

# Refugee



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**SPECIAL ISSUE**

**REFUGEE DISPORAS AND  
TRANSNATIONALISM**

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# Multiple Homes and Parallel Civil Societies: Refugee Diasporas and Transnationalism

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Asylum seekers and refugees have been key players in the making of diasporas and transnational communities. The human rights approach to asylum seekers and refugees which appeared to be the hall mark of western states during the cold war era has disappeared. This “disappearance” has been clearly marked particularly in the aftermath of 9/11. Asylum is now increasingly perceived through the lens of migration and security issues. A pervasive national security oriented discourse advances the sacrifice of fundamental rights and freedoms not only for local populations but very systematically and effectively for refugees, asylum seekers and other migrants. Border controls, confinement and encampment of refugees, interdiction policies, “destitution as a threat to asylum seekers” and deportation are all mechanisms by which North America and “Fortress Europe”, steadfastly attempt to prevent refugees and asylum seekers from reaching their shores.

These special issues of *Refuge*, the current one and the following one, dealing with refugee diasporas and transnationalism, are being published in this context.<sup>1</sup> Transnationalism as a phenomenon incorporates the economic, cultural and political practices of migrants, including refugees, who traverse several national borders. The terms diaspora and transnational have simultaneously become metaphors and categories that include various communities of displaced people, circulating migrants and people in limbo. While theorizing diaspora has a longer history, the “displacement” of the study of diaspora from history to area studies, cultural and literary studies and geography is relatively new. The conflation of studies in diaspora and transnationalism in the past decade has a symbolic representation in the title of a journal: “Diaspora: A Journal of Transnational Studies”. While this conflation opens up new and challenging areas for research enquiry, it also creates some conceptual confusion and at times, uncritical interchangeability of diaspora and the transnational in a simplified manner.

The proliferation of diasporic categories such as “labour diaspora”, “asylum diaspora”, “victim diaspora”, “feminist diaspora”, “military diaspora” and “refugee diasporas” underscores a crucial element in the nature of the diaspora: ambiguity. However, we need to be cautious in not eliminating the historical specificity of these diasporas. While there is certainly a convergence between diaspora and transnational communities, it is critically important to maintain a conceptual and analytical distinction between them. The term diaspora has historically been used to describe the experience of forced displacement and to analyze the social, cultural and political formations that result from this forced displacement. Transnational communities can be generally defined as communities living or belonging to more than one “national” space. The condition of forced migration is not necessarily a component of transnational communities. However, the distinction between diaspora and transnational is not always clear in social science literature. While some scholars have argued in favor of identifying a closed set of attributes and have been only minimally concerned with the actual conditions of diasporic existence,<sup>2</sup> others have preferred to use the term in the broader sense of human dispersal.<sup>3</sup>

The traditional naming and meaning of diasporas can be expanded to include several communities that express new identities and cultural practices as the result of displacement, hybridity and transnationality and mediated through economic transnationalism in the context of globalization. While recognizing that diasporas can eventually evolve into powerful transnational communities, it is sufficient to say that *multiple* and *simultaneous* ways of belonging and multiple ways of incorporation in the “home” and “host” countries is the one key theme that is common for both. This is the most important theme that animates the dynamics of transnational groups in the contemporary age. In that sense the traditional categories of “home” and “host” lands in the context of migration and diasporas are becoming somewhat out dated. The plurality of experiences and plurality

of contexts and locations contribute to the formation of multiple homes and multiple locations for transnational and diaspora groups.

In order to understand and study the transnational, social, cultural and economic and political practices of these groups, the traditional paradigms of immigration/settlement/adaptation/ integration are inadequate. New analytic lenses are essential to understand the social and political processes that transcend traditional state boundaries and create transnationalism. The concept of diaspora and transnational practices and engagements question the notion of integration and assimilation within a particular national frame of “host” societies.

The traditional sociological model of immigrant assimilation is based on the process by which an immigrant group adopts the way of life, patterns of culture and other practices by the dominant, majority group.<sup>4</sup> A critical body of recent work suggests that the notion of segmented assimilation would be a better tool in the study of these groups.<sup>5</sup> One of the important insights offered by the proponents of the segmented assimilation model is the steady stream of new immigrants from various minority ethnic groups allow them to maintain their distinctive identities in a much stronger way than their older generations. The differential treatment of ethnic and racialized minorities and systemic racism are realities that continue to challenge “assimilation”.

It can be argued that transnational practices or transnationalism have become a major force and a paradigm shift challenging traditional notions of assimilation and segmented assimilation. This paradigm shift also necessitates a critical look at the ways in which durable solutions for refugees are conceptualized, programmed and implemented. Traditionally repatriation, resettlement, and integration have been practices accepted and promoted by UNHCR, national governments and NGOs.<sup>6</sup> However, as Van Hear notes in his article in this issue, the transnational character and practices of refugee diasporas have important implications for policy and practice in relation to the traditional triumvirates of durable solutions. For refugee receiving states and the UNHCR, repatriation is increasingly characterized as the most desirable of so called durable solutions. This view is predicated upon notions of refugee diasporas with unalterable territorial identities, loyalties and nostalgia. However, the contemporary transnational practices of refugee diasporas are multifaceted, fluid and exhibit multiple belongings and multiple homes. The key assumption that refugees will have eternal and unchanging ties to their country of origin and “home” is contested by transnationalism. The evolving complexity of networks and

transnational practices increasingly challenge the idea of a society firmly perched upon the nation-state.

The countries from which these immigrant groups or “transnationals” originated (“homelands”)—and the countries that the transnationals often inhabit—“host lands”— can be understood as a single field.<sup>7</sup> Conceptualizing those who leave and those who remain as a single socio-economic and political field can be helpful in explaining transnational practices. The notion of transnational spaces is the preferred concept of some scholars to describe transnational networks and practices.<sup>8</sup>

Transnational practices – including fostering nationalism in their “homelands” by some communities—pave the way for the creation of a complex niche in the “host lands”. The existence of this complex niche requires us to focus more closely on the processes, practices, actors and networks that are instrumental in structuring and organizing transnational social fields. This complex niche can be conceptually described in terms of parallel civil societies. The idea of parallel civil societies opens up new ways of thinking about “home”, migration, homeland politics and/or nationalism and transnationalism. The formation and continuation of parallel civil societies in the major metropolitan cities in the West is the result of several factors. First, transnational practices that question “home” as a fixed entity in the context of refugee and other diasporas. Home in this context becomes multi-sited and extends beyond national boundaries. Secondly, the nature and impact of immigration, refugee and settlement policies of the countries in the North. These policies, together with racism and social exclusion have led to transnational practices that can be read as a response to marginalization and exclusion. Denise Spitzer in her article examines how the Canadian government policy and public discourse have operated to strengthen and maintain the liminal status of Somali women refugees.<sup>9</sup> She points out that these policies and regulations hindered the ability of Somali women refugees to meaningfully integrate into Canadian society. Thirdly, in countries such as Canada, official multicultural policies and their impact on ethno-cultural minorities. The official policy of multiculturalism and the subsequent programs to foster multiculturalism in Canada came into existence in the 1970s. These policies facilitated a certain degree of affirmation of cultural difference while at the same time managing and channeling it through approved government avenues such as government support for ethnic and other immigrant organizations, cultural festivals, and the so-called “heritage language” programmes. In essence, the official multicultural policy is not more than a culturalist rendition of multiculturalism without corresponding political representation or power.<sup>10</sup>

The conceptual framework for these two issues of *Refuge* grew out of the conviction that transnationalism has become a dominant practice of our times and refugee diasporas signify a unique dimension in the arena of transnational practices.

The articles included in these two issues of *Refuge* address various dimensions and realities of the transnational practices of refugee diasporas in the international context. In addition to documenting some practices of parallel civil societies, the other important contribution of these two issues lies in the fact that several articles transcend the usual geographical bias that exists in transnational studies. Most of the literature on transnationalism is focused on the receiving context of the West while excluding countries in the South that receive large refugee populations. These two issues attempt to rectify this lacuna. However, it would not be inappropriate to say that more research is needed in this crucial area.

There are a total of twenty one articles in the two issues. Hyndman and Sherrell's article discusses the quality and distinctiveness of transnational links among Kosovars. They demonstrate that settlement and integration in contemporary world cannot be understood without consideration of transnational ties and practices. Echoing one of the main themes of the two issues, Nicholas Van Hear argues that durable solutions for refugees perhaps lie in their transnational relations and practices. He offers a simple schema for understanding diasporas and transnational relations and suggests that "transnationalism might be considered in itself as an "enduring" if not a "durable" solution to displacement."

The articles authored by Shotte, Kirk and Purveys illustrate the difficulties and barriers for adaptation that exist and how issues of identity and transnational practices are gaining more importance in the study of refugee diasporas. Bose's article on the Hindu Bengali displacement from Bangladesh critically interrogates the idea of refugee diasporas. He highlights the problems in identifying refugee diasporas as monolithic entities without any class, gender, caste and religious specificities. Pilkington and Flynn in their article deal with one of the most contentious aspects of transnationalism: the politics of "homeland". While these articles focus on different geographical regions, the key themes that underlie both articles are not only similar but point to the increasing relevance of "homeland" politics in the study of transnational political practices.

Joan Simalchik's article on the Material Culture of Chilean Exiles, approaches homeland politics and exile from a different angle.<sup>11</sup> While pointing out how Chilean exiles managed to construct an "embodied site of struggle" through their resistance, solidarity strategies and commemorative practices, Simalchik explains how "Chileans created and inhabited a newly devised distinct space". This distinct transnational space created not only through trans-

national practices but also through memory, commemoration and articulation of struggle. As she asserts, "with their emphasis on solidarity practices, [Chilean] exiles were able to create an expanse both to contain memory and to produce opposition to the military dictatorship."

Da Lomba's paper critically evaluates European Union's current asylum policy and the use of destitution as a deterrent against asylum seekers and refugees. Her article strongly makes the case that there is a gap exists between the EU asylum agenda and the EU member states' obligation under international refugee and human rights law. Neuman documents the complicity of UNHCR in the Australian government's unethical treatment of West Papuan refugees. The article explores the relations between the UNHCR and the government of Australia and argues that the UNHCR's role in providing and lobbying for protection for refugees was compromised by its consideration for Australian government's interests. This article adds an important resource to a growing body of literature that critiques the UNHCR's role in refugee protection.<sup>12</sup>

The use of internet technologies by diaspora groups and the creation of cyberspace as a unique location for effective transnational practices still remain an under researched area. Horst discusses the value of electronic media as an important methodological tool in studying transnational practices of Somali refugee diaspora.

Also included in this issue are highlights of discussions of transnationalism and forced migrants at the 9<sup>th</sup> conference of the International Association for the Study of Forced Migration held at Sao Paulo, in Brazil in January 2005. Collyer's summary reinforces the major theme of our special issues: transnational perspectives need to be incorporated not only in the study of refugee diasporas and forced migration but they can provide significant policy interventions.

In the second issue, articles by Anna Lindley and Dianna Shandy focus on one of the important aspects of transnational practices: financial remittances. Katharya Um's study on Cambodian transnational political remittance in the post-conflict situation helps us to understand the nature and impact of political remittances as important transnational practice in conflict and post-conflict zones. Denize Spitzer and Mehrunnisa Ahmad Ali critique Canadian government policy in relation to refugee women and unaccompanied children seeking refuge. Ali's article highlights the ambiguities in the identification, case processing, care and protection of separated children in Canada and calls for a systematic study of government policies and practices.

Savitri Taylor's article considers Australia's treatment of stateless Palestinian asylum seekers and discusses whether that treatment is line with Australia's legal and/or moral

obligations towards asylum seekers and refugees. Her disappointing conclusion is that it does not.

Fethi Mansouri's paper addresses the important issue of the psychological impact of liminality. The Temporary Protection Visa (TPV) granted to asylum seekers in Australia who arrived without valid documents but are subsequently found to be refugees. Past trauma and persecution which are not uncommon for refugees, combined with family separation, exclusionary policies advocated by the Australian government and uncertainty about future results in chronic states of anxiety and depression among TVP holders.

Susan Banki's paper discusses refugee participation in transnational acts. While there seems to be a consensus that the legal status of refugees improves the ability to engage in political transformation Banki's paper on Burmese refugees living in Japan reveals that the provision of legal status can have the opposite effect, weakening fragile community structures, stemming advocacy efforts, and discouraging communication between divided political and ethnic groups.

Read collectively the articles in these two issues broadly indicate the coordinates of important transnational practices and the consequent emergence of parallel civil societies in the metropolitan West. They are financial and political remittances, difficulties in integration in the "host countries", homeland politics, the emergence of powerful social, political and cultural networks and virtual diasporas. More research is necessary to map parallel civil societies and the transnational practices that strengthen these parallel civil societies. Some of the key areas that need closer study include the proliferation of ethnic markets, the emergence of separate media and entertainment industries outside the mainstream as well as how nationalism in the homelands is fostered through transnational diaspora practices and the impact of these practices upon conditions of war and peace.

In the discourse of terrorism that has predominated post 9/11, diaspora and transnational communities are often portrayed as supporting violence directly and indirectly through financial and political remittance. This myopic view fails to address the significant contributions of diaspora and transnational communities to peace building in the global South.<sup>13</sup>

It is highly unlikely that the majority of individuals that inhabit transnational spaces will return to their place of origin on a permanent basis. The most probable scenario is that they will circulate if/when conditions are conducive for such circulation. The idea and practice of circulation together with the degree of social capital that a transnational community possesses can have enormous impacts upon the creation of parallel civil societies and expansion of transnational spaces.

Instead of perceiving transnational communities and refugee diasporas as "others" and inherently suspicious and troublesome, governments need to find creative and effective ways to understand and learn from them. That is, perhaps, the only way to place rights, freedom and human security at the centre stage.

#### Notes

1. Volume 23, Issues 1 and 2 of *Refuge*.
2. Robin Cohen *Global Diasporas: An Introduction* (Seattle: University of Washington Press, 1997)
3. William Safran "Diasporas in Modern Societies: Myths of Homeland and Return" *Diaspora* 1:1, pp. 83–99 and Jana Evans Braziel and Anita Mannur *Theorizing Diaspora* (Oxford: Blackwell, 2003).
4. R.E. Park was an important early exponent in delineating this process by suggesting the four stages: contact, competition, accommodation, and assimilation. See R. E. Park *Race and Culture* (Glencoe, IL: Free Press, 1950).
5. A. Portes and M. Zhou "The Segmented Assimilation and its Variants" in *Annals of the American Academy of Political and Social Sciences*, 530:74–96 (1993) and R. G. Rumbaut "Assimilation and Its Discontents: Ironies and Paradoxes." in C. Hirschman, P. Kasinitz and J. DeWind, eds. *The Handbook of International Migration: The American Experience* (New York: Russell Sage Foundation, 1999) at 172–195.
6. See generally, UNHCR *The State of the World Refugees 1995: In Search of Solutions* (Oxford: Oxford University Press, 1995).
7. Peggy Levitt and Nina Glick Schiller "Transnational Perspectives on Migration: Conceptualizing Simultaneity" (Princeton: Princeton University Center for Migration and Development Working Paper 3–09J, 2003) (available online at <<http://www.peggylevitt.org/>>; last accessed 10 January 2006).
8. Ludger Pries *Migration and Transnational Social Space* (Aldershot: Ashgate, 1999) and Thomas Faist *The Volume and Dynamics of International Migration and Transnational Social Spaces* (Oxford: Clarendon Press, 1999).
9. Denise Spitzer's article appears in Volume 23, issue 2.
10. For a critical review of Canadian multiculturalism see, Himani Bannerji *The Dark side of the Nation: Multiculturalism and Nationalism in Canada* (Toronto: Women's Press, 2002) and Yasmeen Abu-Laban and Christina Gabriel *Selling Diversity: immigration, multiculturalism, employment equity, and globalization* (Peterborough, Ontario: Broadview Press, 2002).
11. Joan Simalchik's article appears in Volume 23, issue 2.
12. Guglielmo Verdirame and Barbara Harrell-Bond *Rights in Exile: Janus-Faced Humanitarianism* (New York: Berghahn Books, 2005).
13. Wolfram Zunzer, "Diaspora Communities and Civil Conflict Transformation, Berghof Occasional Paper No. 26", (Berlin: Berghof Research Centre for Constructive Conflict Management, 2004).



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# Refugees in Diaspora: From Durable Solutions to Transnational Relations

NICHOLAS VAN HEAR

## **Abstract**

*When people flee conflict or persecution, a common pattern is for most to seek safety in other parts of their country, for a substantial number to look for refuge in a neighbouring country or countries, and for a smaller number to seek asylum in countries further afield, perhaps on other continents. If displacement persists and people consolidate themselves in their territories of refuge, complex relations will develop among these different domains of what we may call the “refugee diaspora”: that is, among those at home, those in neighbouring territories, and those spread further afield. Each of these domains corresponds to some extent to one of the sites associated with the three “durable solutions” that UNHCR is charged with pursuing for refugees: integration in the country of first asylum, resettlement in a third country, or return to the homeland. Taking its cue from the burgeoning literature on diasporas and transnationalism, this paper explores whether the notion of “durable solutions” can be squared with the transnational character of refugees. It offers a simple schema for considering diaspora and transnational relations, and suggests that transnationalism might be considered in itself as an “enduring” if not a “durable” solution to displacement.*

## **Résumé**

*Lorsque des gens fuient les conflits ou la persécution, l'un des réflexes les plus courants est de chercher la sécurité dans d'autres parties de leur pays. Un nombre important de personnes cherchent plutôt refuge dans le ou les pays avoisinants et un nombre plus restreint cherche asile dans des pays plus éloignés, voire même dans d'autres continents. Si le déplacement persiste et que les personnes s'ancrent dans leurs terres d'accueil, des relations com-*

*plexes se développent parmi les différents volets de ce que nous pourrions appeler la « diaspora de réfugiés » : ceux qui sont chez eux, ceux des territoires voisins et ceux disséminés plus loin. Chacun de ces volets correspond jusqu'à un certain point à l'un des lieux associés aux trois « solutions durables » que le Haut Commissaire des Nations Unies pour les réfugiés (HCNUR) est responsable d'appliquer : l'intégration des réfugiés dans le pays du premier asile, le réétablissement dans un pays tiers ou le retour au pays d'origine. À partir de l'abondante littérature sur les diasporas et le transnationalisme, l'article pose la question à savoir si la notion de « solutions durables » peut être mise en parallèle avec le caractère transnational des réfugiés. Il offre un schéma pour examiner les relations transnationales et de la diaspora, et suggère que le transnationalisme peut être considéré en soi comme une solution de déplacement « persistante », sinon « durable ».*

## **Introduction**

**W**hen people flee violent conflict or persecution, a common pattern is for most to seek safety in other parts of their country, for a substantial number to look for refuge in a neighbouring country or countries, and for a smaller number to seek asylum in countries further afield, perhaps on other continents. Some of those in neighbouring countries of first asylum may later be resettled further afield, joining those who have gone there directly. As time goes on, individuals and households, at home and abroad, examine their prospects to see what they can make of their situation, given the resources they can muster. Decisions need to be made about whether to stay put, move on, or go home; whether to keep someone at home to look after the family house, farm, or business; or whether to uproot the family members left at home and reunite the family in the country of refuge. Whichever op-



tion is chosen, what began as forced migration may transmute into other forms of movement as individuals and households decide to go or to send members abroad for family reunion, or to earn money, seek education, or search for other forms of betterment. These new or mutated flows may merge with prior migratory streams of labour or trade. If exile persists and people consolidate themselves in their territories of refuge, complex relations will develop among these different domains of what we may call the “refugee diaspora”: that is, among those at home, those in neighbouring territories, and those spread further afield.

Each of these domains corresponds to some extent to one of the locations or sites associated with the three “durable solutions” that UNHCR is charged with pursuing for refugees: integration in the country of first asylum, resettlement in a third country, or return to the homeland.<sup>1</sup> Conventionally, these domains have been seen as distinct, or sometimes as stages in a refugee “cycle.” Taking its cue from the burgeoning literature on diasporas and transnationalism,<sup>2</sup> this paper will show that this conceptualization fails to capture adequately the transnational character of many refugee households: for example, it is conceivable that, either simultaneously or over time, a given household or family may have members at home, in a neighbouring country, in a country further afield, or moving between these locations. This must have implications for policy and practice in relation to integration, resettlement, repatriation, and efforts to resolve conflicts at home.

The paper looks at whether the notion of “durable solutions” can be squared with the transnational character of refugees. It offers a simple schema for considering refugee diaspora and transnational relations, and then explores how transnationalism might be considered in itself as an “enduring” if not a “durable” solution to displacement.

### ***Durable Solutions or Transnational Relations?***

According to UNHCR’s Statute, the organization is mandated to “assume the function of providing international protection . . . and of seeking permanent solutions for the problem of refugees” by facilitating “the voluntary repatriation of such refugees, or their assimilation within new national communities.”<sup>3</sup> In the latter case there were two possibilities, usually termed “integration into the country of first asylum” and “resettlement in a third country.” The feasibility and attractiveness of these three “durable solutions,” as they came to be called, have varied over time, partly determined by geopolitical considerations: as many commentators have observed, during the Cold War, resettlement and integration were more the norm, because this suited the purposes of the Western powers, while since the end of the Cold

War, new imperatives have prevailed and repatriation has become the most desirable durable solution.<sup>4</sup>

In this thinking, displacement was represented as a temporary phenomenon. It might be manifested in the form of residence in refugee camps, often in neighbouring countries, or in the form of temporary residence, perhaps in territories further afield. Only if exile became permanent would there be local integration or resettlement: the refugee might become an established resident, and eventually a citizen of the country of asylum. Temporary status should not last long in this scheme of things: either the conditions that forced flight would be resolved and the displaced should go home, or the displaced should be incorporated permanently into their place of refuge. The three statuses or “solutions” were linked to distinct physical locations, and they were conceived, originally at least, as applying to individuals rather than families or households.

Needless to say, the real world is messier than this ideal scheme. First, as is well known, “resolution” of displacement often takes a long time, which the architects of the refugee regime did not anticipate. The displaced often find themselves in a state of protracted limbo, a condition highlighted by recent focus on protracted displacement and the “warehousing” of refugees.<sup>5</sup> Citizenship may not be easily acquired or reacquired, and is often disputed. People in such circumstances develop ambiguous relationships towards the places in which they find themselves. In various ways, such has been the experience of the Afghan, Palestinian, Somali, Sri Lankan Tamil, and many other “refugee diasporas.”

Second, compartmentalizing these different categories and statuses risks obscuring connections between them. These categories tend to be regarded in conception, policy, and practice as discrete and even as part of a sequence or cycle comprising: displacement first asylum integration/resettlement/return.<sup>6</sup> But there are links across time and space among these places and statuses. As scholars of transnationalism have been arguing for some time now, people at home and abroad may operate in a single social field, or at least in linked social fields. This applies as much in the context of forced migration as with other forms of migration. What was a single household in a conflict area may subsequently have members at “home” in the country of origin; in neighbouring countries of first asylum; and in the wider diaspora, in countries of asylum or resettlement: we might term this a transnational household. Among wider, extended families, those at home may provide financial or other support for those who go abroad to seek asylum, and those already abroad may help newcomers. Once established, those abroad may support those at home through remittances and other transfers. Refugees returning may get

help from people at home, or from those in neighbouring countries while they are in transit: such people may facilitate the return of those from further afield, either on visits, or on a more permanent basis. These links obviously straddle the domains outlined above.

Such links are even found in quite unpromising circumstances. For example, refugee camps are often rightly represented as sites of immobility or restricted mobility. But this confinement does not mean that links with the outside world are absent. As Horst has shown, camps may also be sites of connection and link.<sup>7</sup> People in camps, or at least some people in some camps, are plugged into transnational networks. Telecommunication centres near or sometimes within camps are concrete manifestations of this. The inhabitants of camps use them to maintain contact with household members or kin at home or in the wider diaspora, and to arrange visits, transfers of money, and other transactions.

Such transnational connections among refugee populations are attracting increasing attention from researchers.<sup>8</sup> As has been indicated above, schematically three domains of a refugee diaspora may be distinguished—the homeland, or place of origin; the neighbouring country or countries of first asylum, which can be characterized as the “near diaspora”; and countries of asylum further afield, perhaps in other continents, which can be termed the “wider diaspora.” At least three sets of relations may emerge among these domains: between the “homeland” or territory of origin and the neighbouring country of first asylum; between the neighbouring country of first asylum and the wider diaspora; and between the “homeland” and the wider diaspora. There may also be connections among the various locations in the wider diaspora. Each set of relations consists of movements or exchanges of people, money, and information. Relations may be strong or weak and vary over time, and by type: they might be political, military, social, economic, or cultural. Moreover, these relations may be ambiguous: for example, transfers from abroad may at different times and in different ways both assist those at home and help to perpetuate conflict.

Research has elucidated how some of these sets of relations work, but less attention has been paid to others. For example, the movement of people from the inner to the outer domains as refugees or migrants has been well studied; so has the return of such refugees and migrants. Movements of money and information have been studied rather less, but have attracted more attention recently.<sup>9</sup> Nevertheless, such research as has been done usually presents a partial picture; few studies have elaborated the whole or offered an integrated approach. Yet a grasp of the “whole” is needed, both to understand the societies concerned and to help devise appropriate policy interventions.

To give some empirical substance to this schema, the Somali, Afghan, and Sri Lankan Tamil diasporas each features the tripartite scheme outlined above. There is a homeland or place of origin, with a substantial population of internally displaced people: Somalia and Somaliland, Afghanistan, and North and East Sri Lanka. Substantial numbers of refugees have sought safety in neighbouring countries—Kenya, Ethiopia, and Yemen in the case of Somalis; Pakistan and Iran in the case of Afghans; and south India in the case of Sri Lankan Tamils. Finally there is a wider set of territories into which people seek entry, either directly from the homeland, or via the neighbouring countries: Europe, North America, and Australasia are home to the wider diasporas of refugees and other migrants from Somalia, Afghanistan, and Sri Lanka. Over time complex and enduring relations have developed among these different domains of the diaspora emerging from a combination of migration compelled by circumstance or pursued by choice, as refugee migration transmutes into economic migration.

These three cases also show that political, economic, and other relations are highly volatile, as the importance of particular domains of the diaspora shifts over time. In all three cases cited above, there has been substantial migration to the Persian Gulf states, but this has proved vulnerable to historical contingency, most notably the Gulf crisis in the early 1990s, when many migrants were forced to leave the region. These shifts over time occur both at the macro level of national and international political economy, and at the micro level of the household and individual life and livelihoods; needless to say, there is interaction between these levels. At times, the near diaspora is an important conduit of resources—economic, social, political, cultural – while at other times this domain may be bypassed.

There are significant cleavages within and among different domains of the diaspora. Very broadly speaking, spatial distribution also reflects class distribution, for it is largely (though not exclusively) the better-off who reach the more distant and more affluent destinations, because so much is now needed by way of economic resources and, increasingly, social capital.<sup>10</sup> The less well-resourced may have sufficient resources to find refuge in neighbouring countries or to invest in labour migration; and the least well-off stay within their country of origin. For those remaining behind in the society in conflict, the scale of resource inflows from abroad obviously depends on the socio-economic standing and resources of those abroad. The Somali, Afghan, and Tamil cases all illustrate this.

Finally, the three cases show how transnational connections can help to fuel conflicts as well as ameliorate their effects: for good or ill, Somali, Afghan, and Sri Lankan Tamil exile communities have been essential bases of sup-

port for those contesting power in the homeland. Whatever their effects, however, the deployment of transnational networks as a resource is predicated on reasonably secure attachment to the place of exile, for it is from such attachment that resources and entitlements come: it is hard to imagine how resources can be raised—whether for a household in distress at home, or to procure arms for a guerrilla group — from a footloose, transient population without such attachment to place.

### ***Transnationalism as a Durable Solution?***

If transnational activities across locations at home and in exile are as pervasive as the experience of refugee diasporas suggests, does the continued use of the categories “home,” “country of first asylum,” and “resettlement country,” which accompany the notion of “durable solutions,” make sense? Can durable solutions be squared with transnational relations?

The notion of durable solutions has recently staged a resurgence in the context of the development of UNHCR’s Convention Plus and related initiatives. In an effort to strengthen the international protection regime and reaffirm commitment to the 1951 Refugee Convention, UNHCR launched the Global Consultations on International Protection in 2000. The outcome was the Agenda for Protection, one of whose six goals was to “redouble the search for durable solutions,” as part of reinvigorating protection efforts.<sup>11</sup> Convention Plus, announced in late 2002, was seen as a means to these ends. It had three interlinked strands:

- strategic use of resettlement as a tool of protection, a durable solution, and a tangible form of burden sharing;
- targeting development assistance to support durable solutions for refugees, whether in countries of asylum or upon return home; and
- clarification of the responsibilities of states in the event of irregular secondary movements of refugees and asylum seekers.<sup>12</sup>

Targeting development assistance was the strand that subsequently made most headway, and in 2003 UNHCR launched its Framework for Durable Solutions, aimed primarily at promoting local integration in the country of asylum or repatriation to the homeland through making refugees’ or returnees’ livelihoods sustainable.<sup>13</sup> The revitalization of the notion of durable solutions struck a chord in wider policy circles. Shortly after the introduction of Convention Plus and the Framework for Durable Solutions, the European Commission issued a communication, *Improving Access to Durable Solutions*, which set out policy intent echoing some of the themes of UNHCR’s Framework.<sup>14</sup> These initiatives were at the more benevolent end of the policy

spectrum in this area. Far less positive have been other elements of the containment agenda seen in much current migration and refugee policy, characterized as the “internationalisation” of European asylum policy in a recent report.<sup>15</sup>

The resurgence of the notion of durable solutions has thus been a significant feature of policy developments in the refugee field. But while there is much positive about some aspects of the recent initiatives, acknowledgement of transnational dimensions across the sites represented in the three durable solutions is weak in this resurgent policy.

As has been suggested, in areas experiencing conflict or other severe strain, extended families often disperse to take advantage of different resources at different sites. Some stay at home, or become internally displaced, seeking refuge in other parts of their country. Of those who flee the country, the more vulnerable (perhaps the elderly, some women, and children) may stay in camps where they have access to health and education services. Other members of the extended family may go to cities in search of employment or seek seasonal agricultural work; they may negotiate access to land or livestock in the host country, or find ways of maintaining control of their assets still in the homeland; or they may find trading niches between town and country or across international borders. Still other extended family members may go abroad as labour migrants, asylum seekers, undocumented workers, or through other migratory channels to find work and incomes for themselves and the family. Such “strategies,” if they may be called this, may well be in place before displacement, but the portfolio of strategies is likely to be broader after displacement, sometimes of necessity, sometimes by new opportunities opening up. Access to social networks and mobility can be among refugees’ most important assets.<sup>16</sup>

From this perspective, the objective of discouraging “secondary movements” from first asylum countries to western states, which is one of the imperatives driving Convention Plus and other recent initiatives, may be counterproductive, since they curtail what may be an important element within families’ livelihood portfolios. Likewise concerns to prevent “backflows” after repatriation may militate against cross-border networks that have been built up while in exile. Refugees may not want to go back permanently to their places of origin, but to re-establish their entitlements and to integrate these assets into their networks of cross-border livelihood activities.<sup>17</sup>

The lack of attention paid to transnational dimensions in recent policy initiatives on durable solutions is somewhat surprising given the prominence given to them in UNHCR’s thinking, as evidenced in the research publications of its Evaluation and Policy Analysis Unit. It is also perhaps at odds with conceptual shifts within UNHCR in

the 1990s, when the organization was said to have moved from being “reactive, exile-oriented and refugee specific” to being “proactive, homeland-oriented and holistic”:<sup>18</sup>

In contrast to the refugee-centric focus of earlier years, it has now been recognized that if UNHCR is to discharge its mandate of ‘seeking permanent solutions for the problem of refugees’, then the organization must address the situation of people who have been displaced within their own country, exiled populations who have returned to their homeland, and those communities which are at risk of being uprooted.<sup>19</sup>

Accompanying the shift to a “holistic” approach, the relevance of transnationalism has also been recognized for some time by UNHCR: “Refugee problems are by definition transnational problems, which cannot be resolved by means of uncoordinated activities in separate countries.”<sup>20</sup>

This recognition of the importance of transnational links is implicit in some policy interventions. For example, a number of countries (such as the Netherlands, France, Sweden, and Denmark) have instituted “look and see” schemes, under which refugees may go to look at the homeland without jeopardizing their refugee status: Bosnian and Somali refugees are among those who have participated in such schemes. In some cases these initiatives have been government-organized; in other cases non-governmental organizations have set them in motion.<sup>21</sup> While such schemes are not without problems, they partly overcome the compartmentalization of locations, and recognize and acknowledge the interrelations between exile and home.

UNHCR and other components of the “refugee regime” have then to some extent recognized the unavoidably transnational character of refugee issues, the need to reconsider conventional distinctions and categories, and the imperative to recognize the links among different domains, including those outlined schematically earlier in this paper. “Look and see” schemes are one practical manifestation of this. Perhaps it is time to go one step further and acknowledge that transnationalism may in itself be a “durable solution” for conditions of displacement—or at least an “enduring” solution. This might mean considering the encouragement or promotion of transnationalism. The cases presented above suggest a number of arguments in support of such an approach. First, “transnationalism” is arguably a “solution” favoured by the displaced, since it is the practice often pursued by them in everyday life. Policy approaches that resonate with what refugees and migrants actually practice make sense. Second, it is increasingly acknowledged that remittances and other transnational flows tend to be an effective means of reaching people in need, since they are

often one-to-one flows, rather than the more generalized distributions implemented through aid or welfare — although there are obvious issues of equity here, not least between those households with migrants abroad and those without. Third, as is increasingly recognized, diaspora connections may be vital in sustaining societies in upheaval or conflict and have the potential for assisting such societies once conflict lessens. Building on such potential involves understanding that the return of some members of a household or community to a “post-conflict” society may be predicated on others staying abroad. That way the viability or durability of the return would be enhanced: by sending money home, for example, those abroad may help to set up or sustain livelihoods established by returnees during start-up periods or during hard times. A sustainable livelihood may then be established as the basis for subsequent returns of the displaced. At the same time, as has been suggested above, the deployment of transnational connections in such ways is predicated on some elements of the diaspora attaining reasonably secure residence in the place of exile.

There are, of course, problems with such an approach. Not least of these are questions of equity, already referred to, for it tends to be those who are already better off who take prime positions in the transnational arena: encouragement of transnationalism may therefore reinforce inequalities. Another issue is commitment to place, also just referred to, for if people are really as footloose as some proponents of transnationalism imply, why should they contribute to the places they find themselves in? This may indeed be problematic for host countries where migrants’ or newcomers’ loyalties lie elsewhere. A third issue is the ambiguity of transnational connections, since they can contribute to conflicts as well as ameliorating their effects, as is indicated by the cases considered above. Can (or should) policies be devised which enhance the positive outcomes of transnational networks, while discouraging transnational activities which fuel or sustain conflicts?

These problematic areas notwithstanding, the implications of transnationalism are gaining greater attention among policy makers and practitioners concerned with displacement and its resolution. Indeed there has recently been an explosion of interest in the development potential of migration, remittances and diasporas, including refugees.<sup>22</sup> This burgeoning interest in transnational dimensions is ostensibly somewhat at odds with the resurgence of the pursuit of durable solutions associated with particular sites—repatriation to the homeland, local integration in the asylum country, or resettlement in a third country. It is even more at odds with the containment thrust of much current “migration management” policy.



The resurgence of the search for “durable solutions” involving repatriation, local integration, and resettlement in a third country is welcome, so long as we do not lose sight of the links between the geographical locations and social statuses that each is associated with, both to understand how refugees and their networks function and the policy implications of that understanding. One real-world manifestation of this is that interventions in one sphere may reverberate in other connected spheres: for example, curtailment of immigration or repatriation may lead to a decline in remittances, which may in turn lead to hardship and instability at home, and possibly renewed conflict and forced displacement.

The challenge is to reconcile the quest for durable solutions associated with particular sites with recognition that transnational connections and practices provide important means for sustaining people caught up in conflict, displacement, and its aftermath. “Reconstruction” after conflict will not only involve the homeland or the actual arena of conflict; transnational links and diaspora connections that develop to sustain societies in conflict are likely to be irrevocably integral parts of the “post-conflict” society to be reconstructed. Taking advantage of transnational connections and practices requires taking account of the links among different domains of diaspora: this paper has offered the beginnings of a simple framework for considering the relations among these different domains, and has argued that policies seeking durable solutions for refugees should embrace those linkages.

#### Notes

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14. European Commission, *Communication on Improving Access to Durable Solutions: On the Managed Entry in the EU of Persons in Need of International Protection and the Enhancement of the Protection Capacity of the Regions of Origin*, COM (2004) 410 final, 4/6/04.
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16. Finn Stepputat, “Refugees, Security and Development: Current Experience and Strategies of Protection and Assistance in ‘the Region of Origin’” (Working Paper, Danish Institute for International Studies, Copenhagen, 2004); Nicholas Van Hear, “From ‘Durable Solutions’ to ‘Transnational Relations’: Home and Exile among Refugee Diasporas” (Working Paper 83, *New Issues in Refugee Research*, UNHCR Evaluation and Policy Analysis Unit, UNHCR, Geneva, 2003); Nicholas Van Hear and Ninna Nyberg Sørensen, *The Migration-Development Nexus* (Geneva: International Organisation for Migration, 2003).
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19. *Ibid.* at 49.
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# Global Minds, Local Bodies: Kosovar Transnational Connections Beyond British Columbia

KATHY SHERRELL AND JENNIFER HYNDMAN

## **Abstract**

*In 1999, 905 Kosovar refugees settled in the province of British Columbia (BC) in Canada. Despite their sudden and forced departure, many have maintained contact with and returned to visit Kosovo/a. We contend that these transnational links are different for refugees than for other classes of immigrants. In this case, “refugee transnationalism” refers to the social, cultural, economic, and political relations that Kosovar refugees in Canada keep with those in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia). A salient feature that shapes Kosovar transnationalism is the uncertain status of the region of origin, namely Kosovo/a. Based on interviews and focus groups with Kosovars in seven BC cities, we discuss the quality and distinctiveness of transnational links among this refugee group and their implications for settlement and integration in Canada.*

## **Résumé**

*En 1999, 905 réfugiés kosovars se sont établis dans la province de la Colombie-Britannique (C.-B.) au Canada. En dépit de leur départ rapide et forcé, nombre d'entre eux ont gardé contact avec le Kosovo/Kosova et y ont séjourné. Les auteures soutiennent que ces liens transnationaux diffèrent selon qu'il s'agit de réfugiés ou d'autres catégories d'immigrants. L'expression « transnationalisme des réfugiés » réfère ici aux relations sociales, culturelles, économiques et politiques que les réfugiés kosovars au Canada conservent avec les réfugiés de Serbie et du Monténégro (anciennement la République fédérale de Yougoslavie). Le statut incertain de la région d'origine est*

*l'un des traits saillants à la base du transnationalisme kosovar, soit le Kosovo/Kosova. À partir d'interviews et de discussions menées avec des Kosovars dans sept villes de la C.-B., les auteures étudient les spécificités et le caractère distinct des liens transnationaux au sein de ce groupe de réfugiés et les implications pour leur établissement et leur intégration au Canada.*

Resettlement to another country is often considered a “durable solution” to displacement and the endpoint of the refugee experience. A refugee’s attachment to her region of origin does not simply end, however, once she arrives in a host society such as Canada. Achieving full participation in Canadian society is a long-term process influenced by events and expectations in the country of origin as well as the host country. “Immigrants take actions, make decisions, and develop subjectivities and identities embedded in networks of relationships that connect them simultaneously to two or more nation-states.”<sup>1</sup> Transnationalism recognizes that settlement and “integration” occur within the context of two or more locations, and that (new) identities are forged across this space. As such, settlement and integration cannot be fully understood without consideration of the ongoing social, political, and economic ties that are developed and maintained across the borders of the two states. Incorporating a transnational analysis recognizes that refugees retain and develop multiple relationships both within and between the sending and receiving countries. Processes of immigrant integration and emerging social cohesion in Canadian society may vary from large to small urban centres, across immigrant classes, and within specific immigrant groups.<sup>2</sup>

This paper examines the quality and distinctiveness of transnational links among Kosovars, a group that came to Canada as refugees in 1999. We contend that transnationalism is different for refugees than for other classes of immigrants, and note that the uncertain status of the Kosovars' region of origin, namely Kosovo/a, shapes transnational relations as well as settlement and integration in the province of British Columbia in Canada (BC).<sup>3</sup> Far from abandoning all ties with Kosovo/a, the Kosovars interviewed have established a multitude of relationships and identities that extend beyond Canadian borders. Our findings suggest that the transnational linkages Kosovars in BC maintain with Kosovo/a do not necessarily detract from their "integration" in Canada. Continued uncertainty in Kosovo/a may in fact hasten settlement in Canada.

### *Living Lives across Time and Space*

"The word 'immigrant' evokes images of permanent rupture, of the abandonment of old patterns of life and the painful learning of a new culture and often a new language."<sup>4</sup> Although this conception envisions migrants as moving permanently from one bounded nation to another, others favour an "approach to migration that accents the attachments migrants maintain to families, communities, traditions and causes outside the boundaries of the nation-state to which they have moved."<sup>5</sup> Since the late 1980s, researchers have theorized the ethnic and cultural identities and networks of economic, political, and cultural relations that cross national borders and boundaries. Proponents of transnationalism argue that settlement occurs within a context that simultaneously connects immigrants and refugees to multiple nation-states.<sup>6</sup> Advances in transportation and communications technologies, and their increased accessibility, facilitate migration and improved communications. Migrants develop relations and identities that are no longer anchored in one country, but rather span both their country of origin and country of resettlement.<sup>7</sup>

Basch, Glick Schiller, and Szanton Blanc define transnationalism as "the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement."<sup>8</sup> Portes extends this definition by arguing that transnational relations must be recurring activities that cross national borders and involve a significant number of people.<sup>9</sup> This scale and intensity of relations, Portes asserts, differentiates transnational activities from those of earlier migrants.<sup>10</sup> Critics of Portes, including Al-Ali and Koser, contend that his insistence on "a significant number of people engaged in sustained relations over time" as a prerequisite to transnational migration is too rigid.<sup>11</sup>

Transnational approaches to migration research must fully consider the ways in which refugee transnationalism may differ from that of immigrant transnationalism.<sup>12</sup> Forced migration is distinct from voluntary migration in the development of transnational relations.

[The] immediate concern of recent arrivals has been to try to secure their positions in their new host countries. Few have yet had time even to re-establish contacts with relatives and friends left behind . . . far less become involved in transnational activities, even those as basic as sending remittances.<sup>13</sup>

Al-Ali *et al.* distinguish "*transnational activities*," which may include political, economic, social, and cultural activities at multiple scales from the individual to the institutional, from "*transnational capabilities*," which recognize that the ability to engage in transnational activities is dependent upon the resources available to migrants.<sup>14</sup> The ability to engage in transnational activities in the "home" country may be negatively affected by unemployment, financial instability, and language barriers in the receiving country. This distinction is a useful extension to ideas forwarded by Portes and Portes *et al.*, as it begins to take into consideration the *actual* ability of people to engage in transnational activities.<sup>15</sup> Portes' research has historically focused on economic, voluntary migrants sending significant remittances.

Recently arrived refugees and immigrants, however, may not be in a position to engage in transnational activities. Sporadic remittances of money or gifts may represent the beginnings of transnational activities and relations for recent refugees who are struggling to establish themselves in the host society. The emergence of transnational activities will be affected by conditions within both the host and the sending country, and can vary over time and space depending on the attitudes of home states, differences in current status, and differences in conditions in home society.<sup>16</sup>

Although much of the transnational literature focuses on economic activities, such as remittances, and political activities, a few researchers have foregrounded social relations.<sup>17</sup> Mountz and Wright, for example, explore the ways in which transnational migration between San Augustan, Oaxaca, and Poughkeepsie, New York, have altered the social practices of Mexican migrants in Poughkeepsie and their families in San Augustan.<sup>18</sup> These authors show how transnational migration transforms social practices both in the sending and receiving countries. Although it is difficult to examine social relations without considering economic and political linkages, the least attention has been paid to the establishment and implications of transnational social practices.

### **Research Approach**

Our research draws upon forty individual interviews and seven focus groups with Kosovar refugees, sponsors, and key informants that were conducted between May 2002 and March 2003, in seven BC communities: Chilliwack, Abbotsford, Kelowna, Vernon, Vancouver, Surrey, and Burnaby. Approximately equal numbers of Kosovar men and women, aged twenty-one to seventy-eight, participated in this research. Because the English language ability of the Kosovar participants varied from those who claimed fluency in English to those with little ability to speak English, interpreters were provided during focus groups and individual interviews. Using interpreters ensured people could respond in the language with which they felt the most comfortable. Although not generalizable, these findings expose the character and intensity of transnational processes among one refugee group and have implications for settlement and integration.

The analysis of transnational relations and activities was included as one part of a study examining the settlement of Kosovar refugees who arrived in British Columbia during the summer of 1999.<sup>19</sup> Questions about transnational linkages were integrated into the research design to ascertain how, if at all, the development of multiple and complex linkages, be they economic, social, or political, affects the settlement experiences of Kosovar refugees in British Columbia.

Heeding the criticisms of earlier studies of transnationalism, we posed questions related to transnational linkages to all participants in our study. Portes, Guarnizo, and Landolt, and Portes, warn that transnational linkages are overdrawn by sampling only on the dependent variable, *i.e.* those who participate in transnational exchange.<sup>20</sup> Hiebert and Ley also caution against this methodological pitfall.<sup>21</sup> In their statistically significant survey of Vancouver immigrants, they add an important dimension to research on transnationalism: quantitative methods with arguably more generalizable results. Including questions about transnationalism on an interview schedule concerned primarily with settlement in smaller cities allowed us to ascertain whether transnationalism was relevant to the experiences of the refugees contacted. In other words, our sample is not skewed in favour of those for whom transnationalism is already important.

### **Distinguishing “Refugee Transnationalism”**

Portes characterizes transnationalism as the formation of

dense networks across political borders created by immigrants in their quest for economic advancement and social recognition. Through these networks, an increasing number of people

are able to live dual lives. Participants are often bilingual, move easily between different cultures, frequently maintain homes in two centres, and pursue economic, political and cultural interests that require their presence in both.<sup>22</sup>

In the Canadian context, Hiebert and Ley found higher incidences of transnationalism among economic and family-class immigrants than among refugees.<sup>23</sup> Unlike migrants, who have prepared themselves to begin their lives in a new country, refugees have been forced to flee their homes and their country.<sup>24</sup> As such, they may lack the financial resources and social networks that would hasten their integration. The majority of Kosovars interviewed, for example, would not meet the conditions outlined by Portes: few spoke English upon arrival in Canada, and most Kosovars interviewed continue to find it difficult to move between countries for both economic and political reasons. Unemployment and underemployment, the high cost of travel to Kosovo/a, and lack of travel documents curtail the potential for people to travel directly to Kosovo/a or to make frequent returns.<sup>25</sup> Unlike the experiences of Bosnian and Eritrean refugees in the UK and the Netherlands, however, the Kosovars could not rely on pre-existing networks established by earlier labour migrants as there were few Kosovars living in BC prior to 1999.<sup>26</sup> Limited financial resources and political instability impair the ability of Kosovars to move freely between their country of origin and the host country. Their situation raises the question of whether “migrant transnationalism” should be differentiated from that of “refugee transnationalism.”

