Helping the Damned, Displaced, & Forgotten

AN ANALYSIS OF THE EVOLUTION OF REFUGEE RIGHTS

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I. Preface: What is the Problem?

In the year 2015, there were more than 60 million people – a total that counts both those living inside and outside their home countries – who were displaced from their homes (Connor and Krogstad, Pew Research Center). Today, an estimated 12.5 million Syrians are displaced from their homes; many of which have fled to neighboring countries, or have taken the treacherous journey across the Mediterranean in hopes of finding a shred of human compassion in the European mainland (Connor and Krogstad, Pew Research Center). For the past 76 years, the world has experienced many notable refugee/migrant crises caused by political/civil conflicts which have resulted in the displacement of roughly 151 million persons (DePillis, Saluja, and Lu, The Washington Post). As the world is facing a major refugee crisis in the heart of the Middle East the international community cannot simply ignore the increasing urgency of this situation nor can the international community simply ignore the rising concern of refugees around the globe. First, what exactly is a refugee? As defined by the United Nations (UN) a refugee is "someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group" ("What Is A Refugee," unrefugees.org).

Political and civil conflicts haven't been the only cause to displace people from their homes. Since 2008, an average of 26.4 million people per year have been displaced from their homes by natural disasters. This is the equivalent to one person being displaced every second (Internal Displacement Monitoring Centre). Those individuals displaced by natural disasters and environmental calamities can be considered both refugees and internally displaced person (IDPs). According to the UNHCR, an IDP is defined as people who "may have fled for similar

reasons" to refuges however "IDPs stay within their own country and remain under the protection of its government" ("Internally Displaced People, UNHCR). With island nations, such as Tuvalu, Kiribati, the Marshal Islands, the Maldives, and more literally sinking into the ocean due to climate change, where will these people go? They can't stay within their respective countries, clearly. So, what happens when rising sea levels swallow the homes of millions? What are the rights and protections of these individuals? However more importantly, what rights are states willing to give to these people?

This is why the rights given to refugees and those who are considered refugees is a top global human rights priority because it doesn't only hinge on the centrality of morals and ethics, but it also draws concerns on the preservation of international peace and security. This paper doesn't argue that refugee rights don't conflict with the interests of states, for it is clear that the prioritization of refugee rights often times puts state sovereignty as a secondary concern. With that said,however, refugee rights are indeed a top global human rights priority because if the international community completely ignores the importance of enforcing and following-through with refugee rights, than international peace and security will be in jeopardy. With an influx of people migrating across borders illegally this could lead to conflicts; it could lead to violence; it could lead to resources becoming scarcer; and inevitably it could lead to potential human rights violations. Without proper monitoring and managing of refugees, refugees will simply roam as they please until they find a new place to call home, with or without the blessings of the international community and/or the UN. This only complicates the issue further because prioritizing refugee rights, or any human rights for that matter, usually requires a level of interventionism which can lead to conflict which in turn puts international peace and security at risk. However, without any efforts made and without any coordination amongst states to ensure,

manage, and contain the rights and movement of refugees than violence and conflict will surely arise anyway.

For obvious reasons, this isn't a sustainable nor effective model in handling the rights of refugees. If the UN and the rest of the international community begins to take refugee rights more seriously and enforce them more efficiently, than it's possible that the international community could avoid future tragedies, calamities and problematic situations. This is also a top global human rights priority because – as the paper clearly discusses the topic – it isn't a matter of "if" there will be an influx in refugees in the future, but more of a matter of "when" and in what nature.

II. Introduction

Not only are we having to deal with increasingly complicated and difficult refugee/migrant crises related to political and civil conflict, but we are also going to have to address how to handle the rights and label those who are displaced by climate change and severe natural disasters. Ever since the United Nations High Commissioner for Refugees (UNHCR) was formed on December 14th, 1950, the international refugee protection regime was formally created as well. The evolution of this regime and the nature of rights granted to refugees has evolved undoubtedly since then. The evolution of the rights of refugees have progressed positively since the 1950s, but not without its challenges and problems. The rhetoric revolving around the idea and discussions of refugee rights have improved, yet at the same time the actions taken by Member States have simultaneously presented protection and abuse of refugee rights. The overall analysis of refugee rights and the international refugee protection regime is mixed, showing both improvements and major setbacks in the regime, due mostly to a conflict of priority in sovereignty of states and the free, protected movement of those deemed "refugees."

