

Course Outline - IRL2220: Refugee Studies



United States International University

School of Arts and Science

IRL 2220: Refugees Studies
Summer Semester, 2009
Instructor: Ms. Hannah Muthoni
Time: 7.20 – 9.00pm (M-W)
Consultation Hours: M-W (6.00 -7.00pm)
Venue: B4

'There is no Greater Sorrow on Earth than the Loss of one's Native Land'

Course Description:

This course introduces students to refugee protection and the various issues related to it. It deals with the challenges faced by refugees and the international mechanisms and norms that have been developed for the protection of refugees. Various definitions of a refuge, refugee status determination, and protection issues of women and refugee children will be discussed. Students will become familiar with the international refugee law and the role of the United Nations High Commissioner for Refugees (UNHCR). A multidimensional approach will be used to explore issues related to forced migration, examining them from various political, security, legal, and humanitarian perspectives and contexts. The course will also assess the evolution of the international refugee regime, the development of refugee policies, and the impact of globalization on the protection of refugees and humanitarianism. Case studies will be used to illuminate some of the issues.

Link to Program Learning Outcomes:

- Collect, collate, analyze and respond critically to information
- Critically analyze the dynamics of world politics
- Identify threats and opportunities to national strategic interests, and formulate policies in response

Course Learning Outcomes:

At the end of the course the students should be able to:

- Define refugees, asylum, asylum seeker, IDP's, separated children, unaccompanied children, stateless persons,
- Be conversant with the substance of the legal norms that govern the international protection system of refugees, the rights international law bestows upon them and the obligations of States;
- Have learned the refugee status determination process;
- Be able to write a well-structured and comprehensive refugee status determination assessment;
- Be able to analyze the various issues surrounding protection needs of refugee women and children
- Be able to describe the development of the international refugee regime;

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- Be able to discuss the responses to forced migration by the international community;
- Assess the challenges facing refugee protection in developed and developing countries;
- Understand the impact of globalization on forced migration;
- Understand the dynamics of forced migration and the formal and informal responses to it;

Course Requirement:

Students are expected attend all the sessions regularly and complete all the readings in a timely fashion as specified by the class schedule. 5% of the total grade will be based on class attendance. An attendance roster is kept and students are expected to attend all sessions on time and as scheduled. Prior permission **MUST** be obtained from the instructor if a course is to be missed for circumstances beyond the student's control. **As per the university rules, any student who misses more than five sessions will receive an F grade.**

Class participation is necessary through discussion and assessment of various readings. 5% of the total marks will be based on individual participation in the class.

Throughout the semester, we will be discussing not only the readings but the current events in the refugee studies. It is essential that student's complete assigned readings prior to the class period in which they will be discussed.

Recommended Readings:

UNHCR, *The state of World Refugees: A Humanitarian Agenda*, UNHCR, New York, 2007
Vincent and Sornsen, (2001): *Caught Between Borders: Response Strategies of the Internally Displaced Persons*, Pluto Press, London
Ager Alastair, (1999): *Refugees: Perspective on the Experience of forced Migration*, Continuum, London
Journals in the USIU Information Center on Refugees and Forced Migration
Other Articles will be provided by the Lecturer.

Course Content:

Week 1 (11th & 13th May): Introduction

- Introduction- course logistics and expectations
- Overview of early International refugee protection (definition of Refugee)
- Definition: Refugee and key terms
- Categories of "refugees"

Learning Outcomes:

- Trace the origin of current definition of a refugee
- Identify the qualification to be a refugee according to 1951 Geneva Convention
- Identify the categories of 'refugees'

Discussion topics:

- Group discussion- What definition can be said to be 'ethical'?
- Who is a refugee?
- Debate: To what extent does the definition of Refugees represent a Eurocentric line of thought?

