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The effects of political framing: who is a “refugee?”

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The effects of political framing: who is a “refugee?”

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ABSTRACT: This thesis is examining the question: what causes changes in the definition of the concept of “refugee” over time? The refugee is often considered a humanitarian concept that creates an exception to traditional, security-oriented forms of managing irregular migration. However, by analyzing the evolving definition of the refugee, this discourse analysis shows how it is a political concept in that it has no single, universally accepted definition and therefore, it can be politically manipulated. This is what W. B. Gallie identifies as an “essentially contested concept” – a concept that is internally complex and has a variety of contrasting definitions that might seem neither absurd nor contradictory until conscious consideration. As such, state actors will have an interest in contesting the concept of “refugee” to find a definition that best suits their state interests, and, if any one frame becomes dominant in the political discourse on refugees, this results in significant framing effects – the ability for political discourse to shape our worldview and the policies that reflect it. This thesis argues that the refugee is best understood as a political concept that is manipulated by state actors for the purpose of fulfilling particular state interests at particular times. By exposing the refugee’s politicized nature through an analysis of the refugee’s history and an in-depth case-study of EU-Turkish cooperation in the present “refugee crisis,” we can see in what ways the refugee is contested, how states attempt to decontest it, and who has the power to form the dominant frame on the refugee.
Like most of us, I had never really considered the premise of a border. Of course, growing up in the US I heard plenty about immigration, but despite its saturation in the daily news, I had never second-guessed the value of borders. However, this all changed when I spent the summer of 2015 working at an NGO in Brussels that deals exclusively with migration and migrant rights issues. For the first time, I was exposed to the political minefield of migration and the plethora of terms, concepts, and categories that go into it: detention, deportation, legal appeal, unaccompanied minors, human trafficking, humanitarian visas, subsidiary protection, family reunification - and the list goes on.

But the more legal documents I read, the more conferences I attended, and the more roundtables I participated in, the more confused I became about migration. In fact, the more time I spent thinking about migration, the more migration seemed to be an invented world where borders act as these imaginary, arbitrary lines that had been created to separate “us” from “them,” with a significant amount of ambiguity in who exactly can cross that line and why. At the center of my confusion was the “refugee,” who is somehow able to cross that line and move from the limbo of irregularity and into a legal existence. While NGOs such as the one I worked at were primarily concerned with how refugees live within their supposed legality – for example, by answering question such as “do they have access to the suite of rights that they ought to by the receiving country?” – I was most curious about this specific transition from irregularity to regularity. When can they cross, why can they cross, and what exactly is a “refugee?”

Though these were the questions that drove me to pursue this project, refugees are just the tip of the iceberg to migration. They are what we in the developed world are most of aware of, and even more so today thanks to crises such as the one in Syria that affect developed countries such as those in the EU. But beyond a critical analysis of how refugees are used in political speech and in migration policy as I do in this thesis, there is much more within the realm of migration that we ought to critically consider. We are living in an increasingly globalized world, and as the situation becomes more dire for people around the world, they will want to move quicker – and they will be able to move in ways that they would not have had the means to have moved before. Additionally, as global economic disparity widens, so will the dream to find a better life continue to grow. Therefore, I do not believe that our focus on migration will end with a solution to the refugee question – instead, refugees are only just the start to a process of rethinking how we define and control migration. As our ethnic, racial, and religious identities become more malleable within states; language and culture are shared with the click of a mouse between states; and we become dual and tri-nationals of multiple states; I believe that migration as we treat it today will change to suit our increasingly globalized identities and movements, with refugees constituting just the start to a new conversation.
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Chapter 1: Introduction to the framing effects of refugee discourse

I. Introduction

The photograph of a toddler washed up on a Turkish beach galvanized a global call to action for the ongoing refugee crisis unfolding in Europe. Alan Kurdi, a Kurdish Syrian refugee on his way with his family to seek refuge in the EU via Greece, drowned in the Mediterranean along with his mother and his five-year-old brother, Galib. Their surviving father, who fought desperately to keep them alive, spent three hours fighting to stay afloat at sea while awaiting rescue as his family and eight other refugees perished. Hailing from the Syrian town of Kobani, his family made the trek across Turkey and paid $4,500 to join the other 1.8 million migrants who attempted to cross into the EU by sea in 2015.1 Lying facedown in bright shorts and a red shirt, 3-year-old Alan Kurdi “has given a face to the refugee crisis.”²

This is how the popular narrative of the infamous toddler goes, and if nothing more, it succeeded in sparking an incredible emotional reaction within and outside of the European Union. However, contrary to popular belief, Alan and his family had already been living in Turkey for three years prior to their departure across the Mediterranean, and furthermore, their final destination was Canada – not the EU – where Alan’s aunt currently lives.³ Despite being exclusively referred to as “refugees” by media and politicians alike, the family had not been granted any refugee status during the time they stayed in Turkey, nor did they submit an asylum application in Canada or in Turkey, making them neither refugees nor asylum seekers. In effect,

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Alan and his family were irregular migrants, residing irregularly in Turkey and attempting to enter irregularly into the EU. Yet, Alan’s legal history did not stop the press, public or politicians from referring to him as a refugee because, as they saw it, “among the often glib words about the ‘ongoing migrant crisis,’ it is all too easy to forget the reality of the desperate situation facing many refugees.” But while speaking of glib words, as the face of the refugee crisis, Alan was never really a refugee at all, leading us to ask ourselves: What really is a ‘refugee’?

In this thesis, I will analyze the concept of “refugee” and explain why it has a variety of contrasting definitions and why some of these definitions are valued more in certain periods of time than they are in others. For example, in the case of Alan, “refugee” is as much a legal definition as it is a moral obligation, and yet the two do not overlap – Alan was not a legal refugee at all, and yet we might all argue defensively that he indeed was. What, then, is a real refugee?

The goal of this thesis is to reveal that there is no real refugee; it is not a fixed term we use to discuss human rights and humanitarian crises – it is politically loaded, politically influenced and politically malleable. The question of who qualifies as a refugee and what that status means at any given time depends on who you ask and when you ask it. In this thesis, I will answer the question: what causes the refugee’s definition to change throughout time?

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4 Irregularity in migration can be contrasted to illegal and legal forms of migration. A migrant could be irregular in his or her stay or entry, meaning that he or she does not stay or enter the territory in question through a legal avenue. More simply, the migrant is not legal, but this does not mean that he or she is illegal. Illegality entails a criminal offense, and in most countries, non-legal entry and stay do not fall under the purview of criminal law. Furthermore, from a humanitarian perspective, a human being can never be ‘illegal,’ so the title would be quite inappropriate. For an interesting explanation of irregularity versus illegality, please see PICUM ("Why 'undocumented' or 'irregular'?" PICUM, Accessed March 1, 2016, http://picum.org/picum.org/uploads/file_/TerminologyLeaflet_reprint_FINAL.pdf.)

5 Withnall, "Aylan Kurdi’s Story: How a Small Syrian Child Came to Be Washed up on a Beach in Turkey."
II. Methodology
Essentially Contested Concepts

As seen in the case of Alan, the concept of “refugee” is fluid and attaches when there is a perceived worthiness to one humanitarian plea in contrast to another. In this thesis, I will show how the refugee is variously describable and how its changing definition converts the refugee into a politicized concept with real, political consequences. In order to do this, I will first explain what is meant by a politicized refugee. To claim that the refugee is political begins with an acknowledgement that it is an essentially contested concept. The idea of “essentially contested concepts” comes from W.B. Gallie’s famous essay, in which he defines essentially contested concepts as terms that, “when we examine the different uses of these terms and the characteristic arguments in which they figure, we soon see that there is no one clearly definable general use of any of them which can be set up as the correct or standard use.”

This might not seem obvious to the reader when applied to refugees; we may think we have some conception of what a refugee is. We would not, for example, confuse a refugee and an expatriate, or a refugee and a diplomat. But when asking oneself what the definition of the refugee is, one is likely to find him or herself using ambiguous words. Let us assume that a refugee is someone in need of protection, as many might assert. We must then ask: what does it mean to be “in need”? What is the definition of “protection”? For some, the conditions for being “in need” are if the refugee is fleeing war, for others it is fleeing extreme poverty, and for others still it might be fleeing political persecution. Protection, on the other hand, might mean providing legal stay by granting residence permits, whereas for others protection ought to entail full integration into the host society. Indeed, there are many definitions for the word “refugee,” yet prior to conscious

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In order to understand how the refugee is an essentially contested concept, I will break it down through the five criteria that Gallie presents in his essay.

In order for a concept to be essentially contested, it must first be “appraised in the sense that it signifies or accredits some kind of valued achievement”\(^7\) (I). This is to say that the concept at hand entails some sort of valued quality when applied, and one of these very important appraisive concepts is that of the refugee. While refugee movements fall under the category of irregular migration,\(^8\) they are nevertheless accepted by the receiving state and can even claim rights upon their arrival, as enshrined in international law. In contrast, the opposite of an irregular “refugee” is an irregular “economic migrant,” who is not accepted by the receiving state and who cannot claim any rights at all. Some migrants – such as Alan and his family – are granted the appraisive term of “refugee,” pulling global sympathy, public support, and in the ideal circumstance, receiving a suite of rights for their protection and integration despite their irregular entry or stay.

Gallie’s second criterion for an essentially contested concept is that “the kind of achievement it accredits is always internally complex”\(^9\) (II). In other words, there is no generalized method or scale for deciding between the different claims made by its users. If we return to Gallie’s first criterion that the concept must be appraisive, this assumes that there are those that receive this achievement and those who do not. This forces us to then ask, what is a “refugee”? When considering this question, we will soon realize we are considering a multitude of factors at a variety of levels. For example, we will need to consider the person – who is a refugee? – which might lead

\(7\) Gallie, "IX.—Essentially Contested Concepts," 171.
\(8\) See note 4 for an explanation on irregularity.
us to consider what obligation this person may pose: what rights does a refugee have? Or from whom can a refugee claim these rights? How does a refugee claim his or her rights? This, then, might lead us to ask what qualities cause a refugee to become a refugee? And so on.

If the second criterion is that the term must be internally complex, the third is that “the accredited term is initially variously describable,” initially in the sense that the term can have a variety of contrasting definitions that might go unnoticed by the users until conscious consideration (III). Let us consider the question posed above: who is a refugee? We might image that a refugee is a person fleeing indiscriminate violence, as are Syrians today. Others might visualize a refugee as an individual who is persecuted for his or her political opinions, such as Edward Snowden. A refugee could also be someone fleeing religious and ethnic persecution, such as the Rohingyas today. But are persons fleeing famine in South Sudan refugees? Are Mexicans who cross the US border in search of safety and an escape from poverty considered refugees? Are those who have been systematically marginalized from society considered refugees, such as the “untouchables” in India or the Roma in Europe? These examples represent wildly different circumstances and people, and yet we tend to consider many of them refugees without considering why, or who else we might also need to include within this scope. These different frames on the concept “refugee” are invoked and interchanged all the time, making the refugee variously describable.

Gallie’s fourth criterion, closely linked to the second and third, is that the term must be “open” in character, meaning that its definition is consistently vague enough to support the variety of contrasting qualities it might contain (IV). This allows the accredited achievement to admit “considerable modification in the light of changing circumstances” and that such modifications.

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“cannot be prescribed or predicted in advance.” Said differently, the concept will change over time and in response to the changing context in which the term is used. At different times, we may have answered differently to all of the questions posed above about refugees, and this reflects the changing environment in which we define the concept. For example, when the refugee regime came into existence, “refugee” was defined as a European fleeing political, ethnic, or religious persecution, and this definition reflected the exodus in Europe following World War II. In 1967, this definition was expanded to include all people fleeing persecution as well as indiscriminate violence, which reflected the need to find a humanitarian response to refugee movements that were growing at an alarming rate outside of Europe. Therefore, our understanding of the concept of “refugee” will remain consistently vague enough to be reframed according to new situations.

Through Gallie’s first four criteria, we have established what constitutes a term that has a variety of definitions invoked by its users. However, it is in Gallie’s fifth criterion that we understand how the concept is “essentially contested” and not just complex. Gallie’s fifth criterion is that the term “must be used both aggressively and defensively” (V). To use a concept aggressively or defensively requires that the user is aware of the rivalrous descriptors present within a concept and that he or she consciously ranks one as more valued above the others. As such, the user might assert that a certain person is a real refugee, or that their claim for refugee status is more deserving than another. Take, for example, Al Jazeera’s article titled, “Why Al Jazeera will not say Mediterranean ‘migrants.’” Here, the staff at Al Jazeera is aggressively pushing their definition of “refugee” by claiming that all those who enter Europe irregularly are

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de facto refugees, and calling them anything but that would be immoral and incorrect. Contrast this to how President of the European Commission, Jean Claude Junker, defends his definition of the term “refugee”: “We Europeans should remember well that Europe is a continent where nearly everyone has at one time been a refugee. Our common history is marked by millions of Europeans fleeing from religious or political persecution, from war, dictatorship, and oppression.”

Here, President Junker is defending the right to asylum by making the claim that everyone in Europe has been a refugee, expanding the definition of the refugee to defend his particular use of the term. In both cases, we see that the speakers are aware that they have to assert their definition of “refugee” in a context in which its definition is contested.

However, the point of this thesis is not only to unveil the essentially contested nature of the refugee, but also to explore the political ramifications of such debate. If Gallie is right in noting that a concept that is variously describable and whose rivalrous descriptions seem neither absurd nor contradictory prior to conscious consideration, then the ways in which our leaders invoke the word “refugee” has the potential to frame our understanding of it and to restructure its value without a conscious awareness of this happening. To follow Gallie’s criteria, if “refugee” is an appraisive term (I) that has competing definitions (II and III) that coexist within an overarching ambiguous understanding that adapts to changing situations (IV), then those who wish to pursue their definition as the correct one will argue aggressively and defensively for it (V) and can frame the ways in which the public defines the refugee. This is to say that if one of those arguments becomes the dominant discourse on refugees, then the variety might very well be “replaced by a

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ruthless decision to cut the cackle, to damn the heretics and to exterminate the unwanted."\textsuperscript{17} Indeed, the significance of the contested nature of the refugee is precisely the fact that the fluidity of its definition allows it to be manipulated - either by person or by circumstance or by both - which will not only change the dialogue around it, but will also change the real-world policies that affect it. In order to explain these political ramifications of a variously describable refugee, I will use the framing effect.

