

How to understand the outcomes of migration policy?

A study of the readmission agreement between Norway and Ethiopia

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List of Abbreviations

Ethiopian People's Revolutionary Democratic Front	EPRDF
European Court of Human Rights	ECHR
International Organisation for Migration	IOM
Memorandum of Understanding	MoU
National Bank of Ethiopia	NBE
National Police Immigration Service	PU
Norwegian Directorate of Immigration	UDI
Norwegian Government's archive of Electronic Public Records	EPS
Norwegian Ministry of Justice and Public Security	MJPS
Norwegian Organisation for Asylum Seekers	NOAS
Office of the United Nations High Commissioner for Human Rights	OHCHR
Tigrayan People's Liberation Front	TPLF

- CHAPTER 1 -

Introduction

In January 2012, Norwegian and Ethiopian representatives signed a Memorandum of Understanding (MoU) where the Ethiopian state agreed to accept both voluntary and forced return of Ethiopian nationals residing irregularly in Norway. After having sought a readmission agreement for twenty years, the MoU was regarded as an achievement by the Norwegian government. It opened up for the return of more than 700 Ethiopians whose asylum applications had been rejected, and it was presented as a mile-stone in the Norwegian government's work to increase the number of bilateral agreements on return (Carlsen et.al 2012 and Ekeli 2012). In the aftermath of the signing, the agreement received massive media attention and sparked controversy. The possibility that returnees could suffer from human rights violations upon their return to Ethiopia was high on the agenda for many civil society organisations. Although the agreement was supposed to be effectuated upon signing, the implementation of the new policy on return has been slow. The overall outcome of the policy has been presented positively by the ruling coalition in Norway, whilst being questioned in the media and by political opponents (Anon 2013a and MJPS 2012a)(Informant 10, 18.04.2013).

After a storm comes a calm, and there has been less debate concerning the readmission agreement since the beginning of 2013. The question on how to regard the outcomes of the new policy has nonetheless remained unanswered. The diversity of effects and the bilateral dimension of the agreement make it an interesting case to analyse. In previous literature on migration policy there is a lack of empirical research on the effects of specific policy change, and most studies assess several policy changes and how these affect migration flows (Czaika

and de Haas 2011). This dissertation aims to contribute to fill this gap. It will do so by analysing the outcome of one particular agreement on migration, and assess how it affects both migration flows and other aspects of society.

While there is a growing conviction among policy-makers that migration policies do not produce the generally desired outcomes (Jandl 2007), the academic discourse offers two rather dichotomous views on the effectiveness of policies. On the one hand, several academics agree with the hypothesis that migration policies remain inefficient attempts to control human movement (Bhagwati 2003, Castles 2004b, Cornelius 2004, Düvell 2005, Huntington 2010, Jandl 2007, Rudolph 2006, Shanks 2001). Others question the empirical premises of the argument, and highlight that the ‘migration crisis’ is exaggerated and that states are in control of migration flows (Brochmann and Hammar 1999, Brubaker 1994, Carling 2002, Collyer 2006, Freeman 1994 and Zolberg 1999). As some have argued, it may be time to clarify the debate, and consider new conceptual and methodological approaches to understand and measure the role of migration policy (Czaika and de Haas 2011). While examining the outcome of the MoU on return, this dissertation seeks to complement the existing research on migration policies by examining the value of assessing policies’ effectiveness. Through an assessment of the diverse effects of the policy, it will hopefully bring new insights to the discourse on how to analyse migration policy outcomes.

By including a sending state’s (i.e. Ethiopian) perspective in the analysis, this dissertation seeks to broaden the scope of research on migration policy. Most existing scholarly work is focused on the experiences of the receiving states, which often tend to be the highly developed states in the global North, and largely ignore the role and experiences of sending states in migration processes (Paoletti 2011 and Reslow 2012). The inclusion of an Ethiopian

state perspective in this dissertation exemplifies the necessity of including the sending states' perspectives to obtain a more comprehensive and informed assessment of the outcomes of migration policy.

In order to understand the outcomes of the readmission agreement between Norway and Ethiopia, the dissertation will centre around three questions: First, what are the effects of the new policy on return? Second, what is the contextual backdrop of the policy? And third, how may the different states perceive the outcomes of the policy differently?

The remainder of the dissertation is organised as follows: Chapter 2 presents the theoretical framework by providing insights to the importance of including the sending state's perspective, discussing the definitions of 'effects' versus 'effectiveness' in policy analyses, and elaborating the methodology of the study. Chapter 3 presents the content of the readmission agreement and examines the effects that are observed. As these effects are diverse, they will be categorised as three different types; changes in migration flows; changes in the public discourse on migration; and disapproval of the agreement in the Ethiopian diaspora. Chapter 4 will thereafter examine the domestic contexts and the bilateral backdrop of the agreement. Based on this, it will elaborate on how a consideration of the relation between the policy backdrop and policy effects can improve our understanding of the states' different perceptions of the policy outcome. Finally, chapter 5 discusses the findings of the dissertation and concludes.

- CHAPTER 2 -

How to approach an analysis of migration policy?

In the migration literature, key terms and concepts are often left undefined. Seeing that there are numerous ways to interpret different terms, this can affect the way research is understood. Hence, in order to overcome terminological confusion it is vital to clarify how this dissertation defines the broad term migration policy. In order to approach an analysis of migration policy it is furthermore important to understand how different factors shape migration policy-making, and reason how this should be accounted for when deciding upon an analytical framework.

Both in political circles and in scholarly work, the distinction between migration policy and immigration policy appears rather blurry and the two terms are often used with the same significance (see for instance: Brochmann and Hammar 1999, and Czaika and de Haas 2011). These two terms do, however, have clearly distinguishable denotations. Whereas migration policy does not state which type of migration it concerns, immigration policy states that it only concerns *immigration*, and not other types of migration such as for instance emigration or transmigration. Immigration policies are furthermore often termed “immigration control policies”, and are framed as states’ efforts to control different types of immigrants’ access to their territories (see for instance: Bernstein and Weiner 1999, Brochmann and Hammar 1999, Ghosh 2002, Miller 1999, Sales 2007, Suhrke and Zolberg 1999). As regarded by Czaika and de Haas (2011), the objective of the broader term *migration* policy is likewise to influence *immigration* flows. While these notions imply a one-state perspective focusing on the inward flow, it is in the opinion of this dissertation that the objective of migration policy may be to influence the broader category of *migration* flows. Given this, migration policies will herein

be defined as “laws, rules, measures, and practices implemented by national states with the stated objective to influence the volume, origin and internal composition of [...]” *migration* flows (Czaika and de Haas 2011:5). In relation to policies on return, this definition proves particularly suitable since it has no directional assumptions tied to it, and includes the possibility that several states may have interests in the same migration policy.

In order to approach an analysis of migration policy, it is important to assess how multiple actors affect the making of these, and that migration policy issues can relate and overlap with other policy areas. While critically reviewing theories on migration policy, Boswell (2007) demonstrates that migration policies are shaped by a configuration of interests, ideas and institutions. There are several stakeholders who may have different interests in new migration policies, and these interests may influence policymakers in different ways (Facchini and Mayda 2008, and Freeman 2006). When analysing migration policies, it can therefore be difficult to point out the diverse interests and intentions that different actors may have with a certain policy. As observed by several scholars, it is furthermore important to acknowledge that few policies can be considered in isolation. Features of a state’s foreign policy, policies concerning trade, international investment, national security, foreign aid, and migration, all interact with each other (Berthélemy, Beuran and Maurel 2009). Hence, migration policies are made up of a multitude of actors with diverging interests and agendas crossing several policy areas (Geiger and Pécoud 2010).

Due to the web of different actors involved, research on migration policy becomes a correspondingly complicated affair. This might be one of the reasons that current policy analyses have focused on the receiving states’ successfulness in reaching their officially stated aims of regulating immigration. One may, however, question whether such analyses leave out

features that are important to include when examining migration policy outcomes. The significance of including sending state perspectives has been highlighted by many, but included in few analyses of migration policies (Reslow 2012). While seeking to fill this gap this dissertation will include an Ethiopian state perspective, and acknowledge it as one of the key actors involved in the process of policy-making and implementation. Additionally, if the focus of policy analyses is centred on the officially stated aims of regulating immigration, the analyses risk ignoring both the existence of ‘hidden’ aims that do not appear in the discourse, and unintended consequences that may be part of the policy outcome. This indicates how important the analytical framework is when examining migration policy outcomes, seeing that the findings of the analysis itself will depend on the chosen analytical approach.

These two aspects, the importance of including sending states’ perspectives and the importance of choosing an appropriate analytical framework, are central parts of this dissertation’s approach to understand migration policy outcomes. The two subsequent sections will therefore elaborate 1) the significance of including sending states’ perspectives in migration policy analyses, and 2) the value of choosing an appropriate analytical framework when examining migration policy outcomes.

Two sides of the same coin – The power of the sending state

The literature on migration policies has largely focused on the highly developed destination countries in Europe and North America (Collyer 2009 and Hamilton 1997), and the discourse has been dominated by the view that the highly developed states persuade developing states to induce control measures to hinder emigration, and take responsibility to host and repatriate migrants (Gibney 2004). States in the global South, and in North Africa in particular, are allegedly pressured by European states to adopt migration policies favourable to Europe

(Rodier 2006). At such, migration policies have been regarded as reflecting North-South disparities, leaving migrant-sending states as powerless actors (Brown 2001). Even though the focus on sending states has remained in the periphery of scholarship on migration policy, their power should not be overlooked. Sending states have demonstrated interests in managing migration, and are capable to use the receiving states' wish to control migration as a way to advance their own agendas (Hamilton 1997 and Paoletti 2010).

Although often ignored, arguments concerning the favourable negotiation position of migrant sending states are not new (Hamilton 1997). Research has been conducted where both sender and receiver states' positions have been analysed. Yet, such research has mainly covered the relationships among a handful of states, especially those between Italy and Libya, Morocco and Spain, and Mexico and the USA. The findings of some of these studies will be mentioned to illustrate the importance of including the sending states' perceptions.

