

The Principle of Non-Refoulement and the Obligations of the United Nations in Ensuring the Accountability of States toward Refugee Protection: Lessons from Nigeria and Cameroon

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ABSTRACT: Since the outbreak of the Second World War, humanity has witnessed several challenges in the maintenance of global peace and justice and in the protection of refugees and asylum seekers, thus resulting from the outbreak of conflicts and threats posed by terrorist groups. These conflicts are classified into national and international conflicts. The impact of conflicts and inter-tribal wars between states or nations has witnessed a new form of migration from the twentieth century commonly referred to as refugee migration. This paper aims to analyse the principle of non-refoulement under the 1951 Refugee Convention and the obligations of the United Nations in ensuring the accountability of state parties toward the protection of refugees or displaced persons within their respective territories, with lessons from Nigeria and Cameroon. The paper argues that state parties to the said treaty are bound to protect everyone who is subject within their respective jurisdictions particularly, refugees and displaced persons. Effective protection is a necessary measure for ensuring that states follow the affirmative legal obligations undertaken after the ratification of the Refugee Convention. It is also an important approach for evaluating the credibility of the United Nations in accomplishing its objective toward peace, justice, and the protection of refugees or displaced persons.

KEYWORDS: Refugee, non-refoulement, United Nations, obligations, accountability

1. Introduction

The twenty-first century has witnessed an increase in the rate of migration or movement of people from one country to another around the globe. The soaring rate of migration, particularly in developing states, is a result of international and national conflicts, terrorist attacks, poverty and hunger, unemployment, diseases, and civil upheavals (Kelley 2007, 402; Jacques 2012, 197–199). However, the aftermath of the Second World War (WWII) has also witnessed a new form of migration in the international scene, namely, refugee migration. The movement of persons can either be voluntary or coerced and can occur within a person's own country or across international frontiers. From a human rights perspective, persons displaced within their own country (i.e., internally displaced persons [IDPs]) and refugees are groups that require special protection and care because they have been deprived of the security that is normally enjoyed by people who can remain in their homes. As noted by the United Nations High Commissioner for Refugees (UNHCR Global Trends Report 2017), it is estimated that an unprecedented 68.5million people around the world are forcefully displaced from their homes. This is a result of persecutions, conflicts, and generalised violence. Among these people are 40 million internally displaced people, 25.4 million refugees with more than half under the age of 18, and 3.1 million asylum seekers (UNHCR Global Trends Report 2017). A total of 57% of worldwide refugees come from South Sudan (2.4million), Afghanistan (2.6million), Syria (6.3million), Myanmar (1.2million), and Somalia (186,400), and 28 % of the worlds displaced people are in developing countries (UNHCR Global Trends Report 2017). According to the Commission, a total of 250, 85 Cameroonians have been registered as refugees in Akwa Ibom, Benue, Cross River and Taraba in Nigeria [It should be noted that this is the most recent statistic obtained from the UNHCR office in Nigeria on the number of Cameroonian refugees in Nigeria from October 2017 to August 15, 2018].

Although displacement can have two phases, this article will focus on a specific group that is commonly referred to as refugees. The word refugee has been defined by the 1951 UN Convention Relating to the Status of Refugees (Art. 1(2)) as a person who is outside their country of nationality and is unable to return owing to the fear of persecution because of race, political opinion, creed, nationality, or membership to a particular social group. Although this definition is important, it does not suit the

current period because of changes in world events; a more comprehensive meaning was proposed by the African Union Convention on the basis of the specific aspects of refugee's problems in Africa (OAU Convention Art.1). The current paper aims to assess the extent to which the principle of non-refoulement under the 1951 Refugee Convention is being enforced with regard to the protection of refugees and the accountability of states toward internationally displaced persons who have been forced to flee abroad and to seek protection against persecution. This paper will reference a specific case study in Nigeria and Cameroon and will evaluate the extent to which state parties are meeting their affirmative legal obligations established after the ratification of the convention [Cameroon ratified the 1951 Refugee Convention on October 23, 1961 whereas Nigeria ratified it on October 23, 1967. Both states are also signatories to the 1969 OAU Convention Governing Specific Aspect of Refugees Problems in Africa].

