

Review

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Practical application and vital historical context

The Rights of Refugees Under International Law by James C. Hathaway, Cambridge University Press, Cambridge, 2005, 1,236pp, \$200 (hb). ISBN 139780521542630.

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JAMES C. HATHAWAY IS THE DOYEN OF international refugee law, and this is an essential text for your arsenal if you intend to partake in the debate about refugees and their interaction with the state. It is an impressive distillation of the issues which should be required reading for all lawyers, judicial officers, advocates, decision-makers and policy-makers whose activities impact upon refugees.

The book provides an extremely well-researched, balanced and non-political analysis of the Convention Relating to the Status of Refugees, and related instruments, its interplay with other sources of international human rights and humanitarian law, and the practicalities faced by states purporting to honour their international obligations while also responding to, or creating, domestic pressures. This important work focuses on the substantive rights of refugees and does not get distracted with the definition of a refugee or the status determination process.

Issues covered include the right to be treated as a refugee pending final determination of one's status, the state's obligation of non-refoulement and non-expulsion, duties of refugees, freedom from arbitrary detention and penalisation for unlawful entry, access to basic services and the necessities of life, resettlement and naturalisation, freedom of thought, conscience, and religion, and more.

Although it stands alone, the book is the perfect companion for that other publication of Hathaway's, the renowned 'bible' on refugee status determination, *The Law of Refugee Status* (1991).

The Rights of Refugees Under International Law supplies the historical context vital for young players by recalling the original UN sessions and other deliberations that spawned the 1951 Convention. Dealing with refugee flows is not a recent conundrum, and this book makes it clear that there are valuable lessons to heed from history.

Hathaway's book also fleshes out the basic rights of refugees through an authoritative analysis of case law around the world, including Australia's federal courts. This practical application, through reference to real cases, is essential to appreciate that this is not just an esoteric debate among elites. It is a nuts-and-bolts issue about ordinary people running for their lives, finding themselves in strange lands, struggling to get on day-to-day with life, while claiming the elementary rights necessary to build long-term happiness through dignity and respect. A 'must read' for anyone interested in the treatment of refugees.
