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CANADA'S PERIODICAL ON REFUGEES

# REFUGEE

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## Power and the Powerless

A refugee claimant from China is given a preliminary hearing under the new Canadian legislation. She is found not to have a credible claim. In desperation, she slashes her wrists. Her suicide attempt is unsuccessful. In the ensuing publicity a story emerges of her and her father's imprisonment, of a poorly prepared duty counsel, of a hearing officer who wondered who Mr. Kuomintang was whom the woman kept mentioning.

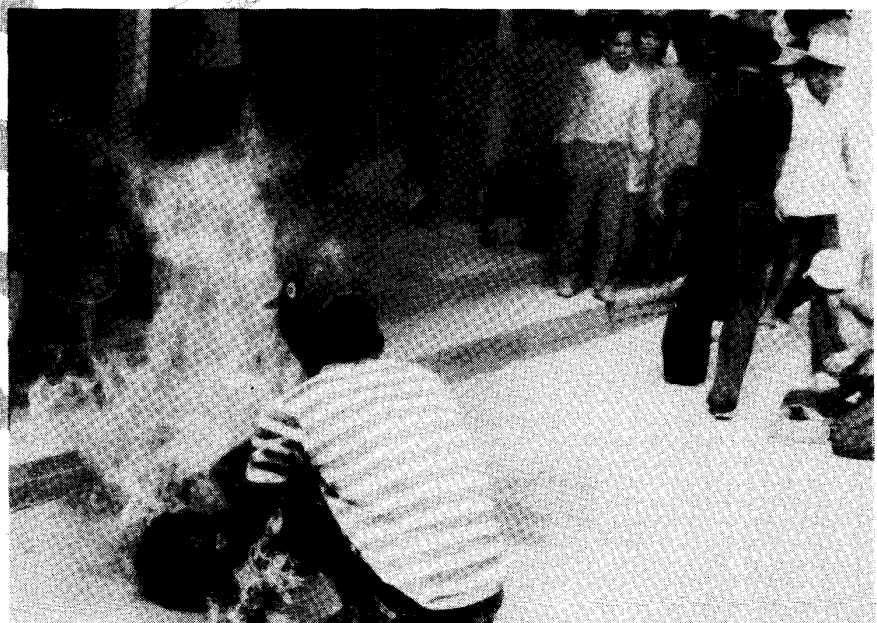
In January, in Montreal, the claim of another woman is refused. She was from Haiti. She jumped in front of a subway train. Her suicide attempt was successful.

A young Vietnamese refugee in Phanat Nikhom sets himself on fire. His body is consumed by flames.

All these victims felt powerless. All three were obviously desperate. In death, they undercut the distinctions of academics and policy makers between convention and humanitarian refugees, between refugees and those displaced by civil war and repressive conditions in impoverished nations. Self sacrifice can be the final act of an individual who, when denied all other means to control and give some direction to his or her own life, can at least assert the right to take his or her own life.

They can also write letters appealing for us to help. We print one example of such a letter. In Canada, we can help. Ten

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*A Vietnamese refugee burns himself to death in Phanat Nikhom, Thailand.*

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years ago, Operation Lifeline was born to involve private individuals in the sponsorship of the Boat People. Legislation exists in Canada to let ordinary Canadians take the initiative in sponsoring refugees. Operation Lifeline in co-operation with the Vietnamese community has been given a rebirth in Toronto to provide a Canadian initiative in clearing up the 60,000 Vietnamese refugees remaining in camps in Southeast Asia. (In Hamilton, the chapter never died but has been active and in continuous operation for the last decade. Volunteers interested in helping to organize private sponsorships can write, care of *Refuge*.) Canadian citizens are not powerless.

## CANADA'S PERIODICAL ON REFUGEES REFUGE

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Refugees are not totally powerless either. Geza Tessenyi was a lawyer in advance of his time who pioneered in the private practice of law in contemporary communist Hungary. He fled as a refugee after receiving threats from government officials. He is now a scholar in Holland. In this issue he writes about the attempts of the broad category of displaced persons to forge a path other than self immolation. They are striving to organize.

Unlike workers who organized into unions, they do not have the power to deny their employers the fruits of their labour. Unlike the civil rights protesters of the 1960s in the United States, they do not have the *right* to vote, even if that right was systematically denied for almost a century. Do they have some basis for organizing on the principles of self-help and self determination? Or is Geza Tessenyi naïve? Must refugees rely on the humanitarianism and good will of their hosts to determine their destinies? Or would such reliance itself be naïve?

What did the big powers do with the

millions displaced and left as flotsam in DP camps after the Second World War? As the big powers debated who should be classified as Displaced Persons and who should be classified as refugees, and therefore eligible for resettlement, Jewish refugees, among millions of others, suffered *years* of further indignity following the horror of the holocaust. In this issue Göran Rystad describes the historical research being undertaken in Lund, Sweden into the motives and factors that determined state policy towards refugees, displaced persons and expellees after World War II. The preliminary results do not indicate that the lives of refugees and others can be entrusted solely to the state.

In a recent conference in Oxford considering and comparing refugee policies and results in Canada and Great Britain, Canada emerged as a creative innovator in programmes for resettling refugees while, at the same time, its new programme for deterring Convention refugee

*Continued on page 3*

## Letters to the Editor

*There were a couple of inaccuracies in your article in Refuge Vol 8, No. 1 (October 1988). Is was the Tamils who arrived off the coast of Newfoundland and the Sikhs off Nova Scotia. Not the other way around.*

*About your comment, top p. 2 "... the Mulroneu government was effusive in expressing its support for refugees and went beyond the call of duty (and, perhaps, prudence) in the speed with which ministerial permits were issued." The government had no choice: at the time there was a special programme in effect for all Tamils, who were not to be deported regardless of whether they were or were not refugees because Canada was not deporting Tamils to Sri Lanka (even if they came fro West Germany!). All Tamil arrivals until the abolishing of the B-1 list in February, 1987 were quickly issued with Minister's Permits.*

*Lisa Gilad  
Institute of Social and Economic Research  
Memorial University of Newfoundland*

*I am writing to let you know about my photodocumentary work with Cambodian refugees in Bronx, N.Y. and Amherst, MA. I would like organizations that are interested in the Cambodian refugee experience and active*

*in refugee affairs to be aware that my photographs are available for exhibitions, publications and research purposes. The photodocumentary looks at the Cambodian refugee experience in this country not just as "new faces in melting pot America" (as the mass media so often does), but as a direct consequence of historical and political events that make them distinct from other newcomers.*

*Through my photographs I hope to create a historical and educational record of the experiences of a community of holocaust survivors from the Pol Pot regime in Cambodia and the process of rebuilding their lives in the United States.*

*The project has received several awards and has been exhibited in New York and Massachusetts. Please contact me if you have any ideas about how my project can be used and if you would like to see slides of prints of this documentary for possible exhibition or publication. Please also feel free to pass my name along to any groups or individuals who you think would be interested in knowing about the project.*

*Leah Melnick  
367 N. Pleasant St.  
Amherst, MA 01002  
USA*

claimants within Canada came under critical examination. A brief resumé of the proceedings of that conference is printed in this issue. The complete proceedings will be published in a book.

In the United States, in the face of the renewed policy of humane deterrence, some individuals have initiated a sanctuary movement for Latin American refugees in the United States. Charles Stasny reviews the book on Jim Corbett, a leader of the sanctuary movement.

Noreen Nimmons reviews another book of collected writings by Thai academics on the response of government powers, the small powers immediately affected and the policies of the First World resettlement countries. It becomes clear, that, because of the declining interest of resettlement countries, the countries of first asylum are using the Convention definition and procedures for adjudicating claims to deter new arrivals and provide a legal basis for repatriation or deportation.

There is a real dilemma. States assert their sovereignty by retaining control of who may enter a country, and, more fundamentally, who can become a member of that country. A state will not surrender such a right. When individuals throng the entry gates, such countries frequently resort to measures to halt or limit the thrust. The measures designed to protect refugees are used to limit the number of entrants.

We do not challenge the right of states to make such policies. We challenge Canadians to participate in making that policy using legal means in Canada to effect that policy, to challenge laws in the courts, and to use the law to demonstrate direct support for refugees through private sponsorship.

The distinction between humanitarian refugees, whom we select abroad under relaxed immigration criteria, and Convention refugees who claim status within Canada under a quasi-judicial procedure and a very restricted definition or a refugee, breaks down to some degree as countries of first asylum attempt to limit the arrivals of humanitarian refugees by using the convention definition; at the same time, countries of resettlement become countries of first asylum for large numbers of refugee claimants.

