

ROOTS & ROUTES

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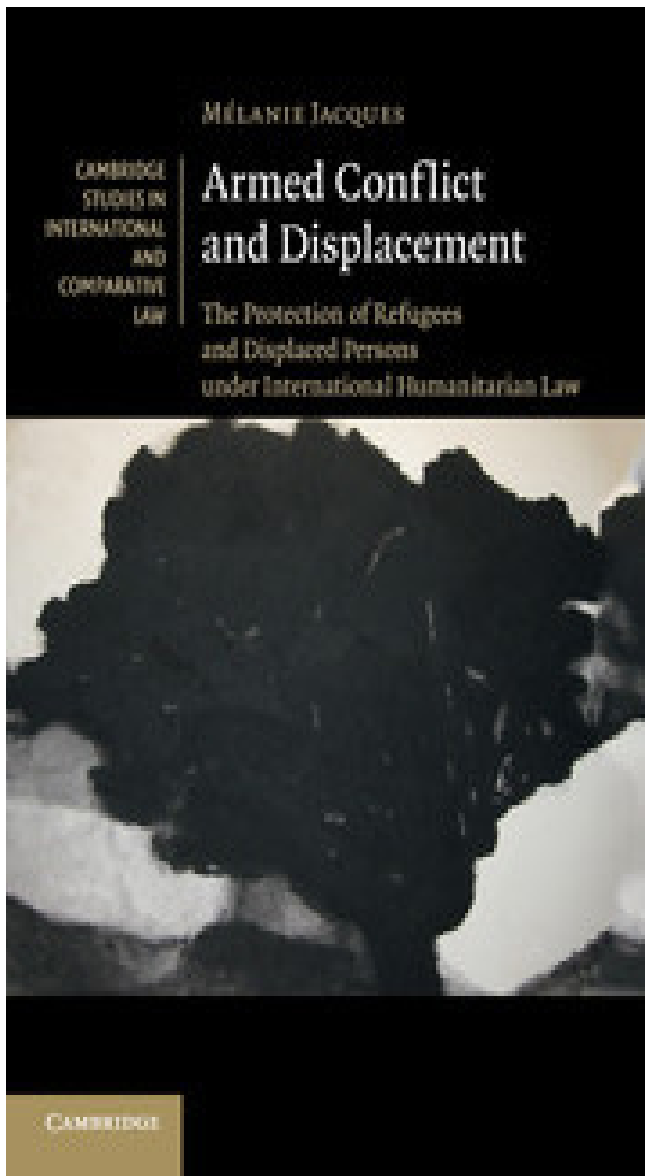


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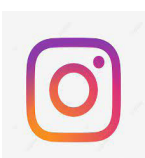
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Dear Friends and Colleagues:

We are grateful to everyone who has given their inputs and encouraged us to continue our work on the issues of migration and diaspora.

The current issue aims to highlight the issues related to the mobility of people and the efforts being made by international bodies to protect the rights of migrant and displaced people.

The current edition presents a brief article by Anya Sarah that focuses on the role of African Literature in dealing with the issues that are associated with migration and migrants. The article makes an attempt to present the relevance of migrants in African literature. The current edition presents the report of the first roundtable of the International Migration Review Forum (IMRF) that took place in January 2022. Jesula Simon prepared the report. The event was the first in a series of discussions led by the United Nations Network on Migration to review the progress made in the implementation of Objectives 2, 5, 6, 12, and 18 of the Global Compact for Safe, Orderly, and Regular Migration (GCM) adopted on December 10 and 11, 2018, in Marrakech by one hundred and nineteen United Nations Member States.

The current issue also carries a book review titled "Armed Conflict and Displacement: The Protection of Refugees and Displaced Persons Under International Humanitarian Law," written by Melody Khuoltaikim Singson.

We invite readers to participate and share their experiences with us to have a meaningful engagement. You can communicate with us through email at editorinchief@grfdt.com. We wish you happy reading and look forward to your suggestions and comments.

Happy Reading!

