

# Upholding Moral Responsibilities

A normative analysis of the Joint Way Forward on migration  
issues between Afghanistan and the EU



**LUND**  
UNIVERSITY

Hanna Jeppsson

# Abstract

Strict deportation policies have emerged as an increasingly popular way for more developed countries to tackle the issue of irregular migration. Estimations tell us that more than 3 million Afghan refugees will be deported in 2017 and it is argued that such massive returns to Afghanistan, despite the ongoing and escalated conflict, will risk contributing to severe human right violations as well as risk worsening the economic, social and political instability that the country is struggling with.

In this study, I explore what normative obligations developed states should have towards developing countries in terms of the consequences of their deportation policies. Using methods of a normative policy analysis, the analysis specifically examines whether a declaration between the European Union and the Islamic Republic of Afghanistan that focuses on strengthening deportation efforts, lives up to those obligations. The findings include that the deportation policies enforced by this declaration do not meet the normative obligations of developed states and this thesis argues that greater attention on how the political response in receiving countries affects the development prospects in refugee generating countries needs to be incorporated into deportation policies to a greater extent.

*Key words:* Afghanistan, deportation, responsibilities, global justice, migration and development

Words: 9945

# Table of contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Background and Significance.....	1
1.2	Specific Aims and Research Questions.....	2
1.3	Disposition of Thesis.....	2
<b>2</b>	<b>Method .....</b>	<b>4</b>
2.1	Data Collection and Analysis .....	4
2.2	Delimitations .....	5
<b>3</b>	<b>Development of the Normative Framework.....</b>	<b>6</b>
3.1	Immigration Justice and International Obligations .....	6
3.2	Refugee Migration and the Global Order.....	7
3.3	The Refrain from Harm Principle .....	9
3.4	Moral Responsibilities in Relation to Deportation Policies .....	11
3.4.1	Citizens of Host Countries .....	11
3.4.2	Prospective Refugees .....	11
3.4.3	Deported Migrants.....	12
3.4.4	Citizens of Refugee Generating Countries.....	12
3.4.5	Trade-offs in Harm.....	13
<b>4</b>	<b>The Joint Way Forward .....</b>	<b>15</b>
4.1	Background .....	15
4.2	The Establishment of the Joint Way Forward.....	16
4.3	Core Elements of the Joint Way Forward .....	17
<b>5</b>	<b>Normative-Empirical Analysis .....</b>	<b>18</b>
5.1	Safe Political Environment.....	18
5.2	Capability to Reintegrate.....	20
5.2.1	Voluntary versus Involuntary Returns .....	21
5.2.2	Reintegration Programs .....	22
5.2.3	Unaccompanied Minors .....	23
5.2.4	Trade-offs .....	25
<b>6</b>	<b>Conclusion .....</b>	<b>26</b>
<b>7</b>	<b>References.....</b>	<b>28</b>

# 1 Introduction

Afghan nationals are the second largest group of refugees across the world (Duenwald and Talishli, 2017). After almost four decades of conflict, Afghanistan still struggles with stabilizing and rebuilding the country. Yet, the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) state that 700 000 migrants were returned to Afghanistan in 2016 and they estimate that over 3 million migrants will be returned in 2017. Such numerous returns will have serious implications on the future stability in Afghanistan, as it is argued that returns of such rate and volume seriously aggravate the government's capacity to absorb refugees in an environment of economic, social and political instability (ibid).

In 2016, the European Union (EU) and Afghanistan agreed on a declaration, which explicitly concentrates on strengthening deportation efforts. This declaration specifically caught my attention and will be the focus of my thesis.

## 1.1 Background and Significance

In light of the refugee crisis, there is arguably two crisis occurring. The crisis of production of refugee flows, and the crises of response (Owen, 2016). The current number of displaced people globally is the highest since the aftermath of World War II (UNHCR, 2016:5). This should be the time to help those suffering across the world and give them shelter, hope and better opportunities to a life without violence and persecution, but this normative idea does not truly reflect how the world has been responding. Instead, there has been a trend of more restrictive immigration policies all around the world. Recent policy trends in Europe for example, have focused on strengthening the EU borders and deporting migrants. Such policies have been criticized to simply target the problem in the EU and do not necessarily aid the crisis of production in the refugee generating countries (Gammeltoft-Hansen and Tan, 2017; Owen, 2016, Crisp and Long, 2016).

The declaration between The EU and the government of Afghanistan, called 'The Joint Way Forward' (JWF), is an example of such policies. The core meaning of the declaration is to establish a partnership to facilitate voluntary and forced deportations of Afghan nationals who, by various reasons, are not permitted to stay in the EU. The agreement states that EU will give increased financial support to Afghanistan, and in exchange, Afghanistan promises to accept deported Afghans and help them reintegrate (The EU and Afghanistan, 2016). In a joint press release

they stated that the declaration “is a triple-win solution for Afghanistan, the European Union and its Member States, addressing an issue of major concern to our citizens” (EEAS, 2016).

This thesis strongly questions whether this declaration will benefit Afghanistan, or essentially the Afghan nationals - both the ones who are being returned and those who never left, since sending back large numbers of vulnerable Afghan nationals despite the ongoing and escalated conflict will risk contributing to severe human right violations as well as risk worsening the economic, social and political instability that the country is struggling with (Duenwald and Talishli, 2017).

## 1.2 Specific Aims and Research Questions

The purpose of this research is to examine if the deportation policies endorsed by the JWF declaration can be considered morally acceptable in relation to a specific normative standard. There are two research questions that will guide this study:

*What moral responsibilities should developed states have towards developing states in adopting deportation policies?*

*Does the Joint Way Forward declaration and the deportation policies it entails, live up to these moral responsibilities?*

The first research question is referring to deportation policies in general and will drive this thesis into formulating a normative argument of what moral obligations developed states have towards developing countries in regard to the consequences of their deportation policies. The answer to the first question will provide this thesis with a normative standard of deportation policies, which will be used to answer my second question.

Previous research has dealt with similar questions about international moral responsibilities of liberal states, but in the context of immigration policies in general. My study will contribute to those studies by focusing on deportation policies and specifically the JWF declaration.

## 1.3 Disposition of Thesis

The following chapter will discuss the methodology used in this study. In chapter three, I review the existing literature on immigration justice and develop the normative framework that will be used to evaluate the Joint Way Forward declaration. Chapter four offers a brief contextual background to migration issues

in Afghanistan and an outline of the core elements of the Joint Way Forward declaration. The next chapter will encompass my normative-empirical analysis. Drawing from empirical evidence presented in previous studies and reports, I analyze whether the motivations and consequences of the declaration live up to the moral commitment of developed states as outlined in chapter 3. The final chapter will summarize the findings and provide a conclusion of the study.

## 2 Method

This thesis uses the methodology of a normative policy analysis under which the deportation policies enforced by the JWF will be the case of analysis. A normative policy analysis gives particular attentions to the moral value of various outcomes from a policy and the moral interpretation is generally guided by asking questions such as *who* counts and *to what* degree, *what* are the criteria of moral obligations and *who* are the agents charged with meeting these obligations (Robert and Zeckhauser, 2011:618; Dunne et al., 2013:37).

I follow three steps that Tremblay and Abi-Zeid (2015:236) use in their value-based policy analysis; (1) construct normative arguments based on relevant literature, (2) abstracting those arguments for the application of a normative argumentative model, (3) applying this model to a policy in order to evaluate it. By employing this methodology, this research develops a normative framework through which the deportation policies enforced by the JWF will be analyzed.

### 2.1 Data Collection and Analysis

This study has taken the form of a pure desk study and the empirical material that is used and analyzed in this study mainly comprises of documents that take a variety of forms. As Bryman highlights, it is important to be aware of that all documents are influenced by its authors and data can be framed in different ways depending on the purpose of the documents (Bryman, 2012:555). This research takes careful precaution by applying source criticism whenever relevant and the information will be evaluated in relation to where the documents originate.

The primary sources which have been considered for this research includes documents deriving from the EU, namely the JWF declaration and a document which maps out the main arguments to why the JWF declaration was needed, as well as NGO reports and previous academic research on deportation and repatriation efforts in Afghanistan.

