Refugees Without Refuge: The End of the Right to Seek Asylum

An Introduction

Bookended by the two largest forced migration moments in a century, the non-nativist stance of post-World War II (WWII) Europe is coming to an end, and with it, the support for a post-national State sovereignty model that was instrumental in the creation of institutions like the Eurozone and the Schengen Zone. What began largely in part as a reaction to the migration crisis post-WWII, as well as the horrors of the German concentration camps, is ironically being tested, and proven lacking, in the face of another mass migration moment, this time toward Europe instead of emanating from it.

Caught up in the ideologically based political disputes within the continent and beyond are 4.5 million Syrian refugees, whose desperation for a return to relative normalcy-by-resettlement is ignored, both by the governments tasked by circumstance for their welfare, and by a mainstream media pre-occupied with geopolitical war games.

In this paper, I will explore Europe's response to the current mass migration moment, exploring the political and rhetorical parallels with the international response to the last great mass migration during, and after, WWII. I will also explore the ways in which the International Order created norms for the treatment of refugees and how these norms have been systemically diluted and unenforced, leaving today's Syrian refugees with little protection or recourse for abuse by countries of first arrival and repatriation. I

will conclude with an examination of an alternative framework for the classification and management of refugees, using an example from the 1920s.

Post World War I: "A Whole Empire Walking"[1]

It is impossible to speak of the post-WWII era without first examining the political climate that led to the war. Coming out of the First World War, Europe, as it had previously existed, was no more. With the dissolution of empires, the creation of new States based on ethnic majorities and the loss of sovereignty of other countries, the newly drawn Europe was rife with nationalism and political and economic instability.

Russia and Austria-Hungary were broken apart into new, smaller states established by the Peace Treaties of 1919 – 1923. The process created an unprecedented number of ethnic minorities unprotected by any State, including 250, 000 Russian Jews who had been driven out of Russia's western provinces, up to 1, 000, 000 Armenians who had survived ethnic cleansing by mass murder and deportation from the Ottoman Empire by the Young Turk government as well as over 1, 000, 000 more people who fled States that no longer existed (Schrover 2014). Part of the solution to this 'problem' was the creation of the unpopular Minority Treaties signed under duress (and generally disregarded as law) by the new Eastern and Southern European nations, while the older Western nations (including Germany) were not subject to their impositions (Arendt 1966:

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[1] "In the case of what is now often referred to as East-Central Europe, in the borderlands between Russia, Germany, and Austria where much of the fighting on the eastern front took place during World War I, the size of the refugee movements (6 million people) motivated one historian to describe the situation there as "a whole empire walking."" ... quoted from Dragostinova, Theodora. "Refugees or Immigrants? The Migration Crisis in Europe in Historical Perspective." *ORIGINS: Current Events in Historical Perspective.* January 2016. Web.
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268). The Minority Treaties forced assimilation and integration of minority populations in the nation-states that had reluctantly taken them in, resulting in the rise of ethnic nationalism across the continent (Arendt 1966: 268). "…the transformation of the state from an instrument of the law into an instrument of the nation had been completed; the nation had conquered the state, national interest had priority over law…" (Arendt 1966: 274) and minorities increasingly identified more closely with their ethnic brethren across borders than with their fellow countrymen.

Apart from ethnic and political rifts, Europe was also facing economic challenges beyond anything they had previously known. *"Inflation destroyed the whole class of small property owners beyond hope for recovery or new formation, something which no monetary crisis had ever done so radically before. Unemployment, when it came, reached fabulous proportions, was no longer restricted to the working class but seized with insignificant exceptions whole nations." (Arendt 1966: 266) In an interview with Simon Worrall of National Geographic about her newly released book comparing the current mass migration to the last one, East European historian Tara Zahra further outlines the scale of the problem: "It was extraordinary. People talked about villages being completely hollowed out and only women and children being left behind. From the Austrian empire alone, between 1880-1940 about four to five million people left, or about 7 to 8 percent of the total population" (Worrall 2016). Many Eastern European countries resorted to the use of anti-migration propaganda and punitive policy in an attempt to reduce the flow of citizens out of Europe before WWII (Worrall 2016).

