Course: AP/PPAS 4111 3.0, International Refugee Protection Regime I: Critical Problems

Term: Fall 2015

Course Instructor: Professor James C. Simeon
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Consultation hours: Please make an appointment by email.

Time: Mondays, 14:30 - 17:30

Location: MC 109

Course Description

One of the major concerns in the world today is the plight of those who are forcibly displaced from their homes and who seek asylum abroad. This course explores, through readings, lectures, group discussions, student presentations, and individual and group work assignments, how the norms, institutions, and decision-making procedures that comprise the current state of the world’s international refugee protection regime defends and upholds the rights of refugees around the world. Through a multi-disciplinary approach that utilizes historical, legal, sociological, political science and public policy and administration conceptual, methodological, analytical, and theoretical academic and practical perspectives it seeks to illuminate the underlying forces and dynamics at the core of the critical issues and problems confronting those who have been forcibly displaced and are seeking asylum and/or refugee status from severe breaches to their human rights that amount to persecution.

Goals of the course: The course is designed to stimulate understanding and critical thinking on the key issues and concerns confronting the international refugee protection regime today as a foundation for assessing, evaluating, and devising possible solutions to address these essential problems and difficulties. By the end of the course students will be able to understand the potential as well as the limitations of the international refugee protection regime – as both a normative as well as practical operating system – for the protection and the advancement refugees’ and other forced migrants’ rights and responsibilities.

Learning Outcomes: By the end of the course, students should be able to:
• Define who is a refugee under international law, whether Mandate or Statutory and/or Convention or Territorial refugee.

• Critically assess the role of key international agencies or intergovernmental organizations (UNHCR, IOM, ICRC, ICVA and others) in the international refugee protection regime.

• Make a detailed presentation, using appropriate disciplinary insights, on a critical issue or concern confronting the international refugee protection regime based on the assigned weekly readings and, accordingly, be able to communicate information, arguments, and analyses accurately and reliably, orally and in writing to an academic as well as a broad range of non-academic audiences.

• Describe and analyze the Refugee Status Determination (RSD) process in general and in detail for both the UNHCR and a particular state such as Canada, the United States, Mexico, Brazil, United Kingdom, France, Germany, Austria, The Netherlands, Norway, Sweden, Denmark, Switzerland, Poland, South Africa, Australia, New Zealand, and so on.

• Contribute to individual and group learning on the subject matter of the course by providing constructive observations, commentary and reflections on their own and their colleagues’ work in the course.

• Through an incremental and staged process of construction, formulate a clear research question and present a thorough analysis, with a coherent set of concise findings, in a research paper on a specific issue and/or problem confronting the international refugee protection regime today.

• Through a weekly dialogue and exchange demonstrate progressively enhanced skills in listening and engaging in constructive and mutually respectful discussion, debate and cogent argument.

• Prepare to gain valuable community driven experience with an organization that works directly or indirectly with refugees on various issues and concerns and, in the process, demonstrate the exercise of initiative, personal responsibility and accountability in both personal and group contexts, work effectively with others and be able to make decisions within a variety of contexts and circumstances.

Course Texts

http://www.unhcr.org/protect/3c0762ea4.html


Course Reading Materials as Assigned on a Weekly Basis and from time-to-time posted on the Moodle course website.

Recommended


Evaluation

Research Proposal with an Annotated Bibliography 20% (Due October 5)
Experiential Education Research Assignment 20% (Due November 2)
Seminar Presentations 10% (Various)
Seminar Participation 15% (Ongoing)
Research Report/Paper 35% (Due December 7)

Academic Integrity

Cheating and plagiarism are extremely serious academic offenses that will result in severe sanctions. See: http://www.yorku.ca/academicintegrity and specifically http://www.yorku.ca/academicintegrity/students/index.htm. All students are urged to visit York University’s Academic Integrity Web Site and to read the “Beware! Says Who? Avoiding Plagiarism” pamphlet, and to do the online Tutorial on Academic Integrity, if you have not already done so. See: http://www.yorku.ca/acadinte/files/beware-sayswho.pdf. Please submit the proof that you have completed the online Academic Integrity Tutorial by the second week of classes.