Most immigrants and refugees who successfully apply to come to Canada have upwards of a year to prepare for their journey. Given efforts to ethnically cleanse Kosovo/a by the Milosevic regime, the Kosovars had little time to prepare for their departure.<sup>27</sup> Research undertaken in Alberta found that the average time between when Kosovars left their homes in Kosovo/a and their arrival in Canada was fifty-two days, compared to five years for non-Kosovar participants in the study.<sup>28</sup> “Refugee transnationalism” differs markedly from that of other immigrant classes because refugees are *forced* to leave their homes, often with little notice.

In employing the term “refugee transnationalism” we recognize that competing discourses are embedded within the concept. “Refugee” is a political and legal category framed by “international” discourse focused on the relation of nation-states to one another. Refugees are outside the borders of their country, and are unable or unwilling to avail themselves of protection from their government. The idea of “refugee transnationalism,” however, reframes the category “refugee” as simultaneously embedded within

both the country of origin and the host society to consider the ways in which refugees develop identities and form ongoing relationships. In this way the state is decentred as the only scale of analysis, but remains an important consideration in determining prospects for return.

Refugees have different motivations and resources available to them than do other migrants who may form transnational networks in a “quest for economic advancement and social recognition.”<sup>29</sup> As such their relationships differ significantly from those of migrants who are socially and financially prepared to leave. Unlike many asylum seekers whose immediate concerns are to establish themselves in their host country, the Kosovars benefited from being granted immediate recognition as refugees and their legal status as landed immigrants.<sup>30</sup> In this respect, the experiences of Kosovars differed from those of the Bosnians and Eritreans in England who expressed “concern and insecurity with respect to their legal status.”<sup>31</sup> In contrast, the Kosovars’ position in Canada is more certain than that in Kosovo/a. The war in Kosovo/a has not ended in the formation of an independent state, as it did for Bosnians and Eritreans, but rather in a “proto-independence” as a temporary UN protectorate.<sup>32</sup>

The UN Security Council Resolution 1244 of June 10, 1999, led to the establishment of the UN mission in Kosovo, UNMIK; the resolution established a transitional administration but with *no clear end status for Kosovo*.<sup>33</sup> The preamble of the resolution reaffirms the sovereignty and territorial integrity of the Federal Republic of Yugoslavia over Kosovo; it calls for “self-administration” and “substantial autonomy,” but not a separate state. This stands in clear contrast, for example, with Security Council Resolution 1272 for East Timor, which clearly stated that the aim of the UN transitional administration was to be a transition to an independent East Timor.<sup>34</sup> The effect of this resolution, in conjunction with political developments in Serbia and Montenegro (especially the removal of Slobodan Milosevic as President), has served to heighten political uncertainty.

The character of this UN resolution has shaped Kosovo/a’s indeterminate political status. That is, Kosovar identification with Canada is not solely a product of the indigenous politics of Serbia and Montenegro. UN mandates and multilateral interventions into Kosovo have also played a part in shaping these transnational relationships, albeit indirectly. In a sense, multilateral political relations among states and areas affected by conflict and ethnic cleansing shape transnational identity formation among displaced Kosovars now living in BC. The continued presence of the international peacekeeping Kosovo Force (KFOR) and the uncertain political fate of Kosovo/a (*i.e.* as

a province of Serbia or an independent state) prolong this uncertainty and hasten settlement in Canada. “Home” is marked with uncertainty about the political future.

Rebuilding Kosovo/a requires considerable investment, but several respondents felt it was impossible until there was political stability in the region and clarity on its status. For one person, questions of citizenship are complicated by political uncertainty in Kosovo/a.

There is a real need in Kosovo for people who can help rebuild the economy, but the political status of Kosovo has not changed yet. So, you can’t really rebuild an economy without an adequate solution to the political issues because you don’t have the security for investment. Just recently there were elections for the parliament . . . They say the president of Kosovo, but the president of what? President of the municipality or . . . what is it? So without that the economy will never move forward.<sup>35</sup>

For the past four years, “Kosovo has existed in a constitutional limbo . . . At issue is whether the province will become independent or remain part of Serbia. The Kosovo Albanians want independence; the Serbs oppose it.”<sup>36</sup> Initial talks between Kosovo’s ethnic Albanian government and Serbian government were held on October 14, 2003, in Vienna.<sup>37</sup> The continued political uncertainty has had economic consequences:

Nobody will put money in because they have no guarantee that the incoming government will not confiscate their investment. This has condemned the province to a commercial life that today consists of smuggling, subsistence farming and high unemployment.<sup>38</sup>

In July 2003, for example, the unemployment rate in Kosovo/a was estimated at 57 per cent.<sup>39</sup> For one person who is going to school to upgrade previous qualifications, the job opportunities in Kosovo/a are scarce:

There is not too many opportunities over there because the war happened and everything is destroyed and lots of houses were burnt and factories. We don’t have one factory over there that is working right now.

Ongoing political uncertainty in Kosovo/a precludes the likelihood of a rapid solution to its economic crisis. “Factories lie dormant with little hope of investment. The UN says it must tackle standards before it can tackle Kosovo’s final status. But without status, no-one knows what they are investing their money in.”<sup>40</sup> Reflecting on a return visit to Kosovo/a, one informant noted “it was good to see family again, but the country was devastated.” Talk about return

is mitigated by the current devastation in Kosovo/a. Widespread unemployment and the absence of health care facilities make return much less desirable. The majority of Kosovars interviewed do not foresee a future there, at least in the immediate few years. One respondent noted:

I am used to living with problems for last ten years, but I have chance when Kosova get freedom I am sure I will find job then. Company called many times because you need to come we don't have like you, but I think when I came to Canada I would try to stay in Canada. I have no house now [in Kosovo/a]. I have nothing, and I know Kosova remain in bad situation for a long time.

Although this person is not ruling out an eventual return to Kosovo/a, the current conditions prohibit immediate return. Life in Canada, despite unemployment for many, offers more possibilities than in Kosovo/a.<sup>41</sup>

### ***Place and the Importance of Networks***

Three years after their arrival in Canada, all of the Kosovars interviewed maintain ongoing contact with family and friends in Kosovo/a on a weekly, and in many cases a daily, basis. Communication is mainly by phone and mail, although electronic means of exchange, such as e-mail and Internet messaging services, have been important for Kosovars in major urban centres, particularly Vancouver. Similarly, Bosnian and Eritrean refugees in the UK, Germany, and the Netherlands engage in regular contact with family in their respective home countries, primarily by phone, although a small number of Bosnians reported using the Internet.<sup>42</sup> In addition to phone calls and letters, the Internet has been an important news source that has enabled Kosovars to stay abreast of daily events in Kosovo/a. Kosovars interviewed in Vancouver, in particular, regularly use computers (as do others in Kelowna, Chilliwack, Abbotsford, and Surrey as well). One Kosovar stated,

Through Internet is everything available. You can search anything you want—radio, TV, theatres, political situation, economy, everything. Also there is phone calls, through talking to people and messenger. They will tell us what's new, what's good, what's bad.

Weekly Internet newspapers and on-line news agencies that are published in Albanian have allowed the Kosovars to monitor current events. In Vernon, where the Kosovars we interviewed were not computer literate, the employment counsellor at the local immigrant and refugee-serving agency would print out the weekly on-line newspaper for them. The Albanian-speaking Kosovar diaspora spans the globe, the dispersion being primarily a result of the 1999

exodus. When asked if he kept in contact with people in Kosovo/a, one Kosovar in Vancouver stated:

Every day and every night. Homesick all the time . . . Usually first we start with phones, but usually now with the Internet. Every day. Like we have . . . [a] specified time where we meet each other. We waiting each other to contact . . . It's amazing some of the things that keep me here because I can feel it. I'm many times, I play some music and Albanian music, with all kind of actors and singers and stuff. That's keeping me really . . . healthful. It keeps me all the time in life. Like . . . I can make utmost for life. I am home.

"Home" then is not bounded by the borders of one province or country but simultaneously exists across the borders of both Kosovo/a and Canada. Even as they struggle to build new lives in Canada, many Kosovars maintain ongoing linkages with Kosovo/a. Over time, however, some Kosovars indicated they have begun to look at the news less frequently than they did three years earlier when they first arrived.

[I] used to [keep up with the news], but not anymore . . . [Unless] someone mentions something . . . I don't usually search for news.

Similarly, Hiebert and Ley found the length of settlement is important in the maintenance of transnational relations and activities, with recent immigrants more likely to maintain contact with friends and family in the country of origin.<sup>43</sup> Settlement requires establishing new livelihoods in a new location and often in a different language.

Migration and settlement force people to negotiate new identities which are not bounded by the borders of a single nation-state. How are these evolving transnational identities important in relation to participation in Canadian society? Like the Bosnians studied by Al-Ali *et al.*, "being Kosovar" "governs many people's sense of identity and sense of belonging."<sup>44</sup> In spite of their commitment to obtaining Canadian citizenship, respondents confirmed having multiple identities.

In Canada I identify myself as an Albanian . . . but I . . . stopped in Austria on the way . . . [to visit] Kosova, and I leaned more towards identifying myself as a Canadian there . . . I'm not sure [why], maybe just the politics that's been going on there . . . [interviewer—maybe it felt safer] . . . safe . . . not much safer, but I don't know, sometimes we're embarrassed too. Because not everyone understands. You know, they judge you by that thing.

Identity is relational, especially with regard to place. One woman who originally settled in the United States suggested:



Actually I feel more American than Albanian [be]cause I miss more New York than my country . . . My family is there and I [have] lots of friends in New York . . . and I haven't been to Kosova in three years . . . Where the family is, the heart is.

One Kosovar suggested the passing of time in Canada could change his/her identity.

I have . . . a lot of contact with people [from Kosovo/a that have been] here fifteen years . . . [When] I say I am from Kosovo, they say, I was saying that but now I saying now Vancouver is my home, or Canada is my home . . . Probably what is true if I am staying here fifteen years, twenty years then it's different, then lose all contacts with my people back home and probably then, after ten, fifteen years I belong, I am from here, but it's difficult to adjust right now.

For another person, Canadian citizenship is imagined as being a new aspect of their identity as Kosovar.

[I am a] Kosovar but [I am a] landed immigrant in Canada. That is that. But when I think of myself I am Kosovar. And I'm going to be . . . [as long as] I'm alive. Even if I get Canadian citizenship . . . I am citizen of Canada . . . and I really appreciate that. But I'm still Albanian . . . , Kosovar from Kosova.

Integration into Canadian society, then, is imagined as "becoming Canadian" while still maintaining Kosovar identity and culture.<sup>45</sup> Becoming Canadian, then, represents a facet of a continuously emerging identity. Another person talked about increasingly feeling like he had a home in both Kosovo/a and Canada.

If I was born here, maybe [it] would be different . . . but I was born over there . . . So it's hard for me to say . . . I'm Canadian yet. But I feel like . . . I have home here too . . . When I went [to Kosovo/a] for two months last year. It was kind of pushing me sometimes to go back there. Pulling me to come over here . . . I see myself like fifty-fifty.

The establishment and maintenance of transnational social relations reconceptualizes notions of "home" (as stretching across space) and encourages the renegotiation of identity, both an individual and a culturally distinct group that shares a language.

In order to avoid the necessity of starting over, one family has elected to take advantage of a provision within Canada's Resettlement Assistance Program (RAP) that enables students to travel back to the country of origin. This enables the couple to travel "back and forth to school without stopping their landing in Canada." As such, this family lives

in Kosovo/a during the school year and then in Canada during summer breaks. Despite feelings of indifference towards Kosovo/a, dividing time between the two countries has distinct personal advantages for this family: continued progress towards professional accreditation in Kosovo/a (after which the person intends to write qualifying exams in Canada), and continued progress towards obtaining Canadian citizenship. The degree to which Kosovars have developed transnational social relations and identities varies significantly, however, within the population interviewed. Evidence does point to the existence of tight transnational social networks among the Kosovars interviewed. Interest in news "back home" has waned for some and may well decline further over time.<sup>46</sup> Although only one person talked about being in contact with Kosovars in other Canadian cities, there appears to be a rich network of information concerning living and employment conditions in these cities.

### *Transnational Capacities*

As they negotiate settlement in Canada, many of the Kosovars interviewed expressed the desire to help family members still living in Kosovo/a by sending money. Unemployment and underemployment, as well as the high costs of living in BC, however, have prevented many of the Kosovars from sending regular remittances. These findings differ significantly from those of Al-Ali *et al.* who reported that the majority of Bosnians and Eritreans they interviewed were sending regular remittances to family and friends in Bosnia and Eritrea.<sup>47</sup> The perceived obligation to send money to help with daily living expenses in Kosovo/a has required some Kosovars to make personal sacrifices here in Canada.

[W]e have like obligation to help them. Doesn't matter if I am suffering here, we have that respect and need to help them . . . My family . . . is suffering. We need to . . . help them. We have that responsibility. [It] doesn't matter how. You working hard here or you don't have [money] to go to spend . . . You need to have money [to send home].

Men, in particular, expressed a social obligation to help support parents in Kosovo/a.

Usually parents . . . choose one of the children [and] he have responsibility to support them and to live with them to the end.

The sacrifices made to help those in Kosovo/a obviously shape the social activities Kosovars can participate in here in Canada. In their work with Bosnian refugees, Al-Ali *et al.* found "[t]hose with additional income . . . are often faced with a choice between saving money to return, supporting



their family in Bosnia, or starting to build a new life in the host country.”<sup>48</sup> Nonetheless, family and friends are in their thoughts; the stress of trying to make ends meet in BC is compounded by the acute housing and income needs of those left behind.

Currently, only three families out of twenty-four send semi-regular remittances of \$500 to \$1,000 every three to six months to family and friends living in Kosovo/a. Many of the Kosovars interviewed indicated they send sporadic gifts of money or clothes because they are not in a position to send regular remittances.<sup>49</sup>

I send [gifts to] . . . my brother and sister . . . Sometimes I wish I could send more, but now [there is] . . . not enough for me here.

The inability to send regular remittances to Kosovo/a increases the stress of settlement in Canada.

Like \$20 or \$50 dollars just to say hi, and that I don't forget you. It is not big money . . . I have my uncle [and] my cousin . . . their houses were burnt and for winter they don't have a house. They sleep in a tent and the winter it is minus 25 or minus 30 sometimes. These poor people have nothing. No roof, no house, no nothing; they sleep outside . . . I cannot help them even if I want [to]. It is very hard and sad.

Remittances that are sent to friends and family living in Kosovo/a are delivered through informal networks as opposed to through formal transfer systems, such as Western Union. As people return for visits, others will send money or gifts for friends and family in Kosovo/a.

### ***Keeping Options Open***

Questions about the desire of Kosovars to obtain Canadian citizenship as they become eligible were posed. Although the Kosovars interviewed are at differing stages of their eligibility (some were not eligible to apply while others had already applied at the time of the interview), they were unanimous about their intention to have Canadian citizenship: it offers security and facilitates mobility. Speaking of a Canadian passport, one respondent noted:

[I] want it so I can visit Kosova, currently [I] can't without lots of visas, and [we are] prohibited from travel in Yugoslavia, [but I] want to travel to Kosova.

Upon receiving Canadian citizenship, one family repatriated to Kosovo/a to rebuild their lives. Canadian citizenship, in this example, acts as a form of insurance: if this family can not forge a livelihood upon their return to Kosovo/a, they

may choose to return to Canada.<sup>50</sup> Kosovars “[k]eep their options open” by maintaining access to multiple nation-states and thus increasing stability and security.<sup>51</sup> This raises interesting questions about whether other people will return to Kosovo/a after obtaining their Canadian citizenship and, in turn, what kind of citizens they will become in relation to Canadian society.<sup>52</sup> While beyond the scope of this paper, this issue has been widely addressed among economic immigrants to Canada, but not among refugees.<sup>53</sup>

Formal political involvement in Kosovo/a, through voting, is highly variable among the Kosovars interviewed.<sup>54</sup> Although only five Kosovars out of thirty-four indicated that they had voted in the 2002 elections in Kosovo/a, over 50 per cent of the Kosovars interviewed say they intend to vote in future Kosovar elections.<sup>55</sup> Approximately 30 per cent of the Kosovars interviewed, however, have no intention of voting in Kosovo/a in the future. Reflecting on his knowledge of local issues and candidates at home in Kosovo/a, one Kosovar reasoned, “I don't know most of the people who are running . . . my vote would be [an] uneducated one.” Geography also played a role in the decision whether or not to vote in Kosovar elections: “I'm here now and probably will not vote.” One Kosovar related his parent's inability to vote in Kosovo/a as they lack updated documentation to prove they are citizens of Kosovo/a:

I can [vote] but my parents cannot . . . because they didn't have updated information . . . It is really very frustrating there trying to get all the information that you lived there but the thing is that you cannot because everything is destroyed.

Judah reports that as the Kosovars fled,

the police stripped most refugees of their documents . . . [I]n this way Milosevic may have hoped to make it impossible for them to come home later as they would have no way of proving that they were Yugoslav, as opposed to Albanian or Macedonian citizens.<sup>56</sup>

These factors increase the difficulty of proving former Yugoslavian citizenship and problematize voting prospects. In contrast, all of those who apply for Canadian citizenship are likely to get it. While voting is not an arduous level of political participation, it does signal the Kosovars' priorities and intentions to vote in Canada. Connections to Canada already appear stronger on some counts.

### ***Conclusion: Constitutive Outsides***

Settlement and integration occur within the context of a nexus of social, political, and economic relations that simultaneously connect immigrants and refugees to multiple na-

tion-states. Unlike many asylum seekers and refugees with temporary status, whose immediate energies are focused on obtaining status in the host country, the Kosovars in Canada benefited significantly from being granted immediate recognition, legal status, and basic support. For the Kosovars, their status in Canada is far more certain than it is in Serbia and Montenegro.

Continued political and economic uncertainty in Kosovo/a is due in part to the nature of the UN resolution which authorized multilateral intervention in Kosovo/a. Kosovo/a's future remains uncertain, and this appears to have the effect of hastening settlement in Canada for Kosovar refugees. The inability to foresee a future at "home" in Kosovo/a in the next five to ten years has meant that Kosovars in Canada plan to stay and have begun to establish a future for themselves. "Home" in Kosovo/a is marked with an uncertain economic and political future.

For some, Canadian citizenship offers security and a new beginning in a new country. For others it offers mobility and the opportunity to visit Kosovo/a without restrictions, but with an "insurance policy" of return to Canada. For most, Canada offers better economic and political prospects than Kosovo/a, at least in the medium term. The transnational ties, identities, and relationships forged between Kosovo/a and British Columbia shape the daily lives of the Kosovars in BC. The establishment and maintenance of transnational relations has resulted in a reconstitution of "home" for the Kosovars interviewed. "Home" is a social field that straddles the borders of both BC and Kosovo/a.

The transnational identities and relationships developed between Kosovo/a and Canada, and among members of the diaspora, are an expression of extant social networks with family and friends. While modest, these networks are also the spaces in which remittances and gifts circulate. In BC, ample evidence points to the existence of transnational information networks. Our methods allowed us to document transnational "traffic" but not to measure whether this "traffic" wanes over time as integration in Canada proceeds.

While we cannot definitively prove that transnationalism augments settlement and integration in the Canadian context, neither did we find evidence to suggest that it detracts from participation in BC and Canadian society. Indeed, the uncertain political status in Kosovo/a appears to act as a "constitutive outside," constituting Kosovars as Canadian to a greater extent because their status in Serbia and Montenegro is uncertain and unattractive.<sup>57</sup> Nonetheless, attachments and belonging to more than one place makes "home" difficult to define. Even as he plans a future for his family in Canada, one Kosovar lamented:

I'm Albanian. Born Albanian, and Albanian I'll die. My heart is there . . . I have no way of helping them in any way, but . . . that's my country and that's my homeland.

In the absence of political stability and economic security in Kosovo/a in the foreseeable future, a home in Canada offers more certainty and opportunities to the Kosovars.

#### Notes

1. L. Basch, N. Glick Schiller, and C. Szanton Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States* (New York: Gordon and Breach Publishers, 1994), 7.
2. Immigration classes refer to specific categories of immigrants landed in Canada; they include "economic," "family," and "refugee" See Citizenship and Immigration Canada (CIC), *Canada's Immigration Law*, 2002; <<http://www.cic.gc.ca/english/pub/imm-law.html#act2>> (accessed February 17, 2004).
3. In Kosovo/a, "political identities and territorial claims are contested between two cultures with . . . different languages;" see W.J. Buckley, ed., *Kosovo: Contending Voices on Balkan Interventions* (Grand Rapids: William B. Eerdmans, 2000), 469. Kosovars and Serbians have different names for some places and different spellings for others. These differences speak to different representations and understandings of these places. While this research focuses on Kosovars' settlement in Canada, these differing representations of place have implications for the research here. The names and spellings that are employed reinscribe particular histories, understandings, and ways of knowing, and ultimately affect the information that is obtained. "I thought you were saying 'Kosovo.' 'Kosovo' is more Serbian and 'Kosova' or 'Kosove' is okay" (Interview 103, Kosovar, Vancouver). Others, however, felt our use of "Kosova" was unnecessary as the province is internationally recognized as "Kosovo." During the interview process Kosovars were asked to use whichever name they preferred. In our writing we have elected to use "Kosovo/a," so as not to privilege either representation or way of knowing these places.
4. Basch *et al.*, 3–4.
5. S. Vertovec, "Transnationalism and Identity," *Journal of Ethnic and Migration Studies* 27 (2001): 574.
6. N. Al-Ali and K. Koser, "Transnationalism, International Migration and Home," in *New Approaches to Migration: Transnational Communities and the Transformation of Home*, ed. N. Al-Ali and K. Koser (New York: Routledge, 2002), 1–14; G. Dona and J. W. Berry, "Refugee Acculturation and Re-acculturation," in *Refugees: Perspectives on the Experience of Forced Migration*, ed. A. Ager (New York: Pinter, 1999), 169–95; C. Dwyer, "Migrations and Diasporas," in *Introducing Human Geographies*, ed. P. Cloke, P. Crang, and M. Goodwin (New York: Arnold, 1999), 287–95; S. Vertovec, "Conceiving and Researching Transnationalism," *Ethnic and Racial Studies* 22 (1999), 447–62; A. Portes, "Immigration Theory for a New Century: Some Problems and Opportunities," *International*

- Migration Review* 31 (1997): 799–825; M. Kearney, “The Local and the Global: The Anthropology of Globalization and Transnationalism,” *Annual Review of Anthropology* 24 (1995): 547–65; R. Rouse, “Making Sense of Settlement: Class Transformation, Cultural Struggle and Transnationalism among Mexican Migrants to the United States?” *Annals of the New York Academy of Science* 645 (1992): 25–52; and Basch *et al.*
7. Vertovec, “Transnationalism and Identity.”
  8. Basch *et al.*, 7
  9. A. Portes, “Conclusion: Towards a New World—The Origins and Effects of Transnational Activities,” *Ethnic and Racial Studies* 22(1999): 464–77; Portes, “Immigration Theory for a New Century.”
  10. A. Portes, L.E. Guarnizo, P. Landolt, “The Study of Transnationalism: Pitfalls and Promise or an Emergent Research Field,” *Ethnic and Racial Studies* 22 (1999): 217–37; Portes, “Immigration Theory for a New Century.”
  11. Al-Ali and Koser, 2.
  12. N. Al-Ali, R. Black, and K. Koser, “The Limits to ‘Transnationalism’: Bosnian and Eritrean Refugees in Europe as Emerging Transnational Communities,” *Ethnic and Racial Studies* 24 (2001): 578–600; N. Al-Ali, R. Black, and K. Koser, “Refugees and Transnationalism: The Experience of Bosnians and Eritreans in Europe,” *Journal of Ethnic and Migration Studies* 27 (2001): 615–34; K. Koser, “From Refugees to Transnational Communities?” (paper presented at the Conference on New Approaches to Migration: Transnational Communities and the Transformation of Home, University of Sussex, 21–22 September 1999); and Al-Ali and Koser.
  13. Al-Ali *et al.*, “The Limits to ‘Transnationalism,’” 587.
  14. Al-Ali *et al.*, “The Limits to ‘Transnationalism.’”
  15. Portes, “Immigration Theory for a New Century”; Portes, “Conclusion: Towards a New World”; and Portes *et al.*
  16. Al-Ali *et al.*, “The Limits to ‘Transnationalism.’”
  17. For a further discussion of remittances see: Portes, “Immigration Theory for a New Century”; Vertovec, “Transnationalism and Identity”; N. Van Hear, “Sustaining Societies under Strain: Remittances as a Form of Transnational Exchange in Sri Lanka and Ghana,” in *New Approaches to Migration: Transnational Communities and the Transformation of Home*, ed. N. Al-Ali and K. Koser (New York: Routledge, 2002), 202–223. For a discussion of political activities see: Basch *et al.*
  18. A. Mountz and R.A. Wright, “Daily Life in the Transnational Migrant Community of San Agustin, Oaxaca, and Poughkeepsie, New York,” *Diaspora* 5 (1996): 403–427.
  19. K. Sherrell, J. Hyndman, and F. Preniqi, “Sharing the Wealth, Spreading the ‘Burden’? The Settlement of Kosovar Refugees in Smaller BC Cities” (Working Paper No. 04–06, RIIM, Vancouver, 2004).
  20. Portes *et al.*; and A. Portes, “Introduction: The Debates and Significance of Immigrant Transnationalism,” *Global Networks* 1(2001): 181–93.
  21. D. Hiebert and D. Ley, “Characteristics of Immigrant Transnationalism in Vancouver” (Working Paper 03-15, RIIM, Vancouver, 2003).
  22. Portes, “Immigration Theory for a New Century,” 812.
  23. Hiebert and Ley.
  24. A.M. Barrenechea, “Under Many Fires: The Lives of Women Refugees,” *Canadian Woman Studies / les cahiers de la femme*, 15 (1995): 1–33; L. Ryan and J. Woodill, “A Search for Home: Refugee Voices in the Romero House Community (CERIS, Toronto, 2000); and H.S. Mohamed, “Resistance Strategies: Somali Women’s Struggles to Reconstruct Their Lives in Canada,” *Canadian Woman Studies / les cahiers de la femme* 19(1999): 52–57.
  25. Without a Canadian passport, Kosovars are prohibited from travelling to Serbia and Montenegro. Consequently, those Kosovars who have visited Kosovo/a spoke of having travelled through Germany and Austria.
  26. Al-Ali *et al.*, “The limits to ‘transnationalism’”; Al-Ali *et al.*, “Refugees and transnationalism.”
  27. Of the 850,000 ethnic Albanian Kosovars believed to have left the province for surrounding countries, approximately 250,000 fled to the Former Yugoslav Republic of Macedonia. The refugees threatened to upset the balance among ethnic groups in Macedonia, prompting a large-scale, United Nations (UN) sponsored humanitarian evacuation of Kosovar refugees from camps in Macedonia to states further afield. For more in-depth discussion see: T. Judah, *Kosovo: War and Revenge* (London: Yale University Press, 2000); and M. J. Calic, “Kosovo in the Twentieth Century: A Historical Account,” in *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*, ed. A. Schnabel and R. Thakur (New York: United Nations University Press, 2000), 19–31.
  28. B. Abu-Laban, T. Derwing, M. Mulder, and H.C. Northcott, *Lessons Learned: An Evaluation of Northern Alberta’s Experience with Kosovar Refugees* (Prairie Centre of Excellence for Research on Immigration and Integration and Population Research Laboratory, University of Alberta, Edmonton, 2001).
  29. Portes, “Immigration Theory for a New Century,” 812.
  30. All Kosovars were given the option of having a sponsor, and provisions were made for up to two years of income support, as well as coverage under the Interim Federal Health Plan (Abu-Laban *et al.*). In addition to the chance for immediate repatriation or permanent settlement in Canada, Kosovars were given a two-year time frame during which the Federal Government would assume full costs if they chose to repatriate. See E. Tetrault and L. Tessier, “Notes for a statement by the Minister of Citizenship and Immigration The Honourable Lucienne Robillard on the Return of Kosovar Refugees,” CIC Canada News Release 1999-28, Montreal, July 2, 1999; and United States Committee for Refugees and Immigrants (USCRI), “Canada,” in *World Refugee Survey 2000: An Annual Assessment of Conditions Affecting Refugees, Asylum Seekers, and Internally Displaced Persons*, Immigration and Refugee Services of America: 295 (2000).
  31. Al-Ali *et al.*, “Refugees and Transnationalism,” 628.
  32. Al-Ali *et al.*, “Refugees and transnationalism,” 628.

33. UN (United Nations) Security Council, "Resolution 1244 (1999)". Adopted by the Security Council at its 4011<sup>th</sup> meeting on 10 June 1999a, <<http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement> (accessed February 21, 2004).
34. UN Security Council, "Resolution 1272 (1999)". Adopted by the Security Council at its 4057<sup>th</sup> meeting on 25 October 1999b, <<http://ods-ddsny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement>> (accessed February 21, 2004); and F. Hochschild, "'It Is Better to Leave, We Can't Protect You': Flight in the First Months of United Nations Transitional Administrations in Kosovo and East Timor," *Journal of Refugee Studies* 17 (2004).
35. This is the first of numerous quotations from interview and focus group transcripts with both individual Kosovar immigrants and service providers at immigrant and refugee-serving agencies. They are included to illustrate, in their own words, the issues as immigrant service providers and the Kosovars themselves understand them. We have not cited them in the usual fashion, as all the quotations in this article are taken from the same sources. Complete source information is available from the authors.
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37. Reuters, "Serbia, Kosovo Talks Now Weeks Away—U.N. Governor," *Reuters AlertNet*, September 9, 2003, <<http://www.alertnet.org>> (accessed September 10, 2003).
38. Glenny.
39. Helsingin Sanomat, "Appointment of Harri Holkeri as Kosovo Administrator Confirmed," *Helsingin Sanomat: International Edition*, July 29, 2003, <<http://www.helsinki-hs.net/news>> (accessed September 3, 2003).
40. M. Price, "Kosovo's Deep Divide," BBC News World Edition, October 13, 2003, <<http://news.bbc.co.uk/2/hi/europe/3186800.stm>> (accessed February 24, 2004).
41. For the Kosovars in BC, significant variations exist between centres in relation to both unemployment and attachment to the labour force. Some Kosovars, particularly in the Lower Mainland, spoke of fairly constant attachment to the labour force, albeit in a variety of jobs, while the majority of participants in Kelowna and Vernon spoke of having worked for as little as one or two months since coming to Canada. (Sherrell *et al.* 2004).
42. Al-Ali *et al.*, "Refugees and Transnationalism."
43. Hiebert and Ley.
44. Al-Ali *et al.*, "The Limits to 'Transnationalism,'" 591.
45. The ability to integrate and maintain identity and culture is guaranteed under Canada's Multiculturalism Policy, which does not require newcomers to assimilate and forego previous identities.
46. Longitudinal research on transnational relations could illuminate the extent to which transnational relations may be a short- or medium-term strategy for settlement, but such analysis is beyond the scope of this study.
47. Al-Ali *et al.*, "Refugees and Transnationalism." It is important to note that all adult Eritreans in the diaspora are obliged to remit 2 per cent of their annual incomes to the Eritrean state (K. Koser, "From Refugees to Transnational Communities?" in *New Approaches to Migration: Transnational Communities and the Transformation of Home*, ed. N. Al-Ali and K. Koser (New York: Routledge, 2002), 139–52). Although Kosovars in the diaspora have not been subjected to the institutionalized "transnationalism from above," Prime Minister Bajram Rexhepi has begun to encourage members of the diaspora to utilize their business experience that has been obtained outside of Kosovo/a with their "special knowledge" of Kosovo/a to help rebuild Kosovo/a's economy [T. Reimers and S. Howell, "US Diaspora Keen to Invest," *Focus Kosovo—Economy*, October 2002, <<http://www.unmikonline.org/pub/focuskos/oct02/focuskeco3.htm>> (accessed January 14, 2003)]. Despite the prevalence of informal remittances, the government is encouraging economic ties that will help begin the process of rebuilding [thus moving from "transnationalism from below" (driven by migrants) to "transnationalism from above" (driven by government)].
48. Al-Ali *et al.*, "Refugees and Transnationalism," 628.
49. Although the sporadic gifts of money or clothes do not meet Portes's definition of transnationalism (see Portes, "Conclusion: Towards a New World"), we contend they expose transnational social fields that continuously link Kosovars in Canada with those "at home."
50. Anecdotal evidence indicates that many of the Kosovars who returned to Kosovo/a within the two-year window for repatriation are unhappy with their decision. For those who have remained in Canada, Canadian citizenship offers new opportunities. Deciding whether to remain in Canada or return to Kosovo/a with a Canadian passport in hand is analogous to the economic process of locational rationalization forwarded by Taylor and Thrift. See M. J. Taylor and N. Thrift, eds., *Multinationals and the Restructuring of the World Economy* (London: Croom Helm, 1986); and Sherrell *et al.*
51. N. Glick Schiller, L. Basch, and C. Blanc-Szanton, "Transnationalism: A New Analytic Framework for Understanding Migration," *Annals of the New York Academy of Sciences* 645 (1992): 1–24.
52. The proposed addition of questions relating to the reasons for taking up Canadian citizenship (or not) on Wave 3 of the Longitudinal Survey of Immigrants to Canada (LSIC) speaks to Government recognition of more strategic approaches to Canadian citizenship, something which has definite long-term implications for policy (E. Ruddick, "Longitudinal Survey of Immigrants to Canada: Report on Activities" (presentation given at RIIM/MCAWS Immigration Research Workshop, SFU Harbour Centre, Vancouver, February 24, 2004).
53. J.L. Waters, "The Flexible Family: Recent Immigration and 'Astronaut' Households in Vancouver, British Columbia" (Working Paper 01-02., RIIM, Vancouver, 2001).

54. The International Organization for Migration (IOM) organizes elections, and Kosovars are eligible to vote if they obtain cards from Austria.
55. In contrast, almost all of the Kosovars interviewed indicated their intention to vote in Canada once they are eligible.
56. Judah, 251.
57. "Constitutive outside" recognizes identities as being relational and describes the demarcation of an identity through the establishment of a hierarchy, *i.e.* self-other, us-them. In recognizing difference, an "us" as from a "them," Mouffe points to the potential for an antagonistic, and political, relationship between the identities. For a more detailed discussion see C. Mouffe, 1994, "For a Politics of Nomadic Identity," in *Travelers' Tales: Narratives of Home and Displacement*, ed. G. Robertson *et al.* (New York: Routledge 1994), 105–113.

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# Identity, Ethnicity and School Experiences: Relocated Montserratian Students in British Schools

GERTRUDE SHOTTE

## **Abstract**

*This paper explores the issues of identity and ethnicity that confront relocated Montserratian students in British schools. It begins with a brief historical review of the ongoing volcanic crisis, then explains the circumstances within which the issues are framed. The paper argues that the merging of “old” and “new” forms of identity and ethnicity has affected relocated students’ aspirations in various ways. Montserrat’s education system evolved out of a colonial British-based curriculum that encouraged particular morals, which are not apparent in the British school system. These values remain an integral part of the Montserrat mores and thus are recognized as central to the island identity. In adjusting to their new cultural environment, relocated students have donned new identities that have inevitably clashed with traditional norms. This paper therefore explains how they have negotiated their ethnic/racial identities in relation to school and home, and how they have crafted new identities, while at the same time trying to maintain a desired level of “Montserratiness.” The assessment and inferences made in this paper are based on formal and informal research conducted with relocated Montserratians, particularly students and their parents/guardians, in different regions, but the main location is London.*

## **Résumé**

*L'article se penche sur les questions d'identité et d'ethnicité avec lesquelles les élèves montserratiens déplacés sont aux prises dans les écoles britanniques. Il s'ouvre sur un aperçu historique de l'importante crise en cours, puis explique les circonstances entourant ces questions. L'auteure affirme que le mélange d'« anciennes » et de « nouvelles » formes identitaires et ethniques a transformé les aspirations des élèves de diverses façons. Le système d'éducation montserratiens a évolué d'un programme issu du colonialisme britannique qui favorisait une moralité particulière, laquelle ne transparait pas dans le système scolaire britannique. Ces valeurs font partie intégrante des mœurs montserratiennes et sont donc considérées comme centrales à l'identité de l'île. En s'ajustant à leur nouvel environnement culturel, les élèves déplacés se sont forgé de nouvelles identités qui sont fatalement entrées en conflit avec les normes traditionnelles. L'article propose par conséquent une explication de la manière dont les élèves ont négocié leur identité ethnique ou raciale relativement à l'école et à la famille et se sont créé de nouvelles identités, tout en essayant de maintenir un degré acceptable de « montserratienneté ». Les évaluations et déductions contenues dans cet article s'appuient sur des recherches formelles et informelles menées auprès des Montserratiens, en particulier des élèves et de leurs parents ou tuteurs issus de différentes régions, London étant la ville principale des investigations.*



*Montserratians we call ourselves*  
*Colonists they call us*  
*No anthem*  
*No flag*  
*No heroes*

*A people constantly searching*  
*A nation needing its own*  
*Identity*  
*Nationality*  
*Individuality*

Merle Roach<sup>1</sup>

### **Introduction**

**T**he awakening of the Soufriere Hills Volcano on 18 July 1995 ushered in a roller-coaster existence for the residents of Montserrat. Numerous phreatic eruptions and pyroclastic flows caused volcanic activities to escalate to the point where only the North, one-third of the island, was deemed habitable (see Appendix I). It therefore gained the label “safe zone.”<sup>2</sup> By the latter half of 1997, the loss of the capital, Plymouth, together with significant disruption in utilities and social services, particularly schooling, influenced the exodus to “safer” shores. Persons relocated to various countries but a sizeable majority settled in the UK—a choice that seemed more practical possibly because of Montserrat’s British Dependent Territories Overseas (BDTO) status.

I write from a position as educator, researcher, and relocated migrant. Because of my involvement in several support projects organized by community groups, Parent Teachers Associations (PTAs), and the Emergency Operation Centre (EOC), invariably I had to “work” alongside students and parents, from the onset of the crisis up until mass relocation began. These experiences, along with prior knowledge of the relocated students’ educational milieu, as well as numerous complaints from relocated students, their parents, and other concerned persons, influenced me to investigate the students’ educational experiences in the host country, Britain.<sup>3</sup>

My research into the school experiences of relocated Montserrat students revealed that they were stereotyped into two moulds—African Caribbean and refugee students. On the basis of descent and location, their Montserrat identity represents an African Caribbean identity that is defined by ethnicity. Nested in this ethnic boundary is an island identity within which the relocated students’ educational experiences are interpreted. My concern with identity also focuses on their status as forced migrants/refugees, as they navigate their way through a multi-ethnic maze of identity clashes and dominant cultural influences.

This paper examines the dilemma that relocated Montserratian students in the British schools encounter as they struggle to understand the shifting patterns of identity and ethnicity that confront them in their new environment. It explains the interrelatedness between identity and ethnicity and relates the challenges that relocated migrants face in maintaining their national and cultural identity in the settlement process. Montserratians’ national as well as cultural identity is linked to homeland—their “sense of place” and their “British” status.<sup>4</sup>

Like a common origin and a shared culture, one’s “sense of place” is an integral part of his/her ethnic identity.<sup>5</sup> Relocated Montserratians’ “sense of place” is caught between “old and new ethnic identities.”<sup>6</sup> Negotiating the space between identities has been dominated by passionate articulations of connection to homeland, for attachment to land and place, to a large extent, defines the impressions about a Montserrat cultural identity. And this cultural identity, although severely challenged, remains the “connective tissue” between the “old and the new.”<sup>7</sup> The paper will therefore explain how relocated Montserratians’ “sense of place” has been affected by the loss of “home.”

### ***Interrelatedness: Identity and Ethnicity Explained***

Identity and ethnicity bear complex and varied definitions and by their very nature defy a strict definition. Both concepts have a common general core—culture.<sup>8</sup> Identity and ethnicity denote an individual’s sense of self-recognition and impart a sense of belonging to a reference group, whereas culture claims a set of symbolic generalities. Identity, ethnicity, and culture mean different things to different people. The processes and practices within which they are defined and interpreted are interconnected at various levels, as is acknowledged by various researchers.

Rosa Sheets acknowledges the link between identity, ethnicity, and culture, but points out that the connection does not represent a “one-to-one relationship.” Sheets proffers this reason for the narrow distinction: “Ethnic identity formation and development is influenced by membership in an ethnic group identified as a distinctive social group living under the shaping influence of a common culture.”<sup>9</sup>

From Sheets’s explanation, it is culture that influences ethnic identity. Avtar Brah puts forward a similar view by stating that identity is simultaneously subjective and social and that it is constituted in and through culture.<sup>10</sup> Herein lies the inextricable interconnection between culture and identity, given that: “Culture is the symbolic construction of the vast array of a social group’s life experiences. Culture is the embodiment, the chronicle of a group’s history.”<sup>11</sup>

Sian Jones, too, does not support the one-to-one relationship mentioned earlier, but has, however, identified the

integrated links between the concepts under discussion. For Jones, ethnicity includes “all of those social and psychological phenomena associated with a culturally defined group identity. . . . Ethnicity focuses on the ways in which social and cultural practices intersect with one another in the identification of, and interaction between groups.”<sup>12</sup>

The fact that the concept of ethnicity is closely related to the concept of “group identity” underlines a “sense and expression of ethnic difference” that gives members an opportunity to glorify their ethnicity without passing judgements on other ethnic groups.<sup>13</sup> It is perhaps within this sense that ethnic identity “has come to be conceptualised less in terms of culture per se and more in terms of process,” in that it has become “more fluid and flexible, created, manipulated, and negotiated.”<sup>14</sup> With regard to refugees, ethnic identity is influenced in ways other than a meeting of former identities and new influences from the host society. It is also influenced by a forced migrant’s “current relations with his/her country of origin as well as those with other exiles in their diaspora.”<sup>15</sup>

It is against this background, and within the boundaries of interwoven, complex interpretations of identity and ethnicity, that I relate and illustrate the educational experiences of forced migrants. I begin by exploring the fluidity of the forced-migrant identity.

### ***Forced Migrants/Refugees and Identity***

Maintaining a national and cultural identity in a multicultural environment proved to be a challenging experience for relocated Montserratians, especially the students. Social and cultural theorists contend that identity construction is dynamic and fluid.<sup>16</sup> It follows then that an individual’s identity is not static, but is created and recreated to fit ongoing circumstances.<sup>17</sup> For refugees, therefore, the malleability of identity formation is extremely vital since it “allows the experience of suffering and hardship to assimilate into symbolic understandings of who the collective ethnic group is and what it stands for.”<sup>18</sup> Consider these parents’ comments:<sup>19</sup>

No matter what happen to us here, we still Montserratians. If people call us refugee we still Montserratians and we should do what ever it takes to hold on to the Montserrat culture. But it ain’t easy, for the way some of the children pick up the different habits from school if we don’t put down we foot, they will forget where they come from. (Ellen, Parent)

It’s bad enough for us adults to carry the Montserrat banner and show them who we are and what we stand for, but it is worse for the children. They under plenty pressure at school. . . . we could do it but it is rough. (Clarice, Parent)

Another parent spoke of renouncing his Montserratness, albeit temporarily, in order to get accommodation sorted out:

I just had to forget that me a one Montserratian. I had to behave like everybody else to get what me want. . . . If you did hear me you wouldn’t believe. . . . Anyway sometimes you have to be different to get what you want. (Walter, Parent)

From the foregoing comments, I conclude that it is the shifting and bouncing back and forth between attempts at “fitting in” and the struggles to maintain a Montserrat identity, rather than the recognition of what the collective Montserratian group stands for, that presented the challenges for relocated students and their parents. Tom Lam and Christopher Martin reported on a similar situation for Vietnamese refugees in London as they tried to “reconstitute themselves as a community.”<sup>20</sup> African Caribbean refugees too faced comparable dilemmas in Canada. They were so concerned with settlement and survival issues (meeting basic needs) that maintaining their cultural identity proved to be rather difficult.<sup>21</sup>

I have also noted another area of conflict that posed challenges in maintaining a Montserrat identity—“cultural equalizing.” The placing of relocated Montserratians in a “refugee” category to allow them to have basic social services has rendered differences of culture and socio-economic strata into one “refugeeness.” In this way, “Montserratness” has not only become obscured on the “refugee” playing field, but is also restricted to a Montserrat family/community setting. This continuous shifting between identities, coupled with the fear of losing the Montserrat identity, has caused much concern for relocated Montserratians with regard to past identity maintenance. Some parents have confided that they are worried that their children would grow up more “English than Montserratian,” and therefore would be unable to pass on Montserrat traditions to successive generations.

The students expressed other concerns. This does not mean, however, that they were not concerned about maintaining their Montserrat culture for, generally, they spoke of wanting to continue doing traditional cultural arts at school.<sup>22</sup> Their concerns focused on what circumstances caused them to be “refugees”—what they were before relocation and what they were forced to become. One student lamented: “If the volcano didn’t come, we would not be refugees. . . . We would be in Montserrat living good life” (Khalil, Year 7). Another spoke of not being a refugee if she was “still living in the safe zone, even it was scary” (Alice, Year 8). Yet another spoke of mixing with the many students “from every country” who made up his school population as an unnerving and intimidating experiencing.

Before relocation, some students did not realize the scope of differences that exist among other cultures. They viewed “ethnic identity” through a Montserratian lens, for their lived experiences were defined by encouragement, support, and “protection” of the entire Montserrat community. This “sheltered” existence did not prepare them for the upheaval and accompanying uprootedness that turned them into “refugees,” nor did it prepare them to deal with culture clashes and differences.

A first-wave migrant recognized the uphill struggle that relocated Montserratian students faced in retaining their cultural identity as they tried to assimilate into British society.<sup>23</sup> Cathy Aymer pointed out that not all of them would respond positively to efforts made by UK-based Montserrat organizations “to keep Montserratness alive.” She noted that while some would do extremely well, others would be seduced by “the destructive aspects of British society” and thus become “casualties of the system.”<sup>24</sup> This Montserratian’s anxieties were voiced against the background of her own reflections about her identity and sense of belonging as a Montserratian living in London. Admittedly, as a voluntary migrant, Aymer’s reflections on her identity were not perceived through the “distorted” lenses of “refugeeness.” But her welcome to England was “unbelievably traumatic”; she experienced a similar sense of alienation and disappointment, and faced comparable accommodation problems.<sup>25</sup>

What has emerged from Aymer’s experience and observation is that symbolic understandings of identity do not only happen on a group level for there is the central task of analyzing one’s own identity. This implies that while relocated students were battling to maintain a Montserrat identity and struggling to assimilate their “refugee status,” they were also juggling various levels of individual identity construction as each sought to craft a “new self-identity.”

