

REFUGEE LAW
INITIATIVE

SCHOOL OF
ADVANCED STUDY
UNIVERSITY
OF LONDON

'Refugee Protection in a Hostile World?'

Third Annual Conference

Refugee Law Initiative,
University of London

18–19 July 2018

rli.sas.ac.uk

#RLIconf18

About us

The Refugee Law Initiative is the only academic centre in the UK to concentrate specifically on international refugee law. As a national focal point for leading and promoting research in this field, the Refugee Law Initiative works to integrate the shared interests of refugee law scholars and practitioners, stimulate collaboration between academics and non-academics, and achieve policy impact at the national and international level. Visit www.sas.ac.uk/rli

School of Advanced Study

Founded in 1994, the School of Advanced Study at the University of London is the only institution in the UK that is nationally funded to promote and facilitate research in the humanities. It performs a vital role as a driving force for knowledge sharing across the humanities in the UK and beyond, and receives special funding for this purpose from Research England.

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Programme

The Refugee Law Initiative Annual Conference offers a dedicated annual forum to share and debate latest research and cutting-edge developments in refugee law and protection.

This year's special theme – 'Refugee Protection in a Hostile World?' - reflects on an apparent strengthening of long-standing currents of anti-refugee feeling and other forms of instability in the world. This trend raises urgent questions about its present and future impact on refugee protection globally, as well as the interaction between global politics and refugee law.

This year's shorter RLI Annual Conference takes place over two days. The following day (Friday 20 July), a special international IDP Workshop celebrating 20 years of the Guiding Principles on Internal Displacement will be hosted at Senate House. Attendance at that event is optional for RLI conference participants and must be booked separately.

Key to Panel Sessions:

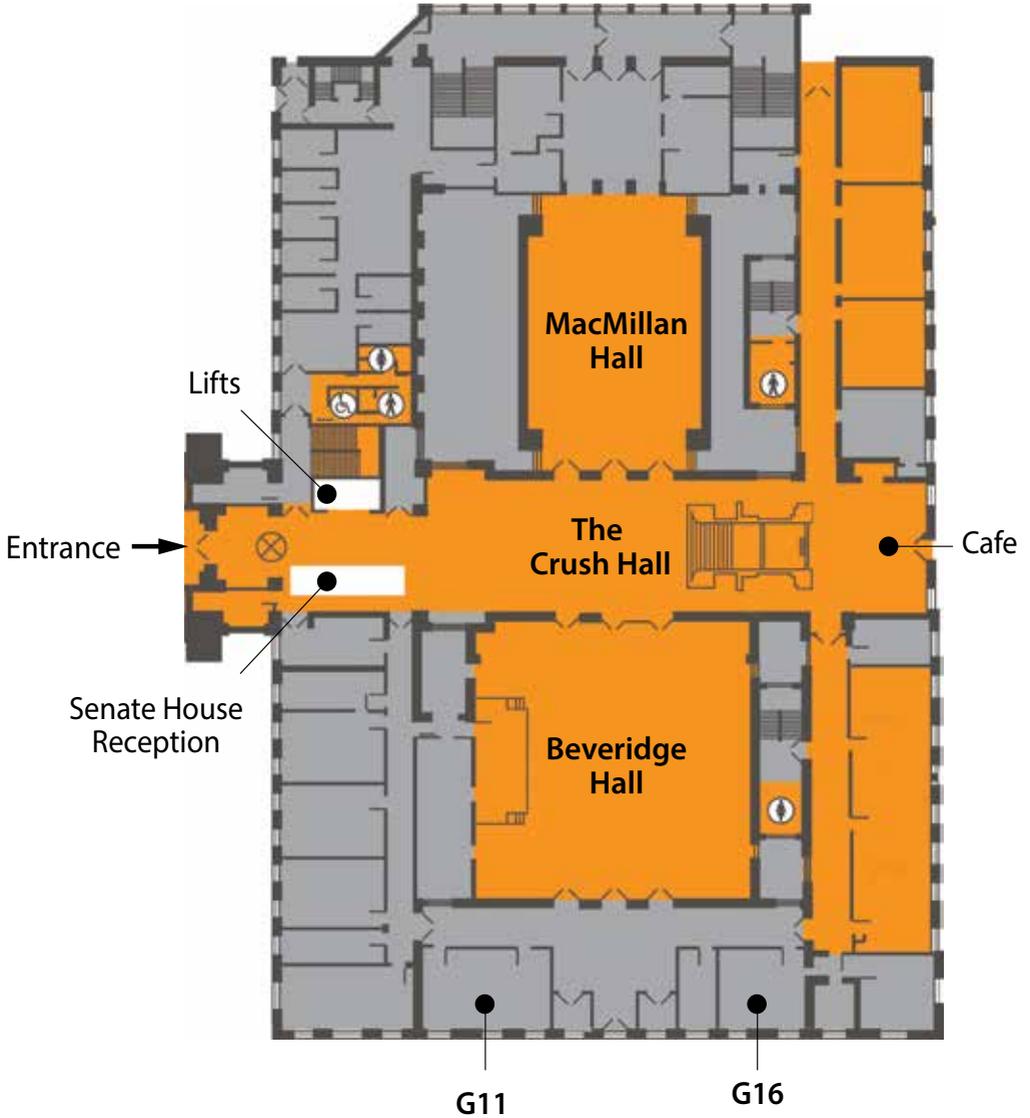
Stream 1 Thematic: Refugee Protection in a Hostile World

