Such questions relating to nationality law and policy have a bearing on the future, both of refugee law, and of its practitioners. A world in which nationality is distributed more thinly, in which there are still more persons who are nationals of only one State, or of none, is likely to be one in which present stresses on international refugee law are magnified.

Spiro’s book does not examine these questions in detail, perhaps understandably, because it was written before some events which might ground challenge to the thesis that there will be political continuity consistent with continued general decline in the importance and exclusivity of nationality. But it represents a good basis for initial reflection on these, and very much deserves close attention. The expertise and commitment of its author is evident and the book, physically produced to a high standard by the publishers, provides an excellent, concise account of its subject matter.

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This intriguing book by Christina Oelgemöller – an interdisciplinary scholar and researcher with a talent for transcending conventional approaches to analysis – offers a theoretically well-informed and in-depth geopolitical analysis of the migration management phenomenon. She elaborates on the social constructions of ‘legal’ and ‘illegal’ migrant underpinning the contemporary migration management policies and practices of the global North. The book addresses issues relating to normative violence, the governance and ethics of contemporary politics, and the policies and technocratic practices of migration management. Although the topic of migration is well researched, few studies provide an insight into the doctrine and logic behind migration management.

Considering the fact that migration, including forced migration, is the bread and butter of many public institutions, as well as private sector, non-governmental, and intergovernmental organizations, it is essential to grasp the evolution of contemporary notions of the phenomenon of migration, which is too frequently taken for granted by many. *The Evolution of Migration Management* is therefore relevant for everyone. For newcomers to the field of migration, it offers a valuable understanding of how policies, narratives, and practices of managing migration are formed and practised on a daily basis. It is also relevant for academics, policy analysts, researchers, legal professionals, and advocacy specialists as it provides an insight into instances of normative violence leading to the different exclusionary practices that are, on the primary level, purely technocratic, prioritizing integrity of the system over integrity of the people seeking protection. Practices of normative violence are, as the author points out, not only contributing to the divide between the global North and the global South, but are
essentializing access and shifting responsibility for the management of ‘illegal’ migration towards what are currently termed ‘transit countries’.

The book is divided into three parts in which the author unveils and places in context the development of the migration management doctrine, focusing on the Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC). The IGC is a non-decision-making forum for intergovernmental information exchange and policy debate on all issues of relevance to the management of international migratory flows, led by governments of the global North and based in Geneva. Oelgemöller offers a detailed analysis of the background papers, working documents, and relevant correspondence, written between 1982 and 1992, between ICG participants, diplomatic missions, and participating experts. The analysis reveals that the formation of today’s exclusionary practices and discourses on migration management tend to dehumanize people, while aiming to regulate migration. Current doctrine is not the result of wicked, malicious planning; rather, it is a joint result of efforts by mid-level officials and experts aiming to protect the integrity of the European Union (EU). Migration management is an outcome of their shared vision, fine-tuned to methodological technocratic perfection of normative violence,1 something that Hannah Arendt would describe as a ‘banality of evil’.

We can observe these practices, first, in the division between ‘legal’ and ‘illegal’ migrants. The notion of ‘legal’ migration derives strongly from the ‘migration and development’ nexus – that is, framing migrants’ status as ‘economic but temporary’, which supports the narrative of circular migration and the idea that people will eventually return home. For certain privileged categories of ‘legal’ migrants, targeted measures that aim to facilitate the transition and temporary integration are taken. This is especially the case in relation to so-called ‘knowledge migrants’, frequently recognized as efficient and productive contributors to the well-being and welfare of the global North. Then, there are ‘illegal’ migrants, most often presented as unwanted and unskilled asylum seekers, posing a potential risk to national security and social cohesion. Once they are labelled as ‘illegal’, measures are taken to restrict their movements and ensure their deportation. Nevertheless, in the process of categorization (after filing application for asylum and before reaching final decision), many of them voluntarily disappear into illegality. There are many reasons for this, but the fact that they have an approximately 50 per cent chance of being rejected by the 28 Member States of the EU contributes greatly to their decision. As the author emphasizes, ‘illegality’ denotes that they do not hold any legal status and are therefore also without a political status; nevertheless, they are still present in the countries of the global North. They are not in a liminal position, as there is in fact no transition in either direction. Illegal migrants residing in the global North transit countries are simply there: suspended in a legal (and often political) vacuum and ‘erased’ by formal technocratic systems. Oelgemöller’s book aims to challenge the perception of these ‘suspended’ migrants as a threat to stability and security, on the one hand, as well as their disempowerment by treating them as victims (that is, subjects of normative violence), on the other.