This means that the opportunity for private sponsorship becomes an opening for individual Canadian citizens to participate in the making of policy by legal direct action.

States have power. Refugees desper-

## A Letter from a Refugee Camp in Thailand

Phanat Nikhom, February 23, 1989

Dear members of the Vietnamese Refugee Assistance Committee,

Today our camp received a new issue of Lang Van Magazine (December 1988). From the magazine we learned that the Committee is launching an appeal in the community to help the refugees by sponsoring them away from the refugee camps as soon as possible. I am overwhelmed with joy because you have given us hope during our most miserable life in a refugee camp. Therefore today I am writing this letter to ask you to sponsor me away from these walls, these fences, and this barbed wire which have been imprisoning our youth and to liberate me from the threat of being repatriated to Vietnam.

I do not have any relatives living abroad, so I cannot ask them for help. You gave me a buoy to hang on for saving my life. I had been rejected by the U.S. team. I have been spending my time in this camp studying English and helping to distribute water to my fellow refugees in the camp. I tried to improve my chances of being accepted for settlement in Canada on humanitarian grounds by taking a language/skill training course, but so far I have not been lucky yet; in the meantime the situation in the camp is getting from bad to worse and the threat of repatriation is hanging heavily over our heads. Today, you, the people I did not have the honour to meet, have brought me hope. You have acted from your humanitarian heart and you make personal sacrifices to help fellow refugees like myself. I am imploring you to help me, I promise that later on, if I am allowed to settle [in Canada], I will work hard in order to repay all the expenses incurred during my sponsorship.

Trinh Xuan Chinh  
Phanat Nikhom  
Chonburi, Thailand

ately want some power to control their own lives. Citizens concerned with refugees already have the power to help select groups of such refugees. Will they use the power they have when they are not stirred up emotionally by day after day of television footage on the desperate plight and suffering of the refugees?

Desperate Vietnamese refugees have signed their names in blood as a symbolic statement of solidarity with those who committed suicide and as a pledge that they will resist repatriation. (A screened collage of such signatures appears on the front page.) Canadians can sign their names in ink to prevent the necessity for any such acts of desperation. As the Oxford papers recorded, the success of the Indochinese in Canada is a testament to resilience, strength and creativity when individuals are given back their dignity and offered the opportunity to make new lives for themselves.

Help restore power to these individuals by utilizing your power.

Howard Adelman, Editor

## News in Brief

- Firdaus James Kharas has been appointed Assistant Deputy Chairman (Backlog) of the Immigration and Refugee Board. He will be responsible for the administration of the refugee determination system as it applies to the claimants for refugee status currently within the backlog. It is estimated that there are over 85,000 cases within the backlog. Prior to joining the Immigration and Refugee Board, Kharas served as Immigration Policy advisor to the Minister of Employment and Immigration.

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# Cross-cultural Co-operation among Displaced Persons: a democratic potential for self-reliant integration in the host society

by Geza Tessenyi

## Introduction

In the Western European setting, a serious reflection is needed to analyze whether there is any effective insider way to intervene on behalf of the protection of human rights and dignity of displaced people, without banging our heads against a brick wall of locally defined national interests.

While academics and international human rights and humanitarian organizations may afford to exercise criticism against governments, this is certainly not the case with most refugees. Without a reassuring legal status and economic background, and without a social community which they would belong to, these people hardly dare criticize those institutions' policies, upon which they are completely dependant. Refugees are individual cases with individual files at immigration offices and various ministerial bodies, and they have daily fears of individual expulsion. So, criticism may be an instrument of established local citizens and their organizations sympathetic to the "case" of displaced people, but it is by no means the adequate instrument of displaced people themselves.

There certainly is an individual escape route — for the "nice guys". They show complete loyalty, learn the local language rapidly and successfully, and are absorbed in the host society by finding a job. These nice guys are mostly of high education, of white skin, of European appearance and, overwhelmingly, of the male sex.

What about the rest? Our point of departure when drafting the Displaced Citizenship Programme was that the huge human potential of displaced persons, which is largely wasted today, should be

turned directly into a driving instrument of refugee integration at both the local and the international level. This primarily means *communication* between displaced individuals, and between these individuals and ethnic or multicultural refugee or migrant groups. This insiders' communication is probably the most responsible and most sensitive way to identify common needs and interests. Such an identification is the very basis for future formulation, expression and representation of these needs and interests. Communication creates the chance for these identified common interests also to draw on the skills and capacities of displaced people, particularly of the more talented and highly educated in supporting the less educated and the "newcomers". Both local and world-wide insiders' communication makes possible a feeling of community, of a new, multicultural identity, which does not ignore in any way the ethnic identity of these people, nor their integration process in the recipient (host) society.

## The Displaced Citizenship Programme: Main Features

The UNHCR Technical Support Service publishes a newsletter called *Rapport*. In its second number (Spring 1988) it argues: "Little progress has been made so far in developing approaches and organizational structures which are designed to bring about participation in a tangible way. One reason for this is that there has been a polarization between the "outside actors" such as UNHCR and voluntary organizations, and the "inside actors", that is, the refugee population itself. If genuine refugee participation is to be achieved, then the strong tendency

towards a paternalistic attitude and the one-way downward flow of values and instructions has to be changed."

This approach *exactly* corresponds to those objectives which are at the centre of the concept and the strategy of the Displaced Citizenship Programme. In recognizing, that the international refugee crisis is clearly one of the major development problems of our age, we, the founders of the Programme, did not see any better chance to face this world-wide challenge, than by providing an infrastructure of self-reliant involvement and participation for the *insiders* of the crisis. *Not telling them what to do, but simply giving them a truly democratic chance to decide for themselves what to do.* (This approach to development problems is certainly now new. One can easily recall the concept of "another development", elaborated by the Dag Hammarskjöld Foundation in 1975 in its report "What Now") Therefore, understanding also the major relevance and positiveness of the already existing institutional framework of international and national refugee care, we decided to make a parallel, complementary attempt to involve the great human potential of displaced people.

So, last May the Programme was developed by six young people from four continents, at the Institute of Social Studies in The Hague. It is carried out by *insiders* from the displaced population. Affected *outsiders* such as host (recipient) governments, related intergovernmental and non-governmental organizations are invited and requested to assist our development process. We need their expertise, technical facilities, working experience, data-banks and networks. But the essential development process, that is, to understand and identify ourselves in our new social position, to understand our

special relationship to the host communities and their administrative institutions, and to find our various ways to cooperate with host communities and with each other, cannot be successfully carried out by others than ourselves.

The name Displaced Citizenship Programme might be considered as complete nonsense. Displaced persons do not have *de facto* citizenship, and *de facto* citizens cannot be regarded as displaced persons. This name of the Programme, however, intends to show and to catalyze flexible, alternative transitions from the poor, dependant and uncertain status of displacement towards the full moral, economic, cultural and, finally, legal status of citizenship. It is easy to find the justification and legal foundation of this intention in generally accepted legal instruments of international law, such as various articles of the Charter of the United Nations, and of the Universal Declaration of Human Rights. Referring to these instruments is not only the legal point of departure of the Programme but also the expression of our project's deep commitment to those general values which were laid down in these basic documents of the United Nations four decades ago.

The Programme is not one-sided in terms of claiming rights without taking responsibilities and duties towards the host community. These responsibilities and duties are indicated in Article 29 of the Universal Declaration of Human Rights also.

The Programme does not take any specific political standpoint; it is, rather, a neutral infrastructure of interpersonal communication. It does not work therefore to support any particular political ideology, nor specific party, nor group to the exclusion of others.

By contrast with host governments or with UNHCR, it is not the mandate of our Programme to question displaced persons about past events as far as those circumstances are concerned which have led to their present status. The Programme focuses only on the present and future situation of displaced persons, namely people who have been forced by any fact to leave their country of origin. We do not have any intention, capacity or reason to deal with questions as how "genuine" a refugee may be. Our emphasis is one-hundred percent on our common concerns in the host society. There are too many situations anyway, in which refugees and other displaced people are at the bottom of a hierarchy.

## Inforum

The Interpersonal Forum on Social Issues (Inforum) is an independent, non-institutional, informal interaction of students and alumni of the Institute of Social Studies, The Hague (ISS). Inforum attempts to exploit the academic and practical potential of multicultural and interdisciplinary co-operation emerging from the co-existence of participants at ISS coming from all over the world.

