de trafic. Il faut reconnaitre avec nos deux auteurs que le droit du retour des migrants objets voire victimes de trafic demeure fluctuant et ses contours imprécis. Si le Protocole reconnait aux États le droit de renvoyer les migrants objets de trafic, l'exercice de ce droit reste néanmoins encadré par les règles fondamentales en matière de protection des droits de l'homme et de la dignité humaine et les principes du droit d'asile, notamment l'obligation de non-refoulement.

*The International Law of Migrant Smuggling*, malgré ses faiblesses, est à ce jour, une contribution substantielle à la thématique de la migration. S'inscrivant dans une perspective positiviste pour décrire le droit tel qu'il est, Anne T. Gallagher et Fiona David ont, implicitement mis en exergue le paradoxe de la dialectique sein/sollen. L'audace pour nos deux praticiens est d'avoir abordé la question du trafic de migrants à travers le prisme du droit international des droits humains. Ils reconnaissent en fin de compte que les États, dans l'exercice de leur droit souverain à déterminer qui peut entrer et demeurer sur leur territoire, doivent s'acquitter de leur responsabilité et de leur obligation de protéger les droits des migrants. En cherchant à endiguer la migration irrégulière, les États doivent coopérer activement entre eux afin que leurs efforts ne mettent pas en danger les droits humains, notamment le droit des réfugiés à demander l'asile. Le cadre légal et normatif applicable au trafic illicite de migrants doit être mis en œuvre d'une façon plus efficace et sans discrimination afin de respecter les droits humains et les conditions de travail dont chaque migrant doit pouvoir bénéficier. Conformément aux dispositions de ce cadre législatif et normatif, les États et les autres acteurs doivent ainsi aborder les questions migratoires de façon plus conséquente et cohérente. C'est seulement en cela que les opinions publiques prendront la mesure de ce que l'étranger, migrant régulier ou irrégulier, objet ou victime de trafic est un titulaire de droits inaliénables et un justiciable à part entière et que, dans une nouvelle conception de la citoyenneté, sécurité et droits fondamentaux devront bien être réconciliés pour assurer au migrant la protection que requiert sa vulnérabilité. Sir Gerald Fitzmaurice avait certainement raison lorsqu'il affirmait il y a quarante ans déjà: « lawyers must often confront themselves not just with the question of 'what is the law?' but also with the much more challenging one of determining 'what the law is'»[5]. *The International Law of Migrant Smuggling* en est la parfaite illustration.

**Notes**

1 Article 3 du *Protocole contre le trafic illicite de migrants par terre, air et mer.*

2 Pour le texte de ces instruments, voir Nations Unies, Recueil des Traités, vol. 2225, p. 209.

3 Anne T. Gallagher, Fiona David, *The International Law of Migrant Smuggling*, Cambridge, Cambridge University Press, 2014, p. 498 et ss.

4 La nature coutumière de la prévention a été reconnue à plusieurs reprises par la Cour international de Justice. Sur ce point, voir notamment *Réserves à la Convention pour la prévention et la répression du crime de génocide*, avis consultatif, *C.I.J. Recueil 1951*, p. 23 ; *Application de la Convention pour la prévention et la répression du crime de génocide (Bosnie-Herzégovine* c. *Serbie-et-Monténégro)*, arrêt, *C.I.J. Recueil 2007*, p. 155, par. 432, *Usines de pâte à papier sur le fleuve Uruguay (Argentine* c. *Uruguay)*, arrêt, *C.I.J. Recueil 2010*, Opinion individuelle du juge Cançado Trindade, p. 6.

5 G. Fitzmaurice, 'The Future of Public International Law and of the International Legal System in the Circumstances of Today', Special Report, *Annuaire IDI*, *Livre du Centenaire* (1973), 251.

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## *Young, Well-Educated and Adaptable: Chilean Exiles in Ontario and Quebec, 1973–2010*

Francis Peddie
Winnipeg, Manitoba: University of Manitoba Press, 2014

Francis Peddie explores experiences of exile and adaptation in *Young, Well-Educated and Adaptable: Chilean Exiles in Ontario and Quebec, 1973–2010*. The central question addressed by Peddie is why so many Chileans, who remained largely oriented and longed to return to Chile during exile, chose to remain in Canada following the end of the military dictatorship when the prospect of a safe return became a viable option. The author



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answers through a broad historical analysis of the process of exile beginning with events leading up to the coup d'état in Chile in 1973, through to the return to democratic rule in 1990, and beyond. He focuses his analysis on the cohort of Chilean exiles who arrived in Canada between 1973 and 1978 under the Special Movement Chile (SMC) program. His primary data source is in-depth interviews with 21 participants, although he uses a variety of other primary and secondary data sources as well. Peddie argues that many Chileans chose to remain in Canada even with the prospect of a safe return, as the result of a number of changes they and their families underwent in Canada as exiles, combined with changes that occurred in Chile during the military dictatorship and return to democratic rule.