Stream 2 Open: New Regional and Inter-State Perspectives on Refugee Law

Stream 3 Open: Topical Issues in Refugee Law

Senate House Floor Plan

Ground Floor



Day 1 – Wednesday 18 July 2018

0900–0930 Registration

Crush Hall

0930–0945 Opening

Beveridge Hall

- *Dr David James Cantor* (Refugee Law Initiative)

0945–1045 Distinguished Keynote – Plenary Session

Beveridge Hall

- ‘Refugees, Intolerance and Racism: Contemporary Reflections’
E. Tendayi Achiume (UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance)

1045–1230 Panel Session I

Stream 1 ‘Hostility’ towards Refugees: National Law and Developments

Room G16

Chair: *Dr Lucy Hovil* (International Refugee Rights Initiative)

- ‘A U-turn and a Wrong Turn? On Recent Developments in Swedish Asylum Law’ – *Dr Rebecca Stern* (Uppsala University)
- ‘Stratification of Rights and Entitlements among Various Categories of Refugees and Asylum Seekers in Japan’ – *Naoko Hashimoto* (University of Sussex)
- ‘Seeking Legal Venue to Enforce Refugee Norms: The Case of Turkish Asylum Policy-Making’ – *Yusuf Ciftci* (University of Southampton)
- ‘De Facto Hostility? Explaining Non-accession to the 1951 Refugee Convention and its Impact on the Development of Refugee Policy Frameworks and Institutions in the Caribbean’ – *Dr Natalie Dietrich Jones* (University of the West Indies, Mona)

Stream 2 Responding to Displacement Crises: Regional Perspectives

Room G11

Chair: *Dr Ruvy Ziegler* (University of Reading)

- ‘Adding Fuel to the Fire: How Emergency-drive Solidarity Constructed an EU “Asylum Crisis”’ – *Dr Evangelia (Lilian) Tsourdi* (University of Oxford)
- ‘Regime-shifting in Southern Africa and the Global Refugee Regime’ – *Nick Maple* (RLI)
- ‘The Bali Process: A Help or Hindrance to Refugee Protection?’ – *Carly Gordyn* (Australian National University)
- ‘The Venezuelan Exodus: Latin America’s New Migration or Refugee Crisis?’ – *Dr Luisa Feline Freier* (Universidad del Pacifico) – authored with Isabel Berganza Setién (Universidad Antonio Ruiz de Montoya) and Cécile Blouin (Pontificia Universidad Católica del Perú)

Stream 3 Human Rights Law and Refugee Protection

Beveridge Hall

Chair: *Professor Geoff Gilbert* (University of Essex)

- ‘Going, Going, Gone – The Refugee Definition and the Human Rights Paradigm?’ – *Dr Hugo Storey* (International Association of Refugee Law Judges)
- ‘Complementary Protection and Encampment: A Critical Analysis’ – *Dr Brid Ní Ghráinne* (University of Sheffield)
- ‘Beyond the Vulnerability Hype: A Tool for Protection or an Instrument of Exclusion of Migrants and Refugees’ – *Dr Ana Beduschi* (University of Exeter)

- ‘A Recalibrated Human Rights-Based Approach to the Refugee Definition’ – *Matthew Scott* (Lund University)

1230–1330 Lunch

Macmillan Hall

1330–1515 Panel Session II

Stream 1 Fighting Against Regression: Views from International Law Beveridge Hall

Chair: *Dr Lilian Tsourdi* (University of Oxford)

