

# LA386-15 Critical Perspectives on Forced Migration

**21/22**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Simon Behrman

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

Forced migration' is one of the most important issues faced today. It also has a long historical legacy. This module critically examines law and policy as it relates to refugees and other forced migrants and introduces students to some of the major issues facing people on the move, particularly those that have been forced to do so due to political or environmental circumstances. Students will be encouraged to reflect on the role of law to protect and assist and the Euro-centric nature of the Refugee Convention. The module will offer Global South and grassroots perspectives on forced migration, which are often neglected elsewhere.

It opens with an introduction to the 'gold standard' international law framework established for refugees - under the 1951 UN Convention Relating to the Status of Refugees/1967 Protocol -, created to address the post-WW2 refugee 'crisis' in Europe; it proceeds to examine other groups with less protection under international law but, arguably, equally as vulnerable: stateless people, internally displaced and those who have to leave their homes due to climate change or environmental disasters. The somewhat neglected topic of migration and social movements is also considered, providing concrete examples of activism in this area. Through the case-study of South Asia, students learn about the treatment of the displaced in a region where many countries are not party to the Refugee Convention or adopt alternative national or regional mechanisms. Finally, the

module addresses contemporary issues of migration and development and international efforts to improve the treatment and rights of 'forced migrants'.

[Module web page](#)

## Module aims

This module aims to:

- introduce students to the concepts, laws and policies relating to some of the key categories of people who have been forced to move: refugees, stateless people, internally displaced and those who have to leave their homes due to climate change or environmental disasters;
- encourage students to reflect on the role of law and policy, especially international law, and to explore the different approaches between countries that have signed up to international law instruments and those who have not;
- encourage students to learn about the impact on individuals of state practices through specific examples - such as social movements- and opportunities to hear from practitioners;
- develop substantial knowledge and understanding of law and policy as it relates to forced migration;
- offer students opportunities to demonstrate an interdisciplinary and contextual understanding of law as it relates to forced migrants;
- support the conduct of independent research and development of a sophisticated argument and critical analysis of law and policy;
- help students to understand and critique current challenges and responses to forced migration, in particular by questioning many Euro-centric and statist assumptions on this topic.

## Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Who is a refugee? An introduction to international refugee law

The module opens with an introduction to the 'gold standard' international law framework established for refugees - the 1951 UN Convention Relating to the Status of Refugees/1967 Protocol - created to address the post-WW2 refugee 'crisis' in Europe. In addition, students are introduced to the UNHCR and its Statute and to regional treaties and declarations that define the refugee and set out the responsibilities of the state to wars the refugee. In considering 'who is a refugee' students are also asked to reflect on the history and ethics of asylum.

Non-Refugee Law States: South Asia as a case-study

Having set out the legal framework and definition of the refugee, the module turns to the major challenge of the current regime: many regions of the world are not party to the Refugee Convention or have weak implementation. The examination of South Asia enables students to contrast party and non-party states and to start to identify problems with the protection of the rights of displaced people in both cases.

Climate Change and Forced Migration

The module turns to three particular categories of displaced people with varying degrees of protection under law. The first is those forced to move due to climate change or environmental disaster. Does law help or hinder? What measures are currently being taken. What needs to be done?

### Internally Displaced Persons

A second difficult category is that of IDPs, who are much less protected under international law but who comprise the majority of forced migrants in the world today. The options for those who have crossed a state border in search of protection - the refugee - and those who remain within their state's borders - the IDP - are stark. Students will learn about such options and reflect on sovereignty, the role of the state and borders.

### Stateless People

The UNHCR estimates that there are millions of stateless people in the world and this has been a growing concern for the organisation. The module examines how statelessness occurs, current examples of statelessness and the laws and policies that help or hinder.

### Migrant Rights and Social Movements

Having examined how legal regimes do or do not provide protection for various groups of forced migrants, we will turn to look at how grassroots movements have sought to reframe the concept of asylum and have challenged existing categories of refugee and migrant. Our focus will be on the US Sanctuary Movement and the Sans-Papiers in France.

