ANOMALOUS STATES

GOVERNING

REFUGEES IN

INTERNATIONAL

RELATIONS

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DECLARATION

I declare that this thesis is the result of my own independent research, and that all authorities and sources that have been used are duly acknowledged.

Robyn Lui
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This thesis is a discursive and institutional history of refugees in the twentieth century. It explores the relations of power that form and transform the condition of possibility for representations of refugees and interventions made in the name of the 'refugee problem'. The focus is on the relationship between the government of refugee, the states-system, and the cultural specificities of Western modernity.

The thesis contains three propositions. Firstly, the issue of refugees is an effect of the division of the world's territory and population into sovereign states. This is the structural condition of refugees. The problem of refugees – the problem that requires intervention or government – is that they are outside the state-citizen regulatory norm. The international refugee regime seeks to reestablish this order of states and citizens. Secondly, characterizations of refugees are historically linked to the imaginaries and explanations of international (dis)order. This is the historical significance of refugees. Representations of refugees mirror the concerns and contradictions that arise from particular images of world (dis)order. From this perspective, the practices of the refugee regime are attempts at recovering a historically specific articulation of 'normality'. Thirdly, Western concerns have dominated the refugee agenda and we cannot ignore the configuration of power in international relations, or the effects of these relationships for the government of refugees. This is the cultural meaning of refugees. To support these claims, I examine 3 historical periods in the government of population displacement: post 1919, post 1951, and post 1989. Each period is distinguished by significant shifts in the international political environment and perceptions of international order.
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LIST of INTERNATIONAL REFUGEE AGENCIES

High Commissioner for Refugees 1921-1930
Nansen International Refugee Organization 1931-1938
High Commissioner for Refugees Coming from Germany 1933-1938
High Commissioner of the League of Nations for all Refugees 1939-1946
Intergovernmental Committee of Refugees 1938-1947
United Nations Relief and Rehabilitation Administration 1943-1948
International Refugee Organization 1946-1950
United Nations High Commissioner for Refugees 1951- present
1922 Arrangement with regards to the Issue of Identity Certificates to Russian Refugees [3 LNTS 237].

1926 Arrangement relating to the Issue of Identity Certificates to Russian and Armenian Refugees [89 LNTS 47].

1928 Arrangement concerning the Extension to other Categories of Refugees of certain Measures taken in favour of Russian and Armenian Refugees [89 LNTS 47].

1933 Convention relating to the International Status of Refugees [159 LNTS 199].

1936 Provisional Arrangement concerning the Status of Refugees coming from Germany [171 LNTS 75].

1937 Convention concerning the Status of Refugees coming from Germany [192 LNTS 59].

1946 Constitution of the International Refugee Organization [18 UNTS 3].

1946 London Agreement relating to the issue of Travel Documents to Refugees who are the Concern of the Intergovernmental Committee on Refugees [11 UNTS 73].

1950 Statute of the Office of the United Nations High Commissioner for Refugees [UNGA res. 428 (V)].

1951 Convention relating to the Status of Refugees [189 UNTS 150].

1967 Protocol relating to the Status of Refugees [606 UNTS 267].

1967 UN Declaration on Territorial Asylum [UNGA res. 2313 (XXII)].

1969 OAU Convention relating to the Specific Aspects of Refugee Problems in Africa [1000 UNTS 46].
Introduction

mapping the refugee question in international relations

For unlike the refugees of the 1940s and 1950s, most of whom were the result of relatively transient forces (international conflict, totalitarian regimes), the present crisis is fueled by a range of factors, including the flourishing of violent civil wars, the deliberate targeting of civilian populations, and the problems of maintaining durable and humane state structures in conditions of poverty, which are extremely difficult to address, let alone solve. ... The rise of frequent and inexpensive air travel and the spread of international communications have resulted in a situation in which those claiming entry to Western states are now more likely to be fleeing African or Asian (sic) or, particularly in the case of the United States, Central and South American states than European ones. ... Facing few avenues for entry to the West, economic immigrants have swelled the ranks of asylum seekers.... As Western states have recently discovered, in an international environment characterized by steep and increasingly well-advertised economic inequalities, it is very difficult to maintain protection for refugees without attracting large numbers of immigrants.

Matthew Gibney,
‘Liberal Democratic States and Responsibilities to Refugees’.
This thesis is a response to a particular view of the refugee problem in the twentieth century. Gibney's description of the current refugee crisis is an example of this prevalent representation of refugees in the West. For him, refugees are non-Western, poor (but not so poor that they cannot buy a plane ticket), and the victims of ethnic hatred. While the European refugees of the 1950s were the result of the 'transient forces' of 'international war and totalitarian regimes', today's non-Western refugees are the result of 'the flourishing of violent civil wars', which he implies, are not transient. This view is historically incorrect and Eurocentric.

Western liberal states are vocal in their criticism of the various forms of ethnic cleansing carried out by other countries. But the historical studies of Charles Tilly (1975) and Michael Mann (1999) have shown that these same practices have been employed by Western states to pacify their own populations in the past. Preece (1998), Proudfoot (1957), and Simpson (1939) have observed that many instances of population displacements in Europe were the result of national policies. But the chorus of 'new times' at the end of the Cold War has sanitized and silenced the history of refugees.

The thesis seeks to recover this history of refugees in the twentieth century. It will demonstrate that in some important respects, the refugee condition today are similar to earlier periods. The system of states, the project of nationalization, and the state-citizen attachment remain the defining features of refugeehood. The other continuities are the predominance of Western states in setting the agenda on refugees and the often Eurocentric representations of refugees. This history of refugees will also show that changes in the refugee regime are due to shifts in the historical conditions for governing. Similarly, how the refugee question is understood results from
changes in the international environment and the interpretation of these changes.

This thesis, then, is a history of refugees that considers the conditions of possibility for the refugee to emerge as a subject of government. The focus is on the interconnection between the government of refugees, the state-system, and the internationalization of Western cultural practices and values. The argument is that the problems presented by refugees to international relations are the effects of the organization of the world and the human population into a system of sovereign territorial states, and of the cultural specificity of Western modernity.

The thesis does not offer policy prescriptions or attempt to provide an exhaustive account of all instances of population displacement in the twentieth century. Rather, the objectives of the thesis are to examine the some of the normalized claims about refugees, to render visible the relations of power that create and transform the meaning of refugees and the ways in which they are governed; and to explore the deeply embedded Western cultural practices of the refugee regime. In short, the discourse on refugee is the subject of analysis. By discourse, I mean the historically variable ways of specifying knowledge and truth. The refugee question does not have a singular meaning or value, but an entanglement of meanings. It gains significance within the wider context of the interpretations of the international environment and the power relations underpinning these articulations.

In order to map the continuities and changes in the discourse of refugees, the thesis is arranged into roughly three periods: post 1919, post 1951, and post
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1989. Each period is distinguished by significant shifts in the international political environment. The post 1919 period saw the end of empire and the redefinition of political community in Europe. Likewise, the post-Second World War settlement involved territorial and demographic changes. The period also marked the beginning of the Cold War between the US and the (former) Soviet Union and the process of decolonization in Asia. The two striking dynamics of the post 1951 period were Cold War politics and decolonization, which led to the expansion of the states-system and the refugee regime. The post 1989 period, which saw the end of East-West conflict, presented a distinct international environment, and had many implications for international relations. Of course, historical events are not discrete or linear processes. But this chronology allows me to examine the interpretation and conceptualization of changes that have had profound consequences for the discourse on refugee in the West.

The thesis draws on a range of theoretical orientations. It is loosely aligned with Foucault’s work on modern government in the West and with postcolonial writings. Both forms of theorization focus on the disciplinary and normalizing effects of knowledge and practices, and the power relations that produce subjectivities and truths about such subjects. Foucault’s cultural histories of the modern West are interrogations of the constitution of power relations. Postcolonial studies analyze the historical relationships between the West and non-West. Their project is to challenge the universal claims of Western modernity (Chakrabarty 1992, 2000; and Mingolo, 2000) and to unveil the strategies of power (Escobar 1995a; Esteva 1992; Mamdani 1996). Using this range of theoretical interpretations, I propose to insert a perspective on the history of refugees that examines the cultural specificity of the West.
I should clarify that my usage of the word ‘West’ refers to more than the geographical areas of Western Europe, North America, Australia, and New Zealand. The term acts here as shorthand for a set of cultural values and a mode of thought. The main themes of Western thought are the abstract figure of the human, reason, and progress. The important feature of these ideas is that they connote a universalizing temporal structure that measures cultural distance assumed to exist between the West and the non-West (Chakrabarty, 2000, p. 7).

This introductory chapter begins by examining various historical studies on refugees and identifying gaps in the current literature. I then turn to a consideration of the notions of ‘difference’ and ‘international order’. Following this, I turn my attention to the recent development of critical perspectives on refugees. It is this critical that I will be developing throughout this thesis. The final section sets out the research questions that motivated this thesis and I conclude with a brief outline of the following chapters.

**Histories of Refugees**

There are a number of distinguished historical explorations of refugees and population displacement. Most focus on events in Europe. Bramwell (1988), Kulischer (1948), Marrus (1985), Proufoot (1957), Schechtmann (1946, 1962), and Simpson (1939) have written histories of population displacement in

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1 Latouche (1996, p. 25-26) suggests that the idea of the West has to do with a religion (Christianity), a philosophy (the Enlightenment) and an economic system (capitalism).
Europe in the inter-war years. These studies not only describe the plight of those forced to flee from their homes, but the political context leading to their displacement, the politics of the international response, and the policies and practices of various governments and humanitarian agencies. There are a few institutional history of the refugee regime. Holborn's historical studies of the International Refugee Organization (1956) and the early years of the United Nations High Commissioner for Refugees (1975), and Woodbridge's (1950) three volumes on the United Nations Relief and Administration, are considered the most authoritative works in the area. An institutional history of refugees by Gordenker (1987) examines the political constraints on responses to refugee situations. Salomon (1991) analyses the way in which Cold War politics shaped the formulation of the refugee regime. More recently, Skran (1995) has detailed the emergence of the refugee regime in inter-war Europe.

Despite the depth of research, there are two problems with these histories of refugees. They take for granted the effects of the national state form on population displacement. Furthermore, these studies take the view that the refugee regime consists only of practices and institutions that offer international protection once the person has crossed international borders. They have been inattentive to both the effects of the principle of national self-determination on forced migration and the significance of the minorities protection regime in governing population displacement.

The minorities regime was created after the territorial and demographic changes in Europe at the end of World War One. National minorities were the consequences of creating states based on the principle of national self-determination. The League of Nations imposed various domestic political arrangement on a number of states that would guarantee the rights of their
national minorities. The regime sought to maintain the new European order of national states by implementing a number of domestic guarantees for those who were either denied national states of their own, or became minorities as a result of territorial changes.

Historical studies of national minorities and the minorities protection system by Macartney (1934), Mair (1928), and Preece (1997, 1998a) also have failed to notice the connection between minorities protection and refugee protection. The distinction made between the refugee regime and the minorities regime may be an analytic device. But the distinction distorts the functioning and purpose of the idea of international protection, which both regimes claim to be about. Both the minorities and refugee regime were part of a wider project to regulate the conduct of states towards their populations, regulate population displacement, and maintain the order of territorial states. The minorities regime was the domestic aspect of international protection. The refugee regime was the external aspect of international protection. Its primary function was to govern populations crossing international borders. I suggest that an analysis of the overlapping functions of the two regimes will reveal the historical conditions for refugees to emergence as an international problem.

Studies of refugee movements outside Europe have tended to focus on the humanitarian relief efforts rather than the international politics of governing these refugees. The exceptions are the analyses by Ferris (1987), Zolberg, Suhrke and Aguayo (1989) and Loescher (1993) and some of the contributions in Loescher and Monahan’s (1989) Refugees and International Relations. Although their works have drawn attention to the geography of displacement after 1960 and the international context to refugee movements, their
characterization of non-European refugees raises a question about the effects of such views on the formulation of practices.

These studies suggest that the solution to refugees in developing countries must take into consideration the rural character of these countries and their lack of economic and human development. Sorenson (1994, p.186) argues that the discourse of development constructs recipients as passive targets of aid with little capacity for agency – despite the rhetoric of participation. Harrell-Bond’s (1986) research on the distribution of aid also exposes the ‘autocratic paternalism’ of many refugee agencies. The representation of refugees as non-agents of their own lives reflects a wider issue concerning the colonial legacy in many of these countries. At stake is the relationship between the West and the non-West after decolonization.

The discourse by which non-Western refugees have been rendered intelligible is far from innocent. One aspect of the government of refugees is informed by a Eurocentric worldview. Development strategies often legitimate marginal conditions in the non-Western countries. The representation of refugees outside Europe, particularly in Africa, as inseparable from the broader issues of development has justified practices that impede the settlement of these people in the West, while also allowing Western states to have a significant role in the domestic affairs of these countries.
CONCEPTUALIZING REFUGEES

Beyond the historical approach, the refugee also figures in other ways in academic discourse. International migration and population studies consider the motivational ‘push-pull’ factors of movement. International law considers refugees as legal subjects with rights. Political theory seeks to address refugees as a normative issue. Sociology looks at the ‘problem’ of integration for refugees in the countries of settlement. Political science looks at national government responses to these non-citizens. Development studies offer ways to improve the delivery of relief and aid to refugees in developing countries. Ethnic and racial studies offer accounts of refugees as the ‘Other’. Likewise, anthropology and cultural studies explore the deployment of difference and the fluid and constructive character of refugees. Political geography reminds us of the spatial dimension of refugee movements. The discipline of International Relations asks whether refugee movements signal the erosion of sovereignty, which can be positive or negative. These approaches and their subject matters are neither exclusive nor exhaustive. Indeed, ‘refugee studies’ is a research area where different disciplines intersect in the study of an aspect of international relations. But two themes in refugee studies require inspection: difference and international order.

Refugees and difference

The politics of identity and the politics of difference have become central to the discussions on refugees. There is much to be commended in analyses that consider the construction of refugee identity by the media (Koser and Lutz 1998), by national policies (Soguk 1996), and by refugee law (Akram 2000; Tuitt 1996). They have highlighted the politics of representation and the fluid meaning of refugees. The assertions of cultural identity and difference
emerge from specific historical conditions. Ethnic identity, for example, is often an effect of institutionalization by anthropologists and administrators (Turton, 1997). At stake is the construction and deployment of identity for political ends.

But the identity/difference narrative also surfaces in a large number of studies that connect ethnic violence with population displacement (Brown, 1993; Carment, 1994; Gurr and Harff, 1994; Weiner, 1992). Since the end of the Cold War, intra-state ethnic or communal violence is perceived as a major source of international instability. This view has been particularly popular amongst US analysts of the nature of conflict after 1989 (Kaplan, 1996, 1994; Moynihan 1993). The depiction of refugees as the victims of ethnic conflict and of the abandonment of rationality normalizes an explanation of conflict that is emptied of history while distorting the West from its own history. It is necessary, therefore, to resist the assumption that conflict is somehow *sui generis* to the history of the Balkans and of Africa. It is equally important to question the Western intellectual habits that treat instances of racism as aberrations in Western states or the problem of other cultures (Wallerstein, 2000). Cultural separatism and the principles of modern liberal democracies belong to the same history.

One of the most profound consequences of the politics of difference for refugees is exclusion. The exclusionary immigration policies of Western states and their effect on refugee admission have attracted much scholarly attention (Bloch, Gavin, Schuster, 2000; Collinson, 1999, 1993; Dowty 1987; Robinson, 1998; Widgen, 1989). In the EU, the adoption of restrictive asylum policies and the Schengen treaties, and in particular, the 1990 Agreement have created structures for exclusion (King, 1993, p.184). The strategies of representation,
that is, the production and normalization of difference, have been crucial for this task of exclusion.

In a critique of refugee studies, B.S. Chimni (1998) notes the moment when the rapid growth of refugee studies coincided with the characterization of 'new' asylum seekers in the 1980s. He argues that the production of knowledge, in creating 'the myth of difference' has functioned to exclude Third World refugees from Western states. This myth is part of the strategy of containment adopted by Western states (Chimni, 1998, p. 369). The other deterrence strategies include the positivist reading of international refugee law and the depoliticization of the international refugee regime, which have enabled various in-country 'preventive' solutions to be possible for 'new' refugees. This insightful reading turns attention to the underpinning Eurocentric assumptions and to power relations within the international refugee regime.

But the government of refugees through a strategy of difference is not simply aimed at exclusion. Interpreting the practices and policies of the refugee regime solely as exclusionary misses an important aspect of government as a modality of power. Malkki (1998, p.440) suggests that an engagement with 'the very asymmetrical and uneven ways in which people and societies are incorporated' would make for a better understanding of the exclusions and power relations built into universalizing and abstract visions of the world. Similarly, Mamdani (1996, p.15) questions the opposition between marginalization and inclusion. For him, the activity of incorporation that produces the effect of exclusion is a form of power.
Therefore, to understand difference as exclusion gives only a partial view of the exercise of power. In the government of refugees, a regime of differentiation has enabled the formulation of multifarious practices for internally displaced persons, refugee women, refugee children, 'refugee warriors', and refugees from developing countries. In other words, the discourse of difference has enabled displaced populations to be incorporated in distinctive ways into the regime. The effects of refugee policies may be exclusionary but the activities carried out by the regime suggest it is an exercise of power performed with political goals in mind. The international refugee regime does more than construct refugees as difference; it governs through difference.

The refugee regime maps out social relations through its practices of representation and intervention. The assemblage of practices of the refugee regime defines the terms of inclusion and exclusion. I suggest that the answers to questions of who is included and excluded from the category of refugee and the benefits of international protection are reflections of particular worldviews and effects of power relations. This thesis, as a discursive and institutional history of refugees, would draw attention to the relationship between the meaning of refugees and the strategies of incorporation.

**Refugees and international order**

The theme of refugee and difference overlaps the topic on refugees and international order. The idea of international order is ambiguous but it implies a state of security, peace, and stability. The important reason why refugees are subjects of government in international relations has to do with
the global system of sovereign states. The movement of people across international boundaries is a regulated affair. States have the right to control their borders and entry is subject to rules and conditions. 'Irregular' population movements, including refugee movements, undermine the state sovereignty and are seen to be disruptive of national and international stability. The refugee represents a failure of the system of states. Refugee movements also represent the failure of states to govern their populations. The conduct of the refugee-producing state infringes on the sovereignty of receiving countries and imposes a set of obligations on these states to assist non-citizens in a material or legal manner.

Publications by the United National High Commissioner for Refugees (1997a, 1995a, and 1993) repeatedly represent refugees as a sign of disorder in the international system. For example, High Commissioner Sadako Ogata (1993, iii) announced that 'the subject of refugees and displaced people is high on the list of international concern not only because of its humanitarian concerns today but also because of its impact on peace, security and stability'. Likewise, the literature that explicitly links security and refugees focuses on the threat posed by refugees to states (Waever, Buzan, Kelstrup and Lemaitre, 1993; Weiner, 1995, 1993). According to Rupesinghe (1996, p. 141), the emergence of identity conflicts is blurring the boundaries between internal and external wars, with important consequences for sovereignty and non-intervention.

The refugee problem, therefore, is intimately linked with the ordering of the world and its populations into sovereign territorial states. National citizenship is part of this governmental arrangement that seeks to manage populations inside and outside the state. A consequence of these practices is that problematization of the movement of populations across states. The
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concept of 'refugee' reflects a world in which individuals need to belong to a state to ensure their protection (Aleinikoff, 1995, p.257). In other words, the ordering of the world and its populations into states produces the experience of citizenship and alienage.

Yet, this relationship between the refugee and states has often been misconstrued. Claudena Skran (1995, p.3) claims that 'refugees present a challenge to conventional ways of thinking about international politics because they 'do not fit neatly into the state-centric paradigm which assumes that each individual belongs to a state'. On the contrary, the issue of refugees highlights the centrality of the order of states. Refugees are an issue in international relations because the world is divided into a plurality of states in which the human population is segmented, ordered, and governed. What will be our understanding of refugees if states are not the political and spatial foundations of modern life and the ideas of nation and nationality have no value? The presence of refugees may rise questions about the adequacy of the state-nation-citizen arrangement as a form of life but that is something quite different from claiming the refugee as a figure that challenges the confines of the national states system.

Some writers see refugees as indicating the emergence of a different world order – a deterritorialized politics that challenges state-centrism. Sogut (1996) argues that by cutting across space, refugees create a new space not subject to traditional notions of boundaries and boundedness. In a similar vein, some papers in Shapiro and Alker's (1996) edited volume, Challenging Boundaries: Global Flows, Territorial Identities, celebrate the possibility of deterritorialized international relations. My concern is that to interpret the movement of people, whether refugees, migrants, or guestworkers, as an expression of a transversal politics that challenges state sovereignty is to depoliticize the
condition of movement. In the case of refugees, states can assert a right to exclude refugees, which may leave the refugee stateless, unable to enter a country of asylum and unable to return (Aleinikoff, 1995, p. 258).

Thus, arguments against the state-centric view of international order are misplaced. Such views ignore the operation of subtle modalities of power in politics and the functioning of the states system to render populations governable. Like Liisa Malikki (1995, p.5), I contend that refugeehood is linked to the modern system of nation-states, or as she phrases it 'the national order of things'. The universalizing order of states and nations underpins the modern explanation of the refugee phenomenon. In other words, the problematization of refugees and population displacement affirms the value of the international order of state-citizens.

International order involves both normative and organizational arrangements. The presence of refugees blemishes the perceived international organizational and normative order. Refugees have symbolic value beyond the structural order of the states system. The characterization of refugees as an anomalous state of being (re)produces and maintains certain conceptions of the world and social relations. In other words, the representation of disorder is crucial for the maintenance of order. The disorder of refugees represents not only a threat to the international order of states and a sign of the failure of a state to provide for its citizens, but also a rupture in the modern imagination of belonging, community, and identity. If disorder and order are two sides of the same coin, which is my contention, then, the disorder of refugees is a solution to the ordering practices of identity formation and community building. The symbolic meanings of refugees secure, what would be otherwise, the indeterminacy of identity and community.
As refugees are increasingly constructed as ‘Third World’ people, the asylum policies of Western states have become more restrictive and draconian. The politics of refugees emphasize the potential for refugees to disrupt the national imagination. The debate on whether refugees possess the socio-cultural and moral attributes to be autonomous, productive, and responsible citizens is the subject of intense research. The politics of difference and the problem of order merge in the politics of social cohesion and integration (Cohen and Layton-Henry, 1997).

The ‘cultural’ disorder of refugees is most evident in the contemporary discourse on refugees. The project to reform the international refugee regime reflects the anxiety of Western liberal-democratic states to control the entry of refugees from developing countries. Loescher (1993, p.4) describes the current refugee crisis as an increase in South-North movements and ‘the perpetuation and growth of the refugee problem in the Third World’, which have resulted in an increased number of asylum seekers in industrialized countries. This image is dubious because the number of asylum seekers finding their way to Western states is very low compared to the number who seek asylum near their country of origin. Nonetheless, the image is an incitement to find mechanisms to contain refugee movements. According to Loescher (p.10), there is an urgent need to go beyond the understanding of the refugee crisis as a strictly humanitarian problem and include measures to solve the problem of refugee generation.

The perception is that repression and civil wars within states, rather than the conditions in host and resettlement countries are causing the refugee crisis. The emphasis on state responsibility for the causes and consequences of forced migration creates the need to control those ‘weak’ states that produce refugees. The push for a comprehensive refugee policy that is ‘multilevel,
cooperative and integrative' (Suhrke, 1994) or 'preventive and solution-oriented' (UNHCR, 1996) is the latest project to transform regime practices. It is a strategy designed by the Western states to govern non-Western refugees through the discourse of prevention. The international order is one that justifies and produces a form of global apartheid (Richmond, 1994).

**CRITICAL PERSPECTIVES**

Aristide Zolberg (1983) is one writer who has acknowledged the importance of the relationship between refugee movements and states. He argues that one of the central causes of population displacement in modern history is the creation of new national states. Since Zolberg's work a number of authors, such as Nyers (1999, 1998), Soguk (1999) and Xenos (1996), have written on the relationship between nation-building, state-building and the implications of this for how refugees are understood in modern political life. The problem of refugees, Xenos (1996, p. 237) suggests, is a problem that has the question of sovereignty at its core.

The project to problematize the international system has been taken up by a number of scholars. Dillon (1995, 1998), for example, critically examines the ontological horizon of an international relations that produces 'the scandal of refugees'. He poses the question that if the 'political architecture of modern international political power commonly produces 1:115 forcibly displaced people globally', then 'one is inclined to ask about the foundations upon which that architecture is itself based' (Dillon, 1998, p. 30). For him, international relations articulates a sovereign power that create strangers and violent exclusion. International relations is a politics of estrangement, Dillon
concludes, invoking an Levinasian-inspired ethics of hospitality towards those rendered as ‘Other’ by sovereignty.²

For the purpose of this thesis, the most interesting aspect of the project to analyze the contours of international relations is the application of Foucault’s suggestive writings on modern government to refugee studies. With various degrees of effectiveness and varied emphases, Lippert (1999), Dillon (1995), and Owen (1997) have deployed Foucault’s neologism ‘governmentality’ to analyze the modalities of power that operate in the government of refugees. Lippert (1999) emphasizes the technologies, rationalities, and other institutional practices of the refugee regime in the constitution of ‘refugeeness’. Interestingly, although he insists that refugee camps are spatial technologies of government, he does not mention the territorial state as serving a similar purpose. For Dillon (1995) and Owen (1997), however, the significance of the system of sovereign states is crucial for understanding the condition of possibility for the production of the figure of the refugee.

My approach to the government of refugees in international relations concurs with the one outlined by Dillon and Owen. Foucault’s characterization of the government of a citizen population within a state underplays the significance of relations between sovereign states in enabling this task. That is, governing conduct between states through norms such as sovereignty and non-intervention makes possible the domestication of populations. Therefore, the arrangement of sovereign states is important not because states are the powerful actors, but because one of the purposes of states is the government

² The notion of estrangement as foundational to the constitution of international relations is found also in James Der Derian’s genealogy of diplomacy. See J. Der Derian (1987) On diplomacy: a genealogy of Western estrangement Oxford and New York: Basil Blackwell.
of populations. The normalized features of the states-system - sovereignty, territory, and population as citizens - are what give rise to the subject of refugees. There is, then, a geopolitical dimension to governing populations. Geopolitics refers to a specific way of reasoning about the significance of territory and its relations with political, social, and economic conduct. It politicizes territory and territorializes populations.

The critical perspectives of Soguk (1999) and Nyers (1998, 1999) also illustrate how the contemporary discourses of refugee and issues of humanitarian intervention, human rights and democracy are framed within the political ontology of nation-states and how this discursive order limits what is considered possible in the formulation of refugee policy. This is no autonomous space outside the political order of nation-states (Agamben, 1996, p.162). These authors recognize the state-nation-citizen order in the formulation of the refugee question. They also identify the crucial purpose of the government of refugees as being to assert and normalize state and citizen order. The international refugee regime is part of the discursive practices central to the constitution and circulation of the refugee category. The discourse of refugees, according to Nyers (1999, p.21) defines the refugee as lacking with respect to both citizenship and the nation-state, while citizenship is understood as the performance of political rights. Putting it differently, our present conceptualization of human rights for refugees is framed within the limits of rights as citizens. The practices of the regime seek to restore the state-citizen link, or transform the refugee into a citizen. At the same time, the 'work' of international refugee policies, institutions, and experts functions to create international order and (re)produces the refugees as disorder.

These insightful analyses of the politics of refugees expose the underlying assumptions about international relations. They also highlight the complicity
of knowledge to strategies of power. But they have reduced the significance of the refugee problem to a one-dimensional problem of the state/nation/citizen hierarchy. What is missing is a historical analysis of the way in which the international geopolitical environment influences interpretations of the refugee problem. How have decolonization, the global economic order and 'North-South' issues, the Cold War and the post Cold War influenced the interpretation of the refugee problem and the activities of the international refugee regime? How was third country resettlement a viable option in the '50s and '60s but less so today? What is the rationale behind the development of a regionalized refugee regime under the name of 'burden sharing and differentiated responsibility'? These are central questions to the politics of refugees and this thesis will address these questions.

In the analyses by Soguk and Owen, the citizen remains an abstraction, rather than a figure inscribed by historical and cultural signification. Citizenship also connotes cultural membership. Indeed, the relationship between the juridical articulation of citizenship and the ethnocultural ideal of citizenship presents a dilemma for liberal democratic states. This dilemma is clearly present in the discourse on refugees. The international refugee regime does seek to restore the international order of states and citizens, but the citizen is deployed into different ways. For example, the conflation of discourse on citizenship with the idea of 'home' has been used to legitimate repatriation as the best strategy for dealing with refugees. Thus, the problem of refugees is not just a legal one. In the West, refugees are invested with socio-cultural meanings.

What is missing in these analyses, then, is an examination of the 'coloniality of power'. Mignolo (2000, p. 16) claims that this strategy of power constitutes
itself through a ‘classification and reclassification of the world’s populations’, an institutional structure functioning to articulate and manage such classifications, and an epistemological perspective from which the production of knowledge can be channeled. Eurocentrism, he suggests, is the metaphor that describes the coloniality of power.

By deploying Mignolo’s conceptualization of the relationship between the West and the non-West, one can begin to demystify the cultural history of refugees and to historicize the universal claims of the international refugee regime. The international refugee regime is an achievement of the West. The terms of refugee discourse are the outcome of the European states system. The refugee regime has not always been international. We cannot ignore the fact that the initial architects of the refugee regime were Europeans and its practices were designed for Europeans. While Europe was dealing with its displaced populations after the two world wars, a large part of the world’s populations were subjects not citizens. The incorporation of non-Europeans into the refugee regime is more complex than an articulation of universal ideals. Western modernity is culturally specific knowledge with global designs. By mapping the mode of incorporation, we see the relations of power that produce the refugee as a cultural identification, and the relationship between the West and non-West. A sense of Western political, economic, and cultural superiority to other regions and peoples is deeply embedded in the regime. Currently, the international refugee regime, with its practices of prevention and regional solution is a form of distancing that continues colonial power relations.
**RESEARCH QUESTIONS**

This thesis addresses two core questions: How do refugees as a subject come into being? And what is the 'work' of the international refugee regime? The first question asks about the historical circumstances that enabled the subject to emerge and to be constantly redefined. The definition of the term 'refugee' has been far from constant in the twentieth century. There has been a range of categories of displacement, including for example stateless persons who may or may not be refugees, evacuees, displaced persons, and internally displaced persons. The 1951 Refugee Convention defines 'refugee' and distinguishes them from other kinds of population displacement. But since the Convention is interpreted and applied under national law, the operative definition of 'refugee' is somewhat fluid. More recently, the debate on the whether Internally Displaced Persons (IDPs) should come under the auspices of the United Nations High Commissioner for Refugees (UNHCR) illustrates the continuing reinterpretation of the significance of population displacement.

The refugee becomes a subject of government through two tactics of subjectification: first, the arrangement of sovereign states; and second, the deployment of a particular conceptualization of international order. The internationalization of the European states system and its related institution of citizenship are crucial for understanding the refugee issue. The two important functions of the historical nation-state-citizen arrangement are to govern the world's human population and to order international relations. At the most fundamental level, refugees are the effects of a world divided into territorial national states of citizens. The state, with its attributes of sovereignty, territory, and population is a technology that seeks to 'divide and govern' the world's populations (Hindess, 1997). In this context, the idea of 'international order' is a tacit approval of this practice of dividing and organizing the world and its population into territorial states. The implication
of the normalization of this 'structural' form of order is that the refugee, by crossing state boundaries and becoming a non-citizen, represents an anomalous state of being.

Another aspect of the disorder of refugees relates to the inability of certain states to govern their populations in a manner that does not cause flight. The government of populations as citizens is the responsibility of states. The failure to observe such a duty causes problems for the international order of states. The (mis)conduct of states affects domestic and international stability. International law has focused largely on the regulation of relations between states to ensure stability. More recently, it has turned its attention to the state-citizen relationship. Through the discourse of human rights, international law now seeks to secure the orderly conduct of states towards their populations to secure domestic and international stability.

The international order is also a normative ordering of relations grounded in internationalized norms and codes of conducts. Although these norms are contested and violated, their institutionalization and universalization in political discourse have furnished them with a capacity to describe 'what is' and 'what should be' in the world. Above all these norms, whether implicit or explicit, project a historically and culturally specific world vision.

While I have chosen to consider the government of refugees on the international level, I also recognize that national policies are equally important in the government of refugees. The distinction between the international and national is intended to draw attention to the value of boundaries in the management of populations. In this thesis, I refer to an
'international' that is always conscious, of its symbiotic relationship with the national.

The second research question concerns the purposes of the refugee regime. I am not evaluating whether certain practices are desirable. Rather, I am interested in the social relations that are reflected and reproduced by particular policies, institutions, and forms of knowledge. In other words, my concern is with the politics of governing refugees through the activities of representation and intervention. The thesis approaches policies, institutions, and meanings from an ethnographic perspective in an attempt to expose the power relations that underpin the institutional arrangements, the production of knowledge, and the formation of policies. The government of refugees, I suggest, is part of a larger project to render the world manageable through an order of states. There is a connection between the activities of the government of populations and inter-state conduct.

Refugee movements signify three kinds of disorder. First, the refugee-producing state is perceived to lack the capacity or appropriate techniques to govern the population within. Second, refugees disrupt the international order of state/community and citizen/population. Third, refugees are people who have become disconnected from the disciplinary or regulatory state-citizen bond. These three disorders incite a range of governmental regimes that aim to restore the state-citizen tie and preserve the value of the states-system as an instrument of population management. International protection is a political act and the term 'refugee' is a political identity.

The international refugee regime was not the manifestation of a profound plan. Indeed, the emergence of an international refugee regime addressed the
'mass outflow within the already-existing immigration control measures' rather than because of a commitment to protecting peoples (Barutciski, 1998, p.244). The crucial goal of 'international protection' was to regulate inter-state population movements. Characterization and categorization of population displacement were techniques of ordering that reflect power relations and political calculations.

Related to the issue of power relations is Eurocentrism - a concept that characterizes the universalistic claims of Western ideas and the pattern of relationships between the West and the non-West. The articulation of Eurocentrism is changeable, but the core belief about the qualitative superiority of European existence over other forms of human life remains constant. In other words, this belief contains a philosophy of history and a vision of universalism that venerate the motifs of Western culture. Mignolo (2000, p.17) points to the Western tendency to project European local knowledge and histories to global designs, 'from the dream of Orbis Universalis Christianus to Hegel's belief in a universal history that could be narrated from a European perspective'. Indeed, the globalization of European modes of thoughts and models of social relations to the rest of the world has fortified and reproduced this self-image. For the purpose of the thesis, then, the critique of Eurocentrism is concerned with the implications of this normalizing and universalizing worldview for the government of refugees.

Indeed, there are two striking features of the contemporary discourse on refugees. First, images of refugees are predominantly of non-Western(ized) populations. Second, the most influential architects of the international refugee regime are Western states. Whether as supporters or critics of particular practices, the West has dominated the political discourse on refugees and the formulation of refugee policies.
One aspect of the thesis is to examine the consequences of the ascendancy of the nation state form as a technology for governing populations. It takes the system of territorial sovereign states seriously, because the refugee is a political subject that is intelligible vis-à-vis her relationship to the normalized order of states and citizens. The problem of refugees – the problem that requires intervention or government – is that they are outside the state-citizen regulatory norm. A second aspect of the thesis is to explore the historical representation of refugees and some of the activities of the refugee regime. I suggest that the government of refugees has two components: the modes of thought (theorization) about the social world and the practices informed by these habits of thought.

The thesis contains three related propositions. Firstly, the issue of refugees is symptomatic of the division of the world’s territory and population into sovereign states. This is the structural condition of refugees. Related to this is the value attached to the normalized bond between state, nation, and citizen – a bond that is strategic for the management of states and population. The discourse of refugees (re)produces particular realities of international relations and truths about who we are and where we belong. The refugee is a political identity that affirms and reproduces the international order of states. Secondly, the characterization of the refugee is historically linked to imaginaries and explanations of international (dis)order. This is the historical significance of refugees. Representations of refugees mirror the concerns and contradictions that arise from particular images of world (dis)order. Policy activities are attempts at recovering a historically and culturally specific articulation of ‘normality’. Thirdly, Western habits of thought have mainly informed and transformed practices towards refugees and ‘other people of concern’. This is the cultural meaning of refugees. Western concerns have dominated the refugee agenda and we cannot ignore the configuration of
power in international relations, or the effects of these relationships for the
government of refugees.

CHAPTER OUTLINE

Chapter Two introduces the theoretical strategy of the thesis. I draw upon
Foucault’s analysis of government in the modern West to suggest that the
government of refugees is an articulation of biopolitics and geopolitics. The
former politicizes life and addresses the government of population. The latter
politicizes territory and produces a relationship between territory and vitality
(life). It is in this sense that the states-system is crucial for the government of
refugees. I will show that the refugee question arises because the unregulated
movement of people disrupts the organizational structure of the system of
states, which is seen both as a prerequisite for international order and the
core of international order itself. A central objective of governing refugees,
then, is to maintain and reproduce the international order of national states
where populations are governed through the normalized institution of
citizenship. The values of the state, the nation, and the citizen are
(re)produced in the refugee regime. Indeed, the refugee regime, I suggest,
should be considered as a set of cultural practices, which prescribes and
naturalizes a particular image of political order and human relations.

After setting the theoretical foundation, Chapters Three and Four of the thesis
explores the changes and continuities in the meaning of the refugee question
and its deployment in the larger context of the imaginations of order and
disorder. Chapters Two and Three focus on the advent of population
displacement as an international political concern and the development of
‘international protection’ regimes that addressed this concern. There was an
external and internal dimension to international protection after World War One. The external dimension was the refugee regime and the internal was the minorities protection regime. Both regimes contributed to the wider project of establishing and maintaining international order by dealing with vulnerable groups whose condition signaled a possible destabilizing situation.

The aim of Chapter Three is to focus on an overlooked issue in the history of governing displacement. I suggest that to understand the refugee question, one needs to begin with an examination of the related issue of national minorities. The remapping of Europe based on the principle of national self-determination (and nationalist ideals) unwittingly raised a number of dilemmas for post 1919 Europe and the existence of national minorities in new states was one of these dilemmas. The primary goal was to uphold the new international order of sovereign states in Europe, which was believed to be the key to peace and stability. But there was a fear that the thwarted ambitions of groups who had been denied their own national states and the harsh nationalizing policies of new states would lead to internal unrest, international conflict and population displacement. The minorities protection regime was a preventive measure that sought to counter such incidents. Under the auspices of the League of Nations, the regime, through constitutional and other domestic arrangements, sought political guarantees for the national minorities of states with ‘mixed populations’. The minorities protection regime was an integral part of the system established to regulate the outcome of the First World War.

The topic of Chapter Four is the institutionalization of a regime for displaced populations in the period from 1919 to 1951. The events of the Russian Revolution initiated the institutionalization of population displacement as an international problem and lead to the development of a refugee regime. The
objectives of the chapter are to demonstrate that shifts in defining the term ‘refugee’ and efforts to address population displacement were largely limited to Europe. But I also show that, despite the definitional shifts, the term ‘refugee’ is organized around the relationship between a person and a state — whether it is the state of domicile or the asylum state. Through an exploration of the functioning of refugee agencies and other regime practices as such travel documents, population exchanges, and repatriation and resettlement programs, it will be evident that the purpose of the regime was to reestablish the contractual relationship between a person and a state and to maintain the international order of state-nation-citizens. In effect, the governing activities normalize refugees as anomalous beings who are potentially disruptive to national and international order.

Chapter Five explores the incorporation of non-Western populations as subjects of the refugee regime. Too often, the history of the international refugee regime has interpreted the expansion of the regime after World War Two as an achievement for human equality. This view, I suggest, disguises the Eurocentric aspect of the regime. I argue that the representation of the non-Western refugee condition as different from the Western condition has served to justify interventions that are loaded with Eurocentric assumptions. The insertion of the discourse of development into explanations of refugees represents a significant shift in the perception of the refugee problem and the practices designed to manage it. The objective of this chapter is to show that the refugee-development governmental strategy is a form of colonial discourse, which characterizes non-Western peoples as ‘backward’. In other words, the discourse reproduces the developmental or evolutionist view of society, which has been a feature of Western thought.
For the West, the end of the East-West conflict and the subsequent events in the former Soviet Union and Yugoslavia brought on crises of representation and government in international relations. Chapter Six examines two influential perspectives on the new world (dis)order, and two well-know examples being Fukuyama’s vision of liberal world order and Huntington’s pessimistic prediction of civilizational conflict. There are two reasons for devoting so much space to this topic. First, the two images of (dis)order illustrate the West’s habit of universalize its cultural specificities. Second, weak and strong versions of these characterizations of international order have informed the government of refugees since 1989. As I argue throughout the thesis, the meaning of the term ‘refugee’ must be located within the wider context of international relations.

Chapter Seven considers Western responses to the global refugee crisis after the end of the Cold War. The focus of the chapter is on how this crisis prompted a search for a comprehensive approach to the government of refugees. It explores some of the technologies of this prevention-protection-solution strategy, which has constructed refugee movements as threats to international order. One development is the deployment of the language of rights and human security to legitimize highly interventionist practices. It also notes the re-emergence of national minorities as an issue in the government of refugees. This chapter will demonstrate that the contemporary international refugee regime is a practice of geopolitical humanitarianism. The regime is simultaneously an enterprise of liberal internationalism and a form of global apartheid.

The Conclusion summarizes the terrain covered by this thesis on refugees. It reflects how a history of the government of refugees is also a history of international relations. International relations, here, refer to the normalized
order of states and citizens, and the relationship between the West and the non-West. My concluding remarks consider the implications of my research for refugee studies. The thesis ends with an invitation to pluralize the meaning of community.
The State of Refugees

biopolitics, geopolitics, regime

In a world that abhors the presence of unadministered spaces or people, the presence of forced migrants must be treated as abnormal. Government authorities invariably react to refugee situations by trying first to contain them and later to eliminate them.

Leon Gordenker,
Refugee in International Politics

My introductory chapter contextualized this thesis by exploring some of the themes and approaches in the broad field of refugee studies. I also mapped the core issues of the thesis. The objective of this chapter is to establish the theoretical foundation of the thesis. It delves more deeply into the relationship, mentioned in the previous chapter, between the government of populations, the order of territorial states and the constitution of refugees.
My theorization of the government of refugees in international relations engages with Foucault's suggestive work on modern government in the West, with its theme of power and its effects on social relations and human experience. His characterization of government as the government of population, or biopolitics, presents a productive way to examine the discourse on refugees. But another strategy of power has enabled the subject of refugees to emerge – geopolitics. Geopolitics refers to a specific way of reasoning about the significance of territory and its relations with political, social, and economic conduct. The arrangement of sovereign states is of significance for geopolitics not because states are the powerful actors, but because one of the purposes of states is the government of populations. The central proposition is that the interplay between geopolitics and biopolitics produces a regime of truth about international relations and the forms of life possible (and desirable) inside and outside the state. The subject of refugees, therefore, is an effect of ordering the world and its populations into states, which produces the experience of citizenship and alienage.

One of the preconditions for states to perform their governmental function is the creation and maintenance of relatively ordered conduct between states. At the basic level, the purpose of the principles of sovereignty and non-intervention in international relations is to create the conditions of co-existence. The activities of international regimes also aim to ensure that the conduct of a state does not have deleterious implications for other states.

