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Exploring Dilemmas about the 1951 Geneva Convention and the 1967 Protocol under Modern Refugee Trends: International Refugee Law in Perspective

Lawrence Vorvornator
Department of Anthropology and Development Studies, University of Zululand, KwaDlagenzwa, South Africa
vorlaw@gmail.com

Abstract: The study explores the 1951 Convention's dilemmas to assess whether it is abreast with modern refugee trends or not. Mixed-bag migration is explored under the Convention, unlike previous studies that concentrated on pull and push factors. Mixed-bag migration adoption sets this study apart from others. Aims-The study is necessary due to the open arms and solidarity of Europeans to receive Ukrainian refugees. In contrast, Syrian and Afghan refugees were discriminated against. Design- Grounded in Civil Solidarity as a Transformative Practice, and Building an infrastructure of Dissent, to explore the Convention's dilemmas. The study adopts a literature review, otherwise known as a ''meta-study. Findings-The findings reveal that the Convention is outdated with modern refugee trends; mostly children, women, and ordinary men. They commit no crimes to warrant any persecution. They migrated due to unbearable conditions, whereas in the 1950s, refugees were intellectuals, Soviet dissident men with different political opinions. The Protocol's implementation triggered a ''refugee floodgate. Refugees nowadays are non-Europeans, unlike 1950s. Refugees' floodgate led to civil solidarity withdrawal, and financial costs outweighed human rights, which contravenes the non-refoulement principle. Unsuccessful applicants are repatriated. The Convention neglects internal but protects international refugees. Contribution-I argue that a seventy-four-year refugee policy on inclusivity is needed with refugee-led organizations and governments for a public-private partnership. I recommend the Convention's re-examination to ensure modern refugee law, which should contain burden-sharing mechanisms. Conclusion-In-depth academic debates on the Convention's dilemmas and factors that trigger current refugee situations are needed. Since refugee demography has changed, but non-refoulement remains static.

Keywords: *The 1951 Convention, The 1967 Protocol, international refugee law, modern refugee trends, dilemmas*

1. Introduction

The study explores dilemmas about the 1951 Geneva Convention and the 1967 Protocol under modern refugee trends to assess whether they (the Convention and the Protocol) are still abreast with modern refugee trends or not. The previous studies concentrated on the pull and push factors as causes of refugee migration; this study concentrates on mixed-bag migration as causes and effects of refugee migration under the Convention. The adoption of mixed-bag migration sets this study apart from the existing studies. The study is necessary and timely due to the availability of arms, the strong solidarity by the nations, and porous borders, especially in the European region, to receive Ukrainian refugees. In contrast, Syrian and Afghan refugees were ''neglected'' and discriminated against (Oyebamiji et al., 2022). Because the current refugees are non-Europeans, unlike in the 1950s, when the refugees were European descendants. For example, in Elmbridge Borough Council (Britain), from March 2022, any new volunteers hosting Ukrainian refugees were paid £600 per month as a "thank you" (British Broadcasting Corporation, 2024). The study is anchored on the theoretical concepts, namely Civil Solidarity as a Transformative Practice (Agustín et al., 2024) and Building an infrastructure of Dissent (Fischer & Jørgensen, 2021), to explore the dilemmas about the Convention in modern refugee trends. These concepts explain how civil solidarity was paramount in the 1950s when refugees were European descendants. However, nowadays, financial costs and infrastructural development preferences are rated over civil solidarity since most refugees originate from non-European regions.

The First World War (1914 -1918) and Second World War (1939-1945) left millions of people homeless. Some people were forcefully deported and resettled in a different territory. A number of people migrated to other nations for sanctuary. These raised an alarm about human rights in the 20th Century. In a similar vein, a policy was formulated and enshrined in the non-refoulement principle (non-repatriation of refugees), which aimed to protect and promote the refugee rights (Pijnenburg & Rijken, 2021). In 1921 League of Nations tried to protect the refugees but was unsuccessful. In July 1951, the United Nations Convention was 'born' in Geneva to

protect refugee human rights, specifically European descent refugees (U.N. Geneva Convention, 1951; Adebayo, 2015).

The 1951 Geneva Convention stipulates who refugees were, types of protection, assistance, and rights that should be extended to them in the host nations (U.N. Convention, 1951). Through 26 nations negotiation the 1967 Protocol was signed. It extended the 1951 Convention to other nations. The 1967 Protocol opened the "refugees floodgate'', and created refugee problems globally (Fermi, 2021). The 1951 Geneva Convention defines an asylum seeker as "a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on an application for refugee status under relevant international and national instructions. In case of a negative decision, the person may leave the country and be expelled unless permission to stay is provided on humanitarian grounds". However, individuals with a war crime record are not allowed to be protected by the Contracting States (Mujuzi, 2020). This means war criminals are excluded under the Convention. Refugees during the post-war period were Soviet dissident men and intellectuals who held different political ideologies from the authorities, hence they were persecuted (Fermi, 2021).

