



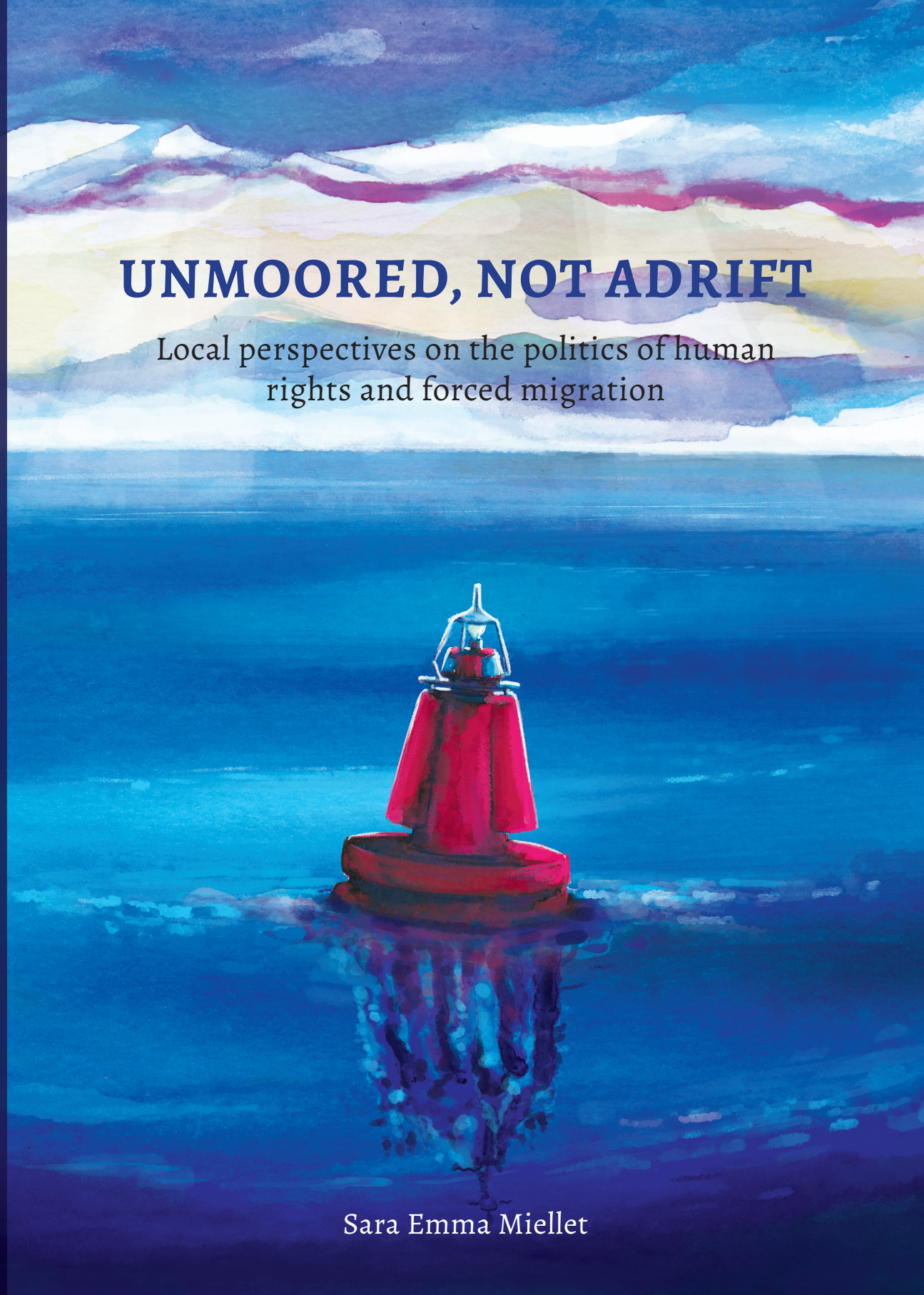
UNMOORED, NOT ADRIFT Local perspectives on the politics of human rights and forced migration

Sara Emma Miellet



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LOCAL PERSPECTIVES ON THE POLITICS OF
HUMAN RIGHTS AND FORCED MIGRATION

Koers Verleggen
Mensenrechten en gedwongen migratie
vanuit lokaal perspectief
(met een samenvatting in het Nederlands)

Proefschrift

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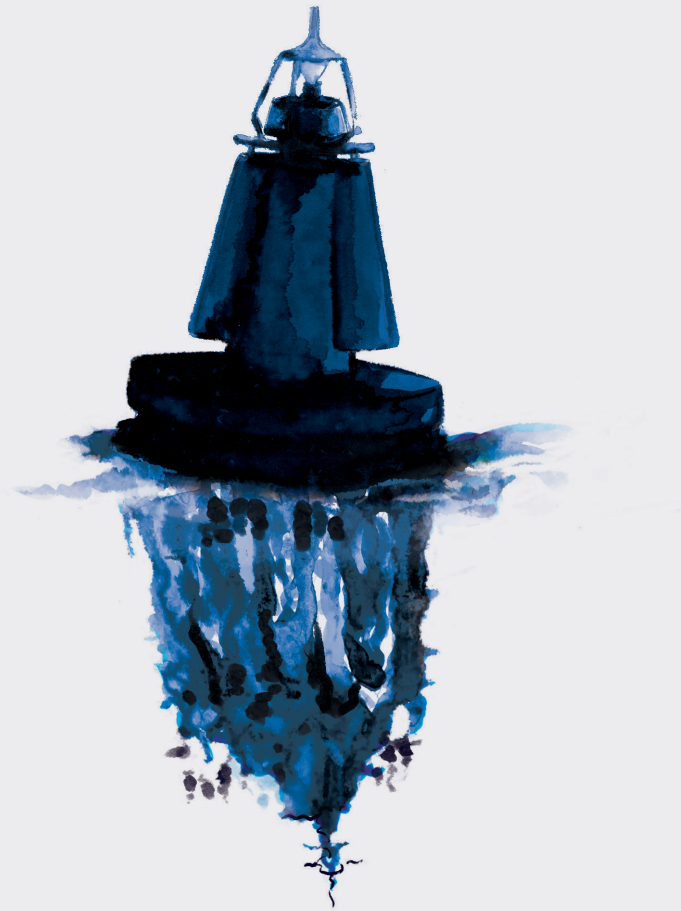
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**To Vera Meijering and everything that she contributed
to migrants' struggles for their rights in Utrecht**

Voor Vera Meijering, ter herinnering aan alles wat zij voor de stad
Utrecht op het gebied van mensenrechten en migratie heeft betekend



Chapter 1

Introduction

Introduction

‘But how old is the Dutch state?’ I was sitting in a brightly lit classroom in Tilburg, attending a civic integration workshop on Dutch norms and values, when one participant, a young woman from Syria, posed this question. The teacher was surprised, and her eyes were looking to catch mine for an answer to this question, which was evidently not part of the usual repertoire of this class. Earlier that morning, we had explained my role as a participant observer and the purpose of my research and affiliation with Utrecht University. The teacher’s surprise and my smile were met with smirks and laughter from the others in the room. Still smiling, I finally answered ‘good question’, and ‘it depends a little on our understanding of the state’. The question led to an interesting albeit brief conversation on our understandings of the state, as well as nations, republics and kingdoms. I still remember how this moment brought home a longstanding personal interest in encounters with and the paradoxes of the state, among other things, in anthropological perspectives on the state as embedded in everyday lives rather than as some imagined unitary entity standing above society. For something that structures and shapes everyday practices and experiences, the state and statehood, however, remain hard to grasp. A well-known paradox that the young woman’s question suddenly brought into focus, and one that has shaped this research on forced migration, human rights and local authorities.

This dissertation centres on an empirical investigation of how municipal actors understand and contest the potential and limits of human rights-based migration policies and practices in Dutch and German localities. The study upon which this dissertation is based was conducted within a broader project, the Cities of Refuge research project. *Cities of Refuge* was a 5-year (2017-2022) research project funded by the Dutch Research Council (Nederlandse Organisatie voor Wetenschappelijk Onderzoek). The project explored the relevance of international human rights law, practice and discourse to how local authorities welcome and integrate forced migrants. Empirically, it focused on conducting research in localities in six countries that differ substantially in terms of constitutional dispensation, level of decentralisation, and intensity of arrivals: Germany, Greece, Italy, the Netherlands, Switzerland and Turkey.

This dissertation’s title ‘unmoored, not adrift’ refers to *local authorities’ involvement* in migration governance. Unmoored is used in a twofold sense, first to bring into focus how local authorities diverge from restrictive national frameworks by developing human rights-based responses to the reception and inclusion of forced migrants.

Second, it invokes a sense of ambiguity that stands in contrast to normative appraisals of the local turn in migration governance, which frame the growing involvement of local authorities as an inevitably positive development conducive to human rights protection. This is also what ‘not adrift’ aims to capture: that the scope and political value of local authorities’ involvement in the reception and inclusion of forced migrants is neither self-evident nor straightforward. This ambiguity is reflected in, for instance, municipal actors’ radically different understandings of local authorities’ human rights responsibilities and the scope for interpretation offered in legal frameworks to develop inclusionary policies for forced migrants. The challenge is therefore to unpack these complexities within localities and within municipal organisations, as well as to analyse convergences across vastly different local contexts without framing the state as a consistent, unitary and enduring structure.

Not long after the encounter in the opening paragraph, I returned to Tilburg, this time to visit a refugee shelter in a neighbouring village. This shelter, known as ‘the Hearth’, was established in 1999 by a congregation of the friars of Tilburg. The friar who coordinated the shelter, chronicled its history during our conversation in the office of the friar house, a spacious room with a high ceiling and walls decorated with religious paraphernalia. Of the many things we discussed that day, two things struck me then and have stuck with me ever since. First, how the friars operated the shelter in close collaboration with refugee rights and social welfare organisations, even though without the financial support of the municipality. Until its closure in 2019, the shelter offered refuge to particularly vulnerable asylum seekers whose asylum applications were refused, while the municipality offered rudimentary emergency social assistance to refused asylum seeker elsewhere in the city. When the Hearth finally closed its doors, the municipal council urged the local government to expand its emergency social assistance offered to forced migrants with precarious status.

The other thing that stood out was how the friars and their temporary residents navigated the excesses and unexpected outcomes of changes in national legal frameworks and policies. As my interlocutor explained, until a few years ago, they primarily accommodated families who could also count on support from others in the village such as the local school. However, when the Dutch government opened so-called ‘family locations’, return facilities for refused asylum seeker families, the composition of the Hearth’s guesthouse changed because families with children were entitled to shelter in state facilities. Eventually ties with the village weakened and cracks in the fragile local welcome culture appeared. According to

my interlocutor, this was mainly because the plight and psychological problems of the guests became increasingly complex. Many had lived irregularly for years with little to no prospects of regularisation. Another complicating factor was that the friars began to notice their age. At the time of our conversation, all friars were aged between 70 and 90. I recollect the story of the Hearth here as an illustration of the 'prosaic geographies of state power' (Painter, 2006), as well as the 'fragility of welcome' (Darling, 2018).

A few months later, in June 2019, my fieldwork brought me back to Leeuwarden: the city where I had spent some months talking to activists, social workers and members of the municipal council, administration and executive, on topics related to refugee welcome, inclusion and human rights. At the time, it was buzzing with initiatives that had emerged in response to the sudden increase in refugee arrivals in 2015. Some had also been catalysed by the city's 2018 Capital of Culture programme. On this day, which coincided with the World Refugee Day, eight local organisations handed a manifesto to the city officials asking them to 'place a refugee welcome and inclusion high on the local political agenda'. The event location on the top floor of the city's tallest building offered a view of the city and its surrounding villages, thereby aligning with the organisers' goal. Their manifesto was not a cry for help but a call to action by local organisations and individuals that had shouldered much of the labour of welcoming forced migrants. Municipal responses to the arrival of forced migrants had been slow since the sudden increase in refugee arrivals in 2015-2016. However, local social movements as well as faith-based, civil society and welfare organisations had immediately established a platform to coordinate the support for refugees arriving in the city. At the time of this event, the platform was still at the forefront of inclusionary measures for forced migrants but operating alongside the municipality, which was now trying to take the helm again.

Some of the stories shared that day, were first-hand accounts of the difficulties of navigating municipal bureaucracies as a forced migrant. Tales about the transition between life under restrictive conditions in refugee shelters where everything is decided for you, to a life after status recognition, where you are on your own and left to the mercy of a market to find language and orientation courses to complete mandatory civic integration requirements. Altogether, they painted a picture of a shifting dynamic, not without frictions and contradictions, between municipal actors and other local stakeholders involved in the reception and inclusion of forced migrants. In Leeuwarden, for instance, it was not the municipality's human rights ambitions – the focus of this dissertation – that created an opening for social mobilisation directed towards the local government. Rather, it was the

municipality's efforts to position Leeuwarden as a city with an outward-looking, open sense of community (Iepen Mienkip) as part of its European Capital of Culture Programme that had raised the stakes.

Eventually, my fieldwork took me across the border to the German cities Nuremberg and Heidelberg, where I studied the interplay between the politics of human rights and forced migration. Despite very different contexts, I began to notice some convergences, seemingly familiar patterns and dynamics within municipal organisations and among and between various actors in these cities. However, my research in Germany was abruptly cut short in March 2020 with the outbreak of the Covid-19 pandemic. At that time all sorts of things seemingly came to a standstill, and I needed to reorient the scope of my research. The choices that I had to make during this period filled with uncertainties undoubtedly changed the research project underpinning this dissertation. In the hope that my research on Dutch and German municipalities would still enable some comparative perspectives on the local politics of forced migration and human rights, I narrowed the scope of my fieldwork in German localities. My focus there was on municipalities with a relatively longstanding experience and proactive approach to both human rights and forced migration. This also means that some stories, such as those from Leeuwarden and Tilburg that do not explicitly revolve around the politics of human rights, are yet to be told in full. I included these three vignettes from Tilburg and Leeuwarden here to introduce some of the processes, practices, protagonists and spaces involved in the local (human rights-based) reception and inclusion of forced migrants.

In the remainder of this introduction, I zoom in further on the main themes of the dissertation: local authorities and the politics of human rights and forced migration. I discuss on-the-ground developments as well as developments in the scholarly literature. After presenting the dissertation's theoretical underpinnings and conceptual considerations, I outline the research question and sub-questions, and conclude with methodological reflections.

Local authorities and the politics of human rights and forced migration

The arrival and settlement of forced migrants has often been framed as one of the biggest contemporary challenges for central and sub-national authorities alike. Figures of the unprecedented number of people forcibly displaced are commonplace in debates on (im)migration, and the number 80 million, referring to the number of

forcibly displaced persons worldwide at the time of writing, has become a recurring trope in debates on migration. In recent years, another number has been added to the mix, and this one too, is already sounding familiar: the prediction of the United Nations Refugee Agency (UNHCR) that by 2050, there will be an estimated 200 million forcibly displaced persons worldwide.¹

In debates on forced migration, especially those focusing on problems, numbers occupy a special place. Discussions on border control often feature exaggerated numbers of refugee arrivals to justify restrictive immigration policies (Schrover & Schinkel, 2013). On the other side of the spectrum, in debates on welcoming and solidarity initiatives, we can also observe an over-emphasis on numeric aspects of welcome over lived experiences (Gill, 2018). As migration historians and scholars note, this speculation about numbers, also known as the ‘numbers game’, is nothing new (Van Dijk, 1988). The same goes for stereotypical metaphors of ‘flows’ and ‘waves’ to describe the arrival of forced migrants. When reading historical accounts of immigration control in specific locales, including those long before the emergence of national migration regimes (Mongia, 2018; Hirota, 2016), it is hard not to be struck by some of these historical continuities. Historical perspectives also show that localities often have much more longstanding experiences with welcoming forced migrants than policy studies have tended to show (Schmidt, 2017).

At the same time, there are notable new and transformative developments when it comes to local authorities, human rights and forced migration. These can be illustrated through an example of the numbers game. In the European context, some local actors have responded proactively to the plight and arrival of forced migrants at a time when effective national or European policies were either missing or falling short (Schwartz & Schwenken, 2020). A well-known example is that of the Greek and Italian municipalities that offer shelter and support to those rescued at sea, despite lacking capacity, resources and a legal mandate (Sabchev, 2021). Besides emergency support, some municipal actors have sought to reframe migration debates. They have done so by emphasizing the human stories behind the numbers and the numbers behind the stories of solidarity.

In their attempts to show that another migration policy is not only possible but already unfolding locally, refugee solidarity campaigns such as the International Safe Harbour Movement also play the number game. This movement, which emerged in Germany in 2018 to protect the rights of forced migrants at sea, continuously maps and visualises

the growing number of local solidarity initiatives across Europe.² Some critics argue that this emphasis on visualizing social support is part of a strategic humanitarianism that seeks broad resonance and consensus instead of questioning exclusionary migration regimes on fundamental grounds (Schwartz & Steinhilper, 2021).

Another example of the centrality of numbers and figures is the digital ‘counter of shame’ that the mayor of Barcelona installed in July 2016. This digital billboard displays and tracks the number of refugee deaths in the Mediterranean Sea in real time. Inscribed on the pillar of the counter are the words ‘this isn’t just a number, these are people’.³ The idea of visualising the human stories behind abstract numbers is of course nothing new. For years, social movements and civil society organisations have sought to reframe migration debates in Europe through interventions in public space, for instance, by placing empty chairs on parliament squares to depict the number of refugees awaiting relocation or resettlement. Another example is the 4.222 dolls that some activists placed in a meadow in the Dutch village of Morra, to symbolize the forced immobility of unaccompanied refugee youth at Europe’s borders and camps, such as Moria on the island of Lesbos in Greece.⁴ However, the dynamics between grassroots solidarity, migrants’ rights campaigns and local authorities are subject to constant transformations, with research pointing towards a greater involvement of local authorities in migration governance and human rights protection. In the following, I contextualise this dissertation by zooming in on *three developments* that underpin my inquiry.

The *first development* is that local authorities, alongside many other local actors, have in recent years often proactively responded to the plight of forced migrants, upholding and protecting their rights, sometimes ‘against all odds’ (Sabchev, 2021) and oftentimes with little or no mandate, and few resources. In centralist countries such as Spain, where asylum and reception policies are the exclusive competence of central governments, cities such as Barcelona have nonetheless pioneered inclusionary measures for forced migrants (Garcés-Mascareñas & Gebhardt, 2020). In Central and Eastern European countries, there are also examples of local authorities pushing back against restrictive political environments or giving support in the absence of national policies (Ślęzak & Bielewska, 2022; Matusz, 2020). These examples point towards the proactive responses of local authorities: local practices and sometimes also policies that diverge from national policy frameworks.

² See for instance the Moving Cities Map: <https://moving-cities.eu/> and <https://staedte-sicherer-haefen.de/en/>

³ For more information see: <https://www.ciutatrefugi.barcelona/en/memorial>

⁴ For more information see: <https://www.kampmorra.nl/english/>

¹ See the UNCHR webpage on refugee statistics, <https://www.unhcr.org/refugee-statistics/>.

In some places, municipal actors draw on human rights principles to develop and legitimate divergent local practices and policies (Oomen et al., 2021). Often, such local inclusionary measures focus on providing emergency social assistance, such as shelters (Kos, Maussen & Doornik, 2016). In other instances, they work towards long-term and durable rights-based solutions to forced migrants' precarity and vulnerability, such as regularisation programmes (Kaufmann & Strelbel, 2021). Local actors, including those working for municipal organisations, are active on various issues, ranging from refugee rescue, relocation, resettlement and community sponsorship to asylum, refugee reception and long-term inclusion. Sanctuary initiatives often focus on the plight of forced migrants who are already present, while refugee solidarity initiatives have also directed their gaze to the future and to those yet to arrive (Vandevoordt & Fleischmann, 2021).

Not all local initiatives involve local authorities stepping up and taking actions *beyond* their institutional mandates. At the local level we can observe various forms of divergence from national policies, ranging from extra-legal defiance and dodging to discrete strategies and conciliatory approaches that seek an open conversation regarding the content and boundaries of the law (Oomen et al., 2021; Darling, 2022). In many EU countries, responsibilities in the field of reception and inclusion of forced migrants are shared between central, regional and local authorities in complex multi-level governance arrangements (Scholten, 2018) that also feature private sector and civil society actors (Darling, 2016). Sometimes, local initiatives fill the void of national policies that are absent or falling short and in other settings they are part of decentralisation processes.

A *second development*, therefore, relates to local inclusionary measures and policies that emerged, not as a result of proactive municipal responses, but against the backdrop of decentralisation processes. In welfare states with high levels of decentralisation, such as Norway and the Netherlands, municipal involvement in asylum governance and refugee (re)settlement takes place within the context of municipally provided generic welfare services that include forced migrants (Dekker & Bokhorst, 2020; Søholt & Aasland, 2021). In the Netherlands, the Participation Act (2015) is a case in point. The scope for interpretation within this law enables Dutch municipalities to offer varying levels of support to recognised refugees when it comes to access to work and education. Municipalities can manoeuvre within this discretionary space so that recognised refugees can access (vocational) training and education with a view to durable and skilled work tailored to professional backgrounds. However, they can also disregard such pathways for inclusion and instruct job coaches to simply find any job, which often results in precarious minimum-wage employment, thereby devaluing refugees' skills.

The decentralisation of social welfare policies poses challenges for local authorities, but it also offers steppingstones to exert influence over matters such as asylum governance, which often fall outside municipal mandates. While most municipalities are still pursuing greater support and funding from the central government and seeking to build capacity, some municipalities have already successfully lobbied for greater influence over (forced) migration governance. Several cities were able to benefit from the direct access to EU funding without having to go via nation states (Oliver et al., 2020). Dutch local authorities teamed up with the National Association of Municipalities (VNG) to lobby for a greater say over civic integration policies for recognised refugees, and emergency social assistance and legal support to forced migrants with precarious status. Local authorities, in other words, are actively shaping legal landscapes by making use of ambiguous provisions in laws, and contesting the scope, content and share of responsibilities of legal frameworks (Oomen et al., 2021). Migration scholars have played an active part in this process by offering practical and normative perspectives on the practicalities of local admission, asylum governance and the possibilities of local or urban citizenship (Bendel et al., 2019; Heuser 2019; Bauböck, 2020).

It is not only in relation to forced migration that cities and local authorities have stepped up and joined forces to compensate for the shortcomings of national policies. Another field where local authorities and cities have taken various initiatives is human rights. The emergence of 'human rights cities' and the establishment of local human rights initiatives is the *third broad development* underpinning this dissertation. Human rights cities are commonly understood as local governments that explicitly base their policies on international human rights treaties, often working in close collaboration with local civil society organisations and other local actors (Oomen & Baumgärtel, 2014; Oomen et al., 2016, Grigolo, 2018). Such human rights cities are self-designated and self-declared by municipal actors (Neubeck, 2016; Davis, 2020). Examples of pioneering cities and localities in the field of human rights are Barcelona, Graz, Sao Paulo and Gwangju. That said, there are many more examples of local authorities' piecemeal actions inspired by human rights at the local level (Marx et al., 2015). Local human rights initiatives have drawn the interest of scholars and of international and supranational human rights bodies, such as the United Nations High Commissioner for Human Rights,⁵ and within the European Union, the EU Fundamental Rights Agency.⁶

5 See for instance <https://www.ohchr.org/en/about-us/what-we-do/partnership/local-governments> and the OHCHR report on Local Government and Human Rights published in July 2019.

6 See for instance the framework of the EU Fundamental Rights Agency (FRA) for Human rights cities in the EU: a framework for reinforcing rights locally published in October 2021.

Theoretical underpinnings and orientations

The local responses to forced migration described above, whether against ‘all odds’ or in the context of decentralisations, attracted the interest of migration scholars long before the sudden increase in refugee arrivals in Europe in 2015 (Alexander, 2007; Darling, 2008; Glick Schiller & Çağlar, 2011; Jørgensen, 2012; Kos, Maussen & Doomernik, 2016). The growing awareness of local responses to the reception and inclusion of forced migrants is known as the ‘local turn’ in migration scholarship (Zapata-Barrero, Caponio & Scholten 2017). It comes as a response to various on-the-ground developments, among others the sudden increase in refugee arrivals to Europe since 2015. However, it is also a response to the critique of ‘methodological nationalism’. This term was introduced into the discussion on migration to question the assumption that ‘the nation/state/society is the natural social and political form of the modern world’ (Wimmer & Glick Schiller, 2002). Scholarly perspectives on law and the politics of migration beyond the nation-state have since proliferated (Darling & Bauder, 2019; Hudson & Atak, 2021; Baumgärtel & Miellel, 2022).

Academic debates on local responses to forced migration often draw on European examples (Glorius & Doomernik, 2016). Discussions on sanctuary and solidarity cities are seemingly more grounded in research in various locales across the world (Missbach et al., 2018; Betts, Memişoğlu & Ali, 2021; Morales-Gamboa, 2021; Setién & Blouin, 2021). Often, but not always, these studies focus on cities and on the urban politics of (forced) migration (Darling 2017; Caponio, Scholten & Zapata-Barrero, 2019). Many scholars have turned to the urban as ‘a key scale of both analysis and political activity’ to explore how urban settings ‘offer a space for experimenting with different forms of political enactment and claims-making’ (Darling & Bauder, 2019, p.5). This begs the question whether this ‘local’ turn in migration research is first and foremost an ‘urban turn’.⁷ The fascination with all things ‘urban’ has also come under scrutiny. Some scholars are critical of the scarce attention for arrival and settlement processes in rural and suburban localities (Schammann et al., 2020), while others have criticised the narrow scope of urban analyses that focus on global, rather than ‘ordinary’ or ‘disempowered’ cities (Çağlar & Glick Schiller, 2021).

7 This growing scholarly interest in the convergence between cities, forced migration and the urban politics of human rights also speaks to broader debates on comparative urbanism in different disciplines (see for instance Çağlar & Glick Schiller, 2021; Hirschl, 2020).

Whilst not as clear-cut as the local and urban turn in migration studies, human rights scholars have also increasingly explored local approaches to human rights (De Feyter et al., 2011). Their studies examine local government actors’ proactive engagements with human rights and point towards a broad spectrum of local human rights initiatives on various issues, such as antidiscrimination, smart technologies, poverty and culture (Grigolo, 2018; Kempin Reuter, 2019; Sakkers & Bagchi, 2020; Baumgärtel, 2021). Human rights cities, local governments that explicitly base their policies on international human rights, have garnered particular scholarly attention (Oomen & Baumgärtel, 2014; Davis, Gammeltoft-Hansen & Hanna 2017; Goodhart, 2019). This research has pointed towards convergences between local approaches to human rights and local responses to forced migration. Case studies show, for instance, how migration policies in some human rights cities take inspiration from international human rights norms (Baumgärtel & Oomen, 2019; Roodenburg, 2019). Other studies highlight the emergence of translocal networks founded by cities that push for rights-based migration governance (Stürner & Bendel, 2019; Durmuş & Oomen, 2021). Research on the nexus between the politics of human rights and forced migration also points towards frictions within human rights cities (Grigolo, 2018; Roodenburg, 2021) and to conflicts within the state between local, regional and central government officials (Sabchev, 2022).

Within this broad horizon, the chapters in this dissertation explore several theoretical *perspectives* to offer a broad and localised understanding of the politics of human rights and forced migration rather than a single theoretical framework. In terms of theoretical perspectives on *human rights*, this dissertation develops insights from scholarship on human rights localisation (De Feyter & Parmentier, 2011; Marx et al., 2015) and human rights cities (Oomen, 2016; Davis, 2021). In addition, it engages with broader debates in human rights research that are not specific to the local contexts: on human rights ‘practice’, human rights ‘talk’, human rights ‘politics’, human rights ‘users’ and lastly, human rights ‘encounters’. In terms of theoretical perspectives on *forced migration*, this dissertation seeks to contribute to debates on the local governance, reception and inclusion of forced migrants (Zapata-Barrero, Caponio & Scholten, 2017; Schammann et al., 2021), the local politics of asylum (Hinger, Schäfer & Pott, 2016; Campomori & Ambrosini, 2020) and contestation of arrival infrastructures (Meeus et al., 2020). To complement governance and actor-oriented approaches, chapters six and seven build on research on the (spatial) politics of asylum and arrival infrastructure perspectives.

Common to all chapters is, first, a focus on local authorities and a critical non-essentialist understanding of the state. This primary focus on local authorities, while recurrent in human rights scholarship, is far from self-evident. The turn of migration scholars towards the local and urban scales is, after all, also linked to broader efforts to ‘decentre the state’ (Gill, 2010), and to proposals to ‘see like a city’ (Darling, 2021) rather ‘seeing like a state’. This dissertation seeks to complement such approaches, not by taking the focus away from ‘the state’, but rather by unpacking the complexities of local authorities alongside other central government actors and reception agencies. My analytical approach to studying local authorities is thus theoretically informed by scholarly work that considers the state as ‘the contested product of the formal and informal practices of multiply situated subjects’ (Mitchell, Marston & Katz, 2003, p.433) rather than a stable, coherent or enduring structure that is somehow above society.

Critical understandings of the state in the context of forced migration have been developed by anthropologists and geographers (Jones, 2012; Gill, 2010; Coleman & Stuesse, 2016; Meeus et al., 2020). Some migration scholars have drawn on broader theoretical perspectives developed by feminist scholars and more longstanding debates about ‘studying up the state’ (Nader, 1972, Harding & Norberg, 2005; Coleman & Stuesse, 2016). The latter refers to an analytical approach that studies ‘the powerful, their institutions, policies, and ‘practices instead of focusing only on those whom the powerful govern’ (Harding & Norberg 2005, as cited by Coleman & Stuesse, 2016, p. 528). As Coleman and Stuesse note, ‘the bulk of the immigration literature investigates the gendered, raced, sexualized, and classed outcomes of state power in immigrant communities, but leaves under-investigated the problem of state power itself as practiced in these ways’ (2016, p.526). To remedy this, these scholars have directed their gaze to everyday processes and practices that constitute state power. In contrast, this dissertation’s chapters seek to empirically ground these perspectives and advance knowledge of the complexities of local authorities, as well as the local politics of human rights and forced migration, by focusing on municipal actors, institutional spaces and political processes and negotiations rather than everyday ones.

The second thread connecting these chapters is a socio-legal understanding of human rights as law, praxis and discourse that underpinned the *Cities of Refuge* project. Socio-legal perspectives on human rights consider human rights as the interrelated, independent and indivisible rights laid down in international human rights instruments. At the same time, they look beyond the ‘law in the books’ to ‘law in action’. This understanding of human rights as law, praxis and discourse has implications for how it is studied. Rather than a thematic approach that zooms in

on a particular human right or set of rights, this dissertation focuses on an open-ended empirical exploration of how local actors within, aside and beyond the state engage with ‘human rights’ in the context of the reception and inclusion of forced migrants. In short, the chapters are standalone treatises that develop interrelated perspectives on the local politics of forced migration and human rights.

Conceptual considerations

In the following, I sketch the contours of such a localised understanding of human rights practice in the context of forced migration and outline the dissertation’s key contributions.

A localised understanding of human rights practice

The first chapter lays some of the groundwork by discussing ‘human rights practice’ in the context of municipal responses to forced migration. This chapter engages with the work of Goodale, who defines human rights practice as ‘the many ways in which social actors across the range talk about, advocate for, criticise, study, legally enact, vernacularise, etc., the idea of human rights in its different forms’ (2007, p.36). This understanding of ‘human rights practice’ is a recurring motif in chapters 2-4, where it complements actor-oriented approaches that focus on various human rights ‘users’. These chapters investigate how local actors talk about and invoke human rights in relation to forced migration, and zeroes in on other ways of ‘enacting’ rights, such as through human rights-inspired projects and policies.

Often, but not always, scholarly debates on human rights practices draw on examples from urban contexts and analyses of urban life. Working towards a more spatially inclusive understanding of the nexus between local human rights practice and forced migration is a topic of discussion in chapters two and three. My argument, which runs through these chapters, is that this requires systematically examining how municipal actors, including those in smaller towns, hamlets and rural municipalities, ‘use’ human rights in relation to forced migration.

In addition, two chapters offer succinct reflections on the spaces *through* which human rights are ‘enacted’. Chapter two tells the story of refused asylum seekers who turned to the town hall of the small rural municipality where a return facility is located in the hope that the mayor could do something about their plight. These encounters and their presence on other occasions, such as during the municipal council meetings, gave rise to local debates about local understandings of shared human rights responsibilities.

Chapter five sheds light on some of the places associated with the human rights praxis in the self-ascribed 'human rights cities' of Utrecht and Nuremberg. At the heart of Nuremberg's human rights approach is not only a longstanding and complex historical legacy, but also a monumental work of art: 'The Human Rights Way'. In Nuremberg and Utrecht, debates on local human rights agendas occasionally also refer to sites that are seen by some local critics as emblematic of the limits of these cities' human rights approaches. One example is the regional airport in which the city of Nuremberg is one of the main shareholders, due to contested bordering practices such as involuntary returns of forced migrants that take place there. Chapter seven explores how spaces that are seen as incongruous with self-ascribed (human rights) commitments are contested locally by actors.

A localised understanding of human rights talk and discourses

How local actors talk about and invoke human rights in local debates is only part of the puzzle of the politics of human rights. That said, studies of local enactments of rights and human rights initiatives across the world show that they tend to have a strong symbolic and discursive dimension (Neubeck, 2016). Human rights cities are often 'declared into existence' through municipal ordinances or local declarations that state a commitment to protecting human rights. Common definitions of human rights cities also stress the role of local debates by conceptualising human rights cities as cities that explicitly express a commitment towards international human rights and base their policies on it (Oomen, 2016).

Research on local human rights initiatives highlights how municipal actors sometimes encounter constitutional or federal 'brakes': barriers in national and constitutional and administrative rules (Oomen, Baumgärtel & Durmuş, 2021). Scholars and policymakers have increasingly voiced concern over what they see as largely symbolic strides (Hirschl, 2020). What if cities' self-designation as a human rights city is mere marketing and branding (Starl, 2018)? What happens when local governments make little headway in using the 'human rights city' label for expanding human rights (Davis, 2021)? Do other local actors pick up the thread? What traces are left of human rights ambitions years after municipal proclamations and ordinances (Koutsoumpas & MacNaughton, 2020)? In other words, it is important to examine both the potential and the limits of local authorities' human rights-based approaches to the reception and inclusion of forced migrants.

Human rights scholars are not alone in their search for answers to these questions. Urban geographers and migration scholars have similarly studied the discrepancies between discursive practices, such as between solidarity statements and every day on-

the-ground practices. As Darling (2013) notes, strategies of urban competitiveness may result in a phenomenon described as 'moral urbanism', where local actors frame their cities as particularly welcoming and cosmopolitan through discursive comparison with other cities. Urban geographers and migration scholars have therefore interrogated the 'proud local records' of welcoming cities as part of a 'politics of urban critique' (Darling, 2013). Among human rights scholars, there is also a broad consensus that it is not enough to embrace human rights rhetorically and that it is necessary to develop local accountability mechanisms (Davis, 2019) and accreditation processes (EU Fundamental Rights Agency, 2021). A lot of these solutions and suggestions, however, focus on governance mechanisms such as human rights monitoring, municipal human rights offices or independent advisory committees.

My argument, however, is that it is important to maintain a broad socio-legal perspective and focus on the *politics* of human rights alongside these questions of governance. While there is certainly enough reason to be critical of local human rights branding, there is more to local human rights discourses than human rights declarations, as chapter five suggests. In established human rights cities such as Utrecht and Nuremberg, we can observe what human rights scholars working on transnational contexts call 'accountability politics' (Keck & Sikkink, 1999), a phenomenon where social movement actors challenge governments to publicly commit to human rights principles or to protection more generally. Once state actors have declared their commitments, social movement actors use these positions and commitments to expose the distance between discourse and practice, and to effect social change.

Reducing human rights discourses to mere city-marketing or only seeking remedies through governance mechanisms risks overlooking this paradox of human rights discourses and the opportunities that they create for accountability politics. It is, consequently, important to systematically investigate how human rights feature in local discourses and decision-making on particular issues. It is also paramount to examine how references to local human rights agendas and commitments develop over time in self-designated 'human rights cities' (chapter five) or between municipalities in joint campaigns that touch upon human rights and forced migration (chapter three). What role do human rights discourses play in municipalities with a relatively longstanding experience of enacting human rights, in ensuring that these municipalities live up to their ambitions? Some chapters speak to these broader debates about human rights (discourses), cities and local authorities, while focusing on the nexus between local authorities, human rights and forced migration.

Chapter five highlights, for instance, how social movement and civil society actors in two relatively established human rights cities rely on the local human rights agenda to scrutinise municipal approaches to forced migration. The local ‘co-production’ of human rights is, therefore, not without tensions and frictions (see chapter two in this dissertation and Roodenburg, 2021). In Nuremberg and Utrecht, some local actors struggle with how invoking the city’s human rights commitment can be a double-edged sword. On the one hand, discussions on the scope of human rights city ambitions sustain local human rights initiatives. On the other hand, the often-heard argument in these cities is that the local government is not doing enough to live up to its self-designated human rights city status, which may ultimately undermine local engagements with human rights. This chapter also seeks to advance scholarship on local human rights initiatives by placing a greater analytical emphasis on the discursive dynamics in established human rights cities, drawing on Benhabib’s (2006) work on democratic iterations.

Human rights and migration scholars alike note that the language of human rights is just one of many frames available to local actors who seek to generate momentum for social justice struggles. Some commit to human rights protection as an end in itself, while others draw on the language of human rights as a means to other political ends, such as human rights-based migration governance. Research on human rights ‘talk’ points towards the advantages and disadvantages of framing issues in terms of human rights language (Kennedy, 2002; Jones & Gachihi, 2022). While local actors may uphold the rights of forced migrants, they may not want to employ the language of rights to justify inclusionary, rights-based measures for forced migrants. Chapter six picks up on this point by analysing how mayors in the Dutch province of Zeeland framed municipal involvement in asylum governance, that falls outside their institutional mandate. This chapter points towards alternative frames such as perceptions of administrative, rather than moral, legal or historical duties. Chapter two and three, on the other hand, trace how understandings of human rights responsibilities are contested locally.

A localised understanding of the politics of human rights

The relation between human rights and local and urban politics has long animated scholarly debates. Scholars generally agree that human rights are inherently political, and that to embrace or contest them is to take sides on questions of power (Goodhart, 2019, p.5). Apart from the values expressed through human rights, the act of claiming rights may help to constitute people as political subjects. Several of the chapters unpack another aspect of the politics of human rights. They suggest that the act of invoking human rights may also (re)constitute perceptions of duty bearers (chapter two) and/or human rights responsibilities as shared and complementary (chapter three).

In local contexts, engagements with human rights are often described as political choices. These choices relate to what rights to focus on in local human rights agendas and also how to organise local human rights initiatives (Sooahoo, 2016; Oomen, 2016). In a similar vein, self-designated human rights cities are sometimes described as ‘battlegrounds’, where state and civil society actors compete and collaborate in the process of translating human rights to the local context (Grigolo, 2018). Another recurring motif in discussions on the politics of human rights is the role of political leaders, such as mayors who sometimes play the role of ‘champions’ of local human rights agendas.

Chapter four explores this topic and focuses on telling the story of the ‘humans’ behind local human rights inspired projects, policies and practices in the context of forced migration. Chapter five offers a comparative analysis of the politics of human rights and forced migration in Utrecht and Nuremberg. This chapter reconceptualises human rights cities to bring into focus the reiterative, discursive and identity-building dimensions of local human rights discourses within self-designated human rights communities. Chapter three on the other hand, elaborates on the translocal politics of human rights based on a systematic analysis of how Dutch municipalities responded to a call to relocate 500 unaccompanied refugee minors from camps in Greece. Drawing on this systematic analysis, this chapter contributes to conceptual debates by differentiating between the outward gaze characteristic of accountability politics, where local actors seek to hold central government actors responsible, and the introspective gaze characteristic of local ‘responsibility politics’ where local debates focus on perceptions of responsibilities.

A localised understanding of human rights actors and users

The emphasis on human rights practice and politics in this dissertation stems from an ambivalence towards actor-oriented perspectives for studying the interplay between local approaches to forced migration and human rights. In recent years, socio-legal scholars have increasingly portrayed cities and local actors as the ‘new kids on the block’ and as ‘actors’ in the international human rights regime. Their research focuses on various roles that local authorities have in protecting human rights (Marx et al., 2015) and the ‘value’ that local authorities may add to the cause of human rights (Grigolo, 2018). This scholarship has been instrumental to efforts in moving beyond the ‘sovereignism’ and methodological nationalism that historically shaped legal disciplines (see Baumgärtel & Miellet, 2022). However, this emphasis on cities and local authorities as uniform ‘actors’ also runs the risk of obfuscating the interactions and dynamics between various individuals within municipal organisations (Desmet, 2014).

Additionally, scholars have criticised how this focus on human rights cities and local authorities as actors in transnational settings marginalizes the role of local social movements and civil society organisations (Fernández-Wulff & Yap, 2020). To remedy this, they propose to shift the scope to local ‘non-state actors’ such as social movements. This, however, ‘black boxes the state’ and reproduces a contested binary concept, ‘non-state versus state actors’, which itself carries a statist bias (Gupta, 1995). A more fine-grained (actor-oriented) perspective on human rights practices is offered by Desmet, who distinguishes between various *human rights users*: rights claimants, rights realisers, supportive users and judicial users. This categorisation relies on a functional approach, focusing on how human rights are engaged with (2014, p.127). As Desmet notes, both practice and human rights users’ perspectives offer a contextual orientation and an inclusive approach to human rights actors, inclusive because these approaches do not privilege any one type of human rights actor. Two of the chapters draw on these conceptual debates but nonetheless advocate mid-way approach between actor and practice-oriented perspectives (chapter four and five). Conceptually, they seek to develop understandings of human rights practices and politics rather than contributing to typologies of actors or users.

Forced Migrants, Irregular Migrants, Refugees

The chapters generally refer to the terms ‘forced migrants’ and ‘forced migration’. Following Scheel and Squire, I use this term to highlight the conditions under which individuals and groups ‘decide’ to undertake migratory journeys (Scheel & Squire, 2014). The term ‘forced migrant’ is a broad one encompassing various statuses and categorisations, such as asylum seeker, refugee or irregular migrant. In some of the chapters the latter categorisations are included alongside this broader term (forced migrants), in discussions on specific policies, initiatives or interview quotes that employ these concepts.

The term ‘forced migration’ does not prioritise the ‘figure’ of the ‘refugee’, or differentiate between groups based on their protection needs, protection prospects or asylum histories. It recognises that people move between categories and that the boundaries of categories themselves are subject to change and contestation (see Crawley & Skleparis, 2018; Scheel & Squire, 2014). Similarly, the chapters refer to the ‘reception and inclusion of forced migrants’, rather than to their ‘integration’ following critical perspectives on the pitfalls and the ‘conceptual quagmire’ of the latter paradigm (see Schinkel, 2018). A practical reason for using this term is that some of the chapters (see chapter two) focus on the plight of forced migrants whose asylum applications were refused and who are only encouraged to ‘participate, not integrate’.

That said, I agree that categories are inevitable and that ‘ignoring or rejecting them does not mean they go away and may blind us to the important interrelationship between scientific and political forms of knowledge production that have become inherent to the creation and maintenance of categories’ (Collyer & de Haas, 2012, p.468; as cited by Crawley & Skleparis, 2018, p. 60). The point is to adopt a critical and reflexive perspective on (forced) migration categories that acknowledges the processes by which categories are constructed (Crawley & Skleparis, 2018). The conclusion, therefore, returns to these questions, to reflect on this approach.

Research question and objective

This dissertation investigates the interplay between the politics of human rights and forced migration in several Dutch and German municipalities. It poses the following over-arching research question:

Why and how do municipal actors engage with human rights in the context of forced migration, and through what encounters and spaces do human rights-based approaches to the reception and inclusion of forced migrants develop?

To guide my inquiry into this two-fold question, I formulated five sub-questions on themes that run through the chapters of this dissertation:

1. What are the motives behind municipal actors’ engagements with human rights in the context of forced migration?
2. What understandings of human rights and arrival underpin local (municipal) approaches to the reception and inclusion of forced migrants?
3. How do municipal actors legitimate local involvement in asylum governance and other matters that fall outside their mandates, and which strategies do they adopt to this effect?
4. What are some of the encounters and spaces through which local human rights-based approaches to forced migration develop?
5. What are the limits of local rights-based approaches to forced migration and the spaces through which these limits manifest and are negotiated?

Approach and methodological considerations

This dissertation seeks a *grounded understanding* of how municipal actors in Dutch and German localities understand and contest the potential and limits of local human rights-based approaches to the reception and inclusion of forced migrants. It therefore places processes of contestation and political negotiations that involve municipal actors in the centre of the analysis, rather than foregrounding policy implementation or everyday negotiations between and practices of forced migrants and other local actors. This focus on municipal actors is theoretically informed by critical, non-essentialist understandings of the state and scholarly work on ‘studying up the state; (see paragraph on theoretical perspectives) and also reflects the overall outlook of the *Cities of Refuge*, which investigated the relevance of international human rights law, practice and discourse to how *local authorities* welcome and integrate forced migrants.

This dissertation’s *methodological approach* therefore incorporates elements of constructivist grounded theory, such as a focus on studying ‘how and why participants construct *meanings* and actions in specific situations’ and an understanding of ‘both data and analysis as created from shared experiences and relationships with participants and other sources of data’ (Charmaz, 2006, p.130). Other grounded theory practices that informed my overall approach are a simultaneous involvement in data collection and analysis, the use of exploratory data collection methods, such as semi-structured interviews and textual analysis and a stepwise approach to the (data-driven) coding of qualitative data to offer thick descriptions.

The dissertation focuses on Dutch and German municipalities.⁸ These two neighbouring countries were included in the *Cities of Refuge* project as immigration (destination) countries with relatively longstanding experience of receiving forced migrants (Gesemann & Roth, 2018; Geddes & Scholten, 2016). As Geddes and Scholten (2016) note, the Netherlands is a laboratory for ‘so-called ‘civic integration’ that places more onus on immigrants to demonstrate their capacity and willingness

⁸ While most chapters present distinct qualitative case studies, some offer a systematic analysis (chapter three) or draw on a collective effort of the *Cities of Refuge* team (chapter four) that also incorporates evidence from other European localities. The chapters are standalone treatises that offer distinct analyses and methodological reflections relevant to individual inquiries. For these reasons this introduction does not include a general discussion of case-selection, information on the case selection and other aspects of research designs are provided in the methodology paragraphs of the respective chapters.

to adapt, via, for example, citizenship tests (see also Bonjour & Duyvendak, 2018; Gebhardt, 2016). Some of the Dutch elements of civic integration and asylum policies have drawn the interest of German policymakers and researchers (see for instance, Thränhardt, 2016). Their Dutch counterparts, on the other hand, have taken inspiration from German approaches to inclusionary measures for recognised refugees (see for instance, Van den Enden et al., 2018).

Beyond these policy transfers, however, lies a world of differences and contrasts. Comparative research focusing on national policies often highlights how Germany is a federal state where many policies are decentralised, while the Netherlands is a centralist state. Another important difference for this inquiry into the local politics of forced migration relates to the different constitutional dispensations of local authorities in both countries. In the Netherlands, smaller municipalities often work together on complex policy domains, but their legal mandate and responsibilities are the same as those of larger urban municipalities. In Germany, however, the term ‘municipalities’ encompasses different entities (Schammann et al., 2021), such as independent cities and district municipalities. As German scholars have analysed, German municipalities belong to different federated states (Länder) and their room to manoeuvre also differs between the states (Schammann et al., 2021; Schultz, 2020). For comparative efforts, this opens all sorts of possibilities, but also poses challenges.

In the Netherlands, for instance, there is a dispersal policy that underpins the allocation of housing to recognised refugees by municipalities. The latter are legally responsible to provide housing for recognised refugees that are ‘matched’ with municipalities, but they have little influence over asylum accommodations. In contrast, in Germany there is a dispersal policy known as the ‘Königstein Key’ that determines reception capacities for Germany’s 16 federal states. German municipalities are not responsible for the provision of housing to recognised refugees, but they provide decentralised accommodations for asylum seekers in close collaboration with the federal states that run the centralised first arrival centres. Another obvious example relates to language and (civic) integration courses. In Germany they fall under the responsibilities of the Federal Office for Migration and Refugees (BAMF) although many municipalities offer complementary courses. In the Netherlands, municipalities were directly involved in the organisation of (civic) integration courses until 2007, when they were centralised and privatised (Oomen & Leenders, 2020; van Liempt & Miellet, 2021). The social emergency assistance offered to refused asylum seekers by some Dutch municipalities has been a key issue for years. In Germany, debates have often focused on the application of

labour market access policies for migrants with precarious legal status in German municipal immigration offices (Schultz, 2020). The list of differences and contrasts is long, and it is easy to get lost in descriptive accounts of multi-level governance of migration in both countries.

This dissertation, therefore, focuses less on the everyday implementation of top-down imposed policies but more on the development of proactive local approaches that diverge from national policies (see also Oomen et al., 2021).

Five chapters in this dissertation present distinct qualitative case studies. The justification of the selection of cases is offered in each of the chapters. In three chapters (two, four, five) the case studies focus on municipalities with varying histories, size and scale where actors within municipal organisations have implicitly or explicitly engaged with human rights in the context of forced migration. Chapter six and seven focus foremost on municipal responses to refugee reception and asylum governance and indirectly on municipal engagements with the protection of forced migrants' human rights. Chapter three is the only chapter that involves another type of research design. It presents findings from a systematic comparison of one of the main human rights issues in municipal councils in the Netherlands in recent years, based on a unique database that includes information on municipal council debates on a refugee solidarity campaign in all Dutch municipalities.

Each of these chapters relies on a combination of data collection methods: first of all, (expert) interviews with policymakers, local political officials and various representatives of civil society, social welfare, citizen and faith-based organisations. In addition, some of the chapters draw on field work visits and participant observations. All chapters are based on extensive textual analysis of secondary data, such as municipal council proceedings or policy memos. Several chapters rely on triangulation of data collection methods and triangulation of data sources to identify, explore, and understand interrelated phenomena from multiple and different angles or perspectives (Denzin, 1989). All primary and secondary data was incorporated into, coded and analysed with NVivo. The approach to analysis was data-driven, meaning that open-coding was used before more focused coding of data.

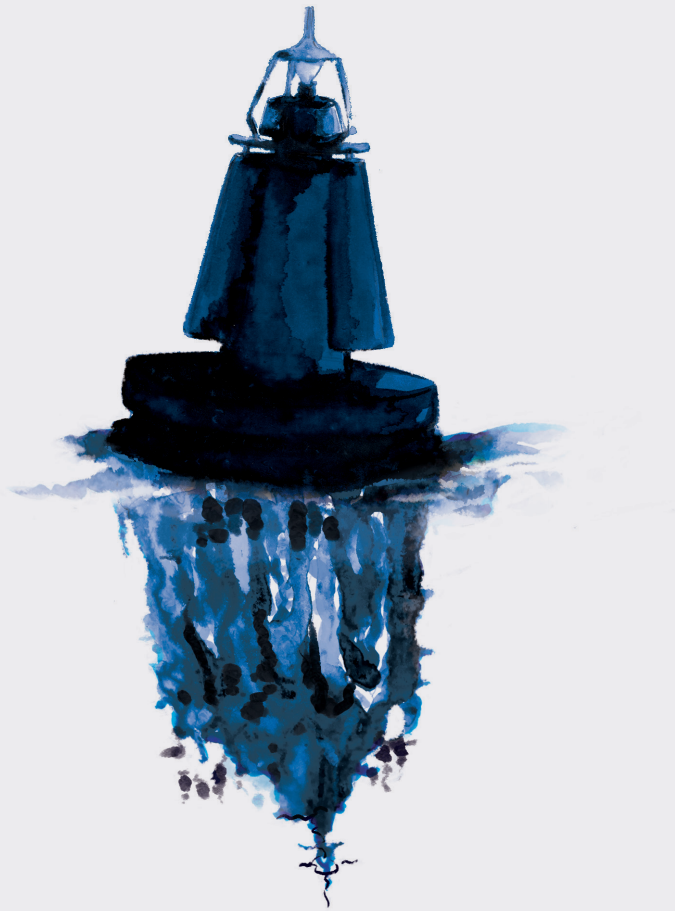
Last but not least, some of the methodological decisions underpinning this dissertation are the result of collective efforts of the *Cities of Refuge* team, which adopted a common approach to, among others, secure data protection, ethical review and guidelines, such as the use of standardized informed consent forms.

Outline of the dissertation

The contours of the chapters were introduced in my discussion of the theoretical perspectives, conceptual and methodological considerations underpinning this dissertation. The conclusion offers a thematic overview of the chapters' empirical and analytical contributions. For this reason, I have not included a detailed introduction of the chapters here. Three of the six empirical chapters have been published as an article in an academic journal, or as a contribution to an edited volume (chapter two, four and six). Chapter three has been submitted to a journal and is in the process of revision, following an invitation to revise and resubmit. Two chapters are in the process of final preparation before submission to a human rights journal (chapter five) and a political geography journal (chapter seven).

The chapters can be read as standalone texts. That said, they are intended as complementary and contrasting contributions. Some pick up questions left open by other chapters, or offer a different analytical perspective on a familiar theme. The conclusion brings together these distinct analyses and theoretical perspectives in concluding reflections on the overarching question and the five crosscutting dimensions. I hope that readers will also draw other parallels and connections.

Finally, the ordering of the chapters is not chronological but reflects the two overarching themes and their interconnections, offering local perspectives on the interplay between *the politics of human rights* and the *politics of forced migration*. Chapter two, three, four and five, foreground the complexities and ambiguities of local rights-based approaches to forced migration and the local politics of human rights. Chapter six and seven centre on the configurations of actors, artefacts and infrastructures that constitute the local politics of asylum.



Chapter 2

Human rights encounters in small places: The contestation of human rights responsibilities in three Dutch municipalities

This chapter is based on: Miellet, S. (2019). Human rights encounters in small places: The contestation of human rights responsibilities in three Dutch municipalities. *The Journal of Legal Pluralism and Unofficial Law*, 51 (2), 213-232.

Abstract

This article investigates engagements of local authorities with human rights in the field of irregular migration in a small town, medium-sized city and a rural municipality in the Netherlands. Although scholarship on human rights cities constitutes an important point of departure for this study, this article challenges the urban bias in this emerging body of research on the role of local authorities in processes of human rights localisation. Drawing from theories of legal pluralism, scholarship on human rights practice and encounters and finally geographical insights, the article examines spatial dimensions of human rights practices of municipal actors in these three municipalities. More specifically, it investigates how the presence of and encounters with irregular migrants in local institutional spaces contribute to a local contestation of human rights responsibilities and examines how processes of contesting human rights responsibilities differ between these municipalities. The article draws on and develops scholarship on human rights encounters, by extending the scope beyond encounters at high seas and by explicating how power dynamics, temporalities and the sites of encounters can give rise to perceptions of duties that set these encounters apart from everyday sociabilities or encounters with difference. On the basis of a qualitative content analysis of municipal council documents and proceedings this study moreover found considerable differences with regard to how human rights responsibilities are contested locally by municipal actors. This study observed both differences among municipalities and differences among municipal actors within a single municipality in relation to these local understandings of human rights and perceptions of human rights responsibilities.

Introduction

'Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.' - Eleanor Roosevelt

In this often-quoted part of the speech for the 10th anniversary of the Universal Declaration of Human Rights (UDHR), Eleanor Roosevelt situates human rights within the context of everyday life, by evoking its everyday places, such as schools and workplaces. As human rights scholars and practitioners increasingly turn their gaze toward localities to investigate the role of cities and local actors in the realisation and development of human rights⁹, these words have not lost their saliency today. Discussions on localising human rights need not focus on origins or sources of human rights norms but may equally be concerned with how human rights principles and norms are implemented, translated and contested locally, or as Merry calls it 'vernacularised' (2006).

