



Call for Papers

The Evolution of the Principle of *Non-Refoulement* in International Law: What Role for New Types of International Law-Making?

*Workshop in the Context of the 2021 ESIL Annual Conference organized on
Wednesday, 8 September 2021*

In the framework of the 16th Annual Conference of the European Society of International Law (ESIL) (Stockholm, 8-11 September 2021), the [ESIL Interest Group on Migration and Refugee Law](#), the [ESIL Interest Group on International Criminal Justice](#), and the [Human Rights Research League](#) organize a workshop on the evolution of the international legal norm prohibiting *refoulement*.

It is a fundamental principle of international refugee law that refugees and asylum-seekers shall not be expelled or returned to persecution. Yet this principle has also become incorporated in international human rights law and international humanitarian law, prohibiting states from transferring or removing individuals within their jurisdiction when there are substantial grounds for believing that this would expose the individual to irreparable harm upon return.

The aim of the joint workshop is to discuss and analyse the evolution of the prohibition of *refoulement* within and beyond the traditional context of forced migration: How is the scope of *non-refoulement* evolving within the forced displacement context? How is the balance struck between *non-refoulement* and state cooperation in the fields of criminal justice and combatting terrorism? How is and can the principle of *non-refoulement* be used in other contexts? Can one speak of an evolution of *non-refoulement* as a general principle prohibiting the exposure of individuals to other types of human rights violations or harms that go beyond, for example, torture and inhuman or degrading treatment or punishment?

Moreover, the question arises as to the scope of application of this principle in different contexts, both at the universal and regional levels. It is increasingly accepted that the principle can apply extraterritorially, for instance, when a state intercepts individuals on the high seas, thereby exercises control over those persons and returns them to their point of departure. Yet can similar conclusions arise regarding persons at diplomatic or consular premises? Is it even necessary that a person is transferred across a border? Can or should exposure to human rights violations or other harm within an occupied territory lead to parallel argumentations in terms of *refoulement*? In addition to the doctrinal potential and limitations, how should we assess these evolutions from a normative or policy perspective?

The co-organizers welcome contributions relating to any of the questions above. We specifically encourage authors wishing to focus on the legal fora, law-making techniques, and actors in which these evolutions (both universally and regionally) can be discerned or could take root to share their ideas for discussion at our joint event.

Abstracts not to exceed 400 words, written in English or French, should be submitted to migreflaw@gmail.com by **10 July 2021**, accompanied by a short curriculum vitae containing the author's name and institutional affiliation. PhD students, Early Career Researchers, senior academics, and practitioners alike are invited to contribute.

Authors are expected to be ESIL members at the time of presentation.

Up to five eligible authors from low-income economies will, if their abstracts are selected for presentation, receive a one-year ESIL membership, including an online subscription to the European Journal of International Law, sponsored by the Human Rights Research League.

Please note that due to COVID-19 restrictions, the workshop is likely to be arranged in remote mode on Microsoft Teams or Zoom.