Between Security and Reparations: Ireland and the European Refugee Crisis

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Introduction

When a displaced person seeks residency in a country, the state must assess the person's legal right to asylum, but this right is effectively qualified in various ways and this essay examines the effects of security and reparations as supplementary considerations shaping decisions about residency. As frameworks for responding to the needs of displaced persons, security and reparations were each urged by many NGOs about twenty years ago. Security has received more attention but this essay suggests that reparations may be a more effective way to respond given the historical and geopolitical causes of the mass displacement of peoples.

International law and the wisdom of international agencies are valuable guides for addressing the refugee crisis currently shaming societies around the Mediterranean. And yet in some ways the very notion of a refugee crisis in the context of a discourse of security (Kerwin 2005) undercuts some of what we can learn from the best international practice. The notion of crisis focuses attention on a short-term and intense problem that manifests at certain geopolitical choke points. This risks detaching the event from its historical, geopolitical and political-economic setting, yet these connections have become central concerns of multilateral agencies addressing racism and neocolonialism. Historical harms and their continuing consequences might suggest claims that disadvantaged people could make upon those with advantages that rest upon those harms. In the main, reparations have been thought of as financial but one could consider other benefits such as the opportunity of immigration, adding further weight to certain categories of claims for asylum.

A lack of historical and geographical perspective also be-devils the use of the term 'refugee' (Malkki 1996) which, and again in the context of a security discourse, too easily evokes the paranoia of the Global War on Terror. There are a number of ways to address this and one that has been developing in both Africa (Edwards 2006) and South America (Arboleda 1991) has been to broaden the definition of 'refugee' beyond those displaced by military conflict to those fleeing civil unrest or environmental disaster (for further extensions of international human rights, see the chapter by Estrada-Tankck below). Considerations of torture have added gang violence (Wilkinson 2010) and domestic violence (Anker, Gilbert and Kelly 1997), or the violence of homophobia (Spijkerboer 2013) and female genital mutilation (Balser Moussette 1996) as practices that make life unlivable for some groups and provide good grounds for asylum claims. It might be fruitful to think of a very broad category of displaced persons and ask how to give them a haven that is not wickedly constrained by policies of containment and segregation that vilify those they claim to protect. These claims

have a particular purchase upon the people of Ireland and upon the state that acts in their name.

Displaced persons and refugees

Framing the question of the treatment of refugees in the context of security imperils the empathy upon which a humane treatment of vulnerable people must rely. There may even be risks in drawing too sharp a distinction between refugees and other migrants. The UN General Secretary took refugees and migrants together in a keynote pronouncement on population movement, *In Safety and Diginity: Addressing Large Movements of Refugees and Migrants*. The report noted that 'most countries are simultaneously […] countries of origin, transit and destination for international migrants' (Ki-moon 2016: 5). This is certainly true for Ireland (Gilmartin 2015). Over the period 2011-17, 482,600 people moved to live in Ireland, while 520,900 left (Central Statistics Office 2017, see figure 3.1).[1] The non-Irish-born immigrants who came to Ireland (316,000) are almost in balance with the Irish-born emigrants who went abroad to live (295,400). Many foreign-born people who come to live in Ireland, subsequently leave again. In the period 2011-17, this was the case for 225,500 individuals, equivalent to seven-tenths of the sum of non-Irish-born arriving. The Irish themselves continue to be a relatively mobile people and during the period 2011-17 295,000 Irish-born people left the country, whereas 167,000 Irish-born people returned from a time abroad. This flux ought perhaps to provoke empathy, with people in Ireland keen to treat visitors as they or their friends and family would wish to be treated should they, as they likely will, have cause to travel. Such mobility is even, perhaps, an argument for open borders (Gill 2009; 2018).
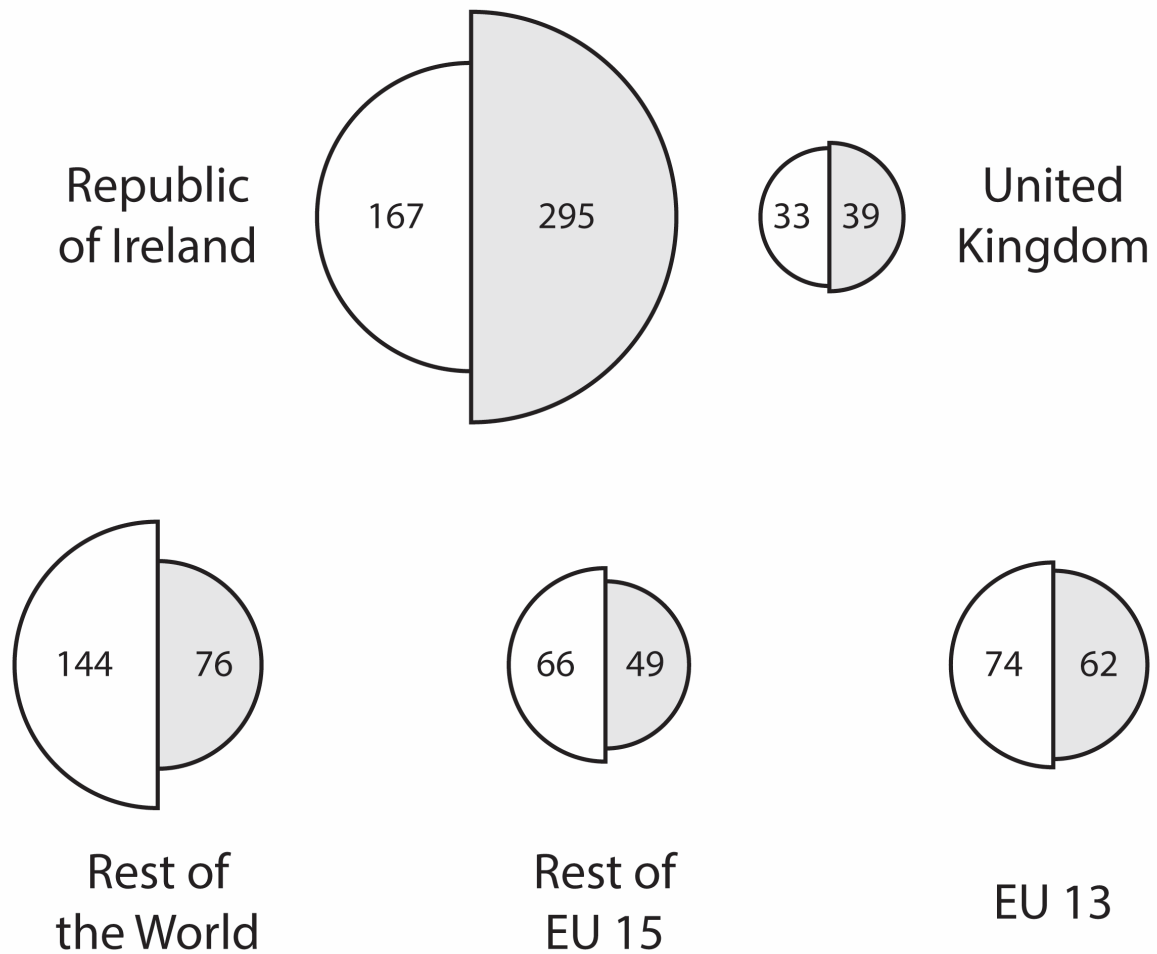
Figure 3.1 Immigration to and Emigration (shaded) from Ireland (thousands) by place of birth, 2011-17. Source: CSO, 2017