But what does it mean for human rights to be localised in everyday spaces? And how can we adopt a more spatial understanding and investigate how processes such as the diffusion of human rights norms operate not only *in* certain spaces (e.g., schools) but also *through* them? It is this challenge that Jonathan Darling raises when he notes that 'we must also be mindful of the locations through which frames of human rights move' (Darling, 2016, p.123). This therefore begs the question how to approach the local level as more than a mere stage and call attention to these spatial and geographical aspects of processes of human rights implementation, diffusion and contestation. Geographers, such as Ash Amin who has written extensively on the relation between social practices, processes and places, propose a relational approach to localities and place. This approach is 'neither a-spatial (i.e. where the local is reduced to a mere stage) nor territorial (i.e. where the geographical local is all)' (Amin, 2004, p.38). Instead Amin suggests a *topological lens* to localities and the 'politics of place', which is attentive to spatial aspects of social processes and based on an understanding of the local as bringing 'together different scales of practice and social action' (Amin, 2004, p.38).

⁹ See for instance Oomen, B., Davis, M. F., & Grigolo, M. (Eds.). (2016). *Global Urban Justice*. Cambridge University Press.

Human rights scholars have engaged with this question of a local turn in human rights, by investigating how ‘processes of appropriation and local adaptation of globally generated ideas and strategies’, also known as ‘vernacularisation’ take shape across various parts of the worlds and in different contexts (Levitt & Merry 2009, p.441). By highlighting processes of adoption and translation of global norms, these scholars also address the contested binaries of ‘global’ and ‘local’ and shift the focus to the role of different *actors*, whose practices combine ‘local ways of thinking about grievances’ and ‘transnational human rights concepts’ and undermine such conceptual boundaries (Merry, 2006, p.42). As Sally Engle Merry notes, these actors may be ‘local activists, human rights lawyers, feminist NGO leaders, academics, or a host of other people who have one foot in the transnational community and one at home’ (2006, p.42).

In her work on translocal internationalism, Judith Resnik extends this framework to include municipal actors such as mayors and members of city legislatures, who as ‘popularly elected officials, engage with transnational conventions or affiliate with transnational human rights efforts’ (Resnik 2007, 50).¹⁰ As Vonk et al., (2016) and Sakkers (2017) have observed for the Dutch context, the question of how recent experiences with decentralisation affect the fulfillment of constitutional duties of care and human rights responsibilities is becoming ever more salient and contested, after the decentralisation of policy competencies to local authorities in the field of social support and youth care in 2015 and employment and participation policy in 2017. Although this scholarship on human rights practice has widened the scope to include a broader range of actors *in* different settings and across different scales, the spatial aspects of human rights practices of local actors remain comparatively underexplored.

This article draws from these insights to examine how municipal actors in three Dutch municipalities bring in their own understandings of human rights as they respond to the plight of irregular migrants within the locality. As Oomen and Baumgärtel (2019) note, irregular migration is increasingly becoming a fault line between political parties nationally, but also one that causes some cities to diverge from national policies, by invoking international human rights law in defence of local approaches to irregular migration. As refused asylum seekers do not possess a regular status, some municipalities, such as the municipality of Utrecht in the Netherlands, have turned to human rights law as a legal basis for the recognition of the position and needs of irregular migrants in the city (Oomen & Van den Berg, 2014). In some

¹⁰ The role that local (and regional authorities) may play in enforcing human rights in the European context has more recently been studied by Marx. et al. (2015).

instances, this process of connecting local grievances with global human rights norms results in a city explicitly basing its urban policies on international human rights (Oomen, 2016, p. 1), ‘organizing itself around norms and principles of human rights’ (Grigolo, 2016, p.277) or framing itself as a ‘human rights city’.

This emerging body of literature on human rights cities often draws on empirical research conducted in more established and formal human rights cities such as Barcelona (Grigolo, 2017) and Utrecht (Oomen & Van den Berg, 2014) that explicitly base their urban policies on human rights. However, as Darling notes, some local engagements with human rights ‘fall between the formal notion of the human rights city and the radical challenges posed through a ‘right to the city agenda’ (Darling 2016, p.122). This scholarship on the sub-national incorporation of human rights moreover tends to conflate cities with other types of locality, which is not surprising given that only recently cities were recognized as ‘the new kids on the block’ in the realisation of human rights (Oomen, 2016, p.3). This conflation has however been scrutinized because it ‘hides the very different and significant challenges in mounting a critical praxis of human rights anchored in rural or suburban areas’ (Goodhart, 2018, 147). Although the limitations of this *urban bias* are increasingly being recognized, it is often not grounded in empirical research.

This article brings insights from theories of legal pluralism and the ethnography of human rights practice in conversation with insights from political geography (Darling, 2017) and legal philosophy (Mann, 2016) to investigate this broader spectrum of engagement of municipal authorities with human rights. It argues that scholarship on the politics of presence (Darling, 2017) and human rights encounters (Mann, 2016) offers a conceptual lens through which this broader spectrum of engagements of municipal authorities with human rights and the spatial dimensions of human rights practices can be further explicated. More specifically, it investigates how in these municipalities the *presence* of and *encounters* with irregular migrants in local institutional spaces contribute to a local contestation of human rights *responsibilities* and examines how this process of contesting human rights responsibilities locally differs between these municipalities.

The chapter opens with a discussion of comparative approaches to the study of local engagements with human rights, followed by an introduction to the three municipalities included in this study. This is followed by an empirical analysis and discussion of human rights engagements in the field of refugee reception in these three municipalities.

Comparative approaches to the study of local engagements with human rights

In the recent trend that has also been coined a 'local turn', human rights scholars have approached the nexus between human rights and local governments in various ways.¹¹ As Michele Grigolo notes, these scholarly efforts have sought to examine how local governments enhance the relevance of human rights, as well as how human rights enhance the power of local governments to govern the city (2017, p.68). Although this article recognizes that these local engagements with human rights should ultimately be studied vis-a-vis human rights commitments at the national level, this article zooms in on this second dimension and draws on what Grigolo calls a 'sociological understanding of human rights practice' (2017, p.68) that is not restricted to this narrower definition of human rights city or exclusively tied to urban contexts. More specifically, it examines *how* different actors in three Dutch municipalities engage with human rights, by studying what local municipal documents can tell us about the forms and rationale behind these engagements as well as their spatial and geographical settings, as stated in these documents. This effort should thus be seen against the backdrop of a broader inquiry into understanding and comparing explicit and implicit engagements with human rights in different settings and localities.

The merits, methods and challenges of comparing localities and cities have occupied urban theorists and geographers for decades and it is therefore interesting to bring some of these insights into this discussion. As Ayşe Çağlar and Nina Glick Schiller note, in recent years there has been a renewed interest in and debate on comparative methods and perspectives amongst urban scholars (2018, p.24). This turn towards comparative urban studies and methods has been propelled by the scholarship of urban scholars such as Nijman (2007), McFarlane and Robinson (2012), Ward (2008) and more specifically in relation to cities and migration governance, by Ayşe Çağlar and Nina Glick Schiller (2018). Çağlar and Glick Schiller situate this recent turn towards comparative approaches against the backdrop of a more pervasive and long-standing distrust of comparative studies, because comparative assessments require a 'degree of reductionism' which led many urban scholars to abandon comparative perspectives and 'those remaining failed to delineate the variables being compared' (Cross & Moore, 2002 as cited in Çağlar & Glick Schiller, 2018, p.24). They propose a multiscalar perspective on cities and localities to maintain a focus on interconnectivities, which is inspired by the method of variation finding

developed by Charles Tilly (1984). As Çağlar and Glick Schiller note, this method 'establishes a principle of variation in the character or intensity of a phenomenon by examining systematic difference amongst instances' it begins by examining similarities and then 'studies variations within characteristics defined as similar' (Tilly, 1984 as cited in Çağlar & Glick Schiller, 2018, p.26).

This study drew from these insights to study variation in human rights engagements in and between three municipalities in the field of irregular migration. The website *open raadsinformatie* makes it possible to search the public archives of 108 Dutch municipalities simultaneously to 'scope' this spectrum of human rights engagements. In addition, the municipal digital archives of other (core) municipalities, *centrumgemeenten* that were missing from this first database were also included in this first scoping inquiry (Regio atlas, 2018). On the basis of this initial scoping three municipalities were selected. Instead of focusing on those cities, such as Amsterdam, Nijmegen, Middelburg, The Hague and Utrecht, that have been called 'pioneering cities' in the context of human rights in the Netherlands (Van den Berg, 2016) this study selected three municipalities *ex negativo* from a wider sample of municipalities with explicit human rights engagements.

This article examines human rights engagements in the field of irregular migration in three municipalities, the medium-sized city of Almelo in the East of the Netherlands, the town of Waalwijk in the South and the smaller rural municipality of Tytsjerksteradiel in the North of the country. These municipalities were selected because they either qualify the formal definition of human rights cities¹² only partially (Almelo) or not at all (Tytsjerksteradiel and Waalwijk). Although the initial scoping indicated human rights are being invoked in these municipalities in relation to irregular migration, these engagements have not resulted in the municipality explicitly basing its policies on a human rights perspective. Secondly, these municipalities represent a broader spectrum of types of locality; including a rural municipality consisting of villages (Tytsjerksteradiel) a small town (Waalwijk) and a medium-sized city (Almelo). This selection of these three municipalities should not be treated as representative of each of these types of localities. Instead, it should be understood as a form of theoretical purposeful sampling (Charmaz, 2006, p.101) and variation finding, which first identifies a similar invocation - human rights in relation to irregular migration - but subsequently sets out to investigate *variations* in the form of commonalities and differences between local actors in these municipalities as they engage with human rights.

¹¹ See, for instance, De Feyter, K., Parmentier, S., Timmerman, C., & Ulrich, G. (Eds.). (2011). *The local relevance of human rights*. Cambridge University Press

¹² See introduction, and Grigolo (2016, 2017) and Oomen (2016, p.1) cities in which local governments explicitly base their policies on human rights.

'Engagement with human rights' in this context refers to any invocation of human rights language and concepts in municipal council agreements, discussions and proposals and policy briefs dealing specifically with irregular migration. This article therefore draws from what Mark Goodale has called a 'broader account of human rights practice', defined as 'the many ways in which social actors across the range talk about, advocate for, criticise, study, legally enact, vernacularise, etc., the idea of human rights in its different forms' (2007, p.36). As Goodale notes, 'to adopt such a broad definition of human rights practice is necessarily to reject all of the traditional analytical distinctions between human rights law and the politics of human rights; between the abstract idea of human rights and its messy and contradictory emergence within situated normativities' (2007, p.37).

The empirical analysis which informs this chapter is based on a qualitative content analysis of municipal council proceedings and policy memos, municipal web content and local and regional press from 2014 until the present. These documents were imported into NVivo and coded using open and axial coding methods. This analysis focused on identifying the scope and variation in human rights practices documented and common themes in local documents, such as municipal council minutes that involve human rights language.

The involvement of Dutch municipal governments in the field of asylum, refugee reception and irregular migration

In the Netherlands the reception of asylum-seekers is entrusted to the Central Agency for the Reception of Asylum Seekers (COA), an independent administrative body that falls under the political responsibility of the Secretary of State of Security and Justice (COA, 2018). Local authorities can take the initiative to map and explore possible locations and to subsequently propose a facility to COA. COA can in turn contact the municipal government to make general inquiries about the possibility of opening a reception facility within a municipality. The opening of a new reception facility is preceded by a process in which COA, the municipal government and other stakeholders formulate an administrative and governance agreement (Ministry of Security and Justice 2015, p.7). COA can only open a reception facility (AZC) after the municipal council has formally agreed. Although municipal governments¹³ are not entrusted with the primary responsibility for reception, several services, such

¹³ In this article the term 'municipal governments' is used interchangeably with local authority or local government.

as access to primary education for children and youth care do fall directly within the competencies and responsibilities of municipal governments (Association of the Netherlands Municipalities, 2015).

Local authorities are more directly involved in the integration of recognized refugees and are entrusted with the responsibility for housing allocation and social support. As part of the Housing Act (2014) all municipal governments in the Netherlands are obligated to provide housing to beneficiaries of international protection. The ministry of Interior determines the targets for municipalities bi-annually. As part of this housing policy and dispersal policy, refugees, upon successful completion of their procedure, are therefore dispersed across the country by COA and municipal governments allocate private or shared housing, usually in the public housing sector. This dispersal policies for refugees stands in contrast to the geographical distribution of reception centres for asylum seekers as there is no dispersal policy in place for asylum seekers as they await the outcomes of their asylum application in reception centres.

In contrast to this involvement and competencies of local authorities in the field of asylum and refugee reception, their role vis-à-vis undocumented or rejected asylum seekers is becoming an increasingly contested issue. In recent years municipal governments in major Dutch cities such as Amsterdam, Utrecht and Groningen have explicitly diverged from national asylum policies by offering support to rejected asylum seekers in the form of shelter, basic (health)care and more recently also legal counselling. In their study Kos, Maussen, and Doomernik (2016) analyse how municipalities in seven Dutch cities have developed 'ways of cushioning, bypassing, resisting and counteracting various aspects of exclusionary asylum policies' (2016, p.2).

Having sketched the competencies of Dutch local authorities in the field of the reception of asylum seekers, the integration of refugees and in relation to refused asylum seekers, this article turns to discuss experiences with refugee reception in the municipalities of Almelo, Tytsjerksteradiel and Waalwijk. In two of these municipalities, Tytsjerksteradiel and Almelo, there is currently a reception centre for which the Central Agency for the Reception of Asylum Seekers (COA) bears immediate responsibility. Both municipalities also have a relatively long history of refugee reception dating back to the mid-1990s (COA, 2018).

In Tytsjerksteradiel the reception centre is no longer a 'regular' reception centre but one of five 'family centres' in the Netherlands that have been especially created for

families with underage children whose applications have been rejected (COA, 2018). The facility is situated in Burgum, the largest (10 065 inhabitants) and most centrally located village of the municipality, which itself is constituted by 17 villages that altogether have a population of 31 963 inhabitants (Statistics Netherlands (CBS) 2018).

In the municipality of Almelo (72 479 inhabitants) the centre is a regular reception centre in which asylum seekers stay to await the outcome of their asylum procedure, which is located on the northern outskirts of the city (CBS, 2018). In 2017, the municipality was one of the 39 municipalities that offered emergency reception to irregular migrants (Pro facto, 2018), colloquially also known as 'bed, bath and bread' facilities.

Lastly, in the town of Waalwijk (47 410 inhabitants) there is no reception facility (CBS, 2018). As part of the dispersal policy, the municipality has however provided housing and other support to 365 recognized refugees in the past three years (Platform Opnieuw Thuis, 2018). As will be illustrated through the analysis of local municipal documents, it is the local presence of several undocumented children whose asylum application have been rejected that has shaped municipal council discussions on human rights.

The contours of human rights engagements in the field of irregular migration in Almelo, Tytsjerksteradiel and Waalwijk

In these three municipalities we can observe human rights 'talk' at the level of the municipal council. This often takes the form of an abstract reference to human rights principles, such as the principle of universality, and sometimes involves references to specific human rights instruments. The policy brief in which the executive board of the municipality Almelo elaborates on the policy for undocumented migrants, for instance states that the policy brief serves to outline 'fundamental principles', which is followed by an explicit reference to different sources of human rights, ranging from the European Convention on Human Rights (ECHR) to the Dutch Constitution, that are altogether cited as 'a moral compass and point of departure for action'.¹⁴

¹⁴ Policy Memo municipality of Almelo 12th of May 2015; accessed through <https://www.almelo.nl/gemeenteraad>.

In these instances, in which human rights are explicitly invoked they appear to serve a range of purposes. Human rights first of all appear to justify an explicit concern with the plight of irregular migrants and refused asylum seekers within the municipality. In the municipality of Waalwijk for instance, a municipal council member of the Christian democratic party put the plight of undocumented children on the agenda and called attention to a civil society-initiated campaign for an amnesty programme for undocumented children. The councillor motivated her decision to put forward a proposal with a reference to, among other things, the Rights of the Child.¹⁵ In 2014, the municipal council of Tytsjerksteradiel on the other hand, decided to request a 'confidential, internal and informative memo about the position of residents of the family centre in Burgum, their rights and equal treatment'. The justification for this memo, as stated in the report is that 'the residents of the family location in Burgum do not have the same rights and responsibilities as other residents' which begs the question 'how we as municipality deal and act upon this, especially given the principle of social equality'.¹⁶

In two of the three municipalities included in this study, the invocation of human rights appears to justify the development of a local approach to the presence of undocumented migrants (Almelo) and refused asylum seekers (Tytsjerksteradiel). This emphasis on human rights as a basis for action resonates with the shifting scope in human rights scholarship from a concern with human rights implementation to broader accounts of human rights practice (Goodale 2007, p.37). As Barbara Oomen notes, 'framing a given injustice as a human rights violation, opens the way to an international discourse with a great deal of legitimacy, the possibility of connecting with wider networks, coupling a local struggle to a universal cause, generating funding and other types of support and possibly even finding legal remedies' (2014, p.492).

In the case of Almelo, beyond several references to human rights language, human rights also form the basis of a more comprehensive policy entitled 'minimal local reception and human rights for rejected asylum seekers'. The existence of these policy memos detailing the relation between human rights and local policies and the allocation of a budget (138 789 euro in 2015) show that the relevance of human rights, stretches beyond discourse into local practice and policy.¹⁷ In both cases the

¹⁵ Waalwijk minutes of the municipal council meeting which was held on the 7th of June 2018, accessed through https://www.waalwijk.nl/stad-en-bestuur/raadsinformatiesysteem_3638/.

¹⁶ Tytsjerksteradiel municipal council meeting 24th of April 2014 *Politieke Termijnagenda 2014-2018*; accessed through [Fryslan.gemeentedocumenten.nl](https://www.fryslan.gemeentedocumenten.nl).

¹⁷ Policy Memo municipality of Almelo 12th of May 2015; accessed through <https://www.almelo.nl/gemeenteraad>.

proposed (Tytsjerksteradiel) and implemented (Almelo) approach of the municipal council stands at odds with national asylum, reception and return policy, as human rights law gives stronger protection to the human rights of rejected asylum seekers than the national policy.

Human rights are moreover invoked as an additional or alternative frame of reference, or normative order on the basis of which national policies can be evaluated and the development of local approaches can be justified. This study found that these different sources of human rights law are sometimes understood as complementary, but in other instances international human rights norms are seen as conflicting with constitutional obligations. In Tytsjerksteradiel for instance, one of the municipal councillors challenged the interpretation of the council's executive that the municipality's competencies in the field of asylum are limited, by invoking article 93 and 94 of the Dutch constitution¹⁸ in reference to international human rights law and the rights of the Child in particular, which she stated also oblige the municipality to protect the human rights of the families and children staying in the family location.¹⁹

Theories of legal pluralism provide a conceptual framework that takes into consideration this coexistence of different normative orders and tensions or clashes between and within normative systems. The legal scholar Brian Z. Tamanaha for instance distinguishes between six sources of normative orders ranging from positive legal, customary, religious, economic/capitalist, functional and community/cultural normative systems (2008, p.397). He moreover argues that 'owing to the dominant tenor of their claims to authority, these coexisting sources of normative ordering are poised to clash' and distinguishes between clashes *between* different normative orders, such as between legal and non-legal normative orders and clashes *within* a given normative order (2008, p.400), such as within the legal normative order.

So how are we to understand this local 'use' of human rights in light of these insights? The aforementioned reference of municipal human rights users to multiple sources of human rights (see also Oomen & Durmuş, 2019), such as legal obligations derived

from international human rights law and from the Dutch constitution, can firstly be understood as a conflict within the *legal order*, involving a conflict between international human rights norms and Dutch domestic law. However, it can also be interpreted as a conflict between legal and non-legal normative systems, such as between Dutch domestic law and the *moral* force of human rights, as part of cultural or customary normative systems. The explicit reference to a human rights instrument (ECHR) and the proclamation of 'independent municipal human rights responsibilities' in the Almelo policy brief supports the first interpretation that understands the adoption of a human rights frame as a deliberate turn to a different source of legal obligations within the *legal order* for a justification of a local practice or policy.

However, the same policy brief simultaneously refers to human rights as a moral compass and the invocation can therefore also be understood as a conflict between a legal normative system (Dutch domestic law) and a non-legal normative system which, in the interpretation offered by the municipality, is constituted by an understanding of human rights as moral values. Although these insights are useful to tease out the different dimensions of human rights engagements, this analysis showed that human rights invocations in practice may defy such a neat categorization and differentiation between normative systems. This first section also illustrated that this combination of different considerations, such as humanitarian, legal or pragmatic ones, is not unique to human rights engagements in urban areas, as analysed by Oomen and van den Berg (2014) in the Dutch urban context.

Encounters with irregular migrants and engagements with human rights locally

Beyond these general contours of human rights engagements in these three municipalities, this study identified two common themes when analysing these engagements with human rights in the field of irregular migration. Firstly, the physical *presence* of and *encounters* with irregular migrants in the locality and secondly, local perceptions and contestation of the human rights responsibilities that arise from these encounters. The following analysis examines how in each of these municipalities the presence of and encounters with irregular migrants shaped engagements with human rights, but also explains how perceptions and contestation of human rights responsibilities in response to these encounters differed between municipalities.

18 Article 93 and 94 of the Dutch constitution concern the (direct) effect of international law and the standing international treaties and resolutions vis-à-vis statutory regulations in force within the Kingdom.

19 In her argument the councillor drew on multiple sources, including a joint report published by the Dutch Association of Municipalities [Vereniging Nederlandse Gemeenten] and Amnesty International on local human rights engagements and commitments.

In all three municipalities we can observe references to the local *presence* of and *encounters* with rejected asylum seekers in municipal documents. In the case of the municipality of Almelo for instance, in the policy brief on the local policy towards undocumented migrants, it is stated that the issue of forced migration is one that locals feel strongly about because of the presence of a reception facility and the local presence of many refugees with an Armenian background. The policy brief does not explain why the presence of Armenian refugees gives rise to this local saliency, but it is likely that this is related to the comparatively low recognition rates for asylum applications of asylum seekers from Armenia (Eurostat, 2018). In the same document we can moreover observe that the existence of an ‘own independent responsibility’ is based in on the fact that ‘refugees are de facto in the municipality’. This instance therefore illustrates how presence is understood as ‘a social fact’ on the basis of which rights can be claimed (Nyers, 2010, as cited by Darling 2017, p.190).

It is this potential normative value of *presence* as a political claim that Jonathan Darling puts forward in his reflections on forced migration and the city. For Darling, its value may lie in ‘offering a different starting point for discussion – one emergent from the relations of urban life rather than the imposition of sovereign authority’ (2017, p.191) Instead he probes us to consider how ‘claiming presence has the capacity to articulate a ‘political subjectivity and its expression to rights’ (Isin 2012, 109) that is delinked from assumptions of citizenship, and that is ‘transversal’ in assuming rights not through the fixity of residence, but through presence as both a statement of social fact and a transversal connection’ (2017, p.191). Darling invites us to think about forced migration and cities, the analysis of these three Dutch municipalities however demonstrates that the local presence of rejected asylum seekers is also invoked as a basis for municipal practices in local contexts that do not qualify as *urban*.

Although the municipal council proceedings and documents of these three municipalities refer to the local physical presence of refugees and although these references appear to justify a local approach or a municipal council consultation on the matter, the role of the irregular migrants as ‘claimants’ is rarely mentioned. Instead, the council proceedings in these three municipalities tell the story from the perspective of the other party, the perceptions of municipal actors about the presence of and encounters with rejected asylum seekers in the locality. In the town of Waalwijk, the member of the municipal council who initiated the discussion on the plight of undocumented children, remarked that these nationwide debates on their plight and calls for

an Amnesty for undocumented children directly concern two children in the municipality, children with whom all members of the council are familiar because they visited the council recently.²⁰

Finally, in the municipal council debates in Tytsjerksteradiel we can find multiple references to the physical presence of refused asylum seekers in the municipality as well as encounters with families prior to their involuntary return. The backdrop for these discussions is the forced return of Afghan families whose asylum applications have been rejected from the local family reception centre. At least two instances of such forced returns, as recorded in council reports, were preceded by protests organised by residents of the reception facility on the day that these families were taken from the family location and transferred to another closed ‘return’ centre in another province. In her plea to offer protection to these families the municipal council member of the progressive green party also explicitly refers to ‘instances in which families who were facing deportation turned to the office of the municipality to seek support and awareness for their plight’. She subsequently describes her own feeling with ‘these events in our municipality’ with the image of ‘having a knot in her stomach’ and calls for ‘a local discussion about human rights, the duty of care and the role of the municipality in all this’, insisting that ‘it is not my task, not our task, to look the other way’.²¹

Beyond being experienced as a ‘social fact’ this insistence that ‘it is not our task to look the other way’ resonates with what human rights scholar Itamar Mann has described as situation of ‘being bound simultaneously by two spheres of obligation: the obligation to one’s state [...] and the duties that emanate from the presence of another person’ (2016, p.160). In his book *Humanity at Sea*, Mann draws from his analysis of the history of maritime encounters with refugees in international

20 The municipal council eventually decided to pass a motion in which it agreed to send a clear message to the “responsible ministry and the Secretary of State” and to “plead with the Secretary of State for a solution for the plight of undocumented children”. This ‘signal’ took the form of an adoption of a resolution in the municipal council, a copy of which was sent to the government, parliament and the municipal councils of all Dutch municipalities. Since March 2018 134 municipal governments in the Netherlands have passed a similar motion in the municipal council as part of a nationwide campaign initiated by a civil society initiative “De Goede Zaak” (De Goede Zaak 2018). The municipality of Waalwijk stands out because it was one of the first municipal governments to adopt such a motion and because of the decision to send the motion and letter to the Secretary of State to all Dutch municipal councils.

21 Tytsjerksteradiel municipal council meeting 1st of August 2017. accessed through: <https://tytsjerksteradiel.groenlinks.nl>.

waters and insights from legal and political theory, to ground human rights practice in such existential encounters. Mann proposes that we understand human rights encounters as creating ‘a potential opportunity from the perspective of the relatively powerful party [...] small as it may be – to correct the horrors of collective political decisions’ and ‘to exercise her own independent judgement against the determination by her state or by the ‘international community’ (2016, p.225). It is important to note however, as Moritz Baumgärtel does in his reflections on the matter, that ‘at the heart of the framework is a complex notion of a duty²² ‘that emanate[s] from the presence of another person’ and which is binding despite the absence of any positive legal obligations’. He also clarifies that ‘this is not to say that human rights law is irrelevant. Rather, they [*duties*] can also be grounded in the ‘existential challenge’ that may arise in encounters characterized by strong asymmetries in power, such obligations are elementary’ (Baumgärtel, 2019, p.143).

Although Mann and Baumgärtel discuss ‘human rights encounters’ in relation to maritime encounters at high seas, this article argues that this understanding of ‘human rights encounters’ resonates with references in municipal documents to encounters with rejected asylum seekers within the municipality, first of all because of it emphasizes the power asymmetry at play in these encounters. Such an understanding of human rights encounters with irregular migrants that are marked by strong asymmetries in power, stands in stark contrast with the approach to studying everyday encounters of migrants in cities developed by Nina Glick Schiller and Ayşe Çağlar.

In their efforts to understand the relationship between migrants and cities across urban contexts, Glick Schiller and Çağlar examine how everyday encounters may produce urban sociabilities that affect the possibilities for migrant emplacement. The authors conceptualize sociabilities as everyday social ‘relationships of social support providing help, protection, resources and further social connections’ that ‘emerge from actors’ mutual sense of being human’ (Glick Schiller & Çağlar, 2016, p.19). As a result of their focus on settled migrants, they concentrate on the type of encounters that occur within ‘social spaces of residence, work or institutional activity, all constituted within the intersecting multiscale networks of power’

22 In the reviewed literature and in the analysed policy documents and proceedings the terms duties and responsibilities are often used interchangeably. Because the term responsibilities is used more commonly in the literature on human rights localization reviewed in this article and because the term responsibility also features more prominently than ‘duty’ in policy documents and political proceedings, this article generally uses responsibilities, except in cases of direct quotes.

(Glick Schiller & Çağlar, 2016, p.20). Although this approach offers a promising perspective on migrant built on the criticisms of methodological nationalism, it is difficult to draw on this theory to further explicate how encounters with irregular migrants shape human rights engagements in these municipalities. Refused asylum seekers after all, often find themselves in what Baumgärtel describes as a ‘condition of dependency’ and ‘vulnerability’, which seems to cast a shadow over this potential of such sociabilities in places of residence or work because vulnerable migrants, although present in the locality, find themselves as ‘outsiders in society’ (Baumgärtel, 2019).

Another thing that sets these encounters apart from sociabilities is that they involve a sense of immediacy²³ and urgency that unsettles the ‘regular order of affairs’. In Tytsjerksteradiel, this immediacy and urgency resulted from the fact that the Afghan families received news of their involuntary return just days before and that exact timing of their removal from the family location was not communicated to them, which contributed to uncertainty and a sense of urgency on the part of the different actors involved. This second section has examined how encounters with irregular migrants feature in and shape local engagements with human rights, drawing on and developing scholarship on human rights encounters by contrasting this theory with other perspectives on encounters and sociabilities.

From encounters to local understandings and contestations of human rights responsibilities

Although in all three municipalities we can observe references to the presence and plight of refused asylum seekers and encounters with them, there are considerable differences between these municipalities with regard to the *perception of human rights responsibilities* on the part of municipal council members, executives, mayors and civil servants. In the town of Waalwijk, the municipal council for instance agreed to send a clear message to the ‘responsible ministry and the secretary of state’ to ‘plead with the Secretary of State for a solution for the plight of

23 Darling (2018) in his reflections on the politics of welcome notes that there is often an ‘immediacy to the demand to welcome’ (224). The plight of irregular migrants and the encounters with them were also framed by local municipal actors in these municipalities as requiring immediate acknowledgment and action. This article has also foregrounded this immediacy and temporality and has differentiated human rights encounters from everyday sociabilities and ‘encounters with difference’ on the basis of, among other things, this immediacy and temporality.

undocumented children'.²⁴ In this case there is no indication that any of the local public officials consider it either possible or desirable that the municipality has its own independent human rights responsibility. Judith Resnik also refers to this sort of initiative as 'expressive and hortatory, calling for a shift in national policies' and contrasts it with programmatic initiatives which 'generate internal obligations by incorporating transnational precepts into local law' (Resnik 2007, p.46).

This example of Waalwijk stands in stark contrast with the other two municipalities, in which the existence of an independent human rights responsibility is either assumed (Almelo) or explicitly contested (Tytsjerksteradiel). In the case of Almelo, the policy brief for 'minimal local reception and human rights for rejected asylum seekers' opens by stating that 'because of international and national turmoil, discussion and deliberation in the field of forced migration and after recent commemorations of WW1', it is 'good to talk to each other about our own responsibility and moral compass as humans and as local governments'.²⁵

In the municipality of Tytsjerksteradiel it is this question whether local governments have their 'own' 'independent' human rights responsibilities that is contested and perceived differently by the mayor and members and executives *within* the municipal council. The backdrop for this contestation is the forced return of Afghani families whose asylum applications have been rejected from the family reception centre. After one such incident where residents protested the forced return of an Afghani family, the aforementioned council member of the progressive green party raised questions about responsibilities, as can be read from the following quote of the council minutes.

*'We have been informed by the mayor about the events of the 4th of July. He explains that in such cases we are dealing with national policies. He also remarks that the municipality has little to no influence over this policy ... We therefore wonder what is this 'little bit of influence' that we do have? And can we exert more influence or demand influence? And does little or no influence also mean no responsibility? The fundamental question is what the role of the municipality is, in terms of governance, care and safety?'*²⁶

²⁴ Waalwijk municipal council meeting which was held on the 7th of June 2018, accessed through https://www.waalwijk.nl/stad-en-bestuur/raadsinformatiesysteem_3638/.

²⁵ Policy Memo municipality of Almelo 12th of May 2015; accessed through <https://www.almelo.nl/gemeenteraad>.

²⁶ Tytsjerksteradiel municipal council proceedings and inquiry dated 1st of August 2017; accessed through: <https://tytsjerksteradiel.groenlinks.nl>

After this initial probing and pleading by the councillor, the issue featured in a series of other council meetings and formed part of an exchange in the form of written questions which the party posed to the municipal council executive. The councillors involved asked the executive board how it implements articles 93 and 94 of the Dutch constitution²⁷ in relation to human rights and the rights of the Child of those staying in the family reception location. They also asked the executive board to explain if it is willing to examine and explicate its understanding of an independent duty vis-à-vis rejected families who are facing returns to unsafe countries of origin. In response to these questions, the executive board stated that the family centre, a designated reception centre for families with children whose asylum applications have been rejected, in and of itself constitutes a recognition of human rights and the Rights of the Child, but it did not identify who bears responsibility over this policy in this first answer. In its answer to the question about 'own responsibilities' it answered that the municipality does not have competencies in these areas (return policy).

These instances in Tytsjerksteradiel illustrate how a municipal council may be internally divided over the basis for local engagements with human rights, including the possibility of independent municipal human rights responsibilities, the identification of duty bearers and the extent of discretion.²⁸ Drawing from Resnik's distinction between expressive hortatory practices and programmatic ones, we can therefore observe a disagreement within the municipal government about the desired course of action and the effects of purely expressive and hortatory initiatives, such as letters to the Secretary of State.

²⁷ Article 93 and 94 of the Dutch constitution concern the (direct) effect of international law and the standing international treaties and resolutions vis-à-vis statutory regulations in force within the Kingdom.

²⁸ It is important to note here that in the Dutch system mayors have the formal competency to request the Secretary of State to use his or her discretionary competency to grant *asylum* in exceptionally harrowing circumstances. In the case of the aforementioned instance in which the municipality of Waalwijk set out its position concerning the plight of undocumented children, the mayor's request for the application of discretion was turned down by the secretary of State. This was therefore also a reason for one city council member to comment that although he supported the motion he nonetheless wondered about its effect and feared 'symbolism'. In Tytsjerksteradiel this formal discretion in the field of asylum does not feature in these discussions and instead the focus is on discretion in relation to return policy. It is therefore important to situate these discussions on discretion against this backdrop and to distinguish what discretionary space local authorities have beyond this specific and 'formal discretion' of the secretary of state.

The comment ‘it is not my task, not our task to look the other way’ moreover suggests that responsibilities in these contexts are understood as *collectively* imagined. However, in Mann’s understanding of human rights encounters, duties are grounded on highly *personal* existential experiences. It is this emphasis on this personal dimension, that Baumgärtel critically interrogates in his reflections on human rights encounters.²⁹ More specifically, Baumgärtel argues that Mann’s phenomenological theory should be expanded with a theory that explains ‘how ethical convictions can, *in substitution of* the physical encounter, result from the ‘imagination’ that is triggered by interpersonal communication’, which means investigating why ‘it be experientially meaningful to express and insist on human rights commitments’ (Baumgärtel, 2019, p.153). Although this article recognizes a similar need to broaden the understanding of human rights encounters to include collectively imagined encounters and duties, it provides another perspective on and argument to develop this conceptualization of human rights encounters in this direction.

In the case of the encounters that shaped human rights engagements in these three municipalities, the encounters were neither obstructed nor substituted entirely by imagination. The references to encounters with irregular migrants that we can find in these municipal documents illustrate that it is neither always nor exclusively this *personal dimension* that gives rise to a sense of duty, but also point towards the importance of the *site of encounter*. In both Waalwijk and Tytsjerksteradiel the municipal councillors emphasized how these encounters took place in municipal office or town hall. The councillor in Tytsjerksteradiel emphasized in her plea that some Afghan families visited the municipal office to seek support, but did not specify to whom the families turned. On another occasion Afghan families and other residents of the family location also attended a regular municipal council meeting in the town hall.³⁰ Although none of the Afghan families and individuals spoke or explicitly addressed any member of the council during the meeting and no form of protest was staged, their presence in the municipal office was acknowledged

²⁹ Baumgärtel is particularly concerned with the question whether this grounding in “highly personal, intimate, existential experiences’ [...] “means that resulting duties could be weakened by eliminating or diminishing the chances of personal encounters” (2019) as a result of increasing extra-territorialization of border control. Baumgärtel however is not convinced that this “concern for the rights of vulnerable migrants” has “disappeared in the face of such strategies”.

³⁰ Tytsjerksteradiel municipal council meeting 28th of March 2019, accessed through: <https://ris2.ibabs.eu/Tytsjerksteradiel>

explicitly by the mayor, executives and the councillors. Their presence also had an immediate effect because the municipal council, decided to conduct the entire meeting in Dutch, as opposed to the Frisian language, the official language of the region and the language in which municipal affairs are usually conducted.

This emphasis on the *site of the encounter* and absence of a clear identification of what Mann calls the relatively powerful party to the human rights encounter, is interesting because this reference to a quintessential public institutional space may be what makes it possible for encounters to be imagined as collectively experienced and for duties and responsibilities thus also to be understood as such. It also points towards the importance of these locations, such as the local town hall, not only as a simple acknowledgment of the locations *in* which encounters occur, but also as sites that in and of themselves are imbued with meanings that in turn may shape the way in which these encounters are imagined. In other words, such a reading offers insight into the spatial contexts and aspects of local human rights engagements, including local understandings of duties and responsibilities that may emanate from the presence of undocumented migrants as such, or more specifically from local encounters, in municipal institutional spaces. This reading finally also resonates with aforementioned geographical perspectives, such as Amin’s topological approach to localities and social action, as it is neither a-spatial, nor exclusively tied to the territorial local context.

Conclusion & Discussion

This section offers concluding reflections about the assumptions and implications of this approach to studying variations in the engagements of local authorities with human rights in small towns and non-urban contexts. This study firstly drew from scholarly work on comparative urban studies and human rights practice to distil sensitizing concepts, which served as points of departure and offered different vantage points during data collection and analysis. On the basis of open and axial coding of municipal council documents the article first sketched the contours of engagements with human rights in the field of irregular migration in three municipalities. More specifically it has examined how encounters with irregular migrants can give rise to a sense of collective responsibility and how these encounters occur not only in certain places, but may also be shaped through them.

This first part of the analysis focused on what these policy documents and political proceedings can tell us about understandings of human rights and the motivations

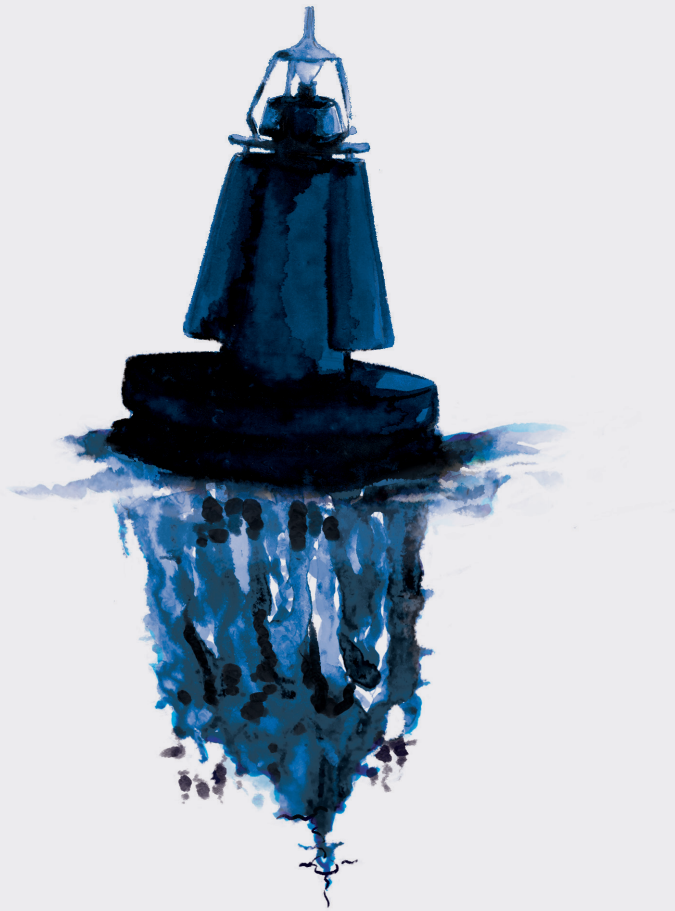
offered by municipal actors in these texts for invoking human rights. This study found that these local understandings of human rights and the motivations offered in these texts for invoking human rights, resonate with a broader account of human rights practice (Goodale, 2007) which takes account of the often 'messy and contradictory emergency of human rights within situated normativities' (37). Human rights may for instance be invoked as a *moral* compass, but simultaneously involve an explicit reference to human rights understood *as human rights law* (ECHR). Moreover, human rights responsibilities as framed in these texts are sometimes, but not always, represented as standing in *conflict* with perceptions of other domestic legal obligations. The article therefore drew on insights from theories of legal pluralism (Tamanaha, 2008) to understand this duality and complexity, but also found that invocations often defy the sort of straightforward categorizations between normative systems offered in this scholarship. It should be noted that this article did not propose a normative standpoint about human rights encounters or legal pluralism as such. Instead, it offered a social-legal analysis of local understandings of human rights, followed by an interpretation of two themes: (i) perceptions of presence of encounters with irregular migrants and (ii) perceptions of human rights responsibilities that emerge from these encounters.

A question that arises regarding the implications of this approach, is how we can reconcile this understanding of perceptions of human rights responsibilities that emanate from the *presence of encounters* with irregular migrants, with a comparative approach that seeks to understand both commonalities and differences between localities' engagements with human rights? It is important to note in this respect that these 'human rights encounters' are not exclusive to (urban) contexts, but instead are predicated on the presence of non-citizens who lack effective membership in a given space but who can nonetheless trigger an encounter. The article offers a perspective on local understandings of human rights in 'small places' such as the municipal office in a small rural municipality and thus draws attention to the potential relevance of human rights beyond the *urban* context of 'human rights cities' to also include more piecemeal actions of newer and smaller 'kids on the block'. In other words, this study has provided a spatially aware examination of human rights engagements that is not restricted to specific urban contexts or an analysis of urban life.

Scholars working in the field of human rights localisation have emphasized the need to move beyond documenting 'piecemeal actions' and have also taken a normative stand by proposing that human rights should be mainstreamed and integrated in all aspects of policymaking where local authorities play a role

(Marx et al., 2015). This article however takes a different, albeit complementary approach by zooming in on the *dynamics* and *tensions* that are involved in even the most specific or 'piecemeal' engagements with human rights (Marx et al., 2015) in the field of irregular migration. More specifically, it has attempted to deepen our understanding of this spectrum of engagements, by looking at *commonalities*, pertaining to the relevance of human rights in relation to irregular migration as well as *differences* in the self-understanding of municipal 'human rights users' about human rights responsibilities, discretion and the role of encounters. In this respect this study found considerable differences among municipalities and differences among municipal actors within a single municipality. In other words, human rights responsibilities are contested locally in small places and in different types of localities, but this process is far from being uniform, unequivocal or uncontested.

This analysis can therefore also be read as a response to Resnik's scepticism about the 'pastoral image of democratic processes at the local level' and her words of caution not to assume that 'each locality spontaneously finds and then expresses its own internal commitments' (2007, p.42). Future research on this nexus between local approaches to human rights and irregular migration will also need to study human rights encounters – encounters from which a sense of duty emanates – alongside encounters that result in an explicit rejection or indifference, as Gill (2018) and Darling (2018) also discuss in their reflections on the politics and fragility of welcome. To conclude and building upon this analysis, this chapter suggests that sites of encounters and the meanings associated with them should also form part of such analyses, alongside other dimensions, such as the temporalities of and power dynamics at play in these encounters.



Chapter 3

Human? Rights? Cities?

The translocal politics of rights,
responsibilities and refugee
solidarity in the Netherlands

This chapter is based on: Miellet, S., & Oomen, B. Human? Rights? Cities? The Translocal Politics of Rights, Responsibilities and Refugee Solidarity in the Netherlands, submitted to the *Law and Society Journal* which advised recommended revise and resubmit.

Abstract

Local engagement with human rights is often discussed under the header of human rights cities. This chapter moves beyond this understanding via a grounded investigation of which local authorities engage with human rights, how they do this and whom they seek to protect. A systematic analysis of how all engaged Dutch municipalities responded to a call to relocate 500 unaccompanied refugee minors from Greece helps understand how local actors engage with the language of rights and responsibilities. We theorise that this involves both translocal accountability politics and local responsibility practices, and discuss the implications for local human rights realisation.

Introduction

'This is the paradox of making human rights in the vernacular: in order to be accepted, they have to be tailored to the local context and resonate with the local cultural framework. However, in order to be part of the human rights system, they must emphasize ... ideas embedded in legal documents that constitute human rights law' (Merry 2006, p.116)

'The Netherlands made international agreements on human and children's rights. This also creates an obligation for local authorities to apply these treaties in policy and practice. What will our municipal executive do in this respect?' (Council meeting Midden-Delfland municipality, 6 April 2020)

Human rights are in an interesting place. On the one hand they are criticised for a lack of legitimacy, delivery or even responsiveness to global challenges (Moyn, 2018). On the other, references to rights and actions towards rights realisation spring in localities of varying size and scale and the municipal organisations within them (Goodhart, 2019). So-called 'human rights cities' and their counterparts often push forward the human rights agenda much more forcefully than nation-states, working towards both international norm-generation and local realisation (Davis, Gammeltoft-Hansen & Hanna, 2017; Goodhart, 2019; Aust & Nijman, 2021). This localisation of human rights, however, is far from uncontested, and involves deeply political processes of renegotiating the substance of rights, the framing of rights claims and the prioritization of those deemed more deserving than others (De Feyter et al., 2011; Merry et al., 2010; Grigolo, 2018).

Taking a close look at these local processes can contribute to addressing human rights critiques: local support for human rights forms an important counter narrative to critiques that argue that human rights lack legitimacy, whilst local efforts can simultaneously contribute to the actual realisation of the human rights agenda. Additionally, processes of negotiation and human rights framing within local authorities, where reference to rights is much more a matter of choice than it is nationally, forms an important testing ground for the translation of oftentimes abstract and vague international human rights norms towards tangible outcomes. Local actors' decisions to invoke and use human rights in local policies, discourses and practices also speak to concerns about the state-centrism of the international human rights regime. At the same time, it chimes in with efforts to develop more inclusive approaches that investigate how responsibilities may be shared and differentiated (Vanderhole, 2014; Sikkink, 2020b) between various 'human rights users' (Desmet, 2014) and 'agents of justice' (O'Neill, 2016).

This being said, the swiftly emerging scholarship on human rights cities and human rights localisation often lacks systematic comparison of what drives local processes of human rights framing and what frames are invoked for what purpose. It also tends to focus strongly on a specific group of large cities in the Global North (Hirschl, 2020).

This chapter addresses this gap via a systematic comparison of one of the main human rights issues in municipal councils in the Netherlands in recent years, based on a unique database that includes information on all Dutch municipalities. In response to the dire humanitarian conditions under which unaccompanied refugee youth live in refugee camps on the Greek islands, the European Union, together with NGOs, called on all member states to take in 2500 unaccompanied refugee minors, on top of existing relocation arrangements. When the Dutch state refused, three Dutch NGOs called upon local authorities to form a 'Coalition of the Willing', supporting the relocation of 500 unaccompanied refugee children and youngsters. In the vehement debates that ensued in engaged Dutch municipalities, a wide variety of arguments, both rights-based and with other foundations, were put forward by various local actors.

In what follows, we will present and analyse these arguments with a view to developing a systematic understanding of how local actors engage with the language of rights and responsibilities where it concerns refugee relocation to the Netherlands, and the implications for broader debates on rights localisation. In doing so, we pay attention to the types of local authorities and local actors (who engages?) that engaged with this issue, the frames deployed in the process (how?) as well as the social construction of norm addressees (for whom?). This leads to a reassessment of the often-found depiction of local engagement with human rights as being about human rights cities.

For one, the systematic comparison of the framing of this humanitarian challenge in Dutch municipalities points towards the local engagement with human rights beyond self-designated human rights cities, in smaller cities, towns and rural localities. Next, it is not only the language of rights, but rather the language of rights and responsibilities that is invoked alongside other frames. Finally, the scope of norm addressees (unaccompanied refugee minors) is fiercely contested in these municipalities. In seeking to understand how local actors engage, our analysis highlights and theorises that this local politics of rights and responsibilities

involves both *translocal accountability politics* where municipal actors³¹ direct their gaze to the central government and *local responsibility practices*, introspective council debates on local responsibilities.

To develop this argument, we first discuss theoretical perspectives on the local use of human rights, framing processes and the norm addressees involved, to subsequently theorise the translocal politics of human rights and present the case and methods. On this basis we discuss which local authorities engaged, how arguments were framed and who they sought to protect, and how this involved both translocal accountability politics and local responsibility practices. This leads to a conclusion on the possible implications of these findings for the realisation of human rights and broader debates on reconceptualising rights and responsibilities.

Human rights cities: Current understandings on the (trans)local politics of human rights

The emergence of human rights cities (HRCs) has often been described as one of the most promising developments in human rights in the past decades. Starting in Argentina, in the 1980s, and travelling to the United States, Europe, Asia and Africa, the human rights cities movement has grown substantially (Smith, 2017; McNaughton et al., 2020). The 2021 World Human Rights Cities Forum, for instance, brought together hundreds of representatives of local authorities that explicitly take international human rights law as a point of departure for their local policies.

Such local human rights engagement has gained the interest of scholars, activists and policymakers.³² They consider this localisation of human rights an antidote against concerns on the effectiveness and legitimacy of human rights and as a buffer against illiberal democracies, and xenophobic national administrations (Marx et al., 2015; De Feyter et al., 2011). As 'frontier cities' human rights cities can play a role in furthering the objectives of international law, such as equal treatment and human dignity for all (Oberleitner & Starl, 2020).

³¹ Municipal, here, refers to 'associated with or belonging to a city or town that has its own local government' (Collins English dictionary). We are well aware of the way in which the term is also used by international lawyers to refer to the national, particularly in the context of international law, which is why we have limited the use of the term as much as possible.

³² For a recent European example, see the report of the European Union Agency for Fundamental Rights (FRA): 'Human Rights cities in the EU: a framework for reinforcing rights locally', 11 October 2021, available at: <https://fra.europa.eu/en/publication/2021/human-rights-cities-framework>.

The scholarship in this field has been quick to point out how human rights cities are far from homogeneous entities, but consist of an assemblage of actors, networked horizontally and vertically within and across national borders. It highlights the agency of individuals (McNaughton et al., 2020) as well as local human rights coalitions (Sakkers & Bagchi, 2020) that unite various actors and drive human rights city initiatives. They serve a broad range of functions, ranging from legitimizing deviation from the national government's policies, to agreeing to standards for local policies, binding actors to a shared goal or promoting of the city (Roodenburg, 2021).

Some local actors engage with 'human rights' as a wholesale concept, whereas others focus on specific elements in the human rights catalogue. Oftentimes, local rights talk does not refer to rights formulated internationally but to local understandings, such as the right to the city or a specific understanding of the right to housing. Research on mobilising for migrants' rights in non-immigration countries has pointed towards a 'cultural politics of resonance' where NGOs and advocacy groups search for public resonance while simultaneously keeping a principled position on rights (Kemp & Kfir, 2016, p.111). In other instances, the possibility of considering local issues through a human rights lens is explicitly discussed, but that a conscious choice for another frame is made by local actors – such as was the case where it concerned the rights of domestic workers in Hong Kong (Roodenburg, 2021).

Human rights are therefore but one frame for the consideration of social issues and social justice struggles. Framing, here is understood as an active, processual phenomenon that implies agency and contention at the level of reality construction (Benford & Snow, 2000, p. 614). Each frame has consequences, whether housing is considered a right (and the local authority a duty bearer) or a matter of chance, or merits, shapes social action. Human rights frames are often combined with other discursive frames, such as self-determination, democracy or autonomy (Fernández-Wulff & Yap 2020, p. 423). Such a 'fusion of frames' can theoretically enhance effectiveness and speak to different audiences. Given what is at stake, these frames are subject to intense negotiations, with different actors putting forward different understandings.

This chapter seeks to contribute to this research on human rights cities and the (trans)local politics of human rights in general, in the following ways:

First, where it concerns the 'cities' in human rights cities, by broadening the scope of empirical investigations beyond 'the usual suspects' – the group of large cities

such as Barcelona, Montreal, Gwangju that forms the driving force behind the world human rights cities forum and takes the lead in city networks. Scholars have explicitly come to wonder, if and to what extent this creates a skewed picture, and whether efforts and initiatives to localize human rights can also be found in non-urban settings and smaller localities (Goodhart, 2019). Expanding the scope of scholarship is important to better understand what motivates local actors to use and to frame local struggles and issues through the language of human rights and to assess the wider potential of these local human rights engagements.

Second, in human rights scholarship, the focus is often on the outcomes of local mobilizations (see for instance Merry, 2014), whereas an understanding of framing processes, and the actual negotiations can also help understand how to strengthen human rights protection. To move beyond this, it is important to focus on the question as to which local actors put forward what understanding of the issue at hand, combined with what solution. This social constructivist and processual emphasis on the framing of a contentious issue as refugee relocation serves to critically examine the role of rights in such local policy debates.

Third, local negotiations and framing processes are not only about what protection is needed, but also about who is deserving of such protection. This aspect also calls for further theorization. Who is deemed deserving of human rights protection? Here, it has often been pointed out that those most in need of human rights protection are often exactly those to whom this protection is not extended ('the citizenship gap'). For this reason, the position of migrants is often a key concern within self-designated human rights cities (Roodenburg 2019; Sakkers & Bagchi, 2020).

In spite of the mantra of human rights as 'universal, inalienable and indivisible', a human rights frame, as Waerniers and Hustinx (2019) have set out, can be used inclusively to include irregular migrants and asylum-seekers and exclusively to exclude non-deserving, 'profiteer migrants'. Migration scholars have long pointed at the rise of discourses of deservingness that serve as filters in the development of local and national refugee and migration policies (Chauvin & Garcés-Masareñas, 2014; Marchetti, 2020). To understand whom benefits from local human rights engagements it is important to critically assess whom the 'human' at the heart of this engagement is constructed to be. Such a 'social construction of target groups' is a deeply political process that influences the local policy agenda, the actual selection of policy tools, as well as the way in which they are legitimized (Schneider & Ingram, 1993).

These three elements (who engages, how and for whom) make up the general contours of our framework for studying the (trans)local politics of human rights.

Conceptually, our article also engages with the critique of state-centrism that has been levelled against international human rights law by examining the local mobilization of human rights (see Klabbers, 2003; Aust & Nijman, 2021). Some scholars working on human rights mobilizations in cities have argued that the increased recognition of sub-national processes in human rights has primarily concerned itself with ‘state actors’ and only indirectly on other local actors, such as community-based groups and social movements (Grigolo, 2016, p.279; Fernández-Wulff & Yap 2020, p.5). We agree that efforts to ‘localise’ human rights sometimes suffer from an overly narrow focus on the governance rather than the local politics of human rights and on the institutionalisation of human rights within municipal organisations.

That said, we also think that some of these critics paint a simplified image of the scholarship³³ and human rights city initiatives, which often rely on collective efforts and joint initiatives of civil society and municipalities, as a form of ‘city society’. Shifting the focus of empirical research away from ‘state actors’ towards social movements and civil society organisations runs the risk of ignoring complex interactions and negotiations that make up the everyday local co-production of human rights.

The binary categories ‘state’ and ‘civil society’ moreover perpetuate a reified understanding of the state (See Gupta, 1995; Gill, 2010). In similar vein, legal scholars have criticised how the binary concepts of state-actors/non-state actors obfuscate debates and maintain state-centrism (Alston, 2005). We think expanding the scope of ‘human rights users’ (Desmet, 2014) and theorizing the involvement of various actors, alongside the state, as ‘agents of justice’ (O’Neill, 2016), may be more productive to tackle the state-centrism of international human rights law and the

33 The scholarship on human right cities after all not only examines the involvement of civil society groups and social movements, but it also borrows concepts and theories from broader scholarly debates on social and legal mobilization by activists and movements. The works of Sally Merry, for instance, on the local translation, or vernacularisation of human rights into local justice have become a common reference point in debates on human rights localization and human rights cities.

statism of some local human rights initiatives.³⁴ At the same time, it is important to complement actor-oriented perspectives, with an analysis of the different types of tactics and politics involved in instrumentalising human rights locally. We hope that by a focus on the types of tactics that diverse local actors use, individually or collectively, this article also speaks to broader scholarly efforts to de-centre understandings of the state in human rights and migration research (Gill, 2010; Mongia, 2018).³⁵

To this purpose, this article brings into conversation insights from two theoretical perspectives: Keck and Sikkink’s understanding of ‘accountability politics’ and Sikkink’s more recent discussion of ‘responsibility practices’, to theorise the (trans) local politics of human rights.

