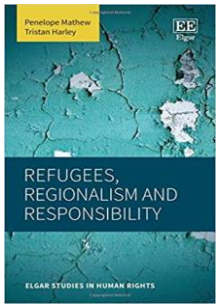
BOOK REVIEW



Title	:	Refugees, Regionalism, and Responsibility
Author	:	Penelope Mathew and Tristan Harley
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Penelope Mathew is a Professor of International Law and a Dean in Griffith Law School, Australia. She is a profound researcher in refugee law topics. She is admired for her innovative idea to promote regionalism as a tool for governments to leverage better protection for refugees. Studying an underexplored topic, Mathew is able to synthesize the complexity of regionalism in a simple manner to be understood easily by readers. In the writing process of the book, Tristan-Harley helped Matthew by serving the co-author. He works as a consultant in international refugee law and policy. He is also a registered solicitor of the Supreme Court of New South Wales and the High Court of Australia.

The book is divided into two parts. The first part consists of three sub-parts: (1) regionalism position in international politics and refugee law; (2) philosophical and ethical reasons of states' responsibility in the case of refugees; and (3) steps and actions for states to share responsibility in handling refugees. The second part looks at the regional arrangements for the protection of refugees in some detail, whether they have resulted in better refugee protection and durable solutions. There are five regional arrangements examined in the second part, including (4) Comprehensive Plan of Action for Indochinese Refugees; (5) The International Conferences on Assistances to Refugees in Africa; (6) The International Conference on Central American Refugees; (7) The Common European Asylum System; and 8) The Mexico Declaration and Plan of Action and Cartagena+. The final part of the book compares all five regional arrangements for refugees and delivers overall conclusion whether or not regionalism should be a mechanism for refugee protection.

In Chapter 1, the authors begin the discussion by introducing regionalism as a political term, which is used to identify pattern of behaviors conducted by states to pursue and to promote common goals on a 'geographically restricted basis'. These common goals may vary, such as achieving an imagined regional community or gaining economic welfares. Regionalism can manifest as 'hard regionalism' through the formation of institutional organizations - or 'soft regionalism' that fosters a sense of community. In refugee protection, regionalism has a long heritage. The 1951 Convention to the Status of Refugees and the 1967 Protocol can be viewed as

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regional documents. It was conceived as a response to refugees in Europe, particularly towards the Jews fleeing Europe during the course of Second World War and fleeing Communist countries after the end of the war. The 1951 Convention imposes the obligation of *non-refoulement* and provide universal definition of refugee that applies to someone who is outside their country of origin and unable or unwilling to return because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

As the 1951 Convention and 1967 Protocol become universally accepted treaties through the development of customary international law, the authors note that there have been different reactions and refinements to the Refugee Convention by different major regions of the world. African countries adopted their own refugee definition, which classifies refugees as individuals fleeing generalized violence or persecutions for reasons connected to the five established grounds. In Latin America, the Cartagena Declaration also extends protection to refugees fleeing generalized violence. Many states have incorporated the expanded Cartagena Declaration into their national law. European states established Common European Asylum System (CEAS) as an active tool to enforce the 1951 Convention. In two other regions, Asia-Pacific and the Middle East, despite the fact that many states do not have national laws and procedures for the protection of refugees, the authors view refugees are tolerated mostly in the regions and *non-refoulement* is widely respected.

Considering these backgrounds, the authors try to highlight regionalism as the effective tool for refugee protection compared to universalism. There are three reasons to support this statement. Firstly, refugee movements are frequently regional in location. Regional actors may therefore have a more direct concern in addressing these movements, especially if there are impacts in terms of regional stability. Secondly, regional actors are more capable of coordinating and tailoring protection programs to the particular needs of refugees. This regional cooperation could result in greater certainty and opportunity for refugees to enjoy basic social and economic rights. Thirdly, lastly, regional cooperation gives greater possibility of uniform agreement between nation states in the region. The author further argues universalism approach as harder to use since, in practices, most states are reluctant to do responsibility-sharing due to the unbinding nature of a universal common framework.

After seeing the regionalism potentials in strengthening the international refugee regime, Chapter 2 examines moral, philosophical, and practical reasons for granting refugee protections. This is an interesting chapter, since the authors repeatedly emphasize *why* States should establish refugee protection that goes beyond merely reciting the legal obligations. The authors consider four stances for refugee protection: (1) to preserve the sanctity of life and human dignity of the

refugees; (2) moral culpability for causing or contributing refugee flows; (3) rising concerns on the impact of state orders when refugees are not protected; and (4) focusing on the contributions that refugees make to their host societies. From all stances, the authors believe that grounding refugee protection in human dignity is the primary and the best reason that every States should use when protecting the refugees. If all states are able to see refugees as human beings that make significant contributions to the host societies, not as burdens, it shall improve State's serious responsibility on creating consistent efforts to support refugees.

In Chapter III, the authors start the discussion by conveying urgency for states to perform responsibility sharing. There are arbitrary and inequitable distribution of responsibility in current refugee situations. Most refugees seek asylum in neighboring countries, which many of them are still categorized as least-developed countries (LDC). This make local integration for refugees become difficult, as they encounter greater problems in accessing education and health services, as well as obtaining housing and employment. LDCs also find difficulties to protect the rights of their own citizen, let alone refugees and other migrants.