1 Judith Butler, Bodies That Matter: On the Discursive Limits of ‘Sex’ (Routledge 1993).
The first part of the book discusses how technocracy enables normalization of migration management through a systematic approach towards what the author describes as sanitized problem solving that is tightly intertwined with national and social boundaries imposed by the global North. Migration management is manifested by processes in which people are tagged, categorized, and referred to on the basis of rules and policies that distinguish between ‘deviant’ and ‘normal’ migrants. This differentiation promotes neo-liberal consensus constructed upon the notion of citizenship and questions of legitimacy and access.

The second part of the book focuses on the formation of the IGC and the fact that important political and policy decisions relating to people being forced to flee their home countries were made by a small group of like-minded people. The author highlights the role of three distinctive ruptures that form the discourses of securitization and entrepreneurialization within the neo-liberal consensus. First, there was the alleged ‘crisis of democracy’ and fear of ‘excess of rights’ that began in the late 1960s; next came the restructuring of the global economic system; and, then, the Indochinese refugee crisis. These global events are highlighted in the context of the global North’s (re)actions that led to the formation of the IGC and explain the specific nature of its operation. The author further discusses how secretive consultations between like-minded individuals, together with the lack of public discussion of proposed solutions, contributed to the unquestioned, undoubted, and unchallenged hegemonic narrative of the migration management doctrine and practices.

The author not only questions the legitimacy of such processes, but also analyses the disturbing effects of informal plurilateralism operating as a ‘policy laboratory’. This laboratory, or think-tank incubator, is a place where ideas are framed, agendas set, and practical policies generated, tested, and promoted in opaque ways. Oelgemöller’s arguments are persuasive; for example, she argues that the IGC’s consultations legitimize its own undemocratic work by validating the notions of sovereignty, control, and authority, and creating a system of technocracy that masks an absence of true democracy and disables opportunities for dissensus. People’s mobility, and the knowledge production surrounding that mobility, is surrounded by the rhetoric of ‘crisis’ and ‘emergency’ that threaten the stability and sovereignty of the global North. In this context, issues of protection, humanitarianism, and also instrumentalization of people for growth (for example, ‘seasonal workers’ or *Gastarbeiter*) are no longer high on political or policy agendas.

The third part of the book offers further insights into technocracy, justified by practices of informal plurilateralism implemented by the EU. Technocracy utilizes consensus democracy and legalistic rhetoric, thus opening the doors to normative violence. The legitimation of the constitution of human beings by temporal and spatial fixity constructs the notions of ‘legal’ and ‘illegal’ migrants, with the latter being ‘suspended’ and ‘erased’ from the realms of the global North but who continue to live amongst us in precarious situations, actively contributing to the economies and societies from which they are expelled.

In her final reflections, Oelgemöller presents some solutions. First, would be complete freedom of mobility without access requirements. Oelgemöller cautiously questions this solution that would require (re)thinking the alternative systems enabling
organization of the social realm in a meaningful way. She argues that boundaries are critical for the establishment of social meaning and social order in societies and communities. Freedom of mobility would therefore require potentially overwhelming reorganization of current social systems. As an alternative to current technocratic and often deeply dehumanizing practices of migration management, she discusses the possibility of simply focusing on the practicalities, or, specifically, on adherence to human rights standards. Unfortunately, this approach often overlooks the negative effects of IGC and EU policies and practices that ‘invalidate the existence of some people to the point that logically human rights do not apply’ (p 183). Consequently, a human rights perspective is exposed to criticisms and lacks the strength to present recommendations that can lead to an actual (social and policy) change.

