

*The Point of No Return: Refugees, Rights, and Repatriation*

Katy Long

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Refugee flows are, by definition, complex and contested events that defy easy solutions. In *The Point of No Return*, Katy Long invites readers on a 100-year journey tracing the history of refugee repatriation as one “solution” to refugee flows—by far the most common international response, as well as one of the most complex and politically contentious. Long’s book is an ambitious and insightful work, theoretically sophisticated and well grounded in rigorous empiricism. Drawing on original archival research and a deep knowledge of the field, the book makes several major contributions to the literature on refugees, repatriation, and humanitarian assistance.

One of the book’s clearest contributions to refugee studies comes in the form of historical narrative. As Long notes, the largest portion of the literature on refugee repatriation has emerged in the last 30 years. As a consequence, it focuses primarily on the experiences of refugees and aid organizations in the post-Cold War era. The few studies that do address the historical development of refugee policy tend to begin with the 1951 Convention on the Status of Refugees, without reference to the refugee flows and international responses that gave rise to the 1951 Convention. As an antidote to this perceived “ahistoricism,” Long offers a comprehensive modern history of refugee repatriation, detailing the ebb and flow of both principle and practice. Drawing on new archival data, the book traces the origins of coordinated international refugee policy to the early twentieth century, when international actors negotiated the fate of displaced populations in the aftermath of the First World War.

Taking a longer view on the practice of repatriation, the study is able to situate more recent developments in refugee policy in a broader historical narrative. This narrative effectively weaves numerous and seemingly disparate 20th-century examples of refugee repatriation into a cohesive series of case studies, which illustrate how changing principles and practices have affected real refugee groups, as well as how specific refugee crises have shaped the evolution of refugee policy. For example, Long argues that the desire to protect refugees from the Stalinist regime in Soviet Russia played a key role in the international adoption of the principle of “voluntariness” as a prerequisite for refugee return. Later in the post-Cold War period, as refugee crises multiplied and the international community’s commitment to

voluntary repatriation waned, Long details how Rohingya and Rwandan refugees were subject to repatriation programs in the mid-1990s that effectively amounted to “imposed return”—representing what she describes as the nadir of international refugee policy in the modern era. In this way, Long highlights the dialectic between real-world events and the international refugee policy regime.

Beyond this important historical perspective, Long’s analysis offers a rich theoretical framework to explain the evolution of changing norms and policies in refugee repatriation. Specifically, the book highlights several related theoretical tensions that are woven throughout the historical narrative—between nationalism and liberalism, state sovereignty and individual liberty, and often competing concerns about refugee protection and the need to find viable solutions to refugee crises. Central to her argument, Long contends that the modern international system of nation-states, whereby citizenship and individual rights are tied to territorially fixed states, is an imperfect compromise between the principles of liberalism and nationalism. While liberalism stresses the inalienable rights of all individuals, nationalism insists that the protection and exercise of those rights are linked to one’s membership in a collective national group. The problem, according to Long, is that “territorial state entities and ‘national’ identities are often mismatched” (20). In the real-world system of nation-states, many states contain multiple nations, which can lead to conflict and exclusion as groups compete for territorial power and authority. According to this logic, “refugee flows are clear evidence that nation-state politics does not provide all mankind with access to the rights and freedoms of citizenship . . . Refugee crises can therefore be conceptualized as crises of liberal nationalism” (20).

Building on this premise, Long argues that much of the history of international refugee policy can be understood as an attempt by Western liberal states—who have a vested interest in maintaining the status quo structure of the international system—to put the genie of nationalism back into the nation-state bottle. Despite a sincere commitment to liberal ideals, the international community’s desire to protect refugees’ rights is counterbalanced by the need to respect state sovereignty and “solve” refugee crises in a way that preserves the integrity of the existing nation-state system.

Thus, the ebb and flow of refugee policy over the last century can be seen as a kind of metaphorical tug-of-war between ideologically based commitments to liberalism, individual rights and refugee protection, and pragmatic concerns about states' rights and the stability of the international system of nation-states.

From this theoretical framework, two important lessons about refugee repatriation emerge. The first concerns the politicization of refugee policy. Though the Office of the United Nations High Commissioner for Refugees (UNHCR) maintains that its role is to act as a neutral apolitical arbiter in refugee situations, Long rightly contends that this is a logical impossibility. Any action (or inaction) that the international community takes—whether asylum, resettlement, or repatriation—is an inherently political act. Moreover, the historical record makes clear that all interested parties are not given equal say in the repatriation process. From the earliest examples of “population exchange” in 1920s Turkey and Greece, to recent cases of repatriation in Iraq, Afghanistan, and South Sudan, Long’s analysis repeatedly demonstrates that international policy clearly favours the interests of host states, donor states, and international organizations like UNHCR—over and above the concerns of refugees themselves. Time and again, states’ rights have trumped the rights of refugees. This prioritization of interests explains both how the principles of “voluntariness” and “protection” initially came to prominence (as a politically convenient justification against repatriating Soviet citizens), as well as why these principles have been degraded in recent decades, as they have stood in the way of expedient solutions to protracted refugee problems. It also explains why the international community has repeatedly insisted that a physical “return home” is the optimal solution in the vast majority of refugee situations, including cases where repatriation has put those refugees in harm’s way and prompted subsequent refugee flows.

