I. Introduction
The total number of refugees in the world since 1945 is estimated to be 60 million people; the number of refugees in this year alone is estimated at approximately 13 million people. The pattern of refugee flows has changed since 1945 when most internationally recognized refugees were in Europe, so that today approximately two-thirds of the refugee population originate and are settled in the developing world. Because refugees have fled not only their country, but also their government, they lack the international protection that is normally offered by a citizen’s government and must rely instead on the protection offered by the international community and by the country of asylum. The international community codified a regime of international protection for refugees in 1951 under the United Nations Convention Relating to the Status of Refugees which records the obligations of the country of asylum and the rights of refugees.

As the number of refugees throughout the world and particularly in the Third World continues to grow, the capacity of the international refugee protection system and of individual countries that receive the majority of refugees to absorb and manage such large numbers diminishes. The capacity of the system is not the only concern however; the presumptions upon which the international system was built and the structure constructed as a consequence of those presumptions are outdated. Changes in international legal doctrine, in the international political system, in the factual circumstances of refugee flows that have occurred in the 40 years since the U.N. Refugee Convention was drafted have not been reflected in the formal international refugee convention protection system because the structure of the international refugee system has not been readdressed at a global international level since 1951.

There is another international system of protection that has developed since 1948 through changes in international legal doctrine that often is either not considered or purposely ignored, even rejected, in relation to refugee issues. Refugees come within the general international human rights systems as just one group of the many that make up the “everyone” so commonly referred to in human rights instruments. The importance for refugees in expanding awareness of their link to human rights law cannot be understated. To appreciate this, it is necessary to compare the pace of development of international, conventional refugee law with that of human rights law. The United Nations completed its last international refugee convention in 1951 with a protocol from 1967. The latest and only regional convention is the Organization of African Unity’s Convention on Refugee Problems in Africa from as comparatively recently as 1969. In contrast, the international
human rights system, which began with the Universal Declaration of Human Rights in 1948, has been added to and updated almost yearly in the form of new declarations, new agreements, new structures by the United Nations and other, regional human rights organizations. By the time the first human rights covenants entered into force in 1976, the world community recognized that "human rights" was not a static principle, that standards would require revision as presumptions about "human rights" developed. Such dynamics are missing in the formal international refugee convention protection system.

Linking refugees to the human rights systems means that a group of 13 million throughout the world are not left behind in the 1950’s and 1960’s, that they are entitled, as “everyone” in the world, to the basic protection of human rights law. Linkage could best be achieved through a systematic, conventional change in international refugee protection law. Until such change occurs, awareness of the link should be raised.

Both types of conventions, the refugee convention and the human rights conventions, describe certain rights that apply to refugees. The two types of conventions overlap in the area concerning the standard of treatment refugees are entitled to in their country of asylum. The purpose of this article is to examine differences in the rights granted under the two types of conventions, the consequences of the overlap between the two, and to present arguments supporting the application of human rights standards to refugees.

II. The conventions

A. The U.N. Convention Relating to the Status of Refugees

The United Nations established the international refugee protection regime in the period just after World War II for the purpose of addressing the status of mainly Europeans who had crossed an international border during the war. The Convention originally applied only to refugees generated by events before 1951 with an optional geographic clause which permitted countries to choose to restrict their consideration to refugees generated only in Europe. The 1967 Protocol Relating to the Status of Refugees lifted the geographic and dateline limitations on the application of the Convention. In deleting the limitations, the Protocol removed the most obvious European attributes of the Convention, but did not address other structural issues; in particular it did not change the criteria or procedure for refugee determinations which are made on an individual, case-by-case method, based on the particular circumstances of each applicant. This determination system has proven to be ill suited to massive influxes of refugees across a border, a situation which is becoming more and more common.

The provisions of the U.N. Refugee Convention do not apply to every person who has fled his own country out of fear of persecution by his or her own government. The Convention provisions apply only to those persons who not only fit within the technical definition of the Convention but have been determined to do so by the domestic authorities of the country to which the refugee has fled, the "country