Feroz Khan

MOBILITY AND MIGRATION IN AFRICAN LITERATURE

Introduction

Migration can be considered a worldwide issue, and African writers have depicted the impact of migration from Africa to Europe and North America, particularly in their creative works. In the 21st century, one of the recent trends of contemporary literature, particularly African Literature, is the increased attention paid to the global challenges created or fuelled by migration. Though migration has existed since time immemorial, it has become an overwhelming global issue worldwide in the past few decades. Most writers in literature deal with the themes such as identity crises, racism, cultural shock, discrimination, and stereotypes generated and caused by migration in their pieces of literature. Therefore, it is safe to say migration is one of the principal or core subject matters of many contemporary writings in African literature, along with corruption, socio-political instability, nepotism, gender discrimination, conflict/war, and other topics. Migration is one of today's most serious global debates among academicians. Researchers and writers have looked into its various elements and analysed the impacts on migrants and host societies.

Colonialism refers to the scramble for, and partition and domination of continents, for instance, Africa, by the world powers in Europe. This contact opened a rich aspect of literature that dealt with the results and the impact Europe's colonialism had on Africa and its people. African writers have long been entangled in the migration web, particularly during colonial rule, due to their participation in nationalist struggles for independence in their respective countries. As a result, a tradition of exiled writers formed around the late 1950s because many were forced to seek refuge in neighbouring countries or faraway lands, primarily due to their criticism of repressive regimes through their pieces of literature. However, this "exile" led to most writers' "escape" from repressive colonial

or dictatorship military regimes as coup d'états had engulfed most African states in the post-colonial period. Dennis Brutus, Alex La Guma, Chinua Achebe, Wole Soyinka, Ngugi Wa Thiongo, among others, were members of the diaspora who wrote on colonialism, imperialism, tyranny, nepotism, brutality, and neo-colonial processes, as well as the high degree of impunity and corruption in their countries (Sabe, 2021). These socio-political ills constituted the core of post-colonial literature which discussed the after-effects of colonialism of the West in the world.

Migration in African Literature

Following the tracks of the prominent figures in African literature, contemporary African writers are increasingly showing more profound interest and concern for the theme of migration in their works of fiction. The frequency of migration as a significant subject matter or literary theme in African literature over the years further substantiates the relevance of this field and the rich resource it presents for literature writers. To illustrate this theme, the Malian writer Manthia Diawara's memoir *We Won't Budge: An African Exile in the World* (2003) beautifully shows what it means to experience "race" as an African in the world today. For example, in 2022, the media reports on television news outlets, such as British Broadcasting Corporation (BBC) Africa, prove the evidence of racism in our society today. These reports critically show how most African students and migrants fleeing the Russian invasion of Ukraine have reported facing -racial discrimination at the borders of Ukraine while being denied entry into neighbouring countries. Racial discrimination remains a global issue even in the 21st century. This literary piece is very relevant as the narrative has not changed. It also looks at how colonial assimilation affects immigrants' daily lives and ambitions in France and the United States of America by comparing and contrasting the experiences of migrants in both countries beautifully

(Kabore, 2016).

In a similar fashion, the Zimbabwean author Brian Chikwava writes about undocumented migration and life in the developed city of London in the novel *Harare North* (2009). This story is narrated through the lens of an unnamed Zimbabwean protagonist who is the narrator and is adamant about concealing his Zimbabwean past. This novel also tells the stories of many undocumented migrants searching for better life opportunities in London and Europe. Another example would be the works of the Nigerian writer Epaphras Chukwuenwiwe Osondu, who, in his collection of short stories, *Voice of America: Stories* (2009), represents Nigerians or Africans. The author, in one of the short stories, "A Letter From Home," portrays a mother writing to her son, who is an immigrant in the United States of America, demanding financial assistance (Kabore, 2016). The novel, set in Nigeria, the United States of America, and unspecified locations in Africa, presents in graphic imagery the lives of people drenched in poverty, the imminent struggle for survival amidst hardship, and the intense dreams of escape through migration to the West. The novel also brings to the fore the lived experiences of Africans in the post-colonial dispensation.

Tahar Ben Jelloun's *A Palace in the Old Village* (2009) is a story of a Moroccan migrant who stayed in Paris, France, and raised his family but sadly lost all friendly relationships with his 'French assimilated' children. The writer also showcases the pursuit of home (country of origin) from the immigrant's perspective. Chimamanda Ngozi Adichie, a Nigerian writer, has published several novels: *Purple Hibiscus* (2004), *Half of a Yellow Sun* (2006), *Americanah* (2013), and *The Thing Around Your Neck*, a collection of twelve short tales (2009), showing a profound interest in the subject of migration, especially from the perspective of women protagonists. Moreover, because these works are realistic reflections of current events, they are powerful indicators of the large-scale migration depicted in modern African literature (Kabore, 2016).