The secondary sources used to analyze these primary documents, includes academic literature within moral philosophy, global justice and ethics in migration. These sources serve as the backbone to the development of my normative framework, identifying what moral obligations developed countries should have towards developing countries in adopting deportation policies. This normative standard of deportation policies is used to examine whether the motivations and consequences of the JWF can be considered morally just.

To clarify, the framework is not reflecting upon what *legal* moral duties the EU are assigned. Rather the framework offers a normative standard that is consistent with larger moral values of global justice and defines obligations that developed states *should* in principle embrace. Furthermore, by challenging existing legal obligations by which the EU justifies the JWF, my normative framework highlights ways in which the JWF contradicts commitment that should be central to developed states.

## 2.2 Delimitations

The normative standard that I present reflects upon the obligations liberal developed states should have towards developing countries, emphasizing the power dynamics between the two. I use definitions such as developed states, liberal states and states in the global north as synonyms throughout this paper, referring to the upper hand such states have in relation to poor, developing states in the international arena (Thomas and Allen, 2000:358; Potter et.al 2008:179; Pogge, 2002:20). The framework I present in this paper, should therefore be limited to evaluate deportation policies where this power dynamic between developing and developed states is present.

Moreover, the framework is designed to analyze the moral value of various outcomes of a particular deportation policy, which gives this framework a consequentialist approach. A policy that has been put in place for a longer time will be easier to evaluate, whereas analyzing a recently adopted policy as in the case of this thesis, it requires calculating potential consequences (Dunne et al. 20013). Evaluating the JWF, therefore requires this author to rely on empirical evidence from previous deportation efforts and assume that similar outcomes can be expected if the context does not change significantly. In that way, this thesis is limited by its own assumption to the degree that predicting the future never can be 100% reliable.



# 3 Development of the Normative Framework

The central goal of this chapter is to answer my general research question, to formulate a normative framework about what obligations developed liberal states should have towards developing countries in the scope of deportation policies.

In 3.1, I discuss the literature on normative obligations of developed states and distinguish between nationalist and cosmopolitan approaches. In 3.2 I argue that if developed states are at least partially responsible for the reasons why refugees flee, then developed states must take into account the interests of foreigners at least under certain conditions. In 3.3, I argue that liberal states have the moral obligation to refrain from harming and compensate those who already been harmed, with particular attention to the least advantaged. In 3.4, I develop a normative framework that defines under which conditions strict deportation policies will be considered unjust.

## 3.1 Immigration Justice and International Obligations

Cosmopolitanism and nationalism offer different understandings of what normative obligations liberal states ought to have towards foreigners. This section discusses the conflict between the obligation to treat and respect all human beings equally and the legitimacy of state borders.

Nationalist principles suggest that states should choose immigration policies that reflect the national interest, this means that states are free to choose policies that prioritize the interests of citizens over foreign actors (Higgins, 2013:22). Several nationalist scholars perceive states' obligations to foreigners are a matter of humanitarianism, essentially that basic conditions for living a decent life and human rights should be met (Miller 1995:74; Rawls, 1993). Walzer uses analogies such as meeting a stranger in the desert or finding an injured stranger at your doorstep, to demonstrate the logic of states having a moral responsibility to basic assistance (Walzer 1983:33). But central to the nationalist view is that all moral questions about the duties of states, can only be answered with careful considerations of the state's economic and institutional capability of allowing those duties to be carried out (Ratner, 2013:15).

Drawing from these arguments, one can conclude that nationalist approaches do not set much limitations to immigration policies. They do not reject the principle of

offering assistance to aid migrants fleeing from horrible living situations, but then again they note that such duties should not be at the expense of their own citizens. In that sense, a state can justify adopt almost any immigration policy, arguing that they respond to the best interest of their citizens, whether it is restrictive policies (if they believe immigration will harm the interest of their own citizens) or permissive policies (if they believe immigration is in the best interest of their citizens).

In opposition to nationalist approaches, cosmopolitan principles claim that liberal states may not favor the interest of their citizens over foreigners in their policy-making (Higgins, 2013:59). Core principles of cosmopolitanism are individualism and universal equality, and cosmopolitan arguments are based on the idea that all human beings belong to the same collectivity and should be treated as equals independently of their nationality, language or religion (López, 2010:663). These moral values set limitations to what policies states can justly adopt and moreover require greater international responsibilities. International human rights law is an example of when the international obligations promoted in the cosmopolitan view have been recognized and adopted into international law. International human rights laws include a number of rights that all people in the world is entitled to, which gives individuals and states the responsibility to adopt policies that further this goal (Ratner, 2013:5). While cosmopolitans would argue that turning those rights into obligations is a good thing, and claim that obligations should go further than just basic human rights, advocates of the nationalist perspective argue that such obligations are problematic since they limit a state's freedom to govern itself however it chooses (Ibid:17). Similar arguments can be made in the debate over immigration policies. Cosmopolitan principles require just immigration policies to undertake careful considerations of how the policies affect all human beings involved: the citizens of the host country and asylum seekers, as well as the non-migrating residents of sending countries (Higgins, 2013:59). Whereas nationalists argue that such commitment would hinder states from performing its main duties, which is to respond to best interest of the nation state (ibid:22).

This discussion on international obligations highlights two different philosophical stands on what moral responsibility developed states ought to have when formulating immigration policies. These conflicting views on immigration justice are further elaborated on in the next section by contextualizing these arguments in relation to globalization and the international order.

## 3.2 Refugee Migration and the Global Order

In this section, I show that because of the power dynamic between developed and developing countries embedded in global institutions, liberal states are at least partially blameworthy for the reasons that make people leave their countries.

Without going into what is legally considered a legitimate reason to seek refuge, studies on refugee migration show that refugees generally come from conflict-ridden, poor countries, where political instability, conflict, human rights abuses, lack of development and economic opportunities could be considered the immediate causes of seeking refuge in another country (Nyberg-Sorensen et al., 2002:14,23; Minter, 2011:49; Meyers, 2014:70).

These immediate causes are recognized by both approaches. Although, nationalist scholars generally claim that immediate causes of emigration such as poverty and conflict, primarily are the result of *internal* factors and that it is the sovereign state's responsibility to address those issues. However, the cosmopolitan view recognizes the influence of external factors (Higgins, 2013:38). Higgins (ibid:180) criticizes the nationalist view by stating that the idea of an international order in which states have absolute internal sovereignty is a flawed understanding of how the modern world works which has long been outdated, if ever accurate. Rather, the last decades of globalization and the establishment of global economic and political institutions have made the world more interconnected and nation states more interdependent on each other.

In this global network, it is recognized that states in the global north have much greater potential to set global agendas and influence the terms of cooperation which makes the work of global institutions skewed towards the development in the North. This is usually done with little regard for the systematic harms these institutional arrangements impose on already poor countries (Thomas and Allen, 2000:358; Potter et.al 2008:179; Pogge, 2002:20). In his book *World Poverty and Human Rights*, Pogge (2002:17) elaborates further on this argument and puts forward several ways that wealthy states of the global north, through their control of global institutions, actively harm the poor countries in the global south. One way is through the superior bargaining power and expertise of wealthier countries that was previously mentioned (ibid:20). Another way is through their control over global economic institutions, for example by maintaining high trade tariffs on imports, especially those they consider "unfairly cheap," while requiring poorer states to significantly reduce theirs (ibid:17). Pogge is also concerned with how wealthy states of the global north treat corrupt leaders and elites in poor countries. This is problematic both in terms of how global institutions grant rulers of sovereign states international borrowing privilege, which indirectly encourages political instability, but also that they are considered as a legitimate partner to cooperate with (ibid:40-41).

These opposing understandings of the international community and how states relate to each other are significant when formulating an argument of international obligations. The idea of how all sovereign states are in control of their own development is compelling but not entirely true (Lopez, 2012; Higgins, 2013:180). To reflect the reality one needs to recognize the arguments that Pogge highlights of how the global order is structured and how developed countries are partially involved in nursing the underdevelopment of developing countries. One can therefore argue that the nationalist approach falls short in the debate of immigration

justice because they neglect the impact that global structures and forces of inequality have in causing migration.

