

Week 1 – Introduction to the course & Internationalism: The Notion of Refugee and the Limits of the Refugee Convention

2021 marked the 70th anniversary of the adoption of the 1951 Refugee Convention. The Refugee Convention remains an invaluable instrument of protection that has assisted millions of refugees over time. Yet, it is subject to ongoing criticism either for being outdated and non-responsive to particular kinds of displacement, inadequate to address international responsibility-sharing, or otherwise too lenient (acting as a ‘pull factor’ for refugees).

The Refugee Convention lays out the legal status for refugees, as well as fundamental protective principles and durable solutions. It has been complemented by the evolution of International and European/regional human rights law over time, yet it arguably retains a distinct and significant purpose to this day.

This seminar is situated within this ongoing debate about the ‘usefulness’ of the Refugee Convention and it will look at the notion of ‘refugee’.

At the end of 2022, 108.4 million people were displaced worldwide of whom around 35.3 million have fled across borders as *refugees*.

In casual conversation, people use the term *refugee* to refer to someone who has fled his or her home, whether to escape war, natural disaster, economic hardship, or political persecution. However, in the realm of refugee protection and assistance, the term has a precise legal definition. Whether a person is granted *refugee* status depends on why he or she fled the home country.

In this seminar we focus on the United Nations (UN) framework, and we will be addressing and exploring the following questions:

- Who is – and who is not – a *refugee*?
- When, where and how does a person become a *refugee*?
- What are the consequences of the granting or denial of *refugee* status?
- What is the significance of the 1951 Refugee Convention and its 1967 Protocol?
- What is the role of the office of the United Nations High Commissioner for Refugees (UNHCR)?
- What are the challenges and/or limitations of the UN refugee regime in the 21st century?
- What is the on-going relevance (or otherwise) of the Refugee Convention?

Students will be encouraged to engage critically with the reading material, particularly when considering the legal definition of *refugee* under the 1951 Refugee Convention and its 1967 Protocol and the mandate of the UNHCR.

DAY 1

Please make sure you read essential material below:

Step 1

In advance of the seminar, please read the following:

- To familiarise yourselves with key international law instruments that are sources of refugee rights

The Refugee Convention at a glance:

<https://www.unhcr.org/uk/about-unhcr/who-we-are/1951-refugee-convention>

On the relevance of the Refugee Convention:

<https://www.unhcr.org/media/1951-convention-relating-status-refugees-and-its-1967-protocol>

Who is a Refugee

<https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

Required Reading

Journal Article:

J McAdam, 'The Enduring Relevance of the 1951 Refugee Convention' (2017) 29(1) *International Journal of Refugee Law* 1-9, <https://doi.org/10.1093/ijrl/eex017>

OR

P V Sainz Pardo, 'The Contemporary Relevance of the 1951 Convention Relating to the Status of Refugees' (2002) 6(2) *International Journal of Human Rights* 23-34

Key articles and provisions:

- Article 1 UN Convention relating to the Status of Refugees 1951 (and 1967 Protocol)
- Article 1 African Union Convention Governing Specific Aspects of Refugee Problems in Africa 1969

- Conclusion 3, Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 Nov 1984

Further Reading (Optional)

UNHCR Protection Manual – a repository containing a detailed list of protection policy and guidance, available at: <http://www.refworld.org/protectionmanual.html>

UN High Commissioner for Refugees (UNHCR), *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://www.refworld.org/docid/4f33c8d92.html>

L Druke, Mobilizing for Refugee Protection: Reflections on the 60th Anniversary of UNHCR and the 1951 Refugee Convention, *New Issues in Refugee Research*, Working Paper No. 226, Geneva: UNHCR, November 2011, available at: <http://www.unhcr.org/uk/research/working/4ec0eb7a9/mobilizing-refugee-protection-reflections-60th-anniversary-unhcr-1951-refugee.html>

DAY 2 - Seminar Questions and Advanced Preparation

Step 1

Read the following articles

- M Lister, 'Who are Refugees?' (2013) 32 *Law and Philosophy* 645

AND

- A Shacknove, 'Who is a Refugee?' (1985) 95 *Ethics* 274

Step 2

Once you have read these articles please prepare a short summary (between 450 and 600 words) of the definition of *refugee* under Article 1 of the 1951 Refugee Convention and whether its definition is in line with changes in global migration flows and the persons who apply for *refugee* status.