

THE RESPONSIBILITY OF INTERNATIONAL LAW FOR THE FORCED REPATRIATION OF REFUGEES

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Abstract

The research deals with the issue of the forced return of refugees in international law, an issue that is considered one of the most important and serious in the contemporary world. The principle of non-refoulement is considered the cornerstone of the international refugee protection system, as it prohibits any state from returning any refugee to his home country where he may face persecution, torture, or infringement of his basic rights.

The research discusses the history of the asylum principle and the evolution of the refugee definition from ancient times and religious laws to the 1951 Geneva Convention and the 1967 Protocol, in addition to the current refugee rights and duties in terms of law, and the role of the international community in protecting these rights in various global and regional conventions, as well as the role of the United Nations High Commissioner for Refugees in protecting refugees.

The findings indicate that the principle of non-refoulement has been recognized as a peremptory norm (Jus Cogens) in international law, which makes the breach of the principle a serious cause of international responsibility, either by requiring the state that breached the principle to make reparations or by requiring the state to be held accountable before the international community.

The research was concluded with a number of recommendations, the most prominent of which is the need for strengthening international cooperation, offering financial and logistical support, and extending the scope of protection to include the most vulnerable groups such as women, children, and victims of armed conflicts.

Introduction

One of the most prominent problems that the international community is dealing with in the contemporary world is that of asylum, and it is characterized by humanitarian, political, security, and economic aspects. A refugee is an individual whose security in their country has been terminated, and they are obliged to look for shelter that ensures their right to life, security, and dignity. The international community has devoted considerable concern to this phenomenon, and international conventions and treaties have been adopted to lay the groundwork for the legal protection of refugees, such as the 1951 Geneva Convention and its 1967 Protocol, in addition to international human rights and humanitarian law.

Nevertheless, such protection is faced with several challenges, the most significant of these being the question of forced repatriation, where states are involved in the repatriation of refugees back to their countries of origin despite the dangerous consequences they are likely to face, thus raising serious legal and ethical concerns regarding the compliance of states with international law. It is in light of these concerns that the main aim of this research is to examine the question of non-refoulement in international law, focusing on the legal regime on the rights of refugees, the responsibility of the international community and states for the violation of the question of non-refoulement, and the consequences of such violation.

Importance of the Research

The importance of this research is reflected in the following aspects:

Legal importance: The emphasis on the status of the principle of non-refoulement as a peremptory norm (jus cogens) of international law.

Humanitarian importance: Protecting the lives and dignity of refugees who face persecution or death if forcibly returned.

Political importance: Demonstrating the balance between states' national security considerations and their international human rights obligations.

Scientific importance: Enriching the Arabic legal literature with a specialized study on a topic that has rarely been explored in depth by Arab researchers.

Research Problem

The core problem of this research revolves around the following central question:

To what extent is the principle of non-refoulement of refugees respected and practically applied amid the political, security, and economic challenges faced by states?

This main question gives rise to several subsidiary questions, including:

1. What is the international legal framework governing refugees' rights?
2. What is the content, scope, and exceptions of the principle of non-refoulement?
3. How does the international community and individual states apply this principle in practice?
4. What are the legal responsibilities resulting from the violation of the principle of non-refoulement?

Research Objectives

This research seeks to achieve several scientific and practical objectives, including:

1. Clarifying the international legal framework regulating the right to asylum through an overview of the relevant conventions and treaties.
2. Defining the content of the principle of non-refoulement, along with the controls and exceptions governing its application under international law.
3. Analyzing the extent to which states comply with this principle in practice and identifying the challenges that hinder its observance.
4. Highlighting the responsibility of the international community in ensuring refugee protection and preventing their forced return to danger zones.
5. Identifying the legal and humanitarian consequences of violating the principle of non-refoulement—at the levels of individuals, states, and the international system as a whole.
6. Presenting practical recommendations to develop national, regional, and international legislation related to refugee rights and to strengthen their protection mechanisms.