After sixteen years (the 1967 Protocol), the 1951 Convention is now inclusive, capacious, in scope, and focused. The Convention's core aims of refugee protection, enshrined in the non-refoulement principle, guided international community responses to several crises such as Burma, Ethiopia, Congo, Sierra Leone, Syria, Liberia, and elsewhere, requiring continued support and vigilance to the refugee-hosting nations. The Convention has become a watershed that guides the international community in handling refugee crises globally. For example, the Organisation of African Unity (OAU) is now called the African Union. Despite the Convention's achievements, it is engulfed with dilemmas that affect its proper functioning.

The refugee floodgate after the 1967 Protocol, and the Syrian and Afghan refugee crisis in 2015, made European nations' ''Fortress Europe. It was aimed to keep refugees and migrants out of ''Europe at all costs''(Alscher, 2017). Denmark adopted legislation with the move to process asylum seekers in third countries. The Danish government refused to renew the residency permit for some Syrians, with the reason that part of Syria was safe for Syrian refugees to return. Prime Minister Sunak's policy aimed to process refugees from Rwanda, termed ''save the boats. However, the project did not materialise because of changes in the government. The Italy-Albania refugee camp pact established a refugee processing centre in Albania to process asylum seekers found in Italy's territory. Successful applicants are sent to Italy, while unsuccessful applicants are repatriated to their country of origin (COO).

These are the Contracting States that were signatory to the 1951 Geneva Convention, which they vowed to hold in high esteem. But they now violate the Convention by processing asylum seekers in third-world nations. Their actions call for a re-examination of the 1951 Geneva Convention. Does the current process of handling refugees by the Contracting States conform to international refugee law? Is the 1951 Geneva Convention abreast with the modern refugee crises? And what lapses need to be addressed in the 1951 Convention to stand the test of time to protect refugee floodgates? These are the questions the study aims to answer. The study is structured as follows: theoretical framework, literature review, research methodology, thereafter, research findings, conclusion, and recommendations.

Theoretical Framework

Building an infrastructure of dissent-civil solidarity as a transformative practice concept.

The study is anchored on the concepts of Building an infrastructure of Dissent (Sears, 2021; Fischer & Jørgensen, 2021) and Civil Solidarity as a Transformative Practice (Agustín et al., 2024). Both concepts elaborate on how the 1951 Convention is implemented to show solidarity and support to European descent refugees. The Contracting States signatory served as a commitment to uphold international law to protect refugees through civil solidarity irrespective of their COO (Sears, 2021). Sixteen years after the Convention was extended to the 1967 Protocol. It led to refugee floodgates. Hence, a change in priorities from empathy, morality, and civil solidarity to financial costs and infrastructural development.

Solidarity entails a relational practice. It is a support expressed toward others when they are in need. Solidarity is contentious; it erupts strongly in the case of disaster. It involves alliance-building among diverse actors (individuals, States, organizations, refugees and the United Nations). Solidarity is situated in time and space

and organised in multi-scalar relations. The practice is different among individuals, States, organisations, and non-organisations (Agustín et al., 2024; Fischer & Jørgensen, 2021). Solidarity practices are not concentrated in a particular region but rather criss-cross geographical and international boundaries. It is the bond expressed by people to those in dire need (Agustín & Jørgensen,2018). This implies that through civil solidarity, assistance is extended to refugees in dire need to overcome their challenges. To understand solidarity's practices, societies, villages, urban scale, and States operate as empirical sites and provide an analytical lens (Sears, 2021). States display how solidarity can become institutionalised, which leads to alternative infrastructural inclusivity (Sears, 2021).

The spatial and relational solidarity is expressed through autonomous, civil, and institutional types of solidarity (Agustín et al., 2024). Bauder and Juffs (2020, p 46) assert that civil solidarity is a "complex, multi-dimensional, and normative". Civil solidarity is the context of intervention and support expressed by the Contracting States that are signatory to the 1951 Convention towards people in need. For instance, refugees. This support is displayed by States, organisations, non-organisations, and individuals.

To deeply understand States' solidarity activities and civil societies, one needs to focus on the dynamics of contestation and actions. Solidarity is a ''unity or agreement of feeling or action, especially among individuals with a common interest; mutual support within a group'' (Sears, 2021). However, for civil solidarity work to be meaningful and impact on people's lives, it goes beyond support and entails resources and financial costs. Therefore, solidarity can be linked to the notion of dissent. Agustín and Jørgensen (2015) define dissent as "social and political questioning (not just mere critique or a need for palliative reforms), undoing consensus and rendering excluded actors and struggles visible". From Agustín and Jørgensen's (2015) explanation, dissent assumes relevance as experience opposed to the dominant order to render new members, struggles, and difficulties, as well as organising itself visibly. Sears (2021) calls dissent in his book *The Next New Left* ''infrastructure of dissent". According to Sears' (2021) research, infrastructure provides social movement with important capacities such as collective dreams, collective learning, capacity for solidarity, and collective memory. Therefore, exploring dilemmas about the Convention under modern refugee trends helps identify how the Contracting states provide infrastructure and are ready to bear financial costs to support various types of dissent. Or how civil solidary, empathy, and morality are rated over financial costs and infrastructural resources that are involved to support refugees (Agustín & Jørgensen, 2015).

