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Forced Migration and Global Politics

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Dear Readers,

Greetings!

The two critical issues—human trafficking and the plight of migrant workers—demand heightened attention in this globalized world. Both issues are related to the exploitation of human beings, and in many cases, this exploitation is carried out with the intention of earning profits. Human trafficking represents a grave violation of human rights, while migrant workers, particularly the unskilled, face their own set of challenges. Many studies have argued that these workers are exploited and have limited access to basic services. As the world moves rapidly to achieve economic growth following the slowdown caused by COVID-19, the risk of human trafficking and exploitation of migrant workers, especially those recruited as unskilled labor in the informal economy, has once again increased.

In this issue, we discuss the prevailing anti-trafficking strategies, emphasizing their inadequacies in addressing the complex and global issue of human trafficking, through an article titled “Dominant Approaches in Counter Trafficking: A Constructive Critique in the Indian Context” by Vijayarasa, Ramona. This article critically examines the measures adopted by policymakers, which, in many situations, infringe upon the human rights of the victims. The second article, “Essential Resources to Support Struggling Migrant Workers,” addresses the challenges faced by migrant workers in the U.S. and provides a guide to assist them. Lastly, the current issue also includes a book review titled “Forced Migration and Global Politics,” reviewed by Andrew Mendy.

We invite readers to participate and share their experiences with us to have a meaningful engagement. You can communicate with us through email at editorinchief@grfdt.com. We wish you happy reading and look forward to your suggestions and comments.

Feroz Khan

DOMINANT APPROACHES IN COUNTER TRAFFICKING: A CONSTRUCTIVE CRITIQUE IN THE INDIAN CONTEXT

Abstract

Human trafficking is a highly complex phenomenon that persists, drawing hundreds of thousands of victims worldwide, affecting stable democracies as well as conflict ridden societies indiscriminately. Existing anti-trafficking mechanisms adopted by governments and international organizations are incommensurate with the magnitude of the issue. This article, drawing upon secondary sources, aims at a brief assessment of the incongruities between the intentions of anti-trafficking mechanisms and their real impact. In this regard, it attempts to explain the unabated, if not increasing, presence of the crime worldwide. Anti-trafficking measures, in many cases, instead of protecting victims, further infringe their human rights and thus re-victimize them. This article specifically analyses these concerns, and explores issues such as human trafficking within the framework of voluntary migration, and some of the shortcomings of the [UN Trafficking Protocol](#). Subsequently, it comments on the human rights impacts of anti-trafficking instruments in India. The article challenges some of the erroneous notions regarding victims and prevention measures in mainstream discourse and puts forward suggestions for approaching the issue from a better perspective.

Key words: *Anti-trafficking mechanisms, Human Rights, Human Trafficking, India*

Introduction

Counter trafficking mechanisms worldwide prescribe elaborate laws for prosecuting offenders but fall short when it comes to [preventing the crime](#) and [protecting victims](#). This could be because of inadequate awareness regarding the ground realities that drive human trafficking among stakeholders like governments, media, academia and religious institutions (Vijayarasa 2017, p.19). Statistics on human trafficking tend to be

inconsistent, owing to the surreptitious nature of the crime. Secondly, there exist a number of contentious definitions as to what involves human trafficking. Some countries conflate human trafficking, [prostitution and human smuggling](#), failing to make adequate distinction between these while some others routinely disregard internal trafficking and trafficking for non-sexual forms of exploitation. These incoherences hamper the proper investigation of the issue (Kapur 2007, 115).

Furthermore, victims of human trafficking or people who have had first-hand experience of migrant exploitation are rarely stakeholders in designing counter trafficking policies. Consequently, a substantial portion of existing counter trafficking mechanisms, like those in India and Nepal reflects a morally conservative approach centered on sexual exploitation/ prostitution. Thus, they fail to address intimate connection with poverty, migration, unemployment, labour laws, education and gender discrimination.

Domestic Prevention Measures and Curbing Migration

A particularly skewed approach in prevention measures is that most governments, instead of working towards eliminating exploitation at destinations, focus on restricting the actual movement of people. Some destination countries conflate human trafficking and immigration. These governments project it as an issue of national security (Ramona 2017, p 26) demanding restrictive immigration laws, a tactic aimed at stemming immigration and sex work (ILO 2105, PP. 2, 8). Consequently, policy measures may entail illegal detentions or immediate repatriations, even subverting principles of non-refoulement: actions which do tremendous harm to the human rights of migrants.

