

Index

AbuZayd, Karen, 48 adequate compensation, 223, 227 Afghanistan, 1, 6-7, 10 Agamben, Giorgio, 8 Agenda for Peace, An, 5-6 Agreement on a Plan of Allocation of a Reparation to Non-Repatriable Victims of German Action, 76 Agreement on the Resettlement of the Population Groups Uprooted by Armed Conflict in Guatemala, 79, 106-108, 120 aldeamentos, 149 Allied powers, 71 Annan, Kofi, 1 Annex VII (Dayton Agreement), 79, 125-131, 136 apartheid, 14, 60-61, 73, 184 Arab Peace Initiative (2002), 225 Arbenz, Jacobo, 99 Arendt, Hannah, 8-12, 145, 194 Argentina, 180, 237 Armas, Carlos Castillo, 99 Ashdown, Paddy, 123 Association for Justice and Reconciliation (AJR), 116 Ayalon-Nusseibeh Plan, 225 Bangladesh, Bihari refugees in, 200-202 Barak, Ehud, 220, 224 Barkan, Elazar, 14, 70-71 Basic Law on Absentee Property, 213-214 Bassiouni, Cherif, 67, 72 Bernadotte, Folke, 77 Bhutan, Lhotshampa refugees from, 197-200

ICJ case against Serbia, 39 internally displaced persons in, 123 number of refugees abroad, 123 reconciliation in, 127, 131, 134, 138-139, 141-143 redressing ethnic cleansing in, 131-143 resettling people, 131-137 returning property, 131-137 trials, 137-143 reparations, 143-148 return programs, 143-148 Srebrenica massacre, 57, 140-141, 147 Bosnia and Herzegovinia v. Serbia and Montenegro, 39 Bosnia, partition of, 123, 125 Bosniaks aggression against, 130 ICJ ruling to prevent genocide of, 39 prisoners in Trnopolji camp, 141 return programs for, 125 separation from Croats, 125 Boutros-Ghali, Boutros, 5 Burundi, 41 Bush, George W., 218

ethnic cleansing, 122-125, 147, 190

Cairo Declaration, 43, 78
Cambodia, 1, 44
Camp David Summit (2000), 220, 224
campesinos, 99, 100, 104
Cartagena Declaration on Refugees
(1984), 53, 55
causal responsibility, 29
Chissano, Joaquim, 153, 157, 171
Chorzów Factory ruling, 13, 67
CIREFCA Declaration (1989), 55, 103
citizenship, 21
for Bihari refugees, 201–202
for Lhotshampa refugees, 198–200
for Palestinian refugees, 208, 212, 226, 230–234

285

Bihari refugees, 192, 200-202

Yugoslavia, 122

Bosnia and Herzegovinia, 122-148

Dayton peace process, 124-131

declaration of independence from

Book of Job, 55



286 Index

citizenship (cont.)

for stateless returnees, 192 human rights and, 9-10 just return and, 204-205 of Bosnian minority returnees, 124 of Guatemalan refugees, 106 of Jewish refugees, 9 statelessness and, 193-195 Clinton Parameters, 225, 226-227 reparations politics after, 74, 76, 78 resettlement of refugees during, 1 return programs after, 3-8 return programs during, 3-4, 32 Colombia, 89 comfort women, 14, 72 Commission for Historical Clarification (Guatemala), 113-115 Commission for Real Property Claims of Displaced Persons and Refugees (Bosnia), 88, 126, 131-132 Commission for Reception, Truth, and Reconciliation (Timor-Leste), 90 Commission on the Elimination of Racial Discrimination (CERD), 81 compensation, 13, 62, 63, 68, 223, see also reparations adequate compensation model, 223, 227 as an investment, 237 as legitimisation of human rights violations, 223 Bosnia's ICJ case against Serbia for, 39, Cairo Declaration, 43 for ethnic cleansing, 223 for oustees, 19 for Palestinian refugees, 77, 221-222, 234-238 for returnees, 62, 63 in UN Reparations Principles, 68 provisions in General Assembly Resolution 194 on, 77, 221 United Nations Compensation Commission, 78-79, 87 connection theory, 31 CONTIERRA, 110 Convention of the Reduction of Statelessness (1961), 9 Convention Relating to the Status of Refugees (1951), 2, 29-30, 40 Convention Relating to the Status of Stateless Persons (1954), 192-193 Croatia, 122, 124, 130, 140, 143