In Sears' (2021) research framework, of infrastructure of dissent entails the capacity of solidarity and human rights as part of an integral component. However, Sears (2021) asserts that how the Contracting States regard civil solidarity and empathy nowadays is not an automatic response to injustice, but rather it needs to be cultivated. Express differently, while individuals, the Contracting States, and the United Nations sympathise intuitively with refugees, various States require finances, resources, and infrastructure to enable civil solidarity, morality, and empathy as effective praxis. Hence, the global sympathy will not be useful as in transformative one if it is not translated from theory to practice through the Contracting States.

The Contracting States nowadays rate financial resources and infrastructural development over civil solidarity and human rights. These pose challenges to the Convention. Since the Convention aims to support 'struggling' refugees through civil solidarity on humanitarian grounds. Rating financial resources over humanitarian grounds coupled with refugee floodgate enforced the Contracting States in the European region to build a fortress on their continent to prevent refugee entry to seek asylum (Alscher, 2017). Hence, some of the Contracting States (Denmark, Britain, and Italy) desire to process asylum seekers found in their territory in third-world countries. Successful applicants are 'admitted' to their COD for safety, while unsuccessful applicants are repatriated to their COOs. The repatriation contravenes the Convention as dilemmas about modern refugee trends. In summary, currently, refugee floodgates coupled with financial costs, and infrastructural development rated over human rights, unlike in the 1950s, civil solidarity and humanitarian issues were paramount to the Contracting States ' dilemmas about the Convention.

2. Literature Review

Arguments and frame context of discourse of dilemmas about the 1951 Geneva Convention and the 1967 protocol under modern refugee trends

According to the U.N. Geneva Convention Act of 1951, refugees are people who cross national boundaries because of well-founded fear and security concerns. They were Soviet dissident men, intellectuals who held different political opinions, and they were persecuted by the authorities (Pijnenburg & Rijken, 2021). This implies that the CODs become a refuge to protect themselves, whereas the COOs serve as a threat to them. They cannot return to the COOs until the conditions are conducive. Once they return to the COOs, their permanency status and protection from the CODs cease (Vorvornator, 2024a). International Organisation for Migration's (IOM's) (2018) report on humanitarian grounds argues that a refugee is ''anyone who, owing to the well-founded fear of precautions for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and unable or owing to such fear, is unwilling to avail himself or herself of the protection of that country'' (U.N. Geneva Convention, 1951, Act 1A).

The Cartagena (1984) declaration on refugee states that "among refugees [are included] persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order". The definitions pointed out that individuals who submitted that they left their COOs because of well-founded fear, and persecution are granted asylum. This does not include war crime criminals and economic migrants. This implies that there should be evidence of harm infliction and the state intentionally or unintentionally withholding its protection. According to UNHCR (2021), "a convention ground need not be the sole or even the dominant cause of the risk of being persecuted, but it must be a contributing cause to the risk".

Moran's (2021) research revealed that the refugee definition was enshrined in the non-refoulement principle; at that time, the refugees originated from the European region. Refugees were Soviet dissidents, intellectuals, and held different opinions from the authorities; because of that, they were persecuted. Soviet dissidents' demography at the time, and the authorities' refugee persecution, gave birth to the 1951 Convention to protect them (Pécoud, 2018). This implies that in the 1950s, the Contracting States rated civil solidarity, empathy, morality, and human rights issues over infrastructural development, and financial costs involved in hosting refugees. Sixteen years on, through 26 countries negotiation the 1967 Protocol was 'born', which extended the 1951 Convention to protect refugees globally (Pécoud, 2018). This era creates most refugees who originate from non-European nations, which leads to refugee floodgates globally. According to Murakawa (2021), refugee floodgates exert pressure on the Contracting States to extend civil solidarity to refugees in dire need. The Refugee Floodgate poses dilemmas to the Convention to achieve its objective of refugee protection in modern times. The paper asks, what are the dilemmas about the 1951 Convention in modern refugee protection trends?

Modern and in the 1950s, refugee demography

Refugees' demography under the Convention asserts that refugees in the 1950s were Soviet dissidents, who were intellectuals, and held different opinions from the authorities (Murakawa, 2021). This means that refugees must commit crimes and be persecuted by the COOs (Moran, 2021). The CODs become their refuge. Currently, refugees commit no crimes; they do not hold different opinions, which may warrant their persecution by the authorities (Moran, 2021). They are children, women, and ordinary men who flee from war and genocide to seek refuge in other nations (Vorvornator, 2024b). Modern refugees are people who might not be pleased with the unbearable conditions in the COOs and have decided to move out for the betterment of their lives. Do the modern refugees migrate because of persecution based on gender, nationality, religion, or hold different political opinions? These dilemmas reveal that the Convention is outdated and needs to be reviewed to be abreast with the current refugee trends.

