Forced migration

Overview

This chapter explores forced migration, in particular the definition of refugees and the notion of a refugee experience. The political and economic causes of forced migration are closely connected. The 1951 Geneva Convention is the basis for refugee law and policy. Its definition of a refugee emphasises individual persecution and involves both subjective and objective elements. The notion of a 'refugee experience' is highly contested. Some reject it due to the diversity of individuals' experiences while others point to commonalities arising from the lack of choice in moving and the emotional and physical loss it entails.

Key concepts

Forced and voluntary migration; asylum; asylum–immigration nexus; Geneva Convention definition of refugees; refugee experience

Introduction

The movement of refugees has been the most visible and controversial aspect of international migration since the 1980s. Unlike the migratory movements discussed in the previous chapter, the migration of refugees is seen as involuntary, or forced, and a result of non-economic motives. The number of forced migrants has expanded due to the escalation of conflicts and the collapse of state structures. The closing-off of other routes to migration has also increased asylum claims. The Third World generated huge refugee flows before 1960 but the overwhelming majority settled in their region of origin (Zolberg et al, 1989: 228) and were therefore of limited concern to the West.

The end of Cold War, rather than leading to a more peaceful world, has brought renewed, and in many cases more entrenched, conflicts. Civilians are increasingly the targets of human rights abuses and account for 90% of deaths in contemporary conflicts (Castles, 2003: 50). While the majority continue to remain in their country of origin, a minority move across continents to seek asylum in developed countries.

Not all of those forced to leave their homes are counted as refugees in international law, and are able to claim its protection. The basis of international refugee law is the Geneva Convention on Refugees and its Bellagio Protocol, which had been signed by 146 of the 191 member states of the UN in 2005. The rights embodied in the Convention include the right of individuals to apply for asylum and an impartial refugee determination process (UNHCR, 2006), non-refoulement (protection against being sent back to face danger or persecution) and minimum standards of living in the country of asylum for those granted refugee status. The 'classic' refugee, for whom the Geneva Convention was developed, is an individual who has suffered persecution in his (sic) country of origin. Today's forced migrants increasingly do not fit that model and are often deemed to be 'caught up in conflict' rather than refugees within the meaning of the Convention. The process of refugee determination is based on the assumption that it is possible to make a clear-cut distinction between refugees and 'economic migrants', and between forced and voluntary movement, distinctions that in reality are increasingly blurred (Bloch, 1999).

Policies concerning the acceptance and settlement of refugees are based on humanitarian principles, whereas it is the interests of the receiving country that govern policies on economic migration. In spite of its humanitarian basis, refugee policy has often been an arm of foreign policy, and political and strategic considerations inform individual countries' decisions about whom to admit (Joly, 1996). Refugee-receiving states are unwilling to accept refugees from their allies since by granting this status to those who have fled they imply that the regime has breached human rights. The United States has been the most political in its decision making (Zolberg et al, 1989: 27). It shifted to a more generous stance on admissions at the start of the Cold War as those 'fleeing communism' were seen as votes for liberal democracy (Harrell-Bond, 1999: 144). During the 1970s and 1980s, when much of Latin America was governed by authoritarian right-wing regimes, it did not accept asylum applicants from these states because of its alliances with their governments. Similarly, the British Conservative government refused to accept refugees from General Pinochet's coup in Chile in 1973 and it was only with the return of a Labour government in 1974 that some were admitted. More recently this position has been formalised with the development of a 'white list' of states deemed to be 'safe' and from which asylum applications are deemed to be unfounded.

There is an increasing contradiction between a more widespread adherence by states to core common humanitarian values as expressed through international instruments, and the increasing inequality and insecurity that produce refugees who are then confronted with closure on the part of the rich countries. Most EU and other western states now operate strict policies towards the entry of refugees, who have to resort to clandestine means of entry. Refugees are increasingly associated with poor countries. There have, however, been a small number from western states, for example some US soldiers have claimed political asylum in Canada after refusing to serve in the war in Iraq.[1]

This chapter focuses on the extent to which it is possible to make a distinction between forced and voluntary migration. After briefly outlining the background to contemporary forced migration flows, it discusses this in relation to two main issues: first, the definition of a refugee in international law, and second, the notion of the 'refugee experience'.

Why forced migration?

The scope of refugee flows

There were 20.8 million people 'of concern' to the United Nations High Commission for Refugees (UNHCR) at the end of 2005, of which 40% (around 8 million) were classified as refugees (UNHCR, 2006: 2). This represented a rise of more than a million during that year. A minority of these had gone through a formal asylum process: most are recognised as de facto refugees when they are given assistance by the UNHCR after crossing international borders in situations where they are fleeing conflict. There were 668,000 initial asylum applications and appeals submitted to governments in 2005, the majority registered in Europe (UNHCR, 2006: 7). Internally displaced persons (IDPs) represented 32% of the people 'of concern' to the UNHCR in 2005 and 11% were stateless. Pakistan and Iran remained host to the largest refugee populations, with around 21% of the global refugee population each, followed by Germany, Tanzania and the United States, while Afghanistan was the largest refugee-producing country. The majority of the world's refugees continued to be based in poor countries with just under 2 million in Europe at the end of 2005. These included 293,459 refugees and 13,400 asylum seekers in the United Kingdom. Other people 'of concern' are even more concentrated in developing countries: Colombia hosted over 2 million people, almost entirely IDPs, followed by Iraq (1.6 million), Pakistan (1.1 million) and Afghanistan (912,000).

Global refugee numbers reached a peak of 18.2 million in 1993 after the end of Cold War. Asylum applications in European Union states quadrupled between 1985 and 1992, rising from 159,176 to 674,056 (Levy, 1999: 16).

The decline in refugee numbers since then is mainly a result of repatriation; the UNHCR declared the 1990s the 'decade of return'. Nine million people returned to their country of origin between 1991 and 1996 (UNHCR, 2006: 130). Return programmes were the result of changing international policy towards return as well as the resolution of some protracted conflict situations. Repatriations included 3.4 million to Afghanistan and over a million to Bosnia-Herzegovina. The number of IDPs, however, has increased due to the closure of state borders preventing refugee flight and the changed nature of intra-state conflict as well as growing recognition of IDPs as a group in need of protection (UNHCR, 2006: 18). Natural disasters create forced migration and directly affect an average of 21 million people per year (UNHCR, 2006: 27) with displaced populations disproportionately vulnerable. Even greater levels of displacement are caused by development projects, but although people forced to move by natural or 'man-made' disasters are entitled to protection and assistance from the UNHCR, those displaced through development policies and projects are not. It has been estimated that in India 33 million people have been forced to move in this way (UNHCR, 2006: 28).