The Libyan-Italian case provides a good example of how the sending state's interests are important while negotiating migration regulation. During negotiations on Libyan-Italian cooperation in migration control, Libya agreed to deport irregular migrants via Libyan territory to their countries of origin, and impose measures to hinder sub-Saharan migrants from entering Libya (de Haas 2008 and Paoletti 2010). However, Libya's bargaining strategy entailed a combination of several matters and through the processes of negotiation, the balance of interests between the countries was changed. The outcome of the Libyan-Italian migration policies should accordingly be seen in relation to Libya's determination to attract foreign direct investment, lift the arms embargo, and regain international respectability (de Haas 2008). As it is unlikely that Libyan-Italian migration will come to a full stop, Italy will remain profoundly dependent on Libya's willingness for further collaboration.

Similar points can be drawn from the bilateral relationship between Spain and Morocco. Attempting to reduce unwanted immigration and facilitate the readmission of migrants to Morocco, Spain has sought to strengthen the bilateral collaboration since the early 1990s (Carling 2007 and Serra *et al.* 2005). In 2003 Morocco and Spain finally signed an agreement in which Morocco committed itself to full cooperation in the effort to halt irregular migration, including Moroccan readmission of sub-Saharan migrants. In return, Morocco received \$390 million in aid (Briscoe 2004 and Carling 2007).

Despite improvements, the overall bilateral cooperation remains affected by tensions. In addition to migration, other bilateral matters have come up for discussion and widened the possibilities for side-payments. These issues involve fishing rights, Spain's protectorates in Morocco, Morocco's occupation of Western Sahara and Morocco's interest in safeguarding the substantial inflow of remittances from the diaspora (Carling 2007, de Haas 2005 and Gillespie 2004). While immigration issues are of growing importance in Spain, Morocco's negotiation position becomes increasingly strong (Carling 2007 and Gillespie, 2004).

The scope of this dissertation does not allow for an in-depth analysis of any bilateral relationships including cooperation on migration. However, as mentioned, collaboration on migration is often interlinked with a range of other political issues, both within foreign policy and at the domestic agenda (Rosenblum 2007). In several cases, both origin and destination countries have used migration policy as a tool to influence the behaviour of their counterpart in relation to other political issues (Paoletti 2010).

In order to understand policy outcomes, it is necessary to consider the context specific

backdrops that stimulate the sending states to collaborate on migration regulation (Reslow 2012). Such aspects can be of specific interest when examining outcomes of return policies. Since return migration is perceived as “notoriously difficult to enforce” (de Haas 2008:1314), it can be argued that it is in the power of the origin state to accept returned migrants (Carling 2011) and thus control the effectuation of the return. In an international environment where South-North migration is high on the agenda, migrant sending states have increased their bargaining power, and have greater opportunity to affect international negotiation (Ellerman 2008 and Gillespie 2002).

How to analyse migration policy outcomes? - Effectiveness versus effects

This study aims to analyse the ‘effects’ of migration policy, which can be seen in opposition to ‘effectiveness’, a concept often used while analysing the outcome of migration policy. The following section will introduce the on-going discussion on the academic use of ‘effectiveness’, and explain the usage of ‘effects’ as part of this study’s analytical approach to understand the outcome of migration policy.

Studies of migration policies frequently use the term ‘effectiveness’ to describe the successfulness of policies (see for instance: Brochmann and Hammar 1999, and Ghosh 2000). Yet, what is actually meant by the term itself is rarely defined (see for instance: Castles 2004, Hatton 2004, Hatton 2011, Neumayer 2004, Thielemann 2004 and Thieleman 2006). Quantitative studies often use the term to assess whether or not immigration control policies have led to a ‘substantial’ decrease of immigrant numbers (Hatton 2011 and Thielemann 2004), and some have used the term as an opposition to ‘policy failure’ (Castles 2004a and Castles 2004b).

In 1994, Cornelius and Hollifield developed the “gap hypothesis”. They theorised that “significant and persistent gaps exist between official migration policies and actual policy outcomes’ (1994:4). Several scholars have supported the hypothesis and are critical to liberal democratic states’ ability to manage migration (see for instance: Bhagwati 2003, Castles 2004b, Düvell 2005, Huntington 2010, Jandl 2007, Rudolph 2006 and Shanks 2000). Others have questioned the premises of the argument and reasoned that, on a whole, states are in control of their borders and most migration policies have been effective (see for instance: Brocmann and Hammar 1999, Brubaker 1994, Carling 2002, Collyer 2006, Freeman 1994 and Zolberg 1999).

It has been suggested that a part of this dispute can be attributed to the confusion around the different meanings attached to ‘effectiveness’ (Czaika and de Haas 2011). According to the Oxford Dictionary of English, effectiveness can be explained as “[...] the degree to which something is successful in producing a desired result” (Stevenson 2010). The keywords to observe here are the “degree to which”, and “desired result”. When creating and implementing migration policies, there is often a range of various actors with different interests involved. In order to examine if the *desired* results of the policy are met, one would therefore have to know all the different stakeholders’ different interests and intentions with the policy. As explained in the foregoing section, this is especially true in relation to policies that affect several states, such as in a bilateral agreement. However, the sending states’ perceptions are mostly ignored in analyses of effectiveness. A reason for this might be the difficulty with establishing both the different states’ policy objectives, and the objectives of the different stakeholders within the states. Although most policies have officially stated aims, one cannot exclude the possibility that there are other underlying intentions not meant for the eyes of the public.

The other challenge presented by the lexical description of the term concerns how to measure the “degree” to which the desired result is produced. Such a measurement leaves much space for individual judgement since there is no common standard of how to measure the extent of effectiveness. In addition to the challenge of recognising all the various stakeholders’ different intentions, the consideration of the degree to which these objectives are met, will depend on the subjective view of the analyser.

Although migration policies aim to influence migration flows, they may have additional effects that do not only affect the flow per se. Hence, through an analysis of effectiveness, the researcher is restricted to examine the degree to which the produced effects are in accordance with the recognised stakeholders’ recognised intentions to influence migration flows.

Although this is a valuable form of analysis, it might be beneficial to extend the frame of reference and include analyses of effects that were not included in the policy objectives.

The Oxford Dictionary of English explains effect as “a change which is a result or consequence of an action or other cause” (Stevenson 2010). This definition does not refer to any aims, and the floor is open to examine unintended effects. It is nonetheless a problematic term. Since an effect has to be the result of something, causality has to be proven, and it may prove difficult to ensure that a particular change is the outcome of a particular policy change. Although this will remain a challenge, one can wonder if an analysis of effects is more valuable than one of effectiveness.

Through an analysis of effects, the researcher can reflect on the broader occurrences in the aftermath of a policy change, and the evaluation is not limited to regard effects in the form of

changes in the migration *flow*. If a policy change leads to civil disorder, for example a demonstration, the demonstration should be seen as an effect, a part of the overall outcome of the policy. Such an unanticipated effect may influence different actors' perceptions of the outcome of the policy. Although a policy has been effective in reaching its intended results, unanticipated effects may affect the overall outcome of the policy change. In instances of bilateral cooperation on migration regulation, the different states' authorities may have different experiences of the effectiveness and the unanticipated effects, hence different opinions about the outcome of the policy.

It is in the opinion of this dissertation that such 'alternative' effects of migration policies must be seen as a part of the overall outcome of a policy change. If the purpose of policy analyses is to broaden our understanding of migration policies, it is important not to overlook noteworthy effects that might impact the perceptions of the outcome of the policy. With the aim of undertaking an informed analysis of the outcome of migration policy, this dissertation will examine the effects of the MoU between Norway and Ethiopia. By effects it is referred to any changes that are seen as a result of the policy, including changes in migration flows and changes in the society in general.

Methodological choices

In order to conduct an informed study of migration policy and the MoU on return in particular, information has been sought from diverse sources and through different methodological strategies. To explain and defend the methodological choices taken, this section will briefly mention the four methods of data collection that have been used in the dissertation: Literature review, document analysis, semi-structured interviews, and quantitative data obtained from secondary sources.

The theoretical framework for the study has found its form after reviews of previous work on the topic of migration policy. An extensive literature review was conducted in order to recognise the different discussions within the migration policy discourse, and to fully grasp shortcomings in previous work on the topic. This coverage enabled the dissertation to address specific gaps in the literature, and enabled the researcher to make an informed choice of a relevant case study.

To obtain information on the bilateral relationship between Norway and Ethiopia, and the different actors' involvement in the making of the return policy, both official documents and documents "off the record" have been included in the analysis. To get insights on the government's external and internal communication during the negotiation process, information has been sought from the Norwegian Government's archive of Electronic Public Records (EPS). In the EPS database, one can search in all letters and documents to and from governmental agencies and order the specific information one wishes to access. This has allowed the researcher follow the political decision-making process across departmental and agency boundaries.

An important and fundamental prerequisite to recognise and understand the effects of the policy change has been to obtain information on the various perceptions of the agreement and its effects. In order to obtain the insiders' perspectives, interviews have been conducted with informants that could offer in-depth information on aspects related to the MoU on return. Such use of informants in qualitative research can be advantageous because of the particular expertise or knowledge that is brought into the study (Ogden 2008).

Four categories of informants within the study's target population have been interviewed: State representatives participating in the process of negotiating and policy making, institutional agencies involved with the effectuation and implementation of the policy, civil society actors engaged with the group of Ethiopians subjected to return, and academics with expert knowledge of Ethiopian politics as well as intimate knowledge of the readmission agreement. The information obtained by these actors has been diverse, and each actor's understanding and thoughts were biased in accordance with his or her unique frame of reference and/or political agenda. This has influenced the reliability and validity of the information obtained, a fact that must be accounted for when the informants' insights and viewpoints are mentioned in the analysis. The informants' opinions cannot be used to generalise about the views of the group they represent, but the information has nonetheless been important to establish a general understanding of the diverse experiences of, and opinions on, the readmission agreement and its effects.