**Framing Effect**

Studies in the social sciences assert that the framing effect occurs when “logically equivalent (but not transparently equivalent) statements of a problem lead decision makers to choose different options.”\textsuperscript{18} This would imply that the “problem” at hand is variously describable and that its users must choose a definition that they will choose over other competing versions. In turn, this creates a frame around a subject – much as a picture frame does to a photograph – that constructs “a particular (if incomplete) worldview that enables us to see certain connections, yet occludes others.”\textsuperscript{19}

Let us return to the story of Alan Kurdi, about whom the dominant discourse was that he and his family were refugees who deserved protection by the European Union. When the story of Alan Kurdi arose, there were several frames from which politicians could choose: they could have announced that Alan and his family were actually not refugees and thus refused to offer protection because of the Kurdis’ illegitimate migratory status. They could have claimed that Alan was part of a dangerous influx of irregular migration that poses a security threat to the EU, which can no

\textsuperscript{17} Gallie, “IX.—Essentially Contested Concepts,” 168.


longer administratively register all those coming through its borders, thereby using Alan’s story as a warning to those wishing to make the same journey across the Mediterranean. They could have also chosen to place the blame on the smugglers and declared the tragedy not under their scope of protection.

All of these different frames make us understand Alan’s situation differently, and, in turn, influence us to adopt different definitions of the refugee and different policies towards refugees. If instead, Alan’s fate would have been presented as a possible consequence to those irregular migrants who are threatening the EU’s security, then perhaps we would have treated refugees with much less humanitarian sympathy. But if we support the tragedy of Alan’s death as exemplary of the tragedy of the refugee crisis, then this is sure to widen our definition of “refugee” and inspire a greater humanitarian responsibility for their protection.

There are competing frames that co-exist simultaneously and that will be pushed by different actors for different reasons at different times. For example, while Alan might be framed as a refugee who has a legitimate, moral claim to state protection, simultaneously another group of migrants might be framed as illegitimate, irregular migrants who threaten the security of the EU. These contrasting frames could exist at the same time, and it is this variety in value within political discourse that is so crucial to evaluate, because it will frame what we qualify as a refugee and what we do not.

In short, frames matter because they will shape our perspective of the refugee as well as refugee policy. At any given time, there is a variety of competing frames that can co-exist simultaneously, and different actors will push for different frames at different times. However, when a frame becomes dominant, it exercises a disproportionate effect on our thinking about refugees, creating
significant framing effects on refugee policy. In the next chapters of this thesis, we will explore how a frame because dominant and what framing effects it will have on refugee policy.

III. Thesis overview

In this thesis, I argue that the refugee is politicized in that it is an essentially contested concept whose definition can be decontested by state actors through the framing effect. States have an interest in defining the concept of “refugee” as its status implies an obligation on the state, and as such, state actors will attempt to frame the refugee through their discourse according to their interests. If this discourse becomes dominant, it will exercise a disproportionate influence on shaping our perception of the refugee and on refugee policy. In this thesis, I analyze political discourse on refugees throughout time to see how dominant frames have succeeded in reshaping our perception of the refugee and on the policies that follow. I argue that behind this shift in perception and policy, it is state interests and state power that are the drivers.

If in this introduction we have established that the refugee is an essentially contested concept that can be framed through political discourse, then Chapter 2 will try to answer the question: how do dominant frames emerge? I will answer this question by explaining how state interests and state power structure and decide which frames become dominant. First, I will show that the refugee is primarily contested on two dimensions: its scope and its obligation. Next, I will explain how state interests in stability and image drive state actors to decontest the concept of refugee, and how these interests coalesce into two primary frames that frequently recur in refugee discourse: the securitized frame and the humanitarian frame. Finally, I will end this chapter with an explanation of how power decides which state is able to decontest the refugee’s scope and obligation and create the dominant frame for the refugee by modeling this through the Suasion Game.
Once the theoretical framework for refugee framing has been set up, Chapter 3 will look at the history of the concept of “refugee” and explore how it has been contested and decontested throughout time. Beginning at its origin with the Huguenots and ending with the establishment of the present-day refugee regime, I will show how the refugee’s evolving definition throughout history has been a product of state power and has evolved due to changing state interests. In each period of history that I explore, I will apply the concepts discussed in Chapter 2 to understand how state power and state interests have formed the dominant frame on the refugee. Furthermore, Chapter 3 provides the necessary historical background to understand the case-study presented in Chapter 4.

In Chapter 4, I present an in-depth case study of EU-Turkish cooperation on managing the European refugee crisis that shows us a contemporary example of how the refugee is shaped by political interests and political power. This chapter will build on the history discussed in Chapter 3 and it will put the theoretical tools presented in Chapter 2 into practice. In so doing, I will explain how the concept of “refugee” remains essentially contested and how it is being actively decontested by the EU through its cooperation with Turkey, shifting our understanding of the refugee’s scope and obligation to suit the EU’s political priorities. Finally, I will explain how power has allowed the EU to achieve its interests and successfully reframe our understanding of the refugee, and how this is having serious policy implications for asylum in Europe.

By exploring the politicized nature of the concept of “refugee,” we can begin to think critically about how we value and understand asylum policies within the larger picture of global migration. In a time where refugees are making headlines everyday, it is crucial that we deconstruct our understanding of asylum in order to evaluate why asylum policies really matter and why defining a clear role to play in providing relief to humanitarian crises is so vital to its cause. In this
next chapter, we will gain the theoretical tools to analyze the concept of “refugee” and evaluate its underlying purpose.
Chapter 2: Political power in refugee discourse

I. Introduction

In Chapter 1, I argued that the concept of the refugee is political. That is, the refugee is an essentially contested concept whose definition varies among political actors, but whose definition may be decontested through framing in political discourse. Having said that, the concept of the refugee is not always actively contested; at times and in specific contexts, political actors may largely agree on a specific definition of “refugee” (for example, when the concept is defined in a legal document). In such moments, the decontested meaning of “refugee” is shaped by the dominant political discourse at the time, and this discourse will have significant framing effects on public opinion and asylum policy.

Which political discourse will become dominant and why? In this chapter, I explore how state power and state interests determine the dominant discourse on the refugee. More specifically, this chapter is meant to offer the theoretical framework for how a powerful state goes about framing our understanding of the refugee, and how this will result in significant framing effects on refugee policy.

To do this, we must first understand the two parts that make up the concept of “refugee”: its scope and its obligation. Over the last century, contestation over the concept of “refugee” has clustered around two dimensions: who counts as a refugee, and what states owe to them. We can think of these two dimensions as the scope of who qualifies as a refugee, and the obligation to those who are classified as refugees. States have an interest in defining the scope of “refugee” because the broader the definition, the more people who may potentially qualify for its status. States also have an interest in defining their obligation to refugees because, if states are obligated

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20 For this discussion, the kind of power is not relevant. It could be material or normative power.
to provide for legal stay, work permits, a path to citizenship, etc., these will have corresponding policy implications.

The state does not, however, have just one single, unified interest in refugee matters; instead, there are various stakeholders that push and pull on the state to create policies that they prefer, and the state must find an appropriate balance between these stakeholders. To simplify this diversity, I identify two sets of interests that the state must satisfy when dealing with refugees: state stability, which might include concerns about spending, national security, or national identity, as well as its image, in which state decisions must appeal to both public opinion and the international community with which it cooperates. For example, the public or the international community may call on the state to provide greater refugee protection, whereas its political leaders may push concerns of national security as a justification for keeping refugee inflows minimal. As such, the state will need to find a position that balances these kinds of interests by framing the refugee through its political discourse in a way in which it can satisfy both.

By looking at political discourse, we can see how states satisfy these interests by framing the refugee under two contrasting umbrella concepts: the humanitarian frame and the securitized frame. A humanitarian frame can be understood as rhetoric that places greater concern on the well-being of the refugee, whereas a securitized frame would frame the refugee as posing a threat to state stability. Broadly speaking, state actors will jump between these two frames to satisfy their interests in maintaining stability and a positive image. For example, a state may invoke a humanitarian frame in order to portray the image that it is prioritizing humanitarian concerns. Conversely, the state might invoke a securitized frame when it is most concerned with state stability.
Finally, I will explain how one frame becomes dominant at a given time, thereby decontesting the concept of the refugee. In order to do this, I will show how political power influences which political discourse will become dominant through the Suasion Game. The Suasion Game is a game theory that recognizes uneven state interests and state power within international cooperation, resulting in an outcome that will always favor the stronger state over the weaker one. As such, the frame adopted by the dominant state will have a disproportionate influence on reshaping our understanding of the refugee’s scope and its obligation, which will have significant framing effects on refugee policy.

II. Refugee Framing
The contesting scope and obligation of the refugee

As I have established in the introduction to this thesis, the refugee is an essentially contested concept in that it is variously describable and whose definition is malleable. If we take this a step further and divide the refugee into its two most basic parts, we see a necessity to define the scope for who qualifies as a refugee, and the obligation that refugees create on the receiving state. In other words, if a refugee is broadly described as a person in need of protection, then there is a requirement to define what qualifies as being “in need” and what exactly is the “protection” that the state must offer. There are several competing definitions of both qualities present in political discourse at any given time.

The scope: The scope of refugee status refers to the extent to which this status can be applied. Put differently, it is the number of causes that can justify receiving the status of “refugee.” We may perceive a legitimate cause for becoming a refugee as ranging from indiscriminate violence, civil war, political, religious, or ethnic persecution, extreme poverty, famine, or natural disasters – to name just a few. There is certainly a variety of causes that we identify as generating refugees, though the legal parameters set are not nearly as far-reaching and their scope varies from state to
state. For example, the 1951 Convention Relating to the Status of Refugees states that a legitimate cause is based upon “a well-founded fear of being persecuted.”21 This Convention, signed by 156 countries, would therefore exclude persons fleeing indiscriminate violence, famine, generalized war, extreme poverty and natural disasters. In contrast, the Organization of African Unity’s 1969 Convention extends their cause to acts of external aggression, occupation, domination by foreign powers or serious disturbances of public order.22 While we might envision the refugee as a person fleeing any variety of these definitions, we may be unaware that there is no single definition to who qualifies as a refugee and how the state legally determines this qualification. Even the dictionary provides an equally ambiguous definition for the scope of “refugee”: “A person who has been forced to leave his or her home and seek refuge elsewhere, esp. in a foreign country, from war, religious persecution, political troubles, the effects of a natural disaster, etc.”23

**The obligation:** Once the scope of the term “refugee” has been defined by the state, it will then need to determine what kind of obligation that status confers. For a large majority of us, being a refugee constitutes no claim for any special rights; we perceive refugees as people in need of protection but without having necessarily received it. From the state’s perspective, this is rarely the case.24 Being a refugee requires, at some level, that the state offers some form of protection. In the 1951 Convention, this protection is enshrined in the principle of non-refoulement, which bars

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24 This is with the assumption that the state cares about its image, its public, and its security. Not addressing refugee movements could destabilize state security and it would likely come at a human cost, one which the public and international community would condemn. However, imagine that this is an autocratic regime with no public oversight - then maybe public opinion is no longer a central concern. This is also the case if it is the state that is generating refugees outflows; it probably does not care much about its obligation to refugee protection. Please see the *limitations* section of the conclusion to read more.
a state from returning a refugee or asylum who fears for his or her life or freedom on the basis of race, religion, nationality, membership of a particular social group or political opinion.²⁵

Many other states have extended their obligation in providing refugee protection in their own legislation to varying degrees. For example, Denmark offers free Danish courses and integration lessons for up to five years, as well as legal access to employment, residence, and education.²⁶ Turkey, on the other hand, offers legal stay to refugees but does not provide access to education, healthcare, or work permits. UNHCR defines this obligation as having “at least the same rights and basic help as any other foreigner who is a legal resident, including freedom of thought, of movement, and freedom from torture and degrading treatment,”²⁷ which allows for quite significant variation in the interpretation of what exactly these rights should include. The kind of obligations that a refugee imposes are contested among actors and among states, with no standardized or universal definition in asylum policies.

The two aspects of state interest: image and stability

However, it is not obvious how states will try to decontest the scope and obligation of the refugee because states have competing interests in state stability and image that it must account for. In any state and at any time, there is a variety of stakeholders that have an interest in defining what is the cause and the obligation that a refugee imposes. For the purposes of this discourse analysis, I simplify the variety of interests under two predominant, overarching concerns that the state must account for: its image and its stability.

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**Image:** The state does not exist in a political vacuum and it must consider the feedback of its public and the international community with which it cooperates when forming its rhetoric around asylum. For example, if the public calls on the state to provide greater refugee protection or grant asylum to more people in need, then the state will have an interest in satisfying, at least partially, that call. Similarly, the state will also have an interest in appealing its frame to the international community. Due to the transnational character of refugees whose solutions require international cooperation, the state must consider the image it projects to its international audience when forming its rhetoric and policy on asylum.

**Stability:** The other concern that will affect how the state will frame the refugee will be its stability. Even if public opinion calls on the state to open up its borders and allow in more refugees, the state will need to consider the impact this might have on state stability. This might be in terms of budgeting – *how can we afford to pay for housing complexes, integration courses, and health and education access to a large number of refugees?* It might also come in terms of cultural protection: *how will the influx of refugee change the religious and cultural make-up of our state?* Or, it might also come in the form of national security: *how could the impact of unregistered and undocumented migrants affect our national security?* To answer any of these questions, the state might respond by tightening border security in order to satisfy the concern of state stability, even if it is at the expense of asylum seekers and persons in need of protection.

While I am drawing a distinction between stability and image, these are not always as distinct in practice. Stability interests have to do with how a state actor understands the interests of the state in terms of security, cultural cohesion, economic stability, border security, national defense etc. Image interests have to do with how a state actor understands the interests of the state in maintaining or projecting a certain image to its domestic and international
audiences. Sometimes these two interests overlap: for example, if the public and international community are primarily concerned with state security, then the concern of image and stability become two faces on the same coin. Furthermore, in practice, individual political actors may not distinguish image and stability neatly (as in, someone may think that our security is best served by projecting the image that we are deeply concerned about humanitarian issues). However, other times they are very distinct (such as where a state actor is concerned with economic stability, regardless of how that might impact the state's image). By analyzing what has caused shifts in the framing of “refugee” throughout time, I see that a change in the balance of these two state interests are at the root of the shift.