In their landmark work (1999), Keck and Sikkink set out a typology of tactics that transnational networks use in human rights campaigns. The authors differentiate between *information politics*, *symbolic politics*, *leverage politics* and *accountability politics*. The first two types focus on the credible and quick generation and use of *information* where it will have most impact and the ability to call upon symbols and stories to make sense of a situation for an audience that is often far away. *Leverage* politics refers to the ability to call upon powerful actors to affect a situation where weaker members of a network are unlikely to have influence. *Accountability politics* to efforts to hold powerful actors to their previously stated policies or principles. As Keck and Sikkink note, a single campaign may contain many of these elements simultaneously. This article zooms in on accountability politics to theorise instances where local actors direct their gaze outwards to debate the legal obligations and commitments of the central government.

In more recent work, Sikkink (2020a) developed the concept of *responsibility practices* which also potentially serves to heighten understanding of the local processes of human rights engagement under discussion. Where it concerns wider

34 The term state-centric, is a common term and truism that describes how international law, as a product of the 1648 Westphalia Peace, regulates relations ‘between states, by states and for the benefit of states’ (Klabbers, 2003). In scholarship on human rights localization, some scholars are critical of how local human rights initiatives and the scholarship that traces their emergence, foregrounds the role of *local* government actors, which they worry comes at the expense of insight into the role of social movements and civil society. Here we refer to this phenomenon and critique as (methodological) ‘statism’ to avoid confusion with broader sociolegal debates.

35 For a theoretical discussion on the latter see Gill (2010) and for a historical perspective Mongia (2018:).

discussions on rights realisation, one reason why a focus on local human rights engagement is not only of practical, but also of academic interest, is that for local authorities reference to rights constitutes much more of a choice than it does for nation states. The degree to which local authorities are duty bearers/can be held accountable for the realisation of human rights, from a legal standpoint, depends on the constitution of the country concerned as well as the right itself. Practically, however, even where lawyers would argue that a given local authority does hold such a duty, actual explicit engagement with human rights is often a matter of local choice.

There are many documented instances where local authorities may not have (direct) responsibilities, but still assume responsibility for global urban challenges, such as climate change, often in tandem with social movements and civil society (see also Aust, 2015). It is this phenomenon, in which human rights advocates perceive and act upon a private or collective sense of duty that is often deeply felt, that Sikkink captures with the concept of *responsibility practices* (Sikkink, 2020a). Although her analysis focuses on human rights advocates that usually tend to avoid explicit references to non-state responsibility, Sikkink contends that these diverse human rights actors already have robust practices in this field. This notion is part of her broader rights-and-responsibility framework that seeks to resolve state-centrism by ‘articulating firmer norms and practices of networked responsibilities among diverse actors as necessary complements to human rights, in order to realize those rights more fully’ (Sikkink, 2020a, p. 99).

In this article, we draw on this notion of ‘responsibility practices’ to theorise instances in which local actors direct their gaze inwards to debate and contest local perceptions of collective and complementary responsibilities in the field of refugee relocation and admission. This concept is useful because, like accountability politics, it brings into focus these discursive practices. In addition, it highlights the broader ethic of responsibility and the assumption in this solidarity campaign that discretionary discursive acts may signal that each part of a network (or coalition) may take on a small part of the effort, knowing that others are doing their share (Sikkink 2020a, p.99).

In all, to evaluate (trans)local human rights engagements, it is important to look beyond the usual trope of human rights cities, with a focus on the different actors and negotiations around policy frames rather than the outcomes, and explicit attention for whom is deemed deserving as a beneficiary of local action and protection. Combining such an actor-oriented framework with an analysis of

discursive construction of whom is deserving of protection and why this is the case, and considering the politics and practices at hand, can lead to a more grounded and theoretically nuanced understanding of the (trans)local politics of rights and responsibilities. This, then, is what the next sections will focus on, with refugee relocation in the Netherlands as a case study.

Approach and data collection methods

To develop a comprehensive and grounded understanding of the relevance of human rights for municipal debates on the relocation of 500 unaccompanied refugee minors from camps in Greece, we studied municipal council proceedings and documents of all 355 Dutch municipalities.³⁶ Data was collected between April 2020 and July 2021³⁷ with the use of desk research. While local and regional press occasionally picked up on local debates on refugee relocation, this was more an exception than the rule. To ensure data for all Dutch municipalities, we analysed the records and documents of municipal council meetings. We accessed these documents through the online archives of the municipal council of each municipality.³⁸ The analysis focused on the documents and municipal council meeting records of 250 municipalities, so the 250 (70%) that engaged with the NGOs call to action to form a Coalition of the Willing to support refugee relocation.

To find out if there had been a municipal council debate on the refugee relocation campaign, we searched these municipal archives using the search words, ‘Greece’, ‘refugees’, ‘refugee children’ and ‘coalition’. Once we established that there had been a municipal council discussion, all relevant documents, such as minutes of municipal council meetings and council amendments were imported to NVivo. With the help of a student assistant³⁹ we analysed how the issue was framed and discussed within the municipal council prior to a vote on the issue. To track and document municipal mobilisation on this issue an open-source database was

³⁶ In 2020, there were 355 Dutch municipalities, in 2021 this number reduced to 352 due to municipal reorganisations.

³⁷ Most Dutch municipalities engaged with the call to action between March 2020 and December 2020. We used July 2021 as a cut-off point to check if local debates continued after solidarity declarations and national developments, such as the Cabinet’s Moria Deal.

³⁸ Where possible, we also used a general website (<https://zoek.openraadsinformatie.nl/>) to search municipal council records to which 250 municipalities (out of 355 were connected) to double-check accessed materials.

³⁹ We are grateful to Noémi Garrido Ayala for her painstaking and meticulous work in compiling the database.

created. The database includes information on the stance of municipalities on the refugee relocation issue, the deliberation process (council vote or municipal executive decision) and the characteristics of the municipality, such as population size and the political composition of the municipal council.

Our frame analysis covers different types of texts. Firstly, written and video records of municipal council meetings. These records shed a light on the individual perceptions and stances of municipal councillors and (deputy) mayors. Secondly, we studied municipal documents, such as letters of the municipal executive to the municipal council and letters (after a vote) of the mayor, as chair of the municipal council to the Dutch Minister for Migration.

Coding and analysing this information, on all Dutch municipalities where discussions on the relocation of 500 unaccompanied minors from Greece were held, in NVivo provides the basis for a grounded, systematic understanding of who engaged, how, and with whom in mind.

Municipal refugee solidarity: The Dutch solidarity campaign in context This study zooms in on a specific issue to investigate how municipal actors in the Netherlands 'use' human rights in local political debates and deliberations. Even if human rights law long holds a privileged position in the Netherlands because of the country's monist constitution, attention by role of local authorities for their responsibility for human rights realisation is more recent and still very fragmented (Fleuren, 2010). The issue at stake is the debate on the plight and relocation of refugees from border camps in Greece, one of the most flagrant violations of human rights and refugee rights in Europe today.

In 2015, the sudden increase in refugee arrivals in Europe brought to light the failings of the Common European Asylum policy (CEAS) and resulted in a refugee governance crisis. The protected uncertainty and lack of access to fundamental human rights for refugees stranded in the EU's border camps, or hotspot zones in Greece has been a crisis long in the making. The dire living conditions, dysfunctional sanitary conditions, lack or limited access to health care and education and delays in asylum procedures have been subject to debate on the EU level and in its member states for many years.

One of these hotspots that has caught the eye of activists and political actors and sparked much debate is the Moria refugee camp on the Greek island of Lesbos. For years Moria has been the centrepiece of human rights campaigns, signifying the

overcrowded conditions, human rights violations and protracted uncertainty in Greek refugee camps (Spathopoulou et al., 2020). The social construction of Moria as a symbol for the failings of EU asylum policy has a distinct visual dimension.⁴⁰ Images of children seeking shelter from autumn rains and mud, snow in winter and extreme heat in summer are an annually recurring motif in EU debates on asylum policy. The plight of refugee children and unaccompanied refugee minors (UAM) in public and policy debates has increasingly been discursively constructed as a 'policy problem' (Rigby et al., 2019).

In September 2019, the Greek Minister of Citizen Protection, Michalis Chrysochoidis, turned to his EU counterparts for a temporary solution to the plight of unaccompanied minors in refugee camps on the Greek islands. In his letter, he urged the EU member states to assist in the relocation of 'the most vulnerable', 2500 unaccompanied minors from Greece (Eliassen et al., 2020). Freedom of Information Act requests by refugee rights organisations show that most EU member states refused this Greek request. The Dutch Minister for Migration, herself a member of the conservative liberal VVD party, was one of those to reject the proposal, a position in line with ever stricter migration policies of recent Dutch cabinets. The approach of the ministry has been to frame refugee relocation efforts as unsuitable 'ad hoc' solutions, to emphasize the need for joint EU solutions and to assist Greek authorities with 'their responsibilities on the ground'.⁴¹

Dutch human rights and refugee rights organisations have voiced their concern about this restrictive approach for years. In March 2020, three Dutch NGOs⁴² banded together to organise a campaign to pressure the Dutch government to change its restrictive position on refugee relocation. To mobilize and visualize social support for refugee relocation and to exert pressure on the Dutch cabinet they urged Dutch municipalities to form a 'Dutch Coalition of the Willing'. These NGOs asked Dutch municipalities to state their willingness to support the relocation of 500 unaccompanied refugee minors from camps in Greece through public statements or a municipal council vote on the matter.

⁴⁰ See the collaborative art project *Now_You_See_Me_Moria*.

⁴¹ See, for instance, the letter to House of Representatives from the Minister for Migration on the 10th of September 2020 after the fire in camp Moria, discussed in the House of Representatives on the 1st of October 2020.

⁴² These three NGOs were the Dutch Refugee Council [Vluchtelingenwerk], Defence for Children and Netherlands Refugee Foundation [Stichting Vluchtelingen].

This campaign forms part of a broader (trans)national and local trend (Heimann et al., 2019; Schwiertz & Steinhilper, 2021). On the one hand, self-designated solidarity and human rights cities such as Amsterdam, Utrecht and Barcelona have pushed back against restrictive national approaches and mobilized for better access to rights and emergency social assistance for undocumented forced migrants in the city (Fernández-Bessa, 2019). One way in which this plays out is via a close relationship between human rights cities and sanctuary practices, with local authorities shielding those present within a city against deportations (Spencer & Triandafyllidou, 2020).

On the other hand, cities have begun to extend humanitarian concerns and calls of protection beyond those who are present in the city (Fischer & Jørgensen, 2021; Vandevoordt & Fleischmann, 2021). In Europe, for instance, many of the self-designated human rights cities opted to diverge from restrictive national responses to the 2015 refugee arrivals, and the subsequent drawing up of fortress Europe. In the years after the 2015 ‘governance crisis’, these cities explicitly advocated against pushbacks of forced migrants rescued at sea. An example is the German social movement initiative of Seebrücke that mobilized for the creation of a Safe Harbours networks that at the time of this writing consisted of approximately 260 German municipalities. Since 2021, it has also spearheaded the creation of an ‘International Alliance of Safe Harbours’ with 33 European member cities that had declared their support at the time of writing.⁴³ In these declarations, the signatory cities expressed their commitment to defend human rights and called upon the European Union to facilitate direct municipal admission, to provide for the necessary funding and to strengthen safe legal pathways (see also Schwiertz & Steinhilper, 2021). Amsterdam was one of these signatory cities. In the Netherlands we can also find earlier examples of municipal mobilisation on refugee solidarity, albeit smaller in scope. In 2012 and 2018, there were municipal campaigns for a fairer Children’s Amnesty. In 2018, a dozen municipalities also mobilized for a moratorium on involuntary returns to Afghanistan.

⁴³ This declaration held: ‘As European cities and communities that firmly believe in defending human rights, we have offered a new home to refugees and migrants for decades. We are unconditionally committed to humanitarian values, universal human rights, and the right to asylum, even in difficult times’, see: <https://staedte-sicherer-haefen.de/en/>

Analysis: Human? Rights? Cities?

What debates, now, were held in municipal councils all over the Netherlands between March 2020 and July 2021? Who initiated them, and how did they unfold? In the following analysis, we first focus on the question which local authorities, and local actors engaged in the debate, pointing out that these were not only cities. Subsequently, we analyse the different framing strategies, with an emphasis on responsibilities next to rights. The degree to which the discursively constructed subjects in these debates referred to all human beings, or only to forced migrants’ deemed deserving, forms the last part of this analysis.

Cities? Who engaged?

When the three NGOs called on local authorities in March 2020, municipal officials, (deputy) mayors in some of the larger Dutch cities, such as Leiden, Amsterdam and Utrecht were the first to answer the call to action. In the early days of the campaign, mayors played an important role as ‘champions’ of municipal mobilisation. An example is the mayor of Groningen who stood on the rooftop of one of the city’s iconic buildings as he urged the central government in a livestreamed message to take action to relocate young unaccompanied refugees from Greek refugee camps. These moments garnered considerable media attention and spurred other local actors into action.

Within three months, close to one third of the Dutch municipal governments had pledged support and joined a Coalition of ‘Willing’ municipalities supporting the relocation of young unaccompanied refugees from camps in Greece. Between March 2020 and February 2021, 250 out of 355 municipal governments (70%) engaged with the call to action, generally by discussing the municipal position on the refugee relocation campaign within the municipal council. Of the 250 municipalities that deliberated on this matter, 193 municipalities took a stance against the restrictive approach of the central government, supporting refugee relocation and joining the ‘Dutch Coalition of the Willing’. Put differently, over half (193) of *all* municipalities (355) expressed support to the refugee relocation campaign. Interestingly, this group included most of the larger and medium-sized Dutch municipalities that altogether represent over 12 million (out of the total 17.4 million) Dutch inhabitants (cumulative population size of ‘coalition’ municipalities).

Municipal activism in the field of refugee solidarity is not a new phenomenon in the Netherlands. Still, the sheer size and sustained scrutiny of this recent relocation campaign is a novel development. In view of the question ‘who engages’ our analysis shows, first, that municipal solidarity declarations were not limited

to *urban* settings. We also observed references to the Convention of the Rights of the Child, the Refugee Convention and human rights in council debates in smaller towns and rural municipalities. This points towards the local, rather than the urban politics of human rights and refugee solidarity.

Secondly, we identified the municipal council, as opposed to the municipal executive, as the driving force behind municipal mobilisation and observed that solidarity declarations relied on coordinated efforts of the municipal council, executive and administration. The issue was most often placed on the municipal agenda by one or several municipal council parties. In most cases, municipalities pledged support to the refugee relocation campaign by passing a vote in the municipal council on an amendment. Occasionally the solidarity declaration was a result of a joint decision of the local government, the municipal executive board. The involvement of the municipal legislative body (council) is interesting as research on the local governance of migration and human rights highlights the leadership of mayors (Betts, Memişoğlu & Ali, 2021; Haselbacher & Segarra, 2021) with only a few studies examining how municipal councils can function as 'local ports of entry' through which municipal actors translate transnational legal norms (Resnik, 2005; Davis, Gammeltoft-Hansen & Hanna, 2017). The leading role of municipal councils also means that the NGOs' call to action was debated in municipal council meetings, rather than a matter of 'quiet diplomacy' of (deputy) mayors behind closed doors. (Terlouw & Böcker, 2019).

Third, our analysis shows that these municipal solidarity declarations often took the shape of a vote in the municipal council on an amendment. The amendments were generally reworked by the different political parties in the council before and sometimes during the municipal council meeting and vote. As such they manifest the local political compromises and the adoption of collective frames that are characteristic of Dutch coalition governance (Lijphart, 1989). Interestingly, we also found that the municipal solidarity declarations cut across partisan party politics. At the time of the campaign, the Dutch national government opposing this form of refugee relocation, consisted of four parties. Out of these four, the local fractions of two national coalition parties (the Christian Union (CU) and the internationally minded Liberal Democrats (D66)) voted overwhelmingly in favour of refugee relocation, thereby deviating from national party lines. The local fractions of the Christian Democratic Appeal (CDA) also deviated from the national stance in the majority of the engaged municipalities. The local politicians of the People's Party for Freedom and Democracy (VVD), finally, generally voted against local action but also deviated in close to a quarter of the municipalities.

Where the municipal council voted in favour of joining the 'Coalition of the Willing', it tasked the municipal executive board, most often the mayor, with communicating the municipal 'stance' to the Dutch Minister for Migration. While municipal councillors generally initiated debates, it was ultimately up to the local administration and mayor's office to give form to solidarity declarations. It can thus be concluded that municipal solidarity declarations, involved various actors within the municipality, members of the municipal legislative body (council) and executive board as well as the local administration.

Rights? The language of rights and responsibilities in municipal debates on refugee relocation

What, now, did these constellations of actors discuss? Municipal solidarity movements, such as the Dutch Coalition of the Willing, involve complex discursive fields. A particular issue (refugee relocation) and beneficiaries/norm addressees (unaccompanied refugee youth) are represented through various frames in council debates. Municipal council debates on this issue did not take place in isolation but were shaped by broader 'pre-existing discursive fields' (Whyte, Larsen & Fog Olwig, 2019) and previous local debates on forced migration. Councillors who supported the relocation campaign often referred to local and sometimes even personal experiences with welcoming refugees after the 2015 increase in refugee arrivals. At the same time, they referred to the recent decentralisation of childcare and the increasing competencies of municipalities in the area of civic integration (of recognised refugees).

While municipal officials gave various reasons for why the municipality should (not) become involved in refugee relocation and opinions on who should benefit from this relocation initiative, they rarely discussed what form municipal solidarity could take generally. There was no talk, for instance, about financial aid to local authorities and organisations involved in the reception of forced migrants in Greece or elsewhere.⁴⁴ The exclusive focus on the relocation of extremely vulnerable unaccompanied refugee minors in Dutch municipal debates can be traced back to the decision of the NGOs to focus their campaign on this specific issue.

⁴⁴ In some other EU member states, such as Germany, Austria and Switzerland municipalities explored these avenues for trans-municipal solidarity. Between 2019 and 2021, many German localities pledged support to relocation campaigns and some cities committed to subsidising rescue ships active in the Mediterranean.

Councillors who opposed the relocation initiative often used procedural arguments, stating, for instance, that Dutch municipalities do not have any formal competencies in refugee relocation and admission. The latter are exclusive competencies of the central government. Local (municipal) supporters of the relocation campaign emphasized the substance of the issue at stake. Interestingly, this difference between formalist, procedural authority-based arguments and substance and value-oriented arguments resonates with scholarly work on Sanctuary Cities in the United States. In his research on Sanctuary Cities in the United States, Christopher Lasch, for instance, has argued that formal doctrines pertaining to *who* may exercise authority often overshadow more substantive *debates* on the values of sanctuary (Lasch, 2018). At the same time, this scholarship also suggests that sanctuary policies tend to focus on service provision without explicitly challenging or upsetting the federal monopoly over immigration and citizenship powers (De Graauw, 2014).

In this context, it is interesting to note that Dutch local government officials during these debates stressed that there should not be any misconception about ‘municipalities going rogue’ or overstepping their responsibilities. Instead, they emphasized that municipal solidarity and involvement in refugee relocation should be seen as *complementing* rather than *replacing* central government efforts and responsibilities. In the debates on the nature of their involvement, they often invoked figurative speech and metaphors, stating for instance, that ‘municipal actors should not be stepping into the shoes of the ministry’. Or, that solidarity declarations are best understood as ‘signals’ that ‘give the central government a little prod’.⁴⁵

How municipal involvement was framed depended on how the scope and scale of ‘the problem’ was presented; whether the humanitarian crisis in camps such as Lesbos was framed as an exclusively Greek or central government concern, or as a collective European and local responsibility. Municipal actors sometimes framed the relocation campaign as a European problem but invoked humanitarian arguments or the language of human rights and responsibilities to justify municipal involvement in this European ‘wicked problem’.

⁴⁵ That metaphors and figurative speech are integral to processes of ‘problematization’ has long been understood and examined by migration scholars (see for instance Schrover and Schinkel 2012). In this instance, figurative speech and metaphors are not used to ‘stir emotions’, but to make a complex matter, municipal involvement in refugee relocation, intelligible.

In terms of the range of frames, this study found that municipal actors framed refugee relocation as a humanitarian challenge, a human rights issue, as a burden or as a benefit to local communities. Before we take a closer look at human rights frames, we briefly discuss these other framing strategies.

The interplay between different framing strategies

All municipal amendments framed the plight of unaccompanied refugee minors in refugee camps on the Greek islands as a humanitarian crisis or emergency. This *humanitarian frame* constructs the context of the proposed course of action (refugee relocation) and identifies the beneficiaries (unaccompanied refugee minors) as particularly vulnerable. Sometimes, municipal documents referred to expert commentary, such as statements by the Commissioner of the United Nations High Commissioner for Refugees, Filippo Grandi, to argue that this humanitarian crisis in Greek refugee camps necessitates the relocation of the most vulnerable refugees.

Another common framing strategy of local government officials focused on the perceived *burdens* of refugee relocation for the local community. Concerns about the costs of refugee relocation and upon arrival the costs of housing and inclusionary measures loomed over many municipal debates. Some local government officials referred to budget deficits and linked these to recent decentralisations of social services, such as childcare. In a few instances, financial support from the central government was added to municipal motions and solidarity declarations to the ministry, as a condition for municipal support to and involvement in refugee relocation.

Interestingly, refugee relocation and reception were hardly ever framed as a *benefit* to local communities. In the city of Houten, a citizen-lead initiative explicitly raised the question of burdens and benefits of relocation, when they sought to convince the municipality to organise the relocation of unaccompanied minors, independently from state efforts. In their appeal to the municipality, the coordinators of this citizen initiative asked the municipality to investigate how many years it would have to ‘invest’ in refugee minors before they would become self-sufficient and economically productive part of the local community. This example shows how the framing of unaccompanied refugees as extremely vulnerable intersects with the neoliberal ethos and subjectivity of the self-reliant and productive individual, ‘worker citizen’ (see Anderson, 2015; Glick Schiller & Çağlar, 2011; Mononen- Batista & Brunila, 2016).

While these ‘utilitarian’ frames zoom in on the perceived burdens or benefits for local communities, humanitarian and human rights frames focus on refugees as beneficiaries of humanitarian action or as rights bearers. Humanitarian and

human rights frames often overlapped. So how did municipal actors engage with the language of human rights and responsibilities in municipal debates on refugee relocation?

The Language of human rights and responsibilities

While explicit references to the language of *rights*, children, refugee and human rights were relatively rare, they nonetheless featured in all types of documents, municipal amendments, council minutes and in letters to the Dutch Minister for Migration.

First of all, municipal amendments often stated that this humanitarian crisis was characterised by a *violation of fundamental rights*, such as access to shelter, safe drinking water, healthcare or education in refugee camps on the Greek islands. In some cases, documents referred to international human rights instruments, such as the Convention on the Rights of the Child or the Refugee Convention to point out how the plight of unaccompanied refugee minors constituted a rights violation.

*'We believe a humanitarian disaster is unfolding, a flagrant human rights violation. How can it be that these children do not have access to the most fundamental rights such as shelter, water and food when we together have signed and ratified the Convention on the Rights of the Child? Should we not assume responsibility and take action?'*⁴⁶

Second, these references set the context for action. Solutions to a particular problem, the plight of unaccompanied refugee minors, are placed within the realm of law and human rights duties and responsibilities, rather than voluntary humanitarian action and solidarity. These references to human rights appear to qualify the nature of the crisis and by extension, the nature of collective responses. Human rights, therefore, frame both the interpretation of the context as one involving human rights violations and the nature of concomitant actions.

Third, our analysis also shows that local government officials in this campaign often emphasized duties and responsibilities more than rights. References to refugees as rights bearers were less common and not a single debate or document referred to refugees as actively claiming or mobilising for their rights. Given this, we believe that in this instance it is more apt to speak of the relevance of the 'language of rights and responsibilities', rather than the 'language of rights'.

⁴⁶ Quote by a councillor of the progressive green party during a municipal council meeting in the municipality of Zoetermeer on the 18th of May 2020. All quotes translated from the Dutch by the authors.

Duties and responsibilities, in this context, often referred to the legal duties of the Dutch central government to observe in 'letter and spirit' the rights of the child, as a signatory to the CRC. Sometimes, councillors justified referred to the Dutch self-image as a 'guiding nation' and the fact that human rights talk in the Netherlands is often destined for other nations (see Halliday & Schmidt, 2004)⁴⁷. Municipal actors leveraged the self-congratulatory account of the central government of the Netherlands as a 'guiding nation' in the international human rights regime and local narratives about municipalities' 'proud records and long histories of hospitality' (Darling, 2013) to mobilize support for relocation motions. In these cases, the gaze is directed outwards, to the central government, its legal obligations and commitments. These moments, where local government officials call to mind the legal obligations of the Dutch government, are instances of a kind of translocal 'accountability politics' that appeals both to legal (ratified conventions) and moral and political obligations (guiding nation).

*'Considering that the Netherlands is strongly committed to humanitarianism and that it likes to play the judge on the human rights protection of others...'*⁴⁸ - Municipal amendment Heerlen municipality

*'Considering that the Netherlands is party to the Convention on the Rights of the Child, that has been part of Dutch law since 18 November 2002, and that the Netherlands should follow this Convention to the letter and in spirit'*⁴⁹ - Municipal amendment Aalsmeer municipality

Our analysis, however, also points to moments that cannot be qualified as accountability politics, where the collective gaze was directed inwards, to debate perceptions of local duties and responsibilities. In one municipality the council discussed the Dutch constitution and domestic duties of local authorities to protect the international legal order. In other cases, albeit infrequently, local government officials stated that while the Dutch central government has primary responsibility, local governments have resulting shared and complementary responsibilities. Human rights duties or responsibilities were never framed as direct and independent from those of the central government, but as complementary or resulting from the sub-state character of municipalities, as the lowest administrative organ of the state. This understanding of responsibilities,

⁴⁷ See also the National Human Rights Action Plan, published in 2013 by the Ministry of Interior and Kingdom Relations.

⁴⁸ Municipal amendment Heerlen municipal council, 30th of September 2020.

⁴⁹ Municipal amendment Aalsmeer municipal council, 18th of June 2020.

as complementary, derived or networked was often subject to intense political debates. During these debates, those who expressed a deeply felt individual duty or collective responsibility were sometimes accused by sceptics of putting up a moral 'performance' and of 'playing to the gallery'. In return, they would take an explicit stance against this criticism that solidarity declarations are merely symbolic moral performances.

These examples show that council debates sometimes gave rise to broader debates about duties and responsibilities under human rights conventions and what these responsibilities mean for local authorities and other local actors. Some actors considered local responsibilities as complementary to national obligations to realize human rights more fully, which resonates with scholarly debates on 'responsibility practices' and 'forward-looking responsibilities'. As Sikink, who draws on the work of Iris Marion Young explains, forward-looking responsibilities do not ask 'who is to blame' as 'back-ward looking responsibilities' do, but instead ask 'what should we do' and are more suited to address rights with decentralised compliance decisions that characterize human rights today (2020, p.35). In this light, it is interesting that Dutch municipal actors linked local responsibilities to international human rights instruments, and not to domestic legislation and their actual competencies in the field of local immigrant integration. In other words, they did not argue that because municipalities are responsible for ensuring access to housing and social support to recognised refugees, that municipalities should also have a say over refugee admission and relocation.

'Considering that, the municipality would act in accordance with the Refugee Convention if it were to potentially relocate a young refugee'⁵⁰ - Municipal amendment Landsmeer municipality

Last, but not least, these rights-and-responsibility frames, whether referring to children, refugee or, human rights, were not the only frames that local government officials used to argue that refugee relocation is a collective *responsibility*. Municipal amendments point towards European policies, stating for instance that the humanitarian crisis resulted from the failings of the Common European Asylum System (CEAS) and the controversial European 'hot spot approach'. They also refer to unfulfilled relocation pledges of EU-member states and the request of the Greek Minister for Migration to his European counterparts in September 2019 to assist with the relocation of the most vulnerable young refugees from camps in Greece

⁵⁰ Amendment in municipal council meeting on the 18th of June 2020 in the municipality of Landsmeer.

across Europe. All this to argue that the plight and relocation of unaccompanied refugee minors should be seen as a collective, European problem and responsibility. Municipal councillors incidentally also spoke about historical or religious duties, for instance by coupling the history of the locality to the theme of refugee welcome.

All humans? For whom? Analysis of norm addressees

Migrants. Asylum seekers. Refugees. Refugee Youth. Or Unaccompanied Refugee Minors? The question who *needs* and *deserves* protection was at the heart of the Dutch municipal debates on the refugee relocation campaign, although the scope had already been set by the NGOs who urged Dutch municipalities to exert pressure on the central government to relocate *unaccompanied minors* (UAMs) from refugee camps in Greece. In view of the question 'for whom?', we argue that municipal actors 'narrowed' and 'broadened' this original scope, before discussing the normative implications of both.

Albeit exceptional, some municipal councillors, executives and policy advisors pushed back against the exclusive focus on the relocation of (unaccompanied) refugee youth in the solidarity campaign. In the city of Nijmegen, months after the first solidarity declaration, the municipal council urged the municipal executive board to restate its commitment to the relocation of adults and children stranded in refugee camps in Greece. The mayor and municipal executive adopted this broader scope in their letters to the Dutch Minister for Migration. In the neighbouring city of Arnhem, municipal councillors meanwhile challenged the restrictive relocation criteria of the ministry. Echoing the criticism of refugee rights organisations, they criticised a ministry proposal known as 'the Moria deal' to relocate 100 refugees, including 50 unaccompanied minors, after a fire broke out in the Moria refugee camp on the Greek island of Lesbos in September 2020. While also taking a principled stance against this proposal, stating that 'this is not our deal', Arnhem's municipal councillors warned that the ministry would not even be able to relocate this number of UAMs because it applied too restrictive relocation criteria. This criticism proved to be justified, as ultimately only 2 unaccompanied minors were relocated from camps in Greece under this Moria-deal.⁵¹

⁵¹ <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/02/01/antwoorden-kamervragen-over-het-bericht-geen-enkel-alleenstaand-kind-uit-kamp-moria-is-in-nederland-aangekomen/antwoorden-kamervragen-over-het-bericht-geen-enkel-alleenstaand-kind-uit-kamp-moria-is-in-nederland-aangekomen.pdf>

Although municipal councils were the driving force behind this ‘broadening’, mayors also played an important role by communicating the municipal stance to the ministry in their letters. The mayors of Amsterdam, Arnhem, Groningen, Leiden and Nijmegen sent a joint letter that departed from the original focus on the relocation of a set number of unaccompanied refugee minors and on vulnerability. The shift away from vulnerability, the ‘numbers game’⁵² and the specific focus on unaccompanied minors, may point towards a turn towards a rights-based approach to this issue in some Dutch municipalities, even if municipal actors did not explicitly adopt the ‘language of rights and responsibilities’ to justify this ‘broadening’.

At the same time, we observed how other local government officials ‘narrowed’ the original scope and emphasis on unaccompanied refugee minors, by insisting those relocated should be *orphaned* refugee children. In some cases, municipal motions referred to ‘orphaned children’ instead of unaccompanied minors (including youth). This frame also appeared in motions and debates in the Dutch House of Representatives.⁵³ Some municipal councillors stated that orphaned refugee children are extremely vulnerable because they can no longer fall back on the support of their parents, disregarding that *unaccompanied* refugee minors cannot rely either on the immediate and proximate protection, care and support of their parents. Others justified the relocation of ‘orphaned refugee children’ by stating that there is no chance or ‘risk’ of family unification.

‘Imagine that one accommodates orphans at families and later relatives resurface, this would cause housing problems and an additional burden on youth care’⁵⁴ - Municipal councillor in the municipality of Papendrecht

52 In their article (2013) Schrover and Schinkel discuss how the ‘expansion’ of a problem in a public discourse often ‘makes use of the numbers game: exaggeration of the number of people or the costs involved’ (p.1130).

53 See for instance, municipal amendment Nr. 19637-2636, 2th of July 2020 by MP Jasper van Dijk (Socialist Party), Bram van Ojik (Green progressive party) and Attje Kuiken (Labour party) which refers to both unaccompanied refugee minors and orphaned children and municipal amendment nr. 19637-2624 on the 3rd of June by MP Roelof Bisschop of the Reformed (Christian) Political Party which asked for a verification of the orphaned status of unaccompanied minors.

54 Quote by a municipal councillor belonging to a local Papendrecht party during the municipal council meeting on the 14th of May 2020.

‘The argument - or fear of- a subsequent family reunification procedure does not apply. These are single children; they have no family or relatives that will follow them’⁵⁵ - Municipal amendment municipality of Grave

In one instance, a municipal councillor of the far-right Freedom Party in the municipality of Zaanstad even inquired if children ‘would be sent back if they turned out not to be orphaned’. He also suggested to only ‘welcome very young children that are no longer wanted by anyone’, adding that if ‘one of those would be brought over my wife would be delighted’, but advising against the relocation of ‘crowds of 15–16-year olds’. This example sheds a light on the deeply disturbing argumentation of an elected member of the municipal council. At the same time, the sentiment that family reunification should not result from relocation of UAMs was broadly shared. This idea, that family unification is a risk, rather than a human right to family life suggests not only a narrowing of norm addressees, but also a shift away from legal obligation to conditional acts of charity.

Our analysis of such ‘narrowing’ resonates with broader scholarly debates on asylum, unaccompanied minors and children’s rights. Research on the framing of asylum highlights shows how asylum seekers, including unaccompanied asylum seeker children, have been discursively constructed as a ‘policy problem’ elsewhere (Rigby et al., 2019). While this scholarship investigates the vulnerability of refugee children and youth, it also suggests that ‘childhood is no longer a stable category which guarantees protection but is subject to scrutiny and suspicion’ (McLaughlin, 2017). It is clear that this also applies in the context of Dutch local debates on refugee relocation.

Translocal accountability politics and local responsibility practices

Having shed a light on which local authorities and actors engaged with this human rights issue, how it was framed and who were destined to be the norm addressees, we want to zoom in once more on the (trans)local politics of rights and responsibilities. As we have highlighted, municipal solidarity declarations and debates were both directed outwards towards the central governments and inwards, to deliberate on the role and human rights responsibilities of the municipality. Our analysis analysed both instances of translocal accountability politics (outward

55 Municipal amendment in municipality of Grave, 12th of May 2020.

orientation) and local responsibility practices (introspective orientation). This differentiation resonates with recent debates in human rights cities scholarship on human rights cities' vertical governance relationships with national governments (and international bodies) and horizontal governance relationships with peer local governments (see Davis, 2021). That said, our differentiation focuses on these different dimensions of the *politics*, rather than the local governance of human rights and responsibilities.

The political debates within Dutch municipal councils on this refugee relocation campaign and resulting solidarity declarations, were not only developed within a given locality and municipality, but also in relations with other municipalities. Sometimes municipal actors joined the call to action, upon invitation of other municipalities. Several municipalities that joined the Coalition sent a letter to the Minister of Migration also sent a letter with the signed municipal motion to all other Dutch municipalities. This municipal engagement occasionally also crossed national borders: Haarlem's municipal executives joined the Coalition of the Willing after municipal actors from one of Haarlem's 'partner cities', the German municipality of Osnabrück encouraged Haarlem officials to mobilize on this issue. The municipality of Osnabrück being involved in a German refugee solidarity and relocation campaign, as part of the Safe Harbour campaign⁵⁶ organised by the social movement Seebrücke.

Lastly, there were instances where particularly proactive municipalities looked around for inspiration when the campaign started to slow down, particularly after the Dutch Cabinet's Moria deal. In the municipality of Houten, for instance, the municipal council inquired if the municipal executive (mayoral board) could exert further pressure when the campaign was coming to a halt. The mayoral board agreed to send a letter to the then informateur⁵⁷ (Hamer), who, after the March 2021 elections, was tasked with exploring the various options for a new Cabinet. In another part of the country, in the small town of Harlingen, municipal councillors heard of this initiative and urged their municipal council to join Houten's effort to put the relocation of unaccompanied refugee youth on the political agenda of the yet to be formed new Dutch cabinet. This last example, then also points towards the emergence of transmunicipal solidarity configurations beyond coalitions and city networks.

⁵⁶ For more information, see: <https://seebruecke.org/sichere-haefen/haefen>.

⁵⁷ In the Dutch context, Informateurs are appointed by the House of Representatives immediately after elections with the task to explore the various options for a new Cabinet. For more information see: <https://www.houseofrepresentatives.nl/tasks-informateur>

Discussion

Over the past years migration and human rights scholars have pointed at the relevance of municipalities as battlegrounds or playing fields for migration governance (see Campomori & Ambrosini 2020) and human rights localisation (see Grigolo 2019). Systematically analysing the way in which one specific and quintessential human rights issue was discussed in all engaged Dutch municipal council debates, yields the following insights on which local authorities engage, how they do this and whom is at the centre of local contestations and mobilizations. Firstly, our analysis problematizes the urban bias of human rights scholarship on localisation of human rights and human rights cities. Rather than presenting 'cities' as actors in the international human rights regime, our analysis zoomed in on the translocal politics of human rights at play in municipal council debates on a joint refugee relocation campaign of NGOs and municipalities. Here, we found that the issue was extensively discussed in municipalities of varying size, in all corners of the country. In unpacking which actors within these municipalities played what role, it became clear that the municipal council, in the majority of the cases, was a driving force behind municipal mobilisation on this issue. This could partly be related to the fact that mayors in the Netherlands are not elected, and thus hold less direct legitimacy, but forms a striking contrast to the literature that foregrounds the role of mayors in local migration governance (Betts, Memişoğlu & Ali, 2021).

Moving on to consider how these actors framed the need to (not) welcome the unaccompanied children, we found an interplay between humanitarian and human rights arguments in municipal debates. Human rights frames, while not the most common frame, featured in several ways in these debates. Municipal actors 'qualified' the humanitarian crisis with reference to human rights violations and the lack of access to human rights such as healthcare or education. At the same time, rights frames emphasize duties and responsibilities of national and sub-national authorities, rather than rights claimants. The emphasis on duties and complementary responsibilities has not received much attention in the literature on the localisation of human rights but does resonate with scholarly debates on the resurgence of talk of duties and human rights responsibilities (see Del Valle & Sikkink, 2017, p.243; Sikkink, 2020a). In discussing duties, it was striking that municipal involvement was not framed as 'going rogue' or 'undermining' the responsibilities of the national government, but as complementary.

Next to these accountability politics the data clearly point out the various forms that local responsibility practices take. Legal obligations aside, local actors critically

discuss the role that their municipality should play in addressing a humanitarian and human rights crisis thousands of miles away.

One key finding relates to the question ‘for whom’ this municipal mobilisation emerged, and to the degree to which local government officials ‘narrowed’ and ‘broadened’ the original scope of the Coalition of the Willing campaign that focused on relocation of unaccompanied refugee minors. In some municipalities, the exclusive focus on refugee children at the expense of adults and on strict relocation criteria was explicitly questioned and broadened. Such instances where local government officials pushed back against the focus on extreme vulnerability of minors and the ‘numbers game’, in our opinion, indicate a turn towards rights-based approach to this issue in these municipalities. Even if municipal actors did not explicitly adopt the ‘language of rights and responsibilities’ to justify this ‘broadening’ the underlying rationale is that of universal, inalienable and indivisible human rights. At the same time, we also observed that the original scope of the campaign was narrowed by other local government officials, who insisted that relocated children should be young and *orphaned* refugee children. The idea that family unification is a risk, rather than a right to family life underpinned such ‘narrowing’. These moments show how local government officials narrowed norm addressees and shifted the focus away from legal obligations to voluntary charity or solidarity.

Conclusion

This article discussed a specific campaign by actors in the majority of all Dutch municipalities to relocate 500 unaccompanied refugee minors from camps in Greece. In spite of the widespread support for the campaign, which resulted in letters to and other forms of pressure upon the national government, the minister responsible for migration shrugged off the political message. While earlier refugee solidarity campaigns, such as those on a Children’s Amnesty, at times did result in national policy changes in this case the Minister for Migration largely ignored the mobilisation and emergence of the Dutch Coalition of the Willing and maintained her position of supporting relocation within Greece.⁵⁸ In March 2021, national elections were held, with the issue featuring prominently in election campaigns.

⁵⁸ In response to a letter of several mayors, the Dutch Minister of Migration wrote a letter (to the city of Nijmegen), entitled ‘request reception refugees on behalf of diverse municipalities’ (8 December 2020) stating that the ministry does not prefer ‘ad-hoc’ relocation and instead urged the municipalities to direct their attention to the housing of already lawfully staying recognised refugees in the Netherlands.

The elections were followed by a uniquely long period of negotiations on what coalition would form the next government, with support to unaccompanied refugee children as a potential breaking point in the negotiations.

It does, however, remain, to be seen whether municipal solidarity declarations are mere ‘rhetoric without accountability’ (Davis, 2017) or result in alternative migration and human rights politics from ‘below’. Perhaps a more nuanced perspective is offered by Susan Coutin who notes that ‘it is impossible to talk about ‘impact’ of a movement because migrants and their advocates construct legal and political claims on the artefacts left by prior rounds of contestation’ (Coutin, 2011 as cited by Kwar, 2021, p.86).

Even if the debate in the Netherlands continues, a close study of this particular episode does enable us to draw some conclusions on which local authorities engage with human rights, how they do this and whom they seek to protect. This results in a critical appraisal of the often-used header of human rights cities. Cities seems a misnomer as, in this case, the local authorities that engaged were far from large urban municipalities alone. Rights form merely one of the rhetorical figures in which the local debates were framed, and were often directly coupled to responsibilities. Human, finally, does not cover the degree to which some people were deemed much more deserving of relocation and the related protection than others.

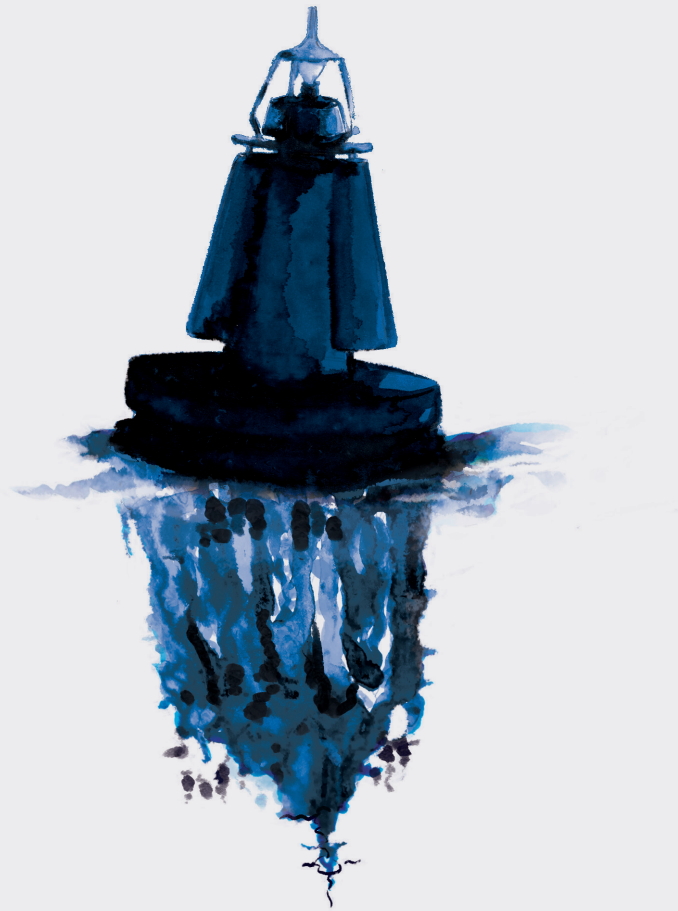
From the wider perspective of human rights protection this forms a slippery slope, well captured by the quote from Merry’s work on making human rights in the vernacular at the beginning of this article: ‘in order to be accepted, they have to be tailored to the local context and resonate with the local cultural framework. However, in order to be part of the human rights system, they must emphasize ... ideas embedded in legal documents that constitute human rights law’ (Merry 2006, p.116). It might be that narrowing protection to refugee children only, or even children under twelve, or orphans, is the only way to ensure local political support for any form of protection in the short run. In the long run, however, this could lead to an erosion of the very foundation of human rights: the idea that these are universal, inalienable and indivisible.

Another key finding on who engages in local human rights politics, in what manner and for whom is the degree to which this process has two clear dimensions: that of translocal accountability politics and of local responsibility practices. Such responsibility practices take place within municipalities, but also in the form of

a dialogue between them. These insights can be of use to all interested in human rights realisation who often still focus on the national government but can clearly find support, and means to further strengthen this, within localities.

All this, of course, also calls for further research. For one, it would be interesting to examine if this trend continues and if accountability politics, as a tactic, is increasingly directed at municipal actors. In other words, if local actors, municipal councillors, but also civil society remind municipal officials of their local solidarity declarations and pledges. Also, the 'horizontal' dialogue between municipalities, as in the interesting configurations Haarlem-Osnabrück and Harlingen-Houten set out, are an interesting focal point for further research.

Such socio-legal research on this theme is highly topical. For the struggles set out here might not concern all human beings, and might not always be couched in the language of rights, but the focus on responsibilities and the engagement with it, by such a wide variety of actors, in far more places than cities alone, does provide an interesting and promising avenue towards the realisation of human rights.



Chapter 4

Human rights localisation and individual agency: From the 'hobby of the few' to the few behind the hobby

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The three authors contributed equally to this study as part of their PhD research for the Cities of Refuge Project. Sara Miellet in particular has contributed to the theoretical framework, analysis and discussion sections of the manuscript.

Abstract

Human rights have been facing criticism on many fronts, including the challenges of the ‘enforcement gap’ and the ‘citizenship gap’, laying bare the shortcomings with regard to the implementation of human rights law as well as regarding its protection of highly vulnerable groups such as refugees. Research on the effectiveness of human rights, the ‘localisation’ of human rights through invocations and practices on the ground, the increased engagement of local authorities with human rights, are all responses to such challenges to some degree. Based on empirical research conducted within municipalities in four countries, this article focuses on a missing piece of the puzzle in terms of conceptual and empirical research: the role of ‘individual agency’. We adopt a socio-legal perspective on human rights and demonstrate that individual agency can make an important contribution to the effective implementation of human rights in the field of migration governance. Behind the black box of the state and local authorities, we find individuals who use human rights – as law, practice and discourse – in local policymaking, in circumstances where invoking human rights is not self-explanatory. Finally, we put forward the notion that reasons such as individual background, motivations, and interactions between individuals influence municipal officials’ engagement with human rights, and we reflect on the conceptual and practical implications that result from this.

Introduction

Over the last decades, human rights have been widely criticised. Some of this criticism relates to the notion of effectiveness (Kennedy, 2001). Those challenging human rights have focused, for instance, on the lack of enforcement of positive human rights obligations (the ‘enforcement gap’) (Marx et al., 2015) and the inability of the human rights regime to protect the most vulnerable, such as refugees and stateless persons, despite claims of universality (the ‘citizenship gap’) (Shafir & Brysk, 2006). The latter criticism also poses an opportunity for human rights to prove their relevance to non-citizens who might lack sufficient protection under domestic legislation and should – at least in theory – be protected by human rights (Baumgärtel & Oomen, 2019). Partially related to this criticism, and in part because of their de facto engagement with human rights, local authorities have recently received considerable scholarly attention. They have been increasingly portrayed as being important actors that can influence – either directly or indirectly – the realisation of human rights on the ground (Aust, 2015; De Feyter, Parmentier, Timmerman, & Ulrich, 2011; Durmuş, 2020; Oomen & Durmuş, 2019). More concretely, local authorities have been at the forefront of receiving and integrating refugees⁵⁹, and safeguarding their human rights; an issue which started gaining more attention following the increased mobility of Syrian refugees from 2015 onwards (Oomen & Baumgärtel, 2018).

This article focuses on individuals and processes at the intersection of migration, human rights and local authorities. As such, this contribution provides valuable insights on a wide range of questions regarding the effectiveness of human rights. We adopt a socio-legal perspective on human rights and define them broadly, not only as international law, but also as a value, discourse, and ‘social construction and practice’ (Grigolo, 2017, p. 11). Individuals working within local governments are among the actors that engage in such social construction and practice. In line with the scope of this article, ‘local authorities’ refer to the lowest tier of administration in the public administrative organisation of a state, including its executive, legislative, and administrative organs.

While local governments have been receiving attention from scholars concerning their role in human rights realisation, the more general question regarding the effectiveness of human rights has puzzled other scholars – albeit with inconsistent or conflicting results (Brysk, 2019). Bearing in mind the most important challenge to

⁵⁹ With the term refugees, we refer to forced migrants in general, be it asylum seekers, people who have obtained international protection status or ‘guest’ in the case of Turkey.

this scholarship – namely the difficulty of establishing a causal link between human rights and change on the ground – we have chosen to refer to the effectiveness of human rights in local migration governance as: the generation, from within the local authority, of policies, practices and discourses inspired by human rights, that are designed to improve the well-being of refugees as a vulnerable group. As such, we do not claim that any local policy, practice or discourse has succeeded in creating an empirically measurable improvement in the well-being of persons. In addition, this definition is a deliberate choice to focus on practical local outputs (policies, practices, discourses), instead of legal formalist or statist understandings of human rights effectiveness. Lastly, the adoption of human rights-inspired migration policies by local governments constitutes a particularly useful case study for gaining insights into the effective implementation of human rights, as it represents an emerging trend, and certainly not a universal nor self-evident observation. As local authorities have been considered as human rights actors much more recently than states (Oomen & Baumgärtel, 2014; Oomen, Davis, & Grigolo, 2016), the effectiveness of human rights in this context – i.e., the success of human rights inspiring migration policies, practices and discourses – can be observed as it unfolds.

Within this context, our aim is to focus on individual agency – a missing element in the conceptual and empirical research on the local relevance and effectiveness of human rights. We use the concept of individual agency to examine how personal background and motivations, as well as interactions with others, can influence the actions of individuals involved in introducing human rights within local authorities. While the role of non-state actors and individuals in claiming rights has enjoyed attention in human rights scholarship (De Feyter et al., 2011; Desmet, 2014; Merry, 2006a; Saeed, 2015; Widdows & Marway, 2015), the agency of individuals within the black box of the state (Brysk, 2019, p. 8), its local authorities (International Law Commission, 2001), or other actors holding positive legal human rights obligations, has only recently been addressed. Drawing on scholarly and empirical evidence on the relevance of individual ‘human rights users’ (Desmet, 2014) enacting local human rights-based practices (Mielle, 2019; Roodenburg, 2019; Shawki, 2011; Ward, 2016), we explore how the exercise of individual agency by public officials within local authorities contributes to the effectiveness of human rights in local migration governance. Our findings – based on field research conducted in municipalities in Italy, Greece, Turkey and the Netherlands as part of the Cities of Refuge Project – demonstrate the importance of individual agency for the adoption of local human rights-based policies, and suggest that the background, motivations and interactions of individuals can play a role in the extent to which local human

rights-based policies are adopted. In presenting these findings, we start with a discussion on the effectiveness and localisation of human rights in relation to local authorities, followed by a conceptualisation of individual agency, and a number of methodological considerations. We then highlight the importance of individual agency for human rights effectiveness, and elaborate on the reasons why certain public officials engage with human rights in terms of local policy making. Lastly, we discuss the conceptual and practical value of individual agency in human rights research and practice, and conclude with some suggestions for future research.

Human rights effectiveness and the role of local authorities: The story thus far

The question of human rights effectiveness is complex, and one that many human rights scholars have grappled with, addressing different objectives and using different methodologies (Brysk, 2019, p. 2; Hopgood, Snyder, & Vinjamuri, 2017). Brysk suggests navigating this field by asking: ‘The effectiveness of what?’ (Brysk, 2019, p. 2). Is effectiveness the codification of norms into law following ratification? Does it pertain to the success of a particular rights movement? Or perhaps to the on-the-ground fulfilment of minimum requirements of well-being by states accepting international norms? In those cases, the indicators that are measured are often results-oriented, structural, or formal/legal (Council of Europe, 2011). Scholars often analyse the response to ‘emerging channels of horizontal or dialectical international influence’ of the so-called ‘international human rights regime’, consisting of laws, courts, institutions and professionals. The question of effectiveness of human rights is placed within the context of socio-legal and social science literature on ideas, how those ideas spread, how they gain ownership and become norms to which actors adhere (Béland & Cox, 2016; Berman, 2007; Brysk, 2019; Risse-Kappen & Sikkink, 1999). Risse-Kappen, Ropp, and Sikkink (1999) have sought to empirically prove that a causal relationship exists between the idea of human rights and improvement of the standards of well-being on the ground. However, such causal claims were met with widespread scepticism among social scientists, as attributing improvement to the adoption of human rights seems methodologically near impossible. This view was also accepted by the same authors in their subsequent publications (Goodman & Jinks, 2004; Haglund & Stryker, 2015; Risse, Ropp, & Sikkink, 2013; Simmons, 2009).

The literature on human rights effectiveness has recognised the complexity and pluralism of ‘pathways of influence’ (Brysk, 2019, p. 2) that lead to a change in

identity, and of interest-building processes that shift the behaviour of an actor or individual (Koh, 1996). However, this research has struggled to step away from the top-down state-centric understanding of what human rights constitute, by whom they are generated, and how they can best be realised on the ground (De Feyter et al., 2011). Human rights are not only imposed top-down and translated from the international to the local level (Merry, 2006b); they are also developed and contested locally, by actors and individuals invoking or 'using' human rights (Desmet, 2014) without outside 'international' pressure (Oomen et al., 2016; Oomen & Durmuş, 2019). Rather than viewing the local relevance of human rights only as a top-down 'translation' of international law into local contexts (Merry, 2006a), we focus on human rights that are invoked and practiced on the ground, by individuals who exercise their agency to introduce their own understandings of human rights (Oomen & Durmuş, 2019). The research on the localisation of human rights provides complementary responses to the shortcomings of the research regarding the effectiveness of human rights (Marx et al., 2015).

The term 'localisation' has been used to examine a broad range of human rights practices, both from a descriptive and normative perspective (De Feyter et al., 2011; Oomen & Durmuş, 2019). Firstly, this term was used to describe the strengthening of local civil society and institutions, such as local authorities, for the protection of fundamental rights (Marx et al., 2015). Secondly, it was used to describe the efforts made to develop human rights in a way that makes it more reflective of local concerns, and more accommodating to the claims of human rights users (De Feyter et al., 2011). Lastly, it also forms part of a broader shift of perspective; away from the primacy of the nation state (Meyer, 2009), and towards a multi-stakeholder agenda that considers the role and responsibilities of a wider range of states and nonstate actors (Destrooper, 2017). Rather than neglecting the importance of states in realising individuals' human rights, the scholarship on localisation demonstrates the limits of state-centric approaches, and the importance of including non-state and sub-state actors in discussions on human rights effectiveness.

In the literature on localisation, one phenomenon was recently highlighted for its potential to strengthen both social justice and the international human rights system itself – i.e., the 'human rights city' (Oomen et al., 2016). While some authors have proposed very broad and inclusive definitions of a human rights city (Grigolo, 2016, p. 227), we adopt the one of Oomen and Baumgärtel: 'an urban entity or local government that explicitly bases its policies, or some of them, on human rights as laid down in international treaties, thus distinguishing itself from other local authorities' (Oomen & Baumgärtel, 2014, p. 710). The explicit engagement of local

authorities with human rights is indeed commonly viewed as a prerequisite for becoming a human rights city (Goodhart, 2019). While local civil society initiatives can often be the ones that 'make human rights the talk of the town', these cannot be sustained in the long run without the commitment of local administration, which is usually responsible for ensuring access to services such as education, healthcare, etc. (van den Berg, 2016).