Figures for forced migrants are notoriously unreliable, particularly for stateless persons (UNHCR, 2006: 9). Refugees and IDPs who do not – or are unable to – register with the UNHCR are not counted and are denied access to material assistance and family tracing and reunion, and their children become effectively stateless (UNHCR, 2006: 44). The figures are often not broken down by gender and estimates are based on the assumption of a male 'head of household'. Official figures for adult asylum applications do not include dependants and no reliable figures exist for the numbers of refugee children (Dennis, 2002: 4). Unaccompanied minors are counted separately in many countries and constituted an average of 5% of asylum claims in 21 European countries for which data was available during 2001–3 (UNHCR, 2006: 4).

While particular refugee situations have become highly visible, more than 60% of refugees are trapped in situations far from the international spotlight (UNHCR, 2006: 105). In 2004 there were 33 situations of 'protracted refugee exile', defined as situations involving at least 25,000 people over a period of five years (UNHCR, 2006: 106). This excludes the chronic Palestinian refugee situation, which is dealt with by a separate authority.

The causes of forced migration

Refugee flows are often perceived as 'unruly' since they result from events such as civil strife, abrupt changes of regime, arbitrary governmental decisions, or international war, all of which are generally considered singular and unpredictable occurrences (Zolberg et al, 1989: v). Although specific events that propel refugee flows may appear to be sudden, refugee-producing

situations are not random events but part of global power structures that reflect inequality between people and regions and are thus subject to analysis (Zolberg et al, 1989). The causes of refugee flows are strongly linked to those that precipitate economic migration, with both movements arising from the unequal incorporation of states into an international system of economic and political power. Conflict and forced migration are an integral part of the North–South division (Castles and Loughna, 2003: 5).

Forced migration has accompanied war and conquest throughout history but it took new forms with the development of the nation state and the political and economic changes associated with capitalism. The formation of nation states implied that only nationals could be citizens, and national belonging was often associated with religious or ethnic identity, so that minorities became 'misfits' (Zolberg et al, 1989: 12) and suffered discrimination and expulsion. During this period refugees were often sheltered by co-religionists in neighbouring states, such as the Huguenots, who went to Britain and also formed a sizeable group in Protestant areas of Belfast. Jews were frequently excluded from the countries in which they had settled and this took particularly virulent forms in the pogroms of the late nineteenth century in Russia and Eastern Europe. They often met with hostility from states where they sought refuge and their entry was deemed 'exceptional' rather than taken for granted (Zolberg et al, 1989: 25). Struggles with the old order and with the nascent capitalist class also led to the development of new political ideologies and political refugees who were deemed undesirable or dangerous because of their political opinions.

The twentieth century produced refugees on an unprecedented scale. Totalitarian regimes practised persecution on political, religious and ethnic grounds. The Second World War led to massive forced and voluntary movement, with 30 million people internationally displaced at the end of the conflict (Zolberg et al, 1989: 21). The Cold War brought new refugee movements, mainly small groups of individuals, although following the 1956 Hungarian uprising 200,000 refugees fled to Western Europe. Colonial struggles and post-colonial state formation brought civil conflicts across much of Africa and Asia in the 1970s and 1980s. Unequal social and economic relationships outlasted formal independence and the failure to build independent economic and social development in much of the South was accompanied by weak states, predatory ruling cliques and human rights abuse (Zolberg et al, 1989: 17). The arbitrary state boundaries bequeathed by colonialism often produced the conditions for ethnic conflict within the newly independent states. The independent Nigerian state, for example, incorporated three major ethnic groupings and political parties were constructed on ethnic lines with each competing for state resources. This competition led to a civil war in 1970 with the secession of Biafra from the federal state and large refugee flows.

With the end of the Cold War, 'globalization and the dominance of a single superpower have increased conflict and forced migration' (Castles, 2003: 5). Attempts to build nation states based on ethnic identity and exclusive notions of nationality have led to the 'denationalisation' of groups not seen as belonging, with forced displacement increasingly used as an instrument of war (Crisp, 2003: 76). Castles argues that ethnic cleansing is not the emergence of 'age-old hatreds' but a 'systematic element of a thoroughly modern new form of warfare' (Castles, 2003: 18). In Rwanda, for example, Hutu and Tutsi identities 'were created and reproduced as separate and conflicting racialised identities under colonialism' (Baines, 2004: 132). During the civil conflict in 1994, one in eight Rwandans fled and 80,000 people, mainly Tutsi, perished in four months of brutal mass killing (Baines, 2004: 164). The collapse of the Eastern bloc states brought a refugee crisis to Europe's door, with the former Yugoslavia the major refugee-producing country in this period as it split into new states based on ethnic identity. Gender was an essential element in the constructions of nationhood, and rape and impregnation of women from the 'other side' became a specific weapon in these conflicts (Baines, 2004).

The post-11 September global 'war on terror' introduced a new dynamic to conflicts as the pursuit of terrorists was used by western powers (led by the United States and Britain) to justify military offensives against other states, including Afghanistan and Iraq. These actions have created thousands of refugees as bombings of civilian areas have left people homeless and escalating civil wars have forced people to flee in search of safety.

The reception of today's refugees has been very different from that given to those fleeing during the Cold War period. During the 1960s and 1970s refugees from independence struggles were often welcomed by neighbours and allowed into their territory. They were supported by western donors through the UNHCR as part of Cold War stabilisation. This strategic interest collapsed with the Cold War. The increase in refugee numbers has thus been accompanied by measures to block them from entering western states, while there has also been a decline in the support they are able to obtain in neighbouring states. In 2001, those fleeing bombing in Afghanistan found borders closed, although Pakistan had hosted refugees from there for decades. Border closure and refoulement is generally associated with developing countries but in developed countries, where refugees arrive in smaller numbers, a broader array of measures is deployed to deter entry (UNHCR, 2006: 34). With the stabilisation of Eastern European states and their incorporation into the European Union as members and associates, these states have been transformed from the refugee producers at the doors of Western Europe to partners in preventing arrivals from further afield.

