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# Work is a human right: seeking asylum, seeking employment

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**Abstract**

This paper argues matters of rights and of belonging in the relationship between forced migration and paid work. It addresses the significance of work for social identity and the imperative that this be recognised in meeting the needs of the dispossessed. The argument derives from observations and perspectives on threatened peoples' mobility and the dignity of labour as a human rights challenge. While forced, or involuntary, migration is one political consequence of war, another is the associated loss of work opportunity that threatens individuals' economic survival and social well-being. Despite obligations under Articles 17-19 of the UN Convention on the Status of Refugees, national governments may ignore the humanitarian need to facilitate employment for people granted asylum. Hence the critical and ongoing insecurity of forced migration is intensified at the point of integration to the host nation-state.

**Key words**
Forced migration, asylum-seekers, refugees, social capital, rights governance, displaced workers, mobilisation, dispossession, employment, identity

## INTRODUCTION

This paper argues matters of rights in the relationship between forced migration and paid work. As the introductory stages of an extended research project on this relationship and the ethics of response, it focuses on the breaches of principle that result from the right to work being subsumed by government policies and negligence. It touches on the role of international processes and treaties, and of the International Labour Organisation (ILO), governments, and trade union bodies, in addressing these issues. Historical and current research informs a preliminary analysis of the ethics and the impact of labour movement and governance organizations on refugees' access to employment. While the core of concern in the paper is work within Australia, the context is the challenge to justice that forced migration poses to international communities.[1] Meaningful paid work, drawing on existing skills and qualifications, and developing new skills must be an active part of early integration strategies for refugees. In Australia at least, I don't believe it is: consider the discourse of migration - the cultural hangover of the White Australia Policy; the denial of any Australian 'identity' which was not founded in Anglo-Celtic or European heritage; the big Australia/ small Australia policy agendas, and border control. As Yarwood demonstrated four decades back, the right to work has historically been contested for migrants in Australia (Yarwood, 1968). That right is especially contentious in the twenty-first century context of 'terrorism'-provoked migration. We're confronted by dreadful irony in current scenarios, whereby the wealthy west physically and financially engages in conflict zones, like Afghanistan, yet rejects or returns people seeking asylum from the devastation in those zones. Given these global paradigms, I question the adequacy of existing conventions for 21st century political migrations, and consider supplementary resolutions for justice.

## BACKGROUND

A range of international and national instruments offer solutions on forced migration rights. These include the primary instrument, the 1951 *UN Convention relating to the Status of Refugees* (the Refugees Convention), with its 1967 protocol taking account of post 1951 displacement (that is, displacement by events beyond World War Two and its immediate aftermath).[2] Articles 17, 18 and 19 assert a qualified need for governments to protect work rights. I believe this Convention desperately needs revisiting in the context of modern diaspora and cultural terrorism. The *UN High Commission for Refugees* (UNHCR) oversees the Convention. These original instruments were augmented in 2002 by *The Hague Process on Refugees and*

[1] A note on terminology: I write on the understanding that asylum-seekers and refugees are all 'displaced persons' and that all are people 'seeking refuge', notwithstanding that 'refugees' formally applies to asylum-seekers officially granted status to remain in their place of refuge. Given the time most asylum-seekers spend waiting for status determination, their access to personal and social validation is also critical.

[2] Please see Appendix 1.

*Migration(THP)*, an intriguing recent global collaboration. THP seeks practical ways to bring government and business together to facilitate justice in migration – in its own words it aims 'to build awareness of the multiple ways in which refugees, migrants and other displaced persons add value to societies'. So, it also addresses work.[3] The ILO (formed in 1919, but from the early days of the UN a specialised tripartate agency of that body) oversees 180 conventions and 185 recommendations on labour and employment, eight of which 'are considered fundamental to the rights of human beings at work' (Scott 2004: 47). As a policy, research, and coordinating body the ILO is critical to international governance on labour.

However these are international instruments, constrained by the relative lack of enforceability of international law and regulation against sovereign law. Territorial disputes between international and national human rights regimes dilute the impact of international institutions and law, including those related to work. In the international arena civil and political rights, being so-called 'first generation rights' in customary law and treaty regimes, are to some extent enforceable, including through the application of sanctions and resort to international courts. Social and economic rights are 'second generation' in this regime, addressed by less enforceable mechanisms (Dixon 2007: 346). In this context of apparent regime priorities, work rights might well be obscured from popular debate.