Related to this point, a second lesson emerges concerning the troubling disconnect between theory and practice in the implementation of repatriation programs. Despite longstanding international commitments to the principles of protection and *non-refoulement*, the historical record shows that politically palatable “solutions” to burdensome refugee problems are routinely privileged over refugee rights and voluntary choice. Long makes the point aptly: “States’ actions continue to illustrate the extent of the gap between rhetoric and practice in repatriation. Statements on return not only reaffirm states’ power over displaced populations, but also make clear their continued focus on repatriation as *the* solution to displacement, so that ‘voluntariness’ becomes not a bulwark but a cynically employed smokescreen, paying lip service to long-ignored principles” (155).

Despite these discouraging conclusions, Long’s prognosis for the future of refugee repatriation is not as dismal as one might expect. In addition to an empirically grounded account of refugee repatriation, *The Point of No Return* also puts forth a well-reasoned analysis of the philosophical and moral underpinnings of refugee repatriation. Drawing on the writings of Enlightenment philosophers like Locke and Rousseau, as well as modern theorists including Hannah Arendt and Robert Nozick, the book builds a persuasive argument about the ethical grounds for refugee repatriation, which Long uses as a backdrop for an alternative conception of repatriation. Specifically, Long contends that refugee flows occur when the social contract between citizen and state is broken, typically because the state has failed to adequately protect the rights and freedoms of its citizens. Repatriation can therefore be understood as a moment when citizen and state “remake” the social contract. Accordingly, Long argues that the guiding principles for refugee repatriation set out by the international community—enshrining voluntariness, safety, and dignity (to which she adds “autonomy”)—are not just aspirational goals, but requirements for the legitimate reconstitution of the social contract. If repatriation is to accomplish its ultimate objective (i.e., restoring the relationship between citizen and state), refugees must be afforded the rights and protections necessary to act as genuine participants in the process, rather than hapless spectators.

Following this logic, Long concludes with some broad recommendations about the nature of voluntary and participatory repatriation. Starting from the premise that the current policy regime is broken, the book tries to imagine a better alternative. Among the recommendations, Long asserts that refugee communities must be adequately represented in repatriation negotiations, that individuals must have the right to consent (or dissent), and that alternatives to physical return should be considered. Specifically, she argues for the decoupling of physical return from political repatriation—what she calls “repatriation without return”—such that refugees might regain the political rights and freedoms of citizenship while remaining outside their home state as migrant workers or transnational citizens.

The logic of this new approach to repatriation is clear. Ethically, a break from the well-trod path of “repatriation as *the* solution to displacement” would certainly allow the international community a better chance to meet its ethical obligations to refugees. There are practical benefits as well. Particularly in fragile and economically struggling states, transnational mobility would allow citizens to weather economic shocks or political crises without sparking new refugee flows. Greater mobility may even contribute to the process of state-building and reconciliation, by affording diaspora opportunities to accumulate social and economic

benefits abroad, and to return to their home states on their own terms, better equipped to invest in the reconstruction process.

Nevertheless, it is in the reimagining of citizenship and repatriation that Long's hard-nosed, empirically grounded assessment of repatriation as an inherently political act—one of the book's greatest strengths—seems to break down. Her suggestions regarding autonomy, representation, and consent for refugee groups in the repatriation process fall short of being practically useful, while raising serious questions about implementation: How should refugee voices be included in repatriation negotiations, when donors, host states, and international actors fear the obstructionist role they could play? If they are included, is it possible to ensure that those who speak for refugee groups are truly representative of their collective interests, rather than opportunists seeking to maximize their political influence or economic benefit—or worse? Moreover, how can individual consent be ensured, while maintaining the integrity of repatriation process as a whole?

Similarly, Long's proposal to decouple *de jure* repatriation from physical return raises immediate questions about the practical feasibility of brokering international agreement on such a policy. For much of the book, Long makes

the argument that real-world refugee policies have been shaped by the pragmatic political interests of states. The idea that the international community, which has sought at every turn to bolster the strength and viability of the existing nation-state system, would voluntarily adopt this new approach to citizenship and statehood seems fundamentally at odds with the history of politicization of refugee policy. Moreover, as Long herself recognizes, it runs counter to recent trends “increasing restrictions placed on global mobility as a result of many states’ moves to contain general migration flows” (211). Despite the ingenuity of the ideas and their potential benefits for refugees and their home states, it is hard to imagine a new policy regime emerging that would reverse the trends of the last 100 years, as described so ably in this book.

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