Education is generally regarded as one of the principal means of helping refugee students to assimilate into the mainstream school culture.<sup>26</sup> Jane Kroger argues that it is the job of the school “to meet genuine needs, and allow opportunity for individual talent to be expressed and channelled into real social roles.”<sup>27</sup> But this study shows that it was within the school environment that relocated students confronted the greatest challenges to maintaining their cultural identity. It was also the school setting with its many and varied cultural influences that inspired relocated parents’ trepidation relating to identity maintenance and cultural conflicts.

### ***Maintaining a Montserratian Identity in School***

Relocated Montserratian parents were extremely concerned about their children’s reaction to the “corrupting influences

that surround them in the schools they attend” (Martha). The major issues that angered the parents are subsumed under these themes:

- A. disrespect for teachers,
- B. “undesirable dressing,”
- C. “bunking off,”<sup>28</sup>
- D. threatening to call Childline UK.

In Montserrat, there were occasional incidences with respect to A and B, and perhaps C. But D was unheard of; Montserrat society did not accommodate a “Childline” service, hence the parents’ extreme concern.

The relocated students in question have acknowledged their parents’ concerns, but felt compelled to “follow the crowd.” One student confessed, “If I don’t dress like them I would not have any friends” (Davida, Year 10). Another said, “They [the other students] would call me ‘soft’ if I don’t go with them” (Kester, Year 11). These two students’ expressions represent the views of the majority of relocated students.

It is quite clear from the interviews that dealing with culture shock proved to be a threatening and depressing experience. Admittedly, this can be said of any migrant whose previous experiences clash with aspects of the new environment. However, it becomes more problematic for forced migrants who have added anxieties and stresses resulting from the traumatic experiences that caused the forced migration, as well as the frustration of resettlement.<sup>29</sup>

For relocated students, the “bonding function” proved most effective in helping them to cope with the anxieties that resulted from culture clash. William Cross Jr., *et al.* advance that “bonding” allows persons to derive meaning and support from an affiliation with, or attachment to, other members of their ethnic group.<sup>30</sup> I observed that “bonding” was evident among the relocated students whose friendship groups consisted primarily of persons from similar ethnic groups, that is, other students of African and African Caribbean origin. I also noted that they gained much emotional support from their Jamaican counterparts, possibly because of the “Caribbean connection” and the common dialect that they speak. It was this affiliation that provided the support that relocated students craved as they tried to absorb the “shock” experienced on entering a “foreign” school environment. “Bonding” seemed strongest in one particular school where all staff members were of African Caribbean origin. It was also at this school that relocated students felt most welcome.

In addition to providing students with a renewed sense of optimism and autonomy, giving a warm welcome to refugee children has been shown to aid the recovery from culture

shock.<sup>31</sup> But this was not the experience of Silda, a Year 9 relocated student who reported that for her first few weeks at school she cried every day because she missed Montserrat, was very unhappy, and had “nobody to turn to.”

Another student related:

It was very hard at first, I was on my own. Sometimes I felt like crying, but I am confident now and I am more independent. My English teacher was very nice to me. In Montserrat it was different all the teachers helped you but here you have to push yourself if you want to succeed. (Kate, Year 11)

Silda’s and Kate’s experiences show the difficulty that some relocated students endured in merging past and present identities. Silda appeared more susceptible to the pressures of alienation, while Kate recognized the need to push herself, perhaps with some encouragement from her English teacher, who was the school’s Ethnic Minority Achievement Grant (EMAG) coordinator.<sup>32</sup>

Curtis had an experience similar to Kate’s but viewed being in a multicultural school as an advantage to learn about other cultures:

I meet students from many places. They speak different languages and they even have different religions. I enjoy learning about their culture and I tell them about Montserrat. I miss Montserrat and the things I used to do but I am trying to get used to the way the schools operate. (Curtis, Year 10).

Curtis’s experience fits with the “bridging function” that Cross, Jr., *et al.* propose as an identity operation. Bridging allows a person to move “back and forth between black culture and the ways of knowing, acting, thinking, and feeling that constitute a non-black world view.”<sup>33</sup> This function allowed Curtis to gain a non-Montserratian world view while at the same time holding on to his Montserratian cultural frame of reference.

Jonelle too was able to appreciate the difference she confronted as she immersed herself in the realities of her new school environment. She not only tried to get accustomed to her new school culture, but she also admitted that she missed it when she returned Montserrat for a short period:

When I went to visit Montserrat, I realised how much I missed home. But when I came back to England, it made me have second thoughts about going back. It’s not too bad here once you get used to it. (Jonelle, Year 7)

The above experiences suggest that as students strove for successful integration, they were creating new cultural

identities in the process, although this may be a transitory adaptation. Curtis as well as Jonelle can be categorized as low salience identity students for difference in culture did not prevent them from making reasoned decisions or making the best of being in a multicultural school setting. I equate Jonelle’s experience to what Cross, Jr., *et al.* dub “codeswitching.” This function “allows a person to temporarily accommodate to the norms and regulations of a group, organisation, school or workplace.”<sup>34</sup>

I noted too that there was also an element of “individualism” in Jonelle’s case. The “individualism” function, according to Cross, Jr., *et al.*, “is the expression of one’s unique personality.”<sup>35</sup> They further explained that when a person acts in a race-neutral manner in accord with his/her self-concept, it is the “individualism” function that motivates him/her to utilize this identity strategy. Jonelle was able to identify herself with the norms of the school as well as express herself in accordance with her individual outlook and persona.

Obviously, individuals do not move through the stages of adjustment and acculturation at the same rate, even if they are from the same cultural background. Elizabeth Coelho notes that students who are caught between a desire to succeed and desire to be accepted by their peers, in order to overcome marginalization, often adopt “an oppositional stance towards school”—a situation that may result in further marginalization and exclusion from school and/or home, and ultimately a loss of the educational success that is desired.<sup>36</sup> This seemed to be the case with Kester, a relocated student who was excluded from school three times in his first year of schooling in England. Kester has repeatedly expressed his disgust at school and with teachers whom he claimed acted unfairly towards him because he is black. But his exclusion, whether rightly or wrongly meted out, did not gain favourable acceptance from some relocated students at his school and some members of the relocated Montserrat community, who share this view: “He [Kester] let us [relocated students] down. And he make his family shame” (Shanelle, Year 7). Extreme and/or poor behaviour is not the norm for the Montserrat school culture. Hence Shanelle’s and others’ aghast reactions to Kester’s dilemma imply that such behaviour threatens what “Montserratness” represents.

Kester’s ethnic identity undoubtedly had a direct bearing on his exclusion case for research has shown that African Caribbean students were more likely than other groups to be excluded from school.<sup>37</sup> These students who were excluded from school claimed that they were victims of racial prejudice although some teachers tend to argue that they do not see skin colour among the children they teach.<sup>38</sup> But in analyzing similar cases to Kester’s, I conclude that teach-

ers' attitudes to racial identity, which is an integral part of social identity development, have implications for relocated students' educational progress.

The issue of racial identity brings into focus the "buffering identity function" of Cross, Jr., *et al.* They have described this function as "those ideas, attitudes, feelings and behaviours that accord psychological protection and self-defence against everyday encounters with racism."<sup>39</sup> In other words, "buffering" prepares one for racist encounters, leading to greater personal control. But I posit that the relocated students, unlike their British-born African Caribbean counterparts who have always lived with racism, lacked the psychological protection and self-defence to which Cross, Jr., *et al.* alluded. Whether British-born African Caribbean students have mastered "buffering" is open to question. The comparison was made for this reason: most teachers have put a blanket label on all students of African Caribbean descent; no distinction is made in handling contentious issues.

Experiencing face-to-face racism was "foreign" to Montserratian students prior to their relocation to England; thus they did not anticipate such racist encounters, as is implied in this sentiment:

Before I came to England, I used to think that it was a nice place. I used to think that people would be nice to you and want to help you. Now I know it is different—not the same like Montserrat. Racism everywhere—in school, in church, everywhere. (Arnold, Year 10)

Like Arnold, most relocated students were not prepared to confront racism and racist attitudes, at least to such a large extent. It was not evident from the group discussions and the one-to-one interviews that the relocated students had employed the "buffering function" to counteract racist experiences. Also, it was not readily apparent that they had developed the "buffering" capacity that would have allowed them "to filter out racist information."<sup>40</sup> It was perhaps the use of the "bridging function" among low salience identity relocated students that helped them to blunt the pain that arose from unavoidable racist encounters.

It is probably a good practice for relocated students to begin to develop the "buffering identity function" to a capacity that will allow them to filter "racist information" and let positive, non-racist experiences help them to regain and/or sustain their pre-relocation educational aspirations, as they rework their identities to accommodate the changes in their new school environment.

### *Adapting and Combining Identities*

Instead of simply accepting the "mixed bag" that the host society offers, Camino observed that, generally, refugee students often add new slants to their identities by using symbolic dimensions that are grounded in their own experiences.<sup>41</sup> I fit Nadia into this categorization. I noted the following from an observation session at Nadia's school: Having had an interesting debate—Environmentalists versus Developmentalists—a class of Year 8 students was given the task of designing posters in preparation for a demonstration to protest their side of the issue. Two posters (Nadia's and a British student's) illustrate how Nadia utilized symbolic dimensions from her past social experience as she struggled to identify with a new cultural experience.

In comparison to the other student's, Nadia's poster bore an extremely mild protest. Her verbal protests seemed even milder, for while other students responded with frenzied chants, Nadia placidly responded with an approving "yeah, yeah." The general tone of her protest appeared to be one of peace and love, as indicated by the hearts on her poster (see figure 1). By contrast, the other student's poster and demonstrative responses portrayed a strong sense of antipathy, abhorrence, and antagonism (see figure 2).

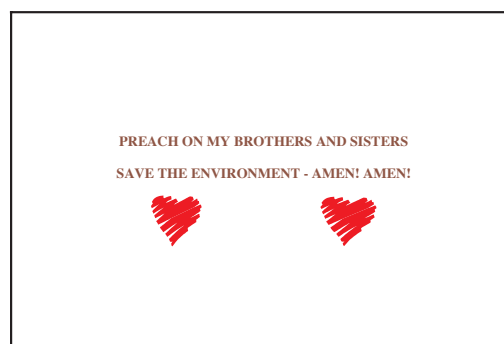


Figure 1

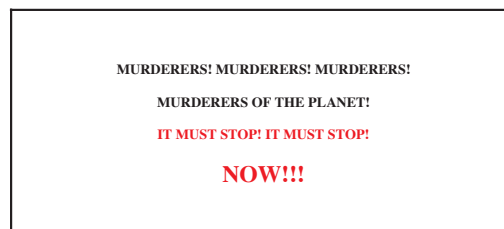


Figure 2



On observing Nadia's presentation, one may reasonably conclude that she did not feel a similar loathing for destroyers of the environment, as was demonstrated by the other students. But this is not the case, for in a follow-up discussion with Nadia, she confirmed that she was "all for preserving the environment." Like Nadia, the average Montserratian student put a high value on preservation of the environment. This statement was made on the basis of my experience in Montserrat, working on several environmental projects with Nadia and other students. The focus here, however, is not on students' perceptions of environmental concerns, but rather on the clash of cultures; Nadia was caught between two cultural worlds—the "new" and the "old." It was evident that her attempts to shift, albeit temporarily, from spiritual values that she was socialized to cultivate were unsuccessful.

Clearly, the new "attitudes" that Nadia confronted in this particular lesson clashed with values that were inconsistent with her pre-relocation experiences. Interestingly, although failing to shift fully, Nadia did not reject her new experiences because they conflicted with her values, but rather she reorganized her values to fit her new experiences. Her poster demonstrates that she was still "holding on" to her "peaceable" pre-relocation sense of self while participating, to a comfortable degree, in an episode that clashed with her beliefs. One school of thought suggests that such an action, that is, identifying with a new sense of self, is one way in which self-consistency can be maintained.<sup>42</sup>

The creation of refugee student identities in a multicultural school environment can be very successful but also often painful.<sup>43</sup> From the various experiences reported by relocated students, I take the "good" experiences to be the successful ones and the "bad" to be the painful. Constructed identities are related to aspects of culture, language, and religion, and most of the personal accounts tell a story of success and/or pain: that is, the students' experiences were characterized by a range of conflicting emotions. For example, Kanta reported that she liked her school and was enjoying the learning experience, but lamented:

I hate to see the students smoking and I don't like the attitude of some of the students at school. They do not respect the teachers at all. They never listen when the teachers talk to them for their good. In Montserrat we never behaved like that. (Kanta, Year 11)

Kanta's remark represents the views of a vast majority of relocated students. It highlights two types of identity—individual and cultural. It also implies that identity clashes result in emotional pain. The students categorically expressed their disgust at the undesirable habits that some

students practised. These include: swearing in class, smoking, being disrespectful (especially to teachers), and wearing "anything they want with their uniform" (Shanelle, Year 7). Yet, some have admitted engaging in these very undesirable practices because they were pressured by other students to conform—another example of "codeswitching." Nevertheless, this is the school climate in which relocated students were striving for educational excellence, so they were forced to recognize and accept these realities as they struggle with various identity constructions.

Undoubtedly, this was a clash of two very different school cultures; and invariably, trying to adapt, mix, and balance the cultures proved to be an emotional strain. The school dress code in Montserrat did not allow for "bizarre" hairstyles,<sup>44</sup> nose rings, earrings (for boys), and immodest dressing—a stark contrast to what is allowed in British schools. A relocated student explained that he wore an earring because "everybody is doing it," and if he did not follow the trend he would be harassed and ostracized from the boys' clan. Another student explained, "I only wear it (an ear-ring) when I am at school and when I go out with my friends. I do not put it in at home. I can't let my mother see it" (Angus, Year 11).

A similar case was reported for another relocated female student who wore a nose ring. Yet another took off her woollen socks when she got to school and donned a "nice" pair, because the woollen socks were "too old-fashioned" and they "don't go well" with her shoes. Pieces of clothing were even hidden in school bags and later worn at after-school activities. I observed that many relocated students sported a distinct duplex identity—they behaved in one way at school and another at home and they continually shifted from one role to the other. At some times, when it suited them, they maintained their traditional norms; at other times, these very traditional norms were pushed aside for new identities that fit the existing circumstances.

The "relational self," a form of self-definition, gains its strength from "the constant barrage of imagery and information" produced by communication technology.<sup>45</sup> With reference to relocated students and this study, the "relational self" is nurtured by an infiltration of influences of a more dominant culture. Inevitably, constant exposure to these influences in a school environment will play a major role in relocated students' development of new identities. It is this scenario that has raised "serious concerns" and invoked "real fears" among relocated parents. In general, parents' anxieties were reflected in this parent's comment:

The problems that our children are having is a serious matter. We cannot ignore it and hope that it will disappear. The influences from the British culture are very strong and some children



do not have the strength to resist the bad ones. It is a different way of life and we have to help them to deal with it. Some of them have already lost their Montserrat values—what they know we stand for, and we can't afford to let all of them go down the drain. (Teresa, Parent)

Another parent hoped that “the damage” that had been done “is not beyond repair” (Melvin) and that the identity conflicts would be transitory. But it is problematic to attach a time limit to “transitory” especially if the students realized that they can benefit from both worlds (home and school) by maintaining an assortment of alternative identities. Besides, some relocated students seemed to have mastered the art of “doubling” by displaying a high degree of behavioural flexibility—a characteristic of a “pluralist individual.”<sup>46</sup> The fact that some parents were unaware of “what is going on with de children dem” (relating to doubling) bears this out.

Generally, the parents felt that the solution to such “an awful situation” (Martha) was to “take every one of them back to Montserrat” (Harold). Another parent bemoaned, “Look what me come to. Who would believe that me would come a England to get dis kine a problem. Only God could help us [relocated parents] wid we children” (Ellen, Parent).

John Head posits that it is not unusual for adolescents to make attempts to demonstrate autonomy and an independence from parents.<sup>47</sup> However, such adolescent behaviour is not demonstrated in a vacuum but rather within the confines of a culturally defined group identity, usually an ethnic identity. In an analysis of adolescent friendship networks, Rampton in a study of “language and adolescent ethnicity” informs that ethnic descent was an important organizing principle in adolescents’ associative networks.<sup>48</sup> It is reasonable to conclude, therefore, that the seeking of autonomy and independence from parents, together with constant identity reconstruction have put extraordinary emotional strain on relocated students’ psyches—a situation that has impacted negatively on their overall educational progress. This suggests that the adaptation to cultural changes entails more than assimilation into the mainstream; other interrelated phenomena like the dimensions of human development are also involved. As an integral part of ethnicity, one’s “sense of place” is one of the phenomena that plays an important role in the adaptation process, as is noted in the next section.

### A “Sense of Place”

*When people flee from the threat of death and total dispossession, the things and stories they carry with them*

*may be all that remains of their distinctive personhood to provide for future continuity.*

Parkin, cited in Couldrey and Morris<sup>49</sup>

Relocated Montserratians’ flight “from the threat of death and total dispossession” has not obliterated their strong emotional attachment to their homeland. Their ‘sense of place’ remains central to what constitutes “Montserratness.” Some relocated students had the opportunity to express this cultural awareness. I refer to two examples:

I was commissioned to run a small theatrical project for the School Summer Festival. . . . I planned a dramatisation of some poems. . . . For one particular aspect of my plan I needed speakers who could speak with a West Indian accent or read Jamaican dialect. . . . They (two relocated students) were wonderful, committed, hardworking, imaginative, responsive to ideas, full of initiative, brought their own props and music. (Teacher CP)

In one of our English classes, I asked them (relocated students) to write about their country, what it is like, what it was like living there. They all were quite interesting. One of them was excellent—very well written—a very enthusiastic and informative description. (Teacher KL)

As noted earlier, attachment to land and place is one way in which feelings about a Montserrat cultural identity can be interpreted. Language, that is, the Montserrat dialect, is another. Thus, CP’s theatrical project played a vital role in allowing the two students concerned to reinforce their “sense of place.”

A similar sense of island identity was noted in the students’ writings (from Teacher KL’s task). An analysis of these accounts revealed that the students’ thoughts were penned with a strong sense of individual and collective identity and clear definition of the students’ “sense of place.” The writings were grounded within a set of traditional and cultural orientations that the students recalled with mixed emotions—ranging from pleasure to misery, from acceptance to inadequacy, from despair to cautious hope and optimism. All the stories were developed along a similar route and the ideas were connected by the same historical links. The stories did tell a tale of students’ “distinctive personhood and nationhood.” These include stories about pre-volcano Montserrat, descriptions of the volcanic activities, and reasons for relocating. The accounts also showed an awareness of students’ perceptions of the differences in cultural orientation, as noted from this excerpt from one of the accounts:

I like the life in Montserrat. I wish at this very moment I was in my hometown, where there is no winter or fast-going life. You are able to walk freely in Montserrat without anyone stepping into you, unless they are not minding their business. (Roselyn, Year 9)

An expression of cultural identity in any fashion is noted by the editors of *Forced Migration Review* to be “a powerful way to maintain a community’s mental and physical health” and restore their dignity after the trauma of exile.<sup>50</sup>

It is a common practice for relocated Montserratians to chat about “what’s happening at home” whenever and wherever they meet. From these informal discussions, I noted that the parents/guardians had followed a similar trend (as in the students’ writings) with regard to reflections on life in Montserrat. This suggested that attachment to land and place remains the backdrop against which relocated Montserratians interpret their feelings about their cultural identity. And given that “sense of place” is central to ethnic identity,<sup>51</sup> it is reasonable to conclude that relocated Montserratians’ sense of place is intricately linked to their attachment to land. This appears to be what is suggested in this excerpt from a conversation I had with a relocated parent:

- P: You know me always say if dey sell Montserrat dey sell me with it.
- R: I really didn’t expect to find you here.
- P: A no a did say a wud be de larse wan to leave, but a had to leave [I used to say I would be the last person to relocate, but I had to leave].
- R: What happened?
- P: De children. Deh ejukashun kom fus an a warne to help dem, but Montserrat iz stil me hoam. Me karn dun wid Montserrat [The children’s education comes first and I want to help them, but Montserrat is still my home. I am not finished with Montserrat] (Raphael, Parent).

Similar expressions to Raphael’s were voiced by other relocated migrants. Janice Panton and Robert Archer assert that relocated Montserratians have suffered a double loss—loss of house and possessions, and loss of the society itself.<sup>52</sup> They have also acknowledged that Raphael’s sentiments are common among Montserratians: “People carry a potent image in their minds, of a island emptied of its people. . . . They feel real and sensible anxieties. One woman said: ‘We are grieving over our country’. The volcano threatens to destroy ‘home’ at almost every level.”<sup>53</sup>

But there is much more to this deep-rooted emotional attachment to land than having material possession. In the “safe zone” (the North) where most of the land is privately

owned, many individuals have constructed items in particular places. These items (of which gravesites are among the most important) according to Panton and Archer bear “personal and cultural and spiritual attachments.”<sup>54</sup>

The foregoing reinforces relocated Montserratians’ emotional bond to their native land. But forced migration has thrust upon them new concepts of place, space, and time. Thus, they are forced to acknowledge the cultural shifts, no matter how small, that are developing with their new lifestyle. But even with this acknowledgement, expressions like these are common: “Montserrat is still there. Montserrat still nice. . . . I live here but my heart is in Montserrat. . . . Even though the volcano is there and things are not the same I will still hold on to Montserrat culture” (Val, Parent).

In trying to hold on to Montserrat culture, the new identities that are being created are fitted into an existing perception of a sense of place, for representations nearly always tended to be framed within images of pre-volcano Montserrat. For example, during an interview session, when asked whether her friends visited her at home, a relocated student replied: “Not yet—when we get a nice house like the one we had in Montserrat—with everything in it” (Alice, Year 8). In my field notes, I wrote, “like parent, like child,” for I received a similar summary from Alice’s parent on the same issue of “hospitality.” Such an attitude may provoke a reaction of “stretching things too far,” but it was mentioned to emphasize that every aspect of relocated migrants’ “new” life that was deemed worthwhile and desirable was examined and contrasted against a Montserrat background.

Clearly, a strong sense of an island identity has remained with relocated Montserratian migrants—an identity within which a sense of self and a sense of place are interpreted. Such an affiliation to land seems necessary since their national identity is defined by location rather than by citizenship. A BDTO status makes allowance neither for British citizenship, nor for the status that nations attain on gaining political independence. By strict definition then, persons who were born in Montserrat, along with those who were naturalized as BDT citizens, have no national identity. In this context, therefore, relocated Montserratians remain in a limbo, somewhere between self-identity and pan-ethnicity, a gap that even the acquisition of several identities would find difficult to bridge. The next section explains how a limbo position was achieved and how it affected identity formation among relocated migrants.

### *Identity and “In-betweenness”*

I view this section as important since some relocated migrants’ choice to relocate to England was based on a percep-

tion of essential sameness—"we are British." It was a false sense of identification with "Britishness," perhaps influenced by being holders of "category-5 British passports," that blinkered some parents into believing that the Montserrat and British education systems operated in the same way.

Clearly, a BDTO status has positioned Montserratians in a political limbo. Prior to 1995, the ambiguous nature of this positioning seemed to have gone unnoticed. And although political status was given some consideration when persons began to relocate, it was the mass relocation in 1997 that seemed to have brought this "in-betweenness" into sharper focus, perhaps heightened by the harassment some received from immigration officials when they presented their "British" passports.

Consider this experience: "They (immigration officials) 'treat us like dawg.' They take we passport and tun it inside out . . . and so they watch me up and down. Although the see de passport mark British, they still mek me and de children wait for along time before they let us go" (Sammy, Parent).

Sammy's case is not an isolated one. "In-betweenness" creates in those who experience it an awareness of inferior and superior "otherness" that heightens the need of belonging, hence the constant yearning to sort one's position. Bhabha has developed the concept of "hybridity" to describe a way that spaces in between might be negotiated. This, Bhabha contends, is possible if one constructs "cultural authority within conditions of political antagonism."<sup>55</sup> This entails more than an integration of culture as proposed by theories of multiculturalism. It involves an in-depth examination of political, economic, and social ideologies from which the aims and practices of naturalization are derived. Arber offers this explanation of Bhabha's suggestion:

Bhabha's concern is to demonstrate ambivalence within colonial discourse, to find instabilities of power through which anti-colonialist resistance is no longer powerless, to define a place where hybrid strategies open new spaces for negotiation. Ambivalence works within discourses of the coloniser, so that the authority is undermined even as it is asserted.<sup>56</sup>

To express dissent within colonial discourse with a view to finding weakness within the power structure is a challenging but reasonable task under "normal" circumstances. However, for Montserratians who were forced to relocate to England because of an ongoing volcanic crisis, and whose host is their colonizer, this seems a tall, if not impossible, order. Besides, some relocated migrants may lack the gall to challenge a host whose education system "provided the

foundation for their educational achievement" (Edwin), despite the noted biases such as textbooks that conveyed positive messages about England and negative messages about the indigenous population. Such an attitude lives on despite the fact that the then-education system "served a vital function in sustaining the coloniser's dominance."<sup>57</sup> Consider these parents' expressions:

Yes we suffer injustice and yes they (the British government) treat us badly but they not all bad. They used to help us in some little way . . . (pause), (laugh) . . . I remember those good old school days. Anyway, we are not a position to do anything about it . . . at least not now. They are in control, they brought us here . . . that mean 'they have the handle and we have the blade', we cannot beat the system. (Jamie, Parent)

You see this situation that we find ourselves in, it is the children who will suffer most. But we can't give up, they need an education and we have to sacrifice many things to make sure that they get it. We here already so we have to take the sweet and the sour and move on. (Sarah, Parent)

These parents' seeming apathy is not representative of a lack of concern about relocated migrants' status as "in-betweeners," but rather a recognition that under present circumstances it is futile to attempt to challenge an authority that is so strongly asserted. Another parent spoke of "resisting the temptation to take on the system just for the sake of the children's education" (Walter). Although a sense of powerlessness and helplessness was prevalent among most parents, preoccupation with the continuation of their children's education remained top of their agenda.

Battling with the ever-shifting, contradictory identities together with the fallout of forced migration has left relocated Montserratians with insufficient spatial and temporal reins to create situations where they can negotiate their "in-between" spaces with a view to constructing a solid political/national identity. I surmise that only when particular concerns are resolved will they begin to examine whether hybrid strategies can indeed "open new spaces of negotiation." Arguably, filling in a political space may symbolize a sense of "cultural authority within conditions of political antagonism." It does not necessarily represent, however, the acquisition of a fixed political identity since identities are always shifting and reconstructing themselves "against the representation of others."<sup>58</sup>

### Conclusion

The paper focused on the multi-faceted interrelationship that exists between identity and ethnicity and the role that culture plays in their development. This interrelationship

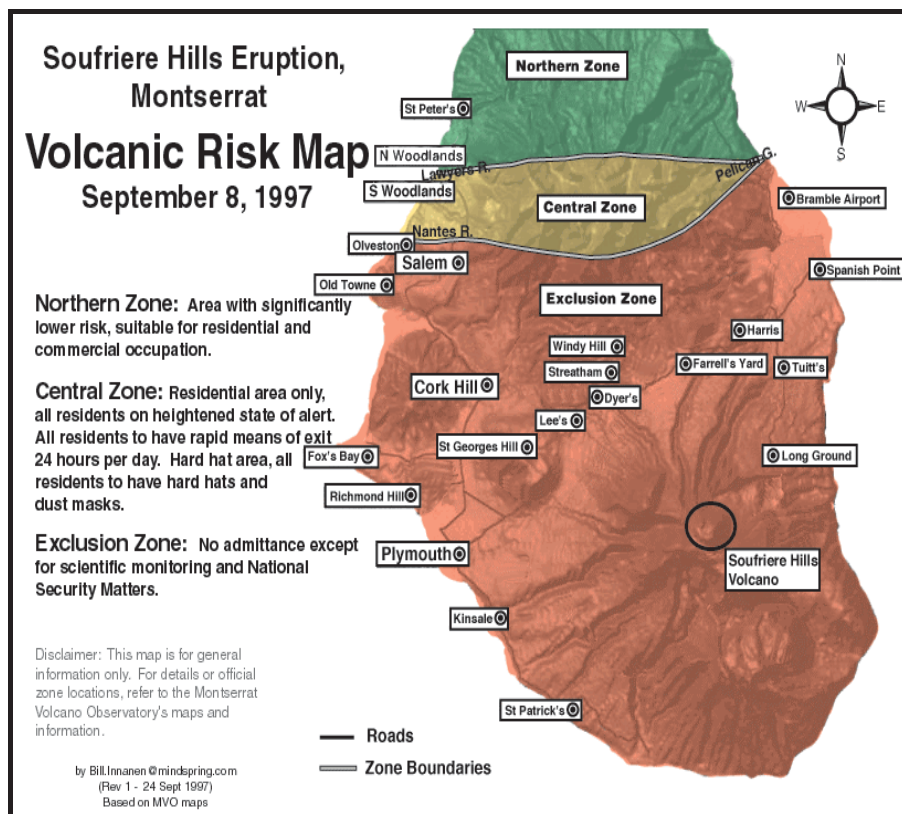
was noted to have manifested itself in the various school experiences of relocated Montserratian students. My line of argument was sustained by presenting, from a broad literature base, scholarly theories and reasoning that paralleled the relocated students' experiences.

The main point of reference for the discussion on identity was Montserratian-born black students now living in London. I located different school experiences of relocated students and fitted them into contexts that appeared to represent "the black identity." Buffering, bonding, bridging, codeswitching, and individualism are the functions that Cross, Jr., *et al.* have noted to make up the black identity profile. I noted that different situations necessi-

tated the utilization of different operations—singularly and/or as a mixed bag.

Ethnicity encompasses a shared culture and/or language as well as a "sense of place." An emotional attachment to land defines a "sense of place" for relocated Montserratians whose identity is geographically rather than politically defined. Perhaps it is the "in-betweenness" defined by an indeterminate state, and created by the deliberate political and racial manoeuvres of host country Britain, that has inspired relocated Montserratians to embrace a purposeful sense of survival in an "unfriendly" society, for the sake of their children's education.

### Appendix 1





## Notes

1. Merle Roach, "In Search of Ourselves," in *Hope: Fiftieth Anniversary Anthology of Poems*, ed. H. Fergus (Manjack: University of the West Indies School of Continuing Studies, 1998), 110.
2. This does not mean that the North is totally safe, for heavy ash-falls are known to have occurred in the North. It is the most appropriate place to reside under the ongoing volcanic circumstances.
3. Numerous complaints and concerns relating to students' educational progress were reported by parents, social workers, teachers, and other concerned citizens to the Montserrat Government United Kingdom Office (MGUKO) and Montserrat Community Support Trust (MCST). These complaints revealed that relocated students were experiencing educational problems of various kinds, and that their parents were deeply concerned about their children's educational plight.
4. Despite their possession of a "British" passport, the status of Montserratians, in a strict sense, was in limbo. In 1998, their colonial title was renamed British Dependent Territory Overseas (BDTO), a status that did not allow British citizenship. In May 2002 British citizenship (BC) was offered to all BDTOs. The data for this paper was collected before BC was offered.
5. Ben Rampton, *Crossing: Language and Ethnicity among Adolescents* (London: Longman, 1995), 297.
6. The "old" ethnicity gains its denotation mainly from geographic location. It refers to relationships based on "the linkage of similar people whose social identity was formed by influences from outside the society in which they lived." The "new" ethnic identity depends less on geographic location and focuses more on "the highlighting of key differences separating one group from another." *Ibid.*, 295.
7. Homi Bhabha, "Cultures In-between," in *Questions of Cultural Identity*, ed. S. Hall and P. du Gay (London: Sage Publications, 1996), 54.
8. Ruth Krulfield and Linda Camino, "Introduction," in *Reconstructing Lives, Recapturing Meanings*, ed. L. Camino and R. Krulfield (London: Gordon and Breach, 1994); Maureen Slonim, *Children, Culture and Ethnicity: Evaluating and Understanding the Impact* (London: Garland Publishing, 1991).
9. Rosa Sheets, "Human Development and Ethnic Identity," in *Racial and Ethnic Identity in School Practices: Aspects of Human Development*, ed. R. Sheets and E. Hollins (London: Lawrence Erlbaum Associates, 1999), 92 and 93.
10. Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London: Routledge, 1996), 21.
11. *Ibid.*, 18.
12. Sian Jones, *The Archaeology of Ethnicity: Constructing in the Past and Present* (Boston: Routledge and Kegan Paul, 1997), 1.
13. David Gillborn, *Race Ethnicity and Education: Teaching and Learning in Multi-ethnic Schools* (London: Unwin Hyman, 1990), 7.
14. Krulfield and Camino, x.
15. *Ibid.*, xi.
16. Jonathan Rutherford, "A Place Called Home: Identity and the Cultural Politics of Difference," in *Identity: Community, Culture, Difference*, ed. J. Rutherford (London: Lawrence and Wishart, 1998); Kay Deaux, "Personalising Identity and Socialising Self," in *Social Psychology of Identity and the Self Concept*, ed. G. Breakwell (London: Surrey University Press, 1992).
17. Linda Camino, "The Dynamics of Culture Change and Adaptation among Refugees," in *Reconstructing Lives, Recapturing Meanings*, ed. L. Camino and R. Krulfield (London: Gordon and Breach, 1994); A. Eckermann, *One Classroom, Many Cultures: Teaching Strategies for Culturally Different Children* (Sydney: Allen and Unwin, 1994).
18. Camino, 1.
19. Some of the parents' and students' responses are recorded in the Montserrat dialect.
20. Tom Lam and Christopher Martin, "What's Schooling For? The Vietnamese in the British Education System," in *Refugee Participation Network (RPN)* (Oxford: Refugees Studies Programme, 1996), 23.
21. Elizabeth Coelho, *Teaching and Learning in Multicultural Schools: An Integrated Approach* (Clevedon: Multilingual Matters Ltd., 1998), 20.
22. Prior to relocation the students participated in the Ministry of Montserrat's Bi-annual Arts Festival. Some of them also participated in the annual year-end festival. It was at these festivals that traditional cultural arts were showcased. All the students interviewed lamented the absence of the opportunity to "show off" their culture. Some comments were noted. Gertrude Shotte, "Education, Migration and Identities: Relocated Montserratian Secondary School Students in London Schools" (Ph.D. thesis, Institute of Education, University of London, 2002), 184, 195, 235.
23. Montserratians who migrated to the UK during the first two post-war decades are referred to as "first-wave migrants."
24. Cathy Aymer, "Migration: The Irreparable Separation of Small and Large Footprints," *Anthropology in Action* 6, no. 2 (1999): 29-33.
25. *Ibid.*, 29, 30.
26. The Refugee Council, *Helping Refugee Children in Schools* (London: The Refugee Council, 1997); Jill Rutter, *Refugee Children in the Classroom* (Stoke-on-Trent: Trentham Books, 1994).
27. Jane Kroger, *Identity in Adolescence: The Balance between Self and Other* (London: Routledge, 1989), 42.
28. This means leaving home for school but not turning up at school.
29. Coelho; Isabel Kaprielian-Churchill and Stacy Churchill, *The Pulse of the World: Refugees in Our Schools* (Toronto: Ontario Institute for Studies in Education Press, 1994).
30. William Cross, Jr., L. Strauss, and Peony Fhagen-Smith, "African American Identity Development across the Life Span: Educational Implications," in *Racial and Ethnic Identity in School Practices: Aspects of Human Development*, ed. R. Sheets and E. Hollins (London: Lawrence Erlbaum Associates, 1999).
31. The Refugee Council, 1997; Eva Segestrom, *Focus on Refugee Children* (Vaxjo: Grafiska Punkten, 1995); Rutter, 1994.



32. One of the Standards Funds that is specifically designed to improve the attainment of minority ethnic pupils, in particular refugees. .
33. Cross, Jr. *et al.*, 32.
34. *Ibid.*, 32.
35. *Ibid.*, 33.
36. Coelho, 20.
37. Steven Lyle, John Benyon, Anna McClure, and Jon Garland, *Education Matters: African Caribbean People and Schools in Leicestershire* (Leicester: University of Leicester, 1996); Yvonne Channer, *I Am a Promise: The School Achievement of British African Caribbeans* (Stoke-on-Trent: Trentham Books, 1995); Heidi Mirza, *Young, Female and Black* (London: Routledge, 1992); Mairtin Mac an Ghail, *Young, Gifted and Black* (Milton Keynes: Open University Press, 1988).
38. Etta Hollins, "Relating Ethnic and Racial Identity Development to Teaching," in *Racial and Ethnic Identity in School Practices: Aspects of Human Development*, ed. R. Sheets and E. Hollins (London: Lawrence Erlbaum Associates, 1999), 186.
39. Cross, Jr., *et al.*, 31.
40. *Ibid.*, 31.
41. Camino, 2.
42. Mick Cooper, "If You Can't Be Jekyll Be Hyde: An Existential-Phenomenological Exploration on Lived Plurality," in *The Plural Self: Multiplicity in Everyday Life*, ed. J. Rowan and M. Cooper (London: Sage Publications, London, 1999), 61.
43. Minority Rights Group, 1998, *Forging New Identities: Young Refugees and Minority Students Tell Their Stories* (London: Minority Rights Group, 1998).
44. Haircuts patterned with names or symbols/logos and havint two or more parallel lines on any part of the head are considered "bizarre" hairstyles.
45. Leon Rappoport, Steve Baumgardner, and George Boone, "Postmodern Culture and the Plural Self," in *The Plural Self: Multiplicity in Everyday Life*, ed. J. Rowan and M. Cooper (London: Sage Publications, 1999), 98.
46. *Ibid.*, 99.
47. John Head, *Working with Adolescents: Constructing Identity* (London: Falmer Press, 1997), 23.
48. Rampton, 28.
49. Marlon Couldrey and Tom Morris, "Introduction: Culture in Exile," *Forced Migration Review* 6 (1999), 2.
50. *Ibid.*, 4.
51. Rampton, 297.
52. Janice Panton and Robert Archer, *Waiting on the Volcano: A Visit to Montserrat* (London: Christian Aid, 1996), 7.
53. *Ibid.*, 7.
54. *Ibid.*, 23.
55. Ruth Arber, "Defining Positioning within Politics of Difference: Negotiating Spaces 'In Between,'" *Race, Ethnicity and Education* 3, no. 1 (2000): 45–64.
56. *Ibid.*, 61.
57. James Ryan, *Race and Ethnicity in Multi-ethnic Schools: A Critical Case Study* (Clevedon: Multilingual Matters Ltd., 1999), 122.
58. Arber, 61.

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# A Survival Story from the Thai-Burmese Border: The Struggle for Education in the Burmese Community in Thailand

MARY PURKEY

## **Abstract**

*The Burmese refugee/migrant community on the Thai-Burmese border figures prominently among “refugee diasporas” in the world today. This article describes efforts of Burmese people within this community to provide basic education to their youth in extra-legal migrant schools in the midst of the unwelcoming environment created by the Thai government’s refugee policy. It argues that this community needs greater support than it is currently receiving in order to achieve recognition and security given the impossibility of safe and voluntary repatriation to Myanmar in the foreseeable future. The article closes with a number of specific proposals for facilitating the delivery of education to Burmese “migrant” youth in the Burmese community in Thailand through intervention by both state and nonstate actors.*

## **Résumé**

*La communauté birmane de réfugiés/migrants à la frontière birmano-thaïlandaise est actuellement l’une des composantes importantes des « diasporas de réfugiés » dans le monde. L’article décrit les efforts du peuple birman de cette communauté, visant à offrir une éducation de base aux jeunes dans des écoles de migrants extrajudiciaires, dans le contexte d’un environnement importun créé par la politique en matière de réfugiés du gouvernement thaïlandais. Il affirme que cette communauté a besoin d’un plus grand soutien que celui qu’elle reçoit actuellement pour atteindre la reconnaissance et la sécurité, étant donné l’impossibilité d’un rapatriement sécuritaire et spontané au Myanmar dans un futur rapproché.*

*L’article offre en conclusion bon nombre de propositions spécifiques en vue de faciliter la dispense de l’éducation à la jeunesse « migrante » de la communauté birmane de Thaïlande, grâce à l’apport d’intervenants des sphères publiques et privées.*

Everywhere in the world, people are on the move, most not because they want to be. They have picked up what few belongings they could carry and set off, usually because the places they nostalgically call home have become intolerable sites of exploitation or violence. Or worse yet, they may have disappeared altogether as armed gangs, paramilitaries, or state armies sweep through their villages burning their houses, killing their animals, destroying their fields, making life insupportable. Such is the case in much of eastern Myanmar, and there, as in other places, the fleeing populace takes with it a whole generation of children as they cross the border into Thailand in search of security. Sometimes, when these people cannot make it themselves, they send their children on alone. In either case, once across, the children face not only the same hardships as their parents but in addition the deprivation of that so-fundamental right that the United Nations, virtually every state in the world, and people far and wide hold dear: the right to an education.

Among those concerned about the displacement of people by conflict, the town of Mae Sot, Thailand, has become well known as an enclave of Burmese refugees and economic migrants. The distinction between these two groups is murky at best since the persecution that people face in Myanmar is both political and economic. The failure of the Thai government to ratify the United Nations Convention on Refugees means that the illegal migrant community

bears all the burdens of refugees without any of the benefits (such as the education provided in refugee camps) or even the legitimacy that comes with recognition as refugees. The abuses of rights and humanitarian problems displaced Burmese people face trying to survive along both sides of the Thai-Burmese border have been well documented by the many NGOs that work there, by Human Rights Watch and by the United Nations. So have the causes of their displacement. See, for example, the “Statement on ‘Abuse of Migrant Workers in Thailand’” published by the Asian Legal Resource Centre for presentation to the United Nations Commission on Human Rights in April 2004.<sup>1</sup> In addition, a number of reports such as “Small Dreams beyond Reach: The Lives of Migrant Children and Youth along the Borders of China, Myanmar and Thailand” by Therese M. Caouette have documented reasons for lack of education among migrant children on the border along with other problems stemming from the existence of child labour, trafficking, and HIV/AIDS.<sup>2</sup> What have received somewhat less attention are the extraordinary efforts of both documented and undocumented migrant Burmese people to continue their children’s education in the absence of financial support, infrastructure, and legal status in Thailand.

Traveling to Mae Sot in 2003 and in January of this year, I have had the opportunity to witness some of these efforts. I have visited seven of the thirty or so migrant schools in and around Mae Sot, all started by very caring and determined Burmese expatriates and all functioning only with considerable difficulty. The problems are myriad: In two cases, the schools I visited also operate as makeshift orphanages for children who have crossed, or been sent across, the border unaccompanied or who have lost families because of the ethnic conflict in Myanmar. The identity of these school-orphanages has to be hidden from public view because of their lack of official legal status. The accommodation provided for live-in children is rustic at best. Sanitation is difficult to maintain, food is limited, lighting is minimal, learning spaces double as sleeping quarters, and mosquito netting is shared by whole groups.

For children who live with families in Mae Sot and travel to school, there is constant worry about security. Parents who themselves risk deportation when they are out and about can hardly send their children off to school alone. Transport to school is thus a huge but unavoidable expense for those who want their children in school. Children disappear from the schools because their mothers’ work permits have expired or because they never had permits and have been picked up and deported back across the border, or if their parents have been deemed “*bona fide* refugees” under the government of Thailand’s peculiar definition of refugees as persons fleeing armed conflict, they may have

been directed back to a refugee camp in the inhospitable jungle.

Facilities, teaching personnel, and materials also present problems. The stairs on one school building, a converted house, are rotting. Another school with reasonable capacity for perhaps one hundred children has 230, 170 of whom are boarding, *i.e.*, unaccompanied youth who have slipped over the border. There are few if any books and no money for photocopying, no crayons, no real chalkboard. Several languages compete in the same learning space, and there is rarely anyone qualified to teach Thai, the one language that would enable children to seek education in Thai schools. The curriculum is, at best, an effort to replicate the antiquated and rigid curriculum of Myanmar’s on-again, off-again educational system. The overworked teachers are full of good humour and care, but some lack basic knowledge in the subjects they must teach. All have worries of their own regarding the need for expensive work permits and fears of deportation. In the midst of such problems, children gather to sing “Head, Shoulders, Knees and Toes” for the visitor from Canada. When asked what they would like most for their school, they respond, “sky-blue shirts” for their football team. Their games and dreams are the same as those of children everywhere.

Older children in these schools face the reality that when they reach the age of fifteen, the Thai government will no longer view them as children, with at least a theoretical right to education. All but the very brightest and luckiest will face an uncertain future with few choices except to become illegal workers like their parents or to return to Myanmar to face a politically and economically repressive situation there. A very lucky, very few might get the attention of some NGO, follow a western, distance education program, pass a Test of English as a Foreign Language (TOEFL), win a scholarship abroad, and join the brain drain from South-east Asia. None of these alternatives is acceptable.

The research done during my first journey to Mae Sot contributed to development of a modest pilot project based in the Eastern Townships of Quebec to extend assistance to at least some of the Burmese-run schools for migrant children. It is called the *Eastern Townships—Mae Sot Education Project*. The conception was simple: raise funds to send students from the two educational institutions in our community (Champlain Regional College and Bishop’s University) to provide volunteer assistance in schools for migrant children in Mae Sot. In the process, the project would educate our own community regarding the needs of displaced people, create a network of support for the Burmese migrant community along the Thai border, and build leadership skills of youth in two communities on opposite sides of the world. After working for one and one-half years to

raise money in our own community and to select and prepare young volunteers for this project, it has begun to bear fruit. During the last year, five young Canadians have volunteered for six-month periods at five migrant schools created and run by Burmese people of various ethnicities in Mae Sot. Their primary role has been ostensibly to teach English as a second language; however, knowing that the children on the border—and their schools—have needs more essential than English (though that does definitely have uses), our volunteers' real challenge has been to spot a wide variety of specific needs and help us meet them or find someone who can.

The e-mails coming back to Quebec from the volunteers paint a picture of buoyant good spirits and determination among desperate conditions. They tell stories: One boy, orphaned since the age of three because his father was cruelly killed by the military junta (the SPDC) in Myanmar and his mother died in childbirth, thrives because of the care of a school headmaster and his wife. He wants "to become an educated person" and help his school. A sixteen-year-old girl, born in the jungle along the border and raised by her parent-revolutionaries, has "a deep wish to help the helpless." Another, a five-year-old, appeared at the school after her mother, a single parent, died. She too wants to help "helpless students" like herself. Then there are the stories that form the discomfiting backdrop for whatever "normalcy" exists within the school walls. A child's uncle back in Insein Prison in Myanmar dies mysteriously. Two young girls in a nearby refugee camp commit suicide and another goes blind trying. Across the border, the KNU, a Karen ethnic guerrilla army, recruits ex-child soldiers who have escaped from the Myanmar military forces.