Instead, I argue that since liberal states to some extent influence the development of developing states, liberal states are at least partially blameworthy for the reasons that force people to migrate from their countries. Hence, this thesis argues that developed countries should be responsible in aiding to solve problems that they have been involved with creating. This denotes that liberal states should be obligated to consider the consequences of their immigration policies beyond state borders. Essentially, based on the discussion of this section, immigration policies should be required to respond to the crisis of production in refugee generating countries as well as to the crisis in host countries.

### 3.3 The Refrain from Harm Principle

So far, this chapter has established that developed states should have the moral responsibility to consider to the interest of developing countries as well as their own, when adopting immigration policies. This section continues on that argument and identifies under what conditions an immigration policy can be considered morally just.

In her article, Shelley Wilcox, develops a specific moral principle of international obligations that reflects the discussions provided by this chapter so far. Her principle, The Global Harm Principle, suggests that “[S]ocieties should not harm foreigners; and societies that violate this duty must: (1) stop harming these foreigners immediately; and (2) compensate their victims for the harm they have already caused them” (Wilcox, 2007:277). She justifies the category of individuals whom agents should not harm on cosmopolitan grounds; since all human beings deserve equal moral respect, there are no legitimate reason for claiming that harm to noncitizens is any less morally problematic than harm to citizens (ibid:278).

To make sense of this principle, it is crucial to define the concept of harm. There are two questions that need to be answered; first, in what terms does the policy harm a social group? Second, relative to what standard does the policy harm a social group. Higgins (2013:137), who elaborated on Wilcox principle in his book, is rather general in terms of the first question and argues that a policy harms if it diminishes the capabilities or opportunities of its members. Wilcox is more precise and argues that a policy will be considered to harm others when an agent’s welfare interests are being impeded by a policy. With the notion ‘welfare interests’, she refers to basic conditions that are required to live a decent life. Welfare interest by her notion includes; access to food, drinks, clothing, shelter, health care and education, as well as physical integrity and a safe economic and political environment. Furthermore, she argues that these duties that this principle assigns

must be fulfilled before states may use immigration policies in service of other national goals (Wilcox, 2007:274).

In regard to the second question Higgins elaborates on several different options. One suggestion is that an immigration policy harms a social group if it makes that group worse off than it was prior to the adoption of that policy, however he argues that this minimal standard is too weak since it does not consider to what extent the previous policy have caused any harm (Higgins, 2012:138). Another option is that an immigration policy harms a social group if it causes that group's capabilities to fall below a specified threshold. The problem with this suggestion is that it requires measuring capabilities which makes the implementation of this standard very difficult. Instead he advocates that, an immigration policy is unjust if there is another immigration policy under which the capabilities of social groups that *are already unjustly disadvantaged* would be better off (ibid:139). Higgins further states that "any immigration policy that does not satisfy the standard of harm set out here will, as a consequence, serve the interests of privileged social groups at the expense of social groups that are already unjustly disadvantaged" (ibid:140). This definition provided by Higgins recognizes the global structures of inequality and put emphasis on compensating those who already been unjustly harmed.

A critique towards this argument might be that all immigration policies inevitably benefit some disadvantaged groups while harming others (prospective refugees, deported migrants as well as disadvantaged groups in both the sending and receiving county), hence it might be impossible to "not harm already disadvantaged groups". One might argue that just immigration policies should equally distribute the burdens and benefits across the affected social groups (ibid:191). However, this would only be fair if the affected social groups are equally advantaged before the policy implementation (ibid:197). Therefore, in the light of structural inequality, I argue that distributions of benefits and burdens should favor social groups that are most disadvantaged. In other words, the main objective of a just immigration policy is still to benefit as many people as possible and not harm anyone, but if harming some group is unavoidable, the least advantages should be prioritized. On these grounds, I argue that *liberal states should have the moral obligation to refrain from harming basic welfare interests and compensate those who already been harmed, with particular attention to the least advantaged*. I will call this principle "Refrain from Harm" from now on in the paper.

The international obligations and the Refrain from Harm principle that I have put forward in this section, represent the core of the normative framework that I will use to evaluate the Joint Way Forward declaration. In the last section, I will adapt these arguments of immigration justice to the specific context of deportation policies.

## 3.4 Moral Responsibilities in Relation to Deportation Policies

In this section I explore how the Refrain from Harm-principle relates to deportation policies. The main argument is that if a deportation policy harms an already disadvantaged group, the policy would be considered morally unjust. Drawing on findings from previous studies on deportation policies, I will present in what ways relevant groups of individuals could be harmed by the definition provided by Wilcox. I will divide the welfare interests into four categories; physical wellbeing, psychological wellbeing, economic opportunities, and safe political environment, and differentiate between four types of actors: citizens of host countries, prospective refugees, and deported migrants, and citizens of refugee generating countries.

### 3.4.1 Citizens of Host Countries

Strict deportation policies are not expected to cause any physical or psychological harm to citizens of the host country, nor are strict deportation policies expected to cause any significant harm in relation to economic opportunities and the political stability. At the most, the host country might lose valuable assets in terms of economic, human and social capital the newcomers can bring (Nyberg-Sorensen et al., 2002:15), but not to the extent that it would be regarded as harming by the definition presented above.

Instead, it is generally argued that fairly loose deportation policies can harm the local population in terms of the economic, social and political costs that large numbers of refugees could impose. More specifically, large numbers of immigrants could potentially overwhelm local welfare systems and lower the capacity of the country's social services, as well as take over jobs that might otherwise have been available to low-skilled locals at a higher wage. It is further argued that cultural differences between the local population and immigrants might lead to tension at best, and violence at worst (Toft, 2007:144).

### 3.4.2 Prospective Refugees

One of the main arguments supporting deportation policies are that it is important that refugees who not meet the asylum criteria return, so that host countries can afford to protect those who meet the criteria with initiatives on relocation and resettlement (DeBono, 2016:104). Therefore, deportation policies indicate that there will be greater possibilities and opportunities for the ones that meet the asylum criteria and would ideally not pose any harm in terms of the physical, economic or

safety aspects for prospective refugees. However, studies show that the fear of being deported cause serious psychological harm and have significant effects on the lives and mental wellbeing of prospective refugee waiting for their final decision. In contrast, less mental-health problems on prospective migrants are expected when fairly loose deportation policies are adopted (DeBono, 2016:108). Although, similar to the citizens of the host country, prospective refugees could potentially be harmed by the economic, social and political strains that can be imposed if deportation policies are absent.

### 3.4.3 Deported Migrants

A common theme across countries that migrants face when returning, is discrimination. Deportees generally tend to be treated with suspicion and exclusion, and are sometimes even assaulted and arrested, charged for leaving the country illegally in the first place. Discrimination and exclusion have proven to make entering the labor market and building sustainable livelihoods very difficult (Arowolo, 2000:64; Carr, 2014:146,148). However, its noted that if the migrants have acquired capital or valuable skills during their time abroad, the possibility of successful reintegration increases significantly.

A stable social, economic and institutional environment that are capable of reintegrate returnees, seems critical when it comes to successful and sustainable returns (Nyberg-Sorensen et al., 2002:279). Failure to achieve reintegration when large number of people returning, may instead lead again to internal conflict, political tension and civil war which will have the opposite effect of that is desired (Arowolo, 2000:66). Hence, if the country of origin still can not provide a decent life upon return, many returnees will be obligated emigrate once again (Crisp and Long, 2016:145; Carr, 2014:150). Essentially, if the migrant returns empty-handed and if the country of origin lack capabilities to reintegrate returnees, deportations have the risk of harming migrants in all categories. The absence of deportation policies would mean that this group will be significantly less harmed in all categories.

### 3.4.4 Citizens of Refugee Generating Countries

Even though non-migrating citizens of a refugee generating country is often neglected in deportation debates, it is quite well known that it is rarely the most affected and the poorest who migrate, since it requires a certain capital to migrate (Castles and Miller 2009:23; Minter, 2011:44). This implies that the most disadvantaged is often left in the refugee generating country, which based on the Refrain from Harm principle should be a reason for attention.

