

Consultative Meeting on “Refugees: Laws, Politics, Aesthetics A Reader”: Report

Organized by Calcutta Research Group

In Collaboration with Jindal Global Law School and Rosa Luxemburg Stiftung

Date: 27.09.2020

Time: 5-7 pm; Online @Zoom

Participants: 23

Report:

Oishik Sircar introduced Prof Samaddar and welcomed him for opening remarks.

Ranabir Samaddar introduced the reader and CRG. Prof. Chimni’s Refugee Law reader (2000) which helped in bringing this new work. CRG wanted to provide a reader which would suggest that Prof. Chimni’s great work can be carried forward in a significant way. Through this reader, the focus should be to address the categories of post-colonial migration and forced migration, and the fickle nature of boundaries.

Oishik Sircar, one of the editors of the reader introduced the reader to the participants. He reiterated that the reader follows from Chimni’s classic work where a key argument up until that time, was that most work in the area of international refugee law was focused on the texts. That reader marked a departure and brought in a tradition of critique that was self-founded and referred to as the Third-World field of international law and scholarship. The new reader, along with following the tradition, will also capture aesthetics. Critical work on law from both within the law and outside of it has to come to terms with the question of the affective, a question that continues to elude law teaching in law school spaces. This approach adopted by the reader makes it unique. The editors are locating the reader in the conventions of legal pedagogy in South Asia.

The invited contributors of the reader spoke about their respective chapters after the introduction. B.S. Chimni’s article, “Geopolitics of Refugee Studies”, 1998, will be the opening piece of the reader. There was very little critical scholarship from the Global South on this. 3 themes are looked into in this article: firstly, how western policies were changing in the post Cold War era; how it shifted from welcoming to keeping out refugees. Secondly, the impact these changing policies and practices had on the field of refugee studies in the post Cold War era. Lastly, how these changing practices in terms of knowledge production impacted organizations like the UNHCR and moved its study beyond a functionalist analysis.

Satvinder Juss said that Refugee law has been conceptualized in three different ways: 1. Simply an extension of foreign policy with nationalist interests; 2. There has been ‘Sexualization of refugee laws’ i.e. focusing only on victims of female genital mutilation or sexual minorities; 3. Diverting the entire attention of human rights law, thus leading to a legal abandonment of refugees and othering them.

Simon Behrman's paper focuses on Sans papiers, the movement of refugees and migrants who are fighting for the regularization of their status in France. Sans papiers have challenged the status-quo in three ways: 1. Reminding us of the development of the colonial legacy - "we are here because you were there"; 2. Nomenclature: they reframed their 'illegal' identity to 'being without papers' and shifted from illegality to being denied to. 3. Strategy of occupation: they occupied several churches in Paris in the 1990s and claimed sanctuary - religious spaces are outside the legal spaces for protection, and they used that. Sans papiers have politicised the refugee question from below - on an anti imperialist, class basis and reframed the notion of community and belonging by separating that from nationality.

Suvendrini Perera's paper was written in 2001 to show the problem with the asylum seekers that emerged after the 9/11 incident. The news of arrest and taking asylum seekers to the Guantanamo Bay Prison and its impact in Australia was the reason behind the paper. The paper focuses on the specific history of the settlers' colony in Australia and displacement of the indigenous people from their land. The framework of the article was taken from Giorgio Agamben's work on the camps.

Eli Holzer addresses the presence of law in the refugee camps and debates of legal trials between refugee studies and sociology. The essay will address the presence of different refugee related and humanitarian legal systems to protect refugees which have not been able to produce justice always.

Justine Poon's article will focus on the legal category of the maritime refugees who came to Australia by boat. She will focus on the legislative history on making this particular category in 2013 and the attitude of the Australian state while making the law.

Jessica Field and Ali Johar's article will focus on the importance of ethical research which will help different refugee communities to understand the socio-political and legal conditions apart from its academic purpose. The contributors will focus on the necessity of the particular displaced group to understand the problems that they are facing in the current socio-economic conditions.

The attendees gave their comments and provided suggestions for the editors. Some of the suggestions are: the chapters and sections should reflect on the reality of borders of capitalism. They were suggested to consider the issues of refugeehood in popular culture, and what it means to become a rootless person in a time of war. How does the concept of solidarity work in ex-communist countries? The concept has to take into account the transgressions of categorical boundaries. A historical genealogist approach to categories and counter categories can be considered. The editors were also suggested to look into Indian Literature and literature of other countries like Bangladesh, Turkey, produced in the last twenty years as these might address the expanding frontiers of forced migration studies. One interesting addition will be to look into how much funding has helped refugee studies to spread in a particular way.