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The Spirit of the Convention and the Letter of the Colony: Refugees Defining States in a British Overseas Territory

Olga Demetriou
Durham University, UK

Whereas asylum policy is predicated on the assumption that states define refugees, this paper examines how refugees define states. Through the legal case of refugees stranded on a British military base in Cyprus since 1998, I show how refugees and the states that grant them or deny them protection become co-constitutive. The processes involved in judicial activism delineate the modalities through which sovereign governance and refugee agencies operate. I argue that modalities of sovereignty (colonialism, exceptionalism, and diplomacy) interact with modalities of agency (protest, vulnerability, and endurance) to redefine issues of refugee protection, state sovereignty, and externalization of migration management. The case shows the risks that denial of protection entails for states and not just refugees. Methodologically, I propose that a nuanced, ground-level understanding of the role of law in activism allows us a clearer view to these imbrications of sovereign governance and agency, and thus to the ambivalent and multivalent aspects of activism.

Alors que la politique d'asile se base sur l'hypothèse que les États définissent les réfugiés, cet article s'intéresse à la définition des États par les réfugiés. Par le biais de l'affaire des réfugiés bloqués sur une base militaire britannique à Chypre depuis 1998, je montre comment les réfugiés et les États qui leur accordent ou refusent une protection deviennent mutuellement constitutifs. Les processus impliqués dans l'activisme judiciaire définissent les modalités de fonctionnement de la gouvernance souveraine et la capacité des réfugiés. J'affirme que les modalités de souveraineté (colonialisme, exceptionnalisme et diplomatie) interagissent avec les modalités de capacité (protestation, vulnérabilité et endurance) pour redéfinir les problématiques de protection des réfugiés, de souveraineté de l'État et d'externalisation de la gestion de l'immigration. Le cas étudié montre les risques d'un refus de protection pour les États, et non seulement pour les réfugiés. Sur le plan méthodologique, je propose qu'une compréhension de base nuancée du rôle du droit dans l'activisme nous permette d'appréhender plus clairement ces imbrications entre gouvernance de souveraineté et capacité, et donc les aspects ambivalents et polyvalents de l'activisme.

Aunque la política de asilo parte del supuesto de que son los Estados los que definen a los refugiados, este artículo estudia la formas mediante las cuales los refugiados definen a los Estados. Demostramos, usando el caso legal de unos refugiados que permanecieron atrapados en una base militar británica en Chipre desde 1998, cómo tanto los refugiados como los Estados que les conceden o les niegan protección se convierten en co-constitutivos. Los procesos involucrados en el activismo judicial son los

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Corresponding author e-mail: olga.demetriou@durham.ac.uk

que diseñan las modalidades a través de las cuales funcionan la gobernanza soberana y la agencia de los refugiados. Argumentamos que las modalidades de soberanía (colonialismo, excepcionalismo y diplomacia) interactúan con las modalidades de agencia (protesta, vulnerabilidad y resistencia) para redefinir las cuestiones relativas a la protección de los refugiados, a la soberanía estatal y a la externalización de la gestión de la migración. El caso muestra los riesgos que acarrea esta denegación de protección, no solo para los refugiados sino también para los Estados. Desde el punto de vista metodológico, sugerimos que una comprensión matizada y a nivel práctico del papel que juega la ley sobre el activismo nos permite obtener una visión más clara de estas imbricaciones que se producen entre la gobernanza y la agencia soberanas y, en consecuencia, de los aspectos ambivalentes y polivalentes del activismo

Refugees Defining States

What can the treatment of refugees tell us about the states that mete it out? In recent years, migration scholars have argued that asylum processing extends colonial, racist, and carceral practices entrenched in global hierarchies (Vaughan-Williams 2015; Besteman 2020; Mountz 2020; Pallister-Wilkins 2022). The treatment of refugees that this literature examines is helpful in locating the continuities of sovereign control over mobility and protection. It helps elucidate modalities of carceral governance that include exceptionalism (Andrijasevic 2010; Kasparek 2016), border externalization (Johnson 2013; Cuttitta 2023), outsourcing (Spathopoulou et al 2021), "policy laundering" (Rygiel 2011, 61), humanitarianism (Bosworth 2017; Garelli and Tazzioli 2018a; 2019), and migration diplomacy (Greenhill 2010; Tsourapas 2021; Gazzotti 2022). But to what extent can the sovereign claims that underpin this governance be destabilized?

Drawing on this critical body of work, I re-examine some of these modalities of governance, namely humanitarianism, exceptionalism, and diplomacy, by inverting the relation between refugeehood and statehood. While states are conventionally understood as conferring refugee status on individuals, I contend that the protection of refugees equally defines what a state is—the extent of its sovereignty, the quality of its democracy, its role in the international system, and its collaborations with other states: refugees define states just as states define refugees. To show this, rather than focussing on tracing state apparatuses of control, I exemplify how refugee claims can undermine presumptions about sovereignty.

Through a close reading of one specific, and arguably unique, case in refugee law, where the questioning of statehood was prompted by the actions of refugees and judicial activists around them, I show how these modalities of sovereign governance can be questioned and countered by agentic and resistive modalities of protest, vulnerability, and endurance. I propose an analysis of refugee protection as an "act of citizenship" (Isin 2008), by which I mean a field of contestation between practices that co-determine what is a proper refugee and what is a proper state. This contestation illuminates "how subjects become claimants when they are least expected or anticipated to do so" (Isin 2008, 17). Inverting the lens from the state to the act, this approach "insist[s] on [the] acts as the object of investigation rather than the status and habitus of subjects" (Isin 2008, 36). In doing so, I also make a methodological argument that such analysis can help elucidate the role of law in activism through retaining, rather than shedding, the nuance and uncertainty that characterize such activism on the ground.

The case I examine is the *Bashir v. Secretary of State for the Home Department (SSHD)* case (also referred to as "the Richmond case"). Uniquely complex as refugee case law goes, it involves an exceptional regime, that of the British military bases in

Cyprus. In its essence, it asks whether refugees residing on the bases can be resettled in Great Britain. But in the course of doing so (and essentially concluding that they can), it examines the sovereign status of the bases—and finds that they are, in fact, colonial remnants, contradicting what was thought to hold true up to that moment. It is a case where unwittingly, the call for refugee protection forced a redefinition of sovereign statehood. For the refugee lawyers and practitioners whom I interviewed, the case highlights first the substantive responsibilities that come with refugee recognition, and secondly the limits of extraterritorial protection that states may outsource to other states. Both issues represent current trends in the transformation of asylum from an issue of substantive rights, i.e., what the content of that protection should be, to an issue of management, i.e., who should be responsible for this protection.

Recent revisions to the UK asylum system outsourcing protection to Rwanda and the erosion of rights that attend them (prompting revisions to the Human Rights Act and possible withdrawal from the European Convention on Human Rights) are illustrative of its potential currency. In fact, critical studies on migration and refugee policy have been tracing a shift from protection to management for several years now, in the adoption of instruments that dilute tenets of the Refugee Convention like the Global Compact on Refugees and the EU Migration Pact (Chimni 2018; Squire 2019; Carrera and Geddes 2021), in the multiplication of actors involved in asylum determination processes working alongside the United Nations High Commissioner for Refugees (UNHCR), like the International Organization for Migration (IOM) and the European Asylum Support Office (EASO) (Scheel and Ratfish 2014; Zetter 2015; Pécoud 2018; Moretti 2020), and in the outsourcing of protection, asylum, and border policing to states and other agents (Boswell 2003; Feller 2006; Klepp 2010). What the Richmond case potentially contributes to this discussion is a caveat that such policy development is not necessarily unilinear. Legal challenges to various measures that seek to outsource and deny state responsibilities can also entail liabilities for states in opening up questions about the extent and limitation of their sovereignty. In this sense, it is important to consider such legal and policy shifts also as ways of refugees defining states.

In terms of the political sociology of law, the Richmond case speaks to a number of questions. First, it shows that the exceptionalism upon which the denial of protection thrives (Basaran 2008; Vaughan-Williams 2008; Budz 2009; Mountz 2020; Birkvad 2023), has its limits and can be questioned: territories of sui generis sovereignty can be scrutinized, re-classified, and put under potential erasure. Secondly, it highlights the contingencies on which rescue humanitarianism rests as a neo-colonial and military instrument (Andersson 2017; Pallister-Wilkins 2020; 2022; Garelli and Tazzioli 2018b): such contingencies can be exploited to make protection failures under the Refugee Convention risky for states. Thirdly, it illustrates the contestations and complexities that bedevil migration diplomacy (İçduygu and Aksel 2014; Adamson and Tsourapas 2020; Adamson and Greenhill 2023): such diplomacy is often not reducible to bilateral relations, rendering the potential risk a risk for multiple states and not just one.