Teachers too have their stories. Some, like the sixty-five-year-old headmaster of one of the oldest of the migrant schools in Mae Sot, are well educated and have experienced imprisonment and torture in Myanmar because of their involvement in the democracy movement. They are courageous and persistent people committed to the education of these children, prepared to live and work under harsh conditions for little or no remuneration with constant insecurity. Others are young and have fled Myanmar because of their involvement in opposition political activities or protests against the restrictive education policies of the State Peace and Development Council [Myanmar's ruling military junta, more commonly known as the SPDC]. They have stories of flight and hiding. One says philosophically:

I suppose that the lives of the teachers here are like gardeners of human plants. We work to cultivate the minds of our dear children, who are the future of our beautiful world. . . . The work we do does not aim to create stepping stones towards success,

but to form strong bridge which hopefully one day our children may walk over into their own country. Helping the children is the right way to heal our country and then the world.<sup>3</sup>

Being a young western volunteer in this refugee/migrant community involves both exposure to a wealth of rich and warm intercultural experiences and a growing consciousness of the quantity and direness of the children's needs and of the absence of clear solutions. One of our volunteers wrote in a recent e-mail:

It is daunting to be in an environment where adults must struggle to provide their youth with a basic education. . . . These teachers provide hope to children who have lost their parents and are too young to understand the political situation of their nation. . . . The students are truly wonderful. They are eager to learn despite their lack of learning materials, but the school is desperate for financial support. It relies on private donors, and I wonder how long it can continue to provide for its students.

The key issue? There is simply no body in the world that has shown itself willing to take responsibility, financially or otherwise, for the education of Burmese migrant children in Thailand as a group. Although some NGOs, and indirectly through them some governments, do provide assistance, most, understandably cautious to protect their own legal status in Thailand, shy away from overt support for migrant schools. The schools are, after all, "extra-legal" at best. Unofficially, discreetly, some schools do also receive moral support from the Thai educational and religious communities which may be aware that having these children in school serves everyone's interests in the end. The resourcefulness of the Burmese people themselves in digging into their own not-very-deep pockets and in pursuing anyone who will pay attention—some churches and underfunded NGOs, Burmese trade unions, and religious organizations—is definitely cause for admiration. Most do manage to find enough money to struggle along month by month on budgets of about \$7,000 to \$15,000 USD per year depending on enrolment. However, the search for funding is both unending and demoralizing. No people, even those displaced and lacking legal status or recognition, should have to plead—or grovel—before strangers so that their children can claim the internationally lauded right to basic education.

What is needed? It is not sufficient that well-meaning volunteers from many countries try to put together a patchwork of meagre support for these migrant schools. Nor is it sufficient that in the last few years the right of Burmese children in Thailand to education has been recognized at a theoretical level by the Thai government, because that rec-

ognition has not translated into material support. To be fair, the expectation that the Thai government can and should bear the burden of developing an educational system for the Burmese migrant community may be both unrealistic and unfair. As long as the SPDC continues to deny legitimate democratic opposition and to pursue cruel economic policies and practices, the states of the world that make up the United Nations and that have taken upon themselves the role of defender of children's rights (*i.e.*, the ratifiers of the UN Covenant on the Rights of the Child) need to provide material support so that these children can claim their right to education where they are, across the border in Thailand. They also need to urge the Thai government to loosen its recently heightened restrictions on migrant workers and refugees and to stop deporting them. Finally, they need to use their considerable economic power to influence the Thai government, along with ASEAN, to stop treating the SPDC as just another trading partner and to take concrete measures to encourage development of democratic government in Myanmar so that Burmese people in Thailand and elsewhere can go home.

Granting the unlikelihood of such actions in the near future and the immediacy of the children's needs, a number of other practical and specific measures to improve the delivery of education to Burmese migrant children could and should be taken with outside assistance from a variety of parties.

### ***Basic materials***

The greatest immediate challenge that migrant schools face is very simply the almost complete lack of instructional materials, especially books, for providing a rounded general education, whether in Burmese, Thai, or English. Basic supplies for these schools must be provided on a better than *ad hoc* basis. A number of bodies exist in Thailand through which funding and materials to schools could be channeled. The Thai government must allow UN agencies to assume responsibility to insure that it is done. At the same time, however, especially if this responsibility is seen to rest with the UNHCR, recognizing that it has no budget and depends on the good will of donors, the onus is on those states that see themselves as defenders of children's right to education to provide the resources.

### ***Teacher training and curriculum development***

A curriculum appropriate to the children's needs, one that will help them make their way in the world outside Myanmar as well as within (in the event that democracy one day comes to their country), needs to be developed. Currently, a variety of programs imported from Australia, the United States, Canada, and other western countries are applied on an *ad hoc* basis. None of them addresses adequately the need

of these children for instruction in the Thai language as well as in their own national and ethnic languages, essential keys to their educational advancement. Many of the Burmese educators in Thailand need more general education themselves. Few are capable of meeting the educational needs of older, more advanced students. All of them need assistance in developing a curriculum that suits their social context and educational objectives and that can be used widely and consistently. One very exciting initiative in this direction is a teacher training certificate program, Teacher Training for Burmese Teachers (TTBT), developed by Burmese educators Dr. Thein Lwin and Nan Lung in Chiang Mai. Using Reading and Writing for Critical Thinking (RWCT), a program initiated by the Open Society Institute (OSI) and the International Reading Association, it provides a three-month, post-graduate teacher education course to teachers returning to Burma but also to those teachers working in the border regions who have received permission from the Thai government to attend. In the three years since it began, approximately seventy-five teachers have been able to benefit from this program. Dr. Lwin and Ms. Lung have also conducted RWCT intensive training and certification workshops in Mae Hong Son, Mae Sot, and some refugee camps for other educators who are not able to travel in Thailand. The program reflects a vision of education that embraces critical thinking, active learning, and development of educational policies appropriate to a democratic society. Currently, it is dependent on some individuals and charitable organizations for financing. It is the kind of effort that needs more committed support from institutions concerned about building a democratic society in Burma.

### ***Collaboration between schools leading to common standards***

As a corollary to the above, a system needs to be put in place that would help these schools to work together and to share information and resources more effectively and transparently and that would allow students to transfer from one school to another. The Burmese ethnic communities themselves must set aside some of their suspicions of each other in order to accomplish this goal. Some organizations, such as the Burmese Migrant Workers Education Committee, are working hard to promote collaboration. Guidance in developing school administrative structures that foster this collaboration would enhance the process. In addition, however, support is needed for some kind of international recognition for students who actually manage to complete secondary education. In her report "Small Dreams beyond Reach: The Lives of Migrant Children and Youth along the Borders of China, Myanmar and Thailand," Therese M. Caouette stated:



Even though Thailand recently announced a policy to allow undocumented children to attend Thai schools, the policy is not consistently implemented. This study found few migrant children along the border in school. Those who did attend school were unable to receive certification of their studies due to their lack of documentation, which consequently limits their opportunities for further education.<sup>4</sup>

In sum, support and direct assistance by states and by institutions of higher learning worldwide for creation of the infrastructure needed for collaboration and for documentation and transfer of credits are needed.

### ***Support for post-secondary education in Thailand***

Those children nearing the age of sixteen, facing the prospect of deportation or illegal status, need to have places to go to continue their education. Through the Burma Fund of the Open Society Institute and organizations such as World University Service of Canada, some students manage to obtain scholarships and other forms of assistance to continue studies abroad. This alternative, available to only a lucky few, is positive yet problematic in that it accelerates the exit of the most talented Burmese youth from their region—where they might be in a position to influence development in their country. The Thai government is clearly happy to see them leave. However, conceivably, with outside financial support or other inducements, it might become more receptive to having Burmese students complete university education in Thailand. Ultimately, until good government comes to Myanmar, returning there for post-secondary education is not a realistic or safe option.

### ***Legal recognition***

As already noted, currently, migrant schools exist outside the Thai education system—illegally, or more accurately extra-legally, officially invisible. The legitimacy of the schools' existence must be recognized before the measures described above can be taken. In addition, however, until a process exists for providing displaced children themselves with legal identity documents, documenting their educational achievements and insuring an educational future for them will continue to be difficult. Thus perhaps more fundamentally, it is imperative that undocumented Burmese children receive legal documents attesting to their existence, something to which all humans are surely entitled.

The Human Rights Watch report "Out of Sight, Out of Mind: Thai Policy toward Burmese Refugees," published in February 2004, describes a host of larger problems that

form the backdrop for those described in this paper.<sup>5</sup> Among them are the disagreement regarding the basic definitions of displaced Burmese people's situations as refugees, asylum seekers, and/or economic migrants and the more basic need of all human beings for protection. Although the courageous and persistent efforts of Burmese educators in the migrant schools in Thailand—and the hardships they face—may be insignificant in view of these fundamental problems, for many children along the border, they define both the day-to-day reality of life in a diaspora community *and* the future. These schools represent a valiant initiative by displaced people who are in the eyes of the world press and most governments "out of sight, out of mind" to lift themselves up. In a world of sad stories of hopelessness and defeat, they are small but inspiring bright lights. They deserve recognition and support from the international community.

### ***Notes***

1. Asia Legal Resource Centre, "Statement on 'Abuse of Migrant Workers in Thailand' Received by Commission on Human Rights," news release, Geneva, 7 April 2004; <<http://www.alrc.net/pr/mainfile.php/2004pr/61/>>.
2. Therese M. Caouette, *Small Dreams beyond Reach: The Lives of Migrant Children and Youth along the Borders of China, Myanmar and Thailand*, Save the Children, United Kingdom, 2001; <[http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/412\\_smalldreams.pdf](http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/412_smalldreams.pdf)>.
3. Kyaw Moe, *A House We Call Our School*, information booklet on the Boarding School for Orphans and Helpless Youths (Mae Pa, Thailand: BMSOH, 2004).
4. Caouette, 84.
5. Human Rights Watch, "Out of Sight, Out of Mind: Thai Policy toward Burmese Refugees" (Human Rights Watch, New York, Vol. 16, No. 2, February 2004); <<http://www.hrw.org/reports/2004/thailand0204/thailand0204.pdf>>.

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# Transferring Cultural Knowledge and Skills: Afghan Teachers for Afghan Students in Montreal

JACKIE KIRK

## **Abstract**

*This article describes the experiences and perceptions of a small group of Afghan women teachers who have set up a small community school for Afghan children in Montreal. It situates the work that they are doing in the context of knowledge transfer and of social capital building in a diasporic context and discusses this heritage education program in relation to transnational processes of living and learning in multiple sites. The women, who were all teachers in Afghanistan, experienced conflict and a political situation which ultimately forced them to leave their homes; as immigrants to Canada they experience the multiple challenges of individual and family integration. However, as volunteer community teachers, they have strong ideas about the work they do and a strong sense of purpose to it; they use their own professional understandings and skills to transmit the cultural knowledge and language skills which they believe are important for young Afghan Canadians and their families in Montreal.*

## **Résumé**

*L'article décrit les expériences et les perceptions d'un petit groupe d'enseignantes afghanes qui a mis sur pied une petite école communautaire pour les enfants afghans à Montréal. Il situe le travail qu'elles font dans le cadre du transfert de connaissances et de l'investissement social, dans le contexte de la diaspora, et met ce programme d'éducation sur le patrimoine en rapport avec les processus transnationaux de vie et d'apprentissage dans des endroits variés. Les enseignantes, œuvrant toutes en Afghanistan, vivent des conflits et une situation politique*

*qui finit par les forcer à quitter leur patrie. En tant qu'immigrantes au Canada, elles font face à de nombreux défis relativement à l'intégration individuelle et familiale. Toutefois, comme enseignantes communautaires bénévoles, elles ont une opinion définie sur le travail qu'elles font et visent des buts bien précis. Elles se servent de leurs propres connaissances et compétences professionnelles pour transmettre le savoir culturel et les habiletés langagières qu'elles jugent nécessaires aux jeunes Canadiens afghans et à leur famille à Montréal.*

## **Introduction**

Since it opened on October 18th, 2003, a new Dari language and culture program for Afghan children living on the Island of Montreal has enrolled over thirty children. These young Afghan Canadians spend from 11:00 a.m. to 1:00 p.m. every Saturday in the classes which are held at an inner-city primary school and are taught by two Afghan women teachers. Other students, who live on the South Shore of Montreal, have been attending similar classes since December 2002. This article describes the experiences and perceptions of the small group of Afghan women teachers who have initiated and developed this program as an initiative of the Afghan Women's Association in Montreal. An introductory section of the article introduces the school and describes the student and teacher population. This is followed by a discussion of the teachers' own experiences, their perceptions of the knowledge transfer processes they are engaged in, of what is important for them to teach the students and why. This data is collected from a series of informal visits to the school, from a group discussion, and then from a follow-up, in-depth interview with the school

director. The women talk about the importance of mother tongue instruction, and of the development of *tarbia*, which is a particularly significant Afghan concept that refers to good manners and proper development of a child. The article concludes with some thoughts on the multi-levelled benefits of this program, and some recommendations for further research and policy development.

### ***A Community School for Young Afghan Canadians***

According to the Statistics Canada census of 2001, there are approximately 2,900 people of Afghan origin living in Montreal. This population is relatively spread out, with families in Park Extension, Côte des Neiges, and also further east on Henri Bourassa. There is also a concentration of Afghan Canadians on the South Shore. The relatively small numbers mean that there are few services specifically for Afghans. For example, Afghans have no special mosque in Montreal, but will attend with other Muslims from other countries. The Afghan Women's Association is a new initiative aimed to provide specific information and services, in Dari and Pashto, to women in Montreal; Afghan women are welcomed to the South Asia Women's Community Centre, but financial restrictions mean there are limited services specifically for them.

The "Afghan school" is a project of the Afghan Women's Association, and was initiated by the director and founder of the association, Makai Aref. There are the thirty children enrolled in the Montreal class and there are approximately fifty students enrolled in the three-hour program which takes place every Sunday during the school term in a classroom at a local Islamic centre in Brossard, on the South Shore. Both classes comprise a special program of Dari language and Afghan culture, with some Koranic instruction. The program has been developed by the teachers and the director, based on a small selection of materials, originally from Afghanistan and Iran.

As a result of the immigration and education laws in Quebec, the students who attend the program are all attending French schools in Montreal; in fact outside of the class time, most of them chat to each other in French. They are aged between 6 and 15, with most in the upper primary grades, and the classes include several brothers and sisters from the same family. Even outside these family groups, many of the students know each other and their families very well as, living in a certain few neighbourhoods, they may attend the same school, the same mosque, and the same cultural, community events. Some of the families know each other from Kabul or other places of origin in Afghanistan, and family, clan, and regional networks and ties continue to play an important part in their Montreal

lives. The students have a variety of immigration stories themselves; some were born in Montreal to parents who left Afghanistan in the 1990s, others remember their early years in Afghanistan, and many have memories of refugee life and schooling in Iran or in Pakistan.

### ***The Teachers***

This education program in the two sites depends on four women teachers who give up their Saturdays and/or Sundays to teach these students; this is in addition to the time, effort, and energy of the director who handles all the administrative work, including recruitment and registration, and negotiation with the school board and the mosque for the space. Two of the teachers, Amina and Mariam, teach in both classes, travelling from their homes on the South Shore to the inner city school each Saturday. Discussions with them and with their colleague Rozia, as well as with the director of the program, provide insights into the background knowledge, perceptions, and priorities these teachers bring to their work with the students in Montreal.

All four of the women were trained and experienced teachers in Afghanistan. Rozia, for example, taught for twenty-five years, having completed a two-year training at a teacher training college. She specialized in Dari and in maths, and came to love her work, saying how it made her happy that her students "became good people for society." Having said this, teaching was not her first choice of career; after high school she was desperate to be a doctor, and when her grandfather refused to allow this, she cried "for three months" until she was eventually allowed to go to teacher training college.

Amina married young, straight out of high school, and although she too wanted to continue her university studies, her husband's family was not keen on the idea, and so instead she became a teacher. Through high school she had already been volunteering as a teacher, so she knew what she was getting into. What she was not prepared to deal with, however, was the shock and distress of the children when conflict broke out and the shelling of Kabul started, with rockets falling around the school. Amina explains how she tried to keep the children calm and concentrated on their studies, telling them that this was the most important thing to do. One day, however, a rocket landed in the school grounds causing destruction, chaos, and distress. It was a real shock for all the students and their parents, and the building was so badly damaged that the school then had to close. After that incident, her family were reluctant for her to return to work; by now she had five children of her own, so she stayed at home with them.

Mariam too was married soon after she graduated from high school, but she continued on to university, studying

part time in the faculty of literature, whilst at the same time looking after her three children. She had always wanted to be a journalist, but it was her own children who wanted her to become a teacher and persuaded her to apply to different schools. With no pre-service training, she was able to accumulate experience on the job and to upgrade her skills through some in-service training opportunities. Through her fifteen years of service she moved through different grades, and was very satisfied by her experience: "I felt very happy with the children—they were like a family—and we had a good atmosphere. I was giving a training to the children and sharing what I had learned. They were very happy to have a good relationship with their teacher."

Makai, the director of the program and of the Afghan Women's Association, was also an experienced teacher in Afghanistan. She went to teacher training college followed by Kabul University, before teaching for about twenty years. Most of these years were spent in one particular school, teaching maths and physics, before she came to be the vice-principal. From this experience she was asked by the Ministry of Education to start a girls' school outside of the city, something she worked hard on until the project was affected by political issues and she was sent back to the ministry in Kabul. She wasn't there for long though, before she was sent out again to develop another girls' school. She did see that project come to fruition, and spent two years as principal before she was asked to move to the government agency for women's affairs. This turned out to be a very exciting career development as she was responsible for mobilizing, training, and supporting women's groups rights across the country. Makai's particular issue was domestic violence, which the social work qualification she had also completed enabled her to work on. This came to an end, though, with the arrival of the mujahadeen in Kabul. They took over the office and all the agency's activities had to cease. It was at this point that Makai and her husband made the decision to leave Afghanistan, firstly to join their daughter studying in St. Petersburg, but eventually moving to Almaty in Kazakhstan.

When the teachers left Afghanistan and became refugees themselves, all four continued to teach and to be involved in community activities. Rozia taught in an NGO school for refugee children in Peshawar, Pakistan, and Amina taught for five years in Delhi, India. She was teaching girls in her own home and, like Rozia, for no salary at all. Mariam, too, continued to teach, but in a private school in Pakistan. They talk about the challenges of teaching in such circumstances, where the children as well as their parents are tense, where everyone is only thinking about leaving, and where for the teachers, the lack of salary makes it hard to maintain energy

and enthusiasm. In the camps in Pakistan this was especially challenging; the heat was almost unbearable, and the school had no supplies or even seats for the students. As Rozia says, the most important aspects of her job at that time were to convince the students that they do have a future, and to keep them as relaxed as possible in the circumstances. Makai was so concerned about the poor conditions for Afghan refugees in Almaty that she set up an NGO that grew into a large organization with multiple projects, including a school, and a privileged relationship with the Azeri Ministry of Internal Affairs.

Common to these women's experience of teaching is coming to it first as a compromise. Despite other desires and dreams, teaching is a career that is acceptable to their families and at least relatively compatible with household chores and child care. However, although they may not have chosen the profession, they have come to appreciate the difference that they do make for the students they work with, and this is perhaps especially so in exile. In a context such as Afghanistan where the possibilities for women to work outside the home and to exert agency in the public realm are relatively limited, teaching is an acceptable way of doing so. This brings with it an obvious personal satisfaction, and a sense of commitment to the profession develops, meaning that even as refugees themselves the women continue to teach in order to do what they can to improve the lives of the children.

### ***Mother Tongue Instruction in the Diasporic Context***

Once they are resettled in Canada, the context is quite different, but the women's commitment to teaching Afghan children is equally strong, if not even stronger. There are multiple barriers to their being accepted as qualified teachers by the Ministry of Quebec. These are primarily language, but also official certificates, as well as the fact that they have families to care for and a heavy load of household and child-care responsibilities. Teaching the Afghan children within their community both Dari language and Afghan culture is clearly very important to them on a number of different levels, and they articulate why providing the program is so important.

Although the students chat amongst themselves in French, there is a clear interest in their Dari language program; hands are enthusiastically raised to answer different questions, or to volunteer to read from their copies. Writing on the blackboard is particularly popular, and the students especially like to practice forming and then reading the different letters and sounds they are learning. Most of the students speak their mother tongue fluently, using it at home in everyday conversation with their family and

other community members. However, reading and writing require more concerted attention and instruction. Research shows that a strong grounding in their own first language and culture supports immigrant children's integration into a new community and promotes their personal and academic development. Especially in Quebec, where fluency in both English and French is increasingly required of young people, as Amina explains, "You really need a strong mother tongue in Quebec." But this is not only for reasons of cognitive development.

The teachers talk about how the parents are keen for their children to develop the mother tongue language skills. They see that fluency in Dari is needed for the students to be able to communicate well with their parents and with their community. As one of the teachers explained, "They need to have the same language to have a relationship with them." The students also need to be able to read and write Dari to be able to communicate with family members back in Afghanistan; they mention the traditional form of correspondence—letter writing—as well as the increasingly popular form of communication, e-mail. With the fall of the Taliban, although conditions in Afghanistan are still not easy, the teachers also imagine that some of the students will at some stage want to return to their home country, either for a holiday or maybe to stay. According to Amina, this fluent knowledge of their mother tongue, in-depth communication with their family, and a possible return to Afghanistan are all parts of "knowing their story," which is an important aspect of growing up in a diasporic context. The children apparently want to know "where they come from and where their parents came from," and learning Dari is an important means to accessing this cultural knowledge.

### **Cultural Knowledge Transfer**

At the same time, as teaching Dari, the Afghan school program also has a strong component of explicit instruction in Afghan culture. *Tarbia* is a very important concept for Afghan children and their parents, and therefore also for educators. It is a term that the teachers want to use frequently to describe their work, but find it very difficult to translate. According to Save the Children, there are four especially important aspects of good *tarbia*: good and clean language, respect for elders and parents, bodily cleanliness, and hospitality.<sup>1</sup> Children who have *tarbia* are polite, obedient, respectful, sociable, and peaceful. They know how to eat, sit, dress, and pray properly. They do not fight unnecessarily and they do as their parents suggest. In contrast, children with bad *tarbia*, ("be *tarbia*" or "without *tarbia*") are rude, antisocial, and argumentative. Instruction relating to *tarbia*—to good manners and appropriate behaviour—was important to the teachers when they started out teaching in Kabul, and all

three teachers assert the importance of teaching children far more than academic subjects. *Tarbia* is equally important, but with different dimensions, here in Montreal. The teachers see their role as preserving the cultural traditions, mores, and values of Afghan cultural, but at the same time helping the children to understand and effectively negotiate the differences between the cultural traditions and expectations of their parents and other family members, and those of their teachers and non-Afghan peers. "They need to know how things are different, but be able to take the best of both," says Rozia.

One of the cornerstones of *tarbia* is the respect that is accorded to teachers and the value that is placed on the teachers' advice. As the teachers laugh, when they were teaching in Kabul, parents would comment how much their children listened to them, and how they took far more notice of the teacher than of their own parents. Interestingly, women see it as important to perpetuate this respect and to continue to instill it in their students, whilst at the same time they use this very respect and receptivity on the part of their students to provide guidance on how to understand and cope with what must often be perceived as "*be tarbia*" Canadian children and behaviours. I am told, "In Afghanistan teachers have lots of respect, but here it is very different." Makai explains that the students ask why their Afghan education is so "closed" compared to their Montreal school which is so "open." They want to know why they have different rules and limits placed on them than their Canadian friends. Answering such questions is challenging for the teachers, especially as the resources they work with—the story books from Afghanistan that contain *tarbia*-related stories—do not relate well to the students' experiences in Montreal; they don't understand, for example, the references made to farming and to rural life. As the women explain, they then have to find their own examples from the children's lives here which would help them to make sense of what *tarbia* demands of them. Furthermore, Makai recognizes that in contrast to the usual teaching methods in Afghanistan, the diasporic children expect and need more active learning activities—and especially so on a Saturday morning. According to Amina, it is important for children of all ages to have limitations and for them to know these. She and her colleagues encourage the students to respect the limitations they are given, not to be late home, and especially not to keep secrets from parents, but to talk to them openly. They encourage them to "take the middle ground" by enjoying the opportunities they have here in Montreal, but at the same time "not going the wrong way"—not smoking, drinking, and disobeying parents, for example. "Teachers have to give ad-



vice on how to make good friends and how to be a good person,” says Makai.

Whilst *tarbia* is obviously important for the children to be successful within their Afghan cultural context, Makai, the director, also makes a concrete link between *tarbia* and successful integration into Canada. Children showing *tarbia* will be good, positive people, and as she says, “It is important to have positive people for Canada.” But in addition to helping the students manage their immediate family relationships and to contribute to the future of their adopted home, the teachers also see that providing a good grounding and understanding of *tarbia* is critical for the students if they choose to return to Afghanistan at any time. They will need to understand how to talk to elders, for example, and to know what is expected on them. According to the teachers, the parents show commitment to sharing with their children important aspects of their culture—in fact, Makai believes that for them culture is more important than language; just enrolling their children in the program, paying the nominal fees, and ensuring they are dropped off and picked up is a considerable commitment in itself. However, immigrant parents, many of whom experience considerable financial, identity, and other challenges in resettlement contexts, have few resources to do so. They often lack the time and/or the ability to discuss and reason with their children about what *tarbia* implies for, and demands of, young Afghan Canadians. This makes the role of the teachers even more critical than in the home-country context, and yet, as is so often the case in community-based, non-formal education systems, the teachers have to content themselves—and their families—with non-financial compensation for their time, effort and commitment.

### **Some Concluding Thoughts**

From the data presented above we can see that the teachers and the families involved see this opportunity for supplementary instruction in Dari and in Afghan culture as critical for the young students. Not only does it help them in their immediate family relationships, but it can also allow them to participate in transglobal knowledge and family networks, through a common medium of intertwined language and cultural values. The teachers shift their teaching styles and the content of their lessons to attempt to meet the needs and ensure the students gain the most appropriate knowledge for their diasporic context. It is quite different to the contexts for which some of them were originally trained, but their many years of experience and their in-depth understanding of child development from an Afghan cultural perspective allow them to adapt their methods and the content. The challenge of doing so is obviously one that

nonetheless brings a certain amount of satisfaction to the women and allows them to feel that they are making a contribution to their cultural community and to their adopted community. Furthermore, participating in the education programs allows the teachers to further their own engagement in transglobal networks. They know some of the students’ families from their days in Kabul, and in fact over twenty years ago, Amina was a student of Makai’s in the Kabul high school in which she taught.

This exploratory investigation into the experiences and perceptions of a small group of Afghan women teachers who have set up a small community school for Afghan children in Montreal has certainly raised a number of points for further, more in-depth consideration, and for further work with the teachers, but also with the students and their parents. It would also be worthwhile to conduct a comparative study of Afghan students who do not attend the program in order to identify specific attributes of it, and to find out more about the processes of production and reproduction of *tarbia*-related knowledge in the diasporic context. How important is this for the children themselves? For those who do not attend the program, what are alternative sources of this knowledge?

At a more pragmatic level, there is an advocacy agenda to be built for increased municipal, provincial, and federal funding for heritage language and culture programs. In Quebec, a Programme d’Enseignement de Langues d’Origines (PELO) does exist, but to qualify for a school-board-funded teacher to provide one hour a week of language instruction either at lunch time or after school require the demand of at least twenty children in any one school. This program certainly has its limitations, not least of which is the fact that funding has been capped for a number of years now, and for a new class to open now requires one to close. Furthermore, the PELO programs are very much run by the school board. There is no prescribed curriculum, but neither is there much room for community involvement in the program. Outside of this, however, the funding possibilities for such a community school are very limited. The program costs families \$10 per child per month, with a reduction to \$15 per family for two children. This amount at least covers some of the operating costs of the school (including some resources such as photocopies and some compensation for the teachers’ travel costs); however, it does not allow for any extra teaching resources or any compensation for the teachers’ time. Therefore, additional funding is constantly being sought to enable the teachers and the school director to develop the program, and to reach out to Afghan community members who are as yet not involved.

**Note**

1. Save the Children, *The Children of Kabul* (Kabul/ Westport: Save the Children, 2003).

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# In “Virtual Dialogue” with the Somali Community: The Value of Electronic Media for Research amongst Refugee Diasporas

CINDY HORST

## **Abstract**

*This article illustrates the methodological potential of electronic media such as the Internet and e-mail for research amongst refugee diasporas. It will first describe research amongst Somalis in Kenyan refugee camps, which demonstrated the importance of transnational networks in the survival of refugees in the camps. The intention of the research set-up was to provide an alternative approach to common depictions of refugees, which often ignore their agency. A focus on agency, referring to every individual's level of choice and power, is as much a methodological decision as a theoretical or epistemological assumption, since people's agency clearly manifests itself in knowledge creation. After describing the possible dialogical nature of academic knowledge creation, the article moves on to illustrate how electronic media can play an important role in this. There are a number of apparent advantages to the methodological use of the Internet and e-mail in research, though at the same time pitfalls should not be underestimated. Nevertheless, when studying refugee communities that are dispersed across the globe and make active use of electronic media, “virtual dialogues” provide fascinating new insights.*

## **Résumé**

*L'article illustre le potentiel méthodologique de médias comme l'Internet et le courriel pour la recherche parmi les diasporas de réfugiés. Il se concentre d'abord sur les Somaliens dans les camps kényans de réfugiés, ce qui prouve l'importance des réseaux transnationaux relativement à la survie des réfugiés dans les camps. La recherche*

*visait à fournir une approche différente des descriptions habituelles de réfugiés, qui ignorent souvent leurs droits. Le fait de mettre l'accent sur ceux-ci, qui renvoie au degré de choix et de pouvoir de chaque personne, est autant une décision d'ordre méthodologique qu'une hypothèse théorique ou épistémologique, puisque les droits du peuple se manifestent clairement dans la création de la connaissance. Après avoir décrit la nature dialogique possible de la création de la connaissance académique, l'article poursuit en montrant comment les médias électroniques peuvent jouer un rôle à cet égard. L'utilisation méthodologique de l'Internet et du courriel comporte de nombreux avantages pour la recherche, mais également des écueils à ne pas sous-estimer. Néanmoins, s'adonner à l'étude de communautés de réfugiés disséminés sur la planète en se servant des médias électroniques permet des « dialogues virtuels » qui ouvrent des perspectives nouvelles et fascinantes.*

At the end of 1991, three refugee camps were set up close to the small town of Dadaab in Kenya to host the large influx of Somalis fleeing the collapse of their state. At present, approximately 135,000 refugees are said to live in Ifo, Dagahaley, and Hagadera. Most of them originated from the regions of Jubadda Hoose and Shabeellaha Hoose, the lowlands of the two main rivers in South Somalia. There are also smaller groups of refugees from Ethiopia, Sudan, and Uganda, and a few individuals from Zaire in Dadaab. Between February 1999 and September 2001, I carried out anthropological Ph.D. research in the camps. I wanted to understand how Somali refugees were able to survive in these camps, despite insufficient international aid

and limited regional opportunities. Dadaab lies in Kenya's Northeastern Province, a vast stretch of semi-arid land that has been the object of dispute between Kenya and Somalia since independence. The area is unsuitable for agricultural production and is mainly occupied by Kenyan Somali pastoralists. The province has a very poor infrastructure and is insecure due to frequent attacks by *shifita*, Somali "bandits."<sup>1</sup> Inside the camps, UNHCR and various international NGOs provide assistance to the refugees. During my stay in the camps, this assistance often consisted only of three kilograms of maize per person per fifteen days, an amount impossible to survive on. Thus, it was clearly not their only means of survival.

My main aim in studying how Somalis were dealing with refugee life in the Dadaab camps was to provide an alternative perspective on refugees. Refugees are often depicted as "vulnerable victims" or "cunning crooks" in media and academic literature. This stands in sharp contrast to my own experiences with refugees during my work for VluchtelingenWerk (a Dutch organization assisting refugees) and in various research projects. I was introduced to many individuals who were not passively affected by circumstances but rather were resourcefully trying to utilize available opportunities. In my opinion, social scientists should continuously question accepted categories and forms of analysis, within both science and the larger society. This is even more urgent considering the fact that (theoretical) constructs not only are influenced by social reality, but also have an impact on the general discourse within that reality and thus on actions.<sup>2</sup> The ideas that exist about refugees in the end have a clear effect on the reality of their daily lives. As an alternative to common stereotypes of vulnerability and cunningness, I wanted to provide an image of human complexity.<sup>3</sup>

In order to understand the situation of Somali refugees in Dadaab at present, it is essential to place that specific situation in a historical context. In the academic world as well as within relief-providing organizations, crises are largely seen as external events interfering with a certain stable social reality. This viewpoint obscures the fact that insecurity is the normal state of affairs for many, and people have found their own ways of dealing with it. Before the civil war, Somalis had particular ways of dealing with the insecurities they were faced with, based on assistance networks, mobility, and dispersing investments within those networks. I wanted to understand what effect refugee life in Dadaab had on these existing social security mechanisms. In an earlier study on Somalis in refugee camps, Kibreab<sup>4</sup> found that their social security arrangements were largely based on precedents. Other research, however, has suggested that major changes take place within refugee com-

munities due to life in camps. Harrell-Bond,<sup>5</sup> for example, has argued that the encounter with humanitarian aid leads to a serious rupture of social structures. I was interested to understand whether, in Dadaab, Somali refugees could still rely on social networks, migration strategies, and a variety of investment strategies for their survival. In short, I call this the "nomadic heritage" of the Somali, though "nomadic" here refers not to a livelihood, but more widely to a way of living.

Soon after my arrival in the camps, I learned about the existence of an extensive, informal system of communication and banking. It is called *xawilaad* in the Somali language, *xawil* meaning "transfer," usually of money or responsibility.<sup>6</sup> The Somalis use *xawilaad* companies with branches in many countries worldwide to send money to their relatives elsewhere. Overall, huge investments are made in means of communication and transfer, which may be an indication of the importance attached to maintaining strong networks. About 10 to 15 per cent of the refugees in Dadaab receive remittances, enabling the survival of a much larger part of the camp population and simultaneously stimulating development in the area.<sup>7</sup> Furthermore, stimulated by these remittances and the images that come with them, migration to resettlement countries is a popular investment for the refugees in Dadaab. Facilitated by technological developments in communication and transportation, social security mechanisms that originally developed from local circumstances of life in Somalia have now extended to a global scale. A significant number of Somali refugees in Dadaab are able to assist themselves, irrespective of limited local opportunities and insufficient international aid, because they are part of a network of "transnational nomads."

### **Methodological Choices**

As earlier stated, an important aim of my research work was to provide an alternative perspective on refugees.<sup>8</sup> My major objection against current conceptualizations is that they generally do not acknowledge the agency of refugees. I define "agency" as concerning "events of which an individual is the perpetrator, in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently."<sup>9</sup> Agency firstly implies a level of choice, although the conditions under which a certain choice is made may vary. A second aspect of agency involves power: the power of doing things or leaving them, thus making a difference. According to Giddens, this transformative capacity is of importance irrespective of whether the outcome of someone's actions was intended or not. As such, his structuration theory avoids the common dualism between actor or agent and structure or system that is created by the assumption

that an individual's or group's level of choice and power is constrained by larger institutional structures and social systems. "Structure is not to be equated with constraint but is always both constraining and enabling. This, of course, does not prevent the structured properties of social systems from stretching away, in time and space, beyond the control of any individual actors."<sup>10</sup> Thus, the agency of actors is both enabled through and constrained by the structural properties of social systems, while simultaneously leading to their reproduction. Conversely, structure, while seemingly operating independently and decisive, only exists through the actions of individual agents.

The central importance of the agency of refugees is not only a theoretical but also an epistemological stance and necessarily has to be reflected in the choice of research methods. If one accepts the fact that refugees have and should have a certain level of power and choice in determining their lives and livelihoods, this surely also includes the power and choice to create knowledge about and give meaning to their own situation. Individuals use certain narratives, or discursive means, to reach decisions and justify them. In most cases, there are various types of discourse to choose from, so people face alternative ways of representing themselves, formulating their objectives and acting. I do not feel I am occupying a privileged position as researcher; I necessarily influence the communication and knowledge-creation process as others do, and intervention occurs both ways. Academic knowledge creation thus takes place through the "dialectics of a dialogical ideal."<sup>11</sup> In my opinion, it can best be practiced through dialogue between refugees, agencies, and academics; through the exchange and discussion of ideas, concepts, and theories.<sup>12</sup>

I have tried to actively involve Somali refugees, policy makers, and practitioners in both data collection and analysis, for which in particular various participatory approaches have proven relevant. Participatory research developed in the 1960s from a wish to counter the traditional subject-object approach, which was seen to be hierarchical and "exploitative."<sup>13</sup> Rather, these approaches and methods tried to work from a more equal perspective, in which the research and research results should be of use to all those involved, often leading to subsequent action for change. Discussions with refugees in Dadaab on my research questions and methods proved vital for my fieldwork and research assistants have played an active and independent role in collecting data. Besides, throughout the fieldwork I have engaged in multiple dialogues relating to my data and various stages of analysis. This included sharing and discussing interview reports, fieldwork reports, and later papers and preliminary chapters of the thesis with Somalis, policy makers, and implementers as well as academics both

in Dadaab and elsewhere. It also included organizing sessions to discuss my research findings and writings, during which my analyses were challenged on a number of occasions. These challenges and the way I have tried to deal with them were essential in shaping my analysis.

### ***Virtual Dialogues: Internet Dissemination and E-mail Exchanges***

After I "came back from the field," I continued to engage in this dialogical approach through electronic media. There is a wealth of information on the Internet for Somalis, with well over eighty Somali sites.<sup>14</sup> These sites provide written and oral information on the latest developments in Somalia, calls for tracing people, business, world news, and so on. They offer a space for Somalis all over the world to discuss issues related to, among other things, culture, religion, the war, and being refugees and immigrants. The sites also enable them to share their knowledge and experience of life in a certain place with others. Some of the sites include newspapers and audio and video material of, for example, BBC Somali Service and the Somali radio in Sweden or Canada, which otherwise would not have been widely accessible. The Internet allows Somalis around the world to have access to up-to-date community information and at the same time enables them to exchange messages with individuals elsewhere. In this way, e-mail user groups and Web sites have even played a role in economic reconstruction as well as in political processes in Somalia.<sup>15</sup> It is clear that these technological developments may greatly affect social relations within refugee diasporas. The Internet and e-mail enable personal relations within transnational communities to be more frequent and thus more mundane and taken for granted.<sup>16</sup> Far from being "virtual," computer-mediated communication is yet another means of social contact between people at a distance from each other. It enables the direct involvement of members of a diaspora in each other's lives.

The development of electronic media is a very interesting research field when studying refugee diasporas. At the same time, in my opinion, the Internet and e-mail are vital in developing methodological tools for transnational research. I do not agree with Hannerz<sup>17</sup> when he states that methodologically, transnational anthropology can hardly be characterized by any one set of approaches that would distinguish it from other anthropology. Existing approaches are certainly not sufficient, and various researchers attempt to transcend them. In such an exploratory phase, "the key to doing research in complex transnational spaces devolves less from methods, multidisciplinary teams or theoretical frameworks—although these are, of course, important—than from the suppleness of



imagination.”<sup>18</sup> It is important to develop sound methodological tools using the Internet and e-mail, partly based on existing methodological techniques but maybe also imagining new approaches. Electronic media, for example, support group discussions amongst people in different locations, enable anonymous interviews, and also facilitate a large-scale questionnaire or creative web-assignment (through pictures, essays, etc.). Furthermore, electronic media enable the dissemination and discussion of preliminary analysis of research data, either indiscriminately or amongst a select group of people.

### *Dialogues with the Somali Diaspora*

In my own research, I mainly experimented with this last option, in an attempt to continue a dialogical approach towards knowledge creation. I contacted a number of Somali sites, introducing my research in Dadaab and sending them some of my work. Somalinet published my field reports, and added a “Forum Discussion.”<sup>19</sup> Here, anybody could respond (anonymously or including his/her e-mail address) to the writings. Interesting debates followed, in which I personally also contributed to the Forum Discussion a number of times in order to respond to various comments. In a few cases, the discussions went on in the less public space of e-mail. Somalinet then published a preliminary version of the first chapter to my thesis, adding my e-mail address and encouraging readers to send their remarks to me. Furthermore, I sent a number of my writings to a UNHCR staff member, who invited me to have them published as a working paper, appearing both on the Internet site and in hard copy.<sup>20</sup> This gave me feedback from policy makers, UN or NGO staff, and researchers. I thus built up a list of e-mail addresses of a very specialized group of interested readers, combining Somalis in the diaspora with refugee “specialists,” and decided to utilize that resource.

Starting up a mailing list, I introduced my initiative as follows:

Some days ago, a Somali student at Melbourne University asked me whether I had ever thought about ‘setting up a group of Somali people living around the world to give you advice on the methods you use, the areas you need to do more research on, or any other support you may need’. At the same moment, I was going through some articles on diasporas, transnationalism and global networks. In many of these articles it was suggested that research in this field should be carried out within a transnational, trans-disciplinary network that consists of academics, practitioners, policy makers, and the ‘transnational migrants’ themselves. I fully agree. The suggestion was brilliant and perfectly timed.

I would send any of my writings through this mailing list, and had discussions with its individual members on my writings and other topics. Thus, I learned much more about the position of Somalis in the diaspora and was even contacted by a number of refugees who had lived in Dadaab, some of whom I had met, and who were now building up their lives elsewhere.

Abukar Rashid, for example, with whom I had worked in Hagadera, contacted me while he was in Nairobi, waiting for his ticket to Canada.<sup>21</sup> We had not exchanged addresses, but he was surfing the Net when he found my writings and e-mail address. When Abukar arrived in Canada he contacted me again, and kept me informed about his new life. We stayed in touch, and he was the person who advised me to send one of my more politically engaged articles, on the closure of *xawilaad* offices in the aftermath of September 11, 2001, to Hiiraan.com. When I did, it was immediately published, and the responses were overwhelming. In the first few days, I received over ten e-mails a day. It seemed that taking a stance so firmly to “support the Somali case” and condemn the actions of the U.S. government against certain *xawilaad* offices really had an impact. I had clearly positioned myself, taking sides, and this was appreciated. More work was published on Hiiraan, and I got in touch with a number of very qualified and experienced Somalis, many of them highly educated and in good positions in their new countries.

To further illustrate the incredible value of electronic media for data collection and analysis, and give an impression of the kinds of dialogues that took place “in cyberspace,” I have selected sections from the electronic dialogues I had with Aden Yusuf. Aden works as a program analyst for a state health department in the U.S. and has an M.A. in development economics. He was born in central Somalia, lived in Kenya for many years, and now feels rather settled in the U.S., where he stays with his wife and three children. Aden initially responded to the article on the closure of the *xawilaad* that I had sent to the Hiiraan website. From there, our dialogues took off. I sent him my various writings and he sent me relevant newspaper articles and Internet links. He also gave me his detailed feedback on all preliminary chapters of my thesis and came with many examples of the arguments I wanted to make. I asked him (and others) for advice when I was struggling to correctly reproduce certain Somali words or practices. We had fascinating discussions, for example on the Somali sense of transnationalism that was so central in my work.

He writes:

I always wonder what are the allegiances of a Somali (religion? clan? nation? state?). One could argue that the only allegiance

that a Somali has is that of the clan. But paradoxically that allegiance is highly segmented right down to the level of 'myself versus my half-brother'. You know where clan begins, but you never know where it ends. The Somali is a complex individual . . . I agree with your thesis that the Somali nomadic background primarily explains their strong sense of kinship networking, high mobility and dispersing of investments. Somalis tend to be always on the run, chasing water and grazing wherever they can find it; international borders never restrain them. Imagine that civil war breaks out in Kenya, God forbid. Would a Kikuyu farmer cope in the same way as a Somali nomad would? The answer is no. Somalis are very mobile, as your thesis would support. They leave their homes, lands and country altogether. With regard to allegiances, I would add that Somalis, in general, do have little commitment to land. I know a Kikuyu has a strong sense of loyalty to land. For Kikuyu, land has a sentimental and non-quantifiable value. The Somali, on the other hand, have less emotional attachment to the land. 'If it does not rain here, I will move there'. They are very pragmatic people.

These and many other comments by and debates with Somalis across the diaspora have deepened my understanding of the issues I was trying to tackle during my fieldwork in Dadaab.

### ***Advantages and Pitfalls***

The methodological use of the Internet and e-mail in research amongst refugee diasporas has a number of advantages. In the first place, electronic media have become communication and knowledge-exchange tools of increasing importance, also for refugees. For a refugee diasporic community, an Internet site is much easier and more commonly set up than a broadcasting station. Besides, once it has been set up, anybody can contribute information from anywhere with little effort. Whereas it is difficult to have access to broadcasting on radio and especially television, on-line media allow easier access and are non-linear, largely non-hierarchical, and relatively cheap.<sup>22</sup> The Internet is also more likely to have an effect on "real life events" since it is interactive within small time spans. As such, it is not only an important study site, but should also be explored in terms of methodological value. "Participant observation" on the Internet might be a very valid technique to enable dialogical approaches towards knowledge creation that have transformative potential.

A second advantage of the use of electronic media in transnational research is related to the diasporic nature of the refugee communities concerned and the relative mobility of the individuals involved. "Virtual exchanges" do not require long-term residence in a particular geographical place, which was very important in my own research. How,

for example, to keep track of a Somali "transnational nomad" who, in the course of a few months, lives in Australia, visits his relatives in Kenya and the U.S., frequently goes to Dubai on business trips, and finally decides to leave Australia "permanently" for the United Arab Emirates?<sup>23</sup> A further advantage is that Internet users do not have to worry about social status and power differences, since interaction on the Net does not provide the same social-context cues that face-to-face interaction provides.<sup>24</sup> This may create a safe environment for antagonistic parties to have open discussions, as Kadende-Kaiser found in her research amongst Hutu and Tutsi Burundians. It can also offer a secure space for communication between the researcher and members of the diaspora involved, where class, race, gender, or age remains unclear and thus interferes less in the discussions.

This is, however, at the same time a major disadvantage, as it makes contextualization of the provided information difficult. Information that is gained through observation during fieldwork is unavailable and might have to be explicitly asked for. Critics are concerned that, as a consequence, it also becomes more difficult to check the information. According to them, people will be far more inclined to tell lies when communicating electronically, and there is no way the researcher is able to verify their stories. Yet it has also been argued that people are actually more inclined to tell the truth when communicating anonymously. The question is whether face-to-face interaction really provides better guarantees against lies. I personally doubt this, but agree that the use of electronic media for research should always be coupled with actual fieldwork. It is vital to have a sound understanding of the refugee community before engaging in virtual dialogues. At the same time, it is likely that the researcher will continue to move back and forth between the "virtual" and "real" worlds, and the two may come together in various ways. Somalis whom I met in Dadaab but lost touch with have contacted me by e-mail; also, I have phoned and met a number of people around the world whom I was introduced to electronically.