The position of the United Nations in ensuring the accountability of states that have breached the principle of non-refoulement will also be an interesting issue worth assessing. The paper also suggests that the United Nations can make a significant contribution in ensuring the accountability of states that failed to provide adequate protection to refugees in violation of the principle of non-refoulement.

2. Causes of Refugee Crisis

Since time immemorial, humanity has moved from one state to another either as refugees or IDPs for various reasons. According to the Global Trend Report on Forced Displacement, it is estimated that 31 people are newly displaced every minute of the year (Kelley 2007, 402). The high proportions of those who migrate are obviously for reasons of political, social, economic, and environmental calamity. Although the focus of this paper is not mainly to analyse the reasons why people flee, it is important to emphasise that political and economic motives play essential roles in influencing the rate of refugee migration, particularly in developing states. The quest for better living conditions and the lack of employment opportunities has become a major issue for concern. Meanwhile, in most part of Africa, civil wars or conflicts are often seen as the only way to effect change in the African continent [See the case of Francophone Africa particularly the refusal of the incumbent DR Congo President Joseph Kabila to step down from office when his mandate came to an end on December 20, 2016, and the outbreak of the Anglophone Crisis in Cameroon, which resulted in cross-border and internal migration. Although the present situation in Gabon is relatively calm, the Country cannot be left out as a good example].

This is because most political leaders who have been in power for a long time have decided not to relinquish power until eternity. For instance, from October 2017 to October 2018, thousands of Cameroonians were displaced because of fighting in the North-West and South-West Regions of Cameroon and dozens have been subjected to arbitrary detention. As a result of conflicts between the armed group Boko Haram and the Cameroonian military, approximately 240,000 people in the Far North Region fled from their homes between 2014 and the end of 2017 (Amnesty International Report 2017/2018, 112).

This present situation portrays the big picture of the plight of refugees across the continent. Political detainees, dissidents, and other individuals who oppose or challenge their governments in other countries are also forced to take refuge in neighboring countries. Similarly, violence in the Kasai Region of DR Congo since 2016 has left thousands dead with at least 1 million internally displaced and has caused more than 35,000 people to flee for neighbouring Angola (Amnesty International Report 2017/2018, 144-147). This has led to a deteriorating situation in human rights, particularly that of those who have been displaced. To ensure that those displaced as refugees should be given proper protection, the receiving or contracting states must ensure that the principle of non-refoulement and the obligations articulated by the 1951 Convention must be respected in line with other human rights treaties.

3 Legal Framework for Refugee Protection

Cognizant of the causes and the devastating effects faced by refugees, humanity thought that it was wise to paint a new picture in the history of human rights and fundamental freedoms. This began with the adoption of an international legal framework or instruments that can be used to protect refugees and

asylum seekers. Today, the UN human rights laws and monitoring mechanisms have made significant contributions to refugee protection. Although these mechanisms may not necessarily serve as a reliable framework for protection as domestic systems, recent developments in international law have contributed immensely on specific cases and broad based advocacies on behalf of refugees.

The UN human rights system or mechanism has provided a legal panacea for failure in domestic procedures concerning refugee protection (Gorlick 2000, 119). The system of refugee protection is established by international law and is overseen by the UNHCR. Although the UNHCR is accorded special status as the guardian of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, it is not limited in the exercise of its protective functions to the application of the substantive provisions of these two treaties. This organ oversees the protection of refugees on the basis of a strong legal framework under international law.

3.1. Global Legal Framework

The main principal treaty that governs the Status of Refugees and asylum seekers under international law is the 1951 Convention and Protocol Relating to the Status of Refugees. The 1951 Convention is a post-WWII instrument that was limited in scope to persons fleeing events in European states occurring before 1951. This limitation seems to have been erased by the 1967 Protocol, which provided universal coverage. Today, approximately two-thirds of the world's countries are state parties to the convention and its protocol (UN Convention Relating to the Status of Refugees, 1951 and the 1969 Protocol). It is a rights-based instrument underpinned by a number of principles, such as equality, non-discrimination, penalisation, and non-refoulement. However, international instruments today remain the principal body of international law in the protection of refugees. The definition and a number of rights provisions contained in these instruments have been widely incorporated into domestic laws. The direct line of descent from the UN Charter and the Universal Declaration of Human Rights (UDHR) is stated in the preamble to the 1951 Refugee Convention (Recital 1 of the Preamble) concerning human rights focus. The convention affirms the principle that human beings shall enjoy fundamental rights and freedoms without discrimination. International refugee law instruments also codify a number of specific rights that states are obliged to provide to refugees.