Similar to the discussion on deported migrants, the consequences of strict deportation policies in relation to the non-migrating individuals, is very dependent

on the economic and political environment of the country. If the country lacks the capability to absorb and integrate the returnees, large numbers of people returning have the risk of worsening the economic, social and political instability that the country is struggling with (Kapur, 2014:492; Özerdem and Sofizada, 2006:82). The potential harm deportations could have on the development, would risk deteriorating the living standards for those residing in the country and might force even more people to flee to another country or continent in order to meet their basic needs (Arowolo, 2000). Hence, under such circumstances deportations could effectively harm the residents in the country in relation to the all four categories.

If forced deportations were not carried out, the development prospects of the country would not be more damaged and maybe even enhanced, seeing as the ones who do choose to return have greater capacity to be agents of change compared to deported returnees (van Houte, et al, 2014).

### 3.4.5 Trade-offs in Harm

The tables below summarize the potential harm that strict versus fairly loose deportation policies can impose in accordance with the Refrain from Harm principle.

	<b>Physical wellbeing</b>	<b>Psychological wellbeing</b>	<b>Economic opportunities</b>	<b>Safe political environment</b>
<b>Citizens, host country</b>	Not significantly harmed	Not significantly harmed	Not significantly harmed	Not significantly harmed
<b>Prospective refugees</b>	Not significantly harmed	Fear of being deported, anxiety and depression	Not significantly harmed	Not significantly harmed
<b>Deported migrants</b>	Discrimination, assault, human rights abuses	Discrimination, shame	Discrimination, lack of employment opportunities	Escalated conflict
<b>Citizens, refugee generating country</b>	Human rights abuses caused by increased economic and political instability	Fear of having to migrate	Negative economic development, lack of economic opportunities	Escalated conflict

Source: own compilation



<b>Table. 2: Potential harm caused by fairly loose deportation policies</b>				
	<b>Physical wellbeing</b>	<b>Psychological wellbeing</b>	<b>Economic opportunities</b>	<b>Safe political environment</b>
<b>Citizens, host country</b>	In worst case scenario, potential violence because of sociocultural tension	Not significantly harmed	Higher pressure on labor market and public resources.	Sociocultural tension
<b>Prospective refugees</b>	In worst case scenario, potential violence because of sociocultural tension	Not significantly harmed	Higher pressure on labor market and public resources.	Sociocultural tension
<b>Deported migrants</b>	Would not be deported. See prospective refugees.	Would not be deported. See prospective refugees.	Would not be deported. See prospective refugees.	Would not be deported. See prospective refugees.
<b>Citizens, refugee generating country</b>	Not significantly harmed	Not significantly harmed	Not significantly harmed	Not significantly harmed

Source: own compilation

Table. 1 sums up the potential harm of strict deportation policies and presents that most of the harm is evidently caused in the refugee generating country and relates to how well the country will be able to adapt and reintegrate the returnees. This denotes that just deportation policies must take into consideration how strict deportation policies will affect the development prospects of sending countries. Table. 2 sums up the potential harm of fairly loose deportation policies, highlighting the considerable economic, social and political cost that large numbers of refugees would impose in the host country. Evidently, deportation policies, strict or loose, will necessarily entail harm to some extent on one group or another. This forces policy-makers to make a decision on how to distribute these harms in a morally just way. In light of the normative framework I have presented, the trade-offs need to be based according to considerations of the least advantaged group. That being said, a just deportation policy should avoid imposing the harms set out in the tables, however, if imposing harm to some group is unavoidable, the most vulnerable and disadvantaged groups should be prioritized.

This moral duty sets limits to what deportation policies developed states can justly adopt. On the grounds of the Refrain from Harm principle, a deportation policy will be considered unjust if deportations are used to enhance the capabilities of privileged groups at the expense of harming welfare capabilities of disadvantaged groups.

# 4 The Joint Way Forward

This chapter starts off with a brief background to the migration context in Afghanistan. Thereafter I highlight essential elements of the Joint Way Forward.

## 4.1 Background

Ravaged by conflict for more than 35 years, Afghanistan has seen the coming and going of Kings and presidents, mullahs and militias and the world's superpowers. War, tension, and insurgent violence have left a heavy toll on Afghanistan's institutions and its way of life (UNDP, 2016). The war has destroyed much of the industry and economic institutions, in combination with political instability and high levels of corruption, Afghanistan is struggling to rebuild and stabilize despite the billions of dollars of aid that have been given to the country (Jazayery, 2002:235). Poverty, high unemployment rates, widespread discrimination and human rights abuses towards women, and inadequate healthcare are some of the challenges the country is struggling with. Although, because of the ongoing and escalated conflict, human security remains Afghanistan's major challenge (UNDP, 2016). In 2015, Afghanistan reached record levels of terrorist attacks and civilian casualties, and in a document on migration, the European Commission (EC) estimate that both the security and economic situation are likely to worsen (EC and the EEAS, 2016).

<b>Afghanistan statistics:</b>	
Poverty rate.....	36%
Unemployment rate.....	40%
Human development index.....	171/188
Gender Inequality Index.....	152/ 154
Corruption Perception Ranking.....	169/175
Global Peace index.....	160/162

Source: UNDP, 2016

The ongoing conflict has resulted in great numbers of Afghan nationals seeking safer and better living standards elsewhere for many decades now. Statistics deriving from UNHCR shows that already in the early 1990s, 6 million Afghan refugees had fled the country. Between 1992 and 1997, many returned and the number of refugees fell. However, as Taliban captured most of the country (1997-2001), a new wave of Afghan refugees emerged, constituted of both returnees and new refugees. Most of the refugees were residing in neighboring countries such as Pakistan and Iran at this point (Jazayery, 2002:240). It is not until quite recently that significant numbers of refugees with Afghan origin have migrated to Europe. However, compared to the numbers of refugees in Iran (2,5 million) and Pakistan

(2,9 million)<sup>1</sup>, the 213 000 migrants arriving in Europe during 2015 might not come across as significant. The refugee flow to Europe is partly due to the escalated conflict in Afghanistan, but also due to restrictions they face on integration to society and labor market in Pakistan and Iran (EC and EEAS, 2016). Staying in those countries is therefore not a reliable solution in the long-term, hence, many feel obligated to flee to Europe. Afghan nationals represent the second largest groups of migrants and asylum seekers to the EU and many of them are unaccompanied minors (ibid).

## 4.2 The Establishment of the Joint Way Forward

In March 2016, a document proposing possible leverage for a collaboration with Afghanistan on migration issues was formed serving as a stepping stone to what later became to be known as the JWF declaration. In this document, members of the EC and the European External Action Service (EEAS), argue that due to the deteriorating situation in Afghanistan, as well as pressure from Pakistan and Iran, there is a high risk of further migratory flows to Europe and “[t]his calls for a strengthening of interventions to maintain asylum space in the region” (ibid:3). In other words, they need to strengthen deportations of asylum-seekers that not meet the criteria to stay in the EU, in order to make room for the ones who do meet the criteria of protection. However, they note that they are aware of the deteriorating security situation in Afghanistan, thus they emphasize the need of a common definition of safe areas in Afghanistan in order to eliminate the risk of refoulement<sup>2</sup>.

The document further recognizes that development aid should be used in favor of promoting a safer and ultimately sustainable Afghan state. Approximately 40% of the GDP comes from aid, so without continued international aid, the state established after 2002 is unlikely to prevail. Development aid is therefore an important component in order to generate a favorable environment for deportees and will be secured if Afghanistan signs the JWF declaration (ibid).

These incentives later resulted in the establishment of the declaration called the Joint Way Forward on migration issues between Afghanistan and the EU, on the 2d October 2016. The main objective of the declaration is articulated as follows:

---

<sup>1</sup> Estimations on the amount of refugees residing in different countries varies a lot across different sources. This thesis relies on the numbers published by the European Commission and the European External Action Service.

<sup>2</sup> Refoulement refers to the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution.