Assignments:

- **Andrew E. Shacknove, "Who is a refugee?" January, 1995, 274-324**

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Week 2 (18th & 20th): The Principles of International Law

What is protection?
Rights of Refugees
Non-refoulement
Asylum
Loss and denial of Refugee status
Determination of Refugee Status and Asylum procedures

Learning outcomes:

- Identify the rights of refugees
- Assess the application of rights and responsibilities of refugees
- Explain the process of RSD and Asylum procedures

Discussion topics:

- Group discussion on practicality of refugee rights in Africa

Assignments:

- *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (UNHCR 1979)*
- *UNHCR Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees (4 September 2003)*
- *UNHCR Guidelines on International Protection: Cessation of Refugee Status under 1C(5) and 6 of the 1951 Convention Relating to the Status of Refugees (10 February 2003)*
- *UNHCR Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative within the Context of 1A(2) of the 1951 Convention Relating to the Status of Refugees (23 July 2003)*
- *International Legal Frameworks*
- F. Durieux and J. McAdam, (2004) 'Non-Refoulement through Time: the Case for a Derogation Clause to the Refugee Convention in Mass Influx Emergencies', *International Journal of Refugee Law* 16(1)

Week 3(25th & 27th): Protecting the needs of children and women refugees

Introduction: Terms, concepts and Reality of Women and Children
Situation of women and Children Refugees in Camps

Learning Outcomes:

- Understand women refugees experiences
- Understand why women and children are a special case
- Identify the causes of flight for women, children and the elderly as vulnerable groups

Discussion topics:

- Discuss women experiences
- Guest speaker: Presentation on vulnerable groups
- Why women and women issues considered critical groups and in need of special protection?
- Are women affected the same by conflict and are their experiences in the camps any different?

Assignments:

- *Lecture Notes: Guest Speaker*
- *Watch documentary: Our Bodies: Their Battleground*
- *Morris T, and M. Couldrey (2007): "Sexual violence: Weapon of war, impediment to peace", Forced Migration Review, Issue 27*

Week 4 (3rd June): International protection system: Legal framework and Actors

Internally Displaced Persons and Stateless Persons
Root causes of IDP's and statelessness

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Responsibilities and impact

Learning Outcomes:

- Understand the IDPs, and stateless persons
- Identify the roots of IDPs and statelessness
- Identify whose responsibility are the IDPs and stateless persons

Discussion topics:

- Define the IDPs and Stateless Persons
- List countries with stateless and IDPs
- Challenges of IDPs and stateless Persons
- Discuss the protection of IDPs and Stateless Persons
- Presentation asylum policies in Europe
- Debate: In what ways has the West retreated from protection refugees

Assignments:

Harrington Juliana et.al (2009): "Statelessness: What is it and why it matters?" Forced Migration Review, Issue 32, March 2009, pp. 4-6

Manly, M and S. Persuad, (2009): "UNHCR and responses to statelessness", Forced Migration Review, Issue 32, March 2009, pp. 7-11

Southwick, K, (2009): "Ethiopia-Eritrea: Statelessness and State Succession",

Weidner, J, (1995): "State and statelessness in the late 20th Africa", The Quest for World order, vol. 124, No. 3, pp. 129-153

Week 5 (8th & 10th June): The Refugees Experience and Responses

Refugees' experience – origin of camps

Refugees' livelihood

Camps versus local integration

Repatriation

Learning outcomes:

- Understand life in the camps
- Explain the limitations and criticism of the establishment of the camps
- Discuss the challenges facing refugees in the camps
- Discuss the importance of local integration

Discussion topics:

- Origin of refugee camps
- Management of the camps
- Alternative to establishment of refugee camps that is local integration
- Debate Campus Vs local integration
- Protracted situation- what does it mean and how does it impact on a refugee

Assignments:

• *Gaim Kibreab, "The Myth of Dependency among Camp Refugees in Somalia, 1979-9, Journal of Refugee Studies, 1993, 321-349*

• *Richard Black, "Putting people in the Camps", Forced Migration Review, August, 199, 4-7*

Week 6 (15th & 17th June): The Refugee Experience and Responses

Resettlement- policies guide and mechanism

Asylum and Asylum procedures

Impact of refugees' first country and third country

- Developing countries versus Developed countries

Learning outcomes:

- Understand host country or the first country of asylum

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- Explain the benefits and challenges of hosting refugees in developing countries
- Discuss the challenges and benefits of hosting refugees in the developed world

Discussion topics:

- Define the host country (first country of asylum)
- List examples of host countries in developing nations
- List examples of host countries among the developed countries
- Debate: Should the countries that produce refugees be taxed?