A surge in the number of refugees after the 1967 Protocol

According to Federico and Tena-Junguito (2022), as of the 1980s, the size of the refugee population was estimated to be 9.5 million, which was almost the same figure as in 1926. However, due to an increase in the world population, created more refugees, approximately 36.4 million (Federico & Tena-Junguito, 2022). In the

1950s European Continent hosted most refugees, since refugees were European descendants. But nowadays, there is a tiny refugee population in the region despite improvements in transport and telecommunications. This explains that European States now consider financial costs and infrastructural development more than human rights, morality, and empathy towards refugees (Fischer & Jørgensen, 2021). Mayblin (2017:53) confirms that in the 1950s, "the overwhelming majority of refugees were European" during the First World War. Perhaps, refugees originated from the European region, because of that, European nations warmly received them, just as Ukrainian refugees (Oyebamiji et al., 2022).

For instance, in 1999, the Home Office in Britain received refugee applications close to 91,200, while in two years (1920), after the First World War, the Belgian refugees were estimated to be 250,000 in the UK (Mayblin, 2017). As of 2023, Britain hosted fewer refugees, and Iran became the leading refugee host (Garnier, 2023). Vorvornator's (2024: 3c) study concurs that in the 80s, "Sudan alone was hosting more refugees than the number of applications received by Western Europe and North America combined". This means that the Contracting States implemented their foreign policies over the international refugee law. This poses a dilemma about the Convention, which enhances the call for re-examination of the non-refoulement principle.

No mechanisms for burden-sharing under the Convention

Despite a surge in the number of refugees globally, which exerts a financial burden on the Contracting States for hosting refugees, there are no mechanisms for bearing such costs (financially, emotionally, and physically). In spite, the 1951 Convention's Preamble acknowledged that lasting solutions for refugees "cannot be achieved without international co-operation"(Nalule, 2023). But the Convention is silent on burden-sharing mechanisms or obligations. As time has gone on, unanticipated and new sources of upheaval and impediments to solution, including the COVID-19 pandemic, devastating climatic change, and protracted and old age conflicts, have made this modern trend historical global displacement (Korsi & Mdiniso, 2021). Because of the Convention's silence on refugees' hosting burden-sharing enforce the Contracting States have rated financial and subtle costs involved over human rights and civil solidarity. They pledged to extend to refugees through their signature under the Convention.

In related development, some of the Contracting nations tightened their borders to prevent refugees' entry to reduce costs, which contravenes the non-refoulement principle. Other nations prioritised infrastructural development over the extension of civil solidarity and empathy towards refugees (Sears, 2021). Is it not time to re-examine the Convention to detail how the costs of hosting can be shared? The paper believes that re-examination of the Convention with details information about burden-sharing might encourage the Contracting States to extend their civil solidarity to modern refugees. This will encourage the Contracting States not to build a fortress on their countries (especially in the European region), to prevent refugees from entering their territory (Alscher, 2017). It is time for a re-examination of international refugee law to cater to modern refugee trends globally.

Nation's borders 'tightening'

The Contracting States that signed the Convention to uphold its rules in high esteem fortified their borders since there was a surge in refugees after the 1967 protocol implementation. Research attributed the influx of refugees to an increase in population and the 1967 protocol (Schimmel, 2022). And probably the high costs associated with hosting refugees enforced some of the Contacting States to make it difficult for the refugees' arrival in their territory (Sears, 2021). According to Gorman (2021:1), the 1967 Protocol became the "refugee floodgates. This created refugees from all walks of life, which reflected changes as refugees were no longer just a European phenomenon; instead, refugee migration was occurring from conflicts all over the world.

The Contracting States rated infrastructural development over the civil solidarity extended to the European descendant refugees in the 1950s (Sears, 2021). It could also mean that most refugees originate from non-European regions because of the European nations' fortified borders, not due to hosting refugees (Alscher, 2017). This poses dilemmas about the Convention since the Contracting States were signatory to protect the refugees who are in dire need, now fortressing borders to prevent them refugees. To seek asylum (Alscher, 2017). This act contravenes the non-penalisation clause of refugees enshrined in the 1951 Convention. Hence, a call for re-examination of the Convention to be abreast with the current refugee trends.

Civil solidarity extends to international refugees at the expense of internal refugees.