However, the problem of who is a refugee and who isn't a refugee is blurred by Member States, as well as the rights granted to those deemed refugees is further complicated by Member States.

Analyzing the past 65+ years of rhetoric, policy and action of the international refugee protection regime isn't an easy feat nor a light subject to tackle. The content and organization of this paper builds upon the work and research of the scholar Erika Feller – who was Assistant High Commissioner of Protection within the UNHCR -, in order to demonstrate to the reader the overall progress of the international refugee protection regime, while simultaneously emphasizing the critical weaknesses and drawbacks within the current state of refugee rights. Discussing the length at which Member States and the international community grants unconditional recognition and protection of refugee rights is a critical conversation to have looking towards the future. Considering the growing concerns of climate change leading to further displacement, and the growing concerns of civil conflicts and political violence leading to more displaced peoples in the world, the topic of rights granted to refugees simply cannot be set-aside.

III. Historical Context and Origins

It is important to understand the development of refugee rights in the context of the international refugee protection regime created in the aftermath of WWII. But it's also important for the reader to understand the origin of the concept of a refugee as well, because that original defining concept still affects the current understanding of a refugee to this day. It's obvious to state that the current model of the refugee protection regime that we've come to understand and are familiar with began its formation in the aftermath of WWI with the League of Nations, and finally took substantive form in the aftermath of WWII with the creation of the United Nations. But the first actual origination of the first recognized refugees happened roughly 40 years later

after the Treaty of Westphalia in 1648, which gave rise to our modern-day state system. "The first true refugees recognized as such in the modern state system were the Huguenots, French Protestants fleeing France in 1685" (Barnett, pp.239).

A complete historical debriefing isn't necessary for a sufficient historical context in regards to understanding the formation of the international refugee regime. With that said, it is important to understand that the early formation of this regime "firmly entrenched the concept of refugees within the territorial notion of boundaries" (Barnett, pp.240). Thus, borders may have been open for refugees to theoretically cross, there was still yet a notion of a collective responsibility or implication to address the refugee issue. This early refugee regime was based almost completely on the *laissez-faire* attitude of nation-states towards those considered refugees crossing their borders. Officials at the time did not make the distinction between immigrants and refugees, and treating all equally with limited restrictions to entry (Barnett, pp.241). It wasn't until the Revolutions of 1848 throughout Europe that refugee issues finally started to become important in international relations, with certain states being considered "hot-beds" for zealots and revolutionaries. States began to become more sensitive and strict on territorial integrity and the minimization of porous borders.

Now fast-forward to the aftermath of WWI with the creation of the League of Nations. This "marked the significant period in the development of refugee policy, representing the first truly international refugee regime and sparking a change that eventually led to the establishment of the [UNHCR]" after WWII (Barnett, pp.241). But the UNHCR would later be molded after the League of Nations High Commissioner for Refugees (HCR), which was established in 1921. However, at this time the refugee problems were viewed as temporary and specific, thus the definitions attributed to the status of being a refugee relied "instead on a category-oriented

approach that identified refugees according to group affiliation and origin" (Barnett, pp.242). The main goal of the HCR after WWI was the repatriation and resettlement of refugees.

It wouldn't be until the aftermath of WWII that this new period of upheaval and displacement would mark a changed commitment to the international refugee regime. 30 million people were left uprooted after the war, leaving a high demand and urgency to resettle those displaced. The Allies had created the United Nations Relief and Reconstruction Agency (UNRRA) in 1944 to handle these population flows; however the UNRRA was effectively obstructed by growing Cold War tensions and growing Soviet hostility. This later led to the establishment of the International Refugee Organization at the end of the UNRRA mandate in 1947 (Barnett, pp.244). However, the IRO would also later fall under the politics of the Cold War, since the USSR viewed the IRO as merely protecting traitors and advancing US foreign policy (Barnett, pp.244). The IRO, just like the UNRRA, was a mandated temporary, intergovernmental UN agency created to consolidate the status of WWII refugees. By the end of the IROs mandate in 1950, the international community recognized that the refugee problem created by WWII was not a temporary issue, and thus a new agency was established to deal with refugee problems on January 1st, 1951: The United Nations High Commissioner for Refugees (Barnett, pp.245).

