

Solving the Refugee Problem in the Modern State System: The Philosophical Dilemma of Sovereignty and Human Right

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Abstract : The refugee problem has a long history, but the scale and severity of modern refugee crises demand us to consider if the progress of political history exacerbates the refugee problem. This paper argues that although sovereignty owes its legitimacy to the protection of human rights, the modern state system complicates the refugee problem by first introducing then blurring the line between human rights and civil rights, and making national identity indispensable to basic livelihood and dignity. This paper first explains the source of the modern state system's legitimacy by putting it in the context of social contract theories and the politics of nation-building. It then discusses how states create the concept of statelessness, which leads to more violations on human rights. Using historical records of the League of Nations High Commission for Refugees and the United Nations High Commissioner for Refugees, this paper reveals that neither the refugee problem of the Cold-War period nor the current refugee crisis is collateral damage of war, but rather the consequence of intentional exclusionary policies produced out of political interests. Finally, it contends that if the modern state system is to sustain, it cannot prioritize the protection of civil rights of a particular group over the protection of basic human rights of all.

Keywords : burden sharing, human rights, legitimacy of state, positive externality, sovereignty

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