In fact, Irish people have a relatively positive attitude towards immigration (Eurobarometer 2018; see figure 3.2).[2] Across eight surveys 2014-18, 54.8% of the Irish respondents in face-to-face interviews said that they felt very positive or fairly positive in response to the statement, 'Immigration from outside the EU'. After the level for Sweden (65.6%), this was the second highest among the twenty-nine countries of the EU. There is a high profile campaign of advertisements against racism, which, in 2017, put 1,500 posters into the carriages and stations of public transport (Immigrant Council of Ireland 2018: 12).
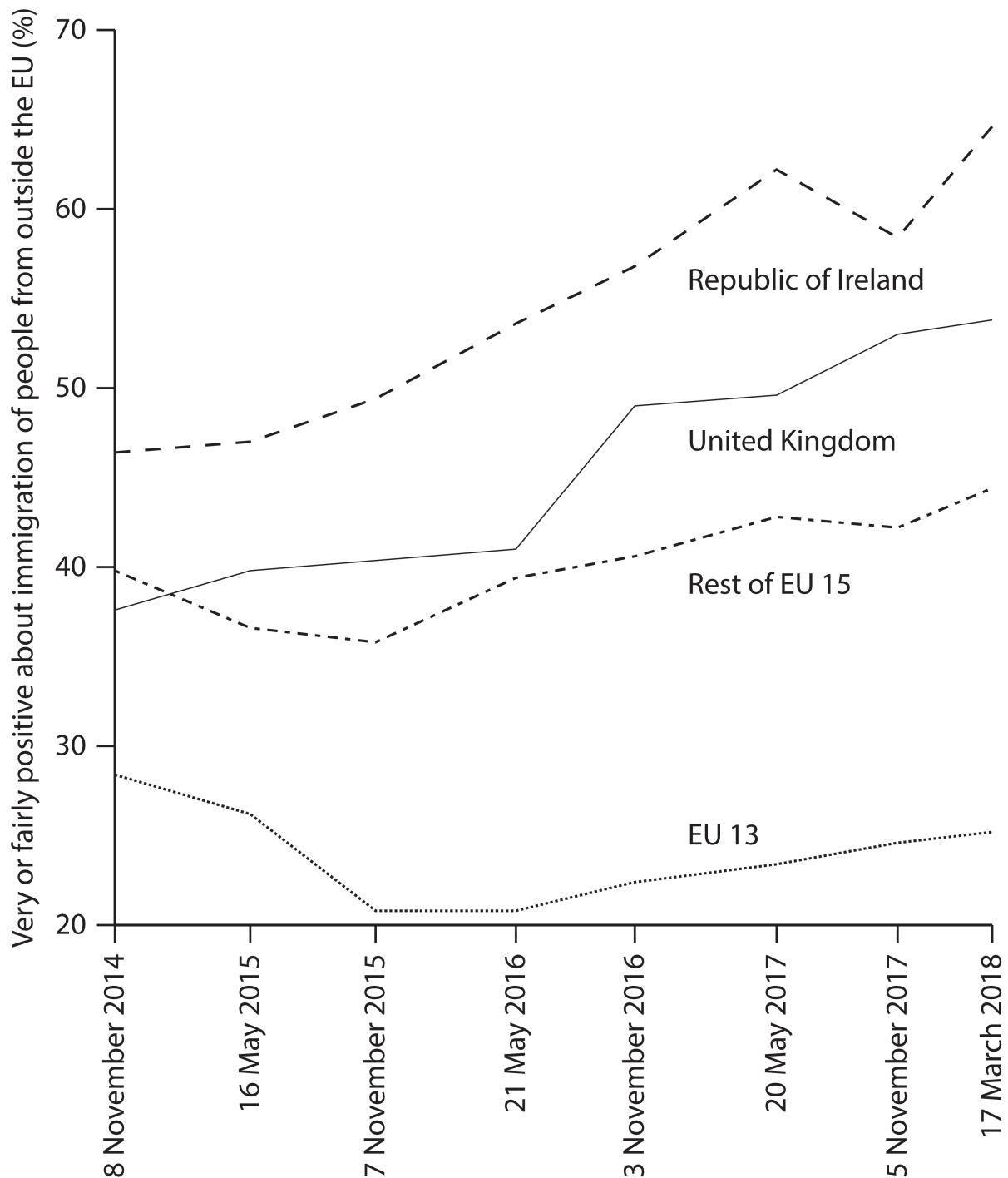
**Figure 3.2** Attitudes towards immigration. Source: Eurobarometer

Yet, all is not well. In 2012, the European Commission against Racism and Intolerance worried that in Ireland 'official statistics to not reflect correctly the reality of the number of racially motivated offences' (European Commission against Racism and Intolerance 2013: 12). An Garda Síochána is criticised for the hostility of some police towards ethnic minorities, for requiring independent verification beyond the statement of the victim that a crime had a racial colour, and for not recording racist incidents that fall short of a crime (Michael 2018). In 2017, the Irish state made no return of hate crime data to the annual call from the Office for Democratic Institutions and Human Rights of the Organization for

Security and Co-operation in Europe (O'Curry 2018). The Irish state has repeatedly failed to accept the obligations of international best practice. Following the 2001 Durban Declaration of the UN World Conference Against Racism, the Irish state instigated a National Plan Against Racism (2005-8) but this was not renewed after it lapsed (European Commission against Racism and Intolerance 2013: 7). In February 2017 the government published its Migration Integration Strategy, which the primary NGO monitoring racism in Ireland found to 'fall far short of the meeting the standards of a UN Durban Declaration-compliant National Action Plan Against Racism (O'Curry 2018). Of the 31 local authorities in the Republic, only ten had adopted such a strategy by April 2018 (Plunkett 2018). This is far from the only case where Ireland fails to adopt international best practice.

In 1992 the Council of Europe promulgated the Convention on the Participation of Foreigners in Public Life at Local Level. Of the 47 member states, thirteen have signed and nine of these have ratified the Treaty (Council of Europe 2018a). Ireland is not one. Likewise the 1992 European Charter for Regional or Minority Languages, signed by 33 countries, and ratified by 25 of them. Ireland has done neither (Council of Europe 2018b). And the European Convention on Nationality of 1997, which counters statelessness and also discrimination on grounds of race, gender or ethnicity, signed by 29 and ratified by 21 of the signatories, is also avoided by the Republic of Ireland (Council of Europe 2018c). Likewise, the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which was ratified by 23 of the 47 members of the Council of Europe, and signed alone by a further 10, but not by the Republic of Ireland (Council of Europe 2018d). Ireland and the United Kingdom have significant opt-in powers with respect to elements of EU law relating to freedom, security and justice and these have been increasingly exercised to amount to an abdication from directives on refugees and asylum seekers (El-Enany 2017, see also Chapter 5 below). This includes the European Union Directive of 2003 on the right to family reunification, which allows anyone granted a right of residence the privilege of having their spouse and dependent children join them. This includes those qualifying as refugees, but not in Ireland. Ireland has now agreed to allow a limited number (530) of such family members to join refugees as part of its opt-in of accepting 4,000 migrants as part of the EU directives for accepting shares in the 160,000 refugees to be relocated out of Italy and Greece (Department of Justice and Equality 2017).

In some of these matters, the Republic of Ireland has blindly followed the United Kingdom and thereby prevented the creation of an awkward disjuncture along its immediate borders, but in other respects it has introduced discriminations of its own. In 1999 there were 7,724 applications for asylum in Ireland prompting at least one responsible agency, the Eastern Health Board to claim that it could not meet its statutory obligation to house these people and causing the chairperson of that Board to insist that 'misspending money on people who have no right to come and claim asylum in Ireland is wrong' (Donohoe 1999), and caused the Minister for Justice, John O'Donoghue to assert that the numbers were 'spiralling out of control' (Hewson 2018: 7). Concern about asylum seekers was stoked even by politicians who admitted the anxiety was without foundation, as when one TD noted a 'concern, rightly or wrongly, amongst people who feel threatened by them and who feel they