The study's approach to data collection was made in accordance with an aim to get information from a small number of informants with very rich knowledge on the subject. The informants were selected through convenience sampling, and all the persons whom agreed, and were eligible to represent the population of interest, were interviewed (Morgan 2008). The technique of snowball sampling was used in the case of the academics, since the experts referred to other academics in their field of expertise. Both convenience sampling and snowball sampling can rightly be criticised since they make the samples non-representative and possibly affected by selection bias (Daniel 2012). These techniques were nonetheless chosen since they were useful in order to establish contact with key actors within the relatively small target population.

All the interviews were semi-structured and the interview guides were designed in accordance with the specific background of the different informants. This data collection strategy was used because it was assumed that the topics of the interview would be relatively well understood by the informants. The use of predetermined, but still open-ended, questions allowed the researcher to be in control of the interview, while allowing for the inclusion of additional topics brought in by the informants (Ayres 2008).

Although having different angles of approach, all the interviews touched upon the same key topics; the believed intentions and aims of the readmission agreement, the process of implementation, the perceived effects and consequences of the agreement, and the thoughts on the future evolvement of this and similar policies. In total, eleven interviews were carried out with informants seen as key actors within any of the four categories. Due to geographical distances, six of these interviews had to be done by telephone, while the other five were conducted face-to-face. A list of informants and further details of the interviews is provided in Appendix 1.

The last methodological aspect to be mentioned, is the quantitative data that forms the basis of the discussion on the changes in migration flows. Although the dissertation is a qualitative piece of research, quantitative data has been included in order to reflect on the numerical effects stemming from the policy change. The quantitative data has been collected from a number of databases. These are: The Norwegian Directorate of Immigration (UDI) Statistical Database, the National Police Immigration Service (PU) Statistical Database, Statistics Sweden and the United Nations High Commissioner for Refugees (UNHCR) Statistical Online Population Database. All the data used is secondary, and was initially collected for

other purposes. The usage of such data must be carefully considered, the different databases have used various strategies for data collection and different assumptions may be tied to their categorical definitions (e.g. asylum seeker) (McGinn 2008). However, the variations in the datasets will not be scrutinised since the information only will be used in an exploratory manner.

- CHAPTER 3 -

The Memorandum of Understanding on the return of rejected asylum seekers

26 January 2012 the Norwegian State Secretary Torgeir Larsen and Ethiopian State Minister H.E. Ambassador Behane Gebrekristos signed a Memorandum of Understanding on the return of rejected asylum seekers. As stated in the agreement, the official objective of the MoU is to “lay down the basis for a closely coordinated, phased, dignified and humane process of assisted return of Ethiopian nationals in Norway with respect primarily to voluntary return and the importance of safe and dignified return and sustainable reintegration” (Anon 2012a).

In addition to the objective mentioned in the contract itself, Norwegian authorities have officially stated that they aim to protect the asylum institution through voluntary returns and deportation of Ethiopians residing irregularly in Norway (MJPS 2012b)(Informant 10, 18.04.2013). Another objective is to decrease the number of asylum applications from Ethiopia to Norway. Through the readmission agreement, they intend to renew the picture of Norway as a safe haven for all Ethiopians, and signal that Norway is a restrictive state. While it until now has been possible to stay in Norway without a residence permit, they want to inform that Ethiopians now are subject to deportation if their asylum applications are rejected (Informant 2, 25.03.2013 and informant 10, 18.04.2013). The Ethiopian government has not stated any official objectives with their new policy of accepting returnees.

The policy on return applies to Ethiopian nationals who have had their requests for refugee status or residence permit rejected through due process of law, and who are within the territories of Norway. The agreement further states that Ethiopians may only be returned if they do not have protection needs or humanitarian needs that justify a prolongation of their

stay in Norway. The Ethiopians of concern may opt for voluntary return, but if they refuse to avail themselves of this option, they will be subjected to deportation (Anon 2012a).

While requesting the return of Ethiopian nationals, Norwegian authorities are obliged to provide the Ethiopian state with “as much information as possible concerning [the returnees]” (Anon 2012a:3). It is the Norwegian state that meets the costs of travel, and the facilitation of reintegration in Ethiopia for those who return voluntarily. The Ethiopian state’s obligations include issuing travel documents to the returnees who do not hold any. The Ethiopian government institution the ‘Administration of Refugees and Returnees Affairs’ (ARRA), is responsible for implementing and monitoring the reintegration assistance (Anon 2012a).

Through services provided by the International Organisation for Migration (IOM), Norwegian authorities arrange the transport of the voluntary returnees to their final destinations in Ethiopia. IOM offers information and advice to the returnees while in Norway, they organise the return journey, and are responsible for transferring the cost connected to the reintegration programme from the Norwegian authorities to ARRA. The reintegration programme, which is ARRA’s sphere of responsibility, is a special project within the MoU. In Norway’s other readmission agreements, the reintegration process is the responsibility of the IOM (Hartlieb 2013). The reason for this is that Ethiopian authorities insisted that they should hold the responsibility if there was to be a reintegration programme (Informant 10, 18.04.2013).

The Ethiopian obligations in the reintegration programme is to offer individual counselling and reintegration support such as help to find a job, support to set up a business, or support regarding training courses and other education (Anon 2012a). Norway has the sole

responsibility for the financial costs of the programme, and this was a requirement set forth by the Ethiopian government (Informant 11, 16.05.2013). For each person that is returned, Norway transfers NOK 26 000 (£3,000) to ARRA. After the signing of the agreement, there were longwinded negotiations on how this money should be spent, and Ethiopian authorities argued ARRA should be free to spend the money as it wished. However, after months of negotiations, in March 2013 it was agreed that the money are to be spent on social development in refugee communities (Anon 2013b)(Informant 11, 16.05.2013).

In addition to the financial contribution to ARRA, the programme offers financial assistance to the returnees. Those who return voluntarily to Ethiopia will receive NOK 15 000 (£1,750) in cash upon return, distributed by the IOM. At a later point, ARRA will distribute financial support of up NOK 30 000 (£3,500), this will not be given in cash, but be part of the services provided through the reintegration programme (Anon 2012a). In addition to the travel costs, Norway has a total expenditure of NOK 71 000 (£8,250) for each returnee. It is very unusual for Norway to play such a great financial role in the resettlement of returnees (Informant 10, 18.04.2013).

In mid-May 2013, ARRA's reintegration project had not yet been set up (Informant 11, 16.04.2013). In July 2012, a temporary agreement for reintegration of returnees was made between IOM and the Norwegian Directorate of Immigration (UDI) in which it was agreed that the IOM Special Office in Addis Ababa should provide the reintegration support in the place of ARRA. This support was only based on cash grants, which in practice has been distributed in one instalment instead of three, as was stated in the initial plan (Anon 2012b)(Informant 4, 03.04.2013). Although this agreement was meant to be a short-term emergency solution (Informant 8, 15.04.2013), it is still functioning today, 16 months after

the agreement was made. On 16 May 2013, ARRA had finally established an office to administer the reintegration programme, and the programme was to be launched “during this week” (Informant 11, 16.05.2013). This was, however, also the message given during an interview in the first week of April (Informant 4, 03.04.2013).

At the same time as the agreement was officialised, the Norwegian government announced that all Ethiopians who resided illegally in Norway would be offered the possibility to return voluntarily and receive reintegration support if they did so before 15 March 2012. Those who did not apply for voluntary return by that date would be subject to deportation (MJPS 2012b and Strømman 2012). The Norwegian National Police Immigration Service (PU) is responsible for all deportations from Norway. However, as was reported by the police in a letter to the Ministry of Justice and Public Security in April 2012, the police had not received any responses or identification documents from the Ethiopian government by 15 March, and consequently they did not have the opportunity to start the process of deportation (Heir 2012).

At the time of writing this dissertation, there has not been any further process in relation to deportation (Johansen, personal communication, 30.04.2013)(Informant 10, 22.05.2013). It has been rumoured that identification papers have not been distributed due to new requests from the Ethiopian government, where they require fingerprints of all returnees. While the PU does not have the authority to provide the origin country with such material without the consent of the Ethiopians themselves, they cannot fulfil these new demands.

Although it has not been officially affirmed whether or not this is the exact reason for the standstill, it has been clearly expressed that the Ethiopian government, for some reason, is unwilling to distribute identification documents. Since these documents are vital to perform

deportations, the commencement of deportation solely depends on the action taken by the Ethiopian government (Informant 10, 22.05.2013). While questioning why Ethiopia is reluctant to accept the deportees, state officials have underlined that it usually takes some time before deportations are implemented. However, Norwegian authorities had not expected as much delay with the deportations as there has been (Informant 8, 15.04.2013 and informant 10, 18.04.2013), and it seems clear that the cooperation has come to a standstill due to a lack of interest in deportation from the Ethiopian government's side.

The effects attributed to the change of policy

It is a challenging task to assess which occurrences can be seen as effects of the new policy. It is therefore important to explain why the particular occurrences chosen can be called effects of the policy change. Due to their diverse nature, the effects have been categorised in three different sets. The first set of effects concerns changes in migration flows in the aftermath of the MoU. While examining the flows, the possible relation between the policy and observable changes in numbers will be discussed. The second set of effects concerns the substantial public critique the MoU has encountered. The criticism and the ensuing debates are regarded as effects because they were a direct result of the signing of the MoU, which affected the public discourse on asylum. The last effect to be considered is a lawsuit against the Norwegian state in which several hundred Ethiopians accused the state of violating their human rights. The lawsuit can be seen as an effect since it came as a response to the new policy, it further affected the experiences of the asylum seekers themselves, and it demonstrates migrants' capability to influence policy outcomes.

Changes in migration flows

Since restrictions on labour immigration were introduced in Norway in 1974, the majority of immigrants from third countries have been refugees and asylum seekers. With the rise in asylum seekers during the 1980s, Norway slowly developed new systems for treating their applications (Østby 2013). In an analysis on the effects of immigration policies on flows to Norway in 1969-2010, it was concluded that the range of policy measures throughout the period had resulted in less immigration than would otherwise have been expected (Cappelen *et al.* 2011). Based on previous experiences, it is therefore a relatively strong belief in the power of migration policies amongst Norwegian authorities (Brekke 2004, and Brekke and Aarseth 2009).

