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The Politics of Rights Protection for Environmentally Displaced People

Drawing on empirical evidence from Bangladesh and Ethiopia, the paper challenges the largely apolitical and ahistorical conceptualisation of the nexus between climate and environmental change and population displacement. Focusing specifically on rights protection, the paper argues that the rights discourse reveals how environmental variables shaping mobility decisions are strongly mediated by national (macro) and local (micro) level structures of political and social power and disempowerment. Both current politics and migration histories shape the way in which migration policy regimes are conceived and framed, and how rights are articulated for those susceptible to displacement in a context of environmental stress and climate change. By analysing these political conditions we can better appreciate the dominant "hinge points" of power and the paradox that governments of highly impacted countries resist the provision of legal and normative frameworks to protect those who are displaced.

Environmental and climate change, population displacement and the political hiatus in rights protection

Anthropogenically-driven climate change is likely to become a major variable in population mobility during the present century, especially in the developing world. Livelihoods will be rendered more vulnerable by the increasing incidence of both rapid-onset events, such as extreme weather conditions, and the slow-onset impacts of desiccation, rising sea levels, salination and river bank erosion. A new form of "forced migration" is emerging with climate change the apparent driver.

However, much of the debate on the relationship between climate change/environmental degradation and displacement ignores the wider context of social, economic and political factors that induce or constrain peoples' decision to migrate. The key argument of this paper is that migration and displacement are not simply the result of the direct impacts of environmental conditions on livelihoods, but are privileged by indirect yet broader political and socio-economic forces.

The lack of a political "lens" is reflected in the policy discourse on climate change/environmental degradation and population mobility which is largely apolitical and ahistorical: constructed around a neo-liberal conceptual framework. Similarly, adaptation and mitigation strategies to deal with mobility/displacement are conceived within a largely managerialist and technocratic frame which is devoid of political analysis – evident in IPCC reports for example.

This apolitical framework is in sharp contrast to the way political analysis and political rhetoric infuse other policy fields of migration, most notably in relation to the forced displacement of refugees. Here, politics and political analysis drive contemporary discourse on refugee displacement in relation, for example, to state fragility, human rights violations and conflict, or the securitisation of migration.

More specifically the paper considers this hiatus in political discourse in relation to the

interplay between migration and the protection of rights which those displaced by or susceptible to displacement by environmental change might enjoy. This perspective is premised on the recognition that all migrants enjoy rights, often protected by international conventions; migrants whose rights are threatened or lost by forcible displacement, such as refugees and IDPs and conceivably by environmental degradation, enjoy special forms of normative and legal protection.

But, just as the political discourse on environmental change and displacement is devoid of political analysis, so too there is a paradox in the current political discourse on rights and displacement in the context of climate and environmental drivers. In many countries, notably those most likely to be most affected by these dynamics, there is increasing awareness of the population displacement impacts – for example it has high policy saliency in countries such as Bangladesh and in the national planning framework of "living with floods" Vietnam. Yet, when it comes to considering how rights protection might be afforded to populations impacted by these phenomena, then legal and normative frameworks are almost silent. The existence of this "protection gap" is surprising given the scope of protection – concepts, norms and legal instruments – available to other groups of forcibly displaced and vulnerable populations in domestic and international law.

There are many possible reasons for this silence. But the argument here is that this political vacuum of a "rights protection gap" can be explored and explained from two perspectives.

The relationship between climate change/ environmental stress and human mobility is mediated by the contingency of history and the dominant "hinge points" in the distribution of political power. These factors shape policies that, in turn, intercede in mobility decisions in the context of environmental stress and equally in the rights, or lack of rights, to protect vulnerable people. They are largely located and institutionalised at the national level – "the macro" level.