Maybe the most disturbing pitfall of research through the electronic media is the likely bias created by it. It can be assumed that Internet users are usually relatively highly educated or young and more often male than female. In terms of their global location, access is far more available in Western countries and in urban spaces.<sup>25</sup> Thus, it is not unlikely that important sections of the refugee diaspora will be excluded and the research will present a partial narrative only. Again, this illustrates the fact that this type of research should always be combined with (multi-)sited fieldwork. But actually, the partiality of all transnational research, which always involves a trade-off between dispersion and

intensity,<sup>26</sup> is commonly acknowledged. As this type of research focuses on the links between various localities, including a number of these localities in research often has consequences for the level of depth with which fieldwork can be undertaken. As more research results will become available on the use of the Internet by different communities, more insight can also be gained into the exact level of biasedness when relying on electronic methodologies, and the risk of a large gap between “reality” and “virtuality.” Most likely, such methodologies may be very appropriate for research amongst some refugee diasporas and not for others, depending on their level of widespread and active use of the Internet and e-mail.<sup>27</sup>

### Conclusion

“Distance” seems to be an important issue in the current discussions on methods for studying forced migration. This “distance” firstly refers to the detachment that supposedly exists between researchers and the people they study, for example expressed in calls for “surveys based on representative samples of the *target population*”.<sup>28</sup> Yet such distance has proven unacceptable for me during my research in Dadaab. Being confronted with the often inhuman circumstances under which refugees had to live and at times asking questions that triggered painful memories, detachment was improbable and also felt highly inappropriate to me. Secondly, “distance” relates to the assumption that, after data collection, the researcher needs physical as well as mental distance to analyze his or her fieldwork material objectively and to write about it. Yet this involves a kind of appropriation of information that in recent years many social scientists have questioned. Various attempts have been made to deal with the ethical questions raised and more participatory ways of analysis and publication have developed in the process.<sup>29</sup> I have illustrated how I chose a dialogical approach towards knowledge creation that did not allow for such distance but rather accepted the obvious power and choice that refugees (should) have to create knowledge about and give meaning to their own situation.

Global developments in transportation and communication have shortened the actual time-space distance between the researcher and the people concerned, facilitating participation in the analysis and writing down of results. Refugees around the world influence and are influenced by what has been written about them, and thus there is no clear distinction between various “types” of knowledge. Throughout my research, I have found it important to further stimulate and be consciously aware of these exchanges between refugees, policy makers, and academics. Electronic media have greatly assisted me in this. As shown in this article, the Internet firstly provides a large source of

information about specific refugee communities and the effect of electronic media on refugee diasporas would be a very interesting field of research. Secondly, these media can assist in data collection, as they are ideal for gathering information from a widely spread and highly mobile community, or for stimulating group discussions within a refugee diaspora. Finally, electronic media like the Internet and e-mail are very easy and fast ways of disseminating and discussing findings amongst refugees, policy makers, and implementers as well as academics. Especially when the research process is dialogical and transformative, fully accepting the agency of refugees, such virtual dialogues provide a very important addition to more common, (multi-)sited forms of research.

### Notes

1. J. Crisp, “A State of Insecurity: The Political Economy of Violence in Refugee-Populated Areas of Kenya” (Working Paper No. 16, UNHCR, Geneva, 1999).
2. E. Wolf, “Perilous Ideas: Race, Culture, People,” *Current Anthropology* 35, no. 1 (1994): 1–12.
3. C. Horst, “Inspiration in Transformation: Beyond ‘a Better World,’” in *Making Waves: Inspiring Critical and Feminist Research, A Tribute to Joke Schrijvers*, ed. E. Lammers (Amsterdam: Aksant, 2002): 86–90.
4. G. Kibreab, “The Myth of Dependency among Camp Refugees in Somalia,” *Journal of Refugee Studies* 6, no. 4 (1993): 321–49.
5. B. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford, New York, and Nairobi: Oxford University Press, 1986).
6. See also C. Horst and N. Van Hear, “Counting the Cost: Refugees, Remittances and the ‘War against Terrorism,’” *Forced Migration Review* 14 (2002): 32–34.
7. C. Horst, *Transnational Nomads: How Somalis Cope with Refugee Life in the Dadaab Camps of Kenya* (Oxford and New York: Berghahn Books, forthcoming).
8. For an exact description of research methods during fieldwork, see *ibid.* My aim here is to outline underlying principles, in particular in relation to the use of electronic media.
9. A. Giddens, *The Constitution of Society* (Cambridge: Polity Press, 1984), 9.
10. *Ibid.*, 25.
11. J. Schrijvers, “Dialectics of a Dialogical Ideal: Studying Down, Studying Sideways and Studying Up,” in *Constructing Knowledge: Authority and Critique in Social Science*, eds. L. Nencel, and P. Pels (London: Sage, 1991): 162–79.
12. Many researchers have experimented with similar practices, but I have been particularly inspired by M. Jackson, *At Home in the World* (Durham: Duke University Press, 1995), describing research amongst Aborigine communities in Australia.
13. From the 1980s onward, this has also been an important issue within feminist writing. See e.g. P. Caplan, “Engendered Knowledge: the Politics of Ethnography,” *Anthropology Today* 4, no. 5 & 6 (1988): 8–12 and 14–17; T. Chanter, “Postmodern

- Subjectivity," in *A Companion to Feminist Philosophy*, ed. A. Jaggar and I. Young (Oxford: Blackwell Publishers, 1988): 263–71; D. Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," in *Simians, Cyborgs and Women: The Reinvention of Nature* (New York: Routledge, 1991): 183–201; C. Mohanty, A. Russo, and L. Torres. *Third World Women and the Politics of Feminism* (Bloomington and Indianapolis: Indiana University Press, 1991).
14. See, for a good overview of links, <<http://www.hiiraan.com/>>.
  15. Menkhaus and Prendergast in D. Griffiths, "Fragmentation and Consolidation: The Contrasting Cases of Somali and Kurdish Refugees in London," *Journal of Refugee Studies* 13, no. 3 (2000): 281–302.
  16. D. Miller and D. Slater, *The Internet: An Ethnographic Approach* (Oxford: Berg, 2000), 6.
  17. U. Hannerz, "Transnational Research," in *Handbook of Methods in Anthropology*, ed. H. Russell Bernard (Walnut Creek, CA: Altamira Press, 1998): 235–53.
  18. P. Stoller, "Globalizing Method: The Problems of Doing Ethnography in Transnational Spaces," *Anthropology and Humanism* 22, no. 1 (1997): 91.
  19. Somalinet (<[www.somalinet.com](http://www.somalinet.com)>) has greatly reorganized since that time, and the Forum Discussion I mention is no longer available on the Internet.
  20. C. Horst, "Vital Links in Social Security: Somali Refugees in the Dadaab Camps, Kenya," (Working Paper No. 38, UNHCR, Geneva, 2001).
  21. Names have been changed so as to respect the privacy of informants.
  22. K. Karim, "From Ethnic Media to Global Media: Transnational Communication Networks among Diasporic Communities," (Transnational Communities Programme Working Paper Series, Oxford, 1999), 12.
  23. V. Mazzucato, R. v. Dijk, C. Horst, and P. de Vries, "Transcending the Nation: Explorations of Transnationalism as a Concept and Phenomenon," in *Globalization and Development: Themes and Concepts in Current Research*, ed. D. Kalb, W. Pansters, and H. Siebers (Dordrecht, Boston, and London: Kluwer Academic Publishers, 2004): 151–52.
  24. R. Kadende-Kaiser, "Interpreting Language and Cultural Discourse: Internet Communication among Burundians in the Diaspora," *Africa Today* 45, no. 3/4 (1998): 121–48.
  25. V. Mazzucato, R. v. Dijk, C. Horst, and P. de Vries, 153.
  26. U. Hannerz.
  27. Research amongst migrant communities in the Twin Cities, Minnesota, indicates that the Somali community's use of the Internet is relatively high (42 per cent), compared to other migrant groups. See P. Mattessich, *Speaking for Themselves: A Survey of Hispanic, Hmong, Russian and Somali Immigrants in Minneapolis-Saint Paul* (Saint Paul, MN: Wilder Research Center, 2000).
  28. K. Jacobsen and L. Landau, "Researching Refugees: Some Methodological and Ethical Considerations in Social Science and Forced Migration," (Working Paper No. 90, UNHCR, Geneva, 2003); emphasis added.
  29. See e.g. M. Jackson, *At Home in the World* (Durham: Duke University Press, 1995).

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# Dilemmas of Diaspora: Partition, Refugees, and the Politics of “Home”

PABLO BOSE

## **Abstract**

*The following paper explores the idea of “refugee diasporas” by focusing on a case study of the Hindu Bengali exodus from East Pakistan (later Bangladesh) following the 1947 British Partition of India. The author begins by problematizing and historicizing definitions of diasporas in general and refugee diasporas in particular and then uses the case study to illustrate the diversity in experiences that different groups that emerged from the Partition encountered. This focus on the lived experiences of flight, resettlement, integration (or lack thereof), and the rebuilding of lives helps to unravel some of the embedded and obscured meanings that terms such as “refugee diaspora” might otherwise contain.*

## **Résumé**

*L'article explore la notion de « diasporas de réfugiés » qu'il illustre par l'exode d'hindous vers le Bengale depuis l'est du Pakistan (qui deviendra le Bangladesh), à la suite de la partition britannique des Indes de 1947. L'auteur commence par poser la problématique et l'historicité des définitions se rapportant aux diasporas en général et aux diasporas de réfugiés en particulier. Il se sert ensuite du cas cité pour mettre en lumière la variété d'expériences auxquelles ont été soumis les divers groupes issus de la partition. Cette focalisation sur des expériences vécues de déplacement, de rétablissement et d'intégration (ou de leur absence), de même que de reconstruction de vies permet de dénouer quelques-unes des significations implicites ou moins évidentes que des expressions comme « diaspora de réfugiés » pourraient autrement connoter.*

Diasporas have become increasing objects of study and attention in recent years. Diasporic communities may take many forms and engage in a substantial range of activities, yet “the diaspora” continues to resonate for scholars, social movements, and national governments (amongst others) as a locus for examining transnational practices, particularly in terms of global capital and political and cultural flows. What do diasporas and their activities tell us about identity, citizenship, community—indeed, what do they tell us about the nation-state itself? How are our notions of borders and boundaries disrupted by groups whose idea of a “homeland” does not fit easily onto a map or a census? This paper seeks to explore such questions by critically interrogating the idea of the “refugee diaspora.” I begin by examining the construction of “diasporas” as a broad category of migration—forced and otherwise—throughout history. I look specifically at the tensions of nationality, identity, and the connection to place which are, in particular, markers of the “refugee diasporic” experience. I explore these issues by focusing on a specific historical event—the British Partition of India in 1947—and the diverse set of East Bengali refugee diasporas that emerge out of this period. This case highlights some of the complexities in identifying diasporic groups (including refugee diasporas) as unified or monolithic communities and instead shows some of the distinctions that class, caste, gender, ethnicity, and religion play in constructing their narratives, experiences, and imaginations. The final section of the paper looks at the legacies of the Partition and East Bengali refugees and the ongoing contestation over “home,” as these are played out in within India and throughout the global Bengali diaspora.

## **Defining and Distinguishing Diasporas**

Diasporic communities have existed for centuries and in many ways complicate modern notions of geographic and political boundaries. They are multi-faceted social organi-



zations, interwoven in the contemporary context with legacies of colonialism and emerging trends towards cultural, economic, political, and social globalization. Diasporas take many forms beyond the traditional notion of persecuted victims forced to flee their homeland, though the enduring image of diasporic communities remains bound not to the notion of migration, but rather to that of forced displacement. It is the so-called “victim diasporas”<sup>1</sup> that dominate our view, such as Jewish groups persecuted across Europe through the centuries, Africans scattered by slavery over the Americas and the Caribbean, or, more recently, Armenians and Palestinians, displaced by genocide or deprived of a homeland.

But in recent years many other groups have increasingly been described by the category of diaspora. Alternative labels are often used synonymously—transmigrants, émigrés, immigrants, and expatriates among them—though these terms describe sometimes very different forms of population movements. Regardless of the reasons for “leaving,” it is nonetheless true that generations of communities have flourished away from their “original homelands,” retaining strong economic and political ties to their places of origin and often a distinct cultural identity. Scholars have documented many such cases throughout history, and point to similar examples in the contemporary context. These include trading communities such as Lebanese, Chinese, Italian groups who migrated to distant shores, labourers (indentured or otherwise) from various parts of the Indian subcontinent who journeyed to Africa, the Caribbean, and Southeast Asia, and functionaries and soldiers from ancient Rome and colonial Britain, Russia, France and Belgium who spread throughout their empires. More recently, the postcolonial period has seen massive migration from former peripheries towards self-described cores—East and West Indians in Britain, North Africans and Southeast Asians in France, Central Asians in Russia, to name but a few. And indeed migrant labour across the world today represents one of the most significant flows of population in human history, from South Asians in the Persian Gulf to Latin Americans in the United States, and Eastern Europeans in Western Europe and many others besides.<sup>2</sup> The latter example does not simply mean seasonal workers who return to their “home” countries following the expiration of a contract or the harvest of a crop (though it might in some instances). Increasingly, whether arriving as legal or undocumented labour, such migrant workers have stayed on in host countries, settling in discrete, identifiable communities, and sending financial support to their families left behind.<sup>3</sup> It is indeed this dialectic, of connections to both a “new” and an “old” home simultaneously, that is characteristic of diasporas, no matter what their origin.

Given this wide range of definitions, however, one might well ask whether the category of diaspora continues to be a useful one to describe specific communities of refugees or whether it is too large and unwieldy as either a descriptive label or analytical framework. Some scholars disagree with including so many forms of population movement under the umbrella of diaspora and argue instead that only cases of forced migration should qualify. Others limit the term only to its capitalized use, that of the Jewish Diaspora, while yet others extend this narrower definition to include the descendents of African slaves and more contemporary victims of genocide rebuilding shattered lives elsewhere.<sup>4</sup> From such perspectives, the role of compulsion is central in identifying whether a community is diasporic or migrant in nature. Individuals and communities must have been *forced* to shift from one place to another in order to have been displaced. A further implicit connotation is that the actual compulsion itself is at the behest of a human agent. The motivations behind forced migration, in this view, are often part of a larger political strategy, tribal animus, or base self-interest.

But there are many problems with such a rigid reading of population movement, even of a forced nature. It is relatively straightforward to identify certain instances of forced migration—being kidnapped and sold into slavery, fleeing homes and livelihoods in the face of a violent and oppressive state or army or mob, for example. But there are many other and more subtle forms of pressure that have compelled population movements throughout history. The threat—rather than the actual experience—of violence has been a powerful motivator for flight. As well, one could argue that the economic motives which have driven many groups to relocate have themselves constituted a strongly coercive process—for example, Irish, southern Italian, and eastern European immigration to North America in the nineteenth and early twentieth centuries or Indian travels to the Caribbean and Africa during the same period—though many of these migrants in strictly technical terms “chose” to leave their homes for a new life and were not forcibly transported as a result of conflict, slavery, or some other unwanted compulsion. Yet many cases such as those mentioned above arise as a result of specific economic policies and development initiatives of colonial powers and emerging nation-states.

Similarly important for some groups has been a potential loss of social standing and power rather than an overt threat of violence, as this paper will later note in the case of some East Bengali refugees. There are also those refugees who flee from events that have no direct evidence of human intervention—certain environmental disasters or climatic changes, for example. Other cases show human agency but

neither overt malice or forethought nor enough consideration and planning for the refugee crisis that has been created. Development-induced displacement, for example, is an acute crisis in the contemporary context, with close to 100 million people across the globe now forced out of their homes and homelands for the purposes of economic development.<sup>5</sup> Such geographic displacement can be within a city or district, from one village or neighbourhood to another; it can also involve displacement across long distances and borders, sometimes to economically, socially, and culturally quite different settings. Development that displaces therefore has created masses of the so-called “internally displaced”—those dislocated not necessarily across national borders but within them. Some of these refugees have had little say in the decisions that led to their former homes being swallowed whole by the reservoirs of dams or the asphalt of highways. Some have been offered varying levels of compensation for their loss—sometimes money, sometimes land, though rarely enough or of the same quality they previously enjoyed. Most have not chosen to be displaced; rather, it is a reality that has been forced upon them, and they are left sundered from homes and occupations as a result. They are refugees in fact, if not always in law, since the development-induced displaced are often refugees not across borders but within them. They are the “internally displaced,” those millions of refugees who fall outside the 1951 UN Convention on the Status of Refugees definition restricted to an individual “outside the country of his nationality.”<sup>6</sup>

### *Diasporas, Home, and the Nation-State*

Such complexities remind us that it is important not to confuse the exiles’ longing for “home” and “place” with some kind of inherent connection to the nation-state. Diasporas certainly predate the modern post-Treaty of Westphalia notion of the nation-state and so too do the “victim” or “refugee diasporas,” as the historical record clearly demonstrates. There is nothing to suggest that the attachment to place arises from a flight across lines on a map or displacement from one’s nationality. But in an era where the nation-state is seen by many as the ultimate expression of community and its existence appears inevitable (though somewhat altered by globalization), it seems only logical that forced displacement from the nation would be the point at which refugees are created. Indeed, as Benedict Anderson has argued, the very success of the idea of the nation-state has been in (1) harnessing the latent power of “nationalist” sentiments within the political framework of the state, and (2) thereafter exercising control over geography, history, demography, and the legitimate use of coercive force in the name of that nationalist sentiment.<sup>7</sup> The “map, the census

and the museum,” Anderson suggests, have been amongst the most effective tools in regulating geographical boundaries, population movements, and cultural memories within a world system of nation-states.

But diasporas—and especially refugee diasporas—disrupt this tidy view of nation, narration, and belonging. Refugee diasporas may indeed be a group of people forced by conflict or persecution to flee lands and homes to which they have long-standing political, economic, and cultural ties—but it is more often “homes” that are left behind, rather than “nations.” As a community in exile, “refugee diasporas” are often defined by their nationality—Somalis, Afghans, Iranians—yet are their connections to “home” predicated on the nation? Certainly within the larger diasporic population, the link is not so clear. Try as many national governments might, attempts to raise funds for various nation-building projects in putative homelands have been far less successful than the efforts of “hometown associations” or the more common informal transfers of funds between family members and friends.<sup>8</sup> The ties that bind are more often to place than they are to the grand notions of an imagined community in the form of the nation-state. The exile that the refugee communities experience is from their homes and the lives that they are forced to try and reconstruct might be built as much in another part of their country of origin as in a distant land—though both might be equally foreign to them. The displaced from development projects from central India often end up living in cities on the coasts, for example, in discrete, if often wretched communities. In other cases, populations fleeing conflict and violence cross an international border to become refugees in neighbouring countries whose populations might be quite similar in cultural practices and beliefs to them and whose “difference” has less to do with nationalism and more with the arbitrary boundaries of competing colonial powers (as in the case of many African countries).

All of this is not to say that the nation does not matter. Indeed, for many refugee diasporas who do not come from a nation-state with which they identify the dream instead is of a country of their own, such as elements of the Sikh, Kurdish, and Sri Lankan Tamil diasporas have suggested. Still, the claim to “place” and “home” is based primarily on what Soumitra De calls the “territorial referent,” rather than on the necessity of the nation-state:

[While] the statehood demand is not a must for nationalism, a territorial referent is. Nationalism proceeds to define people in terms of shared institutions, economic, social and/or political (such as language, religion, customs, etc.) and defends or seeks to increase their autonomy. All the while this demand for autonomy is made in terms of belonging to a particular terri-

tory. Often, to make this demand compatible with the territorial referent, nationalists mystify the connections by referring to a remote past (usually heroic) and/or to a better future. Thus, while a nationalist ideology is conditioned by its location in an actual space and time, it is also a unique and creative time-space formulation. Quite naturally, therefore, nationalism can be used by different social groups and classes for different and often conflicting purposes.<sup>9</sup>

It is in the light of these complex and contested claims to both nationalism and what might be termed “sub-nationalism,” therefore, that the idea of the refugee diaspora must be evaluated, paying particular attention to the different reasons for departure, the diverse ongoing connections to “homelands” (real or imagined), and the differences in experiences of the vast numbers of refugee diasporas. Many of these groups, for example, have developed vibrant, established, “successful” diasporic communities in their countries of refuge; others remain marginalized, often continuing to live for decades in camps under less than ideal conditions and denied the rights and privileges enjoyed by their immediate neighbours. Examining the diverse and complex experiences of resettlement, integration, and ongoing relationships with putative homelands is a key component in understanding the makeup and mentality of refugee diasporas. A focus on these differences is also an important part of not treating these groups as monolithic entities but rather as varied as any other community. The next section will examine such differences by focusing on the case of the Partition of Bengal.

### ***The Partition of India and the Creation of the East Bengali Diasporas***

The division of the Indian subcontinent by the British in 1947 at the moment of their departure signified a simultaneously momentous and calamitous event. The creation of a majority Hindu India and a bifurcated, mainly Muslim Pakistan (with eastern and western wings) was predicated on the colonial notion of two indigenous populations locked in eternal enmity and strife. The Partition, as the event became known, was portrayed as a compromise solution aimed at appeasing both sides and imposing order on a chaotic situation. Instead, the redrawing of the map unleashed a torrent of bloodshed and violence scarcely seen before or since. Nearly one million died in so-called “communal” violence between Hindus and Sikhs on the one side and Muslims on the other. An estimated fifteen million people were displaced with close to two million killed. The population movement itself is one of the largest in recorded human history and the echoes of the Partition remain writ large on the psyche and character of all three nations (India,

Pakistan, and Bangladesh) that eventually emerged out of its ashes. It has become, as one writer describes it, a “topic of much myth-making, intense polemics, and considerable serious historical research.”<sup>10</sup> The Bengali-American novelist Jhumpa Lahiri describes her father’s explanation of Partition and the suddenly discovered differences between East and West Bengalis in the following manner:

“Mr. Pirzada won’t be coming today. More importantly, Mr. Pirzada is no longer considered Indian,” my father announced, brushing salt from the cashews out of his trim black beard. “Not since Partition. Our country was divided. 1947.” When I said I thought that was the date of India’s independence from Britain, my father said, “That too. One moment we were free and then we were sliced up,” he explained, drawing an X with his finger on the countertop, “like a pie. Hindus here, Muslims there. Dacca no longer belongs to us.” He told me that during Partition Hindus and Muslims had set fire to each other’s homes. For many, the idea of eating in the other’s company was unthinkable. It made no sense to me. Mr. Pirzada and my parents spoke the same language, laughed at the same jokes, looked more or less the same. They ate pickled mangoes with their meals, ate rice every night for supper with their hands. Like my parents, Mr. Pirzada took off his shoes before entering a room, chewed fennel seeds after meals as a digestive, drank no alcohol, for dessert dipped austere biscuits into successive cups of tea. Nevertheless my father insisted that I understand the difference, and he led me to a map of the world taped to the wall over his desk. He seemed concerned that Mr. Pirzada might take offense if I accidentally referred to him as an Indian, though I could not really imagine Mr. Pirzada being offended by much of anything. “Mr. Pirzada is a Bengali, but he is a Muslim,” my father informed me. “Therefore he lives in East Pakistan, not India.”<sup>11</sup>

However, it is important when examining the experiences of one particular group of refugees that resulted from this event to distinguish between the myth of the Partition (as it has grown in the half century since it occurred) and the actual event itself. It is important, for example, to note that the British notion of an irresolvable Hindu-Muslim dichotomy in India is deeply flawed and says more about the colonialist mindset and insecurity than about the restless subjects of the Raj themselves.<sup>12</sup> To begin with, the notion of two unified, monolithic communities of Hindu and Muslim co-religionists is profoundly inaccurate and does a great disservice to the cultural, linguistic, ethnic, and indeed religious differences that characterize the many adherents of these groups within the vast Indian subcontinent. This view also fails to recognize all those other communities within the Indian social fabric, from Jains and Sikhs to millions of tribal groups and many others. Finally,

the presumptive position of the British Raj as arbiter between warring groups is belied by its own role and responsibility in fostering local enmities and nationwide grievances, as part of a colonial strategy of “divide and rule.”<sup>13</sup>

But it is not only the British colonial view of the hard-pressed, benevolent shepherd guiding the fractious natives towards freedom that needs to be challenged in problematizing the myth of the Partition. The story within the subcontinent itself has become highly charged, in the first instance by the effects of the tragic violence and destruction of the post-Independence period, and by fifty years of on-and-off tensions and conflicts, several wars, and decades of political posturing. For nationalist elites in both India and Pakistan—both of whom, as Ranajit Guha has argued, were actively working to substitute the hegemonic power of the British with that of their own<sup>14</sup>—the story of Partition was one of an anti-colonial struggle whose success was betrayed in part by the greed and desire for control of their one-time partners in the drive to rid the subcontinent of the British. The Pakistani mythology is shaped by the belief that Muslims would always remain an oppressed minority within an India ruled by Hindus. The Indian mythology, on the other hand views Partition as the inevitable outcome of the scheming and ever-increasing demands of the Muslim leadership on the dreamt-for nation-state. But many of the Subaltern Studies school of historians have called into question such views. Gyanendra Pandey suggests that:

[the] historians’ history of Partition has, in India, been a history of crisis for the Indian nation and the nationalist leadership. It has been a history of the machinations which lay behind this event, and the lessons to be drawn by the nation for the future. This is not a history of the lives and experiences of the people who lived through that time, of the way in which the events of the 1940s were constructed in their minds, of the identities or uncertainties that Partition created or reinforced. Even as a history of crisis for the Indian nation, therefore, this history is inadequate.<sup>15</sup>

The inadequacy of the mythologized views of Partition is an impediment to both our historical understanding and to the continued challenges of politics and life in the subcontinent today. Religious groups in India and Pakistan continue to draw on the Partition and its symbols as powerful markers for their arguments today. The incident that set off the horrific pogroms against Muslims in the state of Gujarat, India, in 2002, for example, was the burning of a train filled with Hindu worshippers. This act had a tremendous cultural resonance in parts of northern and western India, where memories of trainloads of dead arriving across

the borders of both Pakistan and India after Partition resurfaced.<sup>16</sup> The Hindu right in India, as part of its program of revising its own history and recasting its own collaborationist past, has increasingly shifted responsibility for the Partition away from Hindus, Sikhs, and even the British and explicitly and vocally blamed the Muslims. Recent publications from adherents of the Hindu right in India have gone so far as to call the experiences of the Hindus a “holocaust” and compared the lives of Hindus in Pakistan and Bangladesh to those lived in a concentration camp.<sup>17</sup> Such rhetoric obscures the very “history of the lives and experiences of the people who lived through that time” that Pandey calls our attention to. As William van Schendel notes, the Partition is best understood not only in terms of nationalist and anti-colonial politics (and ongoing antagonisms), but also “as a cultural and personal disaster, the fissure of two major regional cultures (Punjab and Bengal) which were divided between the successor states, and the personal suffering and traumatic memories of millions of uprooted refugees.”<sup>18</sup>

### *Differences in Partition Experiences*

Indeed, the experience of Partition itself was markedly different in the two regions. Northern India, in which the province of Punjab was divided and one half joined Baluchistan, Sind, and the North-West Frontier Provinces to form West Pakistan, witnessed a tremendous and violent upheaval over a roughly three-year period (1947–1950), characterized mainly by a population exchange between Hindus and Sikhs coming to India and Muslims arriving in Pakistan. This exchange was anything but orderly; however, it did involve significant government intervention and resettlement and rehabilitation efforts, with refugee populations often occupying the homes and businesses of their departing counterparts. A new capital city of Chandigarh was built for the Indian province of Punjab while the national capital New Delhi absorbed so many newcomers that it has been described by some as a “city of refugees,” particularly of a Punjabi refugee diaspora.<sup>19</sup>

In Eastern India, the Partition was similarly violent, but occurred as part of a much more gradual, ongoing and cyclical process, and with far less population exchange or governmental intervention. The region being divided consisted mainly of the province of Bengal, along with some Muslim districts of neighbouring Assam. Interestingly, this was not the first British Partition of Bengal, a once vast province that had been progressively whittled down through the late nineteenth and early twentieth centuries under the guise of administrative reform. In 1905 the British had divided the province into Hindu and Muslim halves, a move bitterly contested by Hindus in particular, who had more to lose in terms of power and influence. By

1911 the British had rescinded the order and rejoined the two halves. But this earlier Partition of Bengal remained a pivotal memory for many Bengalis, especially those who had been involved in the nascent nationalist struggle and who felt the British action was punishment for their politicization.<sup>20</sup>

In 1947, when the second and permanent Partition occurred, opposition to the move was much more muted. Many Indian Bengalis continue to blame separatist sentiments amongst the Muslim leadership for the Partition of Bengal, yet as Joya Chatterji and others have argued, Hindu communalists were vociferous in their demands for an autonomous, Hindu-dominated region of Bengal.<sup>21</sup> And indeed, the population flow was overwhelmingly from east to west, by Hindus towards India. The exodus in fact preceded the actual Partition, beginning with the departure in 1946 of Hindus following riots in the districts of Noakhali and Tippera in East Bengal. Over the next fifteen years, a steady stream of people moved from East Pakistan to West Bengal, some 5.28 million individuals between 1946 and 1970.<sup>22</sup> The causes for this continuous flow were numerous—the 1947 Partition and its aftermath, episodic riots within East Pakistan (especially in the districts of Barisal and Khulna), depressed economic conditions within the region, the introduction of passports by India and Pakistan to regulate travel (intended to stem the tide of migrants, but in fact resulting in the opposite due to insecurities this attempt caused), and conflicts within India and Pakistan itself, whose impact reverberated within both halves of the former Bengal and led to violence in each.<sup>23</sup> In 1971 an even greater number of refugees emerged due to a new crisis: the brutal repression of Bangladeshi nationalists (both Muslim and Hindu) by the West Pakistani army. Some estimates suggest that as many as three million people were killed and an additional twelve million fled as refugees to India.<sup>24</sup>

The Partition, then, was a very different phenomenon in northwestern and eastern India. Refugees in the northwest, some critics argue, were the prime beneficiaries of government aid and attention from the new Indian state. Prafulla Chakrabarty contends that this northwest-centric preoccupation in the post-Independence period stems from the placement of the power centres of the new Pakistan and India in the north and west (and their proximity to each other), rather than the east.<sup>25</sup> In the decades that have followed, academic inquiry, popular literature, and cultural representations have similarly focused mainly on Partition narratives from the north.<sup>26</sup> But those scholars who have looked at the division of Bengal as a counterpoint to that of Punjab have looked at the differential treatment of refugees not only within the subcontinent, but within the separate regions themselves. This is to say that disparities exist not

only between the treatment of northwestern and eastern subjects of partition as Chakrabarty suggests, but within and amongst the East Bengali (as doubtless with Punjabi) refugees themselves.

Such disparities become abundantly clear if one looks at the caste and class composition of East Bengali refugees and at their resettlement experience in Calcutta, the primary destination for most migrants. The earliest refugees, those who came in the years 1946–1948, were mainly East Bengali *bhadralok*. This is a category that describes a group who have been variously described as a “westernised caste elite,”<sup>27</sup> the “dominant upper crust of Bengali society who enjoyed a despotism of caste tempered by matriculation,”<sup>28</sup> and a group of urban, professionalized, middle-class landowners. The term literally means “good-mannered people,” and the self-proclaimed connotation is of “respectability,” “education,” and “proper rearing.” It is not easy to define the *bhadralok* through western categories since they are usually—though not exclusively—upper caste, distinguished by education and non-manual labour, but unlike the middle class of western industrialized nations, the *bhadralok* derived their power not from trade or industry, but rather from land.<sup>29</sup> It was their position as the rentier aristocracy of the British colonial system—the *zamindari*—that secured for the *bhadralok* their access to capital, education, professional opportunities, and the attendant benefits of a “refined” lifestyle.<sup>30</sup> Refugees who arrived in later periods, particularly from 1950 onwards, were from a different segment of East Bengali society, mainly peasants, agricultural and manual labourers, and industrial workers, most from lower caste backgrounds. Nilanjana Chatterjee has suggested that whereas the majority of these later refugees fled from violence, many of the earlier *bhadralok* refugees left because of a combined fear of physical harm, a downturn in economic opportunities, and a perceived loss of social standing and power.<sup>31</sup>

### ***Resettlement and Migration of the East Bengali Refugee Diasporas***

While some of these various groups of refugees settled in relatively contiguous areas (*i.e.* refugees who lived near border districts moved across the border into both the eastern and northern parts of West Bengal), the vast majority—some 70 per cent of those from East Pakistan—travelled to Kolkata.<sup>32</sup> This was particularly true for those fleeing the central and western districts of East Pakistan, who therefore had in many ways the most alienating resettlement experience to contend with. For the early *bhadralok* arrivals in Kolkata, the time is one of considerable hardship and transition, but the process is by and large one of integration into Kolkata society. Many had no desire to be classified as



refugees, with the social stigma attached to that status, and certainly they had no desire to settle in the government-run refugee camps. Rather, the *bhadralok* built on existing social networks and contacts with friends and family to help them resettle and integrate into the economic and political life of the region.<sup>33</sup> In some cases, *bhadralok* families already had established residences in both eastern and western Bengal—a city and a country home, or an industry in Kolkata and a landed estate in East Bengal—and their transition was made easier. For others, the move to Kolkata meant moving from luxury to (relative) privation, living in cramped quarters, rebuilding lives under difficult circumstances.

For the lower class and caste refugees from East Pakistan, those who came from 1950 onwards, the experience was considerably different. They did not have access to the social networks of the *bhadralok* who preceded them. Most of the lower class and caste refugees had also been displaced from industrial occupations and agricultural or fisheries-based livelihoods. While the influx of many new *bhadralok* into Kolkata had caused some degree of labour market displacement within the urban economy, this impact was minimal and confined primarily to the professional sector. For the lower caste and class refugees, there were many fewer jobs to compete for. In many cases, these later refugees were in fact sundered by a new border from work itself, as the Partition drew an artificial line between lives and livelihoods where one might find all of a sudden that one's work was now located in another country.<sup>34</sup>

Additionally, many Partition refugees from this period had difficulty in even being recognized as such, a problem that was to be repeated in the coming decades. Those who were classified as refugees were given identity cards and placed in one of two types of housing, refugee colonies or refugee camps. Those in the former received some level of resettlement and rehabilitation assistance, while those in the latter were granted less.<sup>35</sup> But the definition of refugee status itself was becoming quickly and hotly contested in Bengal, further affecting the treatment of those fleeing East Pakistan. In the aftermath of Partition, the Government of India had defined refugees in the following way:

A displaced person is one who had entered India (who left or who was compelled to leave his home in East Pakistan on or after October 15, 1947) for disturbances or fear of such disturbances or on account of setting up of the two dominions of India and Pakistan.<sup>36</sup>

But by the 1970s, the terms “refugee” and “displaced” had increasingly been replaced in official language by “migrants.” Indeed, the Government of West Bengal today

draws a clear distinction between “new” and “old” migrants:

- (a) Those who migrated between October 1946 and 31 March 1958 are known as old ‘migrants’
- (b) Those who came between 1 January 1964 and 25 March 1971 are known as ‘new migrants’<sup>37</sup>

Such definitions reflect the growing distrust and suspicion with which the central Indian government, the state authorities in West Bengal, and a sizable section of middle-class and elite Bengali society viewed the ongoing population flow from East Pakistan. If the early years of Partition had elicited sympathy for the horrors that the survivors of violence were fleeing, by the 1960s many policy makers and politicians wondered aloud whether refugees were in fact fleeing violence or merely leaving a stagnant local economy for brighter prospects in the western half of the former Bengal.<sup>38</sup> It is undeniable that the massive and ongoing influx of refugees was a tremendous drain on social services and had a considerable impact on the political and economic structure of both the state of West Bengal and the city of Kolkata. Kolkata in particular has long suffered from a reputation as a disordered and chaotic metropolis, yet it is hard to imagine any urban space increasing by a third in population over such a short span of time and still maintaining itself without difficulties.

### ***Double Displacements: Forced Relocations of East Bengali Refugees***

Despite these obvious problems, the treatment that many refugees from East Pakistan received at the hands of the state and central governments in India during the 1950s and 1960s is hard to justify. This ranged from denying them adequate aid, resources, and opportunities to outlawing some of their settlements to outright forcible relocations. This last included transporting large numbers of East Bengali refugees to distant regions of India such as the Andaman and Nicobar Islands, Bettiah in Bihar, and the Dandakaranya district of Madhya Pradesh.<sup>39</sup> The last is a particularly notorious case, with tens of thousands of peasants from the former East Bengal resettled in a hill-area. There was a dual purpose to this project: rehabilitation of the East Bengal refugees and the “civilization” of a local tribal group through enforced contact with the newcomers. This (as with many of the other experiments) was by most accounts an abject failure, with conflicts arising between tribals and refugees and the inability of many of these Bengalis from agricultural backgrounds to adjust to cultivation in a very different environment and resource base.<sup>40</sup>

The East Bengali refugees did not, of course, accept this situation meekly. Transportation to Dandakaranya and other distant places was vocally opposed by the refugee

populations. Indeed, several thousand refugees even returned to Bengal from Dandakaranya, occupying an uninhabited island for some time before being again forcibly evicted by the government.<sup>41</sup> And as early as 1949, refugee activists had mobilized their communities in order to provide shelter and livelihoods for themselves, rather than relying on aid from various levels of government. One of the most visible signs of this mobilization was in the development of the squatters' colonies on the edges of Kolkata, known as *jabar dakhla*.<sup>42</sup> These were large areas of vacant land, owned either privately by landlords or by the government. In some cases parcels of land were purchased legally; in others, a process of collective takeover simply established the refugee presence as a community on the ground. They were inhabited mainly by middle-class and working-class refugees from East Pakistan, those who eschewed (and had the means to avoid) living in the government-run refugee camps. By 1950 there were close to 150 refugee colonies, concentrated mainly around the southeastern portion of Kolkata and often butting right up against the mansions of the wealthy. These locations gave residents in the refugee colonies access to a range of possible livelihoods including aquaculture, farming, and work in the industrial sector.<sup>43</sup>

Such initiative was, however, looked upon with considerable suspicion by the central government, which attempted to regulate the conversion of both public and private lands into more permanent dwellings for refugees by passing the Eviction of Persons in Unauthorised Occupation Land Bill in 1951. Refugees in both camps and colonies mobilized against this, as they would later against forcible transportation, by forming collective organizations and committees, such as the umbrella organization, the United Central Refugee Council (UCRC), and by launching non-violent political agitations.<sup>44</sup> The political activities of the refugees met with varying levels of success and resistance over the years, but the camps and colonies proved a fertile base of support for at least one regional political party. The Communist Party of India-Marxist (CPIM), which would go on to rule West Bengal from 1977 onwards, was one of the first political organizations to pay explicit attention to the demands of the refugees and thereby won their early support.

Yet despite these hard-fought struggles to recognize their plight, the refugees from East Bengal have not disappeared from the landscape of Kolkata. Unlike many of those who arrived in the early years before, during, and just after Partition, the later refugees (or "migrants" as the government calls them) have not become assimilated into a broader Kolkatan or West Bengali society. Even today, some 931 refugee colonies and camps are recognized by the Kolkata Metropolitan Development Authority; scholars

claim that a further 998 exist without official sanction.<sup>45</sup> And unlike the South Kolkata colonies that eventually became respectable middle-class neighborhoods of the *bhadralok*, the refugee camps and colonies in the north, east, and west of the city remain identifiable as such, similar in form to the hundreds of slums (or *bustis*) that dot the metropolitan region.

Both of these particular manifestations of the East Bengali refugee diaspora—the one represented by the *bhadralok* of Kolkata and their international brethren, and the one that lives in the slums and camps on the edges of the city—are locked today in an ongoing struggle over a region to which they (as well as others) have both a cultural and an historical claim. This contest over home, place, and memory is being played out particularly noticeably in the development of housing projects on the southern and eastern fringes of the city. It is in these areas that the Kolkata Metropolitan Development Authority has plans for refugee colony development projects (along the lines of the ubiquitous "slum improvement" initiatives undertaken across India) in three phases which will involve 174, 324, and 88 colonies, respectively.<sup>46</sup> But these are also the same regions that have seen an enormous increase over the past ten years in new western-style housing projects and their requisite attendant facilities (shopping malls, country clubs, and entertainment complexes). The construction continues at a furious pace, in areas that are ecologically sensitive, provide a majority of the foodstuffs for urban markets in Kolkata, and are both home and livelihood to many of the East Bengali refugees. But many of these homes and refugee colonies are, as noted earlier, the result of illegal occupation of land. And despite the fact that some residents have lived in these regions for decades—many since Partition itself—with established livelihoods and social networks, tens of thousands find themselves once again facing the prospect of displacement.

Ironically, the market towards which the new housing projects are aimed is primarily the international Bengali diaspora which has, as noted previously, deep roots in the Partition experience itself. Interviews with developers and promoters of these housing complexes indicate that between 25 per cent and 75 per cent of apartment ownership is by overseas Indians—both the so-called "non-resident Indians" (NRIs) and "persons of Indian Origin" (PIOs).<sup>47</sup> Promotional Web sites and advertisements explicitly target diasporic groups—or those who wish to live like them. A highly visible advertising campaign on billboards throughout Kolkata for the South City Projects promises would-be buyers that they can "live the way the world does." Other complexes offer "western-style amenities" and send travelling sales caravans to diasporas in London, New Jersey, and

Toronto. Shopping malls in Kolkata's peri-urban fringes are similarly constructed with assumed diasporic sensibilities and pocketbooks in mind. The best and brightest in multinational brands are represented amongst the retailers and the malls replicate the "big box" concept so prevalent in suburban North America. It is the life of the wealthy, middle-class North American in particular, idealized in the figure of the successful NRI who has "made it" as an IT, medical, engineering, business, academic, or legal professional, that is being sold here, paradoxically both to Indians and NRIs/PIOs alike. In the case of the diasporic Indians, seeing themselves represented as success stories through Bollywood cinema, Indian television and song, as well as in various governments' new attraction to their capital, serves to reinforce this particular image of what it means to be a member of the diaspora.

One member of a local social movement in Kolkata that has challenged displacement due to urban development recently asked, as we walked by a project of 36-storey apartment buildings set amidst golf courses, swimming pools, country clubs and other gated communities, "Why do overseas Bengalis feel that they need to live in the wind?"<sup>48</sup> The phrase "living in the wind" is a play on another local advertising campaign which tells apartment buyers that they can "live in the sky" in a 36-storey building (constructed on recently filled alluvial soil). It also denotes a sense of transience attributed to some members of the diaspora and their attachment to a local place, at least in the estimation of people like the speaker. To those like him, the new development complexes are clearly aimed at diasporic groups and their assumed needs and desires, a set of preferences that is removed at several levels from those of "ordinary" Bengalis, set above and apart and ephemeral all at once. Yet for many other Indians within India—particularly in the emerging and enlarging middle classes—the NRI and the lifestyle associated with them has equally become an object of aspiration. This segment of the Bengali refugee diaspora, in this sense, is sustaining and transforming a somewhat idealized homeland—at the same time that they are themselves sustained and transformed by events and perceptions within their homeland. But should their ongoing attachment to "home" supersede the claims and lives of another group who are themselves seriously affected by these developments?

### Conclusion

Is it possible, in light of the case described above, to identify a single, unified East Bengali refugee diaspora, with a shared set of experiences and memories of displacement? If anything, the evidence would indicate the opposite, that indeed the Partition of Bengal and the gradual process of displace-

ment that followed resulted in the creation of multiple refugee diasporas, including ones that settled in various parts of West Bengal, notably Kolkata, and ones that traveled as part of a postcolonial globalization process to areas such as North America and Europe. The latter are not refugee diasporas in many commonsense understandings of the term, not fleeing from violence, not settling in exile in a foreign land, not even removed unwillingly to a different part of their own country. Yet I would argue that an integral component of the cultural fabric for much of the international Indian-Bengali diaspora is in fact the experience of Partition. This stems in part from the fact that much of this diaspora is composed culturally and socially in large part by the *bhadralok*.

Unlike the Sikh, Gujarati, Marathi, or South Indian groups—part of a global Indian diaspora that is some 20 million strong—who emigrated in earlier periods as wage-labourers, traders, and workers in agriculture, forestry, and the service sector, Bengalis from India have emigrated overwhelmingly as professionals. Most have emigrated as highly trained doctors, lawyers, engineers, and academics. In diasporic settings from New Jersey to London to Toronto, their children often follow in their footsteps, echoing the century-old *bhadralok* preoccupation with scholastics, learning, and upward mobility. For these *prabasi* (overseas) Bengalis in particular, select memories of the Partition dominate their imaginary images of East Bengal as a land of rivers and fields and countryside; indeed, recalling the very real political, economic, and social importance of land itself in their existence. As a child growing up in the Bengali diaspora in Canada, such narratives are familiar to me—the tales of a land left long behind, the unspeakable violence experienced, the years following Partition spent in deprivation and misery, families huddled together in tiny rooms, the indelible scars of the past etched into our present. Even today, friends of my generation in the Bengali diaspora talk of their parents' unwillingness to sell their homes and say, "Well, a house is so important to them, you know, because they lived through the Partition. . . ."

Yet what such monolithic narratives of the Partition obscure are the diverse, complex, multi-faceted, and gradual processes that in fact characterize the displacement and diasporic journeys of East Bengali Hindus. The discourse of a singular Partition experience that was uniform in its tragedies, its effects, and its outcomes belies the ongoing existence of a refugee diaspora within Kolkata itself. These are those millions who still live in refugee camps and colonies, many of them little more than slums, who have formed discrete communities, workers' collectives, hawkers' associations, and myriad other social and political organizations that assert their identities as apart from that of the

broader West Bengali population. They call themselves the *bastuharas* or *udbastus*; literally, “homeless” or more evocatively “home-land-less”.<sup>49</sup> Their experiences contradict many of the myths that continue to prevail within both West Bengal and the international Bengali diaspora regarding the Partition of 1947. It is in focusing on the experiences of the various diasporas produced by events such as the Partition that the importance of the category of “refugee diaspora” itself is understood in terms of forced migration and identity in an age of globalization.

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# Hush-hushing the whole matter: The UNHCR, Australia, and West Papuan Refugees

KLAUS NEUMANN

## **Abstract**

*Between 1962 and 1973, thousands of refugees crossed from the Indonesian-controlled western half of the island of New Guinea into the Australian-controlled eastern half. The United Nations High Commissioner for Refugees (UNHCR) refrained from becoming involved in the issue, and from publicly criticizing the Australian government over its response to West Papuan asylum seekers. In return, the Australian government committed itself to keeping the High Commissioner informed about developments in New Guinea on the understanding that it would provide information on a strictly confidential basis. The article explores the High Commissioner's possible motives for effectively condoning Australia's refugee policies in Papua and New Guinea. It demonstrates the relevance of this historical case study for our understanding of current Australian policies and for evaluating the relationship between the UNHCR and governments.*

## **Résumé**

*Entre 1962 et 1973, des milliers de réfugiés sont passés de la moitié occidentale de l'île de la Nouvelle-Guinée, contrôlée par l'Indonésie, à la moitié orientale, sous contrôle australien. Le Haut Commissaire des Nations Unies pour les réfugiés (HCNUR) s'est abstenu de s'impliquer dans le problème et de critiquer publiquement le gouvernement australien pour sa réponse aux demandeurs d'asile de la Papouasie de l'Ouest. En échange, le gouvernement australien s'est engagé à informer le Haut Commissaire sur l'évolution en Nouvelle-Guinée à condition que celui-ci fournisse des renseignements de manière*

*strictement confidentielle. L'article s'attarde aux motifs possibles du Haut Commissaire pour avoir efficacement toléré les politiques de l'Australie en matière de réfugiés en Papouasie et en Nouvelle-Guinée. Il démontre la pertinence de cette étude de cas historique pour notre compréhension des politiques australiennes actuelles et pour l'évaluation de la relation entre le HCNUR et le gouvernement.*

**T**he involvement of the United Nations High Commissioner for Refugees (UNHCR) in the provision of humanitarian assistance during the Kosovo conflict demonstrated that the UNHCR, much like other international organizations, has not been as non-political as it has frequently claimed (and as its statute stipulates).<sup>1</sup> Gil Loescher's magisterial history of the organization shows that its partiality in 1999 had precedents, and that since its inception in the early 1950s, its approach to refugee crises had regularly been influenced by the interests of governments.<sup>2</sup> The UNHCR's funding comes almost entirely from voluntary contributions made by individual states, and, as Loescher has pointed out, "[g]overnments exert leverage on the office by earmarking funds for programmes that are of particular political interest to them."<sup>3</sup> The dependence on the goodwill—and, indeed, the vested interests—of individual governments is further exacerbated by the fact that the UNHCR's major donors comprise only a small proportion of the UN's member states.

