LA9F3-20 Refugees, Rights and Realities

26/27

Department
School of Law
Level
Taught Postgraduate Level
Module leader
Simon Behrman
Credit value
20
Module duration
10 weeks
Assessment
100% coursework
Study location
University of Warwick main campus, Coventry

Description

Introductory description

This module will take an interdisciplinary approach to exploring aspects of the refugee phenomenon. Students will be introduced to the key global and regional legal frameworks that govern access to protection. From that starting point, we will then critically examine questions of defining who is or is not a refugee, how and if refugee movements should be controlled, and indeed if refugee law itself is a barrier to effective refugee protection. As part of this investigation, we will be considering the history of refugee movements and their relation to the nation-state, and the legacies of colonialism.

We will be applying these broader questions to specific case studies of Israel/Palestine, the European Union’s asylum and border policies, India’s role in providing asylum in the absence of refugee law, climate refugees, and the widespread use of camps and detention centres to house people seeking asylum. Having looked at how refugees are defined and managed from above, we will conclude the module by examining how social movements, often led by refugees themselves, have challenged existing frameworks and asserted their rights.

Along the way, we will be returning to certain key questions: what distinguishes a refugee from a migrant? Can such a clear distinction be made? Who decides on access to asylum, and on what basis? Should answers to these questions be sought mainly within legal, ethical or political

frameworks?

Module web page

Module aims

The aim of this module is to introduce students to the legal, political and ethical issues surrounding forced displacement of peoples, and the nature of asylum.

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.

Introduction to international refugee law, including the major global and regional refugee treaties, along with aspects of international human rights law

Defining the refugee: a history. From the Huguenots to post-World War II. How the refugee became a legal construct.

The right to have rights: refugees and the nation-state. Case study of Israel/Palestine.

Refugee protection without refugee law? Case study of India within the wider South Asian context.

Rectifying a protection gap: Case study of climate refugees, and the reframing of rights and duties on a global collective basis.

The European Union and refugees: neo-colonialism and the gated community. A critical look at the EU's approach to asylum and external borders.

Encampment and detention. Logics and practices of management of the refugee, by states, UN agencies, and NGOs.

Social movements and grassroots asylum. How refugees and their allies have challenged negative stereotypes and effectively asserted their rights, with a focus on the US Sanctuary Movement and the French Sans Papiers.

Learning outcomes

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

- Understand current debates on forced migration and be able to analyse critically the theory, ethics and law of forced displacement in a global context;
- Understand aspects of refugee history and the contemporary refugee phenomenon in the context of the nation-state and the legacies of colonialism;
- Be able to compare and contrast approaches in the developing and developed world from a contextual perspective, with special reference to South Asia, Israel/Palestine and Europe.
- Demonstrate the ability to work independently and in groups
- Demonstrate an ability to assimilate and communicate complex material
- Demonstrate an ability to present an argument orally

- Demonstrate high quality research and writing skills
- Oral presentation

Indicative reading list

Reading lists can be found in Talis

Specific reading list for the module

Subject specific skills

- Demonstrate high quality research and writing skills
- Oral presentation

Transferable skills

- Demonstrate the ability to work independently and in groups
- Demonstrate an ability to assimilate and communicate complex material
- Demonstrate an ability to present an argument orally

Study

Study time

Type	Required
Seminars	24 sessions of 1 hour (12%)
Private study	176 hours (88%)
Total	200 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You do not need to pass all assessment components to pass the module.

Assessment group A2

	Weighting	Study time	Eligible for self-certification
Assessment component			
Assessed essay This is a 4,000-word essay.	100%		Yes (extension)
Reassessment component is the same			

Feedback on assessment

Formal written feedback via Tabula and informal discussions

Availability

Courses

This module is Optional for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TIMA-L981 Postgraduate Social Science Research
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies

This module is Core option list B for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies

This module is Option list A for:

- TLAS-M1M2 LLM International Development Law and Human Rights
  - Year 1 of M1M2 International Development Law and Human Rights
  - Year 3 of M1M2 International Development Law and Human Rights
- TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
  - Year 1 of M3PJ Advanced Legal Studies
  - Year 3 of M3PJ Advanced Legal Studies

This module is Option list C for:

- TPOS-M9PE Double MA in Politics and International Studies (with NTU Singapore)
  - Year 1 of M91F Globalisation and Development (Double Degree - NTU)

    - Year 1 of M91L International Development (Double Degree - NTU)
    - Year 1 of M91B International Political Economy (Double Degree - NTU)
    - Year 1 of M91C International Politics and East Asia (Double Degree - NTU)
    - Year 1 of M91D International Politics and Europe (Double Degree - NTU)
    - Year 1 of M91G International Security (Double Degree - NTU)
    - Year 1 of M91K Political and Legal Theory (Double Degree - NTU)
    - Year 1 of M91J United States Foreign Policy (Double Degree - NTU)
    - Year 2 of M91L International Development (Double Degree - NTU)
    - Year 2 of M91B International Political Economy (Double Degree - NTU)
    - Year 2 of M91C International Politics and East Asia (Double Degree - NTU)
- TPOS-M9PP Double MA in Politics and International Studies (with Universität Konstanz, Germany)
    - Year 1 of M92L International Development (Double Degree - Konstanz)
    - Year 1 of M92B International Political Economy (Double Degree - Konstanz)
    - Year 1 of M92C International Politics and East Asia (Double Degree - Konstanz)
    - Year 1 of M92D International Politics and Europe (Double Degree - Konstanz)
    - Year 1 of M92E International Relations (Double Degree - Konstanz)
    - Year 1 of M92G International Security (Double Degree - Konstanz)
    - Year 1 of M92K Political and Legal Theory (Double Degree - Konstanz)
    - Year 1 of M92H Public Policy (Double Degree - Konstanz)
    - Year 2 of M92B International Political Economy (Double Degree - Konstanz)
    - Year 2 of M92C International Politics and East Asia (Double Degree - Konstanz)
    - Year 2 of M92D International Politics and Europe (Double Degree - Konstanz)
    - Year 2 of M92E International Relations (Double Degree - Konstanz)
    - Year 2 of M92G International Security (Double Degree - Konstanz)
    - Year 2 of M92K Political and Legal Theory (Double Degree - Konstanz)
    - Year 2 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of TPOS-M9PT MA in International Development
- Year 2 of TPOS-M1P8 Postgraduate Taught International Politics and East Asia
- Year 2 of TPOS-M9PS Postgraduate Taught Political and Legal Theory
- Year 2 of TPOS-M9PQ Postgraduate Taught United States Foreign Policy