At the same time there is a "micro" level nexus of socio-political processes and political power, largely concentrated at the local community and household level that shapes and mediates household livelihoods and resources, and thus their propensity/capacity to migrate in the context of environmental stress and the rights that are available to protect them.[1]

The combination of macro- and micro-level structural factors subordinate the rights discourse in respect of migration and displacement processes. Thus vulnerable, or potentially vulnerable communities, are excluded from the structures of power which might normally allow access to rights and decision-making processes that could ensure relevant interventions (e.g. through participatory approaches to resettlement).

Consideration of the contingency of structures of "power" and socio-political processes is an established message in the vulnerability, political ecology and environment-society literature. But it has been largely absent in the discourse on the nexus between environmental change and human mobility, and ignored entirely by policy makers.

In sum, the argument is that latent conditions explain how various forms of migration and rights are shaped and instrumentalised by governments and power structures. It is through the analysis of the politics of migration and rights that we can better appreciate why it is that the governments do not, at yet, accord rights to those who are displaced, or threatened by displacement, in the context of environmental stress such as climate change. And this is why those most vulnerable to the displacement and other effects of climate change and environmental degradation are the most disempowered. Bangladesh and Ethiopia provide two of many examples illustrating these processes.

Bangladesh

At the macro level, Bangladesh's sensitivity to issues of displacement and migration reflects significant formative moments in the country's development. Massive population displacements were first associated with the 1947 Partition of India leaving a legacy of political, social and cultural trauma in the region, which was reignited by the war leading to Bangladesh's independence in 1972. This produced huge population upheavals – perhaps up to 10 million people temporarily displaced – and was followed by a severe famine in 1974, which led to substantial population migration, mostly towards India. Cross-border family, cultural and linguistic links remain from these three major migratory episodes, underpinning the continuing flux of population movement from Bangladesh to India and the presence of millions of Bangladeshis in India who have migrated, mainly from the environmentally fragile coastal areas in the southwest of the country. This largely undocumented population remains unacknowledged both sides of the border. The Rohingya refugee population displacement in the Chittagong Hill Tracts — again suppressed from political debate — constitutes another dimension of the population displacement history.

Within this context, large-scale population displacement has long been an acknowledged

outcome of climate change, but the plans and policies dealing with the impacts only contain extensive provision for mitigation and post-disaster relief and recovery measures. They are silent on the rights of affected people in relation to the likely large-scale displacement in the future, or on planned resettlement as a strategy. Moreover, to the extent that population displacement is acknowledged, this is more as a future challenge; the current preference lies with mitigation and adaptation policies to "contain" the challenge and heavy reliance on international disaster assistance for disaster recovery .

Two examples of environmental stress highlight the consequences of the ambiguities at the core of Bangladesh's response to population displacement.

In 2009, Cyclone Aila left as many as many as one million people temporarily landless and homeless, and between four and nine million people affected; damage and recovery and reconstruction assistance was estimated between US$ 270 million and US$ 1,150 million largely supported by an international disaster relief effort. The fortunate ones reinstalled themselves. Those who permanently lost their land simply joined the broad category of poor and landless displaced. An estimated 60,000 people migrated away from affected areas. There were, and are, no longer-term policies for rehabilitation or relocation and there is no machinery to define what rights those who are permanently displaced might expect and how these might be protected.

River bank erosion, perhaps displacing a million people a year has been increasing who form part of a process of silent and incremental forced displacement. Compensation measures exist. But, most displaced people have to manage by themselves because the land redistribution and compensation process inadequately defines their rights. Amongst many procedural limitations, the redistribution system lacks transparency and it is the larger and politically more powerful landowners who benefit, whereas the majority of the displaced become progressively more marginalized and impoverished, either as landless labourers in nearby villages or by moving to towns and cities.

What light do these outcomes and experiences shed on the challenge of rights protection? Bangladesh has a very active civil society and well developed constitutional provisions for civil and political rights. In addition, terms such as "environmental refugees" or even "climate victims" do appear in official Bangladeshi documents.