In plain language, the Convention has not been, and cannot be, a solution to the global refugee displacement of refugees at both the internal and international stages. By considering only refugees who cross the border at the expense of the internally displaced or people displaced other to persecution is a grave concern that needs to be re-addressed (Schimmel, 2022). For instance, natural disasters, climatic conditions, war, dire economic circumstances, and general violence are ignored by the international refugee law (Vorvornator & Enaifoghe, 2024). Time and refugee status have changed over the years. Refugees are no longer intellectuals who hold different opinions against the authorities and are being persecuted. But rather, they are children, women, and ordinary men who were displaced through internal war and conflicts in local areas and communities. Some cultures frown upon practices and activities such as Lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and the +(LGBTQIA+). These act attracts persecution and discrimination in such societies. These revelations indicate that the Convention needs to be re-examined to cater to modern refugees, since modern refugees' acts which lead to persecution in the COOs, are quite different of the 1950s refugees. The 1950s refugees were intellectuals, held different opinions from the authorities before the Convention was established.

International policies' effect on developing nations

International policies are the actions and strategies nations adopt to interact with other states, unions, and international entities, encompassing objectives such as security and humanitarian assistance. International policies could have positive or negative impacts on the betterment of developing nations. Currently, the global interdependence of the developed nations and economic blocks such as Brazil, Russia, India, China, and South Africa (BRICS) has caused devastating damage through overexploitation of the environment, leading to far-reaching consequences and creating more refugees (Benhabib, 2020). Hathaway and Foster (2014) argue that "...where poverty provides the causal connection to a well-founded fear of being persecuted, it is sensibly understood to be the basis for a recognition of refugee status under the rubric of the social group ground". These types of refugees originate from environmental degradation and climatic conditions that are not enshrined in the international refugee law (Adebayo, 2015). It could be argued that the Convention, to promote equality and create social justice for all, rather creates injustice and inequality because of modern factors that trigger refugees (Vorvornator, 2024a).

The Convention only protects refugees who hold different ideologies from authorities and cross borders to seek refuge in another country (Fermi, 2021). We need to understand that the Convention promoted and protected Soviet dissident intellectuals' refugees in the 1950s. Therefore, it is time to re-examine the Convention to provide social justice to current refugees as it did in the 1950s. As the Convention represents modern international refugee law, it poses challenges to modern refugees. Hence, a high rate of refugees' repatriation to their COOs, which contravenes the non-refoulement principle. Is the 1951 Convention abreast with the current development of refugee situations? These are some of the dilemmas that affect the Convention's usefulness, which calls for re-examination to meet modern refugee trends.

Modern migration is caused by a mixed bag, unlike in the 1950s

According to Lee (2017), migration over 2,000 years ago was caused by push factors (unemployment, climatic conditions such as drought, famine, and bushfires), and pull factors (infrastructural development, and purported job availability). The push factors are unbearable economic conditions and conflicts that forced people to leave their place of origin to seek sanctuary in another place or country. Whereas the pull factors are the purported infrastructural development that attracts people to migrate and benefit from those amenities in the CODs (Mohorčič et al., 2021). Migration trends changed in the 1980s. Currently, migration comprises both push and pull factors (Korsi, 2022). This explains that migration in modern times is a mixed bag (Vertovec, 2023). Vertovec's (2023) research pointed out that modern migration is mixed and complicated because a migrant can be an economic migrant at one time, and at the same time, become a refugee at a certain point. For instance, in Uganda (where LGBTQIA+ practices are frowned upon), an unemployed Ugandan aims to reach Britain to work, but at the same time, he practices homosexuality, and he is being persecuted by the authorities. Will the person be considered as an economic migrant or refugee under the Convention? Migration of a Ugandan comprises both push and pull factors (Korsi, 2022). A migrant might migrate to another country for economic reasons to another country. However, there can be unfavourable conditions such as racism, xenophobic attacks, and war outbreaks, which might force the migrant to engage in migration or secondary migration to another nation for sanctuary. Migration of such a person makes him qualify as an economic

migrant as well as a refugee because of the outbreak of the war. Does the Convention make provision for the mixed-bag migrants? These are the dilemmas faced by modern refugees.

Vorvornator's (2024b) reflection on the current state of refugees asserts that "Economic migration and movements of refugees fleeing conflict had become increasingly entangled". This means that it would be difficult for the Contracting States to assess whether an individual is a refugee or an economic migrant. Therefore, some of the Contracting States (Italy, Britain, and Denmark), policies that aimed to repatriate unsuccessful applicants to their COOs are likely to contravene the non-refoulement principle (Vorvornator, 2024c). According to ideal political theory under liberal-democratic theory, the main problem is the justification of boundaries to determine and demonstrate the person who qualifies as a refugee or migrant (Mendola & Pera, 2022). Since determining whether a person to either a migrant or a refugee is a dilemma, the Convention needs re-examination to be abreast with modern refugee trends.