This chapter, then, connects the government of population with the government of territorial sovereign states. By doing so, it presents the conditions of possibility for the problematization of refugees. Refugee movements signify three sets of disorder. First, the refugee-producing state is perceived to lack the capacity or appropriate techniques to govern the
population within. Second, refugees disrupt the international order of state/community and citizen/population. Thirdly, refugees are people who have become disconnected from the disciplinary or regulatory state-citizen bond. These three disorders incite a range of governmental regimes that seek to restore the state-citizen tie and preserve the value of the states-system as instruments of population management.

The chapter is divided into three sections. The first section outlines some aspects of Foucault’s innovative work on modern government in the West as a modality of power. According to Foucault, the central object of government is population – a social and political object discovered by the human sciences. His conceptualization of power beyond the juridical mode offers a distinctive view on the role of the state and the activity of governing populations. Although his work focuses on the government of a population within a state, his analytics also provide a number of insights about the government of those populations characterized as outside the state.

The second section extends the discussion of government to the international level. The objective is to complicate Foucault’s characterization of government by reinserting sovereignty into the activity of government. The effect of sovereignty on the government of population is more significant than Foucault assumes. I propose that sovereignty and the modern states-system are geopolitical designs that are fundamental to the task of governing populations. As noted in the previous chapter, a few scholars are engaging in the concept of government to study refugees in international relations. While Lippert (1999) shuns the question of sovereignty and Soguk (1999) emphasizes the practices of statecraft, Owen (1998) and Dillon (1995) recognize the intersection between sovereignty and government in the problematization of population movement across borders. My objective is to
elaborate on some of the propositions made of Dillon, Owen, and Soguk by
drawing attention to the distinctive value of states as technologies of
population control. My claim is that the system of states is a potent political
arrangement and the character of statehood: sovereignty, territory, and
population delimit what and how claims can be made in international
relations, as well as by whom.¹

The final section takes a broad look at the art of governing refugees by
examining the idea of regime. Conventional theories of regime mostly
emphasize the desirability of international co-ordination and co-operation
and the positive outcomes of consensus building. I take a slightly different
view of regimes by proposing that the diverse activities of regimes are
significant because they (re)construct and normalize a particular view of
political reality. The roles of experts and policymakers and the value of
knowledge have been particularly important to this task. Experts and policy­
makers are the forefront of (re)interpreting and transforming the ‘reality’ of
refugees. Hence, my approach to regime is essential an anthropological one. I
am interested in regimes as cultural phenomena that (re)produce cultural
values and establish a grid of relationships.

¹ Too often, discourses of globalization have obscured this task of states. Their charges
against the state and their announcements of ‘the erosion of sovereignty’ proceed largely
from an understanding of the exercise of power as hierarchical and oppressive.
BIOPOLITICS: GOVERNMENT AND POPULATION

Foucault’s discussion of government is a continuation of his project to conceptualize political power and power relations in a way that challenges the notion of power as capacity and as right and power relations as based on consent or domination.² Political power, he insists, does not emanate from a single source as claimed by the juridical notion of sovereignty; it is dispersed and heterogeneous.³ To demonstrate this, he presents a genealogy of modern government in the West and claims that the perceptions of and reflections on the practical problems of politics are the effects of modalities of power. Foucault uses the neologism ‘governmentality’ or ‘government’ to focus on issues of the mentality or rationality that underpins the activity of governing. His conception of government is as an activity rather than an institution. The concept of ‘government’ describes a distinct form of rationality. That is, how government can be rationalized can be thought of in terms of some kind of rational principle of what governments can and cannot do (Burchell, 1992, p.33). It also refers to the regulation of conduct or the conduct of conduct.

Government, then, is a modality of power that does not emanate from a single source or supreme authority such as the state. It is not aligned exclusively with a particular political apparatus such as the state and its agencies, or a set of political instruments such as rules and administrative


judgements to achieve political ends. Rather, government is an exercise of power that involves a complex and heterogeneous array of practices, institutions, reflections and networks of norms, 'working' to produce a regime of truth and to form subjects. The art of government, therefore, does not seek conformity to external law. It is no longer about the imposition of laws on subjects. To achieve the goals of government, law is one of the many tactics to be employed. Insofar as modern states generate laws, those laws are policies – regulations concerned with order at the level of populations informed by the regularities and interests depicted by the human sciences rather than by a sovereign will. Lemke's analysis of governmentality provides an elegant description of the twin activities of government – representation and intervention.

The term [governmentality] pin-points a specific form of representation; government defines a discursive field in which exercising power is 'rationalized'. This occurs, among other things, by the delineation of concepts, the specification of objects and borders, the provision of arguments and justifications etc. In this manner, government enables a problem to be addressed and offers certain strategies for solving/handling the problem. In this way, it also structures specific forms of intervention. For a political rationality is not pure, neutral knowledge which simply 're-presents' the governing reality; instead, it itself constitutes the intellectual processing of the reality which political technologies can then tackle. This is understood to include agencies, procedures, institutions, legal forms etc. that are intended to enable us to govern the objects and subjects of a political rationality (forthcoming, original emphasis).

According to Foucault, around the early eighteenth century, some reflections on the problem of government came to be outside the framework and institution of sovereignty. The doctrine of the reason of state and the science of police (policy) or Polizeiwissenschaft were the two modalities of power with concerns distinct from sovereign power. If reason of state was about ensuring the existence and the strengthening of a state, then police science assisted in the attainment of these ends by maintaining internal order and gathering information and knowledge about the 'reality' of the state. Both political rationalities were interested in the potential to know, to increase, and to manage the 'forces' of the state. The rationality of police, in particular, was concerned with exhaustively detailed knowledge of the reality of the state and the regulation of the population within (Gordon, 1991, p.10). Elaborate administrative and bureaucratic machinery became a feature of government.

The next shift in the history of modern government occurred with the development of capitalism in the West and the demographic 'upswing' of the eighteenth century in Western Europe (Foucault, 1990, p.141). The necessity for coordinating and integrating these developments for the purpose of production caused 'population' to emerge as an object of surveillance, analysis, intervention, and modification. These new conditions gave rise to a different political rationality, which Foucault identifies as liberalism - the governmentality, which persists in the West today.5

In Foucault's thesis, the 'discovery' of 'population' was an innovation. The phenomena of a population as a totality and as individual units with specific set of regularities constituted a calculable and amendable governmental

5 In his writings on government, Foucault specifically deals with liberalism as a form of political rationality and not as political philosophy.
problem through sophisticated tables and graphs. Statistical analyses, for example, 'revealed' the inner dynamics or regularities of the population such as manpower and the balance between population growth and the resources it commanded.

[Statistics shows also that the domain of population involves a range of intrinsic, aggregate effects, phenomena that are irreducible to those of the family, such as epidemics, endemic levels of mortality, ascending spirals of labour and wealth; lastly it shows that, through its shifts, customs, activities, etc., population has economic effects.... (Foucault, 1991, p. 99).

This form of knowledge was not enough though. Numbers and graphs needed to be situated and supported by general theories that accord them meaning and value.

The government of a population 'requires an abstract and theoretical knowledge of social processes' (Dean and Hindess, 1997, p. 6). Phenomena emerge as problems when they are thought of or rationalized through a particular set of knowledge and understanding. Their meanings emerge from a broader set of meanings, ideals, and prescribed order against which they are measured. As Dean and Hindess (1998, p.9) suggest, problems are far from self-evident, they become known, or knowable through grids of evaluation and judgement. In other words, an object of government needs to be identified and problematized.

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The ‘work’ of human sciences, and similarly policy, plays an important function in the processes of problematization and government. I will discuss this aspect of experts and knowledge in the final section on regimes. For now, let me say that the human sciences and policies create representations of reality that are receptive to interventions. The human sciences, in ‘revealing’ the internal dynamics of populations enable an assessment of whether certain groups and/or individuals should or should not be an object of regulation (Barry, Osborne, and Rose, 1996, p.9). Knowledge and policy are particularly potent tactics of governments because the modes of intervention do not necessarily conform to state intervention. The perception of experts as independent and neutral authority engenders their knowledge and know-how as ‘truths’. These knowledge truths can then be deployed to depoliticize practices and to enable the government of persons, places, and activities in specific and diverse locales. This perspective on the functioning of knowledge cannot be regarded as sociology of knowledge. The point is not the ideological basis of knowledge but the complex functions of knowledge and knowledge production, and their consequences for politics. Expertise is part of the complex and heterogeneous assemblage of strategies of government that is productive and empowering as well as regulating.

Governmental policies are not same as state policies. The government of a state may be carried out by agencies of the state, but it may also include other agencies. The crucial point is that government is a realm of activity directed
towards certain goals, which is distinct from the government of a particular state. The relationship between government and the state is not to be understood as one of overt control and manipulation of the former by the latter (Foucault, 1991, p. 103). The state comes into being through practices of government. Putting it differently, the state is an instrument of government and as such its capacity cannot be taken as a given. The question is how and to what extent is the state articulated into the activity of government.

This governmentalization of the state is ... what has permitted the state to survive, and it is possible to suppose that if the state is what it is today, this is so precisely thanks to this governmentality, which is at once internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on; thus the state can only be understood in its survival and its limits on the basis of the general tactics of governmentality (Foucault, 1991, p.103).

The role of the state and its capacity to act in domestic and international politics, therefore, is linked to calculations of its effectiveness in carrying out certain political ends. The issue of what is on the agenda of states becomes conditional on political goals of governing rather than inherent capacity and the transcendent right of states to act. If Western states appear to be less coherent today, it may be due to a shift in the reinterpretation of state capacity and a shift in governmental strategies as much as to the ‘forces’ of globalization.

Foucault refers to the government of population as biopolitics8 - the field of regulation and intervention that identifies living human beings as the

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political object and makes knowledge an agent of transformation of human life (1990, p.143). For him, this rationality of government marks the transition from a ‘territorial state’ to a ‘population state’. The population or biopolitical state is one that has the population and not territory as the principal object of government. Population and its related problems, he insists, have replaced issues of territory as the problematic of government today.

Since one of the propositions of this thesis is that the government of refugees in international relations is linked to representations of disorder, the discussion on biopolitics is interesting in two ways. First, biopolitics as a modality of power encourage interventions into matters that are considered to be crucial for the vitality of the population of a state. Second, it transforms and links the value of the state to the health and happiness of the population within. In a series of lectures on biopolitics, and in *Discipline and Punish* and *History of Sexuality Volume 1*, Foucault notes that the themes of social wars conceived in biological terms have become a part of the modern political discourse.9 It is a biological battle, concerned with the management of vitality and life forms, which sanctifies the state as biological and social protector. As Foucault suggests,

Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, ... (Foucault, 1990, p. 137).

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9 The biologicalization of political discourse and its relations to strategies of power has been a persistent feature of modern government. Sociobiology and theories of degeneration, which permit the creation of various governmental program of regularization, exclusion, and extermination are the most obvious examples of this discourse.
The contemporary campaign to characterize refugees as ‘different’, whether culturally, ethnically, or economically is one strategy to wage war against those who appear to threaten narratives of community and belonging. I suggest, however, that the anomalous state of refugees, in fact, provides the answer to the ambiguities of community and belonging. That is, through the double move of negation and affirmation, refugees represent who ‘we’ are not, thereby affirming who ‘we’ are.

If the biopolitical state is the protector of life, then, it would wage a permanent social war on those external and internal threats to the vitality its population. This war claims the right to kill and justifies a range of ‘demonic’ treatments of some to ensure the protection of others. In other words, the affirmation of the life of those others and their particular way of life compels the elimination of objects that symbolize threats. Moreover, when the affirmation of life is linked to the assumption that a nation is a society of people with a distinct cultural identity, it provides a strong justification for the creation of exclusionary governmental policies. Both points are relevant for the government of refugees because they illustrate how the characterization of refugees as an aberrant state of being compels various forms of interventions.

Yet, Foucault’s ‘internal’ view of governing population is incomplete. It is too limiting to understand biopolitics as a power that is exercised over those persons living as members of a population of a state. This view assumes that the division of the world’s population into sovereign territorial states is of little consequence. I am suggesting, however, the creation of a plurality of at least

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10 Foucault does acknowledge the government of inter-state relations in his remarks on the balance of power, the diplomatic-military technique, and the Treaty of Westphalia. The issue is that he pays insufficient attention to the value of the modern character of state and the states-system for government.
nominally independent states is a precondition for 'internal' government. There is an art of government operating to manage relations between states and phenomena outside, which may intrude into the domestic 'inside'. In this sense, the government of population is carried out on multiple levels and not simply within a state. This is where the international dimension of sovereignty must be taken seriously.

**GEOPOLITICS: SOVEREIGNTY AND TERRITORY**

The following section re-evaluates the concept of sovereignty, its relations to territory, and the task of government. The objective is to recover the significance of sovereignty and territory in the government of populations and relations between states. This is not a history of the idea of sovereignty.11 Rather, sovereignty is seen as a way of thinking that has been instrumental to the territorialization of political community and to how populations, including refugees are thought about. Spatial practices of government, or geopolitics, operate alongside biopolitics to impose an international territorial order onto populations. I will also discuss how geopolitical knowledge is important to making international relations thinkable and (re)producing a relationship between territory and population. A biopolitical state is also a territorial state. Territory maps relationships and to 'map' a territory is to exercise power. Territory is not neutral but invested with meaning and value. A 'globalizing' territorial arrangement - the states-system is significant for the government of populations.

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11 The scholarship on sovereignty and international relations is enormous. For an insightful summary of the debates of the past 10 years, see Special Issue: Sovereignty at the Millennium (1999) Political Studies, Vol. XLVII, pp. 423-605.
Sovereignty

Another way to look at sovereignty is as an issue between states. The character of the modern international system requires states to deal with each other. A state does not exist in isolation; states are relational political institutions. A state is only a state when it is formally recognized as such by other states. In this sense, sovereignty lays down the main condition and standard of conduct between states.

In the international context, the theory of sovereignty has implied that states should be regarded as independent in all matters of international politics, and should in principle be free to determine their own fate within this framework. External sovereignty is an attribute which political societies possess in relationship to one another; it is associated with the aspiration of a community to determine its own direction and policies, without interference from other powers (Held, 1989, p. 216).

The principle of sovereignty is formulated in such a way that it has internal and external aspects. The former refers to the presence of supreme or final and absolute legal authority within a particular political community. The latter claims that there is no final and absolute authority above and beyond the sovereign state. The relationship between internal and external sovereignty is symbiotic.

The idiom of sovereignty is an historical artefact of Europe. The attempt to end religious conflict that consumed much of Western Europe for over a century resulted in the Treaty of Westphalia in 1648. Like the Augsburg settlement of 1555 with its principle of cujus regio ejus religio (religious uniformity within the state), the Treaty of Westphalia was an attempt to ‘deconfessionalize’ politics in Europe (Hunter, 1998). The Treaty formally recognized the exclusive control of states in their own internal affairs. States
were independent externally, but the idea of juridical equality among states had yet to emerge.\textsuperscript{12} Nevertheless, after two hundred years of improvised development, political events had legitimized the state form as the political arrangement of Western Europe. The system of states was instrumental to the government and pacification of the population of a Europe plagued by religious conflict. The modern notion of international order grew out this distinctive historical experience.

For the purposes of this thesis, there are important implications of the institutionalization of a system of sovereign states. Firstly, the creation of a plurality of independent states is a precondition for and indeed, part of a broader art of government. The functioning of sovereignty in inter-state relations helps to secure the conditions that make the ‘internal’ government of population possible. Secondly, the arrangement of sovereign states with distinct populations is seen as critical to securing international order, and constitutes the minimal condition of international order.\textsuperscript{13} The international order is also a normative one that defines a set of norms about conduct between states and distinguishes political life inside and outside the state. Thirdly, the attributes of statehood: sovereignty, territory, population, and the legitimate use of violence anchor understandings of modern politics and

\textsuperscript{12} Westphalia did not settle the question of internal sovereignty once and for all. Foucault claimed that disputes over sovereignty were by and large settled by the seventeenth century and that the emergence of an ‘art of government’ became the focus of government. But Ian Hunter’s (1998) work on seventeenth and eighteenth century Germany showed that was not the case. Not only was the idea of sovereignty put to ends which were not concerned with the exercise of a sovereign will, but the issue of sovereignty remained a topic of much debate well into the eighteenth century in Germany. See I. Hunter (1998) ‘Uncivil Society: Liberal Government and the Deconfessionalization of Politics’, in M. Dean and B. Hindess eds. (1998) Governing Australia: Studies in Contemporary Rationalities of Government, Cambridge: Cambridge University Press.

\textsuperscript{13} International relations theories invest much energy in trying to understand and resolve ‘the problem of order’. For an analysis of how international theories have tried to deal with this problem, see N.J. Rengger (2000) International Relations, Political Theory and the Problem of Order: Beyond International Relations theory?, London and New York: Routledge.
frame and fix the foundations and conditions of international relations (Jackson, 1999, p.423). Problems in international relations are often represented as transgressions of the norms of political life as expressed by the order of sovereign territorial states. To put it differently, the ‘properties’ of the modern state are technologies that condition and govern the objects of international relations. This feature of modern politics means that the doctrine of sovereignty and the modern system of states cannot be taken for granted.

While I assert that sovereignty is significant for the task of government, I do not assume that state sovereignty is an unproblematic and fixed principle. Sovereignty is an effect of a range of political practices; it comes into being through activities of affirmation. The writings of Biersteker and Weber (1996), Campbell (1992), and Walker (1993) are useful reminders that the activities of ‘statecraft’ involve first and foremost, the production and maintenance of sovereignty. Following this approach, one could argue, as Soguk (1999) does, that ‘the refugee problem’ functions to secure the sovereignty of a state. I would push this argument further and propose that ‘the refugee problem’ is related to securing sovereignty in a world of states. That is, the assertion or performance of sovereignty is vis-à-vis other states.

States need not merely to establish territorial and juridical control but also rules and institutions to regulate their conduct with each other. Since the status of sovereign statehood is relational and requires a degree of reciprocity, some code of inter-states conduct is necessary. Martin Wight (1977, p.135) points out that it would be impossible to have a system of sovereign states ‘unless each state, while claiming sovereignty for itself, recognized that every other state had the right to claim and enjoy its own sovereignty as well’. The basic code of inter-state conduct also allows an
impression of predictability and order in international relations. The norms of sovereignty such as equality, political independence and non-interference form a code of conduct that governs international relations, and gives rise to a minimal foundation of order. Robert Jackson (1999, p.423) insists that without more or less contiguous independent states, each one having an outward aspect as well as an inward aspect, and without the consequent necessity of ordered contact and regulated interaction between them, the notion of international relations loses much of its intelligibility. The maintenance of this order is fundamental to the possible realization of the diverse and at times seemingly contradictory objectives of international relations.

State sovereignty and the related principle of non-interference created the conditions of possibility for the implementation of consolidation, integration, and domestication programs within the state. The domestic activities of governing presuppose that states have the capacity to keep things within their boundaries under control. The order of states requires the governments of states to develop an art of governing that does not cause problems for other states. States are not to violate the sovereignty of other states either by creating problems for neighbouring states, or for the society of states. A state that causes an incident regarded as an 'international' problem or a 'threat to international peace and security' forfeits the non-interference condition of inter-state conduct. These 'weak' or 'rogue' states, not having mastered the art of government, 'invite' assistance and intervention. A goal of international regimes and institutions is to socialize and manage these states.

Thus, the domestic and the international are not exclusive domains of policy formulation. The international affects the national and vice versa. This is most obvious in immigration and refugee policies where the distinction between domestic and foreign is ambiguous. These issues illustrate the point that the
government of a state and its population relies upon international governmental technologies. The possibility of a good life within a state requires the surveillance and regulation of those events and people who are outside.

**State-citizen-refugee**

Providing the conditions for the good life for its 'people' is the valuable task of states. The crucial justification of modern state form has rested on the assumed capacity of states to contribution to the realization of an individual's liberty and justice. Jackson (1990, p. 267) suggests that if states cannot be justified in terms of some version of the good life, then, the classical rules of the sovereignty game will be undermined. Walker (1993, p. 14) also notes that the demands of state sovereignty were advanced historically 'on the ground of universalizing claims about peace, justice, reason and humanity in general'. The 'empowerment' of the state as the site on which claims of the good life can be made has affected how we have come to think of political life inside and outside the state, and international relations.

If the object of government is the life, welfare, and happiness of the population of a state, then, the members of this population should be citizens. Due to historical circumstances, the modern citizen has taken on a national character. One is, ostensibly, a national citizen. The status of national citizenship entails legal and social as well as cultural and normative dimensions that has important consequences for the government of

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14 The history of national self-determination contains a similar narrative of equality and justice.
populations inside and outside the state. The citizen-state nexus has been instrumental for governing populations and managing inter-states population movement in the twentieth century. As Barry Hindess (1997, p.2) argues 'the assignment of populations to states should itself be seen as an important governmental practice, and one on which the development of government within states clearly depends'. Moreover, like sovereignty, citizenship has internal and external aspects.15

By outlining the rights, obligations and duties of the national population and the state in relation to each other, 'the international culture of citizenship' characterizes and affirms the difference between citizens and aliens (Hindess, 1996). The normalized international order of states and state-citizen bonds are constitutive of the refugee condition. The state-citizen arrangement problematizes inter-state population movement. The crossing of territorial boundaries transforms a person into an 'alien'. An aspect of the institution of citizenship is chauvinistic. Citizenship is a form of membership in an exclusive state-community. As a member, one has privileges within the state and has a status that is distinguished from that of non-citizens.16 Thus, it can be argued that the refugee is an effect of the international arrangement of states and citizens.

Soguk (1999) and Owen (1998) have emphasized the tactics of citizenship in their discussion of population displacement and refugees. Soguk (1999, p.21) retheorizes the refugee discourse as a boundary-producing discourse

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15 Political theory and sociology have tended to focus on the 'domestic' view of citizenship, without much consideration as to its political purpose in the division and government of the world's population.

16 The general perception of citizens is that they are members of a culturally nationalized population with attributes that make them governable. Non-citizens, however, are characterized as less governable because they do not possess the historical memory and cultural etiquette of the 'host' state.
instrumental to the task of statecraft. Refugees ‘fix’ the citizen/nation/state imagination. Similarly, Owen argues that the refugee is a bipolitical entity – an artefact of the governmentalization of global political relations and of the citizen-alien game. For him, refugees both disrupt and affirm the norms of national and international political life.

The refugee is a person whose tie to her state-community is broken. The fractured citizen-state bond represents the failure of a state to carry out its governing activities in a fitting manner. The reception to her presence ranges from hospitable acceptance through grudging tolerance to mistrust. It depends on the symbolic meaning attached to refugees, and domestic and international environments. The point, however, is that governments, faced with ‘disorderly’ movements of people into their sovereign territory, act to avert breakdown of the national and international order. The refugee has transgressed the regulatory bond of state-citizen.

The refugee signifies exceptionalism in inter-state relations and movement. Migrants remain under the ‘protection’ of their states, and therefore, can make very few claims in non-national states. Refugees, however, constitute people who are entitled to claim a range of support from a state that is not their own because their condition indicates the failure of the normalized state-citizen arrangement. Thus, being a refugee, because of and despite the anomalous state, enables the person to make various ‘humanitarian’ claims on the international community.

Yet, the claims made by refugees on the international community of states are limited by the state-citizen arrangement. I am not suggesting that states do not have prescribed obligations towards aliens. They do. International
THE STATE OF REFUGEES

refugee law outlines such ‘international’ obligations. But under a hierarchy of obligations, the primary obligation of states is to their citizens. In this sense, refugees are constructed as burdens to states. They consume the scarce or limited resources of states that should be allocated to their national populations. The theme of burden-sharing in refugee discourse may at first appear to highlight an apparent tension between duty and burden. But the issue cannot be posed in dualistic terms. The very choice we are presented with is an outcome of a particular naturalized understanding of a world’s population divided into sovereign states. In the case of refugees, duty is burden.

The normative debate on refugees is an iteration of this dualism. At the core of the two related dilemmas of ‘duty beyond borders’ and ‘duty to man and citizen’ is the question of how to reconcile the claims of citizenship and humanity.

International distributive justice is about fostering some of the conditions considered to be ‘basic goods’ intrinsic to an individual’s development within the political community of states, which takes us back to the importance of inter-state relations. Moreover, whether one positions the debate along the lines of liberalism versus communitarianism, partiality or impartiality, deontology or consequentialism, the dilemma is one based on

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the current order of things which grounds the aspirations of ‘humanity’ through citizenship.\textsuperscript{19} We may want to pursue the good life elsewhere and change our citizenship, but we do not wish to be stateless.

The notion of state as protector and provider is a powerful one. No matter how cynical and disenchanted one is with government, the notion that a government, whether it is liberal, conservative, or socialist, is responsible in some way for the welfare and happiness of its populations has not totally lost its purchase. The idea that states are obliged to their ‘nationalized’ populations can be found in the discourses on democracy and human rights. The promotion of democracy and the observance of human rights remain tasks for governments of states. Finger-pointing exercises in international politics are directed to states.

Putting it differently, if human beings are considered equal, their equality is recognized only within the bounds of the state in which they belong. We make appeals for refugees in the name of common humanity but the grounds on which universalizing claims about peace, justice, and equality are advanced is not to some global cosmopolis but against a certain state which is the ‘contractual guardian’ of its citizens. As Arendt observes, the idea of a cosmopolitan citizen is an oxymoron. Similarly, in ‘Citizens of Humanity’, Malkki (1994) suggests that imaginaries of the national form and the national


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citizen provide the grid of intelligibility in contemporary discourses of 'international community' and 'humanity'. Internationalism and cosmopolitanism, then, are not in opposition to the naturalized state-nation-citizen order; they are constitutive of the system of sovereign territorial states.

**Territory**

Territoriality is a historical process, which is never far from the idea of state sovereignty. It is significant in that it provides a tangible basis for the exercise of sovereign and governmental power. The links between territory and sovereignty are reinforced by heterogeneous governmental programs, which aim, with varying degrees of success, to utilize and manage a defined territory, and to control populations over vast geographical areas. Like sovereignty, territory is not a given but comes into being through territorializing practices. Writers like Kuehls (1996) and Ferguson (1996) suggest that the way we understand territory is a result of acts of territorialization, whereby heterogeneous elements are transformed, regrouped and experienced as a unity. Their writings suggest that the 'mechanics' of making territory impose order and define political and social relations. Functioning alongside sovereignty, territory is deployed to problematize inter-state movement in a way that intra-state movement is not. The territorial ideal creates subjectivities and demands constant affirmation through territorializing and *terrorizing* practices such as migration and refugee policy. The etymology of 'territory' provides a clue to the significance of the territorial state for biopolitics. The obvious derivation of territory seems to be the Latin *territorium* which describes the land surrounding a town which is under the jurisdiction of the town (Baldwin, 1992, p.209). But the origin of the Latin word is not the obvious *terra* - earth, but rather *terreor* - to frighten. From this, *territorium* suggests that it is a place where people are
frightened off, rather than the conventional meaning of land (Baldwin, 1992, p.209-10). In other words, the idea and ideal of territorial sovereignty has a regulative effect on the government of populations.

According to Gottman (1972), the significance of territory has two main dimensions. At the international level, it is connected with the organization of states and the conduct of interstate relations. The territorial state as a political organization defines, 'at least for a time, the relationships between the community and its inhabitants on one hand, and between the community and its neighbours on the other' (Gottman, 1973, p.ix). The meticulously demarcated border is a modern innovation and is a strategic device, which separates and joins. Moreover, when territorial borders are conflated with boundaries of nation and culture, notions of difference between states and myths of homogeneity within a state are (re)produced. The exclusive characterization of territory in international relations raises a series of issues concerning the regulation of 'other' 'different' people wishing to enter.

The justification for exclusive territorial rights can be found in Western political thought. The purpose of international law, according to Grotius, Pufendorf, Vattel, and Lauterpracht is the delimitation of the exercise of

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20 Previously, peoples had not used the idea of fixed boundaries as effective dividing lines of political authority. It is too easy to forget that it took many years before the linear frontier (border) was accepted by all the people of Europe as indispensable for the geographic demarcation of national sovereignty. Even what was considered as a highly organized state such as the France of Louis XIV possessed incomplete records of the exact geographic limits of its territory.

sovereign power on a territorial basis. The tenets of modern international law, therefore, assign to territory an essential role in relations between states. Due to the relational aspect of territoriality, questions of territorial sovereignty and legitimacy are settled by mutual recognition in international law. Indeed, the most basic tenet of modern international law is the concept of recognition and a basic rule of interstate relations is the *prima facie* recognition of territorial integrity. Recognition, however, does not guarantee non-intervention. Historical examples of intervention are not difficult to find. But it is too easy to be skeptical about the efficacy of international law. In fact, if we judge international law in terms of its efficacy, we miss other ways in which it is significant. This perception does not consider how international law, when functioning as a territorializing norm, becomes an extremely useful and malleable instrument for governing interstate conduct, populations as groups, and individuals.

The importance of state sovereignty for world order is an argument that has dominated discussions on non-intervention in international relations. Consider this comment by Barutciski (1999, p.10) on the recent humanitarian intervention in Serbia and Kosovo: ‘interventions have implications not just for refugees but also for the regional and international orders that ultimately determine the security of states and respect for human rights’. For him, the state as a sovereign political-territorial ideal provides the conditions for coexistence and relative stability in a world of states and for human happiness. Much of international law is an affirmation of this belief that

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sovereign territorial states are foundational for international stability and for the pursuit of democratic ideals.

One may agree or disagree with many UNHCR's activities but the underlying rationale for its work is less disputed, because like many other institutions and practices of the international refugee regime, it is reaffirming the status of territorial states as the ultimate provider of human welfare. Its 1997 report on the state of the world's refugees draws attention to internal conflicts which are threatening human, state, regional and international security. The 'humanitarian agenda' is to provide the conditions for 'stable' government that can ensure 'human security' so that people are not 'forced' to migrate. Democratization is seen as a positive path to 'human security'. The report also proposes that the international community has a responsibility to ensure that all states observe the principle of human rights and move toward some form of liberal democracy for the sake of both 'human security and the security of states' (UNHCR, 1997, p. 261).

To conceive of the location of community in terms of territorial states is a powerful strategy of biopolitics and provides the conditions for the problematization of refugees in international relations. Connolly (1991, p. 464) argues that the current political imagination 'fosters a sense of connection between the life of the member and their identification with one place' - a territorialized community of fate. I have already noted that political theory has naturalized the limits of community within the confines of territorial states. Another important way to understand the geopolitical character of political life is to examine knowledge that has emerged out of the practical problems of managing the territorial state and its population.
In *Critical Geopolitics*, Gearoid O’ Tuathail performs a genealogical exploration of geopolitical thought. The focus of his study is the emergence of a new kind of geopolitics around the late nineteenth century when the ‘Great Powers’ of Europe embarked on an unprecedented program of imperial expansionism and territorial acquisition. Geopolitical thought, O’ Tuathail argues, was part of a general wave of *fin de siècle* theorizing on the new century that began in the 1880s. For him, modern geopolitical discourse as a particular mode of politicizing territorial space has a distinct character.\(^2^4\) It is concerned with the ‘social evolution’ of states, the conduct of international relations, and the education and vitality of the population. Moreover, like discourses of social war in biopolitics, discourses of the state in geopolitics invoked biological allusions to describe how population, government, territory, and state are connected.

The concept of geopolitics was introduced formally in 1899 by Swedish political scientist and journalist Rudolf Kjellén as part of an empirical system for understanding the state and its relations to other states. For him, the state is a ‘living’ organism that is integral part of society, national and international. In *Der Staat als Lebenform*\(^2^5\) (1917), Kjellen identifies five interrelated aspects of the state. The first is territory (*Reich*), which represents the body of the state. In and through its territory the state becomes geographically individualized and a geographical individual. The duty of the state to preserve the territory of the realm and its resources is analogous to man’s obligation to preserve his body and his health (Mattern, 1942, p.74). Thus, geopolitics is concerned with the various kinds of boundaries (not just

\(^2^4\) *Geopolitik* as a specific field of enquiry came out of geography, particularly the political geography of the nineteenth century that set out to define the relationship between geography and policy, particularly foreign policy.

\(^2^5\) The title translates into English as *The State as a Form of Life*. 

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the physical). It considers the implication of boundaries for the life and safety of the state in relation to neighbouring states.

The second aspect of the state is people (Volk). The state has an ethnic personality. The idea of ethnopolitik is an integral part of geopolitics. The idea of Volk represents past, present, and future generations and posits responsibility on the part of the state to regulate the life of the present generation so as not to harm the interests of the generations to come (Mattern, 1942, p.76). Ethnopolitics studies the relations of Volk, state, and nation.

Ethnopolitics deals with the mathematical relation of the realm and people eg. the population policy as a power factor in relation to the outside world. It is concerned about falling birth rate, the two children system, and birth control, as phenomena affecting the quality and vitality of the nation.... Ethnopolitics must concern itself with the influence of people upon the territory and of territory upon the people as a factor determining their respective degrees of growth (Mattern, 1942, p.77).

The state is not just a territory; it is a Lebensraum - a living space or a territory for a people.

The third aspect is household (Haushalt). According to Mattern (1942, p.78), the particular branch of geopolitical science that deals with the idea of the state as household is 'Politics of Economics'. This 'Politics of Economics' goes beyond the concerns of public finance and administration of state property, and includes such interests as the growth of population and 'materialization' of existence. The fourth aspect is society (Gesellschaft). Society is the content matter of the state. It views the imperative to maintain order as essential for the social and economic welfare and progress of society. The last aspect of the
state is government (Regierung). The politics of governing refers to the degree of success in the coordination of (conflicting) interest groups. Governing is an activity to secure legally protected freedom to an unfree society through institutions and by way of preventive, prophylactic action, which is preferable to other ‘harsher’ measures.

Other writers on geopolitics, like Haushofer and Ratzel, also used biological analogies to describe the intimate connections between state, territory, government, and population. Ratzel’s geopolitical ideas adopted concepts from the natural sciences as was common in the nineteenth century and developed a theory of expansionism based on the concept of Lebensraum. Halford Mackinder’s geographical imagination at the turn of the twentieth century had similarly rationales. His campaign to establish geography in the school curriculum was part of a larger project to fashion an efficient national population.

Mackinder’s efforts to promote geographical education fitted into the context of late Victorian and Edwardian social concerns about ‘population’, ‘health’, and ‘national efficiency’. He called for a detailed measure of male demographic health or ‘man power’ - a term first used by Herbert Spencer - in addition to ‘sea power’ and ‘land power’. According to O’Tuathail (1996, p.109), Mackinder’s geopolitics was an incitement to an imperial biopolitics, to the surveillance, administration, and proper health of the working classes, so the nation’s man power would be fit to fight for the empire. Even critics of geopolitik, like Strausz-Hupé who argued against the nexus between

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26 For an exposition of new views of the meaning of space which emerged in the years before World War One, and of the ways space came to be considered not a mere void but a positive constitutive factor in politics and culture, see S. Kern (1983) *The Culture of Time and Space*. Cambridge, Mass.: Harvard University Press.
population pressure and national expansion in German geopolitical thought, did not discount the connection between population and the desire for a ‘demographic living space’.

Western geopolitical knowledge has been highly influential in shaping the relationship between territory and population in international relations. With the transfer and normalization of Western practices of international relations, the geopolitical imagination is much more prevalent than Realism in the discipline of international relations. Geopolitics is a discursive practice for the administration of territory and population. It interweaves with other forms of knowledge to value and devalue sets of relations – between citizen and citizen and between citizen and foreigner.

The Art of Government

So far, I have drawn attention to the biopolitical and geopolitical aspects of the refugee problem in international relations. I have suggested that the partition of the world’s population into territorial sovereign states have implications to how we think about human relations inside and outside the state. The state-citizen bond is a regulatory tool that governs the population within a state and problematizes inter-state population movement. With the normalization of an international order of states–citizens, refugees are represented as an exception, an irregularity.

Like many critics of geopolitical thought, Robert Strausz-Hupé did not discount the relevance of ‘geography’ in international affairs. For him, there were certain ‘strategic passage lands between Europe and Asia’ which were becoming increasing important because these areas had the potential to ‘make’ history (1942, p.180).
In this final section, I want to examine how representation and intervention - the twin activities of government - are possible. I have already hinted at the heterogeneous assemblages of techniques, programs, agencies, and modes of thought that are constitutive of government. In this thesis, I will refer to this complex assemblage of governmental practices as 'regime'. The international refugee regime, therefore, is a composite of inter-state and non-state institutions operating on various levels, national government departments, refugee policies, emergency aid assistance, development programs, handbooks and code of conduct manuals, experts, research institutions, academic publications, conferences, speeches, briefing notes, information kits, evaluations, camps and transit centres, safe havens, international laws, travel documents, and so forth. My task is to examine the 'work' of the regime in the constitution of refugees and their government. The aim is to anthropologize the norms, practices, and truth effects of the regime. Such an approach takes regime practices as cultural practices, which govern refugees through the (re)production of particular cultural values and norms. The thesis is interested in the cultural specificity and universalizing aspects of regime.

The meaning of refugees in the twentieth century is not a straightforward story about the creation of legal definitions. 'Refugee' is not an objective phenomenon or a single issue. It is a manifestation of an assemblage of knowledge and practices, which sets the parameters of possible and desirable responses to the 'refugee problem'. Indeed, the international refugee regime is one of the many international governmental regimes aimed at population management. It is a practical system within a wider assemblage of practical systems concerned with regulating inter-state movement (Owen, 1998, p. 10). The regime inscribes the nature, character, and causes of refugee movement and orders relations. In doing so, it is a reflection of a particular international
political imagination. The regime contains notions of the good and how to realize it.

Although this thesis is not a direct engagement with the conventions of the discipline of international relations, it is relevant at this point to briefly discuss how 'regimes' have been conceptualized in the discipline. While theorization on international regimes is the domain of the US-dominated discipline of international relations28, the 'English School' of international relations has focused on the idea of international society.29 Both schools of thought are concerned with the possibility of cooperation in international relations. Regimes are the implicit or explicit set of 'principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations' (Krasner, 1982, p.186). The idea of international society also stresses the significance of establishing the codes of conduct among the various actors in international relations.

For some, the international regimes are seen as the new location of political community because they transcend the territorial imperatives of statist community and question the assumption that states are unitary actors in international relations (Samhat, 1997). Regimes constitute transnational

networks that challenge the 'hard shell' of the state and influence the international agenda beyond confines of state interest. This argument is often followed by claims for the emancipatory political potential of regimes and emergent global civil society.

For others, regimes are sites of domination and contest disguised under presuppositions of benevolence, legitimacy, and consensus. Susan Strange (1982) argues that a benign view of regimes obscures the unequal economic and power relationships in international politics where the weak are forced to act according to the dictates of the powerful. Her 'forced consumption' argument rejects any significant role for principles, norms, rules, and decision-making procedures in international relations. James Keeley (1990, p.84) insists that regimes go beyond agenda setting to include disputes over the 'correct' naming and evaluation of things, over standards of judgement, and over objectives and mechanisms. But for him, the core issue is that regimes are not liberal enough; there are crevices of non-democratic tendencies.

Much discussion on the international refugee regime has followed similar lines. Skran (1995) celebrates the invention of the regime as a triumph of internationalism. Others like de Waal (1997) and Chimni (1998) criticize the contemporary refugee regime as being a 'humanitarian mode of power' and 'corrupted by geopolitics'. But reformists like Loescher (1993), Suhrke (1998), and Hathaway (1997) for example, constitute the largest group. Given that refugee movements are often constructed as 'state of emergency' events that demand both quick responses and later, long term programs of action, the prevalence of the problem-solving approach is not surprising.
Cultural (re)production

There is, however, a different way to examine the refugee regime. In an attempt to read policy through an anthropological lens, Shore and Wright deploy the writings of Malinowski and Mauss to suggest that policy functions in at least three distinct ways: as a rhetorical narrative that either justifies or condemns the present; as a charter for action; and as discursive formations that empower some people and silence others (1997, p. 7). They go on to claim that policies not only codify norms and values, they also explicitly contain models of society (1997, p. 7). This approach is also useful for analyzing the self-evident qualities of the refugee regime. Regime describes 'what is' and prescribes 'what should be'. It is an expression of the history and culture of those that generate them. It establishes and orders relationships and interactions with far-reaching implications. This proposition requires a consideration of the historical and cultural specificities of the international refugee regime. Cultural signifiers are important, not only because they repress and coerce but because they are affirmative, positive and productive (Said, 1991, p. 171). Cultural (re)production, then, is an important purpose of the refugee regime, because it is through such activities that the normal and universal are possible in refugee discourse.

The very category 'refugee' can be interpreted as a cultural and historical artefact. The politics of categorizing and labeling is part of the activity of governing refugees and restoring international order. Roger Zetter (1985, 1991) is a scholar in refugee studies who recognizes the utility of labeling as a process of subjectification in the refugee regime. Although definitions and categories appear self-evident at first, labeling and definitional boundaries are tactics that seek to standardize and differentiate individuals. They impact on the formulation of refugee policy and the allocation of assistance.
Moreover, a definition is only possible through its linkages within a field of meanings, a field which the refugee regime (re)produces through its various programs, activities and institution.

The international refugee regime is a set of knowledge, practices and rituals, and belief about the relationship between sovereign territorial states and populations of citizens. It is a set of regulatory technologies that problematizes and institutionalizes refugee issues, brings them onto the international agenda, legitimates and normalizes conduct, procedures, practices and norms, and socializes and civilizes those who are participants. It also legitimates certain kinds of political interactions and solutions, and effects a sense of shared interests and common modes of perception through and in political discourses, persuasions, and negotiations.

In its diagnostic and prescriptive functions, the refugee regime produces norms and principles, which are potent regulatory devices for international order. The regime creates a set of shared symbols and references, mutual expectations and visions of the international political order. The normalizing effect of the values and normative principles shapes possibilities of choice and action and influences subjectivity or agency. The appeal to a common good deepens the meaningfulness of a specific vision of order. The concern is with order as both prescription and aspiration. In other words, the international refugee regime seeks to achieve international order through a process of ordering, which defines relationships between actors based on certain values and norms and principles. The questions one needs to ask are who defines the international order and its norms, principles and values? What are the embedded cultural symbols or meanings? And what do they reveal about the ‘inner worlds’ of the government of refugees in international relations? Knowing, naming and defining a normative order is not an act of
making transparent what is merely there, given, a content that is passively registered by others. Instead, to know and to make claims on behalf of truth and knowledge is a political activity, an exercise of power.

Our habits of thought about the political are occupied by concepts like citizenship, human rights, democracy, civil society, and freedom, all of which bear the burden of European or Western history (Chakrabarty, 2000, p.4). While ethical debate within the refugee regime has its origins in the various philosophical traditions – virtue ethics, rights-based ethics, natural law, utilitarianism, and political realism - the tendency to focus on their differences has obscured their similarities and common historical foundations. We cannot ignore the fact that the modern history of thought on refugees began with reflections on problems in Europe, the initial architects of the refugee regime were Europeans, and the practices were designed for Europeans. The exclusion and then later the incorporation of non-Europeans into the refugee regime is a shift which is more complex than an articulation of universal ideals. Deeply embedded in liberal internationalism is a sense of political, economic, and cultural superiority to ‘othered’ regions and people. To anthropologize the international refugee regime, then, is to demystify the rituals of power and the relationships of power that are constitutive of the politics of refugees.