Its founding principles have been developed by an international team of four in early 1988. The motto of Inforum ("Let me understand your view") expresses the intention of its participants to collaborate on the basis of a true understanding of each other's attitude, providing mutual help with non-institutional means for a more efficient, inter-

dependent and just social and individual development. Inforum, therefore, is an experimental organization without any formal hierarchy, a "non-aligned" forum of practice-oriented social discussions and collaboration. Inforum is open to any individual or group-initiatives of ISS students and alumni, as a think-tank in the field of development studies.

It introduces and discusses academic papers and development proposals of ISS-participants, and initiates teamwork among them for creating joint development studies, for their eventual publication and for finding professional and financial support to the implementation of action-project proposals. The Institute of Social Studies has provided the appropriate technical facilities for Inforum's start-up projects (Inforum desk).

Insiders' communication is probably the most responsible and most sensitive way to identify common needs and interests; and this identification is followed by formulation, expression and representation of these common needs and interests. Therefore, the Displaced Citizenship Programme offers a neutral infrastructure of interpersonal communication on two levels. These levels are: 1) an intercity communication network, and 2) local multicultural groups.

**1) Intercity communication network:** A special type of catalyst publication, starting from newsheet and growing through a newsletter to a newsmagazine; it links up already existing refugee and migrant insider self-organizations, and operates in cities of major concern. The publication will rely to a large extent on the friendly partnership of co-operative outsider intergovernmental, governmental, inter-nongovernmental and non-governmental organizations, including mixed NGOs of local volunteers working together with displaced people.

**2) Local multicultural groups:** Wherever a sufficient degree of interest on behalf of displaced persons makes it feasible and worthwhile, autonomous local societies will be organized on a multicultural basis (regardless of the ethnic origin of their members) in cities of major concern. They will deal with the same problems as the publication but in a concrete every-day way. They will gain from geo-

graphic closeness and administrative unity and gather to identify common needs and to draw on their own skills and capacities. These self-help societies will work together with other, ethnic-based local groups of displaced persons, with municipal authorities or agencies, and with local NGOs. This collaboration will promote not only a more self-reliant integration for local displaced people but will also create a better understanding by displaced persons of local authorities' actions; it will build, as well, a higher degree of respect for displaced persons by local (host) communities and individuals. These local multicultural groups will be major resources for the intercity communication network and for its publication as well.

### International Implications

If the international refugee crisis is a development problem, then, it is one of those which increase even more global interdependence. People are migrating around the world because of other problems of uneven development: wars, political oppression, environmental disasters, lack of food security, of health care, of adequate education, or lack of work opportunities.

This international refugee crisis, which is a crisis in basic human needs, and of the lack of basic human rights,

exerts greater and greater pressure on various societies and individuals. It happens in an age in which the more developed part of the world is already leaving the so-called industrial age and entering the post-industrial; or, in other words, information society. "The information age is not going to be hierarchical", according to the deputy editor of the *Economist* magazine. The microchip era creates new opportunities of human interaction, be they economic, cultural, even political. If so, institutions, willing to cope successfully with the changing circumstances, have to adopt their structures and modes of operation.

In this new setting, the appropriate form of a full and democratic involvement for displaced people must seriously be considered. James Ingram, the Executive Director of the United Nations World Food Programme, delivered a lecture at Oxford University on November 30th last year. Speaking of the politicization of the refugee problem, he stated: "There is really no alternative to the involvement of relatively large, hierarchical organizations of

some kind or another". As far as refugee aid and assistance (carried out by outside actors) is concerned, one should fully agree with Mr. Ingram's view.

But we certainly need an absolutely different approach to international institutional forms in case of insider self-reliance, that is, in case of democratic refugee participation. If the coming information age is not to be hierarchical, this is just the best possible political message for us. In a democratic refugee participatory system we need decentralized, horizontal networks, direct access to each other, and direct access to information of all relevant kinds. We have no historical nor cultural reasons to build up hierarchies in our relations.

This is a dispersed international and truly multicultural community, even if members of this community so far have hardly realized that they belong to it.

First, we must make ourselves aware of this new community, of its assets and its potentials. Second, we must closely cooperate with each other, and with everyone who supports us, for ourselves, for

other members of the community, and — not less important — for the international understanding and co-operation of people outside our community.

Therefore, we must take an adult responsibility for our social situation; we must understand the social realities which surround us; and in this light, we must exercise the whole set of human rights which we are entitled to. Doing so, we can create a firm interpersonal community, whose creativity will contribute astonishingly to a more integrated human society.

Horizontal communication networks, responsible interpersonal cooperation, multicultural direct democracy. This is the message of the Displaced Citizenship Programme.

*Geza Tessenyi is the co-ordinator of the Displaced Citizenship Programme at the Institute of Social Studies, The Hague, Netherlands. This article is an edited version of a paper presented at York University on March 3, 1989.*

## Refuge for Refugees Sweatshirts

The "Refuge for Refugees" sweatshirt, displaying the artwork by Andrew Tomcik originally created for The Third Seder Refuge for Refugees celebrated on April 15, 1987 at Holy Blossom Temple in Toronto, was produced to help raise funds to defray the legal costs of the Court Action for Rights of Refugees filed on January 3, 1989 in the Federal Court of Canada by the Canadian Council of Churches. The Churches have filed this Court Action in a desire to continue to affirm that each person who claims to be a refugee in Canada should have a full hearing before independent and impartial decision-makers and a meaningful appeal on the matter of refugee status.

### Order Form

"Refuge for Refugees"  
c/o 255 Stafford Street  
Winnipeg, Manitoba R3M 2X2

Please send me \_\_\_\_ "Refuge for Refugees" fleece sweatshirts (adult, 50% poly, 50% cotton medium weight, white with black print \_\_\_\_ or black with white print \_\_\_\_)

(Please print clearly)

Quantity \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Prov. \_\_\_\_\_

Postal Code \_\_\_\_\_ Tel. \_\_\_\_\_

Sizes: **Medium** \_\_\_\_\_  
**Large** \_\_\_\_\_  
**Extra Large** \_\_\_\_\_

Total (@ \$20.00 ea.) \$ \_\_\_\_\_  
Shipping Charges 3.00

Amount Enclosed \$ \_\_\_\_\_

N.B. Cost of shirt is \$12.00 + tax;  
balance is donation for the Court Action.

(Cheque or money order  
payable to "Refuge for Refugees")

## Notices

- Human Rights and the Disappeared: A Canada-Latin American Consultation will be held at Simon Fraser University in Burnaby, British Columbia on April 26-28, 1989. The Consultation will bring together representatives from Latin American countries with Canadian government officials, human rights groups and women's organizations to discuss the persistent use of forcible detentions and disappearances as an instrument of political repression. The three-day programme will feature the testimony of speakers from many Latin American countries, including 1980 Nobel Peace Prize laureate Adolfo Pérez Esquivel; María Moriale, representing the Grandmothers of the Plaza de Mayo; Honduran activist Zenaida Velásquez; Americas Watch legal counsel Juan Méndez; and Diego García Sayán from the United Nations. For further information contact Simon Fraser University, Conference Services at (604) 291-3649 or 291-3854.

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# Uprooted by the War: refugees, displaced persons and expellees after World War II

by Göran Rystad

Two fundamental changes have taken place during the last decades concerning the refugee question. One is the realization that refugees do not constitute a temporary but a permanent problem. The approach to the immense refugee problems immediately after World War II was to deal with them as temporary problems that could be solved within the next few years and would then not reappear. Thus, the organizations and agencies created to deal with the refugee problems, UNRRA, IRO, UNWRA and others, had specified, limited tasks, and would cease to exist when these tasks were supposed to be completed. The same was largely true also in the case of UNHCR; the transformation of UNHCR from a strictly non-operational agency with limited resources and short life-expectancy, and with a rather narrowly defined task, to the UNHCR of to-day is the history of this fundamental change, of the realization that refugees are a permanent problem, and there is no hope that this problem will go away in the foreseeable future.

The other basic change in the way in which the refugee question is viewed today compared to the early postwar period is that it is now obvious and understood by all that the refugee problem is a global one, whereas immediately after the war the world's refugee problem seemed to be primarily European.

If we consider the immense refugee problem that existed in Europe immediately after 1945 it must be conceded that the efforts to assist these refugees were comparatively successful. Thus UNRRA managed to repatriate about 6 million Displaced Persons within a few months after the cease-fire. The remaining maybe 850,000 refused repatriation. IRO followed; during the five years it existed it succeeded in assisting more than a million and a half refugees. When UNHCR took over, most of the refugees directly gener-

ated by World War II had been repatriated or resettled. However, in addition to those who for various reasons — illness or old age mostly — had not been helped, new refugees had after the war arrived from the East in large numbers.