From the foregoing discussions are dilemmas about the 1951 Convention under modern refugee trends. Currently, the international refugee law serves as a yardstick for the Contracting States and organisations. Factors that trigger modern refugee situations and refugees' demographic dynamics have continued to change since the 1950s. The Convention needs to be re-examined to be abreast with modern refugee trends to provide the needed civil solidarity, morality, and empathy to modern refugees as it did in the 1950s.

I argue that the 1951 Convention and the 1967 Protocol have overstayed their usefulness. They are outdated and irrelevant in modern days, since they do not serve the purpose of refugee protection as their primary establishment. Infrastructural development and financial costs for refugee hosting are rated over empathy and human rights. They are 'white elephants' that need to be re-examined to stand the test of time. The next section presents the methodology of the study.

3. Methodology

The study adopts a migration literature review (LR) to explore dilemmas about the 1951 Convention and the 1967 Protocol under modern refugee trends. Taherdoost (2021, P. 21) explains that LR is ''the process of accessing published secondary data. The definition depicts two distinct characteristics. This implies that the LR adopts only published information data, not primary data. The published is broadly used, which comprises journals, books, articles, and organisational and non-organisational reports (Maxwell, 2021). The second characteristic reveals that the LR is employed ''in-house'' not in the field (Taherdoost 2021, P. 11).

Several search engines such as Google Scholars, JSTOR, Web of Science, EBSCOhost, Scopus, Research Gate, migration websites and journals namely, Journal for International Migration, and Integration and International Organization for Migration (IOM) and search terms namely: 'refugees dilemmas', 'the 1951 Convention', 'the 1967 Protocol', 'international refugees law', and 'non-refoulement principle' were employed.

The study acquired 1,296 ideal publications; 1,284 of these derived from an electronic search, and twelve were found through backward and forward search. Through eligibility assessment conducted a total of (1,296-1,254) n=42 articles were selected, cited and referenced, through the following eligibility criteria; a) the articles that concentrated on either or both dilemmas about the 1951 Geneva Convention, and the 1967 Protocol; b) focus on international refugees law; c) published in 2010 or later; d) published in English (Creswell & Poth, 2016). And the fifteen years were considered because it was a phenomenon and unprecedented in the migration history (Afghan and Syrian refugees, Arab Spring migration to Europe, and presently Ukrainian refugees).

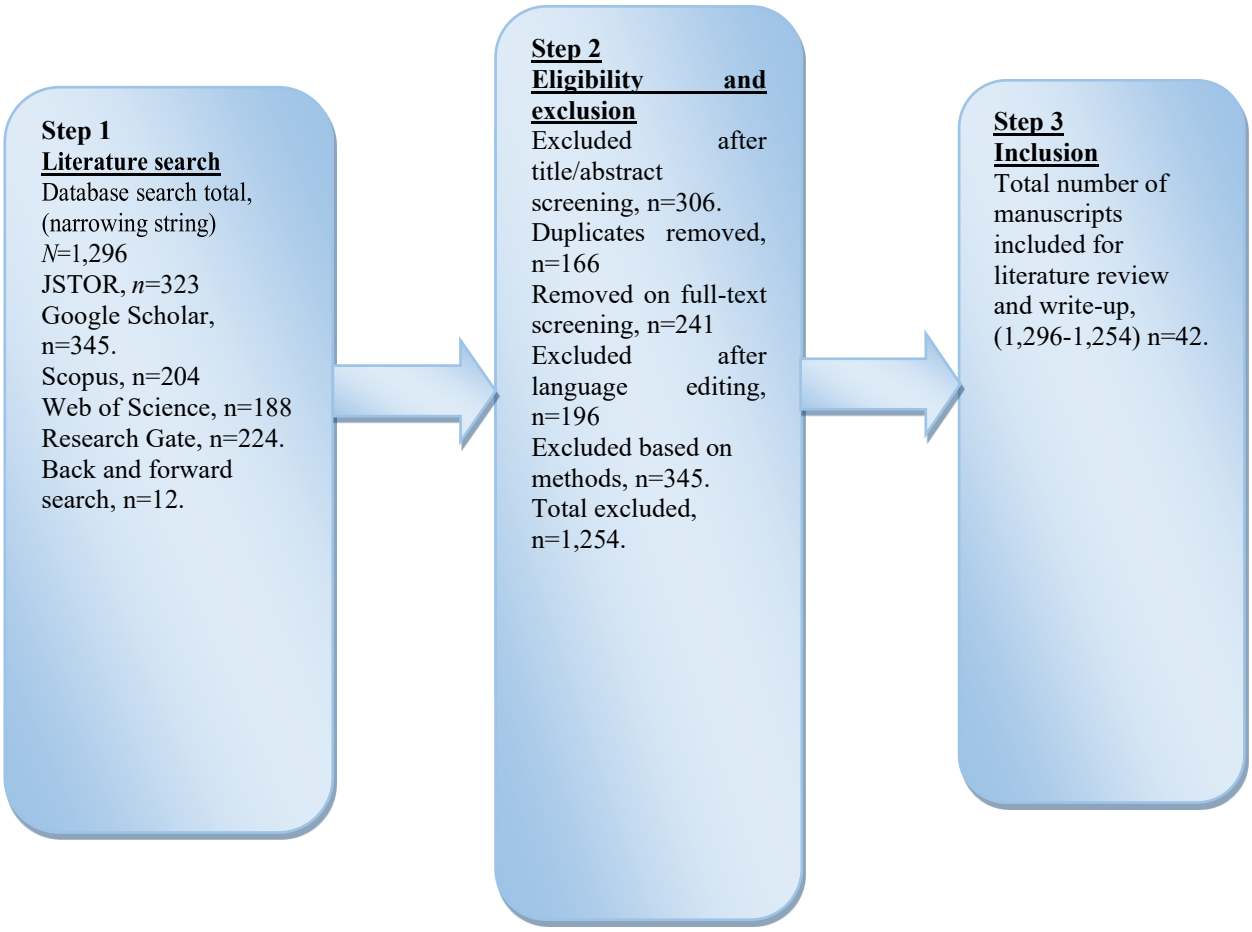
Templier and Paré (2015) identify six steps in conducting LR, namely: a) identifying the objectives and research questions; b) finding the important articles; c) making an inclusion; d) exploring the quality of articles; e) extracting data, and f) analysing data. All articles considered not relevant were excluded. After the eligibility check, the author proceeded to the data extraction and analysis stage. Data extraction deals with coding relevant articles related to the study. Coding was done through thematic analysis, which involves the process of identifying, analysing, and reporting patterns within qualitative information (Creswell & Poth, 2016). The author employed 'framework analysis', which deals with a methodological procedure that extracts and analyzes the literature, because it has a procedure and guiding process that facilitates both the extraction and