Whereas prevention measures in source countries often involve ‘safe’ migration policies placing excessive

restrictions on the mobility of prospective migrants. This particularly affects women and adolescents, limiting their rights to freedom of movement and livelihood (ILO 2019). South Asian governments, like in Nepal, have various labor migration policies which prohibit women of certain age groups from migrating for low skilled work in the Arab states and Southeast Asia. These restrictions on the grounds of age and gender entailed unintended consequences for women like increased dependence on irregular migration channels, which ultimately led to greater vulnerability to being trafficked (ILO 2105, p. 9).

Human trafficking is intertwined with irregular migration. Restrictive immigration policies prompt potential migrants to rely on informal recruitment channels and find themselves in exploitative situations upon arrival in destination countries. Similarly, age, gender and occupational bans criminalizing workers within policies worsen their vulnerability to abuses, rather than protecting them. Such restrictions on migration do not in fact deter victims from these risky expeditions as long as supply and demand in an occupation are strong and consistent, regardless of the nature of the work (ILO 2019, p.1).

Instead, policies aiming at formalizing employment relationships and eliminating exploitation at work should be pursued. This includes strong labor governance measures mandating the accountability of employers for ensuring compliance with international social protection standards and labor rights across supply chains. Safe migration programmes should be replaced with policies that support mobility by informed choice as in laws mandating labor recruiters to provide accurate information to potential workers on working and living conditions. Cross border trafficking could be best mitigated by cooperation between governments of countries involved and improving migrant protection schemes. Assigning special authority to police and border personnel to prevent trafficking is detrimental to the human rights of victims (ILO, 2019, p 3).

The UN Trafficking Protocol – Drawbacks of a Prosecution Oriented Approach

The UN Trafficking Protocol advocates for a '[human rights based](#)' approach. Such an approach practically

bases policies on assessing their impact on individual victims and ensuring that their human rights will be effectively protected. This demands accountability from governments and recruiters for contraventions of the same. Unfortunately, anti-trafficking mechanisms in almost every country radically contradict this victim-oriented approach (Pattanaik 2007, p 7).

In fact, some clauses in the Trafficking Protocol itself contradict this human rights-based approach, because the protocol is essentially premised on viewing human trafficking as a criminal enterprise, with prosecution of the trafficker given preponderance. This relegates the agency of the victim and his/her distinct experiences to secondary importance, thus narrowing the complex issue of human trafficking to a helpless victim malevolent trafficker dichotomy. This dents the ascertainment of the real factors which drive human trafficking. For example, the treatment of victims' consent by the protocol corroborates this incongruity. The consent of the victim should be proven as obtained through [malicious](#) means, the burden of which rests upon the prosecutor. If the employment of such prohibited means is proved, then the consent of the victim is immaterial before law. In case of absence of the prohibited means, the victim might not be thereafter deemed as trafficked. This procedure offers victims the proclivity to falsify their accounts and deny having given consent in cases where they were originally aware of the risks involved. Hence, it provides loopholes for the trafficker to escape indictment and punishment (Azimi, 2022).

Victim Stereotypes

This undue emphasis on the acts of the trafficker could be attributed to the notion of the quintessential victim of trafficking as propagated by the media- young, female, poor, uneducated, sexually abused, and totally incapable of discernment. But in reality, trafficking rarely corresponds with the narrative of the kidnapped and helpless young woman; instead, it involves more frequently economic migrants (Vijayarasa 2017, 44). In their research based in Ukraine and Vietnam, Vijayarasa and others concluded that the more educated and financially sound sections of the society had a higher vulnerability to being trafficked (Vijayarasa 2017, pp 101, 123, 132). In such circumstances, human trafficking was driven by voluntary migration, owing

to seemingly better prospects of life in destination countries, but the victims finding themselves in situations of exploitation after arrival (Vijayarasa 2017, p 123).

The definition of human trafficking as encapsulated in the Trafficking Protocol fails to accommodate these forms of trafficking and therefore, Vijayarasa calls for an alternative definition, which discards victim stereotypes and acknowledges trafficking's intimate connection with economic migration (Vijayarasa 2017, p191). Hence, legal instruments premised on the protocol should adequately address non-sexual forms of trafficking like forced labour.