This JWF identifies a series of actions to be taken as a matter of urgency by the EU and the Government of Afghanistan with the objective to establish a rapid, effective and manageable process for a smooth, dignified and orderly return of Afghan nationals who do not fulfil the conditions in force for entry to, presence in, or residence on the territory of the EU, and to facilitate their reintegration in Afghanistan in a spirit of cooperation (EU and Afghanistan, 2016:1).

### 4.3 Core Elements of the Joint Way Forward

The declaration entails different aspects of cooperation. The scope of this thesis is limited to the parts of this declaration that deal with under what conditions migrants will be returned, and how they plan to manage the return and reintegration process.

By signing this declaration, Afghanistan reaffirms its commitment to readmit unlimited numbers of Afghan nationals who no longer are permitted to stay in the EU. A maximum of 50 persons per flight is stated, but there are no limitations on how many flights that can be organized (EU and Afghanistan, 2016).

The declaration further declares that deportations of Afghan nationals will be carried out under both voluntary and forced circumstances. Voluntary in this sense refers to the voluntary compliance with an obligation to return of illegally staying migrants (EC, 2015:12). This decision will include all groups of migrants, including women and unaccompanied minors. It is stated that if the minor does not have any relatives left in the country, “adequate reception and care-taking arrangements” have to be put in place in Afghanistan in order to proceed with the deportation (EU and Afghanistan, 2016:).

In order to ensure safe returns and to facilitate reintegration, the EU is funding programs providing support for Afghan nationals returning to Afghanistan. The JWF acknowledges that it is important that returnees are able to create a safe and sustainable livelihood and the programs will focus on skills development, labor market access and job-creation. They also state that improving employment opportunities is an effective way of preventing future irregular migration. The EU declare that they will support the Government of Afghanistan and the IOM (International organization for migration) in order to meet these objectives (ibid).

There are several aspects of this declaration that will significantly change the current practices of deportations. I will discuss and analyze these aspects and evaluate their normative standing in relation to the Refrain from Harm-principle.

## 5 Normative-Empirical Analysis

Based on the *Refrain from Harm* principle, this chapter evaluates whether the deportation policies enforced by the JWF can be considered morally acceptable. This is done through a thorough investigation of the empirical circumstances in which these policies enact.

Under existing asylum laws, a migrant shall not be returned if they will be a target of persecution or human rights violations (Hunt, 2014:500). In order to assess what legal status the migrant should have, all asylum seekers are entitled to a thorough asylum process where the migrant's "protection needs and compelling humanitarian reasons, if any, have been considered in accordance with the applicable legislation" (EU and Afghanistan, 2016:2). If the migrant is given the legal status irregular migrant, it is argued that the migrant can return without facing persecution or human rights violations. However, this does not necessarily mean that they will not be harmed.

As the normative framework of this thesis has established, developed countries should have the moral obligation to refrain from harming basic welfare interest of already disadvantaged groups in adopting deportation policies. As table 1 and 2 in subsection 3.4.5 shows, most harm that are caused by strict deportation policies is the result of an instable political and socioeconomic environment. Physical and psychological harm tend to be the effects of conflicts and not being able to earn money for survival, healthcare or education. Therefore, the analysis is divided into two parts, looking at the political environment and the capability to reintegrate deported migrants. The potential physical and psychological harm is discussed in relations to the two primary aspects.

### 5.1 Safe Political Environment

In terms of the political environment, table 1 shows that large scale deportations have the potential to harm deported Afghans and the citizens of Afghanistan by intensifying the conflict. As decades of war in the country have shown us, conflict harms its citizens in several ways. Consequences have included difficulties to find a job, limited access to health care and education, outbreak of fighting and danger of bombing for example (Monsutti, 2008:58). This is already the reality for many Afghans living in Afghanistan, therefore, to refrain from harming, deportation policies should not be carried out unless they promote stability.

Evidence from previous large-scale repatriation efforts suggests that success seems to be limited to when returns are driven by evident and fundamental changes in countries of origin and where safety and voluntariness of such returns are not in question (Crisp and Long, 2016:143). Economic and political development of the country should therefore be a key priority in order to enhance the capacity for the country to receive and reintegrate returnees successfully. Thus, the development efforts articulated as one of the goals of this cooperation is an important initiative for a sustainable solution to the refugee crisis. However, because of the deteriorating security situation in Afghanistan, it is essential that European aid to Afghanistan is used to ensure peace and security, and to rebuild the country *first and foremost* (Oxfam et al.,2016). As stated in 4.1, political and economic instability have characterized the situation in Afghanistan for decades despite billions of dollars of aid (Jazayery, 2002:235). Therefore one cannot assume that the development initiatives by this declaration will have immediate effect. Thus, deportations at this point should still be treated with caution in regard to the hazardous political environment, for the sake of refrain from harming the deported Afghan migrants as well as the non-migrating citizens of Afghanistan.

Despite the awareness that a safe political environment is vital in order for deportations to be successful and sustainable, the pressure on refugees to return has not disappeared even though conflicts have remained unsolved (Crisp and Long, 2016). JWF is a textbook example of this. To get around this problem, the EC and the EEAS proposes that safe areas within the country should be identified (EC and EEAS, 2016). In that way, the policy-makers of the JWF can justify their deportations by claiming that deportations are only carried out to areas that are considered safe. However, there are three main issues with those ‘safe areas’. First, scholars have been critical of such general assessments of safety since it deals with unstable states where situations can change rapidly (Hunt, 2014:514-516; Engelmann, 2014:282). Second, only three of the EU member states accept their citizens to travel to certain areas in Afghanistan, while the majority of all EU member states advise their citizens to “avoid all travels completely” or “avoid non-essential travel” to Afghanistan because of the security situation (EC, 2017). This implies that there are different criteria of safety depending on people’s nationality, which is indefensible from a cosmopolitan perspective. Third, the discussion on safe areas mentioned in the EC and EEAS paper on migration issues, are not reflected upon in the actual JWF declaration.

It has been heavily criticized by several NGO’s, that the JWF suggest that safe returns are possible in Afghanistan despite the ongoing conflict (Oxfam et al, 2016). Additionally, there seems to be little recognition on how increased returns will affect the security situation in Afghanistan. If the estimations that over 3 million people will return (from Iran, Pakistan and Europe) in 2017 is correct (Duenwald and Talishli, 2017), return at such a rate and volume will pose considerable challenges to the absorption capacity and there is a high risk of spurring the ongoing conflict. This thesis argues that sending back irregular migrants under these conditions is morally irresponsible since there is a great risk of harming the basic

welfare interests of deported Afghan migrants, as well as the citizens of Afghanistan in all four categories; physically, psychologically, economically and politically, and would moreover induce the risk of causing further emigration.

On the other hand, not deporting irregular migrants would cause some strains on the political environment in EU member states, which could harm citizens of host countries and prospective migrants as presented in Table 2. However, considering the political stability and institutional capacity that EU member states have in relation to Afghanistan, the harm irregular migrants would cause in the EU would be far less compared to the harm deported migrants would impose in Afghanistan. According to the global peace index and the fragile state index, Afghanistan is ranked as 160/162 (global peace index) and 171/178 (fragile state index), while almost all of the EU member states are ranked as the top 50 in both regards (Vision of humanity, 2016; Fund for peace, 2017). Additionally, Afghan nationals, regardless of their legal status or where they reside, are arguably the least advantaged group in this context since conflict and war have characterized their whole lives. Their interests should therefore be prioritized in light of the Refrain from Harm principle.

As long as the deteriorating security situation in Afghanistan remains, this thesis concludes that it is morally unjust carry out deportations. Liberal states must fulfill the duties of not harming basic welfare interests of the less advantaged, before using deportations policies in service of other national goals.

## 5.2 Capability to Reintegrate

Additional to political stability, it is important that Afghanistan has the capability to reintegrate the deported migrants in order for returns to be sustainable in the long term. It is especially vital that the socioeconomic environment allows deported migrants to enter the labor market in order to secure a sustainable livelihood. Nevertheless, evidence from previous repatriation efforts in Afghanistan, demonstrate that returns of great volumes of refugees pose considerable challenges to the absorption capacity of the country (Özerdem and Sofizada, 2006:82). Discrimination, high unemployment rates and other challenges of building a sustainable livelihood in combination with conflict, have forced many Afghan returnees to emigrate once again (Özerdem and Sofizada, 2006; Monsutti, 2008; van Houte et al., 2014). This calls into questioning the sustainability of return and reintegration in Afghanistan.