analysis of relevant data. It helps the researcher manage data, analyse large datasets, identify processes, patterns, and conclude.

The procedure Ritchie and Spencer (2002) described as "sifting, charting and sorting materials according to key themes and issues". In specific terms, familiarisation is done to have in-depth knowledge about articles importance, identification of the thematic framework, which identifies memos on the concepts and ideas that emerged from the migration literature review. Indexing is done via sifting the information related to the particular themes; charting the information was done to sort out relevant headings and sub-headings during the thematic framework stage (Creswell & Clark, 2017). Mapping and interpretation, which entail gathering and analysing all the criteria features of the dataset, and performing a synthesis of information, were done.

Key articles selected for the study employed a range of qualitative and quantitative methodologies. Meta-analysis for the quantitative data was not done because the research method was different. This means this research did not share the same variables. Textual information was mapped and coded appropriately by employing a framework analysis approach. The theories and LR present broader pictures, baseline information data, and an understanding of the previous literature on the refugees' dilemmas about the Convention (Maxwell, 2021). The Convention's LR helps to avoid duplication of existing works by researchers. However, the limitations could be that since not all academic search engines were employed, there could be some previous literature that the author might not have used. Figure 1 depicts the article selection process presented below.

Figure 1: Article selection process



4. Findings

The study's findings are presented on the 1951 Convention's dilemmas about modern refugee trends. The study's finding identifies that in the 1950s, the Convention protected European descent refugees; because of that, the Contracting States, especially in the European region, extended civil solidarity and empathy towards refugees from Soviet dissidents (Sears, 2021). Later, 26 nations negotiated, and the Convention was extended to the entire world through the signing of the 1967 Protocol. This triggered a surge in the number of refugees termed refugee floodgates (Fermi, 2021; Alscher, 2017). Refugee floodgates exert financial and subtle costs on the Contracting States; because of that, they adopted policies to tighten their national borders to prevent refugees from entering their territories (Alscher, 2017).

The study reveals that most refugees after the 1967 Protocol were non-Europeans (Mayblin, 2017). Refugees were mostly from African and Asia countries, as of that, civil solidarity and human rights, which were the basis for the 1951 Convention's formation, were relegated to the background. And financial costs and infrastructural costs are now paramount to the European nations in hosting refugees (Sears, 2021). The study identifies that in the 1950s European region hosted most of the refugees (Mayblin, 2014). But as of 2023, Iran was leading refugees host (Garnier, 2023). This explains the infrastructural development and financial considerations over human rights issues by the European region (Agustín et al., 2024).

The study's finding further reveals that the current refugee demography is usually children, women, and ordinary men who do not hold different political opinions from the authorities (Moran, 2021). They are individuals who might not be pleased with unbearable conditions such as war and conflicts, and decided one day to migrate to another country for sanctuary (Moran, 2021). They might not commit any crime against the COOs, which might warrant their persecution (Murakawa, 2021). In the 1950s, refugees were intellectuals from Soviet dissidents who held different political opinions against the authorities (Moran, 2021). These pose dilemmas about the Convention to be re-examined.