Croatian Democratic Union of BiH (HDZ BiH), 133, 144 curandeiro (traditional healer), 168 Darfur, Sudan, 30 Dayton Agreement (General Framework Agreement for Peace and Herzegovina), 124-131, see also peace process Annex VII of, 125-131 conditions before signing of, 122 contradictions in, 125 human rights in, 137 individual responsibility and, 138 Office of the High Representative, 128 restitution in, 123 signing of, 79-80, 124 De Greiff, Pablo, 69-70, 175-179 Decade of Repatriation, 5 Declaration of International Conference on Central American Refugees (CIREFCA), 55, 103 Decree on the Dignified Return of Refugees (Afghanistan), 56 denaturalisation laws, 9 Dhlakama, Alfonso, 153, 157 dignity, 45, 55-61 and Bosnian refugees, 126, 143 and Guatemalan refugees, 101, 105, 107, 182 and internally displaced persons, 56 and Lhotshampa refugees, 198, 204 and Mozambican refugees, 169, 171 Dayton Agreement, 126 in just return, 45, 55-61 Pinheiro Principles, 84 redress and, 63 state of origin and, 183 Dirty War (Argentina), 180, 237 Dreyfus, Alfred, 42 durable solutions, 3, 4, 5, 7, 8, 12, 31, 46, 48, 76, 101, 129, 212–213 Egypt, 217 El Salvador, 44 Elon, Amos, 220 Erekat, Saeb, 216 Esquipulas II agreement, 103 ethnic cleansing, 122, 125 and international community, 147 compensation for, 223 in Bhutan, 199 minority returns and, 123-131, 147,

190

Palestinian exodus as, 214



Index 287

redressing, 123-124, 131-143 state responsibility in, 145 status quo ante and, 190 European Court of Human Rights, 38, 87 European Human Rights Convention, 132 finality of reparations, 179 Foča massacre, 57 FONATIERRA program, 111 FORELAP program, 111 Frente de Libertação de Moçambique (Frelimo), 149-151, 153, 159-160, García, Fernandio Romeo Lucas, 116 Gaza Strip, 208, 213, 215, 224 General Assembly Resolution 194, 77-78, 221-222, 225-226 General Framework Agreement for Peace in Bosnia and Herzegovina (1995). See Dayton Agreement General Peace Agreement for Mozambique (1992), 49, 79, 151, 153-156, 162, 176 Geneva Accord (2003), 225, 226 Geneva Conventions, 28, 37 Germany redress to Israel and Holocaust survivors, 14 reparations for Jewish refugees, 73, 75-77 reparations under Treaty of Versailles, 71 - 72Global Consultations on International Protection, 57, 85 Green Line, 208, 216, 231 GRICAR, 110 Grossman, David, 210 guarantees of non-repetition, 14, see also reparations Guatemala, 99-121 civil war, 99 collective return movement in, 103-108 genocide in, 100 land claims, 108-113 leftist insurgent groups, 100 military's participation in repatriation, 101-102 military's scorched earth policy in,

Resettlement Accord, 106-108 return and redress in, 99-121 conflicts between returnees and former neighbours, 108 discrimination in, 102 first group of returnees, 106 for female returnees, 112 Guiding Principles on Internal Displacement, 56, 81 Gurion, Ben, 214 Guterres, António, 7 Hague District Court, 147 Haiti, 10 Hammond, Laura, 22 Handbook for Repatriation and Reintegration Activities (UNHCR), 59 Handbook on Voluntary Repatriation (UNHCR), 8, 57-59, 62-63 hard cases, 191-206 Bihari refugees, 200-202 characteristics of, 193-197 definition of, 191-192 just return in, 202-206 Lhotshampa refugees, 197-200 protracted displacement, 195-197 stateless refugees, 192-193 statelessness, 193–195 Hobbes, Thomas, 41 Holbrooke, Richard, 80 Holocaust, 9, 11, see also Shoah Holocaust survivors, 11 redress for, 14, 72, 75-77, 91 human rights citizenship and, 9 displacement and, 68-69 in Bosnia, 137 in Dayton Agreement, 137 laws, 38 state responsibility, 38 Universal Declaration of Human Rights, 2, 48, 55, 64, 67, 195 violations of, 68-70 Hungary, 4

