

## Threats to Refugee and Human Rights Treaties and the Rules-Based Order

With the High-level UN General Assembly meeting this week, the pending Trump administration “review” of U.S. membership in international organizations and treaties, and reports of a Trump administration attempt to enlist UN Member States in undoing refugee treaties, the risks to the multi-lateral rules-based order are escalating. UN Member States, the UN itself, civil society around the world and in the United States, and U.S. leaders who understand the essential role of human rights and the rule of law have a critical role to play in standing up for multilateral human rights, humanitarian, and refugee treaties that protect the human rights of people everywhere.

In the wake of an [executive order](#) issued in February, the Trump administration has conducted a “review” to determine “which organizations, conventions, and treaties are contrary to the interests of the United States and whether such organizations, conventions, or treaties can be reformed.” That order also stated that the U.S. would not participate in the UN Human Rights Council, would not fund UNRWA, and would review membership in UNESCO, from which it subsequently withdrew. Among the many treaties that the U.S. has ratified or signed are core multilateral human rights, humanitarian, and refugee treaties. While the order called for review within 180 days, the results of the review—if indeed it is finalized—have not been publicly reported.

In August 2025, the United States [decided](#) to refuse to participate in its own Universal Periodic Review (UPR) before the UN Human Rights Council, an [unprecedented](#) and damaging step to human rights accountability. On September 12, 2025, Reuters [reported](#) that the Trump administration is trying to enlist UN Member states to undo legal norms and agreements that protect refugees from persecution, and plans an event during the UN General Assembly to advance its efforts. The [report](#) also indicated that there had been no signs of broad support for the plan. Trump administration nominee for Assistant Secretary of State for Population, Refugees, and Migration [testified](#) on September 11 that he would seek to work with other countries to build support for “reform” of international agreements and norms on migration.

True reform does not tear down multilateral international treaties and endanger human lives. Indeed, the Trump administration’s [plan](#) for refugees appears designed to abandon refugees to persecution. Whatever label is slapped on the initiative, the reality is that the Trump administration approach is to cut aid and resettlement that helps other countries host refugees, block people seeking refuge from U.S. asylum, end temporary protections despite ongoing dangers, and subject people seeking U.S. asylum to enforced disappearances, refoulement to torture and persecution, family separations, due process denials, and arbitrary detention in horrible conditions. While banning refugees from resettlement, the administration is ramping up

efforts to resettle white Afrikaners. *This right-violating approach should not be exported to other countries.*

Policies and systems can be strengthened through genuine reforms that adhere to the law and protect lives. By contrast, steps towards undermining or withdrawing from refugee, human rights, and/or humanitarian treaties would threaten the human rights and safety of people around the world and undermine international law, stability, peace, and prosperity.

Non-governmental and civil society groups from both the United States and nations around the world have [called on](#) UN Member States to uphold, preserve, strengthen, and celebrate international refugee, human rights, and humanitarian treaties and reject efforts to [undo](#) or undermine legal norms. Their recommendations to States are outlined in that [open letter](#).

### **Multilateral Treaties Promote Stability, Human Dignity, and State Interests**

To protect human dignity and promote stability, peace, and prosperity, states built a rules-based order. Multilateral humanitarian and human rights treaties are central to that order and essential to countering conduct that harms people, triggers displacement, and threatens global stability and peace. Multilateral refugee, human rights, and humanitarian treaties play a vital role in helping people live, with their safety and rights protected, in their home countries. They have saved lives and protected millions of people from persecution and other human rights abuses. The failure to uphold human rights and humanitarian law leads to massive human suffering, instability, and forces people to flee in search of protection.

Human rights, refugee, and humanitarian treaties protect and advance the interests of states, including the United States. Indeed, the United States played a leading role in drafting or negotiating many of these treaties. Not only are they essential to global stability, peace, and prosperity, but they also provide crucial protection to nations' citizens, other people, military service members, employees of businesses and governments, advocates for democracy and human rights targeted by repressive regimes, and people at risk of persecution worldwide.

Treaties ratified by states are *an expression of state sovereignty*. A state cannot be bound without its consent, and entering into international agreements is a core aspect of the sovereign equality of states, a foundational concept of the international legal order that is enshrined in Art 2(1) of the UN charter. Treaties derive their authority precisely from the sovereign decision of states to bind themselves in order to regulate their relations or achieve common aims. Governments' refusal to follow their countries' laws and ratified treaties is a sure path to the erosion of the rule of law. For the United States, under the U.S. Constitution, treaties are part of the supreme law of the land.

## Refugees and Migration

Earlier this year, the Trump administration denounced the Global Compact on Migration and Global Compact on Refugees, claiming they were in “conflict” with U.S. policy and the “duty to combat” mass migration and asserting that the U.S. would work to create new norms. Now, the United States is reportedly trying to enlist other UN Member states to join its attempt to undo legal norms and agreements that protect people from persecution and create new legal norms.

The Refugee Convention, its Protocol, and other agreements provide a framework for protecting people forced to flee persecution and promoting cooperation between nations. To date, 149 States are parties to the Refugee Convention and/or its Protocol. This multi-lateral cooperation includes support through humanitarian aid and resettlement that is critical to enabling states on the front lines to host refugee populations. By helping to strengthen protection in host countries, onward displacement is reduced. In fact, the substantial majority of refugees are already hosted in neighboring states.

Far from being “outdated,” these treaties and the system states have built around them have protected millions of people and saved countless lives. *It is, in fact, the desire to return to a past where states are free to turn away people to persecution that is regressive, archaic, and out of date.* As the High Commissioner for Human Rights stressed recently, “We cannot return to the outdated thinking and approaches that led to two World Wars and the Holocaust.”

Trump-aligned proponents of an effort to “reform” and “replace” the Refugee Convention have labeled it “antiquated” as they press in tandem for cuts in U.S. aid and urged the end of asylum policies in “first-world” countries. They criticize the Refugee Convention and U.S. refugee law as provisions used to “remake American society.”

While the reported U.S. plan may be labeled “reform,” its components make clear the aim to vitiate longstanding essential legal protections. The plan would endanger refugees’ lives by trapping them in places where they may be at risk, add to the share hosted by neighboring countries, and increase the risk that states will refuse entry or prematurely return refugees despite continuing persecution. For example, under the reported U.S. plan:

- People fleeing persecution would be required to seek asylum in neighboring countries, essentially exempting other countries, increasing the responsibility of front-line states (that already host two-thirds of refugees), and endangering refugees who continue to be at risk due to similar persecution, their persecutors’ transnational reach, or other risks.
- Protection from return to persecution would only be temporary in contrast to the Refugee Convention’s encouragement of steps to integrate and naturalize refugees, consistent with the Trump administration’s efforts to deny refugees a path to family unity and citizenship. The

reality is that refugee crises are often prolonged. Steps to unite families and regularize refugees advance host state interests and discourage onward displacement.

- *Host countries decide when conditions have [improved](#) enough to force refugee returns*, which appears aimed at depriving states of expert analysis on risks of persecution and greenlighting premature, dangerous returns, akin to the Trump administration's ending of temporary protections from return to Afghanistan, Nicaragua, Syria, Venezuela, and other countries.

The plan [appears](#) to be an attempt to export Trump administration policies to the rest of the world. Under those policies, people have been sent to places where they have been tortured or risk torture, subjected to enforced disappearances, refouled to persecution, deported without due process, separated from their families, and detained arbitrarily in horrific conditions. These massive and systemic violations of human rights law do not set a rights-respecting example for the rest of the world.