Additionally, the case also speaks to the political sociology of legal mobilization, delineating the processes that unfold as these modalities of sovereignty are contested. Offering a case study of these processes at the micro- and ground level, this paper works at the opposite end of organizational dynamics and strategy in social movement studies (Della Porta and Diani 2015; Tarrow 2022; Ellinas and Lamprianou 2023), paying attention to the "messy empirical work of exploring when lawyer and court leadership may advance social movement goals" (Cummings 2017, 264). In analyzing how the case unfolded via the involvement of different actors and the advancement of different arguments, I acknowledge the contingency, uncertainty and inconsistency with which refugee agency was mobilized and the messy dynamics that determined how such agentic and resistive modalities were utilized. These modalities, that combined protest,

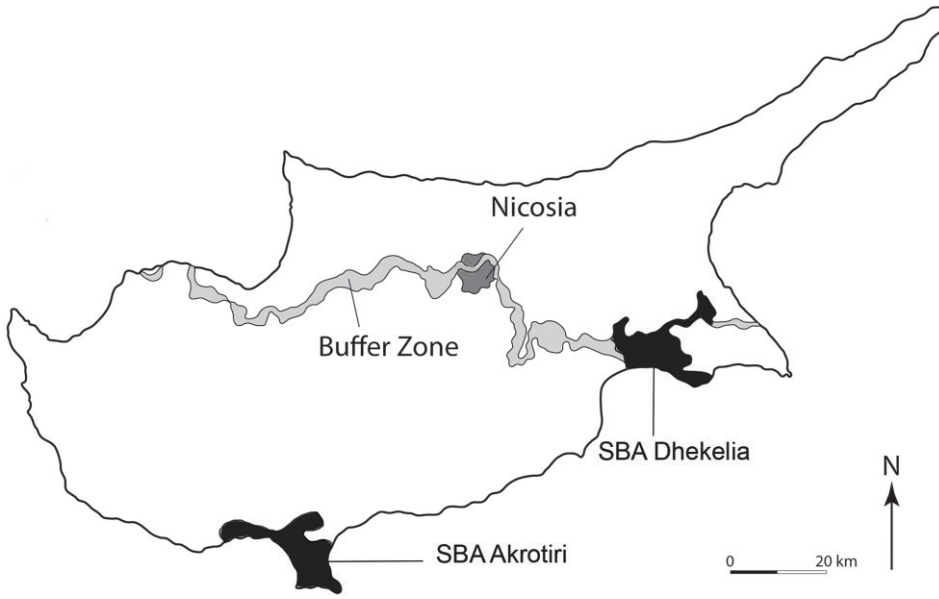
vulnerability, and endurance amounted to an uncertain victory vis-à-vis the wider goal: the case was resolved in an out-of-court settlement and "transfer" (deliberately not labeled "resettlement") was offered to litigants but not to all Richmond residents. The lesson being offered here thus heeds calls to pay attention to activism around migration and refugee rights (Della Porta 2018) and to examine how societal mobilization impacts legal processes (Ellinas 2020; 2021) but does so by highlighting how these dynamics are often small-scale, messy, and unseen—probably so more often than the literature might record. Charting a terrain between everyday banal forms of resistance (Scott 1985) that risk being inconsequential, and the spectacular successes of organized movements (Hopgood 2013), the case is instructive about what happens when no neat pre-determined strategy exists.

The methodology through which I do this is anthropologically grounded. I draw on discussions with litigants and their families, visits to the area, and interviews with lawyers and institutional actors to present a more interactional ground-level perspective of how such activism evolves (with successes, pitfalls, and unexpected outcomes). Alongside a close reading of court documents, the interviews and ethnographic observations allow me to examine how refugees and their lawyers have been able to draw on legal possibilities as provided in international and national/colonial law to push for the enforcement of rights under an exceptional regime. The attunement to the actual micro-processes in the everyday, and the multiplicity of actors and processes involved in legal struggles (Jeffery 2006a; 2006b; Merry 2009; Vine and Jeffery 2009; Cowan and Billaud 2015; Dembour 2015; Rotter and Jeffery 2016) thus complements a more doctrinal approach to readings of the court record. I am thus able to analyze how litigants and lawyers persist in their claims through various phases of the process by appealing to vulnerability, as well as by protesting, and most importantly, enduring (Povinelli 2011; Weiss 2022).

The people involved in the case I examine here, persisting and enduring as they did for 20 years, are, I argue, *perfect legal subjects*. They endure and comply with the demands of the process, prepare for hearing after hearing, persist through appeals, speak and hold their silence as they must, make themselves available for the media, and retell the story over and over again. They wait for years on end; continuing to hope through the ebbs and flows of contradictory decisions, that their justice will prevail. Such endurance both shakes and maintains the status quo, posing risks to state sovereignty as jurisdiction is redefined, while delivering redress out of court. In this sense, Richmond is a story of how agency and victimhood are intertwined but also of how actors, structures, networks, and materialities are all imbricated in the process of seeking rights.

A Cocktail of People

Richmond village is an area of less than a square km, located in the Sovereign Base Area (SBA) of Dhekelia, on the east coast of Cyprus (Map 1). Alongside the base of Akrotiri to the south, Dhekelia is classified as a British Overseas Territory (BOT). The base borders territories controlled by the Republic of Cyprus (RoC), other territories controlled by Turkish-Cypriot authorities, and a UN-controlled Buffer Zone in an arrangement of chequered and at times contested sovereignties (Constantinou and Richmond 2005; Constantinou 2020). This geography exemplifies Cyprus' decolonial condition of multiple and incomplete sovereignties (Mbembe 1992; 2003) marred by inter-ethnic and political strife. It encloses two Greek-Cypriot villages that, together with the area surrounding a power station, form exclaves of the RoC within the enclave of the base (Map 2). These villages are inhabited by a mixed Greek-Cypriot population of "locals" and people internally displaced from the north of the island following the war of 1974. As military bases go (Enloe 2014; Hyde 2016), the SBAs in Cyprus are not overly securitized in a visible sense, especially the one in Dhekelia where Richmond is located. In contradistinction to other BOTs, their population supposedly consists only of UK



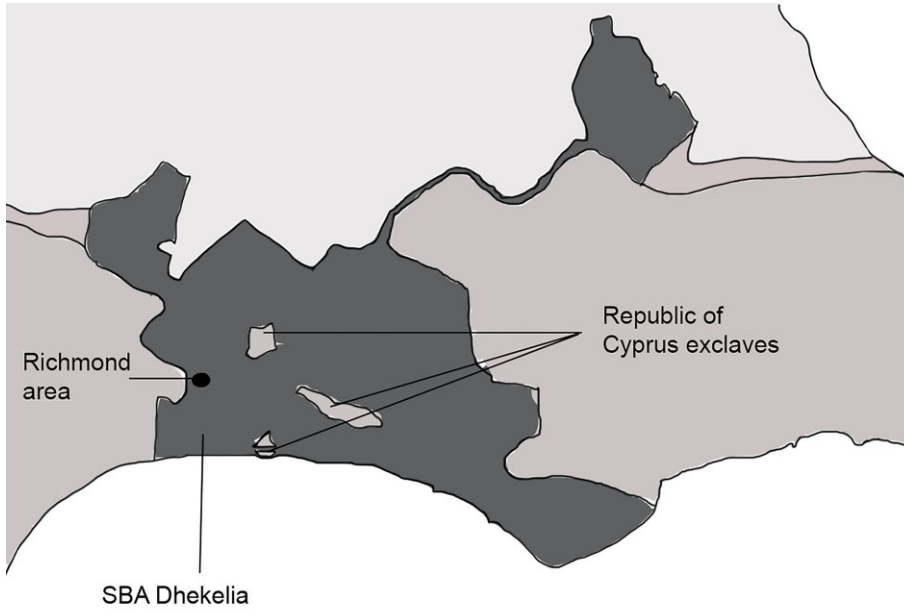
Map 1. The UK's SBAs in Cyprus, Akrotiri to the south, Dhekelia to the east.

military personnel. There are no apparent physical borders between SBAs and the Republic, such as road stops, checks, or walls. There are, at points, single-row wire fences (figure 1). SBA police that Cypriots encounter on traffic checks are local Greek- and Turkish-Cypriots. Beaches, restaurants, and other establishments on the bases are freely accessible (figure 2).

Located in a corner of the Dhekelia base, Richmond village stretches over no more than three short roads and comprised, until 2018, a dozen or so households accommodated in prefab housing units. It has housed refugees from various countries, who arrived on a boat in Cyprus in 1998, who were settled there, temporarily at first, by SBA authorities, as well as their families who joined them. From 2011, some of the residents have been engaged in a legal battle with the UK government, requesting their transfer to Great Britain, which they achieved through an out-of-court settlement in 2018.[1] The remaining residents subsequently fought another legal battle (2017–2020) through which they lost the right to remain in Richmond and were transferred to other prefab housing in the area of a former bus terminal in the base. Over the years, the case has involved human rights lawyers in Cyprus and the UK, the UNHCR, the SBA administration (SBAA), the UK Ministry of Defence (MoD), the UK Home Office, and the RoC. As the case progressed, media stories covered the plight of the refugees in Cyprus and the United Kingdom.[2] Photojour-

[1] *Tag Eldin Ramadan Orsha in Bashir and others v. Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia and Secretary of State for Defence* (2011); [2016] EWHC 954 (Admin), Case No: CO/879/2015, *R on the application of Tag Eldin Ramadan Bashir & others v. Secretary of State for the Home Department*; [2017] EWCA Civ 397, Case No: C4/2016/2334 and C4/2016/2403, *R (on the application of Tag Eldin Ramadan Bashir & Others) v. Secretary of State for the Home Department*; [2018] UKSC 45 Interim Judgment, *R (on the application of Tag Eldin Ramadan Bashir and others) (Respondents) v Secretary of State for the Home Department.*

[2] Indicatively, see the Guardian, Channel 4, Telegraph, Economist, Euronews, and Sigma, respectively, at https://www.theguardian.com/world/2014/oct/21/refugee-families-marooned-raf-base-cyprus;https://www.channel4.com/news/refugees-living-on-british-military-base-in-cyprus-allowed-to-settle-in-uk; https://s.telegraph.co.uk/graphics/projects/British-base-Cyprus-limbo/index.html; https://www.economist.com/britain/2018/12/08/the-fate-of-six-refugee-families-hints-at-a-new-tone-on-immigration; https://gr.euronews.com/2019/07/19/stin-uk-oi-protoi-prosfyges-meta-apo-20-xronia-diamonis-sti-vasi-dekeleias-kypros; https://www.sigmalive.com/news/local/579080/sto-inomeno-vasileio-oi-protoi-prosfyges-apo-ti-dekeleia



Map 2. SBA Dhekelia and neighboring jurisdictions: UN Buffer Zone (strips east and west), RoC-controlled areas (southeast, southwest, and exclaves), Turkish-Cypriot-controlled areas (north).

nalist Sarah Malian undertook a project there in 2009;[3] Cypriot artist Efi Savvides engaged with the families in a multi-year project since 2016;[4] and the major local migrant rights non-governmental organisation, Action for Equality, Support, Antiracism (KISA), has closely followed the case and intervened.[5]

According to court documents delivering the various judgments that make up the case record,[6] in the afternoon of October 8, 1998, a wooden boat arrived near the shores of Akrotiri base carrying seventy-four refugees,[7] from Iraq, Syria, Ethiopia, and Sudan: ten women, forty men, and twenty-four children, including a newborn. "Whoever could afford the fee got to be on the boat that night," Akhil, in his mid-60s by 2018, reminisced in his Richmond garden 20 years later. "It was a cocktail of people." The people they had paid steered the boat close to the shore and left in an inflatable. Tag Bashir, who would later lead the legal case, swam to the shore and alerted SBA authorities who airlifted the rest of the group onto the base. They applied for asylum and were detained through the processing of their claims. UNHCR and the Home Office were called upon to provide expertise in the assessment, as the SBAA held that the Refugee Convention did not apply on its territory.