The rise of human rights cities has often been presented as an opportunity to strengthen the effectiveness of international human rights through bottom-up initiatives and implementation at the local level (Grigolo, 2018; Oomen & Baumgärtel, 2018). Examples are plentiful and can be found all over the world. In the United States (US), for instance, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was already adopted as municipal law in San Francisco back in 1998, while Chicago has been using the Convention on the Rights of the Child to shape local policies since 2009 (Martha Frances Davis, 2016, pp. 37-38). Importantly, both treaties have not been ratified by the US government. In Europe, Graz has been applying human rights standards in monitoring local election campaigns and in designing anti-discrimination policies (Starl, 2017). As a final example, the Korean city of Gwangju has developed a more comprehensive human rights approach over the past decade, which involves different rights, policy areas and stakeholders (Durmuş, 2020, p. 48). Rather than 'empty promises', such actions by human rights cities can potentially directly and positively affect the everyday lives of their citizens through easier and universal access to basic services (Hafner-Burton & Tsutsui, 2005).

The direct link between human rights cities and human rights effectiveness has been particularly visible in terms of migrants' rights, especially with regard to undocumented and forced migrants. An often-cited example is that of the city of Utrecht, which – along with other Dutch cities – successfully used human rights to extend the provision of emergency 'bed, bath and bread' services to undocumented people (Oomen & Baumgärtel, 2018). New York, yet another human rights city, recently banned the use of the terms 'illegal' and 'illegal alien', and prohibited people from threatening to call the Immigration and Customs Enforcement on the basis of discriminatory motives. Breaking the new local law can result in fines as high as 250,000\$ (NYC Commission on Human Rights, 2019).

The contribution of cities to the realisation of migrants' human rights is, however, not limited only to those bearing the 'human rights city' label. Due to the recent process of decentralisation in many countries, local authorities have gradually

acquired a number of competencies directly related to the reception and integration of immigrants (Caponio & Borkert, 2010). As a result, municipalities play an important role in facilitating the access of migrants to local schools, hospitals, labour markets, etc. In addition, local authorities were at the frontline of protecting and fulfilling the human rights of refugees in the recent period of increased refugee arrivals to Europe – often acting at the boundaries of their legal competencies, or even overstepping them in order to guarantee reception services in line with international refugee and human rights law (Oomen, Baumgärtel, Miellet, Durmuş, & Sabchev, 2021). Cities such as Athens and Milan, to mention just two, provided shelter, food, basic healthcare services and information to tens of thousands of refugees in 2015-2016 (Bazurli, 2019; Organisation for Economic Co-operation and Development, 2018). On many occasions, these municipalities and other local authorities explicitly referred to human rights to justify their assistance to refugees (Council of Europe Congress of Local and Regional Authorities, 2018). Thus, rather than being restricted to the category of human rights cities as the usual suspects, municipal engagement with human rights is a much broader phenomenon when it comes to defending and realising the rights of migrants (Miellet, 2019).

At the beginning of this section, we presented different arguments for moving beyond the state-centric and legal formalist approaches in studying the effectiveness of human rights. From the discussion so far, it has become clear that human rights cities – but also local authorities in general – can contribute significantly to the effective implementation of human rights in the field of migration governance. While states are shifting towards the externalisation of border control and stricter asylum policies (Polakow-Suransky, 2017), and hence moving away from their human rights obligations in relation to refugees, some local authorities increasingly refer to human rights – as law, practice and discourse – in order to justify progressive local policies designed to protect and safeguard the rights of refugees. Bearing that in mind, understanding the motives behind the use of human rights by local authorities becomes an important next step for both human rights scholars and practitioners. For scholars, answering the question as to why some cities actively engage with human rights in their approach to refugee reception, could reveal the driving force behind instances where human rights inspired effective local policy solutions. For practitioners, it could provide the key towards strengthening the effectiveness of human rights where those rights matter the most: at the local level.

The missing piece: Conceptualising the individual agency of human rights users

Having already arrived at the local level, this section will introduce the concept of individual agency, which in our view constitutes one of the key drivers behind initiating, designing, enacting and implementing municipal human rights-based policies. Our argument is that the actor-based approaches used in human rights scholarship do not provide the tools to adequately capture the dynamics within local authorities. This carries the risk of overlooking the role of individual agency in ‘bringing human rights home’ to the city level (Soohoo, Albrisa, & Davis, 2008).

Recent human rights research has contributed to the unpacking of the human rights city, revealing a diverse group of actors: researchers, civil society, local governments, central government agencies and social workers, to name a few (Grigolo, 2017). The same is true for cities active in the reception and integration of refugees, where a multitude of local actors facilitates migrants’ access to services (Hinger, Schäfer, & Pott, 2016). Each one of these actors serves a separate (complementary or competing) function in the implementation of human rights within the city, following its own (human rights) agenda. Local mobilisation in the field of human rights is often seen as involving ‘struggles from below’ initiated by civil society actors and social movements (Chenoweth et al., 2017). As states are presented as monolithic entities, the role of individuals within local authorities remains somewhat of a ‘black box’ (Desmet, 2014). While municipal governments often contribute to human rights effectiveness, as described in the previous section, the motivations behind this contribution remain unclear. What makes some municipalities incorporate human rights in their local policies, and ultimately even regard themselves as human rights cities? Our view is that one important factor which triggers and navigates the process of enacting local human rights-based policies is individual agency within local authorities. Drawing on standard conceptions of agency, we associate individual agency with the capacity to act, and the performance of intentional and unintentional actions that derive from the former (Schlosser, 2019). More concretely, by employing the notion of ‘individual agency’, we demonstrate that personal background and motivations, as well as interactions with others, underpin the actions of individuals involved in introducing human rights law, practice and discourse within local authorities.

Our approach to theorising the agency of these individuals draws on socio-legal scholarship, such as legal pluralism and legal anthropological perspectives, which shift the focus away from approaches that study human rights ‘in an abstract, doctrinal and depersonalised manner to a more grounded and contextual approach’

(Desmet, 2014, p. 122). More specifically, our approach draws on recent scholarly work on theorising the involvement of different types of actors involved in human rights practices, also known as actor-oriented approaches, and concepts such as ‘human rights users’ (Brems & Desmet, 2014; Desmet, 2014). Adopting an approach that focuses on the users of human rights implies that ‘the perspective from which the analysis is undertaken is that of the person, group, organisation or institution engaging with (‘using’) human rights - and thus not the perspective of a specific legal instrument, theme or right’ (Desmet, 2014, p. 123). As Desmet argues, this ‘user’ approach also allows ‘a deeper insight in the human rights system, in how it is used, what its strengths and weaknesses are and will further provide reflection on how it can be improved’ (Ouald-Chaib, 2018, p. 4). This is partly due to the fact that the human rights ‘user’ approach recognises the complexities that result from the multi-layered nature of human rights law, and considers how human rights users may be ‘simultaneously confronted with a multiplicity of human rights norms, often both general and specific coming from different institutions’ (Desmet, 2014, p. 124). Another factor is that it addresses other challenges to human rights – such as concerns about the effectiveness of human rights on the ground – from the perspective of its users (such as rights claimants) (Baumgärtel, 2014; Desmet, 2014).

Human rights scholars who look at actor-oriented approaches have recently raised concerns regarding the fact that many empirical studies focus on non-state actors and on rights-holders, rather than duty-bearers like states (Destrooper & Sundi Mbambi, 2017). The human rights ‘user’ approach addresses this criticism by presenting an inclusive but differentiated approach to understanding the users of human rights, and by introducing categories that are empirical – and based on behaviour – rather than legal (rights holder and duty bearer) (Desmet, 2014, p. 127). This approach incorporates a broad spectrum of users, ranging from direct users (‘rights claimers’ and ‘rights realisers’) to indirect users (‘supportive users’ and ‘judicial users’) (Desmet, 2014). Of these four types of users, rights realisers are the most directly relevant to this article, as this category includes actors who seek to give effect to human rights. This article draws on – and develops – these insights, by foregrounding how individuals within local governments exercise agency as they work towards ‘bringing human rights home’, and by adopting a broad understanding of human rights practice. Our understanding of the individual agency of human rights users is therefore also informed by scholarly work on human rights practices, understood as ‘the many ways in which social actors across the range talk about, advocate for, criticise, study, legally enact, vernacularise, etc., the idea of human rights in its different forms’ (Goodale, 2007, p. 24). However, we agree with Desmet that research on human rights practices

tends to prioritise specific themes or rights, whilst actor-oriented perspectives – such as those focusing on human rights users – do not. As this article focuses on local engagement with human rights in the field of migration governance, it represents a middle way that borrows from both approaches.

A question that needs to be addressed, however, is why this article refers to ‘individual agency’ of human rights users, rather than adopting more common terms such as ‘actors’. We argue that this differentiation is necessary for three reasons. First, it serves to minimise confusion, as many legal scholars that have progressively examined cities and international law, refer to cities or local authorities as unified ‘actors’. This strand of research, for instance, examines how the positioning of cities and local authorities in international law should be understood, and whether or not they can – and ought to be – understood as having a dual character as both state and as non-state actors that could obtain international legal personality (Durmuş, 2020).

Second, we also use this term to avoid confusion with legal debates on the ‘actorhood’ of local governments in international law, and to challenge essentialist understandings of the state – at the local or national level – that obscure the agency of human rights users working within the state structure. Although such critical interrogations of essentialist understanding of the state have been particularly common amongst geographers (Meeus, van Heur, & Arnaut, 2019), migration scholars (Gill, 2010) and sociologists (Verhoeven & Duyvendak, 2017), they also feature in the work of human rights scholars who similarly conceive of the state as a ‘complex construction of often competing agencies and individuals, at both the national and the local level’ (Desmet, 2014, p. 136). This legal scholarship also highlights how this understanding of a state as consisting of different institutions and individuals requires us to examine ‘how norms in turn influence individual behaviour of state actors’ (Risse-Kappen & Sikkink, 1999, p. 8).

Third and lastly, the scholarship that draws on actor-oriented perspectives to study human rights localisation or vernacularisation focuses primarily on corporate and civil society actors, without necessarily taking into consideration the role of individuals within them. To address this shortcoming, we also propose a conceptual differentiation between actor-oriented perspectives and individual agency, as theorised in this article. In doing so, we follow Desmet, who suggests that ‘the term ‘human rights actor’ and its categories thus do not make clear that the same actor may, depending on the situation, stand in a different functional relationship with human rights, i.e., make a different use of human rights’ (Desmet, 2014, p. 132). A

human rights ‘user’ approach enables us to theorise the involvement of street-level bureaucrats, local politicians and social workers, without assuming their static categorical identity (as state or non-state actors). Although we recognise that the term ‘human rights users’ – as developed and understood by Brems and Desmet – can still be used to refer to any individual or a composite entity who engages with human rights, we propose a more restrictive understanding of human rights users that renders visible hitherto more obscured perceptions, understandings and actions of individuals that shape local approaches to human rights.

By adopting the term ‘agency’ rather than by adopting the general description ‘the role of individuals’, we also signal that our analysis does not look at agency in isolation, but acknowledges that agency stands in a dynamic relationship with structure. Concretely, this means that we are also interested in examining structural conditions, or opportunity structures that enable individuals to act independently, whether individually or collectively with others. This becomes particularly visible with respect to interactions between individuals (discussed in more detail below) in which structural opportunities – such as networks and access to cooperation – interplay with the agency of particular individuals who disseminate and adopt norms, ideas and practices through these structures.

Having explicated how individual agency is conceptualised and having situated this notion within the scholarly literature, this discussion now turns to reflect on theoretically and empirically informed insights on why studying individual agency is relevant to debates on the effectiveness of human rights. Whilst much of the research on localising human rights initially focused on civil society ‘actors’, scholars have been increasingly focusing on the role of city councils, mayors and administration in processes of ‘downward human rights diffusion’ (Oomen & Van den Berg, 2014), emphasising that such diffusion relies on ‘strong collaboration with municipal authorities in adapting existing human rights norms to local settings’. Other scholars have been paying increasing attention to collaborations between local stakeholders (Roodenburg, 2019) and within municipal authorities (Miellet, 2019). Drawing on previous work by Merry (2006b), Shawki, for instance, notes that ‘the initiative of translators, individuals and/or community groups who are well-versed in the international human rights framework and discourse and at the same time very immersed in their local communities, is often the catalyst for local human rights initiatives’ (Shawki, 2011). This scholarship also hints at the motivations of individuals working within local authorities. As Martha Davis (2019, p. 264) notes, ‘inspirational words without substantive impacts are unlikely to be embraced by these local actors. If they adopt human rights approaches, it is

almost certainly because they believe that the approaches can do some real work for the community’.

In addition to these theoretical arguments suggesting the importance of individual agency within local governments in mobilising and enacting human rights, there are also practical examples pointing in this direction. In 2018, the United Nations Office of the High Commissioner for Human Rights (OHCHR) called upon local government representatives to identify ‘effective methods to foster cooperation between local governments and local stakeholders for the effective promotion and protection of human rights (...) and to indicate the major challenges and best practices in this regard’ (2018). The OHCHR report synthesised their contributions and identified more effective ways to promote – and protect – human rights at the local level. The report also highlighted the role played by local stakeholders, such as mayors, in creating a local government culture that is open and oriented towards human rights. Several indications of the link between localising human rights and individual agency come from the international forum ‘Focusing on Human Rights’, which took place in 2015 in Graz – the first human rights city in Europe. The event gathered more than 100 experts from 25 European countries, all of whom were active in the field of implementation of human rights at the local level. Politicians and civil servants from human rights cities discussed – together with researchers, representatives of city networks and international organisations – the design, enactment and relevance of human rights for local policies. As Philipp mentions in her summary of the forum’s workshops, participants agreed that strategies for incorporating human rights into local policymaking usually depend on a ‘specific politician who prioritises human rights’ (Philipp, 2017, p. 36). Importantly, the participants viewed this as a ‘big challenge’ for efforts related to local human rights-based policy-making – an issue that will be discussed in further detail later on. Another key point, also presented as a challenge by the participants, was that ‘people are alone in the field of promoting human rights, it depends on single persons’ (Philipp, 2017, p. 37). As Leen Verbeek, former mayor of the Dutch city of Purmerend, pointed out in his presentation, human rights implementation at the local level was ‘the hobby of the few’, which, through networking and collaboration, could eventually turn into ‘the responsibility of the many’ (Philipp, 2017, p. 35).

Drawing on previous research, we initially outlined several arguments for moving from the macro-level of the state to the meso-level of the city in studying human rights effectiveness. Having introduced our conceptualisation of individual agency, we will now briefly discuss the methodology of our study, and then present the potential benefits of approaching the issue of human rights effectiveness from a micro-level perspective.

Methodology

To explore the relevance of individual agency within local authorities to human rights-based policies, and therefore to human rights effectiveness, we apply a qualitative case study research design (Rohlfing, 2012; Yin, 2017). The examples we present pertain to Turkey, Italy, Greece and the Netherlands, which allows us to study the role of individual agency in very different contexts, in terms of the administrative system (centralised-decentralised), the allocation of competencies and funds for refugee reception/integration (larger role of local authorities in Italy and the Netherlands and marginal in Greece/Turkey) and the number of refugees hosted. Moreover, we focus on local authorities that have proactively engaged with human rights (as law, practice and discourse) in regard to the reception and integration of refugees and undocumented migrants. To protect our interviewees, we have not included the names of the municipalities discussed in the following section. The only exception is the case of Utrecht, in which the availability of a large amount of publicly accessible information made any efforts for city-level anonymisation futile.

Our case selection process was not guided by the ambition to obtain a representative sample – neither of human rights cities, nor of ‘ordinary’ cities using human rights – but rather by the aim to explore how the process of incorporating human rights in local policies start and evolve in different urban contexts, and within different local authorities (Seawright & Gerring, 2008). Consequently, any generalisation to other instances of human rights localisation – within or beyond local authorities – on the basis of our research would be problematic. In any case, we believe that the variation that we sought to achieve with the following examples strengthens the value of our findings, and can serve as justification for future research on the link between individual agency and human rights effectiveness (Rohlfing, 2012, pp. 61-96).

In the next section, we present examples from several municipalities where we conducted field research, primarily consisting of interviews with local officials (politicians, top-level managers, administration, social workers) and representatives of NGOs, civil society and immigrant organisations, local experts, local offices of national/regional authorities and international organisations. By covering such a wide range of locally operating actors, we were able to identify the different steps in the enactment of human rights-based policies: the initial process of the ‘arrival’ of human rights to the city, the way local administrations started engaging with them, the (lack of) implementation, and finally, the (lack of)

practical results for refugees and undocumented migrants. The field research took place between October 2018 and March 2020. In addition, the interview data was triangulated with secondary data obtained through desk research of municipal documents, reports, media publications, social media accounts and empirical evidence from scholarly literature – if available. All data was analysed using NVivo and following an open coding method.

The individual agency of municipal officials in improving the effectiveness of human rights

In this section, we will present examples that highlight the role of individuals as one of the driving forces behind the incorporation of human rights into effective local policy solutions to immigration-related challenges. Without underestimating the importance of local structural conditions and factors, we demonstrate that ultimately, it was specific individuals who initiated the human rights conversation, practice and even law to city halls and municipal offices, and that they did this for reasons that were often not self-evident results of their institutional role. We will start by presenting several examples of *how* individual agency mattered, and will subsequently focus on the issue of *why* individuals engage with human rights based policymaking.

First and foremost, our data analysis revealed a strong link between individual agency within local authorities and the adoption of human rights-based local policies that provide refugees universal access to services. In all country contexts, we found specific public officials behind the design and adoption of these policies; these officials had either explicitly used human rights law, or had adopted a human rights perspective in the interpretation of ambiguous domestic legal frameworks. In one Greek municipality, human rights law was referred to in a local action plan to justify the adoption of inclusive policies for undocumented migrants. This came about as a result of the efforts of a single employee, who later advocated for universal access to a new municipal shelter for the homeless, which caused conflicts with representatives of the central government demanding that access shall only be granted to people with lawful residence (T. Sabchev, fieldnotes, November 16, 2018). Similarly, in Turkey, some municipalities opted to interpret the ambiguity in the domestic municipal law to treat all refugees and undocumented people present in the city as ‘co-citizens’. As a result, they were provided access to free basic services and in some cases even to specialised ones, such as psychological support, vocational training and language courses (E. Durmuş, interviews,

December 5, 2018; December 14, 2018; and January 24, 2019). Behind this approach were progressive political leaders and local policy makers, some of whom consulted with the UNHCR to discuss whether it was possible to consider refugees as falling under the ambiguous law (E. Durmuş, interview, December 14, 2018).

Moving to more detailed single-case examples, we start with an Italian city with an active local civil society, which for decades has been defending the rights of locally residing vulnerable groups, including immigrants. While in the past the local government had developed plenty of policies to protect and fulfil migrants' rights, it was only a decade ago that it started actively referring to human rights—both in relation to migrants' rights and other policy areas. In this case, human rights emerged in a bottom-up manner within the local administration, and were only 'adopted' by the municipal political leadership in the second instance. More specifically, a civil servant with an education relating to human rights and former experience in an international organisation, intentionally introduced the human rights discourse and practice by involving the municipality in two externally funded projects (Durmuş, 2021). In her own words, she did this because of her strong belief in the 'added value of an approach based on human rights applied at the local entity level' (T. Sabchev, interview, December 19, 2020). Under her leadership, the process of localisation of human rights within the local administration resulted in the gradual introduction of various new initiatives: theoretical and practical training on human rights in migration-related issues for municipal managers and service personnel, workshops for students and teachers in local schools, communication campaigns on migrants' human rights, baseline studies on discriminatory barriers affecting migrants' active participation in local community life, etc. This engagement with human rights received strong support from two important individuals from the local government: a deputy mayor and the mayor. Ultimately, a separate office working explicitly on human rights-related issues was established within the municipal administration. At present, the office designs and implements projects focused primarily on immigrant integration, in close collaboration with the municipal services.

In Utrecht, two senior policy advisors working on municipal policies for irregular migrants were among the first within the municipality to adopt a human rights perspective – long before the municipality adopted a more explicit and general approach as a 'human rights city'. In collaboration with municipal executives and council members, these policy advisors used human rights for policy development and innovation, including the development of the aforementioned 'bed, bath and bread' shelters for undocumented migrants. Together with a municipal councilor

who proposed the development of an additional support programme (Scalli, 2018), these policy advisors further developed the municipal approach by providing legal support to – and personal development opportunities for – undocumented migrants. This approach, locally known as the 'fourth B' for 'Begeleiding' (Support/Guidance), has proven to be very successful, as 'in their first ten years, Utrecht found solutions in 94% of cases in the form of a residence permit, voluntary return or restoration of the right to care within the federal asylum system' (Sakkers & Bagchi, 2020). Another example of their 'human rights-based policy development' (Antonius, 2017), is the Utrecht-Refugee Launchpad which 'enables an inclusive approach to facilitate integration of asylum-seekers in the municipality from day one'. This project, also known as 'Plan Einstein', aims to create a 'combined learning and living environment for both refugees and the local community' that ensures a 'future proof investment into the participants' lives, which could be built up in Utrecht or elsewhere if the asylum request is denied or when refugees may want to rebuild their home country when the war is over'. As explained by our interviewees, this project was inspired by human rights, and also highlights how human rights can be used to transform targeted projects for migrants into inclusive projects benefiting the local population at large. The same policy advisors are currently working on the development of a collective insurance and a city pass for irregular migrants staying in the municipal shelter, which will enable better access to healthcare and other services (S. Miellet, interview, August 9, 2019).

In the Turkish context, a former employee of a prominent district municipality and the Union of Municipalities has been running a project that aims to develop the concept and practice of Human Rights Cities in the country (E. Durmuş, interviews, December 4, 2018; December 6, 2018). The project is led by an INGO and a transnational city network that is known in Turkish municipalities. However, this particular individual and her pre-existing relationships – as well as the trust that she has gained in the field – have helped to make the relatively foreign concept of the human rights city more accessible, trustworthy and safe among municipal officials. Some interviewees who work in municipalities that participate in the project and in the Union of Municipalities, referred to the coordinator as 'our (Name of Coordinator)' (E. Durmuş, interview, January 11, 2019), despite the fact that she was employed by a foreign NGO. The project currently develops human rights indicators, trains municipal officials, and encourages member municipalities to pass local legislation announcing that they are human rights cities and to adopt human rights declarations. Even more important than these tangible outcomes, is the fact that this individual works to convince municipal officials from different localities across a wide political spectrum of the relevance, usefulness and the moral, ethical and legal value of human rights for local governance. The project includes

a specialisation for refugees that many member localities voluntarily participate in, with the aim of applying the human rights city concept to their refugee policies. Having outlined the importance of individual agency within local authorities, we move on to the question *why* the municipal officials from our examples decided to engage with human rights in the first place. Our analysis will further unpack why local government representatives and administrators ‘use’ human rights, highlighting reasons pertaining to individuals’ background, motivations and interactions with others.

Individuals’ backgrounds

Firstly, human rights-related education, previous/ongoing professional affiliations or personal experiences were prevalent amongst those local government/administration officials who were most fervently championing greater respect, protection and fulfilment of human rights. In our example from Italy above, the civil servant who introduced human rights to the municipal administration and led the process of incorporating them into local policymaking, had obtained a Master in International Human Rights Law abroad, and collaborated with a human rights scholar widely known for his work as an activist (T. Sabchev, interview, December 19, 2019; fieldnotes, January 21, 2020). Multiple local administrators in different district municipalities in Turkey had a background in working for women’s rights organisations and NGOs before taking up positions within local authorities. Subsequently, they united in an NGO, while still being employed at their respective local authorities, aiming to realise their vision for a more institutionalised, participatory and rights-based local governance by providing training to civil society on how to engage with the local government and vice versa (E. Durmuş, interviews, December 23, 2018; December 15, 2018; and February 13, 2019). In Greece, municipal officials in key positions within the local government or administration were at the same time also active members of the Hellenic League for Human Rights – the oldest non-governmental human rights organisation in the country (T. Sabchev, interview, February 6, 2019). Finally, we also encountered cases in which, according to our interviewees, personal experiences with disability (e.g., developing impaired mobility or having a disabled child) had motivated local officials to incorporate a human rights perspective into municipal decision making (S. Miellet, interview, December 10, 2018; E. Durmuş, interview, January 24, 2019).

Individuals’ motivations

The background and experiences described above shaped how interviewees ‘encountered’ human rights, but they also pointed to other motivations. The interviewees used and valued human rights intrinsically and instrumentally. Some municipal officials perceived direct municipal human rights obligations,

even if the nature of these obligations (shared/complementary/conflicting) was itself contested locally (E. Durmuş, interview, December 4, 2018; S. Miellet, interviews, November 21, 2018; June 7, 2019). One Dutch policy maker explained that whilst the municipality’s divergent approaches to irregular migrants were sometimes interpreted by others as stemming from ‘leftish humanitarianism’ and featuring municipal disobedience, they perceived themselves as respecting a human rights obligation that is ‘binding for each and all’. She explained that they therefore challenged being labelled as ‘rebellious’, and also learned that they would consequently be able to mobilise more support within the municipality for these local policies (S. Miellet, interview, August 9, 2019). Human rights were also generally valued as a unifying force that criss-crosses various policy domains (S. Miellet, interview, May 8, 2019) and political agendas (S. Miellet, interview, June 7, 2019), while several of our Turkish interviewees also saw it as beneficial to the professionalisation of local authorities (E. Durmuş, interviews, December 4, 2018; December 5, 2018; December 6, 2018). One Dutch municipal councillor explained that human rights had helped her navigate gendered power dynamics within the municipal council, which she described as ‘male-dominated’, after some of her colleagues had accused her of being too emotionally involved. She explained that human rights provide a ‘moral compass’, but also a neutral and professional language to address difficult topics, such as the forced return of refused asylum seekers, without being accused of being too emotionally invested.

Finally, some of the municipal officials we interviewed expressed a keen interest in theorising human rights locally, because they had been – or were at the time – involved in research on localisation. In addition, some expressed ‘ownership over human rights localisation’ (E. Durmuş, interview, December 15, 2018; December 23, 2018; and February 13, 2019). One civil servant, for instance, had engaged with human rights from both an academic and practitioners’ perspective in the past, and perceived human rights as ‘her thing’ within the municipality; she was strongly convinced that a ‘serious’ approach to human rights implementation at the local level can produce positive results (T. Sabchev, interview, December 19, 2019).

Interactions between individuals

The third motive behind engagements with human rights of municipal officials and administrators consisted of interactions among individuals. Dependent not only on structural opportunities but also on chance and coincidence, individuals are able to find and connect with each other, combine their understandings of human rights and its local relevance, and initiate collaborations based on shared motivations, interests and values.

Interactions can take place both within a single municipality, between municipalities within the same country, or even transnationally, beyond state borders. Starting with interactions *within* a municipality, the ‘story’ of human rights incorporation into migration policies in one Dutch municipality of Utrecht illustrates how human rights perspectives are tied to personal background and motivations, but also altered through interactions with colleagues. One of the senior policy advisors working on introducing human rights perspectives into migration policies explained that for her, human rights were first and foremost a ‘moral duty’. This was due to the fact that one of her relatives was involved in a renowned act of the Dutch resistance during World War 2, which, she explained, resulted in a ‘heavy moral inheritance’. When a new colleague, a trained public international lawyer, joined their team, this colleague ‘gave them a piece of her own mind’ regarding their understanding of human rights, and made them more attentive to human rights laws. This, in turn, strengthened the overall human rights basis of their approach to irregular migration (S. Miellet, interview, August 9, 2019).

Moving on to interactions between individuals across municipalities, formal and informal networking as well as close personal connections allow individuals to encounter human rights as norm, value, or governance tool. When asked why certain municipalities are more proactive in developing human rights-inspired projects for refugees, interviewees from Turkey referred to a capacity development programme conducted in cooperation with Swedish and Dutch associations of municipalities during the EU accession process, in which a selection of Turkish mayors conducted educational visits to European localities (E. Durmuş, interview, December 6, 2018). A mayor that had been inspired by his visit decades ago, was still being referred to by his peers and municipal employees as a ‘visionary’ (E. Durmuş, interview, December 5, 2018). The mayor went on to create the country’s first municipal ‘community centre’, which offered services tailored to the needs of vulnerable groups, in line with the principles of universal, free, equal access. It is thus important to bear in mind the role of interactions between individuals who (re) introduce the relevance and utility of human rights – ranging from interactions in the close quarters of a single municipal department, to those across geographical, institutional and sectoral boundaries. In summary, individual agency within local authorities mattered for the effectiveness of human rights in all country contexts that we studied. In most cases, local representatives and administrators brought human rights to the city level in the form of discourse or practice incorporated into municipal policymaking. In other cases, they applied human rights as a legal tool to justify their inclusive approaches towards refugees and undocumented migrants. Finally, our data suggests that the reasons behind the individual agency’s

mobilisation as a local human rights carrier may well originate from experiences and encounters distant in time and space – such as one’s education, previous work experience, or even a single meeting at a conference abroad.

Discussion

The fundamental role that individual agency can play in opening a city’s ‘gates’ and introducing human rights brings to the fore a number of opportunities and pitfalls, both in terms of strengthening human rights effectiveness and in terms of studying it. In some local authorities, such as in our example from Italy, an individual engagement with human rights eventually led to institutionalisation in the form of the adoption of strategies, and to the establishment of task forces or offices developing human rights-inspired migration policies. In others, such as in the Greek and Turkish context, human rights practices remained ad-hoc and driven by a single or few individuals. Several Turkish interviewees, for instance, expressed their concern with the sustainability of human rights approaches in the field of migration governance, as decisions regarding institutionalisation were ‘between the two lips of the mayor’ (E. Durmuş, interviews, December 15, 2018; January 11, 2019; and January 24, 2019). Institutionalisation of human rights within local authorities thus varies greatly from one place to another. That said, concerns regarding the lagging institutionalisation of human rights were also seen as acute and raised by administrators in a Dutch municipality that explicitly adopted the ‘human rights city’ label (S. Miellet, interview, June 7, 2019).

The potential consequences of such concerns remaining unresolved are yet to be understood. What happens when public officials grow tired of them and become frustrated with enacting human rights-based policies in an ad-hoc manner? Some have suggested that municipal human rights practices may start to dissipate in the face of such challenges (Just, 2018). Within trans-municipal networks and during international workshops on ‘human rights in the city’, the question of how to institutionalise human rights within the local administration and government remains a common theme. It is important to note, however, that participation of municipal officials and administrators may be limited or enabled due to their personal background, (language) skills and agendas, and is also dependent on support and resources from the municipality. Support towards facilitating such interactions between individuals is therefore not only important for the dissemination of local human rights-based policies, practices and discourses, but also for the contestation and development of the future relationship between local authorities and human rights.

The contribution of individual agency to the effectiveness of human rights at the local level – regardless of whether institutionalisation is achieved – merits attention as well. Individual agency can help change the perception of human rights as being something ‘foreign’, by ensuring more localised understandings of human rights, and therefore increasing the ownership it enjoys (Oomen & Durmuş, 2019). This local contestation of human rights also challenges human rights to be more reflective of local concerns (De Feyter et al., 2011). In addition, individuals are the driving force behind the dissemination of ideas and practices in relation to human rights at the local level, increasing their prevalence and reach around the world (Brysk, 2019; Durmuş, 2020; Risse-Kappen et al., 1999). Human rights in the city, and human rights for local migration policies, thus become ‘coalition magnets’ (Béland & Cox, 2016) bringing diverse actors and stakeholders together, mobilizing them around a common agenda.

In cases where individual agency leads to higher institutionalisation, how does this affect the exercise of individual agency? It may seem a long way off, given that institutionalisation is generally lagging, and given that the concerns about the sustainability of local engagements with human rights loom large. However, it is important to examine how the local institutionalisation of human rights may shape the future involvement of practitioners, such as municipal human rights ‘users’. What if human rights, instead of remaining a ‘hobby of the few’, (Philipp, 2017, p. 35) become increasingly embedded and mainstreamed into local policymaking? New local government officials and administrators would then enter a setting in which human rights already form part of the ‘opportunity structure’ in the form of established ‘practices’, such as previous experiences with human rights-based policy developments, institutions and artefacts, such as awards for past achievements in the field of human rights. To draw on Eleanor Roosevelt’s metaphor⁶⁰ of the curious human rights grapevine: Human rights will always need individuals to carry their seeds to places and to nurture them as they grow and develop, but how will such acts of diffusion and localisation be altered when more people become involved, over a longer period of time? What this means in terms of the effectiveness of human rights requires further consideration. In this scenario, new ‘human rights ‘users’ may encounter the roots of previous (and perhaps failed) attempts to adopt a human rights-based approach, or alternatively, come across already flourishing grapevines and their ‘caretakers’, proudly and perhaps competitively watching over them. How this will shape future efforts, motivations

and interactions between individuals within local authorities who are interested in contributing to the effectiveness and localisation of human rights, is a question that is best answered in conversation with these practitioners.

At the same time, the effect of such ‘human rights residue’ also brings us to the academic field, by raising questions regarding the limitations of the explanatory value of individual agency as a concept. It is therefore important that scholars who are interested in this debate reflect critically on the interactions between individual agency and structure, which could either facilitate or sabotage human rights localisation attempts. In focusing on the level of the individual, we highlighted underlying elements such as background, motivations, and interactions with others that enabled individuals to come into contact and engage with human rights. However, a different level of analysis could reveal the macro and/or meso level actors, structural factors and corresponding ‘pathways of influence’ (Brysk, 2019) that operate in parallel with – and reinforce – bottom-up initiatives led by individuals. For instance, international institutions, transnational campaigns, and an active local civil society, among others, can strengthen the effectiveness of human rights at the local level by pressuring national and local authorities to adopt human rights-based policies (Durmuş, 2021). In this sense, background, motivations and interactions underlying individual agency can be considered to constitute ‘micro-pathways of influence’ and complement the existing literature on the socialisation of human rights on a larger scale (Brysk, 2019; Finnemore, 1993; Ikenberry & Kupchan, 1990; Risse-Kappen et al., 1999; Schimmelfennig, 1994).

Having clarified this limitation of our micro-level focus, we move on to the contributions of this study from a scholarly perspective as a final point in our discussion. Firstly, while our study is strictly exploratory, it seeks to move beyond the descriptive accounts of individual agency, such as those focusing on specific individuals like mayors (Ward, 2016). By foregrounding the *actions* produced by these individuals, rather than their formal roles – as is common in actor-centred perspectives – we also acknowledge that their involvement is multifaceted, and that some of them have multiple affiliations (e.g., combining work in a municipal council with work in advocacy or for human rights organisations). In doing so,

we follow the examples of Shawki (2011) and Desmet (2014), but also widen their scope in two ways: by examining the involvement of a broader range of individuals within local authorities, and by bringing to light the importance of micro pathways of influence (based on experiences, motivations and interactions). In addition, the concept of individual agency facilitates attention to interactions, allowing us to

⁶⁰ See (Korey, 1998). As Korey observes, Roosevelt invoked the metaphor of a ‘curious grapevine’ in 1948. The political and institutional implications of this invocation have been a topic of debate among scholars researching the ethnography of transnational human rights norms.

investigate if individuals act independently and proactively, and whether they do so alone or with the support of strategic partners. By choosing this approach, we recognise that the environment *within* local authorities in which public officials operate is different than the one in civil society. This, in turn, calls for the development of a new context-sensitive concept, rather than for stretching already-existing concepts, such as human rights translators (Neubeck, 2016). While acknowledging the added value of the alternative notion of human rights 'champions' (Neubeck, 2016, p. 63), we consider its application to be narrower than the one of individual agency. We also believe that it is linked primarily to the symbolic dimension of human rights, and by extension to discussions on the 'marketisation' of human rights (Immler & Sakkers, 2014). Lastly, the focus on individuals working *within* local authorities complements previous studies (Berman, 2007; Koh, 1996) by showcasing that individuals matter, even – or perhaps especially – if they find themselves in positions of relative power, working for institutions that have formal human rights obligations. Regardless of any formal legal obligations, individual agency is a factor behind human rights gaining ownership, and behind increasing human rights effectiveness.

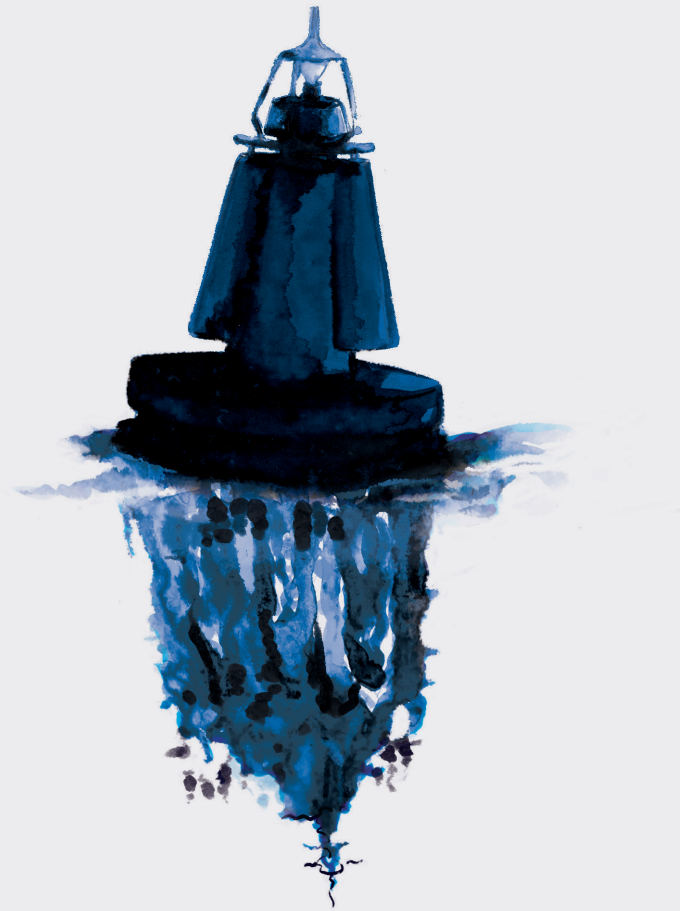
Conclusion and future research

The insights emerging from the recent scholarly interest in human rights cities serve as a good reminder that applying novel approaches and concepts in human rights research can yield promising results. The gradual shift in the study of human rights effectiveness – from the formalist and state-centric macro level to the more complex and pluralist meso level – should, in our opinion, continue on its present course to the next logical step: the micro level of the individual within concrete local contexts. The individual agency concept that we introduce in this chapter can be viewed as one of the steppingstones in that direction. Without underestimating the role of state, non-state and sub-state actors, as well as structural factors, we have argued that individual agency should be added as one of the elements that can contribute to human rights effectiveness – by incorporating human rights as law, practice and discourse into local policymaking. While providing a comprehensive theorisation of why certain individuals have engaged with human rights at the local level is beyond the scope of this paper, our analysis leads to the suggestion that the reasons thereof relate to a variety of experiences, motivations and interactions.

Furthermore, human rights have long been implemented and studied on the basis of frameworks characterised by a high level of generality and focused on

state compliance. Only recently has this started changing through the process of human rights localisation. The assessment of effectiveness, however, necessitates sociolegal analyses to further unpack essentialist understandings of the 'state' and of 'local authorities'. In our view, individual agency serves as a bridge connecting the general and specific aspects – both from a theoretical and a practical perspective. As a concept, it adds a missing piece to the puzzle, by distilling the role of individuals in realising human rights, thus paving the way towards advancing our understanding of how human rights are invoked and become relevant 'on the ground'. In practice, it navigates and contests human rights norms and ideas, transforming them into innovative policy solutions that can contribute to remedying the implementation gap.

Based on this twofold value of individual agency and in addition to the conceptual challenges already addressed in the previous section, we put forward several suggestions for future research. Firstly, we recommend that future studies shed light on any explanatory mechanisms linking individual agency and human rights effectiveness. Rather than just confirming the assumption that individual agency plays a role in the effectiveness of human rights, we suggest that scholars and practitioners also examine the consequences related to this finding – including the question of sustainability. Secondly, all but one of the municipalities incorporated in this study were urban. Additional research is needed to confirm or reject the relevance of individual agency for the implementation of human rights-based local initiatives in rural settings and in other policy areas (e.g., poverty alleviation, youth policies, etc.). Finally, we suggest that future studies provide a comparative perspective on the role of individual agency in strengthening human rights within highly institutionalised contexts at the local, national and international levels. Ultimately, this can contribute to revealing whether there are certain elements that make the local level a particularly fertile ground for the symbiosis between individual agency and human rights effectiveness highlighted in this paper.



Chapter 5

Human rights cities as democratic iterations: Between practice, productive politics and populism

Abstract

This chapter zooms in on some of the challenges and tensions that the local 'co-production' of human rights may produce. It examines how local actors in two relatively established human rights cities, Utrecht and Nuremberg, relate to and (re)construct the scope of the human rights city (HRC) self-designation in local debates on forced migration. On the basis of interviews and qualitative content analysis, I argue that debates about and scrutiny of the scope of municipal human rights city self-designation are both inherent and integral to sustaining these local human rights initiatives in Utrecht and Nuremberg. Moreover, my analysis suggests these debates about the scope of municipal human rights commitments can constitute a productive tension in the local politics of forced migration and illustrates how they can positively impact on the development of rights-based approaches to forced migration.

Introduction

Human rights cities (HRCs) feature, among others, local authorities that explicitly base municipal policies on human rights as laid down in international treaties (Oomen, 2016). This broad definition highlights the involvement of sub-national authorities, however, self-designated human rights cities rely heavily on cooperation with civil society organisations and social movements. Scholars and policymakers have been keen to explore their potential in responding to the challenges that international human rights law faces, pertaining to their state-centrism, efficacy and enforcement gaps. In the eyes of some, HRCs reconnect human rights with their radical, emancipatory roots and signify pragmatic adaptation to the growing frustration with the failures, limitations and conservatism of the international human rights regime (Goodhart, 2019). Several scholars have examined how human rights cities respond to the enforcement gap and citizenship gap; the inability of the human rights regime to protect the most vulnerable, such as refugees, despite claims of universality (Shafir & Brysk, 2006).

However, along with this scholarly interest comes closer inspection of the challenges to, and limitations of HRCs. Some scholars are sceptical of what they perceive as symbolic strides well beyond cities' legal ambit (Hirschl, 2020) and the mismatch between the aspirations and actions of municipal actors in HRCs (Grigolo, 2018). Others point towards the risks of 'rhetoric without accountability' because municipal human rights programmes rarely include effective mechanisms for enforcement and accountability (Davis, 2016). Ran Hirschl, for instance, concludes his analysis of human rights cities with the rather sceptical note, 'enough said' (2020, p.165). And yet...

This article engages with scholarship that thinks through these shortcomings of HRCs. Much of this research investigates the implementation of human rights norms within municipal organisations (Soohee 2016; McNaughton et al., 2020). These studies show how local human rights frameworks are institutionalised and 'picked up and used by grassroots groups to hold the city accountable for meeting its human rights obligations to the community' (Neubeck, 2016, p.254). This research also points toward pitfalls and paradoxes, as the institutionalisation of human rights practices within the municipal organisation may undermine more radical and critical engagements with human rights locally (Grigolo, 2018; Sakkers & Bagchi, 2020). It shows that the local 'co-production of human rights' (Grigolo, 2018) may involve challenges and tensions, because the 'use' of human rights sometimes incites 'friction and disagreement about what human rights should do

or entail in the city' (Roodenburg, 2021). Another point of contention is how to sustain human rights projects in the long run. As Martha Davis (2021) notes, the dynamics that sustain human rights city initiatives are poorly understood.

Rather than focusing on governance and accountability mechanisms, this article brings into focus the politics and discursive dynamics in two self-designated, relatively established human rights cities; Nuremberg and Utrecht. In the European context both are pioneers in the field of human rights localisation with relatively longstanding experience with using human rights as a basis for local policies. That said, HRC initiatives in both cities are far from a 'done deal'. This study zooms in on discursive dynamics, here understood as debates about the human rights city commitment after self-designation. It explores how local actors in these two cities contest how the local government delivers on its human rights city ambition and how they draw on the HRC commitment in relation to the reception and inclusion of forced migrants. In Nuremberg and Utrecht, as I will suggest in this paper, the explicit human rights city self-designation creates openings for local actors to advocate for rights-based responses to forced migration. This paper argues these local human rights discourses can be conducive to rights-based approaches to the reception and inclusion of forced migrants, but also highlights pitfalls and various challenges.

Conceptually, this contribution seeks to as human rights city, as I will argue, drawing on Seyla Benhabib's work, is an open-ended invitation to 'place analytical emphasis on the *politics* and discursive dynamics in human rights cities and to contribute to theorizing of the latter. To this purpose, I conceptualise HRCs as an iterative *political* praxis that produces a high-stakes value context and discursive field of mutual promise, aspiration and expectation. The self-designation democratic iteration'.

After conceptualising the politics of HRCs, I outline the methodology of this study and introduce the cases. The analysis sketches the broad contours of local human rights policies and politics, followed by a more detailed discussion of the interplay between local human rights (city) discourses and municipal approaches to the reception and inclusion of forced migrants. Finally, I discuss the potential and pitfalls of some discursive dynamics and conclude with suggestions for future research.

Human rights cities: Current understandings and contentions in the field

Conceptualising human rights cities and communities

Although there is consensus about broad definitions of human rights cities (HRCs), scholarly conceptualisations emphasize different dimensions. As Goodhart notes, the scholarship encompasses conceptualisations of HRCs as 'sites' or 'mechanisms' for the dissemination of human rights norms, as 'social movements' or as a 'political praxis' (Goodhart, 2019). Legal scholars often focus on human rights cities as 'actors' in the international human rights regime (Aust 2015).

This understanding of HRCs as actors, whilst highly relevant to legal debates on the state-centrism of human rights, risks obscuring the interactions and dynamics between various local actors *within* human rights cities and within municipal organisations. A focus on the use of human rights in local *policies*, alternatively, may downplay informal and contentious uses of human rights by social movements. Definitions of HRCs as 'sites' or 'mechanisms' for dissemination of human rights norms are caught up in the dichotomy of downward diffusion versus grassroots mobilisation. If we consider HRCs as arena's in which human rights struggles play out (Oomen & Durmuş, 2019), it may be possible to move beyond the urban bias in research on human rights localisation (Goodhart, 2019; chapter two of this dissertation). Even so, this definition places little analytical emphasis on the actual politics within HRCs. Another definition that avoids an urban bias, is the one adopted at the World Human Rights Cities Forum in 2011, which understands a HRC as 'both a local community and a socio-political process in a local context where human rights play a key role as fundamental values and guiding principles' (Davis, 2021, p.227). These conceptualizations thus capture various dimensions of HRCs, but they also come with theoretical and normative implications.

This article's approach resonates with Grigolo and Goodhart's definition of HRCs as practice or a political praxis. I agree with both authors that it is important to challenge the urban and statist bias of some of the HRC scholarship, to substitute city for (human rights) community and to emphasize the contentious character of local human rights practices by understanding HRCs as a political practice. In this article, I seek to develop these (political) praxis-oriented definitions by foregrounding the discursive, iterative and identity-building dimensions of HRCs. This paper conceptualises HRCs as an iterative political praxis of various local actors that produces a high-stakes value context and discursive field of mutual promise, aspiration and expectation.

The politics of human rights communities

A point of contention in the scholarship has to do with the political nature of human rights praxis (Davis, 2021). As Goodhart notes, localising human rights is a political project that involves the contestation of power. Interestingly, empirical investigations show that some local actors believe human rights are somehow above politics or post-political (Davis, Gammeltoft-Hansen & Hanna, 2017) and that they should not be 'politicised' (Sakkers & Bagchi, 2020, p.104). In the context of HRCs, such concerns about 'politicisation' are above all strategic. They feature in local debates on how to sustain human rights city initiatives after political changes such as elections (McNaughton et al., 2020, p.115), where the challenge is how to insulate human rights initiatives from conflicting partisan interests and to prevent political actors from turning against human rights initiatives (Davis, 2017). It is also to ensure that human rights offer a neutral language that is accessible to, and resonates with, different political actors and agendas (Davis, 2017; Sakkers & Bagchi, 2020). Local actors' concerns about politicisation therefore focus on partisan politics and not on the politics of translating and using human rights in broader political struggles.

As Oomen notes, 'in a context in which it is less common to refer to human rights, doing so is an inherently political choice and opens the door to another subset of political choices' (Oomen, 2018, p.228). These choices may pertain to what rights to focus on or how to organise the co-production of human rights through local coalitions and programmes (Grigolo, 2018, p.108). Behind local human rights initiatives are often political actors with their particular personal and professional histories, attitudes and understandings of human rights (Sabchev, Miellet & Durmuş, 2021). Research on human rights city initiatives not only shows various degrees of institutionalisation, but it also points towards different political contexts and political struggles (Fernández -Wulff & Yap, 2020).

The political character of local human rights praxis, moreover, manifest itself in the form of frictions, tensions and conflicts between various local and municipal actors or between levels of government (Roodenburg, 2019 and chapter two and three in this dissertation). Cities' engagements with human rights norms can be a source of *intergovernmental* tensions as empirical research on human rights and sanctuary cities highlights (Baumgärtel & Oomen, 2019; Davis, 2021). This research also shows that pre-existing intergovernmental disputes may underpin the local instrumental use of human rights in the first place (Sabchev, 2022). Instrumental or not, local actors sometimes team up with international actors to pressure national governments towards compliance with a particular obligation, a phenomenon that human rights scholars have referred to as the 'rights boomerang' (Oomen, 2018).

Tensions and conflicts between actors may also unfold *within* the city, locality or municipality between various local actors. As Grigolo suggests, singling out local government agents against other agents of human rights may appear arbitrary, as individuals often move between camps and wear different hats during different points in time (2018, p.17). Instead, he urges to consider the state, including municipalities, as 'battlefields of human rights, where many actors in and around the state strive to influence rights and human rights' (Grigolo, 2018, p.17). Frictions may also occur because of different perceptions of the legal and discursive character of human rights (Roodenburg, 2019).

Whether such frictions are seen as problematic or as part of the 'local co-production of human rights' is another point of contention in scholarship on HRCs. Some see these frictions as clashes among different groups who want to claim their own rights that can be prevented by conflict-sensitive approaches (Lee, 2019). Others argue there is a 'fundamental tension built into the human rights city between, on the one hand, the imperative of 'justice' to which civil society concerned about human rights may be more sensitive, and, on the other, the logics and constraints of 'government' that guide the local government' (Grigolo, 2018, p.15). The emerging research on HRCs also includes accounts that highlight the need to anticipate friction (Roodenburg, 2021).

These reflections raise questions about cooperative and conflictive dynamics within HRCs and discursive practices in established human rights cities. Scholars such as Davis (2021) and Da Silva (2018) suggest probing deeper into the vertical relations, horizontal relations and internal dynamics of HRCs (2022). Some studies single out a specific spatial scale of analysis, others propose a multi-level understanding of the (urban) politics of HRCs (Sabchev, 2022). Rather than zooming in on a particular scale of analysis, this study seeks to contribute to the scholarship by highlighting the temporal and iterative dimensions of HRCs, to examine how they develop over time and to gain more insight in the discursive dynamics that sustain them

From the politics of human rights to a definition of HRC as an iterative, identity-building political praxis

Research on the mobilisation of human rights in transnational settings contains various insights to bring the discursive and iterative dimensions of HRCs into greater focus. Keck and Sikkink's investigation of advocacy networks in transnational politics, for instance, offers a useful typology that differentiates between information politics, symbolic politics, leverage politics and accountability politics (Keck and Sikkink, 1999). Of these different types, accountability politics

bears relevance to debates on HRCs, their politics, discourses and symbolism. Accountability politics refers to a phenomenon where networks pressure governments to publicly change their position on issues and ‘once a government has publicly committed itself to a principle – networks use those positions, and their command of information, to expose the distance between discourse and practice’ (Keck and Sikkink, 1999, p.24). Keck and Sikkink acknowledge that discursive moves are often ‘dismissed as inconsequential change, since talk is cheap and governments sometimes change discursive positions hoping to divert network and public attention’, but nonetheless show how they simultaneously give rise to possibilities for mobilisation. (1999, p.24) Their discussion draws attention to discursive events and long-term developments. Instead of speaking of ‘types of impact’, it highlights ‘stages of impact’ and suggests that ‘increased attention, followed by changes in discursive positions, make governments more vulnerable to the claims that networks raise’ (1999, p.24). These authors describe such a change in discursive positioning as a ‘modification of the ‘value context’’. The self-designation⁶¹ as an HRC, as I argue in this article, can also be understood as such a modification.

This notion, accountability politics, relates to what human rights scholars refer to as the ‘paradox of empty promises’ of the international human rights regime. Hafner-Burton and Tsutsui explain the impact of human rights treaties as a “paradox of empty promises’: as nation-states make formal legal commitments to symbolise human rights compliance even whilst they are in violation, this process of ‘empty’ institutional commitment to a weak regime paradoxically empowers non-state advocates with the tools to pressure governments toward compliance’ (2005, p.1378). Both the concept of ‘accountability politics’ and this idea of the ‘paradox of empty promises’ stress that human rights commitments may involve ‘empty’ institutional commitments. Scholarly debates about ‘window-dressing’ tend to focus on (authoritarian) regimes that become ‘entrapped’ in their own performative human rights discourse and rhetoric (Risse & Sikkink, 1999, p.27). Whereas in the case of human rights cities declarations have no legal force and the proactive engagements of HRCs with human rights are much more a matter of choice than nationally.

Another perspective that foregrounds discursive dynamics at play in the politics of human rights is offered by Seyla Benhabib in her writings on jurisgenerative

⁶¹ It is important to differentiate between self-designation, which signifies an ongoing process and self-declared HRCs involving proclamations or declarations. As case-studies show, administrators, managers and elected officials in HRCs are often not familiar with the existence of local Charters, see Frate (2016, p. 75) and McNaughton et al., (2020, p.123).

politics and democratic iterations. In Benhabib’s work, democratic iteration refers to ‘those complex processes of public argument, deliberation and exchange through which universalist rights claims are contested and contextualised, invoked and revoked, posited and repositioned, throughout legal and political institutions, as well as in the associations of civil society’ (2007, p. 454). One of the examples used by Benhabib to develop her account of ‘democratic iterations’ comes from Judith Resnik’s work, which analyses local engagements of municipal actors with international legal instruments, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (Resnik, 2007). Whilst research on cities engagements with human rights often draws on this example of CEDAW it is yet to engage with Benhabib’s analytical approach.

Democratic iterations, per Benhabib, take place in the “strong” public bodies of legislatures, the judiciary and the executive, as well as ‘weak’ publics of civil society associations’ (2007, p.454). Some scholars have criticised this institutionalist focus and have proposed alternative understandings of the ‘cosmopolitics’ of human rights (Honig, 2006). Given the longstanding scholarly debates on decentring the state in migration and human rights research, it is not surprising Benhabib’s institutional focus is scrutinised. However, it is well-suited to this investigation of the discursive dynamics at play in the ongoing co-production of human rights in two self-designated HRCs where municipal actors actively shape local human rights initiatives.

It is also useful how the concept ‘democratic iteration’ highlights the potentially productive and discursive dimensions of repetition and reiteration. Benhabib suggests that ‘in the process of repeating a term or a concept, we never simply produce a replica of the first original usage and its intended meaning: rather every repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there really is no “originary” source of meaning, or an ‘original’ to which all subsequent forms must conform’ (2007, p.454). Whilst in Benhabib’s definition the link to collective identity- building processes is not explicated, her broader account of jurisgenerative politics examines how identity is linked to moral and political commitments of a collectivity. Democratic iterations, per Benhabib, focus on questions, such as ‘in view of our moral, political and constitutional commitments as a people, our international obligations to human rights treaties and documents, what collective decisions can we reach which would be deemed both just and legitimate?’ (Benhabib, 2011, p.26). Applied to the HRC context this means investigating collective decisions and practices in light of local human rights city ambitions and commitments.