Considering the circumstances, the authors further explore possible ideas that states can do to achieve an equitable responsibility sharing. There are three principal ways through which states can share responsibility for refugees: (1) sharing refugees physically through sharing of people; (2) sharing financial costs involved in providing protection to refugees; and 3) sharing administrative, material, and technical resources. In regards with culpability as a form of remedial responsibility by states conducting human rights violations, the authors contend this method as impractical in most situations since it will create more resistance from refugee-generating states. The authors conclude finding the right mix or balance among the options for sharing people and financial resources are the key towards a successful responsibility sharing. States' responsibility for hosting refugees should be determined through states' absorptive capacity, state's capacity to protect, and state's capacity to pay. The authors also encourage developed nations to do more in hosting the refugees, in addition to providing funds allocations.

On the second part, the authors focus on exploring the practices of past and present regional arrangements for refugees. The objective is to help readers understanding the ways in which states can and should act collaboratively to address the refugees' needs for protection. The chapters in second part examine the distribution of responsibility among states in each of the arrangements and the contribution of the arrangements to fostering durable solutions for refugees.

Entering Chapter 4, the authors open highlights the example of a responsibility sharing agreement in the Southeast Asian region. The Comprehensive Plan of Action for Indochinese Refugees (CPA) was an *ad hoc* response to the significant numbers of refugees seeking protection from Vietnam and Laos between 1979 and 1996. The CPA was considered success in terms of responsibility sharing in the

sense of *non-refoulement* and durable solutions, particularly resettlement. However, the *ad hoc* nature of CPA means that Southeast Asian regionalism only sees refugee protection as a temporary responsibility. Their works are limited to provide temporary protection. As a result, developed countries like the USA, Canada, and Australia are the ones who provided durable solutions for the Indochinese refugees.

In Chapter 5, the authors continue their analysis to the African region. The 1981 International Conference on Assistance to Refugees in Africa (ICARA I) and a second conference in 1984 (ICARA II) is a set of regional arrangement focused on obtaining extra-regional funding from the international community to support the protection of large-scale refugee populations in Africa. ICARA had successfully pledged the states and international organizations to donate US$ 560 million to support African States' protection responsibility, considering their backgrounds as developing countries. Unlike the CPA, the financial projects were focused on facilitating the local settlement or integration of refugees in African host countries. On the ohter hand, ICARA II was more focused on promoting voluntary repatriation. The authors highlight ICARA establishment as conceptually ambitious but it is failed in practices. The inability to implement the protection goals for refugees since most African States prevented local integration to welcome refugees in their society had made ICARA unsuccessful as a regional arrangement.

Unlike ICARA, the establishment of the 1989 International Conference on Central American Refugees (CIREFCA) in Chapter 6 is viewed as a positive regional arrangement that provided substantial benefits to refugees and states in the region. It developed a plan of action to provide durable solutions for over two million refugees by promoting humanely support for displaced groups on returning to their home and rebuilding their communities. The establishment of CIREFCA had become the cornerstone of Central American region in improving the quality of refugee protection. One of the great successes of CIREFCA was the strengthening of a human right discourse with respect to refugees in the region. It leads many Central American countries to ratify the 1951 Convention and to implement national legislation with respect to refugees.

Chapter 7 describes the practice of Common European Asylum System (CEAS) in European region. As one of the most developed regional arrangements for refugees, CEAS implementation had affected European Union member states to endeavor consistent application of the refugee definition, procedures for determining status, and established Asylum Migration and Integration Fund to share financial resources in the provision of refugee protection. Nevertheless, in practice, responsibility sharing under the CEAS took different approach. The authors recalled Gibney's statement to describe CEAS implementation as 'engineered regionalism', a method whereby the Global North keeps the Global South out. This can be seen in EU states' practices, which implement restrictive

policies for the entry of non-EU migrants at their frontiers. To this extent, Europe seemed to be torn between containment and deterrence, and, on the one hand, are struggling to find the equitable responsibility-sharing among states.

Chapter 8 refers back to Central American region by discussing a new innovative regional arrangement that is focused on protecting refugees in specific areas such as borders and urban centers. On November 16, 2004, the Mexico Declaration and Plan of Action (MPA) was adopted as a specific response to address the Colombian refugee crisis. the MPA was designed to be practically oriented. It established three action courses involving training for refugee workers, community-building in the host countries, and enhancing solidarity among states to welcome refugees. The MPA's protection scope was later expanded in the Brazil Declaration and Plan of Action on 2014, where the previous action courses can also be implemented to protect all refugees, and displaced-and-stateless persons in Latin America and the Caribbean region. Many scholars and human rights practitioners agreed that regional cooperation in Latin America have a greater chance of success than in other region, due to the healthy willingness of te state members to take responsibility to protect the displaced individuals and affording them full-rights protection.

The final part of the book draws the summative assessment of regionalism practices in refugee protection throughout regions of the world. The authors highlight responsibility-sharing as the key factor towards the success or the failure of regional arrangements process. Regionalism approach may have some weakness, especially when it was used as an act of deterrence. However, the authors acknowledge that regionalism provides more promising basis for agreement on higher standards compared to the low standards that often found in inclusive multilateral arrangements. In refugee protection, regionalism should not be utilized as a 'border control' to restrict refugees entering into a region. Responsibility-sharing should be the norm for member states in the implementation of regional arrangements, as it will uphold the values upon which refugee protection is based – the sanctity of human life, a commitment to equality, and traditions of hospitality towards the stranger, which have a longer history than the concept of sovereignty.