Some of the refugees were recognized in July 1999 and others on appeal in February 2000. Others had their applications rejected. All, however, were subsequently

[3]See http://www.sarahmalian.com/Sarah_Malian_%7C_Documentary_Photography/Richmond_intro.html.

[4]See https://efisavvides.com/Text-4. Discussed at length elsewhere (Demetriou 2023).

[5]For example, the local NGO KISA (https://kisa.org.cy/refugees-stranded-on-british-military-bases-for-over-20-years-are-finally-granted-indefinite-entry-and-stay-permit-for-the-uk/).

[6]The documents from which I reconstruct the story are listed in footnote 1. The facts they relate are not disputed and the narratives are, on the whole, complementary to one another. The most extensive of them is the UK High Court decision of 2016 delivered by Justice Foskett, which I consider in detail.

[7]Although some were recognized and others not, SBAA has often referred to them collectively as refugees. I retain the term throughout also to underscore the fact that recognition of refugee status, where it fails, does not undo the condition of being a refugee, which pre-exists and exceeds (potentially flawed) recognition processes.

Figure 1. Wire fences separating areas inside Dhekelia that are reserved for military personnel and families.

Figure 2. CESSAC (Church of England Soldiers', Sailors', and Airmen's Club) public beach in Dhekelia.

moved to Dhekelia base, where, as a temporary measure, ten houses out of twenty three that were empty, were selected to house them. The homes had been used to house families of Dhekelia military personnel in earlier years and were, by that time, in disrepair, vacant and due for demolition. Over the next few years, some of the residents were joined by their families who had been left behind in 1998. Families expanded, others were created anew, and some split. People had children on the base. Lawyers interviewed explained that some women had given birth at home, some at hospitals on the base or in nearby hospitals on RoC soil. These contingencies would

Figure 3. Home-bred pigeons in a Richmond home, July 2018.

prove significant later: it meant the cocktail of people also encompassed a cocktail of statuses. This situation for the most part did not seem to make a difference in villagers' daily lives—some were refugees, some were "failed asylum-seekers," some were, and remain, stateless.

The children played with the children of base personnel at first, but later they were barred from access, when fencing was installed around personnel areas. Initially, a teacher from the SBA personnel school, one of the most reputable of international schools globally, a technical staff member of the SBA tells me in 2021, was seconded to teach Richmond kids in the afternoons; Theodore, who took his classes, remembers him fondly. It was before rules changed and children began to be schooled in the Greek-speaking nearby village. Over the years, adults tended their houses and gardens, raised chickens, birds, and other animals, sought irregular work, and created routines of sharing coffee in the evenings and strolls in the afternoons (figures 3 and 4). "For whatever squalor it might otherwise represent, Richmond became a home," one of the lawyers says. With time, Richmond residents, having started out as "a cocktail of people" on that October night of 1998, were also transformed into a community.

It was, however, a community without rights. They lived on welfare and unbilled amenities, did uncontracted work, struggled with shopping from the next village and nearby town, and received parcels from visiting well wishers, their visitors often being people concerned with their "case." The teenage children in Richmond commented on how they visited school friends at the nearby village but never had them over in return. They lived, and indeed some died, under the state's radar. In its exceptionality, Richmond village was a demonstration of how lives are lived under "precarious citizenships" (Lori 2017) and "liminal legalities" (Abrego and Lakhani 2015).

Richmond's villagers endured a long-term condition of temporality because they always expected they would eventually be sent to the United Kingdom. Some of their supporters and case practitioners speak of the refugees' "obsession" with moving to Great Britain. Others highlight the dismissiveness, and sometimes blatant racism, with which they were treated by the Republic's authorities and Greek-

Figure 4. Richmond neighbors put out chairs on the pavement in preparation for afternoon coffee, July 2018.

Cypriot employers. Some of their lawyers explain that their motivation lay in imagining prospects for their children's futures rather than their own. It is likely that such endurance arose out of a multiplicity of reasons that unfold in the long term of "quasi-events" (Povinelli 2011, 162) rather than explode as singular motivating factors. They underlie the process through which violent pasts become "ordinary" (Das 2006, 194–5, 216–21). However, such endurance of the mundane was also upheld by a desire for a different future (Weiss 2022). In essence, as much as Richmond residents made a home of the squalor, they also made an expected relocation part of their imagination in the everyday.

In the early days and years, as refugees received monthly allowances and food deliveries arranged through SBAA, the fact that responsibility lay with SBA and British authorities was undisputed. However, in 2001, when some residents sought visas to settle in the United Kingdom, they received refusal letters from the Home Office. This was a time when Cyprus was in accession negotiations with the EU, a process that prompted the United Kingdom to conclude a memorandum of understanding (MoU) with the RoC rendering the latter responsible for refugee protection of people who might arrive on the bases from then on.[8] While the RoC insisted that this would not include the Richmond villagers, another "understanding" was reached in 2005, SBA officials testifying in the case inform the Court (2016, §114). This understanding, not officialised in writing, agreed the transfer Richmond refugees to the Republic. It was an early version of what have since become routine bilateral agreements regulating relocation, resettlement, and readmission of protection-seeking populations (Lavenex 1998; Giuffre 2013; McConnachie 2017) and which are increasingly the focus of "migration diplomacy" (Greenhill 2010; Tsourapas 2021; Adamson and Greenhill 2023).

Although flimsy in its legal form, as many of such soft law agreements are, this "understanding" had severe material implications on the lives of Richmond villagers. The children were moved to the Greek school. Welfare payments were transferred to the RoC authorities, initially subsidized by the SBAA, and later discontinued, to be reinstated in the course of the legal proceedings. The school

[8] See https://kisa.org.cy/wp-content/uploads/2015/10/MOU.tif.pdf.

Figure 5. The Richmond school in July 2019, after its demolition by SBA authorities, following negotiations on the MoU.

and its playground were demolished (figure 5). Residents began to receive visits by SBA officers offering to transfer their refugee status to the RoC, which would secure them work permits, and, as some of them hoped, travel documents. At first, they were told their asylum applications would be examined anew but that they should expect a positive outcome. After refusing to take the state at its word, they were told the applications would be accepted automatically. Asked about prospects of eventual citizenship in the RoC, they were told their residency clock, after seven years on the island by then, would start anew. What the Court record describes as a "carrot and stick" approach was implemented with increasing persistence by SBAA and rather shaky commitments by the RoC. In January 2010, SBA officials served the villagers eviction notices, spelling the beginning of the *Bashir v. SSHD* case (2016, §155).

Through the course of these developments and later the legal case, Richmond residents continued to endure, protest, plead, and comply. Some took up what was offered and sought status in the Republic. Some moved there initially and then tried to return. Some made it back and others didn't. Some demanded their rights through protest, marching, camping, and staging events outside the SBA police station and main roads in the area. As the case progressed, the differences in status began to make a difference. Recognized refugees began to see their prospects more clearly as advocates visited and took statements. Those who were not recognized were offered alternatives: moving elsewhere on the base, being offered possibilities in the Republic, gaining BOT citizenship (as BOTs' residents), which allowed them to travel to but excluded them from the right of abode in the United Kingdom.

Children grew up and moved away, others went to a private University in the area, and still others married and brought spouses in. These children became fluent in the intricate politics of the area, some opting to move to the north. Others befriended local Cypriots at their school, themselves from forced displacement backgrounds, whom they learnt to distinguish as "refugees" (i.e., children of people internally displaced by the Cypriot conflict) and "non-refugees." As they spoke to me

about their school friends and their out-of-school meetings, it became evident that they were keenly aware of the complex conflict legacies embedded in the spatial arrangements around the base of jurisdictions, lines, and enclaves, and the postconflict subjectivities that go with them.[9] They distinguished the unseen lines of jurisdiction between Greek-Cypriot villages and their own, they understood the weight of refugeehood in Cypriot conflict politics, and they were versed in the nuances that determined speech and silence about "the occupied areas" just a few miles away—indeed, as already mentioned, some of the residents opted to move and settle in northern Cyprus. Spatial and affective structures became imbricated with the micro- and macro-political context within which legal developments happened.

Through all this time, uncertainty continued to have a toll. An assessment of the mental health of litigant families commissioned by the UNHCR in 2013 and another of social conditions by a social worker on behalf of the UK advocates in 2015 indicated chronic and serious issues of depression alongside a host of other ailments. Incidents of domestic violence and a matricide make up a parallel legal record of the Richmond community. In those other criminal case documents, the uncertainty of residence, status, and the future, feature as possible mitigating circumstances that the court considers, even if it eventually dismisses them. It is from within these imbrications that we must understand the relationship between the redefinitions of state sovereignty that refugees achieved and the forms of agency that they mobilized in doing so.

