

The Contemporary Refugee: Persecution, Semantics and Universality

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The following paper engages with the contemporary figure of the refugee, examines its position in relation to international refugee and human rights law, and challenges the notion of the universality of refugee rights. With an emphasis on the persecution criteria which is embedded within the United Nations Convention Relating to the Status of Refugees (1951), the paper challenges this criterion and presents alternative understandings of refuge. In doing so, the paper seeks to highlight how, within the twenty-first century, the figure of the refugee does not necessarily adhere to the traditional characterisations of the UNHCR criteria of an individual facing persecution. Due to the evolving nature of what constitutes a refugee, the individual at risk is now being presented as the risk that threatens states' borders, cultures, economies and ultimately, sovereignty. This pessimistic connotation is most revealing through an analysis of the semiotics of the term refugee.

Moreover, the paper engages with postcolonial theory and argues that what we are seeing within international refugee and human rights law is not the development of a global discourse but the proliferation of various regional discourses instead. The contemporary refugee is an evolving figure that international law needs to address and realign with.

This paper seeks to engage with the contemporary refugee in regards to current global challenges, and open up a space for reengaging with this marginalized and depoliticized group within international society.

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