are in competition with them for housing and jobs' (Donohoe 1999). In fact, the Republic of Ireland generally issues more work permits to people from outside the European Economic Area than the number of asylum applications it receives, although 1999 marked a brief exception (see figure 3.3).[3] At a macro-scale, then, Ireland has a continuing need for labour, and asylum applicants run well below that level. A skills-audit of asylum seekers might suggest that many might be immediately accepted on these grounds alone. Instead, their likely contribution to society is squandered during a lengthy process of review and appeal.
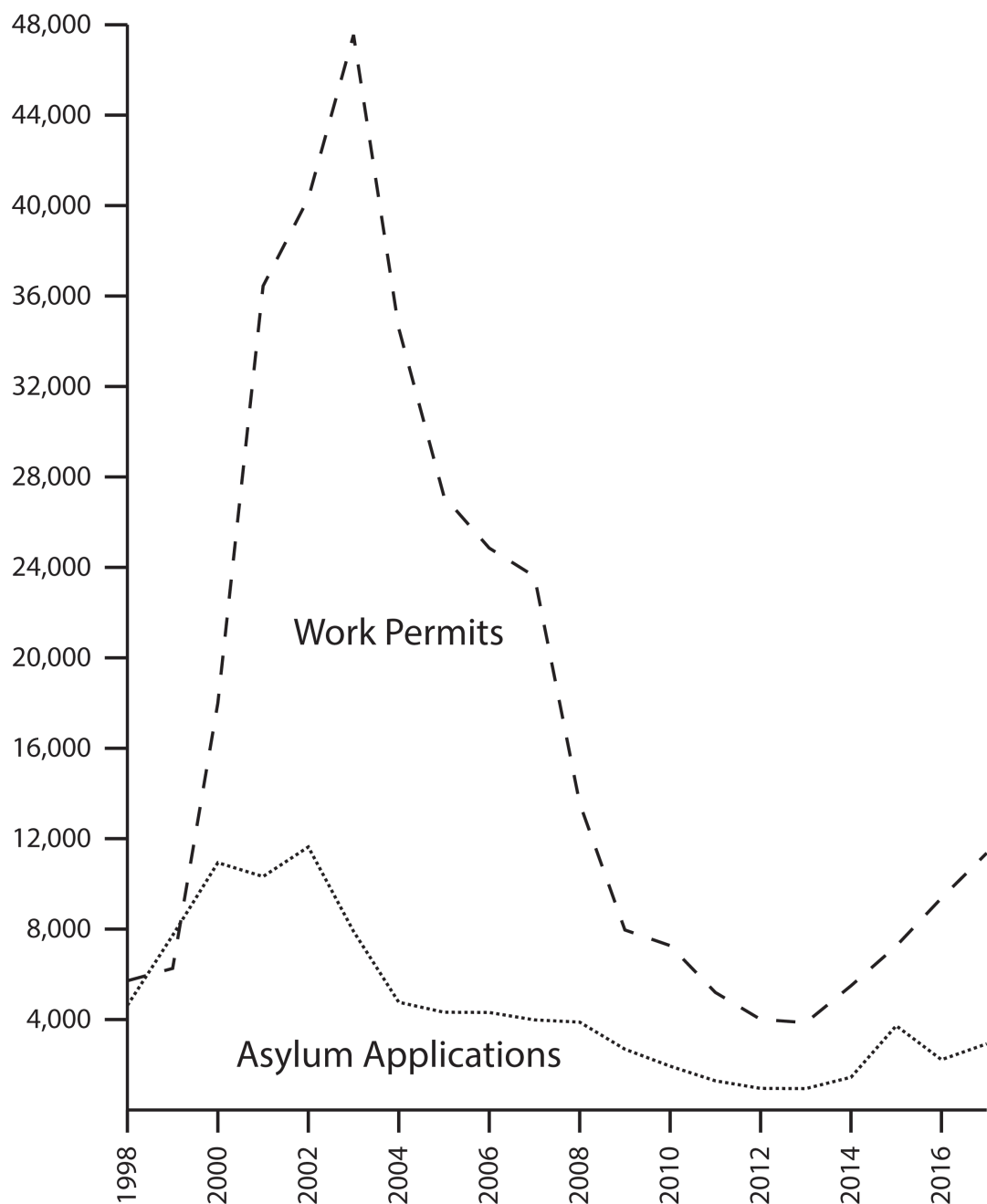
Figure 3.3 Work Permits to persons from outside the European Economic Area and Asylum Applications, 1998-2017. Sources: see endnotes

In 2001, and in response to public concerns stoked in this irresponsible manner, the state introduced Direct Provision so that conditions for refugees in Ireland would at least be no better than in the United Kingdom or in the several other European countries that had already adopted similar systems. From the late 1990s the UK has adopted as normal practice, policies that had previously been invoked only as responses to acute crises, dispersing asylum seekers to locations not of their own choosing and, from 2000, detaining in 'removal centres' those appealing orders for deportation (Bloch and Schuster 2005). The crisis is normalised and the exception is installed as the rule. In following the UK, Ireland sought to dissuade refugees by making Ireland seem a hostile environment. Under Direct Provision, people seeking asylum in Ireland would be held in distinct accommodation that provided them with meals and where they would be subject to something like a curfew. Although mitigated in 2018, for much of the time since its inception the policy also prevented asylum seekers from taking up any paid employment (Breen 2008). When 'Direct Provision was introduced in 2000 it was envisaged that protection applicants would live in Direct Provision accommodation centres on a short-term basis of not more than six months while their applications were being processed' (McMahon 2015: 14), in fact, the most recent figures, for June 2018, report a median stay of 21 months (Reception and Integration Agency 2018: 18). The accumulation of people in Direct Provision (see figure 3.4) means that it generally exceeds the number of people held in Irish prisons (Thornton 2014).[4]
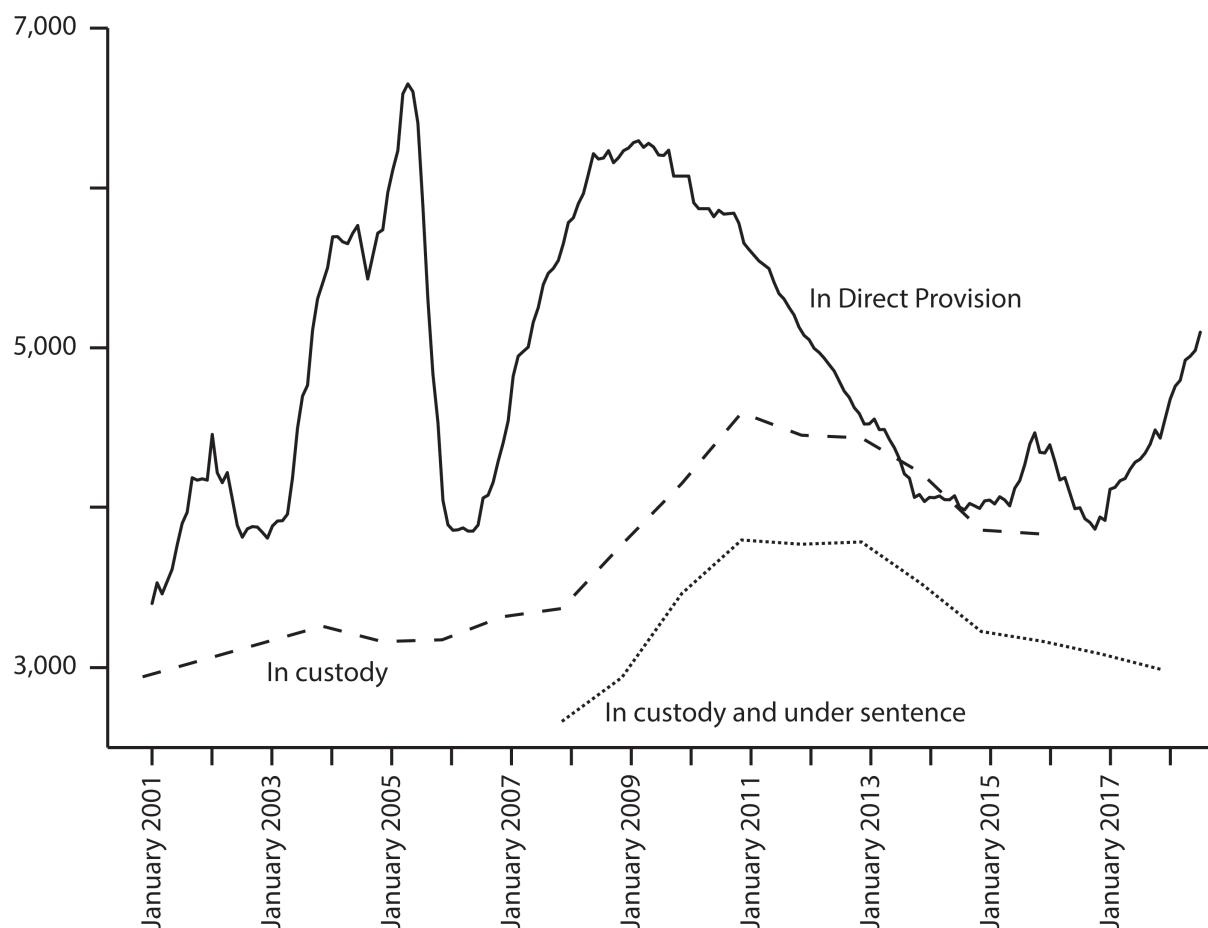
Figure 3.4 People in Direct Provision Centres (January 2001 to June 2018), prisoners in custody (2000-15), prisoners in custody and under sentence (2007-17). Source: see endnotes