Shortcomings of Domestic Anti Trafficking Laws and Their Enforcement in The Indian Context

India lacks a comprehensive definition of trafficking either as a common minimum platform for states to coordinate or for prescribing remedies for all kinds of trafficking (Thomas 2011, pp 36,37). The Immoral Trafficking Prevention Act, India's cardinal anti-trafficking law, almost exclusively focuses on sexual exploitation and hence, non-sexual forms of trafficking go severely under-recognized. A patriarchal bias permeates anti-trafficking laws in India, as the discourse on anti-trafficking largely revolves around the legality of prostitution and the moral turpitude associated with it. Additionally, the ITPA couldn't be called a sensitive law as it does not draw adequate distinction between the trafficker and the victim, and hence contains provisions which punish victims, for instance (Thomas 2011, pp 36,37).

[As per statistics, cases of human trafficking are increasing in India. Yet disproportionately few victims are identified. India has an extremely low conviction rate of 27 percent¹. This could be because of a lack of robust investigation system and a justice system that is largely inaccessible to victims².](#) Even when traffickers have been identified, there are few arrests and much lesser prosecutions (Jones & others 1985, P 8).

Indian anti-trafficking laws have been developed without adequate participation of victims or vulnerable groups like migrants, sex workers and people engaged in low skilled jobs in the unorganized sector. India

doesn't have a comprehensive migration policy and the existing migration laws adopt different standards for dealing with emigration, immigration and repatriation, the impact of which is influenced by the religion, class and gender of the subject (Pattanaik 2007, p 128).

Human Rights Impact of Anti-Trafficking Laws in India

The preponderance on sex work, in practice, vilifies sex workers, disregarding the fact that they have human rights to dignity, freedom and livelihood. This is manifest in "brothel raids", which are coercive exercises forming the initial step towards 'rescuing' women and children in the commercial sex industry, ignoring whether the adult sex workers were trafficked or voluntarily inducted. The ITPA gives disproportionate authority to police officers and magistrates in matters related with the rescue and rehabilitation of victims. This is detrimental to the interests of the victim as instances of police officers manhandling sex workers and communally motivated raids are common. (Pattanaik 2007, p 123).

Some laws regarding human trafficking unjustly punish women involved in prostitution while the perpetrators, who can be the trafficker who recruited these women for sex trade or brothel keepers who lodge them in exploitative conditions, are let off with minimal sentence – something that induces traffickers commit the crime with impunity. Because of this, in Indian brothels, women who were or had been sex workers often hesitate to co-operate with law enforcement agencies fearing reprisals from corrupt police and brothel owners (Jones & others 1985). This lack of a conducive atmosphere for victims to testify and an absence of witness protection schemes coupled with protracted legal proceedings undermine the detection and punishment of violators.

The immediate redress offered to victims are administrative detention centers, which often involve the loss of liberty, deplorable living conditions and invasive medical tests. This may prompt victims to hark back to prostitution. Therefore, such inordinate detentions should be immediately abandoned (USD 2022). Circumstances like these indicate that existing counter trafficking mechanisms need to be revisited as they imperil the human rights of victims while having

insufficient punitive impact on the trafficker.

Conclusion

The effective addressing of human trafficking requires a radical shift from conventional and stereotypical notions surrounding human trafficking and its victims, which dominate mainstream policy discourses. Anti-trafficking policies and interventions should be developed on an evidence-based approach drawing upon consultations with people who have been trafficked and other vulnerable groups like irregular migrants and sex workers. Legal instruments must acknowledge trafficking's inextricable link with economic migration especially, when it is pursued via informal channels of recruitment. Formalization of recruitment channels and mandating compliance with international labor standards from employers and recruiters along with better intergovernmental coordination help at preventing labour and sexual exploitation of migrants. Such a holistic approach centered on upholding and effectively protecting the human rights of victims and vulnerable communities is an indispensable step towards eradicating human trafficking.

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Tawafuddin Azimi is a PhD candidate at Mahatma Gandhi University, Kottayam, Kerala. He has been on the staff of the Attorney General of Bamiyan province in Afghanistan and is one of the founders of Partnership for Justice, a social institution based in Afghanistan. He has done an Internship at Global Research Forum on Diaspora and Transnationalism (GRFDT). He has authored a few articles and book reviews, all of which have been published by *The Migration News*. And he holds an MA in International Relations and Human Rights from Mahatma Gandhi University. He can be reached at tawafazim@gmail.com Twitter @Tawafuddinazim

ESSENTIAL RESOURCES TO SUPPORT STRUGGLING MIGRANT WORKERS

Migrant workers play a vital role in the American workforce. They contribute to society in countless ways, from supporting the agricultural industry to bringing unique cultural perspectives to present-day problems. Unfortunately, many migrant workers are economically exploited by their employers, on whom they are dependent for basic necessities including housing and access to healthcare.

