

Refugee Policy: A highly charged political issue

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The challenge to humanitarianism posed by the vexed question of refugees and asylum seekers lies at the core of articles in this issue. In Western nations its demise is dramatic. Fanning the flames of xenophobia and racial prejudice to deflect attention from political issues is now a common ploy of governments. The problem is such that in 2012, The Council of Europe passed a resolution concerning the portrayal of refugees during election campaigns. The resolution noted Europe's long history of emigration and its need for immigrants at a time of population ageing and a general public perception that refugees erode European cultural traditions. The Assembly regarded xenophobia to be responsible for 'challenging democratic principles and respect for human dignity' and felt that a strategy was needed to combat xenophobia during election campaigns. The problem was the habitual tendency of some candidates and political parties to present 'migrants and refugees as a threat to and a burden on society' (Parliamentary Assembly 2012). The Assembly also pointed out that the use of racist representations as an election ploy encourages the rise of xenophobic populist parties and feeds into more radical government anti-immigration policy. The resolution called for an 'enhanced ethics in politics to help reduce racist tendencies in society' (Parliamentary Assembly 2012) and urged politicians to take responsibility for the elimination of negative stereotyping and the stigmatisation of minority or migrant groups in political discourse and election campaigns.

That the Council of Europe, a leading human rights organisation which includes 47 member states, should feel it necessary to comment on the tendency of governments and politicians to incite and inflame irrational fears during election campaigns is indicative of a shameful abdication of political responsibility. In a world where countries with far fewer resources than Western nations host far more refugees and asylum seekers, and where the only long term solution to refugee crisis is the resolution of those conflicts that result in large scale population displacement – making political capital out of misery is simply indefensible.

'Refugees' and 'asylum seekers' are emotive terms in many nations, and refugee policy is a highly charged political issue. In Australia, as in other industrialised states, refugees and asylum seekers have come to

represent a whole gamut of fears and insecurities including threats to cultural identity, threats to immigration control, threats to jobs, and threats to nation-state sovereignty. Unfortunately governments, politicians and campaign strategists frequently fail in their ethical duty to maintain human rights and the rule of law. The 2001 Tampa affair in Australia is a case in point. The government of the day failed to provide truthful and factual information about asylum seekers and refugees to the general public and played on xenophobic rhetoric to secure and retain political power. The political controversy over the Tampa affair is mentioned in several articles in this issue of *Social Alternatives*. Suffice it to say here that the Australian government's decision to turn back the Norwegian ship MV Tampa carrying rescued Afghani refugees prompted legal changes and the creation of the Border Protection Bill. Government policy and practice negatively informed public opinion towards refugees arriving by boat and led directly to the re-election of the Howard Liberal-Coalition government (who incidentally were trailing in the polls before the election). Since that time, neither an Australian Liberal-Coalition or Labor leader has spoken out on behalf of refugees and asylum seekers. Nor has any political leader sought to challenge the damning labels such as 'queue jumpers' and 'illegals' used by the popular media to refer to those who arrive on Australian shores by boat.

This issue of *Social Alternatives* discusses refugee policy and the ways various governments respond to asylum seekers and refugees. It is not simply concerned with the conflicts and conditions that have brought about mass population displacement, but how and why societies deal with refugees and asylum seekers as they do. It is worth noting that refugee studies is a relatively new interdisciplinary field. Emerging in the early 1980s it draws from sociology, anthropology, politics and international relations, development studies and law, and more recently from psychology, psychosocial studies, cultural Studies, gender studies, critical legal studies and environmental science. Discussions of policy agendas have tended to focus on the management of migration: regulation, containment and exclusion (Marfleet 2007) rather than broader ethical, theoretical, political or historical matters. On the latter count Marfleet (2007) argues that while the formal politics influencing events that give rise to population displacements have been well documented, the human dimensions of political histories have been

neglected or forced to rely on fictional works. Despite the interest in oral history and testimony, there remains a need for alternative political histories and interdisciplinary studies able to challenge the national histories, national narratives and the political and social cultural arrangements that continue to sustain normative and problematic social and political arrangements. As argued elsewhere:

Refugees and asylum seekers are important people in the context of democracy because they are, as Arendt (1967) and Agamben (2005) have previously argued, beyond the limits of community, human and nation: their presence tests the limits of political organization (Palmer & Matthews 2006: 29).

Several articles in this issue focus on Australia, a country that has taken an increasingly hard line on refugees who arrive by boat.

