



Editorial

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Editorial

Dear Readers,

at UNHCR's most recent annual meeting of the Executive Committee, the High Commissioner for Refugees, Mr António Guterres, announced that an increasingly complex international environment is making it harder to find solutions for the world's estimated 43 million refugees, internally displaced, and stateless people. In light of this fact, the High Commissioner called on the international community to "up its collective game to prevent conflict, to adapt to climate change and to better manage natural disasters". While Mr Guterres is right to emphasise that it remains pertinent that governments around the world continue to proactively address situations which induce widespread human displacement, he was less vocal in calling on states to adhere to established international obligations regarding access to the refugee protection regime.

Paralleling states' failure to respond to the effects of a worsening environmental disaster that has already displaced hundreds upon thousands of people in the Horn of Africa, efforts to reinforce zones of exclusion remain front and centre on many national agendas. In 2011, we continue to witness Europe's on-going neglect of people attempting to flee the violence catalysed by revolutionary struggles in North African and the Middle East; UNHCR rejecting Sri Lankan refugee claims *en masse* in first asylum countries across Asia, declaring that it is now safe for them to return home despite evidence from several human rights organisations pointing to the contrary, as well as reports of exponential increases in profits for those willing to capitalise on free market solutions to detention and migration management that are grossly inhumane.

Further a field, despite the High Court of Australia's decisive blow to the Gillard Government's plan to send 800 asylum seekers to Malaysia to deter boat arrivals, amendments to federal legislation are being considered in an effort to reinforce moves towards furthering the externalisation of asylum. This development, eloquently analysed by Luke Lovell in the Policy Monitor, illustrates that nations are still looking to burden shift rather than burden share. As a consequence, forced migrants are facing increasingly insurmountable barriers to accessing mechanisms of asylum, receding geographies in which adequate protection can be granted and the retraction of human rights. Clearly, the protection space available to forced migrants continues to be shrinking.

These events amongst others underscore that in addition to humanitarian assistance *in situ*, forced migrants across the world continue to be in desperate need of durable solutions outside their home countries and at times, beyond the bounds of their region of origin altogether. Therefore, as well as countering the causes of forced migration, we must not lose sight of our other vital duties namely, to ensure that asylum and comprehensive international protection remains a real option.

In response to the scaling back of asylum, Adeagbo Oluwafemi proposes that states should respect the human rights of forced migrants as global citizens rather than treating them as the excluded *other* on health grounds.

Forced migrants also continue to be restricted by structural constraints and dated bureaucratic labels that have failed to keep in step with the realities that are actually encountered. Moreover, binary conceptions of ‘good’ and ‘evil’ distinguishing the figure of the refugee from all others perpetuate a distortion of the complexities and nuances of human displacement. Too often, popular discourse and well-intended prescriptions can lead to the perception of forced migrants as passive victims. In the Academic Articles section, Kasli points out that the UN Protocol against Smuggling and its reception by UNHCR may reinforce a certain image of the ‘smuggled migrant’ that emerges simultaneously as a ‘victim’ of smuggling and a ‘threat’ to the states’ authority over border crossings.

Standing in contrast to this notion, articles from First Hand over to the Policy Monitor reconfigure forced migrants as empowered agents. Elsa Oliveira presents the story of a Zimbabwean migrant sex worker who holds the South African state to its duty of accept her livelihood choice and to protect her human rights. Based on ethnographic fieldwork conducted in Hong Kong between January 2010 and July 2011, Terence C.T. Shum discusses the intersection between refugee protection and refugee tactics used to negotiate spaces for living.

In addition to the articles aforementioned, in the Field Monitor, Aoife O’Higgins looks into the causes of destitution amongst unaccompanied male Afghan and Iranian minors and asks: Why are these young people made destitute? And Naohiko Omata draws upon his fieldwork in Ghana, and reports on the challenges Liberian refugees faced due to the lack of formal refugee status.

In the Law Monitor, Christian Konrad provides an overview of the recently adopted Victims Law in Colombia and discusses some of the possible effects of the initiative’s implementation. Adam Weiss looks at the exploitation of child labour by family members and explores the response of the European Court of Human Rights in the recent judgment of *Osman v Denmark*. And Amanda Gray considers the age assessment process of undocumented migrants in the UK in relation to the best interest of the child.

Finally in the Policy Monitor, Joakim Daun rethinks durable solutions for IDPs in West Darfur. Sheena Choi explores education issues faced by North Korean refugee youths in South Korea and their socialization into South Korean society. And Danielle Grisby presents an analysis of key divergences from Convention norms as present in The Russian Federation’s asylum policy.

We hope you will find our author's contributions as engaging and thought provoking as we have.

The array of insightful articles included in this issue as well as the massive number of people who continue to languish in limbo remind us that greater attention needs to be focused on how the refugee regime is being harnessed to protect or repel forced migrants. Heed must be paid to the enactment of government policies, the passing of laws and on-going developments in the maze of bureaucratic procedures which forced migrants must navigate in order to be able to reclaim their rights. Taken together, they highlight that governments must be responsible for actions that seek to reinforce a distinction between the “us” and “them” that often stand in direct contention to the fundamental tenets and spirit of our own societies. International Organisations, particularly in non-signatory countries must also continue to fulfil their mandate to protect those who have little access to much else rather than bowing to the will of donors and host countries.

Since the launch of the first issue we have received very positive feedback and much interest in the publication, from academics and practitioners alike. As OxMo grows we continue to urge you, the reader, students, forced migrants, NGOs, advocates and those situated at the frontiers of humanitarian crises in all areas of the world to share your insights and experiences. By shedding light on forced migration issues you can contribute to drawing attention to the injustices as well as the promises of a better a future.

With this issue, OxMo has moved in to a new phase. We welcome a dynamic incoming board of editors who will take over from the founding team: Emily Bates, Hanna Baumann, Chloé Lewis, Rachel Mayer, Ellie Ott, Anne Peters, Robyn Plasterer, James Souter, Emma Tobin and Ursula Wagner. We are also proud to announce the addition of a new section on our website “From Academia, Policy and Practice” which is open to all to express ideas and reflections, as well as the launch of the OxMo student lecture series. For more information on these developments and the details of upcoming calls for papers please visit our website www.oxmofm.com.

As we hand over the reigns, we hope that the founding of OxMo and its expansion as a project is only the beginning of a concerted effort on the part of the student community, forced migrants and those on the ground to promote a better understanding of the complexities and challenges of displacement. Most importantly, we hope that critical discourse may lead to the strengthening of the rights of forced migrants everywhere.

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