The role of the 'international community' (which essentially means the powerful northern states and the intergovernmental agencies) in preventing

forced migration is ambiguous (Castles, 2003: 18) and contradictory. Underdevelopment is increasingly seen as a threat to security in the rich countries, hence the current concern with investment and trade in Africa of the major economic powers. In bringing these countries into the world market, however, traditional social relations are disrupted, creating the conditions for emigration. In underpinning these unequal relationships, the governments of the developed world do more to cause forced migration than to prevent it.

The asylum–immigration nexus

The causes of conflict and violence that propel refugee flight are linked to those that cause poverty and economic dislocation and that propel people to move in search of better material opportunities. As conflicts are increasingly related to the breakdown of state structures, the economic and political causes of movement are difficult to disentangle. The notion of an 'asylum–immigration nexus' (UNHCR, 2006: 56) encapsulates this connection. Migrants seeking better economic opportunities and refugees fleeing conflict and human rights abuses are increasingly using the same routes and intermediaries, including smugglers. These routes may bring them to the same destinations, chosen because of the existing relations between them.

Another connecting link between forced and economic migration is the secondary migration of refugees after they have reached an initial place of safety. Many move on to seek better economic opportunities as part of individual or household coping strategies. Remittances sent from relatives who have moved in this way are crucial to the survival of those left behind (UNHCR, 2006: 24). These remittances are an increasingly important form of transnational link (see Chapter Three) and refugees play a similar role to economic migrants in the transfer of economic resources. Longer-term strategies may involve age-selective asylum migration, in which a young person is selected to move on in the expectation that they will be able to take advantage of opportunities in rich countries and help support the family back home. A Somali boy, aged 14, described being sent to London alone from a refugee camp in Kenya after relatives had pooled money to pay for the fare and the documents he needed:

> My brother took me to the airport. I was chosen by my family to go. I was the middle one; I was old enough to be sent, but not too old to get an education. They thought I would have a better life in England. I would be able to help. (Interview with unaccompanied Somali refugee, London school, 18 July 1996)

Defining refugees

The term 'refugee' has both an everyday meaning – those fleeing for their lives from violence and persecution – and an exact meaning in law. As Zolberg et al (1989: 3) put it, the definition is 'no mere academic exercise but has a bearing on matters of life and death' and its significance as a legal, social and administrative category has been vastly enhanced in contemporary policy and discourse. The need for precise definitions did not arise under conditions of unrestricted immigration. The Statue of Liberty, which overlooks New York Harbour and the entrance to the city, was erected there in 1886 to proclaim America's openness to newcomers and the opportunities embodied in the American Dream. Its base bears the poem by Lazarus that includes the lines (quoted in Zolberg et al, 1989: 3):

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free
> The wretched refuse of your teeming shore.

These 'huddled masses' are precisely the people whom western states are now trying to turn away. Escaping poverty is not a passport to entry for those 'wretched' people fleeing the 'teeming shores' of the contemporary developing world. The reality was always different from this image, since people were turned back at the Ellis Island processing centre if they were deemed too sick to be productive or failed basic intelligence tests. Now even the able bodied are rejected unless they have skills that are in demand or they can prove that they fit the narrow categories outlined in the Geneva Convention. Western states are interpreting this definition increasingly strictly, attempting to make a firm distinction between genuine refugees who are granted refugee status and those deemed to be economic migrants. The term 'asylum seeker', a person in the process of applying for recognition as a refugee, has developed negative connotations and is often coupled with the term 'bogus' or even 'illegal'.

The word 'refugee' was first used in France in 1573 and in Britain it was used in the late seventeenth century in relation to Huguenots (Zolberg et al, 1989: 5). Most states, however, did not differentiate in law between refugees and other migrants until recently. Britain's 1905 Aliens Act, its first immigration control measure, made special exemptions for refugees. The United States did not distinguish between refugees and migrants until after the First World War (Zolberg et al, 1989: 17).

The formal definition that is now the basis for international refugee law was established with the Geneva Convention in 1951. The foundations of the international institutions for refugee protection were developed by the League

of Nations, established after the First World War. It set up High Commissions for Refugees from Russia in 1921 and from Germany in 1933.These embodied a crucial step forward in refugee protection as they involved the international community in taking collective responsibility for the victims of persecution and granting them specific rights (Zolberg et al, 1989: 20).

In the aftermath of the Second World War, the millions of internationally displaced people added urgency to the need to tackle the refugee issue. The Geneva Convention was ratified in 1951 and the definition of refugee that it included remained substantially the same as that developed during the 1930s (Zolberg et al, 1989: 20). People recognised as refugees under this definition ('Convention status') are entitled to protection from return, to family reunion and social rights in the country of asylum, in practice obtaining most formal rights of citizenship except voting. The Convention was at first limited in both time and space, applying only to those forced out of European countries before 1951.This reflected the post-war situation and the expectation that the refugee problem would disappear over time. It was extended to all countries without time limit in the 1967 Bellagio Protocol. Not all states are party to the Convention but the principle of non-refoulement is now recognised as an essential component of customary international law and therefore binding on all states, including non-signatories to the Convention (UNHCR, 2006: 33).

The UNHCR was established as the body with international responsibility for protecting refugee interests. Its work, however, has been beset by tensions embedded in the concept of a refugee. Granting refugee status involves recognition by the international community that one of its members is engaging in persecution. Powerful states have been unwilling to offend their allies, and humanitarian motives have sometimes been secondary to strategic and economic interests in dealing with applications for asylum.The UNHCR has a duty to respond impartially to human rights abuses but is dependent for funding on the major powers, which are the largest donors; this tension has increased as the UNHCR has taken on a wider humanitarian role in conflict situations. Another major area of controversy concerns the definition of refugee and what the UNHCR claims to be the operation by the major powers of 'narrow and restrictive definitions of what amounts to persecution, who qualify as agents of persecution and what constitutes effective state protection' (UNHCR, 2006: 43).

