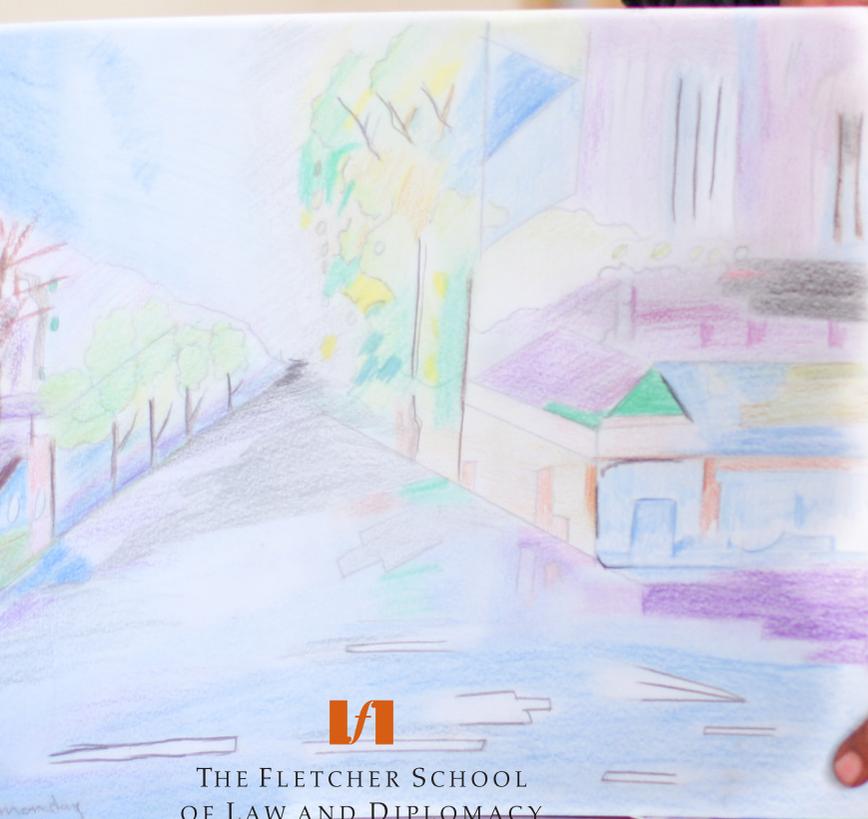


PRAXIS

The Fletcher Journal of Human Security

*The Multi-
Dimensional
Dilemmas of
Migration*



THE FLETCHER SCHOOL
OF LAW AND DIPLOMACY

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SUBMISSIONS

Praxis seeks submissions for next year's issue from student authors, professors, and practitioners from the field. Papers should address current topics in human security and be 15-30 double-spaced pages, with references in endnote format in accordance with the Chicago Manual of Style. Please submissions, an abstract, and a short biography of the author in electronic format to: fletcherpraxis@tufts.edu.

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ON THE COVER *Haya, a 17-year old Syrian refugee, loves to draw and does so despite teasing from her friends. She started taking art classes just after arriving in Lebanon. See the photo essay on page 46. Photo by Atanas Grozdev.*

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Ratiba, a Syrian refugee from Hom, lived in a bomb shelter with her sons for two months before escaping to Lebanon.



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NOTE FROM THE EDITORS

*You have to understand,
that no one puts their children in a boat
unless the water is safer than the land.*

– Warsan Shire

THE year 2015 witnessed a world on the move. Politicians, scholars, journalists, and commentators spoke of a global migration crisis unseen since the Second World War. Observers watched in disbelief as refugees and asylum-seekers crossed the Mediterranean and arrived en masse on the shores of Europe. They fled war, ethnic conflict, persecution, and natural disasters, risking death at sea because the threats they faced on land seemed even worse. The UN High Commissioner for Refugees (UNHCR) estimates that the number of individuals forcibly displaced in 2014—when the last annual statistics were compiled—had reached a staggering 59.5 million. Half of these people are children. Eleven million of them are internally displaced persons (IDPs) within their own country. These staggering figures are the highest on record, and increasing trends continue to confound international organizations, governments, and relief agencies that lack the resources to provide urgent care. In 2015, UNHCR reported that global displacement had far surpassed 60 million, with at least five million individuals newly displaced in the first six months of the year alone. This worsening trend threatens not only the security of the state but also the security of individuals around the world as lives are uprooted, relationships are severed, livelihoods are lost, and perceptions of home and belonging are radically altered. The challenges global migrants face will continue to confound scholars, practitioners, policy-makers, and entire populations for generations to come.

Many individuals fled the dangers of land for the uncertainty of the sea. Protracted armed conflicts in Syria, Iraq, and Afghanistan led desperate populations to cast off in boats across the Mediterranean, while state neglect or brutal persecution in Bangladesh and Myanmar led others to set adrift in the Andaman Sea. These individuals

brave rough waters and fall prey to traffickers only to be denied asylum or turned back. On land, columns of people crossed borders into neighboring countries with whatever they could carry. Many host and transit countries—such as Turkey, Jordan, and Lebanon—have absorbed staggering numbers of refugees proportionate to their size and resources. This immense strain on economies and infrastructures creates or exacerbates the risk of communal conflict. Although sprawling camps such as Dadaab in Kenya and Za’atri in Jordan confound the imagination with their city-like appearance, most refugees are housed in make-shift settlements or disappear into communities where the provision of essential support services becomes a daily challenge. At the same time, other cases receive comparatively less attention. In Colombia, Central African Republic, Iraq, South Sudan, and Ukraine people have been forced from their homes but not their country, often falling below the radar because they cannot be located. They remain highly vulnerable in a familiar yet uncertain space. By highlighting the multi-dimensional dilemmas faced by refugees, asylum-seekers, IDPs, and receiving and transit country governments and citizens, this issue of PRAXIS uses the lens of migration to examine the various, interconnected challenges facing human security in the modern world.

As migration garners headlines, spurring debates about closing borders and erecting walls to protect against terrorist threats, this issue of PRAXIS presents several articles and photographic essays that underscore the human security threats of forced migration, generate intellectual debate about the implications of mass population movements in a changing global landscape, and suggest ways forward. The root causes, patterns, impacts, and responses to migration are examined from economic, historical, political, and legal perspectives. The selections chosen for publication in this issue present a variety of perspectives on migration that often goes overlooked. From securitization of migration in the Sahel to state strategies to target and forcibly displace populations in Syria to environmental impacts of global migration, the scholars and practitioners whose work is featured here present numerous compelling arguments based on rigorous academic research and personal experience. Whether examining comparative state-level refugee and asylum policies or individual stories from the migrant trail, these selections show how global migration impacts not only the security of the state but also the individual person. We hope that this specific examination of migration helps to broaden your understanding and deepen your engagement with the field of human security.

Sincerely,

Sangeetha Madasamy and Andrew Dusek

Co-Editors-in-Chief

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DISPLACEMENT AND THE STATE: A PROCESS TRACING ANALYSIS OF SHIFTS IN ASYLUM POLICY IN FRANCE AND KENYA

CATHERINE A. KLEPACKI

ABSTRACT

UNHCR estimates that nearly 60 million people are currently displaced worldwide. Although over half of are internally displaced, this unprecedented degree of cross-border displacement has levied a significant strain on the international asylum and refugee system. State policy trends since adoption of the 1951 Convention on the Status of Refugees suggest a disconcerting shift from largely open asylum and refugee policies to those characterized by increased restrictions. Although scholars have widely considered the impacts of this shift on asylum seekers and refugees, state motivations for these changes in policy have received less attention. The intent of this investigation is to identify the most salient factors that influence state asylum and refugee policy in order to gain insight into future policy trends. Although states tend to assert security as the most significant driver of state policy, state behavior suggests that security may not be the primary factor influencing policy shifts in many situations. This investigation considers state motivations impacting asylum and refugee policy in France and Kenya through a process tracing analysis of shifts in policy over time. The analysis suggests that security concerns alone provide an insufficient explanation for the policies implemented by these states. Although security plays a role in policy decisions, political concerns rooted in international relations, domestic obligations, and bureaucratic capacity play a decisive role in overall policy outcomes. Ultimately, these political factors are likely to significantly influence how states address the growing challenge of balancing the needs of asylum-seekers and refugees with domestic obligations and state security issues. Following the analysis, recommendations for future policy considerations are offered.

Since the 1951 Convention on the Status of Refugees was drafted in response to the mass migration that occurred during and in the aftermath of World War II, conflict and natural disasters have displaced millions of people. According to UNCHR, the world is currently home to 14.3 million refugees, nearly 1.8 million asylum seekers, and over 32.2 million internally displaced persons (IDPs). These estimates indicate that 59.5 million people are forcibly displaced worldwide.¹ As conflicts in Syria, the Central African Republic, South Sudan, and elsewhere continue to intensify and as climate change and natural disasters remain a persistent threat, the number of people displaced by these events is likely to increase. At the same time, worrisome state displacement policy trends reflect increased restrictions in asylum and refugee policy and waning support for refugee integration into host communities.

Among these trends is the growing movement toward urbanization among refugee populations. The protracted nature of displacement crises means that the length of time refugees spend in camps or other displacement settings has increased. Some groups, such as Congolese refugees in Rwanda and Palestinian refugees facing multiple displacements from one country to another, have spent generations in refugee camp scenarios. Because camps were designed to provide a temporary solution to displacement, most refugees live in substandard conditions, do not have access to sustainable livelihoods, and face limited educational opportunities for their children. The large numbers of refugees migrating to urban centers in search of better lives suggests that refugees are no longer willing to wait for the international community to reach a more robust

“Although security plays a role in policy decisions, political concerns rooted in international relations, domestic obligations, and bureaucratic capacity play a decisive role in overall policy outcomes.”

and accessible set of durable solutions. Despite their capacity as capable and innovative individuals, refugees are not always welcomed in host communities. From developed Western cities in the US and Australia to rural villages in Ethiopia and Kenya to countries severely overburdened by mass arrivals such as Turkey and Jordan, few communities view the addition of refugees as a positive development. Many European countries, especially Germany and Sweden, which initially maintained very open positions on the acceptance of Syrian refugees, responded with compassion for the millions of people displaced from their homes because of the conflict. Despite this early welcome, pushback from citizens and government officials has already increased as the number of people arriving continues to grow. Concerns about economic migrants and potential terrorists taking advantage of this mass migration of conflict-affected people have fueled opposition to acceptance of refugees. As the conflict in Syria and other conflicts in the Middle East and Africa continue to displace large numbers of people, and the trend toward urbanization continues, the increasingly negative attitudes of

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government officials and members of civil society toward refugees and asylum-seekers are likely to significantly impact refugee outcomes.

Although displacement has been widely studied from the perspective of refugees and through analysis of the political factors that cause forced migration, less research has been conducted on the factors that contribute to state responses to displacement from the perspective of the state. Milner highlights the importance of focusing on the state asserting that understanding state motivations “can reinforce the protection of refugees by ensuring that the quality and quantity of asylum is increased.”² The goal of this investigation is to consider the most salient factors that impact state asylum and refugee policy. Because these factors are complex, not all possible factors are considered in this investigation. France and Kenya, two countries with a robust history of hosting refugees that are comparable to other states in Europe and Africa, have been selected as case studies for examination of state responses to asylum seekers and refugees. Based on a review of contemporary literature and analysis of state policy assertions, states often tend to assert security factors as the most important determinant of state policy. However, despite persistent and legitimate security concerns, state behavior suggests that other factors are at play.

If security were the primary factor in state policy decisions, the expected outcomes in both France and Kenya would differ from current state policy. At present, both countries accept more asylum seekers and refugees than a security driven policy would suggest. Despite persistent security threats in Calais and significant security concerns resulting from the 2015 Paris attacks, France continues to support acceptance of thousands of refugees and has recently passed legislation to improve the state’s asylum processing system. Although Kenya has attempted to move refugees out of Nairobi to camps and has threatened to close the Dada-

ab and Kakuma camps in an effort to combat Al-Shabaab militants, the country remains the largest host to refugee populations in Africa. I investigate the assertion of the primacy of security in contrast with policy outcomes through a process tracing analysis of asylum and refugee policy in France and Kenya to demonstrate the degree to which various dynamics have influenced each state’s policy over time. I conclude that security concerns provide an insufficient explanation for the policies implemented by these states. Rather, security is always an underlying factor driving policy outcomes but it is mediated by political concerns rooted in international relations and bureaucratic capacity. Although the subordination of security to other factors cannot be established in the scope of this paper, I argue that political factors are likely to trump security factors in addressing the growing challenge of balancing the needs of asylum seekers and refugees with state security issues.

The following analysis considers several factors, including threats to security, potential economic burden and benefit, international development aid, bureaucratic capacity, domestic civil society attitudes, and international relations. International norms and obligations are considered throughout the review as the foundation upon which the current refugee regime was constructed. The first section includes an overview of the methods used to conduct the literature review and provides an explanation of the process tracing methodology used to analyze changes in asylum and refugee policy over time in France and Kenya. The second section offers a detailed literature review focused on factors that other scholars have posited as factors in creation of state policy. The third section presents a detailed analysis of displacement policy in France since 1954 and in Kenya since 1966 when these states signed the Convention. The review concludes with recommendations for diplomats and policymakers interested in

influencing asylum and refugee policy and practice, resolving persistent issues associated with the global refugee regime, and influencing the policies and practices of foreign countries in terms of impacts to host communities and refugee populations.

REFUGEE AND ASYLUM POLICY TRENDS

Trends in refugee and asylum policy can be generally understood through four broad historical periods, the first beginning in 1951 with the signing of the Convention. This post-World War II era was characterized by a need to formalize protection mechanisms for those individuals who had been persecuted by the state. Following closely behind the codification of the Universal Declaration of Human Rights in 1948, signatory states were keen to accept many of the rights provisions afforded to refugees and asylum seekers in the Convention. Despite an increase in conflicts across sub-Saharan Africa, a general spirit of openness toward displaced populations persisted throughout the next several decades until the height of the Cold War. The second historical period is marked by the end of the Cold War in 1991. A shift toward more restrictive asylum and refugee policies began during this time as displacement prompted by the fall of the Soviet Union and a surge in conflict in the Horn of Africa increased. The third historical period is characterized by increased mass displacement from Afghanistan and Iraq following the terrorist attacks on the World Trade Center and the Pentagon in 2001. During this period, securitization of borders increased travel restrictions and began to fuel fears about potential links between terrorism and migration. The current historical period began in 2011 in conjunction with the Syrian conflict, which has resulted in one of the largest population migrations in history. A more in-depth understanding of refugee and asylum trends in

Africa and Europe provides further insight into the shifts between each of these historical periods.

Analyzing how African states have responded to the arrival of refugees and the protracted nature of their presence in host countries, Milner investigates burden sharing and state security as two factors that contribute to how states respond to refugee crises and how these response patterns change over time.³ He explains that state asylum policies are not simply products of external factors such as involvement by the donor community or the number of refugee arrivals, but also stem from political dynamics apart from the existence of refugees.⁴ Further, Milner argues that these impacts are rooted in the larger changes in African politics since post-colonial independence. He explains that African states have been internally limited by the effects of democratization and economic liberalization, while they have faced external limitations resulting from the neo-liberal influence, an imbalance of power between state governments and international donor states, and a shortage of policy options.⁵ As evidenced by the shift in displacement policy since the 1960's, African states have historically been adversely affected by these and other internal and external pressures on African states.

The majority of African states previously under colonial rule gained their independence in the 1950's and 1960's. Many Western supporters of democratization viewed African independence as a positive development; however, the transition presented governance challenges for many African states. Among the most significant changes to the African landscape at this time was the landmark modification to the definition of refugee in the 1969 OAU Convention, which amended the definition to include "individuals feeling both persecution and generalized violence" and enabled states to recognize groups of individuals under *prima facie* status.⁶ Despite this expansion of the refugee definition, open

asylum policy began to shift. States' perspectives on displacement changed as the number of refugees increased and conflicts became more protracted. As a result, local integration and zonal development approaches became significantly less appealing to host governments throughout the 1980's.

Although less uniformly pronounced than changes in asylum and refugee policy in post-colonial sub-Saharan Africa, post-Cold War policy shifts have been observed in other regions of the world that have directly impacted Europe. Aras and Mencutek argue that from the end of the Cold War through 2000, the refugee regime remained focused primarily on 'non-arrival policies' that were intended to keep asylum seeker and refugee populations in place through extra-territorial processing.⁷ The burden-sharing and securitization discourse increased in the 2000's following an increase in the number of refugees resulting from the US-led invasions of Iraq and Afghanistan. Focusing specifically on Turkey in the wake of the Syrian conflict, Aras and Mencutek highlight Turkey's initial reaction citing that the government "adopted [an] 'open door' policy, avoided using securitization of refugee movement and did not ask for burden sharing for a long time."⁸ Turkey finally shifted to a more restrictive policy in September 2015 when the number of Syrian refugees reached almost 2 million. Although this shift occurred much more rapidly than the changes observed in sub-Saharan Africa, the trend toward more restrictive policies as the number of asylum seekers and refugees increased appears to overlap. This significant and rapid influx of refugees to Turkey, as well as to Lebanon and Jordan, has created a strain that has also resulted in an increase in asylum seekers and refugees in Europe.

The arrival of large numbers of refugees from Afghanistan, Iraq, Syria, and several African countries to Europe has intensified challenges to European Union (EU) asylum and refugee policies. In December 2015, UNHCR estimated

that over one million people had arrived by sea that year.⁹ Hatton and Williamson describe the shift in European policy noting that asylum and refugee policies shifted in the late 1990's away from a responsibility of individual countries to that of the EU as a coordinating body. In an effort to increase cooperation among EU Member States, the organization decided to create a Common European Asylum System (CEAS) designed to streamline the asylum processing system.¹⁰ Among the asylum seekers who arrive in OECD countries, about two-thirds file their claims in the EU.¹¹ Because of the Dublin II Convention, an asylum claim filed in the EU must be processed only by the state of first entry within the Schengen region and cannot be sought in another state within the region if rejected.¹² Although states along the border regions of the Schengen zone were previously able to manage the numbers of asylum applications received, the recent increase in asylum seekers has caused significant challenges for countries such as Greece and Hungary. As the number of refugees and asylum seekers continues to increase, state policy toward displaced populations will significantly impact outcomes. The likelihood of further urbanization has created additional demands on the state and the international refugee regime. Analyzing state refugee and asylum policy is, therefore, essential for understanding expected future trends in policy and the potential impacts of state decisions making.

CASE STUDIES: FRANCE AND KENYA

Although states tend to cite security as among the primary factors underpinning state asylum and refugee policy, the tendency for states to act in ways that appear misaligned with security concerns requires that other possible factors are considered. The role of security should not be understated; however, the literature review suggests that political concerns rooted in inter-

national relations and domestic obligations to citizens may play an increasingly significant role. Using the process tracing method, the following analysis will examine whether these political factors are more likely to influence shifts in shifts in state asylum and refugee policy than security factors.

The process tracing method enables an in-depth analysis of the potential factors that may explain state decisions to enact policy change or maintain the status quo. Significant shifts in asylum and refugee policy in France and Kenya since 1954 and 1966 respectively were chosen for analysis. The degree to which security and political factors provide insight and possible explanation for the policy shifts is analyzed and presented. Each case begins with a brief history of refugee and asylum policy in the specified country to establish a baseline for investigation. Policy shifts specific to each state are then presented in historical context and analyzed in temporal sequence. Each case concludes with an overview of current displacement policy. The assertions made in this analysis are based on aforementioned theory, practical examples, the history of refugee policy, and established scholarship.

France and Kenya were chosen for analysis because both states have a robust history of hosting refugees and are comparable to other states within their respective regions. Host to the largest refugee camp in the world, Kenya also has many refugee communities in Nairobi despite maintaining a domestic refugee law that prohibits refugees from living outside of camps. With more refugees and IDPs in camps than any other region of the world, Kenya is representative of countries in Africa that maintain encampment policies. Similarly, as the first European nation to openly welcome refugees even before the 1951 Convention, France has long been host to refugees through robust asylum and resettlement processes. Like other European countries, France is among the states

currently facing significant political challenges in managing refugee arrivals fleeing conflicts in the Middle East and Africa. Furthermore, France has grappled with the perception of refugees as a security threat in the wake of the recent attacks in Paris. Kenya has experienced similar challenges following the 2013 Westgate shopping mall attack and the 2015 Garissa University College. As the numbers of refugees in Africa and Europe continue to increase, evaluating the likely trajectory of state displacement policy and the motivating factors behind potential policy shifts is essential for refugee protection.

France

The first modern nation-state to recognize the right to seek asylum, France initially documented this right in the wake of the 1789 Revolution under article 120 of the Constitution of 1793.¹³ This precedent was maintained in the Constitution of 1946 and motivated other European countries such as Germany and Italy to adopt similar clauses in their respective constitutions following World War II.¹⁴ The foundation of modern state displacement policy in France was created by the 1950 Act on the Right of Asylum, which served to reinforce the country's commitment to refugees. Given the nation's history of welcoming asylum seekers, it is not surprising that France was among the first states to sign and ratify the 1951 Convention in 1954.¹⁵ The chart below depicts long-term trends in France from UNHCR's Population Statistics Database highlighting this relatively stable period.¹⁶ Overall numbers increased from the mid-1980's through the mid-1990's then began to increase again in the early 2000's with a marked steady increase since 2008. At the end of 2014, UNHCR reported 309,519 persons of concern were registered in France.¹⁷ This figure does not account for those who have arrived and are living in France but have not registered with UNHCR.

