



Spring term 2022: 9 February – 20 May 2022

Refugee Protection and Forced Migration

Instructor

Dr José H. Fischel de Andrade, MSt, LL.M

Schedule

weekly

Time

Wednesday, 16:00–18:30

Room

tba

Course Level & Target Group

Humboldt Perspectives Study Abroad courses are designed for undergraduate students.

International undergraduate students of all subjects with an academic background and a strong interest in Law, History, Political Sciences, Humanitarian Affairs, International Relations and/or Studies.

Language requirements

This course is taught in English, including readings in English. For the understanding of the texts and the discussions in class, a language level B2 (Common European Framework of Reference for Languages) is required.

ECTS

6 ECTS

Course Description

This course examines the protection regime pertaining to refugees and other forced migrants. It gives special attention to the evolving set of legal norms, institutions, and procedures that have emerged from the international community's resolve to protect refugees and forced migrants.

The course adopts three complementary methodologies: virtual classroom lessons with the lecturer and students, individual and group exercises, assignments, and self-study. The virtual classroom sessions begin with an introduction to the international human rights and the asylum regimes, a historical perspective, and a review of the relevant concepts and definitions. It then continues with an analysis of the institutional and normative pillars of the global asylum regime, i.e. the UNHCR and the 1951 Refugee Convention, respectively.

The virtual class room lessons are complemented by individual and group exercises (such as presentations and case-studies), assignments, and self-study, all of which will further develop the knowledge of the content dealt with in the virtual classroom sessions.

Course Objective & Learning Outcomes

This course aims to provide students with the necessary knowledge and tools which will allow them to understand and position themselves critically with regard to a variety of issues related to refugees and other forced migrants.

By the end of the course, students will be equipped with historical, political, and normative knowledge necessary to understand the main challenges involving the legal and institutional protection of refugees and forced migrants. They will also have learned how to use the concepts and procedural tools which allow differentiating refugees, IDPs, and stateless persons from other migrants, e.g. economic and environmental migrants.

Course Schedule

(14 weeks, 3 hours à 45 min. per week)

Week 1

- *Content/topic*: **International human rights and the asylum regimes** (1/2)
- *Required Reading*: Fischel de Andrade, J.H. "Asylum and Regime: conceptual and theoretical framework", (unpublished), 18p.
- *Assignment*: Write up a review of the required reading

Week 2

- *Content/topic*: **International human rights and the asylum regimes** (2/2)

- *Required Reading*: Donnelly, J. "International Human Rights in Theory and Practice", 3rd Ed., Ithaca/London, Cornell University Press, 2013, pp. 161-196.
- *Group activity / assignment*: Write up a review of the required reading

Week 3

- *Content/topic*: **A historical account of refugee protection**
- *Required Reading*: Grahl-Madsen, A. "The European Tradition of Asylum and the Development of Refugee Law", 3(3) *Journal of Peace Research* (1966), pp. 287-289.
- *Group activity / assignment*: Write up a review of the required reading

Week 4

- *Content/topic*: **The normative ethics and politics of refugee protection**
- *Required Reading*: Haddad, E. "Refugee protection: a clash of values", 7(3) *The International Journal of Human Rights* (2003), pp. 1-26.
- *Group activity / assignment*: Write up a review of the required reading

Week 5

- *Content/topic*: **The normative pillar: refugee definitions in universal and regional instruments** (1/2)
- *Required Reading*: UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, Doc. HCR/1P/4/ENG/REV. 3, 2011, pp. 13-47.
- *Group activity / assignment*: Write up a review of the required reading

Week 6

- *Content/topic*: **The normative pillar: refugee definitions in universal and regional instruments** (2/2)
- *Required Reading*: Ibhawoh, B. "Defining Persecution and Protection: the cultural relativism debate and rights of refugee", in N. Steiner et al. (eds), *Problems of Protection – the UNHCR, Refugees and Human Rights*, Routledge, New York/London, 2007, pp. 61-75.
- *Group activity / assignment*: Write up a review of the required reading

Week 7

- *Content/topic*: **The institutional pillar: UNHCR's mandate and activities** (1/2)
- *Required Reading*: Lewis, C. *UNHCR and International Refugee Law – from treaties to innovation*, Routledge, New York/London, 2012, pp. 50-77 ("Flexibility in UNHCR's International Role").
- *Group activity / assignment*: Write up a review of the required reading