Threatened peoples' mobility and the dignity of labour challenge human rights policy and host nation workforces. It is evident that forced migration, or involuntary population mobility, is one consequence of war and conflict. Another is the loss of local work opportunity because of economic, physical and social disruption. This threatens individual economic survival and undermines social, cultural, and intellectual well-being.[4]Asylum-seekers will hope to recover in their chosen countries of refuge: however, where they achieve refugee status it will be their first generation rights, not second generation rights that are primarily addressed.

In 2006 David Harvey described neo-liberalism as today provoking a general dispossession of rights, including labour rights (Harvey 2006, Lilley interview).[5] Global capitalism in tandem with neoliberalism favours local labour and capital accumulation by dispossession, leading to the worker becoming 'disposable'. Arguably, in that context the refugee worker is disposable, a labour resource out of place, an inconvenience. So, is confining asylum-seeker labour a deliberate tactic by government on behalf of capital to confine disposed workers where capital, in its multinational or transnational form benefits from the dispossession of local labour? Is this one rationale for the punitive responses to forced migration: to quarantine even dispossessed workers in their home states or territories? Are asylum-seekers the 21st century reserve army of labour?

Displacement in conflict zones means removal from loved ones, family and friends: it also means dispossession of social capital - homes/ neighbourhoods, education, and employment. In this trap, adults and children labour for survival, necessarily abandoning schooling and skills development education that can ensure a dignified mobility. And where people escape across borders, work is denied: in 2008 Britain's *The Independent* reported of Iraqi refugees in the Middle East:

[3] (THP Mission statement) The 2002 *Declaration of The Hague on the Future of Refugee and Migration Policy* is based on the vision of a just world where refugees and migrants contribute to economic and social development, cultural richness and diversity without suffering discrimination and human rights violations. The Hague Process on Refugees and Migration (Foundation THP) has as its mission to support the implementation of this *Declaration.* THP seeks to build awareness of the multiple ways in which refugees, migrants and other displaced persons add value to societies. It contributes to policy making based on factual evidence; it welcomes input from experts of all kinds; it respects the many different interests of its stakeholders so as to address more comprehensively changing migration patterns, societal challenges and opportunities; it focuses on innovative approaches and concrete solutions. See <http://www.thehagueprocess.org/>.

[4] To leave such a situation because it is untenable, but without demonstrable individual threat of harm of death, is to be an economic refugee, and to be denied refugee status by the states in which they seek asylum. But economic refugees are lost from popular debate: debilitating unemployment and economic degradation do not grab headlines.

[5] Harvey argued: 'if you look at the dispossession of the Mexican peasant or even the dispossession of the Iowa farmer, it's one thing to say that the reorganization of society is such that you have to give up your traditional ways of doing things and doing things in a very different way, it's one thing to say that. It's another thing to say, you're going to give up all your rights and you're going to lose to the point that you just become a disposable person. And I think the struggles going on, for instance, the landless peasant movement in Brazil or the movements against the Narmada dam in India, are not on the part of people who do not want change. […] what they are concerned about is that they are losing everything or being deprived of things in such a way that they do not get any benefits at all from it (cited in Lilley 2006).

> Most of the refugees in countries bordering Iraq do not have the right to work. Many live on meagre handouts and dwindling savings. Those who end up working in the black economy are often cheated, and there has been a rise in cases of child labour and women being forced into prostitution. (Sengupta in *The Independent* 15.6.2008)

The politics of labour in such humanitarian crises seem to be relegated to second tier status, as well as being 'second generation'. But the politics of labour is also the politics of food, dignity, and family as well as of migration. Economic or labour needs are inextricably bound with first generation rights. The relationship provokes immense challenges to individuals and agencies.

In Gaza for example the politics of labour historically informs Israel's management of the blockade. The ILO observed in 1995 that 'the exceptional growth of the Palestinian labour force in a shrinking job market is putting the peace process under tremendous pressure' (ILO Media Release 26.5.10). In January 2010 Amnesty International commented that the Israeli blockade of Gaza was destroying buildings, depriving people of food, and destroying business, so that unemployment continued to spiral – to a UN estimated level of 40 percent (Amnesty International 26.5.10). Six months later the *Guardian Weekly* reported that figure as 44 percent - effectively half the labour force (Sherwood in *Guardian Weekly* 4.6.10). The quantum is exacerbated by Israel's selective blockade of goods, which discriminates against goods which would require manufacture and labour. For example, large blocks of butter needing cutting and packaging are blocked while small blocks only needing to be distributed are not. Another scenario: in Indonesia hundreds of asylum-seekers are imprisoned in Australian-financed detention centres. Reflect on the dreadful wastage of human capacity when people are so confined, productive not for themselves, nor their captors, nor for their prospective home or their state of origin.

Twenty-first century internationalism demands a coherent international labour strategy which addresses work rights with human rights. The ILO, international and national trade union organisations, and their affiliated unions speak to workers but are not necessarily heard in the press, or by public policy makers. International trade union action on refugee employment is a first tier imperative, and one which must connect to national and local awareness. For the labour movement, a reactive response is simply inadequate against global capitalism's challenge to asylum-seeker mobility.

In countries of refuge, the dignity of work in involuntary migration is often sidelined into under-funded policy bodies. This is despite states' obligations as signatories to international treaties which declare a nexus between economic and social rights for refugees. Further, coverage of labour in popular debates on human rights is underwhelming. Failure to properly address the industrial imperative in refugee policy and rights analyses persists. With the exception of some political economy analysts, the failure to prioritise the dignity of labour for people already pushed to the limits by personal struggle is generally absent from academic politics scholarship.[6] For example, a recent thematic issue on 'rights' of the *Australian Journal of Political Science* (44 (1) March 2009) did not mention work and labour rights. As for political operatives: the labour rights perspective was dreadfully absent from Prime Minister Gillard's border protection enhancement policy announcements of 6 July 2010, and concurrent policy dialogue on population and migration rarely embraces forced migration other than as a people smuggler/ detention matter.

Philosophically, debates over refugees are debates on power. The face of this power reflects global corporatisation, xenophobic nationalism and state sovereignty, and is facilitated by representations of non-nationals that encourage 'othering'. The dynamic confronts diaspora's impact on workforce diversity: labour migration for economic or social change not only creates a culture challenge for incomers, it shifts the culture of host workforces.

Refugee workers are members of the global workforce, connected to international worker solidarity. Even so, historically, they can become ghettoized from, and by, other labour. Consider West Germany after 1961 when the Berlin Wall closed the west of the city to cheap workers from the East: Turkish workers became the new cheap labour, never completely accepted (Mandel 1989: 28; Senders 1996: 152). Or nineteenth century Chinese immigrants to Australia (Yarwood 1968: 17-39). Or Sydney and her female

[6] One exception is Ronaldo Munck. See for example his 2002, *Globalisation and Labour: The New'Great Transformation',* Zed Books, London. In 2008, addressing an International Labour Movement audience on 'Globalisation and the Labour Movement', Munck identified migration as 'an issue which causes severe discomfort for neo-liberal thought'.

outworkers, sometimes 'illegal' and handicapped by lack of access to trade unions and the state's failure to ensure they learn English (Stevens 1997). Or salon manicurists in the big shopping centres – young women from the global south, exploited, frightened about visas, keeping their heads down (ABC Background Briefing 2008). Remember the 'New Australians' of the 50s and 60s – migrants designated as 'new', 'foreign', not integrated, starting life in Australia in 'Migrant Hostels', alienated from professional identity and qualifications, funneled into jobs of national convenience; university professors of mathematics sent to the Snowy Mountains to build a hydro-electric scheme or placed in high schools to teach wild adolescents. The 'hostels' have been replaced by detention centres. Work was a contested right for refugees in post World War Two Australia and it's a contested right now. So why don't states emphasise work for refugees? Why not embrace the full implications of global responsibility for forced migration? No matter what's going on here, the bottom line is that asylum-seekers are denied work access initially by 'processing' and then, as refugees, by visa. We need to treat people better. We need to activate our global duty of care.

## STATE POLICY AND PRACTICE

Writing about migrant domestic workers in the UK, Jenny Moss has asked 'At what point do the rights of migrant domestic workers as human beings and as workers start to take precedence over their status as migrants?' (Moss 2010). This attitudinal shift must be the goal of trade union refugee action - that refugee workers become seen as workers and community members. Loss and alienation are effectively addressed where local labour movements acknowledge refugees as equal workers. Unions certainly endorse the rights of international migrant workers: for example, in October 2009 the Australian Council for Trade Unions (ACTU) with Amnesty Australia made a submission to Minister for Immigration and Citizenship seeking ratification of the *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* which came into force in 2003 (ACTU 2010). The ACTU worked with DEEWR (Department of Education, Employment and Workplace Relations) on Australian compliance to enable ratification of the Convention.[7] However, trade union action on foreign workers has been, historically, as much antagonistic as welcoming.[8] It is local communities, and NGOs like Sanctuary, who take on the fundamentals of refugee support, including employment.