Crucially, however, in practice these constitutional provisions and these powerfully descriptive terms are not formally defined, nor is there a clear indication of how needs can be identified and rights enacted. Despite the wide-ranging discourse on "environmental refugees", there is no legal definition of IDPs in Bangladesh. And the 1998 Guiding Principles on Internal Displacement, which would potentially offer the basis for rights protection in the context of climate change induced displacement, have neither gained explicit recognition in the country's legal and constitutional framework nor are they incorporated into domestic laws. The terms "displacement" and "displaced people" are yet to gain explicit recognition in legal and normative frameworks. It is as if these phenomena have been systematically excised from the national consciousness because of the episodic traumas of past forced migration outlined above.

In sum, these macro-level conditions are symptomatic of the state's underlying paternalistic role which enables it to continue the denial or subordination of the structural political change needed to support the claim for political rights as part of its response to the effects of climate change. At the same time, whilst not denying the essential need to call on international disaster assistance to recover from the devastation of extreme weather events, such reliance, it could be argued, further reduces the pressure for structural political changes in which the rights of affected populations would be effectively recognized. In this regard, whereas in Ethiopia and Vietnam – and less clearly in Ghana – the policy response to the displacement impacts of disasters is predicated on "development-led" strategies, Bangladesh (and Kenya) inclines to frame these outcomes in terms of a humanitarian "default" position, not a developmental challenge.

At the micro local in Bangladesh, rural livelihoods are compromised by multiple environmental stresses, and yet it is the way extant power structures mediate the impacts of such stress that dominates explanations of livelihood (in)security and vulnerability and subsequent human im(mobility).

The majority of the country's population is landless and absolute landlessness is steadily increasing. Moreover, while land ownership confers prestige and power in Bangladesh, landlessness is largely stigmatised and of itself a factor in out-migration. Under conditions of a centralised but weak state with limited accountability, power is, in effect, ceded to local élites, comprising bigger landowners or small businessmen, and a system of political, social and business relations based on patronage. These actors exploit a corrupt and inefficient land registration system to acquire land from usually illiterate groups or to forcefully expel such people from their land with impunity. It

is these processes that, combined with environmental stress, rather than the stress itself, increase household vulnerability and thus the propensity for (im)mobility). The consequences play out in two ways.

First, marginalized social groups typically live on or move to marginal lands leaving them with poorer crops and more vulnerable to environmental stresses and disasters (flooding, river bank erosion, salinity). Concomitantly the impact of these stresses further entrenches power inequalities: while the impacts of erosion are theoretically ameliorable – erosion in one place results in deposition and accretion in another – accreted land is considered too unstable for settlement and is given to established land holders who, because they have land for their housing elsewhere, can thus turn this land over to production (usually through hired labour constituted by landless groups). Similarly, while there is an established procedure for providing government (Khas) land as compensation for households whose livelihoods are undermined by erosion, such land is insufficient to provide for all those who are entitled to it, and much of what is available is again appropriated by local élites. Thus power inequalities act to render and sustain certain groups more vulnerable to environmental stresses and disasters, while the redistribution of resources in the aftermath of such events frequently acts to further entrench those self-same inequalities.

A second outcome of these processes is that marginalized groups become increasingly reliant on larger landowners for their livelihoods, whether as tenants and/or as daily laborers. In addition to richer landowners having the best lands, new environmental stresses have also endangered productivity, sometimes leading to shifts in agricultural patterns. Increasing salinity in some locations has encouraged landlords to shift from rice cultivation, with two crops a year, to shrimp farming, which only produces one harvest a year, and thus requires less labour. For landowners, shrimp farming remains a profitable enterprise and the switch in livelihoods effectively insulates them from the impacts of environmental stress. For those without land, however, the shift to shrimp farming has a double negative impact on livelihoods. It renders incomes even more precarious by effectively halving the opportunity for work and saturating the labour market. These economic dynamics reinforce the power of rural élites and traditional hierarchies whilst further accentuating disempowerment of the landless labourers.