There is now a common awareness of the fact that the refugees today constitute a major international problem with many facets. At the same time there is a significant amount of confusion concerning how to deal with this problem. States who have signed the same convention interpret it in different ways and the refugee policies pursued present a rather complex and confusing picture. The reasons are partly political (as foreign policy considerations often affect the refugee policy), partly economical, partly related to domestic politics and national public opinion. However, one important aspect of the problem is the origin and historical background of the existing definitions, conventions and practices related to the current refugee policy.

The handling of the acute and grave problems of the refugees during and even more after World War II was, of course, determined or at least heavily influenced by the political developments. At the same time, definitions and classifications in international law played their part. It was a matter of interaction. Political factors influenced legal definitions and implementations. The maybe 10-15 million people in postwar Germany who might have qualified as refugees in the sense that they had been forced to leave their country of former residence, were not treated on an equal footing. A distinction was made between "Displaced Persons", that is individuals who had through German actions been compelled to leave their country for Germany, "Expellees", i.e. Germans who had been forced to leave their former country of residence, their *Heimat*, as a result of military and political developments and boundary

changes in Central and Eastern Europe, and refugees, people who on political, ethnic or religious grounds had fled their country. UNRRA did not concern itself with the Expellees, only with the Displaced Persons. IRO's mandate was to resettle those Displaced Persons who refused to be repatriated. Resettlement was possible for refugees — a meaning which included Displaced Persons — who did not want to be repatriated, and later arrivals from Eastern Europe. Expellees, on the other hand were to be integrated into the German society.

Obviously this categorization was based on political considerations. It was soon to be a matter of contention between the victors of the war. The Soviet Union demanded forcible repatriation of unwilling Displaced Persons, and the issue became one factor in the increasing tensions between the Western Powers and the Soviet Union in the initial stages of the Cold War. Thus, the Soviet Union refused to participate in IRO, and also chose to remain outside UNHCR. There is reason to believe, that today's international definition of the concept "refugee", which emerged in the late 1940s and early 1950s, was heavily influenced by the confrontations of the Cold War. Simultaneously, the convention over the handling of refugees, definitions, categories and implementation, served to add to East-West tensions.

An instructive example of the close connection between, on the one hand, domestic politics and, on the other hand, refugee policy is the manoeuvring and campaigning surrounding the United States enactment of the Displaced Persons Act of 1948 and its amendment in 1950. In December, 1945, President Truman proposed the admission of 40,000 Displaced Persons within the existing quota system. However, the regulation was so restrictive — as was the implementation — that only a small number were, in fact, admitted.

The Displaced Persons Act of 1948 stipulated the admission of 200,000 Displaced Persons, but with severe restrictions and limitations. Thus, only individuals who had been Displaced Persons before December 22, 1945, would be eligible for resettlement in the United States. This would exclude the many later arrivals, of which many were Jews. Also, fifty percent of those admitted had to be from the former Baltic states and 30 percent farmers or farm hands. The amendment passed in 1950 cancelled the restrictions and stipulated an immigration of 400,000 Displaced Persons, to which later 50,000 German Expellees were added.

This change from 1945, over 1948 to 1950, cannot be ascribed to a change of heart in face of the sufferings of the refugees by the members of the American Coalition and other restrictionist organizations. The resistance against the admission of refugees had as its main basis the same entrenched anti-immigration sentiments, which had made possible the effective restrictionist legislation after World War I. Some of the motives were succinctly summarized in the title of a pamphlet published in 1948 by the President of the American Coalition. The title was "The Displaced Person's Problem: a Menace to Veteran's Housing, the American Standard of Living and Our Political Institutions". Nor can the change from 1945 to 1950 be explained as the result of the diligent work of liberal or ethnic groups represented for example in the umbrella organization "Citizen's Committee on Displaced Persons". Now, we have to look elsewhere for the causal factor behind the swing from an extreme restrictionist stand to a policy of admission, which meant opening the gates for more than a third of a million Displaced Persons in the next two years. It is to be found in the increasing international tension, the polarization between East and West, the Cold War mood. Senator Wiley, (D. Wis.) had been one of the most energetic campaigners for the restrictions of the Displaced Persons Act of 1948. He soon changed his mind and made a total turn around, demanding the speedy removal of the restrictions: "It will be a real inspiration to all free people .... It will be an ideological weapon in our ideological war against the forces of darkness, the forces of communist tyranny", he now argued. Refugees as ideological weapons is also the motive behind the creation in 1952 of USEP, the United States Escapee Program. An indication of the pervasive-

ness of concepts, definitions and regulations created in the Cold War era is the fact that for many years to come — and, as a matter of fact, for all practical purposes to this very day — refugees in American refugee policy are people who have fled from or have been forced to leave communist or communist dominated countries.

Another example of the impact of international tensions and power political considerations on refugee policy is the circumstances surrounding the creation of UNHCR and the formulation of the Geneva convention of 1951. The convention and its definition of the concept refugee was made to fit a Western interpretation of the actual situation; the Soviet Union and its East European satellites refused to participate.

The refugee problem is as many-sided and complex as it is immense. No single research project can deal with it in its entirety, only hope to make a contribution by focusing on a limited part, a specific perspective or a certain aspect of the problem. The project "Uprooted by the War: Refugees, Displaced Persons and Expellees in Europe in the Early Post-War Era" has as its basic theme an international aspect of the development of the refugee policy during the formative, crucial early postwar years. The various studies conducted within the project have one common denominator, namely, a focus on the effect of international politics, tensions, conflicts, rivalries, on refugee policy. The complex nature of the problem makes an interdisciplinary approach appropriate and even necessary. The premise is that in this way a systematic analysis might shed some new light also on the foundations of current international refugee policy.

My own research interest in this context is focused on the linkage between refugee and immigration policies, particularly as it applies to the United States. The point of departure is the belief that restrictionist arguments are basically identical whether it is a matter of admitting refugees or immigrants. I am responsible for another related research project here at Lund, which we have given the title "Encounter with Strangers: Problems Concerning Cultural Confrontations and the Reception of Refugees". The focus is not on the refugees but on attitudes and reactions on the side of the Swedish population. These problems are presently intensely debated in our country. However, our experience is, of course, marginal compared to the United States, where it is at the very centre of the

nation's history.

The refugee policy at a given time may be seen as determined by the character and strength of the modifying factors affecting the restrictionist positions. Such modifying factors may be humanitarian, but also ideological or considerations of foreign policy. Of primary importance is also the ethnic and cultural make-up of the refugee populations. The actual American refugee policy after World War II, as well as the legislation, not least the Refugee Act of 1980 and its implementation, may be seen in this perspective.

At first the intention was to limit our research project to the period from the end of the war to 1952. However, we reached the conclusion that it was necessary to begin at an earlier point. Of special interest was the Intergovernmental Committee on Refugees (IGCR), created on the initiative of the American Government in 1938. IGCR became the most important channel for intergovernmental cooperation on refugee problems until IRO was created in 1947. However, the literature on IGCR is meager. It appears that a comprehensive analysis of the circumstances surrounding the creation of IGCR and also of the Evian and Bermuda conferences in 1938 and 1943, respectively, is worthwhile. It reveals interesting complications of the refugee policy pursued not only by the American government but also for example by the British, facts of interest for an understanding of the conditions prevailing also after the war, not least concerning UNRRA and also IRO.

IGCR was intended to deal exclusively with German and Austrian refugees. However, in 1943 its mandate was broadened to cover all who had been forced to leave their countries of residence as a result of events that had taken place in Europe. It was, in fact, the first attempt to design a general definition of the term "refugee", a point of departure for the latter efforts by IRO and UNHCR in this respect. Tommie Sjöberg is writing his dissertation on IGCR, while Kim Salomon is focusing his study on UNRRA and IRO. Rather intricate relations evolved between these international organizations and, on the one hand, the United Nations and, on the other hand, the governments of the powers involved. The mandate and statutes of UNRRA and even more in IRO, and the way they were implemented became a matter of contention. The comparative success of the organizations in solving problems and completing their



tasks is rather remarkable in view of the conflicting interests of the Soviet Union and the Western Powers and the escalating Cold War. Salomon's study is not intended to deal with all aspects of the international refugee relief efforts. The focus is — as in the case of all studies within the research project — on the interaction of, on the one hand, international politics, conflicts and tensions and, on the other hand, refugee policy, and on the long-range effects of the development of the early post-war years.