The Geneva Convention definition

> Any person who is outside the country of his nationality ... because he has or had well-founded fear of persecution by reason of his

> race, religion, nationality, political opinion or membership of a particular social group and is unable or, because of such fear, is unwilling to avail himself of the protection of the country of his nationality ... (Geneva Convention (UNHCR, 1951))

This definition of a refugee, although phrased in universalistic terms, is based on specifically European history with its focus on individual experience (Zolberg et al, 1989: 21). The definition is quite stringent: claimants must prove individual and specific persecution, which involves being able to demonstrate objective (factually 'well-founded') and subjective ('fear') grounds for the claim. They must also show that this relates to them individually on the basis of one of these categories. The definition has been criticised from a range of perspectives, including from those who see it as too narrow as well as those who seek to limit the individual right to claim asylum. These criticisms focus mainly on the concerns discussed below.

The individual character of persecution

The Convention definition requires individuals to show they are individually persecuted or threatened with persecution, rather than merely facing danger. A claim, for example, that the applicant's village has been attacked because of links to opposition fighters will not suffice. This makes claiming refugee status exceptional, rather than permitting a collective response to conflict and persecution and it limits the number of successful claims. Tuitt (1999) suggests that forcing people to fit a particular group of persecuted people focuses attention on the individual reason for their persecution rather than their need. Baines (2004: 65) argues that this focus on persecution compels refugees to appear vulnerable in order to be recognised as 'authentic'.

Zolberg et al (1989) distinguish three categories of refugee: activists who have been engaged in political opposition movements; targets at risk through their membership of particular groups (for example, ethnic) and victims caught up in conflict. Only the first two would be considered refugees under the Convention, although 'victims' may often face serious danger if returned. Zolberg et al (1989: 270) argue that these three categories are morally equivalent. In practice, 'victims' are often recognised by measures such as temporary protection on a collective or individual basis, but these offer fewer rights than refugee status, and protection tends to be conditional and limited in time.

Others, particularly governments in refugee-receiving states, have argued that the individual right to asylum is inappropriate for contemporary conflict situations and they have sought to limit the asylum applications on their territory. The British government has been a leading proponent of this view

within Europe. Following an unsuccessful attempt to negotiate these changes through the European Union in 2003, it reiterated its commitment to the Geneva Convention (Home Office, 2005a).

The gendered nature of the definition

The Convention definition is ostensibly gender neutral but the definition of persecution and the processes for determining refugee status derive from a male-dominated institutional and political power structure that reflects male experience and embodies specific assumptions about gendered roles. These affect both women's ability to gain recognition as political refugees in their own right and what is deemed to be persecution.

The criteria for refugee status are drawn from the public sphere (Callamard, 1999: 207) but women's activity, particularly in states where social norms restrict their movements, is often in informal social movements, which are not always recognised as political (Kofman et al, 2000: 73). Women tend to be represented as victims of circumstances outside their own control, rather than as active agents in their own right. Mariam, a science graduate from Somalia, was involved in a women's group in Mogadishu that helped women displaced through civil war to find shelter, food and clothing. She explained why she was forced to flee:

> The warlords hated me because I wouldn't support them. They claimed I was diverting my energies and those of the other helpers away from the war effort. Because we worked with everybody, regardless of which clan they belonged to, they said we were undermining support for the war. I had a lot of enemies. They used to threaten my life. (Quoted in Sales and Gregory, 1998, p 17)

Mariam was initially refused refugee status in Britain on the grounds that she was just 'caught up in conflict'. She was determined to have her political activity acknowledged, and won her case on appeal. On the other hand, the specifically gendered forms of persecution that women endure are not included in the Convention categories. In some conflicts, for example, rape is used as a strategy for winning allegiance. Women may be forced to bear children with men of the opposing ethnic group (Baines, 2004). As Indra (1987: 3) argues, 'an individual risking death at the hands of the majority group institutions for maintaining a minority religion ... fits the definition whereas a woman ... facing death by the same institutions for stepping out of her "appropriate role" or for deviating from misogynous sexual norms does not'.

The refugee-determination process embodies gendered assumptions that do not allow women's specific experiences to be dealt with appropriately (Crawley,

1997). Typically they are expected to discuss their experiences of persecution in front of strangers where their stories are minutely scrutinised for potential inconsistencies. Traumatised people, 'especially victims of torture or rape, may be unwilling or reluctant to discuss their experiences' (Refugee Council, 2005b: 4), particularly in the hugely stressful situation of an immigration interview. They may feel shame as a result of the sexual violence and blame themselves or fear they will be blamed by family and community.

The issue of gender persecution is increasingly acknowledged. The European Parliament recognised in 1984 that women are sometimes persecuted for breaking the social or cultural norms assigned to their gender (Baines, 2004: 29). The UNHCR produced 'Guidelines on working with refugees' in 1989 and gender has been 'mainstreamed' within its work (Baines, 2004: 31). The category 'social group', which was added during the Convention itself in 1951 to cover possible gaps in coverage (Zolberg et al, 1989: 25), has allowed new groups, including those claiming forms of gender persecution, some possibility of successful application. There have been some successful claims, for example on the grounds of fear of female genital mutilation, but these remain exceptional.

Like women, children are not generally seen as political actors, but they are especially vulnerable to certain forms of exploitation, for example forcible recruitment into armed forces, while in some conflicts child civilians become targets for murder and torture (Ayotte, 2000: 9). Unaccompanied minors have to claim asylum in an adult system that does not address their particular needs and situations. A group of children's charities criticised the way children are treated within the British system, suggesting that the procedures 'offer insufficient protection' (Barnardo's et al, undated: 7). Home Office decision making often does not take into account the child-specific forms of persecution that occur in some source countries, leading to a 'protection deficit' (Bhabha and Finch, 2006).