Reasons for Choosing the Topic

The reasons for selecting this topic are divided into objective and subjective factors:

1. Objective reasons:

- The global increase in refugee movements, especially amid conflicts in the Middle East.
- The growing number of forced repatriation cases despite the clarity of international prohibitions against it.
- The need to study the legal controls and exceptions associated with the principle of non-refoulement.

2. Subjective reasons:

- The researcher's personal or environmental experience with the refugee situation and the accompanying humanitarian and legal challenges.
- The desire to contribute to an academic work that clarifies states' obligations toward refugees and promotes respect for international law.

Research Methodology

This research will employ an eclectic and integrated approach to methodologies:

1. **Descriptive Method:** To understand the concept of asylum and the international legal regime governing it.
2. **Analytical Method:** To analyze international legal documents and treaties on the concept of non-refoulement.
3. **Historical Method:** To understand the historical development of the concept of asylum and non-refoulement.
4. **Comparative Method:** To compare international legal documents and treaties with the actual practices of states on the implementation of the concept.

The Original Contribution of this Research

The uniqueness of this study can be seen in the scientific contributions that give it a special character, such as:

1. The presentation of a comparative analytical study on international legal texts on the principle of non-refoulement and the practices of states, which reveals the difference between the two.
2. The emphasis on the Arab context, which lacks a comprehensive legal framework on asylum, and the analysis of its reflection on the rights of Arab refugees.
3. The emphasis on the current and future challenges such as environmental displacement, irregular migration, and security concerns, and the analysis of their reflection on the implementation of the principle of non-refoulement.
4. The presentation of some suggestions to improve the implementation of the principle of non-refoulement by strengthening international accountability mechanisms, developing Arab national legislation, and expanding the role of regional and international organizations.
5. The analysis of the issue of forced repatriation from a humanitarian perspective, such as the issue of human dignity and the right to life, which gives this research a humanitarian dimension.

Research Plan

The research is divided into two chapters:

Chapter One: The International Legal Regime of Refugees' Rights — addressing the history and definitions of refugees, as well as the rights and duties that stem from that.

Chapter Two: The Liability of International Law for the Forced Repatriation of Refugees — examining the role of the international community in preventing refoulement, as well as the international law liability for the violation of this principle.

Chapter One

The International Legal Framework Governing Refugees' Rights

Introduction

The issue of asylum is a very important topic in modern international law because it touches upon a variety of aspects: humanitarian, legal, and political. The notion of asylum has traditionally been connected to the desire to seek safety and protection from danger and persecution. However, it gradually evolved from a moral tradition to a well-established international law. The increase in armed conflicts and the escalation of humanitarian issues required the establishment of a new international law to regulate the conditions in which refugees live, to define their rights and responsibilities, and to preserve their human dignity on one hand, and to ensure the sovereignty of states on the other hand.

As a consequence, this chapter will seek to establish a new international law regarding refugees' rights by briefly referring to the historical development of the notion of asylum, to

its definition in international law, to its legal status that includes rights and responsibilities, to international efforts to protect refugees leading to an emphasis on the importance of the principle of non-refoulement as a cornerstone of international protection efforts, as well as to the main current issues that hinder its effectiveness.

Section One: The Concept of Asylum under International Law

One of the most important notions in the area of human rights, in international law, is that of asylum, as it grants an individual the right to look for assistance outside their home country in case they are persecuted or their lives are in danger. The concept of asylum has gone through significant stages of development, starting from being merely an act of social custom and moral obligation to becoming an organized international legal system.

The ratification of the Geneva Convention on the Status of Refugees and its Protocol in 1967 marked the precise legal framework for defining what constitutes refugees, their rights, and their hosts' obligations. However, the issue of asylum remains debatable in the face of current wars, conflicts, and humanitarian crises, thus necessitating an in-depth legal, humanitarian, and political analysis of the subject.