IV. The 1950s: Developing the Modern-day Refugee Protection Regime

The establishment of the UNHCR in 1951 marks the beginning of the development and evolution of the international refugee protection regime which we live within today. Now the creation of the UNHCR was simple and straight-forward: "to ensure entry and ease integration" of those individuals who fled their home countries in the face of the war, Nazism, and

persecution (Feller, *Journal of Law and Policy*, pp.131). The 1951 "*Convention Relating to the Status of Refugees*" explicitly states within Article 1, Section 2 that

> "as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (UN General Assembly, 1951, pp. 152).

The initial scope of the UNHCR was not universal, but rather specific of the timeframe and region in which refugees would be considered. The UNHCR's tasks stated therein to provide international protection of refugees and to create permanent solutions to their problems by assisting Member State governments to facilitate their voluntary repatriation or resettlement within their new communities (Ahmad, countercurrents.org).

Though the initial purpose and scope of the UNHCR was limited, it's important to note that at this stage in development the international refugee protection regime made great strides. For example, the 1951 Convention did establish substantive foundations of refugee protection by creating baseline principles on which the protection of refugees was to be built. Some of these principles stated: "refugees should not be returned to face persecution or the threat of persecution – the principle of nonrefoulement; protection must be extended to all refugees without discrimination;" and many more to list (Feller, *Journal of Law and Policy*, pp.131-132). Though

at this time the 1951 Convention had yet to be extended universally and the UNHCR focused on European refugees solely, the UN and the international community had laid down the foundations for the modern-day refugee regime to develop. In a sense, the 1951 Convention simply covered the basics of what was need to begin forming the international refugee protection regime.

That doesn't mean the 1950s were simply about laying down the foundations of the refugee protection regime. In 1954, the UNHCR won the Nobel Peace Prize for its work in Europe in successfully repatriating and resettling millions of people who were displaced. In 1956, in the face of the Hungarian Revolution, 200,000 people fled to neighboring Austria. It was the UNHCR that led the efforts to resettle them, and it was in this aftermath that the way future humanitarian organizations would deal with refugee crises was shaped (History of UNHCR, United Nations). Not only was the UN and the rest of the world beginning to shape and develop the modern refugee protection regime, but several accomplishments were already being made in the process. But the UNHCR and the rest of the refugee regime was just learning to walk on its own feet, more successful implementation of refugee rights were yet to come; though not unchallenged and without its failures.

V. The 1960s and 1970s: An Era of Growth and Expansion

Considering that the 1950s were the early years of development of the international refugee protection regime and the creation of the basic and baseline principles in which it would operate, the period right after would come to be characterized by further expansion and extension of the protections of refugees. This happened, for the most part, in response to the painful process of decolonization within the African continent. With decolonization happening in Africa, as well as other destabilizing events post-WWII, the activities and reach of the UNHCR began to

widen its scope beyond the European continent to other parts of the world. However, this also posed a few problems with the current approach and definition of those to be considered refugees; the individualized and persecution-based approach to defining refugees and what their rights were, as laid out by the 1951 Convention, were far too limited to prove useful for the circumstances within Africa and elsewhere (Feller, pp.132). The large amount of refugees and the general nature of the conflicts within Africa, which led to the mass displacement of many Africans, highlighted the dissonance between the current approach to refugee rights and what actually needed to happen. Due to the insufficient breadth of the current 1951 Convention, the UN General Assembly extended the UNHCR's mandate to protect and assist the large groups of refugees which did not fit in the current definition and geographic limits of the 1951 Convention (Feller, pp.132). This led to the UNHCR eventually drafting and adopting the 1967 Protocol.

The 1967 Protocol is the UN document which led to the idea of refugee rights becoming universal within the legal implications of the international community. With the General Provisions of Article 1 within the 1967 Protocol it is stated that "For the purpose of the present Protocol, the term " refugee " shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words " As a result of events occurring before 1 January 1951 and ..." and the words "... as a result of such events ", in article 1 A (2) were omitted" (UN General Assembly, pp.268). The Protocol further states that "The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1 B (1) (a) of the Convention, shall, unless extended under article 1 B (2) thereof, apply also under the present Protocol" (UN General Assembly, pp.270). Within the General Provisions alone, the 1967 Protocol extends the mandate of the UNHCR to

the all of those recognized as Member States and alters the definition of refugees to be more universal.