A few years after the anxiety over refugees that introduced the Direct Provision system, there was renewed focus upon immigrants. In March 2004, Minister for Justice, Michael McDowell proposed a referendum on an amendment to the Constitution whereby children born in Ireland would not automatically acquire Irish citizenship. In this way Ireland could prevent 'citizenship tourism' (Beesley 2004a) which, insisted McDowell, was placing great pressure on Dublin's maternity hospitals because 'non-national parents […] perceive an advantage by giving birth in Ireland' (McDowell 2004). McDowell 'said that at one point last year, 576 non-national mothers presented at the Rotunda Hospital in Dublin within 10 days of delivery' (Robinson 2004). McDowell was soon forced to concede that the managers of the hospitals had not begged him to act against 'citizenship tourism', and in response to questions in the Dáil he further conceded that of the 22,985 births in the three Dublin maternity hospitals, it was known that for the largest two of these hospitals there were only 442 births to non-EU nationals (Brennock 2004). As Mary Raftery (2004) quickly noted, the vast majority of these foreign mothers were 'living and working in Ireland entirely legally,' and thus had no need to give birth in order to make a claim to remain. Nevertheless, the lack of resources in the health sector could be blamed upon immigrants, and in the period leading up to the referendum, immigrants were also scapegoated for introducing HIV into Ireland's maternity hospitals (Beesley 2004b). The referendum was passed with a massive majority (Yes 79%, No 21%, turnout 60%).

Direct Provision, then, was justified as deterring asylum applications in the context of shortages of jobs and housing, and the revocation of *jus soli* in the Constitution was justified as deterring immigration in the context of shortages within the health service. Associating refugees and immigrants with resource crises in the state may fuel racism and in producing this identification oils the election of racist politicians. Thus Donald Trump launched his presidential bid with a speech about Mexican immigrants as 'criminals and rapists,' and later castigated the majority of immigrants as coming from 'shithole' countries, rather than being of the more desirable stock of places like Norway (Leonhardt 2018). In the United Kingdom a former Foreign Minister has courted popular opinion with racist taunts about women in the burqa suggesting that it was 'absolutely ridiculous that people should choose to go around looking like letter boxes' (Johnson 2018).

This is no time for complacency and in this respect the isolation imposed as part of Direct Provision is particularly dangerous. The UN Secretary-General advised that '[g]iven the overwhelming evidence that personal contact significantly reduces prejudice, more creative ways of fostering contacts between host communities on the one hand and refugees and migrants on the other are urgently needed' (Ki-moon 2016: 11; Gill 2018). There are certainly examples where Irish people have reached out to their neighbours who are asylum seekers (Deegan 2018), but the whole purpose and design of Direct Provision restricts this (Nedeljković 2018a). In most cases, families are accommodated in a single room although this is not mandated and at times two families have shared the same bedroom, while unaccompanied adults are almost all in multi-occupancy rooms (McMahon 2015: 152). In 2014, 3,385 persons were accommodated in twenty-five commercially-owned centres at a cost of €43.684m, or €11,390 per bed-space per year, while a further 1,150 were in seven centres owned by the state, at a cost of €6,000 per bed-space (McMahon 2015: 153). The accommodation is 'cramped and very cluttered,' and in almost all cases has no living space for family life beyond the bedroom itself (McMahon 2015: 162). Families have no secure space for storing private papers or even for medicines that may be toxic to children (McMahon 2015: 163). With no opportunity to prepare meals or to eat privately as a family, 'the living conditions are a substantial impediment to family life and parenting' (McMahon 2015: 165).

Wishing to 'avoid undue pressure on health and education services in specific major conurbations,' the government has adopted an explicit dispersal policy ((McMahon 2015: 176, see figure 3.5).[5] In Nedeljković's (2018b) compendium of Direct Provision centres, there is a striking map of all the centres that at one time or another were open in the city of Dublin, and now (June 2018) there are only two (Reception and Integration Agency 2018) and a city with some 24.6% of the country's population (Central Statistics Office 2016) houses but 8.6% of the asylum seekers in Direct Provision. Some centres are in rural settings quite distant from a town and poorly served by bus services that in any case would be a significant expense for people on €21.60 per week. The McMahon Report gave the examples of 'Mount Trenchard (8.5 km from Foynes and 42 km from Limerick City; and Millstreet (2.8 km from Millstreet and 48 km from Cork City)' and noted that 'such locations can act as a barrier to residents' participation in activities in the area and access to legal, medical and other supports' (McMahon 2015: 174). For children, this keeps them apart from after-hours

school-based or social activities. The requirement to take meals at the times set by the institution also limits engagement with activities outside the facility itself. One resident of the facility at Mosney complained that: 'Everything is scheduled and controlled' (Devine 2017). The security imposed on some of the centres is disproportionate, adding to a 'sense of isolation' and making residents permanently 'feel that they are under surveillance as they go about their daily lives' (McMahon 2015: 177). Fenced off from the community, children at one facility said that they '[d]on't like to be called refugees,' and felt 'stigmatised because of where they live (Department of Justice and Equality 2017b: 6, 8). This is perhaps where the distinction between human security and state security threatens to come undone, along with the progressive potential identified by Morrissey in Chapter 1 above. Insofar as the discussion of asylum invokes notions of security, these are far more likely to be the protection of the host society against the potential terrorist threat or evident economic demands from the refugees.
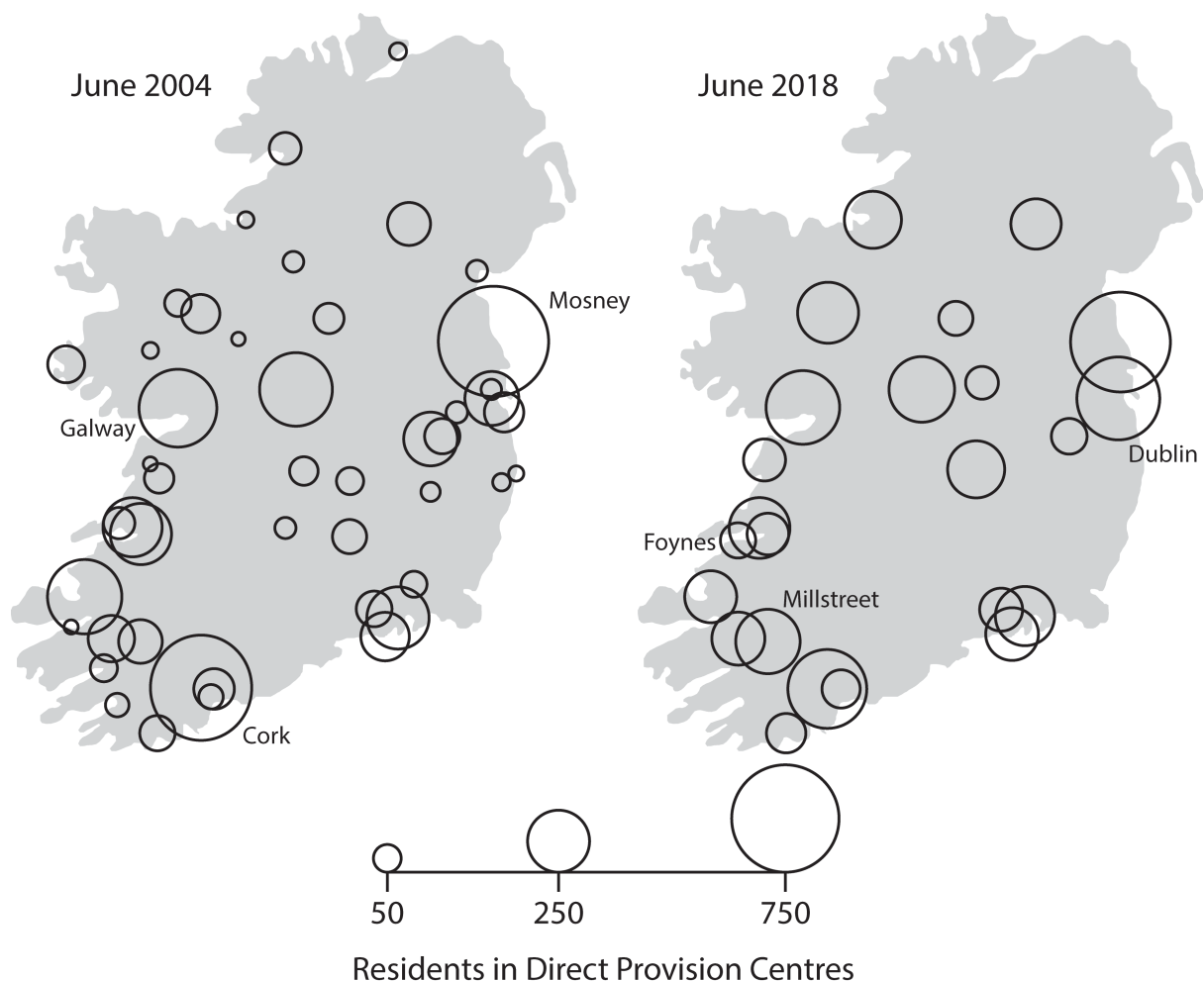
Figure 3.5 Residents in Direct Provisions Centres, June 2004 and June 2018. Source: Monthly Reports of the Reception and Integration Agency