However, as has been underlined by Brekke, it is a complicated process to analyse the impact of policies on immigration. He argues this is especially complicated for policies affecting asylum flows. In his study on asylum flows to Norway and Scandinavia he does not find any clear results. The same control policy measures, for instance a suspension in filing cases from a specific country, can have diverse effect on different immigrant groups. An interesting finding in his study is that the way in which the policy is signalled is important. Making a country appear unattractive to potential asylum seekers through the announcement of restrictive policies may contribute to fewer arrivals (Brekke 2004).

In relation to the MoU with Ethiopia, the Norwegian state aimed for an increase in the outflow of returnees, and a decrease in the inflow of asylum seekers. In the proposed State Budget for 2013, the Ministry of Justice and Public Security reported that the readmission agreement of 2012 had had its anticipated effects. They noted that it had affected “both asylum arrivals and the number who choose assisted voluntary return”. They further reported:

“after the agreement with Ethiopia was signed, the asylum numbers from Ethiopia decreased” (MJPS 2012a). However, while analysing the migration flows between Norway and Ethiopia, some findings support the opposite view.

Regarding the number of returns to Ethiopia, it is accurate to say that several persons chose voluntary return after the agreement was signed. While there were between 12 and 35 yearly returns between 2009 and 2011, there were 54 in 2012. Even though it was a major increase from 2011 to 2012, the number of returnees is relatively low. 54 is a small number compared to the expected outcome of more than 700, if deportations had been carried out as planned. It appears clearly, however, that the new policy on return caused an instant rise in returns. While examining the monthly numbers of return over time, there were between 0 and 7 monthly returns 2010 and 2011, but between 3 and 9 after the signing of the agreement in 2012.

Regarding the monthly numbers so far in 2013 there has been a decrease in returns to pre-2012 levels (PU Statistical Database 2013 and UDI Statistical Database, personal communication, 2013a). It must be mentioned that it is difficult to interpret such small numbers. Nonetheless, they at least indicate that Norwegian authorities had poor foundations for highlighting that there had been an increase in return due to the signing of the readmission agreement.

As believed by two employees from NOAS and IOM, whom both work with the Ethiopians subjected to return, the numbers of returnees will continue to decrease. The steep rise in the spring 2012 can be attributed to the threat of deportation after 15 March. However, seeing that deportations did not happen, neither on 15 March nor at any later point, the Ethiopians no longer feel pressured to choose voluntary return (Informant 4, 03.04.2013 and informant 9, 17.04.2013). The steep rise in 2012 may also be attributed to the lack of effectuation of

ARRA's reintegration programme. As highlighted by the return programme responsible at IOM, voluntary return has been popular since the returnees have received NOK 45 000 (£5,250) in cash upon return. However, when ARRA effectuates its reintegration programme, the returnees are to receive the support through different means of reintegration and educational support, i.e. not cash (Informant 4, 03.04.2013). It will therefore be interesting to see whether the number of returnees will further decrease when, and if, ARRA's programme on reintegration is fully implemented.

As reported by the Ministry of Justice and Public Security, the number of asylum applications from Ethiopia decreased after the signing of the readmission agreement. By examining the monthly changes in numbers of arrivals since 2007, a sharp drop in March 2012 can be observed. The monthly numbers from January 2011 to February 2012 ranged between 18 and 35, while the monthly arrivals in from March to June 2012 were between 6 and 9. The decrease in arrivals is evident, and it may be attributed to the immediate signal effect of the new policy. Nonetheless, when including the yearly changes in arrivals throughout the last four years the drop is less obvious. Since 2009 the number of Ethiopian asylum seekers has steadily decreased from 706, to 293 in 2011 and 185 in 2012 (UDI Statistical Database 2013b). Regarding this gradual decline it is questionable whether the decrease in 2012 should be attributed to the policy's signal effect, or regarded as a part of an overall trend of declining numbers.

In an effort to understand the importance of the return policy in affecting overall numbers of Ethiopian asylum seekers to Norway, the trend in asylum applications to Norway can be seen in relation to the trend in Ethiopian asylum applications worldwide (Fig.1). Although data on worldwide applications is only available until 2011, it is still interesting to compare the two

datasets. One can argue that there are some similarities between the two trends seeing that there was a steadily increase in application in 2005-2009, and then a drop in numbers in 2009-2010. This might support the argument that the context in the country of origin is more likely to affect asylum trends than certain policy changes in the receiving countries. Although numbers decreased in the aftermath of the signing of the MoU, it is questionable if causality between the policy change and the change in asylum numbers can be proven.

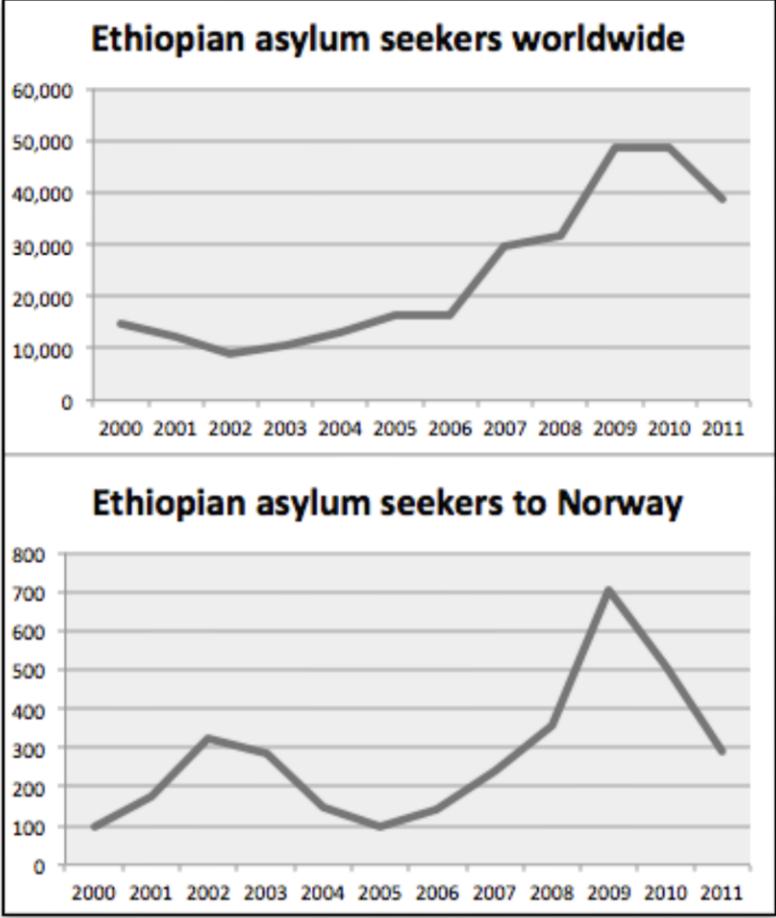


Fig. 1 (UDI Statistical Database 2013b and UNHCR Statistical Online Population Database 2013)

While examining the effects of migration policy on migration flows, it is important to be aware of potential changes in the direction and composition, as well as the volume of such

flows (Brekke 2009 and de Haas 2011b). In the case of Ethiopian asylum seekers who intended to go to Norway, the policy change may have impacted their choice of destination, or they may have pursued other channels to enter Norway such as family reunification or study visas. It has proven difficult to obtain recent data on Ethiopian students and applications for family reunification, and it is therefore too early to examine if there has been any change in the composition of the flow from Ethiopia to Norway.

It is, however, possible to examine the possibility of ‘spill-over’ effects in Norway’s neighbouring country Sweden. The reason the Swedish experience is included, in the place of any other country, is that previous research on burden sharing in Scandinavia has revealed that migration policies in one of the two countries may affect the number of arrivals in both. A recent example is when Sweden introduced a readmission agreement with Iraq in 2008; the number of asylum applications from Iraq to Sweden plummeted, while the numbers to Norway simultaneously increased (Brekke and Aarseth 2009).

The flow of Ethiopian asylum seekers is smaller in Sweden compared to Norway, but the pattern of arrivals in Sweden is arguably comparable to the pattern of arrivals in Norway (Fig.2) (Statistics Sweden 2013). The main difference is that while the numbers started to decrease in Norway in 2009, they continued to increase in Sweden. This increase further continued in 2012, and for the first time the number of arrivals was higher in Sweden than in Norway, with 339 arrivals in Sweden compared to 185 in Norway. Although no causality can be established in this comparison, one cannot exclude the possibility that the policy change in Norway affected the number of arrivals in Sweden.

