



# CANADA'S PERIODICAL ON REFUGEES

# REFUGE

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## CRITICAL PERSPECTIVES ON REFUGEES

### Introduction

Nevzat Soguk

As refugees occupy a more central and visible place in the landscapes of everyday affairs throughout the globe, they are increasingly seen as sources as well as agents of change and transformation in local and global politics. For example, at times they are seen as sources of instability and security threats worldwide. At other times, refugees are represented as economic threats undermining the economies of the host countries. As J. Bhabha and S. Shutter<sup>1</sup> stated, it is nearly as if the very word "refugee" has become an accusation against the refugee—a development that intimates a profound crisis in the inter-governmental refugee protection regime anchored in the modern state-system.

Reflecting this crisis in the material conditions of refugee lives throughout the world, but particularly in "rich" western countries, increasingly, governments are denying people the right to asylum. In its 1995 annual report on the state of the world's refugees, the United Nations High Commissioner for Refugees (UNHCR) observes this phenomenon: "states are increasingly taking steps to obstruct the arrival of

asylum seekers, to contain displaced people within their homeland, and to return refugees to their country of origin."<sup>2</sup> In 1997, Dennis McNamara, UNHCR's international protection director, echoes the same observation but with a blunter language: "Today," he states, "refugee protection and the institution of asylum are probably facing the greatest global challenge in their history, with governments systematically,

intentionally, and openly attacking the international system created to protect refugees."<sup>3</sup>

Possibilities for obtaining international protection continue to be diminished as refugees and asylum seekers face border closures, armed violence, interdiction at sea, expulsions, and legal restrictions as well as premature return to an insecure environment.<sup>4</sup>

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Ironically, this draconian negation of refugee rights comes at a time when the "international community" proudly speaks of its grand achievements in the institution of the refugee protection regime. But in the circumstances of the realities of refugee lives, celebratory pronouncements fall short of the promises contained in them; refugee protection regime seems to exist increasingly more in name and less in real protections for refugees. It is a crisis in the making, a crisis of both ethics and humanitarianism and the politico-governmental system, the system of states, that paradigmatically undergirds the refugee protection regime.

What might be the reasons for such a crisis? What are the political-practical and ontological, that is, historical and contemporary imperatives of governance that inform the *raison d'être* of régime activities and determine their limits?

At one level, scholars and policy makers comprehend the difficulties in utilitarian terms which are instrumental in efforts to try to explain the crisis. Their explanations generally center around the claim that in recent years there has been a proliferation in the sheer number of refugees and internally displaced whose ever increasing, not always registered, numbers put unbearable economic and political burdens on the refugee protection regime in general and the resources of individual countries that underwrite the régime in particular. Not only is the "burden" issue raised, but also, we are told, the proliferating numbers of those who seek protection contain masses of people who are not "real refugees" in the conventional sense but are "bogus asylum seekers," "economic refugees" and the like, whose movements across the globe undermine and attenuate efforts to serve the real refugee populations. Starting from this representation, many then loudly justify deepening of controls in refugee landscapes in order to "put an end to the abuses," while also hastily expressing their commitment to the refugee protection regime and arguing that they are still doing their best to administer to the refugees.

Others are oriented to approach refugees and other displaced people more compassionately, or perhaps more generously, in spite of whatever practical difficulties there may exist to suggest that refugees should enjoy basic protections promised in the protection regime even if the regime can not properly establish the authenticity of their claims in and to displacement. Curiously the UNHCR is amongst those who ever so carefully and tentatively articulate and advocate such a position. "Behind the phenomena of moving," the UNHCR claims for instance, "lie deeper and often interrelated patterns of political, economic, ethnic, environmental, or human rights pressures, which are further complicated by the interplay between domestic and international factors ... There are as many reasons for moving as there are migrants."<sup>5</sup> Starting from this position, for some, as for the UNHCR, it becomes possible to propose practical expansion in the scope of efforts driven with a converging view to "studying," "fully comprehending" and "treating" the "refugee" "problem."

