

In conclusion, Dr. Nibbs has made several contributions to the anthropological and refugee studies literature on important questions of refugee resettlement, by exploring relevant and inter-related issues that influence refugees' "belonging" in relation to their new larger society, their own local ethnic group, and their diasporic ethnic group members, which readers will find insightful.

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The Law of Refugee Status, 2nd edition



James C. Hathaway and Michelle Foster
Cambridge: Cambridge University Press, 2014

Refugee law is unique. It is practised by few (those who do, tend to specialize), understood by fewer, yet is the constant subject of lawmakers as a means to manage and reflect public opinion.

Since refugee law is an international instrument that is moulded and shaped by individual signatory countries, it tends to develop in many directions, sometimes rationally and sometimes not. This makes a comprehensive, principled understanding quite difficult.

This is where *The Law of Refugee Status*, second edition, steps in to try to make sense of the development of the law since the first edition more than twenty years ago.

The first edition of this book, published in 1991, has been cited often. It built a clear understanding of refugee law over the last twenty years. It is a staple on the bookshelf of legal professionals in this area.

Overall, Hathaway and Foster have done an excellent job of updating and providing a substantially revised tool for those who practise, adjudicate, and legislate in refugee law. Ironically, I see many of my colleagues still citing the first edition, as if by deeply ingrained habit.

Where this text really shines is the clarity of making sense of otherwise complex concepts. For example—alienage—the chapter—starts with the sentence: "Only a person outside her own state can qualify as a Convention Refugee." That pretty much says it, and you can dig into the details from there, but you have a solid grasp of the concept right from the start.

Each chapter draws on the interpretations of international tribunals, such as the UN committee against torture and the UN Human Rights committee, regional tribunals such as the European Court of Human Rights, and the national courts of more than twenty countries. The book draws heavily on Canada, Australia, the United Kingdom, the United States,

and Germany for guidance. This is truly an international perspective.

When the first edition has been cited with approval by various courts and tribunals, that is noted in the second edition. When courts and legislators have made advances, the second edition shows where and why.

I have practised refugee law in Canada since shortly after the first edition was published and have taught in this field for nine years. Despite my client-centred perspective, ultimately all refugee decisions must be sound and principled to all stakeholders. This book strives to describe the principles as interpreted around the world as its context. They show what is sound and principled.

Here is how the book is broken down.

First, the introduction. It is important and worth a careful read. It reminds us that this area of law derives from an international treaty that has been adopted by its signatory countries. It is not a law of convenience for signatory countries. These are rights that must be respected. It is a treaty that must, in law, be interpreted in good faith, in a manner that promotes its effectiveness, within a current social reality and contemporary legal context. That's the law of international treaty interpretation and application. Sometimes this is overlooked by courts and legislators.

Second, like in the first edition, the refugee definition is broken down into the constituent elements, and each gets its own chapter.

The five basic parts of the refugee definition from the first edition—alienage, well-founded fear, persecution, nexus, and cessation/exclusion—are now expanded into seven: alienage, well-founded fear, serious harm, state protection, nexus, cessation, and exclusion.

The first five describe who is included in the definition, and the last two say who is excluded. Each element has its

own in-depth chapter to provide a wealth of interpretive guidance.

Like with many texts that purport to provide a thorough treatment, you really put the details to the test only when you are required to apply the law to the facts before you. I have recently had the chance to put two of the chapters to the test because of recent profound changes in Canadian refugee law.

The change is to an element of refugee law called cessation. This means that once you no longer need refugee protection, it will cease. The legal test for cessation is that one either acts to show one no longer needs protection or one's country has now changed in ways that make it safe to return. While the basic legal tests are the same, now these tests are being applied to people who have also acquired permanent resident status in Canada.

In effect, when you no longer need refugee status, you are deemed to no longer need permanent resident status either. Quite simply, this does not appear to occur in any other refugee signatory country. The norm was that once permanent status is granted, there was no need to revisit the need for refugee protection. No other permanent residents in Canada have to constantly account for the basis of the original basis of the grant of permanent residence, but now refugees do.

What at first appeared rational, becomes, upon examination, a shell game. The only way I could begin to sort this out was to look at the big picture—and along came the second edition. This issue is covered exhaustively in chapters 6 and 7; I read and re-read them.

Chapter 6 revealed that this is an unprecedented change. Chapter 7 revealed that the change itself is unprincipled. These chapters together provided the tools to give guidance and structure in my submissions to the necessary tribunals in Canada. Frankly, no one understands the how or the why of these changes—not the refugee tribunal, not the courts, not my colleagues. Lawyers for the government are forced to justify it all by saying it is the will of Parliament (rationale not apparently required).

What this exercise in legal interpretation demonstrated for me is that refugee law is in constant flux in its application and interpretation—despite long-standing core principles and more than sixty years of application throughout the world.

When an unanswered question arises, the essential principles must be revisited.

This text is as worthy a place to start with the tough questions as with the easy ones.

In 1989, during his second year at Osgoode Hall Law School, Douglas Cannon was given the following advice from one of his professors: "Law is hard work, stressful, rewarding, frustrating, and, if you are lucky, you will be well paid. Only one of those features will keep you from burning out in five to seven years." Douglas has now been practising, teaching, and learning about immigration and refugee law for more than twenty years in Vancouver—because it is rewarding. The author may be contacted at DCannon@elgincannon.com.

Survival Migration: Failed Governance and the Crisis of Displacement

Alexander Betts

Ithaca: Cornell University Press, 2013

Humanitarian Crises and Migration: Causes, Consequences and Responses

Edited by Susan F. Martin, Sanjula Weerasinghe, and Abbie Taylor

New York: Routledge, 2014

Crisis and Migration: Critical Perspectives

Edited by Anna Lindley

New York: Routledge, 2014

Introduction

On 12 and 13 October 2015, as the world's attention was focused on the refugee crisis unfolding on Europe's borders, a meeting was convened in Geneva to consider how the world should respond to the growing instances of cross-border displacement resulting from disasters and the effects of climate change. This latest meeting

of the Nansen Initiative heard compelling evidence of the scale of this form of displacement: 184 million people displaced by disaster per year between 2008 and 2014. That's one person every second. The meeting also produced some encouraging results: 111 states endorsed the recommendations on how to ensure protection for these displaced persons.