The framing effect: Two competing frames in political discourse

Depending on how state actors understand their state interests in stability and image, they will attempt to decontest the refugee accordingly through framing. I identify two broadly defined, contrasting frames that are placed on the refugee in political discourse: the securitized frame and the humanitarian frame. Both frames exist simultaneously at any given moment within political discourse, but the dominance of one frame over another depends on the balance between state interests in image and stability. Generally speaking, we can say that the humanitarian frame is invoked when the state is most concerned about its image, whereas the securitized frame will be invoked when the state is most concerned with its stability. In both cases, we see that the frames are used according to state interests, so a humanitarian frame does not necessarily indicate that a state is adopting a purely altruistic stance; it indicates that the state has an interest in adopting a humanitarian frame – perhaps to maintain public opinion or because it is politically appropriate. It is important that we understand these two frames because their interplay will have framing effects on how we conceptualize the refugee and the policies that follow.
**The humanitarian frame:** A humanitarian frame is discourse that places a greater concern for human safety and human rights than other competing concerns. In the context of “refugee,” a humanitarian frame would place the greatest concern on the safety, security, and well-being of “refugees,” thereby deprioritizing other concerns such as public safety, cultural cohesion, or the economy. Take for example UK Prime Minister David Cameron who announced, two days after the emergence of the photo of Alan washed up on shore, that the UK “would act with our head and our heart” to take in “thousands more” Syrian refugees. This rhetoric undoubtedly places emphasis on the human dimension of the refugee crisis over other concerns, such as fears for the future integration of refugees or the state’s economic capacity to support their stay.

Additionally, David Cameron might have invoked this strong humanitarian frame to appease the British public who were outraged like the rest of Europe at the photo of the drowned toddler and who have been particularly critical of the British government for not taking in more refugees in resettlement schemes. Knowing that much of the public was calling for stronger solidarity in refugee protection, Cameron responded to the death of Alan with the appropriate message to project his desired image: a sincere and ready-to-help United Kingdom.

**The securitized frame:** The humanitarian frame can be contrasted to the securitized frame, in which political discourse places a greater concern on state stability over other competing concerns. In the context of the refugee, a securitized frame exists when politicians place exceptional emphasis on matters of state security, pitting the refugee on one side of the spectrum and security on the other. Out of the Copenhagen School, securitization is the process by which state actors transform subjects into matters of ‘security’; it is an extreme version of politicization that enables

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extraordinary measures to be used in the name of security. As such, a securitized frame generally identifies refugees and asylum seekers in the way that the state traditionally regards irregular migration: “as a threat, an invasion, a conquest, a plague or even a ‘rape of the motherland.’”

Of course, framing the refugee as an issue of security does not need to go to such extremes. Instead, politicians might frame an influx of asylum seekers as “irregular migrants” instead of as “refugees” in order to present their entry as a security threat rather than a humanitarian need. For example, Jøran Kallmyr, Norwegian State Secretary in the Ministry of Justice and Public Security, told *Newsweek* that, “[The government] does not have a duty to protect economic migrants. What we are obliged to do is to give direction to those coming from direct persecution,” claiming that those coming through their borders are not migrants who are deserving of refugee status. In another example of securitized speech, Prime Minister of France Manuel Valls said at the World Economic Forum that, “we cannot accept, and we cannot say, that all the refugees - anyone fleeing the terrible war in Iraq or Syria - can be welcomed in Europe. Otherwise, our society will be destabilized.”

In both examples, state security concerns prevail over other concerns, such as the well-being of those seeking refuge in their countries. Unsurprisingly, securitized rhetoric will also often reflect a greater concern for state stability than for other concerns.

These are not, however, the only two topics that frame the refugee, nor do they exist entirely separate from each other. Rather, a state actor could portray humanitarian concern while

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still emphasizing security interests, as did Prime Minister Valls. Politicians do not exist in a moral vacuum and their biases are not black and white as either security-concerned or humanitarian. This is why I focus on the dominant discourse, because among a diversity of rhetoric, we can find consistent themes in refugee discourse that attempt to color political intentions under different hues. Rather than discussing every frame that an actor might invoke when discussing refugee matters, I focus on the two primary, overarching and contrasting themes in which refugee discourse resides, much as I focus on two concerns that drive the state to invoke these frames. By analyzing political discourse on refugees through the humanitarian or securitized frames, we can better understand how state actors attempt to decontest the concept of “refugee” according to their state interests in image and stability, and why framing matters in shaping public perception and policies.

III. The framing effect and power: The Suasion Game

I have just explained how the definition of the refugee is contested along two dimensions: scope and obligation; and I have explained what state interests are at play when decontesting these definitions: image and stability; and finally, I showed how these interests will expose themselves in political discourse through securitized or humanitarian framing. If, then, we know that the definition of the refugee is influenced by political interests that are expressed through political discourse, who is it that gets to form the dominant frame on the refugee? In domestic politics, we might begin our study of dominant political rhetoric with the President and his cabinet, who will share a position towards refugee policies and, as the leaders of their country, will have significant framing effects on the ways the public understands the refugee and the policies that will be created in response. In international politics there is no executive branch or proclaimed global authority, and as such, dominant political discourse must be understood through the lens of power politics. In this section, I will explain the international dimension to refugee framing and how power factors into determining which state gets to build the dominant frame within the international arena. To
help model this, I will use the Suasion Game to explain why the stronger state will always create the dominant frame on the refugee.

The refugee requires us to look at it from an international, rather than domestic, level because the concept is *de facto* international in scope: the migrant will move from one country to another, taking with him his language, culture, religion, politics, morals, and values when he enters into a new state. Though the state-asylum seeker relationship might not qualify as international relations, deciding who counts as a refugee and what ought to be its protection does. This is because, in the little academic work that evaluates refugee politics under the tenets of international relations, it has been suggested that refugee protection is a global public good. A *public good* is a good that has the properties of nonexcludability and nonrivalry. In other words, once provided, benefits conferred by the good (1) cannot be withheld from other members of the community and (2) do not diminish or become scarce when enjoyed by another actor. A common example of a public good in domestic politics is street lighting: once granted it cannot be withheld from any other members and it does not become scarce as more members gain access to it.

However, I would disagree with Suhrke’s argument that refugee protection is a global public good, because I do not believe that in practice its benefits will accrue equally to all members of the international community. Because refugee flows tend to stay within the region of the conflict that generated them, the states in closest proximity to the conflict will have the greatest benefit in global refugee protection than will those in further proximity. By consequence, the interests of the

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state in providing refugee protection are not equal, characterizing refugee protection as a *regional public good*, instead of a global public good.

Furthermore, it is not only the interests of states that are uneven, but also the power that structures these interests. We know that states vary in their relative power and that they will use this power to obtain their interests and goals within the international community. In the case of the refugee, a state will be interested in defining the refugee’s scope and obligation, and it will use its power to decontest the refugee within the international community. A state’s ability to reframe the definition of the refugee depends on the political power of that state within the international community. This is what Andrew Betts calls the *North-South impasse*, which describes the ability of stronger states within the Global North to define the terms of cooperation on refugee protection, regardless of what weaker states within the Global South are asking for. I extend his argument and apply it to discourse and framing: since the definition of the refugee’s scope and obligation are not set, they can be manipulated by powerful states in order to achieve their desired outcome in refugee protection for which they will be particularly interested if they are considerably affected by refugee movements.

Betts models this through the Suasion Game, an alternative to the Prisoner’s Dilemma, which cannot reflect this scenario as it assumes actors have symmetrical interests and power relations. Instead, the Suasion game presents a situation in which *either* weaker actor A has a dominant strategy to cooperate that stronger actor B can exploit, or stronger actor B has a dominant strategy to defect, and weaker actor A must cooperate to avoid an even worse outcome. In either case, the weaker actor’s preferred strategy is to cooperate – either because noncooperation is not

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36 Ibid, 32.
practically viable or because it would lead to even greater loses. On the other hand, the stronger actor is in a position to choose to defect and that will likely be its preferred option. Suasion games have only a single equilibrium outcome (CD), which satisfies only one actor and leaves the other aggrieved – “the strong actor B will always exploit the weaker actor A.” 37

The Suasion Game

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Number left of comma refers to A’s preference ordering. Number on the right of comma refers to B’s preference ordering.

(1 = worst outcome; 4 = best outcome). * indicates the equilibrium.

Let us examine the Suasion Game in the context of political discourse and framing. The refugee’s scope and obligation are contested concepts that have a variety of definitions at any given time among state actors. If a stronger actor wishes to push his or her definition as the best or the most correct one within the international arena, his or her frame will become dominant. If a weaker actor chooses to defect and continues to push his or her own definition to try and incite more or less cooperation on protection, the weaker actor will not gain anything because it does not have a dominant strategy to persuade the stronger actor to adopt its particular decontested definition of the refugee. Conversely, if the weaker actor chooses to accept the terms of cooperation and to adopt the dominant frame on the refugee, it will never achieve all of its interests, but it will still be more the favorable strategy than defection in which the weaker actor would receive no concessions at all. As such, the dominant frame of the refugee will always be constructed and supported by the stronger state, and this frame will be formed according to their state interests in stability and image.

37 Alexander Betts, Protection by Persuasion International Cooperation in the Refugee Regime, 44.
As such, the dominant frame will always be favorable to the stronger actor than to the weaker one, as the equilibrium outcome of the Suasion Game supposes.

To think of the Suasion Game in more practical terms, we can use its structure to explain why one frame on the refugee will become dominant at any given time. As I will show in both the history of the refugee and the case study in Chapters 3 and 4, what causes a shift in the dominant frame of the refugee is due to the shifting state interests of the stronger states. Because the refugee can be considered a regional public good, it will only become decontested by the stronger states once they are directly affecting, causing them to reframe their state interests and how they wish to define the refugee’s scope and obligation in response. Ultimately, what the Suasion Game presents and what I argue throughout this thesis is that state interests and state power are the drivers to refugee policy change over time.

IV. Conclusion

This section has provided the theoretical framework for this thesis, whereas the subsequent chapters will bear out this argument with empirical evidence. As we explored in Chapter 1, the refugee is an essentially contested concept whose framing through political discourse can have effects on how we perceive the refugee and the policies that are created in response. In this chapter, we take this understanding a step further and explore under what conditions “refugee” is decontested and under what circumstances one frame becomes dominant.

To begin, we had to understand along what dimensions the refugee is contested and why a state might have an interest in decontesting it. The concept of “refugee” can be divided its two contested parts: its scope and its obligation. A state has an interest in defining its scope because this will determine under what circumstances a person will qualify for refugee status, so that if the
scope is wider, a larger number of people can be considered as refugees, and vice versa. Related, the state will also have an interest in defining the obligation that these refugees impose on the state.

When decontesting the refugee’s scope and obligation, the state will need to take into account its interests in image and stability. While sometimes these two qualities can overlap and may not be quite as neat in practice as they are analytically, they give us an understanding for what drives the two rhetorical frames that follow. Therefore, we could say that a concern for a favorable image is related to humanitarian rhetoric, whereas a concern for state stability would relate to a securitized rhetoric. It is in the interplay of these two frames that we can pick apart the underlying political interests in framing.

While all states might have a stake in defining the scope and obligation of the refugee, only states with more relative power can successfully create a dominant frame on the refugee. Explained through the Suasion Game, states have uneven interests and uneven power that shapes their cooperation on refugee protection. As a regional public good, refugee movements do not affect all states equally, so some states will have more at stake for how the definition of the refugee’s scope and obligation is set than do others. As such, it is once a stronger state is directly affected by refugee flows that we see a significant change in the framing of “refugee.” This is because, if a state has more relative power, then it will successfully decontest the refugee according to its state interests and thereby form the dominant frame on the refugee.

The story of how states contest and decontest the refugee is not a simple one. The refugee presents an obligation on the state for protection but as a contested concept, neither its scope nor its obligation has been universally defined. As such, states will have an interest in decontesting its definition in order to define the obligations that they would be willing to accept. However, because refugee movements do not affect states equally, there are uneven interests and uneven power that
creates an equilibrium that will always favor the stronger state over the weaker one. In terms of rhetoric, this means that the stronger state will succeed in creating a dominant frame on the concept of “refugee,” and this discourse will have significant framing effects on asylum policy. In this chapter, I have taken the time to explain this complicated framework to decontesting the refugee, and in the next chapter, I will show how state power and state interests have framed and reframed the refugee throughout history.
Chapter 3: Historical analysis of the political manipulation of “refugee”

I. Introduction

How has the concept of “refugee” been decontested throughout its history? Whereas the previous chapters laid out the theoretical claims, here I will demonstrate them throughout the history of the refugee. First, I will show how the concept of “refugee” is essentially contested in its origins with the Huguenots in 17th century France. Next, I will look at the first multilateral cooperation on refugee protection during the time of the League of Nations, and how this greatly politicized the refugee and made it into a geopolitical prop for powerful states. Next, I will look at the construction of the contemporary refugee regime that emerged after World War II and devolve its explicit and implicit Eurocentric frames in order to see how states continued to manipulate the frame on the refugee’s scope and obligation to suit their interests. Finally, we will look at how the refugee regime remains ‘half-complete’ today, with a highly contested definition of the refugee’s obligation that allows it to be manipulated and decontested through international cooperation.

In short, this chapter will allow us to apply the concepts presented in Chapter 2 to a wide variety of cases. I will evaluate the history of the refugee through the lens of power politics and state interests and in so doing, I will explain how state actors have utilized their political power to create a dominant frame on the refugee. More importantly, this history will shed light on the political dimension of the refugee that is arguably much more powerful than its humanitarian appearance. This chapter will provide the necessary background for understanding the case-study on Turkey-EU cooperation on refugee policy presented in Chapter 4, building the framework for how the refugee is contested, controlled, and reframed by state interests throughout time.

II. Origin of the refugee: French Huguenots

The term “refugee” first emerges in 17th France, and while we might believe that “refugee” has had a single definition which was established when it was first coined, we find that its original
meaning was very different from the contemporary definition of “refugee” today. In this section, we will see how the refugee was an essentially contested concept at its origin and how its definition changes meaning according to changing political circumstances.