Hurrrell (1993, p.50) recognizes the specificity of regimes when he argues that the development of regime is an outcome of Western thought about international relations. For Bull and Watson (1984), the organizing principles and norms of international relations are the accomplishments of the expansion of the European society of states to the rest of the world. The writings of Bozeman (1960), Holsti (1998), Gong (1984), Mazuri (1990), and Mignolo (2000) have also drawn attention to Western Ethnocentrism and
parochialism in the academic discipline of international relations and in general, to representations of international relations. Therefore, as an arrangement for prescribing action, international regimes is far from universal, if we understand ‘universal’ to mean a respectful acknowledgment and acceptance of diverse beliefs and understandings of the human condition. In this sense, the international refugee regime can be understood as practices that regulate the relationship between the West and the non-West.

But the regime is a governmental program that cannot be interpreted as simply oppression. To reduce the invocation of norms and principles to ideology and the development of rules and procedures to manipulation is misleading. Such a view neglects the productive effects of the regime. That is, regime practices also create agency and provide the space for the practice of a ‘responsible’ liberty. They encourage agency and active participation. For example, UNHCR literature speaks of enterprising refugees and partnership in action with civil society. The tactics of education, persuasion, inducement, management, incitement, motivation, and encouragement are all part of the administration of conduct. ‘Failed’ ideas and policies do not become extinct but are shelved for future reference, subjected to reinterpretation and reformulation, deployed for other purposes, instrumentalized in other ways. Many critics of regime pay insufficient attention to these ordering and world-making effects of regime practices. The regime produces and circulates particular views of the world and the appropriate ways of acting in it. It, therefore, also has pedagogical and transformative values.

Perceptions of a brutish anarchical international environment are deployed to induce the establishment of some framework for cooperation and negotiation. Refugee movements characterized as disorderly and anomalous symbolize
the specter of anarchy. The refugee regime attempts to facilitate and order responses to govern refugees and restore a sense of manageability and predictability in international life. Indeed, the ‘early warning’ strategy of the regime is perceived as essential to the reduction of uncertainty and risk. The production of knowledge and the circulation of information are crucial in this project to predict and govern refugee movement.

The pursuit of order requires a systematic acquisition and circulation of information and an enterprise of knowledge that renders a domain thinkable and translatable into policy. To have a refugee regime requires an investment in intellectual machinery\textsuperscript{30} that conceptualizes processes and devises theories that define and characterizes the issue. The government of refugees requires particular analyses that can project the probability of events occurring, link apparently discrete processes into a chain of events, establish causal-effect relationship, and predict possible consequences.

The production and circulation of knowledge, then, is indispensable in the activities of government and cultural (re)production. Knowledge is not just ideas, but ideas directed towards a certain goal. It is theoretical and technical. Expert knowledge explains social and political processes, identifies desirable goals, and allows the creation and application of practices. Expertise produces regimes of truth about the nature and the characteristics of refugees. It articulates the cause-and-effect relationships of complex problems, frames the issues for debate, and proposes specific policies or solutions. In other words, knowledge is central to the activities of governing

\textsuperscript{30} This concept was coined by Nikolas Rose and Peter Miller. N. Rose and P. Miller (1992) ‘Political power beyond the State: problematics of government’, \textit{British Journal of Sociology}, Vol. 43, No.2, pp. 182.
and to the formation of its object, for government is a domain of cognition, calculation, experimentation, and evaluation (Rose and Miller, 1992, p. 175). As Rose and Miller argue, expertise as a resource that others cannot easily appropriate has come to play a crucial role in establishing the possibility and legitimacy of government.

The experts within the international refugee regime have intersubjective understandings, shared discursive practices, and a shared commitment to the application and production of knowledge. The dissemination of information forges alliances and bringing into being a sense of shared interest. The debates between experts, however, are not necessarily signs of instability. Disagreements over methodology and theory, policy enterprise, interests and goals, and even normative beliefs contribute to problematization and institutionalization of refugees.

**Concluding Remarks**

This chapter has argued that the refugee problem in international relation is a manifestation of biopolitical and geopolitical strategies of power. The fusion of biopolitics and geopolitics is the politicization of territory and the territorialization of population. Citizenship and states are part of the dispersed and heterogeneous tactics of the government of populations. Thus, the division and government of the world's population into states and the primacy of the state-citizen relationship in the repertoire of human experiences are two crucial conditions of possibility for refugees to emerge as an international issue.
The government of refugees, then, is connected to the maintenance and reproduction of the international order of nationalized states where the population within is governed through the institution of citizenship. The government of international relations stresses the importance of securing order among the society of states so as to allow states to carry out the task of providing the conditions of justice and human security for their citizens. The refugee question in international relations arises because the unregulated movement of these people disrupts and threatens the organizational structure of the system of states, which is seen both as a prerequisite for international order and the core of international order itself.

The normalizing effects and the relations of power evident in biopolitics and geopolitics are rearticulated in the international refugee regime. The invention of a regime consisting of a range of programs, practices, institutions, agencies and so forth was central to the task of representation and intervention. Moreover, I have drawn attention to the functioning of the regime in (re)production of specific cultural values. The international refugee regime, I suggest, should be reconsidered as a set of cultural practices that prescribes and naturalizes particular image of political order and human relations.

The next chapter substantiates the abstract claims of this chapter and examines the historical circumstances that called for international interventions in territorial and population issues in Europe. It proposes that the development of an international protection regime for certain groups of people was an experiment in the government of population and displacement. The regime is interpreted as a response to the consequences of remapping Europe based on the principle of national self-determination (and nationalist ideals) in the late nineteenth and early twentieth centuries. The
‘triumph’ of the national state over other forms of political arrangements has unwittingly raised a number of dilemmas for the new Europe.
The Minority Question

national minorities and European order

The more I think about the President's declaration as to the right of 'self-determination', the more convinced I am of the danger of putting such ideas into the minds of certain races. It is bound to be the basis of impossible demands on the Peace Congress, and create trouble in many lands.

Robert Lansing, The Peace Negotiations

Chapter Two set out my theoretical approach to governing refugees in international relations. The refugee question, I suggest, is intimately linked with the ordering of the world and its populations into sovereign territorial states. National citizenship is the part of this governmental arrangement. The functioning of these practices manages populations inside and outside the state and problematizes the movement of population across states. As such, the geopolitical and biopolitical strategies of power give rise to the condition of possibility for the refugee question in international relations.
Yet, refugees have symbolic values beyond the structural order of the states system. The characterization of refugees as anomalous (re)produces and maintains certain conceptions of the world and social relations. In other words, the representation of disorder is crucial for the maintenance of order. The disorder of refugee represents not only a threat to the international order of states and a sign of the failure of a state to provide for its citizens, but also a rupture in the modern imagination of belonging, community, and identity. If disorder and order are two sides of the same coin, which is my contention, then, the disorder of refugee is a solution to the ordering practices of identity formation and community building. The symbolic meanings given to refugees secure what would be otherwise the indeterminacy of identity and community.

Questions of inclusion and exclusion, then, are at the core of the refugee issue. The question of who is included and excluded from the category of 'refugee' and the benefits of international protection is just as important as inclusion and exclusion from the nation-state community. The assemblage of practices of the refugee regime has been crucial to defining the terms of inclusion and exclusion. The regime maps out social relations through its practices of representation and intervention. The rest of the thesis constitutes the historical and empirical support for these propositions.

This chapter marks the beginning of a historical journey through the politics of displacement. It examines the development of population displacement as a political concern and the invention of 'international protection' in Europe at the beginning of the twentieth century. International protection involved some kind of intervention, and it had two distinct aspects. One aspect was the minorities protection regime and the other was the refugee regime. The
former governed newly created states and their treatment of their national minorities. The aim was to constrain population movement. The latter governed the movement of displaced population, including minorities across state boundaries. The aims were to regulate population movement and to manage these people after they crossed state boundaries. The League of Nations was in charge of both regimes and therefore collaborative programs were common.

While the following chapter examines the ameliorative practices of international protection, this chapter focuses on the preventive practices of the minorities protection regime. The objective is to demonstrate the importance of minorities protection in the overall project of governing populations and inter-state relations. If we are to grasp the impact of the refugee discourse on ordering of relations within and across states, we need to take a wide view of the practices that govern population displacement.

The minorities protection regime played a role in the reconstruction of Europe politically and demographically. The political outcomes of applying the principle of national self-determination did not satisfy the ambitions of all parties. The architects of the new Europe were cognisant of the likely problems ahead if no safeguards were implemented. The minorities protection regime was an experiment in the international management of state-minority relationships in newly created states of Europe. It aimed to counter the thwarted ambitions of groups who had been denied a national state of their own and to deal with those who now found themselves categorized as national minorities. It also attempted to manage the extremism of national self-determination and policies of national homogenization that could lead to internal unrest, international conflict, and population displacement.
This chapter is divided into three parts. The first part explores the historical conditions that led to the end of empires and the rise of national state form as the political unit of Europe after World War One. The second section discusses the Peace Treaties of 1919, which remapped territorial boundaries based on the principle of national self-determination and created a new European order. The architects of the Peace Treaties and the League of Nations were institutionalizing a new perception of international order and international conduct. The geopolitical engineering, however, did not resolve the all the questions of nationhood in Europe. The final part examines efforts to address the consequences of creating national states. The minorities protection regime was such an attempt by European powers to affirm the principle of national self-determination and to resolve the effects of this principle on governing populations and states. The regime was applicable only to newly created states.

The relationship between the minorities protection system and the refugee regime has been scantly acknowledged in scholarship on the emergence of the international refugee regime. In Beyond Charity: International Cooperation and the Global Refugee Crisis (1993), Gil Loescher devotes a few paragraphs to the relationship between minorities, nation-state formation and refugees in Europe after World War One. He makes no mention of the minorities protection regime as an indication of international cooperation that sought to govern population displacement. Similarly, Claudena Skran’s (1995) history of the refugee regime in Europe makes no mention of the minorities protection system. For Skran (1995, p.31), the origins of the refugee movements in Europe may have begun with the transformation of central and eastern Europe from polyethnic empires to nation-states. But the mechanisms that sought to address possibilities of population displacement caused by the creation of new states were of little consequence. This omission
THE MINORITY QUESTION

ignores the complex relationship between, on the one hand, the
nationalization of states and the construction of national minorities and, on
the other, the development of the refugee regime and the characterization of
refugees as an international issue.

The links between refugees and minorities were numerous. Both refugees
and national minorities were the effects of the institutionalization of a system
of national states. The inscription of nationality was the basis for definitions of
refugee and minority status. Refugees and minorities were legal categories of
person defined vis-à-vis states against which they could or could not claim
rights. Moreover, the number of refugees who were members of national
minorities in the inter-war period suggests that the tension between national
state and national minorities was a major cause of population displacement.
In this sense, to make a distinction between the protection of minorities and
the protection of refugees is to be inattentive to the porosity of the national
and international and the multi-dimensional task of governing refugees and
population displacement.

Under the name of international protection, both the minorities protection
regime and the refugee regime were remedies for the imperfections of the
territorial states system and for the unintended consequences of imposing a
set of principles of conduct and normative order. The former provided
'internal' protection – mechanisms directed at constitutional arrangements
and other domestic political guarantees. The latter provided 'external'
protection – instruments that offered minimal rights to those who no longer
enjoyed the protection of their state. The refugee regime also calls for
minimal obligations from countries that found themselves host to the citizens
of other states. The minorities protection regime was largely a preventive
measure. The refugee regime was a palliative program that initially dealt with displaced populations from Russia but continued in a somewhat *ad hoc* fashion as political events unfolded after World War One. The regimes were to contribute to the wider project of establishing and maintaining international order by dealing with vulnerable groups whose condition signalled possible destabilizing situations.¹

The apparent obscurity, until recently, of the minority protection regime is a consequence of the authority bestowed on human rights discourse in the second half of the twentieth century. Since the end of the Cold War, however, national or ethnic minorities are once again objects of investigation. The problems of minorities and their cultural and political rights are national and international issues. Ethnic conflicts within states are seen as a primary cause of refugee movement in the late twentieth century. As 'ethnic minorities' represent populations who are mostly likely to become refugees, the international refugee regime, and human rights instruments are now perceived to be inadequate regulatory machineries. Hence, the 'resurgence' of minorities has prompted the creation of the Organization for Security and Cooperation (OSCE) in Europe High Commissioner on National Minorities in Europe. I shall return to these issues in Chapter Six and Seven of the thesis. The point is that the current international concern over minority rights is not novel. As we shall see, the international protection of ethnic or national minorities within states is part of the government of refugees and the normalization of a specific representation of international order.

¹The preventive/palliative interface of international protection continues today in the form of the close alliance between the human rights regime and the international refugee regime.
THE END OF EMPIRES

In the 1850s, domestic political changes and geopolitical shifts were transforming the political map of Europe. The Crimean War precipitated changes in an international system previously based on the balance of power among the Great Powers. A unified Germany and Italy and a number of smaller independent states (Belgium, Serbia, Greece, Romania, and later Bulgaria) were created. By 1871, all the European powers, with the exception of Britain, had undergone territorial changes. As membership to the European club of states increased, so did the claims of populations to be 'nations'. The political problem was which of the numerous populations classifiable as a 'nationality' would acquire a state, and which existing states would be imbued with the character of 'nation'. The conception of states as states of particular nations was a significant innovation for reimagining and reorganizing territory, political community and populations.

The allocation of nation-statehood, however, was discriminatory and highly political. Western political theory on nationality and statehood was influenced by ideas of progress. The evolutionary and developmental models of society and the social world were seen as applicable to defining the necessary qualities of the nation. Western intellectuals offered arguments about which

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2 I cannot do justice to the history of Europe in the nineteenth century in this work. Moreover, the primary sources and the number of books available on European diplomatic and military history are vast. For a general guide to the literature see, A. Bullock and A.J.P. Taylor, eds. (1957) A Select List of books on European History. 1815-1914, 2nd ed. Oxford: Clarendon Press.

populations were endowed with 'nationness'. The development of nation-states was considered to a phase in the human evolution that moved from family to tribe, to region, to nation and finally to a unified world (Hobsbawm, 1990, p.38). National self-determination was applicable to only those nations that were economically and culturally viable and developed in accordance with some sort of evolutionary schema. Eastern Europe provided Western Europe with its first model of underdevelopment (Woolf, 1994, p.9). The general belief was that small 'nations' and especially 'backward and inferior' groups would gain from integration and assimilation with large nation-states. This view was held by many mid-nineteenth century intellectuals, including John Stuart Mill and Engels. Consider the following passages by each:

Experience proves it is possible for one nationality to merge and be absorbed in another: and when it was originally an inferior and more backward portion of the human race the absorption is greatly to its advantage. Nobody can suppose that it is not more beneficial to a Breton, or a Basque of French Navarre, to be brought into the current of the ideas and feelings of a highly civilised and cultivated people – to be a member of the French nationality, ... than to sulk on his own rocks, the half-savage relic of past times, revolving in his own mental orbit, without participation or interest in the general movement of the world (J.S. Mill, 1861, in Acton, 1972, p. 395).

There is no country in Europe, which does not contain in some corner one or several ruins of peoples, left-overs of earlier inhabitants, pushed back by and made subject to the nation which later became the carrier of historical development. These remains of nations which have been mercilessly trampled down by the passage of history, ..., this ethnic trash always becomes and remains until its complete extermination or denationalization, the most fanatic carrier of counterrevolution, since its entire existence is nothing more than a protest against a great historical revolution. (Engels, 1849, in Blackstock and Hoselitz, 1953, p. 63).
Evidently, great nations were the carriers of historical development, progress and civilization. Heterogeneity was acceptable because according to the law of progress, some nationalities had no future, while the ‘advanced’ and ‘developed’ nations were destined to prevail. Eventually ‘smaller’ nations would merge with greater nations. Despite the prevalence of such ways of thinking, the populations in ‘polyethnic’ empires invoked the ‘nation’ - for their political causes.

The ‘national question’ and ‘Eastern Question’ began to converge in the second half of the nineteenth century. The ‘Eastern Question’ was about the fate of the Ottoman Empire that had been in decline since the seventeenth century. The teachings of Islam demanded that the rulers could neither

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4 This view provided a justification for colonizing other peoples overseas. See, T. Todorov (1993) *On Human Diversity: Nationalism, Racism and Exoticism in French Thought*, Cambridge, MA.: Harvard University Press. An interesting shift was that racial categorization moved from a distinction made by the aristocracy against the masses to become a mode of creating and reproducing the power relations between the colonisers and the colonised.


6 ‘The Eastern Question’ was not a singular and stable issue. Like the idea of ‘Eastern Europe’, it was an ambiguous phenomenon linked to the question of whether it was a part of Europe. In the minds of the western Europeans, ‘Eastern Europe’ was conceptualised as that liminal space between civilisation and barbarism. See L. Wolff (1994) *Inventing Eastern Europe. The Map of Civilisation on the Mind of the Enlightenment*, Stanford: Stanford University Press. Similarly, Maria Todorova deconstructs the cultural practices that produced the Balkans. See M. Todorova (1998) *Imagining the Balkans*, New York and Oxford: Oxford University Press.
compel unbelievers to conform to the Muslim faith nor direct their lives (Pearson, 1983, p.23). The millet system organised the ‘polyethnic’ population into religious communities with their own laws. As long as tributes were paid, the millet had relative autonomy. This system of government began to falter when in the bid for political independence, the communities transformed themselves into nations.

The Habsburg Empire, France, Britain and Russia all had substantial if not vital interests in the region. The strategic and economic importance of the region defined the relationships between the Powers and the Balkans. Russia already had a ‘right’ to interfere in internal Ottoman affairs with the Treaty of Kutchuk Kainardji of 1774. In the name of Pan-slavism, Russia encouraged the nationalist ambitions of the Balkan peoples under Ottoman rule. Similarly, economic and geopolitical interests motivated Russia to appoint itself as the protector of the Eastern Orthodox community - the Serbs, Greeks and Romanians. Throughout the nineteenth century the Balkans became the scene of Great Power competition. Such was the climate of rivalry that the previous alliance between Russia and the Habsburgs to contain the Ottomans turned into competition. Furthermore, Russia’s aspiration to control the Straits came up against Britain. The competing ambitions of Britain and Russia covered a large geographical area. The Crimean War was one consequence.

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7 For an account of the political and social structures in the Ottoman Empire and their transformation see P. F. Sugars (1977) *Southeastern Europe under Ottoman Rule, 1354-1804*, Seattle and London: University of Washington Press.


The ‘Great Game’ over Central Asia was another struggle between Russia and Britain.\textsuperscript{10} For Western Europe, Russia was at best a suspicious ally and at worst an outright threat. It was in the interest of Western Europe and particularly Britain to prevent a collapse of the Habsburg and Ottoman Empires; they were buffers against Russia.\textsuperscript{11}

The ‘national question’ and ‘Eastern Question’, therefore, were entangled with the competition amongst the ‘Great Powers’ – Britain, France, Austria, Russia and Prussia. Imperialist competition and expansion had lead to the territorial division, among the few powerful states, of the world into formal and informal colonies and ‘spheres of influence’.\textsuperscript{12} Since the Congress of Vienna, they had avoided outright conflict between themselves and mechanisms like the Concert of Europe were put in place to maintain the international system. Various understandings of the ‘Eastern Question’ had been in circulation since in the seventeenth century, and in the nineteenth century the form had changed again. This time, the question included the populations within the Austro-Hungarian Empire.

As mentioned before, the Habsburg Empire had to deal with claims for autonomy from groups within its jurisdiction. Its divide and rule strategy had strengthened ‘national’ elites among the Magyars, Germans, Italians,

\textsuperscript{10} P. Hopkirk (1990) \textit{The Great Game: the Struggle for Empire in Central Asia}, Oxford: Oxford University Press.
\textsuperscript{11} The British also needed the Ottoman Empire as a buffer to secure the region around the Suez canal.
Romanians, Poles, Czech, Slovaks, Serbs, Croats, and Bosnians, and encouraged internal rivalry. But as the capacity of the Empire waned, it became dependent on other Great Powers for its security and preservation. Since the disappearance of a major power would destabilize the balance of power system, the continued existence of the Hapsburg Empire was considered a necessity to prevent a power vacuum in east central Europe.  

Although it received support from the Great Powers, shifting alliances and competing interests among them did not ameliorate the sense of vulnerability. The Habsburg’s decision to declare war against Serbia in an attempt to restore prestige only precipitated its collapse.

In the Balkans, rival claims of nationhood and territory amongst populations introduced a new element into the politics of the region. New Balkan states played to both local ambitions and Great Power competition. At the same time, the Great Powers defended and promoted their interests and adjusted their alliances and rivalries without causing open conflict among themselves. The outcome was that Balkan states became pawns or clients of the Great Powers but they also used the rivalries among powerful states for their own (Albrecht-Carrié, 1959, p.42). Bulgaria was granted independence largely because it suited the Great Powers. But when Bulgaria became independent (joining Greece and Serbia), Western European states anticipated the ‘balkanization’ of the region. Successful nationalist movements had already

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resulted in a massive loss of territory for the Ottoman Empire. These events uprooted a million Muslims who migrated to the Anatolian area, and radically changed the ethnic balance of the region (Keyder, 1997, p.35). Even if the Balkan peoples had been able to agree among themselves, they could not have arranged their affairs alone. The consent of the Great Powers to any changes was vital for maintaining the balance of power. This set of circumstances further complicated an already difficult situation. Indeed, the rivalry between the Great Powers, the national aspirations of certain groups and the anticipated disintegration of empires were played out in the Balkan wars.

After the 1870s, populations within established nation-states began to mobilise as nations and in the process transformed the definition and program of nationalism. But Hobsbawm (1990, p.42) argues that the ethnic-linguistic definitions of nations that we take for granted today was an invention of the later nineteenth century. The debate on whether the Macedonian language was more like Bulgarian than Serbo-Croat had to do with definitions of nationhood in the late nineteenth century. The transformation of group self identification to take on the nation form was a political act, representing an aspiration to gain autonomy vis-à-vis the state within which it was located. Yet, nationalist projects were not always demands for total independence, territorial sovereignty and national (cultural) homogeneity. Hobsbawm (1997a, p.144) suggests that for most of the nineteenth century, the majority of demands for autonomy had not envisaged full state independence status. The assumption that 'national self-

determination’ could not be satisfied by any expression other than independent statehood was a manifestation of the early twentieth century and primarily due to the League of Nation’s interpretation of the concept during the Versailles Peace Conference.

**Peacemaking**

When Woodrow Wilson called upon the belligerents to give an indication of their war aims near the end of World War One, Germany and the Central Powers declined but the Allies replied. Their statement of purpose was the principle of nationality, which was intended to be an implicit verbal attack on Germany. The war became partly a war of national liberation – a war fought in the name of freedom, equality and justice. As Albrecht-Carrié (1959, p. 352) pointed out, the general appeal to such abstractions as justice and peace elicited a very powerful response at the popular level. For the Allies the war increasingly took on a crusading element. Slogans like ‘to make the world safe for democracy’ and ‘the war to end all wars’ were common expressions of the day. At the end of the war, the Allies proclaimed a moral victory for democracy and its institutions. Democratic ideals were perceived to be pathways to international peace and security. This ‘democratic peace’ project was at the core of Wilson’s Fourteen Point manifesto.

In the Fourteen Points program for Europe, Wilson outlined the formula that the future of peace and stability in the region depended on establishing an international rule of law that would manage inter-state relations much more effectively than the Concert of Europe and the Balance of Power. The creation of an international organization was an essential step towards the ‘good
governance' of international relations. The League of Nations was such an organization. The new era of international relations, as symbolised by the establishment of the League of Nations, was based on transparency, cooperation and democratic practices. The belief was that in the international public arena, states could be made accountable for actions which were disruptive to 'international peace and security' – a potent abstraction of the twentieth century.

The League was designed to temper suspicion and overt rivalry, and eliminate the need for secret alliances between states. Article X of the League Covenant established the rule of engagement in inter-state relations, which was to respect and preserve against external aggression the territorial status and political independence of all member states. In return, states were obliged to create conditions that promoted internal stability, thus diminishing the risk of domestic disturbance which could lead to international unrest. The Covenant also circumscribed the possibility of unilateral intervention and emphasized collective or multilateral action that required the consent of the League Council. Prior to 1914, European states used war as a legitimate means of national advancement. In fact, the idea of war for national advancement was not officially declared against international law until after 1945. Nevertheless, the League attempted to limit the right of a state to make war by the providing formal procedures and institutions of arbitration, conciliation and judicial settlement. This provision for collective security was a powerful discourse during the immediate post World War Two period. The

17 The League was an experiment in governmentalization of international life. It dealt with a myriad of issues including work and labour, transportation and communications, drug trafficking, protection of women and children, slavery and forced labour and health.
notion of collective security, which remains an useful idiom of international relations in the late twentieth century, was an attractive solution to the previous system of alliances and coalitions, which was viewed by many as one of the causes of World War One. The new European order was to be based on collective security.

Yet, it would be incorrect to suggest that the Wilsonian spirit of democracy was compatible with the hierarchical ordering of international relations. In a revealing historical study of Japan's failed attempt to insert the principle of racial equality into the Versailles Treaty, Naoko Shimazu (1998) claims that the Great Powers rejected the proposal for two reasons. First, Wilson regarded the establishment of the League of Nations as having higher priority. Moreover, the proposal was considered 'as a principle unsuitable to be part of the Covenant of the League' (Shimazu, 1998, p.3). Second, such a clause threatened the major powers because the purpose of the clause was to assert that the Japanese state was equal with the Great Power, that Japan was equal with the West. The proposal for racial equality was not considered as a demand for universal racial equality by any of the protagonists.

Japan's racial equality proposal was an attempt to change the international order by challenging the 'club' of Western Great Powers. Responses to the proposal reflected the character of international society in 1919, which distinguished the principle of sovereignty from the principle of equality in international relations. At stake, were not a universal principle of racial equality but the condition of integration of non-Western states into the international society of states. During the Peace Conference, 'universal' was a term defined by the Great Powers, for the purpose of regulating relations primarily among the Great Powers.
Eligibility for League membership, therefore, depended on many things – including conformity to the ‘standards of civilisation’ as exemplified by liberal-democratic states.¹⁹ This attitude was reflected in a correspondence written in 1918 from the United States’ Secretary of State, Robert Lansing to Colonel House:

[T]he only certain guarantee of international peace is a League of Democracies since they alone possess the trustworthy character which makes their word inviolate.... A League, composed of both democratic and autocratic governments and pledged to maintain peace by force, would be unreliable; .... [The] proper course, the one which really counts in the end, is to exert all our efforts towards the establishment of the democratic principle in every country of sufficient power to be a menace to world peace in the event it should be in the hands of ambitious rulers instead of the people (Lansing, quoted in Robinson, 1943, p.279).²⁰

Then, there were the peacemakers who set themselves the task of creating a new order in Europe. Harold Nicolson recalled his sense of calling as a young member of the British delegation in 1919:

We were journeying to Paris, not merely to liquidate the war, but to found a new order in Europe. We were preparing not Peace only, but Eternal Peace. There was about us the halo of some divine mission. We must be alert, stern, righteous, and ascetic. For we were bent on doing great, permanent, and noble things (Nicolson, 1945, p.31-2).

²⁰ The perceived link between democracy and peace is a prevalent one in the history of international relations. This disposition can be found in contemporary theories of ‘democratic-peace’ and discourses of intervention. For example, J. MacMillan argues that relations between liberal states are peaceful and liberal states have demonstrated pacificistic orientations in relations with non-liberal states. A liberal-democratic domestic polity leads to pacific foreign policy. To support the argument, the author examines the historical efforts to establish and develop a liberal international order and the constraining power of these ideas on states. See, J. MacMillan (1998) On Liberal Peace: Democracy, War and the International Order, London and New York: Tauris.
The calling of 'civilized' member states to take responsibility for socializing other states and maintaining world peace is a feature liberal internationalism. The relative success of the civilizing projects is not the point. Rather, the hierarchy of duty among sovereign states is interesting. Like the Balance of Power and Concert of Europe, liberal internationalism identifies some states as key participants and guardians of order. The assignment of guardianship, in effect, maps the grid of political interaction in international relations. As we will see, the 'sacred trust of civilization' was also integral to the work of the League of Nations.

The 'peacemakers' believed that national rivalries and frustrated national aspirations were also responsible for the tension that led to the war. The Wilsonian program counselled that peace and stability in the region required a redefinition of the boundaries of political communities based on the principle of nationality. To resolve the national question in eastern and central Europe, a massive reorganization of territory and population into states of ostensibly national character was seen as the best way to deal with the problem. The creation of new states based on the principle of national self-determination was a political innovation. Indeed, the coalescence of the idea of self-determination and the principle of nationality in this formulation of national self-determination departed from previous understandings of these concepts. The implication was a novel political environment that brought on a set of tension for governments and policy-makers in the immediate post war period.

After World War One, the old polyethnic empires in central and eastern Europe were reorganized into nation-states. The dissolution of the Habsburg Empire affected an estimated 40 million people. The new states were Austria,
Czechoslovakia, Hungary, Finland, Latvia, Lithuania, Estonia, and Poland. Germany forfeited territory to France, Denmark, Belgium and Italy. Bulgaria lost territory to Greece. Serbia’s sovereign territory almost tripled.\textsuperscript{21} Romania doubled its territory.

The Committee on New States charged with responsibility to fix the state boundaries of east and central Europe quickly discovered that to apply the criterion of national self-determination as the legitimate claim to statehood, for all members would result in the denial of self-determination for some. Certain nationalities such as Ruthenians, Slovaks, Slovenes, and Croats did not gain independent national statehood and instead became part of the new ‘multiethnic’ states (Preece, 1997, p.82). Most of the newly created states had large populations that were conceptualized as ‘national minorities’. William O’Sullivan Molony (1934, p.64) pointed out that the territorial changes redistributed about five million German nationals to Poland and Czechoslovakia where they became national minorities under the protection of the League of Nations.

The disintegration of the Ottoman Empire in the ‘Near East’ drew a slightly different response from the Allies. The territorial disputes were not primarily between the victors and the defeated but between members of the victorious coalition (Anderson, 1966, p.351). The post war settlement in Arab parts of the empire and the Turkish areas of eastern Thrace, Constantinople and the Straits and Anatolia was slow because it was of secondary importance in international affairs. For the Allies, the immediate task was the division of the Habsburg Empire and the redrawing of the Balkan frontiers. The eventual

\textsuperscript{21} The name Yugoslavia was not in official use until 1929. Before then, the state was known as the Kingdom of the Serbs, Croats, and Slovenes.
settlement did not apply the principle of national self-determination for claims of statehood. For example, Turkey was partitioned and a new Turkish state was formed. A mandate system was put in place to administer as protectorates certain nations which were 'not yet able to stand by themselves under the strenuous conditions of the modern world' (Webster, 1933, p.281). There was to be no Armenian independence or Kurdish autonomy. In due time, the arrested development of national states in the region became a source of political unrest. Furthermore, the divergent approaches adopted by the Allies in the post war settlement had important implications for responses to population displacement.

THE PROTECTION OF MINORITIES

According to Eduardo Ruiz Vieytez (1999) and Jennifer Jackson Preece (1997), the history of the legal protection of minorities in Europe began with the reorganization of political communities into sovereign territorial states under the Treaty of Westphalia. Subsequent shifts in political arrangement, namely, territorial changes, precipitated some political and legal responses to groups recognised as 'minorities'. As the state slowly gained acceptance as the political form in Europe, the protection of minorities began to incorporate nationals as well as religious groups. The first explicit recognition and international guarantee of the rights of national minorities could be located in the Final Act of the Congress of Vienna, in which Austria, Prussia, and Russia pledged to respect the nationality of their Polish subjects.


It would be misleading, however, to claim that the protection of nationalities overshadowed religious toleration. During the Congress of Berlin in 1878 the question of the treatment of religious minorities was still an important issue (Macartney, 1934, p.166). The turning point was the transfer or redistribution of territory, under the principle of national self-determination, which resulted in the reorganisation of almost one hundred million people from the post-imperial order of central and eastern Europe into nation-states. Although religious association continued to serve as an identification of nationality - this was the case of the population exchange of Greek and Turkish populations in 1923 - the invocation of the nationality principle in the territorial settlements of the Versailles Treaties marked a significant shift in the idiom of political discourse.  

Wilson’s liberal-democratic agenda did not grasp that an exclusivist interpretation of states and of the principle of nationality would create domestic and international political problems that would highlight the inherent contradictions of its agenda. The paradox of nation-state making was that in creating the nation, it also created other nations - national minorities or ethnic minorities. Balibar (1991, p.96) talks about the ‘national process of ethnicization’ whereby fictive ethnicities are produced and reproduced, majorities and minorities are formed and governed in the

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formation of the modern nation-state. In a less philosophical manner, Claude Inis (1955, p.2) claims that a national minority exists when a population within a state claims to constitute a nation, or a part of a nation that is distinct from the national body to which the majority of the population of the state belongs, or when the majority population of a state feels that a section of the population does not share or does not possess the national character it represents. In other words, the national minority (numbers are not indicative of minority status) is an effect of a nationalizing state; a state has one nation and many ethnic groups.

The architects of the peace treaties hoped that the political reorganisation of Europe into territorial sovereign states along national lines would be an effective strategy to govern both territory and population. But the implementation of the principle of national self-determination as the legitimate basis for statehood subsequently endorsed the homogenization of pluralistic community into the national state. Lord Acton saw the issue arising from this formula of state-making.

By making the State and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary. It cannot admit them to an equality with the ruling nation which constitute the State, because the State would cease to be national, which would be a contradiction of its principle of existence. According, therefore, to the degree of humanity and civilisation in that dominant body which claims all the rights of the community, the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence (Acton, quoted in Macartney, 1934, p.17).
A state forged on the ideal of a culturally homogeneous people – *the people*, was simultaneously liberating and oppressive.\(^{25}\) The need to address the oppressive tendencies of the national state formation was acute when the much championed right of peoples to self-determination was not equally applied to all groups. Thornberry (1994, p.13-4) summarized the tension between nation-states and national minorities as one of mutual construction.

\[\text{Self-determination and minority rights are locked in a relationship which is part of the architecture of the nation State, since whenever a State is forged, the result is the creation of minorities. This applies in the twentieth century as it did in the nineteenth; indeed the many contemporary exercises in nation building have produced many new minorities.}...\]

While secession from Western Empires has resulted in the creation of States, these same States deny the possibility of further secession by disaffected groups, which are required to accept the dogma of territorial integrity of States.

Thus, in the post 1919 order of things, those people denied 'external' self-determination in the nation-state projects after World War One became national minorities.

The identification of national minorities, then, was part of the process of normalizing and homogenizing the national state form, which simultaneously problematized certain groups of populations. National minorities were constructed as disruptive to the nation-building project and vulnerable to its excesses. They were national and international concerns. On the domestic level, they raised problems of constitutionalism, political cohesion, rights and obligation. On the international level, they raised issues of international order and intervention. For example, in the Treaty of Berlin,

the failure of some states to fulfil their obligations to minorities were justifications for interference by Great Powers into domestic affairs of these states (Inis, 1955 p.8).

How nationalizing states treated their national minorities was an important international concern. National minorities could be dealt with in a number of ways including assimilation, segregation and expulsion. Overt assimiliationalist policies of homogenization, however, could lead to internal disorder, which could threaten international peace if a ‘patron’ state of the rebellious minority came to their assistance (Macartney, 1934, p. 275). Likewise, practices of denationalization and expulsion created refugee movements and statelessness, which effected inter-state relations. Segregation, often involving forms of discrimination, could also cause the segmented population to rebel.

The general perception was that the consequences of these policies would be disruptive to the states system and its function of controlling and managing populations within a defined territory. International instruments focussed on minorities were attempts to manage some of the possible consequences in the name of ‘protection’ (Thornberry, 1994, p.1). The aim was to ensure a certain standard of conduct by new states towards the national minorities within their jurisdiction and define the relations between national minorities and the nation-state. The rationale was simple. The architects of peace also saw that dispute between disgruntled national minorities and majorities within new states had the potential to escalate into domestic and international violence (Preece, 1997, p. 82). Moreover, ill treatment could undermine state unity and create a situation whereby people fled across borders. In a bid to ensure international order and to consolidate new states, the League
developed a system of *international protection* for national minorities. The national minorities treaties addressed the pragmatic need to maintain the new European geopolitical configuration and to render segments of the population governable through mechanisms of compensation.

The minorities protection system for the 'new' Europe served to protect national minorities and international order in two ways. First, all the new states as well as some established states whose boundaries were changed had to sign minority treaties or make unilateral guarantees regarding minority rights. The Allies concluded minorities treaties in 1919 with Poland, Austria, Czechoslovakia, Yugoslavia, Bulgaria, and Romania and in 1920 with Hungary, Greece and Turkey. Minorities treaties were preconditions for admission to the League by Albania, Estonia, Latvia, Lithuania and Iraq. The League acted as guarantor for bilateral conventions on the treatment of minorities between Poland and Germany in 1921, Sweden and Finland in 1921, and Lithuania and Germany in 1924.

There were four kinds of legal documents that provided protection for minorities: post-war peace treaties with minority protection clauses, subsequent parallel treaties designed for new states with national minorities, treaties with specific territories and population concerns, and unilateral declarations undertaken by certain states (Albania, Estonia, Iraq, Latvia and Lithuania) to respect the rights of minorities within their sovereign territory (Vieytez, 1999, p.31-32). The conditions in the treaties contained three basic elements: right to nationality, equality before the law, and positive and negative equality. The most striking feature of the treaties and declarations concerned cultural matters. Minorities were permitted education in their own languages and the state was expected to offer financial assistance to maintain
the cultural integrity of its minorities. The content of these provisions was quite remarkable. The 'peacemakers' experimented with practices of pluralism when such programs had yet to be implemented in Western democracies.

The second feature of the minorities system was that it ordered and guaranteed the rights of national minorities by internationalizing protection, which was seen as more effective and less destabilizing than unilateral action. In line with the vision of collective security, multilateral guarantees of minority rights were preferable to bilateral agreements and unilateral action. The Allied states were anxious to avoid further instability and conflict caused by intervention in the European region. Yet, the problem was how to be seen to be upholding the integrity of the new states while at the same time influencing them in a way that contributed to the maintenance of international order. An international system of minorities treaties was a solution. A treaty containing provisions for minorities and providing the grounds for intervention, in effect, neutralized the opposition between intervention and sovereignty. The system also allowed a degree of monitoring and control over the constitutional and institutional development of these states. But the hope was that, by securing internationally the rights of minorities, occasions for direct intervention in individual states would diminish.

The duty of the League was to act as guarantor and observer of the execution and compliance with treaty obligations. But it could only act when one of its

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26 The imposition of Treaties obligations on certain states and not others (western Europe and Italy) was an infringement on the principle of the equality of all states and state sovereignty which lies at the basis of international law. But the Powers put forward numerous arguments as to why they should be exempted from such obligations.
members made a formal submission to draw attention to a treaty violation by an obligatory state. This operational constraint became one of the many criticisms directed at the League’s apparent failure to deal with the treatment of national minorities.

From the outset, the international protection of national minorities represented a cornerstone to the maintenance of peace and order in post 1919 Europe. All other concerns, including the welfare of minorities, were related to this core objective. The minority protection system dealt with the practical problems of the management of inter-state relations and the relationship between a state and its populations. On June 9th, 1928, a report to the Council outlined the aims of the Treaties:

We are unanimous in considering that the system of the protection of minorities instituted by the Treaties, while having as its principal object the protection of the minority itself, is also intended, not only to prevent that questions concerning the protection of minorities should acquire the character of a dispute between nations, but to ensure that States with a minority within their borders should be protected from the danger of interference by other Powers in their internal affairs (LNOJ, 1928, p.942).

The protection of minorities was, therefore, a governmental program that aligned ‘humanitarianism’ with geopolitical objectives. It was a preventive measure against population displacement, a palliative step to ameliorate the contradictions of a new order of states, and a mechanism to ensure stability of this system of states. The treaties were products of political calculation

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aimed at mitigating domestic and international conflict. The strategy to institutionalize international protection was an act of prudence.

The Peace Treaties and the Minorities Treaties, however, created a paradoxical situation. The former laid down a territorial settlement based on the principle of national self-determination, while the latter functioned to temper assertions of national self-determination by attempting to secure the rights of minorities within existing states. It was crucial that minorities did not become states within the state. The drafters of the protection system feared that the idea of 'cultural autonomy' would be translated into 'cultural community' that would rival the authority of the state and encourage dreams of political autonomy. To further the national self-determination claims of all ethnic groups would lead to further territorial revision and/or new state formations, which would undermine the new European order. Hence, minorities treaties were drafted in such a way as to prevent their use as a basis for separatist movements or political agitation against governments. They were intended to maintain the coherence of the new states by guaranteeing rights to preserve and practice their culture and language and thus defusing the ambitions of self-determination by minorities.

Despite these fears and cautionary measures, there was an implicit belief that minorities would eventually become loyal citizens of the new states. The minorities treaties continued the nineteenth century belief that smaller nations would be absorbed into larger or greater nations. The protection regime represented the transitional phase in nation-state formation and prepared the conditions for national unity. Integration and assimilation were just a matter of time. Minutes of the Council Meetings document provide this purpose of the Treaties: 'The object of the Minorities Treaties ... was to secure
for the minorities the measure of protection and justice which would gradually prepare them to be merged in the national community to which they belonged (LNOJ, 1926, p.144). Similarly, Austen Chamberlain insisted ‘the purpose of the Treaties was to make conditions in the minority countries such that the minorities could be and were loyal members of the nations to which they belonged’ (LNOJ, 1929, p.525). Until that time came, the protection regime also served to remedy potential transitional difficulties.

The minority protection system was limited to the newly created states with ‘mixed populations’. There were protests by Romania, Poland and Yugoslavia about its discriminatory application. They argued that the treaties violated the principles of sovereignty and non-intervention and the principle of sovereign equality. Throughout the debate, any suggestion to expand the protection of minorities to the whole of Europe was vehemently opposed by the Western powers (Fawcett, 1996, p. 21). Given that Western states had already rejected Japan’s proposal for a racial equality clause in the League Covenant, their negative response to a generalized system of international minorities protection was hardly surprising. In fact, the major powers justified the selective employment of minority treaties in terms of established norms and diplomatic precedent (Macartney, 1934, p.238).

The 1919 Peace Treaties and the Minorities Treaties also contained principles governing the acquisition of nationality and specific conditions for retention and renunciation of nationality. In short, the functioning of these instruments normalized the idea that every person should be a national citizen of one state.29 Paradoxically, the peace treaties and the subsequent minorities

29 Some of the Minorities Treaties contained a right of nationality clause that included a right of certain groups to choose their nationality within the specified time limit.
treaties created problems of nationality and statelessness. Denationalisation and statelessness were particularly difficult issues. In a nation-state-citizen order, the problem of denationalisation and statelessness was identifying the state or agent responsible for these populations. Furthermore, the search for the causes of statelessness in the light of the operation of the Treaties was immensely difficult. The confusion was a consequence of intricate nationality provisions in inter-state conventions, state laws and decrees as well as the provisions of the national minorities treaties themselves.

**Concluding Remarks**

The purpose of this chapter is to provide historical documentation to substantiate the argument that the problematization of certain populations as governmental subjects is intimately connected with the order of territorial states and the regulatory institution of national citizenship. This chapter has demonstrated that responses to the political upheavals of the nineteenth and twentieth centuries altered not only the international order but also changed perceptions about the significance of population and the movement of people across national states. It has also argued that the institutionalization of specific rights belonging to minorities must be understood against the historical background of nation-state building and the character of the nation-state as a political and cultural community.