Linda Briskman in *Voyages of the Damned* delivers a concise and insightful account of the key policy events and political discourse that culminated in the sacrifice of basic human rights to achieve political gain in the prelude to the 2013 Australian elections.

An account of Australia's 'wicked' refugee policy problems is offered by Sarah Davies in *Protect or Deter? The Expert Panel on Asylum Seekers in Australia*. Davies argues that what is needed is regional cooperation and policy development for the protection of refugees and asylum seekers, rather than the current policy focus on deterrence.

An unsettling description of the way racialisation plays out in the everyday lives of refugees is provided by Peter Run in *Unnecessary Encounters: South Sudanese Refugees' Experiences of Racial Profiling in Melbourne*. The article describes how being racially targeted by the police as threatening and suspicious engenders fear and distrust in the Sudanese community; a situation that may well lead to racial conflict and social exclusion.

Palestinian Refugees, the Nation and the Shifting Political Landscape addresses the fraught question of Palestinian refugees and is set in the historical and political context of the establishment of the Israeli state and the ongoing Palestinian national struggle. Despite its bleak picture of conflict and war Randa Farah points to the need and possibility of an Arab democratic revival.

Carol Reid and Ahmad Al Khalil's *Refugee Cosmopolitans: Disrupting Narratives of Dependency* offers a nuanced and well overdue alternative account of the experience of refugees and asylum seekers. The article shows that far from being hapless victims, refugees learn, integrate and resist their condition, and thus exercise degrees of agency and resilience in accordance with their own personal, educational and professional experience.

In *Uncertain Success: the Tibetan Refugee Community in South Asia* Ruth Gamble and Tenzin Ringpapontsang call for an alternative to the current status of Tibetan refugees in South Asia. They argue that 65 years on, efforts to retain Tibetan identity and culture by retaining a 'stateless' status has proven ineffective. A more productive strategy for those who can no longer return to Tibet is the development of multiple identities and diasporic forms of citizenship.

This issue closes with a personal reflection on media representations of refugees in the 'heat' of the last Australian election. In *A Personal Reflection on the Recent Australian Discourse on Asylum Seekers* Michelle Gilchrist points to the negativity, distortions, absence of rationality and critical debate in media discourse and the need to nurture public humanitarianism.

It is important to recall that a number of rights and obligations inform state responses to refugees. These are derived from the 1951 United Nations Convention Relating to the Status of Refugees, the 1948 Universal Declaration of Human Rights, and non-binding laws and agreements. They include: the right to leave one's own country, the right to access the territory of other states, the right to asylum, *non-refoulement* (the right not to be forcibly returned) the provision of full economic and social rights and the obligation to provide lasting solutions.

The large-scale displacement and forced migration of human populations is not a new phenomenon. What is new is the massive scale and numbers of people who have been forcibly displaced. In the contemporary era conflicts such as the Second World War, Soviet influence in Central and Eastern Europe, Arab-Israeli wars, the Vietnam War, dictatorships in Latin-America, decolonisation and civil war in Africa and the American-Iraqi war have all created refugees and internally displaced populations. Refugees and asylum seekers, like returnees, stateless people and internally displaced persons (IDPs) are part of a growing group of people worldwide who have experienced forced population displacement. At the end of 2012 there were some 45.2 million forcibly displaced people. This includes some 15.4 million refugees and 28.3 million IDPs (UNHCR 2012).

People do not choose to leave their homes and families. While globalisation and new developments in technology, transportation and telecommunication may have escalated the means and scale of human migration, refugees are forced to leave their homes by wars and violent conflict. Ethnic and religious conflict, state building and collapse, persecution and human rights violations are inherently violent and lead directly to mass forced migration and population displacement (UNHCR 2012). The major source countries of refugees (2008-2012) were Afghanistan, Somalia, Iraq, Syrian Arab Republic, Sudan, DR of Congo, Myanmar, Colombia, Vietnam and Eritrea. Pakistan hosted the highest numbers of refugees (1.6

million) followed by the Islamic Republic of Iran (868,200), Germany (589,700) and Kenya (564,000). In fact, four-fifths of the world's refugees are hosted in 49 of the world's Least Developed Countries. In other words, developing countries host 80% of the world's refugee population. Women and girls constitute 48 per cent of all refugees, and 46 per cent of refugees and 34 per cent of asylum-seekers are children below 18 years of age (UNHCR 2012). This is because men are more likely to be killed or conscripted in conflict. Unfortunately, little attention has been paid to the fact that many refugee families are female-headed households and women face particular challenges in terms of family responsibilities, care giving and sexual violence and abuse.