Ignorance (Kundera), 61
ILC Articles on State Responsibility, 37
Imagine Coexistence program, 86, 142
indigenous people
Association for Justice and
Reconciliation, 116
collective identity of, 104
displacement by Spanish colonisers, 189
in Canada and New Zealand, 14
increased rights to, 112

October Accord, 104-105

reconciliation in, 113-117

repatriation programs, 101

peace process in, 41, 102-108



288 Index

indigenous people (cont.) just return for Palestinian refugees, indigenous Guatemalan refugees, 48, 207 - 23899-101, 118-119 Palestinian refugees' right of return, Mayans, 99 227-230 Inter-Allied Reparations Agency, 76 principle of genuine and effective link, Inter-American Court of Human Rights, 231-232 37, 38, 116 redress for Palestinian refugees, 77, Inter-Governmental Committee on 234-238 reparations from West Germany, 73, Refugees, 76 Interim Agreement for Kosovo, 49 internally displaced persons (IDPs) responsibility for Palestinian refugees, in Bosnia-Herzegovinia, 123, 127, 30, 215-221 130-131 traditional narratives of 1948 war, in Guatemala, 111 214 in Mozambique, 151, 156, 157 UN partition plan, 213-214 redress for, 19 Izetbegović, Alija, 126, 141 return in conditions of safety and dignity janjaweed, 30 for, 56 International Commission on Intervention Japanese Americans, internment of, 14, 72 and State Sovereignty, 38 Japanese Imperial Army, 72 International Conference on Central Jewish refugees American Refugees (CIREFCA), 55 reparations for, 75-77 reparations from West Germany, 73 International Court of Justice (ICJ), 39, 140-141 statelessness of, 9 International Covenant on Civil and Jewish Restitution Successor Organisation, Political Rights, 13, 37, 195 75 International Covenant on Economic, Jordan, 217 just return, 16, 44-64 Social and Cultural Rights, 37 International Criminal Court, 28, 39 and Bosnia-Herzegovinia, 131-143, International Criminal Tribunal for 174-183 Rwanda (ICTR), 39 and Guatemala, 99-123 International Criminal Tribunal for the and Mozambique, 169-172 Former Yugoslavia (ICTY), 39, 47, and Palestinian refugees, 207-238 87, 123, 137-141 citizenship and, 204-205 foundations of, 51-61 International Law Commission (ILC), 37, in hard cases, 202-206 67 issues in, 46-51 international norms, 74, 89-93 International Organisation for Migration legal provisions on repatriation, 51-61 (IOM), 87, 222 minimum account of, 44-46 International Refugee Organisation (IRO), peace and, 47-48 4, 75 peace treaties and, 49 intifada, 220-221, 225 relevant international frameworks, Iraq, 78-79, 217 221-224 Iraq Property Claims Commission, 89 right of return and, 48 Israel safety and dignity in, 55-61 Basic Law on Absentee Property, state responsibility and, 183-190 theory of justice and, 20-21 213 - 214citizenship for Palestinian refugees, thick and thin morality of, 50-51 233-234 voluntary character of return, 53-54 compensation for Palestinian refugees, Kant, Immanuel, 41, 49 contested land and terms, 211-213 Karadžić, Radovan, 138, 140 establishment of, 14 Karzai, Hamid, 56

exodus of Palestinian refugees from,

213-221

Khalidi, Rashid, 209, 217, 222

Kok, Wim, 147



Index 289

Kosovo Housing and Property Directorate, Kundera, Milan, 61 Kuwait, 78-79 land claims, in Guatemala, 108-113 Land Law (Mozambique), 163-167 Law of National Reconciliation (Guatemala), 116 Lebanon, 89-90, 217 legal safety, 57 Lei de Terras (Mozambique), 163-167 Lhotshampa refugees, 192, 197-200 Madres de Plaza de Mayo, 237 Malawi, 157 Mandate for Palestine, 213, 217 mandated repatriation, 53 Mandela, Nelson, 72 Margalit, Avishai, 44, 47-48 material safety, 58 Menchú, Rigoberta, 116 Mexico female returnees from, 112 Guatemalan refugees in, 100-102, 116 returnees from, 115, 117, 176 Millennium Declaration, 56 Miller, David, 28, 31 Milošević, Slobodan, 126, 138 minority returns, 125 Minow, Martha, 86 Mizrahi Jews, 91-92 Mladić, Ratko, 138 Montt, Ríos, 116 moral responsibility, 29 Mozambique, 149-172 churches' peacebuilding efforts in, 167-168 customary approaches to redress in, 158-169 economic effects of civil war, 151 Frelimo, 149-151, 153, 159-160, 168 internally displaced persons, 151, 156, just return in, 169-172 land law, 163-167 land use rights, 164-165 peace process in, 44, 153-156