The state cannot be relied on to protect the worker as forced migrant. A majority of UN members (147 at time of writing) have ratified the Refugees Convention (147 at time of writing) including Articles 17-19: and clearly, despite the Convention's time-bound short-comings, those articles do specify the need for governments to protect work rights, albeit with caveats. But national policy-makers too often lose sight of the humanitarian need to facilitate employment for people granted asylum. Hence the real limitations in refugee support begin at point of integration to the 'host' nation-state. At this point, critical links between citizens and involuntary migrants are thwarted. In Australia, the accumulating closure of regional public sector offices limits the capacity for public sector workers to directly engage with people who need their services. This break is about to be heightened in the UK by the Conservative/ Liberal Democrat Coalition's public sector cuts. The UK is already under fire for human rights abuse in its implementation of deportations, including of children, often carried out with minimal fore-warning, and has been censured by the European Court of Human Rights (Dugan 2010; Human Rights Law Resource Centre, ECHR 27, 2010) In 2009 the New Zealand National Party government of John Key was attacked by the Human Rights Foundation of Aotearoa New Zealand and a coalition of NGOs for failure to ratify international human rights instruments, including the Convention

[7] The Convention 'entered into force in July 2003. Its primary objective is to protect migrant workers and their families, a particularly vulnerable population, from exploitation and the violation of their human rights' (UNESCO (Original convention) 1990). '[…] The Convention seeks to draw the attention of the international community to the dehumanisation of migrant workers and members of their families, many of whom being deprived of their basic human rights. Indeed, legislation implementing other basic treaties in some States utilises terminology covering citizens and/or residents, de jura excluding many migrants, especially those in irregular situations' (UNESCO 2003). See <http://www.unesco.org/new/en/social-and-human-sciences/themes/social-transformations/international-migration/international-migration-convention/>.

[8] See for example Sydney's *Labor Daily* in the 1920s, concerned to protect the jobs of returning soldiers / union members – white soldiers – including against imported non-white labour. Australian trade unionism has a historically fraught position on immigration. Forty years ago AT Yarwood (1968: 114) illustrated the movement's divisions: in the late 1920s the Australian Workers Union (AWU) supporting the Whiter Australia Policy (WAP), Pan Pacific Trade Union Movement (PPTUM) rejected the WAP as anti-worker, while the new ACTU initially supported the PPTUM but came over the AWU position in 1930.

on Migrant Workers. The coalition also raised concerns on conditions for seasonal workers in New Zealand (New Zealand NGO Coalition 2010).[9]

Ronaldo Munck, cited earlier (note 6) as a political scientist who does address 'labour in the global', has described 'a new period' of 'labour internationalism' (Munck 2002: 154).[10] If present, this offers grounds for optimism: true internationalist perspectives in labour and politics will facilitate tolerance and the welcoming of migrants as guests in nation-states. This, surely, draws on the foundation creed of the UN. However the 'war on terror' has legitimised denial of internationalism, of the global, in favor of the parochial nation-state. Western Sydney Labor MP David Bradbury, foreshadowing the new Prime Minister's tightening of border control, alleged issues of population growth and security in reciting (what he saw as) his constituents' concerns about refugees. Whatever has become of Al Grassby's multiculturalism?

Inevitably perhaps, Bradbury's constituents - many originally migrants themselves - may feel threatened by the presence of traumatised, vulnerable peoples dumped as competitors for services in their under-resourced communities. When individuals – locals as well as migrants – aren't able to use their skills and training, earn a dignified living, to survive independently, the resulting social tensions can be catalyst for violent protest, resistance, and ethnic dissent. Communities which might otherwise offer support can then be worn down.

Social exclusionary strategies practiced within a nation-state on in-coming peoples promote political unrest. Failure to recognise working and professional skills is not only economic madness, and failure of human duty of care, it also creates instabilities which in some cultures might result in civil conflict. People may be scape-goated: Somalian youth in Melbourne for example have been targeted by police, and further harmed by the 2009 arrests of four 'Somali-based' people charged with terrorist intent against a Sydney army barracks (Waldron 2005; Zwartz & Cooke 2009). Attempting to combat scapegoating the social media-savvy Australian Somali Youth League (ASYL) established a Facebook site, with the stated aims of 'enhancing the community bond among young Somalis in Melbourne and the rest of Australia' and facilitating literacy, social, personal lifestyle choices, advocacy and opportunity programs for the youth. But scape-goating makes the subjects invisible so that any achievements might not be publicly noted, thus limiting the impact of the site to existing community and state surveillance.