Corralling refugees in securitised spaces limits their integration into wider society, but is also complicit with a broader security concern that bedevils immigrants and asylum seekers. Already in 1997 the United Nations High Commissioner for Refugees (1998) spoke of human

security as a context for considering the treatment of refugees and in doing so shifted the focus away from the rights of the refugees, towards the impact that their relocation would have on host economies and societies (Adelman 2001; Paris 2001). In this respect it is not the safety of refugees but rather the security of the places where they take refuge that is paramount, and immediately the notion of 'shield[ing] [vulnerable] people from menaces' (Commission on Human Security 2003: 10; as discussed by Morrissey in Chapter 1 above) is undone. This statist security turn in UN practice was only confirmed after 9/11 (MacFarlane and Khong 2006). The progressive Durban Declaration that came from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was promulgated on 8 September 2001. Only three days later the al-Qaeda attacks on the United States reclaimed international attention for terrorism. People displaced from places of conflict were now tainted with a suspicion of terrorism (Tirman 2004). Less than a month after the attacks on the US, the British Prime Minister promised legislation that would 'increase our ability to exclude and remove those whom we suspect of terrorism and who are seeking to abuse our asylum procedures' (Hansard 2001). This identifies asylum seekers as the source of terrorism. On 14 September 2001, the FBI had named the nineteen al-Qaeda hijackers and none were asylum seekers (Federal Bureau of Intelligence 2001).

When the Irish Senate discussed the Mediterranean refugee crisis in 2015, one senator worried about 'terrorists infiltrating the ranks of refugees being a problem for Europe and elsewhere in the future? Obviously, if that situation comes to pass, then public opinion will change dramatically' (Dáil 2015). These vocal concerns may actually feed public anxiety, and in January 2016 a poll found 59% worried that terrorists could enter Ireland under the guise of refugees (Corcoran 2016). Although Estrada-Tanck (2016), among others, has insisted that the individual focus of the Human Security perspective can counter the state-security focus of much current refugee policy, I worry that security discourses are irredeemably statist in public debate and risk disqualifying the claims of others in favour of our own largely unwarranted fears (Lynn and Lea 2003). Certainly, its place within Irish public debate would feed such a worry. The challenge is to find ways that a focus upon the needs of the most vulnerable might be prioritised in a fashion more akin to the hopes that attended the initial formulation of the notion of Human Security in contradistinction to State Security. The politics of fear need to be devalued and more generous ways of conceptualising the rights of others developed. In the remainder of this essay I want to sketch some ways this might be attempted through a discussion of the limits of crisis as a way of framing the issues attending refugees and through an expanded notion of reparations that might be cultivated, in the case of Ireland at least, through a fuller explication of the historical context of the debate over reparations as a basis for migration policy.

Reparations and the historical context of crisis

The notion of crisis makes it difficult to comprehend the context of refugees and the claims they can make upon us. The current refugee crisis for Europe has two main components, Syrian and Libyan, and both are consequences in some respect of the Arab Spring and the

temporary political realignments it allowed. But this immediate geopolitical context leaves in shadow longer-term relations.

When Western nations encouraged political instability in Libya with the avowed aim of removing Muammar Gaddafi from power, the Libyan ruler responded by threatening to unleash a migration crisis upon Europe: 'If you threaten [Libya], if you seek to destabilize us, there will be chaos, Bin Laden, armed factions. […] You will have immigration, thousands of people will invade Europe from Libya. And there will no longer be anyone to stop them' (Valdiguié 2001). Funded by oil revenues, Libya's public works projects from the 1970s onwards drew into the country migrants from most of Africa north of the Sahara. From the middle of the first decade of the twenty-first century Gaddafi tried to prioritise immigration from Arab rather than African countries but there was already a significant African labour force in Libya (Almukhtar et al. 2015). Gaddafi used the African residents as weapons in foreign policy towards his Arab neighbours, threatening to send them across Libya's borders as refugees (Paoletti 2011). Although represented as reparations for colonial crimes during Italy's rule over Libya (1911-43), the 2008 Italy-Libya Friendship Treaty was another such use of migration as a weapon, with Gaddafi promising to retain African migrants in Libya in return for $5bn (Ronzitti 2009). In fact, rather than addressing the memory of the carceral geography of Italian occupation, the Treaty replicated it, placing African migrants in the same sort of camps for which Libyans now claimed reparations (De Cesari 2012).

There was at least one other colonial power shaping these relations. In the 1890s, British colonial power moved up the White Nile annexing upstream territories in northern Uganda and southern Sudan and securing thereby the water with which to irrigate the Egyptian cotton fields that supplied the mills of Lancashire (Tvedt 2011). To obtain for Egypt the waters of the Blue Nile, the British signed a treaty with the Emperor of Ethiopia and others with colonial powers that controlled territory in the region (McKenzie 2012). These colonial treaties restricted the use of the Nile in most of the regions through which it flowed and limited development prospects in the region, provoking emigration to labour hubs like Libya. Today, regional cooperation is seeking to address these historical issues and the Nile Basin Initiative (Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, South Sudan, The Sudan, Tanzania and Uganda) is a hopeful development, producing as it has, an agreement to allow significant water exploitation upstream from Egypt with the Grand Ethiopian Renaissance Dam (Yihdego 2017). Yet these legacies of colonialism are part of the historical context of the current crisis and they may lay claims upon parties outside the region, claims that the sense of crisis occludes. Multilateral agencies, such as the United Nations, have given increasing attention to such claims and in the course of doing so have made a case for reparations.

Sponsored by the United Nations (UN), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in South Africa in 2001 and, with the exception of the US and Israel who left the Conference early, the participants endorsed what is now known as the Durban Declaration. The Declaration affirmed that 'slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance,' and that 'colonialism has

led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences' (United Nations 2001: 6, 7). Racism and continuing disadvantage are evident sequelae of colonialism and slavery. The Declaration commended those states that, in face of evident complicity in slavery and in recognition of the continuing harm resulting, 'have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed' (United Nations 2001: 17). The Durban Declaration and, in 2007, the bicentenary of the British Act for the Abolition of the Slave Trade, provoked a broader discussion of reparations in the Caribbean (Shepherd 2008). In 2013 CARICOM detailed the reparations that Caribbean states demand of the European slave-owning states and promised to develop a legal case to obtain them (Caribbean Community Reparations Commission 2013). The states of former slave-owners are hailed: 'This 21st Century will be the century in which the world will be called upon to atone with reparatory justice for the crimes against Africans and their descendants' (Beckles 2014: 12).

