

vant interpretive principles like the principle of non-retrogression. What is the relationship between the Vienna Convention and human rights, humanitarian, and refugee treaties? Is non-retrogression a free-standing principle of treaty interpretation? As the case of *Suresh v. Canada (Minister of Citizenship and Immigration)* illustrates, such questions are more than academic. The Federal Court of Appeal in this case used the 1951 Refugee Convention to undercut the absolute right to be free of torture as recognized in the Torture Convention.

The above points are not meant to detract from any particular paper or from the collection as a whole. Rather, they underscore the complexity and timeliness of the convergence problem. Those concerned with the human rights of refugees and the internally displaced from dispossession to refuge to

settlement or repatriation will find *Human Rights and Forced Displacement* a valuable book. Those interested in the more general question of the cross-fertilization of international regimes will also find it worthwhile. One hopes that this collection of essays will inspire scholars and advocates alike to dedicate more time and energy to the issues surrounding convergence, compatibility, and cross-fertilization of legal traditions.

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### ***Managing Displacement: Refugees and the Politics of Humanitarianism***



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“At what point do charitable acts of humanitarian assistance become neo-colonial technologies of control?” (147) So is the provocative challenge set by Jennifer Hyndman in her critical geopolitical study of the United Nations High Commission for Refugees (UNHCR) during the 1990s, a period of tumultuous change in the global refugee regime. Using an ethnographic approach, the author draws upon her own work experience in refugee camps along the Somalia-Kenyan border to reveal the “culture, practices and operations” of the UN refugee agency, and the global discursive politics of managing difference within its operations. This ethnography is framed in relation to the changing geopolitical environment shaping (and arguably compromising) the UNHCR’s mandate. The insights gleaned from this project offer much to both the academic and to the practitioner, reflecting the author’s concern to make humanitarianism more accountable by bringing theory to the practitioner, and the practical domain to the theoretician (xvi).

Central to Hyndman’s analysis, articulated in Chapter One, “Scripting Humanitarianism,” is the position that the post-Cold War era soon led to the dawn of new regime of international humanitarianism, distinguished by the ascent of neo-liberalism and descent of development practices. In the 1990s, Western donor states reacted to global displacements assertively, insisting UNHCR prevent or, at the very least, contain displacement by keeping people “safe” in otherwise unsafe areas. In practice, the UN refugee agency began work in “safe areas” of conflict zones such as that of northern Iraq, Bosnia-Herzegovina, or Somalia. What is now termed “pre-

ventative protection,” and the inevitable emergency assistance delivered to allay loss of life within safe zones, has been pursued in an ad hoc manner globally, and not necessarily with the best coordination among UN and NGO agencies. For Hyndman, such an undefined approach deepens the divide between an “us” (donors) and a “them” (recipients), intensifying the “politicization of need and the politics of need, that is, questions of who is deserving and who has the power to decide.” (181) This feeds into a legitimization of actions or inactions, or *neo-humanism*: humanitarian intervention determined by the popularity and visibility of a particular group, and the efficiency of measures used to assist this group (182). In effect, the UN organization has become a proxy to state responsibilities toward refugees, and an invidious arm of discipline (173).

In this view, “[g]overnment donors are UNHCR’s main clients; refugees and displaced people are its recipients” (187). While changes in the global realm are ongoing, practices of refugee management and control are becoming further institutionalized. To make this argument, Hyndman employs a range of theoretical approaches. In Chapter Two, “Border Crossings,” the author draws upon cultural theories of mobility — to which she introduces the dimension of the economics of mobility — and suggests that flows of humanitarian assistance move more freely than those of persons fleeing persecution, war, and violence. Two kinds of border

crossings are occurring, one financial and predominantly European and the other corporeal and African; yet “international borders are more porous to capital than to displaced bodies” (30). Ironically, increased flow of assistance potentially subverts the protection mandate of UNHCR, where assistance is transformed to control and contain populations, preventing movement to safe areas (37). While the economics of mobility tends to overshadow cultural considerations in this chapter, the author makes up for this in her discursive and empirical analysis of UNHCR policies on gender and culture.

Chapter Three, “Managing Difference,” concludes that UNHCR approaches to dealing with difference are rooted in the “family of nations,” transforming differences of “race,” ethnicity, religion, or gender into “almost-the-sameness,” and therefore “the object of benevolent accommodation.” In so doing, differences are masked under the guise of universalism, with potentially damaging consequences, as illustrated in a case study of the UNHCR Women in Victims of Violence project. It is here Hyndman first elaborates the usefulness of “transnational feminist approaches,” which require engagement of difference, analyzing dominant constructions, and changing them in relationally grounded ways, an approach I shall return to shortly (65).