The decision to extend the project beyond 1952, the year UNHCR began to operate, was made early on. A fascinating question is how UNHCR was transformed from its rather impotent early years to a situation where it came to play a key role in refugee affairs with vastly extended resources, a widened range of responsibilities and with broadened mandate. The organization was created in face of strong opposition from the Eastern bloc countries and with a rather weak support from the West. The purpose was mainly to provide legal assistance to refugees in Europe. However, a decade later it also gave significant material assistance to refugees in Third World countries. Important milestones were Hungary in 1956 and Algeria in the early 1960s. Cecilia Ruthström is making a study in depth of the factors that made this development possible. The main focus of the study will be on the late 1950s and especially on two important milestones in the development of UNHCR, the Hungarian crisis in 1956 and the flow of refugees from Algeria to Tunisia and Morocco during the War of Independence. The Hungarian crisis was the first instance where UNHCR undertook a large-scale emergency action for a group, which *prima facie* was determined to be eligible for refugee status.

This experience was essential when UNHCR then initiated its first emergency operation in a Third World country, in Tunisia in 1957. These two crises mark important steps in the development both of the political conditions under which UNHCR had to act, and of the functions the organization was permitted to perform. Internal factors — decision-making and development of policies within UNHCR — will be observed in the study, as well as factors related to the over-all development of the UN. But not least, in accordance with the general perspective of the project, the analysis will consistently take into account the impact of essential

changes in the external environment, the international political development.

The flow of refugees from Hungary in 1956 is also the subject of a special study by Anders Svensson, focusing mainly on problems related to the role and policies of Sweden in this context. There are, among other things, interesting examples of the difference between rhetoric and substance, an analysis of factors such as the role of public opinion, of political expediency and of motives such as considerations of the labour market.

The project "Uprooted by the War" can in a way be described as an attempt to map the international factors which have contributed to the changes over time in the definitions and concepts of refugee and the ensuing international refugee policy. The project is interdisciplinary, and we are happy to among us have Göran Melander, an expert on international law, who is undertaking a study of the changes and developments of these legal concepts and definitions in the postwar era.

Another member of the project, Rune Johansson, has devoted special interest to theoretical implications and problems related to refugee research, to terminology, definitions, and concepts. He has also focused his interest on the flight as a process with the refugee situation as the end result, and worked on a theoretical model of this process, where the emphasis is on the alternative actions open to the refugees and the factors influencing these alternatives.

A disturbing and tragic element of the refugee problems of the last decades has been mass expulsions. Vietnam, Uganda and Cuba provide examples. As Michael Teitelbaum has emphasized, such actions "have become quite deliberate instruments of both domestic and foreign policy for various sovereign nations", and it is unlikely that the past experiences of mass expulsions will be the last.

Mass expulsions belong to different categories. The expellees can be aliens, residents of conquered territory or nationals and citizens. Even if mass expulsions seem to be an increasingly serious threat, they are by no means a new phenomena. Sven Tägil, who has a background of extensive research in ethnic problems, has a special interest in expulsions as manifestations of extreme solutions of ethnic conflicts. There are few if any cases of the same magnitude as the expulsion of Germans, *Volksdeutsche* as well as *Reichsdeutsche*, inhabitants of German territory taken over by the Soviet Union,

Poland and Czechoslovakia as a consequence of World War II. Hansåke Persson's study of British refugee policy includes a chapter on how the decision to expel the Germans was made and how it was implemented, particularly British positions and attitudes. The main purpose of his research, however, is an analysis of decision making in London concerning refugee policy and its implementation in the field, in the British occupation zone.

The expellees were no concern of UNRRA or IRO. They could not be resettled but were to be integrated into the German society. This meant an enormous burden on the prostrate people. With the economic recovery the integration started, but an additional strain came with a new type of refugees, hundreds of thousands fleeing from East Germany. The German society and polity thus had to contain millions of *Heimatvertriebenen* and *Zonflüchlinge*. The expellees from the East had special interests, regarding their economic and social situation in Germany but also concerning German foreign policy, especially the *Ostpolitik*, the possibility of a reunion of the two German states and not least the question of German's Eastern boundaries. A matter of interest is to study how a refugee population of this special kind went about organizing itself in order to further and protect its interests, what means were used and what was accomplished, the effect of its activities. Lars Ljunggren is writing his dissertation on this topic.

As stated, there is a close connection between refugee policy and foreign policy. It is a matter of interaction. Not only is refugee policy deeply affected by foreign policy considerations, it can also in its turn adversely affect relations between two countries. A case in point is the protracted conflict between Greece and Yugoslavia over the Greek refugee children. It was a bilateral conflict, closely connected with the process of polarization during the Cold War. It is of interest in this context also because in addition to the usual State and UN actors, a voluntary agency played a key role, the International Red Cross. Kenneth Nyström's research is devoted to this subject.

In addition to these studies one or two others are planned, both focusing on American refugee policy. The position of the United States as the politically dominant power after World War II, and also as the country with unparalleled resources to admit refugees for resettlement, makes it

natural to pay special attention to this aspect of the international refugee policy. Leonard Dinnerstein's research in particular has provided us with a fairly comprehensive picture of the activities of interest groups, lobbyists and members of Congress in connection with the struggle over the Displaced Person's Act of 1948 and its amendment in 1950. However, less is known about the Executive branch and the refugee policy controversies. Leif Eliasson is focusing his study on this aspect, with the emphasis on the first two postwar years. It is possible that a special study will take up also USEP, United States Escapee Program, which is one of the most clear-cut instances where a refugee program has been initiated as a means to a purely political end.

The individual studies within the project may at first glance seem rather disparate. However, taken together they are intended to illuminate different facets of the same problem, and they are also, in fact, chosen according to a comprehensive plan. The guiding principle has been, as I said, to look at the refugee policy problems in the context of international politics and relations. However, the individual studies have been organized not only with this principle in mind, but also in order to constitute studies with their focus on different levels. Firstly, the *International level*, with the international organizations, UN, IGCR, UNRRA, IRO, UNHCR, The International Red Cross. Secondly, the *National level*, represented by the United States, Great Britain, Germany and Sweden. Thirdly, the *Regional level*, represented by the British occupation zone in Germany. A study on the local and individual level may also be undertaken. It goes without saying that no study deals with one level exclusively.

If we, on the other hand, look at the actors, we will find that the individual studies are organized so that they deal with different categories. To some extent these categories correspond to the different levels I mentioned. But in addition to governments, non-governmental organizations and agencies, and voluntary organizations there are also studies focusing on refugees as actors, namely, the German *Heimatvertriebenen* and *Ostflüchtlinge* as well as Jewish infiltrates.

**Göran Rystad** is the Director of the "Uprooted by the War: Refugees, Displaced Persons and Expellees in Europe in the Early Post-War Era" project at the University of Lund, Sweden.

# "The Refugee Crisis: British and Canadian Responses" International Symposium Report

by C. Michael Lanphier and Noreen Spencer-Nimmons

January 4-7, 1989 marked the third international symposium to be co-sponsored by the Refugee Studies Programme at the University of Oxford, and the Centre for Refugee Studies (formerly the Refugee Documentation Project) at York University, Canada. The symposium title reflects the framework for British participants to address current refugees issues from the perspective of Britain's Race Relations Act, and Canadians from the perspective of the recent Multicultural Act.

## Purpose

The purpose of the symposium was to share expertise with those working directly in the field of refugee research, policy-making and social service programmes. More than 300 people had pre-registered for the symposium by the opening day. This number is probably attributable to the publicity on the part of the Oxford Refugee Studies Programme. Numbers escalated as word spread that the symposium was a concerted effort to bring government representatives, academics, practitioners and refugees together to share ongoing research work and to re-examine perspectives on solutions to the refugee crisis.

## Participation

The Canadian team of 31 participants provided representation from ten universities (from British Columbia to Newfoundland), the Ontario and the Quebec Provincial Governments, three

Canadian press outlets, three law firms and six non-governmental service delivery organizations. The Canadian High Commissioner, Donald S. McDonald, hosted the Symposium reception on January 6th and attended dinner that evening at Keble College with the co-sponsors and conference participants. The Canadian High Commissioner's staff at Canada House London, provided resource support throughout the preparation of the symposium. Michael Hellyer, Chief Education Officer, was especially invaluable as chairman of the joint organizing committees, acting throughout the fourteen month preparation period as a liaison resource between the British and Canadian co-ordinators.

Refugees from at least eleven different countries currently residing in the UK or Canada, also participated in the overall programme. Included were two students co-sponsored by York University and World University Services Canada and a recent participant in the Centre for Refugee Studies co-sponsored Refugee Women in Canada Workshop Weekend.

