

REFUGEES: DYNAMICS OF DISPLACEMENT *

In their introduction, the authors of this report state that their aim is to discuss the problem of involuntary migration, show how the international community deals with it and suggest what could be done to anticipate and obviate the necessity for such movements.

The report is divided into two parts, one dealing with refugees and the other with displaced people.

In their discussion of refugees, the authors point out that with 13 million refugees around the world the problem has now attained unprecedented proportions. Indeed, it has become a global problem, although most refugees are to be found in poor countries. Their situation is all the more precarious in that those who flee by boat fall prey to pirates, while those held in camps along borders are subject to military attack. And a refugee arriving in Hong Kong, for example, is faced with the depressing prospect of spending long years in a closed camp.

The authors go on to describe the situation of refugees in Western countries. In the 1960s and 1970s these countries adopted magnanimous legislation but today, faced with economic problems and growing racial animosity fed by the media and extremist politicians, these same governments resort to restrictive practices that are eroding the right to asylum.

The fourth chapter emphasizes the inadequacy of existing legislation. People fleeing conflicts do not fit into the narrow definition contained in the 1951 Convention Relating to the Status of Refugees which requires the refugee to provide proof that his fear of persecution is well founded. While it is true that the mandate of the United Nations High Commissioner for Refugees has been extended by various resolutions of the United Nations General Assembly to cover these persons, the issue of protection for Palestinian refugees has not been settled, nor has the question of physical protection for refugees.

* *Refugees: Dynamics of displacement*. A Report for the Independent Commission on International Humanitarian Issues (foreword by Sadruddin Aga Khan and Hassan ben Talal) London: Atlantic Highlands. New Jersey, Zed Books Ltd., 1986, 152 pp., annexes. In English. Editions in Arabic, French, Japanese and Spanish to appear later.

Possibilities for lasting solutions are examined in the fifth chapter. Special prominence is given to the conditions that must be fulfilled to ensure that repatriation is voluntary. In cases where refugees are to be resettled, the authors recommend that this should take place within their own region.

In their section on displaced people, the authors begin by pointing out that States have always sought to control the movements of foreign nationals on their territory by passing immigration laws and expelling or interning people who are in the country illegally.

The chapter dealing with mass expulsions recalls that while the principle that a State has the right to expel foreigners is accepted by international law, restrictions are placed on this by international human rights accords.

There are many means of controlling population movements within a country's borders. An entire chapter is devoted to what governments do in this area—relocating city dwellers in rural areas, grouping farmers together in villages, settling nomads and moving people from one part of the country to another.

The penultimate chapter concerns people who have been displaced within a country by armed conflict, whether international or not, or by internal disturbances and tensions. The authors point out that no United Nations agency is responsible for protecting and assisting such people. The HCR's mandate is basically limited to activities on behalf of people who have left their country. Sometimes, at the request of the United Nations Secretary-General or the General Assembly, or the government of the country concerned, the HCR's mandate can be extended to come to the aid of people displaced within their own country. The work done by the ICRC and the National Red Cross and Red Crescent Societies is brought to the fore here. Their role was set out in the statement of policy accompanying Resolution XXI of the Twenty-fourth International Conference of the Red Cross held in Manila in 1981. Protection of people displaced by armed conflict is provided for in the Fourth Geneva Convention of 1949 and the Additional Protocols of 1977.

The final chapter deals with the difficulties encountered in anticipating and preparing for events (access to and exchange of information) and with proposed preventive measures, such as the setting up of an early warning system.

On the whole, the passages about the ICRC reflect well on the institution. We should nevertheless like to provide some clarification of certain statements made in the book. While it is true that the Israeli authorities do not recognize the *de jure* applicability of the Fourth Geneva Convention of 1949 to the Occupied Territories (p. 50, 1st paragraph), the civilians living there are not entirely without protection because the State of Israel in fact allows the ICRC to carry out, by analogy, activities based on that Convention. The same is true in El Salvador, where the ICRC bases its activities on Article 3 common to the Four Geneva Conventions and

Additional Protocol II of 1977 even though the Salvadorean authorities have not formally recognized the applicability of the latter (p. 128, 2nd paragraph). At the time of writing, 68 States have ratified Protocol I and 62 have ratified Protocol II.

The report reviewed here does not claim to provide information new to those whose work it is to deal with the refugee problem. Nor will specialists in refugee law find anything original in it. But that is not the author's purpose; the editorial note following the foreword clearly states that this book is intended primarily for the general public.

We therefore recommend this report to all who take a general interest in the refugee problem or who wish to acquire a broad view of the subject before going more deeply into certain areas.

The problems discussed are illustrated with a wealth of examples and the clear style in which the report is written makes it a pleasure to read.

Françoise Krill

THE RIGHT TO FOOD *

Morality and law are not always identical. Whereas the Red Cross, for example, may argue on purely humanitarian grounds that it is wrong to allow populations to starve, it is also important to have a firm legal basis to support such contentions. The book *The Right to Food* will be of interest to the Red Cross and Red Crescent Movement because it shows, perhaps for the first time, the nature of this right as a human right. It also provides guidance of various kinds that may be useful in formulating strategies to try to generate minimum nutritional requirements throughout the world.

This collection of essays arose out of a conference organized by the Netherlands Institute of Human Rights and two other groups in 1984, the year of the tenth anniversary of the Universal Declaration on the Eradication of Hunger and Malnutrition. It begins with a detailed overview of international law and the right to food by Dr. Philip Alston. Alston is realistic: while noting the shortcomings of addressing hunger as a human rights issue, he nevertheless shows the benefits to be gained from doing so. A human rights approach places food issues on the serious political agenda

* P. Alston and K. Tomaševski (eds.). *The Right to Food*, Martinus Nijhoff Publishers and Netherlands Institute of Human Rights (SIM), Dordrecht, 1984, 229 pp., £29.95/Dfl. 98.