France maintained its open asylum and ref-

ugee policy from the 1960's through most of the 1980's earning the country a reputation for being a welcoming place for asylum seekers.¹⁸ Refugees from the Middle East, Africa, and even Latin America with no traditional ties to France began to arrive during that period. Although the influx of asylum seekers placed a strain on the system, which resulted in a near tenfold increase in processing time, French displacement policy remained relatively stable until post-Cold War population movements increased concerns that Eastern Europeans were coming to France under the false pretense of political persecution. Following an upsurge in asylum applications in the late 1980's, France adopted a policy in 1991 that disallowed political refugee status for asylum seekers from Poland, Czechoslovakia, and Hungary. The restrictiveness of this policy was somewhat eased in 1998 when the Constitutional Court effectively merged conventional with constitutional asylum ensuring anyone who sought asylum in France would be allowed temporary entry and application consideration under due process.¹⁹

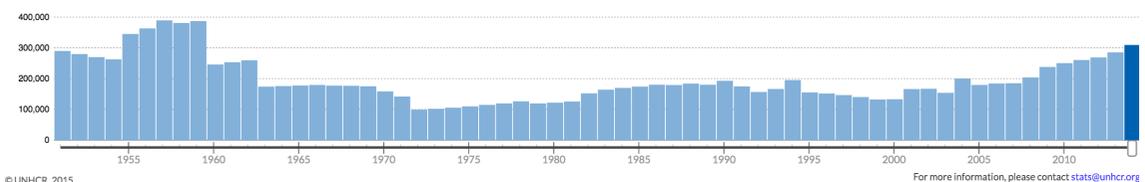
Meanwhile, the post-Cold War 1990's marked an era of increasingly restrictive asylum policy across Europe. The relaxation of internal borders under the 1990 Schengen Convention, which was designed to increase freedom of movement within what eventually became the European Union (EU) under the 1993 Maastricht Treaty, significantly strengthened external borders and increased regulation of asylum-seeking across Europe.²⁰ These developments, along with the 1990 Dublin Convention and the 1993 Dublin II Convention impacted displacement policy in France as

it became increasingly necessary to consider international, as well as regional, norms in the domestication of displacement policy.²¹ Further mainstreaming the desire for a regional system, the goal of the 1997 Treaty of Amsterdam was to create a common asylum system that would shape policies and processes across the EU.²² The challenges associated with asylum in the EU rendered such a system necessary in order to streamline processing and to ensure the enforcement of a unified standard across Member States.²³

The desire to limit the number and origin of asylum seekers and refugees observed in the early 1990's resurfaced in 2004 when the French Constitutional Court passed a law reforming the 1950 Act on the Right of Asylum.²⁴ The French Office for the Protection of Refugees and Stateless Persons (OFPRA) drafted a list of "safe countries," which they deemed countries of origin that maintained an acceptable level of respect for citizens' political rights. The reform required that applications from any one of these countries be expedited and directed that the asylum seekers from "safe countries" should not receive social assistance nor full legal rights to seek employment.²⁵ The "safe countries" method of processing asylum claims remains in effect today.

France involved UNHCR in its refugee and asylum affairs for the first time 2002 when UNHCR assisted the French Red Cross in managing the locally established refugee camp in Sangatte and again in 2008 when the government signed an agreement with UNHCR to consider resettlement of refugees under the UNHCR mandate. External to the agreement, France

Chart 2: UNHCR Persons of Concern in France 1951-2014



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For more information, please contact stats@unhcr.org

Table 1: Policy Shifts in France, 1954-2014

Year	Policy Shift	Historical Context	Security as Primary Factor?
1962 – 1967	Assisted evacuation and integration of the <i> Pieds noirs</i> ; citizenship granted to the <i> harkis</i> who fled to France	Algerian War: <i> Pieds Noirs</i> and <i> Harkis</i>	No. Actions taken by the government to accept <i> pieds noirs</i> and <i> harkis</i> were based on international and domestic legal obligations and human rights considerations.
1970's –early 1980's	Period of stability	Minor increase in numbers of asylum seekers and refugees	No. France remained open to asylum seekers and refugees during this period.
1991	Political refugee status policy changed	End of the Cold War combined with increased anti-immigrant sentiment across France	No. France was concerned about accepting asylum seekers who were falsely claiming persecution in an already over-burdened system.
1999 – 2002	Sangatte Refugee Camp established and subsequently closed	Increased migration to Calais following the crisis in Kosovo	No. Initial inaction and subsequent agreement with the UK was driven by the political context
2003 – 2004	French Constitutional Court reformed the 1950 Act on the Right of Asylum	Dublin II regulation adopted by the EU	Unlikely. Motivation to create the “safe country” list was more likely based on desire to streamline processing than increase security.
2014	Asylum center intended to replace “the Jungle” opened by the French government	Rapid increase in asylum applications in France between 2007-2013	Unlikely. Although security may have been lower level factor, primary factors includes economic stability, civil society attitudes, and international perceptions on human rights.

pledged to resettle 1200 religious minorities from Iraq, most of whom were resettled between 2008-2012. France renewed its commitment to resettle refugees in 2013 with a pledge to accept only 500 Syrian refugees.²⁶

The most recent changes in French policy occurred in July 2015 when the Parliament adopted the Asylum Reform Bill and shortly after in November 2015 when President François Hollande announced that France would accept 30,000 Syrian refugees. The Asylum Reform Bill was a product of three years of analysis by the French government designed to improve what has been recognized as a cumbersome asylum claims process. The bill was designed to “ensure that all those eligible for asylum receive a more dignified welcome in France”²⁷ by reducing application processing time by one third and instituting a new housing system that would disperse asylum seekers across the country in

order to enable higher quality reception, while also making the removal of rejected asylum seekers a higher priority.²⁸ The bill also makes additional resources available to the OFPRA and the National Court for Right of Asylum (CNDA) to welcome an additional 15,000 refugees.

The above table summarizes the shifts and stagnations in French displacement policy since 1954. These policy shifts were chosen because of their saliency and overall impact on French refugee and asylum policy.

Kenya

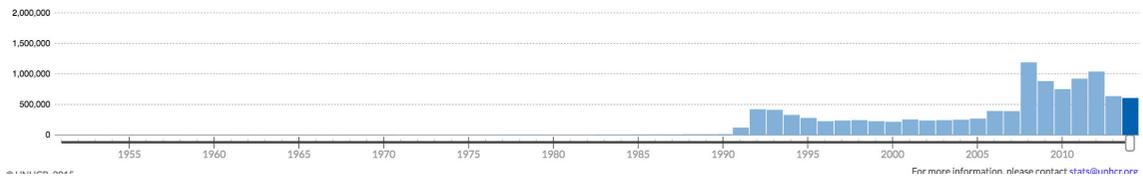
Kenya achieved independence following decades of British colonial rule under the Kenya Independence Act of 1963. The country officially became the Republic of Kenya in 1964 with Jomo Kenyatta as the first president. Since independence, Kenya has hosted refugees from

most of its neighboring countries, especially Somalia and Sudan. Kenya became a state party to the 1951 Convention in 1966, marking official participation in the international refugee regime. Like most of Africa during this period,

not registered with UNHCR.

Although Kenya maintained an open policy throughout the 1970's and early 1980's, an increase in refugee flows resulting from the changing geopolitical landscape in the mid-

Chart 2: UNHCR Persons of Concern in France 1951-2014



asylum and refugee policy was rather open. The government allowed asylum seekers to self-settle, and afforded them freedom of movement and the right to work.²⁹ The number of refugees arriving during this period was relatively small and comprised people fleeing national wars of liberation across the continent.³⁰ Kenya's policy toward asylum seekers and refugees remained relatively open throughout the 1970's and 80's.

During the 1970's and 1980's, Kenya hosted about self-settled 15,000 refugees and maintained responsibility over refugee states determination (RSD) affairs.³¹ The first significant influx of refugees into Kenya began in the 1970's when large numbers of primarily self-settled Ugandan refugees arrived.³² The chart below depicts long-term trends in Kenya from UNHCR's Population Statistics Database.³³ UNHCR did not track persons of concern prior to the surge in arrivals in the early 1990's when the conflicts in Somalia and Sudan prompted thousands of refugee arrivals. Another significant surge occurred in 2008 caused by a large influx in refugees from Somalia and a significant degree of internal displacement caused by the election violence that occurred that year. At the end of 2014, UNHCR reported 606,163 persons of concern were registered in Kenya.³⁴ This figure does not account for those who have arrived and are living in Kenya but have

1908's eventually led to a shift in policy. The politicization of refugee issues in Africa through Western roles in African conflicts in Angola, Mozambique, and across the Horn of Africa combined with the disinterest of superpowers like the United States and Russia to play a meaningful role in durable solutions for refugees complicated the growing refugee crisis. Following the end of the Cold War, regimes collapsed across Africa as conflict intensified. This instability drove a mass movement of refugees from the region into Kenya.³⁵

The conflicts in Somalia and Sudan in the early 1990s resulted in a massive influx that nearly quadrupled the refugee population of Kenya. Along with the thousands of new arrivals, Kenya moved many of the self-settled refugees to Dadaab, Kakuma, and Mombasa camps, which were opened in 1991 and 1992. Kenya eventually closed Mombasa and again enacted a forced relocation program to move the refugees there to Dadaab and Kakuma. At the same time, Kenya handed responsibility for refugees, including RSD activities, over to UNHCR.³⁶ Many refugees preferred to remain in Nairobi where opportunities for livelihoods were greater, however, the government insisted that all refugees must remain in camps.

Despite little evidence to support the claims, Dadaab and Kakuma soon became known as

the most violent refugee camps worldwide. Violence spilled over into surrounding host community areas thus increasing security concerns. In 1997, despite the distance between the nearly 500 kilometers between Dadaab and Nairobi and over 800 kilometers between Kakuma and Nairobi, then President Daniel arap Moi alleged that spies and criminals had infiltrated Nairobi from the camps posing as refugees.³⁷ This prompted the *refoulement* of thousands of refugees and set the stage for future government actions against refugees in Kenya.³⁸ Little substantive proof existed to support the accusations that refugees were responsible; however, negative perceptions of refugees were further reinforced following the bombing of the US Embassy in Nairobi in 1998 and the bombings in Mombasa in 2002.³⁹ Although the arap Moi government reinforced unfavorable

attitudes toward refugees, the elections in 2002 appeared to create a political climate potentially more open to acceptance of refugees and the organizations interested in providing services. According to Ayiera, the democratic transformation that took place following the election of Mwai Kibaki enabled dialogue between the government and civil society. This subsequently reduced the resentment towards NGOs fostered by the arap Moi government.⁴⁰ The potential for change came to fruition in 2006 when the Parliament passed the Kenya Refugee Act.

After years of debate and a seeming desire to ignore the severity of the refugee situation in Kenya, this legislation offered the first official body of guidance on refugee affairs. With the number of refugees increasing, Kenya allocated more land for Dadaab's Ifo camp in 2010. In 2011, two additional pieces of legislation were

Table 2: Policy Shifts in Kenya, 1966-2013

Year	Policy Shift	Historical Context	Security as Primary Factor?
1970's – 1980's	Open asylum and refugee policy	Pan-Africanism in the post-colonial period	No. Kenya remained open to asylum seekers and refugees during this period.
1990's	Dadaab and Kakuma refugee camps opened in 1991 and 1992 respectively	Conflicts in Somalia and Sudan resulted in mass influx of refugees	No. Kenya previously allowed self-settled refugees to enter the country. Primary reason for the encampment policy was limited resources and lack of bureaucratic capacity to manage the large influx.
2006	2006 Refugee Act passed (2011 Refugee Bill subsequently replaced 2006 Refugee Act)	Discussion about formalizing asylum and refugee policy underway for 15 years	No. Despite real threats to national security, the main factors included appeasement of the international community, desire to secure international development aid, and lack of bureaucratic capacity.
2011	2012 official Forced Encampment policy adopted	Kenya's Immigration Minister blamed Kenya's security problems on refugees	No. Primary factor was lack of bureaucratic capacity to address national security threats posed by Al-Shabaab. Refugees scapegoated to deflect blame on the government for failing to protect citizens.
2013	2014 Security Laws (Amendment) Act	Westgate Shopping Center attack	No. Primary factor was lack of bureaucratic capacity to address national security threats posed by Al-Shabaab. Attempted to expel refugees under the pretext of security concerns to escape responsibility for security.

passed: the 2011 Refugee Bill replaced the 2006 Refugee Act, and the Citizenship and Immigration Act was passed with a provision for some refugees to integrate locally. Perhaps the most significant policy issued since 2006, the government again required all refugees in urban areas to be moved to camps in 2012. The stated reason was an increased concern that terrorist groups were sheltered among the refugee community. Somalis were to move to Dadaab while all others were to move to Kakuma. Although UNHCR had been allowed to register some refugees in Nairobi, all registration activities in urban areas were suspended following this directive. In an effort to reduce the numbers of Somali refugees in Nairobi, Kenya, Somalia, and UNHCR signed the 2013 Tripartite Agreement providing for voluntary repatriation of Somali refugees. Most recently, Kenya passed the 2014 Security Laws Act which limits the number of refugees and asylum seekers in Kenya to 150,000 and limits refugees to residence in Dadaab and Kakuma camps.

The following table summarizes shifts and stagnations in Kenya's displacement policy since 1966. These policy shifts were chosen because of their saliency and overall impact on Kenyan refugee and asylum policy.

FINDINGS AND RECOMMENDATIONS

This analysis of refugee policy shifts in France and Kenya provides a nuanced understanding of how security, economy, and politics influence state refugee policy. Understanding policy shifts over time in changing historical contexts can provide insight into possible future policy shifts based on evolving current conditions. Focusing first on France, I have shown that the government of France maintained a relatively *laissez-faire* policy toward asylum seekers and refugees through the early 1990s. As France paid more attention to the situation in Sangatte, and as the European Union increasingly consolidat-

ed efforts to maintain a single asylum system across the Schengen zone, so did France's concerns about security and civil society attitudes. As France's asylum policy evolved, the system increasingly focused on expediting claims processing with the dual purpose of integrating accepted refugees into the French cultural system and repatriating rejected asylum seekers. Strong bureaucratic capacity and civil society attitudes were important throughout this analysis and the 2015 Paris attacks, discussed more in-depth later, confirmed the significance of these factors on asylum and refugee policy. Although security and economic factors remain a significant concern, France responded with a policy designed to balance its obligations to the international community, and therefore to refugees and asylum seekers, with its responsibility to keep its citizens safe and secure. As French policy continues to evolve, a balance of securitization and adherence to traditional French social and cultural values is likely to prevail.

Turning briefly to Kenya, I have underscored that the government of Kenya has maintained a largely security centered approach to refugees and asylum seekers since the early 1990's. Although initial efforts to manage large-scale influxes of refugees during that period provided a promising framework for refugee management, the scale and protracted nature of the conflicts in Somalia, Sudan, and other countries soon rendered the camp system unwieldy. Kenya's regional involvement with Somalia triggered a response from Al-Shabaab that the government has struggled to combat. In short, the government of Kenya does not have the bureaucratic capacity to combat Al-Shabaab, nor to provide adequate security for its citizens. Kenya maintained legitimate concerns in the early 1990s about their ability to provide services and protection for the massive number of refugees arriving across their borders that affected national and economic security. However, the failure of the international community to pro-

vide adequate support during that crisis further enabled terrorist groups like Al-Shabaab to radicalize groups of impoverished refugees existing in camps without livelihoods and without hope. As the problem grew, Kenya became less and less capable of addressing the issue. Scapegoating the entire refugee population was easier than trying to root out the terrorists and provided Kenya with a convenient reason for repeated security failures. In reality, complete expulsion of refugees from Kenya could make more political trouble for the government because it would no longer have a reason for its security failures if the group it is scapegoating can no longer be blamed. Kenya consistently cites direct threats to national security for increasingly restrictive policies against refugees; however, the reality is that security is being used as justification for its own lack of capacity to govern the country.

Both France and Kenya currently face significant security concerns that influence their positions on refugees and asylum seekers, however, these concerns manifest in uniquely different ways and fail to provide adequate explanation for the motivations behind their respective policies. Whereas Kenya historically has scapegoated refugees, recent events in France have not resulted in the same degree of demonization. One possible reason for this difference is the proximity and type of security threat. With more than 600,000 refugees in camps and increasingly in urban centers, Kenya perceives significant direct and indirect security threats from Al-Shabaab fighters operating from within refugee communities. France hosts far fewer refugees and asylum seekers, many of whom must travel long distances and are still subject to some form of government security check. However, the possibility that the Islamic State (Daesh) could infiltrate refugees and asylum seekers to reach target locations is increasing. France has yet to begin scapegoating refugees as Kenya has done for many years,

however, the potential for eventual backlash from the French citizenry if the government does not satisfactorily address the current situation exists. From a bureaucratic perspective, France is much more capable of managing the current influx of refugees than Kenya given the significant contextual differences. Whereas the acceptance of refugees and asylum seekers in France will most likely result in a long-term economic gain for the country, it is highly unlikely that Kenya will benefit economically from the refugees in Dadaab and Kakuma. On the other hand, the country does benefit from the economic success of the Somali refugee community in Eastleigh. If economic motivations were Kenya's primary concern, it is unlikely that the government would make such efforts to remove the refugees from urban centers. Political factors provide the sharpest analytical tool for both France and Kenya, albeit in very different ways. The strength of the French government allowed the state's asylum and refugee policy to evolve slowly and intentionally in a way that enabled France to balance its obligations to its citizens with the need to remain an active participant in addressing the refugee crisis. Despite support from the international community to address asylum and refugee issues in Kenya, the relatively weak condition of Kenya's government since independence has resulted in a much more challenging policy evolution. As terrorist attacks perpetrated by Al-Shabaab continue to plague the country, citizens have grown less patient with the Kenyan government. Kenya's lack of capacity to respond more effectively to its security challenges has resulted in consistent scapegoating of the refugee population.

FUTURE CONSIDERATIONS: FRANCE

Although too soon to adequately analyze the impact of the attacks, the November 2015 terrorist attacks in Paris are likely to affect future asylum and refugee policy considerations in

France and across the EU. The terrorist attacks focused on five locations in Paris and one location in the northern suburb of Saint-Denis occurred on November 13, 2015.⁴¹ The deadliest attack against France since WWII,⁴² the violence resulted in 130 deaths and more than 200 injuries.⁴³ In the immediate aftermath of the violence, President François Hollande called the attacks an act of war against France by the Islamic State (Daesh), declared a state of emergency, and directed increased border security checks be conducted.⁴⁴ French police were ordered to conduct hundreds of raids as part of a nationwide search for those responsible.⁴⁵ The French government soon began to analyze the movements of the attackers. Those who perpetrated the attacks were all either French or Belgian EU nationals with ties to countries such as Syria, Nigeria, and Yemen, who were able to move freely across the EU without difficulty because of the Schengen agreement.⁴⁶ One attacker is believed to have traveled to Paris through Greece where he allegedly arrived with a group of refugees in October 2015.⁴⁷ Although European and international arrest warrants had been issued against many of the attackers, France was not made aware that one of the key organizers of the attacks was in the country.⁴⁸ The French interior minister, Bernard Cazeneuve, reasserted the need for increased securitization of the EU's outer borders calling for "a Europe-wide passenger information register, improved controls along Europe's external borders, and better coordination against arms trafficking."⁴⁹ The French Prime Minister, Manuel Valls, alarmingly concluded that some of the attackers had used Europe's refugee crisis to arrive undetected.⁵⁰

Although many people likely expected that this tragic event would cause an immediate shift in France's policy toward refugees, President Hollande remained committed to the country's promise to remain open to resettlement. Just two months before the terrorist

attacks on, France and Germany jointly "agreed to take 30,000 and 44,000 refugees respectively, out of the 160,000 who had made their way to Italy, Greece and Hungary."⁵¹ Under the plan proposed by the EU and encouraged by France and Germany, EU member states would take refugees based on a formula devised to ensure equitable burden sharing across the EU while decreasing processing time in countries of arrival.⁵² Reaffirming this commitment just five days after the November terrorist attacks, Hollande announced that France remained committed to the promises made before the attacks.⁵³ In a speech to several French mayors, Holland expressed his gratitude for their support of refugees, many of whom are again living in makeshift camps in the Jungle in Calais. Acknowledging the fears of French citizens, he asserted that security would be of the utmost priority and that France would use current asylum law, which enables the government to accept or deny asylum claims based on security threat applicants pose to the country, to guarantee their safety. However, Holland also emphasized the need to remain true to France's values and underscored the nation's "duty to ensure 'humanity for refugees and protection for the French people.'"⁵⁴

Although many support Hollande's response, the decision to continue to support Syrian refugees is not without opposition. Members of the far right, largely anti-immigrant party led by Marine Le Pen have condemned Hollande's actions claiming that his open policies are a detriment to the safety and security of the country. On the other hand, members of France's largest labor union assert that France is not doing enough to ameliorate the situation. Analyzing this debate from the theoretical perspectives of national security and economic benefit or burden, this debate underscores the complexity of the intersection between security, economics, and politics. From a security perspective, Hollande has made clear that he does not believe

securitization of the borders to the point of isolationism will bring security to the region. This stance clearly factored into his decision to uphold the agreement made with Germany and the EU before the attacks. From an economic perspective, despite unknown short and medium-term, the addition of thousands of refugees could provide a boost to the French economy in the long term.⁵⁵ France and other EU states must also consider the economic impact of excessive securitization on the EU. The increased border controls some states have enacted are causing disturbances in trade within the Schengen zone.⁵⁶ The inherently international nature of the EU and the uniqueness of Schengen region complicates policy decisions for all member states.

Among the responsibilities of sovereign states, one of the foremost is to provide for the safety and security of its citizens. In states with strong bureaucratic capacity like France, the ability for civil society to impact state policy is significant. We cannot interpret the results of the December regional elections in France as a direct indication of how French citizens feel about asylum seekers and refugees, but the outcomes compared with each political parties' position does provide some insight. The Front Nationale (FN) led by Marine Le Pen and Les Républicains supported by former President Nicolas Sarkozy were expected to gain support over Hollande's Socialist party following the terrorist attacks, however election results indicated that the Socialist party remains in the lead.⁵⁷ This suggests that, of those who voted in the regional elections, the majority of people support Hollande's policies over the other options. Although it is not possible to conclude that voters specifically support Holland's decision to accept 30,000 Syrian refugees even in the wake of the terrorist attacks, it is reasonable to assume that the results of the election would have indicated a negative shift in attitudes toward asylum seekers and refugees.

Although support for Syrian refugees in France does not seem to be in immediate decline following the November terrorist attacks, it is unlikely that we will understand the full impact of the attacks until at least after the 2017 presidential elections. In the near term, analyzing the social and political effects of the Paris attacks as well as other developments in France and across the EU can provide insight into the France's likely policy decisions as the refugee crisis continues to unfold. Given repeated efforts to clear the makeshift camps in Calais and the most recent decision by local authorities to offer shelter for as many as 1,000 people at other locations, rising tensions are likely to trigger another policy shift. Although UNHCR has provided assistance in erecting shelter for some residents, the requirement to be registered and tracked has prompted many to opt for other arrangements.⁵⁸ The resurgence of this issue for the third time in the same region has drawn significant attention by both the French and UK governments as well as local citizens. Although the security concerns alone suggest that France would take action to close the Jungle and expel the inhabitants, the more likely outcome is that France will seek a political solution. France continues to assert its policy of accepting 30,000 Syrian refugees into the country; however, shifting attitudes among civil society members are already beginning to suggest that the government may be forced to reconsider this number.

FUTURE CONSIDERATIONS: KENYA

Carried out in similar fashion to the siege at the Westgate Mall, Al-Shabaab launched yet another attack on Garissa University College on April 2, 2015. Although too recent to analyze the full impact of the Garissa attack, the trends observed through this investigation of Kenya's policy motivations suggests we can expect more of the same. Among the victims of the attack were 148 deaths, more than 79 injuries,

and over 700 hostages, making this the deadliest attack against Kenya since the 1998 bombing of the US Embassy, which left 224 people dead.⁵⁹ Although the government had made some improvements since the Westgate Mall attack, the government was ultimately unable to direct an adequate security response when the terrorists launched the siege on Garissa. Although the government had previously issued security alerts at university campuses nationwide, the capacity to provide security at the Garissa campus was insufficient.⁶⁰ In the days following the attacks, the government announced its request that UNHCR immediately close Dadaab refugee camp and relocate the refugees living there, threatening that the government would forcibly remove the refugees even UNHCR did not do so.⁶¹ This response marked the most significant shift in Kenya's stance on refugees having escalated from asking refugees to vacate urban centers for camps, to making camp confinement part of its official legislation, to demanding complete closure of the world's largest refugee camp. Making matters worse for the refugees, the government also decided to close many of the remittance firms in the country, thereby limiting the funds that refugees could receive from supportive members of the diaspora. Understanding why the government decided to take this position on the closure of Dadaab and the remittance centers provides interesting insight into the continued pattern of response by the government.