Modalities of Sovereignty in the *Tag Eldin Ramadan Bashir and Others v. Secretary of State for the Home Department* Case

In September 2011, when Richmond refugees appealed their evictions through the case of *Bashir and Others v. SSHD*, the SBA Akrotiri Court asked: "Does the 1951 Geneva Refugee Convention currently apply to the Sovereign Base Areas?" The answer was sought in the "status and nature of the SBAs." Are the bases, judges successively ask in four iterations of the judgment, "a. Relics of the old colony of Cyprus . . . [i.e.,] what was left as the rump of the British colony of Cyprus after the RoC was created . . . or b. A newly created political entity?" (2011, § 16). From its inception, the case was not one of refugees calling on the state to protect them, it was one in which the state was called to define itself, to delimit its sovereignty, and to prove its legal status. The state did not define the refugees; the refugees were defining the state. Although seemingly powerless, the refugees were in fact in a co-constitutive relationship with the state on delimiting its jurisdiction and responsibilities. Whereas a state's responsibilities in refugee protection sit at the core of refugee judicial activism, the extent to which this questioning penetrated the foundation of state sovereignty in questioning the status of the SBAs underscores the significance of such co-constitution, which may otherwise go unnoticed.

In 2011, the SBA court decided that the Refugee Convention did not apply to the bases. The 2016 High Court judgment delivered by Justice Foskett concurred. On the contrary, the 2017 appeal decided it does, and the 2018 interim judgment agreed. All these decisions provide a historical reading of Cyprus' colonial and postcolonial relations with the United Kingdom at various lengths. The lengthiest of them, the Foskett judgment of 2016, runs to 116 pages, 35 of which are devoted to this question and set the tone for eventually overturning the original decisions in 2017 and 2018. A key concern in these historical narratives is to establish the precise contours of the continuities and discontinuities in the state structures between the colonial regime and the SBAA post-independence in 1960; and to judge how these adhere to and differ from histories of other BOTs and thus locate precisely

[9]This context and the notion of imbrication are explored at length in earlier work (Demetriou 2018a; 2018b; 2021).

the SBAs within that postcolonial BOT regime; and lastly, by way of doing the above, to also assess the quality of its relations with the Republic as a diplomatic partner in agreements that outsource refugee protection. In this sense, the legal record constructs SBA sovereignty as a corollary of colonial history, decolonial exceptionalism, and capricious diplomatic relations. In the interstices of these modalities, refugee agency emerges in more and less visible guises. Judicial activism has thus to navigate multiple states and sovereignties/quasi-sovereignties, alongside the soft and hard law that their interaction gives rise to and re-negotiates. The humanitarian imperative underpinning the case is shown to be a function of colonial legacy and decolonial incompleteness, contingent as much on the hard law of the Refugee Convention as on the soft law of the MoU and other informal negotiations.

Colonial Humanitarianism: Iteration after iteration, all the way to the UK Supreme Court, the judges studiously explain how Cyprus was ceded to the British from the Ottomans in 1878 "to occupy the administer" (2018, §8; 2016, §47).[10] How it was then annexed in 1914 during WWI. How it was fully recognized as a colony in 1923 with the Treaty of Lausanne. How it became independent in 1960, with the exception of the two SBAs. How those bases were also exempted from accession to the European Economic Community (EEC) upon the UK's entry in 1973 and again from EU membership upon Cyprus' accession in 2004. How today the bases play a role in the UK's global military engagements alongside other bases with which they should be "treated equitably" (2018, §58). And how the bases are set up as a cluster of spaces accessible to different degrees by military personnel, their families, Cypriot nationals, expats, and Richmond villagers. And finally, how the likelihood of further refugee arrivals on Dhekelia shores is tempered by the fact that the base borders the UN Buffer Zone and the territory controlled by Turkish-Cypriot authorities—a legacy of the Cypriot conflict (2018, §89). This history of multiple and diverse statehoods, not the personal history of persecution that would normally abound in refugee litigation, is what is of essence.

In briefly considering the refugees' flight, the Court is not concerned with how refugees left, but rather with how they arrived, sketching the contours of a *colonial* humanitarianism:

> "When the appellants first arrived in the SBAs in 1998 the SBAA were obliged to accept responsibility for them. The alternative was to abandon them to the waves. But because it did so, because it has provided for their basic needs for many years, and *because it has granted them refugee status*, that does not mean that it has any more responsibility for them than it did in 1998, and it does not mean that it has assumed responsibility under any treaty, convention or ordinance … [t]he responsibility has always been humanitarian, but the appellants say that it is more than this." (2011, §31, emphasis added).

This was the position of the UK government from the start: the Convention did not apply to the bases because the colony and its legal apparatus had ceased to exist. But as a caring state faced with an emergency, their authorities saved people from drowning. In that pivotal paragraph, where judges accept the government's claim, the Convention is at once summoned and obliterated. The SBAA, the Court heard, acted "in the spirit of the Convention" but had not applied it themselves; "they sought the assistance of the UK Home Office and UNHCR." (2011, §34). They submitted to the spirit of the Convention as a moral rather than a legal imperative. And yet, in insisting that this "responsibility has always been humanitarian" and not "assumed. . . under any treaty" a separation is made between "humanitarianism," read as somehow lying outside the Convention, and something "more than this"; this is the line between hard law and moral imperative, or, the substance of protection and its management. This (the substance of humanitarian protection) was the

[10]Date-only references refer to the four judgment documents cited in footnote 1.

singularly significant point that would have been won, one lawyer argued, had the case reached its conclusion:

> "at its crux the residual point was: can it be lawful for the UK to leave these individuals in the Sovereign Base Area in circumstances where they are not receiving any of their rights under the Refugee Convention? … it's that part that … would have succeeded. And that would have been a really interesting, much more far-reaching, judgment on what these rights under the Refugee Convention require and I think more significantly, what is the consequence of those rights not being respected" (July 26, 2021).

The employment of tools and institutions directly involved in the application of the Convention (UNHCR and the Home Office) to determine refugee status would indicate that what was at issue was not merely saving people from the waves (as humans) but protecting them as refugees. It is exactly because it considered itself the state that it was (liberal, humanitarian, democratic), that it also required a managerial process to determine, quantify, and apportion, the protection that an otherwise humanitarian imperative necessitated, supposedly beyond and outside the law. Within the assumption that the end of colonialism obliterated the Convention, lay a neo-colonial approach to ascertaining exactly who it is that one has saved: a presumptuousness that exceeds "mere" humanitarianism as a universal and unqualified imperative. Separating this assumption from responsibility (and therefore extricating the spirit of the law from the letter of the colony) necessitates recourse to exceptionalism.

Decolonial Exceptionalism: The second task of the court is thus to determine exactly what kind of overseas territory (BOT) the bases are (2011, §41–8). Initially treating BOT sovereignty as uniform, the Akrotiri decision speaks of administrators who double as governors and commanders, connecting the administration to the Crown but "political[ly]" disconnecting it from the UK government (2011, §47). The MoU between the SBAs and the Republic is declared an international agreement, albeit one that does not bind the United Kingdom (2011, §45). A manual (Hendry and Dickson 2011) written by Foreign and Commonwealth Office lawyers (Cormacain 2013, 499) is consulted to delineate fine differences. Points are argued extensively regarding the distinction between military and political spheres, legal and constitutional relations, dependence and independence from the United Kingdom, and "believe it or not, copious case-law about the Queen of the UK [being] separate from the Queen of the bases," one lawyer explained with amusement. The state has to account for itself.

In subsequent judgments, BOT comparisons are extensive, most notably with the British Indian Ocean Territory (BIOT). The *Bancoult 2* case is pored over, but not for the fact that it confirmed the rights of Chagos refugees to return to islands from which the United Kingdom had evicted them in order to establish the US military base on Diego Garcia (Vine 2004; 2011; Jeffery 2013). It is studied for its establishment of the BIOT as a new entity when the islands were excised from Mauritius in exchange for the latter's independence (*Bancoult v. SSFCA* cited in Foskett's decision of 2016)—a practice that the International Court of Justice (ICJ) has declared illegal, questioning the decolonisation process of Mauritius (ICJ, 2019).[11] Are the SBAs a similar BOT, judges ask, or, are they more like the Turks and Caicos, separated from Jamaica before its independence (2016, §207–25)? Or in fact, are BOTs all different places where "pragmatic solutions were often adopted" (2016, §217)? Much academic analysis agrees with this inference, noting the *sui generis* status of the SBAs, even by comparison to all other thirteen BOTs (McConnell and Dittmer 2018, 155; Murray 2012; Benwell and Pinkerton 2016, 9; Clegg 2018, 149), two important

[11] ICJ, Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion of February 25, 2019.

differences being that first, unlike elsewhere, citizenship of the SBAs precludes the right of abode in the United Kingdom, and secondly, that SBAs fall under the Ministry of Defence (MoD) and not the Home Office.[12]

Nothing, it seems, of what we knew about the status of a 60-year-old political entity can be taken for granted. In fact, the *Bashir* case, unexpectedly, and in light of the ICJ decision on Chagos, seems to speak directly to fundamental decolonization questions, as one lawyer noted:

> "I heard at a meeting [a legal adviser to the RoC government] using the *Bashir* case to say "see? The bases are residual and so they do not have sovereignty" … You can take the decision of the [UK Supreme] Court and shift it slightly, depending on what purpose you want to serve … it is even used on matters pertaining to the Cyprus Question … they want to link it to the decision over Mauritius, to say that colonial residuals are no longer tolerable, etc etc" (August 18, 2021).[13]

Under this light state obligations can be thought anew, the Convention reapproached in its substance, and humanitarianism be dismissed as merely a charitable moral imperative. Resettlement to the United Kingdom is no longer an audacious demand of insolent people who should have been thankful not to have been "abandoned to the waves." Resettlement is instead a right arising from the depths of history that the neocolonial order, of both former colonial (United Kingdom) and new postcolonial states (RoC), would like to forget. It is what in fact the "route to citizenship" launched in 2021 for holders from Hong Kong of the "British Nationals (Overseas)" status enacts—in that case, without force, difficulty, or legislative battles (a difference that must point us to the racialized modes of this exceptionalising governmentality).[14] In forcing a redefinition of the state and its sovereignty, Richmond refugees have forced the state to re-incorporate the Convention not merely as "spirit" but also as substance in their extension of protection. The moral responsibility and humanitarian duty were, in other words, intertwined from the very beginning with legal-procedural issues between the refugees and the United Kingdom, as well as between the RoC and the United Kingdom. The refugees' lawyers were thus able to draw on the exceptionality the state claimed for itself and question its very foundation. In order to put the focus back on the substance of protection (beyond the "spirit" of the Convention), sovereignty must be dissected and questioned, a process that requires that the ghost of colonialism be conjured up. In that questioning, the spirit of the Convention rewrites the letter of the Colony; and, as I next show, does so by putting soft law diplomatic agreements under erasure.

