

Faculti Summary

<https://faculti.net/cosmopolitan-pariahs-the-moral-rationale-for-exclusion-under-article/>

This video discusses Article 1F of the 1951 Convention Relating to the Status of Refugees, which stipulates that individuals who have committed serious domestic or international crimes, such as war crimes or crimes against humanity, are excluded from receiving refugee protection. This video exclusion raises questions about the nature of international refugee law as either a humanitarian or human rights issue.

The author argues that refugee protection should be considered primarily a matter of humanitarianism rather than human rights, as the logic behind excluding criminals is based on the notion of undeserving. This video creates a tension within the convention, as human rights are typically viewed as inalienable, irrespective of an individual's moral standing.

The paper posits that international refugee law embodies a deep-seated ambiguity, fluctuating between concepts of justice and benevolence. By maintaining Article 1F, it implies that states have discretion in deciding whom to provide protection to, thereby framing refugee status as contingent upon moral judgments about an individual's past actions.

The author calls for further exploration into the rationale behind exclusion and alternative responses to criminality in the context of refugees, emphasizing the need for reform in international refugee law to address these complexities. Overall, it advocates for a reevaluation of how refugee protection is conceptualized, suggesting a need to bridge the gap between humanitarian considerations and human rights principles.