

<b>Course Title</b>	<b>Refugee Protection and Forced Migration</b>
<b>Category</b>	Religion, Ethics & Law
<b>Class Time</b>	<b>Session 2, July 23<sup>th</sup> – August 17<sup>th</sup> 2018</b> <b>Track C</b> <b>Weekly schedule</b> Tuesday: 1.30 pm – 3 pm & 3.30 pm – 5 pm Wednesday: 1.30 pm – 3 pm & 3.30 pm – 5 pm Friday: 9 am – 10.30 am & 11.00 am – 11.45 am
<b>Course Level &amp; Target Group</b>	Advanced undergraduate law students and students with an academic background that qualifies them to participate in the course and with a strong interest in the topic.
<b>Course Language</b>	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.
<b>ECTS</b>	5 ECTS (45 contact hours)
<b>Instructor</b>	José H. Fischel de Andrade, PhD, MSt, LL.M

## Course Description

This course examines the protection regime pertaining to refugees, internally displaced persons (IDPs), and stateless persons. 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 other forced migrants.

The course adopts two complementary methodologies: seminars and case studies combined with presentations by the students. The seminars begin with an introduction to the international human rights and the asylum regimes, and with a review of the relevant concepts and definitions. It then continues with a historical perspective of the pre-United Nations initiatives to protect refugees and introduces the normative ethics and politics of refugee protection. That is followed by an analysis of both the legal and institutional pillars of the refugee regime, i.e. of the refugee definitions captured in various international instruments and of the protection granted by the UNHCR, respectively. The last subjects to be covered by the seminars are the normative and institutional arrangements put in place for the protection of IDPs and stateless persons.

The seminars are complemented by a 'hands-on' methodology, namely a major case study and presentations by the students both on the state of refugee protection in their countries of origin/residence and on current significant situations (i.a. Myanmar, Syria, Venezuela, European asylum crisis, Mediterranean situation).

## Course Objective & Learning Outcomes

This course aims to provide class members 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 the historical, political, and legal 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 to differentiate refugees, IDPs, and stateless persons from other migrants, e.g. economic and environmental migrants.

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## Readings

### Required

Reading materials will be distributed at the beginning of the class.

### Suggested

Betts, A. *Forced Migrants and Global Politics*. Malden/Oxford, Wiley-Blackwell, 2009.

Crépeau, F. et al. (eds). *Forced Migration and Global Processes – a view from forced migration studies*. Oxford, Lexington Books, 2005.

Feller, E. et al. (eds). *Refugee Protection in International Law - UNHCR's Global Consultations on International Protection*, Cambridge, Cambridge University Press, 2003.

Fiddian-Qasmiyeh, E. et al. (eds). *The Oxford Handbook of Refugee and Forced Migration Studies*. Oxford, Oxford University Press, 2014.

Goodwin-Gill, G. & J. McAdam. 3<sup>rd</sup> ed., *The Refugee in International Law*, Oxford. Oxford University Press, 2007.

Hathaway, J.C. *The Rights of Refugees in International Law*. Cambridge, Cambridge University Press, 2005.

\_\_\_\_\_ & M. Foster. *The Law of Refugee Status*. 2<sup>nd</sup> ed., Cambridge, Cambridge University Press, 2014.

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*. Geneva, UNHCR, 2011.

\_\_\_\_\_. *A Thematic Compilation of Executive Committee Conclusions*. Geneva, UNHCR, 2011.

\_\_\_\_\_. *Handbook on Protection of Stateless Persons*. Geneva, UNHCR, 2014.

\_\_\_\_\_. *Procedural Standards for Refugee Status Determination under UNHCR's Mandate*. Geneva, UNHCR, 2003.

\_\_\_\_\_. *UNHCR Compilation of Case Law on Refugee Protection in International Law*. Geneva, UNHCR, 2008.

\_\_\_\_\_. *UNHCR Master Glossary of Terms*. Geneva, UNHCR, 2006.

\_\_\_\_\_. *UNHCR Protection Manual*. Geneva, UNHCR, 2014.

Weis, P. *The Refugee Convention, 1951 – The Travaux Préparatoires analysed with a commentary by Dr Paul Weis* (Cambridge International Documents Series, v. 7). Cambridge, Cambridge University Press, 1995.

Zimmermann, A. (ed.). *The 1951 Convention relating to the Status of Refugees and its 1967 Protocol – a commentary*. Oxford, Oxford University Press, 2011.

(All UNHCR publications are available at [www.refworld.org](http://www.refworld.org))

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## Course Schedule

Session	Subject
1	<b>International human rights and the asylum regimes</b>
2	A <b>historical account</b> of refugee protection
3	The <b>normative ethics and politics</b> of refugee protection
4	The <b>normative pillar</b> : refugee definitions in universal and regional instruments
5	(cont.)
6	The <b>institutional pillar</b> : UNHCR's mandate and activities
7	(cont.)
8	Marco <b>case study (interview: lawyers&amp; judges)</b>
9	<b>IDPs and stateless persons</b> : normative and institutional arrangements
10	Marco <b>case study (oral pleading: lawyers&amp; judges) + current significant situations</b>
11	<b>Current significant situations</b>
12	Marco <b>case study (sentence: judges) + Final exam</b>

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## Assignments

Students are expected to prepare in advance for each session.