### 5.2.1 Voluntary versus Involuntary Returns

The JWF signals that forced deportations will be accepted in the scope of this cooperation, something that has been discouraged in academic debates (Crisp and Long, 2016; DeBono, 2016; van Houte et al., 2015). A case study in Afghanistan 2012 looking at the difference in post-return experience between voluntary and involuntary returns, argues that the only returnees who potentially can live up to any expectations of a positive return and sustainable reintegration are voluntary returnees. It is important to note that the definition of voluntary returnees here, differs from the definition provided by the JWF. The academic articles used in this thesis regard voluntary returns as cases in which legally staying migrants decide to go back to their home country based on their own decision. Involuntary returns in this context, can be categorized as independent or forced, and refers to the concepts voluntary and forced deportations that is used in the JWF declaration. The respondents of this case study had returned to Afghanistan up to 10 years prior to the study. The authors of this research concede that a major challenge was to locate returnees and that many had already re-emigrated (van Houte et al., 2015:695).

**Table 3: Post-return circumstances of voluntary and involuntary returnees.**

	Private business owner	International organization	Afghan government or Afghan non-governmental organization	Low-skilled employee or self-employed	Unemployed
Voluntary returnees	40 %	30%	20 %	0 %	0 %
Deported migrants	20 %	7 %	0%	53 %	20%

Source: van Houte et al., 2015:697

The findings of this study, presented in Table 3, shows that voluntary returnees have significantly higher potentially to live up to expectations of successful reintegration. Several scholars explain the difference of the post-return experiences between voluntary and involuntary returns, by emphasizing that deported migrants have generally not accumulated the skills, capital or confidence that are required for a successful return (van Houte et al., 2014; Kapur, 2014:481; Carr, 2015:14). Another factor could be that deported migrants tend to face greater discrimination, compared to voluntary returnees (van Hount et al, 2015). Even if there is a great difference between voluntary returnees and deported migrants, these figures show that ‘only’ 20% of the deported migrants are unemployed, while the majority managed to find a job. Essentially, voluntary returns are preferred but involuntary returns do not necessarily harm the ability to create a sustainable livelihood upon return for all deported migrants.

From the perspective of the citizens of Afghanistan, voluntary deportations should be prioritized since they have greater potential to contribute to economic



development of the country and be agents of change (van Houte et al., 2015). In contrast, if 3 million deported migrants return, of which the majority are likely to end up in low-skilled employment or unemployment, they are likely to raise the already very high unemployment rate and put downward pressure on wages (Duenwald and Talishli, 2017). This could jeopardize the ability of earning enough money to survive for already disadvantaged groups among the citizens of Afghanistan. In regard to prospective migrants waiting for their final asylum decision, the psychological harm caused by the fear of being deported against their will, will be significantly reduced if voluntary deportations would be prioritized. How prioritization of voluntary returns would impact the EU member's states will be elaborated on in subsection 5.2.5.

## 5.2.2 Reintegration Programs

Regardless of whether deportation policies are voluntary or forced, reintegration programs are of specific importance in order to assist those who are the most vulnerable upon return and fails to reintegrate on their own. As stated earlier, the JWF wants to address this issue by providing the reintegration programs that specifically focus on skills development, labor market access and job-creation. By reviewing outcomes of previous and ongoing programs in Afghanistan that provides skills development in order to increase levels of employment, it is evident that such programs face multiple challenges.

Given that the EU and Afghanistan cooperates with the IOM in regard of reintegration programs as stated in the JWF, the particular focus of this subsection is placed on a report evaluating IOM's return and reintegration activities in Afghanistan (SHC, 2014:5). Their programs were evaluated using surveys, distributed to 151 beneficiaries across the country who had participated in livelihood training (ibid:42). The majority of the respondent of this survey had returned more than five years ago and all participants were unemployed before their training, which highlights highlight the enduring cycle of poverty and vulnerability that remains long time after their return (ibid:43).

	Yes, in a full-time job (unemployed before)	Yes, to some extent (part-time job, own business)	No
Non-migrants	13 %	16 %	71 %
Voluntary returnees	4 %	28 %	67 %
Deported migrants	6 %	12 %	82 %

Source: SHC, 2014:52

For the majority of the participants in all groups, the livelihood program did not lead to any money earning activities, as the figures in Table. 4 presents. The report also states that 60 out of the 65 women who participated said they have not used their new skills to earn money (ibid:51). This survey indicates that there are serious limitations of reintegration and employment programs for vulnerable groups in Afghanistan, especially among deported migrants, which is the scope of the JWF. Special consideration should be placed on women, since 92% of the women in these livelihood programs did not experience any economic empowerment.

In the report, IOM identifies the deteriorating economic situation and escalating number of deportations from in Pakistan and Iran (this was before the JWF was established), as major threats for the success of their reintegration programs in the near future (ibid:81). Essentially, drawing from the evidence presented in this report, if the current economic context remains, and the efficiency of these programs does not face fundamental changes, the impact of reintegration programs will have very limited effect on the most vulnerable migrants being returned under the JWF agreement. Programs should still be in place and be further developed to become more efficient and work with those who already has returned or never left. But in order to meet the obligation of liberal, developing states to refrain from harming deported migrants, especially vulnerable groups such as women in this context, should not be returned unless the economic situation is becoming more stable and/or reintegration programs more effective.

Moreover, sending back vulnerable groups who statistically are likely to fail to reintegrate, will not favor the development of the county and could therefore have negative effects on the Afghan population in general (see argument in 5.2.1).

### 5.2.3 Unaccompanied Minors

Another vulnerable group that are included in the scope of deportation under the JWF declaration is unaccompanied minors. Unaccompanied minors have not generally been deported from the EU before this declaration. Instead they have been allowed to stay in the member state until they turn 18 (Bowerman, 2017:4). Therefore, studies on post-return experiences for young Afghans are limited. However, one study has monitored the post-return experience of 45 former child asylum seekers who had been forcibly removed to Afghanistan after turning 18, for an 18-month period in 2014-15. The findings of this study identified some of the main challenges, including discrimination, mental health difficulties, lack of access to healthcare and education. The findings showed that it was nearly impossible for them to continue their education because of costs and the prioritization of earning money for survival. Moreover, difficulties of finding sustainable work impacted young returnees' ability to survive or remain in Afghanistan, which led to that many of the young returnees' again left Afghanistan during this period. These findings are deeply worrying seeing as it harms most of the welfare interests set out in the

Refrain from Harm principle, and one should keep in mind that the migrants in this study were no longer minors when they were deported (ibid).

Aside from this, there are additional concerns about how the JFW will increase the returns of unaccompanied minors. According to European law, no child should be returned unless their best interest has been considered (Oxfram et al, 2016). Still, the declaration gives the possibility to return children without having family in place to receive them, by stating that establishment of “adequate reception and care-taking arrangements” as a legitimate alternative.

This is worrying on several accounts. As stated in the Return Handbook created by the EU, “adequate reception facilities” should only be an option if reuniting with family is not in the child’s best interest and should not be seen as a durable solution (EC, 2015:53). This is not how the JFW frames this alternative. The Return Handbook further states that adequate reception facilities could be a governmental body or a non-governmental institution which shall be “responsible for the care/protection of children shall comply with the standards established in the areas of safety, health, suitability of staff and competent supervision” (ibid: 52). Applying to the context of Afghanistan, a country that suffers from a deteriorating security situation and a government that is unstable and highly corrupt, one might question whether such care-taking responsibility of unaccompanied minors will be able to meet the established living standards. In the IOM evaluation report, it is stated that challenges they face in regard to *transit centers for unaccompanied minors*, is to provide satisfactory security in spite of the escalated conflict and that they have problem with minors escaping the facility. This refers to centers where the minors are placed after arrival, waiting for transportation to go ‘home’ (SHC, 2014:28). One could only imagine the challenges a permanent care-taking facility would face.