Approach and methodology

To explore how local actors relate to and (re)construct local commitments to human rights in debates on forced migration, this paper uses an in-depth qualitative comparative case study research design. Utrecht and Nuremberg's longstanding experience with localising human rights make it possible to trace how discursive dynamics evolve over time after the HRC self-designation.⁶² This study does not adopt a 'classic' variation-finding amongst 'most similar' cases. There are enormous differences between both municipalities in terms of contextual characteristics and local government competencies. It is rather a step in the direction of Jennifer Robinson's approach that seeks 'a new repertoire of comparative practice' that abandons 'the hopeless efforts to apply a quasi-scientific rigour to case selection based on attempting to control for difference across cities' (Robinson 2016b, p.188). Robinson suggest considering 'a topology of intricate and subtle engagements across cities' offers and draws attention to 'relations of proximity and presence shaping policy transfer and adaptation which are not easily reduced to physical flows which can be traced on a map or particular objects or elements which can be 'followed' (Robinson 2018, p.233). This paper adopts such a minimalist 'generative' comparative tactic (Robinson, 2016a, p.14) that acknowledges how theorizing in comparative mode is 'necessarily partial, open to multiple starting points and concerned to assess its own limits' (Robinson, 2016b, p.194).

This study is, first of all, based on extensive desk research of municipal (council) proceedings and documents, local policy documents, media publications, press releases and secondary sources conducted between August 2018 and November 2021. Second, it draws on fieldwork conducted in Utrecht between August 2018 and November 2019 and from June 2021 to October 2021. In Nuremberg, the fieldwork period was interrupted after one month because of the outbreak of the covid-19 Pandemic in March 2020. Whilst the author was able to attend some local meetings, municipal election debates and visit key sites, interviews with Nuremberg actors were conducted digitally. To complement the loss of data and to identify and trace longer-term developments and trends, two follow-up interviews were conducted in 2021 with interviewees from Nuremberg.

In total, the interview data consists of 18 interviews with 10 respondents: members of the local administration; local policy advisors working on human rights and/or (forced) migration, municipal councillors, and civil society and social

⁶² For a similar argument but then focused on studying implementation rather than discursive dynamics, see Haddad's (2020) analysis of San Francisco and Los Angeles.

movement representatives in both cities.⁶³ Five respondents were interviewed twice or three times after 6-12 months to enable a longer-term perspective. All interviews in Utrecht were conducted in Dutch, in Nuremberg interviewees spoke English and German. The terms and quotes presented in this study have all been translated by the author from the original. Desk research and a textual analysis of municipal council debates and documents were used to identify respondents and contentious issues, but also continued after interviews. Both municipalities have generated a wealth of documents, for each well over a hundred policy documents, amendments, council proceedings, press releases were selected based on relevant key words. All data was imported and analysed in NVivo. The analysis of interview data first focused on open, data-driven coding and then moved on to focused categorical coding.

A tale of two human rights cities: History and general approach

In the following, I sketch Utrecht and Nuremberg's overall approach to localising human rights to contextualise my analysis of human rights politics, practices and discursive dynamics in both HRCs.

Utrecht's path to becoming a human rights city

Utrecht's 'story' is often traced back to 2012 when the UN High Commissioner for Human Rights, Navanethem Pillay declared it the first 'human rights city' of the Netherlands. Utrecht's municipal actors did not declare it a human rights city, even though municipal executives occasionally referred to this designation before 2012. As Sakkers and Bagchi explain, 'since Navanethem Pillay made her announcement in the presence of a large audience, Utrecht communicates its human rights ambitions more openly, trying to find an inspirational but also a self-critical and reflective kind of storytelling' (2020, p.108). The municipality's efforts to localise human rights began, however, with a phone call in 2009 from the European Fundamental Rights Agency (FRA) which invited Utrecht to collaborate on an international 'Joining Up' Fundamental Rights project (Sakkers, 2017). This project investigated how cities, together with national governments and NGOs, could take responsibility for human rights at the local level.

⁶³ In Utrecht three policy advisors, one civil society representative and one municipal councillor were interviewed. In Nuremberg, two policy advisors, two civil society representatives and one municipal councillor were interviewed.

In contrast to human rights cities such as Gwangju, Graz or Nuremberg where human rights agendas are inextricably linked to local debates about collective memory, in Utrecht historical experiences and legacies rarely feature in public or political debates on localising human rights (see also Immler & Sakkers, 2021). Its local human rights coalition until recently mostly focused on present-day issues and on building a local human rights culture. Whilst Utrecht is not a signatory to city charters such as the Charter for Safeguarding Human Rights in the City, its municipal actors are active in the transmunicipal city networks.

Nuremberg ‘City of Peace and Human Rights’

At the heart of Nuremberg’s self-presentation as the ‘City of Peace and Human Rights’ lies a complex historical legacy. More than any other German city, its past is associated with the atrocities of National Socialism and fascism. Nuremberg’s human rights approach can be traced back to the early 1980s. According to some accounts, its self-presentation as a ‘city of human rights’ began after the artistic-architectural intervention of Israeli artist Dani Karavan and his public ‘walkable work of art’ consisting of 30 pillars representing 30 articles of the Universal Declaration of Human Rights that was installed in the city in 1993 (Macdonald, 2010). Macdonald suggests that Karavan’s ‘Way of Human Rights’ propelled this human rights discourse into place, even though it was never intended as a technique to re-imagine and re-profile the city and its image (Macdonald, 2010, p.131).

In 1997, a human rights office was established and located under the Lord Mayor’s department. To date this is the only *municipal* human rights office in Germany. At the time this research was conducted the office consisted of approximately 10 staff members. Nuremberg’s human rights city commitment is enshrined in six key documents that form the normative base of its local policies and human rights approach. In 2001, the City Council decided on a Mission Statement of the City of Nuremberg and Guidelines for municipal policy in which human rights feature explicitly. It is signatory to the European Charter for Safeguarding Human Rights in the City and a member of several city networks, such as the European Coalition of Cities Against Racism (ECCAR) and a co-founder of a regional alliance against right wing extremism.

The city is also home to various human rights organisations and research centres, such as an independent working group ‘the roundtable for human rights issues’ established in 1997, and a ‘curatorium for integration and human rights’. This consultative committee seeks to enhance cooperation with civil society and other stakeholders and is chaired by the Lord Mayor.

Human rights cities and the reception and inclusion of forced migrants

The politics of human rights in Utrecht

Utrecht’s approach to localising human rights has been documented and discussed in depth elsewhere (Van den Berg, 2016; Oomen & Baumgärtel, 2019; Sakkers & Bagchi 2020). This first part of the analysis highlights the politics ‘behind’ Utrecht’s pioneering role as the first human rights city in the Netherlands and zooms on its relevance for the local reception and inclusion of forced migrants.

Since 2011 Utrecht’s human rights city ambitions have become a regular point of reference in public and municipal council debates (Sakkers & Bagchi 2020, p.96). The city’s municipal council archives offer an interesting glimpse of the human rights (city) discourses within the municipality. Between 2011 and 2021, there are 18 documented instances where municipal actors referred to Utrecht as a *human rights city* to argue for a specific course of action or municipal positioning on a particular issue. Beyond these more specific references to Utrecht’s human rights city ambition, there are more -approximately 100 - recorded instances in which municipal actors invoke human rights.⁶⁴

Utrecht’s human rights city ambitions featured in debates on anti-discrimination, anti-radicalisation measures and municipal inclusion measures under the UN Convention on the Rights of Persons with Disabilities. Municipal councillors drew on the HRC positioning in debates on realising the UN Sustainable Development Goals and in relation to debates about external relations and city partnerships. In these instances, human rights serve as an action frame and the human rights city commitment is framed as an enabling and high-stakes context by various municipal actors who argue the municipality should take action, ‘considering that Utrecht, is or aspires to be a human rights city’ or that not doing so ‘would be a missed opportunity’ to ‘deliver on Utrecht’s human rights city ambitions’.

The politics of human rights and forced migration in Utrecht

Utrecht’s human rights city commitment is, above all, a recurring motif in municipal debates on the reception and inclusion of forced migrants. It features in municipal policy frameworks drafted by senior policy advisors, speeches of municipal executives and proposals of municipal councillors on various issues related to the plight of undocumented persons and the inclusion of asylum seekers and (recognised) refugees.

⁶⁴ In total the textual analysis of municipal council archival documents and proceedings identified 148 references of human rights, of which 46 were duplicates, so 102 in total.

Historically, senior policy advisors have drawn on Utrecht's HRC positioning as a *source of legitimation* for local inclusionary measures for undocumented persons that diverge from restrictive national policies. As one (former) policy advisor explained, whilst Utrecht's human rights city orientation was strategic from the start to legitimate local divergent policies, it also seemed fitting for a city that is home to the national human rights (research) institutes and that historically been associated with events such as the Peace of Utrecht (1713). Utrecht's (deputy) mayors have cited the broad political support in the municipal council for its human rights approach when announcing their decision to disregard the central government's plans to make shelters for irregular migrants more restrictive.

As the first Dutch city to develop a comprehensive support programme for forced migrants with precarious status, Utrecht's approach is sometimes described as 'municipal disobedience'. Utrecht's policy advisors and political officials, however, have always emphasized that these inclusionary measures for irregular migrants are not about extra-legal solidarity, hospitality or charity, but involve a commitment to and compliance with domestic duties of care and international human rights. In her work Susan Coutin similarly observed that sanctuary activists called their legal strategy *civil initiative* rather than *civil disobedience* (1995).

Beyond legitimation, Utrecht's HRC ambition has inspired some of its policymakers to move beyond the provision of emergency social assistance (bed, bath, bread shelters) to develop durable rights-based solutions to irregular stay.⁶⁵ The municipality works together with various NGOs to enable participation, providing internships, leisure and training opportunities for forced migrants with precarious status. It seeks to minimise barriers to participation and has arranged a liability insurance for irregular migrants as required for internships. Utrecht's municipal actors, in tandem with a broad coalition of civil society organisations, therefore, use human rights as a *source of inspiration* to develop pathways to inclusion and regularisation, rather than only focusing on pragmatic solutions for individual cases of hardship.

Utrecht's human right city ambition has also been a source of legitimation and inspiration to develop of divergent approaches to asylum and refugee reception. In 2015 and 2021, (deputy) mayors stated that Utrecht's status as a human rights city motivated their (pro)active efforts to organise emergency shelters for asylum

seekers in response to a nationwide asylum governance crisis. In 2016, the municipality faced protests when it announced plans to open a temporary refugee shelter in one of the most socially deprived neighbourhoods of the city. In response to these protests and inspired by human rights, senior policy advisors developed an approach to context-sensitive asylum centres as part of the 'Plan Einstein project' that are more inclusive and seek to mutually benefit refugees and neighbourhood residents. This local vision on refugee arrival and reception stands in stark contrast with the large-scale centralised reception centres organised by the Dutch Reception Authorities (COA) as illustrated by the interview quote below from an interview with a municipal council member.

'Distributing and dislocating people like packages behind a fence, until they receive a positive asylum decision, whether that takes weeks or years, has little to do with human rights. That is, the human rights of refugees as well those of other locals'.

Utrecht's Plan Einstein Refugee Shelter project was funded by the European Union Urban Innovative Action Fund and enabled cohousing of asylum seekers, refugees and local youth from the neighbourhood. Refugees and other residents lived in adjacent buildings, shared common areas and together with other neighbourhood residents participated in future-proof skills training. Trainings focused on generic needs such as English language and entrepreneurship skills. In this project, the municipality moved away from targeted measures for refugees towards a mainstreaming approach oriented towards the right to housing and education. These inclusionary measures for forced migrants positioned the city internationally as a pioneer of progressive migration governance. However, municipal council debates show that there is still a lot of work to be done and municipal councillors have regularly employed the human rights city ambition to scrutinise the rough edges and blind spots of local policies.

After the sudden increase in refugee arrivals between 2015-2016 asylum and refugee integration became increasingly politicised. Taking note of the welfare chauvinism of Dutch populist political parties and proposals to restrict recognised refugees' access to public relief, councillors of the progressive Green party asked the municipal executive about its stance on the restrictive turn of the central government. The councillors insisted on equal treatment arguing that recognised refugees should not be treated differently from other residents and invoked the Refugee Convention in support. They also stated their party expected the municipal executive board would support this position in the human rights city of Utrecht and that it would do

⁶⁵ Between 2002 and 2019, the municipality and NGOs successfully resolved the irregular status of approximately 900 people (success rate of over 90%) through professional legal assistance and support.

everything in its capacity to ensure equal access to 'regular' public relief. Similarly, in 2016, the Dutch central government announced recognised refugees would no longer automatically have access to social housing. Refugee rights organisations and local government officials in several Dutch cities instantly criticised and dismissed this as 'symbolic politics' because the housing of recognised refugees falls under the responsibilities of local authorities. In Utrecht, councillors of the progressive Greens asked if the municipal executive in a (self-designated) human rights city endorsed the premise of the Refugee Convention that recognised refugees have a right to adequate housing and therefore, to access regular social housing.

Interestingly, civil society organisations, social movements and citizen initiatives have rarely scrutinised or criticised how the municipality delivers on its human rights city commitment. There are different explanations for this curious contrast with contentious politics in other human rights cities. First of all, interviewees point towards Utrecht's proactive approach and policies that diverge not only from national restrictive frameworks but also from less progressive approaches of most other Dutch municipalities. As one of Utrecht's policy advisors noted, this also means that there is a widespread belief that things are generally sorted out in Utrecht.

Since 2015, Dutch municipalities' responsibilities have expanded after a series of decentralisations. Scrutinising the implementation of all the policies that (in)directly affect forced migrants' access to rights, therefore, would make a considerable demand on the organisational capacity and resources of civil society organisations. Refugee rights organisations collaborate intensively with the municipality and for some of their activities also depend on funding from the local government, which can affect their ability to scrutinise the state. While municipal actors have referred explicitly to Utrecht's HRC ambitions on various occasions, it has rarely been used for city-marketing or branding purposes (see Sakkers & Bagchi, 2020). It might have been easier for NGOs and social movements activists to explain their efforts to keep the municipality to its promises, if it would have been explicitly incorporated in official city discourses and branding. The policy advisor working on Utrecht's human rights approach also commented that this curious contrast with debates in other HRCs indicates 'there's a lot of work still to be done in Utrecht'.

'In the Utrecht approach civil society is the key actor. A local coalition is in the making; it's a slow, but ongoing process. There will be a pivotal moment that it becomes a more structural part of the local civil society and culture; and then it will talk back critically. But also as a positive inspiration'

The politics of human rights in Nuremberg

In Nuremberg, the municipal council archives also shed light on the human rights discourses within the municipality and city.⁶⁶ Even more so than in Utrecht, the HRC self-attribution is a regular reference point in debates and policy documents. This self-designation is commonly framed as a 'self-obligation', rather than an ambition or aspiration, as was the case in Utrecht. It features in council discussions on the municipality's external relations with other cities and its efforts towards implementing the Sustainable Development Goals (SDGs). It pops up in debates on local inclusion and antidiscrimination measures. It shapes municipal debates on the local remembrance of historical atrocities, including more recent hate crimes, as well as contemporary alliances against right-wing extremism.

Whilst Nuremberg's human rights commitment has never been questioned in municipal politics, how the city realises this 'self-obligation' has often been disputed. Municipal officials have acknowledged the importance of scrutinising its human rights work and have supported shadow reporting since 2007. In Nuremberg, this 'shadow reporting' was an initiative of the local alliance 'Active for Human Rights', an umbrella platform for various human rights and refugee aid organisations and residents. It was established in 2001 to visualise disparities between Nuremberg's self-designation as a city of human rights and its everyday governance and published 'Alternative Human Rights Reports' every two years. In part, it also came in response to refugee rights and human rights organisations' concerns about deportations of refused asylum seekers and the restrictive approach of the municipal immigration office.

Municipal council records show that some political parties in the municipal council initially pushed back against this Alternative Human Rights Report. They labelled it subjective and argued that human rights violations should only be addressed through legal action. Members of opposition parties argued against such a 'judicialization of politics'⁶⁷. In these debates the city's former mayor, dr. Ulrich Maly, often stressed the democratic power of civil society organisations. The shadow reports also garnered the attention of human rights professionals, some

⁶⁶ However, the structure of the municipal archives as well as the sheer number of references, makes it difficult to render a complete overview of all references to human rights and to Nuremberg HRC self-designation.

⁶⁷ See also Hirschl (2008) who defines the judicialization of politics as 'the reliance on courts and judicial means for addressing core moral predicaments, public policy questions, and political controversies—is arguably one of the most significant phenomena of late twentieth- and early twenty-first-century government' (p.255).

of whom praised and described the alternative human rights report as an instance of 'productive tension' for local policies. So how does scrutiny of the city's progress on its human rights commitment shape municipal approaches to forced migration in Nuremberg?

The politics of human rights and forced migration in Nuremberg

Nuremberg's approach to the reception and exclusion of forced migrants is explicitly connected to its human rights efforts. Of the six documents that form the normative base of Nuremberg's local policies, including its approach to human rights localisation, four touch upon migration.⁶⁸ The revised Integration Policy (2018) refers, for instance, to human rights as a 'basis for municipal activities, which the city is committed to actively realising due to its special historical responsibility committed in its mission statement'.

There are close institutional connections between human rights and migration governance in Nuremberg. The municipal Human Rights Office plays an active role by participating in various committees, such as the 'Advisory Council for Integration and Human Rights' and the municipal (migrant) integration coordination group. It receives complaints and concerns from forced migrants and refugee rights organisations, which it communicates to the respective municipal departments, such as the municipal Immigration Office. Many of these activities are low-visibility and involve 'silent advocacy'. The Human Rights Office has, for instance, supported Nuremberg's municipal officials in lobbying the federal government to change its restrictive approach to family unification for recognised refugees and beneficiaries of international protection.

Upon the initiative of civil society groups Nuremberg's municipal officials have also publicly supported refugee solidarity campaigns, such as the 2008 Save Me Campaign and since 2019, the Safe Harbour Campaign. Refugee resettlement, relocation and rescue efforts have been framed by municipal councillors as 'long-haul human rights tasks' that require responsibility sharing and complementary commitments, including local ones. Whilst some municipal officials have positioned the city as a proactive municipality willing to take in more refugees on top of existing domestic arrangements, they have rarely explicitly pushed back against restrictive national policies. They have drawn on the city's human

68 These are the Diversity Charta (Preamble) the European Charter for the Protection of Human Rights in the City (Art 2, 2) the UNESCO Ten Point Action Plan Against Racism, Guidelines for the integration policy of the city of Nuremberg and the Program of the Alliance Against Right wing extremism (e.g. action point 9 & 11).

rights commitment as a source of legitimation, not for local divergence, but for a proactive and progressive approach to refugee admission and resettlement *within* national frameworks.

In addition to these solidarity declarations, the local government has supported several civil-society initiated projects, such as the Move-In project that assists refugees in their search for suitable housing after completion of asylum procedures. The City's Advisory Council for Integration and Immigration has also teamed up with regional and civil society partners in a project entitled 'STAY' [BLEIB] that sought to improve professional opportunities for those with toleration but precarious status. Nevertheless, and contrary to Utrecht, Nuremberg is not recognised as a pioneer of progressive migration governance by civil society actors. A factor that complicates any comparison is that Nuremberg's approach to forced migrants' arrival, asylum and inclusion are not only shaped by federal arrangements, but also by the relatively strict regulations of the Bavarian state (see for instance SVR 2017, p.23, Meyer et al., 2021).

The following two examples highlight how critics frame Nuremberg's HRC self-understanding as a relevant 'value context' and what this means for the inclusion of forced migrants in the city. The first example focuses on debates that took place in 2019 on deportations from the regional airport.

In June 2019, the Bavarian State Office for Asylum and Repatriations announced its plans to use the regional 'Albrecht Durer' airport for deportations. Refugee rights organisations, three opposition parties (the Greens, The Left and the Ecological Democratic Party)⁶⁹ and one coalition party (Social Democratic Party)⁷⁰ instantly criticised and scrutinised this plan. The SPD questioned the extent of municipal involvement bases on the city being one of the airport's main shareholders. The party also took a stance against involuntary returns to countries such as Afghanistan. The three opposition parties went further and urged the municipality to make maximum use of its discretionary space as one of the airports' principal shareholders with a view to preventing the use of Nuremberg airport for involuntary returns. These municipal amendments referred to Nuremberg's Human Rights City commitment, albeit in relatively vague terms. Some stated that deportations

69 The official name of the 'Greens' is Alliance 90/The Greens, but it is often referred to as the Greens. It is a centre-left progressive party. 'Die Linke', commonly referred to as the Left Party is a democratic socialist party. The Ecological Democratic Party (ODP) is a conservative environmentalist party.

70 The Social Democratic Party of Germany (SPD) is a centre-left democratic party.

are under 'special observation' in the city of human rights others suggested that a human rights city should not take part in involuntary returns to 'so-called safe countries such as Afghanistan'.

After a tense municipal council debate the vote resulted in a stalemate. The (former) mayor (SPD) went against the amendment of his own party arguing that the right course of action was to exert pressure on the Bavarian and Federal state to change returns policies. A few months later the Green party proposed to establish an independent 'deportation watch', an idea originally pitched by the Human Rights Office. In an interview for this study a social movement representative explained that some refugee rights organisations and activists have principled objections to involuntary returns to countries such as Afghanistan. These concerns and substantive differences of opinion, as she explained, underpinned some NGOs decisions to not become involved in monitoring whether deportations are human rights compliant. This example shows not only how the co-production of human rights in the city involves tensions and frictions, but also that these differences cannot always be so easily reconciled by governance mechanisms, as sometimes suggested in the scholarship (e.g., Lee, 2019).

The second example focuses on the local debates about the restrictive approach of the Municipal Immigration Office. This office is responsible for, among other things, the issuance and extension of residence permits, toleration statuses, deportation orders and decisions on work permits of migrants with precarious legal status, such as those with temporary toleration status.⁷¹ For years the use of discretion by and the scope for interpretation in the Immigration Office has been debated in the municipal council and public debates. In 2020, these discussions cast a shadow over coalition talks after the municipal election, when the restrictive praxis of the Immigration office became a breaking point in the coalition formation. As Nuremberg's policy advisors working on migration and human rights note, the tightening of national immigration laws has resulted in more frictions at the local level in recent years. To illustrate: in the first months of 2021 there were weekly vigils and demonstrations against deportation cases in front of the city's Way of Human Rights.

To understand how Nuremberg's Human Rights City commitment shaped these debates we need to go back to June 2020 when the council discussed the use of

71 For more information on the legal mandate of immigration offices in Bavaria see, <https://www.gesetze-bayern.de/Content/Document/BayZustVAuslR-3> and <https://www.regierung.mittelfranken.bayern.de/aufgaben/40027/40074/index.html> and

discretion within the Immigration Office. Around that time refugee and human rights organisations joined forces with opposition parties in the municipal council to propose a reform of the Immigration Office. The Green party suggested a reform of the office 'in a way that does justice to the city's self-designation as a human rights city'. To this purpose they proposed a 'self-commitment declaration' and suggested the Immigration Office declares that it will use discretion in the interest of those affected, within the boundaries set by federal and state laws.⁷² The Mayor's Office replied that a 'Prior Self-commitment' on the part of the administration would be unlawful and that the scope for interpretation (and discretion) in the legal framework is minimal.⁷³ It also stated that the municipality promotes human rights education within the different departments of the local administration to 'recognise the relevance of human rights' and to ensure that 'discretionary spaces are used in correspondence with human rights'.⁷⁴ Refugee rights organisations and some opposition parties disagree that there is no or minimal discretionary space in the implementation of immigration law, as a representative of the Bavarian Refugee council stated:

'The city of Nuremberg, the Immigration Office, for years, they have said exactly the same, that it is not possible. Why? Irrespective of the law, there is always an element of interpretation and some space for discretion. It is up to the responsible person to work in that open space. To determine whether something is done this, or that way. You have possibilities, it is not as if you have to do something illegal.'

In contrast to the first example, this debate resulted in an interesting development: the establishment of a municipal hardship commission that scrutinises individual cases of refused asylum seekers upon suggestion or request. The Human Rights Office took on the task of designing the mandate and scope of this hardship committee. It is also a member on the committee, representing the interests of forced migrants in individual case deliberations. Its role in the establishment and development of this hardship committee, moreover, reflects its mission statement, as the Director of the Human Rights Office explained:

'Of course, civil society has the right in their requests to look further than the legal frameworks, to go beyond legal restrictions. I consider our task [as the Human Rights Office] as transforming those requests into a feasible framework.'

72 The German original term is Selbstverpflichtungs-Erklärung.

73 The German original term is Vorab-Selbstbindung.

74 The German original term reads 'im Sinne der Menschenrechte'.

The commission was installed in September 2021. It is too early to tell how its work will shape these future debates on the interplay between the local approach to forced migration and Nuremberg's human rights commitment. Municipal actors, in particular the policy advisors involved in its establishment, are mindful of the high expectations given the committee's limited mandate and advisory function. Neither the interviewed municipal actors nor civil society organisations see the establishment of the hardship committee as a 'quick fix' to smoothen tensions and frictions. Nuremberg's policy advisors working on human rights and (forced) migration hope that its deliberations will lead to less polarisation and mutual understanding:

'The problem is that there have been so many individual cases solved in the past that were not known to the public. The Lord Mayor's Office, the Human Rights Office and the Immigration Office staff have solved some points and for some individuals they have found good solutions. But it is not possible to publicly broadcast this, so only the negative stuff comes into the newspapers.'

This last example highlights how 'human rights talk', here understood as the scrutiny of the HRC self-designation, can result in 'productive' tensions for local migration governance. 'Productive' because Nuremberg's municipal, civil society and city actors draw on the HRC self-designation in council and public debates, framing it as a value context, to advocate for greater insight into and control over the use of discretion in the implementation of policies that affect forced migrants. In doing so, they bring to light deliberations and discretionary practices that usually occur under the radar.

Human rights inspiration or inflation?

Interviewees in both cities stressed the potential of human rights discourses and their relevance to local migration governance but they also spoke about pitfalls. In Utrecht, a (former) policy advisor was critical of how some NGOs and activists draw on the human rights city position to demand unconditional access to shelters for irregular migrants. In her view this emphasis on unconditional access to shelters conflicts with another normative principle underpinning local policies, namely article 1 of the Dutch constitution (equality before the law) because other residents do not have unconditional access to emergency social support. She also explained that such instrumental use of Utrecht's HRC self-designation may ultimately lead to human rights 'inflation'.

In Nuremberg, interviewees and local sources also stated concerns about labelling any grievance a rights violation or labelling any practice as incongruous with the human rights city commitment. The former mayor, a long-time 'champion' of the city's human rights project, dr. Ulrich Maly mentioned it, for instance, in a public interview (Eisenack et al., 2020) towards the end of his last term in office:

'One of my favourite sentences is the remark, often used when there are complaints about speeding tickets, 'And you want to be the City of Human Rights' or, 'And a city like that wants to be the Capital of Culture'. When it is so apparent that someone is not concerned with the general well-being, but only with their own concerns, I can still get upset about that.'

Whilst municipal actors are on the 'receiving end' of HRC criticism they are not the only ones wondering about the usefulness of references to the human rights city self-designation. Civil society organisations and activists also commented on the possible pitfalls of drawing on the HRC self-designation, as one of the interviewed representatives from the Bavarian Refugee Council explained:

'It is difficult, of course you have to do it [refer to the city's self-designation]. On the other hand, if you do it again and again and again, maybe the danger is that it becomes one time too much. That it becomes mere symbolism, just words, that it will lose the main idea, the thinking behind it, human rights, not just words! If you use it too often and always say, 'You are the city of Nuremberg how dare you do this or that'. Sometimes it is more reasonable to focus on the main topic, not on these big, abstract questions about human rights.'

Fears about human rights inflation are no novelty; legal scholars have debated the implications of framing any grievance as a rights violation (Clément, 2018). However, scholarly discussions on human rights inflation usually focus on the possible adverse consequences of the proliferation of new rights (Alston, 1984), rather than on stretching the scope of existing rights (e.g., the right to shelter) or the scope of human rights city commitments. That said, there are also recent perspectives on human rights inflation that resonate with the interviewees' understandings of the pitfalls of some discursive dynamics. Clément suggests, for instance, that there are two forms of rights inflation: redefining long-standing rights or reframing new and old grievances as human rights. In the case of Utrecht and Nuremberg, rather than concerns about redefined rights, debates focused on redefining the scope of existing rights and contesting responsibilities (not legally binding ones) that are seen as emanating from the HRC self-designation.

These quotes from interviews in Nuremberg also draw attention to how local actors experienced the repeated use of certain frames in local debates on human rights. While several municipal actors voiced concerns about labelling any issue as incongruous with the city's human rights commitment, some of their comments may be more indicative of human rights *fatigue* than human rights *inflation* (as traditionally understood in the literature).

In Nuremberg, local actors not only grapple with these broader questions about human rights inflation and fatigue, but they have also encountered another phenomenon: human rights populism. Human rights populism, as Frederic Mégret suggests, is 'the instrumentalization of human rights discourse by (what may be seen under at least one perspective) its enemies' (Mégret, 2021).⁷⁵ In Mégret's account these 'enemies' are populists who 'embrace human rights rather than reject them, even if it is part of a larger effort to subvert them.' He argues that populist have found a way 'exploit a critical weakness in the human rights project', namely the tendency to 'replace politics with the legal-technocratic language of rights without providing a comprehensive politics of emancipation in exchange' (2021).

These reflections resonate with developments in Nuremberg that became a hotspot for protests against covid-measures in 2020-2021. The Human Rights Office director explained that these mobilisations have been organised by self-proclaimed citizen initiatives such as 'Team Human Rights' that have also joined forces with right wing extremist groups. On the 19th of December 2021, 12.000 protestors took to Nuremberg's streets to protest against covid restrictions and the far-right populist AfD⁷⁶ party organised a demonstration that drew over 2000 demonstrators. At the same time, the mayor and municipal officials joined a counter-protest organised at the Way of Human Rights.

Considering that HRCs rely on a broad understanding of human rights as law, governance and discourse, it is not surprising that Nuremberg and Utrecht are at the forefront of debates about the 'symbolic surplus of human rights' (Verschraegen, 2018). Whilst scholars recognise challenges that HRCs face, human rights inflation, fatigue and populism are not listed among them (Sooahoo, 2016; Davis, 2017; MacNaughton et al., 2020). To be sure, many have questioned the usefulness of strong rhetorical commitments and have asked, 'what if the strong rhetorical commitments to human rights of local governments and their political

75 See Mégret, Fredric, 'Human Rights Populism' (<https://www.openglobalrights.org/human-rights-populism/>)

76 AfD stands for Alternative for Germany is a right wing populist and extremist political party.

leaders 'come back to haunt them?' (Sabchev, 2022). This analysis shows that this already happening in Nuremberg but for different reasons than anticipated in this scholarship, which draws attention to intergovernmental conflicts (Sabchev, 2022) and constitutional breaks (Oomen, Baumgärtel & Durmuş, 2021).

Discussion: HRCs, accountability politics and democratic iterations

These last reflections on the potential pitfalls of human rights city discourses should not be mistaken for a grim outlook on the 'broken promises' of human rights cities and the discursive dynamics within them. This article presented evidence from Utrecht that suggests that discursive dynamics can sustain HRC initiatives in the absence of 'institutionalisation' of human rights in the municipal organisation. While local HRC accountability mechanisms lack in both cities, the inquiry highlighted instances where local actors, including municipal ones, present the HRC ambition as a high-stakes context and pressure the local government to deliver on its HRC promises in municipal council and public debates. Their emphasis on the HRC ambition as a relevant context resonates with theoretical perspectives on 'accountability politics' and corresponding understandings of 'changes in discursive positions' as a 'modification of the value context' (Keck and Sikkink 1999, p.24).

That said, this analysis also pointed towards recurring frames and discursive dynamics, rather than singular 'changes' in 'discursive positions' such as human rights city charters and declarations. In this respect, the reiterative elements in local human rights discourses in these two human rights cities reverberates more with Benhabib's understanding of 'democratic iterations'. Research on local human rights users often draws on other scholarly perspectives to theorise how human rights norms, ideas and language are adopted in local settings, such as the work of Sally Merry on the 'vernacularisation' of human rights. I argued that Benhabib's perspective helps to place greater analytical emphasis on the temporal dimensions of local human rights initiatives, the discursive dynamics within them and the potentially productive dimensions of democratic iterations for local migration governance. Benhabib's account emphasizes 'complex processes of public argument, deliberation and exchange through which universalist rights claims are contested and contextualised, invoked and revoked, posited and repositioned'. This analysis traced instances where the scope of the human rights city commitment is contested, rather than zooming in on how rights claims are negotiated. Even

so, Benhabib's understanding of democratic iterations foregrounds the complexity of ongoing processes, rather than focusing on specific instances of broken or fulfilled promises.

The approach of this inquiry finally also resonates with critical interrogations of alternative repertoires and discourses, such the language of tolerance that suggest 'the value and possibilities of tolerance are dependent on the context in which it is practices and thus should be scrutinised accordingly' (Wilson, 2014, p.862). Rather than only seeing how 'tolerance has been legislated, promoted and used as a discourse of power' these works examine 'alternative accounts of its ethical and political value by examining the conditions under which tolerance can lead to alternative projects'(Wilson, 2014, p.854). Similarly, my inquiry sought to examine how human rights are used as a discourse by various actors within and outside municipal organisations and how the political value and scope of the HRC self-designation is contested by these actors.

Conclusion

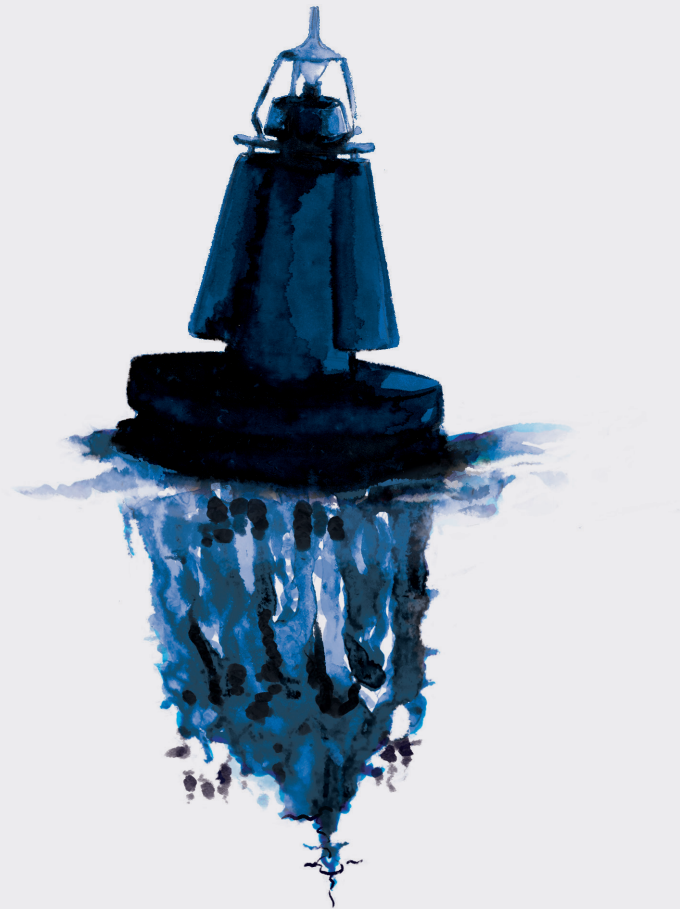
This study examined how local actors in two relatively established human rights cities relate to and (re)construct the scope of the HRC self-designation in local debates on forced migration. While the perceptions, experiences and reflections of civil society actors were included alongside the accounts of various municipal actors, the emphasis is on uncovering negotiations within municipal organisations, rather than tracing intergovernmental conflicts or analysing state-civil society relations. This focus is both theoretically informed by scholarly debates on 'studying up the state' and practical, as fieldwork for this study was conducted within the broader Cities of Refuge research project.

In Utrecht and Nuremberg, municipal actors frequently draw on the human rights city position as a source of legitimation for local divergence (Utrecht) and a proactive approach (Nuremberg) vis-à-vis more restrictive national and regional policies. At the same time, it functions as a source of inspiration for rights-based policies and as an enabling (value) context to direct local (council) debates on the reception and inclusion of forced migrants towards human rights. Whilst these cities' efforts to localise human rights are not subject to debate, how the municipality and other local actors should fulfil this self-obligation is contested in these cities.

In Nuremberg and Utrecht, the municipal council was an important arena for human rights debates, but it was only in Nuremberg that contestations of the human rights commitment also took place outside the walls of city hall. This analysis did not seek to compare Utrecht and Nuremberg, but rather to think through the potential and pitfalls of discursive dynamics in sustaining HRC initiatives. Whilst the experiences of localising human rights in Utrecht and Nuremberg point towards emerging challenges (human rights inflation, fatigue and populism), local actors also reflected on its potential relevance to the local reception and inclusion of forced migrants. In these two cities, the self-attribution as a human rights city created openings for local actors to gain more insight into and control over otherwise low-visibility discretionary practices and to contest the scope and use of discretion in migration governance.

The analysis of human rights discourses in Nuremberg and Utrecht therefore suggests scrutiny and discursive dynamics are not only intrinsic to HRC initiatives, but can also constitute a productive tension in the local politics of forced migration and support the development of rights-based approaches to forced migration. This article opened with an overview of different conceptualisations of human rights cities to contextualise this study's conceptualisation of HRCs as an iterative *political praxis* that produces a high-stakes value context and discursive field of mutual promise, aspiration and expectation. Conceptually, I also argued that insights and concepts from broader literatures, such as 'accountability politics' and 'democratic iterations' can help to place greater analytical emphasis on the temporal dimensions of local human rights initiatives. By zooming in on the discursive dynamics in two established human rights cities, this contribution engaged with recent calls to further investigate the dynamics that sustain human rights cities (Davis, 2021).

This contribution also raised a number of questions that beg further inquiry. How will these debates on human rights fatigue and human rights populism develop in both cities? To what extent do the challenges, such as human rights fatigue, discussed by interviewees in Nuremberg and Utrecht resonate with experiences of their counterparts in other human rights communities and cities? How do the challenges identified by actors on-the-ground relate to more longstanding scholarly debates on the potential and pitfalls of local human rights initiatives and challenges facing human rights cities? Last but not least, future research could examine under which conditions local human rights initiatives can lead to 'alternative human rights projects' and offer deeper insight into under which circumstances local human rights discourses constitute productive and unproductive tensions, from the vantage point of different local actors.



Chapter 6

Burden, benefit, gift or duty?
Dutch mayors' framing of the
multilevel governance of asylum in
rural localities and cities in Zeeland

This chapter is based on: Miellet, S. (2022). Burden, benefit, gift or duty? Dutch mayors' framing of the multilevel governance of asylum in rural localities and cities in Zeeland.

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Abstract

This chapter engages with critiques of multilevel governance (MLG) perspectives on asylum governance and identifies two additional points of concern. First, it highlights the importance of empirically grounding reflections on the limits of the MLG approach, beyond the activism of city actors, by examining local asylum dynamics from the vantage point of mayors in rural and small urban municipalities. It examines how Dutch mayors in rural and small urban municipalities in the Dutch province of Zeeland experienced and framed asylum governance in a multilevel setting between 2015 and 2016. Second, this article brings into focus internal dynamics, interactions between mayors and municipal actors within the municipality, alongside external interactions and pre-existing local and regional challenges, such as rural crisis. It argues that even in the context of cooperative modes of governance, mayors navigate various challenges. In terms of framing, this article shows how mayors in this multilevel context commonly framed municipal involvement in asylum governance as a duty rather than as a burden or benefit to their localities. It argues that this framing reflects a local 'politics of consensus' rather than 'local pragmatism'.

Introduction

Locked between the Belgian border, the North Sea, and the provinces of South Holland and Brabant lies the Dutch province of Zeeland. It is the smallest province of the Netherlands in population size and number of municipalities. Many of these are rural, but the region is also home to several medium-sized towns and small cities. The province consists of six former islands linked by dams and bridges and with its 490 km of coastline; it is a popular tourist destination. This chapter, however, zooms in on another type of international 'guest' whose arrival has garnered much public attention since 2015. When the Dutch Minister of Interior called on municipalities to organise crisis and emergency shelters after a sudden increase in asylum applications in 2015, provincial and local officials in Zeeland were quick to respond. Under the watchful eye of the province's governor, all municipalities became momentarily involved in the organisation of 'crisis shelters'.

Their involvement marks a momentary rupture in Dutch asylum governance, as asylum and refugee reception are an exclusive competency of the Dutch central government. As Larruina, Boersma and Ponzoni observe, the sudden increase in refugee arrivals in Europe in 2015 disrupted the ecology of organisations working within refugee reception and meant that a multitude of new actors were introduced to the field (Larruina et al., 2019, p. 53). Scholars suggest this governance crisis created a 'window of opportunity' for municipal involvement, experimentation and innovation (Geuijen et al., 2020) and for sharpening urban leadership (Bazurli, 2019). This research emphasizes actors and approaches in urban settings, while the dynamics of asylum governance in smaller towns and rural municipalities have only recently garnered more scholarly attention (Glorius, 2017; Schammann et al., 2020).

Besides the urban focus, this scholarship highlights how local inclusionary approaches to irregular and forced migration vis-à-vis increasingly restrictive national policies often feature 'institutional activism' (Fernández-Bessa, 2019), 'municipal activism' (Spencer & Delvino, 2019) or 'municipalism' (Agustín & Jørgensen, 2019). In the European context, research on the local turn in migration governance often draws on multilevel governance (MLG) perspectives that investigate the role of different levels of government, non-state actors and the various negotiations between these actors across multiple scales (Caponio & Jones-Correa, 2018; Scholten, 2013; Zapata-Barrero, Caponio & Scholten, 2017). That said, some scholars criticise the emphasis on 'negotiated order', cooperation and coordination in theories of MLG. They argue that the actual dynamics of asylum governance, as the work on city activism highlights, is better understood as a

‘playing field’ or ‘battleground’ where different actors come together with different interests, values and frames (Campomori & Ambrosini, 2020).

Recent empirical investigations of these local asylum battlegrounds examine the tensions and interactions between civil society and state actors. This means that tensions within the local state (municipality) and horizontal interactions between municipalities remain comparatively under-explored. This article contributes to this debate on the conceptual limits of MLG theories by empirically investigating the dynamics of asylum governance in a multilevel setting. In this case, from the vantage point of mayors in smaller towns and rural municipalities in the province of Zeeland. The Dutch mayoral office presents an interesting research opportunity for migration scholars with an interest in mayors, local leadership and MLG. Dutch mayors are appointed rather than elected and often perform collective and consensus-oriented leadership roles, which are in danger of being overlooked in comparative research (Karsten & Hendriks, 2017). The research question that this article seeks to answer is: How did mayors in Zeeland perceive and frame the dynamics of asylum governance in this multilevel context between 2015 and 2016?

The remainder of the paper is structured as follows. The next section engages with recent criticisms of the MLG approach and outlines two additional points of concern. Subsequently, I present the methodology of this study and introduce the cases (municipalities). After outlining the general contours of Dutch asylum governance, I discuss the findings and conclude with three suggestions for future research.

Framework for analysing asylum governance dynamics

This article takes recent scholarship that interrogates the limits of MLG approaches to studying asylum governance as a point of departure (Campomori & Ambrosini, 2020; Garcés-Mascareñas & Gebhardt, 2020). The development of MLG theories is linked to the work of political scientists (Hooghe & Marks, 2001). Migration scholars have used MLG broadly and descriptively to describe ‘the process of dispersion of authority away from the nation state and across interdependent, and yet autonomous, public authorities and non-public organisations placed at different levels of government’ (Hooghe and Marks 2001, as cited by Adam & Caponio, 2019, 27).

This study engages with the analytical approach of Scholten (2013) that differentiates between (1), top-down (‘centralist’), (2) (‘localist’), (3) de-hierarchized (‘multilevel’)

and (4) ‘decoupled’ relations or dynamics, to signify different modes of governance and constellations of interests across tiers of government. In Scholten’s framework, ‘centralist’ approaches assume a top-down intergovernmental relationship in which local governments mostly implement and national governments hold primacy in policy development. ‘Localist’ approaches refer to governance modes that involve devolution or decentralisation to regional and/or local governments, in which the latter also set the agenda and are not simply ‘policy followers’ in a hierarchical intergovernmental relationship. ‘Decoupling’ refers to modes of governance where local governments follow a very different logic of policymaking than their national counterparts, resulting at times in open conflict. ‘Multilevel governance’ refers to a particular mode of governance that involves coordinated action between governmental levels, a recognition of the multilevel character of a problem and, to varying degrees, depoliticization and technocratic modes of cooperation (pp. 220–221). MLG, as a concept, is used analytically by Scholten rather than descriptively to refer to asylum governance in a multilevel setting.

Migration scholars are increasingly interrogating the conceptual parameters of MLG approaches (Campomori & Ambrosini, 2020; Garcés-Mascareñas & Gebhardt, 2020). Campomori and Ambrosini argue, for instance, that MLG perspectives emphasize cooperation and coordination, while the actual governance of asylum reception is better understood as a playing field or battleground where different actors come together with different interests, values and frames (Campomori & Ambrosini, 2020, p. 1). They argue that horizontal, local interactions between public (state) actors and civil society have not received the same attention as vertical intergovernmental dynamics (p. 15). To overcome this, their work offers a typology of horizontal dynamics that differentiates between dynamics of closure, tolerance, institutional activism and cooperation (p. 1). The latter ‘dynamics of cooperation’ is also described as ‘positive governance’ and, like Scholten’s ideal type of MLG, exhibits a certain level of cooperation between public and private actors, who engage in an attempt at collaboration (p. 15).

This article develops these criticisms in two directions. To examine the usefulness of this understanding of local asylum governance as a playing field beyond the involvement and activism of local officials in large-scale cities, I draw on recent work on asylum governance in rural localities, such as the research of Whyte, Larsen & Fog Olwig (2019, p. 1955). This study shows, for instance, how local responses to the opening of asylum centres in Danish rural localities are linked to ‘pre-existing local problem fields’, such as rural crisis and framed in relation to ‘state others’ (central government), rather than ‘migrant others’ (p. 1955). The analysis draws on

and develops these insights to move beyond the urban bias conceptually as well as empirically (in terms of case selection). Second, while MLG theories examine intergovernmental dynamics, this article argues that the local state is often portrayed as a monolithic, unified actor, even when this research acknowledges the involvement of specific local state actors, such as mayors. Given that MLG sets out to challenge state-centric approaches to studying migration governance (from government to governance), it is not surprising that the horizontal dimension of MLG is often seen as revolving primarily around state–(civil)society relations.

To be sure, migration scholars have developed various agency-oriented and actor-centred approaches (Pettrachin, 2019) and examined the role of different local actors within and beyond MLG settings. Research on mayors and migration governance points towards their role in local policy design, as well as policy implementation (Garcés-Mascreñas & Gebhardt, 2020). It highlights mayors' involvement as mediators between different levels of government (Glorius, 2017), mobilizers of public support (Haselbacher, 2019), advocates of legal reform (Myrberg, 2017), local or national coalition-builders, (Bazurli, 2019), transnational networkers and as political entrepreneurs of local identity and local reception and integration models (Driel & Verkuyten, 2019). Still, much of this scholarship considers mayors' intergovernmental relations, rather than relations among local government officials, and focuses on urban mayors as situated translocal actors, while other aspects of their (local) situatedness are comparatively under-explored. Another point of contention is the assumption that local actors are better equipped to respond to the presence of forced migrants because they are seen as guided by a logic of 'pragmatic problem-coping' that makes them better placed to overcome 'silo thinking' in policymaking' (Wolffhardt, 2019). However, as Caponio, Scholten and Zapata-Barrero, note, 'the thesis for a local preference for pragmatic accommodation on migration-related issues is contradicted by cities' policies of exclusion' (Caponio et al., 2019, p. 182).

Research on the nexus of political geography and migration offers interesting alternatives to these binaries (state–society) and to these normative perspectives on local pragmatism. This work suggests, for instance, to decipher 'how these key government officials view themselves and view the state', as it 'opens up a layer of productive research that refuses to take the everyday, situated state for granted' (Gill, 2010, p. 633). It points towards alternative conceptualizations of the state, as a 'performance of potentially conflicting forms and fractions of statehood by different actors, spaces and materials' (Meeus, van Heur, & Arnaut, 2019, p. 17). These approaches resonate with recent scholarly work of migration scholars that examines how policy actors are involved in framing processes.

Framing processes are processes in which policy actors make sense and interpret situations, define and categorize issues and link these to proposed courses of action (Spencer & Delvino, 2019). Research on rural localities offers contextualized understandings of such framing processes. This work suggests, for instance, that national debates often oscillate between polar ideological positions that refer to migrant others, while the framing of local pragmatic approaches in rural Danish localities tends to refer to the local community and its relation to state others (Whyte, Larsen & Fog Olwig, 2019, p. 1965).

To conclude, this section outlined a tentative framework for examining internal and external interactions and dynamics between different local actors, alongside discursive dynamics (framing) and local contextual dynamics (problem fields) to contribute to research on asylum governance in a multilevel setting.

Approach

Data and methods

To examine how mayors in small cities, towns and rural municipalities experienced asylum governance dynamics in a multilevel setting, I draw on fieldwork conducted from the spring to the autumn 2018 in the Dutch province of Zeeland. Zeeland is interesting because of its small number of municipalities and their size, in terms of population, and because of the relatively high number 'shrinking' municipalities experiencing population decline. Demographic prognoses of the Dutch central government predict population decline in the near future in the port cities of Terneuzen and Vlissingen and in the rural municipality of Veere included in this study.

This study was part of the broader exploratory and collaborative research project Cities of Refuge.¹ The analysis of the involvement of mayors, while theoretically informed from the start, emerged from the data as the principal focus later on. This is reflected in the case selection, which focused on selecting municipalities of varying size, geographical location and migration histories, rather than the characteristics of mayors in them. For this research four municipalities (Noord-Beveland, Veere, Vlissingen and Terneuzen) were selected to reflect that the province is home to smaller rural localities, towns and cities (Table 1) with different refugee reception experiences. As Table 1 shows, some rural municipalities (e.g., Schouwen-Duiveland) consist of a dozen villages and so their population size does not differ much from smaller urban municipalities (e.g., Goes), which is why size was not the main criterion. Another thing taken into consideration was that short-

term crisis shelters were opened in four of these municipalities (Vlissingen, Veere, Schouwen-Duiveland and Noord-Beveland), while in other municipalities longer term facilities were already operational (Middelburg), organised (Terneuzen and Goes) or planned (Vlissingen). The extent to which these municipalities, and by implication their mayors, were involved in refugee reception between 2015 and 2016 therefore differed.

The four interviewed mayors belonged to different parties: the Labour Party/Partij van de Arbeid (PvdA) in Terneuzen; Democrats 66/Democraten 66 (D66) in Vlissingen; Christian Democratic Appeal/Christen-Democratisch Appèl (CDA) in Veere; and the People's Party for Freedom and Democracy/Volkspartij voor Vrijheid en Democratie (VVD) in Noord-Beveland. Each had previously worked as a public official in another municipality and had dealt with asylum governance before the 2015 refugee governance crisis. While two of them had been in office in the municipality for approximately three years, the other two mayors were in office for 12 and 15 years at the time of this research. In the case of Vlissingen, we interviewed the former interim mayor (2013–16), who, in 2018, had already moved on to become an interim mayor in another municipality. This was a disadvantage of the interviews taking place two years after the 2015–16 developments. The other three mayors had remained in office within the municipality. An advantage of this timing was that we could draw on evaluations of asylum governance during this period that were published in 2017.

In collaboration with University College Roosevelt student researcher Jasper Valent and members of the Cities of Refuge team, interviews were conducted in spring 2018 with local and provincial governmental officials, including the mayors of these four municipalities. During the interviews, the mayors were asked about their experience of the dynamics of asylum governance in this multilevel setting between 2015 and 2016. In addition, we interviewed two senior civil servants working at the provincial government on refugee reception and integration, a provincial minister and the King's Commissioner, the presiding member of the provincial executive. This study draws on eight interviews conducted in Dutch, recorded, transcribed and analysed (in the original language) with the use of NVivo, following informed consent from interviewees. In discussions on the internal dynamics within municipalities, some interviewees requested the names of other municipalities and mayors they mentioned to be anonymized. This is reflected in the analysis, as some sections offer more detail than others. After an initial phase of open coding focused on mayors' and provincial actors' general perceptions of asylum governance dynamics and the broader context (municipal council and municipal documents) in

which refugee reception was framed, axial coding strategies were used to identify mayors' perceptions of challenges involved in these asylum governance dynamics. The study compared, for instance, how mayors explained the context of municipal involvement in asylum governance, in various texts, in interviews in this study and in public media, social media, municipal council proceedings. Etc.

I complemented and contrasted the interviews with mayors with the perspective of provincial actors. As provincial actors and the four interviewed mayors also spoke about municipalities that were not included in the interview analysis, the scope of the content analysis was broadened to include municipal documents and (social) media output. In total, I analysed municipal documents, such as policy memos and municipal council proceedings of eight municipalities out of the 13 municipalities in the province with QSR NVivo. These eight municipalities include the aforementioned four municipalities, and selection criteria were the geographical location and size of the municipalities.

I accessed the materials for this content analysis through the municipal council archives of these municipalities and selected these materials based on relevant keywords and date of publication, from mid-2015 to December 2016. A content analysis of social media and press interviews of mayors (eight municipalities) was conducted to obtain a complete view of public statements of municipal officials, and it was inspired by ethnographic work on the state that examines everyday practices of local bureaucracies and officials alongside the discursive construction of the state in public culture (Sharma & Gupta, 2009, p. 212).

Table 1. Democratic and political characteristics of municipalities in Zeeland at the time of this study.

Municipality	Population, 2020 ^a	Rural urban index ^b	Type of refugee reception facility ^c	Mayor political party affiliation	Period in office in the municipality
Noord-Beveland	7,392	5	Crisis shelter	VVD	2015-2018
Veere	21,880	5	Crisis shelter	CDA	2010-2017
Tholen	25,757	5	Crisis shelter	VVD	2014-2020
Schouwen-Duiveland	33,839	5	Crisis shelter	Independent without a party	2009-2020
Goes	38,082	3	Long-term emergency shelter	CDA	2010-2017
Vlissingen	44,360	2	Crisis shelter; a long-term asylum seeker centre was planned	D66	2013-2017
Middelburg	48,822	2	Crisis shelter and regular long-term asylum seeker centre	VVD	2012-present
Terneuzen	54,426	4	Long-term emergency shelter	PvdA	2003-2020

Note:

a Statistics Netherlands (CBS).

b Urbanity indicator (CBS): 1 = highly urban, 5 = non-urban.

c During this period, crisis shelters were only operational for a few days (on average 72 h) and often located in local sports hall facilities. Some municipalities, such as Goes and Terneuzen in Zeeland, organised longer term emergency shelters for several months. Lastly, there were 'regular' asylum seeker centres (Middelburg), CDA, Christian Democratic Appeal/Christen-Democratisch Appèl; D66, Democrats 66/Democraten 66; PvdA, Labour Party/Partij van de Arbeid; and VVD, the People's Party for Freedom and Democracy/Volkspartij voor Vrijheid en Democratie.

Mayors and municipal involvement in Dutch asylum governance

In the Netherlands, the central government takes full responsibility for asylum seekers throughout the asylum procedure (Glorius et al., 2019). The Central Agency for the Reception of Asylum Seekers (COA), an independent administrative body, is responsible for the reception of asylum seekers. Local governments are responsible for access to primary and secondary education and childcare for asylum-seeker children. These limited competencies in asylum governance stand in stark contrast to their responsibilities in the field of refugee integration, as municipalities provide accommodation and social support to recognized refugees. Municipal involvement in the reception of asylum seekers is therefore minimal, mostly indirect and often connected to the competencies of the mayor.