return programs in, 17 villagisation schemes, 149 war for independence, 149 Multilateral Working Group on Refugees (1992), 217munificence of reparations, 180 Nahr El Bared, 89 Namibia, 44 National Institute for Agrarian Transformation (NITA), 101 Nazism, reparations for refugees of, 75-77 Nepal, Lhotshampa refugees in, 197-200 New Delhi Tripartite Agreement (1974), 200 Nuremberg War Crimes Tribunal, 33 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 4, 53, 55 October Accord, 104-105, 110 Office of the United Nations High Commissioner for Refugees (UNHCR), 85-87 during Cold War period, 4-5 Handbook for Repatriation and Reintegration Activities, 59 Handbook on Voluntary Repatriation, 57-59 in Bosnian repatriation operations, 128 in Guatemalan repatriation operations, 108, 110 in Mozambique's repatriation operations, 157-158, 161-162 IRO as precursor to, 4 policies on return, 52-53 rhetoric on return, 56-57 Statute, 2 Ogata, Sadako, 57, 86 Olmert, Ehud, 221 Open Cities program, 127 Origins of Totaliarianism, The (Arendt), 8 Oslo process, 218-220, 224 Ostanak, 133 Pakistan, Bihari refugees from, 200-202 Palestine, 208, 231

Pakistan, Bihari refugees from, 200–202
Palestine, 208, 231
Palestine Liberation Organization (PLO), 218–219
Palestine National Council, 219
Palestine Papers, 215–216
Palestinian Authority (PA), 218–219
Palestinian Negotiations Support Unit,

215

reconciliation in, 159, 167–169

Renamo, 150-151, 153-154

responsibility, 169–172, 185 restitution rights in, 161–167

refugees, 151, 156, 157

repatriation, 158-169



290 Index

Palestinian refugees, 207-238 as percentage of Palestinian population, citizenship for, 208, 212, 226, 230-234 compensation for, 77-78, 222, 234-238 contested land and terms, 211-213 displacement of, 213-215 General Assembly Resolution 194 on, 221-222 in Lebanon, 89-90 international politics and, 48-49 just return, 207-238 Mizrahi Jews and, 91-92 population, 212 principle of genuine and effective link for, 231-232 reconciliation, 236, 237 redress for, 77-78, 224-226, 234-238 responsibility for, 215-221 restitution, 227-230 right to self-determination, 232-233 Paris Reparation Agreement (1945), 76 Party of Democratic Action (SDS), 133 Peace Agreement Drafters' Handbook, 79 Peace Implementation Council (PIC), 128 peace process Dayton Agreement, 49, 79-80, 122-125, 128, 137, 138 General Peace Agreement for Mozambique (1992), 49, 79, 151, 153-156, 162, 176 in Bosnia-Herzegovinia, 124-131 in Guatemala, 41, 102-108 in Mozambique, 44, 153-156 Oslo process, 218, 219, 220, 224 repatriation and, 6-7 peace treaties, 49 peacekeeping operations, 5-6 Permanent Commissions of Guatemalan Refugees (CCPP), 104 Permanent Court of International Justice, 13,67 physical safety, 57 Pinheiro Principles, 82-84, 166, 188-189 Pinheiro, Paulo Sérgio, 82 Portugal, 149 Presidential Office for Legal Assistance and Resolution of Land Conflicts (CONTIERRA), 110 principle of genuine and effective link, 231-232 Property Law Implementation Plan (PLIP), 128, 132