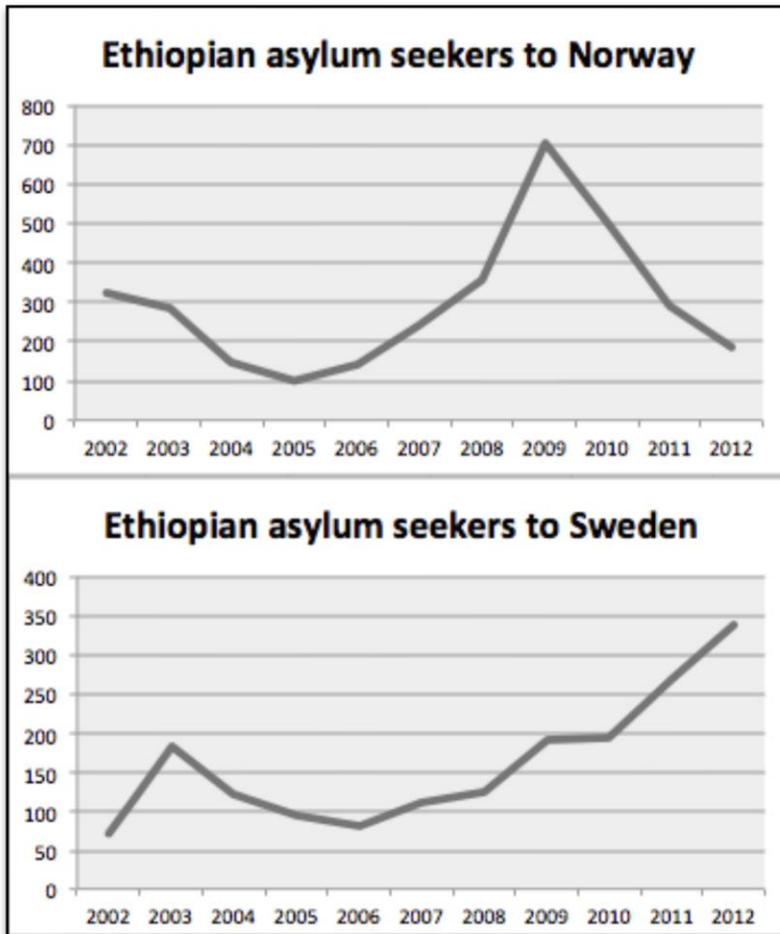


Fig. 2 (Statistics Sweden 2013 and UDI Statistical Database 2013b)

An assessment of numerical changes is most appropriate if done in retrospective, and the relatively short time span since the readmission agreement was signed makes it difficult to conclude on the relationship between the numerical changes and the policy. However, this exploratory analysis implies that some changes are more linked to the policy change than others. In the aftermath of the agreement, no Ethiopians have been deported as a part of the agreement, while there has indeed been an upsurge in the number of people who return voluntary. It is nonetheless difficult to assess whether this trend will continue, and the rise has apparently started to flatten in 2013. It has further been observed that the number of asylum arrivals from Ethiopia decreased after January 2012. The number of arrivals was very low

during the spring of 2012, which can support the theory that a country's image affects the asylum seekers choice of destination. However, while regarding the longer trend of asylum applications, it has become evident that the flow of Ethiopian asylum seekers has declined since 2009, both to Norway and to the world as a whole. Given these findings it is questionable whether it is accurate to attribute the decrease to the new policy, as has been done by Norwegian authorities.

Changes in the public discourse on migration

Immediately after the readmission agreement was officialised, there was much publicity concerning the dubious human rights situation the returnees would face in Ethiopia.

Numerous humanitarian organisations and asylum interest groups in Norway promptly criticised the new readmission agreement. Amnesty International, Save the Children and religious organisations have been very active, although The Norwegian Organisation for Asylum Seekers (NOAS) has been the strongest and most critical voice in this debate. The media uproar will therefore mainly be analysed with regard to the arguments expressed by NOAS.

NOAS and other organisations have expressed their concerns through open letters to the UDI and the Minister of Justice and Public Security, meetings with the ministry, and through numerous publications in all the major newspapers in Norway. Since it was unclear which conditions the would-be returnees would face, NOAS undertook a field trip to Ethiopia to report on the humanitarian situation. In the report, they highlighted the risk of surveillance, persecution, imprisonment and possibly torture, and critiqued the policy for not including measures to ensure the safety of the returnees (NOAS 2012a). Another critical point highlighted by the organisation is that the agreement does not oblige the Ethiopian

Government to ensure for safe returns, an obligation that has been included in Norway's readmission agreements with Iraq and Afghanistan (NOAS 2012b). NOAS further argues that the current monitoring does not meet the EU Return Directive's requirements, and that Norway does not fulfil the obligation in Article 8 (6), which demands that all phases of the return process shall be monitored (NOAS 2013).

In addition to criticism from the organisations, both individual and political voices entered the quickly evolving public debate. In local newspapers from different regions in the country, smaller villages started to demand protection for their "own asylum seeker" (Rogne 2013). The readmission agreement also gained international attention, and in a letter addressed to the Norwegian government on 23 March 2012, the Special Rapporteur on the human rights of migrants in The Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concerns about the agreement. The concerns primarily regarded how Norway would ensure safety and reintegration for the returned nationals, and the letter presented several critical questions concerning the return policy (Crépeau 2012).

The collection of critical expressions created a large public debate on return; a debate that lasted from the day after the readmission agreement was signed until the time of writing this dissertation. Over time the debate has had many faces. When the government released a white paper on displaced children on 8 June (MJPS 2012c), the discourse on return has interchangeably concerned return to Ethiopia and return of "asylum children" both to Ethiopia and elsewhere (Hornburg 2012). While the civil society reactions to the agreement have been largely negative, the responses provided by Norwegian authorities have not been satisfactory for the critical opponents. The Ministry of Justice and Public Security, often represented by the Minister Grete Faremo, has in overall replied in a very general sense, without going into

detailed debates about the lacks and consequences of the policy on return (Faremo 2012). The debate has made the discourse on asylum in Norway very heated, and politicians from both the left and the right-winged strands often highlight Norway's obligation to protect refugees.

Each spring the UDI arranges a large conference on an issue related to migration, and in 2013 the conference was about "return". As informed by Frode Forfang, the Director at the UDI, this topic was chosen because "return is a challenge", and that the current debate on return should move on from discussing how "strict" asylum policies should be, to discussing how policies should be practiced (Forfang 2013). This might imply that Norwegian authorities seek to inform the dichotomous debate on return and asylum, and direct the debate away from the one-sided condemnation of return.

The lack of implementation of deportation may possibly be related to the tense public debate. Since return has been so much contested in the media, it might be a choice made by Norwegian authorities not to pressure Ethiopia to accept deportations until the debate has silenced. No state officials have affirmed this notion, but it has been highlighted that both governments desire to keep a "low profile" regarding further negotiations on deportation (Informant 10, 22.05.2013). The effect of public criticism may additionally be seen as affecting the political environment in Norway. This notion will be further elaborated below, when the outcome of the policy change is examined in relation to the domestic contexts.

Disapproval of the agreement in the Ethiopian diaspora

As a response to the readmission agreement, a group of 340 Ethiopians collectively filed a lawsuit against the Norwegian State in early April 2012. Through a representative action they accused the state of having made invalid decisions regarding their lack of protection-needs

upon return to Ethiopia (*Ethiopians v. Norway* [2012] LB-2012-135549). One of the group's lawyers also claimed the state was violating the European Convention on Human Rights' Protocol No. 4 that prohibits collective deportation, meaning that Norway would break its own Immigration Act if collective deportations of the Ethiopians were carried out (ECHR 2010)(Informant 7, 10.04.2013). While suing the state, the Ethiopians demanded preliminary injunction, and prohibition of deportation until the case had been decided. However, in the middle of June, the District Court rejected the lawsuit on the grounds that the requirements for representative action were not present.

The accusers, which by now included more than 450 Ethiopians, appealed the decision to the Court of Appeal. The Court of Appeal upheld the decision of the District Court and dismissed the appeal in October 2012 (*Ethiopians v. Norway* [2012] LB-2012-135549). The accusers finally appealed the case to the Supreme Court, and at this time the number of Ethiopians signatories had increased to more than 600. The Supreme Court refused to hear the case since it did not have enough interest in principle beyond the matter itself (Informant 7, 10.04.2013).

The main reason for the District Court and the Court of Appeal to reject the case was that the individual cases within the group were so different that they could not present a representative action. However, seeing most of the individuals' strained financial situations they did not have sufficient resources to file individual lawsuits (Informant 7, 10.04.2013). The Ethiopians have been encouraged by their lawyers to apply for legal aid from their respective County Governors, but until now most of these applications have been rejected. In an email sent in March 2013, the Norwegian Civil Affairs Authority requested all the County Governors in Norway to pause the proceedings until further notice from the Civil Affairs Authority (Bjørland 2013). In the opinion of one of the lawyers, this act has violated the Ethiopians'

right to a fair trial (Informant 7, 10.04.2013).

The group of Ethiopians are at the time of writing [17.05.2013] in the process of applying to the European Court of Human Rights (ECHR) and if they succeed in this they will base their charges on three matters. Firstly, they will argue that they have not been given the opportunity to a fair trial; secondly, that the readmission agreement implies collective deportation; and thirdly, that the Immigration Appeals Board's decision regarding the lack of protection-needs upon return is invalid (Informant 7, 10.04.2013).

Although the Ethiopians' lawsuit has not been successful in Norway, it is clear that the existence of the case nevertheless have had some effect for the Ethiopians. As the lawsuit has received much media attention, one of the Ethiopian's lawyers regarded the case as being one of the causes for the slow effectuation of the agreement, especially regarding forced deportation (Informant 7, 10.04.2013). In his view the state would not risk to deport any of the Ethiopians included in the lawsuit, since this would put the government in a negative light. He viewed the case as a positive outcome for the Ethiopians in matter, since they not yet had been deported and also given a legal channel to contest the policy.

An advisor at the Norwegian Organisation for Asylum Seekers, who is involved with the group of Ethiopians, disagreed. He regarded the lawsuit as a major setback for the Ethiopians. Although he believed that several of the Ethiopians do have real causes to receive protection in Norway, he underlined that the case harms the Ethiopians since it only keeps them "lingering" in the same situation. In his opinion they should rather apply for a re-evaluation of their individual cases, or alternatively file individual lawsuits. An additional consequence of the lawsuit, as he saw it, is that it has divided the diaspora (Informant 9, 17.04.2013). An

employee working with Ethiopian diaspora engagement in the Norwegian Development Fund, also pointed out this consequence (Informant 1, 04.03.2013). Either you are part of the group that contests return, or you are against them. This may have made the situation worse for those who considered voluntary return, since a decision to leave voluntary can be regarded as a betrayal of those who remain (Informant 1, 04.03.2013, informant 5, 09.04.2013 and informant 9, 17.04.2013).

To analyse the lawsuit as an effect of the new policy is relevant since it highlights the Ethiopians' experiences of, and reactions to, the policy change. The lawsuit demonstrates how migration policy can affect migrants' actions in various ways. In addition to the two options of returning or not, the lawsuit has shown a third way of reacting to policy change. This can be reflected in migration literature that underlines the importance of considering migrants' agency. Migrants are not necessarily passive agents steered by the structures of society, and the agency of migrants can indeed play a central role in shaping policies on migration (Faist 2000).