The formation of new states and the territorial redistribution among existing states that followed the dissolution of empires at the end of World War One modified the demographic compositions of states. The minorities protection regime, applicable only to the new states, was part of a wider governmental
project that sought to maintain stability and order in Europe. The regime aimed to preserve order by granting rights to ‘vulnerable’ people, preventing separatist activities, deterring internal repression of certain groups by states, and mitigating unilateral state intervention.

But as constant crises appeared to destabilize the region, the government of population and the pursuit of order in post 1919 Europe were not easy tasks. The minority protection system did not have the mandate to act upon crises brought on by the treatment meted out to certain groups in Asia Minor or the Middle East. This group of displaced populations became the subject of a distinct protection regime. At the same time, there was a need to govern the mass population displacement caused by the Russian revolution.

The invention of the refugee regime initially responded these predicament. But as population displacement became increasingly complex, the division of labour between the two regimes often blurred. For example, the population exchanges and transfer carried out following the Treaties of Lausanne and Neuilly came under the administrative ambit of both the minority protection system and the refugee regime. The palliative function of the refugee regime was an adjunct to the preventive function of the minorities protection system. However, with the inability of the latter regime to regulate the conduct of states towards their populations, thus causing some of their populations to flee, it became necessary to expand the governmental operations of the former regime. As the next chapter will show, the refugee regime was responding to conditions that disrupted the vision of order in Europe.
History has created a new kind of human beings – the kind that are put in concentration camps by their foes and internment camps by their friends.

Hannah Arendt, *We Refugees*

The development of the minorities protection system in Europe after World War One, I argued, was that the functioning of the minorities protection regime (re)produced and normalized the representation of (dis)order in post 1919 Europe. A consequence of state-making and nation-building in post 1919 Europe was the production and institutionalization of national minorities as distinct groups of people within the political community. Within the national state arrangement, the characterization of these people was as disruptive elements to internal and international relations. The ‘problem of national minorities’ prompted the creation of strategies and practices that could govern the conduct of minorities and states. The regime was to manage the political and demographic changes brought on by the reorganization of the
region, based on the principles of national self-determination and sovereign statehood. Its core aim was to limit the potential destabilizing effects of these people to internal cohesion and international order.

At the same time, the mass movement of people from Russia became a concern for the new national states and the architects of European order. Instruments for controlling refugees were created in this historical context. Under the auspices of the League of Nations, the refugee regime worked alongside the national minorities protection system to manage population movement and to maintain the European nation-state-citizen order. While the national minorities protection system functioned to domesticate and nationalize the population within the state, the function of the refugee regime was to govern the entry and presence of non-nationals or aliens within the state's territorial jurisdiction.

This chapter examines the institutionalization of population displacement in Europe as a political issue between 1919 and 1951 - when state frontiers in and around Europe were redefined significantly twice - after World War One and World War Two. According to Barutciski (1998, p.244), initial refugee instruments were invented primarily to address the 'mass outflow within the already-existing immigration control measures' rather than as a commitment to protecting people. This chapter considers the regulatory mechanisms aimed at governing populations from the former Ottoman Empire, Turkey, Russia, and Western and Eastern European states. The first section explores the definition of the term 'refugee' from 1919 to 1951. The categories of displacement and international legal instruments are the focus. The second part examines the practices of the international refugee agencies. Their activities, I suggest, reveal much about the meaning of refugees. The Final section looks at governmental arrangements like repatriation, resettlement,
population exchanges or transfers, and travel documents. These programs also contribute the producing truths about the refugee problem.

The chapter contains two propositions. Firstly, the refugee regime is not the manifestation of a profound and comprehensive plan, but a series of *ad hoc* responses to unanticipated and successive population displacements in Europe. Secondly, categorization and characterization of population displacement are techniques of ordering that reflect power relations and political calculations. International protection is a political act. The term 'refugee' is not a neutral marker.

**The Term 'Refugee' - 1919 to 1945**

Prior to 1921, the needs of the displaced were mainly met by voluntary agencies and non-government organizations like the International Committee of the Red Cross (ICRC) (Holborn, 1975, p.4). Relief, largely in the form of material assistance, was temporary. Integration, repatriation, and resettlement were not institutionalized solutions. There were few international legal arrangements that addressed the plight of these people and the bilateral negotiations that existed lacked the institutional mechanisms to make them effective.

Russian nationals were the first group of people to receive international assistance from governments in Europe. The League of Nations took tentative step towards a more coordinated relief effort after an appeal by Gustave Ador, President of the ICRC in 1921. Ador pointed out that close to two million Russians were scattered across Europe, without status and protection
GOVERNING POPULATION DISPLACEMENT 1919–1951

(Kulischer, 1948, p.54).1 The figure given by various European countries in August 1921 to the League of Nations was lower – around one and a half million (Kulischer, 1948, p.54). According to Hope Simpson’s calculations, there were 863 000 Russian refugees in 1922 (1938, p.78-80).2 Opinions differed sharply about the implications of further involvement in matters concerning population displacement. In postwar Europe, some states felt there were more urgent matters than humanitarian assistance. France and Britain, however, had a stake in advocating a ‘burden-sharing’ approach. Likewise, the new states in Eastern Europe were eager to adopt measures to control the presence of Russians in their territories.

When the League took up the issue of refugees, only the Russians were of concern. Thus, it did not bother to define term ‘refugee’. As requests for assistance widened, the League accepted responsibilities for other groups of displaced persons and labeled them as refugees. Between 1922 and 1946, international agreements adopted a group category approach to the definition of refugees. The instruments that determined the status of refugees were based on national origins and not a general definition of the concept or an abstract notion of individual persecution. The idea of a universal definition of a refugee was proposed by the Institute for International Law in 1936, but failed to receive support. Goran Melander (1988, p.7) noted that

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1 After 1922 very few refugees came from the Soviet Union because the authorities prohibited emigration. Meanwhile, mass deportations took place within the country. Populations from the mountains, steppes, peninsula, and Volga (the southwestern border region of the Soviet Union) were transferred to eastern and central Siberia. The groups deported included Chechens, Ingush, Karachai, Balkars, Ossetians, Kirgiz, Crimean Tartars, Cossacks, Meskhetians, and mountain tribes of Daghestan. See R. Conquest, (1990) The Great Terror: A Reassessment, New York: Oxford University Press, and (1960) The Soviet Deportation of Nationalities, London: Macmillan.

2 The controversy over numbers was overshadowed by the problem of managing this dispersed group of people, which included former prisoners of war who were unwilling to return, civilians who had fled the Bolshevik revolution, members of various defeated armies who opposed the revolution, and later, people whose Russian citizenship were revoked by the two decrees of October and December 1921.
1936, but failed to receive support. Goran Melander (1988, p.7) noted that between the two world wars, international instruments on refugees contained *ad hoc* definitions of the term. International agreements on refugee status changed according to political circumstances.

In the beginning, the League of Nations only gave attention to those refugees from regions that were considered most volatile and disruptive to the new European order. The refugees protected by legal instruments were the Russian refugees and refugees from the defunct Ottoman Empire. A Russian refugee was 'any person of Russian origin who does not enjoy or no longer enjoy the protection of the Government of the Union of Socialist Soviet Republics and who has not acquired another nationality'. Presence outside the country of origin was not an explicit requirement (Goodwin-Gill, 1996, p.4). An Armenian refugee was 'any person of Armenian origins formerly a subject of the Ottoman Empire who does not enjoy or who no longer enjoys the protection of the Government of the Turkish Republic and who has not acquired another nationality'. Armenians found themselves in precarious circumstances after the collapse of the Ottoman Empire. Their bid for statehood had failed, and they became minorities in the new and fervently nationalist Turkish state. The *Arrangement of 30 June 1928 concerning the Extension to Other Categories of Refugees of Certain Measures taken in Favour of Russian and Armenian Refugees* extended assistance to those people defined as 'Assyrian, Assyro-Chaldean and assimilated refugee' and 'any person of Turkish origin previously a subject of the Ottoman empire'. The 1933

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3 For a full definition of the Russian refugee see, 1926 Arrangement, paragraph (2) 89 LNTS 47.
4 For a full definition of the Armenian refugee see, 1926 Arrangement, paragraph (2) 89 LNTS 47.
Refugee Convention applied to Russian, Armenian, Turkish, Assyrian, and Assyro-Chaldean refugees, but provided states with an opportunity to modify their interpretation and application of the concepts of 'Russian refugee' and 'Armenian refugee'. The League of Nations expanded its protection activities for refugees from Nazi Germany in 1936 with the Provisional Arrangement of 1936 concerning the Status of Refugees coming from Germany and the 1938 Convention for refugees from the Saar and Germany.

Due to the international economic crisis, the refugees of the thirties faced tight immigration restrictions. This was a time when many European countries were asked to accept Jewish refugees. With high unemployment and inflation, the welfare resources of many states were stretched to their limits. States were increasingly reluctant to accord special treatment to refugees, because they would further drain resources and compete with their citizens for employment opportunities. To counter the obligations under the refugee regime, many European states did not distinguish between refugees and other categories of aliens in their national legislation. Expulsion and forcible return were also common practices (Holborn, 1975, p.15).

Before the 1930s, the League and the bodies in charge of the management of refugees did not have a clear policy on expulsion or non-refoulement. Indeed, the concept of non-refoulement did not exist in international law. The general stance was that Russian refugees should not be forcibly repatriated. The

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5 For a full definition of categories of refugees see, Paragraph (2) of the Arrangement of 30 June 1928 concerning the Extension to Other Categories of Refugees of Certain Measures taken in Favour of Russian and Armenian Refugees, 89 LNTS 47.

6 See, Convention of 1933 Relating to the Status of Refugees, 199 LNTS 159.

7 For a background to Britain's reluctance to become a party to the 1933 Refugee Convention and its role in the Jewish immigration to Palestine, which was under its mandatory control see, R. Beck (2000) 'Britain and the 1933 Refugee Convention: National or State Sovereignty?', International Journal of Refugee Law, Vol.11, No.4, pp. 597-624.
instruments of 1933, 1936, 1938, and 1939 introduced a vague idea that receiving states had an obligation not to forcibly return refugees under certain circumstances. For example, the 1933 Convention Relating to the Status of Refugees attempted to restrict the practice of expulsion and to ensure that refugees had access to the courts, education, employment, and welfare in countries in which they found themselves. Most countries were reluctant to expand their obligations to refugees, and did not accede to these conditions (Stenberg, 1989, p.45). These states were also opposed to the originally proposed rule of non-refoulement, which allowed no exceptions. Subsequently, the idea of non-refoulement in the ratified version of the 1933 Convention did not preclude the removal of a refugee where she had not succeeded in obtaining admission into another state.

When the 1938 Convention concerning the Status of Refugees coming from Germany replaced the 1933 provisional agreement, the national group criteria for determining status was qualified by an exclusion clause. Persons who left ‘for reasons of purely personal convenience’ were excluded from refugee status. Reasons for flight had to be political and not personal, forced and not voluntary. The changes had significant consequences for the process of determining refugee status. To question the underlying reason for a person’s flight meant that it became necessary to determine refugee status on an individual basis (Melander, 1988, p. 7). Moreover, the introduction of an exclusion clause based on ‘motive’ brought an element of ‘individual’

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8 The principle of non-refoulement in Article 33 of the 1951 Convention, however, contained grounds for expulsion based on concepts of national security and public order.
9 Czechoslovakia and Italy were adamant that the provisions of Article 3 did not affect expulsions by order of the courts, or obligations deriving from extradition treaties.
10 See, 1938 Convention concerning the Status of Refugees coming from Germany: 191 LNTS 4461.
11 The change was intended to be a criticism of the government of the Reich, which was expelling groups of people from its territories.
psychology into the refugee question. Authenticity became a legal domain of investigation.

When the League of Nations defined refugees according to group (national) affiliation, large numbers of displaced persons received assistance. Whether they were displaced by famine, civil war, or interstate conflict was not an important concern. Being physically outside one’s country of origin or country of habitual residence was not a categorical criterion. Rather, the basis of refugeehood was the absence of the protection of the state in which she was a national. This characterization of refugees changed by the late 1930s. In the opening page of his extremely influential study on refugees, Sir John Hope Simpson (1938, p.1) asserted that the ‘essential quality’ of the refugee was that she was a person ‘who has sought refuge in a territory other than that in which he was formerly resident as a result of political events which rendered his continued residence in his former territory impossible or intolerable’. Informed by the political circumstances of the time, the characteristic of alienage became a way to define the limits of obligations and assistance.

Refugee protection was reviewed at the Bermuda Conference in April 1943. It was decided that ‘all persons, wherever they may be, who, as a result of events in Europe, have had to leave, or may have to leave, their countries of residence because of the danger to their lives or liberties on account of their race, religious or political beliefs’ would be granted protection’ (Goodwin-Gill, 1996, p.5). What appeared to be a progressive step in refugee protection was actually a rather shrewd response to the problem of Jewish refugees. The Allies were reluctant to lift their restrictive immigration policies but had to appear to be doing something. They expanded the protection mandate but did not supply the machinery or assistance necessary to fulfill it. According to
Marrus (1985, p.284), ‘the [Bermuda] meeting was not to propose drastic solutions; the principal goal, it became plain, was to relieve the pressure of pro-rescue opinion’. Near the end of the Second World War, however, responses to the plight of Jewish refugees shifted. For example, Jews were classified as \textit{a priori} eligible for international protection and assistance in the absence of proof to the contrary, while non-Jews had to produce ‘concrete evidence’ of the persecution, which they claimed to have suffered (Woodbridge, 1950, p. 510).

Since the military or strategic agenda was of the highest priority during the Second World War, responses to population displacement were based on political calculations and operational exigencies. As ‘liberation’ by the Western Allies was underway, a distinction was made between displaced persons and refugees. The aim was to separate civilians who could come under local jurisdictions from those who were outsiders (Marrus, 1985, p.300). However, two definitions of refugees were in circulation. The Inter-governmental Committee on Refugees (IGCR) used the definition derived from the Bermuda Conference. The Supreme Headquarters, Allied Expeditionary Force (SHAEF) – a division of the military - which in fact was in charge of the government of population displacement, used their own definitions of displacement and refugees. The SHAEF \textit{Outline Plan for Refugees and Displaced Persons} characterized refugees as civilians \textit{not} outside the national boundaries of their country, who desired to return to their homes, but required assistance to do so, and displaced persons as civilians \textit{outside} the national boundaries of their country by reason of war, who required repatriation or resettlement.\footnote{For details of the distinction between displaced person and refugee see, SHAEF, G-5 Division, Displaced Persons Branch, \textit{Outline Plan for Refugees and Displaced Persons} (4.6.1944).}
Although Displaced Persons (DPs) were identified in terms of nationalities, further attempts to order population displacement resulted in the creation of categories of displaced persons. The main classifications were: evacuees, war or political fugitives, political prisoners, forced labourers, deportees, civilian internees, ex-prisoners of war, and stateless persons. This method of organizing persons into calculable condition allowed the formulation of ‘targeted’ solutions. It also functioned to exclude some people from assistance. It was intentional that the Volksdeutsche and Reichdeutsche who had been living in the occupied territories of Eastern Europe before the war would be denied both refugee and DP status, and therefore, did not qualify for assistance (Salomon, 1990, p.161). Ethnic Germans expelled from Poland, Hungry, Czechoslovakia, Romania, and Yugoslavia were the responsibility of the German authorities. The suspicion that German nationals and worse still, German spies were disguising themselves as DPs lead to tight controls on the movement, reception and distribution of German nationals across Europe (Schechtman, 1947, p.262). Nationality screenings and eligibility checks at borders and assembly centers also operated as exclusionary procedures. When the movement became out of control, the Potsdam agreement authorized a program of compulsory transfer or removal of Volksdeutsche remaining in Poland, Czechoslovakia, and Hungry.

When the wartime coalition between Western states and the Soviet Union began to fracture, the government of displaced populations became a contentious issue between the two parties. The distinction between displaced persons and refugees became ambiguous when displaced persons who were unwilling to be repatriated became nominal refugees. After the Nazi collapse, the Soviet Union and the Western Allies began discussions over the

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repatriation of over three million displaced Soviet nationals in the British and American zones (Marrus, 1985, p.316). Forced repatriation to the Soviet Union was the agreed plan of action for displaced persons until the power struggle between the Soviet Union and the United States, with British support, became transparent.\textsuperscript{14} As a consequence of the strained relationship, American policy shifted away from forcible repatriation and the British reluctantly followed. The Soviet Union, however, demanded that all of its displaced persons should be repatriated.

**The Term 'Refugee' — Post 1945**

After the Second World War, the definition of refugees in Europe continued to be *ad hoc* and group specific. The term referred to victims of the Nazi, Fascist, or Quisling regimes, certain persons of Jewish origins, and foreigners or stateless persons who had been victims of Nazi persecution, as well as persons considered as refugees before Second World War for reasons of race, religion, nationality and public opinion (Goodwin-Gill, 1996, p.6).\textsuperscript{15} But there was an innovation in the new definition of 'refugee'. A person could refuse repatriation, if she was unable or unwilling to avail herself of the protection of the government of her country of nationality or former residence. If a refugee had 'valid objections' to returning to her country of origin, she would not be forcibly repatriated (Goodwin-Gill, 1996, p.6). 'Valid objections' were 'persecution or fear based on reasonable grounds of persecution because of race, religion, nationality or political opinion', and objections 'of a political nature judged to be valid' by the International Refugee Organization (the


\textsuperscript{15} 'Displaced persons' were persons deported from, or obliged to leave their country of nationality, and who were compelled to undertake forced labour or persons deported for racial, religious or political reasons.
new refugee agency of the immediate postwar period). This was the first time that the criterion of 'persecution' was used to characterize refugees in an international instrument. The push for a refugee definition based on the well-founded fear of persecution was a political attack by the West and in particular, the United States on the Communist states. This meaning was not lost on the Soviet Union and its supporters.

The debate on refugees was highly charged in the immediate postwar period. By now, there were two refugee situations in Europe: the refugee condition created by the war; and the flight of persons from Eastern Europe. The Soviet Union and Eastern European states continued to push for repatriation for both groups and accused Western states of frustrating the task and of endangering good relations between states by protecting 'political dissidents'. They also argued that issue of refugee had become an instrument of foreign policy intended to increase the Western sphere of influence. In response, the US representative to the United Nations, Eleanor Roosevelt, advanced human rights arguments of free choice and freedom of speech as reasons why repatriation was not the preferred policy. The United Nations had adopted the Universal Declaration of Human Rights in 1945 on the premise that human rights were intrinsic and neutral attributes of every human. To base her objection to repatriation on the universality of human rights was an attempt to depoliticize the US policy while simultaneously to politicize the state of affairs in Communist countries.

While East-West dispute on refugees was being played out at the United Nations, the Western alliance also became divided over the issue (Salomon, 1990, p. 163). The debate on refugees was definitional and functional. The questions were who should benefit from international action and what should be done for them. The central issue was to what extent and in what ways international organizations should engaged in refugee relief. The United States favoured a narrow definition and argued that the provision of 'legal protection' pending integration in countries of refuge should be the principal form of international assistance.

Greece, India, and Pakistan questioned whether legal protection adequately addressed the conditions faced by refugees. Pakistan, which had to resettle seven million Muslims refugees without international relief from the United Nations, strongly opposed the proposed definition (Salomon, 1990, p.176). But the United States was determined to limit its own involvement in wider issues of population displacement. It maintained that 'national refugees' and refugee categories created by population transfers were entitled to rights afforded by their national governments or countries of residence and therefore, did not require international protection. The debate concluded with the decision to exclude stateless persons and persons displaced within their own countries from the scope of international legal protection.

The achievement of the post-World War Two period was the crystallization of the refugee as a symbol of persecution. Unlike previous agreements, the 1951 Convention relating to the Status of Refugees contains a general definition of who was to be considered a refugee. The Convention applies to refugees covered by various earlier treaties and arrangements. It is also applicable to any person who:
As a result of events occurring before 1 January 1951 and owing to 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 nationality and is able or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.17

This definition sets out three important conditions of refugehood.18 The first condition is alienage. Persons qualifying for refugee status must have left the territory of the state where they were nationals, or habitually resided. The second condition is persecution. Political events that led to flight from the country of origin must be accompanied by genuine risk of serious harm against her, or at least against a section of the population with which she identified herself. Persecution applies to acts perpetrated by state and its various agencies. The third condition is failure of state protection. The root-cause of a person becoming a refugee has to do with the broken bond of trust, protection, and assistance between the national citizen and the state.

There are also two conditions in the 1951 Convention that are worth noting. First, Article 33 states that 'international protection' involved the principle of non-refoulement. The formal institutionalization of non-refoulement as a practice of protection marks a departure from previous refugee conventions. This

does not give the person a right to be granted asylum though. The granting of asylum is the prerogative of states. *Non-refoulement* simply prohibits the return of refugees to their country of origin, which could be translated into a sort of temporary asylum until the political situation in the country of origin improved so as to allow return. *Non-refoulement* is also qualified by Article 32, which pronounces that states may expel a refugee on grounds of national security and public order.

In the 1951 Convention, the words ‘events occurring before 1 January 1951’ meant (a) ‘events occurring in Europe before 1 January 1951’ or (b) ‘events occurring in Europe or elsewhere before 1 January 1951’. But states had a choice as to which of these meanings they wanted to apply for the purpose of their obligations under the Convention.19 States becoming parties to the Convention chose to restrict their commitment to events in Europe. Their action sent a clear message as to who could be a refugee. The temporal and geographical limitations suggested that ‘international protection’ of the kind offered by gaining refugee status were directed at refugees from Communist states. Indeed, the historical studies by Holborn (1956), Salomon (1990, 1991), and Melander (1988) on the refugee regime confirm that the intergovernmental relief effort and the legal instruments developed after World War Two were sponsored and dominated by Western states, and exclusively geared to assisting refugees from Eastern Europe. Melander (1988, p.9) observed that the definition was worked at a time when the Cold War had reached its height and when the Eastern Bloc boycotted the United Nations. Due to the boycott, the 1951 Refugee Convention and the 1950 Statute of the Office of the United Nations High Commissioner for Refugees

19 The Convention clearly stated that contracting states had a choice as to when or if they wished to extend their obligation by adopting (b).
(UNHCR) were drafted by predominately Western states.\textsuperscript{20} Even then, the extent to which assistance was offered to Eastern European refugees depended on the intensity of the Cold war.

Between 1921 and 1950, population displacement outside Europe was peripheral to the inventors of international treaties and arrangements on refugees. The 'refugee problem' was seen as a European phenomenon. After the Second World War, there were approximately twenty million Chinese in other parts of Asia and twelve million displaced persons in Japan (Holborn 1975, p. 138). But they were outside the mandate of refugee agencies and no international agreements had been drafted and signed on behalf of these people. 'Good Offices' were established for them but they received very limited emergency assistance. The story was different for the 16 000 European refugees in China. The Europeans (Russians, German Jews and Jews from neighboring countries) were of concern to the IRO (Holborn, 1956, p.186). The partition of India and the creation of Pakistan, which caused mass population displacement, did not arouse the same level of international concern and assistance as instances of displacement in Europe. The population did not qualify as refugees requiring international protection because their predicament was perceived to be the result of \textit{de facto} population transfers rather than war or deportation.\textsuperscript{21} Likewise, the response to the mass displacement of the Palestinians after the war between Israel and its Arab

\textsuperscript{20} The 1951 Convention was drafted by twenty-six states – most of which were Western. But it did not come into force until 1954 when Australia became the required sixth signatory.

neighbors in 1948 was unenthusiastic. Palestinian refugees were subject to a United Nations agency distinct from the new international refugee agency – the United Nations High Commissioner for Refugees.

**GOVERNING BODIES**

Holborn (1956, 75), Proudfoot (1957), Macartney (1930), Hope Simpson (1939), Vernant (1953) and Woodbridge (1950) have written institutional histories of refugees and displaced persons between 1921-1950. My task is to expand on their informative studies by suggesting that the mandates of these international governing bodies and their activities were constitutive of the meaning of population displacement and the refugee problem in international relations. I also propose that the mandates and regulatory activities of these organizations served to affirm the significance of an international order of states as a mechanism to govern human populations and to realize peace and stability. These organizations generated representations of displacement and institutionalized the phenomenon as an issue of concern. Their mandates and constitutions set the limits of operation; that is, who received assistance, what forms of assistance were offered, who participated in the decision-making process, and who carried out the programs. International governmental agencies, therefore, functioned to coordinate and harmonize the activities of states and various agents, to redistribute of cost and allocate burdens, and to act as a forum for consensus-building and collective action. These institutions also allowed states to pursue

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'national interests' and implement policies that otherwise would appear dubious and threatening to other states.

When the League of Nations created agencies to manage refugees, its primary concern was to stabilize the new European order. The characterization of the refugee problem reflected the political concerns of the time – how to create and maintain a national citizenship and what to do with minorities within the national body. But the problems of nationality, minority and refugees were seen as transitional or temporary, and solvable through population transfers or exchanges, repatriation, integration, and resettlement. The transitional character of the problem meant that the key management bodies responsible for refugees were temporary and dealt only with specific groups of people. When the United Nations began to create refugee agencies, these new institutions continued the many functions of their predecessors - with some additional innovations. But they too were considered as temporary instruments addressing transitory conditions in international relations.

The League Period 1921-1946

The key institutional body of the refugee regime was the League of Nations rather than the refugee agencies. The League gave consent to their establishment. The refugee agencies had to turn to the Council and Assembly of the League for funding and approval, and to the Secretariat for expertise. Both the Council and the Assembly received reports from the High Commissioner for Refugees, and provided a forum for League members to discuss refugee issues (Skran, 1995, p. 77). The Council was designed originally to consist of representatives from the Principal Allied and Associated Powers, and four non-permanent members selected by the Assembly. Despite the facts that the United States did not join the League and
that membership of the permanent Council varied, the Great Powers exerted strong influence over refugee matters.\textsuperscript{23} To compensate the elitism of the Council, the Assembly adopted a ‘democratic’ structure whereby each member-state had one vote. The Assembly controlled the budget of the League and the creation of new agencies. The Office of the League Secretariat provided technical and administrative expertise to the political bodies of the League and acted as the primary liaison between staff, agencies, representatives of member-states, and outside organizations. The various sections of the League bureaucracy were also involved in the management of refugee issues. The Economic and Financial Section managed loans raised for refugee settlement. The Legal Section concentrated on the situation of refugees under international law. The Political Section analyzed the political consequences of refugee movements. The Health Section was in charge of addressing epidemics in refugee areas. The Social Section focused on the situation of women and children.

When the League of Nations created the first international agency for refugees in 1921, the mandate of the High Commission of Refugees applied only to displaced persons of Russian origins. At the time, the Russian refugees constituted only one of the many groups needing assistance after the First World War, but states were reluctant to cooperate in any international ‘humanitarian’ exercise. Nevertheless, the strict limitation on the forms of assistance offered and the exclusion of other groups made the proposal acceptable to states.

\textsuperscript{23} For a complete list of members of the League of Nations see, F. P. Walters (1960) \textit{History of the League of Nations}, London: Oxford University Press. Only Great Britain and France were members from 1920 until 1946. Japan and Italy were members but withdrew respectively in 1933 and 1937. Germany joined in 1926 but left in 1933. The Soviet Union was a member for six years.
Foreign policy concerns undoubtedly swayed the decision to assist the Russians. Both the Great Powers and the newly created states of Eastern Europe took an interest in the Russian refugees. Britain and France shared an antagonism against the Communists and supported the White Russians during the Civil War. With the Communist victory, both states found themselves burdened with a Russian refugee problem. According to Skran’s historical investigation, by 1921 France and Britain had spent approximately 3.8 million pounds and 1 million pounds respectively on assisting Russian refugees (1995, p.89). Britain tried to persuade Eastern European countries to settle refugees in their territory. But the idea was promptly rejected. Furthermore, Britain and France failed in their attempt to organize repatriation agreements with the Soviet Union. The cost and inadequacy of a unilateral approach to the Russian refugee problem prompted Britain and France to turn to the League for assistance. Similarly, states playing host to Russian refugees were also keen to ease their financial burden. Clearly, a number of states had interests in internationalizing the Russian refugee issue and in encouraging international cooperation. They also figured that if refugees were to be an item on the League’s agenda, they would have to represent refugees in terms of their connection to ‘international peace and security’.

The League of Nations appointed an Office of the High Commission of Refugees to address the problem of Russian refugees. With the opinion that the problem would be resolved in ten years, the High Commission had a limited time-span and specific terms of operation. Its primary tasks were to define the legal status of the refugees, reach an agreement on the issue of identity certificates for refugees, and to organize either their repatriation or employment. Due to the failure of the repatriation programs, the main problem became the procurement of work for the refugees. The League attended only to administrative expenses. The rest came from contributions
from governments, private donations, and the sale of Nansen stamps. When its mandate was extended to include new categories of refugees, Armenians, Assyrian, Assyro-Chaldeans and Turks, funding became a continuously pressing problem.

A function of the refugee regime was the management of population as a human resource. The initial failure of the Russian repatriation program marked the beginning of the involvement of the International Labour Organization (ILO) in the management of refugees. In 1924, Nansen persuaded the ILO to assist in the technical problems of employment, settlement, and migration. The Refugee Service of the ILO made inquiries in all European countries into the conditions of refugees, their occupations, and whether they were employed, or employable (Simpson, 1939, p. 203). The Service conducted investigations about the possibilities of settlement of large numbers of refugees in South America. It was also responsible for the vocational training of refugees. Refugees were different from workers. They were considered to be less skillful but nonetheless useful in the post-war economies of Europe.

Another goal was to ensure the displaced was self-supporting as soon as possible. The purpose of work was more complex than just meeting economic imperatives. The significance of employment was linked to a belief about the intrinsic value of work for the development of positive qualities such as autonomy and sobriety. Comments by Hope Simpson (1935) on refugee conditions reflected the general belief that work was a defense against the ‘social evil of idleness’. The psychological benefits of work were the remedies

24 The High Commissioner worked with the ILO from 1925 to 1929.
for 'dependency syndrome', which would lead to a sense of helplessness and a multitude of undesirable social behaviors. Such developments would hinder the chances of refugees to live 'normal' lives.

The establishment of a specialized agency for refugees also facilitated international cooperation. The agency coordinated activities of governments and non-governmental agencies, provided administrative support, and designed legal institutions. Apart from organizing inter-governmental conferences where government representatives and voluntary agencies came together, the Office of the High Commissioner served as a clearing house for information (Holborn, 1975, p4). The governance of refugees required a complex network of administrative procedures and data collection. The division of labour was as follows: the High Commissioner concentrated on legal and political issues, the ILO as mentioned above, found employment for the displaced/refugees and made the necessary emigration and settlement arrangements, while voluntary agencies organized and distributed humanitarian relief.

The High Commissioner set up an advisory committee of private organizations which operated on the international and national level. Its sixteen members sent reports on their aid programs to the League committee charged with the responsibility of organizing refugee assistance. Voluntary, philanthropic or non-government organizations were responsible for the distribution of basic relief, health services, employment placements, education, vocational training, tracing services and resettlement programs.

25 The ILO's efforts to expand employment arrangements for refugees were met with unwillingness on the part of governments and became even more difficult with the onset of the economic crisis.

Since many private organizations assisting refugees were community-based, their 'local' knowledge and networks were considered valuable resources for the management of refugees. Governments contributed funds to private organizations performing tasks that either they could not perform as efficiently themselves or which would be imprudent to perform in a 'political' capacity. The characterization of non-government agencies as humanitarian organizations allowed states to pursue their goals in a 'non-political' context amidst often intensely political situations.

Gradually, the activities undertaken by the High Commission for Refugees expanded. The Inter-governmental Arrangement of 1922-28 authorized the High Commission to carry out consular functions - 'services' that were normally the tasks of the national governments. Its responsibilities now included:

certifying the identity of the position of the refugees; their family position and civil status; ...; testifying to the regularity, validity, and conformity with the previous law of their country of origin, of documents issued in such countries; certifying the signature of refugees and copies and translations of documents drawn up in their own language; testifying before the authorities of the country to the good character and conduct of the individual refugee, to his previous record, to his professional qualifications and to his university or academic standing; recommending the individual refugee to competent authorities, particularly with a view to his obtaining visas, permits to reside in the country, admission to school, libraries, etc (Holborn, 1975, p.11)

Such 'services' allowed refugees to be documented and to be 'assimilated' or 'integrated' into their countries of refuge. If refugees could not be repatriated to their countries of origin, then it was important for the High Commission to facilitate the creation of a new bond between the refugee and the country of refuge. Since being a refugee was an anomalous state in the regulatory
citizen-state arrangement, the task was to convince the host state that the refugee had the necessary temperament to become a good citizen.

The Nansen International Office replaced the High Commission in 1930. It was an agency under the direction of the League of Nations (Holborn, 1975, p.12). Its task was to settle the remaining refugees in a ten-year period. But the objectives of the Office were complicated by the economic depression, the declining influence of the League of Nations, and the advent of new displaced populations due to the domestic and foreign policies of Germany.²⁷

The refugees from Germany, although small in number compared to the Russians and Armenians presented new problems to the governing bodies. They were scattered throughout Europe at a time and many countries were experiencing economic depression. The refugees also faced anti-Semitism and anti-immigration sentiments. At the ILO conference in June 1933, representatives from Holland, France and Belgium argued that the influx of refugees threatened to disturb the labour markets in their countries. The issue was raised before the Assembly of the League of Nations, but Germany opposed direct intervention by the League in this matter. The result was the creation of the High Commissioner’s Office for Refugees coming from Germany – an autonomous organization that was not responsible to the League Council. Its mandate, like that of the High Commission for Russian and Armenian Refugees, was the legal and political protection of refugees.

²⁷ For an outline of the National Socialist government’s policies towards its Jewish populations and the responses from Western European countries see, J.P. Fox (1988) ‘German and European Jewish Refugees, 1933-1945: reflection on the Jewish condition under Hitler and the Western World’s responses to their expulsion and flight’, in A. Bramwell ed. Refugees in the Age of Total War, London: Unwin Hyman.
Similarly, the ILO was asked to ‘study the means of settlement of refugees and submit resolutions to the League’ (Holborn, 1956, p.7).

In 1939, the Nansen Office and the High Commissioner for Refugees from Germany were combined to create the Office of the High Commissioner for all Refugees under League of Nations Protection.\(^{28}\) The tacit understanding among governments was to avoid disturbing existing arrangements and to resist any move that might suggest new obligations to refugees. Consequently, no proposal of international protection was made on behalf of refugees from the Spanish civil war. To further reduce the cost of international protection, the Office was not authorized to directly assist refugees. Its function was to process the paperwork associated with refugee conventions and certificates of identification, to coordinate humanitarian assistance among private organizations, and to promote resettlement. To ensure that the Office of the High Commissioner would be acquiescent, European governments chose a person who they believed would refrain from being ‘unnecessarily critical’ to head the new refugee agency (Marrus, 1985, p166). With war imminent in Europe, governments were preoccupied with military strategies, and refugees did not rank high in their priorities.

This attitude towards refugees changed as the war progressed. The scale of population displacement caused by flight, expulsion, and organized population transfers across Europe during the Second World War, as well as the specific character of the conflict shifted the issue from the margins to the center of politics.\(^{29}\) The previously impotent Inter-Governmental Committee

\(^{28}\) The new Office was responsible for refugees that had been under the protection of previous offices - Russians, Armenians, Assyrians, Saar Germans, Austrians, and Czechoslovaksians from Sudetenland.
on Refugees (IGCR) was revived and its mandate rewritten to serve new political conditions. The Committee expanded to thirty-six members, and its administrative budget was increased. The British and American governments funded the operational expenditure of the IGCR. This was a departure from previous practices under the League when governments expected private, voluntary agencies to finance humanitarian relief for refugees (Holborn, 1956, p.12). In fact, the IGCR began to subsidize the relief programs of voluntary agencies. In an effort to coordinate the work of voluntary relief and welfare organizations during and after the war, the British and American governments introduced innovative administrative measures to the organizational structure of the Committee. Its mandate was broadened to include the Spanish refugees. In practice, however, the Committee would not include in its activities the nationals of member governments, unless it has been requested to do so (Vernant, 1953, p.28).

As the war continued, the role of IGCR was enlarged from a diplomatic one of coordinating the efforts of governments to include operational tasks. The Committee's new function was 'to undertake negotiations with neutral or Allied States or with organizations, and take steps as may be necessary to preserve, maintain and transport' refugees within its mandate (Sjöberg, 1991, p.16). It coordinated its activities with those of the High Commissioner of the League of Nations, the ILO, and later the War Refugee Board of the US and the United Nations Relief and Rehabilitation Administration (Holborn, 1975, p.18). It devised an orderly migration program for the thousands of refugees, and thereby laid the foundation for the massive international migration scheme of the International Refugee Organization (IRO).

29 Kulischer (1948), Marrus (1985) and Proudfoot (1957) offer concise accounts of the magnitude of populations displaced during the war.
Before World War Two, only International Committee of the Red Cross and its British and American branches worked alongside military authorities. After the war, voluntary agencies were used much more vigorously. Consultative bodies of voluntary agencies were formed in Britain and America: the Council of British Societies for Relief Abroad (COBSBRA) and the American Council of Voluntary Agencies for Foreign Services (ACVAFS). Governments relied on these agencies to carry the distribution of relief to refugees.

**From 1943 to 1951**

While the IGCR dealt primarily with refugees of the inter-war period, the problem of displaced populations as a result of World War Two came under the charge of an operational and temporary UN Specialized Agency, the United Nations Relief and Rehabilitation Administration (UNRRA) in 1943.\(^{31}\) Its main task was to assist 'displaced persons', defined as 'victims of war in any area under control of any of the United Nations' to return to his or her countries of origin. The mandate of the organization stated its function as:

> assistance in caring for, and maintaining records of, persons found in any area under the control of any United Nations who by reason of war have been displaced from their homes and, in agreement with the appropriate governments, military authorities or other agencies, in securing their repatriation or return (UNRRA Council Resolution No.1. Part II, para. 2, in Woodbridge, 1950, Vol. 3, p. 43).

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30 Based on an American initiative, the IGCR was set up in 1938 as an independent intergovernmental refugee organization outside the League of Nations framework.

The government of refugees and displaced persons was considered primarily as a military operation. The Displaced Persons Branch of SHAEF (Supreme Headquarters, Allied Expeditionary Force) headed operations to govern refugees and displaced persons. UNRRA, a civilian organization was subordinate to the military command (Woodbridge, 1950). Resolution No. 1 of UNRRA clearly stated that the work of the organization depended on the consent of the military authorities. UNRRA operations were to be compatible with military goals or 'necessities'. The military authority in the form of SHAEF and the UNRRA collaborated in many areas of refugee and displaced persons management – from the control of infectious diseases and related public health issues to the maintenance of statistical records and reports (Proudfoot, 1957, pp102-3).

The prospect of a large-scale uncontrolled movement of people near the end of the war was a major concern. It was feared that spontaneous repatriation of displaced persons may result in 'roving bands of vengeful pillaging looters on trek (sic) to their homes' (Proudfoot, 1957, p.117). A numbers of methods were deployed to discipline the refugees and the displaced. They were instructed by means of leaflets dropped from the air, radio broadcasts, and through resistance groups to stay put until the route for their movement could be organized by the military (Proudfoot, 1957, p.117). The military police made sure their movement did not congest main routes required for military purposes. Collecting points were locations from which displaced persons would be moved under police escort to transit areas or camps. From

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32 A comprehensive category of responsibility and its division between the military and UNRRA was outlined in the three Zone-UNRRA Agreements. A table that sets out the division of labour can be found in M. Proudfoot (1957) European Refugees: 1939-52, A study in Forced Population Movement, London: Faber and Faber, pp. 231-234. For the details of the agreements (including the texts), see G. Woodbridge (1950) The History of the United Nations Relief and Rehabilitation Administration, Vol. 3, New York: Columbia University Press, pp. 185-201.
there, they moved to assembly centers for medical examination and for a 'comprehensive dusting of DDT powder'. After medical clearance, the person would be registered for repatriation. To ease the task of administration, DPs were segregated into nationality groups. They were given meal cards while their cases were being processed. Some DPs were employed in the war effort - largely in manual tasks. Border control stations were set up to further regulate the movement of returnees, while information and reception centers received them and assisted in their assimilation.

Since the initial purpose of UNRRA was to cooperate with the military in repatriation operations, it did not have the authority to resettle the displaced or to deal with or find solutions for refugees. The military was responsible for the coordination of all repatriation and resettlement movements, which included the tasks of collection, transportation, administration, welfare, medical services, and arrangements for reception at each phase of the movement. But new concerns arose around 1945 that allowed a greater role for UNRRA in the government of refugees and displaced persons. The problem of non-repatriable persons and the appearance of new refugees from Eastern Europe in Western zones added to the already immense task of overseeing postwar population movement. When political differences between the Western allied states and the Soviet Union turned repatriation into a cause for further suspicion and tension, UNRRA sometimes provided relief without the consent of Eastern European countries (Vernant, 1953, p.32). It was also called upon to work with the IGRC and the military relating to issues of resettlement.

The United States and Britain had assumed much of the cost of refugee relief activities during the war. After the war, however, Britain was reluctant to bear further financial burdens. When the UNRAA and IGCR were dissolved
at the end of 1948 and 1947 respectively, Britain sought to create a new refugee organization within the United Nations framework, so that the cost would be shared by all member states (Salomon, 1990, p.172). Although the US preferred the establishment of an agency independent of the United Nations system, in the end, the International Refugee Organization (IRO) - a non-permanent agency was created. The new body was an integrated part of the UN machinery, similar to the situation of previous refugee agencies under the authority of the League of Nations.

The aim of the IRO was to bring about 'a rapid and positive solution of the problem of bona fide refugees and displaced persons'. It dealt with all the categories of refugees that had been the concern of previous international instruments and organizations. Like previous refugee organizations, it functioned as a diplomatic representative on behalf of refugees and displaced persons to other states and by offering legal and political protection. But the duties of the IRO were more comprehensive than previous organizations. It was responsible for monitoring the movement of refugees, as well as their identification, registration, classification, repatriation, or resettlement (Holborn, 1975, p.31). It operated an international tracing service for persons of UN nationalities. The refugees were distinguished into three types with each receiving slightly different forms of assistance. Those living in camps received care and maintenance, those living outside camps received aid for resettlement and legal protection, and those who were de jure or de facto stateless received only legal protection (Holborn, 1975, p.31). Until such time as their repatriation or resettlement and reestablishment was completed, the

34 See Preamble of the Constitution of the IRO, 18 UNTS 3.
35 The IRO took over this task from UNRAA and SHAEF.
view, as stated in the Preamble of the IRO Constitution, was that refugees and displaced persons 'should be put to useful employment in order to avoid the evil and antisocial consequences of continued idleness'.

The human resources required for European reconstruction and for economic development in other countries, made resettlement an appealing solution to the refugee problem. The IRO participated in planned emigration programs of three kinds: emigration under government selection schemes, emigration through personal nomination initiated by known sponsors in the resettlement country, and placement of individuals with prospective employers (Holborn, 1975, p32). The organization developed training and socialization programs. The objective was to 'rehabilitate' these people so that they would become useful citizens in whatever country they were destined to live. The 'hard-core' individuals who could neither be repatriated to their country of origin nor resettled in a third country were subjected to intensive counseling and more rehabilitation programs. Hard core cases were those who represented an economic burden to any states or were of 'suspicious moral' character. They included unmarried mothers with children under 17, unmarried couples with or without children, those widowed, separated or divorced, those with personal or occupational problems or a criminal record, professional or specialist workers over the age of 35, clerical, sales or other white-collar workers over the age of 40, and families considered too large for self-support (Holborn, 1975, p.45).