- ‘A Paradigm Shift-in-Waiting: Refugee Status for Persons with Disabilities’ – *Dr Stephanie Motz* (University of Lucerne)
- “New Wars” Refugees in a Hostile World: Revisiting the Refugee Convention to Engender International Protection in the European Union’ – *Christel Querton* (Newcastle University)
- ‘Persistent Protracted Armed Conflict: Advancing Refugee Protection through the Responsibility to Protect (R2P) and International Humanitarian and Criminal Law’ – *Dr James C. Simeon* (York University, Canada)
- ‘Common but Differentiated Responsibilities in International Responsibility-Sharing for Refugees: Fit for Purpose?’ – *Elizabeth Mavropoulou* (University of Westminster)

Stream 2 The Evolving Law of State Obligations towards Refugees and other Non-Citizens Room G11

Chair: *Professor Colin Harvey* (Queen’s University Belfast)

- ‘Making the case for greater refugee protection through ideas of liability’ – *Dr Ralph Wilde* (University College London)
- ‘Temporary Stay, Permanence and Durability of Refugee Protection’ – *Dr Maria O’Sullivan* (Monash University)
- ‘The Obligation to Grant Nationality to Stateless Children Born in a State’ – *William Thomas Worster* (Hague University of Applied Sciences)
- ‘The Responsible Migrant’ – *Dr Christina Oelgemoller* (Loughborough University) authored with Kathryn Allinson (Queen Mary University of London)

Stream 3 Articulating National, Regional and Universal Standards in Refugee Protection Room G16

Chair: *Catherine Briddick* (University of Oxford)

- ‘The Shortcomings of the Universal Refugee Law Framework to Prevent Undermining Regionalisation Processes’ – *Giulia Vicini* (University of Milan)
- ‘The CJEU and the Paradox of an Expansive Approach to Exclusion under Art 1F(c)’ – *Jessica Shurson* (Queen Mary University of London)
- ‘The Comprehensive Refugee Response Framework: An Opportunity to Improve Malawi’s Refugee Status Determination Process’ – *Jocelyn Perry* (Fulbright Public Policy Fellow, Malawi)

1515–1545 Coffee

Macmillan Hall

1545–1730 Panel Session III

Stream 1 Refugee Protection: Trends in Securitisation, Criminalisation and Exclusion Room G11

Chair: *Jenny Poon* (University of Western Ontario)

- ‘The Securitization of Humanitarian Space: Assessing the Growing Influence of Counter-Terrorism and Preventing/Countering Violent Extremisms Measures on Refugee Protection’ – *Sarah Adamczyk* (independent researcher)
- ‘Politicizing Legal Interpretations of the Exclusion Clauses of the Refugee Convention’ – *Professor Fatma E. Marouf* (Texas A&M University)
- ‘The Impact of the “Securitisation of Migration” on Refugee Law: The Role and Scope of Article 1F’ – *Likim Ng* (Australian National University)
- ‘Refugees and the Misuse of Criminal Law’ – *Dr Yewa Holiday* (University of Chester)

Stream 2 Resettlement: Legal and Political Visions Beveridge Hall

Chair: *Naoko Hashimoto* (University of Sussex)

- ‘Sovereignty, Vulnerability and Martyrdom: Towards a Political Theology of Refugee Resettlement in a Hostile World’ – *Professor Matthew Zagor* (Australian National University)
- ‘A Comparative Analysis of Refugee Resettlement in 22 States’ – *Amanda Cellini* (University of Oslo)
- ‘The Resettlement Process in Egypt: Instantiating Differential Rights to Mobility and Safe Refuge’ – *Luisa Fondello* (independent researcher)
- ‘Gender, Islamophobia and Refugee Exceptionalism’ – *Professor Karla McKanders* (Vanderbilt University)

Stream 3 Environmental Refugees? Climate, Disasters and Protection Room G16

Chair: *Dr Cosmin Corendea* (CISDL)

- ‘The Role of UNHCR in Enhancing Legal Protection in the Climate Change Process’ – *Isabelle Michal* (UNHCR)
- ‘State-led, Regional, Consultative Processes: Opportunities for Developing Legal Frameworks on Disaster Displacement’ – *Atle Solberg* (Platform on Disaster Displacement)
- ‘What Governments have to say about Environmental Migration: Insights from the Negotiations on the Global Compact on Migration’ – *Dr François Gemenne* (University of Liège)
- ‘Legal Frameworks Applicable to Environment Migration’ – *Alice Sironi* (IOM)

1730–1900 Conference Drinks Reception and Poster Session Macmillan Hall

- For all registered conference participants
- Please see List of Posters at the end of this programme