The focus on the sovereign state

Refugee law is founded on the notion that the world is divided into a finite number of sovereign states with mutually exclusive jurisdictions (Zolberg et al, 1989: v). Refugees are seen as victims of persecution by state forces within individual states. The UNHCR faces contradictory pressures in attempting to protect refugees while not undermining state sovereignty. This has intensified as the mandate has been extended to deal with the cause of refugee flows, which involves intervention within states, including in relation to 'protection zones' and responsibility for IDPs. This preventative approach compromises its non-political stance and challenges the notion of state sovereignty (UNHCR, 2006: 6). This insistence of state sovereignty ignores the international dimension

of conflict that is recognised in the broader definition of the Organisation of African Unity (OAU):

> The term 'refugee' shall also apply to every person who, owning to external aggression, occupation, foreign domination or events seriously disturbing public order, in either part or the whole of his country ... is compelled to leave his place of habitual residence in order to seek refuge. (OAU, 1969: 2)

This definition reflects the African experience, particularly of white rule in Southern Africa and poverty, which makes individual assessment of status impractical (Zolberg et al, 1989: 29). Zolberg and his co-authors argue that this definition is also 'self serving' as it enabled African states to acknowledge people as refugees without imputing persecution to its members.

The focus on persecution by state agents ignores other forms of persecution that may be as serious and where the state may be unwilling or unable to protect its victims. This applies particularly to women where persecution might take forms (sexual violence; insistence on particular dress codes) that are considered part of the private sphere. The EU has, however, reaffirmed the importance of state actors in this. The focus on state persecution also makes a distinction between receiving and producing states. Baines (2004), writing from a Canadian perspective, suggests that this creates a separation between 'self' (Canada as refugee-receiving and rights respecting) and 'other' (the Third World as refugee-producing and rights abusing).

The focus on non-economic causes

In contemporary refugee flows, conflict and human rights violations overlap with economic marginalisation, poverty, environmental degradation, population pressure and poor governance (UNHCR, 2006: 24). Some recent Chinese migrants to Europe, for example, have been forced to emigrate as a result of political decisions about the nature of development programmes that have undermined their ability to survive at home. Although famines may be triggered by natural events, their underlying causes lie in political and economic structures that create unequal access to resources and their impact is always experienced unevenly as a result of these inequalities (Sen, 1980). Zolberg et al (1989) argue that the important distinguishing mark of refugees is violence or the fear of violence. They argue for what they call an 'ethically grounded' concept of 'life-threatening violence' that recognises these connections, and encompasses: 'both clear and immediate physical violence, and coercive circumstances that have similar threatening effects. Life includes both biological

existence and social existence and the basic material and organizational conditions necessary to maintain them' (Zolberg et al, 1989: 269).

The 'refugee experience'

The term 'refugee experience' has been widely used to describe 'the human consequences – personal, social, economic, cultural and political – of forced migration' (Ager, 1999a: 2). O'Neill and Spybey describe some of the tensions embodied in this concept:

> [T]he 'refugee' label is powerful ... both in its use to define human experience and a category of people, but also in terms of the identity and subjectivity of those who bear the label. At one and the same time one can be proud of being a 'refugee' and having survived unspeakable horrors; but it also marks a lack of homeland and of previous social status and identity and self worth, a lack reinforced by racist abuse in all its guises. (O'Neill and Spybey, 2003: 8)

Being defined as a refugee has deeply ambivalent meanings for refugees and their sense of self. This label is increasingly used by others in negative and hostile terms, as asylum seekers are portrayed as 'bogus' and 'a burden'. Refugee policy in the receiving states also forces refugees to prove themselves as vulnerable and 'victims'. Hynes (2007) argues that an active construction of the 'refugee experience' by asylum seekers in the UK was based not on a common sense of solidarity but on the necessity to invoke a particular identity in order to access services. This is particularly important for asylum seekers who are attempting to assert their right to refugee status and thus to protection and rights.

Joly (1996) distinguishes between 'project' refugees and 'non-project' refugees. The former are those who have been active participants in political activity in some form or the 'classic refugee' (Zolberg et al, 1989). The latter are either targets for example due to their ethnic group, or have been caught up in conflict. Project refugees may take pride in their status and engage in political activity in exile related to their country of origin. For non-project refugees, being a refugee does not provide the basis for mutual support in exile; indeed the ethnic and other divisions that formed the basis for conflict may be reproduced in exile, undermining group solidarity. Refugee movements are increasingly made up of people caught up in conflict rather than political exiles. Hostility towards refugees in the countries of exile also means that 'rather than viewing themselves as heroes who have stood up to and escaped from repressive regimes, today many refugees are reluctant to admit their status' (Harrell-Bond, 1999: 143).

Castles argues that the notion of a sociology of 'exile, displacement or belonging' places too much emphasis on the subjective and cultural aspects of forced migration, neglecting its structural dimension (2003: 21). The focus on loss in exile may also be used to suggest that refugees are not able to settle outside their original home and thus the only permanent end to the 'refugee cycle' must be return, a policy increasingly emphasised by the UNHCR and its major donor states. This reifies the notion of 'home', ignoring the structural divisions that may make people feel displaced even before flight (Zarzosa, 1998) and the fact that conflict may so transform the original homeland that returning 'home' becomes unrealisable.

It is frequently reiterated that refugees are 'ordinary people experiencing extraordinary events' (Ahearn et al, 1999: 231). This phrase emphasises that the issues they face in coming to terms with trauma are not due to their own individual psyche, or 'madness'. It can, however, suggest a lack of agency on the part of refugees, who may have been active participants in these events.

The term 'refugee' is a formal status, a social category and part of an individual's 'lived experience'. The last two may outlast the formal status. Refugees who acquire citizenship in their new home may continue to see themselves as exiles, and retain a desire for return even if this is not realistic in practical terms. The refugee label is both chosen and imposed. For some it may represent a stage in life from which they wish to move on while for others it remains central to their identity. Contemporary policy is promoting returns in the expectation that on returning home they will cease to be refugees. Not all refugees are able settle into their original 'home' and the refugee experience will continue to shape their lives.

Turton (2003: 6) argues that there is no 'refugee experience', only the experiences and voices of individual refugees. In spite of the diversity, however, there are some commonalities in experience. Refugees' movement is not based on a positive choice and the scope for planning is often strictly constrained. They experience loss of home, dislocation in their lives and relationships and often the death of relatives and friends before or during flight. Trauma is often repeated in exile, as they face insecurity and social exclusion in the receiving country. These issues are discussed in more detail below. Ager (1999a) suggests that there are some key phases in this experience (see ***Box 4.1***). Not all refugees go through all these phases, and their experiences are shaped by individual characteristics and histories as well as the structural causes that force movement. Just as the distinction between forced and voluntary movement is one of degree rather than an absolute distinction, so elements of the refugee experience are shared by other migrants.