Delving further still into the institutional practices of control reminiscent of a not-so-distant colonial past, Hyndman examines spaces between refugee workers, refugees, and services in Kenyan camps in Chapter Four, “In the Field.” Without legal status in Kenya, Somali refugees are spatially segregated within border camps, limiting mobility, access to employment, and livelihoods. Yet work and security concerns are also structured by camp layout, begging the elementary question, “Whose geography is this?” (100). With careful concern for methodology, Hyndman sets out to interview refugee women regarding their daily activities, and reveals how spatial layout of camps organizes women’s work in ways that affect their protection and assistance needs, including increased chances of rape and sexual attack when gathering firewood outside camp compounds.

This assertion is further elaborated when Hyndman begins to link specific practices of “managing displaced people and constellations of post-colonial power” (118) in Chapter Five, “Ordering Disorder.” Drawing on post-colonial theories, Hyndman examines how refugees are represented in humanitarian circles: namely as helpless and in need of outsiders to care for them (121). Refugees are seen as “messy,” in need of ordering, and UNHCR brings such order through endless “exercises of counting, calculating and coding refugees,” invoking images of Foucault’s “governmentality.” Technocratic methods of “knowing” and representing refugees in UNHCR practices contrast and contradict the idea of refugee self-management and community development more recently pursued

by the organization, possibly revealing why such an approach generally tends to be muted within “field” operations. Hyndman argues that community development approaches are based on the false premise that refugee camps are communities, whereas they are closer to institutions that temporarily contain displaced people, manifest as colonies where refugees enjoy lesser legal status and severe restrictions in comparison to any citizens of any community. Practices of ordering refugees by numbers such as “headcounts” and situation reports severely curtail refugee rights and participation.

In Chapter Six, “Border Crossings,” Hyndman identifies at the “edges of her research” varied ways refugees oppose and subvert disciplinary practices of UNHCR and states. Reflecting upon serendipitous encounters with refugees during the course of her research, Hyndman argues that the containment of refugees and imposed order is “anything but complete” (149). This includes resistance to outright defiance – talking back to aid workers, refusing to co-operate in counting practices, and active participation in an informal economy that defies rules delineated by UNHCR and the Kenyan government – and reveals a mobility not recognized in Hyndman’s earlier analysis.

A unique contribution of Hyndman’s text is not only the deconstruction of UNHCR practices at different scales of the geopolitical, but also her mapping of potential alternatives, posing questions to provoke a re-imagining of humanitarianism. Though “doing nothing at all is not an option,” Hyndman argues that current UN reform – technical changes to budgets and a near obsession with maximizing operational efficiency – is in fact just that. For Hyndman, an essential step forward is to avoid the current ad hoc approach and to build consensus among different actors – including UN, states, NGOs and local involvement – as well as new mechanisms for local involvement.

In Chapter Seven, “Beyond the Status Quo,” Hyndman elaborates this and other points of transformation. To bridge the ever widening gap between “us” and “them,” and to avoid the pitfalls of universalism, for instance, Hyndman again evokes the concept of transnational feminism, where “processes and criteria that spatially separate distinct groups based on their rank in tacit cultural and political hierarchies” are replaced with mechanisms that “create a basis for communication and exchange, even if this occurs between participants with unequal access to power.” Hyndman explains that “transnational practices would involve ongoing meetings with refugees and their involvement at all levels of humanitarian response, not simply consultations with them

regarding pre-given models...” (76). How such communication and connection could best be facilitated, beyond the potential of adding “cultural workers” (86) to UNHCR field office teams, needs further investigation. Instances of dialogue between refugee and refugee worker, and refugees that connect across difference, would add to the theoretical propositions and practicality of transnational feminist approaches proposed. At the same time, UNHCR practitioners might find the methodological approach of the text useful to reflect upon and transform existing approaches to refugee consultation.

Hyndman brings her reader to the conclusion that the line between (neo-) humanitarianism and neo-colonialism is, in fact, a fine one (147). The text thereby sets new research agendas for scholars and demands critical reflection on behalf of practitioners. While the case of Somalia and Kenya provides rich insights to this study, UNHCR works in one hundred twenty countries globally. It would be helpful to contrast the findings of the Somali-Kenyan case with field operations elsewhere, particularly in different settings (and times) of dis-

placement that challenge and transform global (historical) institutional practices and approaches to refugee management, or that may provide more room for refugees and the internally displaced to influence such approaches. Moreover, the text should inform critical analyses of more recent attempts by UNHCR to address some of the central concerns Hyndman identifies: for example, the Global Consultations on Protection (2000-2001) that seek to building consensus among states on the Refugee Convention; recent and arduous attempts to work in better coordination with UN agencies and NGOs; or the Dialogue with Refugee Women held in Geneva this year, the first attempt by senior managers to dialogue with refugee women.

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