Capricious Diplomacy: Even without a conclusive decision, the *Bashir* case questioned the quality of outsourced protection afforded via documents such as the MoU between the SBAs and the RoC. Through close scrutiny of the memorandum, the quality of diplomatic contacts between these two entities and between UK government departments is assessed and found wanting. The promises made, withdrawn, and refused, by the RoC are enumerated.

Initially Akrotiri judges normalised RoC failures as "bureaucratic problems . . . encountered in all systems" (2011, §67). Foskett finds, instead, in "the attitude of the RoC to the SBAs . . . an inbuilt reluctance to assist" (2016, §349). His examination of the MoU stretches to 130 paragraphs (2016, §75–180, 348–74) which trace the temperamental stance of the Cypriot Ministry of Foreign Affairs (MFA) and the interim judgment of 2018 devotes a further fifty paragraphs to it (2018, §23–47,

[12]This is because the SBAs are solely military bases, supposedly consisting only of a population of UK military personnel.

[13]In her examination of the ICJ decision on Chagos, Hadjigeorgiou (2022) finds that even though it could potentially be employed to level claims for the dissolution of the SBAs by the RoC, there are differences in the two cases that make these challenging.

[14]See https://www.gov.uk/guidance/hong-kong-uk-welcome-programme-guidance-for-local-authorities (accessed June 22, 2023).

56–8, 90–112). Initially reluctant to include Richmond refugees in the MoU due to impending elections, the Cypriot MFA agreed to extend the MoU informally in 2005, then reneged again in 2008 and finally dropped off the communication grid. Based on these findings, later judgments concluded that pursuing options under the existing MoU "would be very likely to represent a repeated failure to meet the [UK's] obligations" (2017, §83).

This diplomatic history is intertwined with a secondary, but perhaps even more compelling, tracing of SBA–UK diplomacy. The MoU, the record shows, developed on the back of a long correspondence between the SBAA, the UK Ministry of Defence, and the UK Home Office—stretching the story beyond soft law into policy decision-making. Soon after the refugees were recognized in 1999, the MoD had written to the Home Office that "[w]e frankly see no realistic alternative to their resettlement in the UK. There is the question of precedent to consider, as you pointed out . . . but I think we should be careful not to make too much of this" (2016, §76, emphasis in original). A memo from 2001 contained various handwritten notes evidencing the battle between departments. The UK Minister for Europe had written "I will not support relocation to UK. This is not on politically" (2016, §86), while an unattributed note read "[a]n eventual offer of asylum in the UK seems inevitable (but will mean a battle with the Home Office)," and a third still concluded "Yes they should be let into the UK, but Ministers have said 'no'" (2016, §86, 87, 95). As this palimpsestuous record (Stoler 2010) becomes court evidence, the coherent story of sovereignty begins to fray. Colony, postcolony, and decolony become embroiled in a tug of war that recognizes the rights of refugees precisely through the failures to guarantee them.

The record thus shows that the MoU was devised as an answer to internal problems in British relations that became embroiled in EU accession dynamics (used as "leverage" on the RoC [2016, §99]) and Cypriot local politics. Electoral concerns, cited by the RoC in their reluctance to extend protection to Richmond refugees, presumably referred to the 2003 presidential campaign, fought exclusively on the terms of a UN-brokered peace plan, which entailed discussions regarding delimitations of sovereignty and the management of non-Cypriot populations. The MoU was concluded days after those elections. Its extension to Richmond villagers agreed orally in January 2005 is inferred rather than recorded (the recording of this inference in the legal record gaining a performative force that grants the unwritten agreement part of the official status it lacks). Another government voted in in 2008 declared a "sudden change of position" and rejected outright responsibility for Richmond refugees (2016, §141). The outsourcing of protection (Gammeltoft-Hansen 2016; Bulley 2017) was not an instance of harmonious collaboration and solidarity, as current discourse might have it. It is instead, inevitably, part and parcel of coercive, inconclusive, and wilfully misrepresented diplomatic relations and financial exchanges in which domestic political pressures will always take precedence over refugees' welfare.

And thus, diplomacy reverted to the various UK departments. The SBAA and UK Border Agency jointly adopted the "carrot and stick approach whereby the SBA pays for rented accommodation in [the RoC] for an initial period while simultaneously refugees are evicted from their current housing" (2016, §153). This, while the SBAA continued to press on the MoD that "we remain convinced that entry to the UK will ultimately prove to be the only solution" (2016, §154). It was in the context of this approach that eviction notices were served in 2010, prompting responses from the UNHCR and the refugees to contact KISA, members of which initiated the legal proceedings of 2011.

The questioning of statehood that the case put in motion extended to multiple states and their relations. It is not enough to ask only what *this* state is in order to elicit its refugee obligations, but also what kind of relations it sustains with other states, in this case, the RoC, and what *their* statehood is like (and indeed,

their relations with other entities, in this case, northern Cyprus in the absence of a post-conflict agreement). Are they reliable interlocutors, whimsical, politically expedient, humanitarian? Lawyers and practitioners concur that the significance of the case lay in the standard it set for questioning the way in which the outsourcing of protection is now increasingly done (in interview, July 16, 2021), even if this remained to be concluded before the UK government "conceded the case" (in interview, July 26, 2021). As another lawyer put it: "it would have been better to have a decision that says you cannot discharge your responsibilities as simple as that and say, "go to the RoC," . . .[but] this case still has significance for bilateral agreements, for readmission agreements, and for all of these things" (August 17, 2021). The Richmond refugees do not call on just one state to account for itself, but for a system of states that apportion protection amongst themselves.

The scrutiny over the capricious diplomatic engagements that put such apportioning to practice is instructive about the myriad micro-processes through which the letter of such agreements is belied, in the knowledge of and with the complicity from, the states that conclude them. The multiple diplomatic efforts recounted in the different directions (within and between states) are at once affirming of statehood, upholding proper processes of recording, noting, communicating, etc., and seditious (Constantinou 2004, 86–94), mocking and doubting the virtue of the exercise. Much of this parallels what we have recently seen unfold in the debate over outsourcing protection from the United Kingdom to Rwanda and other states, or indeed, what unfolds in territories like Ceuta and Melilla and the agreements between Spain and Morocco, or in Aegean islets of disputed sovereignty and the agreements between the EU and Turkey. Equally instructively, it starkly contrasts with what we have also seen happening with the welcome schemes for Hong Kong nationals in 2021 and Ukrainian refugees in 2022. In this sense, it reveals entanglements of empire, state, and military as the state abdicates its responsibility. That this abdication is tactful and selective underscores the disciplinary, racialized logic that pervades the governance of deserving and undeserving subjects. This logic is engrained, but also undermines, the migration diplomacy approach (Greenhill 2022) of which new legal instruments like the Global Compact and the EU Migration Pact can be seen as an extension. In exposing these fissures, the Richmond case is suggestive of how such grand policy shifts entail not just risks for refugee protection, but also risks for the states offering, and denying, such protection.

Agentic Modalities

As much as the Richmond case celebrates the successes of transnational litigation activism, it is also instructive about the modalities through which such activism unfolds, which are more mundane and often less visible than grand narratives of strategic activism often imply (McCann 2006; Cummings 2017). Over the years, Richmond refugees have protested their living conditions and denials of resettlement, but they have also endured those conditions and have at times succumbed to them. These modalities of protest, vulnerability and endurance are important to acknowledge, both in their appearance and disappearance from the legal record and in the narratives of Richmond residents, if we are to appreciate the ground-level dynamics and context of litigation activism.

Protest: Conspicuously absent from the court record are the protests that Richmond villagers staged at different points. The 2011 decision makes a brief reference to protests in early 2007 against eviction notices: "[f]ollowing [these] protests these notifications were temporarily withdrawn" (2011, §11), new notices were served in 2010 when welfare was also cut. From Foskett, who quotes Tag Bashir directly, we instead learn that "these protests went on for weeks around March 2007" (2016, §140). Between the two decisions two contradictory trajectories are drawn, whereby

refugees gain visibility as agents just as the state begins to be questioned and its integrity becomes blurred.

However, outside the legal record, other protests in Richmond have been treated with less sympathy. A second protest in 2007, media reported at the time, was met with the demolition of the momentarily unoccupied protesters' homes, presumably forcing them to relocate to the Republic.[15] This enforced relocation is muted in the record which instead notes that "of those who . . . have *voluntarily* relocated in the RoC . . . [m]any are now working in the RoC, their children are in full time education, have all the appearance of having integrated well, and none has been deported" (2011, §68, emphasis added). Another protest, in early 2016, was staged by one of the rejected asylum seekers who set up a tent opposite the SBA police station, protesting the precarious conditions he and his family were living in because of this rejection.[16] This was the longest, but least reported of all protests I collected information about. Richmond residents recalled it readily in 2018, as having lasted for months. For those involved, it was the toughest part of their lives; and in return, some of them felt that authorities were now more disinclined to heed their plight than before. Seeing the *Bashir* case progress successfully during the time they protested, they wondered if their exclusion from the offer the recognized refugees got was targeted and retaliatory.