European states have been reluctant to accept this obligation, arguing: that slavery was legal at the time of its practice; that culpable parties are long since dead; and that slavery was too far in the past to cause any current injustice. Yet, in response it might be argued: that the argument that slavery is a crime against humanity rests upon an appeal to natural law rather than to contemporary legislation, that the liabilities of states (like their debts) are generally understood as multi-generational, and, finally, that, long after the end of formal slavery, the states of former slave owners continued to exploit the people of the Caribbean, as well as of other regions from which slaves were taken or to which they were brought, perpetuating the earlier and unjust racialised exploitation (Beckles 2014). In other words, the relations between Europe and Africa, between Europe and the Caribbean have an asymmetry that is a colonial legacy, a legacy of slavery.

Following Iris Marion Young's discussion of structural injustice, Maeve McKeown distinguishes between liability and social connection (Young 2006; McKeown 2015). If liability is reparations based on distinct harms inflicted or ill-gotten gains retained, then, social connection is a somewhat looser basis for a claim, proposing that all parties to a historic injustice should seek to repair its continuing harms. This is what CARICOM terms reparatory justice (Caribbean Community Reparations Commission 2013). This weaker notion of responsibility is one that more easily implicates European people in a reparations claim, one that could comprehend rights of residence as ways of meeting such claims. In other words, if slavery produced continuing harms, countries that were parties to slavery might feel they owe a debt to inhabitants of places where these harms are still felt. Allowing immigration from places still injured by the pathologies of post-slavery might be one way to give a benefit that could redress those harms.

When it considers its global responsibilities, the Republic of Ireland has tended to position itself among the ex-colonies rather than the ex-colonials (Connolly 1999).. It has seen its relations with Africa and the Caribbean as based on solidarity (Guelke 2000) rather than responsibility. This may broadly be fair but perhaps the situation is a little more complex. Certainly many Irish-born people were prominent as traders, administrators, or

soldiers, throughout the British Empire (Cleary 2007). And while the Irish state is too young to have properly acquired a direct liability for slavery, there might yet be grounds for speaking of a responsibility based on social connection. In this next section I show some of these social connections highlighting the engagement of some Irish people in exploiting slaves and in fiercely defending slavery, while others vigorously opposed slavery and went so far as to propose an anticolonial solidarity between slaves and the great mass of Irish subjects.

Ireland and Reparations for Slavery

When slavery was declared abolished throughout the British Empire in 1833, there remained some 800,000 slaves in the Caribbean. The slave-owners requested compensation and Parliament (including the slave-owners who sat there) voted them a sum of twenty million pounds. In addition, slaves were required to give four to six years free labour at forty-five hours per week. Draper (2010) estimates that the slave-owners were effectively compensated for between 75% and over 90% of the value of their slaves, about half from the British taxpayers and half by the continued coerced labour of their former slaves. The Commissioners of Slave Compensation made some 45,000 individual awards and the Legacies of British Slave-ownership Project has determined a home residence for the majority of these.[6] Although many individuals involved in slave-ownership spent parts of their lives in different locations within the British Empire, the snapshot of ownership at the moment of abolition found some living in Britain or Ireland, absentee owners of their Caribbean slaves. Of the 45,000 beneficiaries, some 3,000 were absentee owners living in Britain or Ireland, but these owned about half the total number of slaves. Of the 6,000 awards made to these absentee owners, only 170 were made to owners resident in Ireland. Nevertheless, this represented the ownership of 14,752 slaves; and of course there were Irish people living in Britain and owning slaves, in addition to the Irish people actually in the Caribbean who owned slaves.
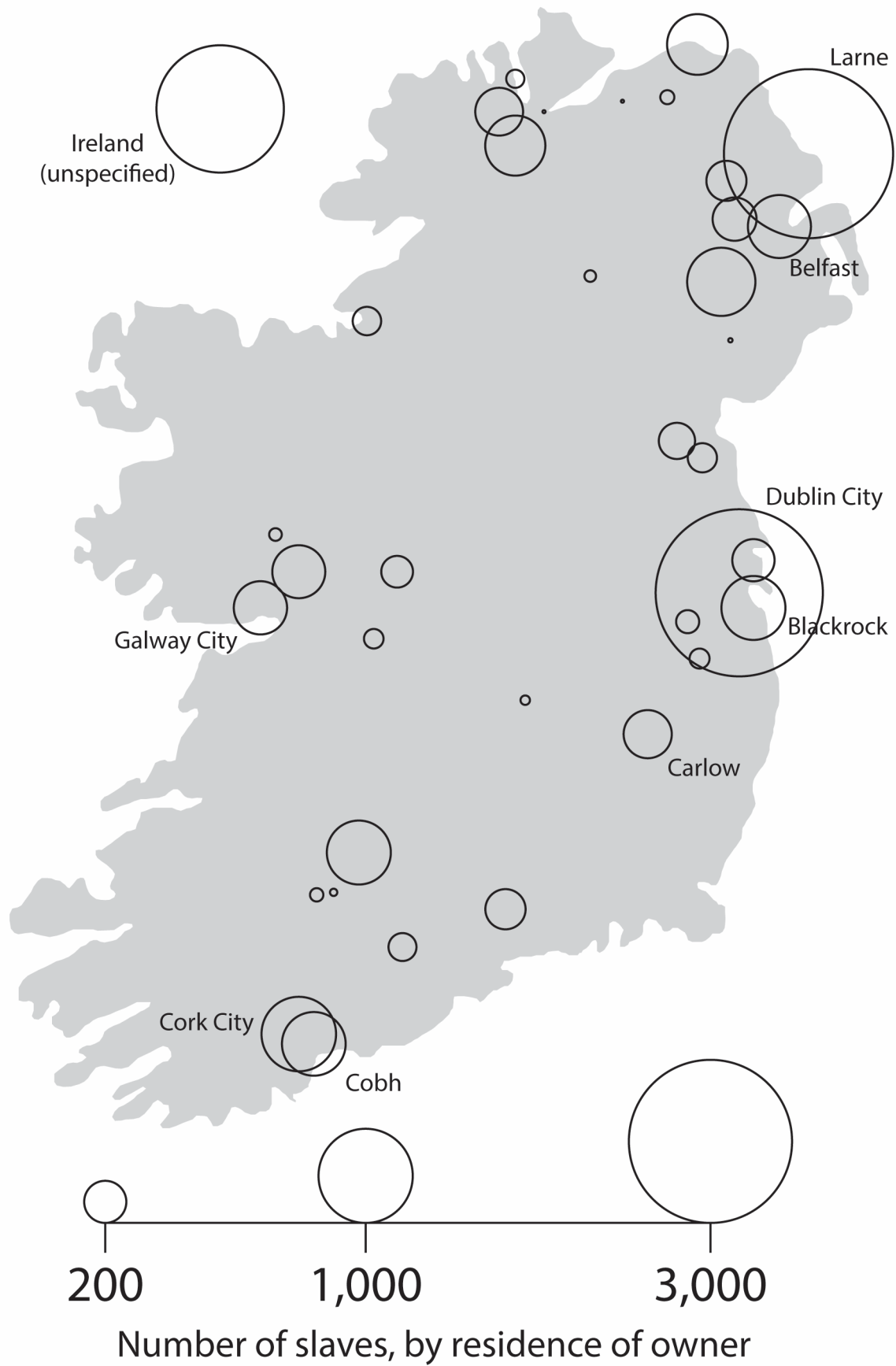
Figure 3.6 The number of Caribbean slaves for whom compensation was paid under the

Abolition of Slavery Act (1833), by residence of owner. Source: Legacy of British Slave-ownership Project

Mapping the number of slaves owned by residence of the absentee owners living in Ireland, shows some of the colonial ties between Irish people and the Caribbean (see figure 3.6). The 3,149 people mapped for the City of Dublin represent the slaves of seventeen absentee owners. The town of Larne had just two absentee slave-owners but Charles McGarel was compensated for the loss of 2,777 slaves and John McGarel for 448; a significant element of the local economy, perhaps, since the population of Larne (New Town, Old Town and Parish) was only 3,182 in 1831 (British Parliamentary Papers 1833). Indeed Charles McGarel endowed his hometown with almshouses, a cemetery and a town hall (Draper 2013: 238). Draper (2013: 237) speculates that the lack of mercantile wealth in Ireland limited investment in slaves and estimates that whereas perhaps between five and ten per cent of Britain's elites were compensated in consequence of the end of slavery in the Caribbean, for Ireland the comparable figure might have been between two and three per cent.