The third proposed option is simply to move away from categorization and labelling migration discourses and migrants in terms of their (il)legality, deservingness, or prioritizing the entrepreneurial potential of some and the lack of skills of others, or even contributing towards victimization of certain groups or individuals versus criminalization of others. The author suggests a radically different, out-of-the-box perspective that would enable us to move away from binary predispositions towards empowerment of the ‘suspended’ ones. She emphasizes that recognition of people and their ability to live their lives outside the banality of technocracy should lead our efforts towards alternative and feasible solutions. Oelgemöller postulates ‘recognition’, which gives people an opportunity not only to reinvent themselves on their own terms, and to construct their own legal spaces, but also to be vocal and to critically question mainstream understandings of the basic terms relating to migration. She criticizes the inability of consensus democracy to provide a platform for constructive debate, especially considering the tendency of consensus democracy to depoliticize. She proposes opening a space for ‘dissensus, a quarrel over basic definitions, assumptions and allocations of space and function’, allowing alegal spaces to be inhabited by ‘life and meaning’ (p 183). Only when the question – ‘What problem do the suspended [that is, illegal migrants without status] solve for Migration Management?’ (p 172) – is answered, will it be possible to challenge the work of the IGC, and normative violence leading to suspension, and open up possibilities to initiate and inhabit alegal spaces and for dissensus to happen.

Oelgemöller’s work echoes Michel Foucault’s notion of knowledge, which is not made for understanding but for cutting, and it cuts deep. Her analysis and interpretation of the current state of affairs in the field of migration management draw from critical theory and, more narrowly, from post-anarchist thought and critical international theory represented by scholars such as Jacques Rancière, Arendt, Butler, Foucault, and Ernesto Laclau.

The Evolution of Migration Management in the Global North provides a well-informed, theoretically based analysis of concepts that have become integral elements of policy and research discourses, translated into the practices of many organizations, and therefore too often left unquestioned. Above all, the book provides an overview and an analysis of existing alternative solutions that frequently lead to the categorization of migrants as being a threat to security, or skilled contributors to global North economies, or victims

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of oppressive technocracies. The author advocates a radically different alternative, moving away from top-down approaches towards the recognition of people suspended by formal systems, yet still finding ways to become part of our communities.

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Even if the appellant’s claimed activities in Afghanistan were substantiated, he was not entitled to asylum in any event. This was because his claim that he had fought against ISAF, if accepted, meant that he had been guilty of acts contrary to the purposes and principles of the United Nations and was therefore excluded from the definition of refugee by reason of article 1F(c) of the Refugee Convention.¹

Yao Li’s *Exclusion from Protection as a Refugee: An Approach to a Harmonizing Interpretation in International Law* analyses and interprets article 1F, the ‘exclusion clause’, of the 1951 Refugee Convention, which sets out the criteria by which certain individuals may be excluded from refugee protection, and ‘thus from a human rights protection regime’ (p 110). The exclusion clause found in article 1F is there to disqualify persons from the benefits of refugee status by reason of serious transgressions committed, in principle, prior to seeking asylum. The primary purposes of these exclusion clauses are to deprive the perpetrators of heinous acts and serious crimes of such protection, and to safeguard the receiving country from criminals who present a danger to that country’s security. While conducting this analysis, the author argues that the exclusion clause is a quasi-punitive provision and article 1F must ‘be construed by taking into account Criminal Law notions’ (p 7). Li provides ‘harmonizing interpretation’ as a means of interpretation of article 1F. ‘Harmonizing interpretation’ is a methodology in which conflicting legal regimes and purposes (p 7) are brought together and interpreted and balanced against each other for a more coherent international law. The author aims to apply this methodology to article 1F by balancing both refugee law and criminal law principles to achieve conciliation between the two, thereby applying both legal regimes so that one does not override the other (p 152). The study, therefore, also advances efforts to tackle difficulties arising from the fragmentation of international law as harmonizing interpretation seeks to offer a more consistent application of international law.

¹ *Al-Sirri (FC) v SSHD* [2012] UKSC 54, para 44.