The acceptance of resettlement as a solution to the refugee problem was also linked to Cold War tensions. Organized repatriation remained a politically charged issue. The Soviet Union demanded that the Organization should only be given the mandate to repatriate refugees and displaced persons. But the United States and Britain had shifted their position on the policy of forced
repatriation. Those who did not wish to be repatriated were to be candidates for resettlement under the auspices of the IRO. This proposal was unacceptable to Eastern European states and the Soviet Union and they responded by declining membership to the IRO (Salomon, 1990, p.162). In the absence of a strong opposing voice in the IRO, the organization implemented the policy of the powerful Western states unobstructed.

There was unprecedented collaboration between the principal refugee governing organization, the IRO, and non-government voluntary agencies after 1946. The latter played a fundamental role in the implementation of many resettlement and integration programs. At times, voluntary agencies gained access to people and locations that were denied to the IRO. In order to maximize their utility and to co-ordinate the activities of the IRO and the agencies, their relationship was formally institutionalized through agreements. The Division of Voluntary Societies - a special administrative unit of the IRO was formed. In 1949, the Vice-Chairman of the Standing Conference of Voluntary Agencies declared non-government organizations the ‘agents of the private conscience’ (Holborn, 1975, p.39). This declaration was a self-characterization of non-government voluntary agencies as the administrator of spiritual care to the victims of war and as the moral voice of the world.

The IRO, in collaboration with governments and voluntary agencies managed the refugee problem in Europe but did not resolve it. Cold War politics were transforming explanations of refugee issues and representations of refugees. With the termination of the IRO at the end of 1950, the establishment of another refugee governing body was the subject of fierce debate. The discord

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36 Only eighteen states out of fifty-four UN member states became IRO members.
was not simply an East-West one, the US and Western European states differed on the character and capacity of any future international organization for refugees.

Whereas European states preferred to establish an agency with the United Nations, America favored an agency outside the system. America sought to maximize its control over the management and representation of refugees. It also wanted to reduce the international effort in favour of more bilateral and regional arrangements (Salomon, 1990, p. 163). The US registered its disapproval with the creation of a specialized refugee agency within the UN system by refusing to sign the 1951 UN refugee Convention. It also implemented an independent refugee policy outside the UN system and established its own refugee institution. America created the Escapee Program and the Intergovernmental Committee for European Migration (ICEM) for new refugees from Eastern Europe. The ICEM organized flights for Eastern European refugees to the United States. Salomon (1990, p. 163) notes that the ICEM also provided migration assistance for 'unemployed people in Western Europe who, in the US view, otherwise threatened to become a potential recruitment pool for Communism'.

When the UN General Assembly created the United Nations High Commissioner for Refugees (UNHCR) in 1950, its planning reflected the Cold War tension and strained relationships of the time, as well as the

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37 The US refused to fund UNHCR programs until 1955. While it invested $43 million in ICEM between 1950 and 1955, the UNHCR had a budget of $3 million.

38 The ICEM underwent two name changes. It became the Intergovernmental Committee for Migration (ICM) when it expanded its operations outside Europe. ICM became the International Organization for Migration (IOM) in the early 1980s. The IOM is a key organization working in partnership with the UNHCR managing refugees. Its main function is to transport refugees in repatriation and resettlement operations.
institutional precedents set by past offices. As a subsidiary of the General Assembly and the Economic and Social Council (ECOSOC), UNHCR had to follow the policy directives of its ‘parent’ offices. It received a budget of only 300,000 US dollars in its first year of operation (Holborn, 1975, p.1399). The agency was not allowed to ask governments for additional funds, or make a direct appeal without the authorization by the General Assembly (Marrus, 1985, p.356). Initially, it was established for a period of three years as a non-operational agency.

UNHCR was to be an organization of a ‘non-political’ character. According to its Statute, the work of the office was to be ‘humanitarian’ and ‘social’. The approach depoliticized the refugee issue at a time when politics was all consuming. As a political strategy, it provided the condition of possibility to characterize the refugee question as a humanitarian issue based on a set of transcendent and universal principles termed ‘human rights’. In this manner, UNHCR was able to claim impartiality in the way it carried out its function of ‘international protection’.

The scope of UNHCR activities comes under the categories of ‘international protection’ and ‘assistance’. Its protection function requires the agency to coordinate, direct, and supervise governments in the protection of refugees – as the ultimate capacity for international protection rest with receiving states. UNHCR also promotes and creates instruments that would enhance the commitment and legal obligations of governments to offer protection. Its assistance activities are perceived in terms of the search for durable solutions for refugees.

39 This requirement is laid down in paragraph 3 of the Statute of UNHCR.
Unlike previous refugee organizations, the description of refugees in the Statute of the UNHCR did not contain temporal and geographical limitations. The agency extended assistance to any person who is outside the country of her nationality, or if she has no nationality, the country of her former habitual residence, because she has a well-founded fear of persecution. States, however, were reluctant to assume obligations to future refugees or those outside Europe. Their response was to invent a definition of refugee that contained both temporal and geographical conditions for refugee status. The 1951 Refugee Convention was the outcome. Consequently, the UNHCR worked with contradictory refugee definitions.

The initial and primary task of UNHCR was to deal with European refugees. Palestinian refugees were excluded from the competence of UNHCR and from the purview of the 1951 Convention.40 The Palestinians refugees were the responsibility of the United Nations Relief and Works Agency (UNRWA) and not the UNHCR.41 Similarly, Korean refugees were excluded because they received aid from the United Nations Korean Reconstruction Agency (UNKRA).42 Later as new refugee movements occurred, the General Assembly authorized the extension of assistance to 'other persons' who did not come within the competence of the UNHCR by the introduction of High Commissioner 'good offices'.

As we can see from the study above, the mandates of the key refugee governing bodies were not extended to the non-Western world. For example, Japanese refugees in Manchukuo (Manchuria) received assistance from only a

40 See UNHCR Statute paragraph 7, 1 and 1951 Convention, article 1D.
41 For an account of the complex politics of Palestinian refugees and how the issue was used by the Arab states – especially Egypt, see B. Morris (1987) *The Birth of the Palestinian Refugee Problem 1947-1949*, Cambridge and New York: Cambridge University Press.
42 The United States heavily supported the UNRWA and UNKRA.
few non-government organizations. They were the responsibility of the Japanese government. Similarly, the territorial division of India and the subsequent unmixing of population attracted little attention and support. The new governments of India and Pakistan had to deal with the resettlement of fourteen million people with little assistance from the 'international community'. In contrast, there was a collective response to the displaced Palestinians. In 1948, the United Nations created a separate governing body (with its distinct mandate) for Palestinian refugees – United Nations Relief for Palestinian Refugees (UNRPR), which was replaced in 1949 by the UNRWA. The attention accorded to the Palestinians was attributable to the advent of the 'Palestinian problem' on the United Nations' political agenda. According to Zolberg (1990, p.89), these organizations were by-products of UN intervention in the Israel-Arab conflict and largely instruments of US foreign policy. Likewise, the establishment of the United Nations Korean Reconstruction Agency (1950-1958) was influenced on Cold War political calculations.

GOVERNMENTAL PROGRAMS

So far, I have suggested that population displacement in Europe from 1919 to 1951 was managed by creating 'an ordered multiplicity out of multitudes'. In the process of ordering, a previously bewildering conglomeration of bodies has been named, categorized, arranged, and regulated through

43 The UNRWA, designed to solve the Palestinian refugee problem by promoting individual refugee families to economic viability while in exile, in effect, contributed to the creation and consolidation of a Palestinian political consciousness.
44 The plight of the Palestinians was a pawn in a wider conflict between Arab states and Israel. Most Arab countries prevented or limited efforts to resettle Palestinian refugees. The result was the internment of refugees in large camps, which became towns in themselves. The discourse of 'permanent exile' hardened Palestinian consciousness.
45 Thanks to Dipesh Chakrabarty for bringing this point to my attention.
definitions, legal instruments, international agreements, institutions and their governing mandates. While these governmental techniques serve a diversity of ends, they share a common purpose, that is, to reproduce and normalize the state-citizen relationship and to reaffirm the merit of a society of states for international peace and order.

Population displacement is characterized as an anomalous condition on two ways. First, the social contract between a state and its citizen has been violated. The person is without the protection of her state and must seek protection in another state, where she is 'out of place'. Ultimately, 'international protection' is conceivable because states have agreed to treat non-citizens in a particular way. Second, an international purpose of states is to enable the efficient government of the human population.

As I have argued in Chapter Two, the understanding between states is that each should manage its domestic affairs in a manner that will not harm other states. International order depends on the recognition of this tacit code of conduct, a code that acts to preserve state sovereignty. States that cause refugee movements are perceived to have failed in their obligations to other states to the extent that interactions between states constitute a degree of sociality. A fundamental purpose of a society of states, with its rules of engagement, principles of legitimacy, and diplomatic machinery is to preserve the liberty or autonomy of states. The observance of sovereignty between states involves an implicit recognition of accountability to other states in international relations. Refugees are signs that a transgression has occurred; certain states are neither serving their domestic nor international purpose. This assessment can be used as an indictment against particular states and their technique of governing. The rest of this chapter will explore some governmental activities that aim to restore the state-citizen bond and
the perception of international order at the time. It is worth noting that the functioning of durable solutions for population displacement normalizes citizenship as a life form. That is, a permanent solution to refugees is one that reestablishes the bond between a person as a citizen and a state as her legal protector.

**Repatriation**

The initial answer to population displacement in Europe was repatriation. Except for the case for Jewish refugees, repatriation was the preferred permanent solution to deal with refugees. Immediately after World War One, repatriation was regarded as the most appropriate solution for most Russian refugees. The aim was to design repatriation schemes as an integral part of the European economic system. But the High Commissioner could not convince the Soviet Union to a general agreement on repatriation along similar lines to the population resettlement programs in the Balkans. The absence of agreement between countries of origins and countries of asylum also frustrated attempts to repatriate refugees. The nationalistic temperament of the time was unfavorable for Russian refugees, as their presence threatened the nationalizing tasks of newly formed states of Eastern Europe. According to Skran (1993, p.39), minorities already comprised at least fifteen percent of the populations in every state in the region, while the minority populations in Czechoslovakia, Yugoslavia, Poland and Romania constituted thirty-three percent of the total population. From 1921 to 1939, the general attitude was that organized repatriation programs, as a solution to the refugee problem was unworkable. Hope Simpson (1939, p. 529) concluded that ‘repatriation had not provided a complete solution of any of the important post-War refugee movements, and it could be ignored as an important element in any future program of international action aiming at the practical liquidation of the existing refugee problems’.

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At the end of World War Two, the repatriation of persons displaced in Western Europe was a relatively successful operation. But the repatriation of Eastern Europeans proved more challenging. UNRRA devised ‘Operation Carrot’, which pledged to provide 60-days food rations upon arrival to DPs and refugees who decide to return (Salomon, 1990, p.168). Division amongst the actors responsible for the government of the displaced also hindered repatriation. While UNRRA pursued a policy of repatriation, the military authorities formally in charge was less enthusiastic about the activity. Cold War politics had politicized repatriation. The West, and in particular, the United States and Britain polemically implied that the ‘forcible’ return of a person (usually used in reference to those from Soviet Union and Eastern European states) was to condemn her to the political oppression of Communist rule.

**Resettlement**

Besides repatriation, integration and resettlement were the other possible permanent solutions. Integration referred to the settlement in the country of refuge, while resettlement was the relocation of refugees to a ‘third country’. The domestic labour requirements of receiving countries influenced the condition of possibility for integration and resettlement. Overall, resettlement schemes fitted into the increasingly regularized system of international migration. The reworking of international migration into a strategy of resettlement for refugees was a significant innovation.

Interestingly, little attention was paid on issues of ‘absorption’ in resettlement countries. Only Hope Simpson (1938) offered an impression of the possible four areas of concern – legal, political, economic, and cultural. The major concern was ‘refugee mentality’, which portrayed the political attachment
that refugees had with past communities. Such an attachment was considered destructive to the aims of naturalization, that is, nationalization to the new country of residence. Cultural differences, however, would not be a major source of discord because 'no cultural sacrifices [were] essential as a condition of final absorption' and experience showed that social assimilation would be complete in two or three generation (Simpson, 1938, p.540).

There were two types of resettlement schemes. One variety relocated refugees from densely populated cities and towns, where their presence was believed to be unsettling, to sparsely populated rural areas. The other form relocated refugees to 'under-populated' regions of the world. The assumption that population pressure lead to war was widely accepted and disseminated by politicians, scholars, and international public servants (Citroen, 1951). As mentioned in Chapter Two, Lebensraum was a powerful idea in Europe and geopolitical knowledge had been influential in shaping the relationship between territory and population. Themes of 'manpower equilibrium', 'national health', and 'excess population' was part of the language used to promote organized migration. Add these ideas to the anxiety over peace in Europe and the need for human resource elsewhere in the world and resettlement schemes appeared to be an intelligent and practical solution.

The requirement of postwar reconstruction in some European states and the general demand for labour in settler states allowed resettlement to be a viable solution in the early and mid 1920s and again in the mid 1940s. The conditions in France indicated how resettlement was an acceptable and

successful solution to population displacement. The French government perceived the health and wealth of the country as dependent on the size of its population. During World War One, France suffered the loss about 1.5 million members of its male population. This demographic situation prompted the government to encourage immigration, offer special incentives payments for large families, and outlaw birth control. From 1922-1925 France permitted the entry of about 1.5 million foreign workers, of which 400,000 were Russian refugees willing to perform menial jobs (Marrus, 1985, p.96). Recruiters were sent to Sofia and Constantinople to persuade displaced Greeks and Macedonians to move to France (Marrus, 1985, p.114). Upon arrival in France, they were quickly deployed in the task of reconstruction.

Refugee governing bodies were central to the implementation of resettlement schemes. By late 1945, the task of UNRRA had shifted from the organization of repatriation programs for DPs to the coordination of their resettlement in European camps. After the termination of UNRAA, the IRO launched an even more ambitious resettlement program. It supervised the entire resettlement operation - from the moment when a displaced person or refugee applied to the organization for emigration assistance to the moment when she established herself in the immigration country.

The functioning of the IRO as an international employment/migration agency was extensive. The bureaucratic machinery of the organization collected useful data such as language proficiency, previous work experience, and vocational or professional training. The IRO carried out extensive vocational training programs for adolescents and older persons. It also introduced a vocational and professional certification system, which converted, after a series of assessment, the former skills and qualifications of refugees into certificates of merit (Proudfoot, 1957, p.419).
training, language lessons, and skill elevations, the IRO counseled refugees on the most appropriate potential country of resettlement. In short, it prepared refugees for interviews by the various national selection or resettlement committees. Those selected were granted an immigration visa in their IRO passport, and those rejected were returned to a 'static camp' to wait for another chance (Proudfoot, 1957, p.424).

The marketing campaign, which involved the UN, UN Educational, Scientific and Cultural Organization (UNESCO), and voluntary agencies emphasized the economic, technical and social values of these people as potential immigrants. The general shortage of skilled labour and technicians after the war provided considerable resettlement opportunities for refugees. Argentina, Brazil, Bolivia, Chile, Colombia, Ecuador, Peru, Venezuela, Canada, the United States, France, Belgium, the Netherlands, Morocco, Tunisia, Australia, Switzerland, and Sweden made bilateral resettlement agreements with the ILO. In the four and a half years of the resettlement operation, over one million European refugees migrated to many parts of the world. Australia and Canada embarked on large-scale immigration programs. Australian government, under the slogan 'Populate or Perish', sought refugee-immigrants to increase the size of the total population, which was perceived to be critical for national economic viability (Boyle, Halfacre, and Robinson, 1998, p.155). Moreover, refugees were not seen as a security risk but as a defense against future military threats from Australia's aggressive Asian neighbours.

As noted before, political tension between 'East and West' marked the activities of the various refugee agencies. Just as repatriation was politicized,

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47 See Holborn (1956) for the details of each bilateral agreement.
the organized migration of refugees attracted criticism from the Soviet Union and Eastern European countries. They argued that the schemes were designed to recruit cheap labour to the West rather than to assist refugees. Salomon’s (1990, 1991) research on refugee policy in the immediate post-World War Two period shows that this charge was valid. Immigration countries sent selection teams to camps and countries of refuge to choose refugee-applicants according age, health, and occupational qualification (Vernant, 1953, p.35). For example, Britain embarked on an extensive labour recruitment program dubbed ‘Westward Ho’ to ‘skim the cream of the DPs – generally understood to be the Balts’ (Salomon, 1990, p.173). Likewise, the Dutch government asserted that the admission of DPs and refugees should be in the interest of industry and commerce, and in sectors where labour shortage was an obstacle to national reconstruction.

Population Transfers and Exchanges

The territorial settlements after both wars had not reduced the scope or intensity of the minorities problem in Europe (Schechtman, 1962, p.4). The nationalization of populations produced the ‘national minority problem’ in post-1919 Europe. The ‘unmixing of peoples’ through the reorganization of political boundaries, however, did not completely achieve the desired result. Due to the territorial redistribution, some acquired new nationality, some refused their new nationality, some lost their nationality, and some found themselves in a vulnerable position at the frontier zones of new states. National minorities were perceived as one of the major obstacles to both the political unity of these states and the peace in Europe, but further revision of state boundaries to accommodate the claims of every national group was also untenable (Schechtman, 1946, p.4). Moreover, the unregulated mass movement of displaced populations as a result of reorganization of Europe
intensified the danger represented by minorities to the international order. From this perspective, ethnic cleansing in the forms of population transfers and exchanges was an acceptable policy option.48

International agreements on population transfers and exchanges were based on ethno-national identification.49 The League of Nations viewed population transfers and exchanges as legitimate means of addressing the tension between the boundaries of national states and the ethnic composition of the population within them. It considered the practices as constitutive of the League’s minority protection system.50 It was hope that the relocation of national minorities who were outside the boundaries of their national states would reduce disruptive claims of national self-determination, and thereby ease tensions between and within states (Preece, 1998, p. 823). Another belief was that the transfers transformed groups who were at one time minorities into self-determining populations in their own national states. While expulsions unilaterally carried out by governments were considered an unacceptable practice, deportations based on agreements between sovereign states were legitimate. The reality that population transfers and exchanges had the effect of compelling people to leave their place of residence was seen by League members as a short-term costs that must be suffered for long-term gains.

49 The first explicit exchange of population as part of a peace settlement in the twentieth century was the 1913 Treaty of Peace between Turkey and Bulgaria. Under the agreement, Muslims in the territories ceded to Bulgaria had the option to either remain and pledge loyalty to the new sovereign, or to leave for their national state.
50 A transfer may or may not be an exchange. ‘Population exchange’ refers to the process whereby populations are exchanged, in total or in part and with or without a treaty, between territories or States, whereas transfer refers to a policy of removing people away from their places of origin and repopulating that locality with other populations (Meindersma, 1997, p.336).
So strong was the belief that the 'mixing' of populations would undermine the integrity of the national state that the decision to formalize and implement compulsory exchanges was not controversial. Compulsory population exchange was not seen in terms of forced migration. Indeed, it was praised as a legal innovation intended to manage relations between states and settle internal disturbances. It had international respectability as 'a solution to the troublesome minority problem' (de Zayas, 1988, p.20). For its supporters, compulsory exchange was necessary to ensure the 'orderly and humane' movement of populations.

The most notable examples of the transfer of minorities included the Treaty of Lausanne of 1923 between Greece and Turkey, and the Convention on Reciprocal Voluntary Emigration between Greece and Bulgaria signed at the same time as the Treaty of Neuilly. The Treaty of Lausanne involved the compulsory removal of 1.5 million Greeks and 400,000 Turks, while the arrangement between Greece and Bulgaria involved the transfer of 100,000 Bulgarian and 35,000 Greeks (de Zayas, 1975, p.222-23). Indeed, the Treaty of Lausanne, often cited as an achievement in international law set the precedent for population cleansing in the form of the 'orderly and humane' transfer of populations during and after World War Two. Under the Treaty of Lausanne, the League established the Mixed Commission, which work under

51 The characterization of recent conflicts in the Balkans has revived the idea of exchanging populations as a potential solution.
its own definition of the term ‘refugee’. It defined a refugee as a person ‘who had left their country of origin in order to establish themselves in the country to which they were nationally akin on the occasion of war, a revolution, or a political movement, and who are in a state calling for assistance’ (Ladas, 1932, p.134).

Since the transfers were designed to consolidate new boundaries, it was in the interest of states and the League to provide a wide range of assistance. The Mixed Commission facilitated the settlement of exchanged and transferred populations by providing loans and infrastructure, and by distributing seeds and cattle. The Greek Refuge Settlement Commission made up of Greek government officials, Greek refugees, and League of Nations representatives resettled Greek refugees by establishing villages, teaching agricultural techniques, and building infrastructure (Ladas, 1932, p.618). The Greek government strategically built villages and relocated the transferred populations onto recently won and therefore, contested territory. This strategy also sought to domesticate a previously displaced community. Similar programs were carried out for ethnic Bulgar refugees in Bulgaria, and for Armenian refugees in Greece and the Middle East, but they were not so extensive.54

During the Second World War, bilateral agreements on population transfers were numerous and mostly concerned the removal of German and non-

54 Germany’s policy in the early 1940s also deployed its national population to colonize new territories and secure border zones. Israel (1948-49) also used this strategy of clearing borders of minorities and establishing frontier settlements with a transferred national population when it sought to secure conquered territories. According to historian Benny Morris, the fear of renewed war with Arab states along the border regions in the south, north and centre of the country, prompted an Israeli desire to achieve ‘Arab-less’ frontiers. See B. Morris (1993) *Israel’s border wars, 1949-1956: Arab infiltration, Israeli retaliation, and the countdown to the Suez War*, Oxford: Clarendon Press.
German minorities as set out in Hitler’s Reichstag speech of 6 October 1939 (Schechtman, 1946, p. ix). After the war, bilateral transfer of minorities took place between Czechoslovakia and Hungary, Hungary and Yugoslavia, Yugoslavia and Italy, the Soviet Union and Poland, and the Soviet Union and Czechoslovakia (Preece, 1998, p.829). The Allies remained convinced of the value of the practice as the ‘most constructive answer’ to the problems of mixed populations and minorities in the danger zones of Europe (Schechtman, 1962, p. 390). Indeed, during the immediate post-war period, the sentiment towards population transfer was that it was a necessary practice for the prevention of future wars. In addition to the necessity argument, however, states were often eager to deploy population exchange as retribution against those identified as adversaries.

An element of retribution and a measure of political calculation unmistakably set the context in which the practice of transfers was carried out. The Potsdam Protocol of 1945 authorized the compulsory population transfer of fourteen million ethnic Germans ‘in an orderly and humane manner’ from East of the Oder-Neisse line - from Poland, Czechoslovakia, and Hungary. Close supervision of the movement of ethnic Germans was important as uncontrolled flow would hamper the occupying and controlling authorities

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56 In the mind of a former director of the Pan-European Union, population transfers ‘cut the cancer from a sick body’ (Quoted in Schechtman, 1962, p.375).

in their main tasks of disarming German armed forces and repatriating displaced persons (Persson, 1988, p.171). Ironically, the inexpensive labour of the expellees was a valuable resource to the postwar reconstruction of Germany.

**Passports and Travel Documents**

The passport system is essentially an arrangement between states, which effects inter-state relations in three ways: the passport’s role as an identity document, the issue of nationality, and the diplomatic protection of citizens abroad (Goodwin-Gill, 1978, p. 24). The passport has come to mean a document of identity, which a state generally requires alien travelers to have in their possession. In other words, the possession of a passport is the most fundamental condition of entry or admission. Two qualifications are needed though. First, the municipal law of the state determines the form of the passport or visa it requires of the alien. Second, in international law, the accepted view on protection relates protection to the status of the bearer, and not to the possession of a passport. By institutionalizing the state-citizen bond in this way, the passport also allows an alien to be returned to her ‘country of origin’. The ‘returnability’ of an alien is a crucial matter in the determination of whether she is to be permitted to enter another state.\(^{58}\) If passports or similar such documents are to be recognized by states, a guarantee of returnability is essential; this is customary international law. Stateless persons, therefore, represent particularly difficult problem to states.\(^{59}\)

\(^{58}\) The fact of possessing a passport, however, in no way assures the entry of the holder into the state of issue. The guarantee of returnability demands by the rule of customary international law relates to obligations owed between states alone.

The introduction of a tentative passport system by states was an attempt to facilitate the work of police and of other state authorities in preventing internal revolutions and counter-revolutions (Molony, 1934, p.24). The system was a police measure calculated to prevent the relatively free movement of political activists rather than to identify nationality. The passport system in its modern form developed during the First World War, when states were eager to curb the emigration of persons of military age and the immigration of 'suspicious' persons. Consequently, the passport came into use as a way of regulating the flows of population and for certifying nationality (Marrus, 1985, p.92). The Resolution of the League of Nations on Passports, Customs Formalities and Through Tickets on 21 October 1920 and the Convention of Gratz on Passports on 27 January 1921 confirmed the significance of the passport as a measure that governed the movement of population across state boundaries. In the immediate postwar years, many states were keen to establish mechanisms that delivered a sense of predictability and control.

The nascent international agreements on refugees centered on the issue of identification papers rather than the construction of a legal definition of refugees or the scope of legal protection. The first legal instruments were identity papers that allowed Russian refugees a degree of regulated movement. Those registered as refugees were issued certificates of identification for one year, which enabled them to travel within and between states in search of employment. The travel documents were issued by the police departments of European countries rather than by foreign offices. The 'Nansen passport' was renewable but became invalid if the bearer returned to the country of origin. It was important that refugees were able to travel to find work because at the time, concentrations of refugees in Poland and Germany were becoming an economic burden and a political risk to the governments of these countries. Of course, the recognition of such a travel
document required agreement among states. The understanding was that no states was obliged to receive refugees bearing such certificates, but that all parties agreed to recognize them as valid identity papers (Marrus 1985, p.94). The 1922 certificates gave refugees the right to return to the issuing state. Subsequent certificates were not valid for return unless they contained special statement to that effect (Holborn, 1972, p.10). Initially applicable to the problem of Russian refugees, the Nansen passport was later expanded to include Armenians, Assyrians, Assyro-Chaldeans, and Turkish and Saar refugees.

Travel documents issued to refugees and stateless persons provide evidence of identity and status, but they do not substitute for passports or affect the holder's nationality. States have agreed to issue travel and identity documents to refugees and stateless persons because the practice allows them to monitor and regulate the movement of people. 'Nationality' is a legal identification and a category of belonging that tells states who belongs in which state. In this system, stateless persons as those without nationality represent practical difficulties for states. The dilemma remains unresolved, as states have yet to reach an agreement on the most effective way to overcome statelessness. In international law, the 'country of origin' for stateless person is the 'country of habitual residence'. In short, refugee identification papers and travel documents are constitutive of the characterization of the refugee as a specific category of person. They are devices that distinguish the refugee condition as one where the contractual bond between the state and its citizen has been broken.

60 Fifty-four states agreed in principle to accept the 'Nansen passport' for Russian refugees (Holborn, 1975, p.9).
61 But the attempt to have governments accept the creation of a common travel document for stateless persons and refugees was a failure.
Concluding Remarks

The purpose of this historical retrospective has been to demonstrate the connections between mode of thought, governmental activity, and flexibility in the use of the term 'refugee'. From 1919 to 1951, the approach to refugee definition moved from a basis in national group category to a more legalistic, individualistic, and abstract one. Despite the definitional shifts, the term 'refugee' is organized around the relationship between a person and a state – whether it is the state of domicile or the asylum state. Refugee agencies and their mandates, travel documents, population exchanges, and repatriation and resettlement programs all seek to reestablish the contractual relationship between a person and a state. Indeed, the purpose of international protection is to provide a surrogate state-citizen condition until an authentic one can be established through one of its durable solutions. Like the minorities protection regime, then, the refugee regime (re)produces the value of the national state as the location of belonging. In turn, the functioning of the refugee regime normalizes the disorder of refugees and displaced populations. The various governing activities produce a regime of truth about refugees as anomalous beings in a world organized into political communities comprised of national citizenry, who are potentially disruptive to national and international order.

This chapter also points out that between 1919 and 1951, efforts to address population displacement had largely been limited to Europe and reflected Western concerns. Displaced non-Europeans had yet to become 'persons of concern' for the refugee regime. Displacement is a condition experienced by people who are compelled to move for diverse reasons. Yet, from this density of movement, only certain groups acquire the characteristics of being refugees. The next chapter will inquire into the incorporation of non-Europeans into the refugee regime. It will tell a story of how the
characterization of the non-European refugee experience as something distinctive from the Western experience has (re)produced eurocentric assumptions about life worlds. The representations of the refugee problem outside Europe and the interventions made in the name of international protection reflect a particular configuration of power relations.
As we have seen, there are two aspects to the ‘problem’ of refugees. On one level, the problem of refugees is the result of a territorial-based system of population governance, namely, sovereign states. Practices of nationalizing populations within states have produced national or ethnic minorities – categories of persons distinct from the nation. These persons have constituted the bulk of displaced persons in Europe between 1919 and 1951. On another level, the characterization of refugees is not fixed and the governing activities are diverse. From this perspective, the meaning and government of refugees are reflections of particular understandings of the social world. Chapter Four
WOULD VISION

'unpacked' some of the self-evident features of the government of refugees and of the power relations that underpin the issue of refugees as a domain of intervention. It also noted the exclusion of non-Western populations from the legal and political protection of the leading refugee organizations.

This chapter continues with the objectives of the thesis to question the normalized conceptualizations of refugees and to analyze the power relations that produce 'truth' about the refugee problem. It does this by examining the inclusion of non-Western refugees into the calculation of refugee governance circa 1950. There have been two distinct characterizations of the refugee question in international relations in the post-1951 period. The East-West divide provided the grid of intelligibility for 'political' refugees who were mostly Europeans fleeing Communist regimes. The North-South divide framed the 'reality' of non-European refugees who live in the shadow of 'underdevelopment'. While historical accounts of the international refugee regime have considered the effects of the East-West conflict on the 'evolution' of regime practices, the consequences of constructing a North-South world for the government of refugees have received less attention. The tasks of the chapter are to inquire into how perceptions of the South have shaped governmental practices for refugee and to disclose the power relations that underpin the representation of some people as Third World refugees.


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and Rist (1997), the argument is that 'development' has been a crucial strategy in the government of non-Western refugees. While I acknowledge the specificity of each refugee movement, my present task is to consider the inscription of power relations and the mode of thought (in)forming practices towards non-Western refugees in international relations rather than to offer narratives of specific incident. At stake is the representation of non-Western refugees as subjects of development. This view, I suggest, reflects a Eurocentric set of ideas about how the world should be understood, ordered, and governed.

I am not suggesting that development projects have brought no benefits to parts of the world. On the contrary, some development strategies have been successful in increasing Gross National Product (GNP), addressing infrastructure needs, and promoting industrialization. This has been the case for the Newly Industrializing Countries (NICs). Furthermore, I am not suggesting that the fieldworkers and architects of development projects are intentionally Eurocentric. Without doubt, their activities have contributed to the survival and welfare of many refugees. My intention to analyze the development-refugee link is to provoke a reflection on the habits of thought that has informed our action.

The chapter is organized into four sections. The first part outlines the broad changes in international relations that have influenced the discourse of refugees and the government of international relations. One of the most significant transformations was decolonization. The second part explores the shifting geography of displacement. The refugee question shifted from within Europe to outside Europe from around the 1960s. The third section looks at development as a distinctive realm of human experience and social relations. Development has become one of the most powerful ordering assemblages of
thought and practice in the twentieth century. As a metaphor for transformation towards growth and maturation, the development trajectory not only makes the idea of a 'Third World' possible, it also locates the populations of this world as the 'not-yet' objects of constant improvement. The final section discusses the construction of Third World refugees as a problem of development, with special attention to the African experience. The link between refugees in Africa and problems of development has acquired a character of naturalness. I suggest, however, the invocation of development has been a historical response to difficulties in crafting governmental practices.

**CHANGING INTERNATIONAL CONDITIONS**

The purpose of this section is to provide a summary of the historical conditions that transformed understandings of the refugee question and enlarged the refugee regime. The common view claims the international refugee regime came into being with the 1951 Convention and the Statute of UNHCR. This is an oversimplification, which ignores the historical experiences of the non-West. One reason for the expansion of the regime has to do with a growing attentiveness towards population displacements outside the geographical confines of Europe. From the expansive writings on the history of international relations post 1945, we can identify six interrelated developments that have affected the government of international relations and created the conditions of possibility for the internationalization of the refugee regime.²

² I use the term 'internationalization' to refer to the development and expansion of the agreement that refugees are of international concern at the level of diplomacy, international institutions and treaties.
First, the process of decolonization in Asia and later Africa transformed the political map of the world and upheld the sovereign territorial state as the form of political organization. Hargreaves (1988), Grimal (1975), and Fieldhouse (1982) argue that the incentive to decolonize Asia and Africa was the colonial rulers’ perceptions that their interest lay in such a policy, rather than to the decline of their power in an international order dominated by two ‘Superpowers’. The consequences of decolonization were many. The number of member-states of the United Nations increased from 51 in 1945 to 152 by 1980 (Adams, 1994, p. 32). With the euphoria of post-independence, leaders of the new postcolonial states used the United Nations as a forum to push their interests and grievances. They formed the Non-Aligned Movement to distance themselves from the struggle between the Superpowers (Lundesrad, 1997, p.291). In the 1970s, these states called for a New International Economic Order (NIEO) in a bid to pressure industrial countries to engage in a dialogue on restructuring international trade. Whether they were successful was not the issue, the point was that Western states had to deal with the ex-colonies as nominal equals.

Second, the tension between the United States and the Soviet Union arising after the Second World War over the future of Eastern Europe triggered a major shift in the conduct of international relations (McWilliams and Piotrowski, 1993, p.32) Generally known as the Cold War, the antagonism intensified in 1947 with the Truman Doctrine. The declaration was the United States’ commitment to contain – by economic as well as military means – all manifestations of Communist expansion wherever they occurred.

3 Decolonization in Africa was not wholly confined to the post-World War Two period. South Africa and Egypt gained independence in 1910 and 1922 respectively.
4 The Non-Aligned Movement’s attempt to extricate itself from the Cold War rivalry was largely unsuccessful as the post-colonial states found themselves drawn into the East-West conflict economically and politically – often with detrimental results.
(McWilliams and Piotrowski, 1993, p.40). This was American’s global strategy. It designed the Marshall Plan for European recovery and the Colombo Plan for Asian economic and social development. Under the idiom of collective security, NATO (the North Atlantic Treaty Organization) was formed to prevent the spread of communism to Western Europe. The Soviet Union responded with the creation of the Warsaw Pact. As Jim George (1994, p.69) observed, international Relations became ‘a Cold War discipline’ dominated by US foreign policy and ‘security’ concerns. The writings of Stanley Hoffman, George Kennan, and Reinhold Niebuhr provided the conceptual framework for thinking about international relations. Hans Morganthau’s *Politics among nations: the struggle for power and peace* (1949) was a particularly important text for the making of international relations and problematizing of international life post 1945.

The third development was the construction of the three worlds - each with its special domain of activities and concerns (Worsley, 1984). The ‘North,
South, East, West' compass set the direction of international relations and mapped the content of interaction between states (Lundestad, 1997). The East-West world of the Soviet Union with its communist allies and the United States with its supporters was perceived largely as the domain of strategic power and security concerns. Superpower politics and the bipolar system became the central frames of reference for explanations of international affairs and policy prescriptions. The 'problem', from the perspective of the West, was communism as an economic and political system. The other conspicuous division was the socio-economic North-South division. The North was the 'advanced' and industrial countries of the West and Japan – the First World. The South consisted of the decolonized and economically weak states – the Third World. The Second World was the Soviet Union and Eastern European countries. Countries were ordered accordingly as 'developed', 'developing' or 'underdeveloped'. The usage of acronyms LDCs (Least Developed Countries) and NICs (Newly Industrializing Countries) differentiated countries and reinforced the horizon of 'progress' to which all non-Western and non-capitalist countries were destined to travel.

This leads us to the fourth development, which Gill and Law (1988), Keohane and Nye (1977), and Kegley and Wittkopf (1993) identified as the institutionalization of a liberal international order. A range of international regimes and institutions were established under the name of 'integration' and 'cooperation', and later, 'interdependence'. Such a move not only functioned to manage international relations, it also contributed to the normalization of liberal governmental norms and liberal mentality. The Bretton Woods regime, the establishment of the International Bank for Reconstruction and Development - an institution that enabled private investors to make worldwide investments with state backing - the World Trade Organization, and the Universal Declaration of Human Rights - all served to integrate states into a system of regulatory norms and practices. These enterprises were
partly driven by the Cold War competition to establish spheres of influence and by the America’s ambitions to order and manage the world according to its vision.

The fifth transformation that influenced the perception of refugees was the new pattern of international migration. Boyle, Halfacre, and Robinson (1998, p.17) argue that the character of international migration in the twentieth century was dominated by Europeans until the 1960s. However, the process of decolonization resulted in the flows of former colonial subjects to the ‘centre’ or ‘metropole’ (Grimal, 1975, p.417). In postwar Europe, there was no differentiation between ‘economic’ and ‘political’ refugees from non-Western countries as long as there was a need for cheap human resources. In the 1950s and 1960s, the politically persecuted Ibos of Nigeria, Tamils of Ceylon and Asians of Kenya and Uganda were ‘economically invisible’ in Britain because it needed workers (Sivanandan, 2000, p.11). Castles (1989) and Cohen (1987) claim that the international movement of people from the ‘satellites’ to the ‘metropoles’, or ‘South-North’ migration, was acceptable due to the demand for the reconstruction and later, economic expansion of Western states.

The expansion of the welfare state and the economic decline of the 1970s shifted the representation of immigrants who came as laborers or ‘guest workers’ (Gastarbeiter). The claims of refugees started to be measured against the virtues of ‘economic forces’. Governments began to emphasize the distinction between a migrant, who voluntarily moved because of economic motivation and a refugee, who was forced to move due to political reasons. The presence of migrants and refugees was cast as a problem for governments and a threat to social cohesion. Accompanying this development was the emergence of a migration research industry, which produced knowledge on problems of social cohesion, governing diversity,
racism, ethnic identity and ethnic minorities for 'receiving' or 'host' countries in the West.

For the purpose of this chapter, the contradiction of hope and pessimism that arose in the late 1960s is the sixth and last influence in interpretations of international relations. 'Globalism' and 'One World' consciousness were ideas about human interconnectedness, which inspired the peace, anti-nuclear, and environmental movements. Peace research and conflict resolution became academic enterprises, and a number of scholars began to reconceptualize international relations in global terms.7

According to Rist (1999, p.141), these shifts were the other side of gloom and doubt being experienced in the industrial countries. Economic thinking on scarcity also 'revealed' the proliferation of dangers facing 'humankind'. From the metaphor of the tragedy of the commons (Hardin, 1968) to the Malthusian prophecy of the population bomb (Ehrlich, 1968), One Worldism announced shocking 'truths' too. In a world of risks and dangers, technology offered a way to rationalize and manage the anxieties induced by unpredictability and uncertainty. But Harrison (1984) and George (1977) insisted that the technological revolution had not solved problems of poverty and hunger.8


8 The faith in the ability of technological innovation to solve poverty and inequality was the driving force behind the 'green revolution', which urged farmers to plant special high-yielding and insect resistant varieties of rice. Today, similar claims are being made about the internet as a facilitator for equality in developing countries.
This schizophrenic character of 'One Worldism' shaped the refugee problem in two ways. First, the refugee issue was constructed within a global humanism that simultaneously emphasized and homogenized needs and values. Second, the problem of refugees was rendered solvable by way of a technical humanism that claimed a capacity to identify and rectify the causes and effects of social phenomena. These issues will be expanded upon in the following sections. For the moment, a brief overview of population displacement will contextualize these issues.

**THE SHIFTING GEOGRAPHY OF DISPLACEMENT**

Stoessinger (1950), Elliot (1982), Melander (1988), Rystad (1990), Salomon (1991), and Robinson (1995) have analyzed the connection between the Cold War and responses to refugees. Holborn (1975) and to an extent Loescher (1993) have recorded the work of the United Nations High Commissioner's for Refugees - the principal international refugee organization after 1951. The findings of these studies could be summarized as follows.

In the beginning of the Cold War, the term 'refugee' implied those who fled Communism and sought 'freedom' in the West (Robinson, 1998, p.72). In the 1950s and 1960s, the emphasis was on 'exile' as the appropriate solution for refugees from Eastern Europe. Resettlement in a third country and integration (or assimilation) in the country of refuge were the most acceptable policies.9 Robinson (1998, p.73) maintains that this policy was conceivable because the numbers of refugees were relatively modest and they were

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9 US refugee policy was designed for those who had fled from 'Communist-dominated or Communist-occupied areas of Europe'. Indeed, until 1980, refugees from Communist countries automatically received refugee status under US refugee law (Salomon, 1991, p.14).
mainly white, European, Christian and skilled. In view of the limits inscribed onto the legal instruments for refugees, this statement is correct.

The 1951 Convention and the Statute of UNHCR were designed to address political refugees from eastern Europe and not refugees outside of Europe. Non-Europeans were not officially included in the legal definition until the 1967 Bellagio Protocol, which has yet to be signed by all UN members. Before the 1967 Protocol, the Good Offices of the High Commissioner for Refugees were established to offer very limited emergency relief and material assistance for non-European refugees. The General Assembly authorized the UNHCR to assist refugees who did not come within the statutory definition for the first time in 1957 for Chinese refugees in Hong Kong. Subsequently, other groups who did not come within the defined competence of the agency, but who nevertheless required attention also came under the care of the Good Offices. In time, as incidents of population displacement continued to arise, the activities of the UNHCR responded according to the significance attributed to them and to the stipulations of the General Assembly and Economic and Social Council (ECOSOC).

From the late 1960s, Europe was no longer the main source of refugees. Instead, it began to receive non-European and 'Third World' refugees. The situation was perceived to be manageable until the late 1970s when the West felt it no longer had the capacity to regulate the flow by selecting refugees through its 'off-shore' programs (Widgen, 1989). The 'irregular movement' of refugees raised concerns that a great number of 'new' asylum seekers were reaching the borders of Western countries in an 'illicit' manner, namely, by
The arrival of the Vietnamese refugees in the late 1970s on the shores of South-east Asian countries and Australia was the most obvious instance of irregular movement. According to Dennis McNamara (1989) and Arthur Helton (1989) a number of countries had adopted a policy of 'humane deterrence' to keep the new asylum seekers out. Two notable practices of deterrence were detention and restrictions on social services available for asylum seekers.

By the early 1980s, voluntary repatriation had replaced resettlement as the most desirable and durable solution to problems of refugees and displaced persons (Chimni, 1999, p.3). Asylum, considered fundamental to international protection during the Cold War in Europe, was now a problematic practice. The question of whether a person was a *bona fide* asylum seeker or economic migrant also emerged from this context of the apparent increase in spontaneous refugee movement. A refugee status determination process based on individual assessment was thought to be unsuitable to the new condition of mass displacement. The administration of a large number of asylum applicants was considered too costly and time-consuming. Moreover, the racialization of migrants and refugees in Western countries shaped governmental activities. In other words, Western governments resisted the presence of predominantly non-Europeans asylum seekers who were seen as threats to their cultural and political integrity.