During the 1700s, France experienced growing tensions between the minority Protestants, known as the Huguenots, and the Catholic majority, leading to several small wars in Southwestern France. In order to quell the religious fighting, Henry the IV issued the Edict of Nantes in 1598 that granted religious and political freedom to the Huguenots. However, the Edict of Nantes was revoked in 1685 when Louis the XIV passed the Edict of Fontainebleau, which once again limited the autonomy of the Huguenots and was followed by violent religious persecutions throughout France, including mass killings, torture, and expulsion from the job market and education system.

Though many French Huguenots might have liked to flee France, Article 10 of the Edict placed a “ban on members of the Reformed Church emigrating – on pain of the galleys for men and prison for women.” As such, coming from the French verb *refugier*, meaning ‘take shelter; to protect’, the Huguenots *se sont refugiés* within France, defining the first “refugees” as internally displaced persons. In other words, the world’s first refugees were a matter of domestic persecution and *not* a cross-border or transnational issue.

Interestingly, this is in stark contrast to every contemporary definition of a refugee that exists today, showing us that the refugee is, and has always been, a contested concept. As defined in the 1951 Convention – to which 156 have signed – a refugee is someone who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a

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39 Ibid.
particular social group or political opinion, *is outside the country of his nationality*, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country." The fact that a refugee was someone internally displaced in 17th century France indicates that the circumstances under which refugees found themselves were different then they are today.

However, these circumstances did not just arise on their own; instead, political decisions created a politicized refugee - one that suited state stability concerns at the time. Indeed, during the 16th and 17th century, emigration was banned and movement was severely restricted between powers in Europe. Feudal states viewed their peasantry as valuable manpower if an army needed to be assembled, and as having agricultural utility during peacetime, and thus pursued strict laws against emigration into other kingdoms or states. It was in the interest of the state to restrict movement, causing the scope of the first “refugee” as being defined as an internally displaced, religiously persecuted person.

The major implication of defining the scope of the refugee as being internally displaced is that there is no obligation on any other state to deal with them. By the time of the Edict of Fontainebleau, the Treaty of Westphalia had already been signed and put into force in Western Europe, so neighboring states had no right and no obligation to step into French territory to call foul on the treatment of their religious minorities. Therefore, in 17th century France and elsewhere in Europe, refugee status was only defined in its scope (such as those facing religious persecution), but created no obligation on any state. Conversely, a refugee found *outside* of his or her country of origin requires not only a definition for the scope of who qualifies as a refugee, but also the obligation that the refugee creates on the receiving state. This would mean that having internally

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displaced “refugees” would not imply any responsibility on the state, suiting the Westphalian system and the interest in maintaining state stability at the time.

III. World War I: the geopolitical gain in defining the refugee’s scope

It was not until the term was applied to persons fleeing outside of their national borders that the concept of the “refugee” accrued political significance. In the aftermath of World War I, European states needed to develop a response to the massive influx of displaced persons pouring into their borders. In the interwar period between World War I and II, we see a trend to define the refugee’s scope and obligation as however would be most politically advantageous to the strongest states, who at this time were the victors of World War I and housed within the League of Nations. This section is intended to expose the political manipulation of the definition of “refugee,” and show how state interests in stability and image led state actors to prioritize certain vulnerable groups over others, irrespective of their actual humanitarian needs.

With the break-up of multi-ethnic empires and the end to one of the most violent wars in history, World War I launched the first cross-border humanitarian exodus in Europe, and with that, introduced our first international and politicized refugee. Concerned with uncontrolled immigration and fearing huge flows of displaced people that would threaten the stability of the region, European governments rushed to erect protective barriers, close borders and expel thousands, thereby refusing any obligation in providing humanitarian relief to those seeking international protection. Against this backdrop of increased securitization, the massive refugee flows generated by World War I and the 1917 Bolshevik revolution in Russia overwhelmed the capacity of the private charitable agencies that were striving to provide the relief that their governments were unwilling to grant. In 1921, these agencies, represented by the Red Cross, appealed to the League of Nations to establish a central coordinating office to address the question
of refugees. In response, the League created a temporary position of “High Commissioner on behalf of the League in connection with problems of Russian refugees in Europe”, which later became more generally, the “High Commissioner to Refugees.”

Its original title reflects its pragmatism and selectivity; powerful states housed within the League of Nations were more concerned with state stability than humanitarianism, and therefore kept the scope of refugee status deliberately narrow so as to minimize their obligation. Their interest in expanding the scope of the refugee depended upon the problem or political bargaining chip it could generate for them as the receiving states. Recognizing that they would need to confront with the issue of refugees one way or another, Europeans powers began granting refugee status to specific nationalities in an *ad hoc* fashion through the Office of the High Commissioner to Refugees. Beginning with the Russians in 1922, the High Commissioner went on to grant refugee status to Germans, Armenians, Hungarians, and Austrians through the ‘Nansen Passports’, named after High Commissioner Nansen who was particularly innovative and influential in extending refugee protection.

Nonetheless, all recognized refugees receiving the “Nansen Passports” were granted protection only because they did not represent a political threat to the state actors who made up the League of Nations. Additionally, all those granted refugee status came from countries that were not allied with the League, giving Contracting States within the organization a positive image to their domestic and international audiences. This image was that the Contracting States were more politically stable and culturally desirable in that nationals from their opposing states were seeking refuge within their territory. A double-bladed sword, those receiving Nansen Passports sent a message to those outside of the League that the Contracting States held and retained the most power and stability within the international system.
In order to avoid any pressure to recognize all political dissidents of any state and not just those that were geopolitically favorable, governments refrained from adopting a universal definition of “refugee” that would be upheld in the High Commission’s Office in the League of Nations and imposed on its members. Instead, they extended refugee status to nationalities in an ad hoc fashion, keeping the protection granted minimal and the mandate of the High Commissioner deliberately narrow. For example, the League of Nations did not extend refugee status to Italian or Spanish persons fleeing Fascism and dictatorship, as both countries were Contracting States to the League. The Italian government had strenuously opposed the inclusion of Italian refugees, and most of the member states of the League Council were not willing to provoke Mussolini “on such a comparatively minor issue.” All political refugees from within the League were considered an embarrassment to the organization and to the states within it, and so they turned their attention to nationalities that were more politically favorable. This explains the immediate extension of refugee status to Germans and Austrians, who were coming from the dissolving empires of the Central Powers and who had lost the war to the Allies.

We can see how defining the scope of refugee status is manipulated according to the interests of the dominant powers in the international system when we take a comparative look outside of Europe. I have explained how defining the “refugee” was led by state interests and that, during the time of the League of Nations, we can begin to see the refugee as a political tool not in its own rite, but whose value is determined by one state’s geopolitical position, and the other state’s

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41 Gil Loescher, "The International Refugee Regime: Stretched to the Limit?" *Journal of International Affairs* (47 no. 2, 1994).
42 Loescher, “The International Refugee Regime: Stretched to the Limit?”
45 Ibid.
potential geopolitical gain. This is perhaps best exemplified by the exclusion of any refugee concerns outside of Europe at the time. Looking within Europe, we are reminded that the region was still ruling the globe as colonial powers, and so it should be far from surprising that European powers omitted the Global South from refugee discourse all together. Then, looking outside of Europe, we are reminded that in the pursuit of victory, European powers not only excluded the Global South from refugee discourse but included them in their armies, many of whom would become refugees at the hands of their colonial masters as a result of the war.46

Let us look the example of Africa, which at the time was almost entirely under colonial rule and the site for colonial proxy wars. In East Africa alone, one million Africans died when English and French troops attempted to seize the four German colonies in Africa (German East Africa, German South-West Africa, Togoland and Cameroon).47 Fighting was particularly brutal in German East Africa where German General Lettow-Vorbeck adopted a guerilla strategy, drawing more and more territory into warfare. In the colonial administrative area of Dodoma in German East Africa, which today is Tanzania, there was a 20% population loss between the years 1917-1918.48 I have little doubt that people were fleeing the guerrilla warfare that was ravishing the region, and yet the League of Nations failed to even discuss this matter or that those fleeing may qualify as refugees. As colonies, the principle of sovereignty did not apply to them, and, from the colonial perspective, African identities were clumped together, making the prospect of a nation-state for which refugees enter and exit conceptually impossible.

48 Ibid.
In exploring the first example of multilateral cooperation on the matter of refugees, we see that the emerging definition of the refugee’s scope and obligation are formed according to the interests of the most powerful states, who in this period of history were represented in the League of Nations. Unwilling to adopt future obligations to refugee protection, states within the League of Nations granted refugee status to specific nationalities based on if they represented a political gain for their stability and image. However, for those who were not politically salient or would have been a political embarrassment such as the Italians, Spanish, or East Africans, the League did not bother to offer any of them protection for the persecution and violence from which they fled. As such, we see how the strongest states within the international system are able to form a dominant frame on the scope and obligation of the refugee in line with their state interests.

IV. World War II: The creation of a Eurocentric refugee regime

While the interwar period could be characterized as a haphazard construction of the refugee’s scope and obligation by political elites in the League of Nations, the period following World War II is when the world sees its first international, universal, and legal definition of the refugee. As we will see, however, this decontested definition does not apply evenly to everyone as it has an explicit and implicit Eurocentric frame. In this section, we will see how the Suasion Game plays out in practice when the political dominance of European states results in their political discourse having significant framing effects on forming the international refugee regime.

It was in the aftermath of World War II that the international refugee regime was created within the United Nations. The refugee regime, as any international regime, is defined by implicit and explicit “principles, norms, roles and decision-making procedures” around which the expectations of actors converge in a given area of international relations.\(^\text{49}\) Regimes emerge to

facilitate international cooperation among states and to regulate their behavior in a specific issue area, and they fulfill this role by, for example, establishing common standards of behavior and compliance by providing information and surveillance of participating states, often organized within an international institution. In the case of the refugee regime, the principles, norms, and roles of asylum are enshrined in the 1951 UN Convention Relating to the Status of Refugees, which has been signed by 156 countries and serves as the foundation to nearly all refugee policy around the world. The institution that attempts to regulate state behavior on matters of asylum and provide information and surveillance to participating states is the United Nations Office of the High Commissioner to Refugees (UNHCR). As will be explored in this section, the creation of the refugee regime did not come without political manipulation that suited the interests of the dominant state actors at the time, represented predominantly by Western European states.

Following much of the same *ad hoc* nature of the League of Nations, the creation of the refugee regime was driven by the geopolitical interests of the victors of the Second World War, and they were housed within the United Nations. However, the failure of the League of Nations left participating states reluctant to grant any significant power to another intergovernmental organization such as the UN, especially on a topic such as refugee that would result in real political consequences on the Contracting States. This attitude resulted in a succession of bodies which were temporary measures aimed at solving an emergency situation, but none of which succeeded in providing any long-standing definition of the refugee or defining the scope or obligation that refugee status implies.\(^{50}\) The first of these failed organizations was the United Nations Relief and Rehabilitation Administration (UNRRA), whose principle function was to oversee and promote

\(^{50}\) Loescher, “The International Refugee Regime: Stretched to the Limit?”
the repatriation of the millions of displaced persons under Allied control.\textsuperscript{51} Hardly a refugee organization, UNRRA did not have the authority to grant protection to displaced persons, and if anything, it did quite the opposite. UNRRA behaved according to dominant state interests, which at the time prioritized their stability over finding a humanitarian solution to the humanitarian problem of refugees. As such, under Soviet pressure, it aided in the forced repatriation of a large number of people, many of whom asserted fear of persecution on their return home.\textsuperscript{52}

We can begin to see how state interests take priority in forming refugee policy, and the Cold War marked another stage in the history of refugee cooperation that had more to do with geopolitical gains than humanitarian involvement. The contemporary refugee is considered to emerge fully only after the abolition of the UNRRA in 1945. In line with the division of the Iron Curtain, Western European states undertook new initiatives to resettle Eastern European refugees, despite strong opposition from the Soviet Union. In order to help their resettlement scheme, the Allied states formed the International Refugee Organization (IRO) in 1947, where we see the first international definition of a refugee’s scope as based on “persecution, or fear of persecution” on the grounds of race, religion, nationalities, or political opinion.\textsuperscript{53}

However, this legal definition was not created solely with the refugee in mind; rather, it created a narrow enough scope in refugee status that would fit to Europeans fleeing persecution, but would fit less neatly to non-Europeans in the Global South who were fleeing mostly indiscriminate violence. Furthermore, by creating an international legal norm to refugee status, it expanded the obligation for refugee protection to the international community, thereby

\textsuperscript{51} Loescher, “The International Refugee Regime: Stretched to the Limit?”

\textsuperscript{52} Mark R. Elliott, \textit{Pawns of Yalta: Soviet refugees and America's role in their repatriation}, (Urbana: University of Illinois Press, 1982).

\textsuperscript{53} Loescher, “The International Refugee Regime: Stretched to the Limit?” 6.
externalizing the European refugee crisis. As Gil Loescher explains, “Western powers hoped that IRO would achieve two goals: First, to resolve effectively situations either potential to destabilize already-weakened European economies attempting to recover from the ruins of war, and second, to ‘internationalize’ the refugee problem by distributing refugees and refugee costs among a number of North and South American and Western European Nations, as well as Australasia and a number of African countries.”\(^5^4\) The IRO’s *raison d’être* indicates the development towards an international refugee regime that was structured to suit Western European interests in maintaining their stability and image.

Once the IRO proved to be too expensive and inefficient of an institution, states were no longer willing to fund its programs and it was gradually phased out without any other body charged with the responsibility of managing refugee flows. With new conflicts in Palestine, Korea, India and China generating new waves of refugees by the millions, Western states were unwilling to pledge themselves to a generalized support of refugees and thereby opposed the United Nations to take on unspecified and future responsibilities in refugee cooperation.\(^5^5\) As such, the establishment of United Nations Office to the High Commission of Refugees (UNHCR) in 1950 reflected the political interests of European powers who placed tight restrictions on its function and scope and allowed it very little autonomy in organizing refugee protection and no authority in granting refugee status.\(^5^6\)

However, the end of World War II began a brand new approach to international cooperation on refugee protection. With refugees moving by the millions across the continent, European states

\(^5^4\) Loescher, “The International Refugee Regime: Stretched to the Limit?”

\(^5^5\) Ibid.

were compelled to find a more concrete solution to refugee flows. Now, with the interest of European states leading at the forefront, the refugee regime was created with the 1951 Convention Relating to the Status of Refugees, which today represents the most important legal base for the right to asylum around the world. Once again, we see how dominant state powers are able to reframe the scope and obligation of the refugee according to their interests. In this case, once refugee flows were affecting European significantly and directly, European state actors pushed for international cooperation to manage refugee flows.

