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Refugee Law In Context The Exclusion Clause

Terje Einarsen

Refugee Law In Context The Exclusion Clause:

Refugee Law in Context: The Exclusion Clause Peter Van Krieken, 1999-11-02 Both the 1951 Refugee Convention and the 1948 Universal Declaration of Human Rights clearly indicate those asylum seekers who should be excluded from refugee status excluded from asylum The refugee lawyer in order to fully appreciate the importance and relevance of this principle needs to look beyond refugee law proper The insight needed for the decision whether or not to apply the so called exclusion clause is to be found elsewhere within the realms of international law international humanitarian law international criminal law and United Nations law In this publication contributors pay ample attention to developments in these related fields Complemented with a wealth of relevant materials including informative treaties conventions and draft resolutions on these very themes this book is an indispensable guide for all those involved with asylum seekers refugees and the upholding of the principles of refugee law This collection amounts to a true Article 1F Handbook The UNHCR and the Supervision of **International Refugee Law** James C. Simeon, 2013-08-15 The 1951 Convention relating to the Status of Refugees and its 1967 Protocol and many other important international instruments recognize the unique role the UNHCR plays in protecting refugees and supervising international refugee law This in depth analysis of the UNHCR s supervisory role in the international refugee protection regime examines the part played by key institutions organizations and actors in the supervision of international refugee law It provides suggestions and recommendations on how the UNHCR's supervisory role can be strengthened to ensure greater State Parties compliance to their obligations under these international refugee rights treaties and contributes to enhancing the international protection of refugees and to the promotion of a democratic global governance of the international refugee protection regime The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, 2024-01-10 The Convention Relating to the Status of Refugees adopted on 28 July 1951 in Geneva continues to provide the most comprehensive codification of the rights of refugees yet attempted Consolidating previous international instruments relating to refugees the 1951 Convention with its 1967 Protocol marks a cornerstone in the development of international refugee law At present there are 149 States Parties to one or both of these instruments expressing a worldwide consensus on the definition of the term refugee and the fundamental rights to be granted to refugees These facts demonstrate and underline the extraordinary significance of these instruments as the indispensable legal basis of international refugee law This Commentary provides for a systematic and comprehensive analysis of the 1951 Convention and the 1967 Protocol on an article by article basis exposing the interrelationship between the different articles and discussing the latest developments in international refugee law In addition several thematic contributions analyse questions of international refugee law which are of general significance such as regional developments the interrelationship between refugee law and general human rights law as well as the relationship between refugee law and the law of the sea

Children's Rights and Refugee Law Samantha Arnold, 2017-08-09 Children make up half of the world's refugees and

over 40 per cent of the world's asylum seekers However children are largely invisible in historical and contemporary refugee law Furthermore there has been very limited interaction between the burgeoning children's rights framework in particular the Convention on the Rights of the Child CRC and the 1951 Convention relating to the Status of Refugees Refugee Convention This book explores the possibility of a children's rights approach to the interpretation of the Refugee Convention and within that what such an approach might look like In order to construct a children's rights approach the conceptualisations of children outside the legal discipline within international children's rights law and then within refugee law and refugee discourse are analysed The approach taken is socio legal and comparative in nature and the suitability of the Refugee Convention as a framework for the interpretation of child claims is examined The book analyses to what extent the Refugee Convention is capable of dealing with claims from children based on the modern conceptualisation of children which is underscored by two competing ideologies the child as a vulnerable object in law to be protected and the child as subject with rights and the capacity to exercise their agency The influence each regime has had on the other is also analysed The work discusses how a children's rights approach might improve outcomes for child applicants. The book makes an original contribution to child refugee discourse and as such will be an invaluable resource for academics researchers and policymakers working in the areas of migration and asylum law children's rights and international human rights law The Concept of Universal Crimes in International Law Terje Einarsen, 2012-08-15 This groundbreaking study seeks to clarify the concept of universal crimes in international law It provides a new framework for understanding important features of this complex field of law concerned with the most serious crimes Central issues include the following What are the relevant crimes that may give rise to direct criminal liability under international law Are they currently limited to certain core international crimes Why should certain crimes be included whereas other serious offences should not Should specific legal bases be considered more compelling than others for selection of crimes Terje Einarsen 1960 is a judge at the Gulating High Court He holds a Ph D Doctor Juris from the University of Bergen and a masters degree LL M from Harvard Law School