Box 4.1: The phases of the refugee experience

- Pre-flight: Refugees may face economic hardship and social disruption, physical violence and political oppression.
- Flight: Refugees face dangers in flight and separation from family and home.
- Reception: This may be in a refugee camp where those crossing borders are recognised as de facto refugees; or in a country of asylum where 'spontaneous' refugees make an individual application for asylum. In both cases this period involves an extended period of dependence and limbo.
- Settlement: Many refugees settle themselves (self-settle) within a neighbouring country without registering with authorities. They thus do not receive support but may be able to take advantage of opportunities for income generation.
- Re-settlement: A minority of refugees are resettled in developed countries through collective programmes for those with accepted refugee status. Issues arising in this period may include difficulties with finding employment, health problems, language difficulties and problems in accessing services.

Based on the typology in Ager (1999a).

Lack of choice in moving

> One day they came to my house and they were knocking on the door. There were three of them with guns.... They took my uncle upstairs, and then my dad came out and they made my uncle run, and they started shooting and there were bullets in him. He had no chance and my father just stood by because he was just scared. (Somali boy, quoted in Hek et al, 2001: 11)

> The place we live ... it's a Kurdish village, but it's ruled by the Turkish government ... there were three people killed there because they were like soldiers, but they weren't Turkish [they were Kurdish] ... Someone reported them to the Turkish army and they shot them dead first and they put them on a donkey ... and they carried them through the village, and everyone could see the dead bodies and there was blood everywhere. They made everyone come out to see, even us very small children. (Kurdish boy, quoted in Hek et al, 2001: 4)

Some conflict situations make immediate flight imperative, while in others there is some degree of choice about when, where and with whom to flee.

Kunz (1973) distinguishes between 'immediate' and 'anticipatory' flight. In the first example, from the Somali boy, the lives of the family were in immediate danger, making flight imperative. For the second, flight was the result of a long build-up of violence and insecurity. Economic deprivation may be the first form of persecution. Before the mass murder of Jews under the Nazis, they were systematically deprived of the means to make a living.

Whatever the level of anticipation, refugee movement is involuntary and generally allows little possibility of planning. It may involve dangerous journeys, often of multiple stages over a long period, and may bring separation from family. Most refugees entering Europe rely on agents, and Koser and Pinkerton (2002) found that smugglers' networks rather than refugees' choices may be decisive in determining their destination. Kurdish refugees interviewed in Rome had had no knowledge of their destination before leaving and most did not want to remain in Italy.[2] This lack of ability to plan means people often have limited prior knowledge of the country in which they settle or of the local language. A Kurdish refugee in London said of his experience of being unable to communicate on first arrival: 'I felt like a newborn baby' (interview with Kurdish refugee, June 2000). The lack of choice also has more intangible implications for the ability to settle. Learning a language may represent for refugees an acknowledgement that they are unable to return, at least for the foreseeable future and therefore be seen as a kind of defeat (Sales, 2002a). Milica, who fled from Bosnia to Rome, described how it only gradually began to seem necessary to become more involved in Italian society:

> It was not easy at the beginning, because psychologically I was not prepared for leaving my country, and it really felt like a total abandonment. Not knowing the language, not knowing the customs, not knowing what I should do here, how long I was going to stay, when the war would finish. I wanted to return. But gradually we began to understand that we needed to settle here because the war was not ending. We could not just sit and wait. We began to study the language and to start doing things for ourselves. (Interview with Bosnian woman, Rome, October, 2000)

Loss

The loss experienced by refugees has many dimensions, both emotional and material. Refugees are torn, often violently, from their past life and thrust into a new environment where they do not understand the rules of social life and where they may be treated with suspicion. They may experience 'cultural bereavement' (Ahearn et al, 1999: 228). Many have faced trauma

and violence either directly or indirectly, which can involve a breakdown of trust in individuals and institutions (Hynes, 2003). Ager (1999: 4) argues that betrayal by neighbours adds a specific dimension to the disruption of normal life, undermining security and a sense of reality. In the former Yugoslavia where communities had lived together and inter-married for many generations, people were forced to adopt a new 'ethnic' identity in opposition to other groups (Baines, 2004).

Refugees may have lost family members before or during their flight. One young boy now living in London explained: 'The war happened and I got lost from my family. I don't know where they are. Some people found me on my own and they just brought me here, they left me and then I went in a children's home' (quoted in Hek et al, 2001: 12). Some parents send their children abroad to safety, often leaving them to be cared for by strangers.

Refugees lose control over important elements in their lives and their subsequent experiences often intensify their dependence on others and the sense of living in limbo. Many spend time in refugee camps, often in protracted exile, unable either to return or to make a new life in exile (UNHCR, 2006: 105). Respect for human dignity is often the first casualty (Harrell-Bond, 1999a: 141) and they experience profound loss of individuality, self-esteem and independence (Callamard, 1999: 203). The way in which aid is distributed may undermine individuals' personal coping resources (Harrell-Bond, 1999: 136). This 'warehousing' of refugees means life is lived in waiting and 'idleness, despair and in a few cases, even violence prevails' (UNHCR, 2006: 115). People fleeing to refugee camps are deemed de facto refugees but those who move to a third country, directly or indirectly, must claim asylum. This presents a further extended period of limbo while a decision is made on their application, in which their rights may be severely curtailed and their ability to build a new life is put on hold.

Refugees often experience a profound loss of status. For people who have left high-status occupations, the loss of self-esteem can be particularly hard. Fatima, who had been a nurse in Somalia, said: 'My work was very important in my life. Now when we go to hospital here they think we are nothing, we don't know anything' (Sales and Gregory, 1998, p 19).

The lack of trust engendered by the refugee experience, combined with unfamiliarity with services may make it difficult to access appropriate services. Taylor (2007) found that Congolese refugees in London were unfamiliar with the gatekeeper role of general practitioners and experienced what they perceived to be discrimination and racism. They were profoundly mistrustful of the treatment they received within the National Health Service, believing that they received a poorer service specifically designed for refugees.