In light of these international developments, the characterization of the refugee question and governmental strategies underwent significant

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10 Technological advancement and the appearance of relatively cheap air travel had been blamed for the upsurge in 'irregular movement'. These 'jet-age refugees' represents new problems and the governments of the West had responded by establishing a variety of regulatory practices and by calling for further cooperation and coordination in terms of refugee policy.
transformation. Crisp and Nettleson (1984), D'Souza and Crisp (1985), and Loescher (1993) contended that by the 1960s, mass population displacement in many parts of Asia and Africa created the sense of a new 'global' refugee crisis. Proxy wars conducted by the US and the Soviet Union in Africa, Southeast Asia, the Middle East, Afghanistan, and Central America, also contributed to population displacement. With the exception of refugees admitted from Vietnam, Cambodia, Cuba, and Chile, nearly all 'Third World' refugees remained in their regions of origin (Loescher, 1993, p. 75). The coordination of humanitarian relief and emergency assistance, rather than international protection, became the main task of the UNHCR. Numerous NGOs worked alongside the UNHCR to control the displaced populations in the huge refugee camps of the Third World. Foreign aid and development assistance redefined the refugee question. The choreography of a state of emergency became 'truths' about the conditions and problems in Third World countries. Indeed, from the 1970s, the refugee problem was reconceptualized as a Third World dilemma.

The rest of the chapter examines some aspects of the Third World refugee problem. It considers the link between refugees and development thinking and the implications of this mode of thought for practice. The effects of the refugee-development conjunction appears most starkly in the 'African refugee problem', and I will, therefore, use this case to illustrate how the deployment of development in the government of non-Western refugees (re)produces some Eurocentric views about the world. To appreciate the issues at stake, we first need to inquire into the power of development.
Development is an idea, process, and goal that alludes to efforts aimed at assisting certain countries to address the various problems of economic growth and modernization. Since 1945, the discourse of development and underdevelopment has been an important strategy in ordering relationships between states, particularly between those states organized by the North-South compass. The process of development has been a site of contention. But until recently, the idea and goals of development have not been challenged.

The Language of Development

After World War Two, economic development became both a universal goal and a measure by which states were classified. According to Colin Leys (1996, p.5-6), the notion of development was inspired by a desire to do something for the people of the ex-colonies and by an anxiety over the spread of communism. The Truman doctrine of 1949 was a turning point for the emergence of ‘development’. His ‘fair deal’ for the world included an agenda to solve the problems of the ‘underdeveloped’ regions. Point four of the doctrine introduced the concept, outlined a particular vision of world order, and justified policies to achieve that order.

[W]e must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas.... What we envisage is a program of

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development based on the concepts of democratic fair-dealing. Democracy alone can supply the vitalizing force to stir peoples of the world into triumphant action, not only against their human oppressors, but also against their ancient enemies – hunger, misery, and despair (Truman, 1949).

Underdevelopment became the identifiable characteristic of colonies and later postcolonial states. But the fervent speech was not followed immediately by keen involvement in the region. America’s priority was postwar reconstruction in Europe.

Development involved a conviction that economic forces could be controlled and that economic and social development could be planned. Western policymakers and social scientists, along with the political leaders of Africa and Asia believed that with meticulous planning they could reshape society. At the international level, the United Nations organized a series of expert groups to study the problems of underdevelopment in 1951 (Meier and Seers, 1984, p.12). The United Nations created a number of short-lived economic development funds in the 1950s before setting up the United Nations Commission on Trade and Development (UNCTAD) in 1964 and the United Nations Development Program (UNDP) in 1966. Regional development banks were created for Africa in 1964 and Asia in 1966. The International Monetary Fund (IMF) and the International Bank for Reconstruction and Development or World Bank gave out loans and advised on restructuring programs.

At the same time, the language of development was also an important legitimizing project and self-identification mechanism for non-Western states. Indeed, the states that were categorized as the Third World began to define
themselves as developing states within the international system. Since developed countries were establishing international development assistance agencies, it was pragmatic to be as identified a 'developing' country in order to access material and technical assistance. This is reflected in the dramatic expansion of development assistance and loans. Most economists believed that with significant investment, developing countries could 'take-off'. *The Stages of Economic Growth* (1960) by Rostow clearly expressed this view. In the 50s and 60s, 'the goal of development was growth; the agent of development was the state' and the means of development were macroeconomic policies' (Leys, 1996, p. 7). 'Development economics' became a major academic industry. But macroeconomic policies yielded uneven results. Signs of industrialization and growth could be seen in some countries in Asia but not in many parts of Africa and South America (McWilliams and Piotrowski, 1993, p.247-8). This success and failure of development planning raised the question of conditions for development and growth.

A different form of development thinking attempted to unravel this development puzzle in developing countries. 'Modernization theory' reaffirmed the goals of development, economic growth and progress, and the framework for these political and sociological inquiries was the transformation of 'traditional' societies to 'modern' ones. According to Weiner (1966) and Huntington (1968), the road to modernization depended on the complex interplay between forms of political and social organization, the dynamics of social and political change, and the conditions for order and institutional design. The features of 'traditional societies' and transitional societies, the role of the state, the mechanisms of change, and the sequences of political development, industrialization, and urbanization were the main

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12 The demand for a New International Economic Order in the 1970s was an example of states organizing themselves for common interests under the category of the 'Third World'.
research themes. For modernization theorists, economic growth and political development would lead to the creation of democratic institutions that would resist the spread of communism.

Another set of explanations for the obstacles to development came from neo-Marxist Dependency School. Dependency theorists like Frank (1967), Cardoso and Faletto (1979) argued that the development of underdevelopment was the core condition of many developing states. But the School did not question the goals of modernization. Indeed, dependency thinking shared modernization's goals of development. Its objective of dependency thinking was to explain why growth and progress were slow and distorted in some countries, especially countries in South America. It pointed out the historical conditions or processes that 'had stripped colonies of resources, reorganized their lands, pauperized the labour, and created compradore elites' (Sylvester, 1999, p.706). In short, colonization had disturbed the potential of these countries to industrialize, grow, and modernize.

By the 1970s, development strategies had brought positive results to some countries. As a result, the representation of the 'Third World' altered in the mid 1970s. The category no longer described the same countries as before. Hong Kong, Singapore, Taiwan, South Korea, Mexico, and Brazil all experienced rapid growth in the manufacturing sector during the 1970s. These countries constituted the Newly Industrialized Countries (NICs). The countries that did not experience even modest growth acquired the least developed countries (LDCs) label from the United Nations' new classification arrangement. Over half of the counties in Africa, according to the UN classification, were LDCs. Thus, the transformation of the 'Third World' had
two significant consequences. First, the fragmentation put an end to the ‘common interest’ between these countries, which was based more on their colonial past than on a collective project (Rist, 1999, p.153). Second, the idea of the Third World became a normalized characterization of the conditions in Africa.

The recession in the industrialized countries and falling commodities prices changed the international economic environment in the 1970s and had a tremendous impact on development thinking and practices. As the debt crisis in South America and the economic problems in Africa worsened, the goals of growth gave way to basic needs for a time. But the most significant shift was the ascendancy of neo-liberal thought or the revival of neo-classical economics in managing development. By the 1980s, ‘market mechanisms’ were seen as the key to development, not the activities of states.

During this period, the relationship between the Third World and international financial institutions also changed. To assist in the ‘recovery’ of Third World states, the IMF and the World Bank coordinated ‘rescue’ packages and structural adjustment loans that guaranteed funding in exchange for economic reform (Mosley and Weeks, 1993). The structural adjustment program was a market-based development model with an emphasis on economic prudence. Liberalizing the economy and reducing public expenditure were the two key tasks for the governments of sub-Saharan Africa. Leys (1996), Stewart (1991), and Toye (1987) claim that

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13 The success of Taiwan and South Korea was aided by the Cold War tension. They both enjoyed American aid and trade concessions from the late 1940s.

generally the poor in Africa carried the burden of wholesale economic liberalization. The World Bank's own assessment of the structural adjustment program, *Adjustment in Africa: Reforms, Result, the Road Ahead* (1994), was less condemnatory. The disappointing results of structural adjustment, according to the report, were due to the lack of sustained reform and the lack of institutional capacity, but were not a failure due to the reforms themselves. The identification of lack of institutional capacity as an obstacle to sustained growth brought back the state as a significant actor in market reforms.

**A 'People-Centred' Approach?**

By the late 1980s, according to David Williams (1997, p.236), the key challenge for 'sustainable development' was capacity building at the institutional and individual levels. Transformation was geared now at the micro-level. Concepts like 'participation' and 'partnership' were used to urge the establishment of relationships that recognized agency and responsibility. To become participants and partners in development was to 'own' the process and therefore, to be responsible for the outcome of development programs.15 The language of human development and civil society became part of the development agenda. The human development indicator (HDI) was seen as a much more sophisticated and 'people-centred' approach to development than GNP. In 1990, the United Nations Development Program

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(UNDP) published the *Human Development Report*, its first assessment of the development performance of all countries. Since then, both NGOs and international development agencies have mobilized the idea of human development to legitimize their policies.¹⁶

Ostensibly, the road to development is moving away from the preoccupation with economic growth and toward alternative practices of participatory and people-centred development. Friedmann (1992), Henderson (1996), Kothari, (1988), and Shelth (1987) contend that the ‘alternative development’ framework is concerned with defining new goals of development, which critique mainstream developmentalism.¹⁷ The most notable changes, they suggest, are the expansion of NGOs and their capacity as key players, and the primacy of social issues such as gender, environment, AIDS and education on development policy agendas.

The project to ‘humanize’ development appears to be a positive step. But how different is alternative development to conventional development? Nederveen Pieterse (1998, p.345) suggests that alternative development broadly shares the same goals as mainstream development but uses different means.

¹⁶ For example, in 2000 the theme for the annual forum of Australian Council for Overseas Aid (ACFOA) was ‘Partnership for Human Development’.

At a time when there is widespread admission that several decades have brought many failures, ... there is continuous and heightened self-criticism in development circles, a constant search for alternatives, a tendency towards self-correction and a persistent pattern of co-optation of whatever attractive alternatives present themselves. Accordingly the turn-over of alternatives becoming mainstream has speeded up;.... (Nederveen Pieterse, 1998, pp.349-50).

Since the language of capacity-building, participation and partnership are shared by advocacy groups, research institutions, national governments and international organizations, the representation of opposition can be understood as largely a political strategy by ‘stakeholders’ to justify their particular claims.

The continuity is deeper. The current focus on capacity building and micro transformation is not unique. Modernization theorists have sought to explain lack of development in terms of the traditional character of developing societies. They too, have proposed that personal transformation18 along with political and social change as necessary for development. The continuities in development thinking have been noted by Leys (1996, p.26). His account of the history of development thinking summarized the 1970s as ‘redistribution with growth’, and the 1980s as the structural adjustment path to growth. Furthermore, the current discourse of ‘social transformation’ contains beliefs

about the malleability of social world and progress that were also evident in earlier development thinking.

Disputing Development

At first, it seems difficult to dispute the goals of development. But two issues need to be taken seriously. First, the discourse of development is (and has always been) a way to conduct international relations. At the core of developmentality is a transformative aspiration towards those who are characterized as in need. From the historical studies of the discourse of development by Rist (1997), Sachs (1992) and Cowen and Shenton (1996), it is clear that development has as its principal focus the First World’s relationship with the Third World. The imaginaries of development have mapped relations between ‘developed’ and ‘developing’ states, and by extension have marked the difference between ‘developed’ and ‘developing’ populations. It is no coincidence that former colonies become ‘developing nations’. The move from a discourse of growth to human development has obscured this mentality of development and its ancillary concepts of transformation and progress. Along with the discourse of social transformation, the human development framework normalizes developmentality as a way to order North-South relations.

Development policies are interventionist practices aimed at improving life and life choices. Development, Sen (1999) claims, is best seen as a process of expanding the substantive freedoms that people enjoy. This is the same sentiment expressed forty years ago in Theory of Economic Growth (1955) by W.A. Lewis. He insists that the objective of development was to increase the range of human choices, which ‘gives man greater control over his environment, and thereby increases his freedom’ (1955, p.9-10). In other
words, to be able to participate in the process of economic, social, political and cultural development is fundamental to the exercise one’s liberty. ‘Underdevelopment’ and resource constraints impose limitations on the exercise of such liberties, while development contributes to the expansion of the capabilities of persons to lead the kinds of lives they value (Sengupta, 2000, pp. 569). Development activities are seeking to create the conditions that would enable the populations of these states to conduct themselves as liberal individuals.

Second, the trajectory of development follows the historical experiences of the West, and consequently has foreclosed any serious attempt to pluralize and expand the horizon of being. In Social Change and History: Aspects of the Western Theory of Development (1968), Robert Nisbet examines the metaphor of growth and development in Western thought on society and change and stresses that growth refers to directionality and purpose. In other words, development moves from one point in time to another and serves a human purpose, which may be a classless society as in Marxism or the exercise of liberty in liberalism. According to Crush (1995), Escobar (1995a), Latouche (1996), Mignolo (2000), Rahnema and Bawtree (1997), Sachs (1992) and Smith (1997), development, underdevelopment, progress, poverty, and growth are concepts that reproduce and reinforce a particular Western view of society and change. The ‘chronopolitics’ of development is similar to that articulated by the discipline of anthropology. ¹⁹ Both modes of thought construct an ‘other’ that is ‘not yet’ beings, according to Western sensibility. I have noted in Chapter Three the prevalence of evolutionary and developmental model of society in Western thought and the implications for the conduct of human

relations and the organization of political community. Development is a continuation of this mode of thought.

'Backwardness' is a state of being on developmental horizon. In explaining inequalities among the world's population, the concept of development has replaced the condescending terms of 'race', 'primitive', 'tribal', and 'natives' in the official vocabulary. At the core of the concept of 'developed' and 'underdeveloped' is a distinct philosophy of history. Underdevelopment is not the opposite of development; it is only lagging behind on the one continuous and linear path of development (Rist, 1996, p. 74). Development, Escobar (1995b, p.213) suggests, can be seen as a mechanism 'that links forms of knowledge about the Third World with the deployment of forms of power and intervention, resulting in the mapping and production of Third World societies', where 'individuals, governments and communities are seen as "underdeveloped" and treated as such'.

This proposition cannot be reduced to a crude 'westernization of the world' argument. As we have seen, the current practices of development, with their emphasis on participation and partnership have mobilized agency on the part of developing subjects to achieve developmental goals. Populations of the

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‘Third World’ are no longer simply recipients; they are now responsible agents of their own development. This strategy obscures both the power relations that have produced their capacity and the cultural values that are being (re)produced. The point is still valid that the discourse of development has produced a unique field of human experience for most of the world’s population. My proposition is that, although the project of development has undergone significant changes in terms of form, underlying assumptions about the need to develop many of the world’s people have remained. The current development practices indicate a dispersal of developmental processes and technique rather than a reconceptualization of the life world into one does not contain a notion of development.

Thus, the power of development lies in its amorphous character that nevertheless, suggests the best of intentions. The term has become the ground on which right and left, elites and grassroots fight their battles – with each justifying their action in the name of a higher goal (Sachs 1992, p.4). The promises of development, growth, and modernization are seductive and appear most reasonable. Development, however, involves much more than economics, it is concerned with the transformation of political and social institutions, of hearts and minds. Who wants to live in poverty? Who wants to be illiterate? Who wants to be unenlightened and miserable? As ‘underdevelopment’ becomes a domain of experience, strategies for dealing with the ‘problem’ resulted in the subjection of people, who in turn subjected themselves to systematic and comprehensive intervention.
A Crisis in Durable Solutions

A central claim of this thesis is that the government of refugees (re)produces certain cultural values. This section will show that the (re)production of Western cultural values is most evident in the characterization of the relationship between development and ‘Third World’ refugees. The proposition is that the insertion of development into the discourse of refugees marks the emergence of an extremely potent assessment of the refugee problem. The representation of refugees as developmental subjects has become pivotal to the ways in which Western states have justified their activities and responses to refugee situations in the ‘Third World’. Special reference is made to regime practices in Africa in the Cold War period because the discourse of ‘African tragedy’ dominates the imagination of those policymakers and scholars who seek to resolve and explain displacement in the ‘Third World’. 21

For many refugee scholars, the development-refugee nexus is unproblematic.22 It is taken for granted that underdevelopment is a root cause of refugee problems in the Third World. Displaced populations in the ‘Third World’ are seen as victims of various forms of underdevelopment rather than as ‘political’ refugees. Indeed, the field of refugee studies has consolidated the link between refugee movement and development issues.23

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21 The refugee regime continues to deploy development as a solution in the post-Cold War era and this is the subject of Chapter Seven.
23 For example, the Refugee Studies Program (now Centre) was established at the University of Oxford in 1982 with strong links with the Development Studies Program.
Yet, population displacement outside Europe has not always been understood in terms of underdevelopment. Aristide Zolberg (1983) claims that refugees in the developing world have arisen from two historical processes: the formation of new states out of colonial empires and confrontations over the social order in new states. According to Kibreab (1983), the struggle for national independence, the appropriation of colonial administrative structures by elites, and the struggle among elites to establish control in new states are at the core of the 'African refugee problem'. Astri Suhkre (1997) adds that the interventionist stance of the Soviet Union and the US during the Cold War internationalized regional and local conflicts and thereby, contributed to the flow of refugees in Asia, Africa and Central and South America. Cold War politics prolonged conflicts and contributed to mass population displacement in countries such as Somalia, Ethiopia, Angola, Afghanistan, Nicaragua, and Vietnam. According to Gallagher (1994, p. 433), Western powers prolonged the attacks of Eritrean and Tigrean liberation struggles on the Ethiopian government, by providing these liberation movements with relief aid transported from Sudan.

Ostensibly, the general explanation for population displacement outside Europe in the 1950s and early 1960s was that it was due to decolonization or struggles for national liberation. It was assumed that the displaced would return to their homes after the conflict. With the realization of statehood, national governments were to manage their countries and populations in such a way that the movement of people across boundaries would become a

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regulated affair and flight would be an exceptional event. Indeed, in a recent interview, ex-president of Tanzania, Julius Nyerere admitted that refugees from independent Burundi were seen as an aberration in the 'new' Africa (UNHCR, 1999c, p.14).

In 1969, the Organization for African Unity (OAU) approved the Convention Governing the Specific Aspects of Refugee Problems in Africa. The convention contained a broader definition of refugees than the 1951 UN Convention and included persons fleeing because of 'external aggression, occupation, foreign domination or events seriously disturbing public order' in any part of their country of origin or nationality. This 'generous' convention was a declaration of pan-Africanism in a rapidly decolonizing continent. The African leaders saw refugee movements as the consequence of the colonial struggle for independence. They expected the refugee situation to be a temporary one. The general assumption was that refugees would return to their homes after independent statehood has been achieved. To assist in the return of the displaced, Article V of the Convention outlined the conditions for voluntary repatriation. The Convention, therefore, was also a statement on the importance of the state as an organization and state sovereignty as the guiding principle of coexistence for the region.

At first, the UNHCR focused its efforts on providing and coordinating emergency assistance. Since the refugee movements had been characterized

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25 Pan-Africanism reached a high point with the formation of the Organization of African Unity (OAU) in 1963. The founding of the organization was part of the Africanization of Africa project.
27 See Article 1 of the OAU Convention for a full definition of the term 'refugee'. 1000 UNTS 46.
as the temporary consequence of decolonization, the international response was emergency relief. The adequacy of the relief approach came under scrutiny when the growing number of refugees began to impose an enormous burden on countries of asylum. In the 60s, the UNHCR expanded its operation by introducing resettlement schemes for refugees who could not be repatriated. During the 1970s, the answers for the refugee issue were resettlement schemes and repatriation programs.

As mass population displacement continued to occur in Africa in the late 1960s, the impact of these movements and the search of durable solutions became important issues for the government of refugees. The traditional durable solutions for refugees: repatriation, local integration, and resettlement in a third country remained essential to the refugee discourse. But Western states dismissed third country resettlement as an unworkable solution for ‘Third World’ refugees. The claim was that most Third World refugees were from rural areas and would not easily be integrated into Western modern societies (Sorenson, 1994, p. 178). Louise Holborn’s study of the UNHCR and refugees, considered one of the most detailed studies on the subject, portrayed the ‘African refugee problem’ in this manner:

African refugee groups have proved to be very different from those in Europe in size, character, and needs; .... They frequently have come in mass movement – entire villages or tribes suddenly crossing historical, but artificially defined, borders, usually seeking asylum with ethnic kinfolk on tribal lands reaching across national frontiers. These rural refugees have had little contact with modern society; a number suffer from malnutrition or chronic illnesses; and very few are literate (1975, pp.825).

28 Since the majority of refugees were outside holding camps, many did not receive emergency material assistance.
This view justified discriminatory practices towards African refugees. As Rogge (1985) notes, the rural argument was inconsistent with practice. Restrictive quotas were placed on African refugees, but many Southeast Asian refugees who had similar rural backgrounds were accepted. The African refugee problem, therefore, depended on the other two permanent solutions - integration into the country of first asylum and repatriation.

After almost two decades of refugee relief and humanitarian programs, the question in the international management of refugees was why the refugee problem seemed intractable in the 'Third World'. Indeed, in the view of many, the problem had attained crisis proportions. The gap between policy expectations and results was disappointing and frustrating. The institutional mechanisms of the international refugee regime, designed for European refugees, appeared to be inappropriate for the refugee situations in the 'Third World'. The nature of conflict generating population displacement created a large number of 'long-stayers', who could not be repatriated after a period of displacement. Ethiopian refugees in Somalia, Mozambicans in Malawi and other neighbouring countries, Saharawis in Algeria, and Angolans in Zambia and Zaire were just a few examples of 'long-staying' refugee populations. There was a general impression that the traditional durable solutions of resettlement, integration, and repatriation were incomplete. The link between refugees and development emerged from this predicament of practice. Once considered as largely separate and distinct activities, refugee assistance and development policy now merged to address 'refugee-related development issues' or 'development-related objectives in refugee-impacted areas' (Gorman, 1987, p.11).
The idea of a relief-development continuum emerged during this crisis of practice. Development provided a framework of analysis and a guide to activity on the refugee problem in Africa. The inclusion of development practices is a major innovation in the management of refugees. Development is viewed as a strategy to secure the conditions for repatriation and integration as well as to prevent future flows. The appropriate response to refugee management, beyond the initial disaster relief activity, is development assistance to support both countries of origin and countries of first asylum.

By the 1960s, the professionalization and institutionalization of development through the rise of 'development studies' experts and the network of development institutions had constructed a different imaginary of non-Western populations and transformed the character of the relations between the 'advanced' 'industrialized' countries and the poor undeveloped countries (Escobar, 1988, p. 430-1). Multilateral, bilateral and voluntary development agencies were operating on international, regional, national and local levels. Their knowledge and practices were resources ready to be deployed for the new ends. Indeed, when the discourse of development was linked openly to the problem of refugees in the late 1970s, development thinking and policies had done much to order and normalize the international relationship between 'developed' and 'developing' countries. Since most refugees were now in the 'underdeveloped' countries of the Third World, it appeared self-evident that development was the key to the resolution of refugee problems in the region.

Joanne Macrae argues that the distinction between the unconditionality of relief aid and the conditionality of development assistance was the outcome of the Cold War and the rise of neo-liberal principles of economic management, which argued for a minimal state. See J. Macrae (1999) Aiding peace... and war: UNHCR, returnees reintegration, and the relief-development debate, UNHCR Working Papers, No. 14.
The perception was that African states suffered many afflictions. First of all, African governments had very limited capacity to manage their societies and direct change. The lack of mastery in the art of government predisposed African states to political instability, authoritarian rule, conflict, and population displacement. Collier (1982), Jackson and Rosberg (1982), and Young (1982) insisted that among other things, the patrimonial systems of rule and the rudimentary administrative infrastructure and expertise contributed to the fragility of these states. Secondly, weak states had weak economies (Zolberg, 1990, p. 96). The general prospect for Africa was not good. Thirdly, as mentioned in the previous section, the international economy of the 1970s marginalized Africa together with the rest of the 'Third World'. The burden of debt, the worsening terms of trade, the corruption of economic and political managers, the unwillingness of foreign capital to invest into the region, the exploding population growth, and the decrease in food production, were signs of further deterioration in African states. Writing about social conflict and refugee movements in developing societies, Zolberg, Suhkre and Aguayo (1989, pp.223-1) offer a despairing prognosis of the situation.

If the eight major concentrations of refugee today, five originated in states that fall within the World Bank's lowest category of low-income countries,... Most of the world's refugee camps are located in these countries, and a large proportion of the refugees that are resettled are in these countries.

The difficulties inherent in the integration of political communities and the achievement of sustained economic growth are compounded in many developing countries by low resource endowment, undeveloped human capital, and extreme ethnic heterogeneity.

These developmental problems were contributing to the African refugee crisis of the late 1970s and 1980s. Short-term humanitarian operations would
not solve the refugee problem in Africa. The prescription was long-term projects that integrated with the country’s development programs.

**Institutionalizing the Development Strategy**

The development strategy served the purposes of both North and South. For the North, development was a containment policy aimed at restricting the movement of people from the South. Western states had been alarmed at the prospect of substantial migration from the South and had implemented restrictive measures that affected migrants, refugees, and asylum seekers. Advancing development programs, therefore, helped to preserve the restrictive asylum policies in Western states. For the South, the presence of large numbers of refugees was valuable in negotiations for development assistance and aid - given that most ‘Third World’ refugees remained within the region of conflict. The concept of ‘burden-sharing’ was an attempt to address this imbalance. The argument was that the stress on the economic and social infrastructure of ‘developing’ host countries must be matched by the financial and technical support of ‘advanced’ countries. The 1979 Pan-African Conference on the Situation of Refugees in Africa pointed to the need to link refugee assistance with development projects at the regional, national and local levels.\(^{30}\)

Admittedly, the link between refugees and development was already evident in the 1960s when the UNHCR, UNDP, and the World Bank were encouraged to collaborate on activities that linked refugee programs with development plans. When ‘development’ was first raised as a relevant issue for refugees,

attention was on the needs of countries of asylum. One concern was whether
the presence of refugees contributed to or hindered the development of the
host countries. Another concern was with the tension that could arise from
providing aid to refugees when the host population was deprived of similar
assistance. In other words, refugees were often seen as burdens on the host
countries - regardless of their actual impact. The task for policymakers was to
create an ‘integrated strategy’ that would refigure the refugee as a participant
in the development of the host state.

The creation of refugee resettlement schemes arose out of the twin concern to
reduce the burden on host governments and to foster among refugees as high
a level of self-reliance and self-sufficiency as possible - in as short a time-
frame as was practicable (Rogge, 1987, p. 86). Tanzania, Botswana, and Sudan
experimented with rural refugee settlement schemes in the 1960s before these
spread throughout Africa.31 The UNHCR, ILO, and national governments
carried out the strategy of ‘zonal development’ in Burundi and Zaire in 1963
(Pitterman, 1985, p.75). The schemes expanded to other regions when the
UNDP was established in 1966. The UNDP planned full-scale zonal
development projects that incorporated refugee settlements. International
voluntary agencies also gave their support to these schemes. The aim was to
integrate rural schemes into broader national rural development strategies
(Loescher, 1993, p. 82). Such schemes were also considered an effective way
to integrate refugees into the country of asylum. In other words, the purpose
of zonal development was to build and strengthen the economic and social

31 For assessments of the rural settlement schemes see, T. F. Betts (1984) ‘Evolution and
Promotion of the Integrated Rural Development Approach to Refugee Policy in Africa,’ Africa
and Refugee Programs on Poorer Hosts’, International Migration Review, Vol.20, No. 2, pp.245-
63; and (1979) “Rural Refugees in Africa: What the eyes do not see’, Disasters, Vol. 3, No. 2,
pp. 381-92. For a general overview of the schemes see, L. Holborn (1975) Refugees: A Problem
Metuchen, N.J. Scarecrow Press.
infrastructure of a region, which would lead to improvements in the local living conditions and contributing to the economic potential of the country as a whole (Holborn, 1975, p. 912). Proposals for the World Bank to fund large-scale, income-generating development projects were also among the recommendations to strengthen and stabilize the economies of host states with large refugee populations.

From the late 1970s, reflections and assessments on refugee practice arose out of concern over the 'pauperization' of host countries in Africa, the 'systems of dependence' often associated with the predominance of emergency relief in refugee assistance, and the need to invent new programs to tackle future refugee flows. The future direction of refugee policy in the 'Third World' was at stake. On the one hand, the identification of the root causes that produced refugees and the elimination of such factors were proposed as the future direction of refugee policy. On the other hand, an evaluation of methods and mechanisms used to cope with refugee situations was advocated as the starting point for reform. The power of development increased as policymakers, fieldworkers and academics began to mobilize the discourse to serve their goals.

The connection between refugee movement and development was validated authoritatively during the Pan-African Conference on the Situation of Refugees in Africa, convened in Arusha, Tanzania, in 1979. The concept of burden sharing was introduced to deal with capacity of host countries to deal with the mass refugee movements (Gorman, 1987, p.14). The 1981

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32 The United Nations Economic Commission for Africa, the OAU, the UNHCR and the Dag Hammarskjöld Foundation organized a Conference on the Legal, Economic and Social Aspects of African Refugee Problems in 1967. The conference introduced the possible utility of the discourse of development to the management of refugees.
International Conference on Assistance to Refugees in Africa (ICARA I) introduced the concept of refugee-related development assistance, which was a response to dealing with refugees who remained in the country of asylum for a lengthy period, and who had little possibility of repatriation. In practice, the refugee-development schemes were large infrastructure development projects that involved the UNHCR and major organizations like the World Bank, the Organization for Economic Cooperation and Development (OECD), and the European Community (EC).

The UN General Assembly’s Special Political Committee introduced the ‘root cause’ factor in a discussion of the future direction of international refugee policy in 1980. The report of the Committee pointed to the need to concentrate efforts on averting new flows of refugees. An Independent Commission on International Humanitarian Issues, formed in 1983, came to similar conclusions. Noting that the majority of refugee movements originated from developing countries, the reports from the Committee and the Commission linked economic condition in these countries to the political instability that compelled flight (Zolberg, Suhkre and Aguayo, 1989, p. 258).

Until the appearance of the root cause debate, the strategy of development was deployed to bolster the capacity of asylum countries to host refugees. But now development became an important activity for countries that generated refugee flows. The question was whether present refugee policies were satisfactory, when the root causes of deprivation and persecution that ‘push’ population movement were not also addressed. Those who advocated the root cause position argued that ignoring the political and economic causes of refugee movement had hindered the possible success of durable solutions in Africa. Since few refugees from the Third World are able to avail themselves of third country resettlement, pressure to resolve the problem depended on
the other two permanent solutions, that is, integration into the country of first asylum or repatriation. The belief was that the lack of resources that contributed to refugee flow and inadequate relief assistance must be addressed if either solution was workable in the long run.

Further discussions on refugee aid and development took place among NGOs in November 1983 and among intergovernmental organizations in December of the same year (Cuénod, 1989, p. 233). The culmination of these undertakings was ICARA II in 1984. The themes of the international conference were based on the assumption that refugees imposed serious burdens on their countries of asylum. Twenty-two African countries were invited to submit proposals for infrastructure assistance (Gorman, 1987, p. 26). ‘Donor’ countries and their development assistance agencies, host countries, representatives of international organization, NGOs, U.N. agencies, and experts attended the conference. Although Stein (1987, p.59) argued that the participants of the conference pursued different goals - the host countries stressed burden sharing, while the donors countries sought solution - the discussions was not a clash of worldviews. There was a consensus on the problem of refugees and the purpose of the refugee-development approach. The issue at stake was what kind of program would be most effective, not whether development was an appropriate strategy for African refugees.


34 In August 1984, a guideline for development approaches to refugee situations was created to ensure 'best practice'. 'Refugee Aid and Development: Principles for Action in Developing Countries' outlined four forms of activities: provision of immediate emergency relief, preparation for repatriation and rehabilitation of refugees if conditions allow, implementation of local settlement and development programs in asylum states, and design and implement development projects in host countries and countries of origin (Cuénod, 1989, p. 233. For full discussion of the principles see, UN Doc. A/AC.96/645 Annex 1.
Debates over the future direction of international refugee management in developing countries are related to debates about the main functions of the international refugee regime and in particular, the UNHCR. The UNHCR is not authorized concern itself with reasons why people flee their countries. It is a humanitarian agency. Its mandated function is to facilitate measures to ensure refugees reestablish a legal relationship with a state through one of the traditional durable solutions and become self-supporting as soon as possible. The work of the UNHCR does not include devising measures to resolve the causes of refugee flow, which are seen to contravene its 'humanitarian' mandate. The emphasis on 'root cause' marks a divergence in priorities and operational function of the UNHCR. While the UNHCR is not a developmental agency, through collaboration with NGOs, UNDP, UNICEF, and WHO, it has become a participant in development projects.

The plethora of conferences, initiatives, and research on African refugees in the early 1980s should be viewed against the perception of generalized crisis in much of Africa, of which refugees were only a small part. The unfailing belief that underdevelopment was the self-evident condition of Africa inspired refugee specialists and agencies to concentrate their efforts on the problems of economic underdevelopment and poverty. Documents and research papers established development policies to be integral to the resolution of the refugee problem and reproduced an image of refugees and refugee producing countries as underdeveloped. Reports of international agencies, NGOs and the World Bank added legitimacy and in fact, reproduced the popular image of Africa as a continent confronted by civil wars, chronic food shortages, poverty and disease.\(^{35}\) The functioning of the

UNHCR in the 'refugee aid and development' strategy entrenched the representation of 'Third World' refugees as an underdeveloped population. The strategy is a narrative about the North's relations with the South or the Third World.

The fact that the deployment of development was triggered by a predicament in the search for solutions has been obscured by another story about refugees as victims of underdevelopment. One academic participant of the 1983 Symposium on the Problems and Consequences of Refugee Migration in the Developing World gave this advice to 'develop' refugees who included 'many unskilled rural dwellers with little education'.

How might we transform fearful, undernourished human flotsam into energetic, capable workers and effective homemakers with high morale and a sense of purpose? ... Whatever the basis of the refugee flow, the people concerned need to be self-sustaining. Their ability to depend on themselves and upon each other is a vital part of both their self-respect and their effective functioning. Dependence is demoralizing; a program of self-improvement and other educational options can foster hope and dignity and encourage the formation of a feeling of community (Smythe, 1987, p. 62).

This 'people-centred' approach to the African refugee problem disguises the relations of power between the developed' and developing states, and the 'chronopolitics' that locate the populations of developing states as 'backward'.

The conflation of the discourses of refugees and development has produced an object of intervention that suffers the double shame of displacement and underdevelopment. Refugees are constructed as burdens whose survival depends firstly, on the goodwill of others and secondly, on the opportunity to
cultivate the self-determination to be a productive and autonomous subject. Thus, a vital aim of the refugee-development strategy was to reinvigorate the capacity of refugees to become self-sufficient so they could contribute to the overall economic development of 'developing' host countries or countries of origin. The human resource potential of refugees must be put into production. The objective is to transform refugees from a liability to an asset and through such processes, they would acquire the attributes of a functioning developed human being. The keywords for refugees are 'self-sufficiency', 'self-reliance', 'self-support', and 'self-help', which clearly relate to development's objective of enabling a person to exercise her liberty.

The discourse of development is not neutral. As a mode of thought and a program of action, development constructs reality. It legitimizes and reproduces certain power relations. To claim that the issue of refugees in the 'Third World' represents a lack of development in countries of first asylum and countries of origin, condemns a large portion of the world's population to a normalized 'reality' of deficiency, despair, and dystopia. Having achieved independent statehood after colonialism, the historical task of these people is to 'catch up' to the 'advanced' countries and escape from the humiliating condition of underdevelopment. A motivation for change is the perception and the fear that one's existence is both lacking and incomplete. As Esteva remarks,

[The word 'development' – profoundly rooted after centuries of its social construction – is a remainder of what they are not. It is a reminder of an undesirable, undignified condition. To escape from it, they need to be enslaved to others' experiences and dreams (1992, p. 10).

For policymakers, one of the goals of development as a solution to 'Third World' refugees has been to enlarge the choices available for these people. But the refugee-development connection was also an art of constructing and
deploying difference as a governmental strategy. Recall that the two important purposes of development are as a strategy to manage international relations by ranking states and populations in a hierarchy of wealth, power, and desirable human attributes, and as a justification for intervention. In the name of the displacement and development crisis, many lives have become the subject of discipline and improvement. The invention of the displacement-development nexus, therefore, has enabled the Western states to govern the non-Western refugees of postcolonial states through their notions of development, which reflect the particularities of Western cultural values.

**Concluding Remarks**

I began this chapter by suggesting that the inclusion of non-Western refugees into the calculations of the refugee regime connected with six international changes: the expansion of the international society of states after decolonization, the Cold War, the shifting pattern of migration, the institutionalization of an international liberal order, the division of the world into three distinct worlds, and the contradiction of hope and despair. The refugee problem outside Europe received little attention until the geography of displacement began to change. Then I considered the invention of development as a strategy for administering diverse and dispersed populations and territories, and the insertion of development into explanations of refugees.

The 'developmental refugee' represents a significant shift in the perception of the refugee problem and the practices designed to manage it. I suggested that this tale of 'Third World' refugees, set within the context of the 'North-South'
relationship, has been a powerful mode of thinking about social, political, and economic realities. The significance of the tactic of development for the government of refugees is that the West and in particular Western Europe has been able to distance itself from the question of mass displacement and to define the issue as essentially the problem of the 'Third World'. But as the following chapters will demonstrate, distancing became difficult for Western states, particularly Western Europe, when the issue of refugee came closer to 'home' again.
In Chapter Five, I expanded on the argument that the refugee problem in international relations is an effect of the system of territorial sovereign states by exploring the government of ‘Third World’ refugees as a cultural practice. If at a fundamental level, the disorder of refugees is a reflection of the order of states, then the disorder of non-Western refugees has been represented slightly differently. Their disorder has been characterized as a condition of underdevelopment. I have suggested also that this representation of ‘Third World’ refugees is an extension of the North-South distinction in international relations, which is a continuation of the West’s relationship with the non-West. The governmental practices that seek to bring non-Western
refugees into order (within their own states) are the various development projects, which are informed by Western ideas about social change and human purpose.

The interplay between the symbolic and structural disorder of refugees is the theme of the next two chapters. It is commonly assumed that the end of Communism has transformed the international political environment. The world is a different place. The following chapter discusses the government of refugees in this 'new world order'. Since the end of the Cold War, the movement of refugees has been identified as one of key issues that threaten international security and world order. This chapter contextualizes the strategic responses to refugees in international relations by exploring the post-1989 imaginaries of world (dis)order. The objective is to examine the kinds of threats that refugees represent to contemporary politics. In the process of naming the new conditions and outlining possible futures, international relations was made knowable and manageable again.

This chapter begins by outlining some themes that have emerged in discussions of international relations in the post-Cold War period. Then it explores two influential interpretations of international conditions after the Cold War. I looks at Fukuyama's 'The End of History' (1989) and Huntington's *The Clash of Civilizations* (1996) to illustrate these views. The final part of the chapter examines the set of beliefs shared by both perspectives. The proposition is that the interpretations of international relations after the Cold War have tended to assume the uniqueness and superiority of Western values. One outcome of these interpretations is that

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the conflation of the discourse of disorder with discourses of neo-racism and new barbarism.

THE NEW WORLD (DIS)ORDER

The collapse of communism ended a bipolar hegemonic system. The political map was redrawn and around twenty new sovereign states were created. The changes of territorial boundaries also involved a transformation in the composition of political communities. These events paralleled previous exercises of political geo-graphing and their consequences discussed in Chapters Three and Four.

The general agreement among scholars of international relations is that the Cold War political map, a map that once provided a framework of explanation in international relations is now inappropriate, if not obsolete. After the initial shock and the barrage of criticism directed at the sophistication of the discipline of international relations, the uncertain times have inspired disciplinary self-reflexivity and introduced a divergent set of issues for analysis. The theoretical debate overlaps the concern to deal with 'a world transformed' and 'turbulence in world politics'. Transformations have taken

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3 The 'World Transformed' was the subject of a series of essays in Foreign Affairs (1990) Vol. 69, No.4.
place in the international environment but there is no consensus on the significance of these changes or their consequences. It is within this (re)defining moment that distinct trajectories of international relations have emerged.

There have been several responses to the changes in the international environment and of which can be distinguished as either pessimistic or optimistic. One pessimistic response is a gloomy sobriety that sees the end of the Cold War bipolar stability as bringing a chaotic and fragmented international environment. Brzezinski (1993), Hoffman (1991), Kaplan (1994), Mearsheimer (1990), and Moynihan (1993) insist the world is an even more dangerous place than before as numerous new threats have arisen. Another version of pessimism perceives the new order as a new age of 'open' imperialism in the name of economic liberalization. The fear is that imposing economic liberalization onto developing countries will increase social and economic polarization and political instability. Halliday (1997) also suggests that the foreign policy interests of Western states have changed; they no longer have a strong interest in assisting developing countries. The optimistic perspective, in contrast, views the end of the Cold War as opening up new possibilities: international relations is no longer paralyzed by the superpower gridlock and as such, the prospect appears positive for progressive global social and political transformations like democracy, peace, and prosperity.

Some proponents of this view, like Beitz (1999), Cox (1999), Linklater (1999),

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4 Essays in Third World Quarterly are examples of this perspective. See Volume 19, No. 4 (1998) Special Issue: Rethinking Geographies: North-South Development and Volume 15, No.1 (1994) Special Issue: The South in the New World (Dis)Order.
and Falk (1995) propose a 'cosmopolitics' based on notions about human interest, human security, international distributive justice, and global civil society.

But both optimists and pessimists believe that the most fundamental changes in international relations were the implications of globalization and their effects on the exercise of sovereignty. As Fred Halliday (1994, p.225) suggests, images of globalization are usually accompanied by a belief about the permeability, if not the erosion of state sovereignty, and about the changing nature of power in international relations - from being largely confined to military power to being based on economic and cultural factors. The world appears to be facing a new globalizing economic, political and moral order, in which the expansion of a liberal trade and financial regime occurs together with problems of overpopulation, ethnic conflict, environmental degradation, and poverty. The world is becoming simultaneously a global village and a dangerous neighborhood.

It is beyond the scope of the chapter to explore fully the significance of globalization on international relations. What should be noted here is that underpinning the divergent attempts to map and analyze the significance of the new condition is a common ambition to (re)interpret the nature of international order and the meaning of security. Indeed, at the core of the numerous debates between divergent and competing perspectives are the contrasting representations of international (dis)order in the post-Cold War era, and their implications for the government of international and national politics. The conclusion, we are led to believe - whether one adopts scenes of hope or dramas of dystopia - is that the world faces risks which require the (re)vision of security and the rethinking of the forms of governance.
The demand for a new security agenda, since the end of the Cold war, has come from all sides of the political spectrum. The shift of emphasis from military to human security has enlarged the scope of international regimes to intervene in human affairs and redefined the idea of responsibility in the name of global governance. Lynn-Jones and Miller (1995, p.4) suggest that the demise of the East-West ideological contest has revealed a different set of dangers, not really new but previously overshadowed by Cold War preoccupations. Likewise Jessica Tuchman Matthew (1989, p.162), a former policy adviser to the US National Security Council argues that global developments suggest the need for national security to include issues related to resources, the environment and population movements.