Within this localised context what can we say about the rights of these marginalised and disempowered populations? Most have a very limited conception of rights and entitlements despite the activities of civil society organisations. There is limited perception of the interconnectivity of rights, state power, local exploitation and marginalisation. Many identify the state as the locus of responsibility for the provision of such rights, which as we have seen has a limited perception of its role. State support and assistance to mitigate vulnerability to environmental stress and disaster impacts is viewed not so much as a right but as charity.

Ethiopia

Mirroring the case of Bangladesh, to the extent that migration and displacement are taking place, these processes must be set within the wider framework of the politico-historical legacy of the country as much as they are the outcome of environmental drivers alone.

At the macro-level state level, the climate change-population displacement nexus in Ethiopia requires an appreciation of two important historical processes. The first is the legacy of the Derg, the socialist government which ruled the country from 1975 to 1991, and its overthrow by the Ethiopian People's Revolutionary Democratic Front (EPRDF) which has ruled the country since then.

The Derg used a major drought in the 1980s to justify large scale, violent (in effect forced) resettlement strategies. Since such strategies were principally aimed at countering the efforts of insurgent forces of the EPRDF rather than securing drought-stricken livelihoods, the lasting impact has been suspicion of migration and relocation programmes as a means to address environmental problems. As a result the current government focuses on the provision of relief to environmentally stressed areas and on transforming livelihoods so as to minimise the imperative to move.

While such policies have been effective to some extent as a means for addressing concerns about mobility, the pressure on land, worsening ecological conditions and liberalisation of the Ethiopian economy have all contributed to growing rural–urban migration. Thus, in addition to the efforts at building agricultural safety-nets and transforming rural livelihoods, the government has developed a very significant focus on social protection in urban areas. These multi-donor strategies – the Productive Safety Net Programme (PSNP) – are part of the Government's mitigation and adaptation response to the increasingly unpredictable weather patterns in the Horn of Africa and the potential impacts of climate change. Nevertheless, another food security crisis is looming in Ethiopia.

In addition to the social protection framework which, while not explicit about migration, includes groups who could also be migrants, government policies also include: a labour policy which makes reference to protecting migrants moving for reasons of environmental stress; and a programme for assisted voluntary resettlement.

Understanding the formulation of these policies and their likely (in)effectiveness in ensuring the rights of migrants responding to environmental stress, requires more than an account of the policy apparatus. Rather it requires an appreciation of a second politico-historical process, the EPRDF's shift towards authoritarianism and asserting its dominance since 2005. To this end the government uses access to vital resources (land, work, social protection), all of which it controls through state apparatus, as a means to consolidate political power. Dissent is suppressed and human rights and civil society formation are resisted. It was swept to power again in the 2015 general election by winning all 546 parliamentary seats.

Under such conditions the government has shed away from international agreements on human rights, which could be used to benchmark failure to meet its obligations to its citizens and thereby undermine its claims to legitimacy. In has undermined pluralistic political rights and democratic institutions. Ironically, much of this process has been facilitated by international funding of Ethiopia, whose geo-strategic importance (particularly in the "War on Terror" and in containing refugees in the Horn of Africa) outweighs international concern at rights violations.

In this context, the positive elements of expanded social protection for, and efforts at ensuring the material wellbeing of, migrants – including those responding to environmental stress – should be viewed with caution. As much as these may appear as positive initiatives, the institution of such material rights, as in Bangladesh, may well come at the expense of political rights.

Finally, an appreciation of the macro-scale politics informs an understanding of the government's maintenance of state ownership of land and its refusal to allow any form of private transfer. As we shall see in the micro-level analysis, the lack of rights over access and transfer of land dramatically compounds the impacts of climate change on agricultural productivity and livelihood sustainability.

In sum, given the ideological resistance to rights, rights protection and empowerment, the implications for those whose livelihoods are susceptible to environmental stress are somewhat similar to those in other centrally controlled countries such as Vietnam. The politico-historical experience of controlled migration through forced resettlement has produced rather more circumspect policy responses to the actual and potential displacement impacts of environmental stress: these are development-led and top down, as in the case of Vietnam, but more directed to adaptation and livelihood protection than rights.