The Australian Government's slashing of immigration numbers by 18,000 for 2009/10, exercised through culling of skills eligibilities, emphasised bureaucratic and political resistance to the internationalisation of labour. The dialogue on skills classifications and policy continued in tandem with people smuggler and border control debates throughout the 2010 Federal election. In Australia, the convenience of coastline as border fosters xenophobia. Like border control, restrictions on work and welfare (with strategies including 'no recourse to public funds') underline employment as controlled by, and performed for, the state.[11] The nexus between migration and the right to work is tightly controlled. There is some institutional support for refugee workers once in Australia: Trades Recognition Australia, an arm of DEEWR coordinates trades skills assessment for citizens, for residents (including temporary residents) and for migrants to Australia, including those on the former 457 Temporary Worker Visas. Another DEEWR agency, Job Capacity Assessments carries out work assessments (DEEWR, Employment, 2010) However, despite the existence of these agencies it's difficult to find unequivocal government acknowledgement of refugees' right, and need, to work.

And of course, there is no right to 'illegal work' even where this might ultimately benefit a local economy: DIAC (Department of Immigration and Citizenship) reports a long list of exclusions for 2010 resulting from compliance swoops, using language such as 'netting' 'crackdown', 'capture' and boasting of tactics and timing (DIAC, Media Releases 2010). For example, in January 2010 four

[9] In contrast to the key government response, eight years earlier the government of Helen Clark had welcomed some of the MV Tampa asylum-seekers, those people being much more fortunate than their companions left to the mercies of John Howard's Government in Australia.

[10] Labour historians would note that this 'new internationalism' is instead rather 'renewed' – recall the internationalism supported by the docks in 19th and 20th century Australia (noted by Edna Ryan, interviewed by Lucy Taksa: see Lyons Martyn and Taksa, Lucy 1992, *Australian Readers Remember : an oral history of reading 1890-1930,* OUP Melbourne).

[11] In the UK, 'no recourse to public funds' – including medical and welfare support – applies to new migrants for their first 6 months in the country. In Australia, asylum-seekers only receive state support, as Protection Visa applicants, if they meet hardship criteria and are not in a detention centre; once accorded refugee status (which typically takes far more than 6 months) they are eligible for full resident benefits from Centrelink. See <http://www.immi.gov.au/media/fact-sheets/62assist ance.htm>.

farm-workers were seized in Menindee 'as the grape-picking season reaches its height'. This is also the government which, on its own admission, has been returning an increasing number of asylum seekers to their homelands, against the advice of refugee action groups. Labor may have now abrogated its moral right to condemn Howard and Ruddock on asylum-seekers. The behaviour, from a nation which supports the doctrine of 'Responsibility to Protect' as it applies to genocides, massacre, and human-made disasters and in the 1990s promulgated the ideal of the 'Good International Citizen' and arguably still represents itself as one, is cruel, irresponsible and nonsensical.

What tactics other than this heightened bullying and abuse might states of 'refuge' develop once asylum-seekers are in the country? In the UK, the 'Dispersal' policy distributes asylum-seekers within local communities while they await the outcomes of their applications for refugees status. It's not without risk; the frequent appearance of refugee narrative in UK TV testifies to social disruption. If not properly monitored children's education suffers, and some locations exhibit a high level of harassment, threats, and economic resentment (Revell in *The Guardian* 2005; Morris in *The Independent* 2007). Nonetheless, Dispersal as a strategy is certainly preferable to remote or prison-like detention centres, and even to potentially alienating city placements. In Australia it might be argued that some communities are already provoking a form of dispersal for refugees, and an informal model for asylum-seekers operates when people are trucked into communities in the absence of detention facilities. This happened recently when the WA town of Leonora welcomed 'boat people' to their midst, and DIAC policy has since introduced further transfers from Christmas Island (Jerga 2010). So, while formal dispersal of people into communities can send human rights abuse underground, or evoke local resentment, ideally it offers sanctuary.