The cumulative effect of both the economic restructuring of Europe and the new political landscape was an agitation of ethnic insecurities that exposed the vulnerabilities of refugees and the unclaimed stateless minorities when nation-States were disinclined to acknowledge their plight.

Post World War II: Refugee Rights Are Established

In 1933, on the precipice of a European war due to the policies of the new Chancellor Adolf Hitler, close to 50, 000 German Jews attempted to leave Germany, representing 10 percent of the total Jewish population in the country. Most were unsuccessful due to tightening border restrictions across Europe (Dragostinova 2016). Throughout the war freedom of movement for this population became increasingly difficult and by 1941, about 160, 000 remained in Nazi Germany. "During this time, western European states carefully refined their increasingly restrictive systems of passport and border control. Participants at the 1938 Evian Conference refused to deal decisively with the crisis, rationalizing that accepting more Jewish refugees would only encourage the Nazi regime." (Dragostinova 2016). In general, as asserted by A.J.P. Taylor in his controversial book 'Origins of the Second World War', "…no western statesman showed any real concern about the plight of the Jews in Germany prior to the outbreak of the war" (quoted in Martel 2014: 4).

Hitler took advantage of the rampant anti-Jew sentiment and the rise in nationalism both in Germany and across Europe to promote the ostracizing of Jews and

other minority ethnicities, using political and legal tactics such as denationalization and internment camps to further his agenda (Arendt 1966: 272). These policies were increasingly adopted by other similarly nationalistic States hostile to ethnically different refugees and stateless people. As an abdication of state government responsibility over the problem of unwanted minorities, police were given increasing powers, resulting in the rise of the European Police State (Arendt 1966: 282). Taken together, these anti-minority policies created a massive community of primarily Jewish unclaimed people without legal or state protection or an international will to intervene on their behalf. It was in this context that Hitler came to believe that there would be no condemnation by the international community when he eventually decided to implement his Final Solution.

Concurrently, there was a wider migration crisis going on around the world. Between 1940 and 1950, 80 million people worldwide were displaced from their homes. Of those, 65 million people faced forced migration in Europe alone (DePillis, Kulwant and Lu 2015). Amongst them, 11.5 million Germans were either forcibly expelled or voluntarily departed from Eastern Europe by victorious countries, over 100, 000 Jewish survivors of concentration camps returned home to find themselves unwelcome and their houses occupied, nearly 2 million Poles were forced out of east Poland, which had been annexed by the USSR, and millions of Eastern Europeans were forced out or fled westwards from the developing Communist bloc (Wasserstein 2011).

The unexpected consequence of the cross continental migration in the post-war era resulted in a reversal of the nativist, nationalist Europe that had been created after the

end of the first Great War. "As a result of these forced migrations, the European continent had been re-made into largely ethnically homogeneous states that had efficiently purged their territories of undesired ethnic or religious minorities" (Dragostinova 2016).

It was in this context, and in response to the genocide of 6 million European Jews by the Nazis, that the international community felt obligated to mount a coordinated legal and organizational response to the plight of the displaced and refugees, and to the growing migration crisis. The Holocaust had exposed what can happen when people are stripped of citizenship – they become stateless, with no political rights, especially the right to security and protection against abuse. After WWII, "(w)e became aware of the existence of a right to have rights… and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation" (Arendt 294). In seeming recognition of this necessity the UN sought to restore this "right to have rights" (Arendt 1966) by enshrining in international law the rights of the individual, as well as codifying specific rights for refugees, the stateless and asylum seekers. The UN General Assembly adopted the Universal Declaration of Human Rights (DHR) in 1948. Article 15 of this document states that "(e)veryone has a right to a nationality" and "(n)o one shall be arbitrarily deprived of his nationality", while Article 14 establishes "… the right to seek and enjoy in other countries asylum from persecution" (United Nations).