The colonial nature of the Irish elites is evident even among the small sample that features as absentee slave-owners. Let one stand for many. In about 1690, the Batty family moved from England to Ballyhealy, Westmeath. In 1788 Philip Batty was High Sheriff of Westmeath (Lyons 1853), and in 1797 he was on the Grand Jury of Westmeath that voted a service of silver plate to the officer commanding a militia that, in suppressing the insurgent United Irishmen, summarily executed some of the makers of pikes, while also torching forty houses in the village of Moyvore as collective punishment (Woods 1907: 33, 27). Of his six children, one became a Church of Ireland vicar, and two of his sons were owners of Jamaican slaves at the time of compensation claims: Fitzherbert (1792-1847) had qualified from Lincoln's Inn in 1817, moving to Jamaica soon after and at abolition, owned 461 slaves on four Jamaican estates, and he himself lived on the island; and Espine (1794-1883) was compensated for 481 Jamaican slaves on two estates while he himself was living in Stephen's Green in Dublin (Legacies of British Slave-ownership Project 2018). Espine had been called to the Irish Bar in 1819 and was counsel to the General Post Office in Ireland by 1843 (Dublin Almanac 1835: 153; Post Office Directory 1843: 151). Heavily engaged with the Protestant hegemony in Jamaica, both in the law and in the militia, in 1832 Fitzherbert had been appointed acting Attorney General in Jamaica (de Jong 2017: 189-90), but some time after the manumission of the slaves and after himself having been certified insane in 1839 (Legacies of British Slave-ownership Project 2018), he returned to Ireland where his fathering of illegitimate children around his lands in Westmeath began to drain the family fortunes (Norton 2002). The eccentricities may be individual but the intermingling of economic privilege and colonial authority is typical.

The slave economy of the Black Atlantic brought plantation goods to Ireland and was in turn a significant market for Irish pickled and salted goods (Rodgers 2007). The slave-owning colonies attracted many Irish people with even modest capital to invest in the plantations, while yet others, political or economic exiles, went as indentured labour, particularly in the seventeenth century (Block and Shaw 2011). These threads pulled Ireland into the political economy of colonialism in complex ways and invite nuanced reflection

upon the social connections between Ireland and slavery. Certainly slavery in the Caribbean relied upon colonial relations, and slave labour made colonialism profitable. Slave rebellions were defeated by force of troops from Europe, and the slaves of the French colony of Saint Domingue only threw off their slave masters after they had defeated, in various combinations during the period 1791-1804, the military of France, Spain and Britain (Blackburn 1988). When slave-owners in Jamaica objected to abolition on the grounds that they could easily have sustained the system if left to themselves, the Governor of Jamaica, Howe Peter Browne (1788-1845), the Marquis of Sligo, and himself compensated for 286 Jamaican slaves, was fierce in reminding them of the 'fostering attention' of their 'mother country': 'within the last three years, you have received three hundred thousand pounds as a loan to individuals who suffered in the late rebellion,' and '[t]hat the parent state took upon herself the whole payment of the troops for the two years subsequent to that rebellion' (Madden 1835: 190).

In some respects, the common experience of colonialism can foster bonds of solidarity between Irish people and slaves or people were formerly enslaved. The influence moves in both directions. Roger Casement (1864-1916) claimed that he was brought to a heightened sense of the systemic nature of the violence put upon the bodies of rubber tappers in Congo, because he was 'looking at this tragedy with the eyes of another race – of a people once hunted themselves,'[7] for 'his Irish environment, then, […] made it natural for Casement to see the world in terms of a general struggle against colonialism' (Ranger 1966: 24). In other cases, experiences in the colonies made an individual more radical in their understanding of Ireland's colonial subjugation. It was Daniel O'Connell (1775-1847) who called for the collation and publication of the amounts and names for the compensation paid to slave-owners (Draper 2010: 4; British Parliamentary Papers 1837-8).[8] This was a payment that he had continually opposed because the property in question was always an immoral one and 'no man could reasonably claim compensation for surrendering that which inflicted wrong upon his fellow creature' (Hansard 1832).

When the abolition of slavery was proposed the slave-owners protested and from the Assemblies of their various slave islands sent up to the Imperial Parliament amendments to at once both nullify and compensate. In consequence, the twenty million were voted and the period of apprenticeship instituted. The British parliament intended that corporal punishment on the plantations would cease and it sent thirty stipendiary magistrates out to the Caribbean to provide a legal system for the judgement and punishment of the 'apprentices'. One of these was an Irish-born Catholic, Richard Madden (1798-1888), who left after a year, in fear of his life from the planters (Murray 1972). Based in Jamaica, Madden encountered another Irishman, Fitzherbert Batty, the slaveowner who had been for a time acting Attorney General for Jamaica (1832), 'a distinguished colonial lawyer, who has taken an active part in farming new Abolition Acts to amend the original one' (Madden 1835: 181). Batty acted as legal counsel to his fellow slave-owners bending the law towards themselves in ways by turns vexatious and cruel. The young children of former slaves were not to be impressed into apprenticeship but instead to grow up free, unless, interposed Batty, there were grounds to anticipate their not being of secure economic standing, and which former slave could give satisfactory proof of economic independence. 'Apprentices' were not to be punished by their masters, but if the masters were accused of cruelty these cases, insisted Batty, would be heard

by local juries, of other masters. Apprentices could purchase their freedom, but, suggested Batty, not if they had been reliably accused of crimes, and, as Madden noted, the 'charge of theft […] so easily brought' nullified the provision (Madden 1835: 187). Madden insisted that the former-slaves would get no justice from the Jamaican Assembly given its 'evident […] *complexion*' (Madden 1835: 192). Time and again, Madden encountered Irish people administering or defending some of the worst horrors of slavery, commenting in a work on slavery in Cuba: 'The Irish alas I have invariably found, who are employed in any shape, are advocates for slavery in all its horrors' (Murray 1972: 52).

Madden threw himself into the cause of abolition throughout the 1830s and thereafter began a multi-volume historical work on the United Irishmen and their rebellion of 1798. He was led from the one to the other, remarking that working to repress slavery was 'an apprenticeship to the cause of general freedom,' and 'having long devoted heart and hand to the cause of justice and humanity in the West Indies and in Africa, I felt it impossible to get rid of the conviction that the outrages committed in Ireland, particularly during the last rebellion, had never been surpassed in any country.'[9] From a common experience of colonial oppression might come a sense of solidarity. However, both in Ireland and in the diaspora this solidarity has often been wanting. Despite Daniel O'Connell's call for the Irish in the United States to 'cling' to the abolitionists, for slavery, he insisted, was 'a sin against God and man,' in fact, the Irish in America very often had a sense of racial distinction that fed either a precarious sense of superiority over, or, at best, a radically separate interest from, their enslaved African-American neighbours (Gleeson 2016: 623). Ireland, itself, showed American abolitionists 'an ambiguous peripheral space with a complex relationship to slavery and empire,' and yet, fugitive slaves and former slaves met starving Irish people with at least an 'implicit acknowledgment' that the Irish body was 'constituted as an instance of sovereign failure and violently extirpated political subjectivity' (Sweeney 2016: 509, 506).

This ambivalence of the Irish location with respect to colonialism has been expressed in various ways. Richard Kearney (1985) described Irish thought as given to a sort of double consciousness, a dialectical both/and. To capture the effects of the staged removal of colonial apparatuses, Howes and Attridge write of a semicolonial Ireland (Howes and Attridge 2000). On the social connection model, an argument could be made that Irish people were implicated in the reproduction of slavery and racism worldwide, and, thus were among the 'agents who contribute by their actions to the structural processes that produce injustice [and thus] have responsibilities to work to remedy these injustices' (Young 2006: 203). Beyond that, there is a social solidarity model that could be fed empathetically by reflecting upon a common experience of colonialism and its longer-term effects. This might encourage Irish people to think that their relative comfort allows them to extend hospitality to other people displaced by neo-colonial economic or social relations.