However, despite its global dimension, it was far from universal in scope. In the *Travaux Preparatoires* – the official record of the negotiations – there is a clear indication of European dominance in both presence and rhetoric. The conference, held in Geneva, appeared to be nothing more than a “slightly enlarged” meeting of the Council of Europe, as only a fraction of the 41 governments who voted for Article 1 in the General Assembly were willing to come to Geneva to sign the document. Those who did, however, were mostly European; of the 19 signatories, just three represented non-European states (Israel, Colombia, and Turkey).

During deliberations, Western states “remained concerned that ‘too vague a definition’ would entail unknowable (and excessive) responsibilities, and provoke disagreements between governments with respect to its interpretation and application.” European states were interested in forming a refugee regime that would neither threaten their sovereignty nor impose future

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financial or legal responsibilities. As a result, the definition of a refugee was laden with conditions. Under Article 1 (A), the term ‘refugee’ will apply to any person who:

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

In Article 1 (B), this temporal element is further explained by giving a geographic limitation:

For the purposes of this Convention, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either:
(a) events occurring in Europe before 1 January 1951; or
(b) events occurring in Europe or elsewhere before 1 January 1951

The decision on whether to keep the geographic limitation during the signing of the Convention was up to the individual signatory, but as Representative to France Mr. Rochefort noted, those who argued for the deletion of the geographical limitation “had done so without any feeling of definite responsibility.” With little to no voice in the process, countries of the Global South signed on to the Convention despite its Eurocentric limitations, exemplifying how power within the international system helped drive European interests to define the refugee’s scope and obligation.

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60 Loescher, *The International Refugee Regime: Stretched to the Limit?*
In this section, we see how power determines which state interests are weaved into the dominant frame of the refugee’s scope and obligation. Through the creation of the refugee regime, Europeans were able to maintain their interests, omitting any person who was not European and maintaining a deliberately narrow obligation for protection. However, due to the international scope of the 1951 Convention’s signing, this definition continues to be base for all refugee policy today, making the political nuances of its creation all the more important to understand. As we will see in Chapter 4, the Eurocentrism in the Convection’s definition will come back up to shape the scope of refugee status in Turkey, and in the next section, we will look at how this Convention was expanded to form a legally universal definition, but that in practice, the refugee regime still functions as a product of state interests.

V. After the 1951 Convention: the ‘half complete’ refugee regime

It was not until sixteen years later that the 1951 Convention was amended to delete the geographic and temporal limitations of the original Convention in the establishment of the 1967 Protocol Amending the 1951 Convention Relating to the Status of Refugees. Up until this point, UNHCR used its “good offices” to make ad hoc decisions to grant refugee status beyond that which was in its mandate or defined by the 1951 Convention.64 The lack of a consistent doctrinal definition of the refugee allowed for the selective picking of groups and individuals that suited the geopolitics of Europe, particularly during the Cold War. Asylum seekers were “voting with their feet,”65 and Western states were quick to grant refugee status to nationalities that would give them some sort of political advantage. During the Hungarian Revolution, for example, UNHCR made

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64 Goodwin-Gill et al., *The Refugee in International Law*, 24-29.
no attempt to judge individual motives for Hungarians flight but instead approved all Hungarians in Austria and Yugoslavia as *prima facie* refugees.⁶⁶

However, this was not the case in less Europeanized conflicts, such as the mass exodus which occurred between 1975-95 in Southeast Asia, where over a half-million people fled from Kampuchea, Laos, and Vietnam.⁶⁷ From official documents, we can see that UNHCR appeared to be much more reluctant to apply the term “refugee” to those it assisted, and the papers instead referred to “displaced persons.” ⁶⁸ This reflected the reluctance of those within the Executive Committee to apply refugee status to large numbers of people, fearing that this would create an undesired obligation upon the Contracting States in the General Assembly.⁶⁹ Thus, in 1977, the Executive Committee to UNHCR began using the term “asylum-seeker” for the first time as a medium between the legal granting of refugee status and the migrant who might qualify but has yet to enjoy those protections and rights. In this example, we see how power continues to influence the framing on the scope and obligation of the refugee, albeit more discretely. Since the 1951 Convention and its 1967 Protocol defined the scope for refugee status as individualized and based on persecution, it was difficult for UNHCR to work within its Statute and apply refugee status to large groups of people who were mostly fleeing indiscriminate violence. As such, the High Commissioner’s Office created another term to describe those stuck in limbo as their request for protection was being processed.

But now, with the end of the Cold War and the abolition of the Eurocentric limitations in the 1951 Convention, what does the refugee regime look like today? Betts describes this regime

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⁶⁶ Loescher, “The International Refugee Regime: Stretched to the Limit?”
⁶⁷ Goodwin-Gill et al., *The Refugee in International Law*.
⁶⁸ Ibid.
⁶⁹ Ibid.
as “half-complete,” because while it attempts to decontest the refugee’s scope as being universal, it does not go so far as to indicate the obligation that the refugee poses on the state. Included in the 1951 Convention is the principle of non-refoulement, which states that a state cannot send back a migrant if they fear for their life or safety. Unsurprisingly, a definition as ambiguous as this allows for a significant amount of variation in how states decontest the appropriate refugee protection. Relating to the Suasion Game, states cooperate on refugee protection because it is a regional public good; however, because power is uneven, the strongest state will always succeed in defining the obligation of the refugee, whereas the weaker state must always concede to this definition.

For example, in the contemporary example of the European Union and Turkey, they are currently in negotiations to find a solution to the refugee crisis. The EU as the stronger actor will grant Turkey some concessions (such as an unlikely promise for future accession and a large sum of money), but in return, it will get all of interests (for Turkey to readmit migrants that passed through its territory in order to effectively stem migration into Europe). Turkey, on the other hand, will have wanted more from this exchange – the opening of Chapters for its accession, for example, or the creation of a safe zone within Northern Syria to which it could send its Syrian refugees. However, Turkey will lose even more if it defects in cooperation with the EU, because the EU has the dominant strategy as the stronger state. As such, Turkey will cooperate and concede to the EU’s terms of negotiations and in turn, this cooperation will shape the obligation for refugee status as the Suasion Game suggests. This will be explored in greater detail in the next chapter, but it

\[70\] Goodwin-Gill et al., The Refugee in International Law, 28.
provides an example of how the ‘half-complete’ regime today requires the Suasion Game to define the terms for protection in refugee politics.

VI. Conclusion

In this chapter, I have shown how the refugee, as an essentially contested concept, has been decontested in various periods in history in which a dominant frame of its scope and obligation was formed. As I showed in my analysis of the refugee’s history, this frame is formed according to state interests in stability and image, and this will shape refugee policy in line with state preferences regardless of if they are beneficial for the refugees or not. Furthermore, I explore how power between states determines which frame becomes dominant; or in other words, the strongest state will be able to form the dominant frame on the refugee, which will have significant framing effects on public opinion and refugee policy. Finally, what explains a shift in the frame over time is due to a change in refugee movements that will affect a powerful state, who will then decontest the refugee’s scope and obligation in order to reframe it in a way that aligns to new state interests.

In its origins, the refugee implied no obligation to the state who maintained a strict ban on emigration, defining the refugee as an internally displaced person. Once emigration was no longer restricted and refugee flows affected neighboring countries, the dominants states, represented in the League of Nations, reframed the definition of the refugee to suit their shifting interests in the aftermath of World War I. Here we see the refugee’s scope was determined by the person’s political value to the receiving state, highly politicizing the concept of “refugee.” Following the wake of World War II, the refugee gained its first universal, legal definition through the 1951 UN Convention Relating to the Status of Refugees, where the refugee was defined through implicit and explicit Eurocentric frames due to the dominance of European discourse. Following the end of the Cold War and the 1967 Protocol, we see a wider scope to the refugee’s definition but an
ambiguous and constantly shifting obligation, which can be modeled through the Suasion Game. In each piece of history analyzed, we can see how the refugee’s scope and obligation are products of state interests and state power. Now, with an understanding of the historical background and a toolbox for how to analyze the concept of “refugee,” in Chapter 4 I will in show how the EU is presently reframing the refugee in line with its state interests through cooperation with Turkey.
Chapter 4: Reframing the refugee through Turkish-EU cooperation

I. Introduction

Over the past five years, there has been a gradual awakening in Europe to refugee flows as they drew closer and, like a glass overflowing, poured into EU borders. Along with this awakening came a shift in the framing of the concept of “refugee.” From what was previously considered sparse irregular migration into the EU, to a “migration crisis,” and now to the “refugee crisis” that is making headlines each day, the concept of “refugee” has shifted due to its changing patterns and the state interests that respond to these shifts. Indeed, even after the 1951 Convention, its 1967 Protocol, and the numerous asylum policies that have sprung up regionally and nationally since, the refugee’s scope and obligation are no less contested than they have been throughout their history. In this chapter, we will see how the EU decontests the concept of “refugee” through its cooperation with Turkey on migration and asylum policies, and how this new frame is structured to suit its interests.72

First, we will see how the concept of “refugee” remains contested by looking at the shift from what was called a “migration crisis” to what is now called a “refugee crisis,” and how terms such as “migrant” and “refugee” are used inconsistently in political discourse. Next, we will look at how interests in stability and image have driven the EU to cooperate with Turkey on migration, thereby externalizing its migration problem in the pursuit of stability, while maintaining a positive humanitarian image through its rhetoric. We can see how these interests play out by using

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72The European Union is not a state but in many regards, it behaves like one. In the area of asylum and migration policy in particular, the EU has significant competences that allow it to draft and pass legislation without seeking approval from the intergovernmental branch of the EU, the European Council, or its citizenry. Of course, the EU must act in moderation and maintain approval from its Member States because it is they who give, and who can take away, its legitimacy as an institution. For the purposes of this thesis, I will treat the European Union as a state-like actor with interests in decontesting the concept of “refugee” that it pursues through its discourse.
securitized or humanitarian rhetoric, and most importantly, how this rhetoric is reframing our understanding of the refugee’s scope and obligation.

From a “migration crisis” to a “refugee crisis”: the decontestation of migration in Europe

The “migration crisis” came crashing into the European agenda in 2013 after a boat filled with mostly Eritreans departing from Libya capsized off the Italian island of Lampedusa, killing 366 of the 500 passengers on board. While irregular migration had been affecting Italy for the last decade, it did not rise front-and-center on the European agenda until it posed a humanitarian crisis too big for the international community to ignore. This event sparked outcry around the world and caused the citizens of the European Union to reconsider their responsibility for those seeking protection on their territory. As EU Commissioner Cecilia Malström commented, “the tragedy in Lampedusa triggered a very wide and emotional reaction across Europe - a chorus of voices calling for actions to avoid such disasters in the future.” As if to prophesize the situation today, Dalia Girybauskaite, President of Lithuania and EU Council President at the time, admitted after the tragedy that, "Today, Europe is not ready to accept as many refugees as probably can flow in." But for whom Girybauskaite might have referred to as “refugees,” most European media outlets and political elites were still categorizing as “migrants;” the difference being in the

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obligation that these titles entail. As such, the Eritrean “boat people”\textsuperscript{76} who fell victim to their capsized ship were seen as a “headache for struggling Italy,”\textsuperscript{77} and did not impose anything more than a moral obligation to curb their tragic deaths at sea. This is despite the fact that the boat’s 500 passengers were nearly all Eritrean, a population that represented 22\% of asylum-seekers in Italy in 2013\textsuperscript{78} and constituted 14,485 asylum applications to the whole of the EU that same year.\textsuperscript{79} If nearly one-fourth of all refugees in Italy originated from the same state as those who died off the coast of Lampedusa, why, then, were they coined as “migrants” as opposed to the asylum-seekers they likely were?

As I will argue in this chapter, a change in attributing particular persons or nationalities to the status of “refugee” does not come without political intention. Much as was the case following World War I and World War II, international cooperation on refugee flows begins to take the greatest momentum when powerful states become greatly affected. Though it is not Europeans who are the refugees this time, the increased numbers entering EU borders has forced the EU to find a new approach to managing immigration, and they have done so by redefining the refugee’s cause and obligation through its political discourse.

To quickly give an idea of the scope of the “refugee crisis” which has unfolded in Europe, by 2014 there were 283,000 irregular border crossings detected\textsuperscript{80} and 625,920 first-instance

\textsuperscript{76} Nicholas Farrell, “Welcome to Italy: this is what a real immigration crisis looks like,” \textit{the Spectator}, 20 June 2015, accessed December 5, 2015, \url{http://www.spectator.co.uk/2015/06/the-invasion-of-italy/}.


asylum applications submitted to the EU,\textsuperscript{81} resulting in a 50\% increase in applications and a 165\% increase in illegal border crossing compared to the year before. By 2015, detected irregular border crossings reached 1.5 million,\textsuperscript{82} and asylum applications were not far behind at 942,400.\textsuperscript{83} These astonishing figures have done more than to overwhelm the administrations of EU Member States; they have caused the EU to readjust the ways in which it has conceptualized and dealt with migration in the past. As we will see in this chapter, through cooperation with Turkey, the EU will not only change its response to refugee movements but it will reframe who a refugee \textit{is}, and what this status obliges upon the receiving state. At the State of the Union address in September 2015, Commission President Juncker emphasized the urgency to solve the refugee crisis in Europe by stating that, “it is high time to act to manage the refugee crisis. There is no alternative.”\textsuperscript{84} In this chapter, I will show how the EU is reframing the concept of “refugee” in accordance to its interests in stability and image through cooperation with Turkey.

II. EU and Turkish state interests: Image and stability

As explained in Chapter 2, I identify two driving interests that lead to shifts in refugee framing: stability and image. In this section, I will show how these interests converge between the EU and Turkey, and how this explains their recent cooperation on migration policy. The EU’s interest in stabilizing the refugee crisis has pushed it to create externalization policies with Turkey, which in return has satisfied Turkish interests in economic stability. Despite the EU’s priority to “stem the flows,”\textsuperscript{85} the EU is aware of its image and uses humanitarian framing to find a moderate path

\textsuperscript{83} Ibid.
\textsuperscript{84} Jean Claude Juncker, ”State of the Union Address,” European Commission, 9 September 2015: 8.
between securitization policies and humanitarian relief. Also concerned with its image, Turkey uses cooperation with the EU to send a message to the actors who are presently challenging its security and legitimacy that it has a strong European alliance. In the section, I will show how EU-Turkish cooperation in controlling migration has satisfied their interests in stability and image.