In 1951, the UN Convention on the Status of Refugees (the Convention) was adopted, grounded in Article 14 of the DHR. It is the most comprehensive codification of the rights of the refugee in international law and consolidates previous law relating to refugees in the international arena (UNHCR). Article I of the Convention endorses a single definition of the term 'refugee' - "someone who "owing to a 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 to, or owing to such fear, is unwilling to avail himself of the protection of that country" (Dragostinova 2016). The law guarantees that each person fleeing persecution in their home country is afforded the *right to request* asylum in a safe country, however, it does not impose the right to accept on recipient countries. Instead, the law grants the authorities of each country autonomy to accept or reject applications for asylum based on internal determinations of the validity of the claim to refugee status (versus immigrant status) (Dragostinova 2016).

Specifically mentioned in the Convention is the idea of non-refoulement, a "strictly legal term that prohibits a signatory state from forcibly repatriating a refugee against its commitment codified in Article 33" (Hyndman and Mountz 2008: 250). All European countries are ratified signatories to the Convention and are thus bound by its statutes (Dragostinova 2016).

In addition to enshrining human and refugee rights, an international body to ensure the protection of the rights of refugees was required. Taking over the efforts of the

International Refugee Organization, in 1950 an optimistic United Nations (UN) created a small agency, the UNHCR, with a three year mandate to co-ordinate the emergency response to the migration crisis of the time, after which it was expected to disband (UNHCR). Designed as an humanitarian and social organization which was expressly non-political, the UNHCR had a mandate to be an intermediary between refugees and governments, attempting to facilitate (i) voluntary repatriation of refugees, (ii) resettlement and assimilation of refugees into new states, (iii) providing refugees with travel documents and facilitating the transfer of their assets as well as (iv) reporting to the UN General Assembly and Economic and Social Council, to whom the organization was accountable (UNHCR 1950).

Today, a systematic change in orientation in the way nation-States relate to asylum-seekers and refugees since the end of WWII and the ratification of the DHR is underway. When initially conceived, the right to asylum was a "protection for refugees cast in international law", but has become diluted, and asylum in now increasingly "characterized as a security issue" (Hyndman and Mountz 2008: 250) not as a humanitarian obligation (Koff 2014).

This has occurred in the context of a new international relations framework in which sovereign exceptionalism has become the normal modus operandi, shifting from a legal framework operating within international law – "(t)he shift from legal discourses of rights to more geopolitical projects based on security is widespread." (Hyndman and Mountz 2008: 251). This shift, with little-to-no opposition from the international

community of nations, has created a space for countries of first arrival and potential

repatriation to cast doubt on the legitimacy of requests of asylum, thus facilitating an

evasion of their humanitarian obligations to refugees and asylum seekers by denying

resettlement, despite many of these States being signatories of the Convention.

"The ability to move across borders in increasingly a western privilege"[2]

It is in this context that Europe is again experiencing a refugee crisis of massive

proportion, the largest since the Second World War. Although significant numbers of

refugees and internally displaced peoples (IDPs) were created by the U.S. invasions of

Afghanistan and Iraq (1.5 million people), as well as the South Sudan civil war (2.2

million people), among other political crises around the world, the major event that

exceptionalizes the current moment of forced migration is the civil war in Syria, which

began in March 2011 (DePillis, Kulwant and Lu 2015).

For Syrians fleeing the seemingly unending civil war, these policies are having

frighteningly tangible consequences. In the early months of the war, many who fled Syria

believed the unrest to be temporary and sought refuge in the neighboring countries of

Jordan, Lebanon and Turkey, with the expectation that a return to Syria would be

possible (Dragostinova 2016). The host countries soon became overwhelmed with the

number of refugees – in Lebanon, 1 million – representing close to 25% of the native

population, while in Turkey, the UNHCR has registered over 2 million Syrians as

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[2] A quote from Rafia Zakaria, an attorney, political philosopher, writer and an author, during a guest lecture to New School Students in the 'Media and the Middle East' course of the MA in International Affairs, presented on 15 March 2016.

refugees, many of whom live in UNHCR-run camps, awaiting resettlement (Dragostinova 2016). As the war continued, with no housing, proper education or employment options and no likelihood of resettlement on the horizon, in 2014 - 2015, many refugees began to see Europe as the only option for resettlement and a normal life (Dragostinova 2016).