property restitution, 13, 62, 63, 68, 188-189, see also redress; reparations aims of, 13 as a remedy for forced migration, 69 in Bosnia-Herzegovinia, 131-137 in Guatemala, 99-121 in Mozambique, 161-167 in post-Cold War era, 74 right of return and, 227-230 protracted displacement, 195-197 Public International Law and Policy Group, 79 Ranger, Terence, 22 reconciliation Imagine Coexistence program, 86, 142 in Bosnia-Herzegovinia, 127, 131, 134, 138–139, 141, 142–143 in Guatemala, 113-117 in Mozambique, 158–161, 167–169 in Timor-Leste, 90-91 Palestinian refugees, 236-238 UNHCR's role in, 86-87 Reconstruction and Return Task Force (RRTF), 128, 130 Recovery of Historical Memory Project (REMHI), 113 redress, 13-16 community development projects in, 177 - 178competing conceptions of, 66-71 legal perspectives, 67-70 political and theoretical perspectives on, 70-71 comprehensiveness of, 176-177 customary approaches to, 158-169 dignity and, 63 enforcement of, 181-182 finality of, 179 for Palestinian refugees, 224-226, 234-238 for refugees in post-World War II treaties, 77-84 for refugees of Nazism, 75-77 for returnees, 15, 174-183 goals of, 175 historical experiences of, 95-97 in 1990s, 72–73 in 2000s, 73 in Bosnia-Herzegovinia, 131-143 insights, 174-183 property restitution, 131-137 state responsibility, 143-148

in Guatemala, 99-121



Index 291

conflicts between returnees and former neighbours, 108 discrimination in, 102	competing conceptions of, 66–71 legal perspectives, 67–70 political and theoretical perspectives
first group of returnees, 106	on, 70–71
for female returnees, 112	comprehensiveness of, 176–177
insights, 174–183	dignity and, 63
in Mozambique, 174–183	enforcement of, 181–182
insights, 174–183	finality of, 179
just return, 169–172	for Palestinian refugees, 224–226,
peace process, 153–156	234–238
reconciliation, 158-161, 167-169	for refugees in post-World War II
restitution, 161–167	treaties, 77–84
return programs, 156-161	for refugees of Nazism, 75-77
state responsibility, 169–172	for returnees, 15, 174–183
internal and external coherence in,	goals of, 175
178–179	historical experiences of, 95-97
international norms on, 74, 92–93	in 1990s, 72–73
innovations in application of, 89–92	in 2000s, 73
international politics and, 13-16	in Bosnia-Herzegovinia, 131-143
legal definitions of, 67	insights, 174–183
legal perspectives, 67–70	property restitution, 131–137
munificence of, 180	state responsibility, 143–148
national and international institutions	in Guatemala, 99–121
for, 85–89	conflicts between returnees and
political and theoretical perspectives on,	former neighbours, 108
70–71	discrimination in, 102
post-World War II, 71-72, 77-84	first group of returnees, 106
refugees and, 73–92	for female returnees, 112
remedy types, 13–14	insights, 174
return as, 61–64	in Mozambique, 158, 174-183
timeliness of, 180–181	insights, 174–183
World War I, 71	peace process, 153–156
refoulement, 53	reconciliation, 158-161, 167-169
Refugee Convention (1951), 2, 29–30, 40	restitution, 161–167
refugees, 1	return programs, 156-161
areas of origin, 156, 189-190	state responsibility, 169–172
Bihari refugees, 200-202	internal and external coherence in,
Bosnian refugees, 122–148	178–179
definition of, 29–30	international norms on, 74, 92-93
forced migration of, 40–43	innovations in application of, 89-92
Guatemalan refugees, 99–121	international politics and, 13-16
Lhotshampa refugees, 197–200	legal definitions of, 67
Palestinian. See Palestinian refugees	legal perspectives, 67–70
protracted displacement of, 195-197	munificence of, 180
status quo ante and, 189, 196	national and international institutions
rehabilitation, 13	for, 85
REKOM, 141	political and theoretical perspectives on
remedial responsibility, 30-36, see also state	70–71
responsibility	post-World War II, 71-72, 77-84
connection theory, 31	refugees and, 73–92
of state of origin, 31–32, 186–187	remedy types, 13-14
reparations, 13-16	return as, 61–64
cases, 14	timeliness of, 180–181
community development projects in,	World War I, 71
177–178	Reparations Principles, 67-68, 72, 172