Considering the rapid developments in human rights laws, which may complement the interpretation of refugee instruments, the Refugee Convention is a living document that is very relevant in providing a normative framework to address contemporary refugee problems. In addition to the 1951 Convention and its Optional Protocol, which serves as a principal treaty that deals with refugee protection, other instruments have emerged and added momentum to the protection of refugees with equal standards. For instance, the UDHR (Art.1 UDHR 1948), the International Covenant on Civil and Political Rights (Arts. 2, 12 and 13 of the ICCPR, 1966), the UN Convention on the Rights of the Child (Art. 22 of the UNCRC, 1969) and the UN Convention Against Torture (Art 1 CAT 1984). These instruments enforced refugee protection on the basis of the examination of periodic and states party reports by a human rights treaty body or a committee established under the authority of a particular treaty and comprises independent experts.

3.2. Regional Framework

Regional instruments also play an instrumental role in ensuring that refugees or asylum seekers are given adequate protection regarding their status at the national level. Unlike the 1951 Refugee Convention, the OAU Convention Governing Specific Aspects of Refugees Problems in Africa provide an elaborate definition to the concept of a refugee. According to the convention, “a refugee refers to every 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, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”(Art. 1 OAU Convention, 1969). Similar to the OAU Convention, the African Charter on Human and People's Rights (Art. 12), the African Charter on the Rights and Welfare of the Child (Art. 13), the European

Convention on Human Rights (Art. 3 of ECHR 1950), the European Social Charter, the American Convention on Human Rights (ACHR Art.22 (8)), and the 1984 Cartagena Declaration have also laid strong emphases toward refugee protection and impose unconditional obligations on all state parties. International law provides what can commonly be referred to as guidelines and mechanisms within which refugees and asylum seekers may seek redress for protection at any point in time.

4. Non-Refoulement and State Obligations toward Refugee Protection

4.1 The Principle of Non-Refoulement

Non-refoulement is a core principle under international law that governs the Status of Refugees under the 1951 Refugee Convention (Art. 33(1)). The term non-refoulement originates from the French word *refouler*, which means to drive back or repel. It is a fundamental principle of international law that forbids a country from returning asylum seekers to a country in which they would be in likely danger of persecution. According to Trevisanut, non-refoulement is all about being admitted to the state community, although in a minimalist form of non-removal (Trevisanut 2008, 209). Unlike political asylum, which applies to people who can prove a well-grounded fear of persecution, on the basis of certain categories of persons, non-refoulement refers to the generic repatriation of people, including refugees into war zones and other disaster locales. It is now considered a principle of customary international law because it applies even to states that are not parties to the convention and its protocol. It has also been described by Goodwin-Gill (2014, 42) as an integral part of human rights protection, implicit in the subject matter of many such rights, and a rule of customary international law. Several arguments have been raised by scholars on the exact scope of the principle of non-refoulement in the protection of refugees under international law (Lauterpacht & Bethlehem 2001, 115-117; Molnar 2016, 57; Lambert 2005, 39; UNHCR 2007, para.6). Unlike the 1951 Refugee Convention, the scope of protection against refoulement is wider under Article 3 of the European Convention on Human Rights.

However, the question of who is protected by the prohibition on refoulement has been answered by the Refugee Convention. According to Article 33 of the convention, the principle applies only to refugees who are already in a contracting or receiving state and who have been accorded a refugee status or recognised as a refugee. Article 33(1) further states that “no contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, nationality, membership of a particular social group or political opinion.” To further add momentum to the principle of non-refoulement, the convention states that a receiving or contracting states shall not forcibly expel, extradite, or deport a refugee lawfully in their territory except on grounds of national security or public order (Arts. 32(1) & 31). Although it indicates that receiving or hosting states cannot expel refugees within their respective jurisdictions, it further places limitations on this same clause by emphasising that the expulsion of refugees is subjects to conditions pursuant to a decision that can only be determined by a court of law (Art.32(2)).