While the development of the 1967 Protocol was occurring, there were also regional instruments being developed which in effect updated the 1951 Convention definition to include a much broader category of people. The 1969 Convention on the Specific Aspects of Refugee Problems in Africa (OAU Convention) was one of these significant regional instruments. The OAU Convention incorporated the existing 1951 Convention definition for refugees, however it added a paragraph specifying that the term refugee shall "also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (United Nations, OAU Convention, pp.3). This meant that the concept of refugees was extended beyond those who are victims of generalized conflicts and to those who are victims of natural disasters. The OAU Convention was also integral in advancing the recognition of security concerns and implications of refugee migration while being more specific on solutions and its promotion of a burden-sharing approach to refugee protection (Feller, pp.133). It was in the OAU Convention that the idea of voluntary repatriation was offered within Article V stating that "the essentially voluntary character of repatriation shall be respected in all cases and no refugees shall be repatriated against his will" (United Nations, OAU Convention, pp.6).

The OAU Convention's idea of repatriation was put into full force within the 1970s, which could arguably be considered the decade of repatriation. Large masses of refugees returned to their homes in countries such as Angola, Mozambique, Bangladesh, and several others. However, the 1970s also proved to be an important decade in terms of furthering the

concepts of international burden sharing. In practice, the "UNHCR applied an expanded definition to deal with the larger refugee movements of the 1970s in Cambodia, Laos, and Vietnam" (Barnett, pp.248). The International Conference on Refugees and Displaced Persons in Southeast Asia in Geneva in 1979 was an important milestone in the search for solutions to burden sharing. A three-way arrangement was agreed upon from the Conference: "ASEAN countries promised to provide temporary asylum; Vietnam undertook to promote orderly departures in place of illegal exists; and third countries agreed to accelerate the rate of resettlement" (Feller, pp.133). Burden sharing schemes such as the "increase in the number of resettlement places available for refugees, which had risen from 125,000 at the end of May to 260,000" or "to review the situation of Indo-Chinese refugees and displaced persons and their specific material and resettlement needs" were just a few examples of how the international community coordinated solution-oriented arrangements in order to effectively responds to the refugee situations in Southeast Asia (UNHCR, Meeting on Refugees and Displaced Persons in South-East Asia, 1979).

However, the era of growth and expansion would inevitably come to an end. By the mid-1970s international economic growth had declined and stagnated. Unemployment grew and because of the economic downturn countries no longer were open to an influx of people and thus began raising restrictions against refugee migration (Barnett, pp.248). At this point it was made clear that the international refugee protection regime was highly susceptible to economic and ideological considerations and changes.

VI: The 1980s and 1990s: Increasing Restraints and Challenges to the Rights and Protections of Refugees

The mid-1970s, the 1980s and the 1990s witnessed substantial changes in the global environment in which refugee protection and assistance would operate within. The political and economic turbulence of the Cold War era greatly affected the advancement of the international refugee protection regime. Not only were basic concepts of refugee protection and assistance brought into question, but these changes also impacted political will and local communities who in the past offered asylum generously. To make matters worse, the number of refugees grew exponentially, but this time it was due to the significant rise in internal interethnic conflicts in newly independent states. These conflicts were either the result of or further aggravated by the superpower rivalry between the United States (US) and the Soviet Union (USSR), or further fueled by socioeconomic problems in developing countries (Feller, pp.134). The economic collapse during the 1970s led to tighter restrictions throughout the West, and refugees coming from the developing world were often perceived as disguised immigrants under the guise of refugees in order to gain access to economic opportunities and social services within receiving states (Barnett, pp.249). Within the European community, a fortress mentality was instilled where internal border controls amongst European countries were decreased, however migrants and refugees from outside of Europe were discouraged from entering. The 1980s and 1990s were an intense period for the UNHCR, because the UNHCR still pushed forward to expand the organization and its policies while the complexity of new refugee flows burdened the UNHCR. Since domestic policies grew more restrictive, this allowed for the international body to grow in its scope and potential (Barnett, pp.249).

