



Special Issue: The 1951 UN Refugee Convention -  
60 Years On (June 2012)

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Introduction

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# Introduction: The Changing Nature of Asylum and Refugee Protection in the Last Six Decades

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Since its adoption 60 years ago the 1951 United Nations Convention relating to the Status of Refugees (the Convention) has provided a legally binding framework for States' responsibilities and obligations regarding the treatment and protection of refugees. Although no State has ever withdrawn from the Convention, in recent years States' interpretations of its meaning and their responsibilities under it have raised questions about their continued commitment to protecting and supporting people fleeing persecution.

In addition, changing socio-political contexts at both global and local levels over the last six decades have given rise to new issues affecting refugees. Questions around environmental refugees, the increasing securitisation of borders, and gender-based persecution are amongst those which have received growing attention in academic enquiry. Debates around these and other issues have become highly complex and contested, with some arguing that they extend beyond the original scope of the Convention. At the same time, the ongoing (re)construction of categories such as 'refugee' or 'asylum seeker' and their often problematic representation in political, media and academic discourses calls for critical reflection on the role of researchers in resisting or reinforcing such processes.

The contributions to this special issue examine and critique these questions, practices and issues from a variety of perspectives, covering a wide range of disciplinary backgrounds, including international relations and politics, cultural studies and anthropology, social policy, media studies, social psychology, etc. Drawing inspiration from various theoretical and methodological frameworks, inter alia, postcolonialism, deconstructivism, institutional ethnography, discourse analysis, together they explore and shed light on various points, contradictions and paradoxes that have developed thus far in the field.

The first paper, by Gillian McFadyen, provides us with an overview of the evolving nature of the category of 'refugee' since the adoption of the 1951 United Nations Convention relating to the Status of Refugees 60 years ago. By examining the criteria underpinning the status of refugees in the context of socio-political changes in the world, the article shows that the twenty-first century 'refugee' no longer adheres to the original definition and scope of the Convention. As the author argues, alternative, more lenient definitions of refugee status *do* exist outside the Western world, for example in Africa and Latin America, but the West continues to resist these changes and maintains its dominant (Euro-centric) position *vis-à-vis* refugee protection. Paradoxically, this 'stand your ground' approach is being 'protected' and maintained at a time when the contemporary figure of the 'asylum seeker' and 'refugee' is being increasingly demeaned, marginalized and dehumanised. Given these circumstances, the paper concludes, the definition of the 'refugee' and the criteria of persecution require rethinking in order to better reflect the world in the twenty-first century.

The increased negativity and stigmatization surrounding the categories of asylum seekers and refugees have gone hand in hand with the adoption and enforcement of unprecedented new laws and administration of asylum, increasingly restricting the legal rights of asylum seekers and, consequently, influencing the numbers of those offered refugee status in the West and in the UK. Joanna Spooner's contribution takes us to the early stages of the administration procedure and the process of applying for asylum in the UK: giving testimony to the UK Border Agency (UKBA). As the administrative body processing asylum claims, the UKBA reminds us on its website that 'the UK has a proud tradition of providing a place of safety for genuine refugees', and also of its determination 'to refuse protection to those who do not need it, and will take steps to remove those who are found to have made false claims.' By conducting an analysis of various asylum testimonies, the paper problematizes this genuine/false binary set up by the UK authorities. Increasingly, the act of giving testimony is becoming an (obsessive) fact-finding exercise by the UKBA, as their main aim is to identify *any* inconsistencies or variations in someone's narrative (and caring less and less about peoples' voices, stories and traumas). Yet, as the author shows, this fact-finding task is no straightforward matter for 'no testimony is inherently and without doubt 'genuine' because testimony can only ever be a representation of trauma'. Paradoxically, what such treatment of people's narratives does is it makes the act of giving testimony in itself traumatic, adding further emotional burden to the already traumatic experiences faced by those seeking asylum here.

Amadu Khan's paper examines another problematic aspect characterising the field of asylum and immigration: the media coverage of asylum seekers and refugees in the UK in recent years. His content analysis of major UK newspapers finds that media coverage can be largely divided into two opposing strands: the (increasingly) negative depiction of asylum seekers and refugees and the asylum-friendly press. As the author stresses, however, negative media coverage by far outweighs that of an asylum-friendly press as asylum seekers and refugees are often portrayed as 'bogus', opportunistic and exploitative of the welfare system, or even as criminals.

In the second part of the paper, the author deals with the views and experiences of asylum seekers and refugees themselves on these representations. This is of particular importance as often the views of asylum seekers and refugees are made invisible to the public view, even though they bear the brunt of such negative treatment. This part of the study involves interviews with 23 asylum seekers and refugees in Edinburgh and Glasgow, comprising an empirically rich material that evidences the impact of the predominately negative media coverage on peoples' lives. In a way, these interviews are a further reminder of the ongoing preoccupation of the media and the public with the *construct* of the 'asylum seeker'/'refugee', a preoccupation which has become so intense that the public seems to have forgotten that behind these negative representations and headlines are real people, people who, as one of the interviewees puts it, 'have a right to move around in this earth, on this globe, which is something natural, [from] the beginning of history' (D).