The differing acknowledgment and responses to the protests that Richmond residents staged over the years foreground and celebrate a submissive subject who petitions over a rights-demanding subject who scales buildings and puts up tents. A perception of vulnerability animates this difference, leaving vociferous subjects even more divested and silenced than judicially compliant subjects who endure.

Vulnerability: As the case progresses, the refugees come increasingly into view as legitimate actors with voices, names, bodies, concerns, and rights, just as sovereignty recedes from view, becoming increasingly fuzzy. But they are vulnerable actors, their vulnerability emerging beside their agency. It centers largely on the living conditions at Richmond: the lack of proper infrastructure with rudimentary water and electricity supply, the presence of asbestos in the housing structures, and the effects of long-term precarity on the mental health of adults and children. The 2017 decision, repeating earlier comments, concludes that "[the Claimants'] present conditions are quite unacceptable . . . I would regard it as unreasonable and a failure of the obligations to the refugees if resettlement was not achieved rapidly" (2017, §84–5).

The vulnerability arising from these conditions, acknowledged throughout the case, is carefully crafted, on both sides, alongside the litigants' agency. The 2011 Akrotiri Court summarised the interactions between the refugees and the SBAA as made up of

> "many meetings, some noisy and unruly. The refugees sometimes heard only what they wanted to hear. The only promises that were made were that efforts were going to be made and were made to relocate them to a third country, and that they could remain as temporary residents until they could be relocated" (§58).

A nameless mass of refugees, outside the frame of law, is delegitimized as a sensible interlocutor with a state that though caring must follow rules. Vulnerability is acknowledged, but the agency that attends it is dismissed. Foskett criticized, in 2016, this patronizing approach citing "apparent oversight [on the part of the authorities] of the material supporting Mr Bashir's evidence" (2016, §144). Agentic vulnerability is given much more space in his judgment. Tag Bashir is quoted at length on his concerns about relocating to the RoC (2016, §121). Anonymized but individually

[15] See https://athens.indymedia.org/post/827349/ and http://postmanpatel.blogspot.com/2008/01/cyprus-after-refugees-protest-uk-forces.html. Examined in further depth in Demetriou (forthcoming).

[16] See https://s.telegraph.co.uk/graphics/projects/British-base-Cyprus-limbo/index.html.

attributed statements by other litigants detail the withdrawal of provisions meant to force them out of Richmond (2016, §125–7; 2018, §32). There is a qualitative difference between the initial decisions and later ones in the ways the refugees were heard in court. One of the lawyers recalled the initial hearings in Akrotiri vividly: "I had a sense of [litigants present in court] becoming agitated as things about them were being said in the courtroom and wanting to jump in. I would gather them around during each and every break and repeat, every single time 'You. Don't. Talk'" (August 17, 2021). Another lawyer reminisced about the long statements being taken from Richmond residents in the preparation of the case, making sure everyone had said what they wanted to say and representing this in the evidence. It was what the early stages of the process had not allowed them to do.

Excluded entirely from this court record are the even worse conditions endured by the group of residents that had not been recognized as refugees and, not being litigants in this case, are invariably described as "failed asylum-seekers," "asylum-seekers," and "residents." A later case appealing against relocations of the group left behind, filed at Akrotiri Court in 2017 as mentioned above, considered these living conditions but nevertheless rejected the case conclusively. Respectively, the matricide case mentioned earlier, which was also heard around that time, noted but also dismissed, the pervasive uncertainty that permeated the lives of those concerned as mitigating factors, even as it left implicit a question about the mental health of the murderer who had refused engagement with the proceedings:

> "there appears to be suggestions that there was conflict within the family regarding finances and their legal status, together with a sense of hopelessness regarding their long-term position, sense of identity and attachment to any community. Although the family have resided for approximately 20 years in Cyprus they still have no official status, rely on financial handouts from the Government and they apparently maintained a hopeful fantasy that eventually they would be able to move to another European county that has to date never progressed" (reference withheld).

These are vulnerabilities that may be noted but are ultimately dismissed. They cannot have bearing on the lives of people who have not been recognized as refugees—divorced from its agentic aspect, this vulnerability undermines rather than bolsters claims. In the *Bashir* case, an empowering decolonial refugee persona emerges, predicated on a carefully curated vulnerability that nevertheless successfully unpicks colonial presumption. However, it can only do so on the predicate of refugeehood and not on any other status. This is a significant difference between the protection the Convention can afford and that complementary statuses (McAdam 2007; Gil-Bazo 2007; 2015; Demetriou 2022) foreclose. And it is only on these grounds that a happy medium of agentic vulnerability, which is not protest to be crushed nor inert desperation, can be achieved.

Endurance: The material conditions that render Richmond villagers vulnerable—the social worker's report cites exposed wiring, cramped conditions, damaged wall panels and major disrepair that has been accumulating for 10 years (2016, §386)—are also tests of their endurance. Foskett acknowledges "[t]hat many other refugees around the world may themselves be affected by similar, analogous or worse deprivations" but finds this "irrelevant to this conclusion" (2016, §386). Marking the difference between what is acceptable and what is not, the agency that comes with endurance might under other conditions (of "refugees around the world") have been celebrated as resilience—the ability of populations to plow through hardship, battle the forces of nature, face disasters—in the neoliberal spin (Reid 2012). The *Bashir* case creates room for resisting this normalization in the acknowledgment that people—in this case refugees—are entitled to more. So, if agentic vulnerability renders a resolution urgent, endurance is the resistive force that underpins their claims in the first place. Vulnerability is in these terms easier to see and name in

Figure 6. Areas around Richmond where people walked, played, and raised animal flocks.

Figure 7. Views of the shrub areas around Richmond.

the materialities that surround Richmond and its houses, whereas endurance is an affect that is puzzling and ambivalent.

As Layla walked me through the landscape of rusted road signs, a gutted bus stop, garbage heaps, the demolished school and its playground, fences and barbed wire, and rugged roads in the summer of 2019, she pointed to the places her group of friends had inhabited after school walks: the cliff where they practiced yoga, the school ruins where they played with the younger kids, the paths they took back home through the shrubs occasionally having to avoid local dog walkers or joggers (figures 6 and 7). An air of nostalgia hovered in this tour, as the long-awaited departure to the United Kingdom was now imminent and about to break up the group. Layla was ambivalent about this place that was home.

Richmond villagers, some practitioners suggested, persisted in their relocation claims because they had become "institutionalized," even "obsessed," with the prospect of relocating. This could be another way of reading their subjectivization into a regime of protection predicated on the transience of exception and emergency. For as they recognized their own lives to have been already spent in this place, they persisted, lawyers emphasized, "for the sake of their children." It was the SBAA's very insistence, it seems, that Richmond is unliveable, and the actions that rendered it even more unliveable, that made RoC promises unreliable and relocation all the more convincing as a goal. Endurance, as an agentic mode of being for the villagers inheres in persisting through the whims of authorial actions, taking the state at its word, and living through the law and its procedures day in and day out for 20 years. It is, ultimately, how claiming a simply liveable life becomes a matter of pained resistance and a question of taking on a post-imperial state—this is the process of becoming perfect legal subjects.

Perfect Legal Subjects

In order to decide on the Convention's applicability, the legal record tells a story of statehood and sovereignty. It rehearses the history of Cyprus, the history of colonialism, the history of diplomatic relations, the history of political maneuvering and whimsical policy-making. As this record meanders through the streets of Richmond village, the fences of SBA Dhekelia, the corridors of ministries, and the desks of politicians, sovereignty is defined and redefined, crossed over and re-written, placed under erasure and reconsidered. This palimpsestuous activity is a hectic and forced process, brought on by the exigencies of legal resolution. The record's twists and turns that derail the linear tracing of documents from one department to another are caused by events that the court process only cursorily mentions. It is these modalities and their contexts that collectively make up perfect legal subjects. In being saved from the waves, at risk from asbestos fibers in their homes, paperless and jobless, under threat of eviction, and in prolonged precarity, as children born and growing up in limbo, and as adults with limited linguistic skills in the surrounding society, and as a community of people under collective and continuing psychological stress, the refugees are constructed in the reports of legal experts, social workers, administration officials, and indeed in their own words, as vulnerable subjects in a long-term humanitarian emergency.

What the refugees unexpectedly did was to pursue the case to the end. To defend their demands for the rights that they wanted, in the terms they were entitled to, for two decades. The agency in this form of subjectivity is fraught with the struggles of the mundane. There is, in that inconclusive trial and the halfway negotiation that leaves no precedent and little citability, a stance that has been won over what refugee rights substantively are. That endurance, of being perfect legal subjects, is an exacting price, which not everyone has been able to afford. People have moved elsewhere on the island, built better and worse lives, and battled with decisions to stay or go, battled with their families, at times violently. The two criminal cases in the court record also show the injurious and fatal nature of that condition of endurance and its failures at protection. And there is of course protest, which notably does not arise in contradistinction to vulnerability and endurance, but from within those conditions. In this sense, the three forms of agency together point to some of the many ways in which the making of agentic subjects requires the formation of perfect legal subjects; which is to say that it comes with institutionalization within the refugee regime.

Richmond refugees forced upon the state a redefinition it had initially rejected, and which, in combination with the ICJ decision that other refugees have imposed, threatens the viability of decolonial BOTs. The committed lawyers who exploited the gaps of the exceptional status of the bases and the whimsical conclusion and

Figure 8. Land where Richmond homes stood, now abandoned or demolished.

implementation of various agreements, drew, together with the refugees, on the legal possibility of getting an exceptional regime to abide by the legal obligations of normal states. In doing so, they showed that "the moral responsibility" and humanitarian duty were intertwined from the very beginning with legal-procedural issues and political protests. Their activism simultaneously exploited and reinterpreted the law of exceptional and colonial regimes while also combining it with the spirit of the legal instruments that are meant to offer protection to refugees by "normal" states. It showed how colonial spaces and law can deny refugees their rights, but one can play colonial law arrangements, to make way and gain redress, albeit at a cost.

