

# Asylum Paradiplomacy: Putting Cities on the Map of Migration Policymaking

Written by Paula Pimenta

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PAULA PIMENTA, NOV 5 2019

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About 61% of refugees and asylum seekers are located within urban areas and the shift from camps and rural spaces to cities is mainly driven by greater employment, housing opportunities and, consequently, more autonomy (UNHCR, 2019). This urbanization process has been increasing over the years and to better cope with this reality, cities are trying to play a major role in the external dimension of asylum policies. Through partnerships and agreements, municipalities seek to improve their hosting and settlement capacity. Whilst the debate around migration as a diplomatic tool mostly focuses on the state-centric perspective, this paper aims to shed light on the rise of cities as conducting actors of diplomatic actions towards the asylum issue. This work examines how the current migration management regime has been strengthening at the subnational level and highlights the opportunities and challenges involved in this recent dynamic.

First of all, it intends to deepen the underappreciated debate on migration as foreign policy in international relations (IR) scholarship. Then, to contribute by widening the discussion to the level of analysis of cities. That said, the paper is structured as follows. The first section explores the ongoing debate around migration diplomacy, mainly centered on the nation-state view. The second part focus on discussing to what extent cities can be considered active actors in migration policymaking by introducing the concept of Asylum Paradiplomacy and how these metropolitan authorities have been articulating to foster agreements around asylum. The last section aims to address the main obstacles faced by cities to advance in this field.

### **Migration as Diplomacy: Mapping Out the Debate**

How does IR scholarship consider the use of migration as foreign policy? Several theoretical frameworks arose from this inquiry and despite migration has become a priority topic in the political agenda, this dimension is still overlooked in IR. Therefore, the main perspectives on the topic will be systematized in order to provide an overview of the current panorama of this debate.

Through the analysis of labor migration politics and its implications in the process of integration in the Middle East since the 1970s, Thiollet (2011) introduced one of the first attempts to explain it through the concept of Migration Diplomacy (MD). According to her, migratory policies should be seen as an indirect way of practicing foreign policy. By creating agreements that target certain groups of migrants, those policies turn into instruments of negotiation. Moreover, it was characterized as being formal and informal actions that include both the public and private spheres of diplomacy (Thiollet, 2011). Throughout her argument, Thiollet seeks to demonstrate how regional integration in the Arab region differs from other based mainly on migration as a tool of foreign policy. Migration was the most effective aspect to solidify integration between economies of the Arab world. However, this does not mean that this dynamics of integration through migration policies has been presented in a continuous path of cooperation. Even in circumstances where more restrictive policies hampered this integration process due to geopolitical decisions, it also indicated that migration is deliberately used as a strategy (Thiollet, 2011).

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Drawing largely on the realist theory, Adamson and Tsourapas (2019) expanded the concept of MD by encompassing the aspects of power, relative/absolute gains and described it as the “states’ use of diplomatic tools, processes, and procedures to manage cross-border population mobility” (Adamson; Tsourapas, 2019, 115). One of the main contributions of this framework to the field of IR and migration policy relies on the argument that not all attempts to manage migration flows can be labeled as MD. For instance, visa issuing or border control policies themselves not necessarily fall into this category. Migration Diplomacy is perceived when there is a direct or indirect negotiation about the mobility of people as a way to gain benefits in relation to both migratory and/or any other issues such as security and economy (Adamson, Tsourapas, 2019). Simply put, it is the strategic use of migration as a means to achieve other ends.

The construction of migration as a threat directly influences its instrumentalization as a method to obtain gains in a coercive way. The phenomenon of exploitation of migratory flows was named by Greenhill (2010) as coercive engineered migration (or migration-driven coercion). These cases are more observable in North-South relations. In order to outsource the management of migration regime, migrant-receiving countries are more likely to sit down at the negotiating table to cooperate. Accordingly, migration alters the parameters of power relations as migrant-sending countries increase their bargaining power vis-à-vis developed States (Paoletti, 2011).

