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**INTERNATIONAL REFUGEE LAW IS MAINLY A TREATY LAW. DISCUSS CRITICALLY THE REGIONAL AND GLOBAL INSTRUMENTS FOR REFUGEE PROTECTION AND THEIR LIMITATION.**

**BY**

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**INTRODUCTION**

**INTERNATIONAL TREATY LAW**

An international treaty is an agreement between two or more states or other competent parties of international law, establishing their respective rights and obligations in political, economic, or other relations. International treaties constitute the major source of inter-national law. International treaties may be bilateral or multilateral, depending on the number of parties to the treaty. Multilateral treaties may be open, meaning that other parties may accede to them on the procedures stipulated in the treaty itself, or they may be closed, meaning that non-signatory states may accede to it only with the consent of the parties to the treaty. Reservation to an international treaty, stated in a special protocol, may be made at the time the treaty is signed, ratified, or when a state accedes to a previously signed international treaty. An international treaty is as a rule in the form of a written document and consists of a preamble, stating the motives and goals of the treaty; the specific provisions on the nature of the relation the treaty is to regulate; and concluding articles on the treaty’s duration and mode of prolongation, notice of denunciation^ conditions of its coming into force, and its ratification. A treaty may have an appendix that specifies its main provisions and that has the same juridical force as the text of the international treaty itself. Bilateral international treaties are usually drawn up in the languages of the principal contracting parties; multilateral in one, two, or more languages. The USSR strictly observes the principle of linguistic equality of contracting parties: all international treaties concluded by the USSR are drawn up in Russian and in the language of the other contracting party.

**BODY**

**REGIONAL INSTRUMENT FOR REFUGEE PROTECTION**

Refugee movements often have a significant regional or sub-regional dimension. While the characteristics of regional and sub-regional mechanisms and groupings vary, they may, as appropriate, play an important role in comprehensive responses. Past comprehensive responses have also demonstrated the value of regional cooperation in addressing refugee situations in a manner which encompasses the political dimensions of causes. Without prejudice to global support, regional and sub-regional mechanisms or groupings would, as appropriate, actively contribute to resolution of refugee situations in their respective regions, including by playing a key role in Support Platforms, solidarity conferences and other arrangements with the consent of States. Comprehensive responses will also build on existing regional and sub-regional initiatives for refugee protection and durable solutions where available and appropriate, including regional and sub-regional resettlement initiatives, to ensure complementarity and avoid duplication. The exchange of good practices among relevant regional and sub-regional mechanisms will be facilitated by UNHCR on a regular basis in the context of Global Refugee Forums to bring in different perspectives and to encourage coherence.

**GLOBAL INSTRUMENT FOR REFUGEE PROTECTION**

A periodic Global Refugee Forum, at ministerial level, will be convened for all United Nations Member States, together with relevant stakeholders, to announce concrete pledges and contributions towards the objectives of the global compact, as set out in para 7, and to consider opportunities, challenges and ways in which burden- and responsibility-sharing can be enhanced. The first Forum will be convened in 2019. Subsequent Forums will be convened every four years, unless otherwise agreed by the General Assembly, in order to ensure sustained momentum and political will. Forums will be co-convened and co-hosted by one or more State(s) and the United Nations High Commissioner for Refugees, with an invitation to the United Nations Secretary-General to participate. Forums would, in principle, take place in Geneva to facilitate the participation of all States. In the years in which Forums take place, there will be no High Commissioner’s Dialogue on Protection Challenges. Pledges and contributions made at Global Refugee Forums could take different forms, including financial, material and technical assistance; 10 resettlement places and complementary pathways for admission; as well as other actions that States have elected to take at the national level in support of the objectives of the global compact. Part III.B below serves as a non-exhaustive guide for areas against which pledges and contributions could be made. The first Global Refugee Forum in 2019 will be dedicated to receiving formal pledges and contributions. Subsequent Forums will provide an opportunity not only to make new pledges, but also for States and relevant stakeholders to take stock of the implementation of their previous pledges and progress towards the achievement of the objectives of the global compact. This will be complemented by high-level officials’ meetings, held every two years between Forums, which will provide an opportunity for “mid-term review”. The ongoing stocktaking at Global Refugee Forums and high-level officials’ meetings will be key components of the follow up to the global compact.

**Arrangements to support a comprehensive response to a specific refugee situation** 1.National arrangements

i) Drawing on good practices, and recognizing the importance of national leadership, national arrangements may be established by concerned host countries to coordinate and facilitate the efforts of all relevant stakeholders working to achieve a comprehensive response. The composition and working methods of national arrangements would be determined by host States, as would the need for capacity development for relevant national authorities to undertake such work.

ii) Such efforts could support the development of a comprehensive plan under national leadership, in line with national policies and priorities, with the assistance of UNHCR and other relevant stakeholders as appropriate, setting out policy priorities; institutional and operational arrangements; requirements for support from the international community, including investment, financing, material and technical assistance; and solutions, including resettlement and complementary pathways for admission, as well as voluntary repatriation.