This calculation is not unusual, nor is it new. In the tradition of migration, whether forced or otherwise, "migrants and refugees tend to flee for a reason (armed conflicts or economic distress), follow pre-established political and social networks (of empire and diasporic communities), and occupy employment niches that are undesired by the locals (rather than "take our jobs")" (Dragostinova 2016).

Fleeing a life of unstable housing, no social or economic prospects and no political rights with the associated freedoms, Syrian refugees began to seek resettlement and asylum in more prosperous nations. It is for this reason that many more decided to enter Europe through the treacherous route across the Mediterranean – a route taken by North Africans and Middle Easterners into Europe for centuries, rather than those who took the easier, shorter overland route through Bulgaria. And, as in previous generations, "(t)raffickers ruthlessly exploited the vulnerability of these desperate individuals fleeing both persecution and poverty" (Dragostinova 2016).

Fear And Loathing in Europe

By the end of 2015, there were 6.5 million internally displaced Syrians, with 1.7 million of these surviving in camps and collective centers. Significantly, an additional 4.2 million Syrians had become refugees, seeking resettlement elsewhere, particularly in Europe (UNHCR 2015). These Syrians no longer feel safe in a country that has seen a peaceful protest become a bloody civil war and then transform into a multifaceted proxy war amongst a host of international entities.

European governments have had varying reactions to this mass migration into the continent. The European Union (EU) considers immigration law a matter of national sovereignty, thus laws differ in each European State (Dragostinova 2016), despite the Schengen Accords.

Twenty-six states were signatories to the Schengen Accords of 1985 and 1990, which instituted a common visa and passport-free travel across the internal borders of the EU, eliminating internal border control. As a consequence, border security responsibility shifted to the external borders of the EU. The ease of travel within the Schengen bloc also had economic consequences. As an example, the Economist reported that "(a)round 1.7m Europeans cross a border to get to work and in some regions as much as a third of the workforce makes this trip daily. Malmo in Sweden and Copenhagen, the Danish capital, have in effect become one big city." (The Economist 2016) Thus while this agreement is beneficial to citizens of signatory nations as well as to international tourists, frontier border countries such as Greece, Italy and Spain became increasingly concerned about migration across the Mediterranean Sea and felt they had become de-facto immigration

points for the continent, without sufficient resources or support for that role from the EU (Koff 2014).

The Syrian refugee migration has brought these tensions to the surface, threatening to rupture the Schengen Zone and the European Union, in a situation forecast by U.S. Secretary of State John Kerry. When speaking about the consequences of an unchecked ISIS in the Middle East, he responded, "Imagine what would happen if we don't stand and fight them, if we don't lead a coalition—as we are doing, by the way. If we didn't do that, you could have allies and friends of ours fall. You could have a massive migration into Europe that destroys Europe, leads to the pure destruction of Europe, ends the European project, and everyone runs for cover and you've got the 1930s all over again, with nationalism and fascism and other things breaking out. Of course we have an interest in this, a huge interest in this." (Goldberg 2016)

Today, at least as regards Europe's response to the mass forced migration of Syrians and other Middle Eastern and North African refugees, this prediction seems somewhat prophetic. "In April 2015, after four boats carrying almost two thousand people consecutively sank in the Mediterranean Sea, with a combined death toll estimated at more than 1,200, the idea that Europe was experiencing a "migrant crisis" came into currency." (Cantat 2015) One million asylum seekers and refugees reached Europe by sea by the end of that year (while more than 3000 drowned attempting the journey), with more arriving daily in the first few months of 2016. As predicted, the majority of refugees reach Europe through Greece and Italy, with many beginning their

journey out of Syria through Turkey (Dearden 2015). Those who survive the treacherous journey across the Mediterranean Sea are now encountering rapidly closing borders in a Europe whose governments are increasingly inclined to view migration as a national security concern (Koff 2014).