Accordingly, Richmond refugees have paid the price of waiting, of enduring, and of an out-of-court settlement, a conclusion that may have limited the promise of the case, allowing states to subsequently close the gaps it revealed. They have paid the price of becoming a community out of a cocktail of people, and of leaving that community behind. As Richmond now disintegrates, those left have been unable to score the same victories in court. The state, for them, does not need to delimit itself for lesser protection statuses, when the force of the Convention, in spirit or in substance, is not at issue. Those who remained have been moved elsewhere on the base, encouraged yet again to relocate to the Republic and start over. Their houses have been demolished (figure 8). Of the village I saw in 2018, only the last three houses remained standing by 2023; everything else was razed to the ground. Residents lamented the friends who left and their own condition, even as they looked forward and made plans for a move to England in upbeat expectation. Now settled in Britain, some of the Richmond residents wrote back to friends about new plans, schooling, and the rain. "It was a door, and now it's closed and a new one opened here," one of the resettled refugees explained as he articulated a reluctance to revisit the story. There was little lament for home and community, and implicitly, little wish, to go on verbalizing his legal subjectivity.

The making of perfect legal subjects is an aspect overlooked in studies of refugee mobilization. Less grand, and certainly less visible than protest, yet not by any means disempowered in the way that vulnerability is often portrayed, it is a subjectivity that cannot be celebrated, as its redemption and resistance are always uncertain. In showing how refugees and states are co-constitutive, the Richmond case may well

foreshadow what lies ahead in the continuing management of asylum as a field of crisis. For in the same way that Richmond refugees, inadvertently perhaps, have put to question the UK's decolonial process, refugees bound for Rwanda under the most recent Nationality and Borders Act are currently putting in question the UK's commitments to ECHR, and even the UK's membership of the Council of Europe. The refugees with their endurance expose how the state abdicates its responsibility, how it does so with tact and selectivity (putting up a stiff fight against a dozen households but opening its border to Hong Kong and Ukraine refugees without fuss), how the disciplinary logic of deserving versus underserving subjects (on various grounds) persists through imperial and post-imperial governmentalities.

Parallel obfuscations of colonialism and its legacies are also seen in approaches to Mediterranean rescues (Hom 2019; Mainwaring and DeBono 2021). States' disregard for the law becoming evident in Europe through increasing visibility of illegal actions such as pushbacks are prompting greater emphasis on counter-practices that take the state at its word, not only in law but also in ever-complex techniques of documentation and counter-forensics (Heller and Pezzani 2020; Ellison and Van Isacker 2021). The current global assault on refugee protection seems to pit sovereignty against mobility and recent judgments, like the ECtHR's 2020 decision on Melilla (*N.D. and N.T. v. Spain*),[17] are veering towards bolstering the first. However, the Richmond case shows that the immobility being enforced onto people denied their rights holds significant risks for sovereignty too. The production of perfect legal subjects arises in the folds of this contestation as the flipside of activism's successes. Far from being an aberrant situation, it shows the possibilities that unfold in increasingly multiplying locations in the Mediterranean (Mainwaring 2019), the Pacific (Morris 2022), the Indian Ocean (Sahraoui 2021), and beyond, as emergency states proliferate, migration policies become more restrictive, and political dynamics more polarising. The production of perfect legal subjects is the cost, but also the risk, of imperfect, quasi-legal states.

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Supplementary data

Supplementary data is available at *ISAIPS Journal* online.

[17]Judgment delivered February 13, 2020: applications nos. 8675/15 and 8697/15, see http://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-201353%22]} (accessed June 12, 2023).

References

Abrego, L.J., and S.M. Lakhani, 2015. "Incomplete Inclusion: Legal Violence and Immigrants in Liminal Legal Statuses." *Law & Policy* 37 (4): 265–93.

Adamson, F.B., and K.M. Greenhill, 2023. "Deal-Making, Diplomacy and Transactional Forced Migration." *International Affairs* 99 (2): 707–25.

Adamson, F.B., and G. Tsourapas, 2020. "The Migration State in the Global South: Nationalizing, Developmental, and Neoliberal Models of Migration Management." *International Migration Review* 54 (3): 853–82.

Andersson, R. 2017. "Rescued and Caught: The Humanitarian-Security Nexus at Europe's Frontiers." In *The Borders of "Europe"*, 64–94. Durham: Duke University Press.

Andrijasevic, R. 2010. "From Exception to Excess: Detention and Deportations across the Mediterranean Space," In *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, 147–65.Durham: Duke University Press.

Basaran, T. 2008. "Security, Law, Borders: Spaces of Exclusion." *International Political Sociology* 2 (4): 339–54.

Benwell, M.C., and A. Pinkerton, 2016. "Brexit and the British Overseas Territories: Changing Perspectives on Security." *The RUSI Journal* 161 (4): 8–14.

Besteman, C. 2020. *Militarized global apartheid*. Durham: Duke University Press.

Birkvad, S.R. 2023. "'Citizenship Cheaters' before the Law: Reading Fraud-Based Denaturalization in Norway through Lenses of Exceptionalism." *International Political Sociology* 17 (1): olad006.

Boswell, C. 2003. "The 'External Dimension' of EU Immigration and Asylum Policy." *International affairs* 79 (3): 619–38.

Bosworth, M. 2017. "Penal Humanitarianism? Sovereign Power in an Era of Mass Migration." *New Criminal Law Review* 20 (1): 39–65.

Budz, M. 2009. "A Heterotopian Analysis of Maritime Refugee Incidents." *International Political Sociology* 3 (1): 18–35.

Bulley, D. 2017. "Shame on EU? Europe, RtoP, and the Politics of Refugee Protection." *Ethics & International Affairs* 31 (1): 51–70.

Carrera, S., and A. Geddes 2021. *The EU Pact on Migration and Asylum in Light of the United Nations Global Compact on Refugees*. Fiesole: European University Institute.

Chimni, B.S. 2018. "Global Compact on Refugees: One Step Forward, Two Steps Back." *International Journal of Refugee Law* 30 (4): 630–4.

Clegg, P. 2018. "The United Kingdom and its Overseas Territories: No longer a 'Benevolent Patron'?" *Small States & Territories* 1 (2): 149–68.

Constantinou, C.M. 2004. *States of Political Discourse: Words, Regimes, Seditions*. London: Routledge.

———. 2020. "Video Dispatch from the Borderscape: Toward a Diplomatic Geography." *Cultural Geographies* 27 (4): 665–70.

Constantinou, C.M., and O.P. Richmond, 2005. "The Long Mile of Empire: Power, Legitimation and the UK Bases in Cyprus." *Mediterranean Politics* 10 (1): 65–84.

Cormacain, R. 2013. "Prerogative Legislation as the Paradigm of Bad Law-making: The Chagos Islands." *Commonwealth Law Bulletin*, 39, 487–508

Cowan, J.K., and J. Billaud, 2015. Between Learning and Schooling: The Politics of Human Rights Monitoring at the Universal Periodic Review. *Third World Quarterly* 36 (6): 1175–90.

Cummings, S.L. 2017. "Law and Social Movements: An Interdisciplinary Analysis." In *Handbook of Social Movements across Disciplines*, 233–70. London: Springer.

Cuttitta, P. 2023. "Bridgeheads of EU Border Externalisation? NGOs/CSOs and Migration in Libya." *Environment and Planning C: Politics and Space* 41 (4):752–70.

Das, V. 2006. *Life and Words: Violence and the Descent into the Ordinary*. Berkeley: University of California Press.

Della Porta, D. 2018. *Solidarity Mobilizations in the 'Refugee Crisis': Contentious Moves*. London: Palgrave.

Della Porta, D., and M Diani. eds., 2015. *The Oxford Handbook of Social Movements*. Oxford: Oxford University Press.

Dembour, M.B. 2015. *When Humans Become Migrants: Study of the European Court of Human Rights with an Inter-American Counterpoint*. Oxford: Oxford University Press

Demetriou, O. 2018a. *Refugeehood and the Postconflict Subject: Reconsidering Minor Losses*. New York: State University of New York Press.

———. 2018b. "Materiality, Imbrication, and the Longue durée of Greco–Turkish Borders." In *The Political Materialities of Borders: New Theoretical Directions*, edited by O. Demetriou and R. Dimova, 16–35. Manchester: Manchester University Press.

———. 2021. "Migration, Minorities, and Refugeehood in Cyprus: A View of the Citizenship Regime through the Lens of Displacement." In *Jahrbuch für Europäische Ethnologie*, 91–120. Brill Schöningh.

———. 2022. "Complementary Protection and the Recognition Rate as Tools of Governance: Ordering Europe, Fragmenting Rights." *Journal of Ethnic and Migration Studies*. 48 (5): 1264–1285.

———. 2023. "Reconsidering the Vignette as Method: Art, Ethnography, and Refugee Studies." *American Ethnologist* 50 (2): 208–22.

Demetriou, O. forthcoming. "Forms of Activism on Refugee Protection in a British Overseas Territory: Conventional, Contentious, Cultural." *GreeSE: LSE Hellenic Observatory Working Paper Series*.

Ellinas, A.A. 2021. "Societal Mobilization and the Fall of the Neo-Nazi Golden Dawn in Greece." *Georgetown Journal of International Affairs* 22 (1): 61–67.

———. 2020. *Organizing Against Democracy: The Local Organizational Development of Far Right Parties in Greece and Europe*. Cambridge: Cambridge University Press.

Ellinas, A.A., and I. Lamprianou 2023. "Movement versus Party: The Electoral Effects of Anti-Far Right Protests in Greece." *American Political Science Review*. First View. 1–19.

Ellison, J., and T. Van Isacker, 2021. "Visual Methods for Militant Research: Counter-Evidencing and Counter-Mapping in Anti-Border Movements." *Interface: A Journal for and about Social Movements*. 13 (1): 349–74.

Enloe, C. 2014. *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*. Berkeley: University of California Press.