Clearly, Libya’s case represents this bargaining circumstance. Due to its geographical position, it is essentially a transit country and since the 1990s, the north African State has engaged in numerous agreements on migration. The Treaty of Friendship, Partnership and Cooperation, ratified in 2009 between Libya and Italy dealt with reparations from the latter over abuses from the colonial period. The agreement was essentially built upon the reinforcement of migration control. In return, Italy has allocated 6€ million and patrol boats in Libyan territory to implement the treaty (Paoletti, 2011). In 2016, Turkey’s agreement with the European Union on border strengthening over the exchange of irregular migrants for Syrian refugees granted the Turkish State the amount of 6€ million and visa-free travel for its nationals to enter the Schengen area. (Adamson; Tsourapas, 2019).

Although most studies so far embrace the realist approach, the context presents greater complexity than this perspective can encompass. In this sense, Paoletti (2011) admits that realism cannot cover all the dimensions observed in the dynamics of migration politics. Consequently, these scholars frequently resort to concepts from other theories in order to analyze in-depth the phenomenon of migration and its use as a foreign policy, particularly in cases where coercion is not a recurrent feature. One such example is the liberal concept of soft power often applied to explain how states employ labor and studying exchange agreements to achieve interests through the spread of cultural and political value (Adamson & Tsourapas, 2019; Paoletti, 2011) The use of soft power is commonly related to another feature; issue-linkage. Migration as a tool of diplomacy often spills over to other areas of negotiation such as security, economy, development and in these cases, instead of coercion, persuasion is put into practice.

In analyzing how UNHCR manages to coordinate interstate cooperation on forced migration, especially in the North-South relationship, Betts (2009) highlights that States involved in the negotiation find more benefits from engaging in commitments when issue-linkage is embedded : “It simply relies on being able to influence the perception of the target actor about the causal relationship between issue areas. [...] In that sense, changing or articulating noun links may represent a means through which weaker actors can influence the behavior of militarily or economically stronger actors” (Betts, 2009, 5).” Betts (2009) names this process as cross-issue persuasion.

Based on the rationalist perspective, the debate over migration as foreign policy so far offers a middle ground between realism and liberalism and contributes substantially to the topic. However, there is a gap regarding the growing participation of non-state actors in this scenario and, therefore, it is crucial to understand the role of cities in it.

## Changing the Scale: Cities and Foreign Policy

Can cities be considered actors in international politics? The idea that diplomacy is no longer a privilege of states has been gaining strength in the academic debate. The greater involvement of subnational entities in international actions results from the necessity to find alternatives and resources for issues that are not satisfactorily addressed by

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national policies.

The articulation of foreign policy from the local level began to be further explored since the 1990s and a multitude of terms emerged in order to explain this movement. However, one of them stands out in IR field and this work engages with it. Created by Duchacek (1990) and Soldatos (1990), the concept of paradiplomacy is, briefly, the performance of subnational entities in foreign policy activities. In terms of goals, it does not differ from traditional diplomacy in that both are processes in which agreements are negotiated and implemented to achieve interests (Duchacek, 1990). The asymmetry of subnational units, the inefficiency of the state in meeting internal demands and the internalization of foreign policy practices are among the main drivers of paradiplomacy practices (Soldatos, 1990). Furthermore, it can be understood as a 'parallel diplomacy' and be identified as complementary or challenging to the diplomacy of nation-States (Tavares, 2016). This dubious nature of paradiplomacy is relevant because it reveals an important feature in city-led foreign migration actions. In circumstances in which States are increasingly trying to exempt themselves from responsibilities with migrants, decentralization is also a way that municipal authorities have found to take the reins and disattach from the core national discourse.

This year, after banning the mooring of the Seawatch III boat, the Italian government has come across statements from Naples and Palermo municipal authorities claiming in favor of migrants landing in these cities and supported by others such as Milan and Florence. In the USA context, the resistance of certain cities to enforce national laws around stricter migration and deportation laws has given rise to the so-called Sanctuary Cities. More than 300 jurisdictions in the country – which include not only cities but also states – call themselves as such and the movement has also expanded to the United Kingdom. The divergence of these locations from national migration parameters can, however, lead to sanctions such as budget reduction, for example.