In 2015, immigration was seen as the major challenge facing the European Union, polling higher than economic issues or unemployment, which were all ranked as more concerning than was migration just one year before.\(^86\) It remains the number one most frequently cited concern among 20 Member States,\(^87\) and this concern has resulted in concrete action within the EU to find a solution. As Member State pass national legislation to limit the rights and movement of those seeking protection,\(^88\) others reinstate border controls under indefinite state of emergencies,\(^89\) and other Member States produce propaganda domestically and abroad to deter immigration into their state,\(^90\) the break-up of the Schengen Area and the European project have become very serious concerns for the future of the EU. As such, the effects of the “refugee crisis” and the EU’s response should not be underestimated. The EU is facing a very real challenge on its stability as a supranational institution, and its behavior can be explained through its attempt to regain control.

These threats to EU stability range from security concerns focused on the EU’s external borders

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\(^{87}\) Ibid.


\(^{89}\) When France extended its state of emergency with slim evidence, for example: “French parliament extends state of emergency to May 26,” France 24, 16 February 2016, accessed 23 March 2016,  

\(^{90}\) When Denmark placed anti-immigration advertisements in Lebanese newspapers, for example: “Denmark places anti-migrant adverts in Lebanon newspapers,” BBC, 7 September 2015, accessed 23 March 2016,  
where states are unable to administratively register and account for all those entering, as well as budgetary concerns on how to fund long-term integration into EU Member States for those who are granted refugee status. In a region where freedom of movement is the paradigm to regional integration, this threat to intra-EU migration challenges the stability of the European Union as a legitimate institution.

While some Member States have chosen to respond to the influx of immigration by erecting barriers, closing borders, and spouting security concerns over humanitarian relief, the European Union is not a position to endorse such a dramatic stance. As a supranational institution, it has far less autonomy in decision-making than would a state, and requires approval from a variety of levels: its own executive, legislative, and judicial branches; its Member State governments; and its citizenry. For the purposes of this thesis, I will simplify the complexity of stakeholders that make up the European Union and its legislative body, because in regards to asylum policy, the EU has a wide range of competences that allow it to form policy without the approval of its intergovernmental branch or its citizenry.

Nonetheless, the EU is aware of its image, and as a unique body that is constantly trying to prove its legitimacy within an international system that values states over institutions, it steps carefully when drafting policy so as to maintain a balance between its own interests as a supranational institution and the interests of its Member States that structure it. In other words, the EU could never respond to the refugee crisis by erecting a fence as did Hungary, nor could it declare an open-border policy as did Germany. Instead, the EU must find a middle ground that is relatively moderate and work as a negotiator between conflicting interests within its organization. The EU, perhaps more than a governmental body is regarded as a bureaucratic machine, and to
understand the significance of its policy output, interests, and political intention requires one to sift through the diplomatic clout that makes up its publications, speeches, and press releases.

This being said, the EU is not politically bereft – a puppet for the interests of states, as we consider most international organizations. Rather, I would argue that behind the diplomatic speech and well-trained bureaucrats lies an innovative and strategic body who is able to streamline its interests despite its restrictive scope and mandate. It is exactly this expectation that the EU is more of a diplomatic institution than a politicized one that makes an analysis of its underlying interests and policy goals all the more important to devolve. Indeed, when the EU frames its cooperation with Turkey as being humanitarian-driven but acts by participating in controversial externalization policies that does not require oversight by the public or its branches, its important to reconsider how politically neutral the EU really is.

While the EU has limited capacity to force its Member States to concede quickly and correctly to European asylum legislation, it has been very efficient in negotiating quick agreements with third countries\(^1\) on migration outside of Europe. Scholars refer to these negotiations as externalization policies,\(^2\) which generally consist of controversial packages that appear under the purview of humanitarian concern but are aimed at restricting migratory flows and keeping them and their consequences outside of EU territory. The externalization agenda is based on three overlapping concepts, but for the purposes of this thesis I will focus on two: safe third-country and capacity building.

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\(^1\) “Third country” is an EU term that refers to states outside of the European Union.
The “safe third-country” concept allows asylum seekers to be readmitted to supposedly safe non-EU states through which they pass. Those returned to allegedly safe countries are often subject to further deportations to countries with less capacity to adjudicate their claims fairly or meet their basic needs. A number of EU member states have implemented the “safe third country” policy for some time, based on a network of bilateral and multilateral readmission agreements and most of which contain few safeguards for asylum seekers.

The next concept is “capacity building,” which utilizes development aid to create sufficient protection conditions in a third country so that EU states may conclude readmission agreements with that government. For the convenience of EU Member States, asylum seekers could then be returned to countries that meet their minimal protection needs. While the EU claims a humanitarian purpose by declaring that it will prevent migrants from taking a dangerous journey with smugglers into Europe, in practice, it has not served as a deterrent and in fact, the bulk of the capacity-building assistance has gone to strengthening border controls and immigration enforcement instead of increasing protection standards.

In the context of the present day refugee crisis, the EU has identified a variety of partners with which to negotiate these controversial migration policy packages, and the partner who has made the most headlines recently has been Turkey. Turkey has been identified as a “strategic partner” in stemming migration flows because of its relationship to migration and its relationship to the European Union. Since the onset of the Arab Spring, Turkey has become a top destination for

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93 “X. Role of the European Union and Italy,” 91.
94 Ibid, 92.
95 Ibid, 92.
96 Ibid, 92.
those fleeing conflict in the region, which now represents the main transit country through which migrants are irregularly entering the EU. With more than 350,000 people detected as irregularly entering EU territory from Turkey within just the first nine months of 2015,\textsuperscript{98} it is unsurprising that German Chancellor Angel Merkel noted that the European Union “cannot organise or stem the refugee movement without working with Turkey,”\textsuperscript{99} following her visit to Ankara in October 2015.

Additionally, the EU can also portray a humanitarian concern through negotiations with Turkey, spinning the controversial externalization policies as an effort to provide “capacity building” assistance and humanitarian relief to Turkish host communities and directly to the refugees found within Turkey. As I will explain further in the next section on rhetoric, the ability for the EU to frame its policies through a humanitarian lens allows it to find a moderate path between securitization policies and humanitarian relief, satisfying its need to maintain a positive image.

Of course, Turkey too has its own interests in stability and image that make it eager to cooperate with the EU. The Syrian civil war has put particular pressure on Turkey, who now hosts 2.2 million Syrians,\textsuperscript{100} making it the country that hosts the largest refugee population in the world. Additionally, Turkey has spent over 7 billion euros to address its own migration crisis,\textsuperscript{101} and it is running short on funding to support registration, reception, and any form of integration for refugees.

\textsuperscript{99} Ibid, 4.
\textsuperscript{101} Ibid.
in its territory. With the promise of a financial aid package of 3 billion euros (which is likely to increase) to ease Turkey’s economic burden and balance its economic stability concerns, cooperation with the EU is in Turkey’s interest.

Additionally, Turkey is also concerned about the image it projects to its domestic and international audiences, and this interest coalesces under the prospect of EU accession. In return for Turkish cooperation, the EU has pledged to re-energize accession negotiations in order to prepare for their “common future.” Turkey has been part of the European project since it came into existence in 1959, gaining special privileges as an associate member in 1970, and finally becoming a candidate country to the EU in 2005. However, one of the major impediments to Turkish accession into the EU has been its poor record of democratization and human rights. Accession negotiations provide an excellent track for Turkey to align with EU policies and to meet “European standards,” and the EU considers itself an “an important anchor for Turkey’s economic and political reforms,” and a way to modernize the Turkish democracy. As the Turkish Minister for European Affairs, Egemen Bağış, stated in an interview, “I consider EU to be the Turkish dietician. Everyone knows that he has to pay attention to what he eats and needs regular exercise. But people sometimes need a good prescription to know what to do. The EU’s prescription is its communitarian acquis: implementing the EU rules and regulations, and making

them a part of the integration process, helps you become a better country for our own children. That’s what we are committed to do and that is what we will continue to do.”

Furthermore, closer cooperation with the EU would send a message that the Turkish state has a strong alliance to be reckoned with to those who are currently contesting Turkish legitimacy. Indeed, in an increasingly volatile region, Turkey is faced with armed conflict from Kurdish factions, challenged and attacked by ISIS, and has cut off relations with Russia and the Assad regime, requiring Turkey to step carefully when choosing its allies in order to ensure its national security. As such, the prospect of accession helps Turkey send a message of stability to both its domestic audience and to those within the international community who are challenging its power.

Whereas the prospect of accession and securing state stability have drawn Turkey into negotiations with the EU, the EU’s ability to pursue externalization policies that will help stabilize the refugee crisis in Europe are the driving forces to its cooperation with Turkey. By spinning these externalization policies as being humanitarian-driven, the EU can maintain a positive and moderate image to its public and to its stakeholders which construct the legitimacy of the institution. In the next section, we will see how these interests are portrayed in political discourse, and how this will have significant framing effects on how the refugee’s scope and obligation are conceptualized in Europe today.

III. Securitized and humanitarian rhetoric: A balance between state interests

In this section, we will see how the EU and Turkey’s interests in stability and image play out through the political discourse of their cooperation. More specifically, we will see how a concern for state stability will generally result in securitized framing, whereas a concern for state

image will generally result in humanitarian framing. As we will see in this section, the EU and Turkey are careful to pick the categories and frames that best suit their interests in decontesting the concepts of migration, and this will result in a reframing of the refugee’s scope and obligation.

How do state interests play out in the rhetoric of asylum? As I have argued in this thesis, states have two predominant interests when it comes to refugee concerns: state stability, and state image. Whether or not refugees pose a threat to state stability depends on their the movement; as a regional public good, the states most interested in defining the concept of “refugee” will be those most affected, and they will also be most likely view its movements as a threat to their state’s stability. At the same time, states are concerned with the image they project to their domestic and international audiences, and will therefore step carefully in their word-choice on refugees and refugee policies, particularly when refugee flows are politically salient. Similarly, if refugee flows affect states directly, those states will be more likely to care about their image since their response will garner more attention from the public and the international community.

These interests are portrayed through two dominant rhetorical frames: the securitized frame and the humanitarian frame. The securitized frame tends to follow when a state places the greatest concern on state stability, emphasizing issues such as security, budget, or cultural and religious cohesion. The humanitarian frame, on the other hand, is invoked when states are concerned about their image, and so they might discuss the humanitarian impacts of refugee flows so as to appeal for greater burden-sharing among the international community, or to appear concerned and responsive to the humanitarian crisis for their public. States will navigate between these two frames in order to decontest the concept of “refugee” in a way that best suits their interests. As we will see in this section, EU-Turkish discourse on asylum has resulted in both a strong securitized framing as well as a strong humanitarian framing. As such, I will argue that these succeed in
portraying the EU and Turkey as positively concerned with humanitarianism in their negotiations, while successfully stemming migratory flows into the EU and side-stepping their humanitarian responsibility in order to achieve their interest in stability.

**Securitized Framing:** Certainly, the driving force to EU-Turkish cooperation is their joint interest in stability, and this becomes clear through the securitized framing of their rhetoric about refugees. Consider the section headed, “cooperating with third countries to stem to flows”\(^{106}\) from the EU Council Conclusion in October 2015. In the invitation letter to the summit where this document had been drafted, Donald Tusk, President of the EU Council wrote to Member States that the goal of his “talks in Ankara was to stem the wave of refugees to Europe,”\(^{107}\) clearly emphasizing security concerns. Similarly, written remarks sent after the Europe Council highlight that discussion with Turkey “were devoted to one goal: stemming the migratory flows.”\(^{108}\) Indeed, in all official documents relating to cooperation with Turkey, they underline a need “prevent irregular migration,”\(^{109}\) or sometimes put in a more securitized rhetoric, they are “determined to strengthen their co-operation in order to combat illegal immigration,”\(^{110}\) as if ‘illegal’ immigration were something that ought to be ‘combatted.’

**Humanitarian framing:** On the other hand, the EU and Turkey are interested in maintaining a positive image within the international community and among their domestic audiences in regards to refugees, which often contradicts their interest in state stability. As such, they will invoke the

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\(^{107}\) Ibid.

\(^{108}\) Ibid.


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humanitarian frame in their discourse in order to balance their security-oriented goals while maintaining public and international support. Take, for example, the rhetoric used when introducing the Joint Action Plan with Turkey in October 2015, which granted Turkey 3 billion euros to provide “immediate humanitarian, development and other assistance to refugees.”\footnote{Commission Decision of 24 November 2015 on the Coordination of the Actions of the Union and of the Member States through a Coordination Mechanism — the Refugee Facility for Turkey. The Official Journal of the European Union 58 (2015): 8-14. Accessed December 30, 2015. \url{http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C.2015:407:FULL&from=EN}.} In their press release, the EU and Turkey declared that “human dignity is at the core of our common endeavour,”\footnote{The European Union, European Commission, "European Commission Fact Sheet: EU-Turkey Joint Action Plan," press release, 15 October 2015, accessed 29 December 2015, \url{http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm}.} and emphasized that “priority will be given to actions providing immediate humanitarian assistance; provision of legal, administrative, and psychological support; support for community centres; the enhancement of self-sufficiency and participation in economy and their social inclusion during their stay in Turkey; improved access to education at all levels”\footnote{European Commission, "European Commission Fact Sheet: EU-Turkey Joint Action Plan."} and so on. In all of these quotes, there is a clear emphasis on the human dimension of asylum politics and a dedication to humanitarianism over other concerns.

IV. The framing effect of rhetoric on the refugee’s scope and obligation

What, then, is the effect of securitized and humanitarian framing on refugee policies? As I have argued in this thesis, rhetoric is not merely talk, and actions are not separate from speech, but rather, speech is action. Political discourse has significant framing effects on shaping our world view from which policies evolve, so the way state actors decontest a concept is an action to change the way we understand its meaning. As for the refugee, I will show how the interplay between securitized and humanitarian framing through EU-Turkish cooperation has reshaped how we perceive the cause and the obligation of the refugee, resulting in real policy implications on
asylum. Furthermore, I will explain how this shifted obligation is of greatest benefit to the European Union, and how their cooperation exemplifies a real-world example of the Suasion Game, where the stronger actor will always set the rules for cooperation and the weaker actor will always need to concede to the stronger actor’s requests.