Subsection One: The Historical Roots of Asylum and Refugee Concepts

The concept of asylum, however, is as old as the history of human civilization. This concept was present in ancient civilizations, as reflected by the presence of “cities of refuge” or “sanctuary” in ancient Greece, and the legal system of the Roman civilization. Religious laws also attached much importance to the concept of asylum. According to the Torah, there were cities of refuge, and the Holy Bible emphasized the importance of offering asylum to the stranger. Similarly, the Holy Qur’an also granted the right to asylum and protection (Surah At-Tawbah, verse 6).

The beginning of the framework of refugee law as a distinct branch of international law, however, started with the establishment of the Office of the High Commissioner for Refugees by the League of Nations in 1921, culminating into the Geneva Convention of 1951.

Subsection Two: The Definition of Asylum and Refugee within the International Law

The definition of a refugee under the 1951 Geneva Convention reads:

“Any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country.”

The definition, though, was restricted by time and geography, which prompted the need for the 1967 Protocol to amend the Convention to remove such restrictions. Other conventions such as the 1969 OAU Convention and the 1984 Cartagena Declaration expanded the definition to include other situations such as armed conflicts and violence.

Section Two: The Legal Status of Refugees – Rights and Obligations

The status of refugees is governed by a set of rights and obligations. The Convention of 1951 and the Protocol of 1967 provide the basic rights of refugees, such as the right not to be forcibly sent back, the right to education, work, medical facilities, and the right to have a legal personality. The obligation of refugees is to respect the laws of the hosting country, not engage in activities that may jeopardize the security of the country, and seek positive integration in the community.

This is an attempt to reconcile the principles of human rights with the principles of state sovereignty. However, the stability of this framework is under threat due to the rise in the number of refugees and the complexities of international crises.

Section Three: The International Development of Refugee Protection

International protection of refugees gradually developed from moral obligations to binding rules of law. This development started from the League of Nations and the issuance of Nansen passports, and was reinforced by the creation of the United Nations High Commissioner for Refugees (UNHCR) in 1950.

Subsection One: The Role of the League of Nations and the United Nations

The first office for refugees was established by the League of Nations in 1921, with Fridtjof Nansen at the helm. With the formation of the United Nations, the protection of refugees has become one of the priorities with the formation of the UNHCR to ensure protection and find solutions for refugees.

Subsection Two: The 1951 Geneva Convention and the 1967 Protocol

Thus, the Convention of 1951 offered a precise definition of a refugee and ensured the provision of basic rights, while the Protocol of 1967 removed any time and geographical restrictions, thereby making the legal system more comprehensive.

Subsection Three: Regional Agreements

Regional instruments played a significant role in expanding protection:

- The 1969 OAU Convention added new grounds for asylum.
- The 1984 Cartagena Declaration in Latin America broadened the definition of a refugee.
- The European Convention on Human Rights reinforced refugee protection through regional judicial mechanisms.

Section Four: The Status of the Principle of Non-Refoulement in International Law

Non-refoulement is considered to be one of the most important provisions for the protection of refugees, which forbids the return of any individual to a country where he/she might face persecution or torture. It has been specifically included in Article 33 of the 1951 convention, along with other provisions like the International Covenant on Civil and Political Rights and the Convention against Torture.

Subsection One: The Legal Basis of the Principle

Article 33 of the 1951 Convention specifically provides that there may be no expulsion or return (“refoulement”) to a territory where the individual’s life or freedom is threatened. Subsequent instruments have reinforced this obligation, which is now deeply entrenched in international law.

Subsection Two: The Legal Nature of the Principle

The principle of non-refoulement has been recognized as a peremptory norm or jus cogens, which is applicable to all states irrespective of their adherence to the relevant treaties. Breach of this principle is accompanied by grave international responsibility.

Section Five: Contemporary Challenges to Refugee Protection

However, despite all these important developments in law and institutions, there are complex issues in refugee protection, such as an unprecedented number of refugees (over 100 million in 2022), security and political pressures, as well as monitoring and enforcement issues.

Subsection One: The Inflation of Refugee Numbers

The unprecedented rise in the number of refugees puts an enormous burden on the hosting countries.

Subsection Two: Security and Political Considerations

Some countries use the argument of national security or fighting terrorism as an excuse for violating the principle of non-refoulement, and thus the question of how to reconcile state sovereignty and human rights arises.