## *Asylum Paradiplomacy*

Whether to open a channel for exchanging information, resources or, in some cases, as a way to address the lack of support from the central government, the fact is that cities are increasingly seeking to build alliance networks with municipalities in other countries regarding asylum seekers and refugees matters. I call this phenomenon Asylum Paradiplomacy (AP). This concept refers to foreign policy practices and cooperation agreements led by subnational and/or international entities in the context of forced migration. It is noteworthy that initiatives involving the participation of cities but not idealized and carried out by them do not fit into the AP framework.

To illustrate, I refer to the case of the Cidades Solidárias (Solidary Cities) program. In 2004, aiming to strengthen the protection of refugees at the regional level in Latin America, the Declaration and Plan of Action of Mexico was drafted. Among other commitments, the document signed by the Latin American States with the support of UNHCR included the need to promote socio-economic integration and to facilitate the implementation of local public policies for refugees and asylum seekers in urban centers. The program was built upon a top-down approach in which guidelines were outlined by States. As a result, this initiative has evolved little in terms of the exchange of practices and knowledge. In 2014, its name modified from Cidades Solidárias to Integração Local (Local Integration) at the occasion of the adoption of the Declaration and Plan of Action of Brazil. The change was not merely nominal and the role of urban centers in this project became even more diffuse.

Among AP initiatives, Solidarity Cities is an outstanding example. This is a relevant case because it is North-North cooperation, a trend scarcely explored in Migration Diplomacy studies. Launched in 2016 by former mayor of Athens, Giorgos Kaminis, the Solidarity Cities platform is part of the EUROCITIES network. It aims to implement a structure for the management of refugee and asylum seeker flows based on principles of responsibility and solidarity as a way of addressing more humane alternatives to this issue (Solidarity Cities, 2019).

Since 2014, the increase in migratory flows brought major impacts to urban centers. The lack of legal competence and the fact that many cities were allocated quotas without being consulted about settlement capacity and available resources indicated the limited scope of action of these locations (Solidarity Cities, 2016). Due to these circumstances, the pillars of Solidarity Cities are the exchange of information on refugees and asylum seekers in urban areas, capacity building between municipalities, lobbying activities to attract greater involvement of public and

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private sectors (Solidarity Cities, 2019). The program is currently also supported by the European Commission. In addition to the greek capital, cities such as Milan, Naples, Barcelona, Leeds, Berlin, Amsterdam, Gdansk, among others, joined the European platform.

Throughout the elaboration of the UN Global Compact for Migration (GCM) and Refugees (GCR), several city networks coordinated events and elaborated documents to highlight the importance of municipal authorities as active actors in migration management. In 2017, the Global Conference on Cities and Migration organized by United Cities and Local Governments (UCLG) culminated in the Mechelen Declaration. Signed by more than 50 cities from all over the world (Mechelen, Athens, Montreal, Addis Ababa, São Paulo, Santiago, Tehran, etc.), the document considers the role of the State but calls for inclusion of cities in decision-making process: “Acknowledging that migration governance is a State’s sovereign prerogative and noting that including local authorities in governance mechanisms can strengthen coordinated action, shape a positive discourse on migration and enhance social and economic integration of migrants” (Mechelen Declaration, 2017, 1). This fragment illustrates another aspect of AP; it is a multilevel process. The greater participation of cities or other subnational and/or international actors does not replace States. On the contrary, it adds layers to supplement this process.

In 2018, another document was produced and presented to the United Nations. Originated from the 5th Mayoral Forum on Human Mobility, Migration and Development in Marrakech, the report *Cities Working Together for Migrants and Refugees* pointed out that the accomplishment of UN Global Compacts goals highly hinges upon the cooperation with urban centers. It aims to create programs with the expertise of cities that experimented good practices of hosting, integration and to promote fundraising mechanisms for cities and regional governments, especially in developing countries.