While the dependence of international organizations on member governments—and, in particular, those of their principal donors—has been widely acknowledged, little attention has been paid to the minutiae of the relationship between international organizations and member govern-

ments. So far, no study has been published that investigates in detail the dynamics of the relationship between the UNHCR and a national government. In this article I explore a key chapter in the relations between the UNHCR and Australia. Drawing on Australian government files and UNHCR archival records, I demonstrate how the organization's role in providing, and lobbying for, protection for refugees was compromised by its consideration for Australia's interests.

Australia has long claimed to be among the organization's staunchest supporters. It has been a regular financial contributor, has been one of only a handful of countries offering long-term resettlement solutions, was a long-time member of the UNHCR executive committee, and was one of the first countries to ratify the 1951 Refugee Convention. In recent years it has often been pointed out that the relations between Australia and the United Nations in general, and the UNHCR in particular, have been strained since at least the turn of the century, if not since the election of the Howard government in 1996.<sup>4</sup> I do not doubt this claim, but would like to question the assumption usually underlying it, namely, that before 1996, Australia was a model member of the United Nations and that the Australian government wholeheartedly embraced the principles guiding the work of the High Commissioner for Refugees.

In the following, I analyze the policies and perceptions of both the Australian government and the High Commissioner and his staff concerning West Papuans seeking Australia's protection in Papua and New Guinea between 1962 and 1973. References to either the prominence of Australia's geopolitical role or the size of the West Papuan refugee flow may be insufficient to warrant this case study. But while providing an in-depth analysis of negotiations that were seemingly of minor importance in the context of Australia's overall relationship with international organizations, and in the context of the UNHCR's overall relationship with members of the United Nations, it throws light on wider issues, such as the subsumation of refugee policy under foreign policy, the dependent relationship between the UNHCR and governments, the costs and benefits of discretion, and the High Commissioner's role in forging relationships with governments and in thereby shaping the organization's approach to particular refugee crises.

### ***Australia and the UNHCR: The Historical Context***

Throughout the debate that led to the establishment of the UNHCR, the Australian government was skeptical about the role the new organization could play and disagreed strongly with some of the sentiments reflected in the draft Convention.<sup>5</sup> Commenting on what became Article 31, the Secretary

of the Department of Immigration, Tasman Heyes (whose contribution to the work of the UNHCR was later to be recognised with a Nansen medal), wrote:

This article . . . is designed to recognise a right of asylum for persons escaping from persecution; but . . . it merely permits unlawful entry, so long as the refugee presents himself without delay to the authorities and 'shows good cause' for his illegal entry. This is obviously designed to meet conditions in Europe where there are frontiers across which a refugee may escape. It would hardly accord with Australia's immigration policy if the Atlantic and Pacific Oceans were to be ranked as frontiers across which asylum should be sought.<sup>6</sup>

Although initially opposed to the idea of putting the draft Refugee Convention to a special conference of plenipotentiaries, Australia was one of twenty-five countries represented at the Geneva conference of July 1951.<sup>7</sup> The Australian delegation was careful not to highlight Australia's objections, but it was comparatively isolated on account of its opposition to key elements of the draft Convention. Of those represented at the conference, only the United States had as many misgivings about the draft Convention as Australia.

Believing that the Refugee Convention would interfere with their countries' respective immigration laws and suspicious of the newly created international agency, the Australian and United States governments were instrumental in establishing the Intergovernmental Committee for European Migration (ICEM), thereby duplicating some of the UNHCR's functions. During the 1950s and 1960s, Australia admitted more refugees for resettlement through the ICEM than through the UNHCR.

Australia acceded to the Refugee Convention in 1954. The Department of Immigration had dropped many of its initial objections when, much to the surprise of the Australian delegation to the 1951 Geneva conference, contracting states were allowed to opt against making the Convention universally applicable. Australia nevertheless recorded reservations regarding six of the Convention's articles.

Initially, the Australian government dealt with the UNHCR through its permanent mission in Geneva. While the UNHCR nominated refugees for resettlement, it did not supervise their resettlement in Australia. From 1956, the UNHCR was represented in Australia by an Australian, Brigadier Frank Field, albeit on a part-time and largely honorary basis.<sup>8</sup> He seems to have concerned himself mainly with fund-raising activities; the Australian government, which had been skeptical about the benefits of his appointment, would clearly not have wanted him to monitor its resettlement efforts.

When Field announced his retirement in 1958, the High Commissioner used the opportunity to propose the establishment of an Australian branch office staffed by a full-time UNHCR representative.<sup>9</sup> The High Commissioner wanted his representative to be “responsible for liaison with Government authorities, the coordination of voluntary agencies’ activities in the field of refugee re-settlement and fund raising activities in Australia and New Zealand.”<sup>10</sup> Australia’s Departments of External Affairs and Immigration had little interest in the establishment of such an office, which they seemed to regard as an attempt to meddle in Australia’s affairs.<sup>11</sup> Australia’s Minister for External Affairs, Richard Casey, noted with regard to the UNHCR’s proposal: “This seems overdoing it—but I suppose it is their affair and not ours—and we can do nothing but agree.”<sup>12</sup> In April 1959, the U.S. national Alexander McIver became the first full-time UNHCR representative in Australia.

Within the context of the international refugee regime at the time, Australia was of crucial importance as a final destination for many European refugees. Ordinarily, refugees were resettled in Australia after they had been nominated by the UNHCR or the ICEM and then selected by Australian immigration officers. But from at least 1954, when a Soviet diplomat and his wife defected and formally sought Australia’s protection, Australia had also dealt with asylum seekers. During the 1956 Melbourne Olympic Games, dozens of athletes requested political asylum in Australia. In the late 1950s and early 1960s, ship jumpers and stowaways from Eastern European countries and from China, and three Portuguese naval deserters, similarly sought asylum in Australia. Since 1956, Australia had an asylum-seeker policy, according to which the Departments of External Affairs and Immigration and the Australian Security Intelligence Organisation (ASIO) assessed requests for asylum.<sup>13</sup>

The number of people seeking asylum in Australia during the 1950s and 1960s was comparatively small. Australia’s geographical position seemed to ensure that it would never play a significant role as a country of first asylum. Australia itself is—in the words of its national anthem—a country “girth by sea.” But until 1975, Australia was a colonial power, and its largest colony and closest neighbour, the then Australian Territory of Papua and New Guinea, shared a land border with first the Dutch colony of West New Guinea, and then Indonesia. In 1962, the Dutch were pressured into withdrawing from New Guinea and effectively surrendered the last remnant of their former Southeast Asian empire to Indonesia. Over the following years, a small but constant trickle of refugees moved across the partly unmarked border into the Australian territory. Between 1962 and 1973, several thousand refugees from the

Indonesian-controlled western half of the island of New Guinea crossed into Papua and New Guinea.<sup>14</sup>

In terms of the contacts between the UNHCR and Australia over these refugees, it is possible to distinguish four phases in this period, which are demarcated by:

- the Dutch withdrawal from West New Guinea in October 1962;
- the first evidence of the UNHCR’s interest in the issue of West Papuan refugees in January 1965;
- the appointment of Prince Sadruddin Aga Khan as High Commissioner for Refugees in December 1965;
- the election of a federal Labor government in Australia in December 1972; and
- self-government for Papua New Guinea in December 1973.

#### ***Of No Concern to the UNHCR (October 1962—December 1964)***

Even before the Dutch and Indonesian governments agreed on the terms under which the Dutch would leave their last Southeast Asian colony, the Australian government became deeply concerned about the prospect of refugees fleeing from West New Guinea to Papua and New Guinea. In August 1962, Cabinet considered a submission by the Department of External Affairs, which warned of such an influx.<sup>15</sup> That same month, Australia’s Minister for External Affairs, Garfield Barwick, twice referred in Parliament to the prospect that an Indonesian takeover of West New Guinea would result in requests for political asylum.<sup>16</sup> In January 1963, he summoned the Indonesian ambassador to let him know that he was “greatly concerned by the Papuans who were presenting themselves at the border in considerable numbers—some complaining of ill-treatment by Indonesian officials—others merely apprehensive because of what they had heard of Indonesian conduct.”<sup>17</sup>

But despite its concerns about the potential and actual influx of refugees to Papua and New Guinea, the Australian government did then neither brief nor consult the UNHCR. Although during the early 1960s, the UNHCR was widening the scope of its activities by extending the concept of good offices,<sup>18</sup> it did not seek information from Australia about its handling of the refugee issue in Papua and New Guinea.

In May and June 1963—just after West New Guinea’s United Nations interim administration had been replaced by an Indonesian administration—the High Commissioner, Felix Schnyder, made an official visit to Australia. He met the Prime Minister, the Secretary of the Department of External Affairs, and other high-ranking government officials. There is no indication in the archival record that Schnyder raised the issue of West Papuan refugees with the Australian government. It may, of course, be that he was

simply unaware of the problem. (His staff had not briefed him about it ahead of the visit.)<sup>19</sup>

There is no indication either to suggest that the Australians briefed Schnyder about the West Papuan issue. Australia could have argued that it was under no legal obligation to treat West Papuan asylum seekers as potential Convention refugees. It had signed the 1951 Refugee Convention, but, as mentioned earlier, with the caveat that it only applied to people who had become refugees as a result of events occurring in Europe before 1951. But it had never denied its moral obligation to grant asylum to what it considered to be genuine political refugees,<sup>20</sup> and—despite its preference for dealing with the ICEM—never questioned the validity of the UNHCR’s mandate, which did not single out a particular class of refugees on the basis of when and where the events occasioning their displacement had occurred.

### ***The UNHCR Becomes Involved (January 1965—November 1965)***

On 11 January 1965, the UNHCR’s representative for Australia and New Zealand, Alexander McIver, sent a cutting from Sydney’s *Daily Telegraph* about Indonesian repression in West Irian to Paul Weis, the UNHCR’s Geneva-based legal adviser, seeking his comments “on the position of the Branch Office and the legal status of the refugees, assuming that a major refugee problem did develop in this immediate area.”<sup>21</sup> Until then, McIver had shown no obvious interest in issues of political asylum generally or in the refugee flow into Papua and New Guinea in particular, although he must have been aware of the latter. His letter was not prompted by the newspaper article (as there had been numerous previous references in the Australian press to the situation in West Irian) but most likely was instigated by his designated successor, Victor Beerman, a Dutch diplomat who already represented UNICEF and other UN organizations in Australia and who would add McIver’s role to his responsibilities after McIver’s retirement at the end of June 1965 (which effectively meant that the UNHCR scaled down its presence in Australia).

Weis replied that while the 1951 Convention did not apply to West Papuans crossing into the Territory of Papua and New Guinea (because of Australia’s reservations), these refugees could be regarded as coming within the High Commissioner’s mandate. He also pointed out: “The principle of non-refoulement, i.e. that no bona fide refugee should be returned against his will to a country where he fears persecution, should apply regardless of the Convention status of the persons concerned.” Weis suggested that McIver discuss the matter with the Australian authorities.<sup>22</sup>

McIver (probably again nudged by Beerman) did not await Weis’s reply. On 2 March 1965, he wrote to the

Department of External Affairs to enquire what the Minister for Territories had meant when, in a newspaper interview, he had emphasized the “need to recognise international Conventions.” Did he perhaps refer to the 1951 Refugee Convention?<sup>23</sup>

Not having received a reply from the Australian authorities, but now in possession of Weis’s reply, McIver followed up his first letter to External Affairs with another two weeks later. Pretending that Weis’s interest had been sparked by an article in a London newspaper (rather than by his own letter), McIver quoted Weis’s comments about the UNHCR mandate and *refoulement*.<sup>24</sup> Australian officials were anxious to reassure the UNHCR. In reply to McIver’s first query, External Affairs Assistant Secretary Bob Furlonger, who had just returned from a posting as Australia’s Consul-General in Geneva, said that the Minister for Territories had referred to conventions “only in the sense of ‘accepted international practices’ and had no specific International Convention in mind.” He also acquainted McIver with the government’s official line on West Papuan border crossers:

There is at present no refugee problem in New Guinea. Indeed, the word “refugee” is largely inapplicable to the kind of cross border movement that has taken place between West Irian and the Territory of Papua and New Guinea. Those persons who have come across the border have in most cases been resident in the border area, with many of them having tribal connections and tribal lands extending across the border into Papua/New Guinea. Papuans in other categories have in nearly all cases agreed to return to West Irian after discussing their situation with officials of our Administration. Over the last year, only one of these cases involved a request by a Papuan for entry on political grounds.<sup>25</sup>

This representation of the situation, which reflected the official government position that Indonesia could be trusted to safeguard the rights of West Papuans and that they had therefore no reason to flee,<sup>26</sup> was patently untrue as, in the preceding two-and-a-half years, many people had fled Indonesian-controlled West Irian because they had reason to fear for their safety. Some of them, whose claims to have been persecuted or to fear being persecuted had been supported by the Dutch government, had been allowed to remain in the Australian territory.

On the day he replied to McIver, Furlonger also contacted Australia’s representative in Geneva, Brian Hill:

I have no need to labour the question of the delicacy of our relationship with Indonesia in New Guinea and the problems which would be created for us by any ill-considered action, particularly if taken publicly, by the High Commissioner’s Of-



ficie. . . It is important that UNHCR appreciate the problems arising from our unique position as a country of Western European background living alongside an Asian country—and a particularly turbulent one at that.<sup>27</sup>

Furlonger's advice could be read as a suggestion that Hill appeal to the High Commissioner and his senior staff (who, with the exception of Schnyder's deputy, Prince Sadruddin Aga Khan, were all of European background) to extend their solidarity as Europeans to the far-flung European outpost in the South Pacific.

Furlonger asked Hill to speak to Schnyder and to Thomas Jamieson, the UNHCR's Director of Operations, about "the refugee question in New Guinea":

[W]e expect that *no* action would be contemplated by the High Commissioner's Office—even in the form of references in UNHCR documents—without the closest consultation with us. I think that Schnyder and Jamieson would appreciate the force of this view; what needs also to be avoided is that people like Weis, who may not realise the political sensitivity of the matter, may take seemingly routine action at a lower level which could be just as embarrassing as action taken with the full knowledge of senior UNHCR people.<sup>28</sup>

Jamieson promised Hill to ensure that there were no references to West Papuan refugees in UNHCR documents and that "officers down the line knew the position."<sup>29</sup> Jamieson, and possibly Schnyder, were easily cajoled into agreeing to the Australian demands.

It seems to have been at least partly Victor Beerman's achievement that the High Commissioner was nevertheless unable to ignore the refugee issue in New Guinea. In September 1965, Beerman, who had been told by a Foreign Affairs official that the Australian government wanted to "discourage any interest by the U.N.H.C.R. in this matter,"<sup>30</sup> but who was apparently unaware of the agreement between Jamieson and Hill, wrote a lengthy memorandum about the refugee issue in New Guinea. His findings must have alarmed his superiors in Geneva. He reported that the Department of Territories "is not burdened by any specific knowledge of the 1951 Convention" and that the Australian government had "no experience with any eligibility procedure for refugees arriving on their territory and asking for (first) asylum." He suspected that the Australian authorities ignored a key principle of international refugee law: "With few exceptions, one gets the impression that refolement is the general line of conduct followed by the local administration." But he also warned: "the matter has to be handled with the greatest caution; there is no doubt that Canberra rather prefers to hush-hush the whole matter not wanting

to further deteriorate its already so difficult relationship with the Indonesia of President Sukarno."<sup>31</sup>

Schnyder adopted one of Beerman's recommendations, namely, to provide the Australian authorities with an "unofficial demarche" offering the UNHCR's assistance and outlining its position.<sup>32</sup> On 23 November 1965, Schnyder called in Hill and gave him a typed, unsigned note, which Beerman had helped to draft. By handing Hill an informal note rather than a signed letter to the Australian government under the UNHCR letterhead, Schnyder indicated that he was trying to bend over backwards to accommodate Australian sensitivities. He assured Hill that his approach had not been "prompted by his having received information in any way critical of the Australian Governments [sic] action" in relation to border crossers, and that "any information [the Australian government] might give him would be treated as entirely confidential, that it would not be distributed either within or outside his headquarters."<sup>33</sup> In the note, the High Commissioner told the Australians that they need not be afraid of involving the UNHCR:

UNHCR would greatly appreciate the receipt of information on the procedures applied to persons belonging to the group in question seeking asylum in the Territory. Such information, as well as information relevant to the number of persons who have sought and who have been granted asylum, would be treated by UNHCR as of a confidential nature to the extent that such treatment would be considered necessary by the Australian Government.<sup>34</sup>

The note did not request the UNHCR's involvement in the refugee determination process, nor a visit by a UNHCR envoy to the Territory.

### *Sadruddin's Diplomacy (December 1965—November 1972)*

By the time the Australians had agreed on a response to the High Commissioner's request, Prince Sadruddin Aga Khan had succeeded Schnyder. In January 1966, Hill formally briefed the new High Commissioner, repeating the Australian line that the great majority of the border crossers "in no sense can be regarded as refugees."<sup>35</sup> Sadruddin assented to treating all information provided by the Australian government about the refugee issue in New Guinea as confidential, but was more assertive than his predecessor. He told Hill that "while he had no reason to complain in respect of any decisions taken so far by the authorities in Papua and New Guinea, it was his responsibility to ensure that the cases of asylum seekers were given full consideration."<sup>36</sup>

In order to meet his responsibility, Sadruddin repeatedly requested Australia's permission for a visit of a senior



UNHCR emissary to Papua and New Guinea to allow the UNHCR to arrive at an independent assessment of the situation. He tried to convince the Australians of the benefits they would gain by allowing him to corroborate the information they provided to him, saying that under the present arrangements “he had no way of adequately assuring other people that Australia was behaving properly.”<sup>37</sup> A visit by an UNHCR envoy, however, was anathema to the Australian and Indonesian governments. In fact, Sadruddin found it difficult to arrange a visit by the UNHCR legal adviser to Australia to discuss the refugee problem in New Guinea.

Sadruddin also repeatedly offered to assist the Australians in determining whether or not a border crosser could be regarded a mandate refugee, but the Australian government was unwilling to consider any proposals that would have amounted to a direct UNHCR involvement in Papua and New Guinea. Aiming to “create an atmosphere of humanitarian understanding . . . between the country of origin and the country of asylum,”<sup>38</sup> he also offered himself as a go-between in Australia’s dealings with Indonesia,<sup>39</sup> but Australia’s relationship with Indonesia was sufficiently close to render such mediation unnecessary.

Sadruddin was concerned about how the Australian authorities distinguished between border crossers who needed to be “persuaded” to return to Indonesian territory, and those who were granted five-year permissive residence visas in Papua and New Guinea. He queried the fact that decisions about whether or not border crossers were genuine refugees were made by Australian patrol officers on the spot, and that those who were not deemed to be genuine refugees had no right of appeal.<sup>40</sup> “If the West Irianese have no good reason for entry, are not of intelligence interest, or are not of political importance, they are to be told . . . that they are contravening the immigration laws of the Territory and are to return forthwith,” the 1969 edition of the Territory’s “Intelligence and Security Manual” stipulated.<sup>41</sup> While those refugees who were not immediately returned to the border had a reasonable chance of being properly heard, decisions about whether or not somebody might have “good reason for entry” because he or she was a genuine refugee were made after only a cursory interview.

The Australians regularly reminded Sadruddin of the terms of their agreement with him, namely, that the information they provided was confidential and that the High Commissioner was not free to act on it. While Hill and his successor (from June 1969), Max Loveday, made these points subtly, others were less diplomatic. In April 1967, the acting External Affairs secretary, Laurence McIntyre, when providing an update about the situation at the Papua New Guinean border to Sadruddin, wrote in the covering letter: “I trust that no action by your office will be contem-

plated without prior reference to us.”<sup>42</sup> Here McIntyre did not refer to a mutual understanding reached between two equals, or, even less, make a request, but rather seemed to remind the High Commissioner of a previous Australian directive. But such frankness was the exception. In fact, Hill and Loveday were able to develop a special relationship with Sadruddin because they accorded him—at least outwardly—respect.<sup>43</sup>

For more than seven years, Sadruddin treated the issue of West Papuan refugees and his communication with the Australian authorities as highly confidential.<sup>44</sup> On at least two occasions, he reprimanded the UNHCR representative in Australia for drawing the refugee problem in Papua and New Guinea to the attention of other United Nations staff. In July 1967, for example, the UNHCR representative in Macao, the Australian national Bill McCoy, mentioned in a letter to the Geneva headquarters that he had heard that only 10 per cent of the West Papuan asylum seekers were allowed to remain in Papua and New Guinea but that the majority of them had a *prima facie* case for asylum.<sup>45</sup> He was told that “Headquarters is in possession of a fair amount of information on this question,” that the matter was highly confidential, and that it was “being dealt with here on the highest level.”<sup>46</sup> At the same time, Beerman, who had been identified as the likely source of McCoy’s insights, was rebuked for sharing information with McCoy.<sup>47</sup>

The Australian government rejected all suggestions to go beyond the high-level contacts with the High Commissioner. It used references to the exclusivity of these contacts to thwart Sadruddin’s attempts to resurrect the position of a full-time UNHCR representative in Australia.<sup>48</sup> Sadruddin, on the other hand, unsuccessfully tried to extract concessions from the Australian government by referring to the difficulties this exclusivity entailed. Citing reports of *refoulement* in New Guinea, for example, he told Hill that “members of his Legal Department were pushing him to do something officially on this matter as he would normally do in cases where such allegations had been made publicly.”<sup>49</sup> But all he ever received in return for his discretion were confidential briefings.

### ***A Breakdown in Communication (December 1972—December 1973)***

On 2 December 1972, the Labor Party won the Australian elections. After twenty-three years of uninterrupted conservative rule at the federal level, the election of the Whitlam government represented a seismic shift in Australian politics. In terms of Australia’s response to West Papuan refugees, two of the incoming government’s commitments were of particular potential relevance: to granting independence

to Papua New Guinea at the earliest opportunity, and to signing a raft of international conventions, including the 1967 Protocol to the 1951 Refugee Convention.

One year after the election of the Whitlam government, Papua New Guinea was granted self-government, and West Papuan border crossers became the responsibility of the Papua New Guinean government. But even before then, Australia's response to the refugee issue in New Guinea was informed by the idea that Australian policies ought to avoid creating a liability for a future independent Papua New Guinea.

Before December 1972, Sadruddin had on several occasions urged the Australian government to sign the 1967 Protocol to the 1951 Refugee Convention. But the government knew that by doing so, it would have implicitly invited the High Commissioner's involvement in addressing the West Papuan refugee problem, as Article 2 of the Protocol obliges signatories to co-operate with the Office of the High Commissioner in the exercise of its functions and in particular to facilitate the Office's duty of supervising the application of the Protocol.<sup>50</sup> While it was in principle in favour of signing the Protocol, the Whitlam government's approach did not deviate from that of its predecessor. Australia signed the Protocol only on 2 December 1973, after Papua New Guinea had become self-governing, and then stipulated that it did not apply to Papua New Guinea.

A personnel change proved to be of more immediate consequence for the relationship between Australia and the UNHCR than Whitlam's commitment to signing the 1967 Protocol. The cordial relationship that had existed between Sadruddin and Australia's representative in Geneva and, by extension, the Australian foreign ministry, abruptly ended when, following Labor's victory, Max Loveday was replaced by Laurence Corkery.<sup>51</sup> Sadruddin was unimpressed when the flow of information from the Australian mission in Geneva to the UNHCR dried up. On 6 March 1973, he told his deputy, Charles Mace: "Please see the Australian Ambassador in my absence and ask him if he has looked up my last letter to Max Loveday and his interim reply—as promised during our meeting of 23. II. 73 . . . and ask him *AGAIN* for a reply to our last demarche. Good luck!"<sup>52</sup>

While Sadruddin had been dealing with Hill and Loveday, he had often used representations by third parties, such as West Papuan political representatives, to elicit reactions from the Australian government. But he had never substantially responded to such representations beyond acknowledging their receipt. That changed in early 1973. When Sadruddin responded to a letter from Major-General Paul Cullen, who represented both the United Nations Association of Australia and CARE Australia, an umbrella organization of Australian NGOs assisting refugees, he

tried to open another channel of communication with Australia, confiding to Cullen that the "Australian authorities keep my Office informed from time to time on the number of persons to whom temporary resident permits are being granted, but this does not necessarily provide a complete solution."<sup>53</sup> He also passed on Cullen's concerns to the Australian government; this time, rather than either trying to elicit an Australian response or keeping the Australian government informed of the criticism directed at its policies in New Guinea, Sadruddin used Cullen's letter to underscore his own position.

How the relationship between Australia and the UNHCR had changed became apparent when, in August 1973, Sadruddin directed that the file dealing with protection issues in Papua and New Guinea, which had been for his own and Jacques Colmar's eyes only, should now be made accessible to other senior UNHCR staff.<sup>54</sup>

In 1973, the UNHCR came close to lodging a strong formal protest against Australia's policies in Papua and New Guinea, after the Australian government decided to deport several asylum seekers to Indonesia. But once more, for the price of a comprehensive briefing the High Commissioner agreed to keep quiet.<sup>55</sup> The three men concerned were deported.

As far as its response to refugees was concerned, the Labor government proved to be no more generous than its conservative predecessors. Its policy in New Guinea and its response to the UNHCR's appeal to resettle more Asians from Uganda belied Whitlam's claim in December 1973 that his government had ensured that "our country has once again assumed its rightful place in the vanguard of countries promoting human rights."<sup>56</sup>

### ***Postscript (December 1973 to September 1975)***

After 1 December 1973, the UNHCR negotiated with Papua New Guinea rather than with Australia. But the organization tried to use Australia as an intermediary to convince the Papua New Guinean government to sign the Refugee Convention and Protocol and to allow an UNHCR emissary to visit Papua New Guinea. As soon as Australia was no longer directly responsible for West Papuan refugees, it agreed to the proposed visit.<sup>57</sup> But the government in Port Moresby was as opposed to such a visit as the government in Canberra had been before 1 December 1973. This time, however, the High Commissioner's representations were successful, and in August 1975, for the first time, a senior UNHCR officer was allowed to visit Papua New Guinea.<sup>58</sup>

In his relationship with the Papua New Guinean government, Sadruddin did not observe the discretion that had marked his relationship with the Australians, particularly

before December 1972. In April 1975, all restrictions on the circulation of the file dealing with West Papuan refugees in Papua New Guinea were removed.<sup>59</sup>

### **Conclusion**

Until the granting of self-governance to Papua New Guinea in 1973, the Australian government successfully managed to keep the UNHCR effectively out of Papua and New Guinea, and to deal with the border crossers entirely on Australia's own terms—which were often informed by Indonesia's terms. Testament to Australia's and Indonesia's success in keeping the UNHCR sidelined is the fact that Louise Holborn's 1,500-page history of the organization (which was initiated by Sadruddin in the late 1960s and published in 1975) does not once mention West Papuan refugees.<sup>60</sup>

Until the end of 1972, the UNHCR's approach towards the West Papuan refugee problem was marked by the organization's desire to avoid, at all costs, embarrassing the Australian government. The costs were high: by respecting the confidentiality agreement with the Australians, the High Commissioner could not intervene publicly on behalf of West Papuan refugees. Indirectly, such intervention could have made a significant impact: the Australian government was sensitive to criticism of its refugee policies in the Australian and Dutch press and in the House of Assembly in Port Moresby; the High Commissioner may have been able to lend weight to this criticism.

In 1967, the UNHCR representative in Macao was warned off from making further enquiries about West Papuan refugees and told that the Geneva headquarters were already well informed about the issue. But the information available to the High Commissioner was at best one-sided and often poor. None of his staff had ever visited the border region or spoken to West Papuan refugees in Papua and New Guinea. He had to rely on what the Australian government chose to tell him, on newspaper articles, and on statements from West Papuan exiles. Sadruddin became more proactive only from 1973 onwards, when he found that the Australian representative in Geneva could no longer be relied on to keep him informed.

The information provided by Hill and Loveday was of questionable value if only because it had gone through many hands: distilled by the Administrator's office in Port Moresby from reports written by District Officers (which in turn were based on reports compiled by patrol officers and intelligence personnel), and then submitted to the Department of Territories in Canberra, which in turn prepared a summary for the use of the Department of External Affairs. External Affairs officers, who liaised with the UNHCR and the Indonesian government, had themselves

often only a sketchy understanding of the conditions in Papua and New Guinea.

Sadruddin's "privileged" access to information needs to be seen also in the context of the substantive briefings provided to the Indonesian government. While he was supplied with statistics, the Indonesians were provided, for example, with a list of names of all permissive residents in Papua and New Guinea, and had occasional access to refugees in holdings camps.<sup>61</sup> But then, Sadruddin valued the information provided by the Australian government not so much because of what it told him about the situation in New Guinea as for the fact that it supposedly allowed him to be ahead of those criticizing Australia's response (and, by implication, the UNHCR for not censoring that response).

David Forsythe has drawn attention to the need of organizations such as the International Committee of the Red Cross (ICRC) and the UNHCR to rely on discretion rather than on public criticism in accomplishing their objectives.<sup>62</sup> Discussing the use of discretion by the ICRC, he points out that it is "an instrumental rather than constitutive matter."<sup>63</sup> As such, it ought to have been employed principally to advance the cause of persons of concern to the UNHCR. Yet there is no evidence in the archival record that that was the case. For Sadruddin, the personal relationship with Hill and Loveday, which warranted his discretion, may have become an end in itself. He argued consistently that discretion was necessary to protect Australian interests, and made comparatively few references to the interests of West Papuan refugees. In fact, Sadruddin believed so strongly in the merits of discretion that he exhorted a prominent West Papuan exile to "be discreet in his approaches in order to avoid embarrassing the Australian authorities vis-à-vis the Indonesian government."<sup>64</sup>

Schnyder and Sadruddin received little in return for their discretion. To "mollify"<sup>65</sup> them, the Australian government kept them informed, but as they were unable to corroborate the information they received, these briefings were of doubtful value. The UNHCR's demands—for a more transparent refugee status determination procedure and for a fact-finding mission to Papua and New Guinea—were not met. Why, then, did the two High Commissioners agree to the Australian government's terms?

There is no evidence in the archival record to suggest that Australia tried to use its clout as a resettlement country and as a major donor to influence the UNHCR's approach to West Papuan refugees. Australia never intimated that it could cut its funding or direct it only towards specific projects. (At the time, Australia made an untied contribution to the UNHCR.) But it may have been unnecessary for the Australian representatives in Geneva to draw the UNHCR's attention to the support it had lent to the

UNHCR over the years. “In proportion to its population, Australia has led the world in accepting refugees for resettlement,” Louise Holborn points out in her 1975 history of the UNHCR.<sup>66</sup> In the first twenty-five post-war years, only the United States admitted more refugees for resettlement than Australia. In comparison to the contribution Australia made to resettling European refugees, the refugee issue in New Guinea would have seemed comparatively minor. It may have seemed hardly worth the risk of offending Australian sensibilities. Arguably the High Commissioner was as much a political realist as the Australian government, which was anxious not to offend Indonesian sensibilities. “In the end the fate of several hundred thousand coastal West Papuans is unimportant compared with the friendship of a Government representing 115 million people,” the journalist Peter Hastings commented in 1968, thereby summarizing the Australian government’s approach to West Irian at the time.<sup>67</sup>

Sadruddin’s reluctance to push the issue of West Papuan refugees with the Australian government seems likely to have been shaped also by his attitude towards Indonesia. After the toppling of the Sukarno government, and the ensuing bloodshed and mass displacements in Indonesia, Sadruddin had decided that the UNHCR’s intervention would amount to interference in the domestic affairs of a sovereign state.<sup>68</sup> The Indonesian government was as interested as its Australian counterpart in sidelining the UNHCR over the refugee issue in New Guinea.<sup>69</sup> Having been prepared to accommodate the interests of the Suharto government in the aftermath of the coup, it made little sense for Sadruddin to then offend Suharto by insisting on the UNHCR’s involvement in New Guinea.

Sadruddin’s preparedness to accept Australian assurances at face value was probably also informed by his views on West Papuans. In a briefing for Arnold Rørholt, Sadruddin warned that “an over-liberal asylum policy” would create problems both for the Australian authorities and for the UNHCR, and might not be in the interests of the refugees themselves:

Indeed, it is unlikely that these groups can ever be resettled elsewhere since Australia will be most reluctant to accept them on the Australian continent and since other governments would probably adopt the same attitude. West Irian is a very backward area and the inhabitants are most primitive.<sup>70</sup>

In the context of Sadruddin’s briefing, this reference reads as if he doubted that people as “primitive” as the inhabitants of West Irian could be anything but economic migrants. Incidentally, his assessment was shared by many officers in the Departments of Territories and External Affairs.

Histories such as the one presented here could be of relevance for at least two basic reasons: because they highlight the legacies of the past and because they draw attention to the exceptionality of the present. A close look at Australia’s approach to the UNHCR in the 1950s and 1960s suggests that the skepticism with which the Australian government now regards any UN involvement in Australian affairs has a long tradition, and that rather than being something that developed under the Howard government, it is something that is at least as old as the UNHCR.

But this close look could also highlight the specificity of the current situation. While the Australian government did not consider itself under any international legal obligation in relation to its treatment of West Papuan asylum seekers, it frequently claimed that it acted as if it were under such obligation. In 1971, for example, Loveday assured the High Commissioner “that the Australian Government, while not a party to the Protocol of the Convention on Refugees, is publicly committed to be guided by the principles embodied in the convention and the Declaration on Political Asylum and has consistently honoured this undertaking.”<sup>71</sup> Given Australia’s unwillingness to sign the Protocol, such statements were somewhat rhetorical. But the fact that they were made nevertheless suggests that the government wanted to appear committed to the principles enunciated in the Protocol—both in terms of its international reputation and in order to satisfy a domestic audience. Nowadays, the government tries to balance its interest in Australia’s international reputation with its interest in electoral gain. And it appears that the latter is best served by open disregard for international institutions such as the UNHCR. Nowadays, the UNHCR knows from experience that public criticism of the government’s policies affects the amount and nature of the funding it receives from Australia.

The current tensions between the UNHCR and the Australian government are not only the outcome of Australia’s refugee and asylum-seeker policies, but also of the UNHCR’s public criticism of these policies. The Australian government has responded with public displays of annoyance to what it perceives to be interference in Australian domestic matters. The Howard government has made as few concessions to the UNHCR’s public criticism of Australia’s mandatory detention policies as it did to Sadruddin’s discreet diplomatic efforts to institute a proper eligibility procedure for West Papuan asylum seekers. But the UNHCR’s public criticism has heartened the domestic opposition to the government’s policies. David Forsythe has pointed out that the UNHCR, unlike the ICRC, does not appear to have “a means for reviewing . . . its practice of discretion-publicity in the past, and hence what might prove useful in the present or future.”<sup>72</sup> Studies along the



lines of the one undertaken here may contribute to a better understanding not only of the tactical value of discretion, but also of the comparative benefits of various strategies open to the UNHCR in its dealings with governments.

Finally, this study demonstrates the highly political nature of the UNHCR's involvement. "My constant preoccupation in this matter has been to assist the Australian government in solving a complex humanitarian problem in a non-political way," Sadruddin wrote to the Australian Prime Minister, William McMahon, in 1970.<sup>73</sup> But the High Commissioner's acquiescence to Australian *realpolitik* in return for privileged access to information could only be termed non-political if one left the interests of West Papuan refugees out of the equation. A non-political UNHCR is inconceivable—as a reader of Sadruddin's letter to McMahon knew, who queried the above sentence in the margin: "with political refugees seeking political asylum?"<sup>74</sup>

#### Notes

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2. Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001).
3. *Ibid.*, 350.
4. See, for example, Spencer Zifcak, *Mr Ruddock Goes to Geneva* (Sydney: UNSW Press, 2003).
5. Klaus Neumann, *Refuge Australia: Australia's Humanitarian Record* (Sydney: UNSW Press, 2004), 80–82.
6. T. H. E. Heyes to Secretary External Affairs, 22 May 1950, National Archives of Australia, Canberra (hereafter: NAA): A1838 855/11/11 part 2.
7. On the Australian government's approach to the Geneva conference, see Neumann, *Refuge Australia*, 83–84.
8. United Nations Information Centre for Australia and New Zealand, press release, 21 June 1956, NAA: A1838 861/8/5/3.
9. A. R. Lindt to N. S. Currie, 17 December 1958, NAA: A1838 861/8/5/3.
10. P. R. Heydon to Minister, 15 January 1959, NAA: A1838 861/8/5/3.
11. T. H. E. Heyes to Secretary External Affairs, 25 November 1958, NAA: A1838 861/8/5/3.
12. Casey to Heydon, 20 January 1959, on P. R. Heydon to Minister, 15 January 1959, NAA: A1838 861/8/5/3.
13. For Australia's response to asylum seekers in the 1950s and early 1960s, see Neumann, *Refuge Australia*, 56–64. Australia's asylum seeker policies were put into sharp relief by the asylum requests of three Portuguese sailors in 1961; see Klaus Neumann, "'Stay Puts' and Asylum Seekers in Darwin, 1961–1962: Or, How Three Portuguese Sailors Helped to Undermine the White Australia Policy," *Journal of Northern Territory History*, 16 (2005), 1–15.
14. On the movement of refugees from Indonesian-controlled western New Guinea to Australian-controlled eastern New Guinea, see Neumann, *Refuge Australia*, 65–78; Klaus Neumann, "Asylum Seekers and 'Non-Political Refugees' in Papua and New Guinea," *Australian Historical Studies* 33, no. 120 (2002), 359–72; June Verrier, "The Origin of the Border Problem and the Border Story to 1969," in *Between Two Nations: The Indonesia–Papua New Guinea Border and West Papua Nationalism*, ed. Ron May (Bathurst: Robert Brown and Associates, 1986), 18–48; Paul van der Veur, "West Irian Refugees: What Is 'Permissive Residence'?", *New Guinea and Australia, the Pacific and South-East Asia* 1, no. 4 (1965–1966), 13–19.
15. Garfield Barwick, Cabinet submission no. 330, 19 July 1962; Cabinet decision no. 375 of 6 August 1962, both NAA: A5819 volume 8/agendum 330.
16. *Commonwealth Parliamentary Debates* (hereafter: *CPD*), Representatives, vol. 36, 15 August 1962, 349; *CPD*, Representatives, vol. 36, 23 August 1962, 752.
17. G. C. Lewis, "Record of conversation—General Suadi and the Minister, on 21st January, 1963", NAA: A1838 3036/14/1/6 part 1.
18. See Loescher, *The UNHCR and World Politics*, 109–14.
19. For Schnyder's visit to Australia, see the relevant files of the Prime Minister's Department (NAA: A463 1963/2138), and of the UNHCR head office (Archives of the United Nations High Commissioner for Refugees, Geneva (hereafter: UNHCR Archives): 11,1 6/1/AUSL part 1; 11,1 1/7/5/AUSL/NZ).
20. See, for example, *CPD*, Representatives 36, 23 August 1962, 752.
21. A. McIver to Paul Weis, 11 January 1965, UNHCR Archives: 11,1 6/1/NG part 1.
22. P. Weis to A. McIver, 1 March 1965, UNHCR Archives: 11,1 6/1/NG part 1.
23. A. McIver to Secretary External Affairs, 2 March 1965, NAA: A1838 932/5/14 part 1.
24. P. Weis, quoted in A. McIver to Furlonger, 19 March 1965, NAA: A1838 932/5/14 part 1.
25. Furlonger to McIver, 13 April 1965, NAA: A1838 932/5/14 part 1.
26. See, for example, *CPD*, Representatives 47, 26 August 1965, 477.
27. Furlonger to B. C. Hill, 13 April 1965, NAA: A10034 225/6/18 part 1.
28. *Ibid.*
29. B. C. Hill to Furlonger, 29 April 1965, NAA: A10034 225/6/18 part 1.
30. J. H. A. Hoyle, file note, 30 July 1965, NAA: A446 1965/46886.
31. V. A. M. Beerman to High Commissioner for Refugees, 13 September 1965, UNHCR Archives: 11,1 6/1/NG part 1.
32. *Ibid.*
33. Hill to External Affairs, 23 November 1965, NAA: A6980 S251060.



34. Note handed by Felix Schnyder to Brian Hill, 23 November 1965, NAA: A10034 225/6/18 part 1.
35. External Affairs to Australian Consulate-General Geneva, 12 January 1966, NAA: A6980 S251060.
36. Hill to External Affairs, 13 January 1966, NAA: A6980 S251060.
37. Loveday to External Affairs, 5 June 1969, NAA: A10034 225/6/18 part 3.
38. Sadruddin Aga Khan to A. Rørholt, 4 December 1968, UNHCR Archives: 11,1 6/1/NG part 2.
39. G. A. Jockel to D. Anderson, 13 November 1970, NAA: A1838 3036/10/2/3 part 1.
40. See, for example, Sadruddin Aga Khan to A. Rørholt, 4 December 1968, UNHCR Archives: 11,1 6/1/NG part 2; P. Brazil, "Record of conversation with Dr. A. Rørholt . . . 17 December 1968", NAA: A1838 932/5/14 part 3.
41. Territory of Papua and New Guinea, "Intelligence and Security Manual" (October 1969), p. 8, NAA: A1838 3036/10/2/1 part 1.
42. L. R. McIntyre to Sadruddin Aga Khan, 21 April 1967, UNHCR Archives: 11,1 6/1/NG/PC part 3.
43. In August 1970, Loveday apologised to "dear Sadry" after his office had written to Sadruddin with information about permissive residents: "Their heart was in the right place, as they wanted to pass the information to you straight away, but I am somewhat concerned to see that the letter was signed by a junior officer and gave no explanation why I had not handled the matter personally." (Loveday to Sadruddin, 5 August 1970, UNHCR Archives: 11,1 6/1/NG part 2).
44. He told Hill that he kept all papers relating to West Papuan refugees in his personal safe and did not feel "free to discuss developments with his own staff who naturally refer news items, etc. on this to him while ignorant of the discussions and confidential communications on this subject that have taken place between UNHCR and the Australian authorities" (Hill to External Affairs, 13 July 1967, NAA: A6980 S251060).
45. W. K. McCoy to UNHCR Geneva, 5 July 1967, UNHCR Archives: 11,1 6/1/NG part 1.
46. A. Rørholt to W. K. McCoy, 24 July 1967, UNHCR Archives: 11,1 6/1/NG part 1.
47. J. Colmar to UNHCR Representative Sydney, n.d. (July 1967), UNHCR Archives: 11,1 6/1/NG part 1.
48. B. C. Hill to Secretary External Affairs, 21 January 1969, NAA: A10034 225/6/18 part 2.
49. Hill to External Affairs, 3 October 1968, NAA: A1838 932/4/1 part 20.
50. P. Brazil, "Protocol Relating to the Status of Refugees", 28 November 1968, p. 8, NAA: 3036/10/2/3 part 1; J. H. Greenwell to Administrator, n.d. (October 1973), p. 4, NAA: A1838 3036/10/2/3 part 2.
51. Sadruddin came to be on first name terms with both Hill and Loveday.
52. Sadruddin to Mace, 6 March 1973, UNHCR Archives: 11,2 600.PNG part 2.
53. Sadruddin to Cullen, 21 February 1973, UNHCR Archives: 11,2 600.PNG part 2.
54. Charles H. Mace to O. E. Schulé, 1 August 1973, UNHCR Archives, 11,2 600.PNG part 3.
55. Department of Territories to Administrator, 25 July 1973, NAA: A452 1969/2605; J. L. Lavett, record of telephone conversation with F. A. Bauman, 25 July 1973, NAA: A1838 3036/10/2/3 part 2; L. Corkery to J. L. Lavett, 25 September 1973, NAA: A1838 3036/10/2/3 part 2.
56. Whitlam, address to United Nations Association, 10 December 1973, quoted in Foreign Affairs to Australian Mission New York, 11 December 1973, p. 9, NAA: A1838 3036/10/2/3 part 3. On Australia's response to Asians from Uganda, see Klaus Neumann, "Hard of Heart: A Bipartisan Approach", *Australian Financial Review*, 28 May 2004.
57. See, for example, Frank A. Bauman to J. D. R. Kelly, 8 March 1974, UNHCR Archives: 11,2 600.PNG part 2.
58. The officer, John Kelly, wrote two reports about his visit: one for the High Commissioner, and one, a sanitised version, which had been requested by the Papua New Guinean government with the aim of forwarding it to the Indonesian Consul-General in Port Moresby. For both reports, see UNHCR Archives: 11,2 600.PNG part 3.
59. Georges Koulischer to Schulé, 14 April 1975, UNHCR Archives: 11,2 600.PNG part 3.
60. Louise W. Holborn, *Refugees: A Problem of Our Time: The Work of the United Nations High Commissioner for Refugees, 1951–1972*, 2 vols. (Methuen: Scarecrow Press, 1975).
61. Anderson to Minister, 2 August 1972, NAA: A1838 3036/10/2/1 part 2. The statistics compiled by the Department of Territories were of doubtful value; see Neumann, "Asylum Seekers", 364n.19.
62. David Forsythe, "UNHCR's Mandate: The Politics of Being Non-Political" (Working Paper No. 33, New Issues in Refugee Research, Geneva, March 2001), 16–22.
63. *Ibid.*, 17.
64. A. Rørholt, file note, 13 July 1967, UNHCR Archives: 11,1 6/1/NG part 1.
65. Max Loveday used this term to describe the rationale for briefing Sadruddin (Loveday to External Affairs, 5 July 1969, NAA: A6980 S251060).
66. Holborn, *Refugees: A Problem of Our Time*, vol. 1, 622.
67. Peter Hastings, "West Irian Refugees Put NG on Spot", *Sydney Morning Herald*, 30 August 1968.
68. Loescher, *The UNHCR and World Politics*, 145–46.
69. See, for example, Australian embassy Djakarta to External Affairs, 21 April 1970, NAA: A6980 S251060.
70. Sadruddin Aga Khan to A. Rørholt, 4 December 1968, UNHCR Archives: 11,1 6/1/NG part 2.
71. H.M. Loveday to Charles Mace, 22 June 1971, UNHCR Archives: 11,2 600.PNG part 1.
72. Forsythe, "UNHCR's Mandate", 18.
73. Sadruddin to McMahon, 8 April 1970, NAA: A452 1969/2605.
74. *Ibid.*, Marginal note.