The ‘new’ security agenda focuses on the international impact of ‘sub-state’, intra-state or micro dynamics. The apparent rise in the number of conflicts within the borders of a state has put the management of internal conflict onto the political agenda. There are, according to Rupesinghe (1996, p.141-2), new types of conflicts that are redefining the character of armed conflict and the boundaries of internal and external conflict. Often framed as ethnic rivalry between cultural groups in mostly Third World countries, these conflicts threaten national, regional, and international order. Such conflicts also cause refugee movements, which represent disorders in the order of states. But the meaning of ‘threat’ is far from self-evident. The notion of threat, I suggest, should be examined in terms of a form of political and cultural practice that functions to constitute and reproduce a particular international order. In

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6 For the UNHCR, the idiom of human security is of high value. It gives a new spin on old issues like poverty and engenders the development of practices like in-country monitoring. The UN’s ‘Partnership in Development’ programme is a call for greater participation by grassroots community organizations, NGOs and intergovernmental groups, and also functions to manage the operational roles of agencies. See UNHCR (1997) The State of the World’s Refugees: A Humanitarian Agenda, London: Oxford University Press. On global governance see: T. Weiss and L. Gordenker eds. (1996) NGOs, the UN, and Global Governance, Boulder, Colorado: Lynne Rienner.
other words, the threat posed by international migration and particularly refugees is linked to certain assumptions about the contemporary ‘world’ order.

**THE END OF HISTORY AND THE ORDER OF CIVILIZATIONS**

The belief that fundamental transformations have taken place in international relations has lead to the development of two visions of international life. On the one hand, the end of superpower gridlock announces the dawn of a new era of engagement grounded on a form of liberal internationalism. On the other hand, the end of bipolarity hastens the development of a world mediaevalism where fragmentation and plurality are believed to be undermining the international system.

Yet, the two images are connected. In the West, the end of the ‘balance of terror’ has lead to an anxiety about the position and purpose of the West in international relations. Subsequently, Western States, particularly US, have seized upon the project to construct ‘new’ regimes of truth about international life and the conduct of international affairs. Francis Fukuyama’s ‘The End of History’ and Samuel Huntington’s *Clash of Civilizations* are clear examples of the different but connected interpretations of the ‘new times’. Both works are attempts to order the world. Fukuyama’s form of Western liberal triumphalism is a narrative of hope, while Huntington’s culture war is a narrative of dystopia. Both works, I contend, are articulations of parallel cultural codes, which seek to govern, and through governance, constitute an order. Both imaginaries of the present and the future have influenced the representation of the refugee question in international relations and the government of refugees.
In spite of their weaknesses as historical and political analyses, both Fukuyama’s proposition on the end of history and Huntington’s thesis on the clash of civilizations illustrate the two influential perspectives international relations after 1989. For the purpose of the thesis, I approach these texts as cultural artefacts. That is, they are examined as works that normalize certain views of the social world and problematize certain phenomena. Such an approach will reveal the ‘cosmological’ order from which these texts emerge. It will reveal the tension between the urge to fulfill the manifest destiny of Western liberalism and the fear of the demise and contamination of liberalism by its opponents.

In ‘The End of History’ Fukuyama weaves a historical narrative that gives coherence and order to contingent events. He argues that the collapse of communism signaled the removal of the main competitor to liberalism as a form of government and installed liberalism as the only possible future. Fukuyama explains the changes in the world and events like the protest at Tiananmen Square, the velvet revolutions in Eastern Europe, and the breakup of the Soviet Union as part of a ‘larger process’. This process is what Fukuyama calls ‘democratic capitalism’ - revitalized Western liberalism which is claiming for itself the necessary and inevitable path of Universal History. The presupposition is that there is only one legitimate and ethical regime of government – liberal democracy. Other forms of rule are on the road to liberal democratic institutions, failed alternatives, or imperfect approximations to them.

What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of postwar history, but the end of history as such: that is, the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of government (Fukuyama, 1989, p.4).
There are striking similarities between the thinking about development discussed in Chapter Five and Fukuyama’s historical narrative. Just as for the ‘take-off’ modernization theorists of the 1960s, the historical trajectory of humankind is clear for Fukuyama. The absence of liberal democracy worldwide indicates two things: some societies are behind but will eventually catch up, and a few societies will be stuck in history. Most societies will experience the liberal democratic revolution - eventually. In *The End of History and the Last Man*, Fukuyama (1992) maps these claims onto a grand theory of human nature and universal history, and onto a philosophical anthropology that explains why some societies becomes ‘posthistorical’ while others remain in conflict in ‘historical’ time and space (Scott, 1996, p.13). By treating the historical experience of some as a guide to the future of the entire human population, his view is historically myopic.

While Fukuyama’s story of Western liberalism explicitly inscribes the non-West into its privileged telos, ‘postmodern’ liberals like Richard Rorty, and radical democrats like Claude Lefort and Chantal Mouffe are more implicit about the superiority of liberal democratic ideals. In the particular story of ‘radical’ democracy, the crude evolutionary schema may be absent but the ‘accomplishments’ of modern democracy remain the regulatory norm that all other forms of political community will be compared and judged against. As David Scott (1996, p.17) argues, democracy has been naturalized to the extent that it has come to set the standard for the assessment of all political institutions, not only for those of Europe’s own past, but also for those of the non-European, non-Western worlds ‘whose political presence have been re/constructed in colonialism’s wake’. Occupying the apex of human development, Western liberal ideals represent the models of both a well-

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ordered society and moral subjectivity. Non-modern, non-liberal and non-democratic forms of government and political community are characterized as a past that is out of sync with the ‘forces of history’. From this perspective, coming to the ‘present’ means embracing the thoughts, institutions, and practices of Western liberalism.

Indeed, the outstanding achievement of liberal progressivism is its universalizing energy. ‘The rise of the West’ in human history has allowed various forms of liberal internationalism to emerge and to dominate the political imagination. The effects of the liberal internationalist ambitions are many, but among two most significant are the universalization of liberal ideas and the erasure of alternatives. As Malkki (1998, p.440) points out, ‘the exclusions built into universalizing visions of social progress and global solidarity’ involve ‘the asymmetrical and uneven ways in which people and societies are incorporated’ into that vision. This is done by deploying democratic ideals to govern ‘Others’, by imposing policies that ‘encourage’ the development of conditions for liberal governance, and by embarking on a dispersed and multi-dimensional civilizing project. As a result, some cultural specificities of the West have achieved the status of normality.

But alongside the displays of self-confidence exhibited by liberals like Fukuyama, is a fear that in the face of global changes, liberal-democracies may not be the clear ‘winners’ after all. Universal consensus on values is absent and foreign policies that aim to make liberal values universal are

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9 Paul Kennedy uses the concept of winners and loser to define the capacity of states to deal with the challenges raised by contemporary global transformations and to disclose his futurology of the coming century. See P. Kennedy (1993) *Preparing for the Twenty-First Century*, London: HarpersCollins.
dubious and imprudent. Rather than embarking on the establishment of a liberal global order, the strategy should be to safeguard present liberal communities or Western civilization from attack and decay. This is the story told by Samuel Huntington (1998) in *The Clash of Civilizations*.

According to Huntington, the emerging pattern of conflict and cooperation in global politics will be based cultural difference. He claims that the most important distinctions among people are cultural and not political, economic or ideological. People and countries with similar cultures are coming together, while ‘people and countries with different cultures are coming apart’ (p.125). Local politics is the politics of ethnicity and global politics is the politics of civilizations. Civilizations are the ultimate human tribes, and the clash of civilizations is tribal conflict on a global scale (p.207). The civilizational fault lines that will be the cause of global conflict are between Islam and its Slavic-Orthodox, Hindu, African, Confucian, and Western Christian neighbours (p.183). In Huntington’s view, there are no universals and attempts at universalization are dangerous, because what is universalism to the West is imperialism to the rest (p.184). But this gesture of cultural pluralism obscures another agenda. The discourse of cultural pluralism and uniqueness has been important in the attainment of rights for marginalized groups and is at the core of the politics of recognition. Yet, the contemporary politics of recognition has protected an anxious West from challenges from non-Western cultures too.10 William Connolly (1999) argues that the term civilization has become a tool for those ‘who seek to cover cultural defensiveness with a veneer of large-mindedness’. At stake is the survival of the Western cultural identity.

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Huntington's claim that the source of conflict will be cultural (re)produces an international political imagination that is filled with scenes of irrational tribalism.\textsuperscript{11} Tribalism is a threat to the West but not the other way around. As we shall see in the following section, versions of tribalism have become common themes in the discussion of world (dis)order. It is worth noting though that his anxieties emanate from the debate on multiculturalism in the United States. The hybridization of cultures, rather than expanding and reformulating notions of the good, signifies the decline and rejection of the virtues of Western Christian civilization. According to Huntington, multiculturalism threatens the United States and the West (p.318). In other words, the apparent civilizational faultlines within the national space inform Huntington's fear of Western degeneration on the international level. Moreover, as victims of denigration in Huntington's world order, the West is no longer active in the contemporary processes of marginalization.

Strong and weak versions of Huntington's world (dis)order can be found in international relations literature and in newspaper editorials. I have already mentioned the writings of Brzezinski, Hoffman, Kaplan, Mearsheimer, and Moynihan in the previous section and indeed, they express similar imaginaries of cultural violence. These works may be flawed, but they reflect a prevailing perception of the relationship between the West and the non-West.

\textsuperscript{11} The 'resurgence' of ethnicity as a source of conflict is associated with primitive or tribal rivalry, with people who are irrational and anti-modern. See D. P. Moynihan, (1993) \textit{Pandaemonium: Ethnicity in International Politics}. Oxford: Oxford University Press.
The main criticism of Huntington’s thesis is its Ethnocentric assumptions. Simon Bromley (1997), Sandra Buckley (1999), William Connolly (1999), and Michael Shapiro (1999) have all registered the chauvinistic disposition of a civilizational order. The idea of civilization conjures up imageries of belonging, civility, integrity, and achievement. Despite the arbitrariness of civilizational codes or standard of civilization, they perform important functions as regulative (and moralizing) ideals. These codes of civility as an influential basis for judgement and social conduct operate in the domestic and international environment. Shapiro (1999, p.14) notes that civilizational codes were initially employed within European societies as part of the process of domestic pacification, which became associated eventually with nationalism and thus, with national distinctiveness in the world of states.

Huntington feigns a non-hierarchy of civilizations, but the ‘equal but different’ stance falls apart when he articulates the difference in ‘degrees’ of assimilation between Hispanics and other immigrants to the United States (Buckley 1999, para.9). The ‘equal but different’ claim also crumbles in the international context when one examines the deployment of ‘civilization’, as it has been associated with the idea of international society. In *The Standard of ’Civilization’ in International Society*, Gerrit Gong (1984) writes about the dislocation, and accommodation that non-European countries have experienced when confronted with the imposition and later adaptation of European standard of civilization.

Buckley (1999) has described Huntington’s moral geography as a strategy of ‘adversarial differentiation’. The fluency and authority with which he

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interprets and translates the core values of 'the rest' have enabled him to maintain the distance and distinction essential to his civilizational order. In spite of his stance against universalism, his schema situates the West as 'the master grammar which can interpret all difference but itself exceeds and resists translation' (Buckley, 1999, para.21).

The 'clash of civilizations' argument also has the potential to become a self-fulfilling prophecy. As John Gray (1998, p.159) cautions 'in so far as such talk shapes the thinking of policy-makers it risks making cultural differences what they have been only rarely in the past - causes of war'. The disturbing feature of such talk is the tendency to interpret conflicts in terms of a philosophical anthropology and a philosophy of history that universalize the culturally specific ideals of Western liberalism for all human beings. In effect, those who engage in ethnic/communal/tribal conflict are seen as backward or behind in the human evolutionary process and lacking the faculty of reason. Such a view, then, has the double effect of normalizing the violence within these populations and depoliticizing the interventions prescribed for them.

The grand theories of Fukuyama and Huntington, together other with versions of these perspectives, have had a significant impact on international relations thinking and policy formulation. Ostensibly, Huntington's thesis of intractable cultural conflict is antithetical to Fukuyama's grand design of liberal internationalism. The former focuses on the causes of conflict, while the latter attends to the conditions for peace. Fukuyama's vision pushes for a crusade. Huntington's anxieties seek seclusion. But they are similar on three counts. First, both treat the development of the West as a guide to the future of the humankind. Second, both transform historically contingent events into universal law. Third, they are reiterations of the persistent process of othering.
and of a deep-seated Western chauvinism in the conduct of international relations.

THE NEW RACISM AND THE NEW BARBARISM

The writings of Samuel Huntington and Francis Fukuyama can be said to reflect a wider perception of politics inside the state and between states. Both can be seen as forms of a 'new racism' that has been developing within Western liberal-democratic states since the early 1980s. According to Barker (1982), the 'new racism' has replaced the categories of hierarchy and superiority with those of culture. The core claim of neo-racism is the incommensurability of cultures and cultural differences marking the boundaries of belonging and community, is natural among human groups. This racial discourse provides an explanation for the 'internal crisis' in Western liberal-democratic states, namely, social fragmentation and antagonism among various groups. The 'unreasonable' character of cultural identification and difference means that intercultural violence and social breakdown need to be managed through strategies that maintain cultural distance (Barker, 1982, p.13). In other words, this form of racism presents itself as a theory of the causes of social aggression and argues that to avoid racism, one has to respect the 'tolerance threshold' and maintain 'cultural distance' (Balibar, 1989, p.22).
The other conspicuous way to govern pluralism is to order diversity through the policy of multiculturalism. But as Mark Duffield (1984, 1996) argues, multiculturalism shares the same terrain with 'new racism' in that the former mimics the same shifts in the structure of racial discourse from categories based on hierarchy to those based on difference – cultural and/or ethnic difference. In multiculturalism, pluralism and possible violence can be managed by putting in place activities that 'educate' and 'promote' intercultural understanding and tolerance. But the culture of tolerance in fact, obscures an antipathy towards those who need to be tolerated, because the very demand for tolerance already identifies or pronounces the presence of the deviant.

Similarly, the incisive works of Colette Guillaumin (1995) and Etienne Balibar (1989) have analyzed the logic of new racism and its ambiguous relationship with the politics of difference. Their works show that assertions of the right to be different and of cultural difference have the effect of de-historicizing culture and of locking people within a cultural expression, as well as ignoring the social relations that go into the creation of cultural forms.

Colette Guillaumin’s history of racism and racial discourse draws attention to the ‘changing face of race’. For her, the development of a mode of thought in anti-racist neo-individualism and cultural anthropology that uses as its central argument culture and the right to cultural identity obscured the strategies of power that produces such identities (1995, p.93). She stresses that categories and social groups do not exist of and by themselves. They are

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constructed and can be empirically validated, but they are rooted in the context of social relations and not nature. While the reality of 'difference' is neither natural nor psychological, they exist as conceptual tools that organize explanations of the world. Social groups and categories, then, are effects of power relations and to demystify these relations is important task if we are to understand the extent to which certain relations and categories have been normalized in the social world.

The 'right to cultural difference' is a tool of racists and anti-racists. Cultural difference has come to inherit all the connotations linked to the arbitrary differentiation of human groups, which once came under the notion of race. The idea of difference may avoid the physical naturalization of race but in contemporary politics, the idea has become the tool for those who continue to think in racist terms, but no longer dare use the word 'race'.

Balibar (1989) also discerns a transformation of the mentalities and practices of racism from biology to culture as the regulatory mechanism of human populations. For him, neo-racism is racism without races. The phenomenon is linked to decolonization and the reversal of population movements from the ex-colonies to the empire. We now see the discourse of immigration functioning as a racial discourse. The 'immigration complex' is racism whose dominant theme is not biological heredity, but incommensurable cultural differences. It is a racism, Balibar (1989, p.21) argues, that does not postulate openly the superiority of certain groups over others, but asserts the harmfulness of abolishing boundaries that distance and control incompatible lifestyles and traditions. Culture functions like nature and behaviors of individuals and groups are explained in terms of their belonging to specific cultures (Balibar, 1989, p.22). According to Balibar (1989, p.19), the effectiveness of such thinking lies in its ability to provide explanations about
what individuals are experiencing and also about who they are in the social world.

For Western liberal governments, ethnicization of identity is a phenomenon that disturbs the coherence of the imagined national society, and a strategy to be deployed to manage the population within and populations outside.\(^{14}\) The ethnicization or racialization of immigrants and refugees, for example, enables categories of difference to circumscribe the performance of difference and to justify governmental practices that are exclusionary and inclusionary. Governments invoke the idiom of difference to justify excluding and returning asylum seekers to their countries of origin where they will experience the joy of finding more fertile ground to express fully their remarkable difference. As I will show in next chapter, the speeches by the United Nations High Commissioner for Refugees illustrate the pervasiveness of cultural differentiation and the naturalization of 'home' as the place where one is born.

The new racism in Western liberal states is partly a result of the pattern of international migration of the 1960s and 1970s, discussed in the Chapter

Five. This racial discourse is not limited to the national space. As I have argued throughout this thesis the government of a citizen population within a state simultaneously requires the government of the non-citizen population outside the state. Thus, neo-racist mode of thought is also evident on the international level. The international articulation of the new racism is the 'new barbarism', which depicts events beyond the frontiers of the liberal-democratic world in terms of chaos and savagery. Likewise, the normalization of the multicultural state by Western liberal countries is constitutive of a liberal internationalism that pathologizes those non-Western governments that are dealing with internal instability and 'ethnopolitical' conflicts.

The new barbarism talks about the innate, traditional and irrationality of cultural and ethnic identification. The new barbarism is an aspect of the contemporary racial discourse. In barbaric societies, the anarchic and destructive power of primordial feelings and hostilities are unleashed when forms of government and economic regulations collapse (Duffield, 1996, p.176). For example, the conflict in the former Yugoslavia is held to have been the consequence of the 'deep-seated ethnic hatred' that is part of the 'Balkan mentality'. Balkan Ghosts (1993) by Robert Kaplan – a book that has informed US policy towards the Balkans - portrays the region as divided by ancient ethnic rivalries.

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15 In the Western 'multicultural' states, the assimilation and integration of immigrants and refugees as ethnic minorities into the national citizen body is achieved through the celebration of liberal toleration which claims to take cultural distinctiveness and minority rights seriously.
The focus on ethnic conflicts in international relations also functions, among other things, as a strategy to distance the West from the non-West - to erase its own history of authoritarianism and barbarity. Ethnic conflict happens in non-Western and undemocratic states, but not in tolerant liberal Western societies. But W.E.B. Du Bois (1965, p.23) asserts that there was no Nazi atrocity, 'which the Christian civilization of Europe had not long been (sic) practising against colored folk in all parts of the world'.

In the post-Cold War era, ethnic identity has replaced communism as one of the key threats to international peace and order. The literature that seeks to analyze the link between ethnic conflict and international security has the following elements. Those defined as national, ethnic and religious minorities are claiming various degrees of self-determination within existing states because their cultural distinctiveness is not in their view fully recognized and/or they experience discrimination and persecution due to their cultural

distinction. Such demands have the potential to become intra-state conflicts, which can generate international conflict and threaten international order in four related ways.

First of all, these ethnic groups seek allies outside the states in which they are located. Their allies may be their diasporas and other groups and states who have an adversary relationship with their government (Wiener, 1992, p.320-1). Secondly, these conflicts can generate refugee flows that threaten the internal security of host states. Refugees compete against national-citizens for employment and other social resources, change the demographic composition, and threaten the cultural integrity and national cohesion of receiving states. Governments, therefore, are particularly concerned with the prevention and containment of refugee flow, the kind of refugees they admit and the conditions of entry, and the fostering of repatriation as the primary durable solution. Thirdly, intra-state conflict can lead the fragmentation of a state and the creation of new states. Since state-making invariably involves bloodshed and triggers responses that upset regional and international order, various institutional arrangements and management techniques have been invented to mitigate separatism. These include constitutional arrangements such as consociationalism, federalism, and other guarantees that support the cultural autonomy of national/ethnic minorities, and representation in regional and international organizations.\textsuperscript{18} Finally, ‘failed states’ often compel various forms of ‘international’ intervention that restore or create the conditions for effective domestic government and to preserve the international order.

\textsuperscript{18} The regulation of ethnic difference is important to democratic and authoritarian government in Western and non-Western states. This suggests that current concerns over ethnic politics are about forms of government rather than the value of states as political organisations. See J. McGarry and B. O’Leary eds. (1993) \textit{The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts}, London: Routledge.
Underpinning the ‘social theater of contemporary ethnic conflict’ is a political imagination that is filled with anxieties about the encroachment of the rest of the world and the defilement and loss that attend such contact. There has been a redefinition of race as the threat of chaos wielded by ‘failed’ or ‘rogue’ states against powerful states. ‘The coming anarchy’ is the power of non-Western others to transform the world by virtue of their searing racial and ethnic hatreds. Indeed, the migrant and in particular the refugee, are signs of ‘the coming anarchy’. The first political task is to maintain the international segregation of a zone of peace from the zone of turmoil, which according to Singer and Wildavsky (1993) constitutes the real world order. The second task, the remedy - to discipline and transform chaos into order through the installation of institutions and practices of ‘good government’. The promotion of human rights, democratization, and economic development within a states, are ways to govern otherwise dissatisfied groups who put state unity and thus, international peace at risk. Moreover, the deployment of humanitarian enterprises such as the international refugee regime should be seen as a disciplinary instrument.

Yet, the cure for the new barbarism reinforces the ‘international’ racial discourse. In The Law of Peoples (1999), Rawls provides a guideline for foreign policy for liberal democracies by setting out how they should relate to each other and to nonliberal peoples. He categorizes ‘peoples’ in five forms of societies: ‘reasonable liberal peoples’, nonliberal but ‘decent hierarchical peoples’ - both groups constituting ‘well-ordered peoples’ - outlaw states, burdened societies and benevolent absolutisms (1999, p. 4). Like Fukuyama, his position (re)produces the racial discourse that affirms the superiority of Western liberal-democracies and their version of humanity. If the nonliberal world wants to free itself from relentless suffering and conflict, it should follow the ‘ideals of constitutional liberal democratic thought’ and the virtues
of tolerance and mutual respect that are cultivated among decent peoples. The present form of liberal internationalism, despite its claims to tolerance and universality, is blind to its inherent anti-pluralism, and this aspect of liberalism features strongly in the governing strategies of the international humanitarian system.

The double-duty of Western democratic states in relations to the non-Western and non-democratic states is at once a civilizing mission and a disciplinary subjugation. Their current policies and the policies of international organizations towards the non-Western, non-liberal democratic world are based on a belief that the promotion of human rights, democracy and the rule of law is the 'best practice' for economic development and political management. This strategy involves the expansion of Western-style liberal institutions, which claims to foster international stability and peace as liberal democracies rarely go to war with one another. Despite the dubious casual connection between democracy and peace, and the contradictions generated by an alliance between liberal democracy and free markets, the general assumption is that 'perpetual peace' is possible when the world consists of liberal democratic (and free market) regimes. This mode of thought resonates with the 'democratic reform' agenda of post-1919 Europe, which was discussed in my chapter on the reordering of Europe and the minorities protection regime. Just like the architects of peace in 1919, the alignment of democracy with peace by today's peacemakers has enabled the operation of

19 In the 1990s, the 'good government' agenda - a cluster of ideas concerning economic and political management, set up by the World Bank - articulated what had been implicit in liberal thinking: economic development is best achieved when a state is well-managed through the promotion of human rights, democracy and the rule of law. The 'failed states' are those unable to provide these conditions for economic development.
new forms of humanitarian practices. For example, Boutros Ghali's (1992) *An Agenda for Peace* has translated the beliefs about the virtues of Western liberal democracy into international governmental strategies. With its action-orientated discourse of preventive diplomacy, peace-making, peace-keeping, and peace-building, the report has been influential in defining the basis and scope of humanitarian activity in the 'new era'.

**Concluding Remarks**

This chapter has explored two significant images of (dis)order in international relations and the mode of thought that underpins both imaginaries. At the core of the representations of order and conflict are two issues: the place of the Western states in the contemporary international system and the relationship between the Western world(s) and the non-Western world(s). As beliefs about the causes of war and the conditions for peace are fundamental considerations in policy-making, both the end of history and the clash of civilizations have informed the practice of governing international relations and in particular, refugees. Policies of Western states towards refugees are an enmeshment of the internationalizing ambitions of Fukuyama and the distancing separatism of Huntington. The result, as we shall see in the next chapter, is an articulation of liberal internationalism that is also a form of global apartheid.

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21 One must admit, however, that the restoration of the state is a precondition for stable and effective liberal democracy.
Refugee issues are in many respects strategic issues.... The days of ad hoc reactions which concentrate on symptoms rather than on causes should belong to the past. The management and solution of humanitarian crises must be explored in the context of a system of global governance befitting the post Cold War era.

Sadako Ogata, ‘Peace, Security and Humanitarian Action’

In early euphoric days of the post Cold War period, there was an expansion of humanitarian activities based on principles of human rights. The role of the UN and its peacekeeping operations became a focal point. The enlargement of modern peacekeeping operations also meant an expansion of tasks undertaken. Yet, the ‘new’ humanitarianism must be set within the context of the apparent contradictions of the post Cold War world. The end of a bipolar international order had bequeathed many unanticipated events. The world fluctuated between a global community and zones of peace/zones of danger.
The conduct of Western states, motivated by a mix of hope and anxiety, had been an attempt to give order to the world.

Western responses to refugees after the Cold War reflect this anxious state. The language of crisis and emergency dominates the contemporary discourse of refugee. Refugee flows are 'complex humanitarian emergencies'. The 'global refugee crisis' is the outcome of ethnic conflicts, minorities at risk, unstable governments, and the erosion of asylum. The representation of the refugee problem to global and crisis dimensions has been crucial to the demand for a comprehensive approach to the refugees.

This chapter analyses the 'humanitarian crisis' of refugees and the regime practices designed to meet this challenge. I will examine the push for a 'comprehensive and multidimensional' approach to the government of refugees, one which aims to rectify the perceived limitations of the international refugee regime. I will deal mainly with the disciplinary and regulatory effects of the UNHCR. Although the UNHCR is not the only actor in the regime, most discussions and criticisms of the refugee regime focus on this institution. For my purposes, its significance is a reflection of its capacity, not so much to coordinate refugee activities, but rather to set the agenda for refugee assistance and to define the refugee issue in international relations.

The first part of the chapter sketches the perception of the global refugee crisis. The following three sections examine some of the practices of a solution-oriented comprehensive approach to refugees. The UNHCR has defined prevention, protection, and solution as the three strategies of such an approach. The proposition is that the current discourse of refugee humanitarianism has engendered a differentiated program of response. The
regime practices reinforce and reproduce the 'reality' of refugees as a danger to international order and the perception of the non-Western world as chaotic and barbarism. The durable solutions constitute a form of geopolitical humanitarianism that reproduce a cartography of (dis)order.

Again, I want to emphasize that to examine refugee policies in terms of exclusion is too simple. The international refugee regime creates governable subjectivities; the productive and inclusive dimension cannot be taken for granted. As I have shown in Chapter Five, and consider further in this chapter, the government of refugees involves the creation of differentiated subjects such as internally displaced persons (IDPs), Third World refugees, refugee children, and refugee women. These subjects are subjected to various governmental tactics which incorporate them into the refugee regime. The effects may be exclusionary, but that is quite different from claiming the regime is not attentive to certain forms of displacement.

GOVERNING THE GLOBAL REFUGEE CRISIS

The current 'global crisis' is a crisis of practice. A closer inspection reveals that the term 'global', more often than not, refers to the flow of refugees from developing 'South' and countries of eastern Europe to industrialized countries in Western Europe and United States, Canada, and Australia. The term 'crisis' is part of the well-rehearsed debate, which I referred to in Chapter Two, on the ethical conflict that arises out of using the state-citizen regulatory norm for the government of populations. The current crisis, then, refers to the general operational difficulties of the international refugee
regime and the policy responses of Western liberal-democratic states. As Barutciiski (1998, p.244) points out, sympathy for the victims of persecution involves a certain level of commitment, but admitting them to state territory involves another. Indeed, Western states have implemented restrictive policies and limited the provisions and services available to asylum seekers during the status determination process. The result is the search for 'innovative responses' to the refugee problem.

In *Beyond Charity: International Cooperation and the Global Refugee* (1993), Gil Loescher presents the current refugee issue in the context of the increase in the South-North movements and 'the perpetuation and growth of the refugee problem in the Third World', which have resulted in an increased number of asylum seekers in industrialized countries (p.4). He asserts that there is a growing concern in the industrialized world that these movements can no longer be handled adequately by uncoordinated responses on the part of individual receiving countries (p.6). The challenge for governments is to find formulas and mechanisms that will ensure an effective and humane approach without at the same time inviting instability, more movement, and resulting chaos (p.10). According to Loescher (p.10), it is insufficient to respond to the refugee crisis as a strictly humanitarian problem; 'there is a need for a comprehensive political response and solution to the problem of refugee generation'. Stability and growth in all parts of the world depend on controlling disruptive forced migration. Elsewhere Loescher (1992) advocates

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early-warning mechanisms, which can address the root causes of forced migration.

Similarly, Suhrke (1994) has advanced a comprehensive refugee policy that is 'multilevel, cooperative and integrative'. Such a policy, she claims, will need to establish a minimal agreement on the principles of international order and to emphasis the root causes of refugee movements and the processes of peacemaking and reconstruction. She identifies four challenges facing the refugee regime: the importance of aid, the problems of 'repressive governments or anarchic conditions in the developing world', the stabilization of emerging democracies in 'much of the developing world', and the disorder of militant nationalism (p. 33-34). The analyses of Suhrke and Loescher are indicative of a general trend in thoughts about and practices of forced migration. The perception is that repression and civil wars within states, rather than conditions in host and resettlement countries, are the causes of the refugee crisis. As Landgren (1993) argues, this emphasis on state responsibility for the causes and consequences of forced migration creates the need to control 'weak' states that produce refugees, when at the same time, 'strong' states are implementing sophisticated regulatory measures. In other words, it is in the self-interest of Northern states to govern the South.

The notion of the refugee continuum has emerged from this context. The idea attempts to establish a logical chain of events that gives rise to refugee flows - what happens before, during, and after. The idea of a continuum also connotes a complexity that necessitates a comprehensive and multidimensional approach to refugees. The political solutions that address the causes of refugees are now essential. The argument is that the prevention of and the lasting solution to the contemporary refugee problem require political settlements. In itself, this is hardly novel. But this line of reasoning,
as part of a broader conflict prevention and crisis management mentality, has widened the scope of possible interventions in refugee situations.

In recent years, the United Nations High Commissioner for Refugees has advocated a comprehensive refugee strategy. The UNHCR's biennial publication on the state of the world’s refugees has described the various elements of this governmental program. The central argument for engaging in an 'enterprising humanitarianism' is the changing nature of conflict, which the organization claims, has affected its work and the perception of itself as a humanitarian agency. The UNHCR considers itself a part of the larger system of global governance. If international order is to be realized, then humanitarian activities must be linked to the protection of human rights, peace-making and peace-building activities and must involve a widening partnership of actors from civil society such as NGOs, businesses, community organizations and church groups.

Humanitarian crises such as refugee flows now require preventive strategies, which focus on the conditions of the countries of origin, or refugee sending countries. Since the perception is that internal conflicts mark a shift in international affairs and in the cause of refugees, the UNHCR and the refugee regime are redefining the meaning of international protection to allow a range of activities inside states. As the High Commissioner claims, the

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distinctive features of the contemporary refugee problem have brought 'a major transformation of UNHCR principles, policies and practices'.

Traditionally, UNHCR's activities have concentrated on the country of asylum. Today, the growing scale and complexity of the refugee problem makes clear the inadequacy of asylum as the whole response. We need to concentrate not only on the middle stage of the refugee flow, but also on the two ends of prevention and solutions. The entire continuum of refugee flows from its root causes and prevention, to emergency response, protection and eventual solution deserves our attention. Consequently, the focus of our activities is a shift gradually from the relatively stable conditions in the country of asylum to the more turbulent and often evolutionary process in the country of origin of refugees. We are moving into security situations from which we would have evacuated in the past. We are having to call upon military logistics more frequently. The inviolable nature of national sovereignty is being questioned (Ogata, 1992).

The primary tasks of the UNHCR are to receive, process, and protect refugees on the other side of an international border. But this form of humanitarian action is no longer seen as adequate because it treats the symptoms and not the disease. The UNHCR argues that it has an obligation to adapt its own systems and structure in such a way as to ensure maximum effectiveness in responding to the complex challenges that confront it (UNHCR, 1996, para. 7). The belief is that the current challenge for the refugee regime is to tackle the conditions that compel people to flee. To meet this goal, the regime advocates three types of action: prevention diplomacy to defuse tensions, human rights measures to protect the minority groups for whom flight is the only option, and development strategies to promote better governance and to tackle poverty. Above all, international cooperation and international solidarity are vital if these strategies are to achieve the prescribed goals.

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Of course, the UNHCR and the international refugee regime have always been multidimensional in terms of practice and actors. The regime functions on the international, regional, national and local levels. The actors are international organizations, national governments, non-government organizations of various levels, knowledge-makers, policymakers, and refugees themselves. On the one hand, the request to develop a system of cooperation and coordination for dealing with refugee movements makes transparent widespread practice. On the other hand, the comprehensive approach indicates a shift in the value of each constituent of the regime and of the relationships between them. Consequently, the current regime represents a widening array of the activities that govern refugees.

Recent co-operations between the UNHCR and peacemaking operations in Iraq, Somalia, Bosnia-Herzegovina, and Kosovo bring the humanitarian, political and military elements of the UN system into a very intense relationship. Indeed, a number of UN agencies are constitutive of the international humanitarian system for refugees. The Office for the Coordination of Humanitarian Affairs (OCHA), which replaced the Department of Humanitarian Affairs, the Office for the High Commissioner for Human Rights (OHCHR), the United Nations Children’s Fund (UNICEF), the United Nations Development Program (UNDP) and the World Food Program (WFP) are the main agencies that work with the UNHCR to achieve its objectives. Moreover, the UNHCR is seeking ways to collaborate with the World Bank on post-conflict reconstruction, which is important for repatriation and in fact, prevention (UNHCR, 1998b; UNHCR and World Bank, 1999d).

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5 The recent courtship of civil society in UNHCR’s ‘partnership-in-action’ program is an example of the rising status of non-government organizations and community organizations in the government of refugees.
Barutciski (1994a; 1994b; 1996a; 1996b), Cunliffe and Pugh (1997), and Warner (1998) have argued that this broadening of UNHCR's focus from protection to prevention and the redefinition of protection from asylum to internal assistance undermine its mandate of international protection. Although I agree with their assertions, they overlook the fact that UNHCR was a product of Cold War politics - shaped by the East-West and North-South international political divisions. Its 'humanitarian' mandate is an outcome of politics. In this context, much of the debate over the future direction of UNHCR - a debate between politics and humanitarianism - has obscured the function of humanitarian action to achieve political goals. The 'reinvention' of UNHCR is a reflection of the present imaginaries of world (dis)order, just as earlier the organization was a reflection of the Cold War order.

Furthermore, the current crisis of practice is hardly novel. Rather, it is a consequence of the contradiction within the regime, which I have examined in this thesis. That is, the regime seeks to address an effect of the states-system, namely, refugees, and yet, states ultimately represent the solution to the problem. They are the agents who hold primary responsibility for protecting refugees under the international legal regime, but it is the prerogative of states to determine whether they permit the entry and settlement of aliens. In this sense, the appearance of deterrent and interventionist strategies confirms this inherent tension within the international refugee regime.
PREVENTION

Since the end of the Cold War, there has been a paradigmatic shift in the management of displacement. The concept of prevention, clearly influenced by Boutros-Ghali’s idea of preventive diplomacy, is now a powerful discourse in the refugee regime. Prevention comes in four forms: protection, deterrence, interventionism, and pre-emptive warning system. The striking feature of the practices of prevention is that they are interventionist; they shift the focus from the issue of protection in asylum states to forms of internal assistance within refugee generating states.

The strategy of ‘preventive protection’ consists largely of activities designed to prevent or contain the flow of population across international borders. These practices are directed at the conditions within refugee generating states. The task is to identify and address ‘the dynamics of displacement’, that is, the root causes. The evolution of the refugee regime to the point where it considers the prevention of displacement sounds noble but the effect is a geopolitical humanitarianism that keeps would-be asylum seekers at a distance, and if possible, within their own state or region. As Jennifer Hyndman (1997, p. 7) suggests, the idea of preventive protection ‘gives rise to a new set of political spaces and management practices for forcibly displaced people’. ‘Safe havens’, ‘zones of tranquility’, ‘open relief centers’ and ‘safe corridors’ are practices of containment that reinforce the policy of non-entree in Western states. The strategy of preventive protection claims to address the

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6 For analyses of recent practice of non-entree, containment and preventive protection in the Balkan region see, M. Barutciski (1994a) ‘Crisis in Bosnia-Herzegovina and the Myth of Preventive Protection’, 
The challenge of protection, namely, increase in refugee numbers and decline in asylum opportunities. But for many Western states, preventive practices are deployed as barriers to asylum. In the current climate of cultural separatism, the possible integration of refugees into host countries appears to be more troublesome than ever.

The formulation of non-admission and deterrence mechanisms is most evident in the EU. The harmonization of national policy among European states with regard to the movement of people has resulted in freedom of movement among those designated as ‘European’ and a strengthening of barriers to entry for non-Europeans. In other words, the abolition of internal borders has translated into the harmonization of restrictive control of external borders and non-EU citizens (Bloch, Gavin and Schuster, 2000).

The Maastricht Treaty, the Schengen Agreements (on the elimination of internal border controls), the Amsterdam treaty and the Dublin Convention (which establishes the state responsible for examining an asylum claim) have created a ‘Fortress Europe’ with Eastern European countries as the buffer zone. These agreements impose visa requirements on the nationals of most migrant-producing countries and enforce a penalty on carriers that take asylum seekers and others who are without requisite visas (Barutciski, 1994, p. 32). They also deny refugees the possibility of choosing a state of protection. Karin Landgren (1999) insists that treaty agreements among Western European states, by creating conflicting international obligations

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have enabled them to move beyond the traditional refugee convention. Likewise the idea of 'safe country', which once referred to a third country in which an asylum seeker was safe or found protection, now refers to 'safe country of origin' (Bryne and Shacknove, 1996 and Hailbronner, 1993). An asylum application from a person who comes from an identified 'safe country' would be rejected on the ground that a safe country is seen as one where there is no serious danger of persecution. She is more likely to be seen as someone who is abusing the 'system' – a bogus asylum seeker, an illegal immigrant - rather than a 'genuine' refugee Government policies tend to reinforce and reproduce the perception of asylum seekers as 'queue jumpers' and criminals who should be deported. Jens Vedsted-Hansen (1999) notes that, in addition to the draconian conditions of entry and mystification of refugee status, other deterrence and control tactics include detention upon arrival, detention camps, minimal assistance, penalties for 'undocumented' asylum seekers and criminalization of illegal arrivals, 'accelerated procedures' and interdiction in international waters. In short, the strategy of prevention has governed asylum seekers through practices that have the effect of exclusion.

It is beyond the scope of this thesis to examine the shifts in perceptions of international migration. Suffice to say that restrictive immigration policies, which seem to be the norm among former migration states, have had significant consequences for refugee policies (Collinson, 1999). The migration from the 'South' to the 'North' is, in fact, very limited. Migration policies of industrialized countries have shifted from focussing on family reunion category to business and skilled migrants. Unskilled cheap labour is less in demand, and they have two options – move as documented and undocumented migrant workers and use the asylum route. As a result, refugees are increasingly perceived as part of a general voluntary international movement of people and human resource. Moreover, the racialization of
refugees has identified them as ill-suited to the activities of democratic citizenship of receiving Western states. Add the discourses of national wellbeing and economic imperative, the governments of states can justify a range of deterrence and containment practices.

In Europe’s case, one explanation for this shift of policy has to do with the reinvention of Europe, which has been underway since the end of the Cold War. Another explanation for current policies is the perception of a profound change in the geography of displacement. As I noted at the end of Chapter Five, by the early 1980s, the refugee problem had been constructed as a ‘Third World’ problem. This distancing has been interrupted by the movement of displaced populations from Eastern Europe and the former Soviet Union to Western Europe. Two responses have been an intensification of anxieties over European citizenship/identity and a development of the ‘refugee-security dilemma’ in Europe (van Selm-Thorborn, 1997).

In light of this shift in the perception of refugees and international migration, donor countries have urged UN agencies, like UNHCR to assist displaced peoples ‘at home’ – before they cross international borders, or in first

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countries of asylum nearby. Such tactics of containment serve to keep refugees and internally displaced people 'over there', far from the borders of donor countries in the West. Western governments prefer interventions that provide assistance before potential refugees cross the borders. UNHCR is responding to the demands of its donor countries who wish to maintain 'space and distance' where displacement remains a tragedy and the sympathy for displaced peoples are as victims. As they encroach towards 'our' borders, the relationship changes. They become 'immigrants', 'foreigners' and suspicious 'asylum seekers' who threaten the political, economic and social fabric of 'our' countries. The phenomenon of 'human trafficking' or smuggling only confirms fears about the rise of uncontrollable 'irregular' migration and the 'dark side' of globalization.10

As mentioned before, Western governments and the UNHCR endorse tactics of containment like 'safe havens' and 'protective zones' over asylum. By having certain safe regions so that people would not have to leave in the first place, asylum pressures are relieved, processes of repatriation are less arduous, and fewer aliens enter national societies. But there is another argument for preventive measures. In the discourse of rights of the international refugee regime, 'the right to leave' no longer has as much purchase as 'the right to remain'.

At the heart of such a preventive and solution-oriented strategy must be the clear recognition of people (sic) to remain in safety in their own homes. ... In speaking of "the right to remain", I mean the basic right of the individual not to be forced into exile,... The right to remain is implicit in the right to leave.

10 There is an emerging regime seeking to control such movement. Much of the discussion on the subject focuses on issues of human rights and particularly, the notion of slavery and the exploitative arrangement between the smugglers and the refugees. See J. Morrison (2000) The Trafficking and Smuggling of Refugees: the end game in European asylum policy? Geneva: UNHCR Evaluation and Policy Analysis Unit.
one's country and to return .... [W]hen people are forced to leave their homes, a whole range of other rights are threatened.... I know that the international protection that my Office, in cooperation with countries of asylum, can offer to refugees is not an adequate substitute for the protection that they should have received from their own Governments in their own countries. The generosity of asylum countries cannot fully replace the loss of a homeland or relieve the pain of exile. (Ogata, 1993)

The promotion of 'the right to remain' aims to prevent refugee flows by emphasizing the right of the individual not to be forced into exile and therefore, to be homeless. Ogata (1993) pronounces that refugees have a 'right to remain' in their countries of origins and not to be displaced because no humanitarian assistance can compensate for the loss of a homeland. The deployment of exile and home, in this context, further naturalizes the bond between territory, culture, citizen, and belonging, while affirming the anomalous state of refugees. The UNHCR, with the support of Western governments, is pushing for measures that will enable the 'choosing to remain' option. According to the UN High Commissioner, the UNHCR's protection mandate is threefold: right to asylum, right to return and right to remain (Ogata, 1993). This redefinition of protection expands its mandate and encourages containment and interventionist policies.\footnote{The expansion of UNHCR's activities and its relationship with other UN operations has lead to the recent 'humanitarian debate', which questions the relationship between humanitarianism and politics, and ask whether this connection jeopardizes the norms of neutrality and impartiality of humanitarian assistance.}

Admittedly, all forms of internal assistance involve intervention in the strict sense. But recently, novel interventionist activities have been justified by positioning the conditions of internally displaced people and the need to be prepared for 'complex emergencies' as of utmost importance. The suggestion is that to adequately respond to complex emergencies, persons displaced
within their borders require the attention of the international refugee regime. This means going into potential refugee-generating situations in states and preventing international displacement.