Narrowed scope: Syrian exceptionalism

As I have discussed in this thesis, the scope for refugee status is essentially contested, and state actors have an interest in decontesting its definition so as to narrow or widen the number of people who can qualify for this status. For example, a state which is experiencing an influx of refugees may wish to narrow its scope so as to reduce the number of persons who could potentially claim this status. So how is EU-Turkish cooperation redefining the refugee’s scope? In this section, I will show how, through cooperation with Turkey, the EU has managed to narrow the frame for the scope of refugee status as being Syrian. I will argue that the EU has embraced Turkey’s tiered asylum system that creates a Syrian exceptionalism, forming a façade of humanitarian concern for Syrian refugees that negatively impacts non-Syrians and Syrians alike.

I begin the story of the refugee’s shifting scope with a focus on Turkey’s unique asylum system. Rounding up to just its second anniversary, the Turkish national asylum system is young and still in transition. In April 2014, Turkey developed its asylum system under the Law on Foreigners and International Protection, in which the Director General of Migration Management had become the sole institution responsible for asylum matters. Prior to this, UNHCR was in charge of processing asylum applications and granting refugee status, but due to an overwhelming number of asylum-seekers, UNHCR appealed to the Turkish government to create its own domestic system. With its recently acquired role of managing refugee matters, the Turkish asylum system has some very unique and controversial qualities.
The most significant shortcoming of the Turkish asylum system is that it has still not removed the geographic limitations set in 1951 Convention Relating to the Status of Refugees. To recall, the original documents allowed states to opt for providing protection to “persons originating from Europe” or to extend that to “persons originating from Europe and elsewhere”.\(^{114}\) As the only remaining member of the Council of Europe to maintain the geographic limitation to Europe, Turkey has no international legal obligation to provide protection to any non-European. In other words, persons who fall within the 1951 Convention definition of a refugee who come from a “European country of origin” qualify for “refugee” status under the Law on Foreigners and International protection (LFIP), Turkey’s legal asylum system. This “refugee” status under LFIP affords rights and entitlements in accordance with the requirements of the 1951 Convention, including the prospect of long-term legal integration in Turkey. Long-term integration includes access to education, access to the job market and access to health care.\(^{115}\)

This is in contrast to “conditional refugee” status, a Turkish legal concept for the purpose of differentiating treatment between 1951 Convention-type refugees originating from “non-European” states and those originating from “European” states. “Conditional” refugee status confers a lesser amount of rights than does “refugee” status, and excludes the possibility for long-term integration into Turkish society. In line with this status, “conditional refugees” are not afforded the right to education, work, or health care, and the allotment of such services are based on the discretion of the authorities.


Despite the exclusionary consequence of this, the EU was careful not to criticize it. In the 2015 Progress Report – an annual document which analyzes Turkey’s progress in aligning with EU policies and norms in the aim of future accession – the Commission only brushed over it in the opening of its “Asylum” chapter on Turkey by stating that, “All the provisions of the Law on Foreigners and International protection entered into force in April 2014. The law established an asylum system largely in line with the EU acquis, although Turkey continues to implement the 1951 Geneva Convention on Refugees with a geographical limitation which limits its obligations only to refugees originating in Europe.”\textsuperscript{116} Without further mention, this sentence would lead us to believe that the LFIP is mostly up to par, except for one minor setback. Instead, this setback means that no non-European can qualify for full refuge status, rendering the whole system incomplete. Moreover, it is hard to imagine that any system that excludes non-Europeans could be “largely in line with the EU acquis,” which itself does not include any definition of a refugee’s scope based upon nationality or country of origin.

Whereas the influx of European refugees in Turkey are very few, those coming from elsewhere in the world have increased at an exponential rate since the Arab Spring. The Syrian civil war has put particular pressure on Turkey, and to address the influx of Syrians, Turkey has added another tier to its asylum system. In an emergency protocol, Turkey created a “temporary protection” status for those originating from Syria, where he or she is protected under a newly created Temporary Protection Regulation (TPR) that grants beneficiaries the right to legal stay. The “temporary protection” status, which came into force 22 October 2014, is acquired on a \textit{prima facie}, group-basis, to Syrian nationals and Stateless Palestinians originating from Syria. As of 7

December 2015, the number of refugees from Syria registered as beneficiaries of “temporary protection” was listed at 2,291,900, making Turkey the largest host country of Syrian refugees in the world.\(^{117}\)

However, there are several problems with this “temporary protection” status afforded to Syrians. First of all, it is exclusionary against non-Syrians, allowing any Syrian to enter Turkish borders without filing a claim, whereas other nationalities will be examined on a case-by-case, individualized basis and could wait years before being resettled.\(^{118}\) In fact, non-Syrian, non-European asylum seekers can presently only be processed in Turkey for future resettlement in third countries or, as Syrians have been, granted temporary protection as an exercise of political discretion.\(^{119}\) In turn, this allows for very little safeguards for protection and appeal by non-Syrian, non-European refugees in Turkey.

Despite the obvious problems with a tiered, nationality-based system such as Turkey’s, the European Union has responded with applause and embrace. Consider the priorities listed for how to confront the refugee crisis in the EU-Turkey Joint Action Plan: “(a) by addressing the root causes leading to the massive influx of Syrians, (b) by supporting Syrians under temporary protection and their host communities in Turkey (Part I) and (c) by strengthening cooperation to prevent irregular migration flows to the EU (Part II).”\(^{120}\) In this statement, we see a humanitarian focus in Part I (a) and (b), but a security dilemma in Part II. Consequently, Part I refers to Syrians,

while Part II refers to “irregular migrants,” leading the reader to imagine that Syrians are more deserving of asylum whereas migrants of other nationalities pose a security threat to the state.

While clearly deprioritizing non-Syrian, non-European asylum seekers, Turkey’s temporary protection scheme does not protect even Syrians in the ways we might assume. This protection status does not afford any more rights than did the “conditional refugee” status, and in fact, this regulation excludes people under temporary protection from access to asylum procedures altogether.\textsuperscript{121} When under temporary protection, Syrian refugees located outside of camps do not have access to education, health care, work permits, or any other aids to integration unless under the discretion of authorities. This is significant because over 80\% of refugees in Turkey are located outside of refugee camps.\textsuperscript{122}

However, most troubling is that this protection status is indeed temporary. The Temporary Protection Regulation is not primary law but was established as an emergency protocol, allowing the government to revoke it at any time. The possibility of reversing the temporary protection status becomes more worrisome when 86\% of Turks believe that Turkey should not admit any more Syrian refugees,\textsuperscript{123} and President Erdoğan is calling for the creation of a “safe zone” 68 miles long and 40 miles deep on the Syrian side of the Turkish border that would constitute “the basis of 1.7 million Syrian refugees’ return,”\textsuperscript{124} as he stated in a speech in September 2015.

Despite these troubling factors to Syrian exceptionalism in Turkey, the EU has given Turkey its complete approval. In the Progress Report from 2015, the Commission noted that

\textsuperscript{121} “Introduction to the asylum context in Turkey,” \textit{Refugee Rights in Turkey}.
\textsuperscript{123} Ibid.
\textsuperscript{124} Ibid.
Turkey “continued to provide unprecedented humanitarian aid and support to about 2.2 million refugees from Syria.”\textsuperscript{125} In an EU press release, the Commission gave its praise to Turkey by noting that it “is making commendable efforts to provide massive humanitarian aid and support to an unprecedented and continuously increasing influx of people seeking refuge from Syria,” and that the EU and Turkey will “step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis created by the situation in Syria.”\textsuperscript{126}

With this kind of unabated support, the EU not only gives a justification of Syrian exceptionalism in Turkish policy, it endorsed it as its own. This focus on Syrians narrows the frame for the scope of refugee status by making the image of the refugee congruent with a Syrian refugee. In so doing, asylum policies prioritize Syrians over other refugees, which suits the EU’s interest in its image. By focusing on the humanitarian relief for Syrians, the EU draws on global sympathy to paint themselves as an altruistic power leading the humanitarian cause. In the State of the Union Address in September 2015, President of the Commission Jean Claude Juncker stated that the “[the refugee crisis] is first of all a matter of humanity and of human dignity… It is Europe today that represents a beacon of hope, a haven of stability in the eyes of women and men in the Middle East and in Africa.”\textsuperscript{127} With the creation of a Syrian Trust Fund through the European Central Bank, a resettlement program for Syrian refugees, and a mobilization of 3.6 billion euros since the start of the Syrian crisis, the EU boasts that it is the “main world donor in addressing the consequences of this crisis.”\textsuperscript{128} Therefore, an endorsement of Turkey’s Syrian refugee policies and a silence to their

\textsuperscript{126} European Commission, "European Commission Fact Sheet: EU-Turkey Joint Action Plan."
\textsuperscript{127} Jean Claude Juncker, "State of the Union Address," 6.
\textsuperscript{128} European Union, “Commission Decision of 24 November 2015 on the Coordination of the Actions of the Union and of the Member States through a Coordination Mechanism — the Refugee Facility for Turkey.”
shortcomings should not come as a surprise. Through cooperating with Turkey, the EU can appear concerned with the humanitarian crisis while at the same time keeping its effects at arms-length.

But perhaps this Syrian exceptionalism exists because Syrians really are representing an exceptional case in refugee movements, and so the political response reflects this reality. Syria is the number one cause of global displacement with 9.5 million refugees or internally displaced persons resulting from the conflict. Additionally, Syrians represent 40% of irregular entries into the EU in 2014, and 26% of asylum applications to the EU in 2015 making them the largest population with both entries and applications. Similarly, Turkey hosts the largest population of Syrian refugees in the world at 2.2 million and the influx is putting a strain on host communities and the Turkish economy. As such, it would make sense that the EU and Turkey focus their cooperation and their attention on the Syrian conflict, which poses a major challenge to both blocs.

While Syrians do constitute a large portion of global refugee movements, they are certainly not alone. In 2014, the world reached the highest number of refugees in recent history, with 60 million refugees or persons in refugee-like situations, compared to 30.7 million persons a decade ago. Of the total global refugee population today, Syrians make up only 16%, and though significant, they represent only a small fraction of those in need of international protection. Similarly, Syrians represent only ¼ of the total asylum applications to the EU, with Afghans and Iraqis come in second and third. Indeed, both of these populations represent major refugee populations in the EU over the last decade due to circumstances very similar to those in Syria: civil war, anarchy, and violent militant organizations filling the power vacuum in their states.

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130 Ibid.
Nevertheless, these populations remain in the shadows of refugee discourse as Syrians take a dominant position in our concept of “refugee,” even if Iraqis have a higher recognition rate for full refugee status than do Syrians.¹³²

This rhetorical framing has a much more significant impact than simply increasing the number of times “Syrian refugees” are referred to in the media or in press releases; it results in a prioritization of Syrians over other refugees. For example, in February 2016, countries located on the Balkan Route into Western Europe closed their borders to Afghan refugees, leaving Afghans stranded at the border of Greece and Macedonia while Syrians and Iraqis were free to pass. As one young Afghan refugee noted, “They informed us today that borders are closed to us and I wonder why. I don’t know what to do. I can only wait. But why accept only the Syrians and the Iraqis and not us?”¹³³ As we can see, the way that the refugee is framed in political discourse will have very tangible effects on the way we deal with refugees. In this case, a focus on Syrian refugees allowed the EU and its neighborhood to narrow the scope of refugee status down so as to cut off those that didn’t fit in the frame, such as Afghans.

Narrowed obligation: Externalization policies and the Suasion Game

Now that we have understood how the refugee’s scope has been reframed, what does EU-Turkish discourse do to its obligation? Another way of thinking of the refugee’s obligation is to ask: what kind of protection must a state provide to someone deserving of refugee status? If we have already narrowed who is deserving of refugee status as being Syrian, then our next question is, what obligation must the EU provide to Syrian refugees?

By participating in externalization policies, the EU plays out the Suasion Game in deciding the outcomes of cooperation on refugee protection. As a reminder, the Suasion Game models a world in which cooperating actors have unequal interests and power, so that the equilibrium will always result in the stronger actor achieving its interest, and the weaker actor conceding to the stronger actor’s requests. The EU and Turkey have unequal interests in that the EU is eager to keep out refugee movements, whereas Turkey is most interested in receiving financial relief for the refugees it presently hosts within its borders and in creating a geopolitical alliance with the EU to help ensure its national security. This grants the EU a bargaining chip: in return for economic aid and the prospect of EU accession, Turkey must control those transiting through its country and prevent them from entering the EU’s external borders. In their cooperation on refugee obligation, the EU will achieve its top interest in “stemming the flows,” whereas Turkey must cooperate and take whatever the EU will provide in return: in this case, an unlikely promise for accession and a one-time donation to the Turkish state to help with their refugee crisis.

Indeed, understanding how the Suasion Game works in practice exposes a dark side to cooperation between the EU and Turkey. By understanding how the obligation of refugee status is decontested through their cooperation, we can see how this new frame is formed according to state interest, and in particular, according to the strongest state’s interest. Behind a rhetoric of humanitarian concern which places exceptional emphasis on Syrians, the EU is actively externalizing its obligation so that it does not have any at all; keeping potential asylum-seekers from entering its borders and claiming any rights.

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134 European Commission, "EU-Turkey: Important milestones leading to new opportunities."
One of the ways that the EU has tried to pursue this is through claiming that Turkey is a “safe country of origin.” In September 2015, the Commission proposed a list of “safe countries of origin,” which would “allow for swifter processing of individual asylum applications from candidates originating from countries considered to be safe across the EU, and for faster returns if the individual assessments of the applications confirm no right of asylum.” In short, if Turkey is added to the safe country of origin list, migrants who transited through Turkey would be sent back to Turkey where they could apply for asylum there, and would therefore be barred from applying for asylum in the EU upon their arrival on EU territory. Creating a regulation to declare Turkey as a safe country for migrants would change the obligation of refugee status in two ways: 1) it would say that Turkish asylum policies meet humanitarian standards and suffice for refugee protection and state obligation; and 2) it would take away the EU’s own obligation in providing refugee protection and put that obligation on the shoulders of Turkey.