292 Index

repatriados, 103	right of
repatriation, 2–3, 22	to Pales
after end of Cold War, 4–8	retornados
as redress, 61–64	return, 2-
cases, 17–18	after en
during Cold War, 3–4	as redro
early post-World War II years, 3–4	cases, 1
failure, 6–7	during
historical experiences of, 95–97	early po
in late 1980s to early 1990s, 5	failure,
legal and moral obligations, 17	historic
legal provisions on, 51–61	in late
of Palestinian refugees	legal ar
citizenship, 230–232	legal pr
peace process and, 224-226	mandat
redress in, 234-238	of Pales
relevant international frameworks,	citize
221–224	peace
restitution, 227–230	redre
self-determination, right to, 232-233	relev
safety and dignity in, 55-61	22
statistics, 3	restit
theoretical implications, 8–13	self-c
to Bosnia-Herzegovinia, 124–148	safety a
insights, 174–183	statistic
property restitution, 131–137	theoret
to Guatemala, 102–108, 110	to Bosr
collective return movement, 103–108	insig
insights, 117–121	prop
land claims, 108-113	to Gua
reconciliation, 113-117	colle
responsibility, 113-117	insig
support for, 108	land
to Mozambique, 17–18, 151, 156–169	recor
voluntary character of, 53–54	respo
Republika Srpska, 123, 125, 129–130,	supp
140, 142	to Moz
Resettlement Accord 1994 (Guatemala),	volunta
79, 106–107, 120	returnees
Resistência Nacional Moçambicana	as an ir
(Renamo), 150–151, 153–154	border
responsibility	numbe
causal, 29	to Bosr
in political theory, 28–36	17
moral, 29	to Geri
remedial, 30–33, 186–187	to Gua
restitutio in integrum, 188	to Moz
restitution, 13, 62, 63, 68, 188–189, see	17
also redress; reparations	Rhodesia
aims of, 13	Or
as a remedy for forced migration, 69	right of re
in Bosnia-Herzegovinia, 131–137	right to a
in Guatemala, 99–121	rights, ful
in Mozambique, 161–167	Rome Sta
in post-Cold War era, 74	Cr
in post-cold war era, 14	CI

```
f return and, 227-230
stinian refugees, 227-230
s, 104, 109, 110, 112
-3, 22
nd of Cold War, 4-8
ess, 61–64
Cold War, 3-4
ost-World War II years, 3-4
cal experiences of, 95-97
1980s to early 1990s, 5
nd moral obligations, 17
rovisions on, 51-61
ted, 53
stinian refugees
enship, 230-232
e process and, 224-226
ess in, 234–238
ant international frameworks,
1 - 224
tution, 227-230
determination, right to, 232-233
and dignity in, 55-61
cs, 3
tical implications, 8-13
nia-Herzegovinia, 124–148
thts, 174–183
erty restitution, 131-137
temala, 102-108, 110
ective return movement, 103-108
thts, 117-121
claims, 108
nciliation, 113-117
onsibility, 113–117
ort for, 108
zambique, 17–18, 151, 156–183
ary character of, 153-154
, 22
mportant category of victim, 176
recrossing, 64
er of, 3
nia-Herzegovinia, 143–148,
4-183
many, 11
itemala, 17, 99-121, 174-183
zambique, 151, 156-158,
4-183
n Central Intelligence
rganisation, 150
eturn, 48, 227-230
remedy, 13, 64, 66-68
ll restoration of, 62
atute of the International
riminal Court, 38
```