They are required to read the reading materials that will be distributed; to actively participate in class; to make presentations on the state of refugee protection in their countries of origin/residence (10 minutes); to make group presentations on current significant situations (20/30 minutes); and to actively participate in the case study (interview, oral pleading, sentence).

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## Assessment Components

The final grade will be composed of class participation (20%), country presentation (20%), current significant situation presentation (20%), case study (20%), and final exam (20%).

A minimum of 80% class attendance is required. Failure to fulfil one of the mentioned components results in failure of the class.

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## 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), especially the academic honour code and the student code of conduct (see *FAQs* on [www.huwisu.de](http://www.huwisu.de)).

Attendance policy: No unexcused absences are permitted. Students must contact their class teachers to catch up on missed work – to excuse absence please contact the HUWISU office (80% class attendance are required).

Field trips: if classes involve a field trip or other external visits, these require attendance as well as appearance in time – transportation difficulties are never valid reasons for an excused absence.

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## Cultural Extra-curricular Activities

HUWISU offers a fine selection of interesting extra-curricular activities and aims to give all participants an unforgettable stay in Berlin. Your program includes excursions, sport activities and social gatherings providing you the opportunity to get to know the city, the university and your classmates better and to meet students from all parts of the world. The costs for these offers are included in the course fees.

Below you will find examples of previously offered cultural activities. You will be informed about the respective cultural program after your enrolment via email as well as during the course period.

Political and historical guided tours:

- **Federal Chancellery (Bundeskanzleramt):** It's the central coordination point for the entire government policy. The office is in constant contact to departments and other authorities.
  - **German Parliament (Bundestag):** As the highest organ of the legislative in Germany it's elected by the German people. In practice Germany is governed by a bicameral legislature, of which the Bundestag serves as the lower house and the Bundesrat equals the upper house.
  - **House of Representatives (Abgeordnetenhaus):** It's the state parliament (Landtag) of Berlin and located in the center of the reunified city. Together with the Martin Gropius Bau, the Topography of Terror and the Bundesrat, it presents an arresting contrast to the flair of the new Potsdamer Platz.
  - **Topography of Terror:** A permanent exhibition with focus on the central institutions of the SS and police during the "Third Reich" and the crimes they committed throughout Europe. With the help of mostly photographic material, visitors are led through the major themes of the exhibition's five main segments.
  - **Political Archive:** As the "memory" of the Federal Foreign Office it preserves the files on German diplomacy since 1867, as well as the international treaties signed by the Federal Republic of Germany and its predecessors in title. The records are preserved, processed and made available for academic research.
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### Cultural guided tours:

- **Kreuzberg Tour:** Kreuzberg has emerged from its history as one of the poorest quarters in Berlin in the late 1970s to a cultural center of today's Berlin. A unique area and one of the hippest neighbourhoods in Berlin with many bars, pubs and clubs.
- **Berlins Museum Island (Museumsinsel):** was awarded UNESCO World Heritage Status in 1999 and is an ensemble of five museums: Old Museum, New Museum, Old National Gallery, Pergamon Museum and Bode Museum.
- **Berliner Dom:** Berlin's largest and most important Protestant church is located on the Museum Island.
- **Daytrip to Potsdam:** Be inspired by the illustrious attractions of the UNESCO's World Heritage while underway through the city of Potsdam. Immerse yourself in the history and present of Potsdam and discover many palaces, gardens, and historic quarters such as the "Holländisches Viertel" or the "Nikolaikirche".
- **Exhibitions:** Berlin is known for its unique galleries and exhibitions, that is why we will visit at least one during the Winter University.

### Social gatherings

- **Welcome Get-Together:** We invite you to meet all participants as well as the HUWISU staff in a relaxed atmosphere.
- **Boat trip:** Get to know Berlin from a completely new perspective and see Berlin's famous sights while floating along the river Spree.
- **Beach Volleyball:** A fun outdoor sport activity on long warm summer evenings for those who love to play and everyone who just want to enjoy watching the others play, lying in the sand, meet friends for some drinks, or simply relax in the middle of Berlin.
- **Biergarten:** You can't leave Berlin without having experienced a Biergarten. The perfect place to finish off your busy day with a cool "Feierabend" drink.
- **Farewell Party:** At the end of the Summer University we will come together to celebrate the exciting time with HUWISU.

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## 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 universities of Milan (Statale) and Berlin (Humboldt), 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>

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Please note that the course and its syllabus are subject to change. Last update: February 2018