Articles 33(2) and 32(1) of the Convention require all contradicting state parties without reservation or discretion not to expel refugees from their country of origin, except for reasons based on national security or public order. It is the duty of state parties to ensure that they realised their treaty obligations undertaken after the ratification of the said convention. To guarantee the effective protection of refugees and the enforcement of the principle of non-refoulement, the UN, through its monitoring mechanisms, must ensure that state parties are meeting their affirmative legal obligations and that those in violations of the said principle must be held accountable. Whether state parties are meeting up to their respective obligations is an issue worth assessing.

4.2. States Obligations toward Refugee Protection

The ratification of international instruments imposes obligations on state parties to ensure that everyone subjects within their respective jurisdictions are given equal protection particularly, refugees who are in need of special care and protection. As stated by Trevisanut (2008, 208), the obligation of non- refoulement is the core element that guarantees protection to refugees and asylum seekers. The

question of whether states have the duty to protect refugees seems to have been answered unequivocally by the Refugee Convention and other human rights treaties. The 1951 Convention has been widely ratified by 145 states and outlines the rights of the displaced and the legal obligations of states to provide protection to refugees. In line with other human rights treaties, the 1951 Convention (Art.3) and the 1969 OAU Convention Governing Refugees(Art.4) require state parties to provide protection to all refugees or asylum seekers without any discrimination to race, religion or country of origin (Art. 2(1) ICCPR; Art. 3 ECHR; Art. 7 UDHR; Art.2(2) ICESCR).

Article 9 of the Refugee Convention states that “nothing shall prevent a contracting state, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential in the case of a particular person, pending a determination by the contracting state that the person is, in fact, a refugee and that such measure is necessary in his case in the interests of national security.” By interpretation, the word “shall” couched in the Refugee Convention implies a mandatory and an unconditional duty or obligation that must be executed by all member states within their respective jurisdictions during the process of enforcement or implementation. Although this convention can also be interpreted as a human rights treaty, I hesitate to lay emphasis on this argument because states obligations under the convention should not be subject to limitations from any member state. However, despite the wide-reaching ratification of treaties by states, refugees and asylum seekers still face numerous challenges and violations in exercising their rights. This is as a result of the non-respect of the principle of non-refoulement and the lack of effective protection accorded to refugees in specific states. A common example can be seen in developing states particular in Nigeria, Cameroon, and Kenya.

5. Enforceability of the Principle in the Case of Nigeria and Cameroon

Nigeria and Cameroon share a common boundary at the Bakassi Peninsular and has similar historical backgrounds. Both states affirm their obligations toward the protection of refugees after the ratification of the 1951 Refugee Convention and its Optional Protocol and the OAU Convention Governing Specific Aspects of Refugees Problems in Africa. In addition to these conventions, Nigeria and Cameroon are also signatories to several international human rights treaties that govern the rights of refugees and asylum seekers. These treaties have imposed positive obligations on these two states to accord protection to refugees within their respective jurisdictions. As a result of the ongoing Anglophone crisis in Cameroon, which started in October 2016, several Cameroonians from the English speaking regions of Cameroon (North West and South West) were forced to take refuge in Nigeria for safety. [For purpose of clarity, the Anglophone crisis which has resulted in a national conflict today between Anglophone Cameroonians (commonly referred to as Ambazonians) and the Government of Cameroon, started in October 2016 till present date. This was a consequence of a strike action between Lawyers and teachers based on the need to protect the English common law system and the dominant use of the French language in English Schools. Anglophone Cameroon otherwise known as English speaking Cameroonians make up 20% of the total population as opposed to 80% of their French-speaking counterpart. Per International law, English speaking Cameroonians constitute a minority group that requires special care and protection from the government without any discrimination]. Many of whom stand for a federal system of governance or a separate state from French Cameroon and represent the interest of the minority group (Art. 2 of the UN Declaration on the rights of persons belonging to National or Ethnic, Religious and Linguistic Minorities).