Index 293

safety, in just return, 45, 57–58	legal definition of, 37
Dayton Agreement, 126	legal views, 36–39
for Bosnian refugees, 126, 143	moral and legal perspectives, 27-43
for Guatemalan refugees, 101, 105, 107,	Mozambique, 169-172, 185-186
182	political theory, 28–36
for internally displaced persons, 56	sovereignty and, 38
for Lhotshampa refugees, 198, 204	stateless refugees
for Mozambican refugees, 169, 171	citizenship for, 192-195
Pinheiro Principles, 84	Convention Relating to the Status of
redress and, 63	Stateless Persons (1954), 192–193
state of origin and, 183	Jewish refugees, 9–10
Said, Edward, 216	protracted displacement of, 195–197
satisfaction, 68, see also reparations	statelessness, 193–195
Saudi Arabia, 217	states of asylum
Security Council, 47, 55, 81, 137	dignified return from, 8
Security Council Resolution 242, 222	Lebanon, 89–90
self-determination, right to, 232–233	Mexico, 100–102, 112, 115, 116, 117,
September Summit (2005), 38	176
Serbia, 39, 130, 140–141, 143	obligations of, 1
Serbian Democratic Party (SDS), 133, 144	redress for, 19
Shklar, Judith, 41–42	refugees' political membership in, 11
Shoah, 11, see also Holocaust	remedial responsibility, 32
slavery, reparations for, 14	Switzerland, 91
Slovenia, 122	UNHCR and, 52
social connection model of responsibility, 34–35	status quo ante, 189–190, 196 Statute of the International Criminal
South Africa, 14, 47, 49, 60, 72, 150, 157,	Tribunal for the Former Yugoslavia
158, 184	38
South African Land Claims Court, 88	Statute of the Office of the United Nation
South African Truth and Reconciliation	High Commissioner for Refugees
Commission, 61, 72	(1950), 53
sovereignty, 22, 38, 57, 145, 233, 244	Steffanson, Anders, 74
Soyinka, Wole, 73	stranded Pakistanis. See Bihari refugees
Special Commission to Aid Repatriates	Sub-Commission on the Promotion and
(Guatemala), 103–104, 109	Protection of Human Rights,
Special Property Dispute Resolution Court	82
(Afghanistan), 89	Sudan, 30
Srebrenica massacre, 57, 140–141, 147	Swiss banks, Holocaust and, 14
state of origin, 31–32, 186–187	Switzerland, 91
citizenship and, 187	Syria, 217
Holocaust survivors, 42	
Palestinian refugees, 30	Tajikistan, 44
remedial responsibility of, 186–187	Taliban, 42
support of western states for, 34–35	tawtin, 212
state responsibility, 16, 27–43, 113–117	thick morality, 50–51
Bosnia-Herzegovinia, 143–148	thin morality, 50–51
doctrine of, 37	Thinley, Jigme, 200
for forced migration, 40	Third Reich, 9, 75
for Palestinian refugees, 215–221 Guatemala, 1, 185	Timor-Leste, 90–91 Tito, Josip, 122, 126
human rights law and, 38	traditional healing, 167–169
in ethnic cleansing, 145	Treaty of Versailles, 71
international law and, 37	trials, 137–143
Israel, 215–221	tribunals, 137–143
just return and, 183–189	Trnopolji camp, 141
,	1 / "" I'



294 Index

truth commission Commission for Historical Clarification, 113-115 in Bosnia-Herzegovinia, 141 in Guatemala, 100, 113-115 in Timor-Leste, 90 just return and, 84 REKOM, 141 returnees and, 243 South African Truth and Reconciliation Commission, 72 Tudjman, Franjo, 126 Tutsis, 42 UK Joint Parliamentary Commission of Enquiry on the Palestinian Refugees, 233 UN Reparations Principles, 13, 67-68, 72, 172 UN Sub-commission on the Prevention of Discrimination and the Protection of Minorities, 58

UN Verification Mission in Guatemala (MINUGUA), 108, 119
UNHCR. See Office of the United Nations

High Commissioner for Refugees UNHCR Handbook on Voluntary Repatriation, 8, 57–59, 62–63 Unidad Revolucionaria Nacional

Guatemaltica (URNG), 100, 113 United Fruit Company, 99 United National Relief and Rehabilitation Agency (UNRRA), 3

United Nations Compensation Commission, 72, 78–79, 87 United Nations Conciliation Commission for Palestine (UNCCP), 217

United Nations General Assembly, 7, 56, 67, 77–78, 221–223, 225

United Nations Operation in Mozambique (ONUMOZ), 157

United Nations Relief and Works Agency (UNRWA), 212, 217

United Nations Security Council, 47, 55, 81, 137

Universal Declaration of Human Rights, 2, 48, 51, 55, 67, 195

Van Boven, Theo, 67, 72 Van Heuven Goedhart, G.J., 46 Victoria 20 de Enero, 106 voluntary nature of return, 3, 57–59

Waldron, Jeremy, 227–229 war crimes trials, 39, 116–117, 137–143 war on terror, 73 Weizman, Chaim, 213 West Bank, 208, 213, 215, 217, 224, 230 World Bank, 89

Xaman massacre, 106

Yemen, 217 Yugoslav People's Army, 122 Yugoslavia, 122

Zionism, 92