To address the first point, there are reasons for concern in calling Turkey a “safe” country. This decision to add Turkey to the list of safe countries comes despite a 23 percent approval rate for asylum applications from Turkish nationals in the EU in 2014, meaning that of Turkish citizens who apply for asylum in the EU, one in four are granted refugee status. This means that there are legitimate humanitarian concerns for declaring Turkey as “safe.” Moreover, in that same year, the European Court of Human Rights found 94 violations of human rights by Turkey.

If Turkey’s human rights record does not cause us to reconsider the safety of the country, its armed conflicts with political and ethnic factions should. Turkey has resumed an armed conflict

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136 Sinclair-Webb, “No, EU, Turkey is not safe for Everyone.”
137 Ibid.
with the Kurdistan Workers’ Party (PKK) after abandoning a peace process that many in Turkey welcomed after decades of fighting. As the hostilities are being played out in the towns and cities, the cost to civilians has been huge, with hundreds of deaths over a period of less than three months.

On March 13, 2016, a suicide bomb went off in Ankara, killing 27 and wounding at least 75 others. The Kurdish Freedom Party – an offshoot of the PKK – claimed the blast and declared on their website that the militants struck "in the heart of (the) fascist Turkish republic.”¹³⁸ This is in addition to other terrorist attacks that have occurred on Turkish soil since the beginning of 2015, amounting to 11 in total. It is difficult to image how Turkey could qualify as a “safe country of origin” when its national security is becoming increasingly jeopardized.

However, declaring Turkey as a safe country is perhaps the most explicit way that the EU is externalizing its migration problem. Indeed, the EU has been much more discrete, using the token of accession as leverage to get Turkey to reduce the number of migrants entering EU territory. An example of this is seen through the Roadmap to a Visa-Free Regime with Turkey. Visa liberalization between the EU and Turkey has been something that the Ankara government has been clamoring for since it became a candidate country in 2005, which would allow for Turkish nationals to travel within the Schengen Area visa-free for short-term touristic purposes. In 2012, Turkish Minister Egemen Bağış published an article criticizing the visa obligation on Turkish citizens, saying, “I hope common sense will prevail soon, and that the archaic and discriminatory visa regime will be discarded. That will only be one less brick on the wall, albeit an important

Though discussions and negotiations for a visa free regime has been in the process for years, the agreement was only signed and put into force in December 2014.

Matching the timeframe of its signing, the agreement is full of preconditions for reducing irregular migration to the EU from Turkish territory. The Roadmap to a Visa Free Regime was signed on the same day as the Readmission Agreement, an agreement that requires Turkey to readmit Turkish nationals and third-country nationals back to Turkey if they are found to be staying irregularly on EU territory. The fulfillment of the Readmission Agreement presents such a strong pre-condition to visa liberalization that the Commission writes that, “the pace of movement towards a visa liberalisation will depend on Turkey’s progress in adopting and implementing the measures and fulfilling the requirements set out in this Roadmap, including full and effective implementation of the readmission agreement.”

Included in these requirements is to no longer provide visas at the border for non-EU nationals “representing a high migratory and security risk to the EU”, and for the Turkish government to seek out and conclude readmission agreements with “countries that represent sources of important illegal migration flows directed towards Turkey or the EU Member States.”

Using the Readmission Agreement and irregular migration as measures for Turkey’s progress in fulfilling the Roadmap towards a Visa-Free Regime, the Commission noted that it would count “the number of third-country nationals, arrived to the EU or trying to cross the external borders of the EU, coming directly from the territory of Turkey, that were found with illegal travel

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141 Ibid, 5.
documents." In other words, Turkey may only receive visa-free travel if it stops emigration from its territory into the European Union. The Readmission Agreement and the Roadmap for a Visa-Free Regime allows the EU to push any obligation it has in providing refugee protection onto Turkey, so that Turkey can deal with the consequences on refugee flows.

Notably, there were no conditions present in the Roadmap that would require Turkey to provide better or even adequate reception, processing, or return procedures for migrants who are irregularly residing in Turkey or who are attempting to make it to the EU. While the EU is quick to require Turkey to manage its migration, it does not provide the same types of preconditions for humanitarian treatment as it does for taking the obligation of refugee movements off the EU’s shoulders. Dangling the prospect of accession in front of Turkey, the Roadmap notes that the “entry into force of the readmission agreement will have a positive effect on the accession process of Turkey,” making clear that the EU’s priority is to stem migration flows and not necessarily to provide humanitarian relief to the refugee crisis.

Additionally, the EU is able to shift the obligation of refugee status by supporting Turkey’s faulty asylum system and passing Turkey’s obligations to refugee protection as if they were sufficient. In the 2015 Progress Report, the Commission mentioned that, “despite commendable efforts by the authorities, around 500,000 refugee children have no access to education.” If the EU had wanted to convey the reality of education for refugees in Turkey, it would have put the number nearly four times higher, in line with UNHCR’s assessment that over 80% of school-aged

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children are not attending school in Turkey.\textsuperscript{145} Even if we look within camps that have much higher school enrollment, we will see that still 20\% of school age children are not enrolled.\textsuperscript{146} In any case, 80\% of refugees in Turkey live outside of camps and therefore have no access to education, in addition to other basic services.\textsuperscript{147} By calling Turkey’s efforts “commendable,” the EU is successfully reframing the obligation that the receiving state has for refugee status and significantly lowering the suite of rights that countries are expected to grant refugees. The implications of this is that we may see a back-pedaling on refugee rights within the EU and among its partners with which it engages in externalization policies, just as we have seen here with Turkey.

V. Conclusion

In this chapter, I have used the case study of EU-Turkish cooperation to explain how the concept of “refugee” is contested, and how it can be decontested through the political discourse of the dominant state actor. I showed how state interests in image and stability explain cooperation on refugee politics, and how these interests are expressed in political discourse through humanitarian or securitized framing. I then explained how this discourse has significant framing effects on how we conceptualize the cause and obligation of refugee and how this shift is then reflected through changing refugee policies.

As the EU struggles to manage the refugee crisis, it has looked to find strategic partners that can help it stem the influx of migrants, and one of these key partners is Turkey. Due to its unique relationship to the EU and its unfortunate relationship to the refugee crisis, Turkey can help slow EU immigration and for the prospect of EU accession in return. As the stronger state, the EU has more bargaining chips to cooperate on refugee protection and so it can successfully frame the

\textsuperscript{145} Sinclair-Webb, “No, EU, Turkey is not safe for Everyone.”
\textsuperscript{146} Ibid.
\textsuperscript{147} AIDA Information Database, “Common asylum system at a turning point: Refugees caught in Europe’s solidarity crisis.”
cause of the refugee in a way that will narrow its obligation while at the same time, provide a positive humanitarian image to its domestic and international audience. In addition, the EU is able to side-step its obligation and narrow the scope of refugee rights offered by embracing Turkey’s shortcoming in asylum policies and externalizing its own migration problem outside of its territory. In short, what we see from Turkish-EU cooperation is a dark side to refugee politics, in which changes in refugee framing are driven by state interests and state power more than humanitarian concern.
Chapter 5: Conclusion

In this thesis, I attempted to answer the question, what causes the definition of “refugee” to change over time? As it turns out, the answer is not a simple one – it is not one state actor that defines it, or one legal term that creates its framework. Instead, “refugee” is a politicized concept that changes in response to a changing environment and according to the interests of a variety of stakeholders. To begin to understand why it changes, we must first understand why refugee movements matter at all. As a regional public good, refugee movements will impact national and regional security, so states are interested in controlling refugee flows so as to reduce their negative consequences. Since “refugee” has no fixed definition, legal or otherwise, states may contest its definition and use a variety of meanings to describe it, depending on the image they wish to project. I simplify this image as falling under the frame of humanitarianism or under securitization, which gives us insight into the interests that are driving state actors to use these frames. As such, I simplified these driving interests as image and stability, in which a state actor will invoke a humanitarian frame when most interested in the former, and invoke a securitized frame when most interested in the latter. However, the most important takeaway from this analysis is about who gets to form the dominant frame on the refugee. As I have argued in this thesis, power between states will decide who gets to create the dominant frame, and I modeled this through the Suasion Game.

Now that we have understood the theoretical framework for how the refugee is contested and decontested, why should we care? At the base of this discussion, refugees are people. Sometimes they are people who have been granted legal status and have received a suite of rights; most of them are people displaced from their homes and found in dismal living conditions within the same region of the developing world. In our daily speech, “refugee” is a loose term – you may use it to describe your friend who lives down the street from you who is originally from Nepal, or
you may use it to describe the influx of people crossing from Turkey to Greece to Macedonia to Serbia and finally, to the EU. However, there is probably a big difference between the refugee you know down the street and the refugee you see on TV crossing EU borders - - the biggest difference being that the “refugee” you know has probably received more tangible benefits from his refugee status than did the “refugee” attempting to cross into Europe, who has probably received no benefits at all. Additionally, that “refugee” crossing in Europe is still very different from the one crossing from Eritrea into Egypt, and still different from the one crossing from Myanmar to Indonesia. But all of these “refugees” are probably ones you have heard of – but what about the ones you have not heard of? What about the people fleeing famine in South Sudan or genital mutilation on the Ivory Coast? What about Mexicans who cross the border to the US in search of safety from violence – are they still refugees?

We should care about how we define refugees because it has a real human impact. Without noticing, we have developed frameworks for what we think a refugee is and what claim to rights that refugee has, which varies depending on its nationality, circumstance, and the global political context that the refugee finds itself in at any given time. Most importantly, we should care about how we define the refugee because it is precisely due to our ignorance of its contested nature that politicians are able to use, manipulate, and endorse a specific vision of the refugee that suits their interests. In so doing, we stop caring about the people that fall out of this frame – those who are not politically salient enough for our politicians to claim responsibility for their struggle or their protection in any significant way. We should care about how we define the refugee because we are including and excluding persons on terms that we may not agree with if were aware of them. If there is one intended effect from this thesis, it is for the reader to actively consider under what conditions he or she uses the term “refugee,” and who is and is not included in this frame.
Limitations and future research

In this thesis, I have tried to analyze the definition of the concept of “refugee” by exploring how and why the refugee is contested, and under what conditions it can be politically decontested. In order to do this, I have had to simplify the qualities that go into state behavior. For example, I claimed in this thesis that state interests in refugee matters converge around two central concerns: state stability and state image, and that this explains why states will invoke a securitized or humanitarian frame, respectively. I acknowledge that this might an oversimplification of state interests that might, in turn, oversimply the framing effect of political discourse.

For example, I explain that humanitarian concern is of state interest because the state is interested in its image. With this assertion comes an assumption that 1) the public is interested in humanitarian issues, 2) that the state is concerned about its image, and 3) that the public plays a predominant role in shaping that image. Beginning with the first point, the public may not always be concerned with humanitarian issues. In fact, sometimes the public is most concerned with security issues, which would make state interests in stability and image two faces on the same coin. Furthermore, the state may not be interested in its image, or at least, this may not be the driving force to having a humanitarian frame. It may be possible that the state is interested in providing humanitarian relief and this explains a humanitarian frame, indifferent of the image this may project. Additionally, if the state is not democratic, for example, it may not care much for the image it creates on the public or the international community, especially if this image is merely projecting a humanitarian concern and not a material strength.

While I do believe that image plays a significant role in rhetorical framing, it may not be a discrete category that can be contrasted to an interest in stability. If I were to continue refining this study, I would find a better explanatory variable that would include a wider range of reasons to be
concerned with state “image,” that goes beyond the restraints of humanitarian concern. For example, a state may wish to project an image of power upon the public and the international community, as I hint at in Chapter 3 when I explain why European powers during the Cold War take in refugees coming out of the Soviet Bloc.

Another limitation to this study is the scope of my analysis. In this thesis, I argue that state power determines who gets to form the dominant frame on the refugee, but how is this power conceived and what is the scope of this frame? In this study, I did not have the time to dive into theories of power; however, relevant for my argument, it is important to understand what determinants I use to define a ‘more powerful’ state over another. Without a theoretical base on how power consolidates in international relations, I could misunderstand or over-exaggerate examples in history or in my case study in which I perceive power as the primary driver for change in refugee framing.

Additionally, from this analysis we are still left with questions about the scope of the framing effect. How far-reaching is the frame created through political discourse? In the case-study of EU-Turkish cooperation, we can see how the scope of the dominant frame created by EU political actors is regional in its scope: Macedonia closes its borders to Afghans, and Turkey adopts EU-style asylum policy. In the creation of the refugee regime following World War II, on the other hand, it is global in scope. In future research, it could be very interesting to look at how far-reaching the dominant rhetoric is in forming a global image of the refugee.

Finally, a central question we are left after this analysis is: could this theory work in cases outside of Europe, or where Europe is not presented as the most powerful actor in interstate cooperation? In the analysis presented here, we gain valuable insight into how Western Europeans have effectively created and shaped refugee politics within the region, but cannot be sure about
how asylum formed elsewhere in the world. Even if we agree that Europeans created the normative and legal concept of “refugee,” they are certainly not the only ones to use it. In future research projects, it would be insightful to look at how other powers establish frames about the refugee in other regions of the globe, such as the United States who, despite being arguably the strongest state in international relations, was left out entirely from this discussion.

**Final thought**

In this thesis, I expose how the refugee is a contested concept, and how political leaders attempt to decontest its definition and form a dominant frame. The importance of this frame is that it can reshape our worldview, changing the ways in which we evaluate and value the refugees and who we include under its umbrella status. The concept of “refugee” is not unfamiliar to us; news of refugee flows overwhelming Europe and the Middle East are making headlines every day and, if nothing more, we should take the time to consider how we are actively framing the concept of “refugee” in the present context.

Having said that, I would like to leave the reader with a critical eye for refugee discourse and asylum policy. At the very least, I hope to have provided the reader with the tools for how to critically analyze the frame that they have built around the refugee, and how do the same when considering how this frame is being translated into asylum policies. Most importantly, I would like to leave the reader with a curiosity to ask, “who is a refugee, what do we owe refugees, and do I agree with this definition?”

After having completed this project, I can personally say that I have grown a distaste for the term “refugee” because its humanitarian purpose seems to work as a façade for the political manipulation that structures its definition. I take refugee policies with a grain of salt, careful to support them in their entirety because for every person that it incorporates, another handful of
vulnerable persons are intentionally left out. In a world in which the global refugee population is growing, I hope that we keep in mind how we are choosing to frame the refugee in response.
Bibliography


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