Do you want to help? Here's how you can offer assistance to struggling migrant workers in your community, courtesy of [The Migration News](#).

Managing Stress as a Migrant Worker

It's no surprise that American migrants are stressed. Challenges like living in poor conditions, working for exploitative employers, and being responsible for family back home will take their toll on anyone. And the pandemic did not make things easier for these individuals. Due to unequal access to health services, migrants faced [increased stress and anxiety](#) during the pandemic, out of which many are still trying to emerge.

Like anyone else, migrants can benefit from stress-management [techniques like deep breathing and meditation](#). These techniques can help them to be calm and avoid stress-related health issues even during difficult and stressful times. You can also share information about the [mental health benefits of decluttering](#). It is easy for things to pile up when we are busy, and stressed migrant workers struggling to make ends meet are no exception. But removing clutter can actually help reduce stress and anxiety, which allows people to think clearly and focus on what needs to happen next in their lives.

The children of migrant workers also face unique challenges, as sometimes their families move with seasonal work, or they themselves are needed to work during the busy seasons. The National Migrant and Seasonal Head Start Association (NMSHSA) offers [local early childhood education resources](#) to relieve

stress for migrant working parents.

Access to Basic Necessities

Migrant workers often depend on their employers for basic necessities, which opens them up to exploitation. Help migrant workers connect with the resources that are available to them!

Gather: Gather is a [nonprofit organization that distributes nutritious food](#), as well as nutrition education and healthy living recipes, to Seacoast residents facing hunger.

Migrant Health Program: the federal Migrant Health Program provides care to migrant farmworkers and their families through a [nationwide network of migrant health centers](#).

MSPA: all migrant workers should [learn about their rights](#) under The Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

Affordable Housing Programs: there are also many programs that [provide affordable housing to immigrants](#) in the US.

Resources to Combat Social Isolation

Migrant workers often face social isolation and resulting mental health challenges. Many felt the effects of social isolation worsened during the pandemic.

Helpful Communal Apps: migrants can take advantage of tools like MeetUp.com and Halfofus.com to [combat feelings of social isolation](#).

Volunteer Opportunities: immigrants to the U.S. can get to know the local culture and meet people by [volunteering in the community](#).

Be an Ally: as an American citizen, you can [help end the stigma](#) against migrant workers and help them feel accepted in our society.

Provide Resources Yourself: last but not least, you can lend a helping hand to migrant workers by [starting a nonprofit organization](#).

Resources to Combat Social Isolation

Being a migrant worker in the U.S. is far from easy. If you want to support those who are struggling, there are countless impactful ways for you to get involved! Start by educating yourself and others about the challenges

facing migrant workers as well as the resources that are available to support them.

Stephanie Haywood is happy to be living her best life. Personal development and self-care gave her a boost when she needed it most, and now she works to share the gift of self-knowledge, selfcare, and self-actualization with everyone who visits MyLifeBoost.com.



The image shows the cover of the journal "Migration and Diasporas: An Interdisciplinary Journal". The cover is teal with yellow text. At the top right is the GRFDT logo, which consists of a globe with green leaves and the text "GRFDT Global Research Forum for Diaspora and Transnationalism". The main title "MIGRATION AND DIASPORAS: AN INTERDISCIPLINARY JOURNAL" is centered in large yellow letters. Below the title, it says "For more details, email to: Email: migrationanddiasporas@grfdt.com". A large yellow "Call for Paper" is written in a script font. At the bottom, there are three overlapping images of the journal cover, and the website "www.grfdt.com" is printed in white.

Book Review

ALEXANDER BETTS (2009); FORCED MIGRATION AND GLOBAL POLITICS, EBOOK ISBN 978-1-4051-8032-0. (2009) WILEY BLACKWELL PUBLISHERS. 223 PAGES.