Often, the scholarly narratives on the emigration of Africans from Africa in the context of migration are unbalanced, which often creates stereotypes due to its one-sided approaches. The characteristics attributed are

hardship, stark poverty, crises, war, famine, and political instability. These features are represented in the Western media and associated with the continent, Africa, and its migratory flows. While it contains a portion of the truth, for the African continent is replete with socio-political issues, the authors often present an exaggerated version of this truth. The African refugee and asylum-seeking migrant narratives are significant because, in some war-torn African countries, Africans seek refuge in many Western countries, including Europe, North America, and probably Asia. An intellectually curious individual (African or non-African) will wonder why migration is a recurring subject in African literature.

So, what fundamental factors drive the subject of migration as discussed or presented in African literature? In general, there are causative reasons why people immigrate. These factors can be categorised into two, which are the "push" and "pull" factors. To substantiate this fact, Christina Powell (2002) postulates that "in the case of economic migration, push factors would typically include economic conditions such as unemployment, low salaries or low per capita income relative to the country of destination. Pull factors would include migration legislation and the labour market situation in receiving countries. Involuntary displacement would be explained through factors such as state repression or fear of generalised violence or civil war". It is safe to say that people have been migrating due to one or more of these reasons. However, one thing that strikes readers most is that in most African literature set in the post-colonial dispensation, there has been a generalised conclusion that Africans migrate only because of conflicts, war, or poverty. Writers illustrate these in their works, often. For instance, in some of her literary works, Adichie, the Nigerian writer, feminist, and storyteller, demonstrates migration for a change in the economic status quo, fleeing from conflict or war, and political instability. However, even though this is a fundamental (primary) reason, seeing how the continent has fared in terms of political and socio-economic antecedents may sideline other angles through which writers could approach migration in African literature.

Conclusion

The experiences with migration can either be positive

or negative. For many Africans, migration is successful if living conditions are improved and stable in the host countries. However, it could come with unexpected realities laden with utter disappointment due to the harsh realities faced on many occasions. These realities include loneliness, cultural shock and gaps, language barriers, xenophobia, and discrimination based on race and colour. All these hardships compel some Africans to return (what some scholars call return migration) to their home countries while others stay back, unable to confide in their families back in Africa and learn to cope with the despair and dashed hopes. The communal way of living and association in Africa contrasts with the organisation of life in other societies, for instance, in the West, because African communities are very closely knitted.

This article shows how relevant and evident migration is in African literature. Migration shall further shape the course of literature in years to come because the migration discourses are still very much relevant and, thus, will provide more materials for African literature. Yes, literature entertains, but an African writer's primary responsibility, as seen through their creative works, is to write about realities, unique peculiarities, and themes that affect the people and their experiences. In all, they hold closely as a compass in their works the critical function of literature: teaching didactic lessons to educate and change society.

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Stakeholders Perspective on the achievements of GCM

The webinar of the first roundtable of the International Migration Review Forum (IMRF) took place on January 19, 2022. This event is first in a series of discussions led by the United Nations Network on Migration around the progress made on the implementation of Goals 2, 5, 6, 12, and 18 of [the Global Compact for Safe, Orderly, and Regular Migration](#) (GCM) adopted on December 10 and 11, 2018, in Marrakech by one hundred and nineteen United Nations Member States.

From the outset, the Head of the Labor Migration Service of the International Labor Organization (ILO), Michelle Leighton, recalls the various objectives of the global pact, which, according to her, bear witness to the will of States to make migration a positive force for sustainable development. However, she highlighted the consequences of the health crisis on different societies. While she acknowledges that the COVID-19 pandemic has impacted the lives of people around the world, she stresses that migrant workers and their families have suffered much more from the consequences of the health crisis due to their vulnerability. Among the harmful impacts of the health crisis, Leighton notes overtime loss of work equivalent to 52 million jobs indicating that migrant workers have faced increased levels of discrimination in wages and conditions of employment during the pandemic.

On the other hand, Leighton highlights the efforts leading to an increase in regular pathways and the recognition of skills towards creating decent working conditions so that migration can be a choice and not a constraint. “Some actors have succeeded in setting up regular migration channels that promote compliance with international standards, and others have adopted measures during the pandemic that have made it possible to secure regular jobs” she specifies before giving the word to the Executive Director of Overseas Development Institute Europe Marta Foresti.