Mayors give shape to the process of negotiating an Administrative Agreement with the COA and they are responsible for the communication with residents and other local stakeholders before new refugee reception centres are opened. Their involvement stems from their responsibilities in maintaining public order and safety. Another core task of Dutch mayors relates to what is often described as their role as 'burgervader', which translates as 'father of the citizen' (Karsten et al., 2014).⁷⁷ This role is relevant for local asylum governance, as it requires mayors to informally act as 'first citizens', and as leaders during crises and disasters (Karsten et al., 2014). Dutch mayors monitor the quality of local decision-making and safeguard the ethics of the local administration (Karsten & Hendriks, 2017, p. 168). They chair the city council and the municipal executive board. The latter operates as a formal collective decision-making body, so mayors have little individual decision-making power and for the execution of most of their tasks they depend on the support of the municipal executive board and council (Karsten & Hendriks, 2017). Dutch mayors are administrators and are not elected but appointed by royal decree by the central government. Scholars have examined Dutch mayors' leadership roles in relation to Dutch political culture and consensus democracy and point towards their collective, facilitative and consensus-oriented leadership roles (Karsten & Hendriks, 2017). Investigations of Dutch mayors' involvement in migration governance have mostly focused on their discretionary influence on municipal support to refused asylum seekers (Terlouw & Böcker, 2019).

⁷⁷ In recent years, the term *burgermoeder*, which translated as 'mother of the citizen', has emerged as an equivalent synonym for mayor. It is increasingly common synonym for mayors in vacancies and appointment procedures alongside the term *burgervader* and was added to dictionaries around the mid-2000s. The Dutch word for mayor (*burgemeester*) is gender neutral.

General developments in Dutch asylum governance between 2015 and 2016

In 2015, the sudden increase in refugee arrivals meant that the COA had to organise refugee reception on an ad hoc basis. The usual *modus operandi* and the division of responsibility that had underpinned Dutch refugee reception governance since the mid-1990s was temporarily disrupted. That said, some Dutch municipalities already had longstanding experience with organizing shelters and support to irregular migrants and refused asylum seekers. The 2015 governance crisis was, therefore, neither the first nor the last ‘window of opportunity’ for municipal involvement in asylum. Both the pre-2015 arrangements and these crisis measures relied on voluntary implementation mechanisms, such as Administrative Agreements.

When municipalities started to organise short-term ‘crisis shelters’ and longer-term emergency shelters late 2015, the Dutch Association of Municipalities (VNG) negotiated an Administrative Agreement with the central government. While not legally binding, it outlined how the central government, provinces and municipalities would continue their approach to the asylum governance crisis and laid down compensation schemes and the division of responsibilities. The preamble of the agreement set the tone, urging ‘to stand shoulder to shoulder to jointly face the challenge’ and the covenant included practical interventions, such as the creation of regional coordination platforms. One element turned out to be of particular relevance to the province of Zeeland. The Administrative Agreement included a target setting for all provinces that stated that each province should arrange for the long-term accommodation of 2500 refugees by 1 February the next year. In other words, it tasked each province, irrespective of its size, with the same assignment.

The Administrative Agreement – on paper at least – signalled a temporary shift away from the otherwise centralist Dutch mode of governance in which the central government has exclusive competence over asylum, towards a more complex multilevel setting. In contrast to other European Union (EU) countries where reception facilities were partially organised by civil society or welfare organisations, asylum governance in the Dutch post-2015 context was organised by various public and semi-public authorities (COA), including local government officials, such as mayors. The following analysis examines how mayors and provincial actors in Zeeland experienced and framed the dynamics of asylum governance in this multilevel setting.

Analysis

Mayors’ general reflections on asylum governance in a multilevel context in Zeeland, 12 out of 13 municipalities organised crisis shelters, when the Dutch Minister of the Interior called on Dutch municipalities to assist in the asylum governance crisis. The remaining municipality did not organise a crisis shelter because it was already hosting a longer-term emergency shelter. The provincial governor in Zeeland, also known in the Dutch context as the King’s Commissioner, explained that he saw it as his responsibility to appeal to the mayors of all municipalities in Zeeland to ‘take joint responsibility’. The Minister for Migration had also appealed to the King’s Commissioners to assist. According to the King’s Commissioner, the scale of the province of Zeeland, with its small number of municipalities, both necessitated and enabled a collective and coordinated response. He wanted to prevent a situation in which mayors would hesitate, wait, ‘look around and point at each other’.

The mayors in Zeeland responded to this call to action and decided to entrust the coordination of the crisis shelters to the safety region. Safety regions are public bodies established to facilitate regional multidisciplinary cooperation in dealing with disasters, crises and disruptions of public order. The Mayor of Terneuzen, who chaired the safety region network, commented that this placed experienced civil servants in the lead who were used to collaborate in crisis management. The practical and administrative matters were arranged by this team under the guidance of mayors’ deputy assistants and town clerks. Mayors’ involvement stemmed from their competencies in the field of local crisis management and public order and safety. They were often present as part of their public role in informing the municipal council and residents.

In press interviews, mayors emphasized the need for a coordinated response and for cooperation between municipalities, the province and (semi)-public bodies (safety region and the COA). The four interviewed mayors and provincial actors saw the joint coordination of crisis shelters as a successful instance of cooperative and coordinated asylum governance in a multilevel setting. The ‘crisis shelters’ were mostly organised in sports halls and were only operational for several days (on average 72 hours). The King’s Commissioner added that Zeeland was the only Dutch province in which all municipalities organised crisis or emergency shelters. Even so, interviewees also spoke of challenges and tensions that lurked behind these otherwise cooperative dynamics.

The successful organisation of the crisis shelters stands in contrast with the challenges mayors faced as part of their assigned task to organise long-term emergency and regular refugee reception facilities. The King's Commissioner kept oversight by setting deadlines for municipalities to propose suitable locations. In his letters to municipal councils and public interviews, he emphasized the importance of a coordinated regional response, also described as the 'Zeeland offer'. He organised a meeting with all the mayors and provincial officials during which they agreed on taking joint action and on creating a regional coordination platform.

This regional platform had no decision-making power but supported municipal actors in their efforts to develop coordinated responses to refugee reception and integration. While regional coordination platforms were established in all Dutch provinces during this period, often only those mayors that chaired the safety regions participated in them. The Administrative Agreement had outlined that provincial authorities were required to monitor progress, even if they had no formal decision-making power. The role of the King's Commissioner, as head of the province, differed between the various regional platforms in the Netherlands.

In Zeeland, the King's Commissioner coordinated the platform, and three participating mayors played a key role: the mayors of Middelburg, Terneuzen and Noord-Beveland. They represented the mayors and municipalities in three different regions of Zeeland and were tasked with ensuring that other mayors in their region stayed 'tuned in' to collective efforts. In a nationwide evaluation of these regional platforms, one Zeeland respondent commented it was not always easy for a delegate 'mayor' to remind other mayors of their responsibilities (ACVZ, 2017). One of the provincial administrators in this study explained that cooperation between the province and the municipalities is more intensive and frequent than in other provinces, because of the small number (13) of municipalities in Zeeland.

While mayors had been very visible during the coordination of the crisis shelters, their involvement in the search for suitable locations for long-term (emergency) reception facilities was less public, and according to some, initially also less 'political', as this quotation illustrates:

'First, we looked on a very large map for the zoning plans, the possibilities to build, putting emotions aside for the moment. Looking at, where we, municipality or province, own land that we could potentially use. Putting the sensitivities aside for a moment. It was my task to make sure the other mayors stayed tuned in. This was not the political part of the process, that came later – when we discussed how to create popular support'. - (Mayor of Noord-Beveland)

The Mayor of Terneuzen, who was also a regional representative on the coordination platform, had a different perspective on this process. He described how COA representatives showed up with maps from the province with potential sites, 'often focusing on spatial aspects and not on the objective, why are we going to help these people', something he missed. The King's Commissioner urged mayors and municipal actors to focus on potential local benefits of reception facilities instead of on 'numbers', such as the number of asylum seekers. Even so, some municipal council discussions on long-term facilities focused almost entirely on numbers and even included municipal calculations and proposals for the desired, 'proportional' number of refugees in the municipality. Interestingly, this functionalist orientation and technocratic mode of cooperation resonates with Scholten's understanding of the (ideal type) of MLG (Scholten, 2013, p. 220).

While some mayors struggled with the technocratic tendencies of others, particularly the COA, they did not discuss the technocratic dimensions of their own involvement in the regional coordination platform and other governance networks. To illustrate, in December 2015, municipal representatives, mostly the mayors, voted on the Administrative Agreement between the VNG and central government in a parliamentary assembly of the VNG. Of the eight municipalities in this study, in only three (Goes, Sluis and Terneuzen) did the municipal executive decide to consult the municipal council to discuss how the municipal executive board would vote in the VNG assembly. That said, the VNG reported that in general the majority of the municipal councils (85%) are not consulted on votes in VNG assemblies and linked this to broader debates about local politics and administrative and managerial cultures.

This emphasis on coordination within the VNG and regional networks resonates with what Dutch scholars call a 'double decentralisation paradox' where decentralisation increases collaboration on a regional scale, particularly in the case of smaller municipalities. This also affects mayors, who increasingly spend their time 'away' participating in regional boards and platforms, which influences local politics (Boogers & Reussing, 2018, p. 21). While this is therefore not unique

to asylum governance, it is a reminder that the actions of mayors and municipal executives are not always clear or visible to the municipal council, and, by extension, to the public.

Mayors' 'minor' and 'major' manoeuvres in a multilevel context

For the mayors and provincial actors, the key question was not whether technocratic modes of cooperation undermine local democracy and the local politics of asylum, but if these governance modes resulted in effective approaches to refugee reception. Interviewees contrasted the success of the coordination of the crisis shelters with the more challenging governance dynamics involved in the search for long-term reception facilities. By the time the deadlines set by the province passed, only a handful municipalities had consulted the COA on the suitability of their proposed locations. Eventually, mayors, along with their municipal executives, in four out of 13 municipalities proposed locations for long-term facilities in accordance with the criteria communicated by the central government and the COA. The Mayor of Noord-Beveland, for instance, suggested using the public waterways by organizing refugee shelters on a ship that would then dock in several of the province's municipalities with ports. Two provincial officials commented that some of the other mayors were playing a game of 'hide and seek' by offering proposals for facilities that were bound to be turned down by the COA because they did not meet reception standards.

There were no instances in which mayors or other members of the municipal executive explicitly pushed back against the Administrative Agreement or refused intergovernmental requests. In other words, there was no explicit defiance, as scholarship on cities and forced migration governance often highlights. One explanation for this is that the general tone had already been set by the Administrative Agreement and the province's lobby for a coordinated Zeeland approach. Interviewees did point towards minor manoeuvres. Sometimes municipal actors stated having no knowledge or having misunderstood the COA's criteria for reception locations even when these criteria had been explicitly communicated. In other cases, municipal actors relied on functionalist, procedural arguments, claiming that they had not been informed on time by the COA that locations within their municipality were being examined. These functionalist arguments often deflect from political questions and choices, as has been documented elsewhere (Marchetti, 2020, p. 253). Another tactic to slow down processes was to remain silent, even if this meant not delivering on deadlines. Sometimes silence and inactivity were possible because a mayor was not participating but represented by another mayor in the regional coordination platform. A nationwide study of

the MLG of crisis asylum shelters similarly shows that some mayors used this arrangement of the regional coordination platforms to remain inactive (ACVZ, 2017). These examples of minor manoeuvres also resonate with research on the 'minor acts and politics' involved in sanctuary city initiatives (Squire & Darling, 2013) and scholarly debates on implicit and explicit discretionary strategies used by local authorities in migration governance (Oomen et al., 2021).

The mayors and provincial actors also spoke of what they considered exemplary instances of individual and collective leadership. Two mayors and three provincial actors explained that mayors' commitment and approach (reactive/proactive) often made a difference to whether long-term facilities were planned and realised. They spoke with great admiration of mayors who had taken a particularly proactive stance. The stories about mayors who stood out, in a context dominated by cooperative dynamics and consensus politics, focused on challenges that these mayors navigated. The following discussion examines how mayors navigated challenges and conflicts as part of their involvement in asylum governance in this multilevel setting. First, I discuss external pressures and challenges, followed by internal pressures and challenges and lastly challenges linked to particular pre-existing regional and local problem fields. I conclude with an analysis of how mayors framed municipal involvement in asylum governance.

External challenges to cooperative dynamics

'Officially, we were not allowed to organise activities outside the shelters. But then I heard that people were going on long walks to nearby beaches. I became worried about people getting lost and was reminded of the Rotary's offer to fund activities. So, I asked them to arrange busses so asylum seekers and volunteers could go for a stroll on the beach. Years ago, when we organised a shelter in another village, a local school contacted us to invite some of the youngest refugee children to join their classes. That school was happy and so were the children. I wonder why all this is prohibited. Beach visits and education, we'll just take care of it and the Hague will simply have to live with that'. (Mayor of Veere).

A common theme in conversations with these four mayors on the crisis shelters related to navigating dilemmas resulting from rigidity of national asylum regulations. The mayors reflected on the minimal standards of shelter conditions and mentioned how they sometimes struggled with tensions that arose between the austerity of top-down imposed asylum regulations and citizen-led integration initiatives, as this quotation highlights. They expressed sympathy for how the

COA, the Red Cross and municipal actors organised these shelters for groups up to 200 refugees, under time pressure. That said, three of the four mayors described conditions in crisis shelters as inhumane and degrading. The frequent transfers between municipal shelters, after every 72 hours, lack of privacy and austere conditions were cited as principal sources of this overall condition. Two of the mayors spoke of practical interventions in which they were involved, such as requesting the transfer of especially vulnerable persons from crisis or emergency shelters to regular reception facilities. Another theme that featured in their reflections was how to deal with uncertainty and information precarity, with not knowing when, who and how many asylum seekers would be transferred to these shelters.

Mayors were not only in this struggle. In the early stages of the governance crisis, the ministry tasked every province with the organisation of emergency shelters for 2500 refugees. However, it was not immediately clear to everyone whether this shelter should be modelled after the only long-term emergency facility at that time: a large-scale camp facility in the city of Nijmegen. As one provincial administrator explained, 'this camp was built on [a] hilltop near Nijmegen on sandy soil which is altogether different than Zeeland's clay soil'. There was relief when they heard that they could organise smaller reception facilities. Provincial and municipal actors in Zeeland therefore grappled with information precarity when dealing with the intergovernmental request and these external challenges also gave rise to very specific local and regional concerns about shelters, soil composition and spatial planning.

The mayors did not describe these challenges linked to information precarity in this multilevel setting as local or regional. They linked them to the inability of Dutch reception authorities to respond to the sudden increase in refugee arrivals in 2015. The regional platform helped to address some issues, but mayors also mentioned advocating to raise awareness about the plight of refugees in crisis and emergency shelters and the dilemmas encountered by municipal actors. These four mayors and the provincial governor agreed that the planning of long-term facilities was more affected by these challenges, in particular the uncertainty and information precarity they experienced in the communication with the COA.

After weeks of preparations and efforts to create social support for the reception facilities, the Mayor of Vlissingen and the Mayor of Borsele received news that the planned and long-debated long-term reception centres in their municipalities would no longer be required by the COA. What was particularly vexing, according to the Mayor of Vlissingen and provincial officials, is that the COA did not first contact and inform the municipality about this decision, but that they read about

it in regional press. The King's Commissioner explained he had to lots of 'healing' in these two municipalities. These stories also travelled, the Mayor of Noord-Beveland, for instance, mentioned hearing of other municipalities where the plans for reception centres were cancelled even after facilities had been especially built and commented that 'it makes you think twice, as a municipality, about becoming involved in refugee reception'.

The mayor of the rural municipality of Veere also drew on these stories to explain his at times reactive, rather than proactive, leadership style, and described how some colleagues in other municipalities 'jumped into action', but that he and his colleagues decided to 'wait and see how the discussion develops'. He emphasized the element of personal risk and referred to the struggles of the Mayor of Borsele, who had become the target of asylum protests and had received threats after taking a stance in favour of a refugee reception facility. Risks, as he explained, resulted from the uncertainty and information precarity that mayors struggled with as part of vertical dynamics, but in some instances, albeit rarely, were also related to locals' protests against refugee shelters and asylum centres.

Only two of the 13 municipalities in Zeeland saw coordinated political mobilization of residents who opposed the opening of reception facilities. The four mayors interviewed in this study had not faced such protests, but they had faced criticism and concerns about plans to open shelters. They emphasized the importance of maintaining popular support by engaging in public debates. Whereas most mayors in Zeeland appeared regularly in the local press to comment on refugee shelters, four mayors also used Twitter and Facebook for public statements about refugee reception. Sometimes social media discussions posed challenges. Some mayors publicly expressed their concerns with groups on social media that depicted refugees or reception facilities as a threat to local communities. The Mayor of Terneuzen stressed the importance of timely media responses to and the debunking of fake news on social media.

Internal challenges to cooperative dynamics

Sometimes the challenges mayors navigated during the process of searching for locations for refugee shelters or reception centres arose as a result of power dimensions within the state, either within the municipal executive or between the municipal executive and the municipal council. While crisis shelters fell primarily under the mayors' responsibilities, the planning of long-term reception facilities was a collective effort and the responsibility of mayors and municipal executives responsible for spatial planning. Provincial officials explained that some municipal

executives may have been more reluctant, because unlike mayors, they could be held directly accountable by passing a vote of no confidence in the council. The Mayor of Terneuzen mentioned that a mayor in a nearby municipality was very committed to realize a long-term refugee reception centre, but that he was pressured by his municipal executives who were not 'on board' with his plans.

More common were instances in which the municipal executive board, the mayor and municipal executives faced opposition to plans for new asylum centres from parties in the municipal council. In the municipality of Sluis, a majority of the municipal council voted down a proposal of the municipal executive board to grant the COA's request to open an asylum shelter in the municipality. The municipal council turned against the municipal executive board after a public consultation meeting had escalated. Over 500 people attended this meeting, and all the 50 registered speakers opposed the plans, which took municipal actors by surprise. According to two mayors and regional officials, these protests were partially a result of the specific sentiments of local communities, but also linked to the communication strategies used by mayors and municipal executives.

In two rural municipalities, the municipal executive board, including the mayor, faced criticism from both opponents and supporters, after only tentatively outlining its position on a refugee reception facility in the municipality. After long debates in one of these municipalities (Schouwen-Duiveland), the municipal executive agreed to involve a research organisation to measure popular support for a refugee reception facility. One of the provincial administrators explained that he wondered to what extent such municipal council decisions were diversionary tactics to shirk municipal responsibility. The mayor, as the quotation illustrates, was also not convinced by this proposal to measure social support:

'The moment we have locations in mind, we can start the talks with neighbourhood residents. We can have a scientific investigation carried out first to measure popular support, commitment and capacity. ... You are representatives of the local population. You provide the framework. So, yes, I can have a whole scientific study carried out by a research organisation and then a year will have passed. We cannot wait for that.'

While municipal actors in interviews and public meetings stressed the importance of popular support, they often disagreed on the extent to which this support was to be 'found' or 'built'. Some mayors spoke of how they pre-empted internal challenges and coped with concerns about popular support. The Mayor of Vlissingen explained

that she and two other municipal executives collaborated in the planning of a long-term refugee reception centre to build popular support. She explained that they had divided tasks, such as communication with the municipal council and regional coordination platform between three municipal executives, commenting that 'if you do this alone as a mayor, you'll become detached from the entire political sphere'.

Interviewees also gave examples of municipalities where municipal council parties unsuccessfully attempted to pressure the municipal executive, including mayors, to adopt a more proactive and welcoming approach. Neither the mayors nor the provincial officials interviewed in this study linked proactive or reactive leadership styles, reluctance, or commitment to mayors' political party affiliations. Instead, one mayor suggested that experiences often played a role, the mayors and municipal actors who adopted a proactive approach in the search for long-term facilities often, but not always, represented municipalities that already had experience with hosting long-term refugee reception centres.

Regional and local problem fields

These four mayors often explained differences between municipalities with reference to specific local and regional problems. The Mayor of Terneuzen stated that the crisis shelters, because of the small size of the municipalities, made a considerable demand on their administrative capacity. To overcome this challenge, the mayors decided to work together with the aforementioned safety region to jointly organise the crisis shelters in such a way that municipalities would take turns, rather than organise shelters simultaneously. This construction, as the mayors of Terneuzen and Veere explained, enabled a learning curve and ensured more efficient use of personnel.

As the smallest municipality of Noord-Beveland did not have a suitable building available for a crisis shelter, it collaborated with a neighbouring municipality (Veere). The mayors of Vlissingen and Terneuzen invited local residents to visit the crisis and emergency shelters before the first refugees arrived. The Mayor of Vlissingen explained she worried about the popular support for refugees. Some residents who visited the shelter during the public meeting mentioned that they had the feeling asylum seekers were 'all looked after' when they had to 'manage all on their own', 'feeling abandoned' by the central and local government. She explained that residents' doubts often dissipated after these meetings and that these encounters showed her the importance of constantly involving local residents to maintain popular support for asylum governance.

Still, some of the mayors struggled to maintain popular support due to specific pre-existing local problem fields. In the case of Vlissingen, this problem field was one of pre-existing urban decline, linked to high concentrations of unemployment, poverty and unsustainable levels of municipal debt. In Noord-Beveland, the mayor worried about popular support for and the practical feasibility of long-term reception facilities due to the small size of the municipality (7300 inhabitants), its poor accessibility by public transport and access to basic services (schools, hospitals and shops). These concerns hint toward broader debates about rural crisis and the challenges of keeping rural localities viable. As the quotation highlights, the municipality could not use the few available (tourist) infrastructures due to the competitive prices in this 'prime' tourist location. These different concerns are reflected in the ambiguous position of the mayor in his negotiations with the COA. He captured this ambiguity in a municipal council meeting by stating 'the door was neither opened widely, nor was it shut'.

The problem of Noord-Beveland was to create public support. Look at a map, you'll see that we have approximately 7,500 inhabitants spread out over a relatively large surface area. The island consists mostly of polders and sea, which are useless for refugee reception. In summer, the island is packed with tourists. All holiday homes are booked and expensive due to the prime location. We don't have a police station on the island and there's no train station. There are some small shops, but no supermarkets. Noord-Beveland is accessible via public transport during the day, but not during weekends or evenings. [A refugee shelter] ... can you envision it? (Mayor of Noord-Beveland)

Beyond 'burden', 'benefit' or 'gift' frames: Administrative duties and the politics of consensus

Scholarship on the framing of refugee reception points towards positive and negative discourses, solidarity and self-interest, and understandings of refugee arrivals as involving a threat, burden or benefit to localities. This study, however, found that mayors in Zeeland mostly framed refugee reception neutrally, as an administrative duty vis-à-vis state others. This is not to say that public discourses did not feature frames that presented refugees or reception facilities as a threat or a burden, but that mayors in official communication, (public) interviews and on social media generally opted for 'neutral' frames. Often, they spoke of crisis shelters and the search for long-term facilities in connection to joint action ('Zeeland offer') and the Administrative Agreement with the central government, emphasizing 'administrative duties'.

In a few cases, mayors framed municipal involvement as a historical or a moral duty. On social media, two mayors stated their gratitude to the local volunteers who assisted in the organisation of the crisis shelters. This emphasis on gratitude resonates with studies that highlight how asylum is increasingly understood as a 'gift' rather than a human right (Ignatieff, 2017).

Given that this analysis focused on a province with rural municipalities and small towns, some of which are experiencing depopulation, rural crisis or urban decline, it is interesting that refugee reception was rarely framed as a benefit to localities. Scholarship, after all, suggests that mayors have described refugee reception as a benefit elsewhere (Betts, Memişoğlu & Ali, 2021). One explanation is that refugee reception, under non-crisis circumstances, is centrally coordinated by the COA, who invites bids for services in multiple reception centres. It is unclear to what extent local firms could benefit from reception facilities, especially short-term (emergency) facilities. Municipal councillors in Goes raised this question, so this may be a partial explanation. The Mayor of Noord-Beveland offered another clue. He stated that even if it would be beneficial for the municipality to consider refugee reception and integration as a solution to rural decline, he did not expect to ever get political support for it. He said he would therefore never explicitly state this because of the general political sensitivity of debates on 'shrinking regions'.

Some migration scholars suggest that problematization, the process in which actors analyse a situation and define it as a problem, 'works via the use of metaphors, which suggest causes and consequences without naming them' and that 'metaphors are employed to symbolize threat and danger, and the risk of losing control' (Schrover & Schinkel, 2013, p. 1133). This study observed a different use of metaphors by mayors who used metaphors and figurative speech to keep the 'calm' in local debates. Some municipal and provincial officials referred to the figurative speech of the Administrative Agreement, the 'shoulder to shoulder' image, to describe joint efforts to find locations for long-term reception facilities. This concerted effort was sometimes also framed by mayors and provincial officials as a 'homework assignment' of municipalities. This metaphor captures the inter-governmental oversight and the monitoring role of the province. If mayors used metaphors to stir emotions, it was to express their frustration with 'state others', the COA or the Minister for Migration, rather than the 'refugee other'.

These findings resonate with scholarship on asylum governance in rural localities (Whyte, Larsen & Fog Olwig, 2019, p. 1967) that shows how local pragmatic responses to asylum governance in rural Danish localities concerned 'itself with

the local community and its relation to state others' and 'the centralizing process and general retreat of the welfare state, which more than ever marginalizes them in the Danish national community'. The suggestion of Whyte, Larsen & Fog Olwig (2019) to be more attentive to how asylum is framed vis-à-vis pre-existing local and regional problem fields speaks to the reflections of mayors and provincial officials in Zeeland and the examples from Vlissingen and Noord-Beveland. But there are also stark differences between their discussion of such local rural pragmatism and this study's findings. Their research points towards a distinct local rural pragmatism, as asylum seekers were not the objects of concern, 'as would typically be the case within the national public debate', but were 'experienced by locals, as a means to something else – the securing of the socio-economic base of the small rural community' (Whyte, Larsen & Fog Olwig, 2019, p. 1966).

As this analysis suggests, these pragmatic 'benefit' frames were not common in debates on asylum governance in Zeeland. Some of its mayors incidentally offered general political advice to 'state others' (central government) about early 'selection' and 'separation' of 'real' 'deserving' refugees from 'economic refugees' and 'asylum seekers from safe countries'. In rare moments, a few mayors gave political commentary on far-away developments, such as the EU–Turkey statement in public interviews. These instances contradict the often-romanticized understanding of local actors as inherently pragmatic and exclusively focused on practical solutions rather than political debates. The responses of mayors involved in the dynamics of asylum in this multilevel, small town, rural and Zeeland context are best understood as an instance of a local 'politics of consensus' rather than a local 'politics of pragmatism'.

This 'politics of consensus' emerged within a multilevel setting, against the backdrop of a tradition of 'consensus politics' and as a direct response to national developments such as the Administrative Agreement. However, it was also shaped by the scale of and pre-existing challenges in Zeeland province: the small number of municipalities, their size and capacity, the close intergovernmental and municipal contacts, and the emphasis on regional collaboration, shared responsibility and the joint 'Zeeland Offer'. 'Consensus' captures the emphasis that mayors and provincial actors put on (vertical) intergovernmental coordination and the (horizontal) concerted efforts of mayors. It reflects the collective and consensus-oriented leadership styles that mayors in Zeeland adopted during the coordination of 'crisis' shelters and, to a lesser extent, during the search for locations for long-term facilities. It also reflects their framing of asylum as an 'administrative duty' vis-à-vis 'state others'. 'Politics' in the context of this understanding of the 'local

politics of consensus' highlights the challenges, tensions and struggles that these mayors navigated, even in the context of cooperative multilevel asylum governance dynamics. It also points towards the minor contestations and discretionary strategies that are part of this politics.

Conclusions

How did mayors in the Dutch province of Zeeland experience and frame asylum governance in a multilevel setting between 2015 and 2016? This analysis sought to answer this question and, in doing so, to contribute to scholarship on mayors, migration governance and MLG perspectives on asylum governance. First, by empirically grounding reflections on the conceptual limits of MLG approaches, beyond the involvement and activism of city officials, and by examining the dynamics of asylum governance from the vantage point of mayors in rural and small urban municipalities in Zeeland. This analysis, while actor centred, considered local and regional factors, or 'problem fields' drawing on research on asylum in rural settings. To render a more comprehensive account of the actual dynamics of asylum governance, I argued it is important to understand the local state as disaggregated, to examine internal and external dynamics and challenges, and how mayors frame municipal involvement in asylum. The key findings of this study can be summarized as follows.

This analysis suggests that mayors and provincial actors agreed that the organisation of the crisis shelters and search for locations for long-term reception centres involved cooperative dynamics. They pointed towards extensive intergovernmental cooperation (vertically) and joint municipal coordination (horizontally). The analysis pointed towards differences between mayors in terms of proactive and reactive leadership styles and towards 'minor manoeuvres' in a multilevel setting. Although mayors and provincial officials were effective in the joint coordination of crisis shelters, there was less 'concerted action' involved in the search for long-term emergency shelters and regular refugee reception centres.

Mayors and provincial actors explained the dynamics of asylum governance in Zeeland with reference to their own involvement, as well as national developments (Administrative Agreement). They also referred to specific intergovernmental configurations and challenges of the Zeeland context, such as the small scale of the province and the size and capacity of its municipalities. None of the mayors explicitly pushed back against the soft powers of the Administrative Agreement

or the province's lobby for a joint 'Zeeland offer'. They adopted collective and consensus-oriented leadership styles and most often neutral frames, highlighting duties vis-à-vis state others, instead of framing asylum as a 'burden' or 'benefit' to the municipality or as a 'gift' from the locality.

So how do these findings speak to scholarly work on the MLG of asylum and debates on the conceptual parameters of MLG approaches? The technocratic considerations that were recurring motifs in municipal and provincial officials' reflections on the dynamics of asylum governance in Zeeland resonate with Scholten's (2013) ideal type of 'MLG'. Interviewees had different views on the advantages and disadvantages of technocratic approaches. Broader questions about the political importance and implications of this regional collaboration for smaller rural and urban municipalities, in light of the 'decentralisation paradox', did not feature in their accounts.

This study found that cooperative asylum governance dynamics were far from straightforward, or without contradictions and ambiguities, as mayors pointed to different types of challenges. These dynamics can be described with reference to the official motto of the province of Zeeland, *Luctor et Emergo*, Latin for 'I struggle and emerge', although struggles were often shared, and solutions found collectively. Recent understandings of asylum governance as characterized by conflictive realities (Garcés-Mascareñas & Gebhardt, 2020) and as 'playing field' (Campomori & Ambrosini, 2020) thus also capture the complex interplay, contradictions and conflictive realities involved in modes of governance, that on first sight, exhibit a considerable degree of intergovernmental and horizontal municipal cooperation.

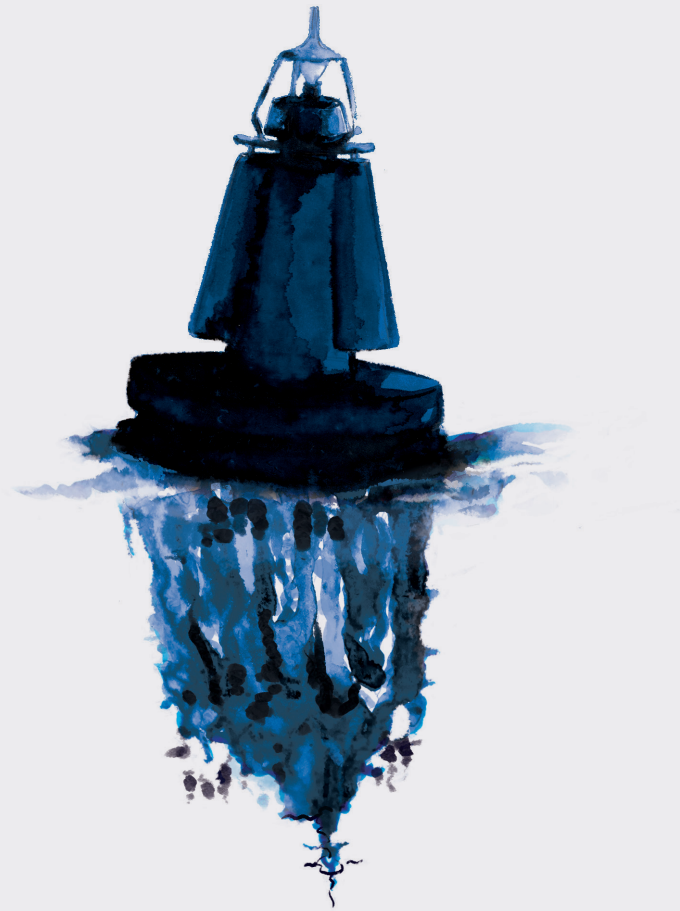
The analysis identified three types of challenges. First, interviewees pointed towards challenges mayors experienced as part of external dynamics, often in their interactions and negotiations with central government actors (COA). Second, they pointed towards internal dynamics, challenges that arose through negotiations within the municipality and sometimes within the municipal executive, often on the topic of popular support for asylum. Lastly, mayors' reflections point towards local and regional 'specifics', 'pre-existing local or regional problem fields' to borrow from Whyte, Larsen & Fog Olwig (2019), such as rural crisis and urban decline, that shaped mayors' responses to and involvement in asylum governance.

Returning to the province's motto *Luctor et Emergo* and questions about the broader relevance to scholarship on mayors and migration governance, this article highlighted various struggles (*Luctor*). I also discussed how mayors adopted

collective and consensus-oriented leadership styles focused on joint actions and solutions (*Emergo*), such as the organisation of crisis shelters. This leadership orientation of mayors was reflected in their framing of asylum governance, as they generally opted for neutral frames, duties vis-à-vis 'state others' and Administrative Agreements, rather than frames that presented 'refugee others' and refugee reception as a 'benefit', 'burden' or 'gift'. To theorise this framing of asylum, I argued that such practices are best understood as a contextualized 'politics of consensus' rather than local or rural 'politics of pragmatism'.

In the context of Zeeland, provincial officials and administrators collaborated closely with mayors due to the province's small scale and gave an interesting perspective on the struggles involved in and the emergence of asylum dynamics in this multilevel setting. That said, during my fieldwork, I observed that there are also practical challenges to examining the interactions and negotiations between local state actors within the same municipality. Although interviewees pointed towards challenges and conflicts within their own municipalities, they found it easier to address troubled relations with outsiders, such as centralised reception authorities. Future research could further investigate how migration scholars can render a more complete account of these tensions and conflicts and deepen engagement with anthropological research and ethnographies of the state.

In the spring of 2021, municipal and provincial actors in Zeeland once again put their heads together to work towards a joint 'Zeeland Approach to Asylum Governance'. The long-term effects of these momentary ruptures or 'windows of opportunities', the multilevel and joint municipal coordination that emerged in the 2015–16 'governance crisis' and how these networks may be reactivated later, rather than simply reinvented, therefore also beg further consideration.



Chapter 7

Contesting arrival infrastructures:
Tracing the (re)making and
contestation of asylum spaces

Abstract

This chapter investigates how various state actors (re)negotiate the ‘where’ (location), the ‘what’ (material design), the ‘how’ (functions of asylum centres in the broader surroundings) and the ‘who’ (imagines, creates, organises) of asylum arrival infrastructures. It adopts an infrastructural perspective to study how asylum centres are contested in political, rather than everyday settings. This chapter is based on interviews with various municipal and other state actors and a qualitative analysis of local debates and spatial negotiations in four municipalities. More specifically, it focuses on Burgum, Middelburg and Utrecht in the Netherlands and Heidelberg in Germany. In each of these localities, refugee reception and arrival centres are or have recently been renovated, altered or planned. I highlight how the infrastructural practices and spatial negotiations of various actors in these processes of renewal and planning are underpinned by their normative assumptions and articulations of arrival. Conceptually this contribution engages with arrival infrastructure perspectives to bring into greater focus the tensions, contradictions and conflicts *among* state actors, who contest and reconstruct arrival infrastructures in tandem with others.

Introduction

This chapter develops an infrastructural perspective on the local politics of asylum. In recent years, scholars have drawn on infrastructural perspectives to study various local and urban struggles (Amin, 2014; Anand, Gupta & Appel, 2018). In migration studies the ‘infrastructural turn’ has resulted in a plethora of concepts, such as ‘migration infrastructures’ (Xiang & Lindquist, 2014), ‘arrival infrastructures’ (Meeus, van Heur, & Arnaut, 2019), infrastructures of reception’ (Buano & Nettelbladt, 2019) and ‘infrastructures of deterrence’ (Whyte, Campbell & Overgaard, 2020). Drawing on this diverse literature with its various conceptualisations, this contribution seeks to investigate how (arrival) infrastructures designed for the reception of forced migrants are contested and (re)constructed in Dutch and German localities.

This study was conducted at a particular junction: several years after the creation of emergency refugee reception shelters, amidst debates about yet to realise ‘sustainable solutions’ for asylum accommodations in the Netherlands and Germany. It focuses on local debates and discrete spatial negotiations in four localities: Burgum, Middelburg and Utrecht in the Netherlands, and Heidelberg in Germany. While broader discussions on the local turn in migration governance form the backdrop of this inquiry, local actors are not the only protagonists in this story: it also explores state actors’ normative ideas about arrival infrastructures, artefacts and spaces.

While I focus on ‘prosaic geographies’ and mundane artefacts, such as boom barriers, fences and hedges, this paper seeks to complement scholarly perspectives on refugees’ *everyday* negotiations in asylum shelters, by bringing into focus how asylum infrastructures are contested in political settings and processes. This focus is strategic and stems from an interest in critical perspectives on the position of the state in immigration control (Gill, 2010; Coleman & Stuesse, 2016) and refugee reception (Meeus et al., 2020). In the following, I examine state actors’ visions on arrival infrastructures and their perceptions of normative articulations of arrival; ‘arrival normativities’ (Meeus, van Heur, & Arnaut, 2019). I analyse how they negotiate, sometimes in tandem with other local actors, different dimensions of asylum infrastructures.

The four localities included in this study have a relatively longstanding experience with hosting refugee reception centres. This makes it possible to ‘trace’ arrival infrastructures in the (re)making and to uncover the arrival normativities that

underpin the relocation and renewal projects currently unfolding in these municipalities. After developing an arrival infrastructure perspective, I present the approach and methodology of this study. The analysis is divided in four parts that correspond to the contestation of four dimensions of arrival infrastructures, the 'where' (location), the 'what' (material design), the 'how' (functionality in broader surroundings) and lastly the 'who' (imagines, co-creates and operates) asylum infrastructures. I conclude with reflections on key findings, methodological implications, and suggestions for future research.

Theoretical perspectives on the remaking of asylum infrastructures

To situate this analysis of the politics of asylum arrival infrastructures, I first discuss how an infrastructural perspective on local asylum governance can help bring into focus the role of various local actors *within* the state. My point of departure is the broader debate in migration studies on the 'local turn' in migration governance (Zapata-Barrero, Caponio & Scholten, 2017).

While scholarship on the local turn in migration governance has proliferated, this seems to have been mostly in parallel, rather than in conversation with research on arrival infrastructures, despite interesting convergences. Research on the local governance of asylum accommodations often draws on theories of multi-level governance that emphasize negotiated order and cooperation between various intergovernmental and civil society and the state (Campomori & Ambrosini, 2020). Recently, some scholars have offered more conflictive and 'messy' accounts of local asylum 'battlegrounds' (Campomori & Ambrosini, 2020) and intergovernmental dynamics in refugee reception (Garcés-Masareñas & Gebhardt, 2020). In the scholarly debates on the politics of asylum and arrival infrastructures, the tensions, contradictions and conflicts that shape the local reception of forced migrants have also garnered increasing scholarly attention.

An infrastructural perspective on local arrival processes and spaces can help to bring into greater focus the dynamics of local asylum governance, including the conflicts, tensions and contradictions between various actors within the state. It also offers deeper insight into the spaces and artefacts that are part of arrival infrastructures and shape arrival processes. To further develop this argument, I engage with arguments offered by Meeus, van Heur and Arnaut (2019) and other work perspectives on arrival infrastructures.

Meeus, Van Heur and Arnaut suggest that the concept 'arrival infrastructures' emphasizes 'the *continuous and manifold 'infrastructuring practices'* by a range of actors in urban settings, which create a multitude of "platforms of arrival and take-off" within, against, and beyond the infrastructures of the state' (2019, p.2). Rather than emphasizing the interactions between state and non-state actors, their approach centres on various arrival infrastructures, including 'institutional arrival infrastructures' such as asylum centres. That said, sometimes these discussions also frame 'infrastructures in the making' as a struggle between two camps. In this case between the top-down perspectives of planners and infrastructuring practices from 'below'. This analysis, which zooms in on various state actors, their arrival normativities and infrastructuring practices, complicates this dichotomy. What matters for this discussion here, is that this understanding of arrival infrastructures as involving continuous practices of maintenance and repair (Star 1999) need not be limited to a dichotomous image of an interplay between planning processes 'from the top' and infrastructuring practices from 'below'.

Secondly, an arrival infrastructure perspective makes it possible to avoid 'treating the state as a monolithic bloc, but instead to approach it as a performance of potentially *conflicting forms and fractions of statehood* by different actors, spaces, and materials (Jeffrey, 2012, p. 39) that are integral parts of arrival infrastructures but never completely determine it (Meeus, Arnaut and Van Heur 2019, p.17)'. This makes it particularly suited to the study of 'institutional arrival infrastructures' (Meeus et al., 2020), such as asylum centres. The latter often depend for their organisation on the collaboration between various state organisations, such as centralised reception authorities and local government and the individuals within them.

Migration scholars have examined how conflicting forms and fractions of statehood may result in spatial ambiguities and infrastructural 'paradoxes' that shape asylum spaces. These spatial ambiguities are linked to the dubious relation of asylum centres to the city. Refugee accommodations are often neither fully a camp nor part of the city (Baumann, 2020) and although in the locality, generally do not fall under the responsibility of local governments. In their analysis of the spatial politics in a state-managed reception centre in Mannheim, Nettelbladt and Buano point, for instance, toward 'the paradox of the place that 'simultaneously protects and cares for its inhabitants and 'tranquilises' them, hindering a self-determined life. (2019, p. 86)' An infrastructural perspective on arrival and asylum therefore not only foregrounds spatial ambiguities and paradoxes, but it also connects them to critical perspectives on the position of the state in migration governance.

As Meeus et al., also note, the concept of arrival infrastructures ‘allows us to address how subsequent waves of governmental programmes imbue artefacts, bureaucracies, institutional spaces, and partnerships with civil society actors with particular *arrival normativities*’ (2019, p.16). This emphasis is useful for research on the local reception of forced migrants, because it often concentrates on local community responses to focusing events, such as the opening of asylum centres (Hubbard, 2005; Curtis & Mee, 2012; Haselbacher & Rosenberger, 2018). Longer-term perspectives on the ‘boom and bust’ cycles of national refugee reception systems in places where neoliberal norms of market competition triumph (Darling, 2016) and investigations of the traces of various ‘waves of governmental responses’ are rare. In their analysis, Whyte & Ulfstjerne (2020), for instance, trace the long afterlives of material artefacts, such as modular housing units in Danish ‘refugee villages’ built in the early 1990s to their current positions and functions.

This study zooms in on another dimension introduced in this quote, namely ‘arrival normativities’. In the works of Meeus et al., (2019) ‘normativities’ mostly refer to national regulatory frameworks and the struggles of civil society and citizen-lead solidarity initiatives with these frameworks. While the authors do not define the concept, it seems they are not referring to specific national reception standards, but to normative articulations of arrival. They argue, for instance, that ‘if we understand arrival as a temporary territorialisation of ‘being’, a presence that is not per se oriented towards permanence, then we will have moved closer to an understanding of migration that challenges national normativities and assumptions of arrival without ignoring migrants’ search for forms of stability’ (p.24). The emphasis on ‘national’ suggests normativities are scalar, which resonates with broader theories on scales, norms and normativities (Blommaert, 2007; Hall, Levon & Milani, 2019).

Scholarly investigations of refugee camps and asylum centres have touched upon this topic of arrival normativities, albeit indirectly and implicitly, in relation to refugees’ everyday interactions and practices. In their analysis of refugees’ spatial practices of homemaking in refugee accommodations in Berlin, Steigemann and Misselwitz (2020) discuss, for instance, how refugees’ spatial practices result from ‘conflictual spatial negotiations with the techno-managerial norms and rules put in place to structure daily routines in temporary emergency shelters (p.630).’ Their study also highlights how refugees’ spatial practices interact with ‘reception managers’ ideas of arrival’. Martina Blank’s study (2021) of everyday spatial negotiations in asylum accommodation in Frankfurt gives another example, that of legal requirements, such as entry and exit rules that are renegotiated in everyday encounters.

This contribution draws on these perspectives on arrival infrastructures and seeks to complement this research on everyday practices and encounters of refugees, neighbourhood residents and volunteers (Steigemann & Misselwitz, 2020; Blank, 2021; Zill, van Liempt & Spierings, 2021). I focus on infrastructural re-making, infrastructural practices and spatial negotiations that, at least in part, played out in political settings, involving various actors within the municipality, state refugee reception agencies alongside other local actors.

This focus on political settings and actors within state organisations is also theoretically informed. As Coleman and Stuesse note, ‘immigration research often investigates the gendered, raced, sexualised and classed *outcomes of state power* in immigrant communities, but leaves under-investigated the problem of state power itself as practiced (2016, p. 526).’ I agree with these authors that this sometimes has the effect of posing state power as stable, while also risking ‘repeating the state’s focus on immigrants as objects of scrutiny (ibid).’ This analysis therefore highlights how various state actors (re)negotiate the ‘where’ (location), the ‘what’ (material design), the ‘how’ (functions of asylum centres in the broader surroundings) and the ‘who’ (imagines, creates, organises) of asylum arrival infrastructures. Before analysing in on the arrival normativities and infrastructural practices of various actors within the state and their strategic alliances and partners, I introduce the approach and methodology of this paper.

Approach and methods

To explore how local (state) actors contest these different dimensions of asylum infrastructures this study used a qualitative case study research design (Rohlfing, 2012; Yin, 2017). The case selection process was not guided by or committed to a representative sample. It was done in the broader context of the Cities of Refuge project and therefore focused on selecting municipalities with varying size, location, migration histories, experiences with hosting refugee reception centres that engage with human rights in this field. The fact that these four municipalities host different types of reception facilities is therefore not because of a comparative consideration. Three of these municipalities are urban of varying size and scale and one is rural (Tytsjerksteradiel). These municipalities host different reception facilities that are operated by the national centralised reception agency (Middelburg, Utrecht and Tytsjerksteradiel) or the state authorities (Heidelberg). In Heidelberg, the facility is a first arrival centre where forced migrants complete the first steps of their procedures. The facilities in Middelburg and Utrecht in the

Netherlands are 'regular' asylum seeker centres (after the first arrival stage). The facility in the village of Burgum (municipality of Tytsjerksteradiel) is a 'family location'; a return facility for refused asylum seeker families.

The data was collected in the context of the Cities of Refuge project. I drew on a grounded theory approach to data collection, analysis and interpretation. This discussion is based on fieldwork notes, location visits, participant observation (meetings), interviews and desk research carried out between December 2018 and July 2021. I draw on semi-structured interviews with 13 actors: four civil servants and policy advisors, three municipal councillors, four civil society actors and two staff members of the Dutch Reception Agency. Extensive desk research was used to complement interview data and participant observations. This includes an analysis of municipal council proceedings and documents. In two municipalities (Utrecht, Tytsjerksteradiel) I also attended events and meetings and conducted participant observations.

The fieldwork in Heidelberg was disrupted because of the Covid-19 pandemic. The interview data in Heidelberg was complemented by a textual analysis of 13 online meetings (organised in the run-up to the referendum), debates between various local actors. All data and notes were incorporated in NVivo and analysed using open, axial and theoretic coding.

Contesting arrival asylum infrastructures

In what follows, I discuss how local state actors, alongside civil society actors, contest and (re)construct 'arrival normativities' (Meeus et al., 2019). I zoom in on spatial negotiations that focus on the spatial *location*, the material *design*, *functionality* and '*publicness*' of asylum infrastructures.

The 'Where' of asylum infrastructures: Negotiating the spatial politics of (dis)location

Various scholars have shown how the socio-spatial exclusion, the 'containment' and forced (im)mobility of migrants at borders and within host countries is central to the functioning of border regimes (Tazzioli & Garelli, 2020; Gazzoti & Hagan, 2021). This research points to nation-states advancing a 'politics of location' by imposing immobility on some and opening borders for others (Mountz, 2011;

Oomen et al., 2021). As Mountz notes, while the arrival of forced migrants across the Global North is often called 'refugee reception', forced migrants during various stages of their arrival experience and navigate 'dislocation' (see also Darling, 2011; Burrige & Gill, 2017; Zill et al., 2020).

A more specific strand of research has examined how asylum spaces and the politics of (dis)location are contested locally (Zill et al., 2020; Nettelbladt & Boano, 2019). In his analysis of the politics surrounding 'Extraordinary Reception Centres' (CAS) in marginalised localities in Italy, Novak suggests the geographical location of these centres is the result of a double pressure. From the top, there is pressure through national allocation and dispersal policies and from below there is pressure due to a limited availability of buildings suited to refugee reception (2021, p.11). This resonates with empirical studies that show how the provision of asylum seeker accommodations in the Global North is driven by neoliberal norms of market competition (Darling, 2016), local housing supplies (Hynes, 2011) and available plots (Baumann, 2020).

In the following, I highlight how various actors within two localities and their municipal organisations negotiate and (re)construct the politics of (dis)location. The first set of examples comes from the Dutch municipality of Middelburg, where we can observe a similar pressure from the top and below. In the Netherlands, refugee reception is centrally organised by the Central Agency for the Reception of Asylum Seekers (COA), a semi-public body that falls under the responsibility of the ministry of Security and Justice. The COA signs an agreement with the local government to operate a refugee reception centre for a certain duration of time (often 5-10 years). Even in municipalities with experience with refugee reception, political debates about the location of asylum centres are therefore a recurring phenomenon.⁷⁸ Middelburg has hosted COA operated asylum centres since the 1990s. The current one was opened in 2015 and is located in a residential neighbourhood on the outskirts of the city. It is scheduled to close in 2025.

In 2021, the municipal executive and administration therefore presented their plans for a new asylum seeker centre to the municipal council. This is no standalone plan, but one that was developed in collaboration with all 13 municipalities in the province and the regional government. The province of Zeeland is the smallest

⁷⁸ Although the Dutch legal framework stipulates that the municipal executive (board of mayor and deputy-mayors) can take a decision on hosting a refugee reception facility without involving the municipal council, the latter is usually consulted and invited to vote to ensure local social and political support.

in terms of population size and number of municipalities, most of which are rural. Municipal officials argued that, in this regional context, Middelburg is well positioned to host a regular asylum seeker centre because of its proximity to services and public transport. However, sceptics in Middelburg's municipal council argued that finding a suitable location is challenging 'for an urban municipality with a small surface area'. Middelburg's mayor, on the other hand, has often stated that 'finding a meadow is easy, but that meadows are not the place where you would place a new asylum seeker centre because you want to have them integrated, to make sure refugees are part of our society'. As such, these arguments are nothing new under the sun. They do, however, illustrate how local policies of reception are not only a 'playing field' (Campomori & Ambrosini, 2020) between public powers and civil society, but also one that unfolds *within* municipal organisations.

To be sure, the politics of (dis)location of asylum in Middelburg is also shaped outside the town hall. In 2014, a group of residents in one of Middelburg's neighbourhoods mobilised against the plans to open the current asylum seeker centre. They requested information from all Dutch municipalities hosting a refugee reception facility through the Freedom of Information Act. With this information, they hoped to strengthen *their* argument that asylum seeker centres are usually located in peripheral locations and should therefore not be placed in a residential area. The group compiled a list of the number of municipalities with a 'remote' reception facility, which was shared with the municipal council. They also handed over a 'Quick Scan' of alternative sites in the municipality. By using a Quick Scan, they adopted a governance tool used by the COA and the municipality to survey the available buildings and premises for the accommodation of asylum seekers, not requiring changes to municipal building permits or zoning plans.

While the decision to involve the municipal council (and not just the municipal executive) may suggest otherwise, the debates in Middelburg exhibit a great deal of technocracy. This is in part because the local government works together with the other municipalities in the province and the regional government towards a joint approach in closed governance networks. While the location of asylum remains contested in Middelburg, normative perspectives on how the location of asylum spaces may benefit refugees or residents are a rare occurrence. As Scholten notes, it is not uncommon for multi-level government interactions to have a depoliticised and functional orientation (Scholten, 2013, p. 220). Such discursive depoliticisation, as Darling highlights, is less about the displacement of functions from the governmental to the nongovernmental or private sphere, and more about the closure of alternative imaginaries (Darling 2013, p.233).

The second example tells the story of a series of spatial negotiations in the German city of Heidelberg where the relocation of the arrival centre created opportunities for alternative imaginaries to take the centre stage in local debates. In the Federal Republic of Germany, asylum accommodation is a shared responsibility between the states (Länder) and municipalities.⁷⁹ At the time this manuscript was written, the city of Heidelberg was operating 14 'decentralised' asylum accommodation locations. Before going to municipal asylum accommodations, asylum seekers in Baden-Württemberg stay in an initial 'arrival centre' where they start their asylum applications. The arrival centre falls under the responsibility of the state authorities in Baden-Württemberg.

In 2015, the state of Baden-Württemberg opened this temporary arrival centre in Heidelberg in a former United States Army family housing area, Patrick Henry Village (PHV). However, the municipality is now planning a new city district for up to 15.000 people on the PHV grounds, and therefore asked the state to move its arrival centre. Heidelberg is the only municipality in Baden-Württemberg where the local government supports hosting a long-term arrival centre. In 2018, state representatives therefore expressed their interest in an area of 7.9 hectares on the outskirts of the city alongside the Heidelberg motorway junction, known as the 'Wolf Gardens'. It is owned by the city of Heidelberg, consists of undeveloped arable land lodged between motorways and a railway line. The mayor agreed to present the state's request to the Heidelberg municipal council, stating that the Wolf Gardens are not ideal, but feasible. In June 2020, a majority in the municipal council voted in favour of relocating the state facility from the PHV grounds to the Wolf Gardens area.

Shortly after the council vote, citizens, civil society organisations and political organisations of opposition parties that had been vocal critics of the Wolf Gardens location from the start formed an alliance. This local *Alliance for Arrival Centres, Refugees and Land Conservation* (BAFF) comprises over 30 members, including municipal council fractions, refugee rights and antiracist organisations as well as those active on environmental issues and climate action. At the core of their opposition lies the argument that by integrating the arrival centre into the new to be developed urban district at PHV the city can fill 'three needs with one deed' (relating to forced migration, affordable housing and climate change). This way, they argue, there would be no loss of (the environmental benefits of) arable soil because of sealing at Wolf Gardens. Second, they suggest that keeping the arrival centre at PHV does not undermine, but

⁷⁹ In the Netherlands, municipalities' mandate and responsibilities are the same irrespective of their size. In Germany, however, the term 'municipalities' encompasses different legal entities and mandates (Schammann et al., 2021), such as independent cities and district municipalities.

rather contributes to this newly residential area at PHV. The alliance also plays on Heidelberg's position as the first city to have declared a Climate Emergency, as well as its discursive commitments to human rights and refugee solidarity:

*'Climate Emergency. Safe Harbour for Refugees. These are big words, but it comes down to act here and now. To bring under one roof responses to migration and climate crisis, which are linked and for which the city needs to take responsibility. This will not harm the city or urban planning, on the contrary. Urban planning today deals with affordable housing, refugee reception and areas for climate protection.'*⁸⁰

In the autumn of 2020, the Alliance sought to rectify the council decision through a public referendum. Although lacking institutional support and resources, they collected close to 10.000 signatures that were needed to apply for the referendum. Their request was thus granted by the city in November 2020 and a referendum was scheduled for the 8th of April 2021. The turnout and outcome of the referendum took many by surprise. A clear majority (70%) voted against the plans of the city of Heidelberg and the state of Baden-Württemberg to relocate the arrival centre to the Wolf Gardens. With a voter turnout of almost 40% the quorum (20%) was reached, thereby repealing the municipal council decision of June 2020. On the evening of the vote, the mayor pledged to investigate alternative locations (including at PHV) and to reach a timely solution by summer.