Assignments:

- Beth Elise Whitaker, "Refugees in Western Tanzania: The Distribution of Burdens and Benefits among local Hosts", *Journal of Refugee Studies*, November, 2004; 339-358

Week 7 (22nd & 24th) Refugee protection policies and procedures: Temporary Protection

Defining Temporary Protection

Identify new forms of temporary protection

Protective approaches – safe areas and Humanitarian intervention

Temporary protection and burden sharing

Learning outcomes

- Define temporary protection
- Evaluate different approaches of protection –safe areas and humanitarian protection
- Case study analysis of temporary protection

Discussion topics:

- Who qualifies for temporary protection?
- To what extent does temporary protection violate the rights of refugees
- In what ways has the developed countries retreated from protecting the refugees?

Assignments:

- Matthew J. Gibney, "The State of asylum: democratization, judicialization and evolution of refugee policy in Europe", *UNHCR New Issues in Refugee Research, Working paper NO. 50*, October, 2001
- Joan Fitzpatrick, "Temporary protection of refugees: Elements of a formalized regime", *American Journal of International Law*, April 2000, 279-306
- Joanne Van Selm, (2001): *Access Procedures "safe Third Countries, Safe Countries of Origin and Time Limits*

MID-TERM EXAM- 24th JUNE

Week 8 (29th & 1st July): The International Refugee Regime: Its Development and Evolution

Introduction to issues of forced migration

Trace the origin of Refugee Regimes, responsibilities and mandates

Learning outcomes:

- UNHCR mandate
- Identify the NGOs and relief agencies that work with UNHCR, and their roles
- Discuss the challenges and success of UNHCR, NGOs and Relief agencies in providing protection

Discussion topics:

- The UNHCR and its Mandate
- The International refugee regime
- Discussion: Has UNHCR and its agencies been successful in protecting the refugees?

Assignments:

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- Gil Loescher, "The UNHCR and World Politics: State Interests vs. Institutional Autonomy", *International Migration Review*, Spring, 2001, 33-56
- Astri Suhrke and Kathleen Newland, "UNHCR: Uphill into the future", *International Migration Review*, Spring 2001, 24-302

Week 9 (6th & 8th July): International Response to Forced Migration: Policies and procedures

Overview of international responses to forced migration
Assistance and Humanitarian intervention
Responding to refugee crisis in Africa-
African states and refugee protection- policies and procedures

Learning Outcomes:

- Understand the practices of humanitarian intervention
- Humanitarian intervention in Africa
- Assess African responses to forced migration- asylum policies and procedures

Discussion topics:

- Is there a need for intervention?
- The death of Pan-Africanism and African hospitality
- Discussion: Is Africa as a continent accommodating to refugees

Assignments:

- *Lecture Notes*
- Kurt Hills, *Neo-Humanitarianism: The Role of Humanitarian Norms and Organizations in Contemporary Conflict*, *Global Governance* 9April-June, 22005), 161-183
- Rutirwa B, (1999): *The end of Asylum? The changing nature of refugee policies in Africa*, *New Issues in Refugee Research Working Paper No.5, May 1999*

Week 10 (13th & 15th): Challenges of protection: Development Induced Displacement and Resettlement

Definition development induced displacement
Factors leading to displacement- private developers and natural resources, conservation programs
Impact of Development induced displacement
Which way forward- Human rights vs. Social justice?

Learning Outcomes:

- Discuss the causes of displacement
- Assess the impact

Discussion topics:

- Rights to develop vs. human rights
- Should social justice supersede Human Rights of people

Assignments:

- Schraeder, J, (1986): "Involuntary Migration in Somalia: The Politics of Resettlement", *the Journal of Modern African Studies*, Vol.24, No. 4, pp. 641-662
- Parasuraman, S, (1996): "Development Projects, Displacement, and outcomes of Displaced: Two Case Studies, *Economic and Political Weekly Review*, Vol.31, No.24, 1529-1532
- Maria, S (1998): "Displacement and Human Rights: Reflections on UN Practices", *Human Rights Quarterly Journal*, Vol. 20, No. 3, August, 1998, pp.515-554
- Charnely, S (1997): "Environmentally- Displaced Peoples and the Cascade Effect: Lessons from Tanzania, *Human Ecology*, Vol.25, No. 4, Dec, 1997, pp.593-618

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Week 11 (20th & 22nd): Refugees and conflict

- Overview challenges of refugee protection
- Refugees' role in conflict-pre-conflict and during the conflict
- Case study of Rwanda refugees in DRC

Learning Outcomes:

- Understand challenges facing refugee protection
- Identify role of refugee in conflict in their home country
- Discuss impact of protection refugees' in relation to their role in conflict

Discussion topics:

- Discuss challenges of protection
- Assess how refugees threaten their own protection
- Debate: Are states justified in denying refugees protection to void terrorist attacks?
- Who should be protected: Nationals or refugees?