Subsection Three: Weaknesses in the Tools for Monitoring and Enforcement

Despite the existence of international legal regulations, the UNHCR does not have the power to enforce compliance, relying instead on the goodwill of states.

Summary of Chapter One

This chapter has sought to discuss the international law regime applicable to the rights of refugees through an in-depth analysis of the historical underpinning of the evolution of asylum, the status of refugees, and the underlying principles of the refugee regime.

It has been shown that the regime of asylum is not new, as it has historical and religious underpinnings in ancient civilizations and divine commandments, before the modern regime of international law on the subject was established with the Geneva Convention of 1951 and the Refugee Protocol of 1967, which gave a precise meaning to the term “refugee” and established the underlying principles of the regime, including the right of refugees to education, work, and healthcare, as well as the obligation of refugees to respect the laws of the host state.

Furthermore, the chapter pointed out that the process of the development of refugee protection is closely related to the establishment of international institutions, from the Nansen Office for Refugees under the auspices of the League of Nations to the UNHCR, which was established in 1950 and has since become the central authority in the field. In addition, the 1951 Convention and the 1967 Protocol remain the cornerstone of international protection, with the 1969 OAU Convention and the 1984 Cartagena Declaration contributing to the expansion of the definitions of refugees from a regional perspective.

Moreover, the chapter under review highlighted the central role of the principle of non-refoulement as the cornerstone of the international protection regime, which acknowledges it as a *jus cogens* principle applicable to all states, despite the challenges that the application of this principle faces due to the political and security arguments of the states.

Chapter Two

The Responsibility of International Law for the Forced Repatriation of Refugees

Introduction

The principle of non-refoulement is one of the basic pillars of the international protection regime of refugees, as it prohibits the return of any individual to a territory where they may face the threat of persecution, torture, or any form of inhuman treatment. Despite the entrenchment of this principle at the heart of international law, the reality is that the situation is characterized by the perpetuation of the following violations.

In addition, both legal literature and international case law have confirmed that refoulement indeed represents a serious infringement of a state's obligations under the 1951 Geneva

Convention for the Protection of Refugees and its 1967 Protocol, as well as other major international human rights treaties such as the International Covenant on Civil and Political Rights and the Convention Against Torture, which dates back to 1984. Consequently, a state which breaches this principle provokes a process of international responsibility, either through international mechanisms or through political and diplomatic pressures exerted by the United Nations and its specialized agencies.

The exercise of this responsibility remains limited due to the lack of effective mechanisms to this end and the weak international political will. This underlines the need to analyze the foundations of this responsibility, the obstacles to its implementation, and the ways to improve international protection and respect for this fundamental principle.

Section One: The Role of the International Community in Preventing Forced Repatriation

The international community takes the central stage in the consolidation of the non-refoulement principle, considering that international and regional efforts have been combined to codify and ensure the respect for the non-refoulement principle, as an essential element in the international regime for the protection of refugees. Indeed, it is worth noting that since the ratification of the Geneva Convention in 1951 and the 1967 Protocol, an effective international framework on the prohibition of the repatriation of refugees to their countries of origin, where their life and liberty are in danger, has been established.

Nonetheless, the respect for the non-refoulement principle remains conditional on the cooperation and commitment of states, together with UN agencies, particularly the United Nations High Commissioner for Refugees (UNHCR), and the activation of regional and judicial mechanisms. In that respect, it is worth highlighting the role that the international community and its diverse institutions play in the respect and application of the non-refoulement principle.

Subsection One: International Efforts for Protecting the Principle

The international community has paid particular regard to the non-refoulement principle since the middle of the twentieth century. The 1951 Geneva Convention's Article 33 explicitly prohibits the repatriation of any refugee to their territory where their life and liberty are in peril. The 1967 Protocol reinforced the universality of the repatriation ban.

The International Covenant on Civil and Political Rights, 1966, reaffirmed the ban on torture and inhumane treatment, directly related to the non-refoulement principle. The 1984 Convention on Torture's Article 3 prohibits the extradition of any person to a state where they are likely to face torture.