The UK participation included representatives from 45 NGOs, nineteen academic institutions, three government departments, eight media outlets and six local governments. Other international participation came from seven international voluntary agencies (including the UNHCR, the Red Cross, Amnesty International), eight other governments (Denmark, Norway, Sweden, Finland, the Netherlands, Japan, Ethiopia, the European Community) and three academic institutions.

## Opening Day

The Opening Day Ceremony was held at Rhodes House, University of Oxford. The keynote address, "The Nature of the Crisis" was delivered by Zia Rizvi, Secretary General, Independent Commission on International Humanitarian Issues. Dr. Rizvi emphasized the necessity for resolutions to the global refugee crisis to be based exclusively upon co-operative and universal humanitarian efforts. Later, Timothy Renton, Minister of State, Home Office, presented a keynote address on behalf of the U.K.

As Minister for Multiculturalism and Citizenship Gerry Weiner declined to attend, no Canadian counterpart from the Federal Government of Canada was present for the keynote addresses. Likewise, Gordon Fairweather, chair of Canada's newly formed Immigration and Refugee Board was called to remain in Canada. Reading Mr. Fairweather's speech on his behalf was Stanley Knight, the British Columbia assistant deputy of that Board.

Murad Velshi, MPP, parliamentary speaker, delivered the keynote address on behalf of the Minister of Citizenship, Ontario Province. Mr. Velshi, together with Clive Joakim, Director of Ontario's Citizenship Development Branch, participated fully throughout the symposium and contributed their expertise in some "Issues of Resettlement" sessions.

## Programme

The programme was divided into three major divisions, the presentation of papers, the refugee experience, and parallel sessions on resettlement. Some categories discussed were "Refugees: The Responsibility of Government"; "The Letter: Current Legislation"; "The Spirit: Historical and Social Perspectives"; "Psycho-social Issues of Resettlement"; and "The Context of Resettlement". The category "The Refugee Experience" involved personal accounts from refugees in the UK.

In a special presentation by the Chair of the recent Canadian Task Force Commission on Mental Health, Visible Minorities and Refugees, Morton Beiser reported that overall some 30 per cent of refugees suffer from some combination of physical and mental health problems, although the use of the health care system



*C. Michael Lanphier*

by refugees in Canada is no greater than by other Canadians. Yet refugees have experienced particular forms of stress which often represent considerable personal loss from their pre-emigration situation. The Canadian health care system is presently inadequate for providing effective health care delivery: greater staff multicultural training and greater outreach are prominent necessary improvements. Peter Cumming, Chair of the Task Force Commission on Access to Trades and Professions, reported on some of his own work in this field, the purpose and organization of the Task Force. Unfortunately, because the Canadian government still has not released either Task Force Report, both Dr. Beiser and Prof. Cumming were unable to give the important details of the findings which had been anticipated by representatives from other governments and symposium participants.

## Summary

Canadian participants addressed the agenda topics within the context of Canada's Multicultural Act. The British participants addressed the agenda topics from within the context of Britain's Race Relations Policy. Mr. Weller's address, for example, presented the British equivalent of multiculturalism, known in England as

"liberal nationalism". Discussion from the audience reflected concern over the deteriorating situation for claimants in Britain. Similar concerns focused on Canada's recent passing of Bills C-55 and C-84 and, in general, the closing of doors to refugees throughout the Western world.

In addition, great concern was expressed about insensitivity to the life plans of refugees themselves and the abrupt fracture of refugee families. Good will among the NGOs and refugee workers was evident. Representatives gave full support to recommendations such as the adoption in Britain of Canada's private sponsorship programme, the reduction of intake bias with respect to refugees from Africa, the Middle East and Sri Lanka, and the acceptance of asylum applications from outside the UK; in Canada, the relaxation of the definition of Designated Class and that Family Reunification be allowed for refugee claimants in exceptional circumstances.

More than 300 participants applauded efforts to encourage a refocusing of refugees from victim to resource, and to work toward durable solutions for refugees, not simply permanent solutions to immigration issues in all receiving countries.

## Closing Ceremony and the Way Forward

The symposium was officially closed following the presentation of recommendations from a representative from each of the "Issues of Resettlement" sessions. At press time, these recommendations were being collated and prepared at the Refugee Studies Programme, University of Oxford for formal presentation to the Centre for Refugee Studies. Closing presentations were given by Marlinda Freire (Chief Psychiatrist, Toronto Board of Education), Philip Rudge (European Council for Refugees and Exiles) and Michael Lanphier (Centre for Refugee Studies). Each speaker synthesized the events of the symposium in light of the global refugee crisis and approached the "Way Forward" as a task of great magnitude requiring international cooperation, research, and the application of progressive, global humanitarianism.

*C. Michael Lanphier and Noreen Spencer-Nimmons were the Canadian coordinators of the symposium.*

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# Book Reviews

**Miriam Davidson**  
*Convictions of the Heart:*  
*Jim Corbett and the*  
*Sanctuary Movement*  
**Tucson: The University of**  
**Arizona Press, 1988**

*Reviewed by Charles Stastny*

The name of Jim Corbett has become practically synonymous with the American Sanctuary movement of the 1980s. A Quaker humanist and Arizona goatherd with a graduate degree in philosophy from Harvard, Corbett was a founder of this movement to provide haven for refugees denied asylum by the U.S. government. Together with Presbyterian minister John Fife — whose south Tucson barrio church was the first to declare itself a "sanctuary" (March 1982) — Corbett started a network of religious sanctuary institution that eventually reached from the Mexican to the Canadian border. As the struggle over United States refugee and foreign policy in Central America developed during the Reagan years, Corbett remained a dominant figure both as activist and philosopher. When the U.S. government decided to attempt to crush the movement, Jim Corbett became one of eleven defendants tried on the charge of "alien smuggling" in the seven-months-long (1985-86) Tucson trial. The Arizona jury convicted eight of the defendants while acquitting Corbett and two others.

The present book, written by a journalist who is herself a Quaker, provides a lively narrative of the events leading up to the Tucson trial and of the trial itself — within the context of the internal and external struggles of the evolving sanctuary movement. The most important internal issue involved the differences in philosophy and approach between the Chicago Religious Task Force on Central America (CRTFCA) and a similar task force of the Tucson Ecumenical Council (TEC), the latter coming to be dominated by the philosophical perspectives of Jim Corbett. As Davidson points out, the factional conflict had its roots in the differing

origins of the two groups of activists. The Arizona people, frustrated in their efforts to effect changes in the treatment of refugees through established administrative and legal channels, had created the initial stations of the "underground railroad". Their immediate aim was to provide the asylum that the government was refusing to grant for those who arrived on their doorstep. The Chicago centre, on the other hand, was formed in the early 1980s with the explicit objective of challenging U.S. foreign policy. Only later, hesitantly, did it find itself (at Corbett's request) playing a leading role in "running a refugee-relay network" on a nation-wide scale. The TEC people favoured an essentially apolitical humanitarian approach, whereas the CRTFCA wanted to emphasize "public sanctuary" — sanctuary for the minority of "politicals" among the asylum-seekers willing to go public. Davidson quotes from the January 1985 *Basta* (the CRTFCA's journal): "We see little benefit in a sanctuary movement that is a mile wide and an inch deep."

The main external issue concerned the interplay between the sanctuary movement and the American government. Two months prior to the public declaration of sanctuary by Rev. Fife's Tucson church, Corbett addressed a National Council of Churches conference as follows: "With people in our midst being hunted down and shipped back, ... the fate of the undocumented refugees depends on the religious community's participation and leadership in helping them avoid capture." He then urged that, given the experiences of this century, "the right to aid fugitives from government-sponsored terror" must be "upheld in action by churches — regardless of the cost in terms of imprisoned clergy."

For Corbett, sanctuary was not civil disobedience, as the Chicago task force would have it, but rather "civil initiative" — on the practical level, a means of opposing a government that was violating its own law as well as international law. At the heart of his political (and theological) philosophy of "covenant as sanctuary" was his insistence that the decision to enter into "protective community with the poor and persecuted" must include the aim of "holding the state accountable for its violations of human rights". In his

view, since refugees cannot be "illegal aliens" and since refugee rights are spelled out in international law (Nuremberg Principles and Geneva Conventions), the civil initiative he is advocating becomes an affirmative duty of "good citizenship".