However, in January 2018 some Anglophone frontline leaders, who are commonly known as ‘Ambazonians’ were arrested, detained and subsequently extradited to Cameroon by the Nigerian Government. These Ambazonian leaders who had been in Nigeria for several months or years with refugee status were forcibly returned to Cameroon their country of nationality, by the receiving state despite fear of being persecuted. Among them was the leader of the Ambazonian movement, namely, *Sisiku Ayuk Tabe and 9 Others* [This case study does not intend to defend or support the activities or acts performed by the Anglophone fighters or the Ambazonian leaders within Cameroon soil but to evaluate the process that led to their extradition from Nigeria in relation to the principle of non-refoulement and the obligations of the two states under the 1951 Refugee

Convention to ensure that refugees within their respective jurisdictions are accorded adequate protection and enjoy equal rights just like ordinary citizens]. Ayuk Tabe and nine others were abducted from the Nera Hotel in Abuja, Nigeria without a warrant in the course of a meeting with other frontline leaders. Few weeks after they were arrested, the leaders were handed over to the Cameroonian authorities and were subsequently extradited or deported to Cameroon, where they have been kept incommunicado without trial and access to justice for over ten months contrary to section 19(2)(3) of Law No. 2005 of the Cameroon Criminal Procedure Code which states that within forty eight(48) hours of the detention of a person arrested on a warrant, he shall be interrogated by the Examining Magistrate of which his case shall be determined. The word detention is defined as the confinement of an asylum seeker by a member state within a particular place where the applicant is deprived of his or her freedom of movement (Hailbronner 2007, 160). The Ambazonian leaders, who were legally residing in Nigeria and were granted refugee status by the UNHCR, were returned to Cameroon without any justification from the government of Nigeria owing to well-founded fear of persecution. There is no doubt that Nigeria and Cameroon from the time of arrest and deportation have no extradition treaty that can be used to justify the deportation of the said refugees or Ambazonian frontline leaders to Cameroon.

According to Article 33 of the 1951 Refugee Convention, no contracting state shall expel or return a refugee in any manner where his life or freedom would be threatened on the basis of his political opinion. Furthermore, Articles 31 and 32 of the convention further states that a state shall not expel or imposed penalties on refugees on account of illegal entry or residence if they are coming from a territory where their life or freedom is being threatened. Although the convention limits the rights of refugees on the basis of national security or public order, it is evident that the forceful extradition or return of *Ayuk Tabe and 9 Others* was not based on any motive of national security because they did not pose a threat to Nigeria—their country of residence at the time. Neither had they committed any criminal offence at the time of residence in Nigeria that would have been a motive for justification by the Nigerian authorities.

In the locus classicus of *Chahal v The United Kingdom* (Application No.22414/93(1996), para.76), the ECtHR emphasised that the threat posed by an individual to the national security of a contracting state is a factor that must be considered when overseeing the issue of ill treatment if a refugee is deported to his country of nationality. This is because there are varying degrees of risk of ill treatment. The greater the risk of ill treatment, the less weight should be accorded to the threat to national security. When a substantial doubt exists regarding the risk of ill treatment, the threat to national security could weigh heavily in the balance to be struck between protecting the rights of the individual and the general interests of the community. This was not the case here because there was no substantial doubt that the extradition of the Ambazonian leaders to Cameroon could lead to a risk of ill treatment. Ayuk Tabe and 9 Others did not constitute a serious threat to the security of the Federal Republic of Nigeria; therefore, their deportation was not justified. Unless or otherwise a prediction that may happen in the future. Arguably, given the unlawful arrest and extradition of the Ambazonian frontline leaders, the Anglophone crisis seems to have taken a new dimension without any prospects for dialogue or peace between the government and the leaders of the separatist movement or freedom fighters. The lack of political willingness, the non-respect or disregard for international norms, and the failure of states in meeting their respective treaty obligations under international law have resulted in a continuous increase in the number of Cameroonian refugees into Nigeria and IDPs within the national territory.

According to the European Union Agency on fundamental rights, the responsibility of a state for breaches of non-refoulement can emerge in two ways: through independent state responsibility and through “derived responsibility” flowing from an internationally wrongful act committed by a third country (European Union Agency for Fundamental Rights 2016, 20). In addition to being responsible for their own breaches of non-refoulement, a state can also be held liable for assisting, directing, or coercing such violations by a third country. However, Article 2 of the Draft Articles on State Responsibility for International Wrongful Acts which was drawn up by the International Law Commission identifies two conditions for state responsibility to arise. The conduct must be

attributable to the state under international law and it must constitute a breach of an international obligation (Arts. 2, 4, 5 International Law Commission *Draft Articles* 2001). Considering that the Ambazonian leaders or refugees were under the responsibility or care of the Nigerian authorities or government and because the government of Cameroon aided Nigeria in the extradition of the said leaders to their country of nationality, both states had breached the principle of non-refoulement and their obligations under international law. Nigeria failed to exercise its responsibility to protect refugees as required by international law and its Constitution (Sections 34 and 35) by conniving with the government of Cameroon to breach the principle of non-refoulement under the 1951 Convention. As a matter of fact and without any fear of contradiction, both states must also be held liable for breaching their obligations under the Refugee Convention.