Assignments:

- Stephen John Stedman and Fred Tanner, "Refugees as Resources in War", Chapter 1 in *Refugee Manipulation: War, Politics and the Abuse of Human Suffering*, Brookings Institution Press, 2003
- Howard Adelman, "Chaos in the Camps", *Bulletin of Atomic Scientists*, November, 2002, 89-93
- Barber, B. (1997), "Feeding Refugees, or War? The Dilemmas of Humanitarian Aid," *Foreign Affairs*

Week 12: (27th & 29th Aug): Terrorism and Refugee protection

- Overview challenges of-refugee protection
- Rise of International Terrorism – what does it mean, causes?
- Terrorism and refugee protection

Learning Outcomes:

- Understand challenges facing refugee protection- terrorism
- Identify ways in which refugees are a threat to national security in the light of WOT
- Discuss impact of terrorism on responsibility to protect

Discussion topics:

- Define terrorism
- Assess how refugees threaten their own protection
- Debate: Are states justified in denying refugees protection in wake of international terrorism?

Assignments

- Bhabha J, (2002) "Internationalist Gatekeepers?: The Tension Between Asylum Advocacy and Human Rights, *Harvard Human Rights Journal*
- Susanne, S. (2002): "Human security Dilemmas: Long-term implications of Afghan refugee crisis", *Third World Quarterly Journal*, Vol. 23, No. 1, pp. 7-29
- Tumlin, K, (2004): "Suspects first: How Terrorism policy is Reshaping Immigration Policy, *California Law Review*, Vol.92, No.4, pp.1173-1239

Week 13: (29th Aug): Presentations

Week 14: (3rd & 5th Aug): Presentations

Week 15: (10th – 15th August): Final Exam

Teaching Methodology:

- Lectures
- PowerPoint Presentation

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Group Discussions

Assignments

Guest speakers based on their availability- UNHCR, and UNRWA

Documentary:

Course Evaluation:

Your performance will be assessed as follows:

1. Class Attendance and participation: 10%*
2. Presentation 10%
2. Continuous Assessments:
 - Research paper: (20%)
 - Two Article Reviews: (10%)
3. Mid-term Exam: 30% (24th June, 2009)
4. Final Examination: 30% (12th August, 2009)

NB: According to university regulations if a student misses more than 5 classes he/she will not be allowed to sit for the final examination

Grading

Your grade will be determined as follows:

Marks	Grades
90-100	A
87-89	A-
84-86	B+
80-83	B
77-79	B-
74-76	C+
70-73	C
67-69	C-
64-66	D+
62-63	D
60-61	D-
0-59	F (Fail)

Important Websites:

- UNHCR: <http://www.unhcr.org>
- UNHCR Refworld: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>
- Reliefweb: <http://reliefweb.int/>
- Forced Migration Online: <http://www.forcedmigration.org/>
- Forced Migration Online Research Guide: <http://www.forcedmigration.org/guides/fmo038/>
- Guide to International Refugee Law Resources on the Web: <http://www.llrx.com/features/refugee.htm>
- Internal Displacement Monitoring Center: <http://www.internal-displacement.org/>

International Legal Instruments

- The 1951 Convention Relating to the Status of Refugees
- The 1967 Protocol Relating to the Status of Refugees

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- The Statute of the Office of the UN High Commissioner for Refugees (UNHCR)
- The 1954 Convention Relating to the Status of Stateless Persons
- The 1948 Universal Declaration of Human Rights
- The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

UNHCR Materials

- UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (UNHCR 1979)
- UNHCR Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees (4 September 2003)
- UNHCR Guidelines on International Protection: Cessation of Refugee Status under 1C(5) and 6 of the 1951 Convention Relating to the Status of Refugees (10 February 2003)
- UNHCR Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative within the Context of 1A(2) of the 1951 Convention Relating to the Status of Refugees (23 July 2003)
- Global Consultations on International Protection: Asylum Processes (Fair and Efficient Asylum Procedures) EC/GC/01/12 (31 May 2001)
- UNHCR, Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (HCR/GIP/02/01, 7 May 2002)