Research Ethics Review Process

York students are subject to the York University Policy for the Ethics Review Process for Research Involving Human Participants. See
In particular, students proposing to undertake research involving human participants (e.g., interviewing the director of a non-profit organization, staff at a government board, agency or commission, having students complete a questionnaire, conducting a focus group, etc.) are required to submit an “Application for Ethical Approval of Research Involving Human Participants” at least one month before they plan to begin their research. If you are in doubt as to whether this requirement applies to you, please contact me as soon as possible.

Religious Observance Accommodation

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates specified in this syllabus for an in-class presentation or the due date for an assignment pose such a conflict for you, please let me know within the first three weeks of class.

For your information, please note that to arrange an alternative date or time for an examination scheduled in the formal examination periods (April/May), students must complete an Examination Accommodation Form, which can be obtained from Student Client Services, Student Services Centre or online at http://www.registrar.yorku.ca/pdf/exam_accommodation.pdf. (Copy and paste the URL in your web browser.)

Students with Disabilities

The York University Senate has adopted a Policy Regarding Academic Accommodation for Students with Disabilities which provides that the University “shall make reasonable and appropriate accommodations and adaptations in order to promote the ability of students with disabilities to fulfill the academic requirements of their programs.” There are a number of different resources available to assist students with disabilities at York University. For further information you may wish to contact the Counseling & Disabilities Services at http://www.yorku.ca/cds/, Learning Disability Services, http://www.yorku.ca/cds/lds/index.html, and/or Physical, Sensory & Medical Disability Service (PSMDS) at http://www.yorku.ca/cds/psmds/index.html. (Copy and paste the URL in your web browser.)

Students who feel that there are extenuating circumstances which may interfere with the successful completion of any course requirements are encouraged to discuss the matter with me as soon as possible to make appropriate arrangements.
Students with physical, learning or psychiatric disabilities who require accommodation in teaching style or evaluation methods should discuss this with me early in the term so that appropriate arrangements can be made.

**Student Conduct**

Students are expected to maintain the highest standards of moral and ethical conduct and proper decorum at all times while enrolled at York University. Students and instructors are expected to maintain a professional relationship characterized by courtesy and mutual respect and to refrain from actions disruptive to such a relationship. Moreover, it is the responsibility of the instructor to maintain an appropriate academic atmosphere in the classroom, and the responsibility of the student to cooperate in that endeavor. Further, the instructor is the best person to decide, in the first instance, whether such an atmosphere is present in the class. A statement of the policy and procedures involving disruptive and/or harassing behavior by students in academic situations is available on the York University website at [http://www.yorku.ca/secretariat/policies/document.php?document=82](http://www.yorku.ca/secretariat/policies/document.php?document=82). (Copy and paste the URL in your web browser.)

Students should also be mindful of the York University “Code of Student Rights and Responsibilities” that is also available on the York University website, [http://www.yorku.ca/scdr/codeofrr.html](http://www.yorku.ca/scdr/codeofrr.html). (Copy and paste the URL in your web browser.)

**Weekly Schedule and Required Readings**

**PART I**

**Course Introduction and the Fundamentals**

**Week 1 - September 14 - Welcome, General Introduction, Overview and Scheduling Presentations**

Tom Clark, Chapter 1, Introduction and History


JV 6013.5 T54 2000 (On Reserve, Scott Library)


http://www.gcim.org/attachements/GMP%20No%2027.pdf

Week 2 - September 21 - The History of the International Refugee Protection Regime

Tom Clark, Chapter 3, Refugee, States and the UN World Order


HV 640 L62 1993 (On Reserve, Scott Library)


http://www.unhcr.org/protect/PROTECTION/3b66c39e1.pdf

PART II

Who is a Refugee? International Refugee Law and Practice, International Institutions, Structures and Processes

Week 3 - September 28 – 1951 Convention and 1967 Protocol

Tom Clark, Chapter 8, Refugee, Status and the 1951 Convention


http://www.jstor.org/stable/2380340?seq=1


K 3274 W48 1997 (On Reserve Scott Library)