In addition to demonstrating the experiences of the Ethiopians themselves, the lawsuit should be seen in relation to the Norwegian state. While the lawsuit in Norway only received a few notions in the international media, one might expect more attention surrounding the case if the lawsuit is accepted by the ECHR. If the final case decision should be in favour of the accusers, international condemnation may harm Norway's international reputation.

The three sets of effects that have been examined in this chapter, demonstrate how the overall outcome of a policy can include various effects, both in terms of changes in migration flows and changes in the society. Without having restricted the analysis to the policy's intended

effects, it has been revealed that the policy also has other consequences. These effects are important in shaping different actors' perceptions of the policy outcome, and might again affect the future evolution of the policy implementation. The effects examined should not, however, be seen as the only effects of the agreement. Some effects may only have been observed by those affected by them, and numerous effects may have been overlooked in this examination. The assessment of the abovementioned effects has nonetheless been valuable since it signifies that the migration policy has brought about a diversity of changes.

In an assessment of migration policy effectiveness, one could potentially seek to conclude on the extent of goal achievement after having examined the effects of the policy, but as already stated, this dissertation does not seek to remark the effectiveness of the policy change. To conclude on the overall outcomes of the policy, the examination of the effects will rather be related to an assessment of the policy's contextual backdrop, namely the domestic contexts and Norway and Ethiopia's bilateral relationship.

- CHAPTER 4 -

How to understand the policy outcomes in relation to the context of the agreement?

While analysing migration policies, it is vital to know the frame of reference for the policymaking, including both the domestic and the international context (Brochmann and Hammar 1999). As highlighted by Messina and Lahav (2005), the student of migration must consider broad, country-specific variables in order to understand the particular policy outcomes. This is especially significant in migration policies compared to other policies, since the process of policy-making often entails a range of interest within different departments (Hollified 2004), as well as the unique preferences of the countries involved in the process (Reslow 2012). Norway and Ethiopia have a long-standing, but at times strained, bilateral relationship that must be seen as a basis for the 2012 MoU on return. This dissertation will therefore turn to the country specific circumstances as well as the historical evolvement of the bilateral relationship, in order to understand how the two states' governments can have unique perceptions of the outcome of the new policy.

The Norwegian strand – Why return to Ethiopia?

The aim of this dissertation is not to scrutinise the various and underlying intentions different stakeholders may have had when an agreement on return was established. It is nonetheless important to include some of the major, and observable, interests that inspired the two states to seek a Norwegian-Ethiopian MoU on return. Some of the examined effects are related to the officially stated aims, while other effects are possibly linked to other objectives, which were not mentioned officially.

While announcing the signing of the readmission agreement, the ruling centre-left coalition in

Norway stated that they were “very glad” about the new agreement, and that they believed this was an important step in their effort to strengthen the asylum institution (MJPS 2012b). However, in the aftermath of the media uproar regarding the humanitarian consequences of return to Ethiopia, few voices from the coalition have commented on the case. As elaborated, the policy change led to critique of the centre-left coalition’s choice to sign a readmission agreement with Ethiopia. This critique must in turn be seen as possibly affecting the Norwegian political environment.

From a political perspective, the readmission agreement with Ethiopia should be related to broader changes that have taken place in Norway’s asylum policy over the last five years. In 2008, after three years in the Norwegian Parliament, the centre-left coalition introduced 13 measures to reduce the arrival of asylum seekers (The Norwegian Ministry of Labour 2008). The reason for the political change of direction towards stricter policies has been attributed to the increase in asylum arrivals in early 2008 and the coalition’s need to demonstrate their ability to control the inflow of asylum seekers (Yttervoll 2011). The timing of the political shift was significant since it took place in the run-up to the national elections in 2009, in which the support of the political opposition increased. The centre-left coalition was nonetheless re-elected in the elections.

After a period of stillness, the public debate on immigration reached new heights in 2011 when “Norway’s most well known irregular migrant”, Maria Amelie, was deported (EMN 2012:13). After having published a biographic book titled “Illegally Norwegian” and being named the “Norwegian of the Year”, she was unexpectedly arrested and deported to Russia, her origin country. The handling of her case was widely criticised, and after an extensive public debate, a minor regulatory change was made allowing rejected asylum seekers

qualifying as “high-skilled labour migrants” to avoid the re-entry ban which normally applies to deportees (EMN 2012:13). The discussions concerning Maria Amelie led to a larger debate on irregular immigrants staying in Norway for an extensive period of time. During the debate, attention was brought to the challenge presented by rejected asylum seekers who are denied re-entry in their country of origin. When they cannot return, rejected asylum seekers have no other option than to stay irregularly in Norway, as has been the case with the Ethiopians.

The tense political environment on asylum issues must be regarded in relation to the coalition’s choice of introducing a new policy on return to Ethiopia. As mentioned by both state representatives and experts in the field, the signing of the readmission agreement was highly politically motivated (Informant 2, 25.03.2013, informant 3, 01.04.2013 and informant 6, 08.04.2013). Despite the restrictive measures introduced in 2008, the centre-left coalition is often framed as having too liberal policies on immigration, and the right-winged parties dominate the debate on immigration and asylum related issues (Hornburg 2012).

Given these circumstances, the new policy can be seen as the coalition’s effort to “flex its muscles” on asylum issues up front of the national elections in September 2013 (Informant 2, 25.03.2013, the same point was also highlighted by informant 6, 08.04.2013). However, if the government’s political goal was to increase the public belief in the coalition’s ability to control immigration, it has not necessarily succeeded. Since none of the widely debated 700 undocumented Ethiopians have been deported, the current government has, if anything, only demonstrated a flaw in their system of asylum regulation.

The Ethiopian strand - Why not return to Ethiopia?

As mentioned, Norwegian efforts have been made to negotiate a readmission agreement with

Ethiopia since the early 1990s. Ethiopia has been reluctant to this throughout the period, until they finally accepted an agreement in 2012 (Informant 10, 18.04.2013). To understand why Ethiopian authorities recognised the agreement at this stage, one must understand why they did not have any interest in a readmission agreement before. It has proved difficult to establish contact with the Ethiopian authorities that participated in the negotiations on return. Hence, the following reasoning is based on previous literature, and beliefs expressed by experts in the field and Norwegian state officials.

There may be a multitude of reasons why the Ethiopian state has not been interested in return of Ethiopians residing abroad, however there is seemingly a strong belief that the importance of remittances constitutes one of the main reasons not to encourage return. During the last decades, state level diaspora engagement policies are increasingly used by states in order to capitalise the resources that emigrants can offer their countries of origin (Levitt 2001). Members of the international diaspora can offer gains in the form of remittance flows, but also through investment and transmission of knowledge. During the last decade, the Ethiopian government has implemented diaspora engagement policies, and their policies are regarded as some of the most progressive in Sub-Saharan Africa (Kuschminder 2010). Previous research has established that financial remittances play an important role in the Ethiopian society, both by supporting families and by contributing to local economies and development projects (Hoehne *et al.* 2011).

The amount of remittances sent to Ethiopia is estimated to constitute a large share of the foreign capital flow, although the exact value varies depending on the source of information (Reinert 2007). It is therefore difficult to obtain exact information on how large, and important, the remittance flow from Norway is, but it is nonetheless likely that the diaspora in

Norway is important as a part of the target group in the government's endeavour to increase the inward flows of remittances (NBE 2010). As mentioned by both the First Secretary at the embassy in Addis Ababa and one of the actors representing Norway in the negotiations over return, Ethiopia's lack of interest in a readmission agreement is likely to be linked to the remittances sent from Norway to Ethiopia (Informant 8, 15.04.2013, informant 9, 17.04.2013 and informant 10, 18.04.2013). The Secretary underlined that the Ethiopian government did not have any interest in return because of the relatively large group of Ethiopians in Norway. These people were assumed to be more profitable for Ethiopia if they resided in Norway, as the government did not see any gain in resettling returnees whom did not want to be there (Informant 8, 15.04.2013).

It is nonetheless unlikely that remittances remain the sole reason for the Ethiopian government's lack of interest in return. Although it was underlined that nothing could be officially affirmed, the Norwegian state official that took part in the negotiations, reasoned that the political environment in Ethiopia possibly affected the government's actions, since forced return is unpopular among the Ethiopian population. The government risked losing political leverage if they accepted an agreement on forced return with any country (Informant 10, 22.05.2013). As mentioned by an advisor at the UDI, a few months after the agreement was signed, Ethiopian government officials informed Norwegian authorities that they considered withdrawing from the agreement unless the media uproar that contested return to Ethiopia came to a calm (Informant 2, 25.03.2013). This may suggest that the government seek to avoid attention regarding return, possibly because they risk domestic political disapproval if deportation becomes a topic of discussion among the population in Ethiopia.

There may also be other political reasons that the Ethiopian government has been uninterested

in forced return. Seeing that the Norwegian state has become increasingly interested in return over a long period of time, this has strengthened Ethiopia's position in the bilateral relationship. By refusing to accept returnees from Norway and demonstrating disinterest in cooperation on return, migration has become a bargaining chip for Ethiopia. If this is the case, the issue of return may have affected the bilateral power dynamics, and as long as Ethiopia did not cooperate on return, it could keep the Norwegian state on a tight leash.

Although it is difficult to verify whether the lack of interest mainly has been due to economic or political factors, both of these must be considered as being part of the reason for the Ethiopian government's disinterest in deportation. While having acknowledged this, it becomes further interesting to study the change of direction in January 2012. In order to understand why Ethiopia chose to sign a readmission agreement with Norway at this particular point in time, the dissertation will turn to the broader context of the bilateral relationship between the countries.