These conditions help to explain why the Government does not use the term "IDPs" and has not implemented the 1998 Guiding Principles. However, although it has yet to ratify the 2009 "Kampala Convention", Ethiopia is a signatory to and this may initiate some form of institutional mandate.

At the micro-level, localised state power is the dominant structural feature but has limited bureaucratic reach in practice. Here, however, the main brokers are not landed élites as in Bangladesh, but local officials and party loyalists who make decisions regarding access to the most basic means of production and forms of income (land, jobs, credit and food aid). They can act with relative autonomy, given the state's limited capacity and no effective channels for citizens to challenge their accountability or express rights or political dissent. This creates space for highly localised politics with large discrepancies in what is believed to be formal state policy and/or law. As such, it is the local officials – acting as gatekeepers for the key livelihood resources – who become the central actors in explaining who migrates, or not, in a context of environmental stress.

Central government's desire to coerce votes has been achieved by expanding the number of local political administrative units and thus the expansion of local officials' power. This, in turn, has allowed the state to better observe individual behaviour, thereby identify voices of dissent and repel any demand for rights. The control of resources vital for survival, particularly in the rural areas, is then used as a means to stifle opposition and reward compliance.

Thus, while it is environmental stress that shapes much of the livelihood insecurity in Ethiopia and which, in turn, motivates the desire to move, it is the context of political coercion, and the resultant devolution of power over vital resources to local actors, which shapes both the lack of rights and subsequent conditions of human (in)security which in turn affect the propensity for migration or displacement.

In a context similar to that in Bangladesh, pressure on land-holding also shapes mobility dynamics in Ethiopia. By contrast, in Ethiopia such pressures are the outcome of revolutionary, rather than customary, practices. All the country's land is held by the state and private land sale is prohibited. Such conditions were put

in place by the Derg, and have been maintained by the current government. The outcome is that it requires the state to administer periodic, centralised redistributions of land to allow new households. Under conditions of large population growth, however, such redistributions have resulted in increasingly fractionalised land holdings. Consequently, land-holdings in the north of the country are now too small to allow many households to sustain themselves, even under favourable agricultural conditions, let alone with the added impact of social and environmental stress. Nevertheless, the government has rejected further land redistribution, while at the same time still refusing to countenance private transfer by sale.

Such conditions exacerbate the impacts of environmental stress whilst allowing no space for discourse around alternative policy responses. Whereas larger land holdings might have allowed households to produce a sufficient harvest, under worsening rainfall conditions the small landholdings to which people currently have access make this impossible. Similarly, the impacts of reduced land-holdings could be ameliorated by better bio-physical conditions, thereby lessening the imperative to move; but resources for such resilience strategies are not available. In addition, among people too young to receive land in the last major redistribution there is intractable landlessness. They have no land and no means of attaining land outside inheritance, which is inadequate given the demography, particularly in rural areas. In such a context, environmental stress interacts with a lack of land to increase the imperative to move, by reducing the opportunity cost of not doing so.

Conclusions

This paper fundamentally challenges the apolitical and ahistorical framing of the environmental stress-mobility nexus and it questions the managerial focus of disaster risk, adaptation and resilience policies, in this context. Instead, it has argued that the legacy of episodic migration histories and the complex political milieu within which migration sits shapes how migration is understood and why it is such a highly sensitive phenomenon. This politico-historical legacy in turn shapes how rights protection in relation to migration processes is manifest (or not) in the contemporary political discourses of impacted countries. Resistance to institutionalizing rights-based norms and legal instruments which threaten existing power structures, in turn, has a significant bearing on how the countries are responding to the emerging pressures of displacement induced by environmental factors such as climate change.