**Week 4 – October 5 – 1969 OAU Convention, 1984 Cartagena Declaration, EU Qualifications Directive**


http://www.unhcr.org/basics/BASICS/45dc1a682.pdf


http://www.unhcr.org/protect/PROTECTION/43661eee2.pdf

*Research Proposal, with Annotated Bibliography, Assignment is due.*

**Week 5 - October 12 – Thanksgiving Day – No Classes**

**Week 6 -- October 19 – The UNHCR – Supervising the 1951 Convention**
Tom Clark, Chapter 6, A Closer Look at the Lead Actor: UNHCR

http://www.unhcr.org/publ/PUBL/419dc0b84.pdf

http://ijrl.oxfordjournals.org/cgi/reprint/14/2_and_3/365

http://www.unhcr.org/publ/PUBL/3d4aba564.pdf

http://www.unhcr.org/protect/PROTECTION/3e637b194.pdf

Week 7 – October 26 - The Role of Regional and National Courts

Protocol on the Statute of the African Court of Justice and Human Rights

KJE 969 L56 2010 (On Reserve at the Scott Library)

KUE 5202 A8 F88 2011 (On Reserve at the Scott Library)


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*October 29 - November 1 – Co-Curricular Days (No Classes)*

**Week 8 - November 2 – International and Regional Courts***

Tom Clark, Chapter 9, The Role of the Human Rights System


*Experiential Education Assignment is due.*

**PART III**

**Critical Problems: Mass Influx, Mixed Migration Flows, Protracted Refugees, Burden Sharing Among States***

**Week 9 – November 9 – The International Refugee Protection Regime in the Global North***

Tom Clark, Chapter 5, Dispersed Refugees: Settlement and Asylum


**Week 10 – November 16 – The International Refugee Protection Regime in the Global South***

Tom Clark, Chapter 7, Supporting Actors of the UNHCR Plus Regime

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[http://www.unhcr.org/research/RESEARCH/3ae6a0c78.pdf](http://www.unhcr.org/research/RESEARCH/3ae6a0c78.pdf)

**Week 11 - November 23 – Mass Influx Situations**

*KZ 6530 E38 2002* (On Reserve, Scott Library)

[http://www.unhcr.org/protect/PROTECTION/3ae68f3c24.pdf](http://www.unhcr.org/protect/PROTECTION/3ae68f3c24.pdf)

[http://www.unhcr.org/excom/EXCOM/3ae68cc018.html](http://www.unhcr.org/excom/EXCOM/3ae68cc018.html)

**Week 12 - November 30 – Mixed Migration Flows – Irregular and Secondary Migration**

Tom Clark, Chapter 2, Refugee Populations: Where, Why and What to Do?


**Week 13 - December 7 – Refugee Camp Management – Protracted Refugees**

Tom Clark, Chapter 4, Refugees in Camps and Mass Movements


*Final Research Paper and Research Paper Summary are due.*

Additional required readings will be assigned and provided electronically.

**SEMINAR PRESENTATIONS**

*(10% of the Final Grade)*

Each student will be expected to make two in-class seminar presentations. One will be on one of the required weekly course readings and another will be on their research paper topic. The two seminar presentations are equally weighted (5% each).

**SEMINAR PARTICIPATION**

*(15% of the Final Grade)*

This is an honors fourth year seminar that requires the students’ engaged participation. Students are expected to attend, to listen and to participate in each seminar class. Seminar participation will be assessed on an individual as well as a collective basis. That is to say, there will be an individual seminar participation grade and an overall collective class seminar participation grade and each component of the grade will be assessed separately. The purpose of seminar and individual and group participation in the seminar will be to promote learning and understanding of the assigned weekly readings and the overall subject matter of our course on the international refugee protection regime and the various critical problems and issues that confront it today. In short, the overall objective of this seminar class is to promote individual and collective learning on the assigned weekly readings and topics.
Fifteen percent (10%) of the seminar participation grade will be assigned for active individual “quality” participation that stimulates or provokes active learning in class, through participation in discussions, debates, asking or raising relevant questions, providing reasonable answers to questions that are posed, stimulating a relevant exchange and/or general conversation, and so on. I will take notes of the students’ interventions and participation in class discussions and keep track of “quality” interventions that are stimulating and contributing to either individual or group learning.

