

REPLACING THE PERSECUTION CONDITION FOR REFUGEEHOOD

(IVR YOUNG SCHOLAR PRIZE LECTURE)

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According to the 1951 Refugee Convention, there are two necessary and jointly sufficient conditions for refugeehood. These are: (1) alienage – that is, being outside of one's country of nationality or former habitual residence, and (2) having a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. In this presentation, I will evaluate the persecution requirement for refugeehood against the background assumption that the alienage condition should be removed (a view I have defended elsewhere). Along the way, I will address arguments from both Convention-defenders and Convention-critics. Ultimately, I will argue that refugeehood should not be limited to the persecuted, because this excludes from protection some individuals whose human rights can only be protected by means of refuge. It is imperative that these protection gaps be eliminated, and as such, the persecution condition for refugeehood must be replaced with something more inclusive. However, some of the alternative definitions suggested by Convention-critics face some serious problems. Instead, I defend my own alternative definition of refugeehood, which satisfies three key desiderata: (1) it eliminates protection gaps; (2) it is feasible to implement in a world like ours; (3) it respects the fact that refugeehood is a distinctively political remedy.



Eilidh Beaton is a PhD Candidate in the Department of Philosophy at the University of Pennsylvania. Before this, she received her undergraduate degree in English and Philosophy from the University of St Andrews. Her doctoral dissertation project, supervised by Kok-Chor Tan, Brian Berkey, and Samuel Freeman, concerns the migration and integration of refugees and displaced people. This project focuses on three central issues. First, is the existing definition of a refugee in international law appropriate – and if not, how should it be expanded? Second, what is the nature of integration, and what obligations do host states have to

facilitate the integration of refugees and host communities? And third, how are family ties distinctively important for displaced people, and how should family reunification policies be designed to accommodate this? Eilidh's dissertation topic was inspired by a summer internship she completed at Oxfam GB, during which she collaborated with the Refugee Council (UK) to research the role of UK family reunification laws on refugee integration and sense of belonging. She is committed to the value of interdisciplinary research, and her own work is strongly influenced by debates in policy and international law, as well as the real-world implications of these laws and policies.