

UNESCO RILA CALABASH COMMENTARIES

WE ARE ALL REFUGEES

70 years of the Refugee Convention

By Hyab Yohannes

2 August 2021

70 years have passed since the 1951 Refugee Convention was drafted.

It was created in response to the forced displacement of refugees in Europe following World War II.

The Convention was not intended to address any of the involuntary displacement outside Europe caused by centuries of slavery, colonialism and brutal war; indeed, with this narrow view, the original document renders the colonised people subjects without official existence. The geographic limitation was later rectified by the 1967 Protocol, giving the Convention international status; however, the Convention has yet to overcome lingering colonial geneses and geopolitical tangles.

For seven decades, the Refugee Convention has offered a framework for the international protection of persecuted and displaced people by classifying the refugee as a unique type of migrant defined by a well-founded fear of persecution. This formula, as stipulated in article 1(A)(2) of the Refugee Convention, requires an individual to cross an international border and establish persecution on grounds of nationality, ethnicity, religion, political opinion and/or membership in a social group. This specific focus excludes other involuntarily displaced people, such as the internally displaced and those who have crossed an international border due to a natural disaster. As such, the Convention remains incomplete and less effective in various settings and contexts. The 1969 Organization of African Unity (OAU) Convention and the 1984 Cartagena Declaration offered alternative frameworks to the specific needs of refugees in Africa and Latin America, respectively. Today's recognition of the 'refugee experience' as a global problem shows that neither the Refugee Convention nor the regional solutions were successful in addressing involuntary displacement.

The failure of the Refugee Convention to live up to its intended objectives while remaining politically relevant means that the founding states, who for so long have used the Convention as a means of control, are now uninterested in saving it. For them, the Convention has lost its importance. It is increasingly being worn down; the UK's New Plan for Immigration is just one example of the departure from the Refugee Convention's very objective. Through their actions, these countries condemn to a wretched existence people who have relied on the Convention for generations. What will happen to the families who have been stuck in impoverished refugee camps for generations? What will happen to the people whose home countries are worse than the violent borders, lifeless deserts and deadly waters? If legal protection is taken away and governments sanction violent borders, who is there to save them?



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These are not even the most challenging questions of our time.

Modernity has plunged us all into a miserable reality, in which state-centric approaches and esoteric political imagination are no longer relevant. Global challenges such as COVID-19 and looming climate change have shown that ‘we are all refugees’ (Warner, 1992) on this planet. Warner reminds us that ‘To categorize certain people as refugees suggests that we deny the refugeeness inside us all, or deny the “normalcy” that is part of all refugees’ (1992, p. 372). That denial is irrelevant now. Our refugeeness is revealed in all its nakedness by state-imposed isolation and our own fear of a deadly virus. The disconnect between the self we embody, the home we live in and the State to which we surrender our rights has become so blurred that we cannot separate the home from the workplace or the law from the exception. The devastation caused by wars, flooding and rising temperatures all over the world portends a bleak future.

The solutions to these global challenges may seem unbearable, but so is our own existence. From the experience of the displaced, we learn that we all become refugees the moment everything disappears and is replaced by the radical hope of survival. Everyone has a stake in that hope. One cannot survive alone; survival depends on the community and human-to-human connectivity. The Italian political theorist Giorgio Agamben reminds us that ‘We are not awaiting either a new god or a new human being’ to save us (2021, p. 97). He continues:

We rather seek, here and now, among the ruins around us, a humbler, simpler form of life. We know that such a life is not a mirage, because we have memories and experiences of it—even if, inside and outside of ourselves, opposing forces are always pushing it back into oblivion
(Agamben, 2021, p. 97).

To find this ‘humbler, simpler form of life’, we must decolonise our social/political being – the fundamental tenet of our existence. In simple terms, we must repair the homes and communities ravaged by constant wars, devastating floods, rampant inequality and cruel injustice. We must resettle those who have been born and live in tents in refugee camps and rehouse the homeless victims on our streets. We need to rehabilitate our prisoners. That reparative work – not humanitarian work, or work that cherishes human connection rather than ‘fear of persecution’ – is decolonial work. It repairs and restores the dignity of the colonised, displaced, destitute and racialised.



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The 'Other' must be reconstituted as a subject with the right to have equal rights. To do so, we must set aside the fictitious narrative of a peaceful, humanitarian West and study its dark history and unjust present. You cannot look me in the eye and tell me that Europe fully and equally respects human rights when it pushes distressed migrants back into the middle of the Mediterranean Sea for them to die outside territorial waters or when it builds impoverished containment facilities and offshore camps. Is that not a creation of a no-man's land – a 'state of exception', as Agamben calls it – for the annihilation of marginalised people? Does that not reduce migrants to automatons that can be detained, deported or even killed with impunity? Is that not a complete negation of the very humanity of the human victims?

We must realise that allowing desperate migrants to drown in treacherous waters, banning rescue operations and otherwise letting people die cannot be done with impunity. We must realise that with every migrant death, a portion of our own humanity and the 'human' in 'human rights' disappears.

Beyond any doubt, the Refugee Convention is inextricably linked to the bio- and necropolitical borders embedded in the hierarchical structures of nation-state systems and societies. Yet, it cannot afford to only acknowledge the victimhood of people who have survived violent borders, discrimination and colonial institutions. The Convention must establish the refugee as a human with equal rights, protect the human as an indispensable, indivisible social/political being and maintain that we are all refugees. It is only through such a conceptualisation that we can integrate the refugee into a realm of rights and humanity.

About the author

Hyab Yohannes is the first holder of the UNESCO RILA PhD Scholarship. In 2021 Hyab was named as a member of the International Survivors of Trafficking Advisory Council (ISTAC). ISTAC aims to help governments improve their anti-trafficking efforts and ensure they are focused on victims.



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