Despite this growth in policy and organization, solutions to refuge problems became more elusive and difficult to achieve. Human rights abuses and violations were no longer the by-products of war, but instead became conscious military strategy. This led to even low-level conflicts generating a disproportionately high level of human suffering and immense displacement of persons from their homes. For example, in the former Yugoslavia the number of refugees, those displaced and others assisted exceeded four million people (Feller, pp.134). The destruction of homes, churches/mosques, schools, and the execution of a Genocide in the former Yugoslavia are just a few examples. The UNHCR played an important leading role in humanitarian and UN peacekeeping mission in the former Yugoslavia due to the influx of refugees resulting from the increasing violent conflict. The UNHCR had little option but to engage in prolonged aid programs for millions of refugees in overcrowded refugee camps within the former Yugoslavia and other countries (Feller, pp.134). By the late 1980s the refugee population within the world went from several million to some ten million (Feller, pp.134).

Developed countries, specifically within the West, became increasingly concerned about receiving a large influx of refugees without the possibility of early repatriation. Such large scale refugee flows were viewed as viable threats to the stability of politics, economic and social stability within Member States. In certain countries considered traditionally as asylum countries there began a rising pattern of provoked hostility, violence, physical assaults and rape towards refugees (Feller, pp.134). By 1991 there was a noticeable disenchantment with large-scale resettlement programs in several parts of the world, especially in South East Asia (Troeller, pp.88). Due to the restrictive and unwelcoming nature of host countries to refugee population's refugees returned to their home countries as they were just emerging from long, drawn-out conflicts, where peace was still fragile and the basic necessities for healthy living were either

scarce or hardly existent. However, given the factors which led to refugees returning to their home countries, it was often considered the lesser of two evils in comparison to staying in a host country which did not welcome them (Feller, pp135). This often was followed by individuals departing from their home country yet again and returning to the life of exile for a short time. Such attitudes and changes within the globe made the steady and effective pursuit of refugee rights something hard to achieve.

However, the end of the Cold War forced the UNHCR to seriously reconsider its politics and approaches to refugee rights protection due to the changing international system. The end of the Cold War sparked political and ethnic conflicts throughout the world which led to an increase in mass migrations (Barnett, pp.249). After the Cold War, borders became easier to cross given cheaper transportation and the disintegration of many rigid boundaries upheld by the politics of the Cold War. As a result, there was an increase in asylum claims (Barnett, pp.249). Not everything was so terrible, however. "The end of the Cold War brought significant changes in the composition of UNHCR, with Russia finally joining the organization after nearly a century of refusing to cooperate with the international refugee regime (Barnett, pp.250). By 1993, the UNHCR had a staff of 2000 with a new budget of more than one billion US dollars.

However, the lasting mark of this era within the evolution of refugee rights is that the "slow but steady growth in processes, laws, and concepts whose compatibility with the prevailing protection framework is ever more tenuous" (Feller, pp.135). There were states which resorted to a highly restrictive application of the 1951 Convention and the 1967 Protocol, alongside the establishment of formidable obstacles to prevent both legal and physical access to territories. This has led to a growth in alternative protection regimes in contrast to the prevailing international refugee protection regime which guarantee lesser rights to refugees than that led by

the UN. “Increased detention, reduced welfare benefits, and severe curtailment of self-sufficiency possibilities, coupled with restricted family reunion rights, all have been manifestations of this trend” (Feller, pp.136). The world, during a time of intense political, economic and social change and conflict, simultaneously grew both in rhetoric and concepts of refugee rights yet retreated in the development of domestic policies and commitment. This trend unfortunately continues well into the 2000s and raises serious concerns of the future of the international refugee protection regime, as will be made clear.

VII: The 2000s till Today: An Uncertain Future in a Changing Climate

“Europe’s response to waves of refugees from the war-torn Middle East raises serious questions about its commitment to humanitarian values” (Ganguly and Miliate, *Foreign Affairs*). The most recent influx of refugees from war-torn Syria have placed a considerable challenge on countries within the region and in Europe. “As of March 2015, Turkey was host, in absolute numbers, to the largest community of displaced Syrians in the region (overtaking Lebanon at the start of the year) and this number is likely to grow as the conflict continues” (Icduygu, pp.3). These migration flows have already begun to effect public and political debates over humanitarian and migration policies at both the international and domestic levels in countries effected by the Syrian refugee crisis.