*Young, Well-Educated and Adaptable* provides a critical account of the specificity of the Chilean exile experience, recognizes diversity among Chilean exiles, and examines agency within exile from a bottom-up perspective. Peddie argues that there is a tendency in the literature to overemphasize the coup d'état as the defining moment in Chilean history, rather than to place the obvious importance of this event within a wider and more complex history. The latter, he maintains, allows for a better understanding of the experiences of exiles. Peddie draws on oral history and the concept of memory, providing an interpretive analysis of participants' perspectives and stories of lived experience over time. He situates these stories in relation to broader Chilean politics and history, the Cold War, and Canadian immigration and foreign policies.

Chile, like much of Latin America in the post–Second World War context at the time, was experimenting with Import Substitution Industrialization, a model of economic development designed to reduce dependence on foreign aid. Progressive segments of Chilean society, however, went one step further in aspiring to a model of "socialism without revolution" (29). The model promised to address not only the issue of development, but also that of social inequality. International responses were mixed. Predictably, the United States was competing with Moscow for control of the future of Chile. Canada, by contrast, approached the Chilean situation with a mixture of caution and curiosity. Peddie emphasizes that the opening and closing of the historic opportunity in Chile in the form of the election of the Unidad Popular under Allende in 1970, and the coup d'état in 1973, respectively, coincided roughly with the election of the Liberals in Canada under Pierre Trudeau. Trudeau was looking to expand international trade and relations, in Latin America and elsewhere, and to decrease dependence on the United States. Cold War rhetoric influenced concerns among immigration officials in Canada that Chilean exiles might pose a national security risk; however, a broad-based domestic lobby challenged this position and pressured the government to condemn the Pinochet regime and accept Chilean exiles. The partial success of the lobby, according to Peddie, was due to the appeal to humanitarianism, but also to the fact that many of those who were being targeted and exiled were middle-class intellectuals and other professionals. Consistent with Canadian immigration policy over time, officials saw an opportunity to benefit the nation economically by accepting "young, well-educated and adaptable" Chileans.

The coup in Chile on 11 September 1973 was followed by severe repression of supporters of the deposed Unidad Popular. Among those targeted were university professors and students, doctors, and other professionals. Peddie argues that the Canadian embassy in Chile was very cautious, denounced the Allende government, and essentially looked the other way when the Unidad Popular was replaced with the military junta. Notwithstanding the common experience of repression for some 140,000 Chileans who went into exile between 1973 and 1978, Peddie argues that individuals—and more often families—had specific stories of the wider exile experience, which included details of timing, opportunities or lack thereof, and destinations for those who found shelter. Some of Peddie's participants emphasized that it was easier for "professionals with resources, knowledge and connections" to find shelter, and recognized their good fortune in that regard. While the federal government was suspicious of the Chilean exiles, there was broad support for them in Canada from various organizations, including the church. The wider lobby urged Parliament to condemn the Pinochet regime, while the church urged the government to adopt a strictly humanitarian rather than a politically motivated response. Peddie argues that once the SMC program was underway, the lobby exerted even greater pressure, because in practice Chilean applicants were being processed as immigrants, rather than being assessed under humanitarian criteria. By 1980 roughly 10,000 Chileans were admitted to the country, as the result, in part, of continued pressure by the lobby in support of the exiles.

Chilean exiles who were a highly educated population overall, as the result of immigration screening, became active in Canada, drawing on their organization skills to establish self-help networks in Canada. In retrospect, participants in Peddie's study emphasized practical issues as well as gaining a sense of belonging in their adjustment to life in Canada. They formed bonds mostly with other Chileans and regained a sense of community and identity in Canada. He argues that political activism among Chileans initially directed mostly towards the struggle in Chile, and specifically the return to democracy that would allow them to return to their homeland, was important in "forging a community



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where emotional needs could be met and networks could be formed" (119). Their associations with other Chileans therefore allowed for both "cultural preservation" and "integration." This finding is significant, given that the Canadian government continued to provide economic support to the junta in Chile even as it accepted Chilean exiles through the. Peddie argues that over time Chileans developed a greater Latin American identity and sought to educate the wider public about issues facing Latin American countries. Furthermore, he argues that they applied their skills to the formation of an infrastructure of Spanish-language services in Canada, and became involved in struggles facing other exile communities.