There is considerable evidence to suggest that refugee women often find it easier than men to adapt to changed status (Kay, 1989; Buijs, 1993; Summerfield,

1993; Refugee Council, 1996; Kofman et al, 2000). Men may lose status in the home, as they are unable to fulfil their traditional 'breadwinner' role, and they also lose a public political role. In contrast, many women experience new opportunities, for example acquiring for the first time independent income through benefits or employment, and taking on new roles, paid and unpaid. Somali women interviewed in London had taken on the main responsibility for keeping the family together, dealing with landlords, teachers, social security, doctors and lawyers (Sales and Gregory, 1998). Ferhat's husband had had a highly paid government job in Somalia but was not employed in London: 'He feels depressed and isolated. He sits at home and reads newspapers. He hardly ever goes out. He has a problem with his hearing which has got worse, but he won't get it looked at' (Sales and Gregory, 1998, p 18).

Summerfield (1993: 83) found that Somali men suffered from depression more frequently than women and appeared to be less in control of their lives. Divorce is high among Somalis in Britain as women have found more independence and do not need to depend on a husband (Ali, 1997). Exile can, however, bring attempts to reassert patriarchal roles. Zarzosa (1998), in discussing her own exile from Chile, describes how women refugees may feel themselves marginalised in the exile community, with men seen as the main political activists, even if the women had themselves been politically involved.

It is generally easier for younger people to settle and those with qualifications and some form of 'social capital' on which to draw may find it easier to pick up the threads of their life, even if this means developing a new career (Kofman et al, 2002). Children are generally most adaptable and quick to learn a new language. This can bring a reversal in family roles, which may place children in the role of managing and mediating the new culture for their parents (Ahearn et al, 1999: 230). It can rob parents of their traditional authority, making them feel infantilised, while children take on too much responsibility. Parents' dependence for interpretation may lead children to become involved in issues that increase their anxiety, such as parents' medical problems or immigration issues (interviews with Kurdish refugees, London, June 2000).[3] This was an issue for Zamzam from Somalia, who said: 'My older daughter interprets for me at the doctor's but sometimes I don't want to let her know what I am feeling. I get so worried and I don't want her to know how bad things are' (Sales and Gregory, 1998: 20).

Mental health

Refugees have a high rate of mental health problems. They may experience depression and anxiety as a result of witnessing traumatic events (BMA, 2004: 1). A study for the British Home Office (Carey-Wood et al, 1995) found that

two-thirds of the 263 refugees interviewed experienced stress, anxiety and depression, which often continued for many years. Traumatic symptoms can include flashbacks, memory disturbance, panic, sleeplessness (Ager, 1999a: 6). They may also feel anxious about people left behind and guilty at their own safety. One boy who left Turkey following threats because of his political activity said:

> I feel I ran away from my friends in Turkey. I was an opportunist, I shouldn't have left my friends – we were five boys, we were always together. Three of them were imprisoned and one died there. I feel guilty. Now I want to study so that I can help. (Interview with Kurdish asylum seeker in London school, 5 June 1996)[4]

Most refugees deal with practical problems first and psychological issues come later, often when they are more securely settled (Sales, 2002b). As Kohli and Mather (2003: 208) put it in relation to unaccompanied refugees, 'young people want to face the present first, the future next and the past last'. Mental health problems can be exacerbated by insecurity and exclusion in the country of exile. Leila's husband had been an engineer in Somalia but was unable to work in London: 'When he sees buildings like the ones he used to build, he just stops and stares at them. He would love to be able to do that kind of work. His asthma [a stress-related disease] has become chronic since we came here' (Sales and Gregory, 1998, p 18).

Melzac (1999) suggests that children and young people who become most vulnerable to later difficulties are those who are unable to discuss their situations and where the problems remain hidden. A teacher in a London school described how a project on refugees he initiated helped some pupils to talk about their experiences:

> There were several refugee children in the class, and I wanted them all to be happy about it so I asked each individually. They all said that we should go ahead, but 'don't talk about me'. So I invited someone in to talk about his experience as a refugee. As he was talking, one girl started crying and I felt I had made a terrible mistake. But when I apologised to her she said: 'No, he was telling my story. Now I want to talk about it myself.' (Interview with teacher in London school, 5 June 1996)

The refugee pupils went on to take the lead in developing a video and a play about the refugee experience, and the class developed a 'Charter' of refugee rights. Some professionals working with refugees argue that western psychiatric categories have been used in ways that ignore the social, political

and economic factors that are crucial to refugees' experience (Watters, 2001). Psychotherapists Kos and Derviskadic-Jovanovic (1998: 6) report that, when offered psychological help, illiterate peasants politely explained: 'we are not crazy. What we feel is not abnormal – the situation is crazy and abnormal. Our reactions are human and normal.' Refugees who manage to survive dangerous situations and to negotiate the difficult journey and the immigration process have often displayed enormous resilience. Thus rather than portraying them as 'passive victims' suffering mental health problems, Watters (2001) argues that attention should be given to the resistance of refugees and the ways in which they interpret and respond to experiences.

Returning 'home'?

> Afghanistan is a poor dusty country but for me it is heaven. It has a lot of sun, we have good food, good people, kind people. Every one loves their country and I like my own dusty country... my mountains. My dream is to return there. My country is gold. (Interview, Manchester, 22 September 2002)

> This is my home. I don't even want to think about Afghanistan any more. This is my new life! My future is here. To me it is like my life starts now. All I had before was fighting and war. (Interview, Manchester, 22 September 2002)

These two quotations from a study of the views of Afghan refugees (Sales et al, 2003) suggest the variety of feelings about 'home'. A nostalgic notion of home may be maintained as a survival strategy in exile, particularly during the initial period when refugees may reject the host society (Zarzosa, 1998: 193). As for the first person quoted above, this may be an idealised view and the speaker had no concrete plans to return. For the second man quoted, starting a new life in the country of exile was a priority and he wanted to cut himself off from his previous 'home'. The first had secure status as a recognised refugee, while the other was an asylum seeker and fearful of being sent back home.

