## Refugee Rights and F dandelon.com Evolving International Concepts and Indianal Proposed (or personal purposes only or by

edited by
Frances Nicholson
and
Patrick Twomey



## Contents

List of tables pag Notes on contributors			
			Ack
Tab			
Tab	Table of treaties and other international instruments		
List	of abbreviations	xxv	
	Introduction	1	
Par	rt 1 The evolving refugee definition		
1	The refugee definition as law: issues of interpretation DANIEL J. STEINBOCK	13	
2	The Geneva refugee definition and the 'theory of the three scales' JEAN-YVES CARLIER	37	
3	Who is a refugee? The Convention definition: universal or obsolete?  JERZY SZTUCKI	55	
4	Beyond the Geneva Convention: constructing a <i>de facto</i> right of asylum from international human rights instruments RICHARD PLENDER QC AND NUALA MOLE	81	
5	Rethinking the refugee concept PATRICIA TUITT	106	
6	Taking the 'political' out of asylum: the legal containment of refugees' political activism PRAKASH SHAH	119	
7	Refugee definitions in the countries of the Commonwealth o Independent States CLAIRE MESSINA	f 136	

	Par	t 2 The developing role of the UNHCR			
	8	The role of UNHCR in the development of international refugee law VOLKER TÜRK	153		
	9	UNHCR as leader in humanitarian assistance: a triumph of politics over law?  S. ALEX CUNLIFFE AND MICHAEL PUGH	175		
K	10	In-country protection: out of bounds for UNHCR? ERIN D. MOONEY	200		
×	11	Refugee identity and protection's fading prospect GUY S. GOODWIN-GILL	220		
	Part 3 State responses and individual rights				
	12	The refugee state and state protection DANIEL WARNER	253		
	13	Non-admission policies and the right to protection: refugees' choice versus states' exclusion? JENS VEDSTED-HANSEN	269		
	14	Early warning and prevention: the United Nations and Rwanda HOWARD ADELMAN	289		
	Par	t 4 The European Regime			
•	<b>15</b> )	The impetus to harmonise: asylum policy in the European Union ELSPETH GUILD	313		
ゃ	16	A new asylum regime in Europe DANIÈLE JOLY	336		
4	17	Is there a need for a European asylum policy? CORNELIS D. DE JONG	357		
	Inde	······································	379		