No doubt these approaches are valuable and insightful. No doubt too, much more is to be said and written along these lines. But I think it can be said, and said fairly, that these approaches, for all their variety, share something in common. In language that I would borrow from a well-known article by Robert Cox, these approaches bespeak a widely shared problem-solving approach to the refugee (see also Nyers in this issue).<sup>6</sup> Like the approaches that Cox calls "problem solving," these approaches are formulated from the standpoint of one who would be at home and at one with prevailing relationships and institutions—in this case the institutions of the modern state system.

They project the subjectivity of one who would unquestioningly understand these institutions as, in Cox's words, "the given framework." Regarding these institutions as unproblematic, they display a readiness to do what Cox says problem-solving approaches do: they are oriented to make "particular relationships and institutions work

smoothly by dealing effectively with particular sources of trouble.”

These approaches comprehend the refugee event in terms articulated to the modern notions of the sovereign territorial state and its proper counterparts, the citizen, and the domestic community. In problem-solving approaches, the refugee is defined as one who by virtue of some events of exclusion—events that are beyond the control of both the refugee and the state—lacks the citizen-subject’s unproblematic grounding within the territorial space of a state and, so, lacks the state’s effective representation and protection. The term “refugee” refers, in short, to an aberration of the proper subjectivity of citizenship. And the problem of the refugee, manifesting a certain dysfunction in the nexus amongst the citizen, nation and the state, is attributed to the proliferation of events and circumstances that exceed the limits of effective action within the given framework, that is, the context of territorial states, thereby depriving some people of the conditions and protections of citizenship. Probable solutions are then conceptualized in the emergence of international régimes, which, as vehicles of policy coordination among states, might work to regiment aberrant circumstances and restore the normal order of citizen/nation/state hierarchy. So the efforts are oriented towards the task of identifying and remedying the causes of refugee movements.

My purpose in pointing out this commonality within the diversity of approaches to refugees is not to diminish their usefulness or value, for these approaches highlight the profound hardships that millions of refugees have to endure day in and day out. Rather, my purpose in highlighting the prevalence of the problem-solving approach to the question of the refugee is to establish something of a background against which it may be possible to understand the place of critical perspectives on refugees that take the statist paradigmatic orientation to the task and lay bare its ontological-administrative imperatives that limit in the first

place, the possibilities of refugee protection.

It is possible to suggest that, for all their variety and creativity, problem-solving approaches do one thing in common with respect to the refugee: they render the refugee as a marginal figure of aberrance in relation to the institutions, identities and subjectivities of the citizen/nation/state constellation, posited to be the categorical source of order and participatory politics in the world. The refugee is inscribed as one who is outside the fold of the state—in a “noneplace” where the refugee figures not only merely as marginal, but also without agency and, as one who is “agency-less,” the refugee’s salvation lies in efforts to bring him/her back to the fold of the state by way of establishing his/her ties with the state either through repatriation or through resettlement. In all this, keeping with the posited state-centric ontology, the state and its counterparts, the citizen and the nation are posited as *a priori* subjects in relation to the refugee, as if they are almost always and already firmly and permanently established in need of no historical affirmation.

In contrast with this ontological orientation, critical studies start by inverting the posited hierarchy to the practices that centre around the refugee. Arguing that the state and its constitutive parts, the nation and the citizen, are not historical givens in life but must be historically produced in and through statecraft, critical studies situate the refugee at the heart of the state, not outside the state. Challenging the claim that the refugee is but a marginal figure in need of salvation, critical studies start by awarding a centrality to the refugee in the “life of the state” as one of many modern subjects who is (made to work as) constitutive of the identities, relations, and subjectivities of the state-centric political community—the very community in relation to which the refugee appears as an externality, an aberrant figure, lacking the presumed qualities of citizens that make possible the community in the first place.