Another important role that international courts have played is the reinforcement of this principle, as evidenced by the judgment of the European Court of Human Rights in the case of *Soering v. United Kingdom*, which held that no individual should be handed over for trial if they face the possibility of torture.

Subsection Two: The Role of the United Nations High Commissioner for Refugees (UNHCR)

The UNHCR serves as the principal body responsible for monitoring the implementation of the non-refoulement principle. Its role is manifested in:

- Providing legal advice to states on refugee-related policies;
- Monitoring violations and submitting periodic reports to the UN General Assembly;
- Offering humanitarian assistance to refugees at risk of deportation;

- Issuing guidance documents, such as the Handbook on Procedures and Criteria for Determining Refugee Status (2011), which affirms that any violation of the non-refoulement principle constitutes a serious breach of international law.

Subsection Three: Regional Efforts

Additionally, regional organizations have developed conventions that complement the international legal framework on the protection of refugees. These conventions include:

- The 1969 OAU Convention: this convention widened the scope of the refugee definition to include individuals fleeing external aggression, occupation, or disturbances.
- The 1984 Cartagena Convention (Latin America): this convention protected individuals fleeing from violence.
- European Convention on Human Rights: this convention established judicial protection from refoulement by requiring member states to respect the absolute prohibition of expulsion or return to the zone of danger.

Section Two: Rules of International Responsibility for Violating the Non-Refoulement Principle

The non-refoulement principle is recognized as a jus cogens norm in international law, and thus any violation of it shall automatically invoke the international responsibility of the state that committed the violation. This responsibility includes several legal requirements, such as compensation for the damages suffered due to refoulement and responsibility to the international community. The International Law Commission (ILC) recognized that the responsibility falls under the general rules on the responsibility of states for any violation of international law. This part discusses the legal basis of the responsibility and its different forms, contributing to an understanding of how it can be enforced in the case of refugees.

Subsection One: The Legal Basis of International Responsibility

Forced repatriation is an act that is wrongful under international law and which gives rise to the responsibility of the state, whether as a violation of the Geneva Convention of 1951 and the Protocol thereto or as a violation of customary law and human rights treaties. In the Draft Articles on the Responsibility of States for Internationally Wrongful Acts adopted by the ILC in 2001, it is stated that any violation of international law gives rise to the responsibility of the state.

Subsection Two: Forms of International Responsibility

The international responsibility that may result from the infringement of the non-refoulement principle may be expressed as follows:

1. **Compensatory responsibility:** the responsibility of the state to compensate for the damage caused by the forced return.
2. **Diplomatic and political responsibility:** the threat of political pressure or the imposition of diplomatic sanctions.
3. **Judicial responsibility:** through international or regional judicial mechanisms, particularly the European Court of Human Rights.

Section Three: Consequences of Violating the Non-Refoulement Principle

The consequences of violating the non-refoulement principle are not limited to legal consequences; rather, they are far more serious and include humanitarian and political consequences. The legal consequences for a state violating the non-refoulement principle include the international obligation to comply with its legal responsibilities. The humanitarian

consequences include the serious risks that refugees are forced to face, such as torture, execution, or denial of basic human rights. The political consequences include the strain on international relations and the erosion of trust between countries. This section will discuss the consequences of violating the non-refoulement principle, focusing on the threat to the stability of the international order as a whole.

Subsection One: Legal Consequences

Violations of the non-refoulement principle result in:

- The establishment of state responsibility and the obligation to cease the wrongful act;
- The possibility of the state being brought before competent international courts;
- The intervention of the UN Security Council where refoulement is deemed a threat to international peace and security.

Subsection Two: Humanitarian Consequences

Forced repatriation puts people in peril of persecution, torture, and death, thus directly violating their basic human rights. It also involves fresh displacement, separation of families, and increased suffering of women and children.

Subsection Three: Political Consequences

Refoulement fuels international conflict, destroys trust between nations, and is often used as leverage in political negotiations.