Conclusion

Article 1 of the 1951 Geneva Convention defined a refugee as a person who is unable or unwilling to return to their country of origin owing to a well-founded fear of being 'persecuted for reasons of race, religion, nationality, membership of a particular social group

or political opinion' (United Nations 1951). Signatories promised to receive such persons should they apply for asylum. The notion of 'particular social group' is increasingly given wider ambit, and, for example, asylum justified in cases where women would be at risk of rape for their ethnicity or political belief, or where young women would be at risk of involuntary infibulation should they be returned (Anker 2002). With new social groups accepted as refugees the forms of persecution in question will also multiply. In 1969 the Organisation of African Unity broadened their definition of refugee, and in 1984 a group of Latin American countries likewise extended theirs to include those whose 'lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' (Ki-moon 2016: 5). Rather than being individually targeted, these more generously designate certain countries as so toxic that people might need refuge outside them.

Were it not so expedient for politicians to repeatedly cultivate these fears, spreading the notion of refugees in this way might perhaps weaken the fear of refugees as likely terrorists. For example, some people advocate the recognition of environmental or climate refugees (Williams 2008). With rising sea levels, most atolls (Storlazzi et al. 2018), and many coastal cities may be drowned (Holder et al. 2017). There will certainly be extensive adjustments and population movements will be part of that. Regional compacts to address these social and economic challenges would certainly be welcome yet we should approach the extension of refugee policy with caution. First, most of the population movement will probably not render people stateless (McAdam 2011), and it will be the poorer districts and low-wage factories of other cities within each country that are likely to fill up with displaced persons, at least if the experience after recent cyclones is any guide (Lu et al. 2016). Secondly, there is a Malthusian understanding of climate conflict and climate refugees in which the failure of certain societies to manage their environmental relations invites the intervention of richer countries to tamp down regional unrest. Betsy Hartmann (2010: 242) is surely right to warn against framing the problem in ways that might further 'militarise not only climate policy, but also development aid.'

The notion of refugee is so toxic that we must supplement it with the broader notion of displaced persons. We could even return to the notion of reparations and ask how Ireland might be part of the social connections that has produced the climate change that makes livelihoods more precarious in other places. In this respect, it is shaming that Ireland has such ineffective policies to control greenhouse gas emissions (Halpin 2017). Addressing the issue of displacement from the perspective of climate change (Keane 2003), we might argue that Ireland has an above average responsibility. In this context, we could even propose that work permits would be a form of international aid, or of global carbon reparations. Just as with the racialised migrations that are the sequelae of colonialism and slavery, so there will be new obligations that flow from the political ecology of our current industrialised societies and Ireland should acknowledge its share. Reparations and their historical justification may provide a way to think more generously about the grounds for welcoming asylum seekers into our safe European home. In our postcolonial (and hopefully soon post-carbon) world the

historical legacies that demand reparations should give us pause before we invoke state security against the needs of people seeking haven with us.

Acknowledgements

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Notes

[1] Estimates are for years ending in April (Central Statistics Office 2017). Rest of EU15: countries before enlargement on 1 May 2004, (i.e. Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Spain, Sweden, Portugal). EU13: 10 countries that joined the EU, 1 May 2004 (i.e. Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia), along with Bulgaria and Romania who joined 1 January 2007 and Croatia who joined 1 July 2013.

[2] Since November 2014, for its biannual surveys, Eurobarometer has asked 1,000 people in each EU country whether the statement 'Immigration of people from outside the EU' 'evokes a positive or negative feeling for you' (Eurobarometer 2018). The regional categories are the same as in
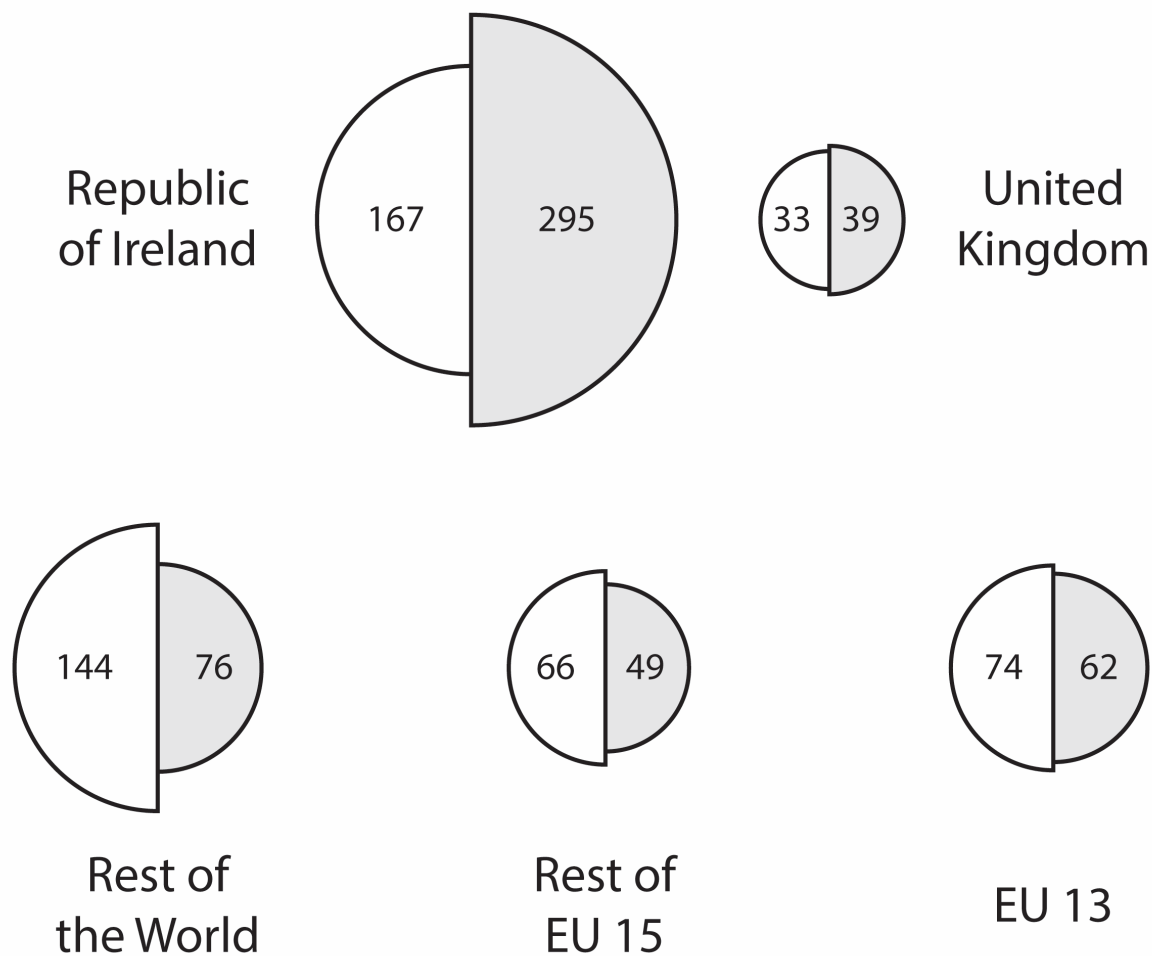
Figure 3.1.

[3] Data were retrieved as follows: asylum applications and work permits 1998-2008 (Quinn 2009: 19, 54); asylum applications 2009-16 (Office of Refugee Applications, Commissioner 2018); asylum applications 2017 (Jesuit Refugee Service Ireland 2018) and work permits 2009-2017 (Department of Business, Enterprise and Innovation 2018).

[4] The monthly totals of people in Direct Provision Accommodation Centres are from the monthly reports of the Reception and Integration Agency. The annual totals for prisoners both in custody (Martin 2016) and those in custody and under sentence (Irish Prison Service 2018) are a snapshot usually taken for late November or early December.

[5] The maps show the location of the residents in Direct Provision for two dates when the total numbers were broadly comparable: 5765 in 63 centres in June 2004 and 5097 in 32 centres in June 2018.

[6] The database from the Project is online and freely available (Legacies of British Slave-ownership Project 2018).

[7] Casement to Alice Stopford Green, 20 April 1907 (quoted in Mitchell 1997: 280).

[8] The parliamentary paper says that it was a return to an order of the House of Commons of 6 December 1837, and that it was published on 16 March 1838.

[9] Madden to William Napier, 28 August 1842 (in Madden 1891: 170-1).