



BOOK REVIEW
**No Return, No Refuge: Rites and Rights in
Minority Repatriation by Howard Adelman
& Elazar Barkan, Columbia University
Press, 2011. 340 pp. \$39.50 hardcover.
ISBN978-0-231-15336-2**

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Abstract

First glance of No Return, No Refuge rekindled imageries of personal experiences of trying to cross over from Liberia to La Cote d'Ivoire during the beginning of the civil war in the early 1990's. Almost two decades after, I find myself on the exact same refugee camp in Ghana I sought refuge at for over nine (9) years. Although, my living condition has done a complete 180 degrees turn, in my hand is the copy of No Return, No Refuge and before my eyes are the pages of this book coming alive as I listen to Liberian refugees recount their protracted situation of rites and rights, no refuge, and no reintegration, no resettlement but certainly "voluntary repatriation". Each chapter whether it was case scenario in Kosovo, Vietnam, DRC, or Palestine; the parallels, harsh realities and diagnostics for these refugees are not only traumatic but also indelible.

Keywords: internally displaced persons, refugees, repatriation, minority, international law

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Subscription: JID is a Free Open Access Journal

Archives: <http://journalinternaldisplacement.webs.com/archives.htm>

Submission (January 2012 Edition):

JID is produce and published by EV Research Inc. – www.evresearch.ca

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Introduction

First glance of *No Return, No Refuge: Rites and Rights in Minority Repatriation* rekindled imageries of personal experiences of trying to cross over from Liberia to La Cote d'Ivoire during the beginning of the civil war in the early 1990's. Almost two decades after, I find myself on the exact same refugee camp in Ghana that I sought refuge at for over nine (9) years. Although, my living condition has done a complete 180 degrees turn, in my hand is a copy of *No Return, No Refuge* and before my eyes are the pages of this book coming alive as I listen to Liberian refugees recount their protracted situation of "rites" and "rights", no refuge, no reintegration, no resettlement but certainly "voluntary repatriation".

Each chapter whether it was case scenario in Kosovo, Vietnam, DRC, or Palestine; parallels, harsh realities and diagnostics for these refugees are not only traumatic but also indelible. What's even more worrisome is the fact that under these unfavourable social conditions, internally displaced persons and refugees are often caught between the legal space of "rites" and "rituals". A position characterized by insensitivity, lack of trust, injustices, "political muscle flexing" and out right violations of human rights. This begs the question – why do we, as international community, in the first place imagine the process of creating international legal norms when we are conscientious of the fact that self-interest will always trump the act of social justice and equality? One may argue that this may not be valid an excuse not to agree on international instruments that could serve the purpose of alleviating human rights abuses of the forcibly displaced. Notwithstanding, consider Adelman and Barkan's case scenario –

Gross violations of human rights, war crimes, and mass violence have characterized modernization. Over the last two centuries, most countries inflicted violence on foreign and domestic populations leading to uprooting and the mass movement of people. As many as two hundred million refugees have crossed borders in the case of domestic and international political violence. Of those, many millions were repatriated; many millions were not... Despite these realities, there is a widespread conviction that all such refugees have and must retain a right to return. The right of return has a solid foundation based on a series of conventions and declarations...nevertheless, ["practice"] in this case is identified with rhetorical claims and not with the effectiveness and institutionalization require to deliver actual results (p. 3-5).

As you ponder on the merits (and demerits) of my proposition and the authors' confirmation; reflect on the expansive evidence they used to support preceding arguments. *No Return No Refugee: Rites and Rights in Minority Repatriation* is a voluminous 240-page global account of why "rites" are performed by institutions and "rights" are advocated by refugees and that usually the lack of viable solution have lead to various forms of "rituals"

rather than “realistic return”. Thus, eventually, “rites replaces failed rights” since minority refugee are left in limbo over time. These ten chapters can be roughly divided into three overarching sections:

Section One (Introduction and Chapters 1, 2, and 3): explains the concepts and theories of “rites” and “rights”; recounts the historical emergence of international norms as a tool for protecting refugees and internally displaced persons rights; and the fundamental principles “outlawing ethnic cleansing”. In this section the authors did not only clearly distinguish between “rites” and “rights” applying practical examples, they also delineate three (3) types of return: 1) controversial return; 2) non-controversial return; and 3) contentious (vis-à-vis in cases of ethnic or religious conflicts). The last type of return necessitates the importance of “outlawing ethnic cleansing” as it pertains Nazi’s forced “transfer”, mass killing and set-up of extermination camps populated by Jews thereby invoking the application of the *Fourth Geneva Convention*, 1949 which narrowly prohibits the expelling of individuals yet makes no provision whatsoever for groups – for example, IDPs resulting from civil war (Chapter 3). Prior to this chapter, the authors initiate their argument on the persistent trend of population expulsion since post-world war II (chapter 2) to establish the on-going challenges and intricate nature of ensuring and safe-guiding individual and group rights to return.

Section Two (Chapters 4, 5, 6, 7 and 8): outlines case examples from Eastern Europe (Bosnia/Kosovo); Asia (Vietnam/Cambodia, Bhutan, Burma and Timor-Leste); Africa (Kenya, Sudan - Darfur, Rwanda, Democratic Republic of Congo, Ethiopia, and Eritrea); and Middle East (Israel and Palestine); in order to contextualize the varieties and extent of displacement (irrespective of whether it involves internal movement or international boarder crossing). Although there is no mention made of indigenous minority return in North America (e.g., Canada, United States and Mexico); South America (e.g., Ecuador, Colombia, Peru or Guatemala); and north-west Africa (e.g., Sahrawis in Morocco, the San Tribesmen in the Kalahari Desert or the northerners in Nigeria and Liberia), the chapter on Israel (Chapter 7) and Palestine (Chapter 8) stick out with provocative introspection. The authors strategically begin Chapter seven (7) by arguing that not only was Jewish repatriation to the Holy land messianic, but it was also a political and legal migration even as Jews used Palestine as a safe place of refuge which begun at the end of the 19th century. Yet, the flip side today is that, 1948 Palestinians refugees and their descendants right of return to their territory, which forms part of present day Israeli State is characterized by injustice and denial of Palestinians claim to self-determination. In concluding this chapter, the authors assert that, Israel’s primary reason for rejecting Palestinians right to return is based on perceived terror by Hamas tied in with their goal of wiping out the State of Isael. But the question remains, given their unique historical experience of expulsion and human rights violation (e.g., the Holocaust), does the State of Israel have any moral, political or legal right to occupy and expel Palestinians regardless their supposedly “diabolic” intention?

Section Three (Chapters 9 and 10): while chapter nine (9) specially presents a critical analysis of the pros and cons of “rights and return” within the context of law implementation and enforcement; justice and rights; and humanitarianism and rights;

chapter ten (10) sheds a light of hope citing examples from Georgia. The essence of this chapter is captured in this extract:

The question therefore, is how to protect the rights of refugees [in Georgia]. Unfortunately, there is reason to suspect that the Georgian government will continue to use the refugees as a political football, as it has for the last fifteen years with the refugees from the early conflict. The government will likely insist on maintaining rather than resolving the plight of the refugees and the displaced under the pretext of refugee rights. This is a manipulation of rights, not a statement of a moral policy. Refugees have conflicting rights, many of which are violated. Security and housing are the most obvious of these. To privilege the question of repatriation over rebuilding lives and over the right to housing; focuses on the national priorities, not the individual. The challenge is to channel the international concerns to aid the refugees toward political negotiations and to limit the international relations questions... (p.248).

In concluding the text, Adelman and Barkan, after expressing “nostalgia and malady of memory” on compounded factors of absence and weakness of domestic political institutions whereby ethnic nationalist are favour over minority groups, propose that instead of return being rejected simply because of impracticality, especially in cases of ethnic conflict; other solutions (whether long/short-term) could be considered for its theoretical and practical utility.

This book will instantly attract the likes of anyone interested in forced migration law, policy and advocacy. Albeit specifically, it is a compelling read for government officials of host countries who are responsible for internal migration, UN workers engage in international migration, repatriation and return as well as academics, researchers and students with keen interest on exploring alternative routes of finding lasting solutions to the global forced migration problem.