The rise of United Kingdom Independent Party (UKIP), the growing dissatisfaction with Chancellor Angela Merkel by her own party – the CDU – and also the recent election of President-elect Donald Trump within the US are all reflective of the growing concerns amongst those in the west about increased migration. There are other factors which have led to these political changes, but UKIP holds a strong anti-migration position, as does President-elect Donald Trump, and the recent growing dissatisfaction with Angela Merkel within her own party

is also due to her “laissez-faire” migration policy. However that trend is applicable to most of the European Union (EU). Europeans in general overwhelmingly disapprove of how the EU is managing the refugee crisis “with low marks given by people in all 10 European countries surveyed by the Pew Research Center in 2016” (Connor and Manuel, *Pew Research Center*). According to the Pew Research Center, the highest level of disapproval came from Greece with 94% disapproval, Sweden with 88% disapproval and Italy with 77% disapproval. The strongest support for EU management came from the Netherlands and even then the approval was only 31%.

“Global displacement levels declined to a historic low in 2005, but started escalating again because of a series of conflicts, including the U.S. invasion of Iraq” (DePillis, Lu and Saluja, *Washington Post*). According to estimates by the UNHCR, by the mid-2015 the total number of refugees and IDPs had climbed to an all-time high of more than 60 million people (DePillis et al., *Washington Post*). This is due to the violent upheavals and conflicts within parts of the Middle East and Northern Africa. The most recent displacements of people from their homes relating to the assaults and terrorists activities of ISIS/ISIL have contributed to this increasing trend of refugees displaced from the region. An increasing flow of refugees from the Middle East and an increasing hesitance from the developed world – notably the US and Europe – to assist refugees has characterized the attitude towards refugee rights within these most recent times. For countries in the immediate vicinity of Syria, handling the refugee situation is becoming increasingly difficult and they cannot handle the influx of Syrian refugees alone. For Turkey, “as the protracted displacement of a significant number of Syrian refugees seems increasingly inevitable, earlier notions of Syrian refugees as temporary “guests” are being replaced by a focus on the difficulties of integration” (Icduygu, pp.10). For countries doing their

best to keep to the modern refugee protection regime it is becoming increasingly difficult to adhere to such expectations under such incredible pressure. Conflicts and violence have arisen in certain host communities within Turkey because of a lack of economic opportunities. Rising rent and competition for wages is leading to growing animosity amongst Turks and Syrian refugees; not to even mention the ethnic components of certain communities which are unfriendly to the increase of Syrians.

Alongside the changing nature and attitudes towards refugee rights both domestically and internationally, there is also the increasing problem of an increasing number of IDPS and refugees displaced by natural disasters. "Over the past few years the number of people displaced as a result of natural disasters has far exceeded those displaced by conflict (*Disasters and Displacement*, International Peace Institute). The intensity and frequency of natural disasters around the globe are increasing. According to the International Peace Institute (IPI) sudden-onset disasters – such as floods, storms, earthquakes, wildfires, etc. – and more slowly developing climate change disasters – such as drought and desertification – are now uprooting a growing number of people around the globe. All countries are affected by this, including rich countries which have been hit by severe weather conditions. However, less developed countries suffer the most damage from such drastic changes in climate and from severe natural disasters due to the lack of resources, capacity and infrastructure to effectively handle these type of emergencies and the number of people they displace. According to the International Displacement Monitoring Centre (IDMC), "in 2010 alone, over 42 million people were newly displaced by sudden-onset natural disasters. In 2011, approximately 15 million people were also newly displaced for the same reasons" (*Disasters and Displacement*, International Peace Institute).

Now, it is important to note that the vast majority of those displaced by natural disasters usually stay within their home countries, and are thus considered IDPs. Only a minority of those displaced by natural disasters are forced to cross international borders into other countries. Regardless, IDPs are still granted rights similar to refugees; furthermore that trend is beginning to change given that Southeast Asian and Oceania countries are experiencing the impact from the changing global climate even more. As stated earlier, island nations such as Kiribati, the Maldives, and the Philippines won't have the same option to migrate within country given that these kind of climate changes will force people to leave the island nations altogether. In either case, José Riera of the Office of the United Nations High Commissioner for Refugees (UNHCR) said himself that "even where the cause of displacement — whether internal or cross-border—is primarily environmental, the affected populations may have protection needs and vulnerabilities similar to those whose flight is provoked by violence or human rights abuses" (*Disasters and Displacement*, International Peace Institute).