The Reagan administration evidently became increasingly dismayed at the growth of the sanctuary movement, particularly within mainline churches. At the end of 1983, the State Department's principal spokesman on Central America virtually admitted the government was "losing the battle for the high moral ground ... when a lot of church groups are opposing us and saying we don't have it." Meantime, there were apparently divided counsels and much hesitation at the top levels on how to respond so as not to "create more martyrs". But by 1984, as Davidson describes in detail, the ground for a crackdown was being prepared through an investigation marked by surveillance and infiltration.

Then comes the centerpiece of this book — the trial itself, which Davidson covered for the *Christian Science Monitor*. Corbett, along with his co-defendants, was profoundly disappointed that the presiding judge, Earl Carroll, ordered the exclusion from jury consideration of all of the substantive issues, including international law, the situation in Central America, and U.S. asylum policy. The sanctuary workers were prosecuted as "alien smugglers", whose motives presumably were no different than those of *coyotes*. The author describes the frustration on the sanctuary defence side as all of its motions were summarily rejected — except for the claim that this was a case of "selective prosecution" by the government; this last seemed to trouble Judge Carroll, who heard arguments on the issue (with jury excluded) and waited until after the final verdicts to rule against the defence motion. Only in their opening statements did the sixteen defence attorneys — while drawing admonishments and warnings of contempt citations from Judge Carroll — manage to allude to the defendants' motives in sheltering refugees in churches and homes.

The star of the prosecution's five-month presentation of evidence was a Mexican *coyote*, with a history of smuggling farm workers, who had been recruit-

ed to infiltrate the movement. Virtually no evidence was presented against Corbett — (the witness who presumably was to be used against him had disappeared) — which Davidson believes may account for his acquittal. After the prosecution concluded its case, the defence rested without calling a single witness, expecting that the Mexican informer's lack of credibility would turn the jury against him and the prosecution. However, Judge Carroll's narrowly restrictive instructions to the jury virtually assured some convictions. (According to Davidson, Corbett expressed astonishment that "decent people" could convict *any* of his fellow defendants.) At the same time, Davidson cites subsequent statements of jurors that reveal considerable reluctance to equate these defendants with *coyotes*. And, when handed out sentences two months later (July 1986), Judge Carroll himself, in suspending prison terms, seemed also to give some credence to the defendants' motives. Judicial appeal of these convictions is still pending in the U.S. Federal Courts.

Corbett's closest associate in the "refugee work", Reverend John Fife, was given five years probation by Judge Carroll. He had been convicted on charges that carried possible sentences of ten years imprisonment and US \$10,000 in fines. Far from abjuring "refugee work", a few months later he led a delegation (that included another of the convicted sanctuary workers) to Holland to meet with European church representatives "interested in expanding the sanctuary concept to their countries". The government's "victory" at Tucson may well prove to have been a pyrrhic one: the sanctuary movement has by no means disappeared and is likely to survive so long as a wide gap between state and non-state concepts of "refugee" and right of asylum persists.

Further, this experience of a direct clash in the judicial arena between state and church reveals several elements that may be pertinent to the Canada of Bill C-84. The provisions of the criminal codes of the two North American countries are now quite closely aligned in this area. In his article on "Canadian Sanctuary" (*Refuge*, December 1988), David Matas has explored the legal dimensions of a conjectured defence of Canadian sanctuary workers. Setting aside the differences of the Canadian and U.S. political and legal systems, the scope for discretionary exercise of state authority looms large on both sides of the border in relation to factors such as the decision of whether or not to

prosecute, the choice of investigatory methods, and the drawing of a line between those with venal and those with altruistic motives, (which the authors of the Canadian statute have "promised" to take into consideration). If the polarization between government and non-government (particularly religious) organization continues, Canada also could face a "Tucson trial" in the 1990s. The experiences of the American sanctuary movement described in this book may have particular relevance to Canadians concerned with refugee affairs.

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**Supang Chantavanich  
and E. Bruce Reynolds,  
editors**  
*Indochinese Refugees:  
Asylum and Resettlement  
Bangkok: Institute of Asian  
Studies, Chulalongkorn  
University, 1988*

*Reviewed by  
Noreen Spencer-Nimmons*

This edited monograph consists of a collection of papers originally presented in Thailand in May of 1987 at an "International Workshop On Indochinese Refugees: Causes, Resettlement Processes and a Proposed Solution". Supported by a wealth of statistical data, the articles address refugee policy, processing, services, settlement and resettlement programmes. The book is divided into three parts: 1) Refugee in Southeast Asia; 2) Refugee in Asia and the Pacific; and 3) Refugee in the Western World. One may picture from this structure three concentric rings or waves of activity, outbound from the core: the closest border countries; secondary range countries in Asia, Malaysia, Australasia, and tertiary range Western countries in Europe and North America.

Supang Chantavanich's introduction provides three very helpful illustrations: the outflow routes of displaced

Indochinese refugees; a world map indicating resettlement countries and numbers resettled in each country; and a map of Thailand with Indochinese refugee "Service Sites" and an inset map of the Indochinese States. Chantavanich then outlines the history of conflict, the socio-political phenomenon of the mass exodus of people from the Indochinese States in the past decade, agreements between Thailand and International agencies, security issues for this country of first asylum, camp settlements, service provision programmes, and the co-operative agreements both with the international community of voluntary agencies as well as with other states, not all of whom are signatories to the Geneva Convention on refugees. According to the Pongsapit and Chongwatana UNHCR source statistics, between 1975 and 1986, the number of refugees and displaced persons arriving in Thailand increased from 76,338 to 665,955. They fled from Vietnam, Kampuchea, and Laos (Lowland and Hilltribe populations). Devastation caused by military forces and appropriation of land by new regimes, the levy of new taxes and military conscription (in Laos) and forced expulsion (in Kampuchea) were causal "push" factors of flight. The authors also consider the expansion of processing programmes established by resettlement countries as a "pull" factor contributing to the exodus amongst Laotians; they argue that this has been the "primary motivation for migration".

Two major effects in the global crisis of forced migration and population displacement today, of which the Indochinese refugees and displaced persons form one part, are: 1) the development of management and determination policies by bordering states as well as those countries at greater distances from the area of conflict; and 2) the development of a service programme infrastructure and aid industry within countries of first asylum in Indonesia, (Pongsapit and Chongwatana) and the Philippines (Desbarats), in addition to Thailand. In Part II, further afield in Asia and the Pacific, articles focus on the Indochinese refugee situation in China (Zhu Rong), Japan (Chantavanich) Hong Kong (Davis), Australia (Viviani) and New Zealand (Lyon). In the Western World, other authors relate the themes to the United States, Canada, France, Britain, the Federal Republic of Germany, and Switzerland.

In following the two themes of state policy and state aid through the articles, a controversial theme emerges, gaining strength the further afield the Indochinese refugee situation is addressed. Every country has pitched in to provide humanitarian assistance, but neither the cause of the refugee problem nor the flow of refugees have ceased. Implicit in the argument is that humanitarian assistance is, at best, ineffective in dealing with root causes and stemming the refugee flow and, at worst, an exacerbating factor.

In various ways, the social, political and cultural impact of the refugee exodus is felt in each receiving country. Some of these are described below.

Japan, a "closed society for centuries," a society which opposed Korean immigrants as "undesirable" and even felt threatened by them, now faces "co-existence" with refugees. But Japan also has a "political concern regarding the impact of refugee flows on the stability and peace in ASEAN countries." Hong Kong, directly influenced by British policy, cannot overlook the origin in the mid-1970s of the "refugee problem" or the impact on Hong Kong as that problem "projects its shadows into the 1990s," (implicitly, together with the larger "problem" and longer shadow for Hong Kong residents in 1997). Australia, a country of migration based on exclusionary policies, such as "White Australia Policy", is now confronting its regional role as the "refugee crisis necessitated a change in the Australian domestic attitudes about Asian migration" in general. New Zealand's position is similar, although they have had "a reputation since World War II of taking in refugees rejected for resettlement elsewhere."

The study of the impact of the refugee exodus continues in the Western World, where the United States has "been a place of permanent refugee for people fleeing persecution since the arrival of the pilgrims" — but is now faced with admission policies and refugee processing "mechanisms". Canada also is described as "a nation of immigrants" and its reputation for humanitarianism and refugee determination policies has grown since 1946 (rather late, but an effort to correct its previous inhumanitarian policies toward World War II victims of persecution). Yet we know that today, Canada has become one more country amongst many involved in current policy revisions based on trends in the global refugee crisis. "Although the government in not prepared to admit it, the economic cost of

resettling refugees in Canada is a further factor which may be contributing to the reshaping of its current policy" (Neuwirth and Rogge).