Desire to return depends on broad political and economic considerations connected with the conflict that precipitated flight, especially the extent to which the country is perceived as safe. It also varies with personal characteristics such as age and education. As people put down roots in exile, the meaning of home becomes transformed and they may feel at home in more than one place. For some refugees, their children represent a future that they feel they have lost for themselves, and as the children progress in the country of exile, return may become less realistic. Milica from Bosnia was single when she

arrived in Italy but started a family there and decided to settle permanently. Her parents, however, were unable to make a life in Italy:

> My parents dream of returning. They have never really integrated here. They speak some Italian, they have good Italian friends, they get on well here. But they have their own house in Bosnia, and they want to return to it. ... They don't lack material things here, they have a house, food, clothes but that is not all that matters. For the small amount of life they have left, they want to be there. (Interview with Kurdish refugee, London, June 2000)[5]

Chimni (2004: 59) rejects the assumption that exiles long for return to a particular place. Most refugees who 'return' never actually go back to their previous home. In most post-conflict situations the experiences of war and exile have intensified divisions between ethnic groups. In Bosnia, for example, national boundaries have been redrawn, cutting many off from their original home. Returnees are confronted with a host of difficult problems relating to property claims, employment and education (Blitz, 2003: 63). In Afghanistan, returnees have faced localised violence, persistent drought and lack of employment, basic services and housing. Many have thus left their original homes and headed for Kabul and other urban centres for security and employment (UNHCR, 2006: 20).

Strategies for promoting reconstruction may leave untouched relations of power and fail to address the issues that promoted conflict. Baines (2004) describes this process in Rwanda, where official policy involved creating a modern, non-ethnic nation in which the terms 'Hutu' and 'Tutsi' became irrelevant. As part of the attempt at national reconciliation, women were required to confront people who had been involved in the genocide against their families. As one woman asked, 'how can we welcome back the people who killed our husbands and children?' (Baines, 2004: 146).

The UNHCR and the major donor states are increasingly promoting return as the most viable long-term solution to the refugee crisis. The voluntariness of these programmes, however, is sometimes questionable (Baines, 2004; Blitz et al, 2005). A concern raised by Chimni (2004: 61) is that return is based on a supposedly 'objective' test of the security carried out by the host country, not on the subjective desire of the refugee. He suggests that 'objectivism disenfranchises the refugee through eliminating his or her voice in the process leading to the decision to deny or terminate protection' (Chimni, 2004: 62). The silencing of the refugee voice thus becomes an element in the whole refugee cycle, from flight to return.

Conclusion

This chapter has emphasised the significance of the definition of a 'refugee'. The ability of refugees to meet the criteria of the Geneva Convention determines their rights in exile and may even determine their right to life if they are returned as 'failed asylum seekers'. The definition can be seen, however, as morally arbitrary in that it distinguishes between the causes of violence rather than the danger people face. Zolberg et al (1989) argue for a restructuring of the refugee determination process based on prioritising the immediacy of need rather than the categories of the Convention. The blurred boundaries between economic and political migrants, however, suggest the need for a more radical rethinking of the nature of immigration controls and the case for exclusion of migrants whatever their motivation. This issue will be discussed further in Chapter Nine.

The chapter also discussed the controversial notion of the 'refugee experience'. An understanding of these experiences may help in identifying refugees' specific needs that require support, for example in relation to language learning and mental health. This approach needs to be balanced with 'an appreciation of the common resilience of refugee communities and the resources within them for responding to the challenges of forced migration' (Ager, 1999a: 13). The notion can also risk the danger of unduly pathologising the experience of refugees (Ager, 1999b), creating an image of the refugee as a 'generic and essentialized figure' (Callamard, 1999: 197). Refugee experience is as diverse as the number of individual refugees themselves and the situations from which they have fled.

Two polarised views of refugees have been promoted in contemporary debate. Official and popular discourse portrays refugees and asylum seekers as 'scroungers' who place a burden on an overstretched welfare state. Those concerned with refugee rights have been keen to combat these negative media images and focused on their resilience, their skills and potential contribution to the economy and broader society.[6] While this may have a positive impact on popular attitudes, it also contains dangers. Some individuals are unable to make this kind of contribution. Many are too sick or old to work, and will continue to be dependent. Not all are either 'heroes' or innocent victims. Some have been perpetrators of violence as well as victims and in some conflict situations the boundaries between legitimate and illegitimate violence and between voluntary and coerced activity is difficult to disentangle. The continuing claim for refugee protection cannot rest on the moral or economic value of individual refugees but must be based on more general political and ethical principles.

Notes

[1] A report in the *Guardian* (28 March 2006) said that hundreds went into Canada and are now seeking political refugee status there, arguing that violations of the rules of war in Iraq by the US entitle them to asylum.
[2] All interviews in this paragraph are from a series of interviews with refugees from Turkey and former Yugoslavia, in Rome, 2000, for the 'Civic stratification, social exclusion and migrant trajectories in three European cities' project funded by ESRC, with E. Kofman and C. Lloyd, 1999–2001.
[3] From the series of interviews described in note 2 above.
[4] See note 3 above.
[5] See note 3 above.
[6] See, for example, the promotion of 'Refugee Week' by the Refugee Council.

Summary

- Western concern about forced migration increased as the end of the Cold War changed the nature and response to conflict and brought asylum seekers to the developed countries.
- Forced and voluntary migration are connected in terms of their causes and the direction of migration flows (the asylum–immigration nexus).
- Forced and voluntary migration are matters of degree rather than an absolute distinction.
- Establishing claims to refugee status is crucial to the security and rights granted to refugees.
- The Geneva Convention definition of a refugee is based on individual persecution on particular grounds.
- Many forced migrants do not fit the categories of the Convention but need protection.
- There are commonalities as well as diversity in the refugee experience, including lack of control over their lives, insecurity and loss, but also resilience and survival.
- Not all refugees wish to return home after the end of conflict.

Questions for discussion

- Is the Geneva Convention definition of refugees appropriate for contemporary refugee movements?

- Are the tensions between humanitarian principles and state sovereignty irreconcilable?
- Is the term 'refugee experience' useful?

Further reading

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Zolberg, A., Suhrke, A. and Aguayo, S. (1989) *Escape from violence: Conflict and the refugee crisis in the developing world*, New York: Oxford University Press.