During her speech, Foresti pleads in favor of taking

local communities into account in developing migration policies. At the local level that migrants’ requests for accommodation, access to health care, and employment are managed, according to Foresti. She believes that focusing on implementing the Global Compact as a matter of progress for the Member States risks neglecting the potential of cities and local authorities. She finds it essential that local actors are represented and have a say in the International Migration Review Forum discussions. The representations of mayors in the development of migration policies will put the reality of the local development economy at the center of the talks. And, it is fundamental to propose solutions at the local level that will take into account the reality of people who leave their country of origin to settle in foreign lands.

Climate change is one of the causes of migration

Participating in this Forum, PefiKingi from the Pacific Focal Point Migration, Climate Migration Displacement Platform reports on the Pacific’s climate change issues. There is an increase in natural disasters in the region, which negatively impacts the economy. When crops are damaged, houses are washed away, infrastructure is weakened, the whole economy suffers losses, and the hence the country is devastated. Aside from these heinous consequences on the economy, natural disasters cause growing population movements, including children, women, and LGBTQ people. Some people are then forced to flee their country of origin to settle elsewhere. This distressed migration impacts the country’s sovereignty, culture, and causes statelessness, noted Kingi.

To reduce the risk of population displacement caused by natural disasters, Kingi points out that the global civil society action committee leaders have adopted a solution-based approach while identifying the main priorities, in particular, the development of investment through the development of adaptation and resilience

strategies. With particular regard to sea-rise, provisions are being considered to develop and strengthen national and regional practices based on humanitarian considerations, Kingi said.

Also speaking at the discussions, Genevieve Gencianos, the Migration Program Coordinator at the Public Services International, [a global union federation dedicated to promoting quality public services worldwide](#), presented data on the migration situation related to climatic events. According to her report, approximately 27 million people have been displaced by natural disasters and conflicts, of which more than 90% were linked to weather conditions judging it is imperative to understand climate migration and the social, political, and economic consequences it generates to achieve the objectives of the Global Compact. According to the institution's representative at the forum, Public Services International is doing this work.

Climate justice must be taken into account in resolving the climate crisis, demands the Migration Program Coordinator at PSI, Genevieve Gencianos. Further remarks that rich countries are responsible for the greenhouse gas emissions that the world is facing, whereas its implications are faced by the people from developing countries. Madam Genevieve Gencianos believes there is an urgent need for provisions to ensure a just transition for workers affected by loss and damage from climate change and the shift to low carbon energy generation and other climate change response measures.

Furthermore, Gencianos makes a set of proposals to the international community based on several factors considering human rights and the defense of quality public services. She pleads for the respect of human rights. At the same time, Gencianos advocates public services available on the ground to allow migrant workers to have access to essential services. She claims that the pandemic has had adverse effects on the defense of labor rights, pointing out that among the 200,000 health workers who have died due to the COVID-19 pandemic, 36,000 are migrants.

Colombia, a model in terms of socio-economic integration of migrants

Colombia is now the model for migrants' socioeconomic

integration, with the regularization of hundreds of thousands of Venezuelan migrants in irregular status and a labor market cooperation strategy, according to David Kodour, UNDP adviser on human mobility. He made these remarks before welcoming Andres Uribe, Colombia's Ministry of Labor's Deputy Minister of Employment and Pensions, to the virtual panel. Mr. Andres Uribe confirms Mr. Kodour's remarks during his speech.

Colombia was not ready to deal with the migratory flow from Venezuela, points out Deputy Minister of employment and pensions of the Ministry of Labour, Government of Columbia before declaring that his country has made efforts to deal with migratory flows from Venezuela and other countries. This response from the Colombian government is the implementation of several projects to regularize the situation of migrants. This regularization project includes the delivery of 20,000 temporary work permits to migrants, details Andres Uribe Colombia's Ministry of Labor's Deputy Minister of Employment and Pensions. He emphasizes that Colombia has organized training for migrants to learn how to apply for open positions. While Colombia has made efforts to deal with migratory flows of migrants from all over the region, Uribe acknowledges that his country still has a lot to do to help people in an irregular situation who are mobile on its territory.