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# The Threat of Destitution as a Deterrent against Asylum Seeking in the European Union

SYLVIE DA LOMBA

## **Abstract**

*The problematization of asylum has detrimentally impacted on the provision of support for asylum seekers in host countries. The threat of destitution has become instrumental in restrictive asylum policies and is increasingly used as a deterrent against asylum seeking. The EU experience reveals acute tensions between the EU asylum agenda and the EU Member States' obligations under international refugee and human rights law. The provision of support for asylum seekers challenges narrow approaches to the realization of socio-economic rights for "others" and to host countries' duties in that respect. The EU Reception Conditions Directive, which aims to set out standards for the reception of asylum seekers across the Union, exemplifies this predicament. Yet international refugee and human rights law provides a legal framework that establishes minimum standards critical to dignified living for asylum seekers and the protection of the right to seek refugee status in the EU and beyond.*

## **Résumé**

*La problématique de l'asile a eu des répercussions nuisibles sur la disposition de l'aide aux demandeurs d'asile dans les pays d'accueil. La menace de la misère est devenue une pierre de touche des politiques conjoncturelles sur l'asile et elle sert de plus en plus d'élément dissuasif pour contrer la demande d'asile. L'expérience de l'Union européenne révèle des tensions aiguës entre le programme d'asile de l'UE et les obligations des pays membres de l'UE en regard des droits internationaux des réfugiés et de la personne. La disposition sur l'aide aux demandeurs*

*d'asile remet en question les approches à court terme à l'égard de la mise en œuvre des droits socio-économiques pour les responsabilités des « étrangers » et des pays hôtes. Les directives sur les conditions d'accueil de l'UE, qui visent à établir des normes pour l'accueil de demandeurs d'asile partout dans l'Union, exemplifient cette difficile situation. Malgré tout, les droits internationaux des réfugiés et de la personne fournissent un cadre qui fixe des normes minimales de conditions de vie décentes pour les demandeurs d'asile et la protection du droit de demander un statut de réfugié dans l'UE et ailleurs.*

## **Introduction**

Actuellement des centaines de personnes venues chercher protection en France couchent dans la rue faute d'hébergement. Des femmes, des hommes, des enfants qui ont dû quitter leur pays où ils étaient persécutés ou risquaient de l'être sont contraints de vivre dans des conditions proches de la mendicité.<sup>1</sup>

**T**his bleak picture is symptomatic of a deterioration of the conditions of the reception of asylum seekers not only in France, but across the European Union (EU). The treatment of asylum seekers pending adjudication on their application for refugee status reveals acute tensions between the hostile agenda of the EU and its Member States in the field of asylum and their humanitarian commitment and obligations. Negative perceptions of asylum seekers that foster myths and prejudice have polluted policy making and normative reform in the area of asylum at both national and European level. The threat of the "bogus" asylum seeker has emerged as a pervasive and recurrent theme in the political

rhetoric.<sup>2</sup> Moreover, border control, immigration, and security concerns have become primary factors in the shaping of the EU asylum policy.<sup>3</sup> Asylum is increasingly perceived as a migration-related matter closely connected with the question of irregular migration.<sup>4</sup> The current context leads to a “quantitative approach” to asylum where “cutting down the numbers” becomes a paramount objective and a yardstick for measuring the efficiency of asylum laws and policies, thus progressively eroding the humanitarian institution of asylum. Portrayed as burdens for domestic economies as well as potential threats to national security, asylum seekers are becoming the EU “unwanted guests.”

The paper examines how scant provisions for support of asylum seekers have become instrumental in restrictive asylum policies across the EU. In other words, it considers attempts to use the threat of destitution as a deterrent against asylum seeking. The paper focuses on asylum seekers, namely, persons who have applied for refugee status within the meaning of Article 1(A)(2) of the Convention relating to the Status of Refugees (Refugee Convention).<sup>5</sup> The reasons for this focus are twofold: first, the Refugee Convention remains the cornerstone of refugee protection; second, the Convention has come under sustained attacks, making asylum seekers prime targets of harsher legislation on State support.<sup>6</sup> However, it is acknowledged that many of the issues discussed in this paper are also relevant to other categories of people in need of international protection.<sup>7</sup>

The paper adopts a human rights approach to support for asylum seekers and looks at the question of socio-economic rights for asylum seekers in the context of the EU. For that purpose, the paper scrutinizes the international legal framework and the Council Directive laying down minimum standards for the reception of asylum seekers (Reception Conditions Directive)<sup>8</sup> which is now central to the provision of support for asylum seekers in the EU. The challenges faced by host States and asylum seekers in relation to reception are also considered.

### ***Protecting the “Others” against Destitution: The Question of Fundamental Socio-economic Rights for Asylum Seekers***

Few will dispute that a person in abject condition, deprived of adequate means of subsistence, or denied the opportunity to work, suffers a profound affront to his sense of dignity and intrinsic worth. Economic and social arrangements cannot therefore be excluded from a consideration on the demands of dignity. At the least, it requires recognition of a minimal concept of distributive justice that would require satisfaction of the essential needs of everyone.<sup>9</sup>

Respect for human dignity supposes the fulfillment of basic socio-economic rights. Many of these rights may be

described as *droits créances*, the implementation of which requires positive action on the part of the State and the mobilization of considerable State resources.

Socio-economic rights aim to provide a base of material security, inherent in human dignity, below which citizens shall not fall.<sup>10</sup> The use of the word “citizen” is not neutral. Indeed, the realization of socio-economic rights for non-nationals is mediated by significant political, economic, and social factors. The conferment of socio-economic rights on non-nationals, namely “non-citizens,” necessitates an approach to the welfare State based on greater social and economic solidarity.<sup>11</sup>

In that respect, two contradictory trends tend to dominate legislative debates and interventions: the need to achieve greater equality between nationals and non-nationals and the need to respond to social tensions, especially in times of economic recession when foreign migrants are perceived as a threat to the domestic workforce. Whilst the first trend supports the adoption of non-discriminatory laws and policies, the second results in stringent measures that are likely to contribute to the impoverishment of migrants.<sup>12</sup>

The question of basic socio-economic rights for asylum seekers is nested within wider debates on asylum and migration control as well as general discussions on the future of welfare provision. Whilst the latter are concerned with the pressures faced by the welfare State as a result of “economic globalisation, budgetary deficits, demographic change, as well as the effects of neo-liberal thinking on welfare provision,”<sup>13</sup> the former focuses on the pressures—perceived or actual—stemming from forced and voluntary migration. Both types of pressure have significant implications for those seeking refugee status in the EU, including for their access to welfare provisions pending a final decision on their application for refugee status. The polarized dynamic that opposes citizens to non-citizens, “us” to “others,” with respect to socio-economic rights is duplicated at EU level with its self-centred approach, which primarily seeks the entitlement of EU citizens. Whilst there is progress with regard to the rights and status of third-country nationals who are permanent residents in the EU,<sup>14</sup> the EU asylum and immigration policies show a trend towards the exclusion of other categories of *non-EU citizens*.

The dilemma of asylum seekers lies with their great vulnerability and high dependence on host States as well as the temporary and uncertain nature of their status. Restrictive asylum laws and policies exacerbate this vulnerability inherent in the condition of asylum seeker. In spite of their evident need for State support, the realization of socio-economic

rights for asylum seekers in host countries remains the object of heated debates. Because they do not contribute to the economy in general and to the welfare system in particular, asylum seekers are too often perceived and portrayed as undeserving recipients of State benefits and assistance.<sup>15</sup> Such views rest upon mistaken assumptions and prejudice against asylum seekers. No one can contest that asylum seekers are in great need of State support. And if the assertion that they benefit from rather than contribute to the host State welfare system is indeed correct, the latter statement must be put into context to avoid simplistic and erroneous conclusions. The reasons for asylum seekers' need for State support are entrenched in their very circumstances which make them one of the most vulnerable populations worldwide. Paradoxically, host States aggravate asylum seekers' dependence by preventing, limiting, or unnecessarily delaying their access to employment. Yet, as observed by UNHCR, "many asylum-seekers are capable of attaining a certain degree of self-reliance if provided with an opportunity to do so."<sup>16</sup> This issue is examined later in the paper.

### ***The Challenges Faced by Host States and Asylum Seekers***

The most significant challenges faced by the EU Member States as host States relate to the costs associated with the reception of asylum seekers and the logistics of such reception. A further difficulty arises from anti-refugee sentiment which may be rife in host countries and encouraged by governments. Indeed, many governments bear much responsibility in perpetrating myths about asylum seekers and fostering prejudice. The growing politicization of asylum in the EU has exacerbated this trend to the detriment of asylum seekers' rights. Alarmist discourses on asylum abuse are indicative of this development.<sup>17</sup> While it is accepted that abuses of asylum systems take place, the "threats" posed by so-called "bogus" asylum seekers—as opposed to "genuine" asylum seekers—have been exaggerated with a view to justifying stricter policies and legislation.<sup>18</sup> The concept of "bogus" asylum seeker remains extremely vague as it is often ascribed prior to the substantive examination of asylum claims. The challenge for the EU Member States is to receive asylum seekers in dignified conditions whilst addressing the problem of misuse of asylum channels.<sup>19</sup> The latter, however, should not be used as a pretext to legitimize a deterioration of reception conditions in the EU. A further difficulty lies with the fact that the provision of State assistance for asylum seekers is often "set against competing national priorities for limited resources."<sup>20</sup> While the role of charities and NGOs in the provision of support to asylum seekers must not be underestimated, these organizations

cannot offer a viable substitute for deficient State assistance.<sup>21</sup> The ability of charities to address the demand for support was questioned in the UK High Court.<sup>22</sup> Research carried out by the UK Refugee Council revealed that 85 per cent of respondents (132 charitable organizations) did not have funding to cover the cost of the services they provided to asylum seekers denied support under English law.<sup>23</sup> The challenge for the EU is therefore to reconcile its asylum agenda with the Member States' humanitarian duties and obligations, whilst addressing the economic and practical difficulties arising from the reception of asylum seekers. In that respect, two observations may be made. First, without undermining the economic implications of support for asylum seekers, one must stress the fact that the EU Member States are amongst the wealthiest nations in the world and that the scale of the problems they experience as host countries cannot compare with the magnitude of those faced by much poorer host countries. Secondly, the EU as a whole must account for the economic disparities that exist within the enlarged Union and ensure that the States which have recently joined the EU are able to provide adequate reception conditions.<sup>24</sup>

As already observed, many asylum seekers are destitute upon arrival in host countries. They are, therefore, dependent on host countries for their essential living needs such as accommodation, food, clothing, and health care. "Unsympathetic" asylum laws and policies in the EU have impacted upon the extent and modalities of State assistance for asylum seekers. There is a perception amongst EU Member State Governments that generous provisions of support render them "too" attractive to asylum seekers.<sup>25</sup> Further difficulties stem from the complexities associated with access to support by asylum seekers in host States. Effective access supposes that asylum seekers are made aware of their rights. Hence, the existence of and access to adequate information is the necessary corollary to efficient support provision. Restrictive approaches to reception conditions make prompt and comprehensive information even more vital as exemplified by UK legislation. Indeed, Section 55 of the much criticized Nationality, Immigration and Asylum Act 2002 (NIA Act 2002) stipulates that the Secretary of State for the Home Department (Secretary of State) and local authorities may refuse support where the former is not satisfied that "the claim was made as soon as reasonably practicable after the person's arrival in the UK."<sup>26</sup> Section 55 was the object of much controversy and litigation.<sup>27</sup> From the day it entered into force, the words "as soon as reasonably practicable" were interpreted as meaning "immediately on arrival."<sup>28</sup> The deterrent nature and purpose of Section 55 were made obvious in a statement of Beverley Hughes, the then Immigration Minister:



It is a reasonable expectation that desperate people fleeing for their lives will claim asylum as soon as they can and we will continue to support these people in the same way we do now. However, we are determined to tackle abuse and these measures send a clear signal across the world that the asylum system must be used for its proper purpose. It is not acceptable for people to claim asylum after being in the UK for weeks or months working illegally, simply as a way of staying on at the taxpayer's expense and delaying removal.<sup>29</sup>

The fact that asylum seekers may need specialized care and that some groups are particularly vulnerable render eligibility for and access to adequate support even more critical to dignified living in host countries, whilst presenting the latter with additional challenges and obligations. As stressed by UNHCR, there are groups of asylum seekers with special needs; this is the case of female asylum seekers, children seeking asylum, and elderly asylum seekers.<sup>30</sup> These persons are particularly vulnerable when they are not accompanied by family members.

The question of reception conditions for asylum seekers poses challenges for both providers and recipients. A balance that accommodates asylum seekers' needs while accounting for host countries' resource capacity must be found. In the current context, however, the problematization of asylum has led to a deterioration of asylum seekers' standard of living in the EU Member States. Governments present stringent provisions on support as key tools in their fight against abuses of asylum procedures, thereby justifying and legitimizing such provisions. These harsh measures, however, serve a much wider agenda, namely the reduction of the numbers of asylum claims lodged within the EU Member States and at their borders. This quantitative and thus restrictive approach to asylum detrimentally impacts on the level of support available to asylum seekers. Support for asylum seekers, however, cannot be reduced to a humanitarian exercise depending on EU Member States' "generosity" and discretion. Indeed, international refugee law and international human rights law in particular provide a binding legal framework which sets out minimum standards applicable to the reception conditions of asylum seekers in the EU.

### ***The International Legal Framework***

The Refugee Convention is silent on the question of reception conditions for asylum seekers. It remains, however, that the right to seek refugee status that may be inferred from Article 1(A)(2) of the Refugee Convention cannot be fully realized in the absence of dignified living standards for those exercising the right in question.<sup>31</sup> International human rights law plays a fundamental complementary role in de-

fining minimum standards for the reception of asylum seekers. Indeed, the obligations arising from international human rights law are relevant to the treatment of asylum seekers and impose constraints on EU and Member State legislation. The provision of support for asylum seekers in the Union, however, shows dissension between the Member State Governments' perceived discretion and their obligations under international human rights law. This is symptomatic of wider tensions between the restrictive agenda of the EU and its Member States and international refugee and human rights law.

The minimum core of human rights applies to everyone in all situations. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural rights (ICESCR) recognize the right to all individuals to an adequate standard of living, which includes the provision of food, clothing and accommodation (. . .).<sup>32</sup>

Moreover both instruments protect the right to health care<sup>33</sup> as well as the right to education which is particularly relevant to children asylum seekers.<sup>34</sup> The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)<sup>35</sup> and the Convention on the Rights of the Child (CRC)<sup>36</sup> provide additional protection to particularly vulnerable groups of asylum seekers, namely, female and minor asylum seekers. However, three main factors mediate the extent to which these international instruments can contribute to shaping EU and Member States' legislation on the reception of asylum seekers and impose minimum standards in that respect. The first factor, namely the lack of binding effect, is specific to the UDHR. The second factor relates to the ICESCR and its mode of implementation, *i.e.* the progressive realization of the rights recognized in the Covenant to the "maximum of [the States'] available resources."<sup>37</sup> The third factor is connected with the implementation and enforcement weaknesses that characterize the international legal order.

The absence of effective supervisory mechanisms means that sanctions for States' failures to comply with international law are often of limited effect. In the international legal order, the State very much remains the 'champion' of individual rights. In practice, this means that where a State is unwilling or unable to perform [its] obligations, the individuals who fall within its jurisdiction will [often] be deprived of the benefit of the rights conferred by international law (. . .).<sup>38</sup>

A human right central to the protection of asylum seekers is the prohibition of torture, cruel, inhuman and degrading treatment or punishment. This fundamental right

is enshrined in a number of international instruments, including the UDHR<sup>39</sup> and the International Covenant on Civil and Political Rights (ICCPR).<sup>40</sup> The prohibition in question is also incorporated in the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).<sup>41</sup> This Convention, which is binding on all EU Member States, is crucial to the protection of human rights in Europe. Article 1 of the ECHR provides that “[t]he High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.” Consequently, the benefit of the ECHR provisions extends to asylum seekers who find themselves within the jurisdiction of the EU Member States. The relevance of the ECHR, and of Article 3 in particular, to the reception standards applicable to asylum seekers was evinced in the case law on Section 55 of the NIA Act 2002.<sup>42</sup> As already noted, Section 55(1) permits the UK Secretary of State and local authorities to refuse support where the Secretary of State is not satisfied that “the claim was made as soon as reasonably practicable after the person’s arrival in the United Kingdom.” Section 55, which was inserted as a very late amendment in the Nationality, Immigration and Asylum Bill, aims to ensure that people apply for asylum as soon as possible. Lord Filkin observed: “There is clearly an issue about whether people should be supported by the state while they make an asylum claim which, on all the evidence, appears to be substantially late.”<sup>43</sup> As mentioned above, the UK Government was prompt to adopt a harsh approach and read the words “as soon as reasonably practicable” as meaning “immediately on arrival.”<sup>44</sup> “A significant number of single asylum seekers and couples without children [45] were deprived of support and, as a result, a high profile and successful challenge to refusal of support was lodged, claiming breaches of the ECHR: *R. (Q and others) v. Secretary of State for the Home Department*[46][*R. (Q and others)*].”<sup>47</sup>

Section 55 of the NIA Act 2002 turned the question of support for asylum seekers in the UK into a battleground between the judiciary and the executive. In *R. (Q and others)*, the Home Secretary sought to challenge the judgment of Collins J. in the High Court.<sup>48</sup> Collins J. held that Section 55 contravened Article 3 of the ECHR.<sup>49</sup> Article 3 reads that: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” On March 18, 2003, the Court of Appeal upheld the judgment of Collins J. Firstly, the Court of Appeal recalled that the concept of treatment within the meaning of Article 3 of the ECHR required a positive action on the part of the State.<sup>50</sup> The Court found that the fact that asylum seekers were prohibited from working<sup>51</sup> together with the fact that they were no longer entitled to support if destitute amounted to

positive action on the part of the UK Government.<sup>52</sup> Secondly, the Court of Appeal observed that the level of degradation necessary to breach Article 3 fell “significantly below” the definition of destitution contained in the Immigration and Asylum Act 1999.<sup>53</sup> To be found “destitute” under the Act, an asylum seeker must have been or must be unable to obtain adequate accommodation, food, and other essential items.<sup>54</sup> In *Pretty v. UK*, the European Court of Human Rights provided guidance as to the level of suffering, physical or mental, required to engage Article 3.<sup>55</sup> The Court held:

As regards the types of ‘treatment’ which fall within the scope of Article 3 of the Convention, the Court’s case law refers to ‘ill-treatment’ that attains a minimum level of severity and involves actual bodily injury or intense physical or mental suffering. Where treatment humiliates or debases an individual showing lack of respect for, or diminishing, his or her human dignity or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance, it may be characterised as degrading and also fall within the prohibition of Article 3. The suffering which flows from naturally occurring illness, physical or mental, may be covered by Article 3, where it is, or risks being, exacerbated by treatment, whether flowing from conditions of detention, expulsion or other measures, for which the authorities can be held responsible.<sup>56</sup>

In the High Court, Collins J. took the view that “(. . .) unless other means of support are available when support is withdrawn, there will be a breach of Article 3 [of the ECHR].”<sup>57</sup> The Court of Appeal, however, adopted a narrower approach to breaches of Article 3 and ruled that the mere fact that there was a “real risk” that asylum seekers’ conditions could “verge on” the degree of severity described in *Pretty* was not in itself sufficient to trigger a breach of Article 3 of the ECHR.<sup>58</sup> In contrast with Collins J., the Court of Appeal held that it was not unlawful for the Secretary of State to decline support “unless and until” it was clear that charitable support was not available and that the asylum seeker could not fend for himself or herself,<sup>59</sup> the burden of proof being on the asylum seeker.<sup>60</sup> In the absence of other sources of support, however, a State’s refusal to provide support could amount to treatment contrary to Article 3 of the ECHR where the asylum seeker’s condition is so severe as to meet the threshold set out in *Pretty*.<sup>61</sup>

Compliance with Articles 8(1) (right to respect for private and family life) and 6 (right to a fair trial) of the ECHR was also considered in *R. (Q and others)*. Collins J. took the view that Section 55 entailed a “real risk” to leave asylum seekers destitute in breach of both Articles 3 and 8(1) as

“[he was] not persuaded that charity offer[ed] a real chance of providing support.”<sup>62</sup> It follows from the case law of the European Court of Human Rights that, whilst not every act or measure which adversely affects moral or physical integrity will interfere with the rights protected in Article 8(1), treatment which does not reach the degree of severity required under Article 3 can nonetheless infringe Article 8(1).<sup>63</sup> The Court of Appeal, however, did not think it necessary to consider Article 8(1) because it “add[ed] little.”<sup>64</sup> Moreover, on the facts of the case, it was “easier [to] envisage the risk of infringement of Article 3 rights rather than of article 8 rights.”<sup>65</sup> “That said, [the Court of Appeal] accepted that if the denial of support impacted sufficiently on the asylum seeker’s private and family life, including on his or her physical or mental integrity and autonomy, there would be a breach of Art. 8(1) (unless justified under Art. 8(2)[<sup>66</sup>].”<sup>67</sup> Both the High Court and the Court of Appeal went on to consider Article 6 of the ECHR. The Court of Appeal agreed with Collins J. who found that the process as a whole did not satisfy the requirements of Article 6.<sup>68</sup> The Court of Appeal concluded that the system for assessing asylum seekers’ eligibility for support under Section 55 was unfair and the assessment process flawed.<sup>69</sup> Following the decision of the Court of Appeal, the Home Secretary indicated that the procedural flows identified by the courts would be rectified. Still decisions made by the Secretary of State under Section 55 continued to be challenged. The grounds of challenge concerned the timing of the applications for support and alleged breaches of Article 3 of the ECHR. With regard to the first point, Maurice Kay J. found that the conclusion reached by the Secretary of State was justified in two cases out of three. Whilst the Home Secretary’s decisions were justifiable in the case of “S” and “T”, the decision process was deemed unfair and lacking rationality in the case of “D”.<sup>70</sup> Turning to the human rights aspects, Maurice Kay J. found that Article 3 of the ECHR had been engaged in all three cases.

All three applicants were in a very distressed state: “S” was forced to beg for food, and suffered from psychological disturbance and significant weight loss; “D” had also begged for food, was sleeping rough, and felt hungry, frightened and depressed; “T” had lived at Heathrow, where he found it difficult to sleep due to noise and light and was unable to bathe or wash his clothes; he developed a cough and a problem with one eye, and began to feel increasingly demoralised and humiliated.<sup>71</sup>

On May 21, 2004, the Court of Appeal dismissed three appeals lodged by the Home Secretary against rulings in the High Court and agreed with the latter that Article 3 of the ECHR had been violated in the case of three destitute

asylum seekers.<sup>72</sup> Although the UK Government declared that it would yet again revise the way Section 55 was implemented so that it would operate more humanely, it pointed out that it would consider challenging the ruling of the Court of Appeal in the House of Lords. The UK Refugee Council’s Executive, Maeve Sherlock, warned against this:

We welcome the decision to change how this policy, known as Section 55, operates. The Court of Appeal ruling found the policy of denying food and shelter to asylum seekers was unlawful, as they would have no other means of support. Fighting that ruling through higher courts is bound to be costly and long drawn out. We urge ministers not to pursue that course, but instead follow the logic of this change of approach, which will ensure asylum seekers have the basic essentials with which to live.

There is clear evidence that Section 55 is causing widespread misery and destitution among people who have fled persecution in their own countries and deserve protection here. It is administratively cumbersome, which wastes valuable Home Office time that could be better spent on making high quality asylum decisions.<sup>73</sup>

It is believed that the question of support for asylum seekers under Section 55 of the NIA Act 2002 will continue to be a source of tensions between the UK judiciary and the UK Government and reveal inconsistencies between domestic provisions and human rights standards.

A further instrument to consider is the Charter of Fundamental Rights of the EU (EU Charter).<sup>74</sup> In addition to the right to asylum,<sup>75</sup> the EU Charter protects a number of rights that may contribute to improving the reception conditions of asylum seekers across the EU. These include the right to social security and social assistance,<sup>76</sup> access to preventive health care and medical treatment,<sup>77</sup> education,<sup>78</sup> and the right of children to “such protection and care as is necessary for their well-being.”<sup>79</sup> For the time being, the lack of binding effect of the EU Charter constricts the influence it may have in shaping EU policy and legislation on asylum. Yet, as noted by Rogers, the EU Charter has been “taking hold in certain quarters by stealth, winning friends and influencing people. It is gathering a momentum of its own, not just in academic circles,” and “[i]ts practical effects both actual and potential, can no longer be ignored.”<sup>80</sup> This is certainly the case in the field of asylum where “[n]ot only does it reinforces the rights-based nature of asylum and migration law, but it also provides a useful interpretative force.”<sup>81</sup> Importantly, the EU Constitution, signed on October 29, 2004, renders the EU charter binding.<sup>82</sup>

International human rights law provides a legal framework within which reception standards for asylum seekers must be defined. However, as exemplified by the UK experience, compliance with human rights obligations has become problematic in the context of restrictive asylum laws and policies. At the time when the EU is moving towards a common European asylum system, it is imperative that international standards are endorsed by the EU and its Member States if the right to seek refugee status is to be safeguarded in the Union.

### ***The Reception Conditions Directive***

At the Tampere European Council of October 15 and 16, 1999, the EU Member States agreed to establish a set of common basic rules and principles establishing a common European asylum system against the background of a common asylum and immigration policy.<sup>83</sup>

This system should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, *common minimum conditions for the reception of asylum seekers*,<sup>84</sup> and the approximation of rules on the recognition and content of refugee status (. . .).<sup>85</sup>

On January 27, 2003, the Council of the EU adopted the Directive laying down minimum standards for the reception of asylum seekers (Reception Conditions Directive).<sup>86</sup> The Reception Conditions Directive was the outcome of a polarized and heated debate where the need to ensure respect for human dignity was balanced against the overall restrictive objectives of the EU asylum policy as well as financial considerations. Whilst concern for fundamental human rights encouraged the adoption of more generous standards protective of human dignity, the drive towards reducing asylum seeking in the Union called for the leveling down of these standards. It was unavoidable that these tensions would impact on the Directive provisions. The Reception Conditions Directive gives the Member States considerable latitude with respect to its implementation.<sup>87</sup> Whilst UNHCR welcomed the Directive as “an important step in bringing greater coherence to asylum policy in the European Union,” it regretted the overall lack of harmonization and “would like to have seen more safeguards in certain areas.”<sup>88</sup>

Because of the tensions and discord that marked the drafting and decision-making process, the Reception Conditions Directive was unable to reflect best practice.<sup>89</sup> Notwithstanding the existence of constraints arising from international refugee and human rights law, the policy objectives of the EU in the field of asylum shaped the

Directive and supported lower reception standards. In the opinion of many Member States, the adoption of more generous provisions carried the risk of encouraging asylum seeking in the EU, thus defeating the policy objective of deterrence.<sup>90</sup> One could attempt to argue that the possibility offered to Member States to retain or introduce more favourable provisions<sup>91</sup> renders the adoption of lower standards more acceptable. This line of reasoning, however, cannot be reconciled with the Member States’ perception that more liberal domestic provisions will make them more “attractive” to asylum seekers.<sup>92</sup> This belief will dissuade many Member States from maintaining more generous domestic laws and practices. Consequently the minimum standards set out in the Directive are likely to become the standards common to the Member States.

Compliance with international refugee and human rights law required the adoption of standards conducive to dignified living conditions for asylum seekers in the EU. However, the compromises needed to overcome Member States’ divergences together with conflicting human rights and policy objectives led to the watering down of the Commission’s original Proposal for a Reception Conditions Directive.<sup>93</sup> While there are positive aspects to the Directive, it is apparent from its provisions that lowest national standards are likely to become the norm throughout the EU. The perceived impact of disparities in national laws and practices on asylum seekers’ primary and secondary movements within the EU may prompt Member States with more liberal provisions to lower their standards. It is argued that the Directive does not provide sufficient safeguards against the temptation to use the threat of destitution as a deterrent tool in the EU Member States. The prevalence of restrictive asylum policy objectives over human rights considerations appears at odds with the EU’s proclaimed commitment to the protection of human rights that culminated with the adoption of its own Charter of Fundamental Rights (the EU Charter),<sup>94</sup> thus revealing a certain degree of “schizophrenia” on the part of the EU and its Member States.

The Reception Conditions Directive applies to applications for refugee status lodged within a Member State or at its borders<sup>95</sup> until a final decision is taken.<sup>96</sup> Asylum seekers’ family members are also entitled under the Directive provisions.<sup>97</sup> However, the Council of the EU refused to depart from the western concept of nuclear family and confined the scope of the Directive to the spouse or unmarried partner of the asylum seeker and the minor children of the applicant or the couple so long as they are unmarried and dependent.<sup>98</sup> This narrow definition of the term “family member” goes against the recommendation of UNHCR, which advocates a more inclusive approach.<sup>99</sup> The Recep-



tion Conditions Directive makes provision for groups with special needs. These include “minors, unaccompanied minors, disabled people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious psychological, physical or sexual violence.”<sup>100</sup> Moreover, the wording of the Directive suggests that this is not an exhaustive list.<sup>101</sup>

Asylum seekers’ eligibility for State support under the Directive may be subject to a condition of resource. Article 13(3) stipulates that: “Member States may make provision of all or some of the material reception conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.”<sup>102</sup> The wording of the Directive leaves great discretion to the Member States. Indeed, the latter may decide that State support shall be means tested in part or in its entirety<sup>103</sup> and require that asylum seekers contribute to the cost of their material reception conditions and health care when they have “sufficient resources.”<sup>104</sup> Significantly, the Directive leaves to the Member States the task of defining the key notion of “sufficient resources.” The loose wording of the Directive is therefore open to stringent national interpretations that may detrimentally impact on the level of support for asylum seekers across the EU.

Another source of concern arises from the Directive provisions on reduction and withdrawal of State support. The first set of circumstances covers situations where the asylum seeker

abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or does not comply with reporting duties or with requests to provide information or to appear for personal interviews concerning the asylum procedure during a reasonable period laid down in national law, or has already lodged an application in the same Member State.<sup>105</sup>

Member States are under the obligation to resume support in relation to those applicants who have been traced or have voluntarily reported to the competent authority.<sup>106</sup> This safeguard, however, is undermined by Member States’ discretion to reinstall reception conditions fully or partially.<sup>107</sup> A particular cause for concern lies with the Member States’ possibility of refusing support where an asylum seeker is deemed to have “sufficient resources”<sup>108</sup> or “where [he or she] has failed to demonstrate that the asylum claim was made as soon as reasonably practicable after arrival in that Member State.”<sup>109</sup> The latter provision was inserted at the request of the UK Government, which had decided to introduce tougher national legislation on support for asy-

lum seekers, and may prove highly contentious as exemplified by the UK experience.<sup>110</sup> Indeed, this provision echoes Section 55 of the NIA Act 2002.<sup>111</sup> The Directive provides for general safeguards and requires decisions for the reduction, withdrawal, or refusal of reception conditions to be taken individually, objectively, and impartially; moreover, reasons must be given.<sup>112</sup> It also stipulates that “decisions shall be based on the particular situation of the person concerned, especially with regard to [more vulnerable groups] taking into account the principle of proportionality.”<sup>113</sup> Finally, the Directive provides that negative decisions relating to benefits may be appealed according to the procedures laid down in national law.<sup>114</sup> These safeguards, however, may not be sufficient to counter the detrimental effects of likely stringent national interpretations.

The high degree of discretion enjoyed by the Member States under the Reception Conditions Directive is evidenced in the provision on asylum seekers’ access to employment. Indeed, it is for the Member States to decide “a period of time, starting from the date on which the application for asylum was lodged, during which an applicant shall not have access to the labour market.”<sup>115</sup> Where a first-instance decision on the asylum claim has not been taken within one year, “Member States shall decide the conditions for granting access to the labour market,” provided that the applicant is not responsible for this delay.<sup>116</sup> The Directive, therefore, extends to one year the six-month period originally proposed by the Commission during which asylum seekers may be denied access to employment.<sup>117</sup> Access to employment shall not be removed during appeals; this was a particularly contentious provision during the Council negotiations.<sup>118</sup> The Directive allows for a certain degree of protectionism since Member States are allowed to give priority for access to domestic labour markets to EU citizens, nationals of States parties to the Agreement on the European Economic Area, and legally resident third-country nationals.<sup>119</sup> UNHCR felt that

the decision not to harmonize the very different national policies and practices regarding access to employment is a drawback, particularly at a time when many states are talking about labour deficits and are also concerned about the costs of supporting asylum seekers through a sometimes lengthy asylum procedure. Not allowing asylum seekers—many of whom are talented and skilled professionals—to work is not beneficial to market economies.<sup>120</sup>

Besides, the role that work can play in helping asylum seekers to regain some sense of normality and dignity should not be overlooked.<sup>121</sup>



Because the vast majority of asylum seekers are destitute upon arrival, material reception conditions must be provided “to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence.”<sup>122</sup> Hence, the modalities of State support for asylum seekers must be conducive to the creation of dignified living conditions in host States. Agreement on the forms that support could take proved problematic; as a result the Directive gives great discretion to the Member States. Indeed, Article 13(5) reads that material reception conditions may “be provided in kind, or in the form of financial allowances, or vouchers or in combination of these provisions.”<sup>123</sup> In its Explanatory Memorandum, the Commission indicated that this system was “flexible enough to allow Member States to choose the way of providing material reception conditions that are most suitable according to their internal situation.”<sup>124</sup> Voucher schemes were criticized for stigmatizing asylum seekers, exposing them to prejudice and discrimination, and forcing them to live in a cashless society.<sup>125</sup> In the UK, vouchers were replaced by cash allowances in April 2002 following claims that they stigmatized asylum seekers, posed practical difficulties, and were uneconomical.<sup>126</sup>

With respect to housing, the Directive gives Member States the choice between different types of accommodation, namely accommodation centres, private houses, flats, hotels, or other premises.<sup>127</sup> The Directive, however, remains rather evasive on the question of standards and only stipulates that accommodation centres must guarantee “an adequate standard of living”<sup>128</sup> and that other forms of housing must be “adapted for housing applicants.”<sup>129</sup> Irrespective of the elected type of accommodation, Member States are under the obligation to protect asylum seekers’ right to family life as well as ensure communications with relatives, UNHCR representatives, and NGOs.<sup>130</sup> Notwithstanding its positive aspects, the major weakness of the Reception Conditions Directive with regard to accommodation lies with its failure to establish clear standards designed to ensure that asylum seekers are lodged in conditions conducive to a “dignified standard of living,” one of the stated aims of the Directive.<sup>131</sup>

Another determinant of “a dignified standard of living” is access to health care. The Reception Conditions Directive requires that health care be provided and include, as a minimum, emergency and essential treatment.<sup>132</sup> The Commission’s Proposal was more comprehensive and provided for access to primary health care and psychological care that could not be postponed.<sup>133</sup>

UNHCR indicated that these minimum standards should include counselling on reproductive health; confidentiality in

respect of medical and psychological counselling; psychological counselling free of charge and training regarding sensitivity for medical personnel dealing with patients of different cultural backgrounds.<sup>134</sup>

One may regret the absence of more wide-ranging and specific minimum standards designed to ensure the full realization of the right to health care for asylum seekers.<sup>135</sup>

The Reception Conditions Directive provides for the schooling and education of minor children of asylum seekers as well as minors who are asylum seekers themselves.<sup>136</sup> The Directive stipulates, *inter alia*, that education be provided in accommodation centres.<sup>137</sup> UNHCR expressed concern that this “segregation” would contribute to the marginalization of these children. It recommended that where such arrangements were in place, they should only be for a limited period.<sup>138</sup>

While there are positive aspects to the Reception Conditions Directive, the level of compromise required for its adoption, which transpires in the degree of discretion granted to the EU Member States, prevents the Directive from reflecting best practice and establishing standards that fully embrace international law.

The avoidance of conflict between the EU legal regime and the international instances may well depend on how the [European] Court of Justice takes up its task in interpreting the asylum measures [including the Reception Conditions Directive] in the context of the Member States international human rights obligations.<sup>139</sup>

### **Conclusion**

Restrictive asylum policies tend to use the threat of destitution as a deterrent against asylum seeking. Such practices rest upon the simplistic and erroneous assumption that the level of support in host States is a key factor in asylum seekers’ primary and secondary movement patterns. Furthermore, sentencing asylum seekers to a destitute life undermines the right to seek refugee status and goes against international human rights standards.

Developments at EU level reveal stern and worrying tensions between the EU Member States’ obligations under international refugee and human rights law and the EU objectives in the field of asylum. While commitment to human rights and refugee protection is relentlessly reiterated, Member State and EU policies and legislation on asylum show a different picture. The drive towards reducing the numbers of asylum seekers in the EU has pushed the question of human right into the background. This state of affairs is made worse by the fact that asylum is increasingly perceived as a migration and security-related matter; this

contributes to the creation of a climate hostile to asylum seekers.

The challenge for the enlarged EU is therefore to uphold the right to seek refugee status and remain true to its role and image as a human rights champion. To deny asylum seekers dignified living conditions would amount to repudiating the European humanitarian tradition and condoning breaches of international law within but also beyond the territory of the EU. The challenges faced by the EU Member States as host countries must not be overlooked; however, they cannot be used to legitimize unduly austere laws and to justify violations of international norms. The move towards a common European asylum system provides the EU with a critical opportunity to revisit its asylum policy with a view to reconciling EU legislation with international refugee and human rights law.

#### Notes

1. Ligue des Droits de l'Homme, *L'Actualité*, "Il Fait Beau. Ce n'est pas une Raison pour Laisser les Demandeurs d'Asile à la Rue," <[http://www.ldh-france.org/actu\\_nationale.cfm?idactu=703](http://www.ldh-france.org/actu_nationale.cfm?idactu=703)> (date accessed:online: November 2, 2004).
2. Sylvie Da Lomba, *The Right to Seek Refugee Status in the European Union* (Antwerp, Oxford, and New York: Intersentia, 2004) at 107.
3. Colin Harvey, "The Right to Seek Asylum in the European Union" (2004) 1 *European Human Rights Law Review* 17–36.
4. The French Commission Nationale Consultative des Droits de l'Homme (CNCDH) voiced its concern and disappointment following the conclusions reached by the European Council at its summit in Laeken in December 2001. The CNCDH criticized the EU for bringing asylum under the umbrella of migration, thus eroding the autonomy of the former to the detriment of international protection. (Ligue des Droits de l'Homme, *L'Actualité*, "Sur la Déclaration Européenne de Laeken relative à la Politique Commune d'Asile et d'Immigration," online: <[http://www.ldh-France.org/actu\\_nationale.cfm?idactu=446](http://www.ldh-France.org/actu_nationale.cfm?idactu=446)> (date accessed: November 2, 2004).
5. *Convention relating to the Status of Refugees*, 28 July 1951, 189 U.N.T.S. 150 [*Refugee Convention*].
6. UNHCR, "A 'Timeless' Treaty Under Attack: Reconsidering the Convention," online: <<http://www.unhcr.ch/1951convention/reconsidering.html>> (date accessed: November 5, 2004).
7. This is, for instance, the case of persons subject to the temporary protection regime. See Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, O.J.E.C. L 212/12, 7.8.2001.
8. *Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers*, O.J.E.U. L 31/28, 6.2.2003 [*Reception Conditions Directive*].
9. Oscar Schachter, "Human Dignity as a Normative Concept" in Henry Steiner and Philip Alston, 2<sup>nd</sup> ed., *International Human Rights in Context: Law, Politics and Morals* (Oxford: Clarendon Press, 2000) at 400.
10. Keith D. Ewing, "Social Rights and Constitutional Law" (1999) Public Law 104–23.
11. Sylvie Da Lomba, "Fundamental Social Rights for Irregular Migrants: The Right to Health Care in France and in England" in Barbara Bogusz, Ryszard Cholewinski, Adam Cygan, and Erika Szyszczak, eds, *Irregular Migration and Human Rights: Theoretical, European and International Perspectives* (Leiden and Boston: Martinus Nijhoff, 2004) at 364.
12. *Ibid.*
13. Andrew Geddes, *Immigration and European Integration: Towards Fortress Europe?* (Manchester and New York: Manchester University Press, 2000) at 153.
14. *Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*, O.J.E.U. L 16/44, 23.1.2004. The EU Member States must implement the Directive by 23 January 2006 (*ibid.*, art. 26).
15. Teresa Hayter, *Open Borders: The Case against Immigration Controls* (London and Sterling, VA: Pluto Press, 2000) at 105–12.
16. UNHCR Executive Committee, *Conclusion on reception of asylum-seekers in the context of individual asylum systems*, Conclusion No. 93 (LIII)—3002, online: <<http://www.unhcr.ch/cgi-bin/texis/vtx/home/+xwwBmaeyCEpwwwwnwwwwwwFqh0kgZTtFqnnLnqAFqh0kg ZTcFq FGnqnpBodDadhaw5OclMe2zxxnAnG5Dzmxwwwwww/pendoc.htm>> (date accessed: November 2, 2004).
17. *Supra* note 15 at 105–12.
18. *Ibid.*
19. UNHCR, *Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems*, EC/GC/01/17, 4 September 2001.
20. *Ibid.*, para. 7.
21. Ligue des Droits de l'Homme, "L'Accueil Humanitaire Ne Suffit Pas!" online: <[http://www.ldh-France.org/actu\\_nationale.cfm?idactu=416](http://www.ldh-France.org/actu_nationale.cfm?idactu=416)> (date accessed: November 2, 2004).
22. *R. (Q and others) v. Secretary of State for the Home Department*, Judgment of February 19, 2003, [2003] EWHC 195 (Admin), para. 72. *Infra* note 62.
23. UK Refugee Council, *Hungry and Homeless: The Impact of the Withdrawal of State Support on Asylum Seekers, Refugee Communities and the Voluntary Sector* (London: Refugee Council, April 2004) at 28. The Refugee Council looked into the impact of Section 55 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (NIA Act 2002). Section 55 is examined later in the paper.
24. On the implication of the enlargement of the EU for its asylum policy, see Rosemary Byrne, Gregor Noll, and Jens Vedsted-Hansen, eds., *New Asylum Countries? Migration Control and Refugee Protection in an Enlarged European Union* (The Hague, London, and New York: Kluwer Law International, 2002).
25. *Supra* note 2 at 221 and *supra* note 15 at 105–12.