The government's call to close the Dadaab camp represents a further shift away from humanitarianism and international obligations to a full commitment to national security. Al-

though the security could provide rationale for this shift, political factors again provide better insight. Kenya attributes its national security challenges to the infiltration of the refugee population by Al-Shabaab. Just as Kenya recognizes that it can recruit refugees to fight against Al-Shabaab in Somalia because conditions and opportunities in the refugee camps are abysmal, Kenya must also understand that disabling the refugees' ability to receive remittances would increase their susceptibility to recruitment by Al-Shabaab. As the party responsible for cutting off their one of their only means of support to supplement the substandard level of assistance in the camps, many refugees might be more inclined to look elsewhere for aid. Closing the camp completely would have resulted in

the same risk to radicalization that preventing remittances likely did to some degree.

Kenya reversed its decision to close Dadaab in the face of international pressure, largely applied by the US and the UN.⁶² Despite guarantees from US Secretary of State John Kerry that the US would provide \$45 million to support the camp and although

the European Union office of humanitarian assistance (ECHO) has already provided more than 10 million euro in aid in Kenya, financial contributions from the international community are clearly not enough to help Kenya with its security issues. Repeated efforts by Kenya to demonize refugees and draw international attention to issues related to Dadaab and Kakuma while attempting to force more refugees into these camps will not result in more positive security outcomes for the country. Despite this fact, it is likely that Kenya will continue the

“Diplomats and policymakers must encourage states not to close their borders in the wake of terrorist attacks, but rather to reorient their conception of security to create a system that strengthens security through understanding, acceptance, and compassion for asylum seekers and refugees.”

same pattern of scapegoating refugees and will likely make further attempts to repatriate as many refugees as possible. As more and more refugees arrive from South Sudan and camps remain too small to accommodate the growing number of refugees, the government will likely have to rely even more on UNHCR and the broader international community to manage the refugee issue. Although the government maintains an encampment policy, the government will likely be faced with stronger calls for integration in urban centers.

POLICY RECOMMENDATIONS

How France and Kenya, and European and African countries more broadly, address their security situations in the future may have deleterious consequences for refugees and asylum seekers. As the number of displaced people continues to increase worldwide, potential host-states must develop better strategies for managing the likely influx of refugee populations. These strategies will require an in-depth understanding of the social, political, and economic factors that drive policy. Future strategies must balance international obligations with concerns over state sovereignty and national security from a human rights perspective. Diplomats and policymakers must encourage states not to close their borders in the wake of terrorist attacks, but rather to reorient their conception of security to create a system that strengthens security through understanding, acceptance, and compassion for asylum seekers and refugees.

France must continue to work with other members of the EU to address the current influx of the relatively large numbers of asylum seekers and refugees in Europe. Burden sharing agreements that relieve the pressure on Schengen border states including Greece, Italy, and Hungary are necessary to the success of future policy. France must work effectively

with Germany as leaders in this effort. Faced with increased security challenges following the November 2015 Paris attacks and other acts of terrorism such as the shooting at the magazine *Charlie Hebdo* office in January 2015 and the attempted mass shooting on the Thalys train in August 2015, France must guard against the conflation of terrorism with refugee migration. Although France, Germany, and other EU Member States have made assurances that refugees will remain welcome, the international community must continue to support EU efforts to lessen the burden in Turkey, Lebanon, and Jordan. Support for asylum seekers and refugees is likely to wane as the numbers of new arrivals continues to increase. Addressing state and civil society concerns and providing assistance as needed is essential to the integrity of the international refugee regime. The EU and the international community must be prepared to address the weaknesses of this system and make efforts to strengthen what works well while having the courage to overhaul what has become outdated and ineffectual.

France must also firmly address the situation in the Jungle of Calais. Despite efforts by local NGOs and UNHCR to address the situation once again, the government has done very little to effectively manage the situation. Although some shelters exist, the living conditions in the makeshift camp the worst ever seen. Experience has taught the government that simply closing the camp is unlikely to result in a reduction of the number of people settling there in an effort to seek asylum in the UK. In addition to working directly with the UK government to seek a political solution, France must also make concerted efforts to apply and enforce existing laws. The Asylum Reform Bill provides a detailed plan to reduce processing time to 9 months and offers a housing system designed to better support asylum-seekers and refugees. Those living in the Jungle of Calais should be processed in accordance with this legislation.

Enforcing this law could serve to deter those who prefer to seek asylum in the UK from first arriving in France.

Kenya faces significant national security challenges that cannot be adequately addressed through the scapegoating of refugee populations. Despite the continued policy of maintaining a closed border with Somalia, refugees continue to arrive. Moreover, the conflict in South Sudan has prompted an increase in the number of South Sudanese refugees arriving in the Turkana region of the country. The constant threat of drought further intensifies the challenges Kenya must address. Although Kenya has passed several laws designed to address security issues, these laws are largely unenforceable.

Trends suggest that Al-Shabaab will continue to launch terrorist attacks against the Kenyan government and its citizens and that the government will continue to respond by blaming refugees and attempting to further securitize the state by expelling refugees prematurely. Given the lack of bureaucratic capacity of the Kenyan government, the international community must do more to assist Kenya in strengthening their government institutions. Diplomatic efforts should be made to persuade the government to stop scapegoating refugees. Regional and international efforts to combat Al-Shabaab are needed. Although the US and ECHO have pledged substantial amounts of funding in humanitarian aid, and although UNCHR continues to provide significant support for asylum seekers and refugees, Kenya needs more assistance in dealing with the security issues that generate tension between the state and the refugee populations. Options include direct financial assistance to strengthen institutions and deployment of government and military advisors to strengthen government legitimacy. The capacity of state security mechanisms could also be increased through improved training and better equipment. Without more intentional effort to assist the Kenyan government in dealing with

the Al-Shabaab security threat, negative outcomes for asylum seekers and refugee will continue.

Analyzing policy trends over time enables policymakers to gain a more nuanced understanding of the factors that impact changes in policy. Perhaps now more than any other time since the 1951 Convention was signed, the international community must be increasingly flexible and responsive to the refugee crisis. As state displacement policies become more and more restrictive, the number of refugees, IDPs, stateless persons, and other displaced populations is predicted to continue to increase. Effective advocacy for this growing population requires an understanding of state policy as a foundation for successful diplomacy.

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THE CROSSROADS OF MIGRATION AND COUNTERTERRORISM IN THE SAHEL: HOW SECURITY INITIATIVES IN THE SAHEL AFFECT REFUGEES AND OTHER VULNERABLE POPULATIONS

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ABSTRACT

Extremism in the Sahel¹ has shifted global security interests towards the region. Efforts are increasingly focused on the need to mitigate the propensity for weak and failing states to collapse and leave room for ungoverned spaces to emerge.² This form of interventionism, called soft counterterrorism, is quickly shaping international involvement in the region and elsewhere, where gaps in governance in hostile territory are often seen to serve as terrorist havens. However, the vast majority of these programs have failed to consider that the endemic vulnerabilities of people in this region are root causes for two things: structural failure of states in confronting terrorism and the social upheaval that leads to both extremist behavior and migration. The risk is that these counterterrorism operations will conflate irregular migration with the movement of armed groups and terrorists. This paper presents a cross-sectoral analysis of how counterterrorism and security sector reforms in the Sahel have failed to sustainably strengthen Sahelian states, because they encourage the centralization of government resources instead of efficiently allocating goods to needs-based communities, for the purpose of bolstering these vulnerable groups against poverty and extremism.³ Simultaneously, many of these reforms, through attempts at bolstering borders and local militaries, have ostensibly created more vulnerability for marginalized populations, whose livelihoods are linked to the ability to freely move across the region without legal and political restraint.

INTRODUCTION

Migration, both from and within Africa, is not a new phenomenon. Nearly thirty years ago, it was estimated that of the 383 million people then living in Africa, approximately 35 million—or a little under 10 percent of the population—were migratory (either permanently or temporarily). Furthermore, migratory transhumance, as well as pastoral and mercantile nomadism, has been fixed means of obtaining a livelihood in Africa for centuries.⁴ This paper examines the dynamics of migration in the Sahel, which have formed and changed as a result of the prevalence of traditionally non-sedentary communities, movements of vulnerable communities out of Sub-Saharan Africa, and the increasing securitization of migration around the world. As the international community continues to grapple with the emergence of a worldwide migration crisis, traditional development assistance in the Sahel will become an increasingly ineffective mode of decreasing the propensity for migration to happen, while simultaneously creating resilient communities. Furthermore, in the post-September 11 era, the programming of development assistance to eradicate poverty and inequality cannot occur without a modicum of security, so strategies that fall under soft counterterrorism may also be viewed as strategic developmental defense, or a securitization of aid, in this context. Thus, in practice, these aid policies are included in programming that is categorized as security sector reforms (SSR) and the broader scope of counterterrorism programming.⁵

Development must be included as an important element to reforming institutional security frameworks in the Sahel. This is critical in the region since states are incredibly fragile and easily susceptible to threats by local insurgencies, political instability, and environmental shifts. Africa's primary security challenges can be attributed largely to the fact that very few

states boast any measure of good governance, and that, furthermore, socioeconomic inequality is pervasive throughout the continent.⁶ Furthermore, the Sahel is unique in comparison to other unstable regions, because the non-state armed groups (NSAGs) that are affiliated with foreign terrorist organizations like Al-Qaeda and the Islamic State are still in their nascent stages of leveraging those nefarious networks. Therefore, the human security issues that are often root causes of violent extremism can still be mitigated through resilient development programming. The situation in the region is constantly evolving, which makes it more difficult for simple counterterrorism operations to properly target terrorist groups and syndicates, and similarly makes it easier for these groups to organize and recruit.⁷ For example, Boko Haram has been successfully recruiting from impoverished communities in the Diffa region in southeast Niger, where a community of paid mercenaries has existed for generations⁸, willing to join the militia in return for stipends upwards of \$3,000.⁹ As these groups further organize themselves they will become more complex and difficult to eradicate through basic counterterrorism measures.

American-led counterterrorism operations in the Sahel have thus far manifested as border control initiatives and military support, with very little, if any, element of support for countering violent extremism (CVE) in at-risk

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communities. Yet an overlooked element to this type of programming is that the institutional hardening of borders affects the flow of cross border criminal networks and irregular (and sometimes regular) migrants alike. State efforts to clamp down on smuggling have changed his longstanding activity, as smugglers have become increasingly violent and surreptitious in their encounters with security forces.¹⁰ Furthermore, trafficking in both licit and illicit goods is part of the economic framework of most of the Sahel.¹¹ And while these security programs are scaled up, many argue that the region lacks migrant and refugee protection mechanisms and practices other than the enforcement of Refugee Status Determination schemes put in place by the United Nations High Commission on Refugees (UNHCR).¹² As vulnerable economic migrants flee conflict, environmental devastation, and institutional failures of the state, they lose protection under the 1951 convention at a certain point, limiting the ability of humanitarian organizations to provide them with assistance, and giving them illegal immigrant status in the states that they pass through.¹³ As Sharon Pickering has noted, “refugees are not just a problem, but a policing problem. Terrorism is not a problem, but a counter-terrorism policing problem. Increasingly the securitization of borders explicitly and implicitly conflates these two ‘policing’ problems.”¹⁴ And in a region like the Sahel, where borders are arbitrary constructs and the informal economy is prolific, securitization of these borders increasingly stigmatizes any form of illicit activity as terrorism and/or activities that financially support terrorism.¹⁵

Therefore, both regular and irregular migration is now increasingly viewed through this anti-terrorism security lens and restrictive security measures promote the view of migrants and refugees as potential threats to the national security of a state, rather than as people worthy of protection.¹⁶ Trans-regional organized crime in the region and the smuggling of illicit

goods (which includes South American cocaine to Europe and the Gulf and Nigerian methamphetamine across the Sahel¹⁷) is beginning to foster the perception of migrants as involved in criminal activities as well.¹⁸ The resulting security frameworks and border controls, which are classified as counterterrorism programming, inevitably create vulnerabilities for migrants.¹⁹

Counterterrorism operations in the Sahel have so far shown little success in mitigating the human security problems that lead to systemic marginalization and resource insecurity, which, along with migration, is what experts claim is a root cause of violent extremism.²⁰ Although it is often suggested that food insecurity and climate change are directly linked to increased political violence, the research has suggested that there is no direct correlation.²¹ In sum, irregular migrants create instability for states, especially weak ones, so states in the Sahel (with pressure from Europe and the U.S.) are enforcing these security measures to stop the exodus of migrants, as well as criminals.²²

MIGRATION AND ITS IMPACTS ON REGIONAL STABILITY

Migration in the Sahel region is not new. Pastoralism, seasonal migration, southward movement due to loss of grazing or agricultural lands and water access, and rural-urban migration have long been integral aspects of life in the region. The history and culture of this region is based on the inherent needs of people to migrate, which served as the conceptual basis of the Economic Community of West African States (ECOWAS). Interregional migration of Sahelians is upwards of 70 percent (including daily laborers), and only 10 percent of the population is completely sedentary. Roughly two percent of Sahelians emigrate outside of the Sahel.²³ In 2015, the International Organization for Migration (IOM) estimated that over 100,000 migrants had passed through Niger, then on

to Libya or Algeria, en route to Europe; of that group, nearly 8,000 have returned from North Africa, the majority of whom are from Senegal, Gambia, Mali, Niger, and Guinea Bissau.²⁴

Since the mid-1970s, forced and voluntary displacement of vulnerable populations, regional instability, and environmental crises have caused three types of irregular movement through the Sahel:

(1) Economic migrants seeking alternative livelihood opportunities in Europe, the Maghreb and West Africa, which includes sub-Saharan and nomadic traders from the deserts (such as the Fulanis, Toubous, and Tuaregs whose traditional livelihoods of transhumance were impacted by the desiccation of the desert), who began mass-migrating towards construction and oil sites in Libya and Algeria in the aftermath of decolonization;

(2) Returned migrants who have been deported or evacuated from other countries, returning to their countries of origin or of their own choosing with the intention to migrate again; and

(3) People who are forcibly displaced by conflict, including refugees, asylum seekers, and internally displaced persons (IDPs).²⁵

The latter group has increased in recent years as a result of conflict, environmental shifts, and globalization. The group's size is expected to continue increasing with the pending droughts in the Horn and southern part of Africa, as well continuing conflicts in South Sudan, Great Lake Region and the Lake Chad Basin. The first wave was initially welcomed in North Africa due to the migrants' ties to the Arab world; however, the second and third waves have been historically at risk of being victim to racist oppression within host communities, often

being stigmatized as 'Black' Africans by North African states.²⁶ Gaddafi's Pan-African campaign in the 2000s pushed for a federation of African states, ultimately helping to change this standard a small amount. Unfortunately, the racial divides persisted. Since 2011, following the Arab Spring and the collapse of Libya, the region has seen increased sectarian and ethnic tensions in states throughout the Sahel and North Africa.²⁷

Refugees and migrants use five main routes through the Sahel, and Mali is a transit for three of them. The large presence of irregular migrants passing through a conflict zone that is largely unmonitored and controlled confounds an already tense situation and leads to many of the intelligence and military gaps for security operators.²⁸ Therefore, the intelligence community is currently grappling to fully understand the Sahel and identify who the 'bad guys' are as compared to the 'not-bad guys.'²⁹ Armed groups have long maintained a significant presence in the region, but following NATO's 2011 intervention in Libya, the region became a political vacuum for non-state armed groups to champion off of this absence of political stability. The current migration crisis has further emboldened these groups in recent years, as the inflows of cash through this illicit industry finance these armed groups.³⁰ For example, the official border crossings in northern Mali are controlled and operated by armed Tuareg movements on the Malian side of the border, who control the smuggling of goods and persons from Kidal to Gao to the Algerian border town of Bordi Moktar. Meanwhile the border areas of Mali and Mauritania are so vast that armed groups and terrorists (notably Al-Qaeda splinter groups Ansar Dine and al-Murabutin), control the movement of all goods and persons in this corridor.³¹ The Fulani on the border of Senegal and Mauritania are the only groups to have successfully protected the area and to have ensured cross-border relations despite the prevalence of non-state armed group activ-

ity in the region.³²

Additionally, the sizeable volume of weapons that flooded the black markets following the demise of the Gaddafi regime has further confounded the anarchic situation, leading to a surge in violence and armed conflict throughout the region.³³ This availability of weapons has emboldened terrorist groups in the region to attack Western targets and splinter from their principal missions and leadership.³⁴ Trade in illicit goods and contraband has also increased significantly, with a growing trade in narcotics generating large amounts of revenue for these criminal organizations and further facilitating the spread of regional instability and state insecurity.³⁵ However, this growth in illicit activity is concurrent with the increase in resilient development through informal economic means.

THE INFORMAL ECONOMY

In comparison to major urban centers like Nairobi, where informal economic activity is in fierce competition with large businesses and countless development initiatives,³⁶ urban centers of Sahelian states have little competition in the formal economy. The informal market is thus widespread. Furthermore, the cross-border economies of these states, which is inherently based on the lack of lawful governance in the borderlands of the northern regions of Mali, Mauritania and Niger, respectively, have become the main sources of economic activity in these areas and therefore essential to the survival of these northern communities.³⁷ The economies of the Sahel continue to suffer from the decolonization issues that created endemic deficits in the capacity of these states to become independent. As Johan Galtung notes, “the world consists of center and periphery nations,” and this pattern, with its asymmetric inequality and resistance to change, is responsible for the distortion of the socioeconomic structures within the periphery nation-states, including those

of the Sahel region.”³⁸ While this theory has been called shortsighted, it continues to help explain why certain states have struggled to develop through formal means inside a globalized system. The region is beset with failing states that have enabled the growth of illicit trans-regional trade in both licit goods (such as food and cigarettes) and illicit contraband like small arms and drugs. According to the UN Office on Drugs and Crime (UNODC), in 2014 nearly 40 percent of Sahel states’ GDPs were sourced through activity from the informal economy.³⁹

Many reasons support the rise in this type of activity in the region. Sahelians’ traditional forms of livelihood have consisted of migratory pastoralism, transhumance, and nomadic trade for nearly a millennium. Furthermore employment opportunities, as a result of conflict and increasing desertification, are incredibly limited in the Sahel; therefore, the impetus to migrate, and in doing so, partake in the informal sector that orbits this industry, is growing.⁴⁰ In the past century, environmental shocks and restrictions placed on migration set up by border controls have also increased sub-state violence and criminal activity, which has since spurred the creation of intricate smuggling and trade networks across the region. This has increasingly given criminals room to operate in the ecosystem of migration in the region.⁴¹

However, informal trade is not a new concept—and it is definitely not unique to the Sahel. But despite political and physical efforts to disrupt these illicit networks and replace them with formal ones, these informal economies have actually begun to entrench themselves in Sahelian culture. This activity has spawned new urban developments and created resilient communities in remote parts of the desert that have been impossible to support through traditional means of international development.

INTERNATIONAL LAW: CRIMINALIZATION OF IRREGULAR

ENTRY AND OTHER BORDER OFFENSES

Transnational crime and criminal activity cross borders with regards to irregular entry and border offenses are not new concepts. They have, however, been considered to have spread exponentially because of an increased freedom in the movement of people, goods, and services with the proliferation of globalization. However, because of the need to impose extraterritorial jurisdiction in the border zones (now referred to as “frontiers”) in order to inhibit illicit activity, we see that “international borders are not zones of exclusion or exception for human rights obligations.”⁴² Law enforcement’s primary concern is adherence to legally sanctioned and determined behavior of criminals, not refugees or impoverished economic migrants, although this issue becomes conflated with the current migration crisis given the growing informal economy that surrounds the migration industry.⁴³ But a key issue of contention in this debate is whether the state’s broad sovereign right to exclude noncitizens from the scope of special obligations at the territorial border justifies excluding irregular immigrants from it in the state’s interior as well, given that the state does not authorize their presence there.⁴⁴ As we see through Europe’s response via EUCAP and the U.S. response through the Trans-Saharan Counterterrorism Partnership (TSCTP), the emphasis of foreign partners in encouraging local capacity to counter the flow of illicit activity is through border controls and anti-trafficking initiatives. Mali, for example, is a signatory to the 1951 Convention, and it has enacted its own domestic legislation that seeks to provide assistance to asylum seekers. However, a significant amount of recent funding (mostly from the U.S. and EU response to the current migration crisis) has a contingency that encourages states to implement policies that clamp down on the presence of irregular migrants transiting and

staying in the interior, as these people represent an informal community that breeds shadow activity and lack of rule of law, which can at least superficially be linked to the presence of non-state armed groups and terrorists (as seen with Gao and Agadez).⁴⁵ However, intraregional travel of ECOWAS identification holders in any of the 15 member states is legal for stays of up to 90 days.⁴⁶

The UN Convention on Transnational Organized Crime (UNTOC), or the Palermo Protocols, is the main international instrument in the fight against transnational organized crime: within it falls the jurisdiction of the UNODC and its extraterritorial authority to legislate against trafficking and smuggling in persons, goods and criminal activity in cooperation with member states and regional policing agencies.⁴⁷ Currently, most of the world’s countries have ratified the Palermo Protocols. Many have enacted domestic legislation to criminalize human trafficking, most recently Niger.⁴⁸ Niger is the first West African country to implement the requisite national law to combat the smuggling and trafficking of persons in accordance with UNTOC. However, given the country’s limited capacity to enforce the legislation and a pending national election that could lead to political turmoil, the national legislation is unlikely to see much traction in combating human smuggling and trafficking.⁴⁹ The Protocols specifically encourage member states to amend their criminal laws to target false travel documentation and illicit usage of freight and ships for the smuggling of persons. Furthermore, it encourages them to cooperate with international partners in implementing state policies that build resilience that undermines the socioeconomic factors that lead to migration and encourage smuggling and other associated illicit activities.⁵⁰

BUTTRESSING BORDERS

The implementation of security programs

has in some cases made it easier for non-state armed groups to navigate the region, as they can often identify and avoid checkpoints. It has inadvertently created more vulnerabilities for forced migrants and asylum seekers, who unknowingly stumble into these checkpoints; this claim is supported by the knowledge that criminals and smugglers are aware of the institutional limitations of the IOM's Migration Information and Data Analysis System (MIDAS) and the U.S. Department of Justice's border control initiatives in the region. In response to them, migrants have been crossing borders at legal checkpoints that are complicit in their criminal activity. The U.S. and IOM are conscious of this development.⁵¹

In the Sahel, all business is about livelihood; therefore, the booming industry in smuggling and trafficking is about meeting basic needs more than about engaging in criminal activity.⁵² For example, engaging in illicit activity to finance the journey is common among migrants. Many migrants at some point find themselves "stuck" due to lack of finances, and many partake in the act of smuggling other migrants, operating vehicles of migrants across the deserts, and trafficking in drugs, sex, and other illicit goods.⁵³ However where this activity becomes more dangerous is when it becomes linked to the activities of non-state armed groups, several of which are listed as terrorist groups.

It is important to note again that the migration industry is not new to the region. These same criminals and traders have been involved in facilitating this movement of goods and people across the Sahel for generations. Only recently, however, have these groups become entangled in global terrorism and crime. Of broader fundamental importance to understanding illegal migration in the Sahel is that not all movement across the region is illegal, and the ECOWAS free trade agreement allows for the passage of humans and goods from Banjul to Agadez. The bulk of human trafficking actual-

ly only takes place on roads from trade towns at Agadez or Gao, moving towards the North African coastline.⁵⁴ However, the novelty of the migration trade is rooted in the profitable gains associated with it: the injection of cash-based profits from the smuggling industry has generated levels of illicit economic growth akin to those levels previously generated by the cocaine trade in West Africa when it first began in the 1990s. In 2013, migrant smuggling through the Trans-Sahara region was estimated at \$8–\$20 million a year, according to UNODC. By mid-2015, the annual net worth of the industry was measured to be upwards of \$323 million.⁵⁵

On this route, strict border controls and legal frameworks have created a slew of vulnerabilities for migrants traversing the desert en route to Europe. Prior to 2011, Libyan law enforcement was notorious for detaining laborers and irregular migrants. In 2006, Spain signed a series of bilateral agreements with Morocco, Mauritania, and Senegal to assist in the detainment and forced repatriation of West African migrants crossing into Spanish waters; these agreements shut down the Western Route, and inadvertently pushed economic migrants towards the central Sahelian desert crossing.⁵⁶ Likewise, from 2008 to 2010, increased pressure and financial incentives from Italy and other EU member states led Gaddafi's government to conduct a series of mass detainments and deportations of migrants and asylum seekers. This ostensibly shut down the Central Mediterranean route, creating insecurities along the borders of Tunisia and Niger where humanitarian crises were emerging in these remote villages. As a result, local Red Cross and IOM offices were forced to build temporary settlements to deal with the growing crisis of people seeking assistance after being forced out of Libya.⁵⁷

Since mid-2015, several EU states have invoked their self-defense and national security rights under the European Convention on Human Rights' Return Directive. This allows them

to lawfully detain and repatriate migrants from the African coastline and criminalize their irregular entry.⁵⁸ Increasing security norms and difficulties crossing the desert and Mediterranean have empowered local traffickers and traders to get involved in what is turning into a booming smuggling industry. IOM continues to monitor this phenomenon in Agadez, where an estimated 40,000–80,000 migrants transit annually from Niger into Libya, Algeria, and Tunisia—a significant increase since 2011.⁵⁹

CORRUPTION AND THE GROWING INDUSTRY AROUND CLANDESTINE MIGRATION

The operational framework of the smuggling industry in the Sahel is organizationally complex, mapped out in a pyramidal hierarchy. At the bottom are those who are involved in human smuggling for such time as one length of the journey; this generally includes active migrants themselves. Next are the guide men, known as *touts* and *passeurs* in Hausa and French, respectively.⁶⁰ This group generally consists of former migrants as well who are profiting from this activity. At the Mediterranean coastline, these are the connection men; further south, they are the individuals responsible for organizing the trade on the ground. In some areas, these people are well known and respected for their work. For example, in Agadez, they are known as *in tchaga*, which is Hausa for “business operator.”⁶¹ Often, these operators run parallel businesses in human trafficking for North African brothels and smuggling of illicit goods.

The next level of the hierarchy are the professional business people who are responsible for financing, negotiating, and facilitating the transactional enterprise associated with this industry; the political officials and law enforcement officers whom these businesspeople corrupt are also on this level. The revenue generated from these bribes often represents

a considerable portion of a border control officer’s livelihood as well. This money injects currency into the economies of remote towns, which are often disconnected from the centralized state. This is especially true at entry points like Agadez, Dirkou, Sabha, and Tamarranset. State officials are often complicit in—if not central to—this type of criminal activity in the backwater areas of these states, and such officials are sometimes reluctant to enforce policies concerning the circulation of people in these remote areas. For example, in Niger police charge between \$150 and \$250 per truck crossing the desert for not detaining the migrants and smugglers. This transaction often occurs in transit cities like Agadez prior to the departure.⁶² This is further complicated by allegations from locals that smugglers and migrants alike are more likely to be jailed or arrested for not bribing law enforcement officers than they are for taking part in the illegal migration and smuggling of humans.⁶³ Perhaps the most glaring sign of this endemic state-level corruption is the sight of smugglers and their migrant cargoes leaving Agadez in loose convoys led by military escorts.⁶⁴

According to the Palermo Protocols, anyone who facilitates illegal entry for profit can be deemed a smuggler. Thus a large number of people along the route could be considered complicit: those who drive the trucks, maintain the safe houses, and provide the food all make the business of smuggling possible. Additionally, many of the drivers who take the migrants through the Sahara are from nomadic groups, some of whom lost their livestock in the droughts of the 1970s and subsequently made a living transporting people and goods across the desert. This includes the Tuareg in Niger and Mali, the Toubou in Chad and Libya, and the Zaghawa in Chad and Sudan. Some Tuareg guides may be tied to the rebel groups or may be veterans of former Libyan leader Gaddafi’s Islamic Legion.⁶⁵

Finally, at the top are the organized groups. Non-state armed groups have long held a formidable presence in Sahelian states. For example, prior to Mali's 2012 conflict, AQIM enjoyed free reign of the country's north, having systematically placed its members and allies in the security and political sectors of Mali's northern municipalities.⁶⁶ These groups often wield substantial political power by allowing the local officials—and even sometimes high-ranking members of government—to benefit from their illicit activities. The root causes of organized criminal activity here are linked to the limited alternatives for livelihoods that produce similar profits, specifically in contraband trade and smuggling. These transregional networks have allowed individuals to convert their wealth into political and military clout in the remote parts of the Sahel, where a power vacuum exists and where spaces are mostly ungoverned.⁶⁷ According to the Global Initiative, a think tank monitoring trafficking and smuggling in the region, this growing industry has particularly strengthened terrorist activity, and a significant portion of this profit has been tracked through terrorist financing channels.⁶⁸

THE SMUGGLING INDUSTRY

The bus company Rimbo, owned and operated by Tuaregs, drives legally from Djado, Niger to Bamako, Mali. It is being used as an alternative means of travel from the traditional smuggling networks, according to asylum seekers in Dakar.⁶⁹ However, for migrants who are hoping to travel undetected and take the clandestine journey, being smuggled on pickup trucks through the desert is the most popular way to make the journey.⁷⁰ While the international community perceives this industry as illicit and detrimental to state legitimacy, the presence of migrants in cities like Agadez and Gao has brought economic activity where there was previously very little. This activity is transregional in nature, as it

opens these towns to regional market growth; the IOM predicts that 150,000 migrants passed through Agadez in 2014, bringing in nearly \$100 million in commercial activity to the city's local economy. This figure doesn't even account for money obtained through bribes and smuggling migrants.⁷¹

According to officials from the UNODC, millionaires are settling around migrant towns, building multiple houses with pools and air conditioning and purchasing luxury vehicles. To cater to both the wealth and the demand for goods coming from the migrant communities, business owners have opened restaurants featuring international cuisine, hotels, and cell-phone and clothing shops on the streets of these once mostly uninhabited sandy outposts. Industries have emerged catering to needs and local skills of stuck migrants as well. According to IOM, young French-speaking West Africans temporarily passing through Gao who have run out of funds to complete the journey are sometimes paid to give driving lessons to other French-speaking migrants from sub-Saharan Africa. This is occurring in a Hausa-speaking part of Mali.⁷²

The migration industry has recently become a boom driven by the collapse of the Gaddafi government in 2011, which left a large expanse of the Libyan coastline largely ungoverned—and therefore easily traversable. By various means, including agreements with Italy, the Gaddafi regime had previously severely limited the flows of smuggled migrants and trafficked individuals between Libya and Italy. Only 4,500 seaborne refugees were taken in transit in 2010. By 2014, this number had skyrocketed to 170,000, despite the prevailing insecurity across Libya and the dangers of the Mediterranean crossing.⁷³ This boom also coincided with the mass proliferation of cellphones throughout sub-Saharan Africa, where access to information about routes and smugglers has become easily accessible. Mobile phone usage is estimated to rise

to 930 million in Africa by 2019, and the spread of smartphones is likely to push Internet usage by the individual upwards to 50 percent on the continent in the next decade.⁷⁴

A positive aspect of migration from Sub-Saharan Africa is the impact that remittances have on local economies. Remittances are sometimes the most tangible, and least controversial, link between migration and development. In 2010, this flow of money reached \$325 billion globally. For Africa alone, this accounted for nearly \$40 billion, or roughly 2.6 percent of Africa's GDP, flowing from 31 million international African migrants. This figure is likely to be an understatement due to a lack of data on the true numbers of migrants and informal remittances.⁷⁵

MIGRATION AS A DRIVER FOR DEVELOPMENT

The informal economies emerging at trade posts in Mali, Algeria, Libya and Niger are clear indications of the growing shadow industries associated with migration and human smuggling.⁷⁶ The economic impact on remote regions of the Sahara is widely evident now, as the money that migrants bring with them for the journey, lodging, and basic goods means a direct injection of money into local economies. It is stimulating an emergent demand for access to food, cellphones, and housing in towns that have not seen tourism or settlements in decades—if ever—due to their remote locations and proximity to conflict.⁷⁷

The recent surge in migration is also due in part to globalization and the widespread proliferation of the Internet. Young people are more determined than ever to migrate to Europe in hopes of obtaining a lifestyle they see advertised on social media. It was discovered during focus group discussions with returned migrants that because of social media, migrants are mostly aware of the vulnerabilities that they

will face during the journey through desert and at sea, but this has not stopped them from migrating.⁷⁸ Therefore, despite the fact that the economies of Senegal, the Gambia, and Nigeria are growing incredibly fast, their young citizens are still leaving in search of even better prospects: a 2012 Gallup poll indicated that only 11 percent of Senegal's population is employed full time. With half the population under the age of 19, investing in the journey to Europe is seen as a more realistic way of increasing one's chances of attaining financial stability.⁷⁹

Border controls are not entirely stopping migration from taking place. Findings from a series of interviews with returned migrants, potential migrants, and key informants in Senegal suggested that the desirable solution was considered to be increased and sustainable development that would create economic incentives and opportunities in these countries so that there would be no need to migrate.⁸⁰

Meanwhile the illicit economies around migration are booming instead. However, migration is not the only variable driving illicit activity. What is inherently linked to the Sahel region is the ability to move to obtain a livelihood: traders, transhumance, and seasonal pastoralists have regularly migrated throughout the Sahel for at least a millennium. However, in the aftermath of decolonization, and particularly in light of trans-regional terrorism and criminal activity growing in the region's many ungoverned spaces, border controls and security sector reform initiatives have ostensibly attempted to block these regular movements, and in doing so, have criminalized common means of livelihoods and created more vulnerabilities for already vulnerable groups. Thus, the necessity to move has increased, and the industry surrounding this human need has not only developed, but has become relatively efficient and institutionalized within the informal economy.

Case Study: Agadez, Niger

In the 15th century Agadez was the seat of the Tuareg Sultanate, a crossroads of commercial and cultural interaction in the Sahel. However, transhumance conflict and dwindling resources caused by mega droughts throughout the centuries have eroded the environmental sustainability of the region, increased desertification, and impacted the cultural and social dynamics of the area. European tourism was once prevalent in Agadez, but it has ended due to political instability in the postcolonial era resulting from tribal conflicts between the Fulani and Tuareg tribes. Throughout the 20th and 21st centuries, the city was the focal point of three major Tuareg rebellions against the French and Niger governments respectively, with the most recent occurring in 2007.⁸¹ Scholars have speculated that the Tuareg rebellions of the 1990s and 2007 stem from widespread disaffection among Tuareg youth who were formerly enlisted combatants in Niger's military. Due to the slow progress of promised benefits from the government, the lack of functioning democratic institutions and the perceived special status given to foreign mining interest groups and southern political leaders in the Tuareg spaces of the Northern part of the country, civil discontent devolved into conflict through the post-Cold War era.⁸² As conflict increased between the tribal factions and the government, allegations surfaced that Niger Special Forces units, known as the Niger Rapid Intervention Company had defected and joined the rebel armies of these tribes. These forces had been trained through U.S. military anti-terrorist operations in 2003–2006 via AFRICOM's Pan-Sahel Initiative. They were accused of using their military training and providing weapons to fight the government militias.⁸³

The lack of governmental control of the northern part of Niger, coupled with the collapse of rule of law in Libya and Mali, opened the floodgates for a flourishing industry of

smuggling throughout the region. Roads and trade paths that had been established by nomadic tradesmen through the silk routes were used in this trade. Today the city has once again become popular as a major resting place in what is being called *migrant tourism*. In 2013, 3,000 migrants passed through Agadez each week; by 2015 that number had risen to 4,000 per week.⁸⁴ The market rate for being smuggled from Agadez into Libya, a 72-hour drive through the desert, is \$300 (the entire journey can range from \$800–\$1000 for the route up to the coastline, and another \$1500–\$1900 for the Mediterranean passage). This leg of the journey accounts for nearly \$323 million of the human smuggling industry, dwarfing the possible gains of participating in any other business activity in the region.⁸⁵

Today, Agadez is a sprawling city built on fortunes acquired through the migrant-smuggling business. The city serves as the most convenient and direct route for passing into and out of Libya through both illicit smuggling convoys and established bus routes.⁸⁶ In 2006, the western migrant route was shut down by the Spanish government's efforts to close its borders to the growing numbers of West African migrants immigrating to Europe. Many returned migrants in Senegal and Mauritania have sought other methods to migrate to Europe through Morocco and the Spanish enclaves at Ceuta and Melilla.⁸⁷ However, the security on these routes has significantly increased. According to Frontex, the EU agency that polices the external borders of Europe, the number of migrants who took this route in 2015 had decreased to a few hundred.⁸⁸ By 2014, the IOM monitoring center in Agadez was seeing upwards of 80,000 West Africans passing through the city en route to Italy via Libya.⁸⁹ Because Niger is the westernmost ECOWAS state, West Africans can legally travel from Dakar, Senegal to Djado, Niger in under three days. However, during a series of interviews conducted with Senegalese returned

migrants, many indicated that despite the legal amnesty that the ECOWAS identification card provides in theory, in practice corrupt border control and localized banditry have made the ECOWAS identification cards seen as a burden or as something that can cause a migrant to be targeted.⁹⁰

As the city develops under the shadow of the migration industry, the international community has begun to narrow its focus on the region as well. Much of this is due to the growing recognition in Washington and elsewhere that the social and economic instability plaguing Africa is of primary concern to the United States in combating terrorism and the variables that lead to extremist behavior. As an attempt to deal with providing immediate assistance, housing and medical aid to migrants pass through Agadez, the IOM opened its fourth transit center in the city in 2014. The same organization has also assisted expelled migrants from Libya with air transport back to their countries.⁹¹ Meanwhile, given Niger's proximity to the Boko Haram conflict in northern Nigeria, the U.S. military has been assisting Niger's military through train-and-equip programming and direct military support in combating the insurgency in the south. Similarly, AFRICOM is building a drone base in the desert outside of Agadez to cooperate with France's Operation Barkhane in monitoring the region for terrorist activity. This will allow it to act as a smaller component of the escalating anti-terrorism military activity in the region under Operation Enduring Freedom: Trans-Sahara and the Trans-Sahara Counterterrorism Partnership.⁹² Finally, EUCAP Sahel will begin operating rule of law and governance programming out of Agadez in 2016 as part of the European Union's

attempt to strengthen local institutions and manage irregular migration.⁹³

SECURITY SECTOR REFORMS IN WEAK AND FAILING STATES

Security sector reforms are implemented to rid states of institutional redundancies and to create more efficient legal and security frameworks. The problem with reforming the Sahel is that since livelihoods are difficult to obtain in this region, any reforms that create unemployment also increase risks associated with instability and shadow activity. In the Sahel, this puts unemployed men who have access to military-grade weapons and training obtained through American- and/or European-backed training programs at risk of being recruited by terrorist groups. For example, according to Malian intelligence, unemployed Malian soldiers who had been released from the army during a cleanup campaign were cited as active mem-

bers of Ansar Dine operating in Côte d'Ivoire in June 2015.⁹⁴

There is an inherent risk of these reform initiatives backfiring. Terrorist activity gains traction in the region among unemployed youth, which is why the impetus to focus on development and not just military capaci-

ty training is being pitched as a top priority. A possible model solution according to U.S. State Department officials is demonstrated in Nigeria's pledge to employ 10,000 police officers to boost employment and create more robust law enforcement.⁹⁵

Mitigating the risk of extremism in weak states is fundamentally linked to U.S. national interests, in accordance with this soft-power paradigm; therefore, SSR, with a development focus, as in

“The problem with reforming the Sahel is that since livelihoods are difficult to obtain in this region, any reforms that create unemployment also increase risks associated with instability and shadow activity.”

the aforementioned example of Nigeria, should remain a top priority. It comes as no surprise that the countries where AQIM and its affiliates have been known to operate can be broadly categorized as weak.⁹⁶ The countries of the Sahel region are among the poorest in the world and are constantly facing complex security issues, including periodic civil war, ethno-religious conflict, sectarian violence, and threats from transnational organized crime. The region is home to several ethnic groups with cross-border ties; these groups often harbor severe grievances towards their respective governments, and while extremism does not appear to have been embraced by a majority of Sahelians, it likely resonates with certain marginalized and disenfranchised communities.⁹⁷ Interest in the region is based on the belief that transnational terrorist groups are known to use the chaos of failed states to shield themselves from counterterrorism efforts. U.S. Representative Michael McCaul, Chairman of the House Homeland Security Committee, warned that North Africa would be the next frontier of terrorism, as these failing states serve as prime incubators for the recruitment, cultivation, and training of these non-state armed groups.⁹⁸ This dynamic is endemic in the Sahel, as evidenced by the emergence of 52 insurgent groups since the Cold War era, 14 of which are listed as “Foreign Terrorist Organizations” by the U.S. government.⁹⁹

Furthermore, the abundance of irregular migrants, trade groups, and stateless people increasingly muddles the complexities faced by these already weak states, creating more risks to state legitimacy. The historical interconnectivity of the region poses risks of failing security infrastructures, as seen after Libya’s collapse in 2011, as well as by the surge in violent activity that followed in Mali, Algeria, and Niger. Following these events, the flood of IDPs and refugees throughout the region created further security confusion for states fighting to survive.

The weak and decentralized nature of Sahelian states is the root of the problem, and most

of these nations (aside from Algeria) do not have the institutional capacity to support effective counterterrorism programs on their own. AQIM, al-Mourabitoun, and some of the regional nomadic armed separatist groups (such as the Tuareg and Toubous) are sometimes even seen by local communities as the only politically legitimate actors in remote parts of the Sahel where trade is controlled by local tribes. They are facilitated by armed groups, and international policing is not present. The decentralized governments of the Sahel have enabled AQIM and its affiliates to act with impunity in many cases, allowing these groups to build transnational networks of criminal activity. This has also allowed them to garner a significant income to fund their operations while providing basic goods to communities in return for their complicity and/or participation.¹⁰⁰

The institutional problem with SSRs and counterterrorism is that there exists no collective understanding of the nuanced nature of these terrorist groups and the differences between licit and illicit activity in this region. For example, the U.S. intelligence community does not fully comprehend why AQIM splintered and what the emergence of factions means for the future of the group.¹⁰¹ Furthermore, while the weak-states model explains the incidence of terrorism in northern Mali and western Tunisia, there is a clear counterexample in Algeria. This model predicts that states with stronger government control will experience less conflict; however, Algeria has had the highest levels of terrorism in North Africa for decades, despite the fact that it has a strong centralized state, a powerful military, and relatively widespread control of its territory. Although security sector reforms have historically been implemented through instituting strong centralized governments like Algeria’s, that country’s example highlights the fact that each state must be dealt with using country-specific programming.¹⁰²

INSTITUTIONAL DEVELOPMENT AS A MEANS OF SECURITY SECTOR REFORM

Development is critical in this region because states are incredibly fragile and therefore susceptible to threats by local insurgencies, political instability, and environmental shocks. To successfully eliminate these sub-state threats, states must be not only politically legitimate, but also developmentally resilient. Africa's primary security challenges can be largely attributed to the fact that very few states actually have any measure of good governance, and that socioeconomic inequality is pervasive throughout the continent.¹⁰³ For example, it can be largely argued that the root of conflict in the Niger Delta and Lake Chad Basin is rooted in the "genuine quest of the people for sustainable development that is based on social justice, equity, fairness, and environmental protection."¹⁰⁴

The region's vacuum of political power has allowed armed groups and organized non-state actors to ostensibly take control of this governance gaps. The political tumult in Libya and Mali has allowed these groups to engender themselves to become even more organized and powerful in the region, controlling the trade routes and facilitating the growth of the informal markets that surround the smuggling industries. The groups that have linked themselves with foreign terrorist organizations like Al-Qaeda and the Islamic State are still in their nascent stages of leveraging those networks. Due to internal instability within these groups, these networks are fragile and easily disrupted through armed violent resistance and counter-violent extremism initiatives.¹⁰⁵ Iyad Ag Gha-

"But human security issues such as food insecurity and access to livelihoods, which are often root causes of violent extremism, can still be mitigated through robust development programming."

ly of Ansar-Dine aligned himself with the Islamic State, and he now ostensibly controls the bulk of trafficking and violent activity in the corridor that connects the borderlands between northern Mali and Algeria with Libya and Niger.¹⁰⁶ Despite the speed at which these dynamics are quickly evolving, the fragile links that connect these networks to their funding sources are still manifesting their political power and control in the region.

But human security issues such as food insecurity and access to livelihoods, which are often root causes of violent extremism, can still be mitigated through robust development programming. For example, some experts continue to speculate that the emergence of Boko Haram in 2002 was due in large part to frustrations among locals in Nigeria's Borno state. These frustrations were principally about the perceived social and economic disparities between the country's northern and southern regions.¹⁰⁷ In the

past six months, Sahelian states have begun to discuss and implement nuanced approaches to development across the region, including both humanitarian and security components, with a special emphasis on border control initiatives.

IMPACTS OF THESE REFORMS ON VULNERABLE POPULATIONS

In the past decade, security programming has begun to overshadow humanitarian assistance in the Sahel. In this capacity, irregular migration has been managed in four ways: "(1) interception and apprehension; (2) through combatting smuggling and trafficking networks; (3) management of reception and detention; and (4) return and readmission, including reintegration."¹⁰⁸ In

West Africa and the Sahel, officials are aware that the presence of migrants inadvertently brings destabilizing effects to the communities through which they transit. And these instabilities lead to institutional weakness and failures of the state in question: states struggling to provide basic resources to their own people are certainly unable to provide them to refugees as well, an issue endemic to the entire region. This dynamic further weakens existing political structures and exacerbates the tensions present in resource-insecure countries.¹⁰⁹

In 2006, several European states pursued bilateral agreements with African transit states, encouraging these countries to clamp down on migration and provide forced resettlement and assistance packages to asylum seekers, returnees and other potential migrants instead. The 2015–2020 European Trust Fund¹¹⁰ for the G5 Sahel¹¹¹ will continue to provide border security funds and development programming to these states to empower them to use their own means to stop migrants and refugees from making the journey to Europe. In doing so, Spain and France have been particularly active in encouraging coastal countries such as Mauritania, Morocco, and Senegal to detain and resettle migrants. However, most countries of the Sahel do not have the institutional capacity to provide any degree of security or assistance to non-citizens in addition to their own citizens.¹¹² Those who execute law enforcement and intelligence operations in Sahelian states do not receive proper training that would allow state actors to sufficiently determine the difference between a vulnerable migrant and a terrorist. In these remote desert outposts, complicity with armed groups can be more beneficial to individual officers.¹¹³ Furthermore, by trying to stop illicit trade and criminal organizations from crossing the border, patrols are inadvertently disrupting traditional market behavior and economic activity in an already fragile market economy.¹¹⁴

If resettlement is an option, migrants often

find that security frameworks and legal documentation become obstacles to obtaining safe and dignified means of living. The region's more stable states like Senegal, Tunisia, Morocco, and Nigeria have strict employment and land-rights laws that inhibit non-citizens from obtaining legal means of earning a livelihood. And although each of these states is a signatory to the 1951 Convention on Refugees, obtaining refugee status is incredibly difficult in these states and rarely guarantees access to secure and constant employment.¹¹⁵ As states increase their border security due to pressures to contain migration, migrants are finding it more difficult to guarantee their personal security in the region. Consequently, these security sector reforms can create more systemic vulnerabilities for irregular migrants and refugees, as migrant communities are barred from taking part in formal sectors of society. Because of states' restrictive behavior towards inclusivity of migrants in the formal sector, shadow communities and informal economic activity in remote parts of the Sahel are flourishing; since the state is not active in these remote outposts, criminals and migrants alike are drawn to them. This is seen in border towns throughout Chad and Libya.¹¹⁶

Although the bulk of commercial flows across the Sahara are in licit goods, this trade relies heavily on informal arrangements with border and customs controls, which blurs the lines between licit and illicit. Additionally, it further delegitimizes the security measures and economies of fragile states. These longstanding commercial networks are built around ancient communal and familial relationships and routes that transcend national borders and disregard border controls entirely. Not surprisingly, these same roads and networks govern the channels by which irregular migrants and non-state armed groups move throughout the region, undetected.¹¹⁷ Therefore, as these border securities expand, cross-border trade increasingly falls into a gray area between legal and illegal

economic activity. This dynamic has eroded customs and border controls in the region. Further, it has corrupted what remains of state-run law enforcement.¹¹⁸ For example, Sahrawi networks in Mauritania, Mali, and Algeria, with direct involvement of Polisario officials from Western Sahara, control the trade of diverted humanitarian aid southward. However, undermining these networks through increased security will also create disruptions to local people's livelihoods. While illicit in nature, this trade actually provides basic needs to communities whose people need them.¹¹⁹ And once cut off from access to goods—no matter how these goods were acquired—people resort to extreme measures to obtain them. This is thought to be a root cause of violent extremism in general.¹²⁰ Security regimes in the Sahel, by nature of the environment in which they operate, are at slight odds with the needs of the communities in the region, where nearly half of all economic activity comes from the informal economy.¹²¹

CONCLUSION

Migration creates infrastructural and institutional insecurity in both origin states and transit states.¹²² For origin states, migration represents a drain of their population and resources. These countries are increasingly seeing their young people leave for Europe, which depletes their workforce. Attempts at desensitization campaigns to stop young people from leaving have by and large failed.¹²³ For transit states, migration breaks down security sectors and border mechanisms, breeds informal economic activity and shadow communities in the peripheral zones, and creates incubators for marginalized communities to resort to extremism or simply allow non-state armed groups to enforce their own rule of law where the law and security is clearly absent. Furthermore, the very logic of trafficking and smuggling, which relies on tenuous controls of the state's periphery,

is an incentive for armed groups to maintain a weak state rather than allow a strong one to be rebuilt. Moreover, the protection of trafficking routes—which necessitates access to arms and maintenance of militias—not only ensures that these groups are unlikely to be interested in a formal demobilization and disarmament process but also serves to proliferate arms, maintain instability, and promote violence.¹²⁴

The Sahel has been void of much institutionalized security for some time. It has lacked the presence of state stability since the years of decolonization. For that reason, it is often perceived by Western states as a hotbed of terrorism and criminal activity, with \$1.4 billion in cocaine trafficked through the region from Colombian cartels in 2014.¹²⁵ Drug traffickers are increasingly colluding with armed groups and terrorist movements, which grant them safe passage in exchange for financial benefits. If conflicts are to be prevented in the Sahel, illicit trafficking—of drugs, weapons, and people—needs to be undermined. However, doing this through means of counterterrorism and counter-narcotics operations creates serious vulnerabilities for migrants who already represent the most vulnerable group who lack legitimate and political access to formal humanitarian assistance due to limitations of the refugee conventions. Bottlenecking migration at the Libyan coastline, ostensibly containing these vulnerable groups inside the continent, will only create more vulnerability for an already restless population.¹²⁶ The European Union's Trust Fund for the region implicitly encourages the regional actors to push development funding on the region in order to mitigate the surge of migrants to Europe, ostensibly trying to reduce human traffic into the continent by encouraging people to stay. According to weary humanitarian groups working in the region, the potential for this to create a larger humanitarian crisis in the region by containing movement to the African continent is significant.¹²⁷

But aside from the illicit and nefarious nature of this type of economic growth, the industry of human smuggling has, in an ironic twist of events, shown a natural ability to drive development in parts of the Sahara that had been unable to access formal channels of development assistance for some time. International organizations are currently attempting to understand this dynamic and in doing so are notably trying to leverage these unique behaviors and turn them into formal ones. For example, the Danish Demining Group, a subsidiary of the Danish Refugee Council, has begun to pilot a project in border communities in Burkina Faso, Mali, and Niger, encouraging communities to police the borders and share intelligence with government officials of criminal activity, with the incentive of sustaining and maintaining their cross-border market economies and ensuring that these networks do not get disrupted.¹²⁸

The international community is struggling with the existential dilemma presented by the “migration crisis”: how do Western states ensure that migration is contained to the origin or transit regions, while ensuring that development is both resilient and contained with the greater theme of counterterrorism? Refugees, forced migrants and economic migrants have unfortunately become issues of humanitarian intervention that are being conflated with the dilemma presented by the spread of jihadi extremism. The only way to effectively mitigate the rise in extremism is through methods of CVE that include a heavy dose of nuanced development and humanitarian assistance programming. This requires a holistic, bottom-up operation that focuses on the drivers of economic activity in the region and creating formal channels out of the informal ones. Given the current political climate surrounding migration and the refugee

crisis, kinetic counterterrorism operations that disrupt these informal economic channels are not an appropriate response to combatting illicit activity in the Sahel. Those who benefit from the illicit economy of this region are not only the non-state armed groups, but the local populations as well. As mentioned above, 40 percent of economic activity in the region is derived from this informal economy. Therefore, the livelihoods obtained through these channels need to be maintained and not disrupted for either counterterrorism or border-control measures. Western states have minimal understanding of how to combat violent extremism, and migration continues to be viewed from a security lens. The fundamental human rights of vulnerable groups are at risk of being conflated with and overshadowed by state security pri-

“Migration needs to be prioritized as a human security concern by these states and the international community...”

orities. Migration needs to be prioritized as a human security concern by these states and the international community, and it must be a primary consideration during the design and implementation of border and security sector reforms.¹²⁹

The most effective approach to encourage sustainable development and mitigate the risk of extremism in marginalized communities is through nuanced methods of development and humanitarian assistance that rely on counter narrative programming and desensitization campaigns. These campaigns should be informed by anthropological and sociological expertise of the targeted community. Until this agenda is incorporated into development and CVE programming, it should be expected that these security initiatives will not successfully counter threats, but rather will improperly conflate issues that require human security assistance with those that require security assistance.

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A PHOTO ESSAY FROM LEBANON

ATANAS GROZDEV

Atanas Grozdev (F15) spent the summer with the Danish Refugee Council in Lebanon providing assistance to Syrian refugees. All photos in this collection were taken with the express consent of those pictured, or in the case of minors, of their parents.

Atanas Grozdev was born in Bulgaria, where he studied Sociology at the Sofia University. He was awarded a scholarship by the Open Society Institute and studied at the University of Washington. He continued his Sociology research at a graduate level, for which he was awarded a Fulbright fellowship at Boston University. He has a Masters of Arts in Law and Diplomacy from the Fletcher School, where he focused on the role of development in humanitarian contexts. He has worked for OSCE, UNHCR Lebanon, MasterCard and is currently consulting on climate adaptation projects at the UN FAO in New York.





Shirin Awad (pictured in the previous page) is 25. Her husband was arrested in Syria. One of the neighbors who was also detained told her that she is wanted too and that's why she ran away. While she was in Syria she had to travel in busses without being noticed and had to hide under the bus chairs, using a false identity.

Three weeks ago her husband was arrested. Their home was destroyed. With tears in her eyes, she tells us that her husband was tortured, beaten badly and his legs were broken. He had to go through an operation but he doesn't have access to the medications he needs to take after the operation. Two people from her family were killed.

In order to cross illegally into Lebanon she paid 300 USD for her two children and 800USD for herself. The new regulations don't allow the children to leave the country without their mother; and do not allow the kids to travel without the father within Syria.

She only came with her family book and the clothes she was wearing. Her brother is the only one working and he supports everyone. Two of her sisters are with her, one stayed in Syria.

She said "I have nothing, but also nothing to fear"



Syrian refugee women participate in a make-up class. The Danish Refugee Council's projects included classes for refugees including English language, art, and more.



Children play at a community center.

A person is sitting on a bed in a room with a brick wall. The bed has a white sheet and a floral patterned blanket. The person is wearing a white long-sleeved shirt, dark pants, and white sneakers. The text is overlaid on a semi-transparent white box on the left side of the image.

Her brother, 38 years old, from Homs, rents a place for \$300 and also has 5 children. He still can't find a job and is selling anything that he could possibly sell, in order to get money. (including international assistance). He found one, which pays \$7 a day. However, he would need to pay \$2 for transportation and more for food, which doesn't make it worth it. In Syria he used to work for a company selling chicken, but the business was destroyed just as the house where he and his family used to live.

Their biggest problem is paying the rent. It's almost \$300 and they have no income. The place is very humid and the owner insists on getting the rent in advance. They have a 1.5 years old baby for which they need to buy milk, which is also very expensive.

His wife hasn't heard of her parents in the last 2 years. She cleans houses in order to get some money, leaving her 1.5 years old baby alone at home.

She tells me they feel sad deep inside themselves. Sometimes they scream at each other. "We might look good, but we all carry something bad in ourselves". When we first came people thought we are street beggars – that's why we bought new clothes – we didn't want to be feel like such and be perceived as beggars." All they could bring to Lebanon were their official documents.

Currently they are dependent on assistance by the international community and hope to go back to Syria where everything is more affordable.





Ratiba knows nothing about her husband. She paid \$800 along the way, which she had to borrow. They had problems at the borders, where everything is solved with cash.

Before leaving Syria she and her children spent 2 months in a bomb shelter, without seeing the light. Forty people were living in one room. The only food they had was bread, oil and bulgur. All they wanted was to leave Syria. When they escaped, she would pick up the youngest boy, and run, without knowing if the other children are following.

Her 4 year old son needs medical help and medications, which they cannot afford. He still cannot speak.



BECOMING ILLEGAL

ROBERT LEROUX HERNANDEZ, J.D.

ABSTRACT

Each year thousands of young Americans, ages 14 to 17, discover that they, unlike their peers, will not be able to obtain a driver's license and may be unable to attend college because they have no social security number. Brought into the United States as young children, they always thought of themselves as "American." Suddenly they are "illegal." In addition, unknown numbers of children unlawfully entered the United States, alone or with their parents, were physically and psychologically affected by the experience of migration. "Being 'illegal'" is part of their identity. This article explores the concept of "legal status" and the structural violence of the immigration system as they affect both groups and considers the possible role of youth in resolving the issue of undocumented migration to the United States.

In Spring 2011, I began teaching "Illegal": Undocumented Latin@s at College of the Holy Cross; since then I have interviewed or spoken with about 20 young people who are now "undocumented" or spent part of their lives "undocumented." Most accompanied one or both parents entering the United States without authorization, others had a visa and entered legally, but overstayed their visas; some remember

the crossing, others do not. All attended public school in the United States². Most thought of themselves as "American," though some always knew that they were different from "Americanos." All of them recall thinking of themselves as "illegal," at some point. All stories share inter-related elements of stigma, clandestinity, fear, loneliness, and sadness.

I. VOICES FROM THE SHADOW

Dulce

Dulce³ calls herself “illegal.” She recalls the day she crossed el Rio Bravo (Rio Grande) from Mexico into Texas at age six, with her mother, younger sister, and maternal grandparents. They planned to reunite with her father, who had crossed six months earlier. He had been living and working in Brooklyn.

I remember that my grandfather had a life guard [inner tube]. Actually my grandmother sat on top of the life guard, and she had my younger sister, and was in front of us while my grandfather was trying to swim them across. We had my other uncle waiting for us at the border with a car—his name is Arturo—and he was the one that helped us. He was the one that helped my mom and me on the life guard.

And I could hear my grandmother telling my sister to be quiet, saying that it was not the time to scream or yell because the bogey monster was going to come and get her so she had to be really quiet, while my sister kept on saying, “No, I don’t want you, I want my mommy, I want my mommy!” And my grandmother kept saying, “If you quiet down, when we leave I promise you I’ll get you the best toy we can ever get you,” but my sister still didn’t listen because she was only one year old. So my sister probably doesn’t remember anything, but I remember clearly when my grandmother kept saying, “You have to be quiet, you have to be quiet, because the bogey monster’s really going to get you and then we’re gonna be in trouble!”

Dulce’s little sister eventually quieted down,

“but I remember when we turned around just to see how my uncle was doing. I guess he had just stepped in a puddle or something, and he just sunk, which got us scared. We didn’t know where he disappeared, along with the big black bag containing all our clothes. He just popped out of nowhere few moments later and said, ‘I’m okay, I’m okay, keep on going, keep on going.’”

They kept on going. They eventually traveled on to New Jersey, where they reunited with Dulce’s father. The four members of the family shared a single room in an uncle’s house. They remained there for about four years, by which time her father was able to raise enough money to afford an apartment, “something private for us to call our own.”

Twelve years after arriving in the United States, Dulce became the first in her family to graduate from high school. She was an excellent student and a member of her high school’s Junior Reserve Officer Training Corps. She aspired to be a pediatrician, but because it would take many years and cost so much more than she could ever reasonably afford, she entered a community college. “I just decided to go into nursing and from there specialize in pediatrics. However, this plan couldn’t be realized, because by the time I finished all my pre-requirements and the time came to enlist in an official college or hospital, I couldn’t do it because I didn’t have any papers. The administration discouraged me by saying, ‘You’re going to waste 1,300 dollars, 2,800 dollars, and at the end of

Robert LeRoux Hernandez is an Attorney at the Mental Health Legal Advisors Committee. He was a Visiting Lecturer in the College of the Holy Cross for eight years and in Tufts University for two years. His research and teaching focuses on the Latino identity and its intersections with undocumented status. he holds a JD from Harvard University and a BA from Princeton University.

the year you're not gonna get anything.'" Without a social security number, Dulce could not obtain a malpractice insurance, and without it, she could not participate in clinical placements. She gave up on her dream and married Eduardo, also an undocumented immigrant. When I asked her about her parents' and sister's current legal statuses, she replied "unfortunately all four of us are still illegal."

Eduardo

Eduardo remembers crossing the border at the age of four and a half, with his mother, two brothers, and a sister. He was carried on somebody's shoulders (he thinks a coyote) with water all around him. He was not very scared, he says, since he thought of the journey as part of a big adventure. He remembers hiding "with everyone in the back of a crowded truck, trying to cover us up so we wouldn't be recognized by the [border] patrol..." They later hid in a house where they stayed indoors for most of the time. "Once in awhile we would go get some stuff, but I mean, we spent most of the time inside the house there, because we couldn't go outside a bunch. I remember that." His family eventually [he does not remember how much later] reunited with his father in New Jersey. At age twelve, still in school, he started working in his father's bakery part-time, sometimes until two-three in the morning. "We kinda knew the hardship, what we had to do in order to get stuff, you know?" Eventually, his father exhausted from "working too much" returned to Mexico and left Eduardo in charge of the bakery. The business is registered to the name of a "legal" uncle, but it is Eduardo's bakery.

Eduardo actually did well in high school; he was very interested in computers, but knowing that he would need a social security number if he ever was to find serious employment, he decided to continue working in the bakery instead. He smiles wryly as he talks about his economic situation; he works hard, and accepts

the cards dealt him. Unlike Dulce, who came to terms with her "illegality" only when she graduated from high school, Eduardo says he always "sort of" knew it. He came to understand it when he started to work at the bakery. Classmates who had been born in the United States to Mexican parents would occasionally come into the bakery. He would hear them, who considered themselves "American," call him and his family "Mexicans."

Jaime

Jaime loved school and was an excellent student in his high school, until her entered his junior year. He, too, had crossed over from Mexico. However since he was very young at the time, he remembers little of the crossing, except, at some point being "in a small, dark room, with many, many people," where they all had to "be very quiet." His parents had returned to Mexico after crossing the U.S. border once before. He has a sister, eleven months older than himself, who was born in the United States during that earlier crossing. In their family, she was the "American." Although he had no memory of Mexico and grew up thinking of himself as being "American" as well ("this was the only country I ever knew"), he resented that his older sister was allowed to go visit the grandparents in Mexico, while he wasn't.

Although he felt no different from all the other kids in his school, in a way he always knew he was not "legal," like them. He recalls one teacher who talked about "the illegals that are ruining the country and should be kicked out." Although the words hurt him, he, understandably, "did not dare say anything." When he was sixteen, his 'citizen' sister obtained her driver's license, and he suddenly realized that he would not be able to obtain one because he did not have a social security number. As his peers began talking about driver's licenses, he kept quiet, and withdrew. It was then that he knew, really knew, that he was "illegal." This em-

barrassed him, and his personal struggle began to reflect in his grades. As his classmates began applying to colleges, he found that applications and financial aid forms required a social security number, as well. With his college aspirations frustrated, after graduating high school, he went to work for an auto salvage business that did not ask him for a social security number and paid below minimum wage. Every night he would come home and cry, believing that this was his destiny. Only after he was recruited by an organization⁴ of undocumented students did he come out of his depression. When the Deferred Action for Childhood Arrivals (DACA) program was announced,⁵ he was eligible for it. He has since applied to and been admitted to college. He now recruits undocumented students into the advocacy organization. “Working on this has changed my life.”

Jean-Pierre

Jean-Pierre’s parents sent him to the United States from Haiti on a tourist visa, expecting him to enroll in a school and stay indefinitely. He completed most of his education as an “illegal,” but the 2010 earthquake in Haiti provided him the opportunity to obtain permanent resident status in the United States⁶. After graduating high school, he attended a community college pursuing a nursing degree. “Now, I am very, very happy,” he says, but he remembers being undocumented. “All I would do is go to school, do my work and stay home. I was scared to go to my friends’ house, to go to parties, to be in a car. If something happened, an accident or something, and the authorities asked me for documentation I would not have any. I wouldn’t stay after school to chill with friends... I was afraid.”

Hilda

Hilda entered the United States legally at age of two because her father was a permanent resident. “We didn’t get on a train, or cross the

desert, or try to swim across the Rio Grande. We went by car through the Mexican American border with ease.” But before she, her older brother and her mother completed the paper work for residency, domestic violence broke up the family. Her father returned to Mexico and stopped supporting them. Hilda along with her mother and brother, eventually made her way to a Southeastern state, “leaving everything behind in order to find work and survive.” She went to school in the morning, and worked in the fields every afternoon. “Most of my life I lived in the shadows. I couldn’t travel to Mexico and I didn’t have the same rights as other American kids... I worried that my family would be separated once again and be deported back to Mexico... I was born in Mexico, but I was raised in the U.S. If I had to return to Mexico, where would I go? What would I do?... I would feel like I don’t belong.”

The family panicked when her brother was stopped while driving his girlfriend’s mother’s car. “My brother did not have a driver’s license. He was stopped because one of the headlights was not working... [H]e was detained, and was at the brink of being deported. Luckily his high school teachers made a petition, and they let him go after being detained for three days.”

During the summer of Hilda’s sophomore year in high school, a friend’s mother, who was an adoption lawyer, took an interest in her situation. Hilda had an aunt and uncle in Arizona who were both “legal.” If they adopted her, she would qualify for permanent residency, the lawyer explained. Although she had never met her aunt and uncle, Hilda traveled to Arizona.

When the Arizona judge refused to grant the adoption, Hilda felt extreme dread. She was far away from home, and without legal documentation. A few days later, the lawyer called to say she had found an “American family” who were near her home and willing to adopt her. “After that phone call, events happened very quickly. I had a plane ticket. I was a minor and I didn’t

know if flying on a plane was possible due to my status, but nevertheless I was able to do it... When I arrived, it was a Saturday night, and that following Sunday I would meet and start living with my adoptive parents." The adoption went through four days before her sixteenth birthday.⁷ She went on to obtain her green card and is currently attending college.

2. "ILLEGALITY"

The plight of undocumented youth is rooted in the nature of the immigration system, which creates a socio-political hierarchy dependent on "legal status" and controls the rights to live, work and "be" in the United States. Those rights are accorded, in different degrees, to only three categories of residents: citizens, Lawful Permanent Residents (LPR), and visa holders, subject to the limitations of the visa category. Of the roughly 315,000,000 people in the United States in 2012-2013,⁸ approximately 270,000,000 were "birthright citizens," 19,000,000 were "naturalized" citizens⁹; 13,000,000 were LPRs¹⁰; 2,000,000 were "legal temporary" migrants/ visa holders; and 11 million undocumented (clandestine) residents.¹¹

Under the 14th Amendment, anyone born in the United States is a citizen. In addition, statutes extend birthright citizenship to certain other groups.¹² Persons born in a foreign country may acquire citizenship by "naturalization," if they meet eligibility requirements, through procedures set out by Congress.¹³

To enter the United States, a non-citizen (except a LPR) must obtain a visa from the State Department. Visas are time-limited and granted for specific reasons: tourism, work, study, or to become a LPR.¹⁴

LPRs, "green card holders," are granted most of the same rights as citizens—to live and work permanently anywhere in the United States; own property; attend public schools, colleges, and universities; and join certain branches of

the Armed Forces.¹⁵ They may neither vote nor sit on juries. Like the undocumented, LPRs are "liminally legal," in that rules governing their presence are subject to change, and they may become subject to removal.¹⁶

Undocumented Americans,¹⁷ "illegals," lack legal status. Almost one-half over-stayed their temporary visa, most "entered without inspection."¹⁸ Most unlawful entries occur at the border with Mexico, although many also enter by sea.¹⁹²⁰ Most undocumented youth living in the United States are from Mexico and Central America.²¹ The construct of immigration "illegality" first emerged after passage of the 1965 Immigration and Naturalization Act (INA)²², which was designed specifically to exclude Mexicans and other Latin Americans through a visa quota system inconsistent with historical migration patterns.²³ As the Civil Rights era raised consciousness about racial discrimination, "illegal alien" became a euphemism for "Mexicans."²⁴ The INA quotas radically reduced the numbers of Mexicans who could enter the United States²⁵ and criminalized the seasonal patterns of migration ("circular migration"), encouraging undocumented immigrant men to remain and to bring or send for their families.²⁶ Since the middle of the first decade of the 21st century, most new undocumented immigrants have been women,²⁷ and increasing numbers have been children, including unaccompanied minors.²⁸ Thus, the INA and subsequent increasingly restrictive immigration laws²⁹ and policies,³⁰ pulled children and youth into a violent structure of "illegal immigration."

3. Structural Violence and Youthful Paths to "Illegality"

The causes of unauthorized migration are complicated, but most who are seeking to enter and live in the United States without proper authorization are fleeing extreme poverty, hunger, lack of shelter, lack of medical care, lack of basic educational opportunity, lack of work opportunities or violence--political, gang, and/or do-

mestic. Johan Galtung's triangle of direct-structural-cultural violence³¹ has increasingly been used to describe the complicated system which pushes people from their countries of origin and pulls them to the United States.³²

Broadly speaking, "[t]he notion of structural violence refers to the social forces that inflict harm on people by constraining individual agency and preventing them from meeting basic needs."³³ Violence under this analysis is not limited to direct physical violence, but includes "the present yet invisible violence of background conditions."³⁴ The process of youth "becoming illegal" is a metamorphosis in a cocoon of violence, a complicated migration system built on fear, exploitation, and predation.

There are two major paths to "illegality" for youth. On one, they must live through or witness the direct violence of the process of migration³⁵; on the other, they must negotiate its invisible aftershock through discovery that they are less than full Americans.

a. "Existential Illegality"

Since the summer of 2014, media have called the public's attention to a "wave" of Central American children to the U.S. border, fleeing violence and poverty, often making multiple attempts to enter the US.³⁶ Young children in general, but unaccompanied minors in particular, share with adults the brunt of the experience of migrating to the United States.

Central Americans and South Americans of all ages must run the gauntlet of Mexico's "vertical border" to reach the United States border.³⁷ Every year, hundreds of thousands of adults and children³⁸ embark on a 3000 kilometer journey towards the United States border via a railroad network known as "La Bestia,"³⁹ where they

must endure exposure to the elements, the dangers of falling, loss of limbs,⁴⁰ asphyxiation, gangs, stampeding panics generated by official "operativos." Whether on La Bestia or on foot, along the way they are likely to experience or witness: assault or robbery;⁴¹ rape;⁴² kidnapping;⁴³ death;⁴⁴ or forced disappearance.⁴⁵

Those who survive then join the flow of Mexicans who must face the dangers of crossing into the United States. United States policies have made this crossing increasingly dangerous. Between 1998 and 2013, the remains of more than 6000 migrants were recovered on the United States side of the U.S.-Mexico border by the U.S. Border Patrol, with more than 300 per year since 2000.⁴⁶ Those

"There are two major paths to 'illegality' for youth. On one, they must live through or witness the direct violence of the process of migration; on the other, they must negotiate its invisible aftershock through discovery that they are less than full Americans."

crossing the desert, potentially, risk death from dehydration; from drowning during torrential downpours,⁴⁷ or while crossing the Rio Bravo. They face high risks of robbery, assault, and rape by gangsters or the very coyotes they paid to get them across.⁴⁸ They are often abused by members of the Border Patrol⁴⁹ and detained under terrible conditions.⁵⁰

From October 2013 through July 2015, approximately 80,000 Central American children were detained at the United States border.⁵¹ These children, in addition to an unknown number of minors accompanied by parents or relatives, have been held in conditions described by federal judge Hon. Dolly Gee as "deplorable."⁵² Judge Gee found border detention centers holding these children to be "overcrowded and [having] unhygienic conditions." Temperatures in the cell required the child-inmates be provided mylar coverings. There were no trash cans. Lights were kept on 24 hours per day.⁵³ Law-

yers for inmates at the Artesia, Texas facility (a private prison under contract with the federal government to provide family detention) have reported on these inhumane conditions:

“I mean, I had seen kids in all manner of suffering, but this was a really different thing. It’s a jail, and the women and children are being led around by guards. There’s this look that the kids have in their eyes. This lackadaisical look. They’re just sitting there, staring off, and they’re wasting away. That was what shocked me most.”

The detainees reported sleeping eight to a room... with little exercise or stimulation for the children. Many were under the age of 6 and had been raised on a diet of tortillas, rice and chicken bits. In Artesia, the institutional cafeteria foods were as unfamiliar as the penal atmosphere, and to their parents’ horror, many of the children refused to eat. “Gaunt kids, moms crying, they’re losing hair, up all night,” an attorney [...] recalled. Another [...] said: “I saw children who were malnourished and were not adapting. One 7-year-old just lay in his mother’s arms while she bottle-fed him.”⁵⁴

On July 24, 2015, the American Academy of Pediatrics addressed a letter to Homeland Security Secretary Jeh Johnson expressing “concerns for the health and well-being of children and mothers who are being detained in family detention centers... [C]ontinued detainment of any children and mothers in the existing facilities puts them at greater risk for physical and mental health problems and unnecessarily exposes children and mothers to additional psychological trauma.”⁵⁵ The U.S. Congress of Catholic Bishops has called for an end to family detention as inconsistent with human dignity

and contrary to “recognized grounds of protection emerging from both international and domestic asylum and refugee law. Furthermore, the placement of children in detention facilities squarely undermines the best interest of the child principle.”⁵⁶

Although the circumstances of these immigrants would seem to qualify many if not most for asylum, the immigration system steamrolls most of them out of the country as quickly as possible. The Los Angeles Times reported that more than 7,000 immigrant children had been deported without appearing in court because they received no notice of the hearing.⁵⁷ A report by Syracuse University’s Transactional Records Access Clearing House found that juvenile immigrants before the Immigration Court were able to secure attorneys less than 31% of the time. Of those with represented counsel, 47% were allowed to remain in the United States, while 90% of the unrepresented were deported.⁵⁸ For some, deportation is a death sentence.⁵⁹ Even those permitted to remain, some after making the arduous journey more than twice, have already been branded by “illegality.” The impacts of their experience will be felt and studied by sociologists, social workers, psychologists, educators, policy makers, and all of us for years to come.

For those who succeed in entering and staying/living in the United States, violence does not end. Direct violence continues in the form of assaults and killings by nativists⁶⁰ and sexual assaults in the workplace.⁶¹ In addition, they begin to experience an array of indirect violence sustained by their exclusion from protections afforded to documented residents. Notwithstanding child labor laws, circumstances may force immigrants to join the labor force at a very young age, some as young as eight years old.⁶² Undocumented workers are compelled to accept low (often below minimum) wages, work in unsafe conditions, suffer discrimination and harassment, are denied overtime rates, and

face high levels of exploitation. In theory workplace protections such as minimum wage laws, workers compensation, and anti-discrimination laws extend to all workers, regardless of their legal status. In practice, most undocumented workers are afraid to seek help, fearing that their undocumented status will be revealed, and that they would be subjected to detention and deportation. Fear is a constant part of their lives, as the threats of workplace or home raids are always present.⁶³ Raids, or even a routine traffic stop, can mean indefinite detention and eventual deportation.

It is at this point that the two paths to youth illegality converge. Whether dealing with the direct trauma of migration or dealing with the psychological impact of learning for the first time that one does not have a social security card, one has to deal with the stigma of being “illegal,” its economic and social consequences, and one must endure the fear of deportation and separation.

b. The Dreamers

Although the numbers are difficult to estimate, a 2013 report by the Migration Policy Institute determined that there were approximately 1.9 million undocumented immigrants under the age of 31, who had entered the United States as children before June 15, 2012.⁶⁴ Whatever “fault” nativists wish to attribute to people who enter the country without authorization, there is no moral justification for punishing innocent children who were brought into the country by their parents. Although this proposition is self-evident, it is underscored by the cruel consequences on undocumented youth who have been scholastic achievers through high school only to discover, like Dulce or Jaime did, higher educational opportunities are closed off to them. Studies confirm that learning and being forced to adapt to one’s “illegal” status has a serious psychological impact, includes an “Identity Shock.”⁶⁵ Although expe-

riences differ from each other, as well as the methods by which individuals adapt to their circumstances, there is so much commonality among undocumented youth, one might dare call it “Illegal Youth Syndrome.”

Roberto Gonzales of the Harvard Graduate School of Education conducted a number of empirical studies of the phenomenon of youth discovering, reacting to and adapting to their “illegal” status, particularly in relation to educational achievement. “For undocumented youth, the transition into adulthood is accompanied by a transition into illegality that sets them apart from their peers. Undocumented youngsters share a confusing and contradictory status in terms of their legal rights and the opportunities available to them... The transition to illegality brings with it a period of disorientation, whereby undocumented youth confront legal limitations and their implications and engage in a process of retooling and reorienting themselves for new adult lives.”⁶⁶

Gonzales divides the transition to “illegality” into three periods: [1] “discovery (ages 16 to 18 years), [2] learning to be illegal (ages 18 to 24 years), and [3] coping (ages 25 to 29 years).” In childhood and early adolescence, these youths are in a “buffer stage” because the law provides them with free public education. “Through school, [they] developed aspirations rooted in the belief that they were part of the fabric of the nation and would have better opportunities than their parents [citation omitted]. They learned to speak English, developed tastes, joined clubs, dated, and socialized—all alongside their U.S.-born and legal resident peers. During this period, school-based relationships with peers and adults provided key sources of support and identity formation.”⁶⁷

Upon discovering their lack of legal status, they feel “confusion, anger, frustration, and despair [...] followed by a period of paralyzing shock.”⁶⁸ As they try to make sense of what has happened to them, they feel betrayed, that they

have been lied to. They feel resentment toward their parents for not having told them of their status. "Oftentimes, their parents were afraid to share such information because they feared their child might be detained by immigration officials if they inadvertently disclosed their status to school personnel or strangers."⁶⁹ They also feel anger toward their peers.⁷⁰

Then they feel a "second shock" as they realize that this change will adversely affect them for the rest of their lives. "As they came to grips with the new meanings of unauthorized status, they began to view and define themselves differently." They begin to feel the sting of stigma; "fears of being found out curbed their interactions with teachers and peers." They begin lying to themselves "as a daily survival strategy that separated them from the very peer networks that had provided support and shaped a positive self-image."⁷¹ Their fears of what their friends will think of them if they "knew" are "validated by observations of friends' behavior." They withdraw and their performance declines during the last half of high school.⁷² They live with a combination of shame, fear and anxiety.⁷³

Gonzales observes that,

Nationally, 40 percent of undocumented adults [from] ages 18 to 24 do not complete high school, and only 49 percent of undocumented high school graduates go to college. Youths who arrive in the United States before the age of 14 fare slightly better: 72 percent finish high school, and of those, 61 percent go on to college. But these figures are still much lower than the numbers for U.S.-born residents.[...] Estimates reveal that as few as 5 to 10 percent of all undocumented high school graduates ever reach postsecondary institutions [...] and the vast majority attend community colleges.⁷⁴

Those that do enter college fall under a cloud of discrimination, bearing a "triple minority status," based on ethnicity, lack of legal status and economic disadvantage.⁷⁵ This makes the college experience inordinately stressful for these undocumented youth, and the stress is exacerbated by work pressures and financial demands.⁷⁶

4. THE VANGUARD OF IMMIGRATION REFORM

Undocumented youth are at the forefront of the struggle for immigration reform, not only because of the inherent injustice of stigmatizing and punishing youth who lack "legal" status through no choice of their own, but also thanks to the level of scholarship that they have, on the whole, been able to attain. Unlike their parents, who may speak heavily-accented English or no English, whose economic status requires them to work long hours, whose years of clandestine existence makes them fear any exposure of their status, many undocumented youth are articulate in English and have come to understand that it is they who can and must change public opinion. This they can do only by "coming out of the closet" and organizing politically. Over the past decade and a half, a politically vocal undocumented youth movement has emerged and grown, with increasingly sophisticated organization and clout. Today United We Dream calls itself the "largest immigrant youth-led organization in the nation [...] [a] powerful non-partisan network [...] made up of over 100,000 immigrant youth and allies and 55 affiliate organizations in 26 states."⁷⁷ Its members advocate and educate, nationally, in states, and locally. Over the past 15 years there has been a slow but steady change in public opinion,⁷⁸ which might be attributed to youth who, in "becoming illegal" are determined to partake fully in the "American Dream."⁷⁹

Since 2001, there have been repeated bi-par-

tisan efforts to pass federal legislation to create a “pathway to citizenship,” like the so-called DREAM Act (“Development, Relief, and Education for Alien Minors”).⁸⁰ The proposal would provide conditional residency status to persons who entered the United States before the age of sixteen, lived continuously in the United States for a specific amount of time (typically 5 years), graduated from high school, and were of good moral character. Upon graduation from college or service in the military, and if still of good moral character, the individual would be eligible for permanent residency.⁸¹ On December 7, 2010, and after a considerable legislative struggle, the House of Representatives passed the DREAM Act.⁸² However, only nine days later, opponents of the Act successfully filibustered it in the Senate,⁸³ bringing serious efforts to enact the DREAM Act to a close.⁸⁴

In the absence of any reasonable expectation of passage of immigration reform legislation in Congress, on June 15, 2012, President Barack Obama issued an Executive Order creating “Deferred Action for Childhood Arrivals” (“DACA”), using “prosecutorial discretion” to provide safe haven, that is, exemption from deportation, for persons meeting the following criteria:

- Under 31 years of age as of June 15, 2012;
- Came to the U.S. while under the age of 16;
- Continuously resided in the U.S. from June 15, 2007 to the present;
- Entered the U.S. without inspection or fell out of lawful visa status before June 15, 2012;
- Physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- Currently in school, have graduated from high school, have obtained

a GED, or have been honorably discharged from the Coast Guard or armed forces;

- Never convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors of any kind; and
- Pose no threat to national security or public safety.⁸⁵

In 2014, the Migration Policy Institute (MPI) reported on its analysis of DACA at the two year mark, “a mixed picture.”⁸⁶ By July 20 of that year, the United States Citizenship and Immigration Services (USCIS) had received 618,189 initial DACA applications and approved 587,366. Although the MPI found the volume processed to be impressive, it estimated that only 41 per cent of potentially eligible youth had applied. It suggests that hundreds of thousands had not applied, because of barriers to educational attainment or due to the administrative cost (\$465).⁸⁷ Nevertheless, “[f]or many young adults, DACA has changed their lives in measurable ways.” According to a survey, 60 percent of respondents secured a new job[...] 57 percent obtained a driver’s license, and 49 percent opened their first bank account.”⁸⁸ Moreover, a June 2015 national survey of 467 DACA recipients sponsored by the National Immigration Law Center and the Center for American Progress found that:

- 96 percent of respondents are currently employed or in school;
- 92 percent of those who are currently in school say that because of DACA, they pursued educational opportunities previously unavailable to them;
- 89 percent obtained a driver’s license or state ID for the first time;
- 69 percent of recipients are getting better, higher-paying jobs than they had before they received DACA;
- 57 percent moved to a job “that bet-

ter fits [their] education and training;”

- 54 percent moved to a job with better working conditions;
- 21 percent bought their first cars;⁸⁹

Although DACA appears to have improved the lives of hundreds of thousands of undocumented youth concretely, it still does not provide a “pathway to citizenship,” which is possible only through legislation. Moreover, undocumented youth in most states continue to find the cost of higher education prohibitive. Slow but steady progress has been made on that front, in reducing tuition costs and obtaining financial aid. The National Council of State Legislatures reports:

Currently, at least 18 states have provisions allowing for in-state tuition rates for undocumented students. Sixteen states—California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah and Washington—extend in-state tuition rates to undocumented students through state legislation. Two states—Oklahoma and Rhode Island—allow in-state tuition rates to undocumented students through Board of Regents decisions. In 2013, the University of Hawaii’s Board of Regents and the University of Michigan’s Board of Regents adopted similar policies for undocumented students to access in-state tuition at those institutions. In April 2014, Virginia’s attorney general started granting in-state tuition to those covered under the federal Deferred Action for Childhood Arrivals.

At least six states—California, Minnesota, New Mexico, Oregon, Texas and Washington—currently allow undocumented students to receive state finan-

cial aid.

Three states—Arizona, Georgia and Indiana—specifically prohibit in-state tuition rates for undocumented students, and two states—Alabama and South Carolina—prohibit undocumented students from enrolling at any public post-secondary institution.⁹⁰

Beyond the material improvement in the living conditions of undocumented youth, access to higher education helps mitigate “becoming illegal” in less tangible ways. For example, there is evidence that California Assembly Bill 540, passed in 2001, which allowed undocumented students to be eligible for in-state tuition in public colleges and universities, “unintentionally relieved some of the stigma and improved the way undocumented youth feel about their place in this society.”⁹¹

CONCLUSION

“Becoming Illegal” has caused cruel and unnecessary suffering to young Americans who are in the United States without “proper documentation.” The response of a considerable portion of these undocumented youth to their situation, in embracing their identity and being politically organized has had a profound effect on public discourse about undocumented immigration. Their determination and success has not only improved their situation, but has also improved the climate for undocumented immigrants generally.

The challenge to undocumented youth is (1) to continue to connect their struggle with the broader issue of undocumented migration; and (2) to address the issue of “existential illegality,” which has been understood very little. In relation to the first point, there is plenty of evidence that family ties keep young undocumented activists conscious of the connection. Families will suffer the pains of separation

should undocumented parents be detained and deported. Young activists have insistently called for an end to all deportations.⁹²

The second point is more complicated since it involves psychological factors which have hardly been studied and the implications of which are much more mysterious. What unseen scars does the structurally violent immigration system cause? How will the violence inflicted on young people by that system affect their behavior and their social presence in the United States in the future? Will it be the people who emancipate themselves from “illegality” who find solutions to these problems? Can this issue, in the long term, be resolved by anything short of tearing down the physical and psychological walls that separate us?

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THE SYRIAN REFUGEE CRISIS: A STRATEGIC PRODUCT OF ASSAD'S WAR

EVAN BARRETT AND TYLER JESS THOMPSON

ABSTRACT

This paper examines the deliberate displacement of civilians in the Syrian conflict by belligerents, particularly the Syrian regime. The Assad regime and its partners are using deliberate displacement of civilians as a military strategy against opposition groups in Syria. Instead of focusing its bombing on ISIS in Syria, the Syrian government targets civilian, and predominantly Sunni-Arab, populations far from ISIS locations. Further, the Syrian government prioritizes attacks on the moderate opposition, who enjoy the support of civilian populations, over attacking ISIS. The cumulative effect is the evacuation of civilian areas, which create this apparent strategy of displacement. This is a significant contributor to the international refugee crisis, along with the rise of extremist groups. Syrian government partners, including Iran and Russia, and other parties to the conflict have also embraced policies of deliberate displacement. The authors argue that the international community will not be able to resolve the refugee crisis until the Syrian government's role in displacement is understood.

The Syrian refugee crisis is a deliberate outcome of the Assad government's civilian displacement strategy, predominately aimed at the core demographic who support and live in territory controlled by the Syrian Opposition: Sunni-Arabs. In Syria, there are several broad parties who draw support from different Syrian and foreign constituencies: the Syrian Government, the Syrian Opposition, Kurdish forces, and transnational terrorist groups like the Islamic

State of Iraq & Syria (ISIS). Each of these groups claims to represent or protect a domestic constituency and is supported by foreign actors. Although the revolutionary movement in Syria was diverse in origin, the Syrian Opposition, the population living in its territory, and its Syrian base of support, is predominantly Sunni-Arab. ISIS is also Sunni-Arab, but does not enjoy or seek the support of local populations – instead opting to intimidate and suppress the Sunni-Ar-

abs living under their rule and encouraging the immigration of non-Syrian Sunnis to the “Islamic State” controlled part of Syria.

The Assad government exploits these demographics by displacing Sunni-Arabs from Opposition-held areas. If they leave Syria, they deplete the Opposition's support base. If they flee to ISIS territory, which is relatively safe from Assad's attacks, they can be painted as international terrorist supporters. No party in the Syrian conflict targets and kills more civilians than the Assad government. The Assad government uses aerial bombardment, chemical weapons, sieges, manipulation of localized ceasefires, and seizures of property, all targeted against civilian populations, to make life in opposition-held areas impossible. Russia, Assad's key ally in attacks on civilians, also benefits from the mass refugee crisis destabilizing Europe. Both actors enjoy international cover because they claim to be attacking ISIS, but their targeting of civilian infrastructure hundreds of miles from ISIS territory reveals that their core priority is the Syrian Opposition and its civilian support base.

In the context of recent ISIS terror attacks in Paris, Western states are reevaluating their position on accepting Syrian refugees. Mainstream media coverage contends that although many refugees may be fleeing ISIS,¹ there is also a security concern regarding both radicalization in Middle Eastern refugee camps, and the possibility that ISIS could pose as refugees to sneak into the United States or European countries.² Missing from this discourse is an adequate examination of exactly what Syrian refugees are fleeing: the deliberate and consistent Syrian government policy of displacement, which aims to punish and expel populations that oppose the government of Syrian President Bashar al Assad. Western discourse on the issue frames refugee flows as an inevitable outcome of war, similar to population movements following a catastrophic weather event. Until it is understood that Syrian displacement is man-made,

intentional, and overwhelmingly caused by one of the warring parties, a responsible reaction to the refugee crisis will remain elusive. A prioritization of civilian protection in Syria, and the deterrence of deliberate attacks on civilians by the Syrian Government is the only way to stem the unprecedented flow of refugees.

I. OVERVIEW OF THE REFUGEE CRISIS AND RESPONSE

The international response to the Syrian refugee crisis reveals that the international community is unable or unwilling to address the root causes of Syrian displacement, or that it does not understand the nature of the Syrian conflict. To date, the international community have responded to the Syrian refugee crisis as a short-term issue and natural byproduct of the ongoing conflict. As described below, the facts on the ground suggest that the refugee crisis will last for a long-term period and represents an intentional and permanent outcome of the strategy pursued by the Syrian government and its allies.

In over five years of war, Syria has become the “world's largest humanitarian crisis since World War II” according to the European Commission.³ Since 2011, there are four million new Syrian refugees, with the vast majority of these

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displaced people living in Turkey, Lebanon, Jordan, Iraq, and Egypt.⁴ While Egypt and Iraq each host a few hundred thousand refugees, Turkey hosts nearly two million, with more than one million in Lebanon and over 600,000 in Jordan.⁵ There are an additional 7.6 million Syrians displaced within the country.⁶ Refugees are entering into Europe as well. UN High Commissioner on Refugees Antonio Guterres called this displacement “the biggest refugee influx” to Europe “in decades.”⁷ The refugee numbers are not able to capture the full scale of the humanitarian catastrophe in Syria, with almost 13 million in need of “urgent humanitarian assistance.”⁸ Half of Syria’s prewar population have fled their homes.

With the conflict now in its fifth year, the short-term approach to refugees is proving unsustainable, in part because it is intentionally unsustainable. Host governments neighboring Syria are struggling to address the financial strain of providing and administering camps.⁹ Shortfalls in international contributions to host countries and domestic economic problems contribute to these problems.¹⁰ Furthermore, there is increasing speculation that host nations, particularly Jordan, are intentionally building less hospitable camps to discourage additional refugees. For example, the Azraq camp in Jordan was built in 2014 in an arid desert, has had consistent problems with access to electricity, and is now mostly empty.¹¹ The camp was meant to house 130,000 refugees upon its opening but now hosts less than 20,000 Syrians.¹²

Hoping for a swift end to the conflict, many refugees initially assumed they would be able to return to their homes, and only sought temporary refuge. As host nations struggle or refuse to sustain adequate living conditions in camps, refugees are caught between under-resourced camps and increasingly hostile local populations.¹³ For many refugees, the realization that the war will not end soon, combined with the barriers to economic participation in their

host country, has led to a turn towards Europe. Furthermore, European countries may provide easier access to healthcare, education, and other non-work related benefits.¹⁴ The economic, political, and social advantages of Europe, both real and perceived, have compelled many to risk dangerous and expensive journeys to escape the Middle East. The international community has done nothing to stop the intentional targeting of civilians by the Assad government in Syria, instead focusing on supporting the refugee crisis it creates. This conclusion is the exact desired outcome of the Syrian Government and its allies. The permanent displacement of huge portions of the Syrian population will yield benefits for its strategic interests.

II. FORCES IN THE SYRIAN CONFLICT AND THEIR BASES OF SUPPORT

The causes and participants of the Syrian uprising and revolution were not sectarian.¹⁵ However, sectarianism and identity swiftly became an important strategic factor, deftly exploited by the Syrian government and neglected by the Opposition. Since the initial days of multi-confessional anti-government protests, the regime deliberately stoked sectarian tensions by targeting Syria’s majority Sunni-Arab population for exceptional punishment, targeting mosques and other Sunni gathering sites.¹⁶ Also, the regime conspired to associate the revolution with Sunni radical terrorism in order to alienate religious and ethnic minorities from the opposition. Early strategies towards this end included blaming early terrorist attacks on Sunni extremists (some have suggested the regime engineered these attacks);¹⁷ and releasing hardened jihadists from prison.¹⁸ In the broadest sense, this strategy has succeeded both inside and outside of Syria, where concerns over the radical nature of the revolution alienate many potential enemies of the Assad government. A

poor understanding of the actors inside Syria still dominates international conversation, and the stark distinction between the Syrian armed opposition and international terrorist organizations has been blurred to the point of incomprehensibility in international discussion. As stated below, while the regime and international terrorist groups claim a Syrian constituency but rely heavily upon foreign manpower to do their fighting, the Syrian armed opposition is distinguished by its character as a Syrian force.¹⁹

A. Syrian Government

The Syrian Government claims a constituency in the Alawite minority and the Sunni elite in Damascus. The Alawites, a heterodox subset of the Shia faith, were empowered under a French colonial mandate to hold high positions in the military, and this system positioned many Alawite officers to play central roles in the coups and reshuffles following Syrian Independence in 1946. In 1970, Syrian President Bashar al Assad's father, Hafez—an Alawite military officer—emerged as the leader of Syria, took hold of the Syrian Baath party, and installed the one-family rule that still haunts Syria today. Despite unbroken Alawite rule, the number of families and communities within the Alawite sect who benefit from Assad-Baathist rule remains relatively small, with the majority of Alawites living outside of major urban centers and amongst Syria's most desperately poor.²⁰

In the later years of Hafez's rule, and early in Bashar's reign, the Baathist government conducted a form of economic outreach to the Sunni merchant class, plotting a course for

“Since the initial days of multi-confessional anti-government protests, the regime deliberately stoked sectarian tensions by targeting Syria's majority Sunni-Arab population for exceptional punishment, targeting mosques and other Sunni gathering sites.”

marginal reform, and allowing some movement of industry to the private sector.²¹ In reality, most of these reforms were seized upon by Sunni relatives of the Alawite government to extort public industries, and most analysts conclude that there was no real “opening up” of the Syrian economy.²² Despite this, the Assad regime maintains ongoing ties to the wealthy Sunni merchant class, and this group represents the last holdout of Sunni-Arab support for the minority regime.

Over the course of the war, this poor Alawite community has been disproportionately decimated by wartime deaths, and the Syrian Arab Army has almost completely dried up.²³ As a result, the regime relies increasingly on ground troops that are not Syrian including: Iranian Revolutionary Guard Officers, Shiite militiamen from Iraq, Lebanese Hezbollah fighters, Afghan Hazara Shiites trafficked to Syria by Iran and other foreign fighters from Yemen, Pakistan and even more far flung places.²⁴ Combined with Russian air power, these ground forces conduct the vast majority of regime offenses while Lebanese and Iranian officers oversee Syrian defensive forces protecting the regime heartland.²⁵ Many Opposition fighters, particularly in the country's north, report that they have not engaged with actual Syrian pro-regime forces in many months of fighting.²⁶ This reality has caused many to speculate whether or not the Syrian Arab Army even exists anymore, and clarifies the regime's reliance on foreign patrons to survive, particularly the Iranians.

B. Syrian Opposition

Broadly speaking, the Syrian Opposition de-

rives most of its base from Syrian Sunni-Arab populations. The non-violent and political wings of the Syrian opposition have always been multi-ethnic and multi-confessional. Embodied inside Syria by the Local Coordinating Committees, and outside Syria by the political institutions in exile (such as the Syrian National Committee) featured the participation of all religious and ethnic groups from Syrian society.²⁷ Despite this effort to form an inclusive revolution, the armed opposition inside of Syria has never been as diverse as its political or civil counterpart and is predominantly Sunni-Arab. In the early stages of the war, officers in the Syrian Arab Army of all sects and ethnicities defected from the army, some taking positions within the Free Syrian Army (FSA) or associated groups.²⁸ In some cases, these hierarchies still hold, and the Southern Front coalition of the FSA still features minority leadership in Syria's south.²⁹ The other groups we include when we refer to the Syrian opposition include all elements of the Free Syrian Army, Ahrar Al Sham, Jabhat Shamia, the Islamic Front, and myriad of other independent brigades and coalitions. These groups are supported by Western and Gulf states as well as Jordan and Turkey.³⁰

However, as the regime aimed its punishing aerial campaigns and sieges against Sunni sections of major cities and the Sunni countryside, many rebel groups began to draw their soldiers almost exclusively from this identity base.³¹ While the Sunni-Arab, urban elite is still somewhat split on the conflict, the Sunni-Arab countryside is the backbone of the revolution, making up the vast majority of both opposition brigades fighting the regime.³² The unifying factor of the armed Opposition is that they are fighting for their local communities, and thus are largely Syrian.³³

C. International Terrorist Organizations

International terrorist organizations in Syria derive most of their constituent support from

Sunnis from several states in the Middle East, Europe, and Asia, with Syrians comprising only a portion of their base. Radical terrorist groups have been an important part of the Syrian revolution since 2012. After much of Syria's east was freed from the regime by a combination of Jabhat Al Nusra and Islamist brigades, it quickly fell into the hands of ISIS hoping to exploit the power-vacuum and set up a base of operations.³⁴ Initially, Al-Qaeda in Iraq (AQI) controlled the leadership of what would become both Jabhat Al Nusra and ISIS in Syria.³⁵ The battle-hardened fighters of AQI were amongst the most experienced insurgents in the Syrian civil war, and quickly distinguished themselves as disciplined and effective fighters. During 2012, the resources and success of Jabhat Al Nusra drew many recruits from the more nationalist Free Syrian Army.³⁶ During this period, Nusra was successful at recruiting Syrian Sunni-Arabs, but also featured non-Syrian leadership and participation at every level.

In April of 2013, the Islamic State formally split from Jabhat Al Nusra.³⁷ Since this time, ISIS and Nusra have been entirely distinct, featuring different military strategies, methods of rule and geographic areas of influence.³⁸ ISIS is also distinguished for direct conflict with the Syrian armed opposition, a much lesser commitment to fighting Assad, and much less Syrian participation.³⁹ Though no exact census on ISIS fighters is available, the group's ranks are thought to be made up mostly of Asian, European and Middle eastern Sunni Jihadists, with a much lower rate of Syrian participation than either Jabhat Al Nusra or the armed opposition. These estimates include at least 20,000 foreign fighters inside ISIS (not from Syria or Iraq).⁴⁰

While both Nusra and the armed opposition rely on foreign states for funding and arming, ISIS has insisted that it looks down upon foreign funding, financing and arming itself by seizing resources/arms and taxing local populations.⁴¹

D. Kurdish Forces

Kurdish politics in Syria are endlessly complex, with various political parties ranging from pro-regime to extremely pro-revolution. However, the YPG or People's Protection Units associated with the PYD or Democratic Union Party are the most relevant fighting force on the ground. The YPG has been responsible for the vast majority of anti-ISIS military activity out of Kurdish groups, and more recently has also been engaged in protracted fighting with Sunni-Arab rebels also supported by the United States.⁴² Since 2014, the YPG and later its SDF subgroup have been directly supported by the United States. At times during the conflict, the YPG has coordinated with the Syrian Armed Opposition, the Syrian regime, and the Iraqi Kurdish Peshmerga.⁴³ The YPG and PYD are enemies with Turkey, who considers them an affiliate of the Turkish PKK terrorist group.⁴⁴

III. DISPLACEMENT AS A WAR STRATEGY

The intentional displacement of civilians as a war strategy, particularly by the Syrian government, is the core reason for the unprecedented refugee problem. The Syrian government and its partners have consistently and intentionally displaced Sunni Arab communities. The government targets this group for several reasons. First, Sunni Arabs comprise the broad support base of the Syrian opposition, which has until now been the biggest threat to the government.⁴⁵ Using a variety of displacement tools and tactics, the Syrian government attempts to deprive the rebels of support amongst civilians. When civilians are displaced, the Syrian Opposition are deprived of a source of legitimacy and a recruitment base. In the best case scenario for the Syrian government, these Arab-Sunni civilians flee the country entirely. Often, displaced people first try to find refuge in other parts of Syria. The Syrian Government bombs ISIS ter-

ritory significantly less, thus making it safer for civilians than Opposition-held territory.⁴⁶ Assad seeks to separate Sunni-Arabs from Opposition territories, which comprise Syria's most strategically important areas.⁴⁷

Second, fleeing Sunni Arab populations change the demographic makeup of the country in favor of the government. If the conflict ends in a democratic or representative governance transition, an enfranchised Sunni-Arab constituent majority would threaten the minority-rule of the Assad, and thus Iran and Russia's ability to influence Syria's leadership.⁴⁸ Ultimately, if the minority Alawite regime in Damascus can expel enough Sunnis—or less optimally, drive them into ISIS territory—it will shift the demographic balance that represents the most serious threat to its own survival.

Third, the Syrian government's targeting of Sunni-Arab populations stokes sectarianism and increases the vulnerability of minorities to victimization from Sunni-Arab groups. By exercising collective punishment against Sunni-Arab populations, and claiming to protect other areas, the Syrian government is attempting to drive a wedge between the majority population and minority groups such as Alawites, Druze, Christians, and Kurds. The Syrian Government seeks to increase the sectarian nature of the Opposition and international terrorist organizations so that it may project itself as the protector of Syrian minorities to the international community. The minority groups themselves are put in an unenviable position of having their so-called protector stoke animosity against them while simultaneously suppressing their rights under a totalitarian regime.⁴⁹ Through this process, the government holds minorities hostage, "fighting to protect their sectarian leader, Syrian President Bashar Assad, in a war he started without their permission."⁵⁰

Fourth, many states and analysts agree that the only group that will be able to effectively combat ISIS in Syria are Sunni-Arabs, but the

international community has struggled to coalesce behind the natural choice of the Syrian Opposition.⁵¹ In part, this hesitance is due to the fact that the Opposition's first priority is the Assad government and second priority is ISIS. Current international tolerance of Assad is driven by the fear that ISIS would overpower all other parties if there were a transition in government.⁵² The Assad government must diminish the potential of any Syrian group that could rid its territories of ISIS if it hopes to continue to enjoy its immunity from direct international intervention.

IV. TACTICS FOR DISPLACEMENT

The Syrian government uses a range of tactical approaches to terrify and kill civilian populations, compelling people, particularly Sunni-Arabs, to flee. These approaches include aerial attacks, sieges, manipulative ceasefires, and property seizure and destruction. A German survey asked 889 Syrian refugees from all over Syria about the conflict and the causes of their displacement. 77 percent said that they fled from Assad. 73 percent said that barrel bombs were a threat to their personal safety. 82 percent said that sieges and a lack of food were a threat to their personal safety. 60 percent said that more people would stay in Syria if international forces protected parts of the country.⁵³ This cross-section of the Syrian refugees reveals that Assad's most prominent displacement tactics are wildly successful.

A. Indiscriminate Aerial Attack

Indiscriminate aerial attacks are the most effective tool for displacement in the Syrian government arsenal, and allow the government to target Sunni-Arab communities under the

auspices of bombing rebels. These attacks have become symbolized by the now infamous "barrel bomb," an improvised explosive device containing TNT, shrapnel, and sometimes weaponized chlorine or other chemical agents. These weapons cannot be aimed and are dropped out of planes or helicopters, including unarmed transport helicopters, onto population centers below.⁵⁴ The weapons have several distinct advantages for the Syrian government—they are

cheap, easy to produce, and can be dropped from non-military aircraft.⁵⁵ This means the government can wage its war of terror against civilians while retaining more valuable munitions.

These bombs, amongst the most prevalent weapons in the war, are responsible for 9,000 deaths

since 2014, with 95 percent of those killed being civilians.⁵⁶ Further, the bombs destroy civilian infrastructure, making life in rebel-held areas unsustainable. Barrel bombs have destroyed schools, water, and electric infrastructure, and have been particularly successful at destroying medical facilities (including 242 field hospitals) and killing 615 medical workers.⁵⁷ The government also pursues a strategy known as "double-tapping," wherein aircraft wait for civil defense and medical workers to arrive at the site of a previous attack before dropping additional munitions, often including barrel bombs.⁵⁸ Obviously, direct attempts to prevent aid workers from mitigating the impacts of an initial attack is explicitly targeted at civilians in the areas of effect (primarily Sunni-Arab). Such attacks are statements to populations that any response to bombardment is futile.

Despite the Assad regime relinquishing stockpiles of Sarin following threats of bombing from the United States, the regime has con-

"These attacks have become symbolized by the now infamous "barrel bomb," an improvised explosive device containing TNT, shrapnel, and sometimes weaponized chlorine or other chemical agents."

tinued its tactic of bombing civilian areas with the less deadly but equally terrifying chlorine gas.⁵⁹ While chlorine is significantly less deadly than sarin, a traumatized population often does not know which agent is being dropped, and its ability to sow panic and fear is significant.⁶⁰ The combination of terror and destruction sowed by these weapons can have only one result—that those left alive will eventually flee.

If we take the example of Idlib city, we can see the displacement effect of bombardment in practice. At the end of March 2015, a rebel coalition named Jaish Fateh (Army of Conquest) unexpectedly won a string of victories across Idlib province, culminating in the capture of the provincial capital Idlib City.⁶¹ Following the city's capture, the Syrian government moved immediately to deliberately attack the quality of life in the newly free city. During fighting, water and power were cut off, and the government stopped providing salaries to public sector employees.⁶² Within 24 hours of the city's capture, intense bombardment began, including barrel bombs filled with chlorine gas.⁶³ Within a few days, both the city's largest hospital and the Red Crescent office had been destroyed by government aerial attacks, which a writer for *Al-Araby Al-Jadeed* described as, "preventing any alternative entity from being able to run these state institutions."⁶⁴ "Raifah Sammea, a former member of the opposition provincial council, said that airstrikes are trying to disrupt basic services and prevent the establishment of a new administration over Idlib."⁶⁵

Both the fear of aerial bombardment and the bombardment itself created waves of new refugees from the city, and sources estimate that "thousands" of non-combatants left the city during the initial attacks.⁶⁶ Other potential efforts to improve service provision in Idlib were similarly halted. Both the Syrian Interim Government and Opposition Coalition scrapped plans to move offices to the city because of continued bombardment.⁶⁷ This is one example

of a consistent Assad government bombardment strategy, played out in one location.

B. Sieges

The Syrian government also compels Sunni-Arab populations to leave through the threat of sieges. After an area has been bombed, government forces attempt to surround a territory, cutting off food and medical aid.⁶⁸ The government is not always able to fully encircle bombed areas, but sieges are pursued if feasible. For example, this strategy has been particularly prevalent in rebel-held suburbs of Damascus around Eastern Ghouta where the government has the capacity and manpower to encircle communities indefinitely.⁶⁹

Under siege, these towns or neighborhoods continue to experience regular shelling, may be cut off from all government utilities (water, electricity) and will be prevented from receiving international relief.⁷⁰ In fact, following the implementation of a UN resolution 2165, which allows international humanitarian organizations to provide aid without regime consent, the regime continued to block aid access for the United Nations.⁷¹ Out of eighty-five requests for aid convoys made by the UN, only twenty-three were approved by the regime in principle, and only ten convoys were able to deliver their aid.⁷² The UN estimates that over 200,000 Syrians face siege conditions, while Syrian aid groups contend it is closer to 700,000.⁷³ When sieges do occasionally break, many civilians take the opportunity to leave the country.⁷⁴

C. Local Ceasefires

The government and its allies also manage to advance a strategy of demographic manipulation through local ceasefire agreements and property transfers. In many areas, ceasefires have been the final phase in a three-pronged approach of bombing civilians from the air, sealing the area off from basic medical supplies, food, and water, then negotiating ceasefire terms

that complete the intended displacement of the crippled Sunn-Arabi populace. This has happened repeatedly in the rebel-supportive Homs neighborhood of Al-Waer, for example.⁷⁵

In the case of Zabadani, Iran played the leading role in negotiating the agreement with rebels in September 2015, an agreement that would ultimately fuel displacement on both sides of the conflict.⁷⁶ Zabadani is a predominantly Sunni town along the Lebanese border, where after months of siege, Lebanese Hezbollah and Iranian forces were unable to dislodge a few hundred remaining Sunni insurgents. Many Sunni civilians had already fled during this fighting.⁷⁷ As a result, Iran directly negotiated a deal in which 10,000 Shiite civilians would be transferred from the rebel-besieged towns of Kefraya and Fuaa into pro-regime areas, shifting their demographics even further in support of the regime.⁷⁸ The remaining insurgents in Zabadani would relocate to rebel areas in Idlib.⁷⁹ This outcome offers demographic shifts as a reward for siege tactics. If Zabadani is used as a model for future ceasefires, the population transfers and associated complications would be massive.

D. Property Seizure and Destruction

When Sunni-Arab inhabitants flee a regime-targeted area, their property risks government seizure, making return impossible and greatly increasing the likelihood of permanent demographic shifts. Syrian President Bashar Assad alluded to this approach in a public speech in July of 2015, telling the nation, “Syria is not for those who live in it or those with Syrian citizenship; it is for those who defend it.”⁸⁰ This startling statement can be seen as a direct justification of recent property transfers to Iranian and Lebanese Shi’ites assisting the Assad government, as well as the production of Syrian ID cards for those same groups.⁸¹ In Damascus, where Iranian officials and generals have long served as war counsel, large land parcels and

entire neighborhoods are being sold to Iranians. The Syrian government has even passed laws to expedite the process, and home appropriations were made legal by the state with Rental Law No. 1.⁸² This process was described at length in the *Syrian Observer* in Fall 2015:

Iranians have [...] increased their purchasing activities in Eastern Ghouta, largely in Maliha, which is owned by the state, making it easier for the Iranians to circumvent local Syrian laws, especially after the decline of Eastern Ghouta’s battalions after fierce fighting rocked the region last year.⁸³

The areas referenced in the quotation above include traditionally Sunni areas of Damascus, one of Syria’s most diverse cities prior to the war.⁸⁴ These property exchanges often take place in areas containing apartment buildings formerly occupied by Sunnis who have fled, now extremely unlikely to return to inhospitable hosts.⁸⁵ Particularly in Eastern Ghouta—where chemical weapons, constant bombardment, and siege have caused many to leave the country—it is probable that the Iranians will repopulate purchased properties with Iranians, Syrian Shiites, or other Syrian minorities as they have done in more central sections of Damascus.⁸⁶ Some Syrian refugees even claim that they had not fled Damascus prior to Iranian purchases and were forced out of the city by the Assad government following the property sales.⁸⁷

Along with illegal transfers, Sunni property is sometimes simply destroyed. In 2013 alone, Human Rights Watch documented the demolition of more than 145 hectares of primarily Sunni neighborhoods in Damascus and Homs.⁸⁸ Without warning, Syrian government soldiers used bulldozers and explosives to raze apartment buildings. An HRW investigation concluded that the demolitions “served no necessary military purpose and appeared intended to punish the civilian population.”⁸⁹

V. RUSSIAN PARTICIPATION IN THE

STRATEGY

Since the Russian intervention in Syria started in September 2015, Russian aerial tactics have largely emulated that of the Assad government, i.e. punishing civilian populations in liberated areas, destroying civilian infrastructure, and avoiding areas controlled by ISIS to focus on the mainstream opposition.⁹⁰ Attacks on hospitals and schools in liberated areas from Russian aircraft have been widely documented.⁹¹ There are several reasons why Russia may embrace such a strategy. For instance, destroying civilian life in liberated areas creates a starker choice between ISIS and the Russian client Assad. Furthermore, refugee populations destabilize NATO states and make Russia appear to be an important ally in bringing the conflict to a close. That Russia is joining the Syrian government in intentionally creating refugees appears to be lost on many European leaders. Some of these leaders continue to use the phrase, “refugees fleeing ISIS” and seem to accept Russia’s stated premise that tackling “terrorism” could halt the refugee crisis.⁹²

VI. INTERNATIONAL ACCEPTANCE OF DISPLACEMENT AS PART OF THE SOLUTION

The Syrian government, by far the most prominent and prolific displacer of civilians in the country, is not the only party that has adopted this strategy. If the international community accepts mass killing and displacement from the Syrian government, it could potentially trigger a cascade of forced population transfers. This risk is exacerbated by talk of partitioning Syria as a political solution to the conflict. Under a partition scenario, armed stakeholders would be

incentivized to grab territory and eradicate potential demographic threats to their interests.