Five percent (5%) of the seminar participation grade will be assigned for active group “quality” interactive and collective or group learning. For instance, how well was “the class” engaged in the weekly topic and was there a genuine effort to try and grapple with the assigned weekly reading materials and the real issues confronting the international refugee protection regime? I will also take notes on the general class discussions and overall quality of the seminar and its contribution to cooperative collective or group learning.

RESEARCH PROPOSAL AND ANNOTATED BIBLIOGRAPHY GUIDELINES
(20% of the Final Grade)

The proposal may be conceived as a map that provides direction for the research and writing of the term paper. The more detailed and developed the map, the less difficult it should be to write the research paper.

You may select any topic of interest from Week 1 through to Week 13 in the course outline that is related to one of the commonly recognized critical issues or problems related to the international refugee protection regime. No more than one student may do the same topic listed in our course outline’s required weekly readings. A class list will be circulated for students to select their research paper topics.

The textbook and other reading materials that are assigned for our course should provide you with a good start to gather research materials and ideas for your research paper. Aim to have a focussed concern, problem, issue, controversy, debate or dilemma that is central to your research topic. Avoid vague and general issues or concerns.

The research proposal assignment will require library and web-based online research and you must include an annotated bibliography that includes the works you have consulted thus far in your research. An annotated bibliography is a list of sources (i.e., books, journal articles, etc.) with summaries or annotations, describing or analyzing the contents of each source. It will not be acceptable to have only on-line documents in your bibliography. The annotations for each source are generally no longer than a single paragraph. For further information on how to prepare an annotated bibliography visit the York Libraries website at http://www.library.yorku.ca/ccm/Home/ResearchAndInstruction/citationmgmt/index.x.

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The length of the proposal should be no less than seven pages, including your annotated bibliography. The annotated bibliography should have no fewer than five books and/or academic journal articles, government and/or UN documents or reports, etc., and should not include any of the required and/or recommended readings for our course.

EXPERIENTIAL EDUCATION RESEARCH ASSIGNMENT
(20% of the Final Grade)

This assignment requires the selection of two terms and/or concepts and/or methodological approaches and/or theoretical frameworks that would be directly related to your research paper topic. The assignment will also allow you to participate in an ongoing research project in the field of refugee and forced migration studies, the Canadian Association for Refugee and Forced Migration Studies (CARFMS) Online Research and Teaching Tool (ORTT), http://rfmsot.apps01.yorku.ca/home/. On the completion of this assignment you will be given the option of having your work submitted to the ORTT for possible inclusion on the ORTT website. This will require the completion and submission of a consent form.

For each term, concept and/or theoretical framework selected, you are required to prepare a two-page paper based on the following template:

1. definitions
2. examples and/or illustrations
3. other useful sources
4. bibliography
5. case law, if relevant
6. other related terms

Please consult the CARFMS - ORTT website and the Glossary of Terms, Key Concepts, Methodological Approaches and Theoretical Frameworks that provide clear examples of this template and what is expected for this assignment. (NB: Do not use Wikipedia or any other non-authoritative sources for this assignment.)

For each term selected

- use no less than three different definitions of the term from three different reputable and reliable online or hard copy sources;

- there should be at least four examples (clearly describe and explain the phenomena) and/or illustrations (that is, audio and/or visual materials such as photos, films, maps, diagrams, graphs, and charts, etc.);

- there should be a minimum of four other useful sources;
• for the bibliography, you should refer to no less than six references from highly authoritative and reliable sources;

• cite no less than two pertinent and relevant leading refugee law cases from the most senior levels of the court system, preferably, in Canada, the Federal Court of Appeal and the Supreme Court of Canada, if the terms, concepts, methodologies and/or theoretical approaches selected lend themselves to case law. For this part of the assignment you may wish to consult the UNHCR’s Refworld at http://www.refworld.org/.

The key terms, concepts and/or theoretical frameworks need not be listed on the CARFMS – ORTT website. Terms, concepts and/or theoretical frameworks not listed on the website will also be considered but will have to be approved by the instructor in advance.