Day 2 – Thursday 19 July 2018

0915–1100 Panel Session IV

Stream 1 Mixed Migration: Securitisation and its Impact on Rights of People on the Move Room G16

Chair: *Hannah Leach* (Mixed Migration Centre, Middle East)

- ‘Criminalisation and the Impact on Protection Risks for People in Mixed Flows from East Africa’ – *Danielle Botti* (Mixed Migration Centre, East Africa/Yemen)
- ‘Libya: Impact of the Criminalisation of Mixed Flows across the Sahara and along the Central Mediterranean Route’ – *Sonia Joly* (Mixed Migration Centre, North Africa)
- ‘From Afghanistan to Beyond: Criminalisation of People on the Move’ – *Linnea Lue Kessing* (Danish Refugee Council, Asia)

Stream 2 The Role of ‘Third Countries’ in Asylum Law Beveridge Hall

Chair: *Dr Izabella Majcher* (Global Detention Project)

- ‘Third Country Processing and the Future of Asylum Policy’ – *Nikolas Feith Tan* (Aarhus University)
- ‘The Right to an Effective Remedy in Dublin Asylum Procedures in the EU: Shaping its Contours through the Jurisprudence of the CJEU and the ECHR’ – *Dr Silvia Morgades Gil* (Pompeu Fabra University, Barcelona)
- ‘Challenges for Refugee Protection in Europe after the EU-Turkey Deal’ – *Dr Eleni Koutsouraki* (Panteion University)
- ‘Cooperative Migration Control Policies: Circumventing the Prohibition of *Refoulement*?’ – *Annick Pijnenburg* (Tilburg University)

Stream 3 Information, Knowledge and Evidence in the Refugee Protection Context Room G11

Chair: *Dr Jeff Crisp* (Chatham House)

- ‘Against an Apolitical Conceptualisation of the Asylum Law Knowledge Environment’ – *Katharine T. Weatherhead* (Queen Mary University of London)
- ‘(Lack of) Information Provision to Asylum Seekers in Hungary – Considering Practices of an Openly Hostile Approach to Refugee Protection’ – *Agnes Simic* (Middlesex University)
- ‘Big Data and the Internalized Border: Attacks on the Freedom of Movement and the Right to Data Protection as Part of the CEAS Reform’ – *Dr Nula Frei* (University of Fribourg) and *Dr Constantin Hruschka* (Max Planck Institute)
- ‘The Impact of Syrian Refugees on a Receiving State’s Public Expenditure: Evidence from Jordan’ – *Dr Waed Alshoubaki* (Tennessee State University) and *Professor Michael Harris* (College of Public Service)

1100–1130 Coffee

Macmillan Hall

1130–1230 Distinguished Keynote – Plenary Session**Beveridge Hall**

- ‘Prospects for the Global Refugee Compact in a “Hostile World”’
Jean-François Durieux (Refugee Law Initiative)

1230–1330 Lunch (Macmillan Hall)

1330–1515 Panel Session V**Stream 1 Blocking Access to Asylum across Regions: The Depth and Breadth of Extraterritorial Border Controls in a Hostile World** **Beveridge Hall**Chair: *Professor Terje Einarsen* (University of Bergen)

- ‘Refuge Lost: Asylum Law in an Interdependent World’ – *Dr Daniel Ghezelbash* (Macquarie University)
- ‘Accessing Asylum in Europe: Extraterritorial Border Controls and Refugee Rights under EU Law’ – *Dr Violeta Moreno-Lax* (Queen Mary University of London)
- ‘Visas and Non-Discrimination’ – *Dr Maarten den Heijer* (University of Amsterdam)
- ‘A New Gulag Archipelago? How the Global North is Creating Immigration Detention Islands Across the Global South’ – *Dr Michael Flynn* (Global Detention Project)

Stream 2 The Rohingya Crisis and Other Protection Dilemmas in South East Asia **Room G11**Chair: *Dr Dallal Stevens* (Warwick University)

- ‘Beyond the Frontier: Reimagining Refugee Law in Egypt, India, Malaysia and Hong Kong’ – *Dr Martin Jones* (University of York, UK)
- ‘The Rohingya Crisis: Unique Complexities of the South Asian Perspective’ – *Ishita Kumar* and *Hamsa Vijayaraghavan* (Migration & Asylum Project, New Delhi)
- ‘A Model Failure: Hong Kong’s Refugee Screening Mechanism and its Impact on Refugee Protection in the Region’ – *Isaac Laban Shaffer* (Justice Centre Hong Kong)

