission of articles and all other matters, correspondence should be addressed to the Editor, Refugee Watch, Mahanirban Calcutta Research Group, GC-45, First Floor, Sector-III, Salt Lake, Kolkata – 700 106 or paula@mcrg.ac.in. For book review and review-articles correspondence to be addressed to Anita Sengupta, Review Editor, Refugee Watch, at the same address or at anitasengupta@hotmail.com.

Authors will have to submit articles both hard and soft copies (in MS Word). All articles are peer reviewed and it may take 3 to 4 months before a decision is reached on the proposed publication. Contributors will get 2 copies of the journal.

Individual contributor retains his/her copyright. However, in reproduction of the article elsewhere, full citation of the journal will be appreciated.

*See also “**Refugee Watch Online**”(<http://refugeewatchonline.blogspot.com>) for brief news, reports, views and comments on issues of forced displacement.*

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