## TRADE UNIONS

In all of this, the role of trade unions is critical both for their representative role for workers, and for their part in global labour and governance networks. Functioning tripartite systems give unions a critical voice in governance capable of changing policy. Indeed, global union networks have been significant since international communications was ensured via 19th century maritime worker connections.

Recent proceedings of the International Trade Union Confederation (ITUC) are promising, and ACTU action locally demonstrates the connection to national mobilisation.At the 3rd Global Forum on Migration and Development in November 2009, the international trade union movement stressed the urgency of addressing the rights of migrant workers in migration issues. Endorsing the global campaign around the UN's Convention on Migrant Workers, the ITUC observed:

> Within the framework of the international protection mechanisms provided by the UN and in particular the ILO, migrants should be able to exercise in full their rights to freedom of association and trade union organisation, of which they are too often deprived. They should also be entitled to an adequate social welfare system and more ethical recruitment procedures (ITUC 3 July 2010).

The comment did not specifically address the situation of forced migrants/ asylum-seekers, that is, migrant workers in transition. However, the second ITUC congress in June 2010 passed a comprehensive resolution on migrant workers (ITUC 'Resolution on Migrant Workers' 2010 ).

At a national level, the ACTU's immediate response to Labor's 2010 suspension of processing of applications from Afghani and Sri Lankan asylum seekers was to call for 'leadership from all sides of politics to counter views that seek to demonise asylum seekers or encourage Australia to abrogate its international obligations' and demanding 'international action to deal with the push factors that cause people to seek asylum'(ACTU 10.4.10). Its 2009 joint submission with Amnesty Australia to the Minister for Immigration requesting ratification of the Migrant Workers Convention, noted earlier, also illustrates the global-national trade union response.

## CONCLUSION

In drawing this discussion to a conclusion, some principles must be asserted. Firstly, the drivers which create asylum seekers need to be taken into account in the Global North response to forced migration. Along with Harvey's global dispossession by capital, culpability for the situations which drive people from their communities, work and homes to seek refuge in 'safe' countries must be acknowledged by the states which, for example, engage in or 'allow themselves' to be drawn into the political/ military conflicts that wreak havoc on societies.

Secondly, economic as well as political refugees must be assisted; paid work is critical

for both groups. The line between the two is commonly arbitrary, and exploited. Accordingly, any slashing of skills requirements or manipulation of visa rules that disadvantages refugees as labour needs re-assessment. After all, people living in conflict zones have had their capacity to work diminished or denied, and any subsequent flight through formal migration or asylum-seeking has perpetuated that loss. Host countries need to meet the employment needs of incomers, rather than simply plunder what of their declared skills seems in the national interest.

Thirdly, trade unions have a duty of care to all workers, including in the international community. Therefore, it is up to national/local trade unions to push their governments and their constituents on work for refugees. As affiliates of the ILO, national trade union movements have obligations towards, and can influence, refugees' access to work and hence can address debilitating alienation. Because that alienation is already embedded by the homeland depletion of jobs, unions must at a grass-roots level promote the international labour rights of the dispossessed.

In summary, if people cannot work, and earn, in their homelands, they cannot effectively remain. They need refuge elsewhere, and access to paid work that will accord them independence and dignity. Resolving this is a matter for the international community, and must be respected by national communities. It isn't enough that involuntary migrants find refuge: their need for the social capital, financial independence, and recognition offered by work that genuinely employs their skills must be acknowledged. If it is not, they remain othered, and at risk. Meeting this challenge provokes a powerful argument for internationalism.

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## Appendix 1

**UN Convention relating to the Status of Refugees 1951 into force: 22 April 1954.**

***Chapter III Gainful employment***
***Article 17. - Wage-earning employment***
*1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.*
*2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:*
*( a ) He has completed three years' residence in the country;*
*( b ) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;*
*( c ) He has one or more children possessing the nationality of the country of residence.*
*3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.*

***Article 18. - Self-employment***
*The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.*

***Article 19. - Liberal professions***
*1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.*
*2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.*

See: <http://www2.ohchr.org/english/law/refugees.htm>.

[When tested against 21st diaspora, accelerated mobility for asylum, and cultural terrorism it is evident that the convention needs updating. Perhaps exploiting that need, John Howard breached it on many counts, including on principle of non-refoulement (not returning refugees to places of danger; the ALP is also breaching this with regard especially to Afghanistan) and on failing to cooperate with UNHCR. It goes without saying that the 'turn back the boats' rhetoric also supports this breach].