



Westminster United Nations Association

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21st Ruth Steinkraus-Cohen International Law Lecture

“Fragmented Refuge: It’s Time to Rebuild the Case for Humanity”

Dr Catherine Briddick, Andrew W Mellon Associate Professor of International Human Rights and Refugee Law, University of Oxford

Report

In her address, Dr Briddick paid tribute to Ruth Steinkraus-Cohen, recognising her lifelong commitment to human rights, justice, and equality through her extensive engagement with the United Nations. Noting Ruth’s profound belief in hospitality, international law, and equality, including her notable role in assisting Eleanor Roosevelt, Dr Briddick sought to honour Ruth’s legacy through her lecture on the global refugee protection framework.

Historical Context and the Refugee Convention

The lecture traced the history of refugee protection, starting with the Universal Declaration of Human Rights (1948), particularly Article 14(1), which affirms the right to seek asylum from persecution. Dr Briddick explained the significance of the 1951 Refugee Convention, highlighting its provisions defining who qualifies as a refugee and outlining crucial rights, such as non-discrimination, freedom of movement, access to education, housing, and protection from refoulement (forced return).

She emphasized the initially restrictive scope of the Refugee Convention which originally applied to refugees displaced due to events before 1951, with an optional geographic restriction limited to Europe. Though the 1967 Protocol later removed these limitations, tensions regarding geographic scope and specific group protections (notably Palestine refugees) remain prominent.

Expansion and Fragmentation of Refugee Protection

Dr Briddick discussed the evolution of refugee law, noting the expansion of definitions and protections due to decolonisation and regional efforts, such as the Organisation of African Unity (OAU) Convention and the Cartagena Declaration. Despite these expansions, she identified the ongoing challenges faced by forcibly displaced populations, underscoring how contemporary refugee crises have dramatically increased due to conflicts (e.g., Ukraine, Sudan, Myanmar) and climate change-induced displacement.

Her lecture highlights a key paradox: while definitions of being a refugee have broadened, access to safe territories and protection has severely diminished, resulting in increasingly deadly migration routes, exemplified by the tragic loss of over 31,500 lives in the Mediterranean since 2014.

Discrimination and Differential Treatment

At the heart of the lecture was an exploration of discrimination within refugee protection regimes. Dr Briddick critically examined the drafting history (travaux préparatoires) of the Refugee Convention, highlighting tensions between universal and particular protections:

European vs. Universal Approach: States' reluctance to universally commit to future unknown refugee flows resulted initially in geographic and temporal limitations.

Palestine Refugees: Palestine refugees received unique protection through separate UN bodies (UNRWA) but were simultaneously (and contingently) excluded from full Convention protections, illustrating fundamental tensions within the protection regime.

Discriminatory Practices: Historical debates revealed discriminatory practices embedded into the system, such as restrictive entry practices and the selective admission of refugees on racial grounds. Dr Briddick particularly highlighted the narrowing definition of discrimination as the refugee definition broadened geographically.

Hospitality, Sovereignty, and Historical Perspectives

Concluding the lecture, which was inspired by her ongoing project, Dr Briddick invoked the intellectual legacy of Hugo Grotius, a foundational figure in international law who, as a 'refugee' himself, advocated for the rights of hospitality and freedom of movement. She argued against viewing sovereignty as inherently exclusionary, suggesting that early international law conceptions promoted openness and hospitality rather than restrictive practices seen today.

Dr Briddick emphasized that contemporary challenges such as externalization, offshoring, and states' evasion of responsibilities, are not new but reflect historical tensions deeply rooted in the original design of refugee law. Acknowledging these imperfections allows a realistic assessment of past achievements and informs how we strengthen refugee protection frameworks moving forward.

Dr Briddick's lecture illustrated that while the post-WWII international community achieved remarkable progress by establishing an enduring legal and institutional framework for refugee protection, significant inequalities and discriminatory practices persist. To address contemporary challenges effectively, it is vital to reaffirm and strengthen international law and institutions. She advocated returning to foundational ideas of communication, mobility, and hospitality, that are principles essential for reimagining and revitalizing global refugee protection systems for future generations.

The lecture's historical insights alongside contemporary analysis underscored the urgency of addressing the fragmentation within refugee law and protection mechanisms. Dr Briddick's ongoing research provided an intellectual roadmap for reaffirming humanity's collective responsibility towards refugees.

This report was compiled by Alireza Shams Lahijani, Teaching Fellow, Centre for International Studies and Diplomacy, SOAS at the University of London, to whom we are very grateful.