### Migration and Development

The interrelationship between migration and development is a relatively new and significant dimension to a fuller understanding of the politics and policies surrounding migration. Through the examples of Jordan and Lebanon, students will be introduced to the role of aid and finance in the handling of displacement; the impact this has had on the individual; and the broader implications for global refugee protection.

### Global Compacts and Proposals for Change

The final substantive topic will consider recent international developments, through the compacts, and other national and regional instruments. Are they effective? will they make a difference? Can there ever be true responsibility-sharing in relation to displaced peoples?

### Practitioner roundtable

At the end of the module, a roundtable of experts from NGOs and practice will be invited to discuss certain topics and to provide their insights to current challenges and future developments.

## **Learning outcomes**

By the end of the module, students should be able to:

- Demonstrate substantial knowledge and understanding of law and policies on forced migration
- Demonstrate an interdisciplinary and contextual understanding of laws and policies as they

relate to specific categories of forced migrants

- Conduct independent research and develop a sophisticated argument and critical analysis of law and policies
- Explain and critique current challenges and responses to forced migration
- Present arguments orally in class
- Work collaboratively in class to complete a defined task
- Develop and sustain a written argument in refugee and migration law and policy
- Use libraries and electronic sources to find relevant primary and secondary sources; including non-legal materials
- Understand the broad context of forced migration and the impact on the individual
- Learn to research for -and draft - a briefing document/report

### **Indicative reading list**

Aleinikoff, T.A. & L. Zamore (2019) *The Arc of Protection: Reforming the International Refugee Regime* (Stamford University Press)

Behrman, S. & A. Kent (2018) *'Climate Refugees': Beyond the Legal Impasse?* (Routledge)

Haddad, E. (2008) *The Refugee in International Society: Between Sovereigns* (Cambridge University Press)

Kneebone, S., D. Stevens & L. Baldassar (2014) *Refugee Protection and the Role of Law* (Routledge)

Malkki, L. (1996), 'Speechless Emissaries: Refugees, Humanitarianism and Dehistoricization', *Cultural Anthropology* 11(3).

Mountz, A. and Hiemstra, N. (2013), 'Chaos and Crisis: Dissecting the Spatiotemporal Logics of Contemporary Migrations and State Practices', *Annals of the Association of American Geographers* 104(2): 382-390

Nyers, P. & K. Rygiel (2012) *Citizenship, Migrant Activism and the Politics of Movement* (Routledge)

de Genova, N. (2011) 'The Production of Culprits: From deportability to detainability in the aftermath of 'homeland security'', in P. Nyers, *Securitizations of Citizenship* (Routledge)

Rajaram, P. (2002), *Humanitarianism and Representations of the Refugee*, *Journal of Refugee Studies*

Samaddar, R. (2003) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (SAGE)

Turton, D. (2003), *Conceptualising Forced Migration*, RSC Working Paper No. 12

[View reading list on Talis Aspire](#)

### **Research element**

### **Interdisciplinary**

This module will draw upon texts and approaches in political science, development studies, social anthropology as well as law.

## **International**

The topic of this module is implicitly international in scope. There will also be a particular focus on asylum and forced migration in South Asia, Europe, North America, Middle East.

## **Subject specific skills**

In-depth knowledge of cutting edge debates on aspects of asylum and forced migration.

## **Transferable skills**

Critical and independent thinking

Guided and independent research

Ability to digest and debate a range of disciplinary material

Writing skills

Oral skills

Team work

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	9 sessions of 2 hours (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	125 hours (83%)
Total	150 hours

### **Private study description**

No private study requirements defined for this module.

## **Costs**

No further costs have been identified for this module.

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## Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group A1

	<b>Weighting</b>	<b>Study time</b>
Briefing Document	100%	
Briefing document/report on a choice of topics for an international or national organisation		

### Feedback on assessment

Feedback via Tabula

Generic feedback via Moodle. One to one feedback in October by student request.

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## Availability

### Courses

This module is Optional for:

- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)

- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 3 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology