

a deep understanding of Tanzanian politics to successfully identified a policy window to direct state policy towards the offer of naturalization, and the subsequent UNHCR representative who took an overly bureaucratic approach to the operation, did not follow the changing direction of domestic politics, and allowed the window of opportunity for naturalization to slowly close.

This speaks to the argument that IOs, such as UNHCR, exhibit both powers and pathologies. Not only do they have opportunities to leverage change through ingenuity and innovation, they also have the opportunity to adopt a

bureaucratically safe or comfortable position and work within the conditions and constraints afforded by the host government. In this way, there is scope for considerable research to better understand both the factors that condition UNHCR's response to particular domestic contexts and the importance of individuals and personalities as variables in explaining UNHCR's response. While *Survival Migration* may be too quick in dismissing the potential role of IOs in facilitating regime adaptation, the book should be applauded for reminding us that we cannot take the power of IOs for granted.

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## About the Author

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# clarifying survival migration: a response

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**S***urvival Migration* begins with a simple question in mind: is the global refugee regime fit for purpose in the twenty-first century? It is a question that has become increasingly pressing in a world in which, with the advent of new humanitarian crises, more people are displaced than at any time since the Second World War, and by an increasingly complex array of causes including conflict, persecution, and natural disasters. Yet, in order to meaningfully answer this question, we need to break it down into at least two sub-questions. Normatively, who should be entitled to cross international borders and seek asylum on human rights grounds? Analytically, to what extent can existing international institutions adapt to protect such people?

My intention in writing *Survival Migration* was to start a dialogue, and offer new ways of thinking, rather than to provide definitive answers. By definition, the book is ambitious in scope – integrating international relations, comparative politics, and political theory – and engaging in a six-case comparison through fieldwork in Africa. In some ways, I chose to privilege comparative and analytical breadth rather than depth in the hope of stimulating debate among academics, policymakers, and practitioners, opening up new avenues for subsequent research. That makes me delighted and grateful that the three review authors have engaged so thoughtfully and intelligently with different aspects of the book. I will divide my responses into three broad areas: the normative, analytical, and prescriptive aspects of the book.

## **NORMATIVE: WHO SHOULD BE ENTITLED TO ASYLUM?**

The concept of ‘survival migration’ represents an attempt to give language to, and

render visible, the plight of a growing number of people who, despite fleeing serious human rights deprivations, fall outside the dominant legal interpretation of a refugee. It is, crudely, a normative standard for recognizing the gap between ‘should’ and ‘is’ in terms of who is recognized as a refugee in state practice. Yet, as Alexandra Délano highlights, I leave open a precise specification of where exactly this threshold should be drawn.

I state that threshold as ‘persons who are outside their country of origin because of an existential threat to which they have no access to domestic remedy or resolution’ (23). I unpack the three elements of this definition: (i) being outside the country of origin so that they have access to the international community and the international community has access to them; (ii) lacking the minimum conditions of human dignity; (iii) and with border crossing being a last resort. I draw upon the concept of ‘basic rights’, that is, rights without which it is impossible to enjoy any other right, as an ethical benchmark for assessing the minimum conditions for human dignity.

However, as Délano argues, there nevertheless remains some ambiguity over who is ‘in’ and who is ‘out’. That is deliberate – for two reasons. The first is that I believe I go as far as I can to specify the contours of an abstract threshold, and anything more legally precise would require a wider and more inclusive debate. The second is that all abstract normative standards (including existing international refugee law) are subject to interpretation and application over time, and survival migration is no different.

Délano also raises the question of how I use the term ‘vulnerable irregular migrants’, and how the category relates to survival migration. In the book, they are not interchangeable but, as I argue (25, 196), it is important to recognize that many international migrants, often with vulnerabilities, do not reach the

normative threshold to be entitled to asylum. Yet, such people are still entitled to human rights *qua* human beings, and these rights too are not always respected by state practice. Inevitably, given the cases it analyses, the book touches upon migrants with unmet human rights entitlements, even if they do not have a strong normative claim to asylum (116).

In discussing 'fragile states', I acknowledge it to be a problematic and politicized category (18). I am not using the term in a normative sense, and it plays no direct part in the normative threshold for survival migration. However, it enters my analysis insofar as the need for asylum is partly determined by the country of origin's willingness and ability to provide national protection. That is not just a function of abstract threats, such as conflict and environmental change, but also the quality of governance in the country. States with good governance are more likely to be able and willing to mitigate these threats domestically. Although imperfect, state fragility offers an indicator of the quality of governance in the country of origin, which in turn strongly correlates with survival migration.

## **ANALYTICAL: CAN EXISTING INSTITUTIONS ADAPT?**

Having set out a normative standard through which to assess the gap between 'is' and 'should', the book attempts to analytically explore the conditions under which that gap can be closed in practice. It does so by exploring variation across in the extent to which the refugee regime 'stretches' to protect people who fall outside the dominant interpretation of a 'refugee'. Methodologically, it does this through the in-depth analysis of six different host states' responses to three different populations, fleeing three fragile states in the region: Zimbabweans in South Africa and Botswana, Congolese in Tanzania and

Angola, and Somalis in Kenya and Yemen. It selects the cases based on variation in the extent to which 'regime stretching' takes place. There is enormous variation across the cases: in some contexts survival migrants are detained and deported, in others they are given asylum as though they were refugees.

In addition to exploring the extent to which existing institutions are capable of adapting to new displacement challenges, the book aspires to contribute to a wider debate in political science and international relations: the question of how old international institutions (in terms of both norms and organizations) adapt to new challenges at the national and local levels. In other words, what explains why the same international institutions sometimes vary significantly in practice in different national contexts? This is a question, which as the reviewers recognize, engages directly with debates within constructivist international relations scholarship on international norms and international organizations.

I argue that the main causal mechanism that explains variation in regime stretching is the role of elites in government. I offer an interest-based account: the interpretation and implementation of ambiguous international norms at the national level is shaped by the political economy of elite gatekeepers. Where there are positive incentives (deriving from the international or national levels) on elites, regime stretching will take place. Where there are negative incentives, regime stretching will not take place. In other words, national politics rather than law shapes who is defined as a refugee.

Both Catherine Weaver and Délano correctly highlight that an area which needs further research is the causal mechanisms that determine regime stretching. In the book I have purposefully developed a parsimonious framework that allows multi-country comparative analysis. I have been able to show some of the

national politics and individual gatekeepers underlying variation. It is possible, in some of the cases, to go as far as naming the individuals within government who have had a significant bearing on refugee policy. However, inevitably, more in-depth process tracing is needed to flesh out those causal mechanisms, and, as Weaver suggests, to develop methodologies to show whose interests matter and under what conditions. This is an endeavour that requires a systematic research agenda to explore the political economy of how international refugee norms and policies play out in, and are shaped by, national and local politics.

Weaver also presses the deeper question of where these interests come from and how they are shaped. This is an astute point that recognizes that elite interests are not forged in isolation but come from a series of interactions. One such example, she highlights, is the role of great power politics. Indeed, it is interesting and important to examine the extent to which international politics across other policy fields shapes these elite interests in the refugee context. As Weaver points out, the book touches upon the position of the United States *vis-à-vis* Angolan oil and diamonds, but equally many of the other host states have a refugee policy shaped by their position within the international political economy, which could be unpacked in far more depth.

Within my analysis, it was striking how relatively little independent causal influence UNHCR seemed to play on the national policies of the host states. Rather than shaping those policy choices, UNHCR appeared to follow the broad policy parameters set by the host state. As I state in the book, this cannot be generalized (195). James Milner, though, is right to point out that the role, influence, and impact of UNHCR is likely to show considerable variation across countries and across time. His examples of UNHCR's independent influence on the policies of

Afghan survival migrants in Pakistan, and of the different levels of influence of particular country representatives in Tanzania, highlight that UNHCR's impact on national refugee policy is not predetermined but is itself subject to variation. This gives rise to an important research question in its own right: Under what conditions can UNHCR have independent causal influence at the national level?

Overall, these comments chart a course for scholars to look in greater depth at the micro-level politics of the refugee regime. It implies a need for academics and policymakers to examine the range of actors and variables that shape refugee norm implementation through multi-country comparative analysis. As Délano suggests, this research agenda could also be usefully pursued in relation to regions beyond the African context, not just in relation to South–South movements but also South–North movement. While the role of elites within government emerges strongly from the African context, other regions such as Europe seem likely to imply a greater role for the courts and judiciary in shaping variations in norm implementation.

## **PRESCRIPTIVE: WHAT IS THE WAY FORWARD?**

The reviews also pose interesting questions for the way forward. In the book, I lay out a series of options that follow logically from the analysis. These are grouped under three broad levels at which I argue international institutions adapt (and vary): (i) implementation, (ii) institutionalization, and (iii) international bargaining (175–185). Importantly, I am not 'advocating for' regime stretching as Délano suggests. I am observing that that is one neglected way in which international norms do – analytically – adapt at implementation. Regime stretching

represents one important and neglected mechanism of institutional adaptation. However, as I argue, the level of variation in responses to survival migration requires both adaptation at the national level and a process of more profound reflection at the global level.

The challenge, as Weaver highlights, is not only to identify prescriptive solutions but to consider the politics behind that change. How feasible are these recommendations, and what political strategy is likely to lead to reform? As the book argues (4), there are reasons to believe that there should be interest convergence around making existing institutions work better. Southern host states need predictable sources of international responsibility sharing. Northern donor states have a strong interest, related to immigration

and security, in ensuring adequate protection for displaced populations in the region of origin. With the right brokerage that should lead, over time, to improved collective action.

Before engaging in wholesale institutional reform, though, we need better conceptual understanding of the new drivers of displacement and of the politics and political economy underlying variation on states' responses to refugees and displaced populations. At the policy level, UNHCR needs to improve the quality of its own political analysis. *Survival Migration* represents a starting point for thinking through those questions, and hopefully a modest contribution in itself towards a longer-term process of institutional reform to fill protection gaps around the world.

### **About the Author**

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