Steve Kirkwood's contribution is another study that takes into account the views of asylum seekers and refugees, albeit from a different perspective. Taking the individual as the unit of analysis, and drawing from concepts in social psychology, his is a discursive analysis examining the life of asylum seekers and refugees as narrated by them. As the paper shows, asylum seekers and refugees often find themselves in dilemmas regarding their presence in the 'host' society: on the one hand, as other papers in this edition have also shown, they are often subjected to negative media coverage and public opinion, while also being increasingly subjected to immigration controls and restrictions. Yet, the paper argues, having being offered a place of sanctuary, they have to maintain a certain degree of 'silence', as any 'complaints' may seem ungrateful towards the host society. Being *less* critical of the host society and authorities and having to downplay one's sufferings seem thus a way in which asylum seekers and refugees negotiate their dilemmas and justifications of being in the host society.

What Steve Kirkwood's paper also hints at is another paradox in the field of asylum and immigration. The sublimation of the category of 'asylum seeker'/'refugee' into a humanitarian issue has led to asylum seekers and refugees being stripped of their status as social and economic beings. This is reflected in the fact that many of them are denied access to opportunities and employment in their host society. This makes the absurdity of the situation clearly apparent: how can one feel welcomed by (and therefore be part of) a society if one is *denied* access to opportunities and participation in that society?

The final paper in this edition is based on an empirical study by David Bates on issues surrounding integration among asylum seekers and refugees in the North East of England. In recent years, rhetorical tropes such as 'multiculturalism has failed' and 'migrants are not willing to integrate' have become increasingly common amongst politicians and the media in the UK and around Europe. Bates' study contests this and argues that what we hear from politicians does not correspond to the reality of everyday life. What is happening on the ground is that people establish contacts and develop relationships within their local institutions and communities. These grassroots forms of social organisations and integration bring people together and generate solidarity within the community. Ironically, as the author shows, these forms of grassroots integration are often undermined by the very authorities that aim to promote integration within communities. This is reflected in the dilemmas faced by Home Office officials in dealing with communities' reaction and resistance towards raids and other intrusions on the daily life of asylum seekers and refugees. The paper's empirical insight into the existing gap between rhetoric and reality is a welcome contribution in the light of current (negative) debates and discourse around asylum and immigration.

As outlined in this introduction, the contributions to this special edition have engaged with and shed light on various points, contradictions and paradoxes characterising the current field of asylum and more broadly immigration, paradoxes which, one can add, serve as poignant reminders of the changing nature of asylum and refugee protection 60 years on from the 1951 UN Refugee Convention. Yet, as Andrew Smith reminds us in his brief afterword,

we should resist the temptation to bracket off these sixty years and instead place the Convention in the *longue durée* of migration. Taking a far longer historical view, he argues that while the Convention has provided protection for millions of refugees over the last six decades, it has also served as an instrument of control over people's movement, for it has made it 'possible for states to cast other forms of travel into the shadows beyond the law: travel to escape poverty, or to escape boredom, or travel for its own intrinsic pleasures'. And thus resonating well with a perspective which problematizes the state rather than those on the move, he concludes that human mobility is a natural phenomenon and that 'the decision to move place must be seen as an ordinary part of human existence and something which, ultimately, no state will ever conclusively control.'

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Many of the articles included in this issue were presented at the postgraduate colloquium 'The 1951 UN Refugee Convention – 60 Years On' organised by the GRAMNet (Glasgow Refugee, Asylum and Migration Network) Postgraduate Cluster, which took place in Glasgow on 13 June 2011.

GRAMNet is a research network established at the University of Glasgow in 2009 that aims to bring together researchers and practitioners, NGOs and policy makers working with migrants, refugees and asylum seekers in Scotland. At the core of GRAMNet's aims is the promotion of knowledge exchange and collaboration between academics working within different disciplines and between academics and practitioners. We are pleased that the postgraduate colloquium was organised in the spirit of these aims and are hopeful that future postgraduate events will continue in this tradition.



We would like to thank all those who attended and participated in the colloquium, including those practitioners and postgraduate students who generously gave their time to provide keynote addresses and to chair colloquium sessions. Moreover, we extend our thanks to Dr. Andrew Smith, who kindly agreed to provide the Afterword to this special issue. We would also like to thank the dedicated editorial and peer review teams at both *eSharp* and *The Kelvingrove Review*. Their hard work and support were greatly appreciated during this process. Particular mention should be made to Rebecca DeWald and Graham Riach, this special issue would not have been possible without their energy, guidance and commitment to the project.

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