

Scholarly Commons @ UNLV Boyd Law

Scholarly Works **Faculty Scholarship**

2005

Book Review

Michael Kagan University of Nevada, Las Vegas -- William S. Boyd School of Law

Follow this and additional works at: https://scholars.law.unlv.edu/facpub



Part of the Human Rights Law Commons, and the International Law Commons

Recommended Citation

Kagan, Michael, "Book Review" (2005). Scholarly Works. 642. https://scholars.law.unlv.edu/facpub/642

This Book Review is brought to you by the Scholarly Commons @ UNLV Boyd Law, an institutional repository administered by the Wiener-Rogers Law Library at the William S. Boyd School of Law. For more information, please contact youngwoo.ban@unlv.edu.

ministry to assume leadership. The case study is well written, its language evocative, often powerful and moving.

Yet despite its contributions, the case study has shortcomings. The best practices are useful in their detail and groundedness; however, without a framework, it is difficult to remember 44 important things to do. What managers face, it seems, is less a shortage of things to do, than ways of prioritizing and sequencing better choices among competing good practices. Moreover, a little more discussion of the ways information was gathered and analysed would help the reader evaluate the credibility of conclusions. Finally, the education ministry is portrayed rather one-dimensionally, as if to encourage a process still unfolding. Still, an important purpose of the study may be to help Rwandan officials understand, among day-to-day ambiguities, what they did right.

All in all, Obura's case study is a greatly needed addition, insightful and useful to its various intended audiences, and an inspiration. It is practical, learned, complex and credible.

James H. Williams International Education Program, George Washington University, Washington DC

BIRD, L. (2003) Surviving School: Education for Refugee Children from Rwanda 1994–1996. Paris: International Institute for Educational Planning (IIEP).

doi:10.1093/refuge/fei026

Rights in Exile: Janus-Faced Humanitarianism. By Guglielmo Verdirame and Barbara Harrell-Bond (with Zachary Lomo and Hannah Garry). New York, Oxford: Berghahn Books, 2005. 480 pp. \$89.95/£55, ISBN 1 57181 526 0 hb; \$29.95/£19.95, ISBN 1 57181 527 9 pb.

There is a frequent critique of the UN High Commissioner for Refugees' protection role, which goes like this: as UNHCR has grown as a humanitarian aid delivery agency, law and human rights have lost currency. In *Rights in Exile: Janus-Faced Humanitarianism*, Guglielmo Verdirame and Barbara Harrell-Bond (with Zachary Lomo and Hannah Garry) take this as a starting point from which to reach a far more searing conclusion: UNHCR itself directly violates the human rights of the people it is supposed to protect. Detailed, direct and at times passionate, this book should be required reading for anyone who wants to know what is really happening to refugee protection. It should also require a response.

Rights in Exile is a case study of refugee policy and practice in Kenya and Uganda in the 1990s. It opens with a description of how government weakness led UNHCR to steadily take effective control of refugee policy. In Uganda, for instance, government officials came to rely on UNHCR for their salaries, vehicles, fuel, and even office equipment.

Verdirame and Harrell-Bond are not afraid to name names. They find that UNHCR and NGO staff resorted to violence to control refugees. They claim that UNHCR imposed unpaid work on refugees in these camps, a practice that constituted forced labour or quasislavery. UNHCR is said to have supported dispute resolution mechanisms that systematically discriminated against women, illegally imprisoned people for adultery, and allowed genital mutilation and other violence against women. *Rights in Exile* also adds to a growing critique of UNHCR's refugee status determination procedures, which contain gaps in fairness that UNHCR routinely criticizes when governments try to do the same things.

Verdirame and Harrell-Bond regard the policy of confining refugees to camps to be the original sin of refugee policy in East Africa, a rights violation in itself and a fertile breeding ground for violence, exclusion, and social and economic neglect. Verdirame has previously argued that refugee camps are legal anomalies because they are under the effective control of humanitarian agencies, even though they are on a state's sovereign soil. Combining this legal scrutiny with social analysis, *Rights in Exile* presents a sharpened version of the argument that Harrell-Bond pioneered in the 1980s with her classic study *Imposing Aid: Emergency Assistance to Refugees* (1986).

Part anthropology, part legal analysis, part political science, part human rights advocacy, this is a decidedly interdisciplinary study of forced migration. It is important for cultural study of the law for the way it captures asylum-seekers' attempts to understand their experiences with a bureaucratic system. It contributes to gender studies by questioning common assumptions about the vulnerability of women refugees.

Sections of *Rights in Exile* are nearly journalistic in their extensive use of individual incidents to make larger points. This may trouble methodological purists, though it also makes the policy analysis more compelling. In some cases, Verdirame and Harrell-Bond may read too much into poorly chosen phrases used by particular officials. UNHCR and NGO officials may resent the fact that their accomplishments do not get much attention. Yet, these caveats do little to undermine the book's main point that UNHCR often wields unaccountable power over refugees, and in many cases UNHCR abuses this power. This indictment cannot be answered by simply reciting an alternative list of good works by UNHCR.

The question, then, is what should we do about it?

Much as they criticize UNHCR, Verdirame and Harrell-Bond do not argue that UNHCR actually performs worse than governments in terms of human rights. *Rights in Exile* includes plenty of vivid descriptions of Kenyan and Ugandan officials committing serious abuses against refugees. The picture that emerges is that when UNHCR wields government-like power, it acts just like a government.

Because it focuses on UNHCR's power over refugees in East Africa, *Rights in Exile* does not address the contrasting fact that in the North UNHCR's influence has always been less and is probably diminishing. Confronting this paradox will require tremendous institutional dexterity, as well as long overdue transparency, accountability, and internal checks and balances.

Much of what *Rights in Exile* exposes has been known to NGOs and human rights monitors in the field for a long time. They have not always reported what they know, either because they have an institutional stake in the system or because the human rights movement has been generally oriented toward monitoring states, not UN agencies. There also are those who miss few chances to attack the UN system in general. Some people may fear that exposing this kind of dirty laundry will remove the veil of innocence that has protected the humanitarian movement since the nineteenth century. Indeed, Verdirame and Harrell-Bond's main target is the naïve assumption that having a noble mandate is enough to ensure noble deeds.

Nevertheless, Verdirame and Harrell-Bond do not deny that humanitarian agencies will continue to play a critical role. The challenge for proponents of international cooperation is to bring principles of good government to bear on these agencies, before someone with worse intentions comes along to do the job.

Michael Kagan Tel Aviv University Law School Refugee Rights Clinic doi:10.1093/refuge/fei027