International responses to the conflict have allowed the Syrian government’s displacement strategy to continue unabated and may even set the stage for the partition of the country. There are de facto zones of control emerging in Syria. Generally speaking, the Kurds control a long strip across the northwestern portion of the country; Syrian moderate opposition known as the Southern Front control the south; the Syrian government, Russian, Iranian, and loyalist forces control Damascus and the Syrian coast; ISIS controls eastern Syria; and opposition forces mostly control northwestern Syria.⁹³ Battlefield realities have caused some analysts to consider partitioning Syria along these lines. However, these general zones of

“The Syrian government, by far the most prominent and prolific displacer of civilians in the country, is not the only party that has adopted this strategy.”

control are not firmly established and are often contested. Further, there are very few areas in Syria that have homogeneous ethnic or religious populations.⁹⁴ For instance, even the areas often referred to as Alawite regions along the Syrian coast are estimated to

have 60 percent non-Alawite populations.⁹⁵ Thus, partitioning Syria along ethnic, religious, or even political lines would promote the mass transfer of even more Sunni-Arab populations from Assad-controlled areas. If the parties to the conflict begin to seize and cleanse territory through military means, it would likely contribute to the production of many more refugees of all identity groups. A partition of Syria would mean the success of the Assad displacement strategy.

James Dobbins, a former Obama administration official and senior fellow for the RAND Corporation, has suggested that Syria should be partitioned for an interim period, with each

party keeping what it controls and with checks to keep them from taking more territory. He goes further to say, “territory currently occupied by the Islamic State might go to whichever faction recovered it or, preferably, be put under some sort of international administration pending the reunification of the country.”⁹⁶ Some version of this vision is playing out as Kurdish fighters take ISIS territory within Syrian Kurdistan. Michael O’Hanlon, senior fellow at the Brookings Institution, proposes a partition of the country on sectarian and ethnic lines, à la Bosnia after the Dayton Agreement. His proposal envisions Alawite, Sunni, and Kurdish enclaves, with key large cities shared amongst the groups.⁹⁷ Gary C. Gambill, an associate fellow at the Middle East Forum, argues in favor of a partition approach but also warns, “Those not belonging to the dominant ethno-sectarian group in their statelet are going to have a hard time of it.”⁹⁸

Perhaps the biggest problem with the partition scenario is not its end results but the expected behavior of the belligerents if they feel that the international community is on the verge of choosing partition as a resolution to the conflict. As described above, mass displacement is already a core component of the Assad approach; the Kurds and ISIS have also engaged in widespread forced displacement. As partition becomes more likely, these practices can be expected to increase if the parties engage in land grabs before a settlement is reached. Many civilians will have a “hard time of it” by falling victim to attacks, home destruction, and displacement.

Even without a partition settlement, the current strategy pursued by the United States and its allies encourages forced displacement. The United States-led anti-ISIS coalition will not engage with Russia, Syria, Iran, or their allied forces on the battlefield. Deconfliction is the primary relationship between these groups.⁹⁹ Therefore, the anti-ISIS coalition’s military efforts completely refrain from addressing the

Syrian government’s mass displacement strategy. Some Syrians claim that they finally decided to flee their homes once it became clear that the anti-ISIS coalition would make no effort to stop Assad’s allies from intentional mass killing of civilians.¹⁰⁰ Furthermore, the U.S. support for Kurdish forces discussed above may have unintended displacement effects if the PYD is permitted to continue its demolition and displacement campaigns. Whether by design or through a resumption of the status quo, partition in Syria encourages mass displacement and thus exacerbates the refugee crisis.

VII. STOPPING THE REFUGEE-CREATION MACHINE

This paper attempts to highlight ways in which public discourse regarding Syrian refugees has failed to acknowledge the number one culprit causing displacement: indiscriminate aerial attacks and other forms of collective punishment carried out by the Syrian government and its backers. However, public discourse has also failed to acknowledge the stated desires of Syrians who are already refugees. Time and time again, whether in Europe or the Middle East, Syrian refugees have expressed their strong preference to return to Syria if possible, rather than settling permanently in nearby states, Europe, or North America.¹⁰¹ Given the political and logistical challenges associated with resettling 4 million people, policy makers in the West should take heed of this preference, and pursue policy options that would stem the flow of refugees, or even allow current refugees to return to their homeland.

When Syrians in Germany were asked, “Do you think more people would stay in Syria if the international community created a No Fly Zone?” 58 percent responded affirmatively.¹⁰² When asked if more Syrians would stay if areas of the country were “protected by international forces” the rate rose to 60 percent.¹⁰³ Again,

these sentiments among refugees should be seriously considered by lawmakers in Europe and North America even as governments in both regions struggle to create manageable and ethical resettlement policies.

Any international effort to stem the flow of refugees will need to have civilian protection at its core. As demonstrated, civilians are fleeing a variety of collective punishment tactics aimed to displace them, primarily indiscriminate aerial attacks. Combined with other elements of Syrian government violence (kidnapping, arbitrary arrest, forced conscription, siege) and the proliferation of violent extremist groups, civilians have been left with virtually no refuge inside of the country. The international community, led by the United States, has an obligation not only to pursue resettlement but simultaneously to explore measures that would make life livable for non-combatants inside the country. Civilian protection measures could include partial or full no-fly zones, safe border areas including humanitarian corridors, or simply effective diplomacy that compels the Syrian government to end its aerial campaign against its own population. These different approaches all have advantages and disadvantages and may require military force. However, short of pursuing an effective civilian protection mechanism, the western world will continue to struggle with resettlement, and the political and security concerns associated with the process.

This paper argues that the international community must pursue civilian protection measures in Syria to slow misery, death and displacement-displacement that threatens the EU, NATO, and Western cooperation writ large. However, it is important to acknowledge the central logistical and political challenges of any likely intervention. In the broadest terms, the central challenges to civilian protection are finding reliable partners to provide intelligence on the ground and potentially even police a given safe zone, and escalation with international

powers that have intervened on behalf of the regime.

Any air exclusion zone (safe zones, no bombing zones, no fly zone) would require dynamic partnerships with forces on the ground for the purposes of both enforcing the borders of a given zone and providing intelligence on targets. Assuming the United States and Coalition countries were going to pursue a small-scale approach to punitive strikes against aircraft or facilities seen as violating agreements, existing partnerships could prove useful. For example, members of the Syrian Opposition and Kurdish forces opposed to ISIS already regularly provide targeting info to the United States Department of Defense to inform strike locations and timing.

In addition to practical obstacles, intervening in Syria, even with the express purpose of saving civilians, is likely to anger the primary patrons of the Assad regime: Russian and Iran. Given that Iran plays a role in all regime decision making, its officers command Syrian troops and the Russians are the primary air force participating in the war, both countries' geopolitical goals must be considered before pursuing more aggressive action.

In terms of Iran, the primary concern of greater US involvement is that this move could anger the Iranians to the point of destroying the nuclear deal negotiated by the Obama administration. In order to avoid this outcome, it is important to understand Iran's motives in Syria. Iran is committed to the survival of the Baathist regime primarily to protect their weapons pipeline from Damascus to the Lebanese border to supply their proxy Hezbollah and continue to win the regional proxy war against major Sunni states.¹⁰⁴ Safe zones in Syria's far north or south, coupled with a commitment to not allowing safe zones to become launching grounds for attacks by the opposition, could assure the Iranians that their primary interests are not threatened by modest civilian

protection measures.

Similarly, Russian interests can be preserved while pursuing modest civilian protection measures. A common criticism of calls for air exclusion zones, including from Secretary of State John Kerry, is an end to aerial attacks in any section of Syria may provoke direct engagements between Russian and American aircraft. However, there are several strategies for avoiding direct confrontation with Russia while still conducting punitive strikes. Namely, when the Russians conduct attacks against civilian infrastructure or US backed rebel groups, punitive strikes may be conducted against the regime, so that the proxy may then attempt to mitigate their own patron's behavior. Once again, if we understand Russia's immediate priorities to be a Russian influence in Syria, the preservation of the Baathist government, and the growth of Russian military installations in certain sections of Syria¹⁰⁵; all of these interests can be accommodated while creating safe spaces in Syria's south and north.

As the international community pursues a new round of political negotiations in Vienna,

prospects for political progress remain dim. Russian and Iranian positions on the future of Assad, and the character of the opposition are at odds with NATO and Arab State preferences, to say nothing of the priorities of Syrians themselves.¹⁰⁶ The world cannot simply resettle a percentage of the displaced, invest in stalled peace talks, and feel no further sense of obligation as Syria continues to burn. Far from creating a political settlement, current attempts at diplomacy and bombing campaigns against ISIS have not even been able to stem refugee flows. The conditions that create new waves of displaced people remain unaltered.

Scholars have estimated that 18 million people remain inside Syria, over 90 percent of which are civilians.¹⁰⁷ Given that a significant proportion of that 18 million still oppose the Syrian government and or live in areas controlled by rebels, indiscriminate attacks on civilians will also continue short of international civilian protection measures. Should this status quo persist, there is no telling how high the refugee numbers could climb.

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CAN DRIVING OR RECYCLING REDUCE FORCED DISPLACEMENT?

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ABSTRACT

The ever-increasing use (and misuse) of natural resources has implications for conflict, and thereby forced displacement. This opinion piece explains 1) the connection between natural resources and conflict; 2) the way these conflicts lead to displacement of populations, both within a country and abroad; and 3) how economic growth and rampant consumerism require intense reliance on nonrenewable resources that are connected to conflict and displacement. It ends by suggesting that there is a moral responsibility for citizens of more industrialized countries to consider the indirect and “downstream” effect of their actions, and it raises the possibility of a “conflict tax.”

I. INTRODUCTION

While the world's attention remains focused on refugees flowing into Europe, there is significant and ongoing displacement of people for a less-noticeable reason—the pursuit of natural resources. These are often used for development and infrastructure in the very industrialized countries to which people often flee. This essay begins by reviewing how natural resources are associated with a higher number of violent conflicts. It then notes how these conflicts in turn lead to human displacement. Finally, for ethical as well as practical reasons, citizens of

more developed countries must consider how a more conscious and sensible use of natural resources might indirectly reduce natural resource-induced displacement.

Why is it important to consider this issue now when of course the exploitation of resources, and related displacement, is nothing new? As Klare (2012) points out, “human societies have . . . been competing with one another for control over remote, undeveloped resources zones for a very long time.”¹ Two key trends make the issue particularly relevant. First, this type of conflict is widespread, and there are indications that these struggles will only become

more common in a global context of increasing resource scarcity. By the turn of the last century, “a quarter of all armed conflicts in the world involved the extraction of natural resources.”² More recently, a 2013 investigation by the United Nations Environment Programme (UNEP) found that “over the last 60 years, at least 40 percent of all *internal* conflicts have been linked to the exploitation of natural resources, whether high-value resources such as timber, diamonds, gold and oil, or scarce resources such as fertile land and water [emphasis added].”³ Second, the root cause of resource conflicts can be traced to rapid economic expansion and rampant consumerism in more developed countries, leading to an ever-increasing need for oil, minerals, water, wood, and other commodities to fuel growth and fulfill shoppers’ needs. As Klare points out, there has been a “sudden emergence of rapacious new consumers.”⁴ The remainder of this essay reveals the link between these trends, and it will seek to demonstrate that customers, the end users of the product chains used to move resources, are in part culpable for conflicts.

2. UNDERSTANDING NATURAL RESOURCE CONFLICTS

The concept of displacement—as opposed to voluntary migration—implies that there has been some coercion, threat, or physical force leading to movement. In the context of natural resource exploitation, two important types of conflicts are pressure applied by large multinational companies (applying coercion and sometimes force to local populations), and threats and violence used by armed groups. At present, the first category includes many well-known household names, such as Unilever and Cargill growing palm oil in Indonesia, or Shell pursuing oil and natural gas in the Amazonian rainforests of Ecuador.⁵ The perpetrators in the second category are typically non-state actors,

as conflict in the post-World War II era largely shifted from interstate to intrastate in nature; by one count there were twice as many internal as external wars pre-WWII, and nearly five times as many in the following decades.⁶ After the end of the Cold War, conflicts between states have been even less common than before, although only slightly so.⁷ Actors in the growing number of intrastate conflicts range from the FARC and BACRIM (“bandas criminals,” or criminal groups), who mine gold informally and process cocoa extensively in Colombia; to the Mai Mai militias operating in eastern Congo; to local warlords controlling timber resources in Afghanistan.⁸

In the first case, corporations serve as the front line of a complex supply chain that in effect moves commodities from lesser to more developed economies. In fact, higher commodity prices and growing appetites for natural resources have led to expanded mineral extraction worldwide. This extraction increasingly encroaches into previously untouched regions, where hundreds of millions of poor peasants and indigenous peoples reside.⁹ A common consequence is contestation of land rights, sometimes leading to the coerced or forced movement of local peoples. Latin America and Africa, in particular, possess histories intricately tied to mineral—not to mention human—extraction; the colonial ambitions of European powers were largely fueled by a thirst for resources. Harvey (2003) goes so far as to refer to present-day processes as a “new colonialism”, meaning that the processes of exploitation from centuries past

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are continuing today.¹⁰ In the second situation, armed groups may use violence in order to gain control of natural resources ranging from oil wells to mines to forests with rare timber.¹¹ In doing so, they may actively clear out local populations in order to gain control of valuable land. The relationship between natural resources and conflict has been intensely studied. It is now widely established by academics such as Ross (2003) and Collier (1999, 2006), and in judicial rulings like that in which a court in Sierra Leone charged the former president of Liberia with war crimes related to blood diamonds and timber.¹² The resources can serve as incitement to armed struggle, or non-state actors might use this contraband, once in their possession, as a means to increase their ability to engage in further conflict, or both. Since Collier and Hoeffler 1998 study on the economic causes of civil war, scholars have found a measurable relationship between the presence of natural resources and conflict.¹³ The reasons posited include their use in financing for rebel causes like that of Laurent Kabila in the DRC during the mid-1990s or supporting secessionist causes such as the Free Aceh Movement up to 2005.¹⁴ Diamonds and oil are two of the more obvious cases. Their significance for internal conflict is shown to have increased after the Cold War, as Ross (2006) finds that “contraband helped fund seven of the 92 civil wars (7.6 percent) that began between 1945 and 1988, but eight of the 36 wars (25 percent) that began after 1988.”¹⁵

In the future, the number of conflicts over natural resources is only predicted to increase. This is due in part to projections based on climate change and an increasing number of natural disasters.¹⁶ Klare’s (2001) book on “resource conflicts” also predicts that, beyond the association between oil and war, water scarcity will drive future conflicts. Referring to maps, he sees oil in the South China Sea as a flashpoint, with water conflicts arising in drying areas like the Nile, Tigris, Euphrates, and Indus River ba-

sins.¹⁷ His latest work, *The Race for What’s Left*, extends the hypothesis to a broader set of resources, including minerals such as copper, iron ore, bauxite, and titanium. He also considers the influence of consumer desires: “as more and more countries have become industrialized, the demand for these materials has risen exponentially, so that current consumption rates are the highest in history.”¹⁸ Temper’s recent creation of the Environmental Justice Atlas shows, in other ways, the broad range of many hundreds of smaller conflicts taking place over resources at the community level across the globe.¹⁹ She writes that “the globalization of the economy and material and financial flows is being followed by the globalization of resistance.”²⁰ Along with other researchers, Temper records more than 1,400 resource conflicts at present, and they note that many of the groups resisting extraction or fighting for control of resources are connected across borders.²¹

3. MEASURING DISPLACEMENT DUE TO CONFLICT

Tallying the number of people affected and displaced by conflicts, particularly those due to resources, is no easy task. Even the United Nations High Commissioner for Refugees, accomplished in tracking the forcibly displaced, is likely to undercount since not all refugees are registered, and they remain a hidden population.²² There is some form of displacement in each of the two types of conflict explored here, with development-induced displaced persons (DIDPs) harmed largely by national authorities, multilateral development banks and corporations, and internally displaced persons (IDPs) compelled to move by governments and armed non-state actors.²³ The first category largely involves dams, urban infrastructure projects, and in some cases road expansion and mineral extraction. The second consists of warfare of some kind, but the victims remain within a

country's borders. Tracking the exact count of affected people is difficult, with a researcher on DIDPs explaining that any estimate "still fails to account for large numbers of the displaced."²⁴

Even conservative estimates of the scale and scope of displacement posit significant numbers. According to very rough estimates from the World Bank Environment Department made in 1996, 10 million persons are displaced due to public sector development projects *annually*, whether it be "dam construction, urban development, and transportation and infrastructure programs."²⁵ Since this figure did not include people displaced by private sector projects, the lead researcher of the study believes that a more realistic aggregate figure is 15 million or more displaced per year in total.²⁶ Separate assessments of those displaced by the actions of armed groups seeking to control resources, whether as their modus operandi or merely as a peripheral action, are also noteworthy. Consider the previously mentioned conflict in Colombia, where at present more than six million people, or one in eight citizens, are still displaced within the country's borders. The paradigmatic example is perhaps the Democratic Republic of Congo. Blessed with natural wealth ranging from diamonds to uranium and coltan, it is to this day cursed by periodic civil wars. It is estimated that 5.4 million died between 1998 and 2007,²⁷ and there remain more than 2.8 million internally displaced even now.²⁸

4. INCREASING RESOURCE USE

Despite the periodic ebb and flow of market forces, there is little sign of reduction in demand for commodities and non-renewable fu-

els necessary to power the global economy. Research shows that "humans today extract and use around 50 percent more natural resources than only 30 years ago."²⁹ The annual energy use for a typical American, for example, is the equivalent of 2,100 gallons of oil, enough to fill 35 standard-sized bathtubs. A 2003 World Wildlife Fund (WWF) study "warns that the wasteful lifestyles of the rich nations are mainly responsible for the exploitation and depletion of natural wealth."³⁰ This is a worldwide phenomenon, but more pronounced in some countries than in others. A WWF spokesperson stated that "if all the people consumed natural

"... for ethical as well as practical reasons, citizens of more developed countries must consider how a more conscious and sensible use of natural resources might indirectly reduce natural resource-induced displacement."

resources at the same rate as the average U.S. and UK citizen we would require at least two extra planets like Earth."³¹ The unsurprising decline of a number of natural and non-renewable resources is so considerable that recent U.S. legislation grants private companies the right to use and sell what they can mine on asteroids.³² In the end, if resource use continues to increase in the developed world, and these resources are linked to conflicts overseas, then there is some correlation between actions taken by companies and consumers in the U.S. and the forced migration of people elsewhere.

5. IMPLICATIONS AND RECOMMENDATIONS

The displacement of any population, not to mention the casualties, who are harmed by resource-related conflict,³³ will have serious consequences. The 2015 U.S. National Security Strategy refers to "destabilizing refugee flows" and discusses how climate (and environmental) change "is an urgent and growing threat."³⁴ The

uprooting and movement of people, including those harmed by natural resource conflicts, provide an opportunity for co-option by non-state actors, perhaps intensifying civil wars and potentially empowering terrorist groups.

There is also an ethical component to the issue of development displacement. It is often poor and politically disconnected populations who are forced (or pressured and coerced) to move as the result of development. In American cities, one sees the changes wrought by gentrification; overseas it is those who are already disadvantaged who are most affected.³⁵ In this case the burden of providing broader societal benefit, intended for “the greater good” or a better life for wealthier segments of society, often falls on those who are already marginalized, and the least capable of successfully rebuilding their lives in a new location. Writing about a dam’s displacement of the Chakma peoples in Bangladesh, Curle describes the “moral problem. How much suffering for how many may be justified by how much good for how many?”³⁶ Perhaps ethical reasoning can be used to raise the consciousness of the consumer class, leading them to voluntarily reduce their resource use. Given the logic of connecting natural resources to war, enhanced recycling of materials such as aluminum cans or copper wiring, increased fuel efficiency of cars, and conscientious use of electricity in homes might reduce conflicts caused by the extraction of these resources.

So what concrete actions might be taken? Some propose an improvement in available information. A World Bank report on natural resources and conflict refers to the need for general transparency and better tracking of commodities.³⁷ However, this remains complicated due to the high volume of trade and inter-

mixing of goods in highly complex commodity chains. I suggest two further possibilities. First, there is the hope that by raising societal consciousness that individuals will become more aware of the ways in which their consumption decisions affect, however indirectly, displacement abroad. There has already been success in this area in terms of increasing the social stigma tied to what are known as “blood diamonds” mined in conflict areas (though a recent *Time* report found that even with the Kimberly Process used to track these gems, it is nearly impossible to be sure of their origin).³⁸ Or an inspired citizenry could seek ways to alter corporate and government behavior. For example, looking closer to home, agriculture (and often large farms or companies) in California use four times as much water as urban customers do.³⁹

Second, we might look to the November/December 2015 Paris climate change summit.

It demonstrates how the international community can work to overcome negative externalities resulting from an overreliance on fossil fuels. In the same way that a carbon tax is proposed to alter behavior “upstream,” as

raising the cost of fossil fuels leads people to purchase and use less,⁴⁰ there might hypothetically be an analogous “conflict tax.” This would in part address what is effectively a gap in the sustainability concept of true cost accounting, in which those living in the industrialized world do not pay the full environmental cost of all the goods they consume. Our consumption or wasting of energy does indeed have negative externalities. Activities in the United States are, in an integrated world, connected to conflict and displacement even thousands of miles away.

In sum, the pursuit of natural resources and their extraction is intimately intertwined with conflict, which in turn causes displacement. As

“There has already been success in this area in terms of increasing the social stigma tied to what are known as ‘blood diamonds’ ...”

such, the waste and misuse of common mineral and energy resources, in addition to the demand for fashionable diamonds, leads to the need for increased extraction to sustain the continued growth of modern industrialized economies. The cumulative and aggregated effect of choices and actions by citizens in more developed countries affect the lives of people in places from which resources are drawn. It may take years for this reality to sink in with those in the developed world, but some day in the near future, they may associate saving electricity with saving lives.

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