In general, Western Europe has been less resistant to offering asylum to Syrian refugees primarily for economic reasons, while eastern Europe remains deeply opposed, using the historically successful anti-immigration tactics of religious and ethnic fear-mongering, cultural 'othering' and national security threats as justifications for limiting the 'flow of migration'. Perhaps the most vocal purveyor of this thinking is Hungarian Prime Minister Viktor Orbán who is quoted as saying, "Is it not worrying in itself that European Christianity is now barely able to keep Europe Christian? There is no alternative, and we have no option but to defend our borders." (Sridharan 2015).

Many of the Syrian refugees would prefer to be settled in western Europe, particularly in Germany, Austria, Sweden or Norway, however, the journey from the shores of Greece and Italy requires them to cross through the Balkan states, many of which are hostile to refugees within their borders, even if not for resettlement. Economically, these states represent the failure of the European project in the Balkans, whose citizens face little chance at economic progress apart from migrating west (Dragostinova 2016). Amongst other factors such as religious and ethnic 'concerns', the eastern European opposition to refugee resettlement in western Europe is economic – refugees represent a threat to the economic options of their own citizens.

The Balkan states have begun to unilaterally restrict movement across their borders. Hungary has built fences along its borders with Serbia and Croatia, and is threatening a third along the Romanian border. Similarly, Austria has sealed its border with Slovenia and severely restricted the numbers of refugees who can cross their borders daily – a policy being replicated by Macedonia, Slovenia and Croatia. The cumulative effect has essentially trapped refugees in their countries of first arrival, especially Greece, a state that is arguably the least equipped economically to support them (Sunderland 2016).

Other countries such as Denmark and Hungary are attempting to dissuade refugee arrival with disincentive policies – Denmark has passed laws to confiscate the belongings of refugees to offset the cost of housing and social services, while Hungary simply criminalized asylum by arresting refugees for unlawful immigration if caught within the country (Sunderland 2016).

In an interview, Tara Zahra suggests there is historical context for eastern European anti-immigration sentiment: "Animus towards refugees is particularly strong in Eastern Europe… recently there has been a lot of anti-emigration agitation in countries like Hungary, Romania, and Poland. At first glance it might seem strange that a region, which produced the lion's share of refugees and migrants over the course of the 20th century, would now have so little compassion. And taking a broader look at the history of migration in the region can help us understand that animosity." (quoted in Worrall 2016)

In her book "The Great Departure: Mass Migration from Eastern Europe and the Making of the Free World", Zahra elaborates, "After the First World War and the collapse of the Habsburg Empire into self-declared nation-states, all of East Central Europe's new governments hoped to "filter" their populations, retaining only the most desirable national citizens" (2016: 17). Both voluntary and forced emigration would be used by eastern European governments as a "weapon in a nationalist demographic struggle… in order to mold nationally homogenous populations" (2016: 16-17).

The UNHCR and the Abdication of Protection

The Convention was the first codification of refugee rights in international law, but these rights are far from comprehensive. Excluded from the definition of refugee were those not necessarily targeted for persecution, but were no longer assured of protection within their State of origin due to political or civil unrest. This loophole, combined with the autonomy of States to decide who is and is not a 'legitimate' refugee/asylum seeker, meant that the right of a refugee was simply to seek asylum, but not to receive it.

Unfortunately, even for that basic right, refugees no longer have an effective intermediary and advocate in the UN. The UNHCR has been complicit in weakening its own laws regarding treatment of refugees. Jennifer Hyndman suggests that the 'Responsibility to Protect' policy adopted by the UN in 2005 represented "a shift in

emphasis from human rights to human security", politicizing the right to asylum (quoted in Hyndman and Mountz 2008: 251). Michel Agier argues that the "UNHCR essentially acts as the head of a humanitarian government. Its system controls refugees by putting them in camps and organizing flows" but no longer by working toward their resettlement (Agier 2009: 182), representing the end of a founding principal of the organization.