To avoid duplication, students must select different terms, concepts and/or theoretical frameworks. No student can do the same terms, concepts, methodologies and/or theoretical frameworks. Accordingly, students will be required to submit the terms, concepts and/or theoretical frameworks that they have chosen to work on no later than October 19th.

RESEARCH PAPER GUIDELINES
(35% of the Final Grade)

The research paper must be professional in all aspects. As such, it must have a cover page, title, table of contents, a number of sections (such as, introduction, research problem/issue, literature review, conclusion, etc.), bibliography and, if you wish, appendices. You are encouraged to use a few visual aids or illustrations – graphs, charts, photos, diagrams and tables, when appropriate – that must be clearly labeled and referenced. The research paper should be a holistic work that demonstrates considerable research and reflection, and strong writing skills. For further online information on preparing research papers visit York Libraries website eResources at http://www.library.yorku.ca/ccm/rg/preview/academic-writing-guide.en?g11n.enc=UTF-8.

The research paper must be at least 15 typed pages in length using double-spacing or about 6,000 words, not including your bibliography or any appendices. Grades will be deducted for punctuation and grammatical errors. You should have the paper read (Edited) by others before submitting it. At least 50% of your citations must be from academic sources (books and journal articles) and no more than 75% of your sources can be web-available.
BIBLIOGRAPHY

There are many books, monographs, journals and other academic publications that deal with the international refugee protection regime and refugees in general. A small sample of books, journal articles and other materials are listed below.


**Web-Based Information Sources**

Considerable information on the international refugee protection regime is available to students and others from web-based sources. Below is a small sample of web linked sites that students in the area of international refugee law, refugee policy and administration and the international refugee protection regime might wish to be familiar with.

UNHCR, The UN Refugee Agency  
[http://www.unhcr.org/cgi-bin/texis/vtx/home](http://www.unhcr.org/cgi-bin/texis/vtx/home)

refworld  

IOM – International Organization for Migration  
[http://www.iom.int/jahia/jsp/index.jsp](http://www.iom.int/jahia/jsp/index.jsp)

Refugees International  

European Council on Refugees and Exiles  

U.S. Committee for Refugees  

British Refugees Council  
[http://www.refugeecouncil.org.uk/](http://www.refugeecouncil.org.uk/)

Canadian Council for Refugees  
[http://www.ccrweb.ca/eng/engfront/frontpage.htm](http://www.ccrweb.ca/eng/engfront/frontpage.htm)

Norwegian Refugee Council  
[http://www.nrc.no/](http://www.nrc.no/)

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Student Action for Refugees
http://www.star-network.org.uk/

International Committee of the Red Cross (ICRC)
https://www.icrc.org/en/homepage

Amnesty International
http://www.amnesty.ca/

Critical Issues in International Refugee Law
(See the Resources web link on the CIIRL II home page.)
http://www.yorku.ca/ciirl/

Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments
http://www.yorku.ca/fdpss/

War Crimes and Refugee Status Research Workshop
http://www.yorku.ca/wcrs/

CARFMS, Online Research and Teaching Tool in Refugees and Forced Migration Studies
http://rfmsot.apps01.yorku.ca/home/

Article 1F Policy and Practice Conference
http://www.yorku.ca/artonef/

Sudan/South Sudan Symposium
http://www.yorku.ca/soss/

Indo-Chinese Refugee Movement Web Platform
http://indochinese.apps01.yorku.ca/
Protection by Persuasion: International Cooperation in the Refugee Regime. By Alexander Betts, in the Journal of Refugee Studies, 24 (2), 2011, p. 422-424. Article (PDF Available) in Journal of Refugee Studies 24(2):422-4 · May 2011 with 386 Reads.Â. Protection by Persuasion seeks to identify the nature of the cooperation problem in the refugee regime and to explain the conditions under which UNHCR has been able to overcome challenges relating to cooperation. For Betts, the cooperation problem can be subsumed under the notion of the "North-South impasse" that is, the unwillingness of Northern states to share the burden of refugee protection with the Southern states that host the overwhelming majority of the world’s refugees. The central