The bilateral relationship as a backdrop for the agreement

The relationship between Norway and Ethiopia is relatively long and the relationship has grown in strength over the years, although it has been rather winding during the last decade. Norway's first presence in Ethiopia was through the Norwegian Lutheran Mission in 1948, and throughout the first decades all aid was provided by the Norwegian missionary organisations. (Sørli 2009). In 1966, the Norwegian Organisation for Development Cooperation started to financially assist the missionary organisations' development projects, and expanded their support to other Norwegian organisations established in Ethiopia in the 1970s (Jakobsen 2006 and Simensen 2003). During the Derg regime from 1974 to 1991, Norway did not have any official contact with Ethiopian authorities. Through the work of the

Emergency Relief-Desk, Norway indirectly supported the opposition in Ethiopia, the Tigrayan People's Liberation Front (TPLF). When president Mengistu fled the country in 1991, the military forces of the Ethiopian People's Revolutionary Democratic Front (EPRDF) seized control in Addis Ababa. Since the TPLF constituted the heart of the EPRDF, several states, including Norway, indirectly supported the EPRDF both morally and materially when they seized power (Sørli 2009).

Since Norway had contributed positively to Ethiopia for many years, the newly established government invited Norway to establish an Embassy in Addis Ababa. The Norwegian government opened an embassy in Ethiopia in 1995, and the first bilateral agreement on cooperation was made between the two countries the same year (Jakobsen 2006). In 1996, Norway declared Ethiopia to be one of Norway's priority partners, and the Norwegian state aimed to contribute to Ethiopia's own poverty reduction strategy, partly by providing bilateral aid. The bilateral relationship grew strong during these years.

In protest to the Eritrean-Ethiopian war in 1998-2002, Norway halted all its bilateral relations with Ethiopia, including the Norwegian funded development aid (The Norwegian Ministry of Foreign Affairs 2001). Business did not continue as usual after the war, and Norway became a strong voice in criticising the humanitarian situation in Ethiopia. The requirements for bilateral aid were rephrased, more focus was put on peace, democracy, human rights and good governance, and the Norwegian government chose to change Ethiopia's status as a priority partner (The Norwegian Ministry of Foreign Affairs 2002). In the aftermath of the 2005 elections, Ethiopia was internationally criticised for democratic flaws and human rights violations. During this period Norway continued to condemn the Ethiopian regime, and was a stern critic of the Ethiopian intervention in Somalia, something that challenged the strong

bilateral relationship between Ethiopia and Norway (Sørлие 2009).

When Norway initiated peace negotiations between Ethiopia and Eritrea during a United Nations conference in 2007, the Ethiopian government felt threatened and feared the Norwegian involvement in the relationship could harm the position of the ruling government. Consequently, the government requested Norway to withdraw 6 diplomats from the Norwegian Embassy in Addis Ababa. The diplomatic crisis strongly deteriorated the countries' bilateral relationship (Sørлие 2009), and to ease the administrative burdens due to the expulsion, Norway responded by cutting NOK 25 million (£290,700) of its bilateral aid (Anon 2007). The weathered relationship did not serve any of the parts well, and effort was given to normalise the relationship. The diplomatic crisis can arguably be seen as resolved in 2008 when the Ethiopian government formally lifted the restrictions, but the ties between the two states remained weakened (Sørлие 2009).

In the aftermath of the crisis, Norwegian authorities have softened their criticism of the Ethiopian government (Informant 3, 01.04.2013 and informant 6, 08.04.2013). From 2005 to 2012, Erik Solheim held the office as minister of International Development, and throughout these years he and Meles Zelawi, the former Ethiopian prime minister, developed a close relationship. Solheim was very supportive of Zelawi, and frequently highlighted the positive economic development in Ethiopia. This was especially marked in the aftermath of the diplomatic crisis, when Norway was concerned with ceasing the tension between the two countries (informant 3, 01.04.2013 and informant 6, 08.04.2013). An article Solheim wrote before he left office in March 2012, exemplifies Norway's soft approach towards Ethiopia. In a response to a regime-critical article by the Human Rights Watch, Solheim highlighted Ethiopia's "tremendous success in recent years", that the country had "come a long way in

achieving [some] UN Millennium Development Goal[s]”, and that Ethiopia truly was “an African success story” (Solheim 2012).

In 2011, Ethiopia and Norway signed two new agreements; an Air Services Agreement between Ethiopia and the Scandinavian countries in October 2011, and a Climate Partnership between Ethiopia, Norway and Great Britain in December 2012 (Anon 2011a, and Anon 2011b). Whereas the Air Services agreement was an agreement with the main purpose of establishing scheduled air services between and beyond the territories, the Climate Partnership involved more contribution from the Norwegian side as Norway agreed to financially support Ethiopia with up to NOK 360 million (£42 million) annually (Fadnes, personal communication, 19.04.2013).

The bilateral relationship’s evolution over the last decade is likely to have affected the negotiating process concerning the readmission agreement. According to Norwegian state officials, Norway intensified its effort to establish a readmission agreement when the countries’ relationship was re-established in 2009 (Informant 7, 10.04.2013 and informant 8, 15.04.2013). Knowing that the Norwegian state was eager for a readmission agreement for an extended period of time before it finally achieved it in 2012 indicates that the Ethiopian state must have been less interested in return. In contrast to the other readmission agreements Norway has established, the IOM, which is a key actor in the effectuation of the return, was not informed about the negotiations before the final agreement was signed (Informant 4, 03.04.2013). The discretion surrounding the negotiation of the agreement might signify the instability of the negotiations, and that secrecy was sought since negative media attention could have affected the direction of the negotiations.

After the new minister of International Development, Heikki Holmås, took office in April 2012, there has been a slight escalation in Norway's critical assessment of Ethiopia (Informant 3, 01.04.2013 and informant 6, 08.04.2013). Despite the increased attentiveness, an agreement on "bilateral political consultation" was signed between the countries in May 2012. This agreement unites all the different aspects of the bilateral developmental cooperation, and it is an official MoU on stronger cooperation and closer bilateral ties (The Ethiopian Ministry of Foreign Affairs 2012 and The Norwegian Ministry of Foreign Affairs 2012). In relation to the overall complications of the bilateral relationship between the countries the readmission agreement can be seen as an aspect in overarching process of re-strengthen the bilateral relations. In addition to the specific intentions with the MoU, it becomes clear that the readmission agreement may be interlinked with other issues within the bilateral relationship (an overview of the bilateral interaction is provided in fig.3).

Timeline of the Norwegian-Ethiopian bilateral relationship	
1995	<ul style="list-style-type: none"> • The Norwegian Royal Embassy established in Addis Ababa • First agreement on bilateral cooperation
1996	<ul style="list-style-type: none"> • Norway makes Ethiopia a priority partner on cooperation
1998-2002	<ul style="list-style-type: none"> • Halt in bilateral cooperation and Norwegian development aid due to the Eritrean-Ethiopian war
2005	<ul style="list-style-type: none"> • Norway concerned about Ethiopian political development • Restrictions in Norwegian development cooperation
2007	<ul style="list-style-type: none"> • Norway condemns the Ethiopian invasion in Somalia • Norway initiates peace negotiations between Ethiopia and Eritrea • Ethiopia requests Norway to withdraw six diplomats • Norway withdraws NOK 25 million in development aid
2008	<ul style="list-style-type: none"> • Norway gives NOK 25 million in humanitarian aid due to drought • Ethiopia formally lifts the restrictions • Bilateral relations are 'normalised'
2009	<ul style="list-style-type: none"> • Negotiations on a return agreement resumed
2011	<ul style="list-style-type: none"> • Air Services Agreement • Climate partnership between Ethiopia, Great Britain and Norway; Norway will support Ethiopia with up to NOK 360 million annually
2012	<ul style="list-style-type: none"> • Agreement on return of rejected asylum seekers • Agreement on stronger cooperation and closer bilateral ties

Fig 3.

Bilateral repercussions?

The surrounding bilateral interaction must be related to the outcome of the agreement, or in other words, the outcome of the agreement must be seen in light of the overall bilateral context. According to state officials of both countries, the bilateral ties have been strengthened during the last year (Holmås 2012 and The Ethiopian Ministry of Foreign

Affairs 2012). The Ethiopian minister of Foreign Affairs, Hailemariam, has in particular expressed satisfaction with the progress in bilateral relations. During the Norwegian minister of International Development, Heikki Holmås', official visit to Ethiopia in May 2012, Hailemariam underlined the importance of Norway's decision to "double its development cooperation with Ethiopia and its intention to double it again in the coming years" (The Ethiopian Ministry of Foreign Affairs 2012).

This "doubling" of development cooperation is the result of the climate partnership signed in December 2011. While including the financial assistance Norway will provide to Ethiopia through this initiative, the total of annual bilateral aid has nearly tripled compared to previous amounts (Fadnes, personal communication, 14.04.2013). During the period from 2000 to 2011, the total of development aid from Norway to Ethiopia has ranged in between NOK 146.5 million and NOK 268.2 million (£17 million - £31 million) (Norad 2012). While including the financial support provided through the climate partnership, the total of aid in future years will conceivably amount to more than NOK 500 million (£58 million).

The increase in aid can be regarded as a significant act made by the Norwegian state and the conclusion that there is a link between the increased aid and the signing of the readmission agreement has been drawn by many critical voices. The criticism has been related to the deteriorating human rights situation in Ethiopia, and it has consequently been questioned how Norway can justify an increase in financial support, while other countries decrease their aid (Anon 2012c, Brandvold 2012 and Wright and Zachrisen 2013).

The Norwegian authorities' first response to these accusations was that there was no link between the increased aid and the sudden agreement in the negotiations on return. However,

during UDI's conference on return in April 2013, the minister of Justice and Public Security, Grete Faremo, stated that the ministry currently "explores how aid and development policies can be used to strengthen the efforts regarding return" (Faremo 2013). This statement was uttered in relation to the challenge of cooperation on return with those countries that do not feel obliged to their international legal duty of accepting their own nationals, which has been the case with Ethiopia. Several of the informants highlighted the possibility of a link between the agreement and the increased aid (Informant 2, 25.03.2013, informant 3, 01.04.2013 and informant 6, 08.04.2013). Although the Senior Advisor at the Ministry of Justice and Public Security refused that there was a link between the two, he underlined that the readmission agreement was of much higher importance for Norway than it was for Ethiopia (Informant 10, 18.04.2013).