The Book *Forced Migration and Global Politics* is an in-depth and groundbreaking scholarly study of Alexander Betts who is an astute Hedley Bull Research Fellow in International Relations at the University of Oxford and doubles as the Director of the MacArthur Foundation-funded Global Migration Governance Project. The book is published in 2009 and seeks to critically examine the notion of forced migration drawing from both theoretical and practical accounts and trends to understand and address the blight of forced migration. However, the book therefore attempts to close the gap between forced migration studies and International Relations. It thus integrates the literature on International Relations and the literature on forced migration and how these two phenomenon feed into each other. Primarily, it sheds light on how states and other actors respond to displacement and forced migration.

The book spans 184 pages and is divided into eight interrelated chapters excluding the introduction, each of which addresses the phenomenon of forced migration and its intertwined relationship with International Relations and Global Politics. Both the breadth and the depth of the study into this complicated, ever-evolving and global-focused phenomenon are highlighted in the chapters. The book analyses and covers a variety of topics, including forced migration, refugees, security, sovereignty, globalisation, regionalism, global governance, and International Corporation. The chapters distinctively provide a critical theoretical and practical lens to some regional and international case studies, highlighting the causes of forced migration and intersections between the various lines of inquiry and the difficulties faced by both internally and externally displaced persons and the consequences from the Micro state level to the macro international level and vice-versa.

In the “Introduction”, the author introduces a set of

key concepts and debates within the broader discipline of International Relations and its relevance to forced migration while citing historical and contemporary case

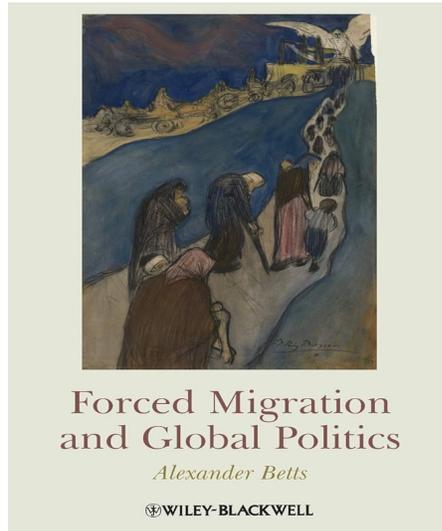


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studies to integrate the theory with specific empirical examples. In addition, the author succinctly highlighted the different categories of forced migration which includes refugees, conflict-induced internal displacement, development-induced displacement, and environmental displacement and the relationship between forced migration and global politics which argued in the chapter exist in three different levels: causes of forced migration, the consequences of forced migration and the responses to forced migration which unarguably lies at the heart of global politics. The author claims

that politics is one of the primary causes of forced migration (p.11). To him, mass human displacement is closely knitted with trends in the international system, geopolitics, and the global political economy. Notably, the author argues that trends at the International level may shape and influence the conditions of domestic politics in a faraway country that may lead to human displacement. Thus, to corroborate this assertion, the 1980s Western-inspired Structural Adjustment Policy in Africa an apt example in this context. The introduction of the Structural Adjustment Policy and its stringent economic conditions which derive its inspiration from the Washington Consensus have generated widespread discontent in Africa which led to a mass exodus of Africans to different parts of Europe. However, the causes of forced migration can also be studied from a domestic perspective but the focus is on the Global Level. Furthermore, the consequences of forced migration can be far-reaching. The author argues that events that happen at the Global level may have adverse consequences in domestic politics. For example, the

1884 Berlin Conference otherwise dubbed the so-called “Scramble and Partition of Africa” that have arbitrary borders which many scholars have claimed to have political, social and economic consequences on the African Continent and has led to many wars of succession created

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In chapter one “*International Relations Theories*” the author aims to lay out the theoretical lenses through which International Relations theory can provide an understanding of the global politics of forced migration. The chapter first describes the major theories of international relations before suggesting how each of them may explain how states and other political actors behave in regard to forced migration. Thus, the author outlines different international relations theories which includes Neo-realism, liberalism, constructivism, feminism, and Marxism and then offer each theory’s views in relation to forced migration.

In chapter two **“Sovereignty and the State System”** the author argues that since seventeenth century, the idea of the nation-state has become a central feature in world politics. The notion of sovereignty as any integral feature of the modern nation-state derived its origin during the culmination of the Westphalia Treaty of 1648. The legitimacy of the state system has been supported by the concept of state sovereignty, which describes the legitimate exercise of power of the state over a given area of territory or a people. This chapter attempts to unpack the complex relationship between state sovereignty and forced migration. It provides an historical perspective that highlights the evolving and mutually constitutive relationship between them. The chapter begins by explaining the concept of state sovereignty in historical perspective. It then explains how sovereignty and statehood are dealt with by different theoretical perspectives in International Relations.