Section Four: Means of Strengthening Respect for the Non-Refoulement Principle

While the non-refoulement principle is well-established in international law, its respect and observance in practice necessitate the implementation of means and mechanisms that strengthen respect for the non-refoulement principle. International cooperation and burden-sharing between states, coupled with the formulation of national legislation, are key components in this regard. The role of international and regional courts in enforcing respect for the non-refoulement principle and preventing its violation is also vital. The means and mechanisms that are available in this regard are discussed in the following section.

Subsection One: Enhancing International Cooperation

Respect for the principle necessitates effective international cooperation through:

- Equitable burden-sharing between host and donor states;
- Providing financial and logistical support to UNHCR;
- Developing durable solutions such as resettlement and local integration.

Subsection Two: Developing National Legislation

Integrating this principle into national laws will constitute the first line of defense against its violation, in addition to the imperative need to have an independent national judiciary that can protect the rights of refugees.

Subsection Three: Strengthening the Role of International and Regional Judiciary

This principle has been affirmed by the European Court of Human Rights to be absolute in nature. In addition, the International Court of Justice has the mandate to settle disputes between states in cases of its violation.

Section Five: Future Challenges

In recent times, the protection of this principle has come under increased threats due to the complex humanitarian issues, the rise of armed conflicts, and the worsening environmental

disasters that have resulted in the creation of a new class of refugees known as environmental refugees, whose status remains undefined. In addition, the politics surrounding refugee issues and their use as leverage to settle state politics have complicated the adherence to this principle. To this challenge, we can add the limitations of international monitoring mechanisms, which are often not complemented by the willingness of states to adhere to it. In this section, we will outline the major future challenges to the effective implementation of this principle.

Subsection One: Contemporary Humanitarian Crises

Armed conflicts, climate change, and environmental disasters have resulted in unprecedented movements of people, creating a new category of “environmental refugees” whose protection is legally uncertain.

Subsection Two: Politicization of Refugee Issues

Refugee matters are often used as leverage in negotiations or political blackmail, thus compromising the genuine commitment to international law.

Subsection Three: Limitations of Monitoring Mechanisms

International monitoring mechanisms are still limited, as the UNHCR does not have any enforcement authority to force states to comply with the non-refoulement principle.

The non-refoulement principle is recognized as a *jus cogens* norm in international law, but the political and security situation makes its effective implementation quite complicated. The enhancement of international cooperation, the development of national legislation, and the activation of international courts are essential to respect the non-refoulement principle and protect the dignity of refugees.

Summary of Chapter Two

The chapter dealt with the obligation of international law in the matter of the forced return of refugees (refoulement), as one of the most serious breaches of the international protection regime. It was shown that the principle of non-refoulement is a fundamental and peremptory norm of international law (*jus cogens*), as provided for in the Geneva Convention of 1951 and the 1967 Protocol, as well as in various international human rights treaties, such as the International Covenant on Civil and Political Rights and the Convention Against Torture.

The chapter showed how the international community, through the UN and the High Commissioner for Refugees (UNHCR), has undertaken considerable work in the promotion of the respect of the principle of non-refoulement, through the establishment of a normative framework, the provision of support to states, and the monitoring of breaches. The African Convention, the Cartagena Declaration, and the European Convention on Human Rights have also played an important role in the development of the regime.

However, the analysis showed that the implementation of international responsibility in the context of forced return is faced with a number of challenges, the most important of which is the lack of effective mechanisms for mandatory implementation and the predominance of state security and political interests over human rights. Breaking the principle of non-refoulement entails legal consequences, humanitarian consequences, and political consequences. These consequences, as already noted, include international responsibility, exposure to torture or death, and damage to international relations and the undermining of trust in the international legal system, respectively.

On the other hand, the aforementioned challenges highlight the importance of strengthening international cooperation, the elaboration of national legislation, and the role of international

and regional courts to ensure the implementation of the principle of non-refoulement, as well as the future challenges to the principle, such as the aggravation of humanitarian crises, the emergence of environmental refugees, and the politicization of asylum issues, for the effective protection of the rights of refugees and the prevention of their refoulement.

