



REFUGEE REPATRIATION: JUSTICE, RESPONSIBILITY AND REDRESS

Megan Bradley, 2013, \$99, 304pp ISBN 9781107026315

BOOK REVIEW

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In October last year, whilst flipping hats from my PhD research to working on publishing articles of personal interest on refugee issues, I happened upon Megan's book. You see, once an internally displaced person and a refugee for 11 years of my relatively young life, affinity to researching refugees plight is not just an academic exercise for the purpose of populating my *curriculum vitae*. It is an actively lived experience where past trauma of pain and suffering, interestingly becomes the driving force for steering social change. In 2012, I embarked on a research journey to investigate the United Nation High Commission for Refugees' resolve to evoke its 1951 Convention *Cessation Clause* to conduct the closure of the *Buduburam Refugee Camp*¹ in Ghana. The aim of the study was to assess the phrase "voluntary repatriation" as it pertains human rights concerns for Liberian refugees who had inhabited the Camp for well over 21 years, when in fact returning at the moment appeared to be grim in spite of Liberia's fragile peace and post-war recovery. It is this interest that led me to a request for a desk review copy of *Refugee Repatriation* from Columbia University Press, who thankfully, mailed a copy just hours before I embarked on a 7-month fieldwork data collection period to Liberia.

My immediate reaction upon receiving the book was to flip to the Table of Contents. Obviously, the reason was to crosscheck for the inclusion of Africa in the monograph. If the Continent was included, which country was selected and on what justification? What's the background of the researcher? Is she an African? Has she got refugee/violent conflict experience? How was the data collected? Not that all these queries in and of themselves predetermine the quality of the work produced but my point of reference, albeit critically pessimistic, translates to a lived experience of frustration whereby grave issues of human suffering are sometimes overly philosophised and theorised at the *Tower of Ivory* without resulting in much substantial outcomes for refugees. No doubt that an armed chair researcher with instant mouse clicks to access online resources has a crucial place in the grand scheme of global migration. Even the world's largest welfare hub - the UNHCR - adorned with all its diplomacy and bureaucracy, is seen as the primary haven for many forcibly displaced persons. It was truly a beacon for myself, when crossing over the Atlantic to Canada. Notwithstanding, it was refreshing to capture the pixels of Megan's work in print. Especially, acknowledging that it's a work far and between when it comes to historical and contemporaneous discourse on real justice for refugees, particularly does protracted within the rural landscape of Africa.

Contextualised on the transition of resettling of [western] refugees resulting from the Cold War to Western countries, as opposed to "forced" repatriation as a mandatory "durable solution" for global

¹The Buduburam Refugee Camp was established 10 October 1990 to host the first convoy of Liberian refugees fleeing from the civil war. The Camp which housed some 60,000 refugees was closed down on 30 March 2012.

refugee problem, Megan 294-page hardcover pokes the introduction with two critical questions: 1) “What can refugees legitimately expect from return” and 2) “Are they entitled to anything more than a haphazard journey back to ruined or reoccupied homes in communities where their livelihoods are uncertain and their welcome lukewarm at best?” Whilst the question of whose responsibility it is to ensure that refugees choices are genuinely voluntary (in the real literal sense of the word) and in their “best interest” looms, it is common research fact that regardless the situation under which one leaves his/her place of habitual abode, majority tends to prefer returning home for obvious reasons. What seems to surface in most instances is not really the decision of returning home but rather the circumstances prevailing at the place of return – “is there more fighting?” or “is our house still in standing there?” or “will I find my daughter alive?” etc. Whilst biblical history points toward the fact that the “right to (not) return” arose way earlier than the life span of the *1948 Universal Declaration of Human Rights* or the *1951 UNHCR Refugee Convention* where God appoints Moses to lead the return of the Israelites from Egypt back to the Promise Land; Megan grounds the theoretical underpinnings of refugee reparation in the moral (re)emergence of “promot[ing] accountability for human rights violations [to] help reconstitute the relationship between abusive states and the victims of injustice, particularly refugees”. She argues that, such process of restitution supersedes “legal process and abstract philosophical conundrum” yet is aims to “restore conditions that existed prior to the violation”.

The text is divided into three major parts, Part I – “Foundations of state responsibility and just return” a forerunner to the chapter on practical examples of refugee repatriation, further expands on the theoretical, philosophical, moral, and legal perspectives in examining whether refugees or displaced persons have a right to just return and redress. The ultimate aim, in this regard, is to guide policymakers with a catalogue of guidelines to expatiate and obligate State’s moral responsibility to safeguard human rights. Citing three major case studies of “Historical experiences of return and redress” in Guatemala, Bosnia and Herzegovina and Mozambique, Part II brings alive the real life journeys of refugees odyssey of just return and redress. In her analysis of these case studies; Megan reasoned that, narrowly overemphasising redress for refugees can sometimes lead to hybridise problem, if not take away the particular focus on return, which may further cause more complications in the long-term. Albeit, it is without a doubt, that these cases explicitly exemplifies the real life challenges associated “with using reparations to enable just return [may] set a bar that is too high to reach in practice”. The final section of the book, “Beyond repair” Grappling with hard cases” locates just return in the context of Palestinian refugees. Megan’s plea for a “fresh approach”, having historically endured “failed negotiations characterised by ‘red lines’ or neglect of [Palestinian] refugee issues” could not have been more present with recent vicious combat between Israel and Palestine.

However bleak the reality of just return and redress for refugees uprooted on daily bases – whether in Syria, Palestine, Crimea (with heartbreaking death tolls from MH170; the truth remains that refugees and displaced populations dignity and human rights is nothing more than an abstract theoretical concept determined by several factors, such as ones geographical location, geo-political positioning and even sometimes racial profiles or religious affiliation. Notwithstanding, Refugee Repatriation is an invaluable contribution to human right protection and justice for refugee. The book will attract the likes of refugee rights advocates, lawyers, migration specialists, students and researchers in law and forced migration studies.

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