The study's finding reveals that one of the Convention's dilemmas is that there are no appropriate mechanisms for refugee hosting costs or burden-sharing (Nalule, 2023). Costs sharing, such as financial, emotional, physical, and subtle, incurred through refugee hosting, is silent in the Convention. This poses a dilemma to the Contracting States to shift their international policies on refugees from human rights protection to infrastructural development (Sears, 2021). It was further revealed that there is no provision for internally displaced people in conflicts and war situations (Schimmel, 2022). Internally displaced people who are refugees are not protected by the Convention, unless a refugee crosses the international border to seek sanctuary in another country (Schimmel, 2022). Moreover, violence, natural disasters, and unfavourable climatic conditions, which devastated and displaced people in modern times, are not catered to in the Convention (Vorvornator & Enaifoghe, 2024). These pose dilemmas about the Convention, hence a call for its re-examination.

The study reveals that the Convention still holds the view that migration is triggered by push and pull factors (Lee, 2017), which contradicts mixed-bag modern migration trends (Korsi, 2022). Mixed-bag migration poses a challenge to the Contracting States to be able to assess migrants or refugees according to their rightful status. Hence, the creation of a backlog in the refugee processing centres in the Contracting States (Vianelli, 2022). In some instances, unsuccessful applicants (asylum seekers) are repatriated to their COOs, which contravenes the non-refoulement principle (Vianelli, 2022). Based on the presentation above, the paper argues that the Convention has overstayed its usefulness, and modern refugee trends and demography have changed over time. These pose dilemmas about the Convention since over seventy-four years on, it still holds the very principles and conditions enshrined in its implementation in the 21st century.

Overall the paper concludes that the Convention's dilemmas such as change in refugees demography, a surge in number of refugees, withdrawal of civil solidarity because of financial and subtle costs involve in refugees hosting, and mixed-bag migration in modern refugee trends possess dilemmas about the 1951 Convention, because of that there is a call that the Convention should be re-examined to be abreast with time.

5. Conclusion

The study explored the 1951 Geneva Convention's dilemmas to assess whether the Convention is abreast with modern refugee trends or not. It is revealed that refugee migration at the time the Convention was enshrined was triggered by push and pull factors. Currently, refugee migration comprises mixed-bag migration, while the Convention is still in use in modern refugee migration trends. The finding reveals that the Convention is outdated and needs to be re-examined to be abreast with modern refugee trends. Because the demography of modern refugees is quite different from the 1950s refugees. Modern refugees are children, women, and ordinary men who do not commit any crime that might warrant their persecution in the COOs. They might leave their COOs because of unbearable conditions such as war, unfavourable climatic conditions, and conflicts, while in the 1950s, refugees were Soviet dissident men with an intellectual background who held different opinions from the authorities, and hence their persecution. The study reveals that because of the 1967 Protocol's implementation, refugees number had surged globally, which created refugee floodgates. Most refugees originate from non-European nations, whereas in the 1950s, refugees were of European descent. The refugee floodgates exert a financial burden on the Contracting States. Hence, they changed their international policies on refugees from civil solidarity to infrastructural development. In another development, some nations fortified their borders and prevented refugees from entering their territory. Meanwhile, they were signatories to the Convention, whose mandate is to protect refugees. Modern migration assumes a mixed bag, unlike in the 1950s, when people migrated because of push and pull factors. Mixed-bag migration poses dilemmas to the Contracting States in processing asylum seekers' applications effectively. This leads to a refugee application backlog in most of the Contracting States. Unsuccessful applicants are repatriated to their COOs, which contravenes to non-refoulement principle. Hence, a call for re-examination of the Convention to be useful to modern refugee trends. Like any international instrument, the Convention does not address or protect the modern refugee problem globally. This explains neglect of internal refugees, since the Convention is concerned about refugees who cross national borders. As decades have unfolded, it is clear that there should be a public-private partnership, where refugee-led organisations such as the United Nations High Commissioner for Refugees (UNHCR) engage with the national governments to promote greater inclusion in national and international policy-making on modern refugee issues.

Therefore, the paper recommends re-examination of both the 1951 Geneva Convention and the 1967 Protocol to be abreast with time. This would enable the Contracting States not to implement their policies contrary to international refugee law. Further, the source of funding and burden-sharing mechanisms for refugee-hosting nations need to be enshrined in the new Convention. So that nations that host refugees would be aware of where and how their refugee-hosting burden will be shared. This would prevent nations not to tightening their borders against refugees. The paper, therefore, calls on academic debates on global dilemmas faced by refugees in the CODs since the dynamics of the refugee population are changing, but the non-refoulement principle remains static. The paper further recommends unpacking refugees' demographic concepts to strengthen the arguments for modern refugee trends. Other factors that trigger refugees' needs need to be discussed in-depth with academics, to widen the debates on modern refugee trends. Future directions should focus on global issues such as climate change, nationalism, and global migration patterns, which trigger refugee situations.

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