The fact that this declaration makes it easier to facilitate deportations of unaccompanied minors even if family members in the country is absent, pose a great risk of harming welfare interests of both prospective refugee minors and deported minors. Deported young Afghans will be exposed to greater risks by this policy, both their physical and psychological wellbeing, as well as their safety and opportunities to reintegrate will be at stake. In regard to young prospective migrants waiting for their asylum decision, deportation under these directions will add on to the psychological strains of being deported to a country in conflict, with the fear of being deported to a country without having any family to return to.

In light of the Refrain from Harm principle, and with the best interest of a child in mind, deportations of unaccompanied minors should be avoided. But most importantly, deportations of children should not be proceeding if family cannot be traced in the country of origin. Furthermore, if returning to the family is not in the best interest of the child that should be compelling reasons for granting them asylum in the host country.

## 5.2.4 Trade-offs

The previous sub-sections have covered how the deportation policies under the JWF violates many of the basic welfare interest that developed countries should refrain from harming based on the normative standard of this thesis. Considering the deteriorating socioeconomic environment, deported migrants have limited possibilities to reintegrate and build a sustainable livelihood, especially under involuntary circumstances. Special emphasis has been placed on the danger of returning women and children, since they face the greatest challenges and are exposed to the greatest harms. Failure to integrate large number of returnees will evidently not only harm the deportees, rather, it can have severe consequences for the development prospects of the country as a whole and cause significant harm to vulnerable groups among the citizens of Afghanistan and cause further emigration flows from the country.

However, if those vulnerable groups were excluded from the scope of deportations, the number of migrants residing in the EU would consequently be higher, which in turn could cause harm to disadvantaged citizens of the EU. The integration process in EU will also have its challenges and negative effects such as rising unemployment rates and downward pressure on wages is a possible outcome (Toft, 2007:144). This could lower the capabilities of vulnerable groups among the host country as well as prospective refugees to engage in the labor market, however individuals born outside the EU seems to be most affected (Eurostat, 2015).

Though, considering that the economy and the labor market in the EU is a lot stronger than in Afghanistan, pressure from irregular migrants would cause significantly less harm in the EU. For example, the medium unemployment rate in the EU is 8 % compared to 40% in Afghanistan (Eurostat, 2017; UNDP, 2016) which indicates that the environment in the EU has much greater capability to integrate newcomers. Another significant factor is that most EU member states provide a social security program that supports you if you fail, where as in Afghanistan one cannot expect such security (SSA, 2014). A common critique however, is that those support systems could be overwhelm by too many immigrants (Toft, 2007:144). But since the alternative would be to deport those vulnerable migrants despite the severe harm they could be exposed to, liberal states should put the interest of those vulnerable groups in priority, before protecting its own economic interests.

Essentially, it comes down to balancing the distribution of harm in a fair way. In this context, I argue that considering the superior socioeconomic environment and institutional capacity that most EU member states have in relation to Afghanistan, the harm irregular migrants would cause in the EU will be far less compared to the harm those migrants would impose in Afghanistan. The severe harms the strict deportation policies of the JWF could have on the ability to create a sustainable livelihood in Afghanistan, especially for the most vulnerable groups, gives reason to condemn these policies as unjust.

## 6 Conclusion

In this paper, I have examined what moral obligations developed states ought to have towards developing countries and its citizens in adopting deportation policies, and furthermore studied whether the deportation policies enforced by the JWF declaration lives up to those obligations.

The central argument of this thesis is that developed states are obligated to refrain from harming basic welfare interests of already disadvantaged groups, and compensate those who already have been harmed. However, deportation policies are a complicated issue as it entails balancing the distribution of harm among several disadvantaged groups. In this regard, this thesis argues that the most disadvantaged should be prioritized.

Based on empirical evidence from previous and ongoing deportation and reintegration efforts in Afghanistan, this thesis show that Afghanistan does not have the capability to ensure safe and sustainable returns at this point. Because of the deteriorating socioeconomic and political environment that characterize the current situation in Afghanistan, deportations enforced by the JWF will pose a great risk of harming basic welfare interest of deported migrants as well as the non-migrated citizens of Afghanistan. Consequently, unsustainable deportations will also have the potential of stimulating further refugee flows, which is the opposite of the desired outcome for all actors involved.

Concerning the potential harm of not deporting migrants, I argue that considering the superior economic- and political stability and institutional capacity that most EU member states have in relation to Afghanistan, the harm irregular migrants would cause in the EU will be far less compared to the harm those migrants would impose in Afghanistan. Moreover, this thesis condemns afghans in Afghanistan as more disadvantaged compared to disadvantaged citizens in the EU, which implies that the interest of Afghan nationals should be prioritized.

In light of these arguments, I claim that the deportations enforced by the JWF do not live up to the obligations of developed states that have been put forward in this thesis. I conclude that greater attention on how the political response in receiving countries affects the development prospects in the refugee generating countries need to be incorporated into deportation policies to a greater extent. Partly, because improving the situation in the refugee generating countries is an important component in order to find a more sustainable solution to the refugee crisis in the long run, but also simply because it is not morally just for developed countries to impose such extensive harm on others in order to protect their own interest.

I believe that the normative and empirical aspects and consequences of deportation policies is an important field of study and should continue to be examined, as it can have fundamental consequences for how developed states chooses to respond to the refugee crisis, how migrants are treated and for the future development of refugee generating countries.

## 7 References

- Arowolo, O. (2000). Return Migration and the Problem of Reintegration. *International Migration*, 38(5), pp.59-82.
- Bowerman, E. (2017) Risks encountered after forced removal: the return experiences of young Afghans. *Forced Migration Review*, 54 (1), pp.78-80.
- Bryman, Alan. 2008. *Social research methods*. Oxford: Oxford University Press. 690 p
- Carr, H. (2014). Returning 'Home': Experiences of Reintegration for Asylum Seekers and Refugees. *British Journal of Social Work*, 44(suppl 1), pp.140-156.
- Castles S. and Miller, M.J. (2009). *The Age of Migration: International Population Movements in the Modern World* (4th edition). Basingstoke: Palgrave MacMillan
- Crisp, J. and Long, K. (2016). Safe and Voluntary Refugee Repatriation: From Principle to Practice. *Journal on Migration and Human Security*, 4(3), pp.141-147.
- DeBono, D. (2016) Returning and deporting irregular migrants: not a solution to the 'refugee crisis', *In Human Geography*, 9(2), pp. 101-112.
- Duenwald, C. and Talishli, F. (2017). *Return of Afghan Refugees to Afghanistan Surges as Country Copes to Rebuild*. [online] Imf.org. Available at: <https://www.imf.org/en/News/Articles/2017/01/26/NA012617-Return-of-Afghan-Refugees-to-Afghanistan-Surges-Country-Copes-Rebuild> [Accessed 8 May 2017].
- Dunne, T., Kurki, M. and Smith, S. (2013). *International relations theories*. 3rd ed. Oxford: Oxford University Press, cop.
- Engelmann, C. (2014). Convergence against the Odds: The Development of Safe Country of Origin Policies in EU Member States (1990–2013). *European Journal of Migration and Law*, 16(2), pp.277-302.
- European Commission (EC) (2015). *Return Handbook*. [online] European Commission. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return\\_handbook\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf) [Accessed 7 May 2017].
- European Commission (EC) (2017). *Consular Protection*. [online] Available at: [https://ec.europa.eu/consularprotection/traveladvice/search\\_en](https://ec.europa.eu/consularprotection/traveladvice/search_en) [Accessed 23 May 2017].
- European Commission and European External Action Service (EC and EEAS) (2016). *Country Fiche proposing possible leverages across Commission-EEAS policy areas to enhance returns and effectively implement readmission*