Adding to the dilution of the binding power of the 1951 Convention, "(i)n 1993, the UNHCR Commissioner Madame Sadako Ogata, introduced the concept of 'preventive protection', thus marking a distinctive shift in the orientation of refugee policy… language that emphasizes the 'right to remain' in one's home country/region over the former dominant discourse of the 'right to leave'" (Hyndman and Mountz 2008: 252). This policy has lent legitimacy to protectionist nation-States who prefer refugees seek protection in their country or region of origin and validates current efforts in Europe to ensure asylum seekers do not enter into their territories. (Hyndman and Mountz 2008: 252).

Taking advantage of this concept of 'preventative protection', the EU and Turkey have agreed to a 'one-for-one' deal in which all refugees arriving in Europe are returned to Turkey, even against their will. In return, for each returned refugee, the EU will resettle a Syrian refugee already in Turkey, up to a maximum of 72, 000 people. In addition, the EU has promised €3 billion to Turkey, allocated to the maintenance of Turkey's refugee camps. This deal in human lives came about as Turkey leveraged its position as the country of first arrival, while the EU leveraged their decision on Turkey's

decades long application for membership in the European Union (Rankin 2016). According to EU officials, the deal, which was implemented on April 20, 2016, has largely been successful in reducing the activities of people smugglers, and disincentivizing unauthorized refugee movement across the Aegean Sea to Europe. EU President Donald Tusk is quoted as saying, "We have seen a sharp reduction of the illegal migration flows" (BBC News 2016).

While politically convenient, the 'deal' has been criticized as violating the right to non-refoulement established by the Convention of the Rights of Refugees in 1951, making it a politically expedient break with international law. "Peter Sutherland, the UN secretary general's special representative for international migration and development, said that deporting migrants and refugees without considering their asylum applications first would break international law" (Gayle 2016). Both Turkey and the EU maintain that they are working within existing international law, with Turkish Prime Minister asserting, "Not a single Syrian refugee has been returned from Turkey unless it is of their free will" (BBC News 2016).

In addition, German Chancellor Angela Merkel has prioritized calling for "special security zones" on the Syrian side of its border with Turkey, as safe places for refugees to find shelter within Syria. "The more secure people can feel the less likely it is that they'll have to leave their homeland. So this is why we attach great importance to that," she said. This seems to be an endorsement of the 'preventative protection' policy established by the UNHCR, prioritizing the right to remain over the right to leave. (BBC News 2016).

The UNHCR has voiced some concerns about the legality of the policies of the deal, but has made no further protests. Perhaps this reaction is to be expected. The UNHCR is not an independent organization, rather it reports directly to the United Nations General Assembly and any significant shift in policy reflects the priorities and preferences of that body, and in particular, the policies most important to the most influential members, many of which are in Europe.

Conclusion: Lessons from the Past

Perhaps the most significant reversal in the management of refugee movements in the modern era is the terminology. The 1951 Convention created a distinction between 'refugee' and 'migrant' specifically to address the vulnerability of migrants to persecution in admission to new countries based on economic criteria. "Providing refugees with an exceptional right to cross borders and claim asylum helped to address this protection gap" (Long 2013: 4). In today's parlance, using the term 'migrant' to refer to refugees can be seen as a cynical political attempt to delegitimize their claim to asylum. 'Migrant' implies economic impetus for seeking resettlement, as opposed to the seemingly more urgent, solely humanitarian need-based term of 'refugee'. In the resettlement hierarchy, refugee is prioritized over migrant.

Céline Cantat argues that in referring to the crisis as one of "migration", instead of the legally correct term of "refugees", European politicians (and perhaps the mainstream western media) are complicit in attempting to delegitimize the claims of

those fleeing war (Cantat 2015), thus denying them the rights conferred by the UN Declaration of Human Rights, especially the "the right to seek and enjoy in other countries asylum from persecution" codified in Article 14 (United Nations 1948).