The Republic of the Philippines passes the law creating the department of workers, a step towards achieving the objectives of the global compact

Sarah Lou Arriola, Undersecretary for Migrant Worker Affairs at the Department of Foreign Affairs in the Philippines, says her country has made progress in implementing the objective of the GCM. These advances are reflected, according to her, by the promulgation of the law creating the Department of workers. This law is devoted to implementing programs and social policies that meet the needs of Filipino workers abroad and will allow the creation of a government agency composed of offices that work on migration, including recruitment ethics in the perspective of the protection of Filipino migrant workers, suggests Arriola, referring in passing to the obligation of the Republic of the Philippines to protect more than 10 million Filipino migrants. She asserts that this obligation prompts the government

to attach great importance to objectives 5 and 6 of the global compact, which recommend respectively to ensure that regular migration channels are accessible and more flexible and to promote recruitment practices fair and ethical and provide decent working conditions.

In addition to the legal provisions adopted by the Republic of the Philippines, Arriola talks about the concrete actions taken by the government to minimize the risks associated with the COVID-19 pandemic. Indeed, since the start of the pandemic, the Philippines has facilitated the repatriation of nearly 2 million Filipinos. According to Arriola, particular actions have been taken in favor of seafarers given the importance of maritime transport, informing that more than 2.4 million migrant workers have benefited from fair and ethical recruitment.

Jesula Simon holds a master's degree in Public Policy and is currently a University Diploma in Conflict Management and Resolution, Mediation and Interculturality. She is a human rights defender, works as a journalist, and has experience in communication and media, public policy, project management, education, protection, community mobilizing with private media, public services, and international organizations. In her work, she particularly enjoys dealing with issues related to migration, and she works at Haiti Migration Group.

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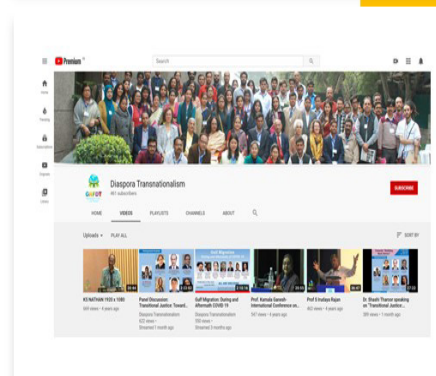
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Armed Conflict and Displacement: The Protection of Refugees and Displaced Persons Under International Humanitarian Law – by Mélanie Jacques

The book *Armed Conflict and Displacement: The Protection of Refugees and Displaced Persons Under International Humanitarian Law* explores the correlation between conflict and displacement by examining how the law of armed conflict – [International Humanitarian Law](#) (hereafter IHL) – deals with the issue of displacement. A series of questions are raised by the author in this regard—International humanitarian law prohibits forced displacement; however, does it protect civilians from all instances of forced displacement in armed conflict? And if it fails to do so, how does international humanitarian law protect persons caught up in armed conflict? Mélanie also asks whether the protection extended to the civilian victims of war is enough to tackle the global issue of displacement.

The theme of protection of internally displaced persons under international law has been studied extensively.^[1] However, this study represents one of the most detailed accounts yet published concerning the treatment of refugees and other displaced persons under customary and IHL. This book provides a holistic study of the protection of *war migrants* under international humanitarian law. Laying emphasis on *displacement* as a common thread, the purpose of the book is twofold—*firstly*, it seeks to derive a comprehensive legal framework from the relevant provisions of international humanitarian law for the protection of displaced persons in armed conflict. *Secondly*, it not only aims to apply the issue of displacement within a broader context of civilian war victims but recognizes and addresses the drawbacks of international humanitarian law respectively.

Chapter one argues that as a fundamental principle of IHL, civilians enjoy general protection against dangers from military operations. IHL prohibits attacks that

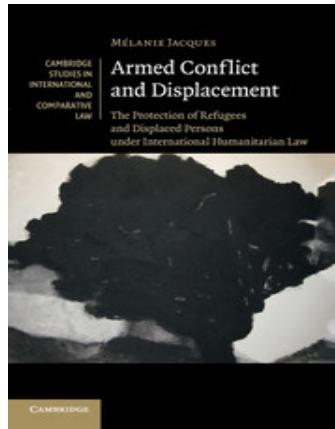


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target combatants and civilians indiscriminately and lays down non-derogable obligations which bind all parties in an armed conflict. The most comprehensive of all is the prohibition of population transfers under belligerent occupation as it combines a ban on forcible transfers of civilians both from and within occupied territory and replacement with that of the occupying force's own populace. In addition, IHL proscribes the forced movement of civilians in non-international armed conflict unless for the security of civilians or imperative military reasons. Despite all these provisions, there seems to be a legal gap in the existing protection regime as international law failed to regulate the forced displacement of civilians in the unoccupied territory during recent conflicts in the Middle East and North-West Africa.