At the local level, this silence reflects the appropriation of power either by the state through coercive practices (e.g. in Ethiopia and Vietnam), or by political and landed élites or customary structures (e.g. in Bangladesh and Kenya). In the context of fragile governance, vulnerable people, almost by definition, have neither access nor power to invoke rights to protect their interests or to reduce their vulnerability to environmental stress.

These national and local level power structures may be contested, for example in Bangladesh certain communities experience greater levels of land tenure security having organised themselves with NGO support or by, social networks (a representation of collective power). But, in the main these structures are legitimised and reproduce themselves under both centrally planned and open economies. As a result, local communities, and especially individual households, can become increasingly marginalised and thus increasingly vulnerable in conditions of environmental stress. This high degree of disempowerment raises profound questions about the apolitical framing of the environmental stress-mobility nexus.

The state apparatus (determined by politico-historical legacy) and decentralised and highly disaggregated power structures combined with the lack of rights and rights protection mediate the nature and impact of environmental stress for poor people, and the migratory consequences.

The implications of this analysis for protecting the rights of people moving under conditions of environmental stress are significant. Irrespective of the political regime and the alternative framings of policy responses, the protection of rights in the context of environmental stress is appropriated essentially in terms of material rights and resources – restoration of livelihoods, livelihood safety nets, and resettlement to safer ground. This is not to deny the need for such support. But it enables governments to acknowledge material needs whilst subverting the structural challenge of affording political rights – empowerment, decision making, and full participation in, for example, resettlement schemes. In the contest for political power, the provision of material rights reduces calls for empowerment which threaten the power of the political élites. Pragmatically providing material resources and responses to people who are or are likely to be displaced, reduces the need to diversify and share political power with other groups, organizations and interests.

Given the enduring political disregard of migration and displacement as a policy and socio-economic challenge, and the fragility of the governments which mediates their disin-

clination to develop systematic and structural responses to the protection of rights, the prognosis for protecting the rights of those displaced by changing environmental or climate conditions is, accordingly, poor.

At the same time civil society and local community organizations in countries such as Bangladesh and Kenya have experience in coping with disaster relief – including temporary population displacement – and this potentially provides a platform for developing a capacity to respond to the rights of populations or susceptible to the impacts of environmental change. Yet this might tend to reinforce the provision of material rights since civil society organizations generally remain weak in their capacity and resources to advocate, promote and co-ordinate claims for human rights that address structural inequalities. Thus, necessary though they are, the call for rights protection norms and frameworks for this newly emerging category of forced migrants ultimately ignore the core issue of the distribution of power and, by so doing, potentially maintain, or even exacerbate such inequality. Moreover, the limited effort that is likely to be put into adopting rights-based principles for displaced people is likely to be paralleled by little energy in implementing them.

There are three overarching conclusions

First the viability of adaptation, resilience and resettlement strategies – promoted as the primary responses to environmental stress – must be questioned in situations where power is so unequally available. The resources likely to be made available by these measures could well be appropriated to consolidate political power.

Second instead of the heavy attention placed on understanding the role of so called "environmental drivers", much greater understanding is needed on the political economy and socio-cultural determinants of livelihoods at the household level which shape mobility decisions in the context of environmental stress.

Third, re-framing these issues in terms of power and politics is to suggest that they need to be addressed in structural rather than instrumental terms. These aspirations remain both highly contested and deeply problematic.

Notes

[1] There is a third level for which space limitations prevent consideration. This is the international where political discourse is equally muted on issues such as restorative justice and compensatory remedies for peo-

ple affected by climate change such as those rendered liable to displacement.

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Seminaariyleisö otti aktiivisesti osaa keskusteluun. Puheenvuoroa esittämässä Siirtolaisuusinstituutin erikoistutkija Maili Malin. Kuva: Kaisu Issakainen.

Seminaarin puhujat vasemmalta Eveliina Lyytinen, Kristiina Kumpula, Susanne Melde, Risto Kalliola, Roger Zetter, Kaisa Kosonen ja Tuomas Martikainen. Kuva: Kaisu Issakainen.