Similarly, we read that in Europe, France boasts a "long-lasting relationship with [its] colonial *Indochine française* countries", but the present situation is one of "solidarity and its limits". Britain has "regularly received those who flee persecution" dating back to the 17th Huguenots from France and 19th century Jews escaping pogroms in Eastern Europe. Although author Hitchcox emphasizes aspects of resettlement, the British government's policies of refusal now eclipse their acceptance policies and programmes of assistance. The Federal Republic of Germany and Switzerland complete the countries cited who opened then closed their doors or, as in the case of Switzerland, "swayed between a certain openness toward the seekers of asylum, and a steady resistance to everything extraneous."

All the articles present research based on the humanitarian expression of assistance to the Indochinese refugees by the countries cited above. China's programme of assistance has been based on providing the "necessary conditions for production and living" in order to fuel the refugees' enthusiasm for mobilizing themselves toward self-sufficiency. Chantavanich's thoroughly researched article on Indochinese refugees in Japan is, in itself, a significant contribution to the literature. Despite Japan's isolation due to geographic characteristics and its centuries-old cultural traditions of closed societies, Government policy is based on humanitarian concern and diplomatic efforts involving interventions and appeals to Vietnam and Kampuchea for a resolution of root causes and long-term solutions. Financial cooperation was delivered through \$100 million in fiscal 1980 and dispersed as follows: UNHCR Indochinese Refugee Relief Programme, US \$60 million; food aid and rice, US \$24 million, World Food Programme (fish) US \$4 million and international organizations, US \$16 million to assist in the construction of "New Villages". Japan's refugee reception programmes include Resettlement, First Asylum, and Orderly Departure. New Zealand's programme focuses on "Family Reunification".

All the countries cited in this volume have established and expanded settlement or resettlement programmes. In March of 1986, the number of "Administered Indochinese Refugees" fleeing from the

above countries into Thailand was 702,772; and of these, 75.6 per cent were resettled (primarily Vietnamese), 4.9 per cent were relocated, 1.7 per cent were voluntarily repatriated, but 17.8 per cent, or 119,471 people remain in camps. The highest percentage of long-stayers in camps are the Laotians (Hilltribe Lao 44.7 per cent and Lowland Lao, 17.4 per cent). Reading the statistics from articles relating to refugee intake and processing in primary and secondary range countries, we learn that in 1986-87, departures of refugees from Indonesia First Asylum Camps was 96 per cent, and 98 per cent from the Refugee Processing Camps; in the Philippines, 95 per cent were "de-processed and resettled" beyond this geographic sphere (again, the largest numbers were Vietnamese and the smallest numbers were Laotians). In the past decade, Japan has achieved a 96 per cent rate of resettlement of refugees, but in 1987 had *no new arrivals*. Hong Kong, on the other hand resettled only 15 per cent of its refugees; thus, according to these statistics, more than 31,530 people remain encamped. Aid has been supplied from local to international levels. New Zealand focuses on Family Reunification, while Canada boasts its unique private sponsorship programme and its Host Family Programme for government-sponsored refugees. The fact remains that all of the countries in these three concentric rings spreading out from the refugee producing centre in Indochina are closing their doors.

Not enough is said in this volume about the impact of flight or the effect of new policy decisions on the refugees themselves. An exception is the article by Leonard Davis who sensitively describes the psychological devastation and hopelessness felt by Indochinese refugees in Hong Kong. Here, refugees share one "basic expectation on arrival: that they will be resettled in one of the 'paradise' countries." The UK has not lived up to its resettlement quota commitment. The horror of the past is relived and the dream of the future shattered as many fragmented extended families find no way out for themselves and no way in for their dispersed relatives. Enforced containment, or structural apartheid is the programme, not family reunification. A second generation is growing up in "closed camps" and here, all refugees now arriving will join them in the overcrowded "closed centres, operated by the Correctional Services Department, the prison service." The

small Vietnamese child who knew only open fields and the seashore, was told by his parents during their flight for life that he was "sailing to freedom". Now growing to adulthood in a closed Hong Kong camp, he stares through the barbed wire fence and asks, "What is freedom?"

The book's concluding "Articles for Solutions" highlight the burden felt by the international community and the enormity of the problem for refugees. For example, in a *Globe and Mail* article published on February 24, 1989, Morton Beiser wrote about his recent field trip to refugee camps in Hong Kong. In this crowded city of 5.5 million people, refugees were placed in about six different open or closed camps. Approximately 3,000 refugees live in the San Yick camp, a concrete building. On the third to tenth floors, 400 to 500 refugees live stacked in three tiers of 4 by 8 foot wooden platforms: the lower tier is for families, the middle tier for single women and the top tier for single men. Security and protection for single women is nonexistent; they keep watch over each other or sleep during the day. On each of the floors of the building the refugees share one toilet, two showers and one large sink which is used for all washing purposes. Proper hygiene is almost impossible to manage; disease, infections and malnutrition are rampant. A four year old girl, an unaccompanied

minor, is alone in this atmosphere. As Dr. Beiser says, "Each refugee has his or her own private nightmare." The camp in Sham Shui Po district is not much better and houses 5,000 refugees. As in other countries today, newly arriving refugees are held in detention centres; in Hong Kong, newcomers wait pending repatriation to Vietnam. "Understandably" Beiser says, "one of the great fears in places such as Hong Kong is that, as Canada and other countries of permanent asylum close their doors, refugees will cease to be a world problem, leaving nations that provide initial sanctuary to their own devices."

Clearly, the problem of "displaced persons" and "economic migrants" needs to be sorted out with respect to a reformulation of the definition of "refugee". Conditions placed on humanitarianism do not help the refugee, and closing borders does not resolve the refugee crisis. In the Neuwirth and Rogge article, the sentiment of Thailand's former Secretary-General of National Security gives pause for thought: "Thailand gives assistance to refugees *on the basis of humanitarian considerations*. Western Countries resettle refugees *on the basis of immigration considerations*."

We know that state policies have changed since this book was published and that the refugee situation has reached global crisis proportions. But the volume

of scholarly articles is a valuable contribution to refugee research, particularly the first-hand positions and situations of refugees in countries closest to the core, and those in the secondary and tertiary spheres of activity. They highlight the fact that all of the countries in these three concentric rings spreading out from the refugee producing centre in Indochina are closing their doors, some with a louder slam than others. Canada, with its unique policy for Designated Class refugees and sponsorship programmes continues to uphold its humanitarian intake. But the overall external pressures, or resistances wash the problem back onto the shores of those countries in closer proximity, or to those directly bordering the refugee producing centre. What we are seeing today then is what may be termed, in the abstract, the "standing wave" effect. In reality, it is the human life of refugees that is caught and crushed between the push and the pull of staying alive. Thus, for government, agencies, academics and refugees, this book presents a collective, staggering reminder that there is much work yet to be done.

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## New Publications

- J. Bruce Nichols and Gil Loescher, editors, *The Moral Nation: Humanitarianism and U.S. Foreign Policy* (Notre Dame: University of Notre Dame, 1989). This volume critically examines the role of the U.S. government and private agencies in providing relief aid to human rights victims, refugees, and famine victims. It illustrates the difficulties of reconciling principles and politics in the administration of U.S. humanitarian policy and addresses the controversial topics of asylum and sanctuary for refugees from violence-torn areas such as Central America as well as looks at the actual mechanics of recent U.S. famine and refugee assistance in the Horn of Africa.
- Renée Hirschon, *Heirs of the Greek Catastrophe: The Social Life of Asia*

*Minor Refugees in Piraeus* (Oxford: Clarendon Press, 1989). This rare ethnographical study of Kokkina, an urban locality, over fifty years after its settlement by refugees following the war between Greece and Turkey which ended in 1922, provides insights into the phenomenon of ethnicity and demonstrates through anthropological analysis the strength of cultural values in transcending material deprivations.

- Gil Loescher and Laila Monahan, editors, *Refugees and International Relations* (Oxford: Clarendon Press, 1989). The essays in this book are by leading experts in refugee protection and assistance, and examine some of the most pressing issues facing the international community today. They cover such topics as military attacks

on refugee camps, voluntary repatriation, and the future of third country settlement, and point towards new directions in policy and practice.

- *1988 Annual Report on the Human Rights Situation in Peru* (Toronto: Inter-Church Committee on Human Rights in Latin America, 1989). A concise but meticulous report on the deteriorating economic and political situation in Peru during 1988, a year which saw a marked increase in human rights violations by guerrilla, military and paramilitary forces. In all likelihood this will result in an increased flow of refugees from Peru. The report ends with a series of recommendations to the Canadian government.

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