In chapter two, Mélanie contends that rigid characterization of armed conflicts no longer reflects the reality of contemporary conflicts and is an impediment to the protection of civilians. In practice, the line between internal disturbances and internal armed conflict often gets distorted. Confusion is created by the different legal regimes, which are often abused by governments at the expense of the civilian population. This results in the difficulty for the actors' parties to the conflict to determine the legal regime applicable.

The third chapter focuses on the practice of transferring population in occupied territory, frequently used by occupying forces to create *facts 'etablis* in occupied territory. Through the study of Israel's settlement policy and the recent International Court of Justice Advisory Opinion on the legality of the construction of a Separation Wall in Occupied Palestinian Territory, this chapter explores the legal issues emerging from such practices.

Chapter four examines the concept of forced displacement as an international crime at length. The author first dives into the invaluable contribution to the development and clarification of the crimes of deportations and forcible transfers made by the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) and then proceeds to discuss the issue of population transfers as war crimes in internal armed conflicts. Concluding the chapter, Mélanieremarks that so far, there has been no prosecution for deportation or forcible transfer as a war crime despite the wide number of cases reported and implores that perpetrator of such unlawful practices should not escape punishment merely due to failure of establishing comprehensive and systematic conduct.

The fifth chapter endeavours to examine the protection offered to civilian refugees caught up in armed conflict. Preliminarily, the chapter deals with the necessity to explore the various applicability issues arising from the definition of ‘protected persons’ in relation to refugees. At the core, the chapter examines the protection offered by international humanitarian law to refugees in international armed conflict, with specific reference to the plight of ‘enemy’ refugees on the territory of a party to a conflict and the predicament of citizens of the occupied territory. Further, the author examines the principle of non-refoulment in international humanitarian law and its relation to the other branches of international law.

Chapter six focuses on the various issues of international humanitarian law with a particular interest in provisions for internally displaced persons in armed conflict, such as dispersion and reunification of families, humanitarian assistance, which are generally covered by international human rights law, as well as the rules of international humanitarian law. In the last chapter, emphasis is laid on the rules of international humanitarian law regulating the conduct of hostilities to reinforce the prohibition of armed attacks on refugee and IDP camps, specifically through the formation of protected zones immune from attacks.

This book provides a comprehensive study of the protection of refugees and displaced persons under

international humanitarian law by underlining the imperative need to ensure respect and compliance with existing rules of IHL. It also unfolds the inherent issues existing in the very nature of IHL and emphasizes the need to bring about reforms. It further demonstrates the importance of relevant legal regimes complementary to the protection of refugees and IDPs in armed conflict.

Furthermore, it is suggested that the possibility of a non-binding instrument created on the model of the Guiding Principles on Internal Displacement is worth considering. Not only would it reaffirm the existing principles of humanitarian law applicable in a more comprehensive and systematic manner but also fill certain legal gaps subsisting in the protection afforded to displaced persons in armed conflict. Besides, such an instrument would act as a guiding tool for non-state actors engaging in the protection and respect for the rights of refugees and other displaced persons.

The book provides a clear and concise overview of the *lex lata* in this critical field. However, the study is undermined due to the lack of a cohesive argumentative or theoretical perspective which makes it difficult for a thorough read. Students and practitioners looking for an overview of disjunct topics will find informative and engaging discussions in the various chapters. Overall, there is a disconnection between the legal provisions and ideas – the author could have done more to smoothen the transition and clarify some of the correlations and tensions between different legal provisions. Despite its shortcomings, the book adds value and contributes to the field by substantially compiling, explaining, and methodizing scholarly, legislative, and judicial materials. Not only would it serve as an important foundation for future research but will also be of practical use both to academicians and practitioners working in the field, and policymakers aiming to further explore and transform this crucial branch of international law.

[1]Romola Adeola, *The Internally Displaced Person in International Law* (Edward Elgar Publishing, Cheltenham 2020) v + 208 pp, <https://doi.org/10.4337/9781788975452>.

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