In chapter four **“International Cooperation”** the author claims that International Cooperation is necessary for overcoming the most serious negative consequences of forced migration. No one state acting in isolation is likely to be able or willing to address a large scale refugee or Internally Displaced Persons situation by itself. This chapter therefore provides the tools and concepts for understanding the conditions under which international cooperation takes place in relation to forced migration. It attempts to highlight the role that actors such as United Nations High Commissioner for Refugees (UNHCR) can play in facilitating international cooperation. The chapter divides into three parts. Firstly, it explains the competing theoretical perspectives on international cooperation, drawn from neo-realism, liberal institutionalism, and constructivism. Secondly, it applies these to explore their relevance to forced migration by looking at burden-sharing in the global refugee regime. Thirdly, it explores two empirical case studies of successful international cooperation in the refugee regime – the Comprehensive Plan of Action on Indochinese Refugees (CPA) and the International Conference of Refugees in Central America (CIREFCA), both of 1989 – in order to assess the conditions under which international cooperation has taken place in the refugee regime (p. 80).

In chapter five **“Global Governance”** the author argue in the literature that in recent years the study of global governance have dominated the academic and development discourse and as well a major focus of

International Relations. This chapter introduces the main debates and analytical tools within the study of global governance and demonstrates how they can be applied to the study of forced migration. Firstly, the chapter begins with an overview of global governance. It defines global governance, explains the genesis of the idea of “global governance,” and identifies some of the conceptual challenges inherent to analysing global governance. Secondly, it then outlines some of the main debates and conceptual tools in Global governance and their relevance to forced migration.

Chapter six **“North-South Relations and the International Political Economy”** therefore situates the study of forced migration in the broader context of International Political Economy and North–South relations. It addresses two main areas. Firstly, it outlines the main debates in the International Political Economy literature and highlights how they have been applied to develop a critical International Political Economy approach to the study of forced migration. Secondly, it explores the question of North–South cooperation and the different ways in which this approach has been applied to understand international cooperation in relation to forced migration.

In chapter Seven **“Globalization”** the author claims that state borders is increasingly eroding and time and space is becoming irrelevant in world politics due to Globalisation. Thus, the chapter examines the relationship between forced migration and globalization. It further extends to study the causes and consequences of globalisation. The spread of liberal values such as democracy is creating a cosmopolitan cultural and political framework within the Global society. It then studies the relationship between forced migration and globalisation through a case study of the so-called “asylum-migration nexus” (p.160).

Finally, in chapter eight **“Regionalism”** therefore attempts to explore the relationship between regionalism and forced migration. It divides into three parts. The first part sets out the main theories of regionalism derived from International Relations. It explains the varieties of regionalism and theories that have been developed to explain regional inter-state cooperation. The second part explains the relevance of regionalism for forced migration whereby nations-states within the same region collaborate through common legal framework, policy harmonization and dialogue towards tackling the menace of forced migration.

The focal point of this scholarly literature is to critically examine the notion of forced migration from the context of global politics and international relations. The author uses global lens to underscore the relevance and role of states and non-state actors in addressing forced migration. However, one criticism of this book is that it has not been able to distinctively address the variant processes of forced migration based on historically pervasive cultural standards in relation to the notion of forced migration. Despite its pitfalls, the authors advanced relevant arguments and draws on diverse case studies to underscore his analysis. Not only would it serve as an important foundation for future research but will also be of practical use both to academicians, international development workers, diplomats and practitioners working in the field, and policymakers aiming to further explore and transform this crucial phenomenon called forced migration and global politics .

Andrew Mendy holds a Bachelor of Science Degree in Political Science from the University of the Gambia and a Certificate in Migration Governance and Diaspora Engagement at Global Research Forum on Diaspora and Transnationalism. His area of Research and Academic interests lies in Comparative Politics, Human Rights, and Democratic Governance. While hoping to pursue his postgraduate studies, Andrew is currently working at GloCal Consulting Ltd and the same time doing a Research Internship at Global Research Forum on Diaspora and Transnationalism a think tank research firm in India. Email; Andrewmendy01@gmail.com

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