Week 8

- *Content/topic: **The institutional pillar: UNHCR's mandate and activities (2/2)***
- *Required Reading:* Harrell-Bond, B. "The Experience of Refugees as Recipients of Aid", in A. Ager (ed.), *Refugee – perspective of the experience of forced migration*, Pinter, London/New York, 1999, pp. 136-168.
- *Group activity / assignment:* Write up a review of the required reading

Week 9

- *Content/topic: **Regional regimes of refugee protection***
- *Required Reading:* Canefe, N. "The fragmented nature of the international refugee regime and its consequences", in J.C. Simeon (ed.), *Critical Issues in International Refugee Law – strategies toward interpretative harmony*, Cambridge, Cambridge University Press, 2010, pp. 174-210.
- *Group activity / assignment:* Write up a review of the required reading

Week 10

- *Content/topic: **IDPs and stateless persons: normative and institutional arrangements***
- *Required Reading:* Orchard, P. "Implementing a Global Internal Displaced Persons Regime", in A. Betts & P. Orchard (eds.), *Implementation and World Politics: How International Norms Change Practice*, Oxford, Oxford University Press, 2014, pp. 105-123.
- *Group activity / assignment:* Write up a review of the required reading

Week 11

- *Content/topic: **Status of refugee protection in the countries of origin/residence of the students and case-studies***
- *Required Reading:* Self-study
- *Group activity / assignment:* Presentations by the students

Week 12

- *Content/topic: **Status of refugee protection in the countries of origin/residence of the students and case-studies***
- *Required Reading:* Self-study
- *Group activity / assignment:* Presentations by the students

Week 13

- *Content/topic:* **Country or regional specific-situations or -crisis and case-studies**
- *Required Reading:* Self-study
- *Group activity / assignment:* Presentations by the students

Week 14

- *Content/topic:* **Country or regional specific-situations or -crisis and case-studies**
- *Required Reading:* Self-study
- *Group activity / assignment:* Presentations by the students

Assignments

In order to be granted 6 ECTS, participants will be asked to

- actively attend all classes (a minimum of 80% class attendance is required),
- hand in weekly 450-word reviews of articles/papers,
- make presentations on the state of refugee protection in their countries of origin/residence,
- make presentations on current significant situations (i.a. Myanmar, Syria, Venezuela, European asylum crisis, Mediterranean situation, and/or the Sahel crisis),
- participate in case-studies,
- write up an academic 900-word paper a topic to be informed by the lecturer.

Assessment Components

The final grade will be composed of

- Active participation in the sessions (10%)
- Articles' and papers' reviews (10%)
- Country presentations (10%)
- Specific-situation presentations (10%)
- Case-studies (10%)
- Final academic paper (50%)

Failure to fulfil one of the mentioned components results in failure of the class.

Expectations & Policies

Preparation for lively discussions in the classroom: Be on time, have at least the required readings completed and points in mind for discussion or clarification.

Assignments: Complete all assignments according to the specified requirements on schedule including handing over to the lecturer.

Commitment in class: Pay particular attention to the lecturer and respect differences of opinions (classmates', lecturers, locals engaged with on the visits).

Academic guidelines: Comply with academic integrity policies (such as no plagiarism or cheating, nothing unethical).

Attendance policy: 80% class attendance are required. Students must contact their class teachers to catch up on missed work.

Field trips: If classes involve a field trip or other external visits, these require attendance as well as appearance in time.

Your Instructor

Dr. José H. Fischel de Andrade read Law (LLB), International Law (LLM), International Relations (MSt) and History of International Relations (PhD) at the universities of Brasília, São Paulo, and Cambridge and is a former Postdoctoral Research Fellow at The Graduate Institute (HEID) in Geneva.

He teaches part-time at the Humboldt University in Berlin and enjoys implementing the fruits of his teaching and research in challenging areas: he has been serving in the United Nations High Commissioner for Refugees (UNHCR) in various positions since 1995.

More information: <https://unimi.academia.edu/JoseHFischeldeAndrade>

The course and its syllabus are subject to change.

Last update: *19 May 2021*