Towards a Refugee Oriented Right of Asylum

LAURA WESTRA
University of Windsor, Canada

SATVINDER JUSS
King's College London, UK

TULLIO SCOVAZZI
University of Milano-Bicocca, Italy

ASHGATE
Contents

Foreword by Erika Feller vii
Acknowledgements xi

Introduction to the Question of Asylum Seekers: ‘Se Non Ora, Quando?’ 1
Laura Westra, Satvinder Juss and Tullio Scovazzi

PART I: PROXIMATE AND DISTANT CAUSALITY AFFECTING ASYLUM SEEKERS AND INTERNALLY DISPLACED PERSONS

1 The Limitations of the Present International Instruments for the Protection of Refugees 13
Laura Westra

2 Climate Change Refugees: Law, Human Rights and Ethics 43
Donald A. Brown

3 Escape from Development and the Plunder of Resources: Causality and Responsibility 63
Laura Westra

4 Exodus after Conflict 97
Satvinder Juss

PART II: PRESENT CHALLENGES, LEGAL REGIMES AND JURISPRUDENCE

5 After the Flight: International Law and the Rights of Asylum Seekers Today 131
Laura Westra

6 The Particular Problems of Migrants and Asylum Seekers Arriving by Sea 177
Tullio Scovazzi
PART III: THE CASE FOR THE SUPPORT OF ASYLUM SEEKERS

7 The Case for Asylum Seekers: Reverting to Human Rights
Laura Westra

Epilogue
Satvinder Juss

Protocol Relating to the Status of Refugees (1967)

Appendix 2: Other Relevant Instruments
Universal Declaration of Human Rights (1948)
United Nations Declaration on Territorial Asylum (1967)
United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (2001)

Index