Feller, E. 2006. "Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come." *International Journal of Refugee Law* 18 (3–4): 509–36.

Gammeltoft-Hansen, T. 2016. "Outsourcing Asylum: The Advent of Protection Lite." In *Europe in the World*, 129–52. London: Routledge.

Garelli, G., and M. Tazzioli, 2018a. "The Humanitarian War Against Migrant Smugglers at Sea." *Antipode* 50 (3): 685–703.

———. 2018b. "The Biopolitical Warfare on Migrants: EU Naval Force and NATO Operations of Migration Government in the Mediterranean." *Critical Military Studies* 4 (2): 181–200.

———. 2019. "*Military-Humanitarianism*." In *Handbook on Critical Geographies of Migration*, 182–92. Cheltenham: Edward Elgar Publishing.

Gazzotti, L. 2022. "Terrain of Contestation: Complicating the Role of Aid in Border Diplomacy between Europe and Morocco."*International Political Sociology* 16 (4): olac021.

Gil-Bazo, M. T. 2007. "Refugee Status and Subsidiary Protection under EC Law: The EC Qualifications Directive and the Right to be Granted Asylum." In *Whose Freedom, Security and Justice*, 229–64. Oxford: Hart.

———. 2015. "Refugee Protection under International Human Rights Law: From Non-Refoulement to Residence and Citizenship." *Refugee Survey Quarterly* 34 (1): 11–42.

Giuffré, M. 2013. "Readmission Agreements and Refugee Rights: From a Critique to a Proposal." *Refugee Survey Quarterly* 32 (3): 79–111.

Greenhill, K. 2022. "When Migrants Become Weapons: The Long History and Worrying Future of a Coercive Tactic." *Foreign Affairs* 101: 155.

Greenhill, K.M. 2010. *Weapons of Mass Migration*. Ithaca: Cornell University Press.

Hadjigeorgiou, N. 2022. "Decolonizing Cyprus 60 Years after Independence: An Assessment of the Legality of the Sovereign Base Areas." *European Journal of International Law*.33 (4):1125–52.

Heller, C., and L. Pezzani 2020. "The Perils of Migration: Countervailing Mediations of Risk at the EU's Maritime Frontier." In *The Routledge Companion to Media and Risk*, 130–47. London: Routledge.

Hendry, I., and S. Dickson 2011.*British Overseas Territories Law*. London: Hart.

Hom, S.M. 2019. *Empire's Mobius Strip: Historical Echoes in Italy's Crisis of Migration and Detention*. Ithaca: Cornell University Press.

Hopgood, S. 2013. *Keepers of the flame: understanding Amnesty International*. Ithaca: Cornell University Press..

Hyde, A., 2016. "The Present Tense of Afghanistan: Accounting for Space, Time and Gender in Processes of Militarisation." *Gender, Place & Culture* 23 (6): 857–68.

İçduygu, A., and D.B. Aksel 2014. "Two-to-Tango in Migration Diplomacy: Negotiating Readmission Agreement between the EU and Turkey." *European Journal of Migration and Law* 16 (3): 337–63.

Isin, Engin F. 2008. "Theorizing acts of Citizenship." In *Acts of Citizenship*, 15–43. London: Palgrave Macmillan.

Jeffery, L. 2006. "Victims and Patrons: Strategic Alliances and the Anti-Politics of Victimhood among Displaced Chagossians and Their Supporters." *History and Anthropology* 17 (4): 297–312.

———. 2013. "Chagos Islanders in Mauritius and the UK: Forced Displacement and onward Migration." In *Chagos Islanders in Mauritius and the UK*. Manchester: Manchester University Press.

———. 2006. "Historical Narrative and Legal Evidence: Judging Chagossians' High Court Testimonies." *PoLAR* 29: 1 228–253.
Johnson, H.L. 2013. "The Other Side of the Fence: Reconceptualizing the "Camp" and Migration Zones at the Borders of Spain." *International Political Sociology* 7 (1): 75–91.
Kasparek, B. 2016. "Routes, Corridors, and Spaces of Exception: Governing Migration and Europe." *Near Futures Online* 1 (1).
Klepp, S., 2010. "A Contested Asylum System: The European Union between Refugee Protection and Border Control in the Mediterranean Sea." *European Journal of Migration and Law* 12 (1): 1–21.
Lavenex, S. 1998. "'Passing the Buck': European Union Refugee Policies towards Central and Eastern Europe." *Journal of Refugee Studies* 11 (2): 126–45.
Lori, N.A. 2017. "Statelessness,'In-Between' Statuses, and Precarious Citizenship." in *The Oxford Handbook of Citizenship*, 743–766. Oxford: Oxford University Press.
Mainwaring, Ċ. 2019. *At Europe's Edge: Migration and Crisis in the Mediterranean*. Oxford: Oxford University Press.
Mainwaring, Ċ., and D. DeBono 2021. "Criminalizing Solidarity: Search and Rescue in a Neo-colonial Sea." *Environment and planning C: Politics and Space*, 39 (5): 1030–1048
Mbembe, A. 1992. "Provisional Notes on the Postcolony." *Africa* 62 (1): 3–37.
———. 2003. "Necropolitics." *Public Culture* 15 (1): 11–40.
McAdam, J. 2007. *Complementary Protection in International Refugee Law*. Oxford: Oxford University Press.
McCann, M. 2006. "Law and Social Movements: Contemporary Perspectives." *Annual Review of Law and Social Science* 2: 17–38.
McConnachie, K. 2017. "Refugee Protection and the Art of the Deal." *Journal of Human Rights Practice* 9 (2): 190–6.
McConnell, F., and J. Dittmer 2018. "Liminality and the Diplomacy of the British Overseas Territories: An Assemblage Approach." *Environment and Planning D: Society and Space* 36 (1): 139–58.
Merry, S.E. 2009. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press.
Moretti, S. 2020. "Between Refugee Protection and Migration Management: The Quest for Coordination between UNHCR and IOM in the Asia-Pacific Region." *Third World Quarterly* 42 (1):1–18.
Morris, J. 2022. "Managing, Now Becoming, Refugees: Climate Change and Extractivism in the Republic of Nauru." *American Anthropologist* 124 (3): 560–74.
Mountz, A. 2020. *The Death of Asylum: Hidden Geographies of the Enforcement Archipelago*. Minneapolis: University of Minnesota Press.
Murray, F. 2012. "Art 299 (6): Faroe Islands, Sovereign Base Areas in Cyprus, Channel Islands and the Isle of Man." In *The European Union and Member State Territories: A New Legal Framework Under the EU Treaties*, 139–59. The Hague: TMC Asser Press.
Pallister-Wilkins, P. 2020. "Hotspots and the Geographies of Humanitarianism.." *Environment and Planning D: Society and Space*. 38 (6): 991–1008.
———. 2022. *Humanitarian Borders: Unequal Mobility and Saving Lives*. London: Verso Books.
Pécoud, A. 2018. "What Do We Know about the International Organization for Migration?" *Journal of Ethnic and Migration Studies* 44 (10): 1621–38.
Povinelli, E.A. 2011. *Economies of Abandonment*. Durham: Duke University Press.
Reid, J. 2012. "The Disastrous and Politically Debased Subject of Resilience." *Development Dialogue* 58 (1): 67–79.
Rotter, R., and L. Jeffery 2016. "We No Longer have Faith and Trust in Anyone': Misadventures in Community Consultation on the Future of the Chagos Archipelago." *International Development Planning Review* 38 (4): 383–404.
Rygiel, K. 2011. *Globalizing Citizenship*. Vancouver: UBC Press.
Sahraoui, N. 2021. "Midwives and Humanitarian Bureaucracy: Managing Migration at a Postcolonial Border." *International Political Sociology* 15 (2): 272–90.
Scheel, S., and P. Ratfisch 2014. "Refugee Protection Meets Migration Management: UNHCR as a Global Police of Populations." *Journal of Ethnic and Migration Studies* 40 (6): 924–41.
Scott, J. C. 1985.*Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven: Yale University Press.
Spathopoulou, A., K. Pauliina Kallio, and J. Hakli 2021. "Outsourcing Hotspot Governance within the EU: Cultural Mediators as Humanitarian–Border Workers in Greece." *International Political Sociology* 15 (3): 359–77.
Squire, V. 2019. "A Milestone Missed: The Global Compact on Migration and the Limits of Solidarity." *Global Affairs* 5 (2): 155–62.
Stoler, A.L. 2010. *Along the Archival Grain*. Princeton: Princeton University Press.

Tarrow, S. 2022. *Power in Movement*. Cambridge: Cambridge University Press.
Tsourapas, G. 2021. *Migration Diplomacy in the Middle East and North Africa: Power, Mobility, and the State*. Manchester: Manchester University Press.
Vaughan-Williams, N. 2008. "Borders, Territory, Law." *International Political Sociology* 2 (4): 322–38.
———. 2015. *Europe's Border Crisis: Biopolitical Security and Beyond*. Oxford: Oxford University Press.
Vine, D. 2004. "War and Forced Migration in the Indian Ocean: The US Military Base at Diego Garcia." *International Migration* 42 (3): 111–43.
Vine, D. 2011. *Island of Shame: The Secret History of the U.S. Military Base on Diego Garcia*. Princeton: Princeton University Press.
Vine, D., and L. Jeffery, 2009. "Give Us Back Diego Garcia: Unity and Division among Activists in the Indian Ocean." in *The Bases of Empire: The Global Struggle against US Military Posts*, 181–216. London: Pluto Press.
Weiss, H. 2022. "From Desire to Endurance: Hanging on in a Spanish Village." *Cultural Anthropology* 37 (1): 45–68.
Zetter, R. 2015. "A Fragmented Landscape of Protection." *Forced Migration Review* 50: 62–65.

Demetriou, Olga (2023) The Spirit of the Convention and the Letter of the Colony: Refugees Defining States in a British Overseas Territory. *International Political Sociology*, https://doi.org/10.1093/ips/olad020