VIII: Moving Forward with the Modern Refugee Protection Regime

Moving forward with the modern refugee protection regime raises certain questions and concerns about how we, as an international community, will maintain our commitment to the protection of those who are vulnerable and often forgotten. In the face of an increase of xenophobia and stricter migration laws within the EU and other developed countries in the world, the ability to effectively support the principle of refugee rights will be tougher. An increase in severe natural disasters and in more subtlety developing climate change will also challenge the capacity of the international community to react and assist those who are displaced. What does this mean for the future of the refugee protection regime? Does this mean the 1951 Convention is now obsolete in the face of such change and opposition?

In the original work in which this research is grounded, Erika Feller boldly states that the 1951 Convention is not obsolete and is in fact still relevant. At the time Erika Feller originally wrote and published her research in the early 2000s she described the then current state of refugee rights protection to be "at a crossroads" (Feller, pp.136). Well, unfortunately, the international community is still at that crossroads. Since the beginning of the early 2000s the refugee protection regime which was established in the early 1950s by the UN has been in a state of limbo. Grand new obstacles have developed and appeared within the most recent decade to challenge the current commitments and ability of the modern-day refugee protection regime; and in the face of these challenges the refugee protection regime has faltered considerably. However, the refugee protection regime has not completely diminished, for there is still an opportunity for the international community to reinforce its commitment to supporting and protecting the rights of those who are most vulnerable after being displaced from their homes. Untamed optimism will not change the state of the world as it currently is, and neither will bleak pessimism.

Rather, states instead ought to reaffirm their commitments to the 1951 Convention and the 1967 Protocol and simultaneously embrace a change in dynamic of refugee rights protection. Improper management of refugees from either the domestic powers of a State or the international powers of the UN benefits nobody. Ethnic conflicts will inevitably arise, as they have been in parts of Europe, Turkey, Lebanon and other host countries; unhealthy economic competition will lead to further poverty, further decrease in health and overall an increase in crime; and political instability and perhaps even unrest could also develop as a result of poor refugee management. It is within the interest of all States to partake in an effective overhaul of the international community's commitment in refugee rights protection and investment of resources. Especially in

the face of a consistently changing climate which will only result in the further increase of IDPs and refugees displaced by natural disasters.

"The 1951 Convention is fifty years-old, but not outdated; human rights principles are not weakened by age" (Feller, pp.137). The future and the way forward for the modern-day refugee protection regime is unforeseen and that's perfectly acceptable. The nature of refugee rights protection is a dynamic and constantly evolving concept and for us to expect it to stay the same is simply ludicrous. In 1951, the drafters of the 1951 Convention never imagined the importance or necessity to include those who are displaced by environmental disasters, however today such considerations are critical. 50 years from now it is hard to tell how the refugee protection regime will change and who all will be included in the definition of "refugees." Moving forward states will need to revisit their commitment and their view of how the protection of refugee rights ought to proceed and the discussion of those displaced by natural disasters will need to be part of the conversation.

IX: Conclusion

The modern-day refugee protection regime looks nothing like its original foundation in 1951, which – for the most part – is a positive reflection. However, it's clear that the march forward has been full of both successes and major setbacks. The principle and rhetoric of the modern-day refugee protection regime remains intact, though it is currently living within a precarious existence. Stated earlier in the introduction of the paper, the rhetoric revolving around the idea and discussions of refugee rights have improved, yet at the same time the actions taken by Member States have simultaneously presented protection and abuse of refugee rights. The overall analysis of refugee rights and the international refugee protection regime is mixed due mostly to a conflict of priorities in sovereignty of states and the free, protected movement of

those deemed “refugees.” The change and evolution of refugee rights isn’t all that different from the change and evolution of other human rights granted within the UN Declaration of Human Rights. However, the effects and relevance of refugee rights within international politics today is undoubtedly more impactful than some of the other human rights priorities to be considered.

In moving forward, we have several routes that we could take and each route leads to a different outcome and future for the refugee protection regime. States could continue to retreat further into xenophobic migration policies and more isolationist border restrictions; States could invest heavily in the idea refugee protection regime to where they sacrifice the priority of state sovereignty; or States could revisit their commitment of refugee rights by balancing their domestic capacity and interests between that of a robust international oversight and burden-sharing approach. The first option is regrettable; the second option is highly unlikely; which leaves the third option to be the most reasonable. In order for international peace and security to be maintained, the movement of refugees must be orderly and efficient; lest we face more conflict.

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