

THE GENEVA CONVENTION AND THE ECLIPSE OF HUMAN RIGHTS IN THE NEW GLOBAL DISORDER

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ABSTRACT: The Geneva Convention and the Eclipse of Human Rights in the New Global Disorder.

Seventy years after the 1951 Geneva Convention, the international refugee protection system faces a crisis of legitimacy and implementation. Designed for post-war Europe, the Convention’s universalism has become selective, shaped by geopolitics, security agendas, and unequal regional responsibilities. With over 120 million forcibly displaced people worldwide, the gap between legal norms and humanitarian realities has never been wider.

In Europe, the 2015 “refugee crisis” exposed a breakdown of political cohesion and solidarity. The EU’s response – culminating in the 2023 Pact on Migration and Asylum – continues to privilege containment and externalization (e.g., deals with Tunisia and Libya) over protection and shared responsibility. Italy embodies this tension, alternating between humanitarian innovation (such as Humanitarian Corridors) and restrictive, securitized policies.

Globally, crises from Ukraine to Gaza, Sudan, and Myanmar underscore the regionalization of displacement and the asymmetry of responsibility between North and South. Environmental and hybrid forms of vulnerability – unrecognized by the 1951 definition – demand a conceptual expansion of asylum beyond individual persecution.

The non-application of refugee law has become a political strategy: states uphold the Convention rhetorically while hollowing it out through restrictive clauses and accelerated procedures. This “normalization of exception” erodes both refugee subjectivity and the authority of international law itself, turning the Geneva Convention into a symbolic manifesto rather than an operative norm.

Italy’s experience illustrates the dual path ahead: the dismantling of decentralized reception systems versus the promise of civil-society-driven humanitari-

an models. Ultimately, the renewal of the Convention's spirit requires reframing asylum as a foundational right of democracy, not a privilege of sovereignty. In today's global disorder, the treatment of refugees remains a moral litmus test for liberal institutions – echoing Arendt's reminder that the “right to have rights” is the cornerstone of humanity

Keywords: *Refugee protection, Geneva Convention, Selective universalism, Externalization, Normalization of exception.*

Introduction: A Protection Regime under Strain

More than seventy years after the signing of the 1951 Geneva Convention on the status of refugees, the international system of humanitarian protection faces a structural crisis that calls into question its legitimacy, effectiveness, and adaptability. In a world marked by hybrid conflicts, accelerated climate transitions, and the erosion of multilateral governance, the Convention appears suspended between the symbolic dimension of its normative value and the growing distance from the empirical reality of forced migration¹.

From Universal Promise to Selective Universalism

The legal instrument that in 1951 laid the foundation for the universal right to asylum was designed to respond to a specific historical emergency: that of post-war European refugees². The subsequent 1967 Protocol, which abolished geographical and temporal restrictions, represented an attempt to universalize the principle of protection. Yet, in the twenty-first

1 Goodwin-Gill Guy S., McAdam Jane, *The Refugee in International Law* (4th ed.), Oxford University Press, Oxford, 2021; Hathaway James C., *The Rights of Refugees under International Law* (2nd ed.), Cambridge University Press, Cambridge, 2021; Coccia Benedetto, Ricci Antonio (eds), *Ospiti indesiderati. Il diritto d'asilo a 70 anni dalla Convenzione Onu sui rifugiati/ Undesired Guests. The Right of Asylum 70 years after the UN Refugee Convention*, Istituto di Studi Politici “S. Pio V” and IDOS, Roma, 2022.

2 Simion Belea, Human Rights without Borders for Refugees and Asylum Seekers. Social and Jurisdictional Aspects, *Journal for Ethics in Social Studies* ISSN: 2559 – 7612 2021, Volume 5, Issue 1, Pages: 23. | <https://doi.org/10.18662/jess/5.1/39> The Convention has demonstrated its capacity to adapt to change, being recognized by the courts as an instrument capable of guaranteeing protection for refugees even in constantly evolving contexts.

century, the universalism of the Convention has evolved into a form of selective universalism³ – a formally global legal model applied unevenly, conditioned by geopolitical interests, security logics, and fragile regional balances. According to UNHCR⁴, over 120 million people worldwide are currently forcibly displaced – an unprecedented figure that reflects the international community’s inability to prevent or manage conflicts, persecution, and environmental disasters. From Ukraine to Sudan, from Gaza to Myanmar, and along the central Mediterranean route, the phenomena of forced migration expose the fragmentation of the protection regime and its substantial non-enforcement.