In the run-up to the referendum municipal officials, representatives of the state (Land), arrival centre staff, members of the alliance and many others outlined their visions on arrival in online debates. Never was the city's decision to host an arrival centre put to the question. The debates focused on 'arrival normativities'; where arrival should take place, how, when arrival starts and involving whom. The members of the alliance often shifted the focus to discuss what it means to arrive and what arrival centres need to facilitate 'good arrival, passing through and getting on'.

'The location is an expression of the city, it reflects if a local community is willing to receive, to welcome people in their midst, to meet and support them, even when it is for a short period.' - Pastor from the Catholic church in BAFF debate

This should truly be an ARRIVAL centre. That means we are dealing with asylum seekers that have a right to asylum under the Geneva Convention, they are no supplicants...The feeling is that we need to ascertain them It is also a

80 Dorothee Hildebrandt, Informationsveranstaltung zum Bürgerentscheid Ankunftsentrums Wolfsgärten, 19 March 2021.

humanitarian and organisational requirement; reception conditions need to be humane and meet our standards.' - Doctor at the Arrival Centre in BAFF Debate

This focus on arrival imaginaries was based on the lived experienced of residents and volunteers. Members of the alliance noted the arrival centre is currently in a remote location as the new city district on the PHV grounds is yet to be realised. The road (see figure 1) that connects the arrival centre to public transport infrastructure (apart from the shuttle bus that leaves from the centre) is poorly lit at night and surrounded by fields, something that was raised as being especially problematic for women. As an alliance representative pointed out in a debate, many 'refugees in the arrival centre at PHV never set a foot in our city, never get the see the Heidelberg castle.' Her colleague explained it took considerable efforts to mitigate the spatial isolation and that she worried the local network of initiatives and partnerships that would be displaced in the event of a relocation.

After the referendum, these discussions intensified, albeit in a different format. In a closed meeting in May 2021, all stakeholders agreed on a proximate new location within PHV. In July 2021, the municipal council gave a green light to Heidelberg's International Architecture Exhibitions (IBA) partner to investigate three sites on the PHV grounds. In December 2021, the press reported that after four years of negotiations, all parties and stakeholders agreed on a new site for arrival centre within the PHV area. It was presented as a novelty: a new urban district where an asylum arrival centre will be the first thing to be developed. It was also framed as the concluding chapter of a series of negotiations. Given Heidelberg's active citizen and civil society involvement, this is unlikely. The debates touched upon many yet to be decided matters, such as the architectural design and integration of the arrival centre within its surroundings. As the director of the Heidelberg IBA commented, 'the table was set for ten, but now there will be eleven' (Stumpf, 2021).

In Middelburg and Heidelberg, debates about the location of asylum centres were prompted by relocation and renewal plans. In Middelburg, these debates mostly took place within the municipal council, where municipal actors and some neighbourhood residents contested the politics surrounding the location of asylum and within a closed setting, in governance settings and meetings with neighbourhood residents, municipal officials and COA staff. In Heidelberg, we can observe a city-wide 'field of contestation' where arrival normativities were subject to public debate. There residents, civil society actors and opposition parties in the municipal council pushed back against the politics of (dis)location, first within the municipal organisation and council and later through a public referendum.



Figure 1. (Field work picture Author July 2021)

The 'What' of asylum spaces: Negotiating the material politics of (dis)comfort

There is more to the local politics of asylum than the question of the location of the arrival of forced migrants. The (discomforting) effects of the *materiality* of asylum spaces on asylum seekers and residents have been documented in various contexts (Darling, 2011; Zill, van Liempt & Spierings, 2021). This research highlights refugees' tactics to subvert places of discomfort (Misselwitz & Steigemann, 2022). Scholars are not alone in their interest in how these socio-material dimensions of arrival infrastructures may produce a 'politics of discomfort' (Darling, 2011; Baumann, 2020). The second part of this analysis explores how local (state) actors contest the design of interior and exterior spaces in refugee reception facilities in Heidelberg and in three Dutch municipalities: Middelburg, Burgum and Utrecht.

Negotiations focused on interior spaces

The first set of examples comes from the rural municipality of Tytsjerksteradiel. In the municipality's largest village, Burgum, there is a 'return' centre for refused asylum seeker families, also known as a 'family location'. Between 2014-2015, Burgum's family location included a designated 'T-Room' to activate residents to work actively towards voluntary return to countries of origin. T stands for 'return' in Dutch and this space was fitted information panels on return procedures and job

prospects in countries of origin. After a research report of the Netherlands Institute for Social Research, commissioned by the Ministry of Security and Justice, showed that the T-rooms were unsuccessful, the 'activation pilot' was ended. Meanwhile, anti-immigration parties in the Dutch parliament have scrutinised if conditions in return centres are 'austere enough'. One of these parties raised alarm when the plan for Burgum's newly renovated family location was announced. To borrow from Whyte, Campbell and Overgaard (2020, p.148) Burgum's return facility is therefore also an 'infrastructure of populist policy'.

Several developments prompted municipal councillors to contest the interior design and organisation of the reception facility. In 2014, the Centralised Reception Authority (COA) and the municipality agreed on the renewal of the family location. Residents were therefore temporarily housed in temporary prefab units. In June 2020, the residents of the facility moved to the new buildings where 2 to 3 families share kitchens and sanitary facilities. This relocation came weeks after an outbreak of Covid-19 in a nearby asylum seeker centre. In Burgum, 40 residents of the family location took legal action and objected to the sharing of sanitary facilities between 11 persons. Two parties in the municipal council also voiced concerns. In a written inquiry to the mayor, they lamented that residents of the centre had no say over with whom they would share housing units. The mayor replied that this, and other matters, fall outside the municipal sphere of influence, as it concerns 'internal affairs' at the COA-run reception facility.

However, this is not the first time that the plight of forced migrants in this return centre sparks a debate within the municipal council. Since 2019, two municipal councillors have drawn on the recent decentralisation of child welfare policies as a steppingstone to enable the municipality to exert influence over reception conditions. One interviewed municipal councillor gave the example of a family that sought her help after COA refused their request for a separate bedroom. Their teenage daughter therefore had to sleep in the same small bedroom as her parents. In this case, the municipal councillor opted for a discrete approach, asking the deputy mayor to raise this issue in meetings with the COA without placing it on the municipal council agenda. This illustration resonates with research that shows how refugees navigate room and facility sharing (Zill, van Liempt & Spierings, 2021; Misselwitz & Steigemann, 2022). At the same it brings into focus local political actors' role in these debates and contestations.

The next example also points to 'discrete' spatial negotiations, but this time these negotiations unfolded 'backstage' of a project that received international

acclaim. This project is known as the Plan Einstein refugee shelter developed by the municipality of Utrecht in collaboration with local partners that was funded by the EU Urban Innovative Action Fund. For many years, Utrecht's policy advisors and councillors have struggled with how asylum seeker centres form a 'state within the city'.⁸¹ In the spirit of 'never waste a good crisis', they therefore used the 2015 governance crisis to develop this alternative approach to asylum (accommodation) that is more context (neighbourhood) sensitive and mutually benefiting refugees and residents, for instance, by enabling cohousing and co-learning activities for both groups.

However, behind the success stories of the Plan Einstein project lies a complex arena of conflictual (spatial) negotiations that date back to the project's very beginnings. As Oliver, Geuijen and Dekker (2020) observe, 'from the outset, although Plan Einstein was based on the local partnership's ideal of inclusive 'co-housing', it was inhibited by institutional contexts that dictated spatial separation of the two populations'. Plan Einstein's reception conditions met national requirements, which meant that co-housing, in practice, was 'adjacent housing' rather than a design that enabled mixed co-living (Oliver, Geuijen & Dekker, 2020).' For instance, there was a (permanently) closed door between the asylum seeker accommodations and the living spaces of the other tenants; young folks from the neighbourhood that rented from the housing company Socius.

These spatial negotiations intensified after the project moved to another location because the COA and the municipality had very different ideas for the 'shared space' for asylum seekers and neighbours (Oliver, Dekker & Geuijen, 2020). In interviews for this study, Utrecht's policy advisors explained the COA offered the basement of one of the reception buildings when the project moved from the temporary location in the northern city district of Overvecht to the regular asylum seeker centre in another neighbourhood. However, they did not believe this space could be suitable. After a stalemate and conflict with local COA staff, the project team decided to rent an attic space in an adjacent building owned by a church. As one of the former policy advisors explained, the municipality pays a lot of rent for this space but considers this independent position essential to building 'free open spaces'. The attic was renovated and refurbished by residents, artists and designers from the neighbourhood. Meanwhile, the COA developed the incubator space concept into a commercial venture and started a partnership with a social enterprise (Oliver, Dekker & Geuijen, 2020). In the main square of the asylum seeker centre, they opened a coffee corner, run under COA's jurisdiction by a professional barista

81 Interview for this study August 2019.

where asylum seekers work for small payments. (2020, p. 129) Municipal policy advisors are critical of the limited opening hours and refugees' working conditions in the café. At the time of writing, both spaces were still in use.

In her analysis of the everyday contestations of asylum spaces in Frankfurt, Blank (2021) similarly points to conflicts over an inclusive common space (a café for refugees and neighbourhood residents). She narrates how a neighbourhood-based volunteer initiative pushed back against legal requirements (such as entry and exit rules) of accommodation facilities and how it became wrapped up in 'ever-more detailed and small-scale issues' with debates between volunteers and the reception facility operator as a result (2021: 1649). One of the outcomes of these spatial negotiations in Utrecht is that since 2020, the Plan Einstein project team has shifted the scope outwards, taking the project 'into the city' by building a local network 'hubs' in the neighbourhood and city, rather than 'bringing the neighbourhood in' as the original Plan Einstein shelter in Utrecht Overvecht sought to do. The other example, from Burgum highlighted how in a small community, everyday negotiations of refugees and reception centre staff may be picked up and discretely channelled by municipal councillors through governance networks.

Beyond boom-barriers: Negotiating the material politics of outdoor spaces

More commonly, the spatial negotiations in these localities focussed on the architectural design and material elements of outdoor spaces around asylum centres. While Utrecht's Plan Einstein project sought to 'break down barriers' between refugees and other neighbourhood residents, some external barriers remained. In the initial refugee shelter at Plan Einstein Overvecht, the entrance to asylum seeker accommodations was separated by a hedge from the other side of the building complex where the other tenants, young adolescents from the district, lived. As one of Utrecht's former policy advisors recollected, on one side of this hedge there was initially a small opening that COA 'closed' by placing a bicycle stand. Even so, it was possible to walk from one side to the other. Utrecht's policy advisors were amused by this move and by what they consider a largely symbolic function of physical security measures, such as boom barriers. This is not because they underestimate the importance of safety measures, but because they see more potential in securing a safe living environment through social cohesion and social control.

These debates about boom barriers and fences in Utrecht's asylum spaces predate the Plan Einstein project. The boom barrier at the entrance of the regular asylum seeker centre in the city is permanently opened upon request of the municipality. As one of Utrecht's policy advisors notes:

'The boom barrier for COA is a sort of symbolic demand. In many places, like the regular asylum seeker centre in Utrecht, it is pretty nonsensical. You have an entrance with a boom barrier, but on the other side, you can just walk onto the premises. So, it has a very symbolic function. But this boom barrier is included in the national programme of requirements. Perhaps they want to signal something with it, some sort of safety.'

Boom barriers and fences also take on a symbolic function in the accounts of those who contest the spatial design of asylum arrival infrastructures and who push against what they consider spatial exclusion and dislocation. One (former) senior policy advisor at the municipality described regular asylum seeker centres as 'border camps', and as 'states within the city' that defy municipal influence and efforts towards more inclusive approaches. One of Utrecht's (former) municipal councillors explained:

'After 2015 there was a turning point: the sentiment was this asylum seeker centre (ASC) with a boom barrier in front of it and the realisation, wait a minute, we want something to do with this. [...] Distributing and dislocating people like packages behind a fence, until they receive a positive asylum decision, whether that takes weeks or years, has little to do with human rights. That is, the human rights of refugees as well those of other locals.'

This sentiment was shared by some municipal councillors in Burgum. There, the boom barriers and fences at the family location were re-evaluated upon recommendation of municipal councillors, who hoped that removing them would enable more contact between the centre's residents and the neighbourhood. However, in a policy briefing to the municipal council, the mayor and the local administration recommended to keep the boom barrier. They also advised to (legally) designate the reception facility as a space that is not publicly accessible upon recommendation of the COA and the police. Their argument being that this enables the COA to continue imposing its house rules⁸² and, in exceptional circumstances, entry bans for unwanted visitors.

While the policy brief was cryptic, regional news reported the issue of unwanted visitors was based on investigations into illegal prostitution and sex trafficking. In interviews for this study the civil servant who wrote the memo and the COA project manager explained that while an open centre may be possible in the case of a regular asylum seeker centre (ASC), it should not be lost from sight that Burgum is

a return facility where residents have different vulnerabilities. This differentiation, however, is the crux of the matter, as there has been a lot of confusion on this point.

The village used to host a regular asylum seeker centre between 2000-2013 and to date, many local actors continue to refer to the Burgum facility as an 'asylum seeker centre', rather than a return centre for refused asylum seeker families. The interviewed municipal councillors and civil society actors explained that it was gradually through forced migrants' protests against deportations and the discussions on the material design of the facility that they became familiar with the differences between asylum seeker centres and family locations. This example points to negotiations unfolding *within* the municipal organisation that challenge essentialist conceptions of the state and related assumptions of its coherence (see Gill, 2010). It also highlights how municipal actors have differential access to information. This complicates accounts of the state as a local arena for the competition for institutional capture between different political and policy actors with clear agendas, objectives or rationalities (Gill, 2010). Moreover, it resonates with scholarly debates on the risks of 'overstating the calculations of the state' (Gill, 2016).

Across the border, in Heidelberg where the plans to relocate the arrival centre sparked debates, references to fences and checkpoints were also recurring motifs. So much so, that some alliance members criticised city officials for always bringing in the fence to argue that the arrival centre cannot be spatially integrated into the yet to be developed residential area at PHV. The alliance drew on alternative visualizations, such as images of German arrival centres without fences and check points. They questioned the city's insistence on the need for an opaque fence and the argument that all facilities of the arrival centre should be fully enclosed. Instead, they proposed to spatially demarcate the area with smaller fences, such as those used around schools. As the interviewed alliance representative explained, 'our argument has always been that embedding the arrival centre in the city society and neighbourhood brings much more safety for everyone involved.' She elaborated on this by saying that physical security measures are often linked to concerns about racist xenophobic attacks and terrorist attacks (see also Baumann 2020, p.20). However, she and her colleagues believe a remote location and full enclosure will make the arrival centre's residents more vulnerable to possible attacks, as well as mistrust:

'With these sealed-off, detention-like facilities, even open-minded, well-intending residents may get the feeling, there must be something going on that these people need to be so confined, so controlled.'

82 For more information see: <https://www.mycoa.nl/en/content/coa-house-rules-o>.

This last comment on the effects of the material design of asylum infrastructures resonates with debates in Middelburg. There, the decision to reconsider the boom barrier and fence came upon the initiative of the COA's location manager. In response to the municipality's plans for a new asylum seeker centre, he outlined his vision on the design of the future asylum centre in an interview with the local press. In the article, the COA location manager painted the image of a small neighbourhood with a road cutting through it and offices and classrooms in the centre. Boom barriers and fences, in his eyes too, arouse mistrust, as he explained in the interview for this study:

'What happens is that neighbours start to expect something from us. When we opened the centre here and they saw the boom barriers, security in uniforms, they started to wonder, 'Is there an evening curfew? Are people checked when entering and exiting?' 'No'. The advantage of a situation without a fence and boom barriers is that these expectations from the outside world will be different.'

These examples highlight how the material design (the 'what' of asylum spaces) is contested in these municipalities, with local negotiations focussing on the design of interior and exterior spaces of asylum infrastructures. They show how local (state) actors' negotiations are underpinned by their perceptions of how the material design of asylum spaces shape expectations and encounters of different groups. This last point reverberates with scholarly discussions on how infrastructures do not simply reference or represent political ideologies, but actively participate in often unexpected ways in the processes by which political relations are articulated and enacted' (Harvey & Knox, 2012 p. 524).

The 'How': Negotiating the functionality of asylum infrastructures

The following section discusses how some local negotiations focus on the functionality of asylum spaces in their surroundings. It picks up where the last discussion ended, on the topic of arrival normativities as shaped by the personal backgrounds and visions of local actors.

One of my interlocutors in the Netherlands worked for the COA on different renovation projects. The following quote from his interview illustrates how visions on the integration and functions of asylum spaces in their immediate surroundings are shaped by personal (professional) backgrounds:

'Within our organisation (COA) it really matters which employee you are dealing with. We have colleagues who say, I want a fence around the asylum seeker centre and every visitor needs to register, needs a visitor pass. But there also locations in the middle of residential areas, surrounded by supermarkets and schools. Others, therefore, say, let us function as a neighbourhood 'meeting point'. Not by making the whole space publicly accessible, but by providing certain facilities in public spaces, in a sort of mixed zone.'

It is this vision of an asylum seeker centre that also serves the neighbourhood that was at the heart of Utrecht's Plan Einstein shelter. The 'free open spaces' that are developed in that project are meant to complement welcoming activities for refugees in Utrecht and to enable spontaneous, non-orchestrated encounters. As various studies highlight, orchestrated 'welcome' events and planned spaces tend to produce unequal host-guest dynamics (Darling, 2015; Oliver, Geuijen & Dekker, 2020). The importance of unplanned encounters was also a recurring topic in Heidelberg:

'The ideal vision of the arrival centre is that I leave the centre and find Heidelberg around me. Currently, this is not the case in PHV. But it could become so, or on another location within walking distance from spaces where people can meet, where unplanned encounters can take place.' Representative of the Alliance.

Municipal and civil society actors that stressed the importance of spontaneous encounters often also voiced concern about the 'self-sufficiency' of asylum centres. As one of the Alliance representatives in Heidelberg explained in a public debate:

'In the arrival centre, one's life is entirely directed by others. The health checks are administered to me. I am being registered by others. They decide with whom I share my room, when and what I eat. All this weakens self-efficacy, someone's perception of their self-efficacy and the latter is essential in the asylum procedure.' Representative of the Alliance.

These reflections reverberate with scholarly debates on asylum shelters as 'total institutions' (Valenta & Berg, 2010). As Papatzani et al., write, 'the positive rhetoric of some interviewed NGO representatives regarding the concentration of services provided in some camps – and the consequent convenience that this offers in meeting everyday needs – walks hand in hand with an implicit perception of asylum seekers as victims and passive recipients of assistance' (2021, p.9). These authors also note that this 'neglects the importance of a more active involvement in

seeking services and opportunities that accommodation and coexistence in urban space offers.' (2021, p.9).

Interlocutors in Utrecht, Heidelberg, Burgum and Middelburg offered various suggestions for shared spaces and facilities. Often, they gave the example of playgrounds for children and recreational spaces. In Heidelberg the degree to which visions on arrival are shaped by personal backgrounds, understandings and values, was again evident, as illustrated by the following anecdote. In this instance, it is not my interlocutor's professional background that shaped her arrival normativities, but her lived experiences on site, before the emergence of 'security' infrastructure. The fences and physical security measures at Patrick Henry Village predate the arrival centre and were installed after 9/11, as this representative of the alliance recollected:

'Before that time, you could simply enter. I grew up around here. As kids, we sometimes drove with our parents to Patrick Henry Village to play on the children's' playgrounds there. Because they (the American Military Base Staff) already had swings and we only had these metal climbing bars, our parents let us play there. When someone would come, they would tell us, come, come back quickly, but it was never really a problem or topic of debate.' Representative of the Alliance.

While playgrounds were a common denominator, even they proved contentious in some contexts. In Burgum, the COA construction manager working on the renovation explained that he would have liked 'to build a playground on the side where the family location facility borders the fields of a local football club. That way kids from the football club could use them too'. He paused and then continued, 'but because this is a family location, a freedom restricting location, on the basis of national guidelines, they should be austere facilities where residents cannot be stimulated, also not on integration. [...] When the former director saw the new design of the buildings, she said, politically it is difficult to explain that for people who should leave we are designing such nice buildings.' This example shows how individual visions interact with perceptions of 'national (arrival) normativities'. However, 'national (arrival) normativities can be a confusing term, as this interviewee also referred to media attention and scrutiny of national populist parties.

It points towards a more general tension in the governance of refugee reception between deterrence and human rights protection and resulting spatial ambiguities

(Nettelbladt & Boano, 2019). On the ground, this tension can create a tightrope situation for local reception centre staff who need to balance personal normative ideas on arrival and perceptions of organisational and national normativities. It also shows that it is important to uncover the complex governance realities behind general discussions about the local politics of asylum. In the localities included in this study, we can find a patchwork of reception facilities for different phases of the asylum procedure and/or different groups of asylum seekers, as well as emergency and long-term facilities. As the Heidelberg example showed, the pre-existing infrastructures and built environment moreover shape experiences and possibilities for spontaneous encounters in and around these places.

Interviewees stressed the need for change and innovations to deal with sudden refugee arrivals, but behind these general terms lie vastly different visions on asylum accommodations and spaces. In the Netherlands, after the 2015 governance crisis, 'flexible housing' (again) became a buzzword in policy circles, as has also been documented historically (Whyte & Ulfstjerne 2020) and more recently in other European countries (see Baumann, 2020). However, 'flexible forms of reception', may be worlds apart from the sort of co-housing experiments and context-sensitive reception centres as developed in projects such as Plan Einstein in Utrecht. A new national policy framework states the ministry's commitment to realising flexible accommodations where asylum seeker can be 'simultaneously' or 'sequentially' accommodated with other groups, such as students, or labour migrants (Rijksoverheid, 2020). In Burgum, the idea is that in the long run the buildings can be repurposed as regular housing stock, which is why they have been designed to resemble a regular residential block, demarcated mostly by a green buffer zone. Such a 'friendly design', to borrow from Whyte and Ulfstjerne (2020), is no novelty and has been used before in other European countries to incentivise municipalities to become involved in refugee reception (p.212). As Burgum's example suggests, the sequential approach poses challenges in the present, as local actors are mindful of scrutiny from local and national populist parties that demand 'infrastructures of deterrence' (Whyte & Ulfstjerne, 2020).

The Handbook 'Flex Living' developed by the COA states that flexible accommodations can be 'footloose' and defines flexible as dismountable, adjustable, modular, stackable and movable (COA, 2020). Refugee rights organisations in the Netherlands and some of the interviewees in this study are rather critical of this development. First of all, because plans for flexible accommodations tend to combine 'vulnerable groups', such as labour migrants and recognised refugees. Second, because they believe more efforts should go to integrating these

centres into their surroundings, physically and socially, by identifying mutual benefits for refugees and neighbourhood residents. The latter stands in direct contrast with accounts of flexibility that revolve around ‘footloose’ solutions. Some of the interviewed civil servants also stated other doubts. As one policy advisor commented, ‘flexible’ for whom? What happens if we use the empty accommodations for labour migrants, and then COA suddenly needs to use them again, where would these groups go to then?’

By Whom? Negotiating the publicness of asylum infrastructures

The final part of this analysis draws attention to a question that lurked behind many local debates on asylum spaces but rarely took centre stage. This is the question about the ‘publicness’ of (asylum) arrival infrastructures. The Oxford English Dictionary gives various definitions of ‘public’. From ‘open to general observation and view’ to, ‘relating to the people as a whole, something that belongs to, affects, or concerns the community’ or ‘open or available to all members of the community and/or provided by the local or central government for the community’. I discuss how spatial negotiations focus on the various dimensions of the ‘publicness’ of asylum infrastructures. This discussion is structured around the question, why ‘publicness’? Why not engage with scholarly debates on the porosity or ‘openness’ of asylum spaces (Turner 2016; Zill et al., 2020)? And how is this understanding of ‘publicness’ different from the previous discussion on the functionality of refugee reception facilities?

First, because local debates and interviewees referred to the importance of safe, sheltered places that offer relief and privacy to rebuild self-efficacy autonomously and to find opportunities for (unplanned) encounters. Rather than to ‘breaking open’ the governance modalities of refugee reception. It was only in Heidelberg that some actors fundamentally questioned large-scale refugee centres, albeit in closed settings in debates between Alliance members. In Utrecht, municipal actors referred to ‘free open spaces’ but also noted that the initial Plan Einstein Shelter had a ‘U-shape’ which they considered to be ‘embracing’ rather than ‘enclosing’. In the Dutch municipalities the scale and location of reception centres sparked debate, but fundamental critiques of (large-scale) centralised reception facilities were entirely absent from (public) debates. Rather than to ‘openness’ interviewees often referred to embeddedness and integration in the surroundings.

Second, because ‘public’ refers to the question of place attachments which was raised by several Heidelberg actors, as illustrated by the following comment of an Alliance representative.

‘We often hear how Heidelberg is an incredibly cosmopolitan city. But the arrival centre will disappear behind walls. This way Heidelbergers will know just as little as nowadays of what happens in the arrival centre. How people live there. This is absolutely not clear and will not become understandable if the arrival centre comes to Wolf Gardens. We should be able as Heidelbergers to experience what an arrival centre is. If not, then in the best-case scenario we stumble upon disinterest and detachment, in the worst case upon mistrust, reservations and defensiveness.’

This quote connects to the earlier discussion about the arrival centre as a ‘reflection’ of the city’s cosmopolitanism and the comment about setting foot in the city and seeing its sights (such as the castle). ‘Public’ highlights, moreover, how arrival infrastructures, such as asylum seeker centres, are connected to questions about spatial planning. In Burgum, the local government presented COA’s decision to build a new return centre for refused asylum seeker families as an improvement of reception conditions and as conducive to the living environment of neighbourhood residents. In Heidelberg, the question of how to integrate the arrival centre into the new urban district has now been picked up by urban planners.

Finally, there is the question of the role of local authorities in relation to asylum and refugee reception that this analytical emphasis on ‘publicness’ brings into focus. Sometimes local and municipal actors not only develop alternative visions on arrival and asylum accommodations, but they also debate who should organise them, as the following quotes from Utrecht highlights.

‘I’ve often said, perhaps we should call it an ABC instead of an ASC (asylum seeker centre). ABC for Algemeen Buurtcentrum, general neighbourhood centre. Essential is that there is a gain for the neighbourhood for a new centre. The idea being, fundamentally, that refugees are neighbourhood residents. To think from there on about urban planning, how many square meters of green spaces and so on.’ - Senior Policy advisor municipality of Utrecht

This emphasis on refugees as (neighbourhood) residents is interesting, as the debates in Heidelberg and Burgum show this is a point of contention. In Heidelberg, municipal officials repeatedly stated that keeping the arrival centre in PHV would mean sacrificing valuable space for affordable housing of other future

residents. Alliance representatives challenged this rationale and asked if refugees were included in urban planning population projections.

'An arrival centre is not a 'residential centre', it is about arrival, the first important steps in the [asylum] procedure [...] The average length of stay here is limited, which is why we cannot speak of residing.' Representative of the Regional Board Karlsruhe

In Utrecht's policy framework on asylum accommodation, there are subtle references to fundamental questions about the mandate of the municipality. The policy framework refers, for instance, to the question of ownership of asylum accommodations (buildings). It states the municipality prefers a scenario where the COA, municipality and owner (e.g., project developer) come to an agreement in the case of future asylum seeker centres. As one of the Utrecht's policy advisors explains,

'We have taken the position as a municipality that COA should not independently acquire real-estate again in Utrecht. It is different when a project developer or housing corporation owns the building and COA rents, as was the case with Plan Einstein in the Overvecht district. Now at the regular asylum seeker centre at Haydnlaan COA is the owner. In that case, you are funnelled into a position where you can only say yes, or no. Real-estate thus becomes a power play that side-lines the municipality.'

'Utrecht's policy framework states that if no agreement can be reached with the COA, we are willing if necessary to investigate if we can organise asylum accommodation without the COA. We wrote this because we want to avoid all these complicated debates and show that a Dutch system that was invented 25, 30 years ago, that it is not the solution to all problems. That abroad there are very different ways of organising it.'

In this case the policy advisors prepared a policy framework that was discussed and voted upon in the municipal council and the traces of years of spatial negotiations are in the details. This example is therefore an important reminder that spatial negotiations, even when they involve municipal actors and focus on the 'publicness' of arrival infrastructures, need not always play out in public and political debates, like in Heidelberg.

Discussion

This last question about 'who' shapes the planning, design and everyday governance of refugee reception connects to broader debates about refugees' perspectives on arrival spaces (Valenta & Berg 2010; Zill, Van Liempt & Spierings, 2021). Reception staff in some of the Dutch municipalities mentioned the importance of refugees' participation in the everyday maintenance of asylum spaces. COA, in its official communication, emphasizes how their participation in the everyday maintenance of asylum spaces is encouraged. An information leaflet on 'living in asylum seeker centres' states, 'You can help, for example, as a supervisor in the recreation room or by cleaning the public areas. You may even receive a small fee for it. We call this self motivation [zelfwerkzaamheid]'.⁸³ Such 'participation' is worlds apart from the sort of involvement in the planning and design of asylum spaces that some of the interviewed municipal actors envisaged.

All this also underlines the need to expand the focus on everyday practices and negotiations (sources) with investigations of how arrival infrastructures are contested in political settings and processes. Such a focus, moreover, helps in opening the black box of the state (see chapter four of this dissertation; Brysk, 2019) by exploring various negotiations between and among state actors in municipal organisations and semi-public bodies, such as the COA in the Netherlands. In doing so, I sought to expand recent debates on reconceptualising the politics of asylum as a battleground or playing field (Campomori & Ambrosini, 2020) that focus on conflictive dynamics between various types of actors, e.g., between state and civil society actors, or between local and central government actors.

Some of the examples in this study resonate with this image of a battleground or playing field, such as the story about Heidelberg's run up to the referendum. Others involved discrete practices and tactics, that were sometimes intentionally kept under the radar. These examples, therefore, also remind us that tensions and conflicts may not always play out in public settings and political arenas, they can also involve the implicit and explicit use of discretion (see also Oomen et al., 2021) by various state actors.

The term 'discretion', in the context of asylum governance, is often associated with the discretionary space of street-level bureaucrats, such as in immigration offices and asylum procedures (Schultz, 2020). My examples did not focus on the everyday use of discretion by street-level bureaucrats or on the everyday control of this use

⁸³ See <https://www.mycoa.nl/en/printpdf/infosheetprint/1639>

of discretion by managers within municipal organisations or centralised reception agencies. Rather, they point towards the use of discretion, implicitly and explicitly, individually and collectively in ‘minor politics’ as well as more ‘major moves’, such as the development of alternative *visions* on asylum arrival infrastructures.

Take the example of Middelburg, where the manager of the reception centre used the discretionary space available to him to pivot an alternative vision on integrated asylum accommodations. Or Utrecht, where policy advisors sought to expand their manoeuvring space in an EU funded pilot project (Plan Einstein) that was explicitly framed as an alternative, divergent approach by municipal officials. Utrecht’s policy makers also relied on various implicit, discrete tactics, such as renting the adjacent attic space to continue developing ‘free open communal spaces’ autonomously within asylum centres.

In other words, local (state) actors may draw on or expand discretionary spaces granted to them in legal frameworks to negotiate different dimensions of arrival infrastructures. Discretion in this context should not be mistaken for the everyday use of discretion by street-level bureaucrats, but in relation to political processes. The stories recounted here focused on implicit and explicit negotiations that unfolded in relocation and/or renewal (Heidelberg, Burgum and Middelburg) or innovation (Utrecht) projects that created a window of opportunity to contest the usual *modus operandi* and to recalibrate arrival normativities. These negotiations did not focus on *who (not) to welcome*, but rather on the *where* (the location), the *what* (material design), the *how* (functionality) of asylum spaces and *by whom* (publicness) they ought to be organised. In this sense, these reflections may also expand longstanding actor-oriented discussions on the politics of asylum as shaped by the selective welcome and differential inclusion of those considered worthy or deserving of refugee protection (Hinger, Schäfer, & Pott, 2016; Hamann & El-Kayed, 2018) by focusing on four other dimensions of arrival normativities.

Conclusion

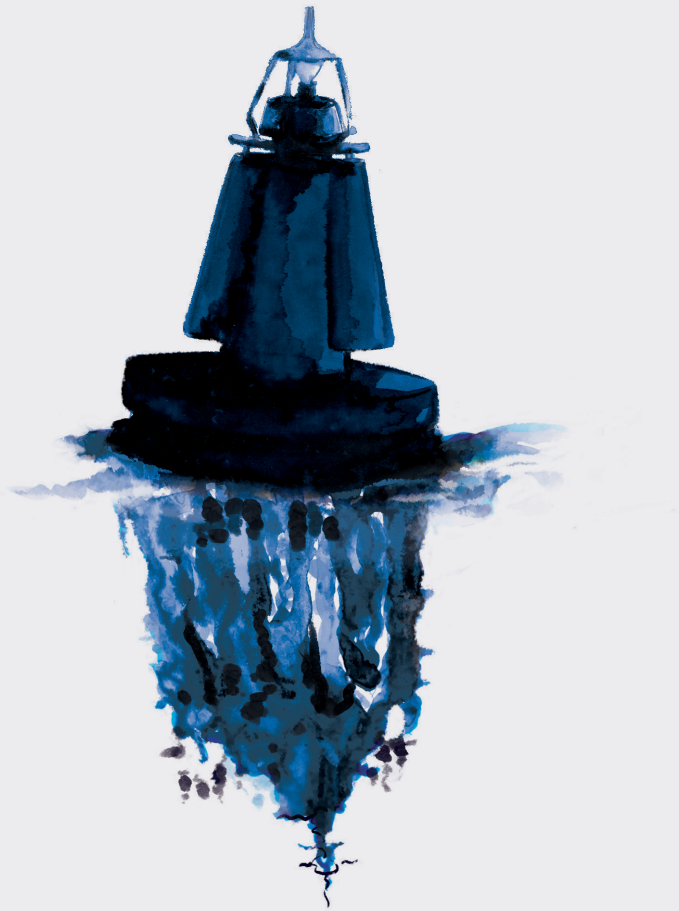
This paper explored an infrastructural perspective to study how asylum centres are contested in political, rather than everyday settings. Departing from scholarly work on localities as asylum battlegrounds (Campomori & Ambrosini, 2020) and engaging with the analytical approach of ‘arrival infrastructures’ (Meeus et al., 2019), I sought to expand the understanding of the local politics of asylum as revolving around an interplay between conflicting interests and values of different types of actors (e.g., civil society and state actors). This article engaged with arrival infrastructure perspectives to bring into greater focus the tensions, contradictions and conflicts *among* state actors, who contest arrival infrastructures in tandem with others. This infrastructural perspective complements actor-oriented approaches by examining how (common) spaces and artefacts, such as boom barriers and fences shape arrival processes.

Drawing on an analysis of local debates and spatial negotiations in four municipalities, I argued that the infrastructural practices and spatial negotiations of these actors are underpinned by their assumptions about arrival and normative articulations of arrival (also known as ‘arrival normativities’). This analysis also engaged with and complemented debates on the ‘politics of (dis)location’ (the ‘where’ of asylum) and the ‘politics of discomfort’ (the ‘what’, in terms of material design) by examining how actors also contested the ‘how’, the functionality of asylum spaces in their broader surroundings. Last, but not least, I argued that the spatial negotiations show local actors’ different understandings of ‘the who’. Not in relation to deservingness of different migratory subjects, but in terms of who imagines, co-creates and runs asylum centres. Rather than ‘openness’, I argued that these negotiations on this ‘who’ question centred around the ‘publicness’ of asylum infrastructures.

The arrival normativities do not neatly correspond to typologies of actors (e.g., state, civil society actors), but are linked to professional and personal backgrounds as well as understandings of national and international legal frameworks, such as human rights. The vehement discussions on security elements, such as boom barriers and fences suggests that interviewees’ negotiations of arrival infrastructures are also underpinned by their lived experiences with how the material design of asylum spaces shapes expectations about and encounters during arrival processes.

The references in this analysis to planning mechanisms and instruments, such as zoning plans, population projections and reception centre product requirement

documents (PRDs) point towards the need to further investigate how asylum infrastructures are incorporated in local and regional planning processes. If we want to deepen our understanding of 'immigration statecraft' as the 'contested product of the formal and informal practices of multiply situated subjects' (Coleman & Stuesse, 2016, p.525), more attention is needed for infrastructures, infrastructuring practices and normativities. To borrow from Star (1999, p.377), this requires studying 'boring things', 'lists of numbers, technical specifications and hidden mechanisms'. This study pointed towards various 'discrete' negotiations and infrastructuring practices. An infrastructure perspective may therefore offer an entry point for those interested in the methodological problem of studying immigration control; the debate on 'what happens to our understanding of (state) power when fieldwork fails to render positive these very practices' (Coleman & Stuesse, 2016, p.526). It may also speak to debates on the politics of discretion and efforts to 'trace' discretion in asylum policies (Darling, 2022). Scholarly work on the limits of solidarity cities suggests some local governments are occasionally scrutinised for their indirect involvement in deportations as main shareholders of airports (Monforte, 2016). This infrastructural perspective on arrival and asylum may therefore also be of interest to those investigating the limits of urban and local solidarity initiatives for forced migrants.



Chapter 8

Conclusion

Conclusion

This dissertation explored the interplay between the politics of human rights and forced migration in several Dutch and German municipalities. It sought to answer the question of *why and how municipal actors engage with human rights in the context of forced migration, and through which encounters and spaces human rights-based approaches to the reception and inclusion of forced migrants develop*. To guide my inquiry into this twofold question, I formulated five sub-questions on themes running through the chapters of this dissertation. These six chapters presented separate case studies and qualitative analyses that posed distinct but interrelated research questions. They are standalone treatises and their respective research questions overlap with, but are not identical to, these five sub-questions. Before revisiting the five overarching themes, I sketch the main findings of these six inquiries.

Chapter overview

The first of these, *chapter two*, entitled ‘Human Rights Encounters in Small Places’, explored how the presence of and encounters with forced migrants in local institutional spaces contribute to local understandings of human rights responsibilities. The analysis presented data from three Dutch municipalities and argued that these encounters with non-status forced migrants in settings such as town halls gave rise to experiential understandings of human rights responsibilities that were contested locally. Engaging with scholarly work on human rights encounters (Mann, 2016) and the politics of rightful presence (Darling, 2017), I discussed how the process of contesting human rights responsibilities differs between these three municipalities. This inquiry also sought to contribute to a spatially inclusive understanding of local human rights practices by focusing on the sites through which human rights duties are experienced.⁸⁴

This effort to expand the scope of scholarship beyond urban settings also underpinned the objective of the *chapter three*, entitled ‘Human? Rights? Cities?’. This chapter presented a systematic analysis of how 250 Dutch municipalities responded to a plea from refugee rights organisations to relocate 500 unaccompanied refugee minors from Greece. On this basis, my co-author and I argued that this issue was extensively discussed in municipalities of varying

size and scale across the country.⁸⁵ Municipal actors drew on human rights as an action frame to argue why local governments should become involved in matters that fall squarely within the competencies of the Dutch central government. The analysis highlighted how local debates centred on municipal actors’ perceptions of the human rights responsibilities of central and local governments, rather than on refugees as rights claimants, and discussed the implications of this in light of recent scholarly reconceptualisations of human rights responsibilities and duty-bearers (Vandenhoele et al., 2014; Del Valle & Sikkink, 2017).

Whilst chapters two and three examined municipal actors’ experiential understandings of human rights, *chapter four*, entitled ‘Human Rights Localisation and Individual Agency’, analysed why they invoke human rights in relation to forced migration. This explorative inquiry shed light on instances in local policymaking where invoking human rights is not self-explanatory and where a few individuals try to make a difference to the human rights protection of many. Drawing on a broader joint effort by the *Cities of Refuge* team, this chapter traced these individuals’ human rights work back to their motives, backgrounds and networked interactions with others.

Similarly, *chapter five*, ‘Human Rights Cities as Democratic Iterations’, deepened rather than broadened the scope of research on the local politics of human rights and forced migration. In this case, it did so by exploring how local actors and human rights discourses in two relatively established self-designated human rights cities, in Germany and the Netherlands, sustain local human rights initiatives. This chapter argued that debates on the scope and limits of municipal human rights commitments, among municipal actors and between civil society organisations and municipal actors, raise the stakes for municipal approaches to the reception and inclusion of forced migrants.

These four chapters unpacked the complexities and ambiguities of local rights-based approaches to forced migration. In contrast, chapter six and seven centred on the configurations of actors, artefacts and infrastructures that constitute the local politics of asylum.

‘Burden, Benefit, Gift or Duty’, *chapter six*, examined how mayors and regional officials in the Dutch province of Zeeland experienced and framed municipal involvement in asylum governance at a time when the national reception system

⁸⁴ See for instance Mann’s experiential account of human rights in his book *Humanity at Sea* (2016, p.212).

⁸⁵ Chapter three and four because were co-authored with colleagues of the *Cities of Refuge* project (2017-2022). The co-author of chapter three is prof.dr. B.M. Oomen and chapter four was co-written with fellow PhD researchers Tihomir Sabchev and Elif Durmuş.

was faltering. Engaging with scholarly debates on municipal activism (Fernández-Bessa, 2019) and local asylum battlegrounds (Campomori & Ambrosini, 2020), I argued that municipal and provincial officials' reflections on asylum governance in Zeeland point towards cooperative dynamics and corresponding frames, where asylum governance is represented as a local and regional administrative duty. The analysis brought into focus the various challenges navigated by municipal actors to sustain such cooperation. It also sought to complement an actor (mayor)-oriented approach by calling attention to how pre-existing regional issues and spatial factors, such as clay soils and tourist infrastructures, complicated the search for suitable locations in this coastal region (see chapter six).

Last but not least, *chapter seven*, entitled 'Contesting Arrival Infrastructures' offered another piece of the puzzle by foregrounding how the material and spatial dimensions of asylum seeker centres shape the actual local dynamics of asylum governance. Engaging with diverse strands of scholarship, such as arrival infrastructure perspectives (Meeus et al., 2020), this analysis discussed how various state actors negotiate the 'where' (location), the 'what' (material design), the 'how' (functions) and the 'who' (planning and design) of asylum seeker centres. The chapter presented data on the debates and institutional negotiations surrounding the renewal, renovation and relocation of asylum seeker centres in several Dutch and one German municipality. Underpinning these negotiations between various state actors are very different understandings, not only of human rights responsibilities, but also of 'arrival normativities': what the arrival of forced migrants requires from and brings to the locality.

Having revisited the themes and arguments of these stand-alone treatises, the remainder of this conclusion brings together insights on the five cross-cutting themes and corresponding questions. I argue that exploring these five dimensions is essential to understanding the complexities of local human-rights based responses to forced migration and to developing a broad understanding of the local interplay between the politics of human rights and forced migration in these different German and Dutch localities. As outlined in the introduction, this includes municipal actors' (1) motives for engaging with human rights, (2) their understandings of human rights, (3) their frames and strategies to legitimate municipal approaches in this area, (4) the spaces and encounters through which human-rights based responses develop (5) and the spaces through which their limits manifest.

Motives behind local rights-based responses to forced migration

What are the motives behind municipal actors' engagements with human rights in the context of forced migration?

Any inquiry into local, human rights-based responses to forced migration encounters a curious paradox. Human rights, broadly understood, have become a moral lingua franca (Ignatieff, 2001), a powerful and established vocabulary to mobilise for various social (justice) goals. So much so that the success of the human rights movement, manifested in the global vernacularisation of human rights ideas in social movement struggles (Merry, 2006), has also been a cause of concern for critics (see e.g., Kennedy, 2002).⁸⁶ This dissertation's empirical investigation of municipal actors' motives for engaging with human rights in the context of forced migration adds another layer of complexity. The answers of my interlocutors to the 'why human rights' question point in various directions. They show that even in relatively hospitable environments, where international legal norms and principles are widely endorsed, actors carefully weigh different strategies and navigate dilemmas when invoking human rights.

Some of the most explicit examples in this dissertation of municipal actors invoking human rights concern forced migrants with precarious legal status, such as refused asylum seekers. Several of my interlocutors referred to the universality of human rights, stating for instance that 'they are binding for each and all' (see chapter four). This is a fundamental principle recently reaffirmed by the New York Declaration and the Global Compacts on Refugees and Migrants that vouched to fully protect the human rights of all refugees and migrants, regardless of their legal status.⁸⁷ Given that forced migrants with precarious status are confronted with increasingly restrictive policies in many contexts⁸⁸ (Dauvergne, 2016), it is understandable that discussions focus on emergency social assistance such as the right to shelter (Oomen & Baumgärtel, 2019). That said, some of the chapters discuss instances where international human rights or refugee law is also invoked to push back against the introduction of restrictive measures and to advocate for dignified reception conditions for asylum seekers (chapter seven) or equal access

86 What happens, for instance, if human rights become a totalizing, hegemonic language that makes other emancipatory strategies less available (Kennedy 2002)?

87 For more information on the New York Declaration for Refugees and Migrants (2016), please see the website of the Office of the High Commissioner for Human Rights.

88 See the database of the Global Citizenship Observatory (GLOBALCIT) at globalcit.eu.

to social rights, such as housing for recognised refugees (chapter five). When reviewing local human rights users' motives, it is therefore important to not only examine whether national political and legal landscapes are hostile or welcoming to local human rights practices, but also to recognise that their motives are connected to their understandings of domestic and international legal frameworks (see Merry et al., 2010 and chapter two).

In one of the co-authored chapters in this dissertation (chapter four), this question about individuals' motives to draw on human rights law in the context of forced migration took centre stage. Some of our interlocutors' interests in human rights predated their efforts to develop rights-based responses to forced migration. Sometimes they linked their interest to recent personal and work experiences, and in other cases to their (family) histories. A few had stumbled upon human rights in trainings for social workers or through interactions with colleagues whose legal training had sparked their own interest. Their reflections suggest that the use of human rights can be simultaneously principled as well as pragmatic and instrumental. One of my interlocutors explained that human rights, among other reasons, appealed to her as a woman in a male-dominated municipal council in a rural municipality, after she was repeatedly accused of 'bringing emotions' into council debates on deportations from the local return centre. Human rights, in her experience, offered a credible, neutral language to address the plight of those excluded from other discourses, such as the integrationist paradigm, because of their precarious legal status (chapter four). More commonly, human rights appealed as a unifying vocabulary (see also Oomen & Van den Berg, 2014) at a time when national policies and discourses are becoming more restrictive.

Where local inclusionary measures for forced migrants explicitly targeted the shortcomings or excesses of restrictive national frameworks, municipal actors tended to view human rights as an especially important source of legitimation to justify local divergence from national frameworks (see also Van den Berg & Oomen, 2014; Baumgärtel & Oomen, 2019). Some of my interlocutors pushed back against the framing of local inclusionary measures as municipal disobedience, stressing that municipal efforts were in the spirit of the law and that they were premised on human rights norms (see also chapter four). This chimes in with ethnographic research on the framing of sanctuary initiatives in the United States (Coutin, 1995).

Other reflections, such as those offered by human rights 'users' in self-designated human rights cities such as Utrecht and Nuremberg, add another dimension to this discussion. They suggest that the self-imposed human rights city ambition can

serve as an enabling 'high-stakes' context, where local actors draw on the human rights city self-designation rather than the language of rights generally to advocate for rights-based responses to forced migration. In such settings where local governments explicitly commit to human rights through local declarations, the very 'slipperiness' of human rights language therefore creates openings for future human rights mobilisations and 'accountability politics'.⁸⁹ This observation chimes in with research on human rights cities (Neubeck, 2016, p.240) and solidarity cities (Alcalde & Portos, 2018, p.164) that similarly suggests visible and vocal municipal involvement in this field opens up space for discursive mobilisations. In contrast to these studies' focus on particular moments and solidarity declarations, chapter five highlights instances that suggest that discursive openings - when sustained over longer periods of time - can contribute to on-the-ground changes, such as the establishment of a hardship committee in Nuremberg. This first question has therefore highlighted the promises and pitfalls of human rights language as well as the human rights city self-designation (as an enabling context) from the perspective of local human rights users involved in the local reception and inclusion of forced migrants.

Localised understandings of human rights and arrival

What understandings of human rights and arrival underpin local (municipal) responses to forced migration?

Local actors' reflections on their use of human rights values, language and principles to effect social change point towards underlying assumptions about human rights in the abstract, but more often they highlight normative ideas and articulations about the *local relevance of human rights*. A central part of my argument, therefore, is that exploring these underlying *understandings* is part of the puzzle of empirically grounding scholarly debates on the local mobilisation of human rights in the context of forced migration, in all its complexity. Precisely this is what the second guiding question focuses on.

In the scholarship on the local mobilisation of human rights, the differentiation between human rights as law, value and governance proposed by Merry et al., (2010) has been widely adopted. These authors have suggested that 'for social movements, human rights are simultaneously a system of law, a set of values, and a vision of

⁸⁹ See also Merry et al., 2010. the capacious nature of human rights as law, values, and governance facilitates their mobilization.

good governance' and that distinguishing these three dimensions enables a clearer understanding of how human rights work as 'law from below' (p.102). Conflicts unfolding within local human rights initiatives can sometimes be traced to tensions between those working with human rights as law and those who see it as values. The differentiation between human rights understood as values and as governance highlights, moreover, how bringing human rights 'home' is a profoundly political process. Human rights scholars have documented how radical human rights claims and ideas of social movements were 'domesticated' by local authorities, who related human rights more to good governance at the expense of human rights idealism (Merry et al., 2010, p.118).

The second and fourth chapters presented data that similarly points to the 'capacious nature of human rights' (Merry et al., 2010). That said, this dissertation's focus on municipal actors means that some of the tensions and conflicts cannot be so readily understood with reference to Merry's tripartite understanding of human rights, which was informed by research on social movements. Three of the chapters, therefore, offered alternative explanations of, among others, intergovernmental tensions between central government and municipal actors and tensions between municipal actors who engage with human rights in the same locality. In chapter two, I argued that local debates on the relevance of human rights point towards fundamentally different understandings of human rights *responsibilities*. This argument was further developed in chapter three. There we suggested, based on a systematic analysis of the role of human rights language in a specific refugee solidarity campaign, that some municipal actors view human rights responsibilities as shared and differentiated. Chapter five, on the other hand, discussed instances where civil society actors and members of the municipal council opposition challenge the local government's interpretation of the scope of certain human rights.

Altogether, these examples point towards different understandings of the local relevance of human rights *and responsibilities* regarding forced migration. By focusing on institutional, rather than everyday settings, I tried to bring into focus how local engagements with human rights may centre on contesting understandings of human rights responsibilities and duty bearers, as opposed to rights holders and norm addressees (forced migrants). Only one of the treatises, chapter three, highlighted how local human rights discourses may reconstruct understandings of rights-holders. As this chapter showed, the recognition of the rights of unaccompanied refugee youth, often incorrectly assumed to be orphaned refugee children, prevailed in this campaign over broader human rights

perspectives. These debates on norm addressees, on refugee youth as rights holders, were based on local understandings of their migratory vulnerabilities (for a broader and legal perspective on the challenges of migratory vulnerability, see Baumgärtel, 2019).

This last point connects to the other dimension of this second question, which looked at localised understandings of *arrival* in the context of forced migration. In chapters six and seven, I argued that local efforts to develop rights-based approaches to the reception and inclusion of forced migrants are also underpinned by very different (normative) understandings of arrival. Research on the representation of migration in discourses points towards socially constructed hierarchies of (forced) migrants' vulnerability as well as notions of deservingness that shape local responses to forced migration (Hinger, 2020). These two chapters sought to complement actor-oriented perspectives on forced migrants' vulnerability and deservingness. Chapter seven, for instance, zoomed in on four other aspects of local actors' understandings and normative articulations of arrival. It suggested that local (state) actors often have very different ideas about *where* asylum accommodations should be located, *what* their material design should consist of, *how* these spaces should function in their broader surroundings and by *whom* these asylum centres should be planned and designed.

In sum, these reflections highlighted how underlying *understandings* about human rights and responsibilities, as well as arrival normativities, mould the local mobilisation of human rights in the context of forced migration.

Discursive, Discrete and Discretionary Strategies for Municipal Involvement and Divergence

How do municipal actors legitimate local involvement in asylum governance and other matters that fall outside their mandates, and which strategies do they adopt to this effect?

The third question zooms out to situate local human rights-based responses to forced migration within broader debates on the local turn in migration governance. It examines how municipal actors explain the proactive involvement of municipalities in policy areas, such as refugee admission, that fall outside their legal mandates. I start by discussing explicit discursive strategies to this effect, followed by a discussion of discreet and discretionary strategies.

As stated in the introduction, this dissertation adopted an exploratory approach to investigate the local interplay between the politics of human rights and forced migration. It did not offer a thematic understanding of a particular right, such as the right to housing. Nor did it offer a systematic overview of local governments' competencies and autonomy in policymaking in the Netherlands and Germany. The latter is a gargantuan task well beyond the scope of this dissertation. It would also be a complex task given the obvious differences between the centralist Dutch and the federalist German context, and because some policies, such as Civic Integration in the Netherlands, were not centrally organised (until 2006), or were privatised and partially centralised (after 2013), only to be decentralised (in 2022). As Martha Davis and other scholars have argued in other contexts, 'subnational governments face a complicated legal landscape as they attempt to implement their welcoming policies' (2020, p.101).

The dissertation focused on investigating proactive (rights-based) responses of municipalities in areas such as refugee admission and reception, where their competencies are limited, partial or simply non-existing. The answer to this two-fold question on the legitimisation of municipal involvement and corresponding strategies is given in parts, in various chapters. The chapters suggest that (municipal) actors usually draw on *multiple frames* (chapter three). Sometimes these frames incorporate human rights, such as in the case of self-designated human rights cities (chapter five). In other cases, they refer to shared responsibilities or to pre-existing projected images of cities or localities as champions of refugee solidarity, human rights, or cosmopolitanism more generally (see also Darling, 2013 and chapters six and seven).

In the Dutch localities, legitimisation strategies sometimes drew on *spatial and temporal arguments*. For instance, municipal actors often stress that they are most strategically positioned to address on-the-ground challenges, due to their proximity to forced migrants as the lowest tier of government. Some Dutch mayors argued that municipalities should be given greater responsibilities in asylum governance, as municipalities ultimately need to address the long-term effects of restrictive reception conditions on forced migrants' wellbeing and mental health due to their responsibilities in the field of civic integration and participation.

Proactive municipal approaches are often legitimated with reference to frames that represent refugee admission, reception or inclusion as a *(shared) responsibility*. Research on progressive pioneering localities highlights how municipal actors discursively frame their own municipalities as cosmopolitan, and refugee reception

as a benefit to or gift from a hospitable locality (see Ignatieff, 2017). My analysis of Dutch mayors' framing of municipal involvement in asylum governance in the province of Zeeland showed that they most often described it as an administrative duty, and offered several explanations for this. In another inquiry (chapter seven), I examined how civil society and municipal council opposition parties tried to exert greater influence over the relocation of a state-run arrival facility in Heidelberg. Some of their arguments and other examples in this chapter further expanded the scope, as they framed refugee reception as a *public affair* over which the public and local governments ought to have a greater say.

In human rights cities, local actors regularly draw on the human rights city self-designation to justify proactive municipal efforts in areas such as refugee relocation that fall outside local governments' spheres of influence. In my analysis of the politics of human rights in Nuremberg and Utrecht, I suggested that civil society organisations and social movements are not the only ones to refer to the *human rights self-designation as an enabling context*. Municipal officials in both cities have historically also justified municipal stances on forced migration with reference to local and municipal human rights (city) ambitions. Last but not least, when diverging from restrictive national frameworks, there is some legitimacy in numbers. Municipal actors often stress their concerted actions and clout and have established and joined coalitions of 'willing municipalities' (see chapter three and five and Stürner & Bendel, 2019).