Relatedly, critical studies argue that refugee experiences, save the experi-

ence of displacement, are not *a priori* to the experiences and identities of subjects in the state-oriented territorial order (say, for instance, the identities of the citizen), but are contemporaneous with them, and even constitutive of them. To use Edward Said’s terminology, they are “contrapuntal”<sup>7</sup> identities constructed in historical space in relation with the identities of the citizen. Thus, the specific historically idealized figure of the refugee, one who is considered outside the state, is never simply that, a refugee, but rather so inscribed or constructed in relation to the emergent identities of the presumably proper subject of the state’s universal order.

These studies, in other words, claim that refugees are intimately and inextricably “internal” to the practices and processes by which the realities of the state-centric political community, its politics and its ethics, are articulated and empowered. They are central to the practices of modern statecraft by which the state’s continued legitimacy and practical powers that are derived from that legitimacy are produced.

This inversion of the hierarchy of subjectivities (from the marginality of the refugee to the centrality of the refugee) not only allows for the ascent of studies that take to task the state-centric paradigm of the refugee and show its limits, but, in doing so, also opens new horizons for critical and productive reflections on refugees—reflections that explore the complexities of refugee lives to warn of the dangers of refugee lives but also to celebrate the promises of refugee lives for novel ways of being and becoming beyond state-centric cartographies.

Against the background of such an inversion, of such a centralization of the refugee, it becomes possible to argue that the causes of the crisis of the refugee protection system are rooted in the modern state-system itself, for regime activities are orchestrated primarily to serve the interests of states and less the interests of refugees. The statist epistemology that undergirds protection activities paradoxically and inevitably also limits the reach and effectiveness of

the activities. In just such a sense, Michael Dillon argues, for example, that in the régime of refugee protection, the existing legal community of states, which interprets the premises of the community for itself, may not apply them to itself, and may in fact choose to negate their practical force even as it ceremoniously celebrates them (see this issue). The community of states that makes the régime possible also establishes its limits.

Beyond criticizing this state-centricity, the inversion makes it possible to study the state-centricity not from the standpoint of the state, but from the standpoint of the refugee. It makes possible, for instance, to see how, even in their vulnerabilities in an inter-state environment increasingly inhospitable to their plight, refugees are transversal, transformative subjects whose movements bear on multiple processes of life,

including those processes by which the territorially bound, state-centric boundaries (real and imagined) of citizenship, ethnicity (see Turner in this issue), political community, welfare, humanitarianism, human rights, and democracy are defined and empowered.

This issue seeks to highlight the conditions of human displacement, both historically and in a contemporary sense, in terms of the extant and changing patterns of refugee experiences and the transformations in the nature and style of national and international responses to those experiences (see Warner and White in this issue). In all this, it starts with the refugee as one who can speak and be heard in spite of concerted statist limits imposed on her life horizons, limits which expose less the vulnerabilities of refugees and more the historical contingency of statism. ■

## Notes

1. J. Bhabha and S. Shutter, *Women's Movement: Women Under Immigration, Nationality and Refugee Law* (Staffordshire, England: Trentham Books, 1994).
2. UNHCR, *The State of the World's Refugees: In Search of Solutions, 1995* (Oxford: Oxford University Press, 1995), 16. See also UNHCR, *Refugees: Asylum in Europe*, no. 101, 1995.
3. UNHCR, "Protection," *Refugees*, no. 109, 1997.
4. UNHCR, "Note on International Protection," 2 July 1997, A/AC.96/882.
5. UNHCR, *The State of the World's Refugees, 1993: The Challenge of Protection* (New York: Penguin Books, 1993), 13.
6. Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," in *Neorealism and Its Critics*, edited by Robert O. Keohane (New York: Columbia University Press, 1986), 208.
7. Edward Said, *Culture and Imperialism* (New York: Vintage, 1993), 32 and 51. □

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# Refugee Rights: Report on a Comparative Survey

By James C. Hathaway and John A. Dent

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