Stream 3 Family Reunification for Refugees: Obstacles and Advances **Room G16**Chair: *Samarie Wijekoon Lofvendahl* (UNHCR Division of International Protection)

- ‘The Right to Family Life and Family Unity of Beneficiaries of International Protection under International Law and Who is Included in ‘Family’ – *Frances Nicholson* (independent researcher)
- ‘Realising the Right to Family Reunification of Refugees in Europe’ – *Dr Cathryn Costello* (University of Oxford)
- ‘Family Reunification for Refugees in Switzerland’ – *Dr Stephanie Motz* (University of Lucerne)
- ‘Family Reunification with Beneficiaries of International Protection in Belgium: A Difficult Journey’ – *Dr François De Smet* (Federal Centre for Migration, Belgium)

1515–1545 Coffee**Macmillan Hall**

1545–1645 Distinguished Keynote – Plenary Session **Beveridge Hall**

- 'Refugee Law in Times of Crisis: Reflections on Academic and Political Trajectories' – *Professor Thomas Gammeltoft-Hansen* (Raoul Wallenberg Institute)

1645–1700 Closing **Beveridge Hall**

- *Dr David James Cantor* (Refugee Law Initiative)

1715–1800 RLI Affiliates Meeting **Room G11**

- Optional – open to RLI Staff, Senior Research Associates, Research Affiliates, Fellows, and MA in Refugee Protection and Forced Migration Studies Students

1800–2000 Conference Dinner **Macmillan Hall**

- Optional – separate registration required by those wishing to attend
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Day 1 Poster Session – Sample of Posters

- ‘Causing Forced Displacement: A Breach of International Human Rights Law’ – *Kathryn Allinson* (Queen Mary University of London)
- ‘Money to Replace Access: An Analysis of State Contributions for the Support of Refugee Camps Outside Their Territory’ – *Jinan Bastaki* (United Arab Emirates University)
- ‘The New Brazilian Refugee Law as a Vanguard Approach to Refugee Protection in face of Challenges of International Refugee Law’ – *Flávia Salum Carneiro Soares* (PUC/MG - CAPES, Brazil)
- ‘Questions of Jurisdiction in European Asylum Law: Current State Practice Post-*Hirsi*’ – *Sophie Capicchiano Young* (Geneva Academy of International Humanitarian Law and Human Rights)
- ‘A Camp in Calais: A Logical Consequence of British Asylum Policy?’ – *Liam Cunningham* (independent researcher)
- ‘A Critical Analysis of the Challenges of Protection of Refugees in Mixed Migration: Application of Articles 1F and 31 of the UN Refugee Convention 1951 in Africa’ – *Oghenerioborue Esther Eberechi* (University of Pretoria)
- ‘Creating Communities of Welcome: Understanding Motives to Assist Immigrants and Refugees in a Hostile Era’ – *Brenda Garcia Millan* (University of Oregon)
- ‘The New Challenges to Human Rights Protection in the light of the Fight against Migrant Smuggling: Reflections on a Possible Distinction between Migrant Smugglers and Drivers’ – *Beatrice Gornati* (University of Milan)
- ‘Article 31(1) as a Bar to the Prosecution of Refugees’ – *Dr Yewa Holiday* (University of Chester)
- ‘The Experiences of Refugee and Asylum-Seeking Women of Maternal Healthcare in the UK’ – *Imogen Horn* (St George’s University of London)
- ‘Legality of the Hotspot Approach in Greece: A Case Study from Lesbos’ – *Anna Iasmi Vallianatou* (Solidarity Now, Athens)
- ‘Globalisation: Mapping the Antinomies of Refugee Crisis and Growing Right Wing Nationalism’ – *Rabab Imam* (Jamia Millia Islamia, New Delhi)
- ‘The Role of National Human Rights Institutions in Promoting and Protecting the Rights of Refugees in Africa’ – *Vivian Nasaka John-Langba* (University of Cape Town)
- ‘An Interdisciplinary Approach to Bhutanese Refugees’ Access to Mental Health Services’ – *Justine Lindsey Lewis* (Binghampton University)
- ‘The Deep “Illiberal” Roots of Contemporary Authoritarianism in Refugee Interdiction: Learning from a Past Experience’ – *Helia López Zarzosa* (independent researcher)
- ‘Smear Campaign: Examining the Implications of the US Anti-Refugee Agenda’ – *Selina March* (MA in Refugee Protection, RLI)
- ‘An Evidence Based Framework for an Initial Needs Assessment of Unaccompanied Minors’ – *Dr Lauren Ng* (Royal Devon & Exeter Hospital)
- ‘Sexual and Gender-Based Violence in Refugee Camps’ – *Tatiana Morais* (FDUNL/CEDIS, Lisbon)
- ‘Refugee Protection in Turkish Jurisprudence in View of International Law and Regional Policies’ – *Gamze Ovacik* (Bilkent University)