Europe’s Turn: Security over Solidarity: Italy at the Crossroads

Within Europe, the 2015 “refugee crisis” represented a paradigmatic rupture. What initially appeared as an administrative emergency has, over time, revealed itself as a crisis of political legitimacy and normative cohesion within the European Union⁵. The difficulty in defining a common asylum system, the absence of a binding redistribution mechanism, and the divisions among member states have led to the construction of a “legal fortress” rather than a system of genuine protection.

Despite recent reforms, such as the EU Pact on Migration and Asylum (2023), European policies continue to privilege the security dimension over the solidarity principle. Bilateral agreements with third countries – such as Tunisia or Libya – aim to externalize border management and contain migratory flows, often in violation of the non-refoulement principle.

Italy, situated at the crossroads of the central Mediterranean, epitomizes this ambivalence: on one hand, the success of Humanitarian Corridors, which have enabled legal and safe entry through cooperation between civil society and institutions; on the other, the criminalization of sea rescue operations and the politicization of migration as a tool of domestic consensus.

3 Aleinikoff T. Alexander, Zamore Leah, *The Arc of Protection: Reforming the International Refugee Regime*. Stanford University Press, Stanford, 2019.

4 UNHCR, *Global trends report 2024*, Geneva, June 2025.

5 Guild Elspeth, Carrera Sergio et al., *Reforming the Common European Asylum System: The New European Agenda on Migration*, CEPS, Brussels, 2016.

New Vulnerabilities and the Normalization of Exception

The geopolitical landscape of 2025 confirms a regionalization of humanitarian crises and a growing “asymmetry of responsibility” between the Global North and South.

Ukraine: the ongoing conflict with Russia, now in its fourth year, has produced over nine million internally and externally displaced persons, testing Europe’s long-term capacity for reception.

Middle East: the 2023–2024 war in Gaza has triggered a new wave of Palestinian refugees, many stranded between Egypt and Jordan.

Sahel and Sudan: state collapse and the proliferation of militias have driven millions toward Niger, Chad, and Libya, amid intensifying climatic stress.

South Asia: Bangladesh and Myanmar remain epicentres of environmental crises and ethnic repression, generating millions of climate refugees who fall outside recognized legal categories.

These dynamics reveal the inadequacy of the 1951 Convention’s traditional definition of a “refugee”, centred on individual persecution for political, religious, or ethnic reasons. New forms of vulnerability – environmental, economic, technological – require a conceptual expansion that current international institutions struggle to articulate⁶.

The non-application of international asylum norms today manifests not only as a violation but as a deliberate political strategy. States continue to acknowledge the Convention’s validity while reinterpreting its principles through restrictive clauses, accelerated procedures, and containment agreements.

This “normalization of exception” produces a dual effect: on one side, the transformation of the refugee into an “administrative object” deprived of subjectivity; on the other, the erosion of international law’s authority as a regulatory instrument of interstate relations. In this sense, the Geneva Convention risks becoming a “manifesto law” – a declaration of intent invoked more to legitimize than to protect⁷.

6 Coccia Benedetto, Ricci Antonio (eds), *Ospiti indesiderati. Il diritto d’asilo a 70 anni dalla Convenzione Onu sui rifugiati/ Undesired Guests. The Right of Asylum 70 years after the UN Refugee Convention*, Istituto di Studi Politici “S. Pio V” and IDOS, Roma, 2022.

7 Aleinikoff T. Alexander, Zamore Leah, *The Arc of Protection: Reforming the International Refugee Regime*. Stanford University Press, Stanford, 2019.

In Italy, the tension between international obligations and domestic constraints is particularly evident. Traditionally a country of first asylum along the Mediterranean routes, Italy has alternated between emergency-driven policies and innovative experiments⁸.

The decentralized reception system, promoted during the 2010s and 2020s, demonstrated strong potential for local integration but was gradually dismantled in favor of centralized models. At the same time, initiatives such as the Humanitarian Corridors, promoted by the Community of Sant'Egidio and other civil society actors, have shown that it is possible to combine security with humanity – offering a replicable model for Europe.

Conclusions: Reframing Asylum as a Democratic Foundation

The challenge facing the international community today is not merely legal but profoundly political and cultural. The resurgence of interstate wars, the proliferation of authoritarian regimes, and the systematic use of disinformation as a geopolitical weapon have reshaped the relationship between security and rights. Renewing the spirit of the Geneva Convention means recognizing that the right to asylum is not an exception tolerated by sovereignty, but a constitutive element of the liberal international order. In an era of global interdependence, the treatment of refugees serves as a litmus test for the moral and institutional resilience of democracies. As Hannah Arendt once observed, “the right to have rights” is the first of all human rights. The survival of the Geneva Convention, within the new global disorder, will depend on the collective ability to reaffirm that principle – not merely in rhetoric, but in practice.

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