In 1992 Francis Deng, as Special Representative of the UN Secretary-General for Internally Displaced Persons began to formulate a legal framework for IDPs. He claims that there were between 20 and 25 million IDPs compared to 12 million refugees in 1999 (1999, p.9). His Office has published Guiding Principles on Internal Displacement (1998), which expands the notion of protection beyond refugees to refugee-like situations. Managing IDPs is a preventive measure. The proposition is that prevention is the most effective form of protection for people in danger of becoming refugees (UNHCR, 1993, p.121). Assistance to victims of armed conflict, which include the internally displaced, has been the central responsibility of the International Committee of the Red Cross (ICRC) which acts under the Geneva Conventions. Recently, UNHCR has become increasingly involved in IDPs issues, although its mandate restricts activities to refugees.¹² The agency has made IDPs the ‘hot issue for a new millennium’ and it has published a position paper to explain the reason for UNHCR’s involvement with IDPs.¹³

This interest arises from the similarity between such internally displaced persons and refugees, in terms of the causes and consequences of their

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¹² An argument against the intrusion of the IDP issue into the refugee regime is that to extend the current legal framework to IDPs will further erode the already precarious institution of asylum in host countries and invite interventionists practices that undermine the principle of state sovereignty. See M. Barutciski, (1998) ‘Tensions between the refugee concept and the IDP debate’, Forced Migration Review, No. 3, pp. 11-14.

displacement and their humanitarian needs. Like refugees, many internally
displaced (sic) have been forced to leave their homes because of fear of
persecution, war, and violence. Again, like refugees, they are in need of
protection and assistance, as well as a solution to their plight (UNHCR, 2000,
EC/50/SC/INF.2).

The rationale for UNHCR involvement in IDPs has to do with its perception
of the dynamics of mass displacement that can lead to refugee flows. Under
the category ‘others of concern’, the UNHCR manages the movement of
refugees, as well as returnees, stateless persons, internally displaced persons,
development-induced displacement, and asylum seekers. In fact, the
international refugee regime governs all forms of population movement
where the bond between the government of a state and certain groups of
people is undetermined, and the relationship between a government and its
citizens is tenuous.

The strategy of prevention relies on the argument that the types of mass
displacement that have occurred over the past decade or so cannot be
addressed solely by providing protection in countries of asylum. Whether
this is true or false is not at issue, but the consequences are. The strategy of
prevention legitimates the practice of identifying certain states as problems
and allows governmental practices to be exercised widely in ‘high risk’
countries or weak states, which are deemed to be potential refugee sending
countries. As Sadako Ogata (1993) insists, maintaining peace and security
among states must encompass the prevention and solution of internal
conflicts that brings massive displacement of people. The acts of potential
refugee-generating countries are harmful to both their people and other
states. Prevention, then, requires predictive mechanisms and pre-emptive
action.
The deployment of the discourse of human rights and the identification of human rights abuses as the fundamental root cause of displacement have enabled the international refugee regime to broaden its in-countries activities and to develop an 'early-warning' system. Principles of human rights establish obligations of governments towards their own citizens. At the 49th Session of the UNHCR's Executive Committee Meeting in 1988, the message was that the refugee experience, in all its stages, is closely linked to the degree of respect by states for human rights and fundamental freedoms. The observation of human rights is the benchmark of effective government. The appointment of a High Commissioner for National Minorities in the OSCE (Organization for Security and Co-operation in Europe) strengthens the widespread view that the direct cause of displacement is the systematic violation of rights directed at the members of one ethnic, religious or national group. The OSCE is an increasingly important organization in the refugee regime. According to its mandate, the High Commissioner on National Minorities is an instrument of conflict prevention. The function is to provide 'early warning' and 'early action' in regards to tension involving national minority issues that have the potential to affect peace, stability, or relations between its member states. Human rights monitoring missions are one of its central activities.

The similarities between the current scenario and that of post-1919 Europe are striking. The following quotes, for example, demonstrate the likeness in the representation of the refugee problem in post-1919 and in post-1989 international relations.

Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities (Woodrow Wilson, 1919).
Protection of minorities is something so important, especially if you want to put some order in this chaotic world - whether it is in the Soviet Union or other countries that are breaking up because of ethnic tension, like in Africa. How can you really protect minorities better? Because if the world's going to break into ethnically pure states, like in Bosnia, the countries won't be viable. I think we should develop minority protection as an alternative (Sadako Ogata, 1994).

The characterization of ethnic conflict as a source of displacement and the identification of ethnic minorities as refugees highlight continuities in the problematization of refugees in international relations. That is, refugees are the effects of the national states-system and the regulatory norm of national citizenship. With the breakup of the former Soviet Union and the Former Yugoslavia, and the formation of new states that seek to nationalize their populations, the issue of protecting minorities has returned to the political agenda. Today, as in 1919, the protection of minorities in new states through monitoring activities is seen as an important way to prevent population displacement.

The development of an early-warning system, consisting of a range of activities such as monitoring human rights in 'high risk' countries, identifying 'danger signals', and gathering and analyzing observations, is considered essential for the anticipation and prevention of refugee flows. Cooperation and coordination are the key words. The fact-finding and research activities of various agencies of UN system, as well as the OSCE, international NGOs, and academic institutions all contribute to an early-warning system. Information and analysis are forms of prevention and

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14 Western condemnation of ethnic or communal conflicts elsewhere in the world has been possible because Western democratic states have presented themselves as the model of tolerance and multicultural harmony. In Europe, the reactions to the rise of right-wing parties and the inclusion of the Freiheitliche Partei Österreichs in the Austrian government are illustrations of the efforts by Western governments to disavow racism within.
protection (UNHCR, 1993, p. 51). However, the events in Rwanda and Kosovo have shown the limitations of the ‘information-gathering enables appropriate action’ formula for refugee management. These failures have not diminished the faith in early warning. Rather, they are seen as indicating the need for improvement. The evaluation of policies, operations, and failures is an important process that initiates reforms that can contribute to prevention. For example, UNHCR recently has established an Evaluation and Policy Analysis Unit, which assesses the management of refugee crisis by the UNHCR and suggests recommendations. These post-crisis assessments have become prevalent in the international humanitarian system. Such evaluations show transparency and accountability on the part of the actors, act as information-gathering tools, and advance preparedness for future operations.

Yet, there is a belief that direct intervention into the domestic affairs of states is often the most productive form of prevention. This form of intervention is justifiable when citizens are deprived of protection because they live in countries where the state is ineffective, or when the state is in some kind of anarchy (Zolberg, 1994, p. 344). In this context, direct intervention may indeed involve military intervention. Such interventions are justified on the grounds that they create the condition of possibility for democratic institutions, which make governments ‘accountable’ for the treatment of their own citizens.

The solution of democracy in international relations re-interprets the principle of sovereignty, which claims that the full recognition of sovereignty

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15 The presence of human rights monitors and verification observers has become a common sight in some countries.
only comes with the full recognition of human rights - since it is the activities of 'rogue' governments that threaten the international order. The UN Security Council has often cited refugee issues as grounds for authorizing military action (Roberts, 1998, p.375). This rises questions about the value of sovereignty in international relations and the consequences of its repeated subjugation. In practice, sovereignty has always been contextual, but the introduction of preventive strategies to the international refugee regime has the potential to legitimize conditional sovereignty as an international norm.17

Protection

The Refugee Convention is specific on the condition of international protection. In international law, a refugee is someone who is outside the 'country of origin', and who does not have the protection of her country of origin. The Convention limits international protection to persons who can demonstrate inability or legitimate unwillingness 'to avail himself of the protection of [the home] state' (Hathaway, 1991, p. 133). The key criterion for determining refugee status is persecution, which means a deliberate act of the government against individuals, and excludes victims of general insecurity and oppression, and people who have not crossed national frontiers to seek refuge.

The crossing of international borders is central to refugeehood; it signifies a breakdown in the bond between a state and its citizen. The institution of international protection is a surrogate for the failure of the state’s duty to protect its citizens. The core principles of non-refoulement and the right to asylum address this function of the refugee regime to locate some sort of commitment by states to manage refugee flows. But as I have argued throughout this thesis, refugees signify the malfunction of a state and the possible disturbance of the states-system. International refugee law provides states with a way to control their borders in the face of involuntary migration (Hathaway 1997b, p. 118). Given that the agents of persecution are states or institutions of states, international law also functions as a procedural and prescriptive mechanism that regulates the conduct of states and agents of states.

Since the end of the Cold War, the meaning of protection has been transformed and the activities of protection have been expanded.18 The ‘old’ practice of protection is seen as a ‘reactive’ and a ‘short-term’ response, while the present strategy of international protection is characterized as a form of durable solution. At the 51st EXCOM session in July 2000, various in-country activities such as establishing ‘refugee security’, particularly in refugee camps, generating the conditions for voluntary repatriation, monitoring returnees, designing post-conflict reconstruction activities and general presence in the country of origin were classified as protection activities. These protection activities have been promoted widely at previous EXCOM sessions, and the latest invocation confirms an ambition to develop practices of international protection that can govern all forms of population

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displacement.\textsuperscript{19} At the same session, the UNHCR outlined its intentions to broaden the strategy of refugee protection beyond the context of refugee law firstly, by linking up with international human rights law and international humanitarian law, and secondly, by promoting harmonized regional approaches. According to Warner (1998, p.14), ‘the increasing enmeshment of international human rights law with the refugee regime diminishes the capacity of international refugee law to provide international protection’. The protection of human rights as a form of refugee protection also anticipates interventionist activities.

‘Safe havens’, ‘zones of tranquility’, ‘open relief centers’, ‘safe corridors’, national minorities protection instruments and the protection of IDPs are further examples of the varying practices of protection. Again, we see that protection is no longer limited to those who have crossed international borders or those who suffer persecution at the hands of their own government. It is now applicable to those who are displaced because their governments cannot protect their rights and physical security. In-country protection programs for IDPs have emerged as important activities of the UNHCR. Given that Western states have misgivings about even temporary protection visas due to the fear of over-stayers and the difficulties associated with deportation, the development of different forms of ‘internal’ as oppose to ‘international’ protection seems to provide a solution for states and refugees.

Clearly internal protection requires the suspension of state sovereignty, which is the core principle for governing inter-state relations. The exception

\textsuperscript{19} The UNHCR’s interpretation of international protection can be found in its Note on International Protection at the annual EXCOM sessions.
to this general rule of co-existence is when a state is incapable of exercising its authority in ways that do not disturb the sovereignty of other states. In such instances, members of the ‘international community’ have a right and a duty to intervene in the affairs of the failed state. This kind of justification appeals to the brokers of liberal internationalism and the adherents of new barbarism. Refugee-generating countries are seen as incapable of exercising their autonomy in a responsible manner. In situations where the agents of persecution are ambiguous and multiple, the state remains responsible because it has allowed persecution to take place and failed in its function to manage the national population.

For the Western liberal world, the double imperative is to control and segregate these states and their populations from itself. As such, forms of ‘in-country’ protection have proliferated. The invocation of the ‘right to remain’ should be understood as a mechanism to confine would-be refugees within their countries, often in perilous situations where ‘protection’ is nothing more than containment in ‘safe areas’. These protection practices are preventive in character. Refugee camps, which offer a similitude of protection are also spatial mechanisms of population control. Likewise, regional ‘problem-solving’ initiatives and regional burden-sharing arrangements have been encouraged for this reason. The function of burden-sharing will be discussed in the section on solutions. For the moment, it is worth noting that two related purposes of the regional approach are to contain refugee flows and to keep the presence of refugees in Western states at a minimum.

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20 For example, the Iraqi Kurds, the Bosnians and the Hutus all enjoyed the ‘safe haven’ option of international protection. UN peacekeepers ‘protected’ the Bosnians in the ‘safe areas’ of Srebrenica and Zepa. Likewise, French peacekeepers ‘protected’ the Hutus in camps in southwestern Rwanda. The Kurds enjoyed the safety of the ‘no fly zone’, which provided no protection against Iraqi ground assaults.
Since any form of protection incurs cost, the selectivity of assistance is the norm rather than the exception in the government of refugees. The call to respect universal human rights among Western liberal states seems hollow when, in practice, resources are allocated to countries that have the strongest affinity with the donors. As mostly Western states - Japan being the exception - constitute the primary donor countries to the UN and UNHCR, they yield enormous influence in the allocation of resources. The world’s largest current refugee problem is in Afghanistan, where 2.6 million Afghan refugees await their fate, but the lack of donor interest means that assistance is virtually nonexistence (UNHCR, 1999b). Meanwhile millions are poured into the Balkans, especially to ‘frontline states’ who assisted the NATO campaign and the humanitarian operation. B.S. Chimni (1998) has been critical of the geopolitics of the refugee regime. For him, the depoliticization of the refugee regime has obscured the Ethnocentrism in the treatment and representation of refugees from the developing countries.

But to draw attention to the regions of intense conflict may have an adverse effect on the response of the rich and powerful too. Acknowledging that the most brutal wars are in Sierra Leone, Ethiopia, and Eritrea may further condemn the people of the region to a normalized anarchy and barbarity. By reinforcing the impression that neither the region nor the people are redeemable, such information could be used to justify leaving Africa to exhaust itself in violence and poverty. The simplistic explanation of the Rwandan genocide as ethnic conflict, for example, only serves to reproduce the imaginaries of barbarism in the Western imagination.

If approaches to international protection are geared to specific geopolitical interests, protection arrangements are also considered to be temporary. International protection ceases when the refugee reestablishes the contractual
bond with her state, or with another state. This point is vital for the supporters of temporary protection, which include governments and researchers who see this as the best option in this current climate of harsh asylum policies. Increasingly, temporary protection is seen as a pragmatic tool for meeting the immediate needs of refugees and the interests of Western states. The argument for temporary protection represents it as a prudent compromise that acknowledges the rights of states to control conditions of entry for aliens and yet, provide protection for people fleeing from their country of origin. In other words, temporary protection alleviates the pressure on asylum and halts the complete erosion of asylum. It offers interim protection until the risks in the state of origin no longer exist. Indeed, despite the cost of the controversial humanitarian evacuation program that granted temporary protection visa to Albanian Kosovar refugees, the program has had significant consequences for the subsequent government of mass population displacement. The Australian government has adopted a similar response to the plight of the East Timorese, who were evacuated from East Timor and granted temporary protection visas upon arrival in Australia.

Admittedly, temporary asylum is not a novelty of the post-Cold War period. The concept of 'provisional refugee' as a remedy against refoulement has been a topic of discussion since the 1980s. In the 1990s, European states have pursued the practice of temporary protection in response to the 'influx' of refugees caused by the conflict in the Former Yugoslavia. These states have attempted to create a new and harmonized approach to temporary protection. Although the legal framework of temporary protection was originally underdeveloped, they moved to correct this with swift revision to their national legislations, altering categories and conditions of admission for
asylum seekers. Until the crisis in the Former Yugoslavia, persons in need of protection who were not considered to meet the criteria of Convention status refugees were granted protection, for example, on humanitarian grounds (Vevstad, 1998, p.196). In national legislation, *de facto* refugees are referred to as B or C status refugees (UNHCR, 1993, p.41). By allowing people to stay in the host country at the discretion of the authorities, B status has been an important instrument in regulating the condition of stay for aliens. Following the refugee movements from the Former Yugoslavia, the governments of Western Europe have come to an agreement about the inadequacy of this instrument as a form of control. As a strategy of governing refugees, temporary protection is the emerging norm in instances of mass population displacement.

The UNHCR maintains that temporary protection meets the principle of international protection on the grounds that it is part of a comprehensive program of concerted international action that includes prevention and solution (UNHCR, 1994). Recent experience in the EU shows that once temporary protection no longer applies, very few have access to the refugee determination process and even fewer gain refugee status (Barutciski, 1994 p. 35). This is a significant achievement. The emerging norm of temporary protection is preventing the permanent settlement of refugees in receiving Western states and complementing the preferred durable solution of repatriation or 'safe return'.

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The cessation clause in the 1951 Refugee Convention has been particularly useful in ending temporary protection and initiating moves towards repatriation. The clause allows host states to cease protection on the basis that the person has resumed the bond with her national government, availed herself to the protection to a country of asylum, or because the circumstances of flight have ceased to exist. Not surprisingly, with repatriation as the preferred durable solution, the 'ceased circumstances' is the clause that most supports such a goal.

**Solutions**

The last aspect of the comprehensive approach to the government of refugees is the strategy of solution. Solution is the primary objective of the international refugee regime and one of the prescribed tasks of UNHCR - the other is international protection. Solutions are durable, that is, they seek to reestablish the state-citizen bond. The importance of this normalized governmental technology can be seen in Gallagher's definition of durable solution. He (1994, p.429-430) proposes that the idea of durable solution indicates the restoration and maintenance of 'permanent relationships between individuals and states' (emphasis added). In this thesis, we have traced the historical conditions that enabled the durable solutions of local integration, third country resettlement, and repatriation to be put into practice. Having examined the shifts in the international political environment and in the political imagination in the Chapter Six, I have also rendered visible the condition of possibility for a 'redefinition' of durable solution in the post-1989 world.
Within the comprehensive governmental agenda, solution works in conjunction with prevention and protection to minimize the movement of displaced populations across international borders. Like international protection, the strategy of durable solutions has met with some significant changes. An important aspect of durable solution now includes programs of reeducation and reconstruction, which invoke the discourses of human rights development and democratic institution-building to achieve its objectives. The ‘traditional’ durable solutions continue to be invoked but the emphasis is on repatriation.

Repatriation in the name of ‘the right to return’ has become the most desirable durable solution, while the other durable solutions of integration into an asylum state or resettlement in a third country are much less attractive options. In this context, efforts to solve the refugee crisis now focus on the imperative of establishing the necessary conditions for effective government in ‘offending’ states. The emphasis is on the responsibility of the country of origin to establish the conditions permitting return of its nationals. If the temporary protection is becoming the norm, then, the support for repatriation is hardly surprising.

Organized repatriation programs for Cambodia and Mozambique, and ‘assisted’ repatriation programs for Namibia, Angola, Eritrea, Liberia, and Guatemala had been major achievements of the refugee regime. During 1994 and 1995, around three million refugees returned to their countries of origins. In 1996, the conclusion of regional initiatives such as the International Conference on Central American Refugees (CIREFCA) in Central America

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22 In 1992, UNHCR declared the 1990s would be the decade of repatriation.
and the CPA (Comprehensive Plan of Action) in South East Asia demonstrated the immense potential of mass return programs.

Repatriation can be either organized or spontaneous but it must be voluntary. Cuny, Stein and Reed (1992), and Rogge (1992) note that accelerated rates of repatriation raise questions about the voluntary character of return. In light of these concerns, the UNHCR has added the vocabulary of 'safe return' to the practice of 'voluntary repatriation'. The UNHCR plays a key role in the coordination of repatriation programs. It assesses conditions in the countries of origin and passes this information onto host governments. The point to repatriation as a permanent solution is that it needs to be sustainable. It is in the long-term interest of host states to ensure the success of repatriation operations since unsuccessful operations will lead to further displacements. Western governments are aware of this. Geographical distance from most of the countries of origin, however, allows them a zone of comfort from which the policy of repatriation can be pursued. Moreover, from a safe distance, Western states can indulge in the heroic practices of reeducation and criticism. Chimni's critical history of durable solutions is instructive on the evolving character of repatriation (1999). He suggests that the contemporary character of repatriation invokes nostalgia in an attempt to (re)establish the bond between country of origin and refugees, which serves to obscure the lack of willingness of asylum states in the West to be countries of resettlement.

An example of schemes that encourage repatriation was the Government Assisted Repatriation Program (GARP) for Bosnians in Germany, which was administered by the International Organization for Migration (IOM) and
funded by the German Government and Federal States. The plan, which was an adjunct of the Reintegration and Emigration Program for Asylum-Seekers in Germany (REAG), offered a one-time payment of 450DM per adult and 225 DM per child paid on arrival in Bosnia and Herzegovina. On the presentation of travel documents at the IOM offices at Sarajevo, Bihac, or Tuzla, each family was to receive a maximum of 350DM. REAG covered the transport cost and provided 150DM per adult and 75 DM per child to cover expenses en route.

The normalization of repatriation has much to do with the deployment of discourses of community, home, and exile in describing the refugee experience. Repatriation is promoted as the end of the refugee cycle. By appealing to home and belonging, the practice of repatriation represents the refugee condition as a condition of lack in world of rootedness. The right to return has a seductive quality, particularly when the idiom of ‘home’ follows such a claim. Chimni calls this the ‘nostalgia model’ that assumes the refugee condition is, regardless of the cause and what transpires afterwards, to be viewed as a descent into human misery (1993, p.457). The pathway to self-recovery includes the road home, which according to the international refugee regime, is one’s state of origin. But Daniel Warner’s (1994) phenomenological exploration of the notion of return suggests that if

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23 The information on this program is from Information Notes on former Yugoslavia, No. 7-8 1997, UNHCR Office of the Special Envoy – External Relations Unit.
communities evolve, then the meaning of return and home is far more complex than the simplistic invocation of voluntary repatriation would have one believe. The attachment of people to certain places and territories is taken as a given in the refugee discourse. One may indeed long for home, but the imaginary homeland may not be a territorial one. But the current deployment of the notion of home in the discourse on refugees is as a spatialized community of belonging. It is an important technology for managing populations and territories.

Likewise, spatial technologies such as regional solutions and burden-sharing have become approved practices. Even if one ignores the language of burden, which reinforces the popular representation of refugees as dependents, one cannot deny that regional solutions complement the preference of keeping refugees close to the region of origin, which would allow for an easier implementation of voluntary repatriation than otherwise be possible. As a practice of solution, burden-sharing facilitates returns, and at the same time legitimizes the concerns of Western states about asylum and resettlement as forms of protection and solution.

James Hathaway’s reformulation (1997) of the international refugee law project, which identifies itself as ‘a proposal for collectivized and solution-oriented protection’ is a response to the anti-asylum climate in Western states. The project appeals to the rational choice explanation of cooperative action and suggests that ‘common but differentiated responsibility’ should be the new mode of operation for the refugee regime. Once the ‘interest-convergence’ between refugees and asylum states is identified, a system of ‘burden-sharing’ based on ‘solution-oriented temporary protection’ comes into operation. ‘Common but differentiated responsibility’ has the ‘North’ paying the ‘South’ to host refugees. It is a design of an international division
of labour in the government of refugees, which is not far from the popular perception of the refugee problem now. That is, Western states are paying for the problems created by inept states; governments are squandering their resources on other people when they should concentrate on the welfare of their own citizens.

As mentioned before, one possible outcome of drawing attention to conditions in the countries of origin, is disgust and disengagement. But the same conditions combined with faith in the progressive virtues of liberalism may motivate campaigns of liberal-democratic education. The liberal conscience, however, experiences the world as one in which some people are unable, or incapable of living the good life and organizing the good society. The progressive and civilizing program consists of among other things, a ‘spiritual’ education for these badly behaved states and, the guilty by association - their undisciplined ‘children’. Post-conflict development and reconstruction projects are designed to facilitate the cultivation of Western liberal sensibilities.

Since refugee flows are seen as abnormal situations caused by the breakdown of effective government, one of the most important tasks of durable solution is to restore the normal functioning of the state and the states-system. That is, each state manages its affairs and population in such a way that it does not impinge on the security and stability of another state. Good government involves, among other things, granting a level of political, social and economic entitlement, to ensure a much more docile domestic population than would otherwise be possible. The ‘real’ solutions to displacement are the observation of human rights, if possible in the form of democratic government, and the promotion of economic development. In other words, the truly permanent solution to refugees is Kant’s Perpetual Peace of
republican states with a rational and autonomous citizen population. Signs of progress are the conduct of free and fair elections, and some kind of constitutional reform. These displays are important in that they are tied to aid funding and other development and reconstruction assistance.

International aid is one way industrialized states can influence the economic and political developments in refugee-generating states and the link between displacement and development has been the subject of Chapter Five. For present purposes, I will refer to the continual affirmation of development assistance as a form of solution. Since the late 1980s, development aid has covered a wide range of activities because there is a strong belief that aid can reduce the need for people to leave their own country. Mainstay projects seek to provide farming, wage-earning and incoming-generating opportunities to both returnees and local people; projects to strengthen the physical and social infrastructure in areas where returnees have settled; and projects to combat the environmental damage resulting from the presence of displaced populations (UNHCR, 1995, p.158). Such strategies aim to reintegrate returnees to their country of origin, and to prevent further need for flight. Moreover, economic development is seen as a way of ‘rebuilding shattered societies’ by restoring a sense of agency among the returnees and the local population. As promoting and building peace have also become goals of the UNHCR, activities conducted under the name of durable solutions are more likely to focus on country of origins rather then the countries of asylum. In short, as part of the strategy of solution, ‘in-country’ reforms overlap the aims of prevention in that both concentrate on the ‘root causes’ of displacement.

26 For an example of the debate on whether aid is an effective form of immigration control see, W. R. Böhning and M.L. Schloet-Paredes eds. (1994) Aid in place of Migration? Selected contribution to an ILO-UNHCR meeting, Geneva: International Labour Office.
At the 51st Session of the EXCOM, the discussion on solutions reaffirmed the importance of partnership building in the international refugee regime. The problem of refugees has never been solely the domain of the UNHCR, but the recent invocations of partnership and cooperation indicate efforts to widen the number of participants in the comprehensive refugee strategy. Considering that the tasks of governing refugees have multiplied, and the governing strategies have been reinterpreted for new ends, the call for increased participation and cooperation is hardly surprising. Indeed, even in the 47th EXCOM session in 1996, the call for a solution-oriented strategy was also a request for action and coordination.

Concerted action is needed in a whole range of areas, ...: the promotion of good governance and the rule of law, the protection of human rights, the maintenance of peace and security within and between States, the promotion of sustainable development and the management of mass migratory movements. Improved coordination with other humanitarian, human rights and development organizations must therefore be a critical objective (UNHCR, 1996, para.7).

The obvious partners are other UN agencies, the ICRC, and the IOM.27 But the UNHCR also invokes actors in civil society as its partners. The partnerships have widened considerably to include private enterprise.28 The most striking effort to mobilize civil society is the endorsement of non-government organizations as ‘partners’ in the task to provide immediate assistance to

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27 The IOM is an important agency because it is the administrator of repatriation programs and assisted voluntary return of rejected asylum-seekers.

28 At the Meeting of the Business Humanitarian Forum in November 1999, Sadako Ogata, United Nations High Commissioner for Refugees, invited the business community to be partners in humanitarianism. Advocacy organizations like Amnesty International and International Alert are also exploring ways to involve the business sector in their activities.
refugee and to contribute to resolution of refugee movements. Through the Partnership in Action initiative, the activities of NGOs are seen to increase the effectiveness of the regime in three ways. They expand the governmental activities of the regime, enable transparency of activities and an exchange of knowledge through dialogical and consultative processes, and cultivate notions of empowerment and responsibility on many levels of governance. Indeed, the sense of empowerment through local ‘community’ programs has become a key strategy in the government of refugees.

The position of NGOs in the international refugee regime appears to be schizophrenic. On one hand, they function as pressure groups critical of both government and UNHCR policies. On the other hand, they are ‘partners’ in the management of the refugee problem. But there is a slightly different way to look at the status of NGOs in the international refugee regime. Liberal strategies of government rely on the power of freedom to govern and to achieve its goals. The participation of civil society is represented as the openness or democratic nature of the Western liberal regimes. Secondly, the critiques of NGOs, advocacy groups, and academics are constitutive of the international refugee regime. The critiques are mostly reformist in character, rarely questioning the fundamental assumptions of the system. In this sense, the actors from civil society contribute significantly to the government of refugees through their activities, which create regimes of truth about refugees and international relations.

29 Although the statutes of the UNHCR encouraged the establishment of links with and the coordination of activities by private organizations working in the area of refugees, the rise and rise of NGOs is a recent phenomenon. See UNHCR Statute, Article 8, para. (h) and (I).
CONCLUDING REMARKS

The purpose of this chapter has been to draw attention to the effects of the characterizations of international relations for the refugee regime. To this end, three key features of the contemporary regime practices have been identified. Firstly, the idea of a global refugee crisis has functioned to mystify the relations of power that give effect to the significance of refugee issues in international relations. For the Western states that define much of the refugee agenda, the conditions and circumstances in countries of origin have became increasingly the location of governance. This tactic has allowed the West to be active in refugee humanitarianism within other states, while simultaneously exercising restrictive asylum policies. Secondly, the invention of some highly interventionist practices has been legitimatized by the discourses of rights, security, prevention, protection and cure, but has obscured the geopolitical interests of the West. Finally, the emphasis on comprehensive solutions has enabled the inclusion of a multiplicity of actors assembled in the name of solidarity, partnership, and burden-sharing.

At one level, the comprehensive approach continues to reinforce and reproduce the reality that the refugee experience is an anomalous state of being and a danger to the international order. The prevention-protection-solution strategy seeks to govern all forms of population displacement and the states that produced them. At another level, the imaginaries of (dis)order in international relations have influenced the representation and government of refugees. In short, through the construction of difference and exceptionalism geopolitical humanitarianism represents the durable solution for these 'new' times.

CONCLUSION
reflecting on the refugee question

As the rivers flowing east and west
Merge in the sea and become one with it,
Forgetting they were ever separate rivers,
So do all creatures lose their separateness
When they merge at last into pure Being.

Chandogya Upanishad,
Chapter VI, 10.1-3

This thesis has grown out of my sense of puzzlement over the contemporary ‘scandal’ of refugees. Refugees matter. The US government sends patrol boats into international waters to prevent Haitian asylum seekers from entering US waters. The Australian government embarks on a regime of incarceration and an advertising campaign to deter ‘boat people’ landing on Australian shores. The British government implements the goods and services voucher system for its asylum seekers. Then there are a vast number of humanitarian organizations working for refugees. Amnesty International, CARE, Caritas,
the International Committee of the Red Cross, Human Rights Watch, the International Crisis Group, Médecins Sans Frontières, the Minority Rights Group and Oxfam are just a few of these international agencies. There is also the UN machinery dealing with all aspects of the refugee problem. Who are refugees? How are they significant? How have we, in the West, related to them?

This thesis attempted to answer these questions by questioning some of the normalized and taken for granted assumptions about refugees, examining the relations of power that create and transform the meaning of refugees and the ways in which they have been governed, and exploring the universalizing claims of the West. It focused on the conditions that enabled refugees to become objects of governmental concern and, in particular, the habits of thought that informed Western practices on refugees. At stake was how we have come to think about who refugees are, how they are problematized and invested with meaning, and the consequences of this way of thinking.

In this concluding chapter, I trace the terrain covered by this thesis. I begin with a summary of the arguments and approach of the thesis. Then I will recollect the historical journey of refugees in the twentieth century. Since my research agenda has not been about problem solving, I will not offer policy prescriptions. Instead, I will identify the significance of my research for refugee studies. The thesis ends with an invitation to reflect on the meaning of community.
RETURNING TO THE REFUGEE QUESTION

The thesis has been a discursive and institutional history of refugees. The task has been to reveal the strategies of power that underpin the discourse about and the government of refugees, by observing the changes and continuities in the international 'realities' and the working of policies and institutions from 1919 to the present. It has argued that the refugee is a historical artefact. The characterization of the 'refugee question' is not a neutral exercise. The refugee question and the international refugee regime are formed by historically and culturally specific modes of thought and practice.

I have deployed Foucault's work on the government of population, or biopolitics, in the modern West to perform this discursive and institutional history of refugees. For Foucault, government is a modality of power that does not emanate from a single source or sovereign authority such as the state. Rather, government involves a complex and heterogeneous array of norms, practices, institutions, and knowledge, working to produce subjects and regimes of truth. The twin activities of government are characterization (mode of thought) and intervention (practice).

Although his analytics of government focuses especially on the government of a population within a state, I have extended his idea to examine the government of populations in a system of states. I contend that the international system of state is important to understanding the government of population in two ways. Firstly, the creation of a plurality of sovereign states is a precondition for the 'internal' government of population. Securing order among the society of states allows each state to carry out the task of providing the conditions of justice and human security to its citizens. To ignore the international conditions that enable states to these exclusive
services (and promises) to their populations is to neglect an important reason why states remain significant in politics. Secondly, state sovereignty territorializes population and operates to manage inter-state relations. The geopolitics of territorial states is one way to order international relations and populations. Thus, biopolitics is carried out not only on the population of a state but, in effect, on the entire human population. The intersection of biopolitics and geopolitics gives rise to particular international issues such as refugees. The states-system as a global arrangement gives meaning to political identities such as 'citizens', 'migrants, and 'refugees'.

The refugee question in international relations is symptomatic of the division of the world and its populations into sovereign territorial states, where the institution of national citizenship acts as a regulatory norm. The refugee problem arises because the unregulated movement of these people disrupts and threatens the organizational structure of the system of states, which is seen both as a prerequisite for international order and the core of international order itself. The government of refugees, therefore, is concerned with the maintenance and reproduction of an international order of nationalized states where the human population is governed through the institution of citizenship.

I have argued that the international order is also a normative order. The representations of the international political environment and the normative international order have important implications for the characterization, diagnosis, and government of refugees. The discourse of refugees is a reflection of the concerns arising from particular images of international (dis)order. Moreover, the symbolic (dis)order of refugees incites the recovery of a historically and culturally specific articulation of normality.
The literature on refugees often assumes that the government of refugees is about policy formulation and implementation. But I have suggested that the government of refugees includes the activity of thought or conceptualization, which makes it possible to identify refugees and to distinguish them from migrants of other kinds. Theorization connects and orders events, rendering the refugees intelligible and governable. The characterization of refugees is a political site, because the act of naming and categorizing is a form of power.

In this sense, the refugee regime governs refugees by producing truth about the phenomenon. Regime activities, I suggest, problematize, institutionalize, regulate, normalize particular aspects of international life, and socialize the participants of the regime. The ‘working’ of the regime, which consist of a range of programs, practices, knowledge, and institutions, creates particular representations of the refugee problem.

I have also considered the language and activities of the international refugee regime as a set of cultural practices. A persistence feature of the discourse of refugees is the developmental model of human society. This aspect of Western thought has a tendency to reduce the human population to a single historical pattern and trajectory. This evolutionist conception of human society invariably locates the West as the pinnacle of social evolution. This Eurocentrism provided justification for denying nationhood to some peoples at the end of World War One. Again, the developmental conception of human societies was evident in the manner in which non-Western refugees were included in the refugee regime. After the Cold War, the government of refugees through the liberal civilizing project and the containment policies also indicate a continuation of this cultural disposition of the West.
Revisiting the Refugee Journey

The thesis began with the end of empires and the political upheavals in Europe at the beginning of the twentieth century. These events altered the international order and perceptions about the significance of population and the movement of people between national states. The development of an international protection regime was initially a response to the Peace Treaties of 1919, which created new states based on the principle of national self-determination. The minorities protection regime, I argued, was an important aspect of international protection that worked in conjunction with the refugee regime to govern population displacement and to maintain order in Europe.

Chapter Three examined the minorities protection regime as a preventive measure dealing with unintended consequences of state making based on the principle of national self-determination. The aim of minorities protection was to counter the thwarted ambitions of groups who had been denied a national state of their own, to deal with those who now found themselves minorities in states dominated by other nations, and to moderate policies of national homogenization. The belief was minority problems could destabilize the new European order and could lead to international conflict and the displacement of populations. The minorities protection regime was, therefore, crucial to consolidating the outcomes of the First World War.

The mass population displacement triggered by the Russian Civil War caused further anxieties about stability in Europe. The refugee regime was a palliative program that initially dealt with displaced populations from Russia and continued in an ad hoc fashion as political events unfolded after World War One. Chapter Four explored the discursive and institutional
The development of refugees as an international problem between 1919 and 1951. The purpose was to connect the governmental activity, the flexibility of the term 'refugee', and the political environment of the period. From 1919 to 1951, the term 'refugee' shifted from one based in national group category to one at a more individualistic and abstract level.

The term 'refugee', despite a degree of fluidity in definition, was organized around the relationship between a person and a state – the state of domicile or the asylum state. The purpose of the refugee regime was to provide a temporary form of surrogate state-citizen protection until a conventional one could be established through one of its durable solutions. In this sense, the refugee agencies, their mandates, and governmental programs such as repatriation, resettlement and population exchanges all sought to reestablish the contractual relationship between a person and a state.

The 'unmixing of populations', unacceptable methods in the late twentieth century, was a practice accepted and sometimes pursued by the major powers up to the immediate post-World War Two period. The transfer of population was generally perceived as a respectable and usual device of governing population. Indeed, the League of Nations endorsed exchange programs as means of promoting orderly departures of the 'unwanted'.

Thus, both the minorities protection regime and the refugee regime contributed to the wider project of establishing and maintaining international order by dealing with groups whose condition represented possible destabilizing situations. Both regimes (re)produced the value of the national state as the location of belonging. The refugee regime institutionalized ideas about nationality and national minorities and strengthened the bond between
the territorial state and the national citizen. The numerous treaties aimed at protecting the rights of minorities also reinforced the ideal of a national political community and the dangers of multi-ethnicity.

From 1919 to 1951, the refugee regime’s efforts to address population displacement had largely been limited to Europe. The plight of the Palestinian and Korean refugees attracted some attention because they were highly political issues at the UN. But displaced non-Europeans were mostly peripheral to the refugee regime itself. The incorporation of non-Western refugees was the focus of Chapter Five. Decolonization and the shifting geography of displacement expanded the operation of the refugee regime. But the formal end of colonialism did not end the coloniality of power between the West and the non-West. The strategies of power that governed non-Western refugees included the discourse of development. The non-Western refugee, therefore, suffered not only from the disorder of displacement, but also from the disorder of underdevelopment. The characterization of non-Western refugees as developmental or underdeveloped subjects, and therefore, as different from European refugees, provided potent justification for fashioning many forms of intervention in postcolonial states. This tactic also enabled the implementation of regulatory practices that functioned to exclude non-Western refugees from entering Western states.

Since the end of the Cold War, refugee movements have been identified as one of the main threats to international order. Chapter Six contextualized current responses to refugees by exploring the post 1989 representations of (dis)order. The objective was to establish the kind of threat refugees represented to contemporary politics. It argued that there are two influential representations of the present and the future. One is optimistic about a
coming international liberal order of progressive global social and political transformations. The other is a pessimistic view about a world of conflict that is best managed by segregation. Again, Eurocentric assumptions are apparent in both images of (dis)order. The optimists' vision of a civilized liberal world order came from a tradition of Western thought that locates the cultural and historical specificities of the West at the apex of human development. The pessimists' defensive cultural differentialist position argues for global apartheid as a way to preserve Western civilization.

The will to order reflects the concern of the West, particularly the US, over its place in the contemporary international system and its relationship with the non-West, which in this case included Eastern Europe. Chapter Seven considered the influence of the imaginaries of (dis)order for the government of refugees. With the disintegration of the Former Soviet Union and the Former Yugoslavia, the phenomenon of mass refugee movements returned to Europe’s door. The policy reaction towards refugees was a mixture of the civilizing process and cultural separatism. Geopolitical humanitarianism appears to be the answer to the question of refugees.

At one level, the refugee regime continues to reinforce and reproduce the reality that the refugee is an anomalous state of being and a danger to the organizational order of states. At another level, the perception of a global refugee crisis has given rise to claims that a comprehensive approach is needed in order to manage the problems of refugee movements. The strategies of prevention, protection, and solution sought to govern all forms of population displacement and the states that generated refugee flows.
The discourse of crisis and the comprehensive strategies have three significant implications for the government of refugees. Firstly, the idea of a global refugee crisis has obscured the relations of power that give meaning to the refugee question in international relations. The 'global refugee crisis' discourse generally refers to the concerns of Western states about the increasing movement of people from the South to the North. The focus on countries of origin is a form of containment that allows the West to exercise restrictive asylum policies. Secondly, the discourses of rights, human security, prevention, protection and solution have legitimated the deployment of some highly interventionist practices. Finally, the emphasis on comprehensive solutions has enabled a multiplicity of actors to become participants in the name of solidarity, partnership, and burden-sharing. The rationale is that the cooperation and coordination of diverse actors from civil society will increase the capacity of the regime to govern refugees.

AN INVITATION

In this thesis, I have demonstrated the usefulness of Foucault's writings on modern government and the productive possibilities of a postcolonial approach for the study of refugees. Foucault's analytics of power urges us to look beyond the obvious manifestations of power as exercised by the state and its institutions. Postcolonial approaches invite us to examine self-evident historical and knowledge claims. Both approaches locate thought and historicize any claims about the universality of certain forms of knowledge.

Scholars like Anthony Appiah, Dipesh Chakrabarty, Arturo Escobar, Emmanuel Chukwudi Eze, Bruno Latour and Walter Mignolo, in their various ways, are engaged in an anthropology of Western modernity. Their
CONCLUSION

attempts to 'make strange' the practices and values of modern political discourse have demystified the strategies of power that underpin the truths and realities that many of us have taken for granted. An example of this line of research is Escobar's (1995) exploration of the idea of development, which exposes the mode of thought embedded in such an idea and the consequences of such thinking. By questioning the normal and the natural in the discourse on refugees, I share the aims of these scholars.

This thesis has recovered two important historical events in the government of refugees, which raises other questions for the contemporary discourse about refugees. The first event is the complex assemblage of international protection, which includes the minorities protection regime. Historical accounts of the international protection have concentrated on the external aspect, that is, the refugee regime. I have argued, however, that an internal protection regime has been equally important. Today, we see the return of an 'internal' protection regime, namely, the discourse of human rights. Considering the frequent invocation of human rights in the discourse about refugees, it would be timely to undertake a discursive history of human rights that examines the philosophical anthropology of such a notion and the historical conditions for its deployment.

The second historical event is the expansion of the international refugee regime to include non-Western refugees. This event illustrates that knowledge is social and political. The development-refugee nexus has constituted a section of the world as underdeveloped and displaced. In doing so, the link defines those concerned as lacking and decides what they lack - the predetermined goals which they have failed to achieve - but must keep struggling to accomplish. Too often, the language of humanitarianism has obscured this aspect of the international refugee regime. Indeed, the distinction between politics and humanitarianism demands interrogation.
What is needed, then, is a genealogy of humanitarianism that examines the historical conditions of possibility, its meaning, and utility in international relations.

Given that the issue of refugees is a consequence of organizing the world into states and citizens, unless this arrangement loses its value or dissolves, the movement of people across state boundaries will remain a governmental concern. These structural conditions define one dimension of the refugee problem but my thesis has demonstrated that the significance attached to refugees is not the same across time and space. The treatment of non-Western refugees by Western governments is indicative of the second dimension of the 'refugee problem'. The cultural meanings attached to population displacements also influence responses to refugees.

In a way, the challenges of ethnocentrism are a little less daunting than the structural conditions. This thesis has indicated that it matters how one conceptualizes the world. Concepts and theories are analytical tools and descriptions. Whether we use terms such as theory, worldview, or perspective, we are alluding to a reality that affects action. The mutual implication and connection between ways of seeing, ways of being and ways to doing are profound. To examine our own cultural horizon is a first step towards pluralizing the meaning of community. Perhaps then, we will recognize that the definition of community needs not be geographical or cultural. Sobonfu Somé (1998, p.323), a teacher from Bukino Faso tells me that 'community is a place where a person is seen, witnessed and acknowledged, where your soul can be lay bare without fear and your gifts are valued'. Yes.
DOCUMENTS


UNHCR (1999) Executive Committee of the High Commissioner’s Programme Fiftieth session: Strengthening partnership to ensure protection, also in relation to security, 14 September 1999, UN Doc. A/AC.96/923.


**BOOKS, JOURNAL ARTICLES, REPORTS**


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