Cities have been increasing their activity in the field of migration through foreign policy tools and international organizations have not ignored this presence and are gradually including subnational units as players in this arena. UNHCR, for example, has adopted the expression *Cities of Light* for localities that are taking the lead in welcoming refugees and asylum seekers. The IOM, in turn, is developing an index to assess the governance structure and strategies of local migration to “foster dialogue on migration between national governments and local authorities and enable local authorities to learn from one another by discussing common challenges and identify potential solutions” (IOM, 2019). The pilot program includes the cities of Accra, Montreal and São Paulo and the report is due to be released in the coming months. The municipality of São Paulo has created within its Human Rights Secretariat a department of Migration Policies and is the first city in Brazil to have local refugee legislation. The Brazilian city is a recurrent member of foreign policy articulations on refugees even though the Brazilian government’s position is currently in the opposite direction; Brazil withdrew the Global Migration Compact. More such initiatives are likely to continue expanding and other city networks such as Strong Cities and 100 Resilient Cities already have forced displacement on their agenda. The advancement of cities as policymakers, however, runs into limitations in the relationship between the national state and local authorities, especially regarding the principle of sovereignty.

## **New Routes, Old Boundaries**

The concern about the relation of forced migration and urban centers is relatively recent even on the part of UNHCR. Although the first demonstrations appeared in documents from the mid-1990s, it was not until 2009 that the UN agency devoted special focus to the issue through its *Policy on Refugee Protection and Solutions in Urban Areas* report. Until then, previous documents had offered little in regard to solutions and have been widely criticized by human rights organizations for prioritizing only States’ perspective in which refugees in urban centers were considered a potential political threat and the maintenance of ‘camp-based approach’ as the best strategy (Crisp, 2017). Since 2009, UNHCR sought to move away from the previous conception and highlighted the protection bias for urban refugees.

Still, the city’s role in this process is tangentially discussed. This fact reflects the difficulty of the state in allowing the presence of forced migrants in their urban areas and in dealing with the fragmentation of their sovereignty by articulating with local governments. On the other hand, cities are the frontlines for forced migration. These inflows affect not only individuals that arrive but also residents. To overlook this situation means to postpone a circumstance

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that eventually will have to be confronted. The Greek government's resistance in relocating asylum seekers to its mainland urban areas has culminated in overcrowding of camps; Lesbos Island currently has four times more asylum seekers than its capacity. In analyzing the decentralization of migration policies, Mavrikos-Adamou (2019) argues: "The paradox is that while migration policymaking and related decisions are negotiated in Brussels for EU countries and in Athens at the national level, the effects are felt by the urban and rural localities whose governments have very little say in how and where money is allocated".

The State remains the unique holder of legitimation of political power and the establishment of norms for individuals or collective instances depends on the national authority. For this reason, misalignment between the national and local spheres is the biggest challenge for subnational entities who see their actions constrained by State sovereignty. In 2016, Barcelona tried to negotiate directly with the European Commission on the reception of refugees and the proposal was promptly rejected as the State is the only legal interlocutor in this area. Concerning deportation laws, it is beyond cities' legal scope to decide on whether an asylum seeker should be returned or not. That is, even when the position of cities is more aligned to international principles on forced migrants' protection, the State still has the final word.

On the other hand, the advantage of PA is the possibility of opening dialogue channels with other municipalities when the interstate relationship is surrounded by conflicts. Whilst only States are able to enforce laws, cities are the ones in charge of executing measures in the practical realm. In that respect, cities are more solution-oriented and able to build bridges toward a consistent exchange of information and operational skills in areas such as education, housing, labor. Moreover, the numerous alliances strengthen their advocating power in order to attract financial resources not only from the national sphere but also to a major engagement from the private sector.

## Concluding Remarks

To grasp the current migration policymaking dynamics it is essential to look beyond the nation-state. In that sense, this article addressed the growing engagement of cities in diplomatic actions regarding forced displacement. By behaving as actors in the international arena, subnational units have been able to establish a new route to tackle challenges concerning settlement and integration of asylum seekers and refugees. Migration is a multidimensional process and, consequently, demands a multilevel approach. Despite legal obstacles mainly centered on national sovereignty, I argue that Asylum Paradplomacy is a phenomenon likely to gain a robust scope in the forthcoming years. This does not suggest that nation-state engines are eroding but that States will have to reorient their policies to cope with this reality. The proposed concept in this work aims to widen the debate over migration as foreign policy and open a space in IR scholarship for discussing the place of subnational units in this scenario.

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