2. Support Platform

i) In support of national arrangements, host countries would be able to seek the activation of a Support Platform.

ii) The Support Platform would enable context-specific support for refugees and concerned host countries and communities. In a spirit of partnership and in line with host country ownership and leadership, its functions would include:

1. standby capacity or contributions to Support Platforms
2. galvanizing political commitment and advocacy for prevention, protection, response and solutions;
3. mobilizing financial, material and technical assistance, as well as resettlement and complementary pathways for admission, in support of the comprehensive plan, where applicable, drawing on Global Refugee Forum pledges;
4. facilitating coherent humanitarian and development responses, including through the early and sustained engagement of development actors in support of host communities and refugees; and
5. supporting comprehensive policy initiatives to ease pressure on host countries, build resilience and self-reliance, and find solutions.

Upon the request of concerned host countries, or countries of origin where appropriate, a Support Platform could be activated/deactivated and assisted by UNHCR, in close consultation with relevant States that have committed to contributing in principle, taking into account existing response efforts and political, peacekeeping and peacebuilding initiatives. Criteria for activation would include: - a large-scale and/or complex refugee situation where the response capacity of a host State is or is expected to be overwhelmed; or - a protracted refugee situation where the host State(s) requires considerable additional support, and/or a major opportunity for a solution arises (e.g. large-scale voluntary repatriation to the country of origin). Each Support Platform would benefit from the leadership and engagement of a group of States to mobilize contributions and support, which may take different forms. The composition of this group would be specific to the context. Other relevant stakeholders would be invited to engage as appropriate. Support Platforms would not be fixed bodies or undertake operational activities. They would draw on pre-announced expressions of interest (including at the Global Refugee Forum) and standby arrangements. They would complement and interact with existing coordination mechanisms for humanitarian and development cooperation. In consultation with participating States, UNHCR would ensure regular reporting on the work of the Support Platforms to its Executive Committee, the United Nations General Assembly and the Global Refugee Forums, including to facilitate exchange of information, practices and experiences between different platforms. The strategy for support by a Platform could draw on a wide range of options. It could initiate a solidarity conference to generate support for the comprehensive plan, where this would add value and not duplicate other processes, bearing in mind the call for humanitarian assistance to be flexible, multi-year and unearmarked. A solidarity conference would be situation-specific, providing a strategic vehicle to garner broad-based support for host States or countries of origin, encompassing States, development actors, civil society, local communities and the private sector, and seeking financial, material and technical contributions, as well as resettlement and complementary pathways for admission.

**LIMITATION**

The core definition of a "refugee" is contained in the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees, which define a refugee as an individual who: "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable or — unwilling to avail himself of the protection of that country." Recognizing that this definition of so-called "statutory refugees" did not cover situations of mass flight from war, regional bodies such as the Organization for African Unity developed agreements like the OAU Convention of 1969. These expanded the definition of refugees to include not only individuals subject to persecution, but also every person who — in the words of the OAU Convention — "owing to external aggression, occupation, foreign domination, or events seriously disturbing the public order...is compelled to leave...to seek refuge in another place outside his country of origin or nationality." The Cartagena Declaration, adopted in 1984 by a group of Latin American states, added massive human rights violations to this list. Though it is not a treaty, the declaration carries considerable moral force in the region and beyond.

On this basis, people who move as a group across international boundaries to escape war or civil conflict are also generally recognized as refugees on a group or prima facie basis in Africa and Latin America, and frequently in Asia and the Middle East as well. Poorer countries in these regions use the broader definition of refugees in part because they lack the administrative capacity to determine whether or not each individual meets the criteria for refugee status. Those in mass flight in industrial regions, however, are not automatically recognized as refugees, and instead may be subject to "individual status determination" using the narrower statutory (Convention) definition of a refugee. The concept of refugees as people fleeing persecution is central to efforts to aid and protect them. However, debates exist about what constitutes "persecution." Some parties ask whether the persecution must be state-sponsored and focused on individuals, or whether widespread social practices and attitudes also qualify as grounds for persecution. Further arguments surround what constitutes a human rights abuse and what is a "cultural practice."

Such questions arise particularly in gender-related cases; for example, women subjected to female genital cutting, women under the Taliban regime whose education was blocked, or gays and lesbians from countries where their sexual orientation is prohibited by law and subject to severe punishment. Gender-based factors have, on a case-by-case basis, been recognized as grounds for granting asylum and refugee status to individuals, but there remains no international consensus or standard for doing so.

**CONCLUSION**

Understanding efforts to protect refugees around the world depends on grasping many issues, from the meaning of "protection," to the complexities of aid distribution. This understanding requires thinking through the actions (and motivations) of governments, aid workers, academics, and the media. Complicated as they are, attempts to shed light on all of these topics are vital — to the hands-on work ahead, to achieving public understanding of these problems, and to formulating better policies.