- ‘Europe’s Proposed African “Hotspots” in the Shadows of Australia’s “Pacific Solution”’ – *Stephen Phillips* (Åbo Akademi University)
- ‘Non-Refoulement Obligations in EU Third Country Agreements’ – *Jenny Poon* (University of Western Ontario)
- ‘Recent Migration Flows to Europe: Who Are the Incoming People?’ – *Robert Stojanov* (European University Institute)
- ‘Human Rights Compliance of European Union Migration Cooperation Agreements’ – *Bethel Tsegaye* (MA in Refugee Protection, RLI)
- ‘Speedy Returns: The Magic Oubliette?’ – *Evelien Wauters* (KU Leuven)
- ‘Safe with the Neighbours? Refugee Protection in Turkey and Morocco and EU’s External Migration and Asylum Policy’ – *Ruben Wissing* (Gent University)
- ‘Internal Protection Alternative in the Country of Origin as a Practical Obstacle to Refugee Status: Hostile, Restrictive or Legitimate?’ – *Chao Yi* (McGill University)

Additional exhibitions

Photography

During the conference there will be a display of a recent photography exhibition entitled ‘Lost rights, found justice?’ organised jointly by the Human Rights Consortium, Refugee Law Initiative, Being Human Festival and Migrants Rights Group International.

Lost rights, found justice? is a photography competition and exhibition aiming to increase public understanding of the rights and situation of refugees, migrants and those seeking asylum, through the lens of photography. The exhibition features photographs selected from a global call for submissions.

The winning images tell diverse stories, from current crises like the Rohingya and Syrian refugees to the long-standing experiences of forced displacement in semi-permanent camps in Nigeria or Uganda, and ongoing routes of migration through Europe and Central America.

The exhibition will be on display in the second floor foyer of Senate House for the duration of the conference and IDP Workshop.

Music

Guests at the conference dinner will be treated to music by Senegalese guitarist and singer Abdoulaye Samb.

Abdoulaye Samb is a Senegalese songwriter who warms audience’s hearts with his sincere performances. Along with his band Minnjaraby, he creates a refreshing blend of traditional Senegalese music and European influences inspired by Fula and Mandinka cultures. The name Minnjarabay meaning the ‘love of mixing’ expresses the richness in Senegalese culture and an open mind to the many influences from across the globe.

Abdoulaye will be performing solo at the conference dinner on Thursday 19 July.

Contributions to the RLI Blog



Refugee Protection in a Hostile World?

*Blog post written by Susan Reardon-Smith (RLI) reflecting on the theme and purpose of the upcoming **RLI Third Annual Conference**. This post was originally published on the [Talking Humanities](#) blog.*

The recent **stand-off** on the waters of the Mediterranean between Italy, Malta and the rest of the EU is disheartening, but neither shocking nor unexpected given the trajectory of Europe's response to people seeking protection on its shores. As many have written (see [here](#) and [here](#), for example), the EU has taken an increasingly restrictive stance particularly at a time when more people need protection, with the ongoing displacement crises in Syria and elsewhere, and the proliferation of causes of displacement. And by no means is this trend of hostility confined to the EU, with similar policies and sentiments echoed across the wealthy world, particularly in Australia and America.

The policies of such countries not only affect those seeking protection in their regions, but impact upon refugee protection throughout the world: through other countries **mirroring such restrictive policies** (known as policy diffusion); through **funding gaps** for UNHCR and international humanitarian support (which many countries rely on to support displaced persons on their territory); and most importantly, through the **erosion of refugee protection** and the principles enshrined in the Refugee Convention more generally.

The field of refugee protection, underwritten by refugee law and developed through policies and practices on the ground in countries around the world, is complex and multi-faceted and, at its core, represents an international effort to ensure that displaced persons are not left without a country to turn to in times of need. However, recent trends have meant that frequently following displacement, asylum seekers and refugees face further ordeals of confinement in camps or detention centres, perilous journeys to safer countries, hostile reception conditions and reduced rights and circumstances for many years afterwards. Such conditions obviously were not the intended outcome of the Refugee Convention and speak to the politics of fear and hostility that have since influenced the way in which protection is granted around the world.

Many have recognised the significance and worrying trend of this degradation of refugee protection, and the need for change is reflected in the commissioning of the ongoing inter-governmental processes – the **Global Compacts on Refugees and Migration**. However, the ability for these compacts to significantly improve refugee protection is arguably slim, and they seem to offer only a small step forward in what is a difficult political environment. While there is a **general sense of disappointment** amongst refugee advocates in these processes, some argue

that they still [represent an important opportunity](#) to draft guidelines that can then be built upon, while others posit that the whole process is flawed as the regime [requires fundamental reform rather than incremental change](#).

Concurrently, there is a growing recognition that refugee protection in practice is not only reliant on international processes, as a range of regional and community initiatives are having significant impact. Amongst these are the [private sponsorship schemes](#) (such as those in Canada), the [hosting of refugees](#) within families and homes, and the [efforts of cities and regions](#) to welcome refugees where national governments will not. This circumvention of national directives is seen in acts of defiance such as the [Italian mayors offering their ports](#) in the aforementioned recent EU stand-off.

This reinforces the [observation](#) that public opinion is often more sympathetic than the national policies of governments, and that often those closest to the impacts of displacement are the most generous. Further to this, the excellent work that has always been and continues to be done by academics, lawyers, practitioners, support workers, community members and refugees themselves is vital to promoting humanity in an inhospitable world.

Symposiums such as the [Refugee Law Initiative's](#) upcoming Third Annual Conference, '[Refugee Protection in a Hostile World?](#)', seek to exhibit and build upon such work through a range of presentations by leading academics, policy-makers and practitioners in the refugee field, and with over 180 interested participants attending. The presenters draw from all corners of the globe and from fields such as law, policy, international relations, anthropology and social work. Such conferences provide a vital opportunity for information-sharing and collaboration across different fields, and will involve discussion and debate on a wide range of themes (view the [conference programme](#) here).

This year's conference will cover topics as diverse as the interaction of human rights law and refugee protection, issues of protection in environmental displacement, the impact of the criminalisation of migration in Libya, and issues related to data protection. It will feature presentations from leading voices in refugee protection, including distinguished guests such as [E. Tendayi Achiume](#) (the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance). The conference will also be followed by a [Special IDP Workshop](#), with an aim to revitalise discussion and research on issues related to Internal Displacement.

In an increasingly hostile world for refugees such spaces of convergence are vital to promote and develop good research, to build connections between different disciplines and geographic regions, and to dispute the ever-increasing restrictions for those seeking protection.

Sovereignty, Vulnerability and Martyrdom: Towards a political theology of refugee resettlement in a hostile world

Blog post by Matthew Zagor (ANU) who will present on the 'Resettlement: Legal and Political Visions' panel at the upcoming [RLI 3rd Annual Conference](#).

In his [notorious first telephone call](#) with President Trump on 28 January 2017, Australian Prime Minister Malcolm Turnbull not only praised the freshly signed Executive Order on immigration, but took direct credit for its inspiration. Australian officials, Turnbull put to the President, had discussed [Australia's policy of prioritising Syrian Christian refugees for resettlement](#) with

their American counterparts. The latter had clearly taken note, and were now emulating the Australian scheme.

Yet a close look at the genesis of the US 'Muslim Ban' and [its original exemption for those from 'minority religions'](#) reveals not the hand of Australian norm entrepreneurs so much as the Christian nationalist arm of the evangelical movement [whose support the Trump campaign so meticulous and successfully courted](#). If anything, the Australian policy of prioritising Syrian and Iraqi Christian refugees for resettlement can be traced to this same movement's politicised mission: to save 'martyrs' in the 'persecuted church' from the existential threat posed by Islam, and through their redemptive stories revive a religion [weakened by a century of secularism in the West](#) in time for the end of days.

My paper to be presented at the upcoming [RLI Annual Conference](#) explores the background to these discriminatory policies through the lens of political theology. In this context, it unpacks the ways in which ['reputational entrepreneurs'](#) leverage the images and stories of the embodied martyr for particularist political purposes while working within the otherwise universalist humanitarian space – an unresolved tension in evangelical Christianity's engagement with humanitarianism more generally. Its main focus are the ways in which resettlement programs, nestled within what Didier Fassin has described as a [humanitarian rationality of 'bearing witness'](#) to suffering, are apposite vehicles for promoting an eschatological politics of redemption that marries with certain political interests in the Middle East, and populist Islamophobia at home.

UNHCR has long struggled to prevent resettlement being abused by states cherry-picking refugees to meet a domestic or geopolitical agenda. Taking its cue from Australia's 2015 policy of prioritizing Syrian and Iraq Christian refugees on the basis of their 'most vulnerable' status, the paper questions whether UNHCR's adoption of vulnerability as an organising principle for identifying 'categories of need' might be a weak spot for a non-discriminatory resettlement program. More broadly, it asks whether this potential weakness sheds critical light on increasingly popular theories promoting vulnerability as a touchstone principle in human rights law. Alternatively, it may be that this otherwise valuable principle is distorted through its use in distributing the scarce resource of resettlement places amongst already vulnerable forcibly displaced persons.

An inquiry into the political theology of resettlement inevitably raises a host of other questions that need answering. How, for instance, does it relate to national narratives of 'generosity' and unimpeded sovereign power around which resettlement programs frequently revolve, powerful political tropes which are classic examples of what Schmitt called ['secularized theological concepts'](#)? And, crucially, do these concepts distort and undermine both the legal obligations to protect refugees arriving within a state's jurisdiction, and the deservingness of those demanding recognition of their rights?

Protection under Climate Law: A hybrid approach

Blog post written by Dr Cosmin Corenda, Senior Fellow at the Centre for International Sustainable Development Law (CISDL). Cosmin will chair the 'Environmental Refugees? Climate, Disasters and Protection' panel at the upcoming [RLI 3rd Annual Conference](#).

Communities affected by climate change already develop a range of solutions and approaches to the impacts they face, including migration. However, in order to make these solutions and approaches sustainable, they must be supported by a legal framework. There is a need for the rule of law to be brought into the climate change process at the local, national and international

level in order to protect rights, reduce risk, build resilience, empower people and facilitate positive migration. This blog post suggests that legal responses to address the impact of climate change on human security should employ a flexible and positive approach, in line with the recent developments of international law, such as the hybrid approach.

Recent empirical research conducted in relation to climate change and migration in the Pacific stresses *inter alia*, the significance of the international hybrid law, which has developed from a legal methodology, since 2007 when it was first elaborated, to now a **well-accepted legal concept**.

There are two main outcomes of such findings emphasising 1) the importance of a regional approach, as a more efficient legal implementation mechanism for the Paris Agreement (PA), and 2), the legal derogatory (based on a reciprocal cause-effect relationship) to address environmental degradation (where environmental degradation represents a larger notion including climate change) with concurrent reference to human rights and/or migration.

The derogation exists in practice and reflects reality, as the decision to migrate due to environmental triggers is not exclusively based on environmental reasoning, as it includes human rights access limitations as well as other factors, such as economical stressors, reduced access to medical services, etc. This interlinked and interconnected approach of environmental degradation, human rights and (forced) migration represents a change of paradigm, a concrete reconceptualisation of the States' duty to protect and the common but differentiated responsibility application for both sending and receiving communities. This approach is known as **international hybrid law** where, in a simplistic description, environmental degradation may lead to human rights violations and in turn to human mobility (as an inclusive concept of migration, displacement and planned relocation).

In acknowledgement of households' decisions to use migration as an adaptive tool when affected by environmental degradation, the hybrid approach expands any State responsibility (such as the duty to rescue) to a medium-long term approach, making it much more complicated and complex. Using the hybrid approach, States do not only have the obligation to address present migration humanitarian crises, but also to PREVENT future mobility impacts due to environmental rights breaches.

The hybrid application has already been used by **different court decisions**, which utilised the rights-based approach and the progressive interpretation of law (as a prerequisite of hybrid law). These decisions effectively enlarged the application of both domestic and international law in order to increase the protection granted and to serve the ultimate purpose of law – to address the needs of the people (in this case, the (vulnerable) people affected by climate change).

Moreover, in the very recent **Climate Talks in Bonn**, negotiators spent numerous hours to discuss the application of the Paris Agreement preamble on the operational part, in order to assure that human rights language (including 'migrants rights') becomes an integrated approach when developing the 'rulebook' for the PA implementation.

It is clear that in a 'hostile world' (where hostile may refer also to disasters as a result of human activity), people affected by environmental degradation / climate change need legal protection at local, domestic, regional and international level, and in particular, when deciding to migrate. It is also clear that hybrid law is designed to assist in increasing the protection of this group of people and is able to be applied in both mitigation and litigation processes. The use of hybrid law may eventually lead to concrete human-centered solutions, where protection has a natural preemptive and progressive behavior, and migration is not perceived as a 'hostile' negative process.

Refugee Law Initiative
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