Returning to the literature on the power of the sending state, similarities can be observed between the Norwegian-Ethiopian agreement, and the Spanish-Moroccan and Italian-Libyan agreements. It is not in the intention of this paper to make comparisons between these examples, but it is nonetheless interesting to use these examples as inspirational sources to point out the power of Ethiopia in relation to its negotiations with Norway. As established by Paoletti and others (Paoletti 2010), migrant-sending states are capable of using the destination countries' wish to control migration as a way to advance their own agenda. In the example of Morocco, it has been highlighted that Morocco received \$390 million from Spain after having committed itself to readmit Sub-Saharan migrants from Spanish territory (Briscoe 2004 and Carling 2007). Whereas in the Libyan-Italian case, Libya aimed at regaining international respectability through the establishment of close bilateral ties with Italy. In the case of Ethiopia, the country has suffered from international condemnation and a decrease in international aid since the elections in 2005. It might therefore be likely that the government

is interested in improving its international reputation, and augment the level of foreign investment and aid.

Generally, Norway has been reluctant to use aid as a mean of coercion (Hansen and Borchgrevink 2006). However, the Norwegian renewed interest in the negotiations on return may have provided Ethiopia with greater bargaining power and thereby means to influence other matters that were negotiated; possibly the financial aspects to be included in the climate partnership. However, it is difficult to draw any conclusions about the extent to which other matters were brought into the discussion surrounding the readmission agreement. The only actuality that can be established is that after years of return negotiations and decreasing aid, promises were made about doubling of aid and the readmission agreement was signed within a period of six weeks.

Five months after these agreements were made, in May 2012, the abovementioned MoU on Bilateral Political Consultation was signed. In regard to the Ethiopian political context and the government's current lack of international respect, such an agreement can prove to be very valuable. As highlighted by the former First Secretary at the Embassy in Addis Ababa, "this form of agreements gives Ethiopia recognition as an important regional actor" (Informant 8, 15.04.2013). In this regard the agreement provides Ethiopia with improved international respectability, which can be seen as sorely needed for a government internationally deemed as an "authoritarian regime" (Aalen and Tronvoll 2009).

- CHAPTER 5 -

Conclusions

In order to understand the outcomes of migration policy, researchers should examine both intended and unintended effects while including both receiving and sending states' perceptions of such effects. This dissertation has looked beyond an analysis of the extent to which the Norwegian state's objective of affecting the migration flow has been met.

Through an examination of how the readmission agreement has affected flows and other aspects of society, novel features of the migration policy outcome have been revealed. By assessing the contextual backdrop of the agreement in the perspective of both Norway and Ethiopia, it has been illustrated how the sender and the receiver states' authorities have different objectives with the same policy, and correspondingly different perceptions of the migration policy outcomes.

This study has demonstrated that the readmission agreement between Norway and Ethiopia has had a diversity of effects. Some of these effects are related to the stated objectives of the policy, while others must be seen as unintended consequences. In relation to the official intention of forced return, none of the 700 irregular Ethiopians have been deported as part of the agreement. The Ethiopian government is currently unwilling to distribute identification documents, and the process of deportation has consequently come to a standstill. Concerning voluntary return, there has been an increase in the number of returnees, but the reintegration programme still needs to be implemented in accordance with the agreement. At the time of writing, no returnees have participated in reintegration activities in Ethiopia, but have rather been supported financially by receiving cash-instalments upon return. In relation to new asylum arrivals, it is uncertain if the policy has led to a decrease in Ethiopian arrivals.

Although there was an instant plunge in early 2012, the monthly numbers of arrivals have recently assumed pre-2012 levels. It might be more likely that the general trend of decreasing numbers stems from other factors (e.g. factors in Ethiopia) than from the policy on return.

The readmission agreement has had two major societal effects; a significant media upheaval that spurred the public discourse on asylum in Norway, and a lawsuit in which more than 600 Ethiopians sued the Norwegian state for violating their rights. The agreement must also be seen as affecting the bilateral relation between Norway and Ethiopia, and it may have led to repercussions in the form of other bilateral agreements and a strengthening of the bilateral relationship.

Regarding the outcomes of the policy in a Norwegian perspective, Norwegian authorities have accomplished the long stated aim of signing a readmission agreement with Ethiopia, and this can be seen as an important symbolic contribution in making the Norwegian government appear as being in control. However, the signalling effect of migration policies is related to the real policies being implemented, and, as has been elaborated, the policy on return has been practiced differently than what was initially intended. This is particularly the case in relation to deportation, which was one of the Norwegian government's main objectives.

In the domestic sphere, the Norwegian government's choice of signing an agreement with a state criticised for its human rights violations, has led to criticism of the government's hypocrisy. After years of condemning the Ethiopian regime, Norwegian authorities changed their rhetoric and pursued a stronger bilateral relationship with the government. This led to the final accomplishment of signing a readmission agreement, but, as many have queried, at the expense of whom? Although it has not been the aim of this dissertation to scrutinise the

humanitarian risks the Ethiopians may face upon return, it cannot be ignored that it remains unclear what will happen to the Ethiopians if they are deported. As expressed by an informant: “The Norwegian government needs to be honest. If Norway deals with an authoritarian regime [...] they should at least admit it” (Informant 3, 01.04.2013). Although the policy initially was an attempt to regain political support, it might turn out to be a political loss for the ruling coalition. Additionally, while aiming to “strengthen the asylum institution”, it may be argued that the strength of the institution has been undermined through the absence of any desirable policy effects.

Regarding the outcomes of the policy in an Ethiopian perspective, it is important to see the policy in relation to the context of the bilateral relationship. Although it was not an initial objective to return Ethiopians, the Norwegian state’s interest in the agreement provided Ethiopia with bargaining power to front other interests. After being criticised by the Norwegian government and received decreased aid since the early 2000s, Ethiopia is now to receive doubled amounts of aid from Norway. Norwegian authorities have frequently highlighted the Ethiopian economic development, and the state has been entitled “an African success story”. These changes must be seen as positive for the Ethiopian government, which after years of international condemnation is likely to be interested in increased aid and renewed international recognition.

Since Ethiopia has not yet distributed any identification documents to the Ethiopians subjected to deportation, there have only been voluntary, and relatively few, returns. The large majority of the Ethiopians subjected to deportation are still in Norway, and the size of the remittance sending diaspora has not been largely affected. It may be that the Ethiopian government has experienced political constraints due to the agreement, however, as long as

deportations are not carried out, it does not risk domestic political condemnation of the policy. In a similar vein, given the current lack of deportation, the Ethiopian government has a strong diplomatic clout. As long as the Ethiopian migrants stay in Norway, the Ethiopian government maintains a favourable position in relation to bilateral negotiations.

With regards to the bilateral relationship, both countries have succeeded in re-strengthening the weakened ties that stemmed from the diplomatic crisis in 2007. However, the future evolution of the relationship is likely to depend on Ethiopian state's inclination to fulfil its obligations. As expressed by several state officials, the Norwegian government is not content with the current situation, seeing that it is profoundly dependent on Ethiopia to effectuate deportation.

The short time span since the return policy was made makes it unreasonable to conclude on the final outcomes of the policy change. It has nonetheless been important to do an analysis at this point, since the perceptions of the current outcome may affect the states' prospect choices of action. To better understand the overall outcome, it is suggested that future research undertake a detailed consideration of the policy when all effects and the states' perceptions of these can be assessed in retrospective.

By studying the specific case of the agreement on return between Norway and Ethiopia, this dissertation has shed new light on the debate on how to analyse migration policy outcomes. It has been demonstrated that migration policy may have effects both on flows and in the society, and that it is vital to include both receiving and sending states' perspectives when assessing policy outcomes. Nevertheless, the complex nature of migration policy makes it a correspondingly complicated affair to understand policy outcomes. The field of analysis is

highly multifaceted, and one may question the achievability of assessing *all* the various effects, and *all* the various actors' perspectives on these. In this regard, the value of analyses of policy effectiveness must not be ignored. By examining states' successfulness in affecting immigration flows, migration research can contribute to improve receiving states' policy and goal achievement.

This brings into question what role academic research should play when analysing policy outcomes. It has been recognised that the relationship between academic and policy concepts presents a challenge for academics seeking to strike the balance between achieving understanding, and making a difference (Van Hear 1998). It is in the opinion of this dissertation that research on migration policy should aim to do both, and contribute to making a difference *through* achieving understanding. By broadening the scope of analysis, research increases our understanding of migration and is a powerful tool for providing information for future policy-making.

By approaching migration policy outcomes through an assessment of several effects and several states' perspectives, this study has moved beyond the conventional analytical framework for examining migration policy outcomes. There are numerous unexplored approaches to understand policy, and migration research would profit from broadening its current scope of analysis. The viewpoints on how to approach an analysis of migration policy presented in this dissertation complement the existing research on migration policy, and it is hoped that the perspectives brought up will add a further dimension to the discourse on how to understand migration policy outcomes.

Appendix 1

List of informants and details of interviews

NR	ORGANISATION/ INSTITUTION	FUNCTION	DATE OF INTERVIEW
1	The Development Fund	Project Coordinator Migration and Development	04.03.2013
2	The Norwegian Directorate of Immigration	Advisory position	25.03.2013
3	Christian Michelsen Institute	Senior Researcher	01.04.2013
4	International Organisation for Migration	Information Assistant	03.04.2013
5	Peace Research Institute of Oslo	Senior Researcher	09.04.2013
6	International Law and Policy Institute	Senior Partner and Researcher	08.04.2013
7	Endresen, Brygfjeld and Torall Law Firm	Lawyer	10.04.2013
8	Royal Norwegian Embassy Addis Abeba, Ethiopia	First Secretary of Embassy	15.04.2013
9	Norwegian Organisation for Asylum Seekers	Advisor	17.04.2013
10	Ministry of Justice and Public Security	Senior Advisor	18.04 2013 and 22.05.2013
11	The Norwegian Directorate of Immigration	Head of the Return and Reintegration Unit	16.05.2013

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