So far, this discussion focused on discursive strategies used by municipal actors to explicitly demarcate local autonomy and to legitimate proactive, local responses to forced migration that diverge from restrictive national frameworks (see also Oomen & Van den Berg, 2014; Oomen et al., 2021). However, some chapters also drew attention to low visibility strategies. In chapter five, for instance, I argued that municipal actors prefer under certain circumstances to pursue 'silent diplomacy' to advocate for local human-rights based solutions to individual cases of hardship (often involving refused asylum seekers with deportation orders). I refer to such instances as involving *discreet* (see chapter five and seven) rather than discretionary strategies because they do not involve everyday policy implementation and exercise of authority. Here local divergence is quietly negotiated (see also Oomen et al. 2021; Darling 2022), for instance through advocacy in closed governance networks.

In addition to silent diplomacy, this inquiry identified low-visibility strategies that are not directed outwards to mobilise for policy reform (see also Spencer, 2018).

Following Darling (2022), I consider *discretionary strategies* in the context of forced migration as linked to *everyday* decisions on the implementation of policies, with local governments quietly negotiating local divergence without calling for radical change or reform. In chapter five and seven, I also observed how local governments make maximum use of the scope for interpretation offered in the law to carve out *local* (divergent) *approaches* (see also Oomen et al., 2021). Here, discretion no longer primarily revolves around the decisions of individual street-level bureaucrats, but also encompasses instances where municipal actors or departments collectively decide to seek and use the space for manoeuvre within the law to implement, experiment and develop policies (see chapter five). Discretionary strategies are often discreet in the regular sense of the word of low-profile and inconspicuous, but discreet strategies may include discretionary practices as well as silent diplomacy.

Municipal actors sometimes use all three strategies simultaneously, or successively, depending on circumstances. Chapter five gave the example of Utrecht, where senior policy advisors quietly negotiated greater municipal involvement in asylum governance. The traces of these negotiations are hard to find. In this case, they were in between the lines of policy frameworks, in dry commentaries on the municipal position against the independent local real-estate acquisition of the Dutch centralised reception authority (COA) (chapter seven). Utrecht's policy advisors have also joined forces with likeminded policy makers from other municipalities, in closed settings such as the working group of the Dutch Association of Municipalities, to push for greater recognition of their role in civic integration and asylum governance. Meanwhile, city officials, such as (deputy) mayors have drawn on Utrecht's human rights city position to publicly argue for greater commitment or involvement.

Another example from a collaborative piece by the Cities of Refuge team is that of the municipality of Tilburg (see Oomen et al., 2021). In recent years, Tilburg's municipal actors have made maximum use of the discretionary space granted to them in national frameworks to carve out a greater space for more extensive civic integration programmes than required by the Civic Integration Act. The municipality's policy advisors used a minor task delegated to municipalities – the organisation of participation declaration workshops – to develop a comprehensive language, orientation and participation course spanning several weeks rather than two days (the legal minimum). They used insights acquired through this pilot project to lobby, discreetly and explicitly, for greater recognition of municipalities' roles.

So, what are the implications of all this? In chapter five, I argued that some discursive strategies, such as publicly positioning the municipality as a human rights city, create openings for discursive mobilisations that can effectuate social change and positively impact on forced migrants' access to rights. However, these debates may also produce *human rights fatigue*. That said, all my interlocutors agreed that scrutiny and debates are essential to sustain the more critical dimensions of local human rights practices and to prevent their 'domestication'. In the case of Nuremberg, I discussed how these debates also shed light on discretionary practices in the municipal immigration office that were previously unknown to the public. The implications of discreet and discretionary strategies have long been subject to debate among scholars who have found that discretionary practices are vulnerable to inconsistencies (van der Leun, 2006), and who have suggested that this ultimately results in legal inequalities (Minderhoud, 2004). Some of my interlocutors voiced concerns about variations in everyday policy-implementation as well as concerns about inconsistencies resulting from discretionary practices that remain under the radar.

Their reflections also point towards broader concerns about the democratic deficits of discreet and discretionary strategies and practices. Chapter five discussed how municipal councillors and civil society actors accused Nuremberg's local government of not doing enough to support non-status forced migrants. In similar discussions in Dutch localities, policy advisors and political officials explained that while the municipality put in considerable effort, it preferred to pursue a path of silent diplomacy (see also Terlouw & Böcker, 2019). My interlocutors in Leeuwarden explained this sometimes means that this information is not available to neither the public nor the municipal council. Due to lack of space, this example did not make it into the final dissertation, as referenced in the introduction.

To sum up, in relation to this third theme, I argued that municipal actors use various frames and strategies to legitimate municipal involvement, and that it is important to differentiate between discursive, discreet and discretionary strategies and consider the implications of their application in different settings.

Human rights encounters, spaces and rights-based responses to forced migration

What are some of the encounters and spaces through which local human rights-based approaches to forced migration develop?

Human rights researchers have often asked how human rights norms travel, 'arrive' and are transformed *in* different settings (Merry, 2006). Within this scholarship there are also theoretical perspectives that focus on the spaces *through* which human rights practices and initiatives emerge. Some scholars have examined how human rights principles are mobilised as part of urban environments, bringing into focus the spaces through which human rights are claimed and negotiated (see Darling, 2016). Others have drawn attention to the 'the 'mutually constitutive relationship between law and place' and the 'geographic complexities of the legal practices, discourses and lived relations that constitute legal systems' (White 2002, p.1071). More recently, scholars such as Itamar Mann have proposed 'experiential' accounts of human rights. Analysing maritime encounters with refugees in international waters, Mann argues that (understandings) of human rights duties may in fact be grounded in such encounters. The chapters in this dissertation brought together these different insights and proposed a spatially aware and spatially inclusive approach (not restricted to urban settings) to study local rights-based approaches to forced migration.

This fourth question therefore draws attention to the encounters and spaces through which local human rights-based approaches to forced migration develop. Research on human rights cities points towards different kinds of human rights users (Van den Berg & Oomen, 2014), and the importance of local human rights champions (Neubeck, 2016) such as mayors (Bendel et al., 2021). This question has sought to expand the focus on human rights actors and discourses by placing the spaces and encounters through which human rights practices develop in the centre of attention. Throughout these chapters, I have argued that doing so is essential for a broad perspective on the local interplay between the politics of human rights and forced migration that is attentive to the complexities of local authorities' involvement in both areas. This interest in human rights encounters and spaces is also connected to my understanding of the state and statehood. As I discussed in chapters two, six and seven, I view the state as consisting of different institutions and individuals, and as a 'performance of potentially conflicting forms and fractions of statehood by different actors, spaces, and materials' (Jeffrey 2012, p. 39; Meeus, Arnaut and Van Heur 2019, p.17).

To draw some conclusions on this fourth theme:

First of all, I argued it is important to consider how municipal actors, in localities of varying size and scale, engage with human rights in relation to forced migration. Empirical research on local human rights initiatives often focuses on cities, and especially those that explicitly engage with human rights in local policymaking. Chapters two and three sought to empirically ground critiques of this *urban bias* (see Goodhart, 2019) in different ways. The first of these presented data from rural municipalities and small towns and illustrated how the presence of and encounters with forced migrants may result in extensive debates on human rights responsibilities in the smallest of localities, where human rights responsibilities are contested far away from courts and the capital. In the next chapter, I developed this argument further by systematically analysing the role of human rights (language) in municipal council debates on a refugee relocation campaign in 250 Dutch municipalities.

Secondly, I argued that debates on experiential understandings of human rights responsibilities emerge in specific *institutional settings and spaces*. One of the examples analysed in chapter two involved refused asylum seeker families who, standing on the doorsteps of the municipal hall, pleaded with the mayor to intervene and stop their forced return to Afghanistan. This story motivated municipal councillors, not present at the time of the encounter, to draw on human rights to justify municipal involvement. Here and in other localities, refused asylum seeker families also attended and spoke at council meetings. This example highlighted how rights are claimed by forced migrants and how human rights responsibilities are experienced and negotiated by municipal actors on the basis of physical encounters in public spaces, such as town halls and municipal council chambers.

Third, I observed how proponents of rights-based approaches to forced migration argued that certain practices, such as forced returns to countries like Afghanistan, should not take place 'in our municipality' or 'on our soil' (see chapters two and five). They further argued that the municipality has a duty of care that extends to those already 'in our midst', irrespective of their residence status, whose presence is felt through everyday encounters, at the school, football club or supermarket. These kinds of arguments, which occasionally drew on *spatial metaphors*, resonate with scholarly debates on the politics of *rightful presence* (Squire & Darling, 2013), the idea that rights are assumed not through the fixity of residence but that presence by itself offers an orientation point for political claims, including claims to rightfulness (Darling, 2017).

Such everyday presence and encounters, however, are of a different kind than the encounters analysed in chapter two, which unfold in institutional settings marked by power asymmetries, and which may give rise to a sense of duty and local understandings of human rights responsibilities. Research on street-level bureaucrats and policy-implementers suggests that the latter sometimes experience dilemmas when denying or restricting welfare to irregular migrants (van der Leun, 2006). At the same time, this research suggests that not all welfare providers are aware that they are dealing with migration and immigration issues. Whether this understanding of human rights encounters extends to such welfare encounters between policy-implementers and forced migrants, or whether it only captures institutional interactions with policy-makers and politicians due to the focus on perceptions of duties, is something that begs further inquiry.

Fourth, I analysed how encounters between forced migrants, policymakers and political officials are also shaped through spaces and artefacts outside town halls and municipal immigration offices. In chapter five, I discussed how in Nuremberg, the Way of Human Rights, a public art installation, is an important site and visual marker where the city's human rights ambition is collectively (re)constructed through public events and encounters. The architecture of this space is relevant, as the Human Rights Way consists of pillars and a gate engraved with the text 'United Nations Universal Declaration of Human Rights' upon which refugee rights activists sometimes project images, as if onto a screen. This example highlighted that it is not simply the function of a public space but also its material design and artefacts that mould the local politics of human rights.

Altogether these four arguments underlined the importance of a spatially aware and inclusive examination of the politics of human rights and forced migration that considers institutional 'human rights encounters' as well as everyday encounters with forced migrants. These arguments also pointed towards institutional settings and public spaces that are not simply a stage for encounters between forced migrants and municipal actors, because the functions, design and artefacts of these spaces also mould the local politics of human rights and forced migration.

The limits of local engagements with human rights in the context of forced migration

What are the limits of local rights-based approaches to forced migration and the spaces through which these limits manifest and are negotiated?

Sheer symbolism, window-dressing and false promises! These are just a few of the arguments that critics have voiced wherever municipalities attempt to develop inclusionary policies for forced migrants, whether in sanctuary cities (Schillinger, 2019; Davis, 2020), human rights cities (Oomen & Baumgärtel, 2019) or in the context of solidarity initiatives (DeBono & Mainwaring, 2020). Research shows that local actors in human rights, sanctuary and solidarity cities commonly encounter the criticism that local governments' rhetorical commitments to protect and fulfil human rights are worlds apart from the everyday realities encountered by forced migrants. Such discrepancies are, in part, attributed to intergovernmental jurisdictional conflicts, because cities are susceptible to central governments' direct or indirect influence over nearly every aspect of urban affairs (Sabchev, 2022, Hirschl, 2020).

That said, we should not overstate this influence or 'assume that the national state is always successful in controlling the role played by its sub-state tiers' (Spencer, 2020). Alternative accounts, not premised on the image of either 'totalizing control or complete instability', stress the 'complexities of how government is both enacted and contested' (Darling, 2021). As Darling notes, 'whilst multiple political authorities interact, they are never able to fully control or fully predict potential challenges or outcomes', which is why it is important to recognize 'the limits of government created by the complexities of urban life' (2021, p.898). Any assessment of the limits of local engagements with human rights should therefore not conflate the latter with the practices and policies of local authorities, as rights-based approaches to forced migration are often driven by civil society organisations and citizen-based initiatives alongside municipal actors.

The fifth and final question sought to (further) empirically ground these scholarly debates by examining *how* the limits of local rights-based approaches to forced migration are *contested* by municipal and other local actors in Dutch and German localities. I understood these limits broadly and analysed them accordingly, in relation to i) municipal actors' understandings of the scope for interpretation and leeway in national legal frameworks, ii) transformative events, iii) macro-level structural constraints and iv) the spaces through which these limits are negotiated.

First of all, in chapters two, four and five, I highlighted how individuals make a difference to the development and decline of rights-based local approaches to the reception and inclusion of forced migrants. Chapter two gave the example of municipal councillors who pushed back against a mayor reluctant to diverge from national frameworks. In this instance, the mayor directed debates toward procedural arguments, stating that requests from the opposition focused on issues falling outside the municipal and mayoral mandate, while oppositional municipal councillors stressed human rights values but ultimately lost this uphill battle. This example chimes with research that shows how mayors champion (Starl, 2018, p.285) and hamper local rights-based approaches to forced migration (Grigolo 2017, p.19).

Chapter six illustrated how this also applies to municipal involvement in refugee reception generally, while chapter five added another layer of complexity. As I discussed there, Nuremberg's former mayor, a longstanding 'champion' of the city's human rights approach, sometimes went against his own party's proposals to use discretionary space 'in the interests of forced migrants and consistent with the city's human rights commitment' (quote from municipal council amendment).⁹⁰ In one of the last press releases during his time in office, he publicly declared his support for the controversial director of the Immigration Office, stating that 'discretionary spaces' – which critics kept referring to – 'were objectively speaking not available'.⁹¹ It is therefore important to complement typologies of human rights users by examining how their understandings of human rights responsibilities and discretionary spaces develop over time.

In addition to the limits of local rights-based approaches to the reception and inclusion of forced migrants in self-designated human rights cities (chapter five), municipal and local actors also contested the limits of municipal mandates (chapters two, three, six and seven) and the limits of legal frameworks (chapters five and six).

Secondly, in some localities I observed how specific events, such as anti-deportation protests or court hearings (see chapters two, five and seven) were picked up by municipal actors who sought to render *visible* the rough edges, blind spots and excesses of national and local policies that affect forced migrants' access to rights, and by extension, the scope of local engagements with human rights in this area.

⁹⁰ Retrieved from the municipal council archive via: <https://online-service2.nuernberg.de/buergerinfo/recherche.asp>.

⁹¹ Retrieved from: https://www.nuernberg.de/presse/mitteilungen/presse_65614.html

That events often triggered negotiations of the limits of rights-based inclusionary measures requires further consideration and exploration. After all, some migration scholars argue that immigration enforcement – as a result of devolution and outsourcing - increasingly involves a proliferation of quasi-events (Coleman & Stuesse 2016), a 'politics of exhaustion' (De Vries & Guild, 2019) and 'distributed violence' (Darling 2022) characterised by the accumulative violent effects of various governance strategies of complex actor networks. In this regard, the strategic importance of such events for human rights and refugee rights mobilisations signals both the possibility and fragility of refugee welcome (see Darling, 2018) and local rights-based responses to forced migration. Municipal actors' emphasis on rendering visible forms of exclusion in response to such events resonates with research on migrant and social movement activism (Monforte, 2016). However, the implications of low-visibility practices as well as strategies to render them visible also invite new questions about democratic oversight and transparency of the local government (see chapter five and seven).

This brings me to the third limit: structural constraints frequently mentioned by municipal actors in local debates on the limits of rights-based responses to forced migration. Throughout the chapters, I discussed how local actors contested and legitimated municipal involvement in areas that fall outside local government competencies, such as refugee admission (chapter three), asylum governance (chapter seven) or return policy for refused asylum seekers (chapter two). Some municipal actors stated that the lack of competencies posed an obstacle to developing both projects and policies, or framed municipal commitment to rights-based approaches as dependent on central government support and funding (see chapter three).

More commonly, municipal officials argued that developing rights-based approaches is only possible as long as inclusionary projects or programmes remain within the boundaries of national legal frameworks (see chapters five and six). Local discussions therefore tended to gravitate towards how to manoeuvre within the limits of legal frameworks, for instance by making maximum use of the scope for interpretation within laws (chapters two and five) or by using other forms of influence to exert influence (chapter seven). This does not mean that municipal strategies to develop rights-based responses always remain within the boundaries of national legal frameworks, but rather that extra-legal actions are often kept under the radar (see also Oomen et al. 2021). In exceptional cases, for instance in Utrecht, municipal documents (e.g., the local government coalition agreement) explicitly state the municipal commitment to 'actively explore the fringes of the

law'. The question that remains is whether this is a commitment to explore the limits of the legal frameworks, or rather a call to push the limits of the law (through policy entrepreneurship and advocacy) as well as the limits of existing rights-based approaches to forced migration.

These reflections seem to suggest that local debates are often funnelled into technocratic discussions on the competencies of local authorities (chapters two and six), such as their scope for interpretation within the law (chapter five) instead of focusing on the scope and substance of local human rights initiatives. This resonates with analyses of sanctuary city debates (Lasch, 2022), but is also linked to this dissertation's focus on political processes, institutional settings and municipal actors rather than on everyday negotiations between residents and migrants. That said, it does raise the question whether a focus on the limits of local engagements with human rights (broadly understood), rather than the limits of local government or the law, may offer a strategic advantage to those who seek to further develop local human rights initiatives. After all, if municipal actors agree - as they often indicate they do - that local human rights initiatives are 'co-produced' with citizen-based initiatives and civil society organisations, then what is, or ought to be, their role in (collectively) approximating, contesting and navigating these limits?

Chapter five hinted at this question and highlighted how opposition parties and civil society actors in self-designated human rights cities direct the focus of political and policy debates towards the inconsistencies and limits of local human rights approaches that come to the fore through the plight of forced migrants in the city. However, this recurring critique may result in 'human rights fatigue' rather than 'productive tension' if structures, mechanisms and tools to support and sustain such co-production between the local authority and other local players are missing or falter (see chapter five).⁹² Examples in chapters two, six and seven indicated that debates may be broadening beyond concerns over competencies and resources, as local negotiations also focus on the spaces *through* which the limits of local engagements with human rights manifest. These are no ordinary, everyday spaces but what scholars have referred to as urban border spaces (Fauser, 2019), such as migrant detention centres and return facilities on the outskirts of residential areas (chapters two and seven) or airports (chapter five). This, then, is the fourth dimension in this account of municipal and local actors' negotiations of the limits of local rights-based responses to forced migration.

⁹² In this context, the FRA framework is interesting https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-human-rights-cities-in-the-eu_en.pdf

The fifth and seventh chapters brought into focus how some municipal and local actors perceive semi-public, institutional spaces, such as detention facilities in regional airports and local asylum seeker centres operated by centralised reception and return agencies, as incongruous with longstanding local commitments to human rights. In some localities, these institutional (border) spaces are thus framed as emblematic of the limits of local engagements with human rights. These examples showed how the limits of rights-based approaches to forced migration are fiercely contested (see also Campomori & Ambrosini, 2020 and Grigolo, 2017), that these limits manifest through spaces seen as incongruous, and therefore, that negotiations of these limits are moulded by such institutional spaces. Practically this means that (future) negotiations of the limits of rights-based approaches as well as municipal mandates generally may also focus on local authorities' approaches to and involvement in spatial planning, land development and shareholdership (see chapters five and seven).

Bringing together insights from various chapters, these concluding reflections on the fifth and final theme focused on the limits of rights-based approaches to forced migration as negotiated on the ground by municipal and local actors, and offered reflections on the implications of these negotiations.

Summary

This dissertation sought to develop a broad understanding of why and how municipal actors engage with human rights in the context of forced migration, and through which encounters and spaces human rights-based approaches to the reception and inclusion of forced migrants develop. As it consists of six standalone inquiries, this conclusion has brought together evidence from the six empirical chapters to offer deeper insight into five crosscutting themes: (1) municipal actors' motives for engaging with human rights, (2) their understandings of human rights, (3) their frames and strategies to legitimate municipal approaches to forced migration, (4) the spaces and encounters through which human-rights based responses to forced migration develop and (5) the spaces through which their limits manifest and are negotiated. My overall argument is that bringing into focus these five dimensions contributes to a broad understanding of the complexities of local authorities' involvement in the reception and inclusion of forced migrants and the interplay between the politics of human rights and forced migration in different German and Dutch localities.

Concluding reflection on conceptual contributions

This dissertation's primary focus on local authorities' involvement in responding to forced migration and bringing home human rights, alongside other (central) government actors, civil society organisations, social movements and civic initiatives, did not seek to replace bottom-up investigations of civic solidarity and human rights mobilisation but to complement these studies. Migration scholars have developed typologies in which the involvement of local authorities is one element in a complex patchwork and puzzle. In these typologies, the practices of local authorities are often juxtaposed with civic initiatives and frequently assume internal coherence and consistency of local authorities' approaches to the reception and inclusion of forced migrants (see also Spencer, 2022).⁹³ Some examples of this include 'institutional border activism', (Fernández-Bessa, 2019), insurgent urban policymaking (Bazurli & Kaufmann, 2022), and 'institutional solidarity' (Agustín & Jørgensen, 2019).

This dissertation comprises distinct but interrelated theoretical perspectives on municipal actors' understandings and negotiations of the potential and limits of local human rights-based approaches to the reception and inclusion of forced migrants. The chapters shed light and theorise municipal actors' different normative articulations of arrival (chapter seven) and experiential understandings of human rights responsibilities (chapters two, three and four). Some chapters developed typologies (chapters six and seven) that brought into focus alternative frames (refugee reception as an administrative responsibility) or additional areas of contestation (functionality and publicness of asylum infrastructures). Others empirically grounded broader socio-legal perspectives and concepts such as 'human rights encounters' (chapter two), 'accountability politics' and 'democratic iterations' (chapter five) to develop a localised understanding of the interplay between the politics of human rights and forced migration. Taken together, they sought to deepen our understanding of the *complexities of local authorities' involvement* in the politics of forced migration and human rights and to contribute to theorization of the latter.

⁹³ Or they they speak about how specific socio-legal constellations shape the relation between one and the same local authority and civil society actor; see for instance Baumgärtel and Pett (2022).

Ethical reflections on the language of forced migration research

In the introduction I outlined my approach to several key concepts and terms, such as 'forced migrants' and 'human rights practice'. Here, I want to revisit broader questions about the language of forced migration and highlight three issues that I encountered in the process of conducting and writing up my research.

First of all, I want to draw attention to recurring and contested terms not included in my initial reflections, which focused on the labelling of forced migrants and the pitfalls of integrationist paradigms. One of the terms that I have felt increasingly ambivalent about is the term 'refugee reception'. At the start of my research I was mindful of critical perspectives that stress that the exclusionary practices of states of the global North are often called 'refugee reception' (see for instance, Mountz, 2011). At the time this dissertation was concluded, the Dutch first arrival centre struggled with serious 'capacity issues', meaning that centralised reception authorities were not been able to guarantee all persons seeking asylum in the Netherlands during this period a sheltered and safe place, or even a bed. Critical responses have focused on explaining how it has come to this point, given that the number of refugee arrivals and asylum applications are lower than in the 'long summer of migration' in 2015. Others have scrutinised how central and local authorities rely on 'crisis frames' to legitimate responses to the 'reception crisis', or the lack thereof. However, this state of affairs also raises another question and this one relates to the boundaries of the term 'refugee reception' and the ways it obscures, in this case, increasingly ad-hoc, messy and exclusionary practices. The key question is when the scholarly use of such terms becomes problematic and how we can construct a more critical engagement with policy categories and terms (see also, Crawley & Skleparis, 2017, p.60).

In any case, it is not enough to reflect on the categorisations of forced migrants. Terms such as 'refugee reception' or 'family location' - used in the Dutch context for return centres for refused asylum seekers - also call for a more critical engagement. Empirical research suggests that these terms are contested locally, sometimes even leading to protests. In their study, Coddington et al., (2012) give the example of the renaming of a refugee camp in Lampedusa to 'Centre of First Reception and Assistance' which sparked protests. A more recent example is that of the 'closed

controlled access centres' in Lesbos.⁹⁴ As, Grange, observes, in the context of migrant detention researchers have noted 'a clear trend in many countries to cast deprivation of liberty in a favourable—or, at the very least, less menacing—light' (2013, p.9).

My contribution to this debate focused on highlighting how municipal actors make sense and contest such terms. In chapter seven, I discussed, for instance, how the term 'family location' confused municipal councillors who only found out about the differences between 'regular' asylum seeker centres and 'family locations' after forced migrants' protests against deportations. A recommendation for future research is to further examine how various actors, including forced migrants, experience and contest migration metaphors (including, but not limited to categorisations of forced migrants).

A second issue that I encountered relates to the terminology used in policy research and commissioned reports. Migration scholars have pointed to 'terminology that arises from the mutually reinforcing environments of academic and policy arenas' that 'may find its way into popular conceptions of migration' (Collyer & de Haas 2012, 473, as cited by Crawley & Skleparis, 2017, p.60). Despite the calls for critical engagements with terminology (see also Schinkel 2018, p.15), there are various terms in commissioned reports written by migration scholars that would benefit from a more critical engagement with terminology. Some examples of terms in Dutch reports are forced migrants' 'removability', 'removability checks' and 'activation programs' (in relation to activities for forced migrants staying in return facilities.⁹⁵ My approach to such terms has been to explicitly differentiate them from other governance modalities (e.g. 'regular' asylum seeker centres) and to examine and explicate how they are contested locally (see chapter seven).

⁹⁴ Memoranda of Understanding, such as between the British Government and Rwanda on the 'Asylum Partnership Arrangements' (2022) or the Dutch and Greek Governments on 'Strengthening the Guardianship, Reception and Protection System of Unaccompanied Minors' (2020), are also full of examples waiting to be examined. For an overview of migration metaphors and euphemisms in the context of migrant detention, see Grange (2013).

⁹⁵ The term 'removability' is used by the Dutch Immigration and Naturalisation Service (IND) and pops up in a report on forced migrants (here refused asylum seeker families) commissioned by the Dutch Ministry of Security and Justice, authored by Van Zwol and Scholten (2019) on p.47 and in the appendices. The terms 'family location' and 'activation' feature prominently in the report, 'Staying busy keeps my mind off things', an evaluation of the pilot project 'Activating residents at family locations' written by Boersema et al., 2015 for the Research and Documentation Centre (WODC), the knowledge centre in the field of the Dutch Ministry of Justice and Security.

Last but not least, I want to recollect an encounter described in chapter four that changed my approach to scholarly repertoires, rather than policy terminology. Around the period when migration scholars were engaged in a rich discussions on theorising 'the politics of welcome' and 'arrival infrastructures', I was wrapping up my fieldwork in the Netherlands. I was exploring these theoretical perspectives when an interviewee drew my attention to *her reflections* on shifting between alternative frames and narratives (see chapter four). She emphasized how in some local settings political debates may be gendered and explained how her preference for the language of human rights came in response to the gendered dynamics in the municipal council (see chapter four). This reflection, therefore, points toward the need to further examine these narratives and frames *from the vantage point* of various actors on the ground, from forced migrants' to local-level policy makers and political officials.

Practical implications

The *Cities of Refuge* project started two years after 'the long summer of migration' in Europe. During this period, policymakers, practioners and researchers were still making up the balance and reflecting on divergent and often ad-hoc local responses to increasing numbers of refugee arrivals in Europe in 2015-2016. Even so, local and municipal actors' on-the-ground lived experiences and recollections during this period already explicated the important role that local authorities and various actors within them, can play in developing durable and human rights-based responses to the reception and inclusion of forced migrants.

In the final stages of writing this manuscript, local authorities' involvement in responding to forced migration was again in the centre of public and political debates with blue and yellow Ukrainian flags waving on the rooftops of municipal town halls across Europe. In some countries, like the Netherlands, the coordination of shelters for forced migrants from Ukraine was not centrally coordinated, but first and foremost organised by municipalities, supported by citizen-based initiatives and various local organisations. As always, it will take time to examine the implications of divergent local responses to these recent developments. However, it has long been apparent that municipalities *matter* for local migration governance and human rights protection, that we need to gain a deeper understanding of the complexities of local authorities' involvement in both fields, and the implications of the latter for the protection and fulfillment of the rights of forced migrants. This

dissertation sought to contribute to scholarly and policy debates on this topic and to offer practical insights relevant to practitioners, policymakers and politicians at the local level.

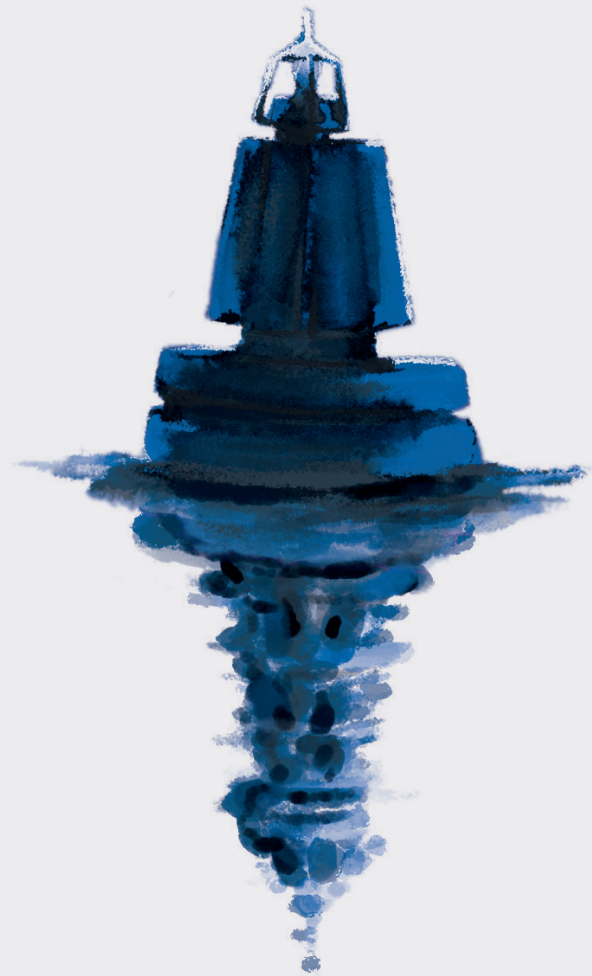
As a result of the explorative outlook of the *Cities of Refuge* project, which investigated the the relevance of human rights for local migration governance, the chapters did not adopt a thematic approach to studying a specific policy domain (such as civic integration or asylum governance) or a particular area of human rights protection (e.g. social and economic rights). Additionally, the considerable differences between the competencies of Dutch and German municipalities in the areas of forced migration and human rights make it challenging to distill clearcut *policy recommendations*. That said, I want to conclude by drawing attention to three *practical implications*.

First, I want to highlight the fact that local authorities diverge both in terms of the *implementation* of decentralised policies as well as in terms of the *development* of local approaches and policies (in the area of forced migration), that fall outside their legal competencies. In this respect, there is both a risk of a *policy implementation bias*, where local authorities' involvement is reduced to the policy implementation of lower-tiers of government, and a risk of overestimating the scope and impact of complementary local approaches. It is therefore, important for scholars as well as central government actors, to recognise both sides.

'Recognition' can come through various channels, for instance, by creating more opportunities for sub-national and local authorities to shape the development and reform of national policies or supporting them to pilot innovative and alternative approaches to civic integration or refugee reception.

Second, we need to further examine the long-term implications of divergent local responses to forced migration. Some of the interviewed municipal and civil society actors spoke with pride about pilot projects and fully-fledged local policies, but they also voiced concerns about equal access to rights and legal inequalities that may arise as a result of increasing local differentiation and divergence. In some cases, municipal actors have already begun to act upon these concerns by developing regional, rather than local approaches, to emergency asylum accomodations, for instance, as highlighted in chapter seven. This question, how regional coordination can support the development of local human rights-based responses to forced migration, is therefore relevant to practioners, as well as policymakers and scholars.

Third, this inquiry focused on how municipal actors use, understand and contest human rights in the context of forced migration. This also means that the analyses focused on existing initiatives. In other words, there are still many human rights questions that feature only indirectly in political debates or that linger in the background, relevant to the experiences of forced migrants' as well as municipal actors working on local approaches to forced migration, that are still waiting to be examined and told in full. An example from this dissertation of a marginalised human rights issue, is the right to family. Many forced migrants struggle with increasingly restrictive visa regimes, even after naturalisation and navigate concerns about stayed-behind family on a daily basis. The impact of restrictive immigration policies and visa regimes on forced migrants' wellbeing and arrival and settlement experiences was acknowledged by some municipal actors in this study, but rarely framed as a human rights question, while the right to work, housing or shelter were explicitly mentioned with reference to the language of human rights. Similarly, critical perspectives on civic integration policies for recognised refugees have rarely adopted a human rights perspective or discussed top-down imposed civic integration requirements in relation to human rights, such as the right to culture. To conclude, future inquiries into the local politics of human rights and forced migration could therefore further broaden the scope of political, policy and scholarly debates by focusing on such missing pieces of the puzzle.



Addendum

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Dutch Summary – Nederlandse

Samenvatting

Acknowledgements

About the author

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Nederlandse wetenschappelijke samenvatting

Dit proefschrift gaat in op twee maatschappelijke ontwikkelingen en daaraan gerelateerde onderzoeksterreinen. Allereerst sluit het aan bij de toegenomen aandacht voor mensenrechten op lokaal niveau en het fenomeen mensenrechtensteden: gemeenten waarin mensenrechtennormen actief bij de ontwikkeling, uitvoering of monitoring van gemeentelijk beleid worden betrokken. Ten tweede, haakt het in op de rol van lokale overheden bij de opvang en begeleiding van gedwongen migranten. Het verbindt deze twee terreinen door middel van een interdisciplinair empirisch onderzoek naar de wijze waarop in verschillende Nederlandse en Duitse gemeenten mensenrechten worden betrokken bij migratiebeleid. Migratiebeleid is een breed begrip en in dit onderzoek ligt de focus op hoe gedwongen migranten opgevangen en begeleid worden tijdens hun vestigingsproces door gemeenten en lokale actoren.

Het promotieonderzoek maakt deel uit van een vijfjarig internationaal onderzoeksproject, 'Cities of Refuge'. Dit onderzoeksproject is in 2017 onder leiding van prof. dr. Barbara Oomen gestart en werd door de Nederlandse Organisatie voor Wetenschappelijk Onderzoek (NWO) gefinancierd. 'Cities of Refuge' onderzocht de relevantie van internationale mensenrechten als wet, praktijk en discours, voor de wijze waarop lokale overheden gedwongen migranten opvangen en begeleiden. Om deze overkoepelende onderzoeksvraag te beantwoorden heeft het onderzoeksteam empirisch onderzoek verricht in zes landen: Duitsland, Griekenland, Italië, Nederland, Turkije en Zwitserland. Er bestaan grote verschillen tussen deze landen wat betreft de bevoegdheden en beleidsterreinen van gemeenten, de mate van decentralisatie en het aantal asielaanvragen.

Deze studie geeft inzicht in waarom, en hoe, gemeenteambtenaren, bestuurders, volksvertegenwoordigers en andere lokale spelers in verschillende Nederlandse en Duitse gemeenten, mensenrechten betrekken bij migratiebeleid. Daarnaast belicht het waar en waardoor deze mensenrechtelijke benaderingen van migratiebeleid ontstaan en zich verder ontwikkelen. In de wetenschap en de praktijk is veel belangstelling voor de wijze waarop lokale overheden de bescherming van mensenrechten kunnen versterken. Ook circuleren er normatieve ideeën over de rol van gemeenten bij migratiebeleid en aannames dat gemeentelijke betrokkenheid doorgaans positief uitpakt voor de bescherming van de rechten van migranten.

Een van de belangrijkste bijdragen van dit proefschrift aan deze discussie is dat het vijf aspecten van lokale mensenrechteninitiatieven en op mensenrechten gebaseerd

migratiebeleid (door middel van empirisch onderzoek) in kaart brengt die een veelzijdig en genuanceerd beeld geven. Het analyseert als eerste de motieven en ten tweede de strategieën van lokale en gemeentelijke actoren om mensenrechten te betrekken bij migratiebeleid. De derde dimensie betreft hun opvattingen over mensenrechten(verplichtingen). Het vierde aspect wat dit proefschrift belicht is waar en waardoor zij in aanraking komen met mensenrechtennormen- en vraagstukken bij migratiebeleid. Een belangrijk inzicht hierbij is dat gemeenteambtenaren, bestuurders en volksvertegenwoordigers zeer verschillend denken over mensenrechtenverplichtingen op lokaal niveau. Voor sommigen van hen geldt dat dit doorleefde opvattingen zijn over mensenrechtenverplichtingen die ontstaan na ontmoetingen met gedwongen migranten in het gemeentehuis, de raadszaal of andere politieke settings. Op deze manier tracht deze studie ook inzicht te krijgen in de complexiteit en de verscheidenheid aan opvattingen, uitgangspunten en handelwijzen binnen gemeentelijke organisaties op deze beleidsterreinen. Eveneens belangrijk is aandacht voor de grenzen van de mensenrechtelijke benaderingen van gedwongen migratie. Dit is het vijfde en het laatste aspect van lokale mensenrechteninitiatieven en mensenrechtelijke benaderingen van migratie door gemeenten wat dit proefschrift behandelt. Aan de hand van sociaalgeografische wetenschappelijke inzichten illustreer ik waar deze grenzen aan het licht komen en hoe ze in lokale politieke discussies betwist en bestreden worden.

De titel van het proefschrift, 'Unmoored, not Adrift' laat zich in het Nederlands vertalen naar 'Koers Verleggen' of om met het beeld van dit boekomslag te spreken, naar 'bakens verzetten'. De Engelse en Nederlandse titels verwijzen naar gemeenten die een andere koers varen dan hogere bestuurslagen bij de benadering van gedwongen migratie. Het Engelse begrip 'unmoored' is bewust gekozen vanwege de dubbele betekenis. Enerzijds betekent het 'losgeslagen zijn' of 'loskomen' wat in deze context verwijst naar gemeenten die afwijken van landelijk beleid. Anderzijds verwijst het naar een gemoedstoestand, naar het onzeker zijn over hoe te handelen. Daarmee weerspiegelt het een van de belangrijkste bevindingen van dit proefschrift namelijk laten zien waarom en hoe gemeentelijke actoren mensenrechten betrekken bij migratiebeleid en geeft het inzicht in de grenzen aan deze mensenrechtelijke benaderingen van migratie.

Naast een inleiding en een conclusie, omvat dit proefschrift zes hoofdstukken waarin bevindingen uit interdisciplinair, empirisch onderzoek en theoretische perspectieven worden gepresenteerd. Twee van deze hoofdstukken schreef ik samen met Cities of Refuge collega's. Het derde hoofdstuk schreef ik samen met

prof. dr. Barbara Oomen en het vierde is het resultaat van een samenwerking met mijn inmiddels gepromoveerde collega's, dr. Tihomir Sabchev en dr. Elif Durmuş. De meeste hoofdstukken presenteren casestudies waarin inzichten uit semigestructureerde interviews met medewerkers bij gemeenten, maatschappelijke organisaties en andere lokale spelers centraal staan. Sommige hoofdstukken zijn gericht op Nederlandse gemeenten (hoofdstuk drie, vier en zes), terwijl andere, inzichten samenbrengen uit Duitse en Nederlandse gemeenten (hoofdstuk vijf en zeven). Vier hoofdstukken zijn reeds gepubliceerd in internationale wetenschappelijke tijdschriften of als een hoofdstuk in een boek. Hoewel de hoofdstukken afzonderlijk van elkaar gelezen kunnen worden zijn ze qua thematiek, vraagstellingen en onderzoeksopzet nauw aan elkaar verwant en presenteren ze voortschrijdende inzichten. Het vervolg van deze samenvatting geeft een beknopte weergave van de inhoud en bevindingen van deze zes hoofdstukken.

Hoofdstuk 2 | Kleine plaatsen, grote vragen

Het tweede hoofdstuk, 'Kleine plaatsen, grote vragen', belicht hoe gemeentebestuurders en raadsleden in enkele kleine Nederlandse steden en plattelandsgemeenten door mensenrechten geïnspireerd worden om een andere koers te varen bij de opvang van gedwongen migranten. Vaak draait het daarbij om een bed, bad, brood en begeleiding voor uitgeprocedeerde asielzoekers. Soms zijn het de noodkreten en hulpvragen van uitgeprocedeerde asielzoekers, net voor hun vertrek uit lokale terugkeeropvangcentra en gedwongen terugkeer, die de aanleiding vormen voor lokale discussies over mensenrechtenverplichtingen. Zoals in het Friese Burgum, waar uitgeprocedeerde Afghaanse gezinnen zich net voor hun uitzetting tot de burgemeester en gemeenteraad van Tytsjerksteradiel wendden met als gevolg verhitte gemeenteraadsdiscussies over de lokale betekenis en reikwijdte van mensenrechten. Aan de hand van voorbeelden uit drie Nederlandse gemeenten: Almelo, Tytsjerksteradiel en Waalwijk analyseer ik in dit hoofdstuk hoe aaneenschakelingen van kleine gebeurtenissen grote vragen opwerpen over de wijze waarop lokaal bestuur zorg kan dragen voor de bescherming en bevordering van mensenrechten.

Hoofdstuk 3 | Mensen? Rechten? Steden?

Het startpunt van dit derde hoofdstuk is de wetenschappelijke belangstelling voor het fenomeen dat, waar mensenrechten vaak nationaal onder druk staan ze juist lokaal in opkomst zijn. Een bekend voorbeeld is dat van de Italiaanse burgemeesters van Napels, Florence en Palermo die zich in 2019 verzetten tegen de migratiewet van Matteo Salvini, de toenmalige minister van Binnenlandse Zaken. Vergeleken met dat strijdtafereel oogt het politieke debat over (gedwongen) migratie in Nederland

'polderland' rustig. Toch zijn er ook hier gemeentebestuurders- en raadsleden die hun belangstelling voor een op mensenrechten gestoeld migratiebeleid uitleggen als een tegenbeweging en een reactie op een nationale overheid die steeds vaker wegstijgt bij gezamenlijke Europese verantwoordelijkheden. Dit hoofdstuk, dat ik samen met Barbara Oomen schreef, belicht dit fenomeen aan de hand van een analyse van verwijzingen naar mensenrechten in één specifieke politieke campagne.

Deze campagne staat in Nederland ook wel bekend als de #500kinderen campagne waarbij gemeentebesturen in 2020 in alle uithoeken van het land hun steun uitspraken voor een humaan en solidair Europees asielbeleid. Daarbij riepen zij de Nederlandse regering op tot de relocatie en opvang van 500 alleenstaande minderjarige vluchtelingen uit Griekse opvangkampen. Op basis van een analyse van openbare gemeenteraadsinformatie, documenten én vergaderingen, illustreren we hoe gemeentebestuurders debatteerden over de betrokkenheid van gemeenten en de betekenis van mensenrechten voor dit maatschappelijke vraagstuk. Dit hoofdstuk bouwt voort op het voorgaande hoofdstuk door lokale opvattingen over mensenrechten- en verplichtingen in deze context systematisch te analyseren voor *alle* Nederlandse gemeenten. Het beeld van gemeentelijke betrokkenheid wat hieruit ontstaat is verre van eenduidig en laat onder andere zien dat de humanitaire argumenten die de boventoon voerden in deze campagne op gespannen voet staan met mensenrechtennormen. De titel 'Mensen? Rechten? Steden?' verwijst naar deze complexiteit en de vraagtekens die wij in onze analyse zetten bij dit Nederlandse voorbeeld van gemeentelijke betrokkenheid bij mensenrechten en migratiebeleid.

Hoofdstuk 4 | De mensen achter de mensenrechten en migratiepolitiek

Waarom maken sommige lokale bestuurders, beleidsmedewerkers en belangenbehartigers bij vluchtelingenorganisaties zich hard voor mensenrechten? Wat beweegt hun om juist mensenrechten te gebruiken als juridisch kader, moreel kompas of als lingua franca bij complexe politieke discussies en besluitvorming over gedwongen migratie? Welke afwegingen liggen aan deze keuzes ten grondslag? Waar actief werk wordt gemaakt van het beschermen van mensenrechten zijn het vaak betrokken, behendige en bevlogen maatschappelijke spelers, beleidsmedewerkers en bestuurders op wier schouders ambitieuze lokale mensenrechtenagenda's en programma's rusten. In dit hoofdstuk staan deze mensen achter lokale mensenrechtenpolitiek centraal. Het laat een andere kant van lokale mensenrechtenpolitiek zien door hun persoonlijke achtergronden, motivaties en strategische samenwerkingen in kaart te brengen. Dit hoofdstuk is het resultaat van een collectieve inspanning en samenwerking met Cities of Refuge collega's dr. Tihomir Sabchev en dr. Elif Durmuş.

Hoofdstuk 5 | Mensenrechten tussen lokale praktijk, politiek en populisme

‘Stad van de Mensenrechten’ of ‘Mensenrechtenstad’. Op verschillende plekken in de wereld bestempelen gemeentebesturen hun stad als zodanig. In steden als Graz, Grigny, Gwangju, Salzburg, Seoul en York worden mensenrechtennormen en principes als leidraad gebruikt voor het ontwikkelen en uitvoeren van lokaal beleid. De vraag die telkens weer oprijst zodra een stad zich bij deze internationale mensenrechtenbeweging voegt, is of het hierbij gaat om city marketing en symboolpolitiek of daadwerkelijk doelmatig lokaal beleid. Voorstanders van deze internationale mensenrechtenstedenbeweging pleiten er daarom al langer voor om lokale mensenrechteninitiatieven te verankeren in gemeentelijk beleid en begrotingen. Dit zijn belangrijke ontwikkelingen, maar de vraag is of er afgezien van deze beleidsinstrumenten ook een rol weggelegd is voor lokale politiek en besluitvorming. Wetenschappers karakteriseren mensenrechtensteden immers als ‘strijdtonelen’ waar mensenrechtenkwesies worden aangedragen en betwist. Hun onderzoeken laten zien dat mensenrechten niet alleen een juridisch kader zijn, maar ook als moreel kompas, taal en narratief lokaal tot de verbeelding kunnen spreken. Deze brede toepassing van mensenrechten staat in de wetenschap ook wel bekend als het mensenrechtendiscours. De centrale vraag in dit hoofdstuk is in hoeverre deze politieke discussies over de betekenis van mensenrechten en mensenrechtensteden (ook) bijdragen aan lokaal mensenrechten- en migratiebeleid.

Om deze vraag te beantwoorden onderzocht ik het mensenrechtendiscours in twee koplopersteden met jarenlange ervaring op het gebied van mensenrechten: Neurenberg en Utrecht. Aan de hand van veldwerk en desk research analyseer ik hoe in beide steden de gemeentelijke mensenrechtenambities doorwerken in politieke debatten en besluitvorming op het gebied van opvang en inclusie van gedwongen migranten.

Hoofdstuk 6 | Asielopvang: Lust, last, gebaar of plicht?

In het voorjaar van 2018, organiseerde het *Cities of Refuge* project een scriptie cursus voor bachelorstudenten van University College Roosevelt. Samen met één van deze studenten, Jasper Valent, en prof.dr. Barbara Oomen onderzocht ik hoe Zeeuwse gemeenten versneld en onder grote druk extra (crisisnood)opvanglocaties realiseerden tijdens de asielopvangcrisis van 2015-2016. We spraken met allerlei betrokkenen bij gemeenten, de provincie Zeeland en maatschappelijke organisaties. Dit hoofdstuk schreef ik op basis van dit onderzoek, waarbij ik een specifiek thema belicht: de rol van lokale en regionale politieke bestuurders, met name burgemeesters, bij de politieke besluitvorming en beeldvorming over

gemeentelijke betrokkenheid bij asielopvang. Deze focus op burgemeesters sluit aan op een bredere trend: wetenschappelijke aandacht voor ‘how mayors make (or break) migration policy’.

Dit hoofdstuk brengt in beeld hoe burgemeesters en andere betrokkenen omgingen met maatschappelijke uitdagingen en bestuurlijke fricties tussen gemeenten, provincie, het rijk en het Centraal Orgaan Asielzoekers, bij het organiseren van crisisnoodopvang. De titel verwijst naar hoe gemeentelijke betrokkenheid bij asielopvang door burgemeesters geframed werd. Deze analyse laat zien dat zij vaak kozen voor neutrale frames, in plaats van de lusten en lasten voor de lokale gemeenschap te benadrukken. De gemeentelijke betrokkenheid werd vaak omschreven als een gedeelde (bestuurlijke) verantwoordelijkheid en plicht, soms als een morele plicht en zelden in relatie tot mensenrechten.

In dit hoofdstuk verklaar ik deze werkwijze en probeer ik tevens het stad-platteland denken in beleidsdiscussies te doorbreken door aandacht te vragen voor hoe zowel stedelijke als plattelandsgemeenten bij de organisatie van asielopvang rekening hielden met lokale vraagstukken en ruimtelijke en planologische afwegingen. Het hoofdstuk biedt ook inzicht in hoe de gemeentelijke betrokkenheid bij asielopvang soms een aanleiding kan zijn voor een dialoog en politieke discussie met inwoners die zich in de steek gelaten voelen door Haagse politiek. Anderzijds brengt het bestuurlijke spanningen in beeld die in 2021 en 2022 weer opnieuw zouden oplaaien.

Hoofdstuk 7 | Aankomen. Samen komen. Thuis komen. Verder gaan.

Heggetjes. Fietsenrekken. Slagbomen. Speeltuinen. Alledaagse dingen in en rondom asielopvangcentra die zelden een rol spelen in publieke debatten en beeldvorming over gedwongen migratie. Daar zijn het aantallen en verhalen over menselijk leed die de boventoon voeren. Toch spelen deze ruimtelijke aspecten wel degelijk een rol in politieke besluitvormingsprocessen over asielopvangcentra.

Wanneer een gemeentebestuur groen licht geeft voor de opvang van vluchtelingen komen er vaak vragen vanuit de omgeving. Vooral de vraag *wie* er zal worden opgevangen laat veel stof opwaaien. ‘Zijn het wel echte vluchtelingen?’ ‘En niet slechts alleenstaande mannen?’ ‘Kunnen we afspreken dat wij als gastvrije gemeente vooral families opvangen?’ Verslagen van bewonersbijeenkomsten laten al jaren een vast patroon zien waarin de mens centraal staat. Van de vluchteling zonder naam tot de bezorgde en de gastvrije buur, de vastberaden vrijwilliger en de betrokken burgemeester. Dit strijdtoneel lijkt vooral ruimte te bieden aan extremen: de voor-

en tegenstanders, de zogenaamde 'dankbare' en de 'ondankbare' vluchtelingen. Hierdoor lijkt het ook alsof complexe organisaties, zoals het Centraal Orgaan Asielzoekers (COA) en gemeentebesturen met één mond spreken en dezelfde belangen en benaderingen hebben.

Dit hoofdstuk is een pleidooi voor een sociaalgeografisch perspectief op politieke besluitvorming over asielopvangcentra. Aan de hand van een analyse van politieke discussies over ruimtelijke en bouwkundige elementen in en rondom asielopvangcentra, laat ik zien hoezeer lokale actoren uiteenlopend denken over het proces van aankomen, samenkomen en je ergens thuisvoelen. Over de maatschappelijke meerwaarde van asielopvangcentra voor de lokale omgeving bestaan ook uiteenlopende opvattingen binnen de verschillende organisaties (e.g. gemeenten, centrale opvangorganisaties en diensten). Deze analyse van de politieke besluitvorming over opvangcentra in Burgum, Middelburg, Neurenberg en Utrecht wijst naar vier twistpunten.

Deze twistpunten draaien om (1) de betekenis en het belang van de locatie en (2) het ruimtelijk ontwerp van asielopvangcentra. Daarnaast is er verdeeldheid over (3) functionaliteit en de mate waarin asielopvangcentra zelfvoorzienend of onderdeel van algemene (buurt)voorzieningen moeten zijn. Tot slot is de vraag in hoeverre er sprake is van (4) een algemeen publiek belang en betrokkenheid van inwoners en gemeenten bij asielopvang een splijtzwam. Met het in kaart brengen van deze vier breuklijnen tracht het hoofdstuk bij te dragen aan inzicht in de complexiteit van de lokale politieke besluitvorming over asielopvang.

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About the Author

Sara Mielle (1988) studied Human Geography and Political Sciences at Utrecht University College. After finishing her bachelor's degree, she moved to Brighton (UK) and completed a master's degree in Social and Political Theory at the University of Sussex. She returned to Utrecht with a newfound interest in the intersections between political theory, political geography, and public space. In Utrecht, she completed a research master's degree in Human Geography and Planning at the Faculty of Geosciences. During this period, Sara also worked as a volunteer for the Dutch Refugee Council and started a participatory research project that used visual methods to disrupt dominant framings such as the integrationist paradigm. In September 2016, she joined the Department of Human Geography and Planning at the Faculty of Geosciences at Utrecht University, where she taught qualitative research methodologies and urban and political geography courses.

In September 2017, Sara started her PhD research within the *Cities of Refuge* (VICI) project at the Department of International and European Law at the Faculty of Law, Economics and Governance at Utrecht University. Her PhD project was supervised by prof.dr. Barbara Oomen and dr. Moritz Baumgärtel. Over the course of her PhD, Sara presented her work at international conferences and workshops. Together with her colleagues, she organised academic conference panels and the closing conference of the Cities of Refuge project. Besides these research activities, she participated in various local public events in Zeeland and Utrecht in the field of forced migration. During her PhD she taught a bachelor thesis course together with her colleagues and gave guest lectures in migration and geography courses at University College Roosevelt (UCR) and Utrecht University. In March 2018, she started a community initiative (language café and open social space) together with a UCR student and a colleague. At UCR, Sara was also involved in the establishment of an Inclusion program for refugee students and supported student initiatives on the intersections of forced migration and human rights.

Sara's research has been published in interdisciplinary peer-reviewed scientific journals, such as the *Journal of Refugee Studies* and *Territory, Politics and Governance*. She has co-edited the book *Theorizing Local Migration Law and Governance* (Cambridge University Press) together with dr. Moritz Baumgärtel and the book *The Urban Politics of Human Rights* (Routledge), together with prof. dr. Janne Nijman, prof. dr. Barbara Oomen, dr. Lisa Roodenburg and dr. Elif Durmuş. Between January and June 2022, Sara taught qualitative research methodologies at UCR and worked on building a community of practice as part of her work for the Welcoming Spaces (H2020) programme at Utrecht University. As of June 2022, she works as a postdoctoral researcher in the Welcoming Spaces programme at Utrecht university.

List of Publications

Scholarly publications

- Mielle, S. (2022). Burden, benefit, gift or duty? Dutch mayors' framing of the multilevel governance of asylum in rural localities and cities in Zeeland. *Territory, Politics, Governance*, 10 (3), 426-444.
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- Oomen, B., Baumgärtel, M., Mielle, S., Durmus, E., & Sabchev, T. (2021). Strategies of divergence: Local authorities, law, and discretionary spaces in migration governance. *Journal of Refugee Studies*, 34 (4), 3608-3628
- Oomen, B., Baumgärtel, M., Mielle, S., Sabchev, T., & Durmus, E. (2021). Of bastions and bulwarks: A multiscale understanding of local bordering practices in Europe. *International Journal for Crime, Justice and Social Democracy*, 10 (3), 16-29.
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- Mielle, S., & van Liempt, I. (2017). Van Vluchteling tot buurtgenoot: Place-making in Utrecht in het digitale tijdperk. *Mens & Maatschappij*, 92(4), 493-522.

Other publications:

- Amsterdam City Profile: Migration governance and refugee solidarity in Amsterdam, for the 'Moving Cities Map' Research project, (pp.1-12) Research paper commissioned by Seebrücke, Heinrich Boell Stiftung, Rosa Luxemburg Stiftung (spring 2021). Available at: <https://moving-cities.eu/>
- Utrecht City Profile: Migration governance and refugee solidarity in Utrecht, for the 'Moving Cities Map' Research project (pp.1-11). Research paper commissioned by Seebrücke, Heinrich Boell Stiftung, Rosa Luxemburg Stiftung (spring 2021). Available at: <https://moving-cities.eu/>
- Tilburg City Profile: Migration governance and refugee solidarity in Tilburg, for Moving Cities Map Research project (pp.1-11) (spring 2021). Research paper commissioned by Seebrücke, Heinrich Boell Stiftung, Rosa Luxemburg Stiftung (spring 2021). Available at: <https://moving-cities.eu/>