"Until the 1950s, refugees were essentially considered to be a subcategory of migrants. The international community was less focused on the need to ensure universal access to asylum, and more on the need to find solutions for existing European refugees. As a result, refugee and migrant were fluid identities, with both words used to describe a 'surplus population' that included not only refugees but also unemployed nationals. Their collective emigration would solve Europe's economic and political problems" (Long 2013: 5). The Convention defined the term 'refugee' in order to protect the right to asylum, however, time has shown that this differentiation based on humanitarian need has provided States with a loophole to restrict refugee movement and exclude refugees from inclusion in migration-development discourses (Long 2013: 5). "While asylum protects an immediate right of entry, this failure to consider refugees' economic needs has seriously impacted on long-term quality of protection and refugees' ability to access sustainable and meaningful solutions" (Long 2013: 5).

This was not always the case. Following the Russian Revolution of 1917 and the subsequent civil war, the first truly international response to a refugee crisis occurred. Overwhelmed by the conditions of 800, 000 Russian refugees without political or economic freedoms and the challenges posed by financing a relief-based humanitarian effort, the International Red Cross reached out to the League of Nations for assistance.

The League responded, appointing Fridtjof Nansen as the High Commissioner for Russian Refugees in 1921 (Long 2013: 9).

Repatriation to Russia was highly unlikely and, as new borders based on ethnic majorities were created in Europe, refugees became more marginalized – they had no nationality and thus could not travel across the new European borders in search of work. Thus, Nansen saw the crisis as one of economic and political exclusion – in today's terms, the exiled Russians were both refugees and economic migrants. The solution, according to Nansen, was to build a refugee protection system around refugee onward movement. After advocating for a year, he gained support for the Nansen Passport – an internationally recognized travel document that allowed refugees the right to cross borders to join families elsewhere, as well as granting them working rights in 'countries where they would be able to support themselves' (Long 2013: 9). "The Nansen passport system represented the first step toward resolving at the supra-national level the internal contradictions of a system of movement controls rooted in national membership" (Torpay quoted in Long 2013: 9). Significantly, holders of the Nansen passport had no country of return and thus some countries were reluctant to allow them entry. In this way, the Nansen passport, while a incredible tool facilitating refugee freedom of movement and economic rights, also served as a marker for discrimination.

The system was imperfect, but represented an international effort at managing refugee crises beyond the initial humanitarian need, and addressing the longer term issue of resettlement and economic opportunity. This example is especially important today, as

the world is yet again faced with the largest migration crisis in a generation, and is yet relying on a 60 year old humanitarian model that does not take into consideration the lives of refugees beyond the emergency moment.

Even more remarkable was the evolution of Nansen's Commission for Refugee Rights. Frustrated with the reluctance of member states to fund migration of refugees, Nansen created a financially independent organization through the issuing of fee-based passport stamps for non-indigent migrants. "By the1930s the Nansen stamp fund was large enough to directly help refugees become self-supporting by offering what would effectively be recognized today as micro-credit loans" (Long 2016: 10), creating a direct humanitarian, economic and development advocate for migrants and refugees, as well as tangible assistance in their attempts to rebuild their lives.

Today, the significance of an international organization that could provide internationally recognized travel documents and working rights, as well as passport stamps would be immeasurable. The immediate effect would be the reduction in use of human traffickers and the registration and identification of migrants and refugees.

Nansen's emphasis on the economic rights of refugees and migrants encouraged the International Labor Organization to begin matching migrants and refugees with countries in need of specific laborers. "Refugee exile was thus one part of a broader concern to tackle the much greater project of global unemployment through targeted migration. This bought together humanitarian and longer-term development aims" (Long

2013: 10).

Perhaps it is time for the international community to recognize the intersection between refugee and economic migrant and to treat migration as more than a humanitarian crisis. For those Syrian refugees stranded in Greece behind the closed borders of the Balkans, and those in Turkey who have been denied their right to seek asylum in Europe and are no longer afforded the freedom of movement, a modern version of the Nansen passport may be the beginning of meaningful resettlement. The right to freedom of movement and the right to work in a country of resettlement are two sides of the same coin – perhaps it is time to re-think the distinction between migrant and refugee, as well as the current system that is simply a "bare life" existence while politicians argue and attempt to shirk their international responsibility to consider asylum.

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