The Ashgate Research Companion to Ethics and International Relations Patrick Hayden, 2016-04-01 While skepticism about the role of moral considerations in international politics has been influential within the discipline of international relations IR those writing on topics such as war peace rights and trade up until the twentieth century took seriously the importance of ethical values and moral debates The 1990s and 2000s have seen a substantial growth of attention to the ways in which IR conceives and analyzes themes of an ethical nature and how issues problems and policies involving ethics are addressed by a variety of actors within the international system This indispensable research companion widens the perspective from ethics and international relations to ethics in international relations redressing the mis perception that ethical concepts principles norms and rules are not in part constitutive of the international system and the agents acting within that system Necessarily cross disciplinary expertise is drawn from IR and also philosophy political

theory religious studies history and law making this an ideal volume for any library reference collection Global **Anti-Terrorism Law and Policy** Victor V. Ramraj, Michael Hor, Kent Roach, 2009-04-09 All indications are that the prevention of terrorism will be one of the major tasks of governments and regional and international organisations for some time to come In response to the globalised nature of terrorism anti terrorism law and policy have become matters of global concern Anti terrorism law crosses boundaries between states and between domestic regional and international law They also cross traditional disciplinary boundaries between administrative constitutional criminal immigration and military law and the law of war This collection is designed to contribute to the growing field of comparative and international studies of anti terrorism law and policy A particular feature of this collection is the combination of chapters that focus on a particular country or region in the Americas Europe Africa and Asia and overarching thematic chapters that take a comparative approach to particular aspects of anti terrorism law and policy including international constitutional immigration privacy maritime aviation and financial law The Emergent African Union Law Olufemi Amao, Michèle Olivier, Konstantinos D. Magliveras, 2021-10-07 This book is a groundbreaking study of the emergence of a unique African Union legal system with contributions from a diverse collection of scholars and practitioners It highlights how law stands at the heart of the successful regional integration effort in Africa and explores among either issues the extent to which African Union law is having an impact on domestic laws This trend has been particularly noticeable in the area of human rights the rule of law democratic principles and aspects of constitutional law Furthermore the book examines how the African Union is engendering new norms from its legal order such as the non indifference norm the norm on unconstitutional change of government free trade free movement of people economic regulation and democratic constitutionalism The book also analyses how the African Union legal order has led to the emergence of a continental level judicial system. The quasi judicial system put in place under the African Charter on Human and Peoples Rights and administered by the African Commission on Human and Peoples Rights is now complemented by the African Court on Human and Peoples Rights This book contends that the continental level judicial system is playing a crucial role in the moulding of emergent norms Refugee Law Colin Yeo, 2022-04-26 The word refugee is both evocative and contested it means different things to different people For lawyers the main legal reference point is the UN Refugee Convention of 1951 This concise and engaging book follows the structure of the Convention to explore international refugee law Including an introduction to the historical and legal context Colin Yeo draws on his experience as an immigration barrister to explain the present day legal framework for global refugee protection Chapters consider well founded fear persecution the loss of refugee status and exclusion the rights of refugees and state responses to refugee claims The book includes studies of key legal cases reviews the successes and failures of the Convention and looks ahead to the future including the impact of climate change and the Global Compact on Refugees Communicating important legal concepts in an approachable way this is an essential guide for students lawyers and non specialists

Asylum Law in the European Union Francesco Cherubini,2014-11-13 This book examines the rules governing the right to asylum in the European Union Drawing on the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol Francesco Cherubini asks how asylum obligations under international refugee law have been incorporated into the European Union The book draws from international law EU law and the case law of the European Court of Human Rights and focuses on the prohibition of refoulement the main obligation the EU law must confront Cherubini explores the dual nature of this principle examining both the obligation to provide a fair procedure that determines the conditions of risk in the country of origin or destination and the obligation to respond to a possible expulsion Through this study the book sheds light on EU competence in asylum when regarding the different positions of Member States The book will be of great use and interest to researchers and students of asylum and immigration law EU law and public international law

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