Peddie devotes one chapter to exploring challenges faced by Chilean exiles during their adjustment in Canada, focusing on employment, education, family and gender relations. He argues that despite the strong orientation of this early cohort of exiles to return to Chile, his participants did eventually begin to put down roots in Canada. The first to do so, such as by purchasing a house, faced resistance from other Chileans, some of whom regarded them as "traitors." They also faced barriers to employment, as do many immigrants, such as failure to have their training and qualifications recognized, language difficulties, and other forms of discrimination. Initial loss of status in Canada was further complicated by changing gender roles within the home and stress on the family as a whole. Peddie argues, however, that these challenges should be placed in context. The economic downturn in the 1970s as a result of the oil shocks is one factor that complicated economic integration. This was particularly bad for Chilean exiles in Quebec, who, despite experiencing greater social integration than their counterparts in Ontario, had a harder time adjusting economically as a result of instability in the Quebec labour market. Another was that some Chilean men felt that they lost status in Canada in relation to women, while Chilean women gained both status and independence. These changes were often correlated with high divorce rates, but Peddie points out that divorce was already on the rise overall as a result of changes in the labour market, values and laws in Canada. Certainly, different values in Canada obliged Chilean exiles to adjust to different gender roles within the family, for instance, and likely increased stress on the family, including parent-child relations. However, the variation of experiences narrated by participants in Peddie's study reveal "the complexity of re-imagining individual and group identities" in the context of adjustment to Canada. Peddie concludes that the greatest challenge for his participants in Canada was lack of support from an extended family. He argues further that while family and interpersonal adjustment proved to be more difficult than economic adjustment for participants, in some cases families became closer. Interestingly, he found that over time a strong Chilean identity gave way to a sense of identity that was multiple and less rooted in place.

With the return of Chile to democratic rule in 1990 and the prospect of return, Chileans became aware of personal changes in identity and belonging. Surprisingly, Peddie finds that once return to Chile became a viable option, most of his participants chose to stay in Canada. Drawing on narratives, he attributes this to a combination of changes that the Chileans underwent in Canada, and changes to Chile during the military regime and return to democratic rule. The latter included lack of resettlement assistance in some cases, a relatively cold reception by the general public in Chile, lack of employment opportunities, and discrimination. Perhaps even more significant, however, is that the participants in Peddie's study came to appreciate the multiculturalism and tolerance of Canada, and some even claimed they felt they had become more Canadian. Conversely, they felt their sense of belonging was questioned in Chile. Others felt they had developed a detachment from place during their exile to Canada, so that where they lived became secondary to other concerns such as family, employment, and other life goals. A minority felt that successful return was possible, but required relinquishing nostalgia and coming to terms with the effects of the extended military rule on Chile, and the neo-liberal model of development it left in its wake.

*Young, Well-Educated and Adaptable* contributes to our understanding of exile and adaptation. First, the retrospective data-gathering technique allows for a broad and comprehensive understanding of the exile, settlement, and integration/reintegration process for the first wave of Chilean exiles to Canada, as a result of the coup d'état and ensuing repression, from the perspective of those who entered as part of the Special Movement Chile program. Second, this approach allows the author to answer the question of why so many Chileans decided to stay in Canada, even once the prospect of safe return to Chile was possible. He points to the complexity and ongoing process of exile, including practical issues, family considerations, sense of belonging and identity, and the difficulty of reintegration. Third, the book illustrates the importance of identity and belonging in the context of adjustment. The challenges of exile reveal the potential for fluidity, multiplicity, and hybridity in identity, and for transnational forms of identity to emerge. For example, some Chilean exiles felt that while in Canada they had developed a hybrid Chilean (social activist) Canadian (multicultural and tolerant) identity.

There are three areas of weakness in the text that give rise to questions for further research and reflection. First, a more detailed reflection of the author's subjectivity in



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relation to the participants would help to clarify important commonalities as well as differences, and possible implications for the analysis. For instance, did the author anticipate that gender dynamics might influence data collection, and how was this possibility addressed? Second, the book covers too much ground and therefore treats some issues only superficially. Related to this point, sometimes review of literature substitutes for analysis of empirical data, but this is not explicit, rendering the precise contribution to the field unclear. For instance, the author draws on literature to suggest that class differences are central to the process of exile and to the social dynamics of integration in a host country, and/or eventual return, but the data gathered do not allow for an analysis of the issue. Finally, the framework for understanding the potential for fluidity, hybridity, and new forms of identity to emerge in exile could be further clarified. A related question for future research is how Chilean national identity evolved differently in Chile under the military dictatorship from that of exiled Chileans in Canada over the same period.

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