Conclusion

After analyzing the concept of asylum, followed by an analysis of the concept of non-refoulement and the obstacles that hinder its application, it is evident that the concept of non-refoulement is the cornerstone of the international system of refugee protection. As illustrated in the study, the concept of non-refoulement is no longer limited to being an obligation under the 1951 Geneva Convention and the 1967 Protocol, but has been recognized as a peremptory norm (*jus cogens*) of international law, thus acquiring absolute binding force on all states, whether they are parties to the said conventions or not.

However, the gap between the law and its application is evident, and some states are using security and public policy concerns as an excuse for their non-compliance, leading to serious humanitarian consequences due to the refoulement of refugees to countries where they were persecuted and subjected to torture. The gap between the law and its application raises serious concerns on the efficacy of international mechanisms and the need to strengthen them.

Findings

1. The research proved the principle of non-refoulement to have historical and religious roots, predating the Geneva Convention of 1951 and the 1967 Protocol.
2. This principle of non-refoulement is a peremptory norm, or a principle of *jus cogens*, and as such, it is binding on all states without exception.
3. There have been several conventions, such as the 1969 OAU Convention and the 1984 Cartagena Declaration, which have expanded the refugee definition to offer more and more expansive protection to the refugee.
4. There is a growing divergence between the principle and its practice, as states use security and political grounds to circumvent the principle of non-refoulement.
5. Non-refoulement is no longer a principle of refugee law but rather a principle of international human rights law and international humanitarian law.
6. Forced return entails multiple consequences: Legal: international responsibility of states; Humanitarian: exposure of refugees to grave violations such as torture and killing; Political: tensions in international relations.
7. International and regional courts, particularly the European Court of Human Rights, have been instrumental in reaffirming the principle as an absolute obligation.
8. The findings were consistent with the fact that the phenomenon of forced return can only be addressed with effective international cooperation involving burden-sharing and support to host countries.
9. The study established that women, children, and victims of armed conflicts are the most vulnerable groups affected by the phenomenon of forced return, which requires special protection.
10. The lack of effective international enforcement and monitoring mechanisms remains one of the major challenges to the effective application of the non-refoulement principle.

Recommendations

1. **Enhancing international cooperation:** The international community must work toward equitable burden-sharing between host and donor states to ensure a fair distribution of responsibilities and alleviate pressure on primary host countries.

2. Supporting the UNHCR: Adequate financial and logistical support must be provided to the UN High Commissioner for Refugees to enable it to fulfill its supervisory and humanitarian roles more effectively and respond efficiently to emergency crises.

3. Developing national legislation: States should explicitly incorporate the principle of non-refoulement into their domestic laws and empower national courts to ensure its enforcement and practical application.

4. Strengthening international and regional judicial roles: Greater support should be given to international and regional courts, such as the European Court of Human Rights and the International Court of Justice, to monitor state compliance and reinforce the absolute nature of the non-refoulement principle.

5. Protecting vulnerable groups: Legal and humanitarian protection should be expanded to include groups most at risk of violations, particularly women, children, and victims of armed conflicts.

6. Separating humanitarian concerns from political considerations: It is vital to resist attempts to politicize refugee issues and ensure they are addressed within a humanitarian and human rights framework, free from narrow political interests.

Prospects for Future Studies

This research opens the door to several future studies that may contribute to the development of the international refugee protection system, including:

1. **Expanding the scope of protection** to include new categories such as environmental refugees and those affected by climate change, as well as other vulnerable groups like women and children.

2. **Strengthening enforcement and monitoring mechanisms** by exploring ways to activate the roles of international and regional courts and non-governmental organizations in ensuring compliance with the non-refoulement principle.

3. **Achieving a balance between security and protection** by analyzing the policies of states facing security or terrorist threats and how these can be reconciled with their international obligations.

4. **Enhancing international and regional cooperation** through the evaluation of existing burden-sharing initiatives, supporting host countries, and exploring new avenues for global solidarity.

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