- commitments*. [online] Statewatch. Available at: <http://statewatch.org/news/2016/mar/eu-council-afghanistan-6738-16.pdf> [Accessed 9 Apr. 2017].
- European External Action Service (EEAS) (2016). *The EU and Afghanistan hold a Senior Officials' Dialogue on Migration*. [online] Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/11108/the-eu-and-afghanistan-hold-a-senior-officials-dialogue-on-migration\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/11108/the-eu-and-afghanistan-hold-a-senior-officials-dialogue-on-migration_en) [Accessed 4 Apr. 2017].
- Eurostat (2015). *Unemployment rates of population aged 20–64, by groups of country of birth and sex, 2015*. [online] Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment\\_rates\\_of\\_population\\_aged\\_20%E2%80%9364,\\_by\\_groups\\_of\\_country\\_of\\_birth\\_and\\_sex,\\_2015.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment_rates_of_population_aged_20%E2%80%9364,_by_groups_of_country_of_birth_and_sex,_2015.png) [Accessed 23 May 2017].
- Eurostat. (2017). *Unemployment rates, seasonally adjusted, March 2017 (%)*. [online] Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment\\_rates,\\_seasonally\\_adjusted,\\_March\\_2017\\_\(%25\)\\_F2.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment_rates,_seasonally_adjusted,_March_2017_(%25)_F2.png) [Accessed 23 May 2017].
- Fund for peace (2017). *Fragile States Index / The Fund for Peace*. [online] Available at: <http://fundforpeace.org/fsi/> [Accessed 18 May 2017].
- Gammeltoft-Hansen, T. and Tan, N. (2017). The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy. *Journal on Migration and Human Security*, 5(1), p.28.
- Higgins, P. (2013). *Immigration Justice*. 1st ed. Cambridge: Cambridge University Press.
- Hunt, M. (2014). The Safe Country of Origin Concept in European Asylum Law: Past, Present and Future. *International Journal of Refugee Law*, 26(4), pp.500-535.
- Jazayery, L. (2002). The Migration-Development Nexus: Afghanistan Case Study. *International Migration*, 40(5), pp.231-254.
- Kapur, D. (2014) 'Political effects of international migration', *Annual Review of Political Science*, 17(1), pp. 479–502.
- López, A. (2010). Taking the human rights of migrants seriously: towards a decolonised global justice. *The International Journal of Human Rights*, 14(5), pp.658-677.
- Meyers, D. (2014). *Poverty, agency, and human rights*. 1st ed. New York: Oxford University Press.
- Miller, David (1995), *On Nationality*, New York: Oxford University Press.
- Minter, W. (2011). *African migration, global inequalities, and human rights. connecting the dots*. 1st ed. Uppsala: Nordic African Institute.
- Monsutti, A. (2008). Afghan Migratory Strategies and the Three Solutions to the Refugee Problem. *Refugee Survey Quarterly*, 27(1), pp.58-73.
- Nyberg-Sorensen, N., Hear, N. and Engberg-Pedersen, P. (2002). The Migration-Development Nexus: Evidence and Policy Options. *International Migration*, 40(5), pp.49-73.



- Owen, D. (2016). Refugees, Fairness and Taking up the Slack: On Justice and the International Refugee Regime. *Moral Philosophy and Politics*, 3(2).
- Oxfam - Médecins du monde/Doctors of the World international network - World Vision - Save the children - Cordaid - Action contre la faim/Action Against Hunger (ACF) - Jesuit Refugee Service (JRS) - International Federation for Human Rights (FIDH) - Amnesty International - European Council on Refugees and Exiles (ECRE) - International Catholic Migration Commission (ICMC) - Platform for International Cooperation on Undocumented Migrants (PICUM) - European Association for the Defense of Human Rights (AEDH) - Emergency - Organization Aid to Refugees (OPS) - Terre des Hommes (international federation) - PRO ASYL - NAGA – Actalliance - Slovenska Filantropija - Access Info Europe - European Network against Racism - Solidar - Demetra - Justice and Peace Netherlands - Migrant Rights Centre Ireland – MENEDEK (2016). *The European Parliament must immediately address the Joint Way Forward Agreement between the EU and Afghanistan*. [online] Available at: [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/joint\\_statement\\_eu-afghanistan\\_deal.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/joint_statement_eu-afghanistan_deal.pdf) [Accessed 7 Mar. 2017].
- Özerdem, A. and Sofizada, A. (2006). Sustainable reintegration to returning refugees in post-Taliban Afghanistan: land-related challenges. *Conflict, Security & Development*, 6(1), pp.75-100.
- Pogge, T (2002), *World Poverty and Human Rights*, Malden, MA: Polity Press.
- Potter, R., Binns, T., Elliott, J. and Drakakis-Smith, D. (2008). *Geographies of development*. 3rd ed. Harlow: Pearson Education.
- Ratner, S. (2013). Ethics and international law: integrating the global justice project(s). *International Theory*, 5(01), pp.1-34.
- Rawls, J. (1999), *The Law of Peoples*, Cambridge, MA: Harvard University Press.
- Robert, C. and Zeckhauser, R. (2011). The methodology of normative policy analysis. *Journal of Policy Analysis and Management*, 30(3), pp.613-643.
- Samuel Hall Consulting (SHC) (2014). *Evaluating IOM's Return and Reintegration activities for Returnees and Other Displaced Populations*, commissioned by the International Organization for Migration (IOM), Kabul. [online] Available at: [https://afghanistan.iom.int/sites/default/files/migrated\\_files/2013/04/Evaluating-IOMs-Return-and-Reintegration-Activities-for-Returnees-and-Other-Displaced-Populations-in-Afghanistan\\_Full-Report.pdf](https://afghanistan.iom.int/sites/default/files/migrated_files/2013/04/Evaluating-IOMs-Return-and-Reintegration-Activities-for-Returnees-and-Other-Displaced-Populations-in-Afghanistan_Full-Report.pdf) [Accessed 10 May 2017].
- Social Security Administration (SSA) (2014). *Social Security Programs Throughout the World: Europe, 2014*. [online] SSA Publication No. 13-11801. Available at: <https://www.ssa.gov/policy/docs/progdsc/ssptw/2014-2015/europe/ssptw14europe.pdf> [Accessed 23 May 2017].
- The European Union and Islamic Republic of Afghanistan (EU and Afghanistan) (2016). *Joint Way Forward on migration issues between Afghanistan and the EU*. [online] Kabul: European Union External Action. Available at: [https://eeas.europa.eu/sites/eeas/files/eu\\_afghanistan\\_joint\\_way\\_forward\\_on\\_migration\\_issues.pdf](https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf) [Accessed 6 Apr. 2017].

- Thomas, A. and Allen, T. (2000) . *Poverty and development into the 21st century*. 1st ed. Oxford:Oxford Univ. Press.
- Toft, M. (2007). The Myth of the Borderless World: Refugees and Repatriation Policy. *Conflict Management and Peace Science*, 24(2), pp.139-157.
- Tremblay, J. and Abi-Zeid, I. (2015). Value-based argumentation for policy decision analysis: methodology and an exploratory case study of a hydroelectric project in Québec. *Annals of Operations Research*, 236(1), pp.233-253.
- UNDP (2016). *About Afghanistan*. [online] Available at: <http://www.af.undp.org/content/afghanistan/en/home/countryinfo.html> [Accessed 23 May 2017].
- United Nations High Commissioner for Refugees (UNHCR) (2016). *Global Trends Forced Displacement in 2015*. [online] UNHCR. Available at: <http://www.unhcr.org/576408cd7.pdf> [Accessed 12 Apr. 2017].
- van Houte, M. and Davis, T. (2014). Moving Back or Moving Forward? Return Migration, Development and Peace-Building. *New Diversities*, 16(2), pp. 71-87.
- van Houte, M., Siegel, M. and Davids, T. (2015). Return to Afghanistan: Migration as Reinforcement of Socio-Economic Stratification. *Population, Space and Place*, 21(8), pp.692-703.
- Vision of Humanity (2016). *Vision of Humanity*. [online] Available at: <http://static.visionofhumanity.org/#/page/indexes/global-peace-index> [Accessed 23 May 2017].
- Walzer, M. (1983). *Spheres of justice*. 1st ed. Oxford: Basil Blackwell.
- Wilcox, S. (2007), “Immigrant admissions and global relations of harm,” *Journal of Social Philosophy* 38:2, pp. 274–91.