It is troubling that policy questions of border control and resettlement are of most concern to industrialised states despite the fact that they host the least numbers of refugees. In industrialised nations refugees are invariably perceived in negative terms as an irresolvable policy problem, rather than as people with specific international rights, people entitled to protection and people who bring with them valuable skills and desirable cultural capital. The most durable solution for refugees is of course resolution of the conflicts and conditions that lead people to seek asylum in the first place. However, refugee policy in most industrialised states is predominantly concerned with border protection and limiting the numbers of refugees able to enter the country.

Those seeking protection outside the country of their nationality are judged by criteria set out in the 1951 Refugee Convention. This document defines a refugee as:

Any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country. (UNHCR, n.d. 1951)

To be recognised as a refugee under the Refugee Convention a person must have fled their country due to a well-founded fear of persecution. Other conditions such as civil war and environmental disasters are not recognised. Asylum seekers are those who seek international protection as a refugee, but whose claim has not yet been assessed by the country in which they seek protection. So while many refugees are, or have been, asylum seekers, not all asylum seekers are refugees. If found to have valid claims, some refugees will be entitled to international protection and assistance, otherwise they will be expected to return to their country of origin (UNHCR n.d.).

The UN definition of refugees was developed post-WWII to protect those persecuted by the Nazi regime, and later

during the Cold War to protect those fleeing Communism. It was never intended as a universal standard. The problem with the current definition of refugees is that most people do not flee specific violence or persecution. Rather, they flee the general insecurity of violent conflict and seek asylum because the state is unable to protect them. Problematically, the definition does not include or protect those who are unable to leave their country of nationality. IDPs are persecuted in their own countries, but because they remain within the country of their nationality they cannot be defined as refugees or protected under the Convention.

Most conflicts today are fought on ethnic and religious lines and are intra-state, not inter-state. Violence is not perpetrated by state armies against other soldiers, but by militias and mercenaries against civilians. Population displacement is a strategic goal and modern weapons, including the use of landmines, kill and terrorise civilians, leaving them with no option but to leave their land and country (UNHCR 2012). Since the 1960s, new refugee populations have been generated as a result of the decolonisation of Africa, the birth of countries like Bangladesh in Asia, and the war in Vietnam. In the 1990s large refugee movements were the result of conflicts in Bosnia, Kosovo, Rwanda, Mozambique, Iraq, Afghanistan and East Timor. In 1990, the UNHCR estimated that there were about 17 million refugees worldwide although by 2005 the number had reduced to 8.4 million because people were able to return home due to the abatement of many conflicts.

In the West, state governments, politicians and the media determine the fate of asylum seekers who enter their territory. Western nations all too frequently sweep aside ethical and humanitarian matters of rights and protection, and Western politicians and the media all too frequently whip refugee issues into a frenzy of ill-informed political concerns. Certainly, Australia has become internationally renowned for its callous efforts to deter those coming by boats to its shores and its international obligations as signatories to the International Declaration have been weakened by its efforts to use the issue as a political vote catcher. Punitive measures taken against those who arrive in Australia by boat such as mandatory detention, offshore processing, trading people for aid, and using military force to turn boats back to sea are inhumane and unacceptable by any standards, particularly when the same measures are not taken against those who arrive by air.

The climate of public concern about refugees reached alarmist proportions during the 2013 Australian federal election when it was amplified in the media to exaggerate the idea of an impending crisis. The newly elected Liberal-Coalition government is currently pursuing a 'military solution' to refugees who arrive by boat from Indonesia. However, efforts to turn back the boats have already proven disastrous with the confirmed drowning on 28

September of at least 22 people, most of whom were children (*Sun Herald* 2013).

People who undertake the perilous journey by sea are likely to have suffered terror, torture or wrongful imprisonment and been exploited, ill treated and deceived. Desperation and despair, not villainy and greed, compel people to undertake such an expensive and hazardous journey. A failed claim for asylum may be desperate or optimistic but it is unlikely to be dishonest. 'People who have seen members of their families killed or mistreated, or who themselves have suffered terror, torture or wrongful imprisonment, need to be treated with sympathy' not hostility (Dummett 2001: 39). Policy solutions that intensify discrimination and prejudice by identifying powerless refugees and asylum seekers as law-breaking enemy invaders are not solutions. They simply enable extraordinary, undemocratic and authoritarian measures to be presented as justifiable regulations necessary for the management and containment of undesirable outsiders, and detract attention from the major political issues of our era – namely the responsibility of wealthy nations to contribute to proactive and durable solutions to the international conflicts that give rise to refugee crisis in the first place.

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