26. *Supra* note 23, s. 55(1).
27. The compatibility of Section 55 with the ECHR was contested before English courts. The English case law on Section 55 is examined later in the paper.
28. Dallah Stevens, *UK Asylum Law and Policy, Historical and Contemporary* (London: Sweet and Maxwell, 2004) at 256–57.
29. Home Office Press Release, “New Measures to Cut Asylum Abuse Come into Force,” July 8, 2003, reproduced in *ibid.* at 257.
30. *Supra* note 19, paras. 20–23.
31. *Supra* note 2 at 219.
32. *Supra* note 19, para. 4. The right to an adequate standard of living is enshrined in the *Universal Declaration of Human Rights*, 10 December 1948, UNGA Resolution 217 A(III) [UDHR], art. 25(1) and in the *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, UNGA Resolution 2200A (XXI) [ICESCR], art. 11(1).
33. *Ibid.*, art. 25(1) UDHR and art. 12(1) ICESCR.
34. *Ibid.* Right to health care: art. 25(1) UDHR and art. 12(1) ICESCR; Right to education: art. 26(1) and (2) UDHR and art. 13(1) and (2) ICESCR.
35. *Convention on the Elimination of all Forms of Discrimination Against Women*, 18 December 1979, UNGA Resolution 34/180 [CEDAW], in particular art. 12 (right to health care).
36. *Convention on the Rights of the Child*, 12 December 1989, UNGA Resolution 44/25 [CRC], in particular art. 22 (right to protection and humanitarian assistance for children who seek refugee status or are refugees, whether unaccompanied or accompanied), art. 24 (right to health, including the right to health care), art. 27(1) (right to an adequate standard of living) and art. 28 (right to education).
37. *Supra* note 32, art. 2(1).
38. Sylvie Da Lomba, “Particular Issues of Public Health: Refugees” in Robyn Martin and Linda Johnson, eds., *Law and the Public Dimension of Health* (London and Sydney: Cavendish Publishing, 2001) at 187.
39. *Supra* note 32, art 5.
40. *International Covenant on Civil and Political Rights*, 16 December 1966, UNGA Resolution 2200A (XXI) [ICCPR].
41. *Convention for the Protection of Human Rights and Fundamental Freedoms*, 4 November 1950, CETS No. 005 [ECHR].
42. *Supra* note 23.
43. HL Deb. Vol. 639, October 24, 2002, col. 1470.
44. *Supra* note 28.
45. Pursuant to Section 55(5)(a) to (c) of NIA Act 2002 (*supra* note 23), asylum seekers will not have their eligibility for National Asylum Support Service (NASS) if they:
  - have dependent children under the age of eighteen;
  - are visibly pregnant;
  - have special needs (if needs do not arise solely out of destitution or effects of destitution, local authorities are responsible for care arrangements);
  - applied for asylum in-country due to changed conditions in their country of origin and proved that they have applied at the earliest opportunity following the change of circumstances.
46. *R. (Q and others) v. Secretary of State for the Home Department*, Judgment of March 18, 2003 [2003] EWCA Civ 364.
47. *Supra* note 28 at 201–02.
48. *Supra* note 22.
49. *Ibid.*, paras. 62–67.
50. *Supra* note 46, para. 56.
51. Asylum seekers cannot work in the UK (Asylum and Immigration Act 1996, c. 49, s. 8), unless the Home Secretary gives them special permission to do so (Immigration (Restrictions on Employment) Order 1996).
52. *Supra* note 46, para 57.
53. *Ibid.*, para. 59; also, Immigration and Asylum Act 1999, c. 33.
54. Ss. 44(2) and 44(6) NIA Act 2002 (*supra* note 22), inserting new s. 95(2) and (3) Immigration and Asylum Act 1999 (*supra* note 53).
55. *Pretty v. UK* (2002) 35 EHHR 1.
56. *Ibid.*, para. 52.
57. *Supra* note 22, para. 66.
58. *Supra* note 46, paras. 62–63.
59. *Ibid.*, para. 63.
60. *Ibid.*, para. 119(iii).
61. *Ibid.*, paras. 62–63.
62. *Supra* note 22, para. 72.
63. *Bensaid v. UK* (2001) 33 EHRR 205, para. 46.
64. *Supra* note 46, para. 64.
65. *Ibid.*
66. *Supra* note 41. Article 8(2) of the ECHR reads:

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
67. *Supra* note 28 at 338.
68. *Supra* note 46, para. 116.
69. *Ibid.*, paras. 85–86, 94, and 98–99.
70. *R. v. Secretary of State for the Home Department, ex parte S, D & T*, judgment of July 31, 2004, [2003] EWHC 1941 (Admin), para. 19.
71. *Supra* note 28 at 339.
72. *The Secretary of State for the Home Department v. Wayoka Limbuela, Binyam Tefera Tesema, Yusif Adam*, Judgment of May 21, 2004 [2004] EWCA Civ 540 CA; *R (Limbuela) v. Secretary of State*, Judgment of February 4, 2004 [2004] EWHC 219 (Admin) QBD; *R (Tesema) v. Secretary of State*, Judgment of February 16, 2004 [2004] EWHC 295 (Admin) QBD (Admin Ct); *R (Adam) v. Secretary of State*, Judgment of February 17, 2004 [2004] EWHC 354 (Admin) QBD (Admin Ct).
73. UK Refugee Council, “Asylum Seekers Win Back Their Rights to Basic Food,” June 25, 2004, online: <[91](http://www.refugee-</a></li></ol></div><div data-bbox=)

- council.org.uk/news/june04/relea171.htm> (date accessed: November 12, 2004). On that occasion, the Secretary of State decided against challenging the ruling of the Court of Appeal in the High Court.
74. *Charter of Fundamental Rights of the EU*, O.J.E.C. C 364/1, 18.12.2000 [EU Charter].
  75. *Ibid.* Article 18 of the EU Charter stipulates: “The right of asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees in accordance with the Treaty establishing the European Community.” Whilst the wording of the EU Charter is *prima facie* rather generous (for instance, the UDHR only recognizes “a right to seek and to enjoy in other countries asylum from persecution,” *supra* note 32, art. 14), it only pays “due respect” to the Refugee Convention and the Refugee Protocol (*Protocol relating to the Status of Refugees*, 31 January 1967, 606 U.N.T.S. 267) (*supra* note 74, art. 18). Moreover, the right to asylum set out in Article 18 is construed within the constraints of the Treaty establishing the European Community (*ibid.*). On this issue, see, *inter alia*, Steve Peers, “Immigration, Asylum and the European Union Charter of Fundamental Rights” (2001) 3 *European Journal of Migration and Law* 141–69.
  76. *Supra* note 74, art. 34.
  77. *Ibid.*, art. 35.
  78. *Ibid.*, art. 14.
  79. *Ibid.*, art. 24.
  80. Ian Rogers, “From the Human Rights Act to the Charter: Not Another Human Rights Instrument to Consider” (2002) 3 *European Human Rights Law Review* 343–56, at 343.
  81. *Supra* note 28 at 426; see also *supra* note 75 at 167.
  82. *Treaty establishing a Constitution for Europe*, signed in Rome on October 29, 2004 [EU Constitution] Part II. The EU Constitution will enter into force upon ratification by all the EU Member States.
  83. *Tampere European Council, Presidency Conclusions*, October 15 and 16, 1999, online: <[http://europa.eu.int/council/off/conclu/oct99\\_en.htm](http://europa.eu.int/council/off/conclu/oct99_en.htm)> (date accessed: November 3, 2004).
  84. Emphasis added.
  85. *Supra* note 83, para. 14. “In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union (. . .).” (*Ibid.*, para. 15).
  86. *Supra* note 8.
  87. The Reception Conditions Directive must be implemented in the Member States by February 6, 2005 (*ibid.*, art. 26).
  88. UNHCR, “European Union: Reception Conditions Directive,” online: <<http://www.unhcr.ch/cgi-bin/texis/vtx/home/+dwwBmjsezYmwwwAwwwwwwwwhFqnN0bItFqnDni5AFqnN0bIcFq0Gn qnpBodDaqdDmoBodD5amoGnqBoVnDzmxwwwwww/opensdoc.htm>> (date accessed: November 2, 2004).
  89. *Supra* note 2 at 221.
  90. *Ibid.*
  91. *Supra* note 8, art. 4.
  92. It is important to stress that most asylum seekers are unaware of the reception standards in force in the various Member States. Moreover, particularly when at the hands of traffickers in human beings, asylum seekers may be denied a say in the choice of countries of destination. Such considerations should be factored into analyses of the causes for asylum seekers’ secondary as well as primary movements within the EU.
  93. *Commission Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States*, COM(2001) 181 final.
  94. *Supra* note 74.
  95. *Supra* note 8, art. 3(1). However, the Reception Conditions Directive does exclude from its personal scope Member State nationals (*ibid.*). The premise for this exclusion is the presumed safety of the Member States.
  96. *Ibid.*, art. 2(c).
  97. *Ibid.*
  98. *Ibid.*, art. 2(d). Contrast with the definition of the term “family member” adopted by the Commission in its Proposal, which included “other members of the family if they are dependent on the applicant or have undergone particularly traumatic experiences or require special treatment,” such as grandchildren, grandparents, great-grandparents, or other adults depending on other family members (*supra* note 93, art. 2(d)(iii)).
  99. See, for instance, UNHCR, “Handbook on Procedures and Criteria for Determining Refugee Status” (Geneva: UNHCR, 1979), para. 189.
  100. *Supra* note 8, art. 17(1).
  101. *Ibid.*
  102. *Ibid.*
  103. *Ibid.*, art. 13(3).
  104. *Ibid.*, art. 13(4).
  105. *Ibid.*, art. 16(1)(a).
  106. *Ibid.*
  107. *Ibid.*
  108. *Ibid.*, art. 16(1)(b).
  109. *Ibid.*, art. 16(2).
  110. See discussion on Section 55 of the INA Act 2002.
  111. *Supra* note 23.
  112. *Supra* note 8, art. 16(2).
  113. *Ibid.*, art. 16(4).
  114. *Ibid.*, art. 21(1).
  115. *Ibid.*, art. 11(1).
  116. *Ibid.* art. 11(2).
  117. *Supra* note 93, art. 13(1).
  118. Elspeth Guild, “Seeking Asylum: Storm Clouds between International Commitments and EU Legislative Measures” (2004) 29 *European Law Review* 198–218 at 214.
  119. *Supra* note 8, art. 11(4).
  120. *Supra* note 88.
  121. *Supra* note 2 at 229.
  122. *Supra* note 8, art. 13(2).
  123. *Ibid.*
  124. *Supra* note 93.

125. *Supra* note 2 at 232.

126. *Ibid.*

127. *Supra* note 8, art. 14(1)(b) and (c).

128. *Ibid.*, art. 14(1)(b).

129. *Ibid.*, art. 14(1)(c).

130. *Ibid.*, art. 14(2)(a) and (b).

131. This was one of the expressed aims of the Reception Conditions Directive (*Ibid.*, recital 7 of the preamble to the Directive).

132. *Ibid.*, art.15(1).

133. *Supra* note 93, art. 20(1)(a) and (b).

134. *Supra* note 118 at 216.

135. The right to health care, which forms part of the right to health, is enshrined in a number of international human rights instruments the personal scope of which may cover

asylum seekers (e.g. art. 25 UDHR, *supra* note 32; art. 12 ICESCR, *ibid.*; CEDAW art. 12, *supra* note 35; and CRC art. 24(1), *supra* note 36).

136. *Supra* note 8, art. 10(1).

137. *Ibid.*

138. *Supra* note 118 at 214. On the issue of access to education for asylum seekers, see *supra* note 2 at 240–43.

139. *Supra* note 118 at 218.

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# “Citizens without Borders”?: Discussions of Transnationalism and Forced Migrants at the Ninth Conference of the International Association for the Study of Forced Migration, São Paulo, Brazil, January 2005

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## **Abstract**

*The significance of transnational perspectives at the ninth conference of the International Association for the Study of Forced Migration (IASFM) marks a key change in the development of work on both forced migration and migrant transnationalism. A transnational perspective highlights significant policy interventions that can be made in the search for durable solutions to refugee displacement; most significantly, recognizing that a refugee's community may be spread on a global scale, yet is nonetheless significant in supporting their own efforts to overcome the difficulties of their situation. It is equally important, however, to recognize that transnational activities do not always support pluralistic solutions to conflict. The transnational engagements of forced migrants also challenge a number of assumptions of existing transnational perspectives by directing attention to forms of exchanges and communication that do not necessarily involve the movements of people. Interest in transnational activities is currently concentrated amongst researchers working in the wealthier countries of the global North. Further work may determine if alternative perspectives are more appropriate for research based in the South.*

## **Résumé**

*La signification des perspectives transnationales au neuvième congrès de l'Association internationale des études sur la migration forcée (IASFM) marque un jalon dans l'élaboration du travail sur la migration forcée et le transnationalisme migrant. Une perspective transnationale met en relief les interventions significatives en matière de politique qui peuvent être entreprises en vue de trouver des solutions durables au déplacement des réfugiés. Elle permet, en particulier, de reconnaître qu'une communauté de réfugiés pouvant être disséminée à l'échelle mondiale joue tout de même un rôle capital pour aider ses membres à surmonter les difficultés auxquelles ils font face. Toutefois, il faut reconnaître que les activités transnationales ne favorisent pas toujours des solutions plurielles aux conflits. Les engagements transnationaux des migrants forcés remettent aussi en question un grand nombre de présupposés sur les perspectives transnationales courantes en insistant sur des formes d'échanges et de communication qui n'impliquent pas nécessairement des déplacements de personnes. Les activités transnationales intéressent actuellement les chercheurs œuvrant dans les pays les mieux nantis du nord planétaire. Des travaux ultérieurs permettront de déterminer si d'autres perspectives sont plus appropriées à la recherche effectuée dans le sud.*

Migrant transnationalism has typically been associated with voluntary migrants. Its connection with mobility, and particularly regular returns to the point of origin, initially precluded refugees and other groups of forced migrants. More recently, however, it has also raised interest in the context of refugee movement.<sup>1</sup> Of the three traditionally conceived durable solutions for refugees, two of them, resettlement and return, do require international mobility. Work on refugee transnationalism has also been encouraged, in part, by a change of emphasis to the non-mobile aspects of transnational linkages, that are particularly relevant in the case of local integration and resettlement but also in the large number of unresolved refugee situations. It is therefore not surprising that transnationalism formed a significant theme of the ninth biennial conference of the International Association for the Study of Forced Migration (IASFM), that was held in São Paulo from January 9 to 13, 2005, and entitled *The Search for Solutions: Achievements and Challenges*.

There is still no broadly accepted definition of transnationalism; indeed the concept itself continues to raise controversy, but, after more than a decade of scholarship in the field, the boundaries of what is meant by migrant transnationalism are becoming more clearly defined.<sup>2</sup> There is still considerable pressure for a restrictive definition of transnational practices, on the basis that only then will the concept be clearly differentiated from what migrants have always done anyway.<sup>3</sup> However, in the context of the IASFM conference much broader understandings, encompassing mobility of people, but also other forms of links and exchanges, were far more common.

Such broad understandings of the concept are clearly appropriate to investigate the nature of the contacts that less mobile migrants maintain with their point of origin. Papers at the conference continually emphasized that poor, disempowered, and politically excluded groups make up the majority of forced migrants, at a global scale. Although forced migrants are unlikely to find themselves amongst the transnational elite that commentators such as Portes have in mind when they speak of “simultaneous presence” in more than one country, the nature and extent of their transnational ties remains an important factor in determining the possibilities open to them.<sup>4</sup> More importantly, in relation to the theme of the conference, transnational relationships may well be a determining factor in the search for longer-term solutions to situations of forced migration.

Four panels of the São Paulo conference were devoted entirely to transnational themes and many of the remaining fifty-five panels touched on migrant transnationalism in one sense or another. The conference was held under Chatham House rules, meaning that nothing that was said

is attributable to individuals, but this paper sets out a summary of the main themes of discussion. Since the conference focused on solutions to refugee displacement the following three sections consider contributions relating transnational interactions to return, resettlement, and local integration with a fourth section on transnational concerns in protracted refugee situations and a final section considering aspects of transnationalism relating to other aspects of forced migration.

### ***Transnationalism and Local Integration***

The separate classification of the various forms of solutions into distinct categories is clearly more of a heuristic device than a reflection of the experiences of refugees. This point was emphasized most in papers investigating processes of integration of refugees, since integration may occur *de facto*, while progress towards an alternative solution is awaited. Integration remains one of the key contested concepts in work with refugees, and migration studies more generally, perhaps most recently expressed in debates opposing transnationalism and assimilation.<sup>5</sup> Papers at the conference spent little time on precise definitions but generally used “integration” to refer to a process of gradual familiarization with an initially unfamiliar society, usually involving growing economic and eventually political involvement in that society but usually not acculturation to its dominant social and cultural norms. “Local integration” traditionally refers to integration in the country of first asylum, which was the subject of several panels, but a range of papers also explored processes of integration in the context of resettlement or final country of asylum in Western Europe or North America which was not always the country of first asylum.

The language of transnationalism was largely absent from discussions of local integration in the country of first asylum where that country was located in the South. This is a reflection of the geographical bias of the literature on transnationalism which concentrates on the receiving context of North America, and to a lesser extent Western Europe, to the virtual exclusion of communities in the rest of the world. One panel, which presented three papers exploring notions of “refugees as solvers,” did emphasize the role of diaspora networks, not only in providing funds for displaced communities but also in influencing the politics of aid and humanitarian assistance programs. The significance of recognizing such “indigenous humanitarianism” was illustrated by papers, in this panel and elsewhere, which compared the outcomes for assisted refugees, in settlements or supported programs, with those of self-settled refugees, frequently finding that the later were more successful and more sustainable.

Presentations focusing on the integration experiences of refugees in wealthier countries referred to migrant transna-

tionalism much more commonly. Concerns about the relationship between transnational practices and integration were expressed in some of the early literature on diasporas, such as work by Safran, who argued that involvement in diaspora networks was more common amongst poorly integrated migrants.<sup>6</sup> More recently authors such as Portes have challenged this.<sup>7</sup> The debate between transnational involvement and local integration structured a number of papers. One particular example explored the changing status of Sri Lankan Tamils in Norway, from a position when they were mistrusted, soon after they began arriving as asylum seekers in the 1980s, to more recent developments where they are now seen as a well-integrated and hard-working model minority. The organizations that have supported the successful involvement of Tamils in Norwegian society are also the organizations maintaining strong transnational links with cultural and political developments in Sri Lanka.

In contrast, research on migrants from the former Yugoslavia in Western Europe highlighted the need for refugees to develop “bridging social capital” linking them to society outside of their own ethnic or national social networks. Genuine integration requires a broad network of links across society and it is doubtful that transnational links support, or encourage, the development of such networks. A number of papers, particularly those from practitioners in the field, presented policy interventions that could encourage such interactions. A panel on initiatives to encourage local integration of refugees in the Brazilian context presented a project from São Paulo social services bringing refugees together for a variety of cultural activities. These included an innovative idea of “musical encounters” entitled *Cantos de Paz* where refugees would come together to sing traditional songs and tell stories as a way of both reinforcing and sharing cultural practices to encourage an appreciation of transnational diversity and simultaneously develop links between different groups.

### ***Transnationalism and Return***

Since the 1990s was declared the decade of repatriation, return has remained the preferred durable solution. Three linked panels focused on Transnationalism and Sustainability in Refugee Return, comprising a total of nine papers exploring the dynamics of post-conflict return to the Balkans, Afghanistan, Iraq, the Democratic Republic of Congo (DRC), and Cambodia. The return of those displaced by war is increasingly viewed as one of the essential constituents of a sustainable peace, yet the difficulties of establishing sustainable return have not been sufficiently explored. “Sustainable return” was identified as more than just a lack of further migration that a simplistic notion of “returning

home” may suggest. To be genuinely sustainable, return requires constructive integration and involvement of return migrants which is more difficult to facilitate and difficult to assess. Return is typically considered solely at an individual level but sustainability for communities is more important and may not be the same thing. Sustainability also requires the changes in the nature of that home to be taken into account, even as far as the change of location of home for many refugees displaced by conflict, such those returning to Bosnia. Refugees who fled conflict may face a hostile or suspicious reception on their return from those who did not leave. This was the situation faced by returnees to Afghanistan, Cambodia, and, in some cases, to Bosnia. Returning migrants may provoke envy or resentment in communities at home, particularly if they have achieved some material success whilst in exile. Even so, in some cases the return of exiles may also be welcomed, as research in Iraq and the DRC illustrated.

Transnational strategies may help to overcome the uncertainty of return migration. The resources of the diaspora can be used to support temporary return, so that migrants are not required to make their initial return permanent. Shorter visits can contribute to the reconstruction process and allow returnees to explore the possibility of more permanent re-establishment, gradually, over a period of several visits. Programs such as the UN Development Program’s TOKTEN (Transfer Of Knowledge Through Expatriate Nationals) and IOM’s MIDA (Migration for Development in Africa) already build on the expertise of transnational communities in this way, encouraging shorter-term returns of skilled expatriates. Patterns of return to Bosnia have operated in this way for some time, with some middle-class expatriates maintaining second homes and returning each year but unwilling to return more permanently due to the lack of suitable employment. In Iraq return is currently a concern of only those migrants who have not prospered in the diaspora; those doing well do not consider return for reasons similar to those of the Bosnian refugees. Research with the Afghan diaspora suggests that individuals are willing to put up with the lower pay and poor conditions of work back in Afghanistan due to the high status of the employment offered to them. This is the principle on which existing schemes to encourage diaspora involvement work.

Discussion in these panels revolved around three significant themes. First, the question was raised of how return affected transnational involvement. Permanent return would clearly end any financial remittances from the migrants in question but there was considerable debate as to whether a refugee who has returned permanently is, in any sense, still transnational. The amount of time an individual

had spent in exile was considered to be an important factor. A refugee who had been away for some considerable time and continued to interact with individuals who were still living in his or her place of exile may well relate to the world in a substantially different way from those who had never migrated. Even if transnational ties are not utilized, it was argued, they remain important and a transnational perspective would recognize that. As one of the discussants pointed out, a transnational perspective may become so much part of refugees' identity that it remains, even when they are no longer truly transnational. Such a viewpoint uses a transnational perspective to criticize the view that once refugees have returned, once they are back in their "place," everything is back to normal and the natural order has been restored.<sup>8</sup>

A second theme of discussion in these panels was the scale at which transnationalism and return should be evaluated. Although return migration is often considered to be an individual act, sustainable return cannot be considered from an individual perspective, since its success depends on positive engagement with community and national policy structures. A transnational perspective enables the broader significance of these larger-scale structures to be incorporated into the analysis through an individual's social or associational networks. Many of the papers highlighted the role played by associations in the diaspora. Work on Afghanistan highlighted the activities of the Society of Afghan Engineers or the Society of Afghan Professionals at bringing together professionals with the potential to contribute to Afghanistan's reconstruction. In the DRC more regressive racially based cultural organizations such as LORI or ENTE often exacerbated the conflict and provided an example of the dangers of return, or at least the dangers of a precipitated return.

Finally discussion focused on potential policy interventions that could operationalize the positive links between diaspora and sustainable return. Programs of assisted return, frequently administered by governments of wealthier host countries using repatriation grants, were criticized for taking a firmly individualistic perspective on return. The uses of repatriation grants was questioned, and rather than supporting sustainability some research suggested that they only fulfilled basic needs. It was also argued that repatriation grants were typically only claimed by those who had decided to return anyway. One of the major disincentives of such schemes is the requirement to relinquish residence rights in the host country, preventing continued circular migration that may encourage more permanent return. Returnees are unwilling to see return as a one-time, no-going-back event and questions were raised as to how policy could continue to support diaspora solutions to allow a degree of coming and going.

Overall these three panels challenged existing understandings of transnational practices, identifying the more sustainable solutions as those that attempted to involve diaspora networks and extending a transnational perspective to encompass even those individuals who had returned. The problematic nature of "home" is also significant for debates on transnational involvement of refugees whose homes may no longer exist or may be occupied by individuals who did not leave. Other papers on return that were presented at the conference did not make the connection with transnationalism so explicit or consider it so broadly. One particular example focused on post-conflict return in Peru and identified the significance of social capital, in terms of weak bonds in host countries and strong bonds in communities of origin, as one of the most significant determinant influencing why individuals want to return. This is leading towards similar conclusions as these panels, even though the language of transnationalism was not used.

### ***Transnationalism and Resettlement***

Resettlement currently operates for relatively few countries and of these only Australia, Canada, and the US accept resettlement refugees in any significant numbers. Before the conference officially opened a roundtable discussion entitled Access to Durable Solutions? Increasing Protection Capacity in the Regions of Origin was facilitated by members of the Dutch Justice Ministry. They discussed the Communication from the EU Commission that included proposals to significantly extend the limited resettlement programs that currently operate in a few EU member states.<sup>9</sup> Such developments suggest that resettlement was beginning to be considered more seriously by governments of wealthier countries and similar feelings were voiced by a number of people at the conference. Although, in terms of the number of refugees affected, resettlement is currently the least significant of the three durable solutions, there are indications that its importance may increase.

Resettlement significantly alters the position refugees occupy in their social networks. Even before resettlement, these social networks frequently had a transnational dimension, linking friends and relatives left behind in their home countries with at least one country of first asylum. Several of the papers exploring the resettlement process also identified links between the country of first asylum and resettlement countries that existed before resettlement. From a transnational perspective, therefore, migrants were moving within transnational social fields.<sup>10</sup> Durable resettlement programs should recognize this and respond to what the change in status within a transnational community means for resettled refugees. Interviews with resettled refugees revealed that much of the information that they were pro-

vided with before resettlement made little sense to them. Pre-resettlement preparation or induction courses would be advised to recognize and build on the transnational dimension to the resettlement process, incorporating transnational actors into such preparation programs.

A total of seven papers presented in a variety of panels at the conference focused on aspects of the resettlement process of Sudanese refugees. These papers explored resettlement experiences of both Dinka refugees, from Southern Sudan, and of more recent movements from Darfur, and followed them through Cairo to final resettlement countries of the U.S., Canada, and Australia. The practicalities of these movements were, in part, influenced by the fact that they were transnational movements. Since only a small minority of refugees are actually resettled the resettlement process will likely split up refugees' social networks; even those who are resettled may end up in different locations or even on different continents. While some current resettlement programs do have as a goal the maintenance of community, whether it be through the resettlement of an extended family unit or resettlement in locations with which the particular ethnic community already has ties, more research is required to determine whether these goals are, in reality, met and the impact of these goals on successful refugee resettlement. In any case, the resettlement process itself creates and extends transnational networks. Before leaving Cairo one presenter described the send-offs that Sudanese refugees typically receive where they are reminded of the importance of maintaining their traditions and remaining in contact with members of their communities who are not with them.

Such priorities are foremost in the minds of refugees so that when they arrive in the resettlement country they may take care of their transnational obligations before their household or their own needs. One man, resettled to the U.S., spent hundreds of dollars of his initial allowance on phone calls to friends and family around the world and cut back severely on his food budget. The obligations placed on resettled refugees through their transnational relations are frequently a cause of considerable stress. The study of the transnational networks of refugees in the U.S. revealed one individual who was responsible for sending remittances to a total of sixty-three individuals around the world. Notwithstanding data that suggests that resettled refugees are, in the long term, at least as economically successful as the host community, most resettled refugees are not wealthy at the start of the resettlement process and such requirements cannot be fulfilled without considerable self-denial or in some cases cannot be fulfilled at all. Similar results were reported in studies of transnational behaviour in other regions. Refugees from the former Yugoslavia, interviewed

in Western Europe, revealed the high proportion of their incomes spent on phone calls, especially in the first phases of their stay there, and the significance of the demands on their resources made by transnational remittance obligations.

### ***Transnationalism and the Search for Solutions***

Beyond the significance of transnationalism in supporting the three traditional "durable" solutions for refugees, work presented at the conference also focused on situations where durable solutions remained elusive. More than six million of the almost ten million refugees in the world in 2003 had been displaced for more than five years, displacement situations described as "protracted" by UNHCR. Some people refer to this situation as the "warehousing" of refugees, and a representative of the U.S. Committee for Refugees and Immigrants presented a review of their anti-warehousing campaign. Strategies to resolve warehousing situations emphasized the need to focus on protection of refugees even in the absence of durable solutions and the significance of recognizing and building on the initiatives of refugees in these situations. Recognizing the transnational element of these initiatives can help identify their significance to the refugees concerned, whereas from a purely local perspective their exact nature may not be obvious.

A number of presentations highlighted the significance of remittances for supporting residents of refugee camps. Although this still casts refugees in camps as passive recipients it does emphasize the significance of refugee-led solutions since it is friends and relatives who have succeeded in establishing themselves elsewhere who are sending the remittances. The potential drawbacks of this situation in terms of the overwhelming obligations placed on refugees were discussed earlier but this is nonetheless a trend which could be supported by development of financial infrastructures in camps to support remittance transfers and reduce the fees that refugees must pay to send money in this way. Evidence was provided not only of the significance of remittances in supporting refugees in camps but also in situations of transit. For example, a paper on urban refugees in Cairo reported estimates that 300 Somali refugees in Cairo receive US\$500,000 a year and 270 Sudanese receive approximately US\$170,000 a year. This money goes to daily expenditures but also longer-term projects, such as supporting small businesses, and ultimately benefits the local economy in Cairo.

Transnational actions involve more than exchange of money, however significant such exchanges are. A further example of these linkages arose from research in the Dadaab refugee camps for Somali refugees in Kenya. Refugees are usually only acknowledged as actors in protracted



situations in a negative context, such as images of "refugee warriors," but refugees are also able to engage with political processes more positively. Although refugees in the Dadaab camps were physically separated from their communities of origin their experiences in the camps provided a strong basis for peace-building and conflict-resolution initiatives which could be developed far more. Peace initiatives typically involve representatives of the various armed factions at the time the conflict stops and often do not include others affected by the violence. The situation in the camps, it was argued, provides an ideal opportunity to develop a more sustainable peace. Linked to this point, another study presented at the conference investigated ten different groups of refugees displaced in Kenya. These refugee groups, often numerically very significant and resident in Kenya for many years, are the source of alternative nationalisms in their country of origin. The development of new identities in contexts of prolonged displacement may, in turn, come to affect national identities more broadly.

Several papers reflected this idea of diversity in diaspora, highlighting the heterogeneity of transnational groups. As well as the breadth of origins in terms of language, dialect, ethnicity, social class, and generation, refugees have had very different experiences of exile and displacement. Geographical differences, produced by displacement, have a very strong impact on life chances, education, and access to resources. This diversity across the diaspora can be a resource in solving these protracted situations. A large proportion of foreign aid or humanitarian assistance is the provision of technical expertise and in many cases the potential exists to utilize the expertise of diaspora groups to provide this, as organized programs on temporary return, discussed above are implementing.

### ***Transnationalism and Forced Migration***

The IASFM uses the term "forced migration" to refer to situations of displacement much broader than the definition contained in the 1951 Convention relating to the Status of Refugees. According to the association's Web site, forced migration is "a general term that refers to the movements of refugees and internally displaced people (people displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects."<sup>11</sup> So far this paper has focused exclusively on refugees, and the nature of transnational relations sustained by refugees. People displaced for other reasons are not likely to differ in their engagement in transnational processes, with two important exceptions.

First, to be transnational the initial movement must cross an international boundary, like refugees themselves. A whole range of papers presented at the conference ex-

plored the situation of internally displaced people, including nine papers on the situation of the three million IDPs in Colombia. The attachments between IDPs and their former homes can obviously not be qualified as transnational but perhaps some lessons from the transnational perspective, such as the need to consider contexts of both home and displacement in the search for effective solutions, are also relevant. As research presented on IDPs highlighted, the same range of solutions, limited as they may be for refugees, are not open to IDPs, although for processes of return and local integration, much of what has been noted above may well apply.

A second clear exception is that of development-induced displacement, particularly in the case of dam projects. In these situations there is no home context; not only is there no remaining community of origin, which may also be the case in some refugee situations, but there is no possibility of return. This leads to a re-examination of concepts of return. As suggested in the section of return, it is important to examine the significance of return to the precise location of former residence. Only one paper presented a comparison between refugee movement and development induced displacement, finding the context of displacement very similar between the two groups, but the paper focused on policy interventions and was not concerned with transnationalism.

A final concern, separate from previous considerations, is that of methodology. In exploring the conference theme of searching for solutions several speakers placed an emphasis on the significance of the means of the search. The inclusiveness of the search, it was argued, in terms of involvement of all relevant actors, would contribute to the sustainability of the solutions. For academic research this concern relates to methodological issues and there were three panels focused on methodological concerns. In a setting of transnational movements multi-sited research was common but several papers set out to explore ways of capturing the dynamic of the transnational context in which many refugees found themselves. Techniques included various ways of remaining in contact with individuals from previous research sites, once research had moved on to another site, and innovative uses of the Internet in the research process.<sup>12</sup>

### ***Conclusion***

The significance of discussions of transnationalism in a conference on forced migration marks an important stage in the development of work on migrant transnationalism. Only a few years ago reference to transnational links in work on refugees was rare and tentative. Such widespread use of transnational concepts suggests that they are seen as both

relevant and useful in work on refugees and that refugees are as actively involved in transnational relations as other migrants. Identifying these links and incorporating them into the research process and policy interventions will lead to a greater understanding of the priorities of refugees and forced migrants. This, in turn, will support a range of solutions which are more appropriate, and recognize more explicitly the efforts that refugees are already undertaking. Such developments both broaden and challenge the transnational perspective. Extending the transnational perspective to less mobile migrants, such as refugees, focuses attention on the significant role played by other forms of exchange in transnational fields such as financial remittances or expertise.

The transnational perspective also contributes to work on refugees. In the context of the conference it emphasizes the role of individual refugees, recognizing their own involvement in the search for solutions: "refugees as solvers." It also highlights the significance of community for refugees: even though that community may be physically separate from them, it can still be the defining influence on their lives. Transnationalism also emphasizes the dominant importance of separation in the construction of meanings, identity and family and community relationships and through them influences the relationships refugees create and develop with their societies of residence.

The next conference of the International Association for the Study of Forced Migration will be hosted by the Centre for Refugee Studies at York University, Toronto, in the summer of 2006. A call for papers will be circulated soon. See the IASFM website, <[www.iasfm.org](http://www.iasfm.org)> for details.

#### Notes

1. N. Al Ali, R. Black, and K. Koser, "Refugees and Transnationalism: The experience of Bosnians and Eritreans in Europe," *Journal of Ethnic and Migration Studies*, 27, no. 4 (October 2001): 615–34.
2. For an example of the "controversy" of transnationalism, see S. Vertovec, "Trends and Impacts of Migrant Transnationalism" (COMPAS Working paper 04–03, Oxford, 2004).
3. L. E. Guarnizo, A. Portes, and W. Haller, "Assimilation and Transnationalism: Determinants of Transnational Political Action among Contemporary Migrants," *American Journal of Sociology* 108, no. 6 (2003): 1211–48.
4. A. Portes, "Transnational Communities: Their Emergence and Significance in the Contemporary World System," in *Latin America in the World System*, ed. R. P. Korzeniewicz and W. C. Smith (Westport, CT: Praeger, 1996), 163.
5. C. Nagel, "Geopolitics by Another Name: Immigration and the Politics of Assimilation," *Political Geography* 21 (2002): 971–87.
6. W. Safran, "Diasporas in Modern Societies: Myths of Homeland and Return," *Diaspora* 1, no. 1 (1991): 83–99.
7. A. Portes, "Introduction: The Debates and Significance of Immigrant Transnationalism," *Global Networks* 1, no. 3 (2001): 181–93.
8. L. H. Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things," *Annual Review of Anthropology* 24 (1995): 495–523.
9. Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament: On the managed entry in the EU of person in need of international protection and the enhancement of the protection capacity of the regions of origin* ("Improving Access to Durable Solutions") (Brussels, European Union, COM(2004) 410 final, 4 June 2004).
10. L. G. Basch, N. Glick Schiller, and C. Szanton Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation States* (Amsterdam: Gordon and Breach, 1994.)
11. See the Web site of IASFM at <<http://www.iasfm.org>>.
12. See, for example, the article by Cindy Horst in the present issue.

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# Book Review

## *Refuge Australia: Australia's Humanitarian Record*



Klaus Neumann

University of New South Wales Press, Sydney, 2004, 128 pp.

It is rare these days to read the words “Australia” and “humanitarian” in the same sentence. Outside of government documents (where Australia’s refugee program is by title and definition “humanitarian”), on the rare occasion when they are read together, the following quote is typical: “Bit by bit, Australia is detaching itself from or is increasingly willing to reject elements of human rights and humanitarian law that it no longer considers useful”<sup>1</sup> Klaus Neumann’s new book addresses the current detachment of Australia from humanitarianism while questioning whether there was any time when this was not the case. In an account that is as intriguing as it is unsettling, he shows that the current detachment of Australian refugee policy from humanitarianism has a wholly ambiguous past.

Although it may seem surprising, in the context of the current bifurcated debate over Australian refugee policy, the demonstration of such ambiguity is a valuable contribution. As Neumann acknowledges, the purported humanitarianism of Australia’s past has been exaggerated by both proponents and opponents of the current policies.<sup>2</sup> Neumann shows that the current policy is neither the inevitable extension of a longer historical indifference nor a complete departure from Australia’s earlier (relatively) generous policies in the middle years of the last century. Neumann explicitly avoids the Manichean fallacy in his account of Australia’s policies towards and treatment of refugees from 1930 to the early 1970. In Neumann’s view Australia’s past policies towards refugees were neither born of completely pure motives nor did they entail only self-serving consequences. Instead, Australia’s “humanitarian” past was born of self-interest as much as altruism and was influenced by both the immigration needs of the country and competing forces within its immigration bureaucracy.

Divided into seven historical periods, the book canvasses the treatment of refugees in Australia from the early 1930’s to the early 1970’s. Cutting across these historical periods are three overarching myths about Australia’s past disputed by Neumann: (i) that Australia has always been generous towards refugees; (ii) that onshore asylum seekers are a

relatively new phenomenon for Australia; and, (iii) that Australia has always followed international law and supported international organizations concerning refugees. The corollary of these disputed myths is that the current policies of the Howard government are a unique development in response to new developments. Not surprisingly, it with this last proposition which Neumann takes greatest issue.

The book is part of the “Briefings” series of the University of New South Wales Press. As is appropriate given the importance of refugee policies in current Australian popular discourse, a growing number of the “Briefings” books address refugee issues, including Australia’s refugee resettlement practices<sup>3</sup>, its offshore refugee status determination process known as the “Pacific Solution”<sup>4</sup> and its increasing estrangement from the broader international human rights regime.<sup>5</sup> In looking at the construction of the various myths about Australian refugee policy, Neumann is, in a sense, returning to a topic close to his heart. His previous work has attempted to understand the construction of the Holocaust in the contemporary imagination of Germans.<sup>6</sup> Although it is a topic of much interest to Neuman, it is also one that he cannot fully cover in 113 pages of text (and an additional 14 pages of notes). Fortunately, Neuman is willing to admit as much. Rather, *Refuge Australia* is the first installment of a larger research project into the history of Australia’s refugee policies—a research project which the author declares should soon give rise to a longer and more detailed account of Australian policies.

Neumann traces the origins of Australia’s refugee policy, not without irony, to the period before the Second World War. For while Australia’s record in providing refuge to Jews fleeing Nazi Germany is nothing to be proud of it nonetheless marked the first time “the government made special provisions for the admission of refugees”<sup>7</sup> Following the close of the Second World War, Australia expanded its efforts to resettle refugees (or “DP’s” as they were then known); the resettlement of “carefully handpicked” refugees to Australia was a central element in the post-War

government's efforts to populate Australia.<sup>8</sup> At the time, there was very much a competition for the resettlement of refugees between Australia and the other "countries of immigration".<sup>9</sup> It was a competition which, according to the numbers, Australia won. In the words of the Department of Immigration, "[i]n proportion to its population Australia has led the world in accepting refugees for resettlement"<sup>10</sup> During the post-war decade, it is notable to recall that while Australia resettled skilled refugees it also pioneered the resettlement of "hard-core" refugees, elderly refugees and disabled refugees.

Of course, throughout this period, Australia selected refugees based upon their ability to settle in Australia. This ability was often defined in terms of race; for example, between 1950 and 1957 Australia resettled refugees were required to be European in appearance, descent, upbringing and outlook.<sup>11</sup> No exceptions were made to this "White Australia" policy (a policy which stretched from the 1850's through to the 1970's). Any enthusiasm for the "victory" of Australia in resettling refugees must be tempered by the terms of that victory: a review of Australian records leads Neumann to conclude that, between 1945 and 1965, "I could find no exceptions to Australia's refusal to admit non-European refugees"<sup>12</sup> The racial nature of this policy is underlined by Australia's willingness during this period to resettle individuals of European descent living in Asia and Africa fleeing the collapsing colonial empires of Britain and Holland.<sup>13</sup> A counterpoint to Australia's response to the post-War refugees is its response to the outflow of South Asians from Uganda: the United Kingdom resettled 25,000, India 10,000, Canada 6,000 and Australia 198.<sup>14</sup> And yet, Neumann also shows that what was considered "white" or "European" varied considerably over time and according to circumstance. To take Jewish refugees as an example, they were considered, depending on the historical era, as both non-European and European immigrants.<sup>15</sup> A similarly nuanced view of "mixed races" also existed.<sup>16</sup>

As Australia moved through the 1960's and into the 1970's, international politics increasingly governed decisions on which refugees to resettle. During this period, an increasing number of individuals appeared on Australia's shores seeking refuge. In an array that curiously mirrors some of the most famous current asylum seekers, Australia found itself being requested for asylum by an assortment of Soviet diplomats, seamen, stowaways, Olympic athletes and foreign navy sailors.<sup>17</sup> They were categorized, according to the vernacular of the era, as either "defectors" or "refugees"; however, only the former were assured of protection by Australia due to their being in "possession of intelligence that would be of value to Australia or the Western world"<sup>18</sup>. By showing how Australian immigration officials catego-

rized most asylum seekers as the latter, Neumann dispels the too common assertion that all refugees were seen as ideological tokens during the Cold War.

*Refuge Australia* ends its historical account in the early 1970's. It does so explicitly to separate its account from the more common "histories" of contemporary refugee policy and, presumably, to keep his account within a manageable length for the largely popular audience that is its target. A continuation of its account closer to the present would have allowed Neumann to address how the various myths of Australian refugee policy were born into the popular consciousness. Similarly, the popular audience of the "Briefings" series, at times precludes more detailed footnoting and elaboration of some of the nuances of policy. Undoubtedly, both of these criticisms will be addressed in Neumann's anticipated longer work on the topic.

A more serious concern about the book is its focus on the policies and actions of the government of Australia. It is perhaps a bit churlish to list this as a defect as it is largely a feature of the book being a history of Australian refugee policy more than a history of Australian refugees themselves. While Neumann has made an admirable effort to reconstruct several personal narratives from government records, his historical methodology relies very heavily on government archival sources. It is very difficult to imagine a history of refugees themselves emerging from such sources. While a broadening of sources is perhaps less necessary for a strict policy history, by addressing the larger historical myths and their social context Neumann broadens the scope of his historiography—and his sources should be expanded accordingly. Certainly constructing such a history of refugees and refugee policies poses particular methodological problems, including those related to the precariousness of the population defined as "refugees". However, Neumann has shown no indication that he will be unable to meet this challenge in his forthcoming longer work.

At the outset of this review, I mentioned the current habit of treating "Australian humanitarianism" as an oxymoron and the ultimately unsettling effect of Neumann's book. Neumann explicitly addresses this way of thinking and provides a context for this book that defies a simple acceptance or rejection of the term. However, of broader importance to the field of refugee studies is the book's highlighting of another all too often oxymoronic term in scholarly circles: "refuge policy history". Those who would dispute the contradiction embodied in this term need listen only to the deafening silence of the scholarship. Herein lies the unsettling effect of the book.

*Refuge Australia* is both the only book on the history of Australian refugee policy and one of a handful of books addressing the history of refugee policy more generally.<sup>19</sup>

Neumann himself has elsewhere noted the dearth of historical scholarship in the field of refugee studies:

Often when I hear Australian lawyers speak at public events on behalf of refugees, I feel somewhat ashamed on behalf of my own profession, for Australia's historians don't have as good a track record as lawyers when it comes to contributing their expertise to this campaign.<sup>20</sup>

While Neumann lays the blame with his colleagues in the field of history, those of us in the field of refugee studies must share some of the blame. For an explicitly interdisciplinary field, refugee studies has a dearth of historians. Anyone reviewing the faculty and doctoral students associated with all but a few of the leading refugee studies centres is left with the impression that there are but a few individuals primarily focusing on the history of refugees, policy towards them or of the field of study itself.<sup>21</sup> Similarly, the leading journals of refugee studies, including this one, seldom publish historical scholarship.<sup>22</sup> While historical analysis is not completely absent from other scholarship, one cannot help but feel that the field of refugee studies is the poorer for the lack of true historians.

It may seem like a logical leap to conclude that the dearth of historians in refugee studies is symptomatic of a problem with the field of refugee studies. However, early in the book, Neuman suggests a potential reason for the absence of histories of refugee policy that both rings true and supports this leap of logic:

Maybe the glaring contradictions in past policies, and their apparent refusal either to endorse or condemn present policies, explain why there [are] so few histories of Australian responses to refugees and asylum seekers.<sup>23</sup>

His suggestion should be read as a warning to the field of refugee studies. It is troubling that the absence of these histories noted by Neumann has not slowed the field in its characterizations of the past. In many ways, the refugee studies scholarship, as much as the public discourse, can be faulted for the quarrying of the past “merely to establish genealogies for political point scoring”<sup>24</sup> In this regard, the often repeated mantra of the late 1990's scholarship that the 1951 Convention is an anachronism of Cold War politics comes to mind—a characterization which is itself suggested to be an anachronism in the Australian context by Neumann's nuanced analysis of the difference between “defectors” and “refugees” during the Cold War.<sup>25</sup> Even if all of the historical “truths” of refugee studies cannot be similarly questioned, historical scholarship such as that of Neumann serves to remind us of the disquieting fact, most famously

pointed out by Eric Hobsbawm, that not all historical events become part of the field's wider historical memory.<sup>26</sup>

This is not to say that there are no historians of refugee policy but rather that there should be more. This book, and the lengthier work by Neumann that likely will follow, joins a small but growing scholarship about the history of refugees in other countries, including in Canada and the United Kingdom,<sup>27</sup> and the treatment of refugees by international institutions.<sup>28</sup> While few in number, these works have had a profound influence on both the scholarly and popular discourse, for example by challenging the laudatory Canadian national myth of generosity towards refugees and by forcing the UNHCR to confront some of the bureaucratic and political demons that constrain its efforts to assist refugees.

However, much more has still to be done and many more histories are still to be written (and, as importantly, read). In short, the only individuals who should not read Neumann's current work are the (hopefully) gathering crowds of historians awaiting Neumann's next, expanded, publication on this topic. The rest of us should read it and should do as much as possible to encourage other books like it.

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#### Notes

1. Craig Bildstien, “PM targeted over human rights ‘blot’” *The Advertiser* (Adelaide), page 27 (9 September 2004) (quoting Irene Khan, secretary-general of Amnesty International).
2. Klaus Neumann, *Refuge Australia: Australia's Humanitarian Record* (University of New South Wales Press, Sydney, 2004) at 10.
3. Peter Browne, *The Longest Journey* (University of New South Wales Press, Sydney, forthcoming January 2006).
4. Michael Gordon, *Freeing Ali: The Human Face of the Pacific Solution* (University of New South Wales Press, Sydney, September 2005).
5. Spencer Zifcak, *Mr Ruddock Goes to Geneva* (University of New South Wales Press, Sydney, November 2003).
6. Klaus Neumann, *Shifting Memories: The Nazi past in the New Germany* (University of Michigan Press, Ann Arbor, 2000).
7. At 23. Australia provided refuge to between 6500 and 10000 people fleeing Nazi Germany in the years following 1933.
8. At 33.
9. At 33. The term “countries of immigration” is used to refer to not only America and the other countries of the Commonwealth, but also such countries as Peru and Venezuela.
10. At 37. Neumann rightly notes that the Department's use of the verb “to accept” in this phrase (along with the very “to recruit” in other publications) is indicative of an underlying self-con-



- ception of Australia's resettlement of refugees as both in the national self-interest and altruistic.
11. At 42. Between 1950 and 1957, Australia required resettled refugees to meet the following three criteria: (i) "European rather than non-European in appearance", (ii) "75% or more of European descent", and (iii) "fully European in upbringing and outlook".
  12. At 43.
  13. At 44.
  14. At 47 and 48.
  15. At 49. The examples cited for each of these propositions are as follows: (i) the policies preceding the Second World War imposing quotas on Jewish immigration, (ii) the policies of the 1950's, and (iii) the allowance of Jewish immigration from Iraq following the coming to power of the Ba'athist regime in 1969.
  16. At 49 et seq. While individuals of mixed-race were initially refused permission to immigrate to Australia, a policy-change in 1964 allowed such individuals to immigrate provided they established either hardship due to discrimination in their country of origin or close family ties to Australia. Interestingly, almost all of subsequent mixed-race migrants were allowed under the latter exception—indicating to Neumann a continuing reluctance to allow humanitarian considerations to influence the outcome of applications.
  17. In particular, there are interesting parallels between the current Australian case of Chen Yonglin, a former Chinese diplomat seeking asylum, and that of Vladimir Petrov, the Third Secretary of the Soviet Embassy in Canberra who sought asylum in Australia in 1964 (at 52 et seq.). The current Canadian case of Jeremy Hinzman, a deserter from the US War in Iraq, also has parallels with the three deserting Portuguese sailors from the Portuguese frigate *Goncalves Zarco* in late 1961 (at 61 et seq.).
  18. At 58.
  19. The caveat to this proposition is the definition of "history". As noted earlier, Neuman's history goes back much further than conventional approaches to the "history" of refugee policy in Australia, which generally do not go back further than Neuman's end-point of the early 1970's.
  20. Klaus Neumann, "Refugees: the silence of the historians" *The Age* (Melbourne), 11 June 2004 (available online at <<http://www.theage.com.au/articles/2004/06/10/1086749836896.html?from=storylhs>>; last accessed 19 December 2005).
  21. A review of the listed staff and doctoral students at the Centre for Refugee Studies at York University, the Institute for the Study of International Migration at Georgetown University, the Refugee Studies Centre at Oxford University, the Refugee Studies Programme at the University of East London and the Forced Migration Program at the American University of Cairo reveals that only 4 out of 121 individuals pursuing research self-identify as historians.
  22. A survey of the five most recent issues of *Refuge*, the *Journal of Refugee Studies* and *International Migration* reveals only 4 out of 100 articles are works of historical scholarship. Of these four articles, almost all focus narrowly on the "history" of the past quarter century.
  23. At 10.
  24. At 10.
  25. At Chapter 4, pages 52 et seq.
  26. Eric Hobsbawm, *On History* (Abacus Press, London, 1998) at 353.
  27. In the United Kingdom, historical scholarship has formed part of many recent books on refugee issues including, notably, the work of Dummett and Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (Weidenfeld and Nicolson Press, London, 1990) (which is referenced to suggest that the field of "history" should not be narrowly defined). In Canada, reference must be made to the similarly groundbreaking work, albeit in reference to a more recent era, of Abella and Troper, *None is Too Many None Is Too Many: Canada and the Jews of Europe 1933–1948* (Lester Publishing Ltd., Toronto, 1997).
  28. Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford University Press, Oxford, 2001).