6. States Accountability and the Obligations of the United Nations

Several states that have subscribed to the international legal regime of refugee protection by acceding to international refugee instruments are currently undertaking radical changes through legislative and inter-state arrangements (Gorlick 2000, 2). These changes have resulted in restricted access to asylum and legal rights to refugees in the countries hosting them, particularly developing states (Kelley 2007, 404–405). These changes have gone as far as to limit the protection accorded to refugees, such as the access to refugee status determination, the right to movement, procedures of employment, and the right to adequate housing and healthcare services. This trend has been described by Gorlick (2000, 2) as a pull back from the legal foundation on which effective protection rests. As a general rule, all state parties to the 1951 Convention are accountable for the breach of obligations to ensure the effective protection of refugees and the principle of non-refoulement. As a global organisation that stands for peace, justice, equality, and non-discrimination, the UN has the mandate to ensure that state parties that do not fulfill their task of implementation are held accountable for any violation of its obligations and the principle of non-refoulement under the 1951 Convention. The involuntary extradition or return of *Ayuk Tabe and 9 Others* by the Nigerian government to Cameroon is a clear example of a violation of Article 33 of the Refugee Convention. Did the United Nations and the African Union intervene? They did not.

Since the reaction of the government of Nigeria, the United Nations and the African Union remain mute in the watchful eyes of the global community with mere recommendations and condemnation. Although the United Nations has a supervisory mechanism or committee that monitors the activities of state parties in this regard, it is regrettable that the committee lacks a legally binding enforceable mechanism to hold states accountable (Danish Refugee Council Report 2017, 8-9). One may be tempted to argue that the UN is gradually losing its strength as a global organisation or mechanism in ensuring peace, human rights and justice. This situation is happening because the organisation is a toothless bulldog that can only act by a mere recommendation or criticisms without legally enforceable sanctions. The failure of the United Nations to hold states accountable is one of the biggest challenges faced by the world body toward refugee protection. It is a problem partly caused by territorial or state sovereignty, which the organisation sees as an absolute right to be enjoyed by all state parties without effective control or intervention. As a matter of urgency, there is a need for the organisation to take effective action to ensure that effective legal accountability mechanisms are established and that state parties are meeting their respective obligations as articulated in the 1951 Convention and other human rights treaties. A promising future that might likely result in a third world war is underway if care is not taken to ensure that states are accountable for the non-respect of their obligations under national and international norms during the process of implementation.

7. Conclusion

This paper has attempted to untie the contentious debate behind the principle of non-refoulement, which is part of the obligations and accountability of states toward refugees protection under the 1951 Refugee Convention. This paper argues that the principle of non-refoulement is a cornerstone that governs refugee protection and has become part of customary international law. All states, regardless of their status of ratification, are obliged to effectively ensure that refugees or asylum seekers within their

respective jurisdictions are given adequate protection without discrimination. It is clear from the above analyses that some state parties particularly developing states, often exercise their powers with disregard to international norms and their obligations undertaken after the ratification of international instruments.

The paper suggests that the accountability of states toward refugee protection is a necessary measure for ensuring that states meet their affirmative legal obligations articulated in the 1951 Refugee Convention. This promising task can only become effective with the help of the United Nations and other regional bodies, such as the African Union and the European Union, to ensure that states fulfill their respective treaty obligations and that those who go against their obligations, must be held accountable. Although the responsibility for accountability cannot be placed entirely on international organisations, if each and every member state acts as a facilitator to one another and respect the principle of non-refoulement, the effective protection of refugees will be a promising task worth realising for the future. To accomplish this task, all state parties to the 1951 Refugee Convention and other human rights treaties must live up to the promises of ensuring that every refugee or asylum seeker is accorded equal and effective protection without discrimination, particularly in the receiving states. This is because there is no unity in diversity and diversity in unity when states see themselves as superior to international norms that are meant to protect refugees who are in danger of persecution when return to or in their countries of origin.

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